



# DEVELOPMENT CODE ASSESSMENT

An extensive evaluation of the City of Bastrop's current development codes.

October 2018 - DRAFT 2

## EXECUTIVE SUMMARY..... 3

### SECTION ONE DEVELOPMENT REGULATIONS: GENERAL PRACTICES..... 4

**Development Regulation General Practices** provides context by introducing the ways that cities, in general, regulate development and the limitations and negative consequences of these regulations. Current best practices are introduced.

### SECTION TWO EXISTING DEVELOPMENT REGULATIONS..... 8

Discussion on how the tools, introduced in Section One, are currently implemented in Bastrop. Perhaps more importantly, this section **provides examples of the types of developments that the current requirements create.**

### SECTION THREE POLICY FRAMEWORK..... 9

Summarizes the **policy guidance** that the City has adopted regarding development through documents such as the Comprehensive Plan, the Downtown Vision, and the Building Bastrop initiative.

### SECTION FOUR FINDINGS AND RECOMMENDATIONS..... 26

Results of an extensive review of the **zoning sign codes**. Drawing on the Downtown DNA Analysis, the best practices introduced in Section One, and the policy guidance discussed in Section Three. A list of key findings incorporate the major issues and challenges within these codes. Changes are recommended.

### CONCLUSION..... 32

Provides a **summary** and describes the **next steps** in the process.

### APPENDIX A..... 33

Contains notes from a **section-by-section review of the zoning and sign ordinances**. Appendix A informs the findings in Section Four.

**Bastrop** is a beautiful city with a one-of-a-kind community. Loblolly pines surround the City's historic downtown nestled upon a bluff on the Colorado River. With its small-town charm, Bastrop can make you forget the big cities sprawling towards it by providing a complete community in an old Texas setting. As Central Texas continues to be the fastest growing region in the country, the secret is out. Every day people are discovering the excellent quality of life Bastrop provides and are seeking to move to the City.

## EXECUTIVE SUMMARY

Bastrop's infrastructure is aging, drainage and land-use regulations are outdated, and flooding is frequent and damaging. Traffic is increasing, and development – while following current regulations – is not indicative of a fiscally responsible, resilient city.

Bastrop's position is not unique; many vulnerable cities throughout Texas and the U.S. are confronting similar issues resulting from decades-old policies and land-use regulations. Fortunately, Bastrop has the leadership, the appropriate building blocks, and the will to take action to review the City's current status with open eyes and a clear vision forward. This report is part of a City effort called Building Bastrop, an effort to honor the City's past and plan for its sustainable future.

This assessment is the starting point in a process to update Bastrop's development regulations to reflect the

vision of the community. Updated codes will reflect the communities desire for authentic development that maintains the character of Bastrop. Included is an extensive review of the zoning and sign regulations, along with a cursory review of subdivision and other regulations. This review identifies areas of the code in conflict with the Comprehensive Plan and the downtown development patterns detailed in the DNA Analysis.

After an extensive review and identification of key issues within the code, this assessment provides the ability to truly understand development through a series of recommendations. The recommendations include code changes and policy questions to address future development standards. Recommendations are based on providing a clear and predictable development framework for the community and development community.

# 1 DEVELOPMENT REGULATIONS: GENERAL PRACTICES

## COMMON TOOLS TO REGULATE DEVELOPMENT

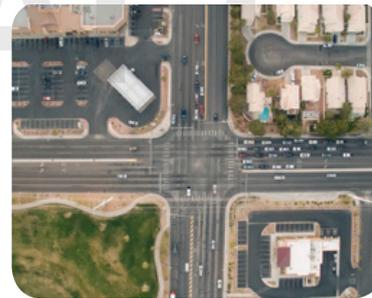
The typical tools used by cities to regulate development are **subdivision**, **zoning**, and **design/management standards**. Of these, subdivision has the most long-lasting effect on the physical form of a city. It establishes the buildable sections of a city by laying out streets, blocks, and lots. This establishes the character of both the public realm, through the street network and parks, and the private realm, through lot and block design.

Zoning builds on the foundation laid by subdivision regulations. Once lots are established through subdivision, the development and use of the property is regulated through zoning.



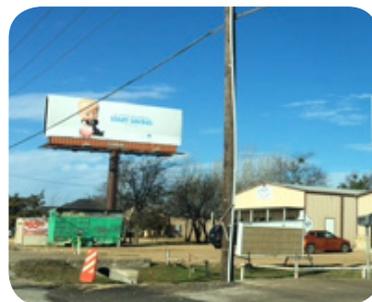
### SUBDIVISION

Regulates the layout and dimensions of all property, including private property and streets.



### ZONING

Regulates the use and design of private property.



### OTHER DEVELOPMENT STANDARDS

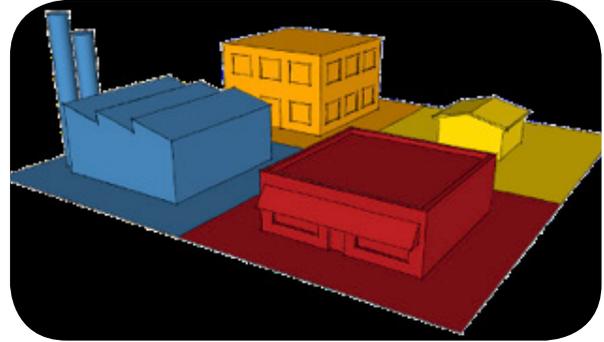
May regulate items not included in either subdivision or zoning, such as signage or stormwater.

## Conventional or Euclidean Zoning

For nearly 100 years, controlling the **use** of a property has been the conventional approach to land development. In newly industrialized cities, over a century ago, people lived in crowded polluted areas. Homes were often near factories, rail stations or other industries. To separate people from pollutants, the logical response was to create regulations that stopped noxious uses from locating in population dense regions.

**Zoning** was developed as a way to restrict land-use types into different zones such as residential, commercial and industrial. Intensity is controlled through minimum requirements (e.g. dwellings per acre, height limits, setbacks, parking ratios). So long as these requirements are met, some uses are permitted 'by right,' meaning they require no special review from city staff. Other uses are designated 'conditional,' requiring a public hearing in which special conditions are created to address the project's unique impacts.

**Conventional zoning** has evolved over time as cities have adopted additional restrictions, often in response to negative impacts of development. For example, parking minimums resulted from the impact of parking on streets and surrounding properties, and building setbacks resulted from the



overcrowding of streets and sidewalks after the automobile became common in cities. Often the requirements remain long after the issue they were meant to address has ended. For example, building setbacks are still required despite the almost universal lack of crowding on streets and sidewalks.

This type of zoning is **defensive**; it aims (often unsuccessfully) to prevent development from harming neighbors and the public. It does not ensure that development will have a particular character.

The end result of this system, the segregation of land uses, minimum requirements for parking, setbacks, etc, is **suburban America**. Separating uses spreads them out, making it impossible to walk from home to work to shopping. Minimum parking requirements ensure that everyone has a convenient place to park at each of these destinations. Because driving is therefore the most common mode of transportation, the city is designed around the automobile.

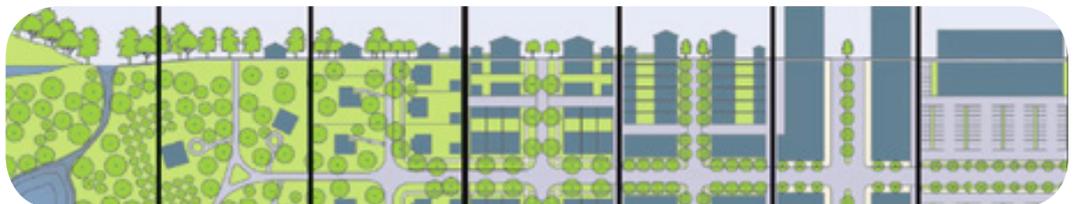
## Form Based Zoning

Historic and mixed-use neighborhoods are often illegal under Conventional Zoning. In contrast, Form-based Zoning focuses on the scale, design, and placement of buildings, paying attention to their relationship with the public realm (streets, parks, plazas, etc.).

The look and arrangement of buildings defines a community's character more strongly than do the uses that take place within those buildings. Because they focus on form influencing function, these codes promote walkability, and more compact development.

Form-based Zoning is based around an Organizing Principle. Several examples of Organizing Principles include Character-based, Building-based, and Street-based. Some Character-based codes, such as the SmartCode, use the rural to urban transect shown below. Other Character-based codes are broader, defining character areas similar to those on the transect, but without a rigid hierarchy. Building-type based codes define development standards through building types, which is most effective for infill development. Street or Frontage-based codes define standards based on the type of street along which a property is located.

### RURAL TO URBAN TRANSECT



### CONVENTIONAL ZONING



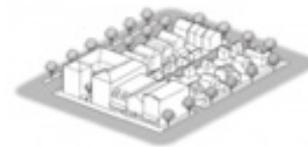
Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified.

### ZONING DESIGN GUIDELINES



Conventional zoning requirements, plus frequency of openings and surface articulation specified.

### FORM-BASED CODES



Street and building types (or mix of types), build-to lines, number of floors, and percentage of build frontage specified.

### HYBRID ZONING

Hybrid Zoning contains a combination of Conventional and Form-based regulations. Form-based elements are generally used in the community's commercial and mixed-use districts, where the predictable development patterns they provide can create compact, walkable development patterns featuring a diversity of uses in close proximity. They may include downtowns, transit areas, major corridors, or particular neighborhoods.

Conventional elements often apply where auto-oriented development patterns are deemed appropriate by the local community, including newer suburban areas, highway commercial districts, or industrial areas.

## USABILITY

The three types of regulations, subdivision, zoning, and other standards, may be found separately in a city's ordinances or they may be combined in a Unified Development Code.

Recently, a number of cities have spent considerable effort combining some or all of their development regulations into this format. The primary benefit comes from addressing both the public realm (subdivision) and the private realm (zoning) in one document.

Other benefits include ease of use and administration along with consistent definitions. Often simply the process of reviewing and compiling the documents can reduce conflicts and redundancies.

It is important to note that a Unified Development Code does not guarantee improved development. At a minimum it addresses organization but not necessarily the quality or appropriateness of standards.

## CLARITY

Clarity is a common goal of current development regulations. One way this is accomplished is to write regulations to be understood not just by lawyers and planners, but for the general public and design professionals.

This plain language approach seeks to make regulations accessible to their most common users through clear and concise language. An important part of this process is to eliminate typical legalese and jargon in favor of everyday language.

## GRAPHICS

The addition of graphics and tables to zoning regulations is another best practice aimed at making the regulations easier to understand and administer.

When properly used to supplement or explain text, graphics and tables can be powerful tools in creating a more user-friendly code. They are most helpful in explaining things that are numeric, such as setbacks, lot coverage, planting requirement, etc. Often a simple graphic or table can replace several paragraphs of text, allowing concepts to be immediately clear to users and less subject to interpretation.

## 2 EXISTING DEVELOPMENT REGULATIONS

**Subdivision regulations** are found in a standalone Chapter 10 in the City's Code of Ordinances. In 2018, the city developed a substantial update to the Subdivision Ordinance – currently in draft form. Other development standards are found throughout the Code of Ordinances. Chapter 3, Building Regulations, includes the adoption of the International Building and Residential Codes along with adopted codes for electric, plumbing, mechanical, residential, energy conservation, property maintenance, unsafe structures, and existing buildings. In addition, this chapter contains standards for amusement devices, construction in public rights-of-way, recreational vehicle and mobile home parks, and signs.

The City's **first Zoning Ordinance** was adopted in 1973, with major updates in 1991 and 1999. The zoning regulations exist as a standalone Chapter 14 in the City's Code of Ordinances and are not part of a Unified Development Code. Bastrop's citywide zoning is a Conventional use-based code, with districts for various uses (residential, commercial, industrial) and intensities (single-family and multifamily, light and heavy commercial, etc). There are several overlay districts and numerous Planned Development Districts that have been created with their own standards.

Most development in Bastrop has occurred

in the C-1, SF-7, and PD zoning districts. The Appendix A provides examples of development under these standards.

In 2015, the City adopted a form-based code in the downtown area. The **Downtown Form-based Code (FBC)** combines Character-based and Street-based Organizing Principles. Though the entire downtown area is zoned FBC (Form-Based Code), the Character Areas within the district function as zoning districts. The Code establishes a Regulating Plan that designates Character Areas. Also, some standards are further defined by frontage designation depending on the priority given to the pedestrian on the street that a property fronts.

The development resulting from these



standards shows both the benefits of the Downtown FBC and the potential for further refinement. The building above is an addition to a historic structure. The new structures are built to a common facade line with the old structure, creating a street wall. The new buildings are appropriately sized and scaled. However, the building lacks glazing and detail, the sidewalk does not connect to an existing sidewalk, and 90 degree parking is found along the street.

## 3 POLICY FRAMEWORK

Two adopted policies serve to guide this assessment. First, the [Building Bastrop](#) initiative recognizes the urgency of reviewing and updating the drainage and development regulations governing the city. This undertaking requires community conversations, detailed studying of its infrastructure and natural systems, and comprehensive review of the existing built environment. Second, the City's [Comprehensive Plan](#), adopted in 2016, calls for updated land use regulations as a key goal to implementing the plan.

This section introduces the Building Bastrop initiative and then policy statements from the Comprehensive Plan. It also analyzes the zoning within the character areas on the Future Land Use Map to determine the extent to which the zoning carries out the intent of the areas.

### BUILDING BASTROP BACKGROUND

On August 14, 2018, the Bastrop City Council took the first step toward imposing a temporary moratorium on new development in Bastrop based on the under sized and inadequate stormwater facilities and regulations.

During this moratorium, the City Council will work with City staff and

the broader community to analyze and modify existing land-use regulations to properly address Bastrop's infrastructure needs and promote new development.

Building Bastrop is an initiative the City is undertaking to guide responsible development that honors its authentic past, prepares for a sustainable future buildout and addresses stormwater on the front end of the development. The intent is to take a comprehensive approach to development by mapping the DNA of the city, its natural geography, and land-use patterns, in order to inform a new set of tools.

### COMPREHENSIVE PLAN POLICIES

The city's Comprehensive Plan included an extensive public engagement process in which the community made clear its desires for future development.

*Bastrop Guiding Growth Principle – The City of Bastrop will implement policies, programs, investments, and strategies that are fiscally sustainable by:*

1. *Facilitating infill and redevelopment activity;*
2. *Encouraging contiguous development; and,*
3. *Managing targeted corridor development.*

**Goal 2.1**

Maintain and enable a policy of “measured growth” as represented by the Bastrop Conceptual Growth Program. – Primarily with annexation and ETJ management but within the City calls for compact, infill and within overlapping service areas.

- Development within the municipal limits, and in close proximity to existing infrastructure, will be prioritized.
- Extension of the City’s infrastructure networks will be the minimum necessary to support preferred growth patterns.
- City investments will support development patterns that promote the least possible disturbance of land and smallest possible development footprints.



PORTLAND, CHRISTOPHER LAMARCA

**Goal 4.1**

Provide a greater diversity of housing options in Bastrop while protecting existing neighborhoods



OPTICOS

**Goal 4.4**

Provide homeownership opportunities to Bastrop’s low-to-moderate income and special needs populations.

**Goal 5.5**

Enhance community character and design through the amendment of city land development regulations and projects to improve the function and aesthetics of public properties.

**Goal 6.5**

Improve active transportation options.



## Goal 6.8

Build a network of Complete Streets and preserve quality of place.



VS.



## ZONING BY FUTURE LAND USE

In addition to establishing broad policy regarding growth and development, the [Comprehensive Plan](#) establishes more specific guidance by geographic area. The plan identifies ten character areas and calls for each to have a distinct development style. Development form and intensity is described in the character area descriptions.

In this section, [seven of the character areas](#) are examined in detail. The character area description from the Comprehensive Plan is included. To identify the extent to which the current zoning fulfills the intent in these descriptions, zoning with each character area is mapped. Also, the zoning composition within each character area is provided as well. The analysis that follows examines two questions:

- Is the mix of zoning districts in the character area consistent with the written intent of the character area?
- Are the standards in the zoning districts consistent with the intent of the character area? This draws on the analysis of each zoning district found in Appendix A.

## A

## Rural Residential

### Character Area as established by the Comprehensive Plan

**The Rural Residential Character Area is for lands that are, and will continue to be, sparsely populated and largely undeveloped.**

Primarily found on the City's periphery, this area is characterized by large lot single-family residences, as well as agriculture, ranching, silviculture, and natural landscape. Unlike the Parks and Open Space Character Area, Rural Residential areas which retain a pastoral setting have not always been set aside for conservation or public use, but may

eventually be subject to subdivision, and/or conversion to agricultural or other similar uses.

As expected, much of the area in the Rural Residential Character Area is zoned Agricultural Open Space. The Piney Ridge subdivision is zoned SF-20, the type of large-lot rural zoning called for in the Character Area description. The C-2 zoning along SH-71 differs from the intent the Character Area, though this is an obvious location for commercial development.

ZONING DISTRICT	ACRES IN CHARACTER AREA	% OF CHARACTER AREA
AGRICULTURAL/ OPEN SPACE	645	71%
SINGLE FAMILY RESIDENTIAL - 20	187	21%
COMMERCIAL - 2	69	8%
MULTIFAMILY - 1	4	<1%
SINGLE FAMILY RESIDENTIAL - 7	3	<1%
COMMERCIAL MIXED USE	2	<1%
SINGLE FAMILY RESIDENTIAL - 9	2	<1%
<b>GRAND TOTAL</b>	<b>912</b>	<b>100%</b>



## B Neighborhood Residential

### Character Area as established by the Comprehensive Plan

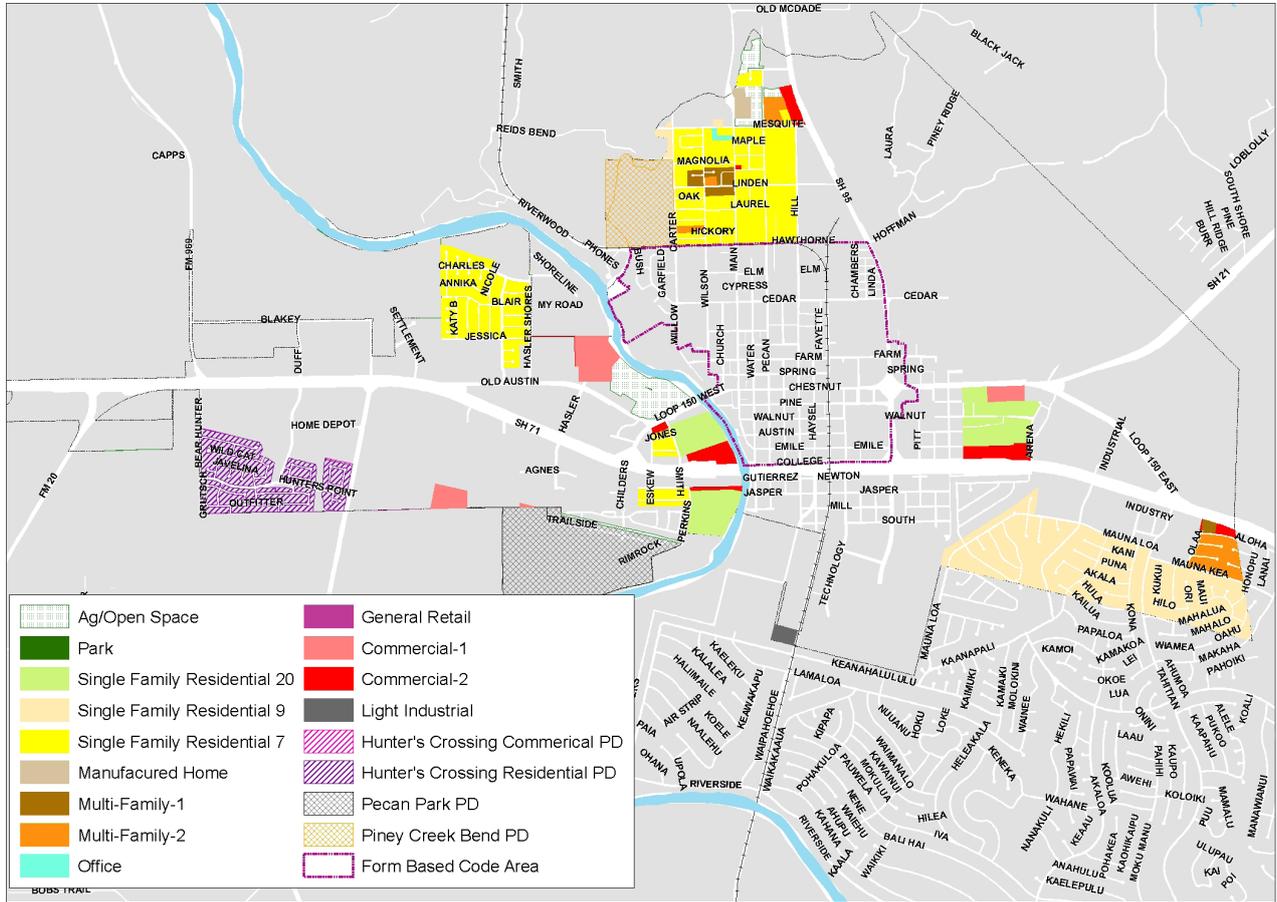
**The Neighborhood Residential Character Area is for single-family residential subdivision development, associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more.**

Although individual developments may exhibit common features including home size, lot size, setbacks, impervious surface coverage, etc., the Character Area supports variations of these spatial and aesthetic characteristics, subject to appropriate transitions in form, scale, and density between blocks or adjacent developments. In some instances, transitions between developments

and adjacent Character Areas may include higher density housing types or neighborhood oriented commercial uses of limited scale.

By area, the Neighborhood Residential Character Area is the largest within the city limits. The zoning consists primarily of the various single-family districts and Planned Developments, which is consistent with the intent of the Character Area. However, because of the rigid standards and lack of variety of housing types allowed within the base districts, the variations of housing types and neighborhood-oriented commercial called for in the description will not occur.

ZONING DISTRICT	ACRES IN CHARACTER AREA	% OF CHARACTER AREA
SINGLE FAMILY RESIDENTIAL - 7	274	22%
SINGLE FAMILY RESIDENTIAL - 9	253	20%
PECAN PARK P.D.	202	16%
SINGLE FAMILY RESIDENTIAL - 20	102	8%
HUNTERS CROSSING RESIDENTIAL P.D.	99	8%
PINEY CREEK BEND P.D.	92	7%
AGRICULTURAL/ OPEN SPACE	63	5%
COMMERCIAL - 1	46	4%
COMMERCIAL - 2	41	3%
MULTIFAMILY - 2	37	3%
MULTIFAMILY - 1	15	1%
MANUFACTURED HOUSING	7	1%
LIGHT INDUSTRIAL & OFFICE	8	1%
HUNTERS CROSSING COMMERCIAL P.D.	1	<1%
<b>GRAND TOTAL</b>	<b>1,240</b>	<b>100%</b>



Zoning in Neighborhood Residential Future Land Use

## C Transitional Residential

### Character Area as established by the Comprehensive Plan

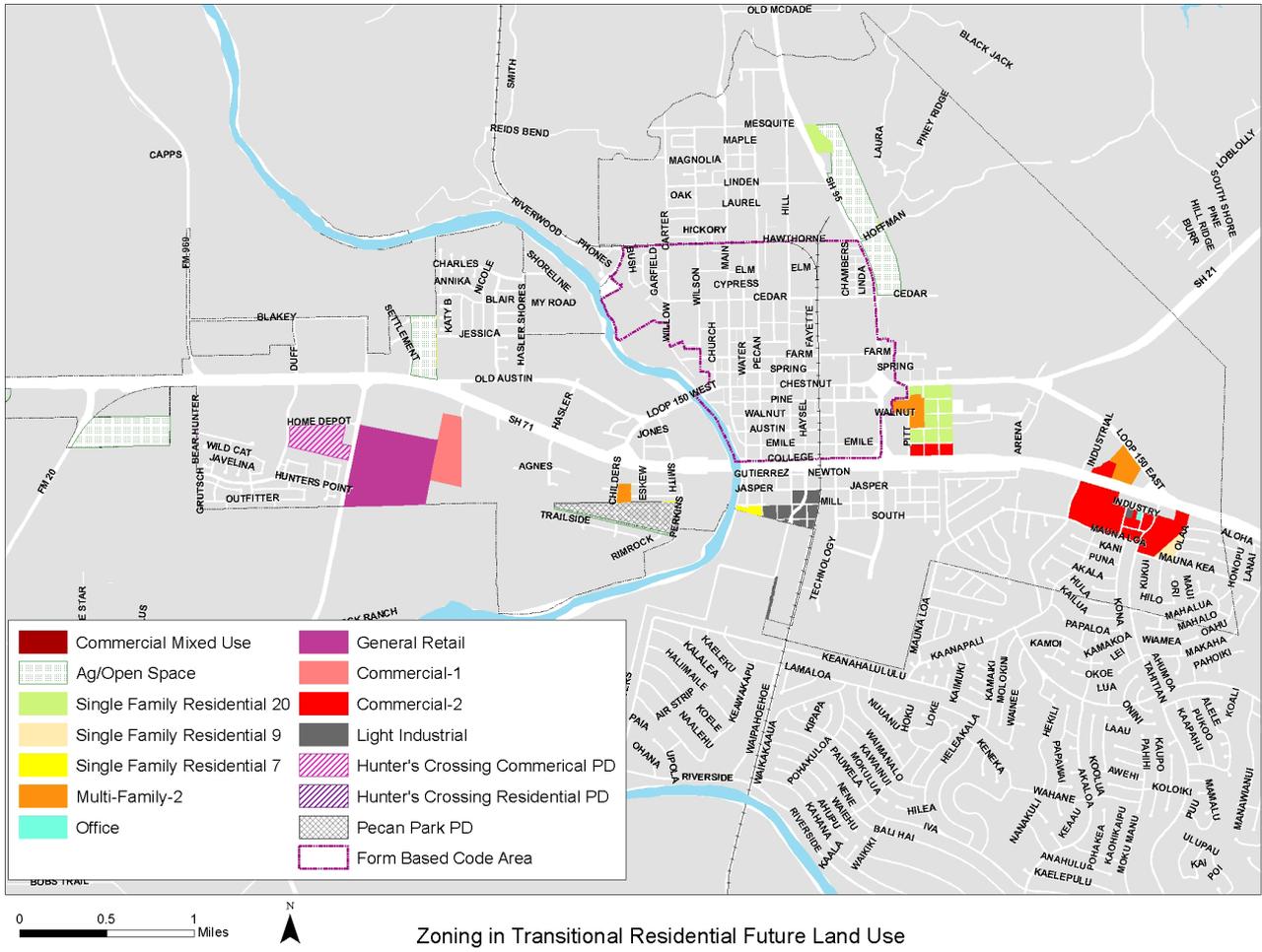
**The Transitional Residential Character Area is for lands to be developed with higher densities and a variety of housing types.**

Transitional Residential supports high density single-family detached and attached (duplexes, triplexes, townhouses), multifamily (apartments), and institutional residential uses such as nursing homes and assisted living facilities. Variation in form, scale, and density is allowed, but appropriate transitions must be provided between land uses. In some cases, Transitional Residential uses may be included as part of a larger planned development within areas otherwise designated as

Neighborhood Residential. Likewise, the character area may also include associated amenities such as parks, trails, open more.

Despite the call for mixed housing types and intensities, large portions of the character area are zoned General Retail, allowing only multifamily and C-2, and not residential. The largest single residential district in the Character Area, SF-20, requires large lot single-family and does not allow the mixed housing types associated with the character area. SF-9 and SF-7 comprise of less than 2% of the Character Area. Other zoning districts such as SF-A and Townhouse are not found in the Character Area.

ZONING DISTRICT	ACRES IN CHARACTER AREA	% OF CHARACTER AREA
AGRICULTURAL/ OPEN SPACE	139	29%
GENERAL RETAIL	93	20%
COMMERCIAL - 2	69	15%
PECAN PARK P.D.	37	8%
SINGLE FAMILY RESIDENTIAL - 20	15	1%
COMMERCIAL - 1	27	6%
MULTIFAMILY - 2	26	5%
HUNTERS CROSSING COMMERCIAL P.D.	25	5%
LIGHT INDUSTRIAL	18	4%
SINGLE FAMILY RESIDENTIAL - 9	5	1%
SINGLE FAMILY RESIDENTIAL - 7	2	1%
OFFICE	1	<1%
<b>GRAND TOTAL</b>	<b>474</b>	<b>100%</b>



## D

## Neighborhood Commercial

### Character Area as established by the Comprehensive Plan

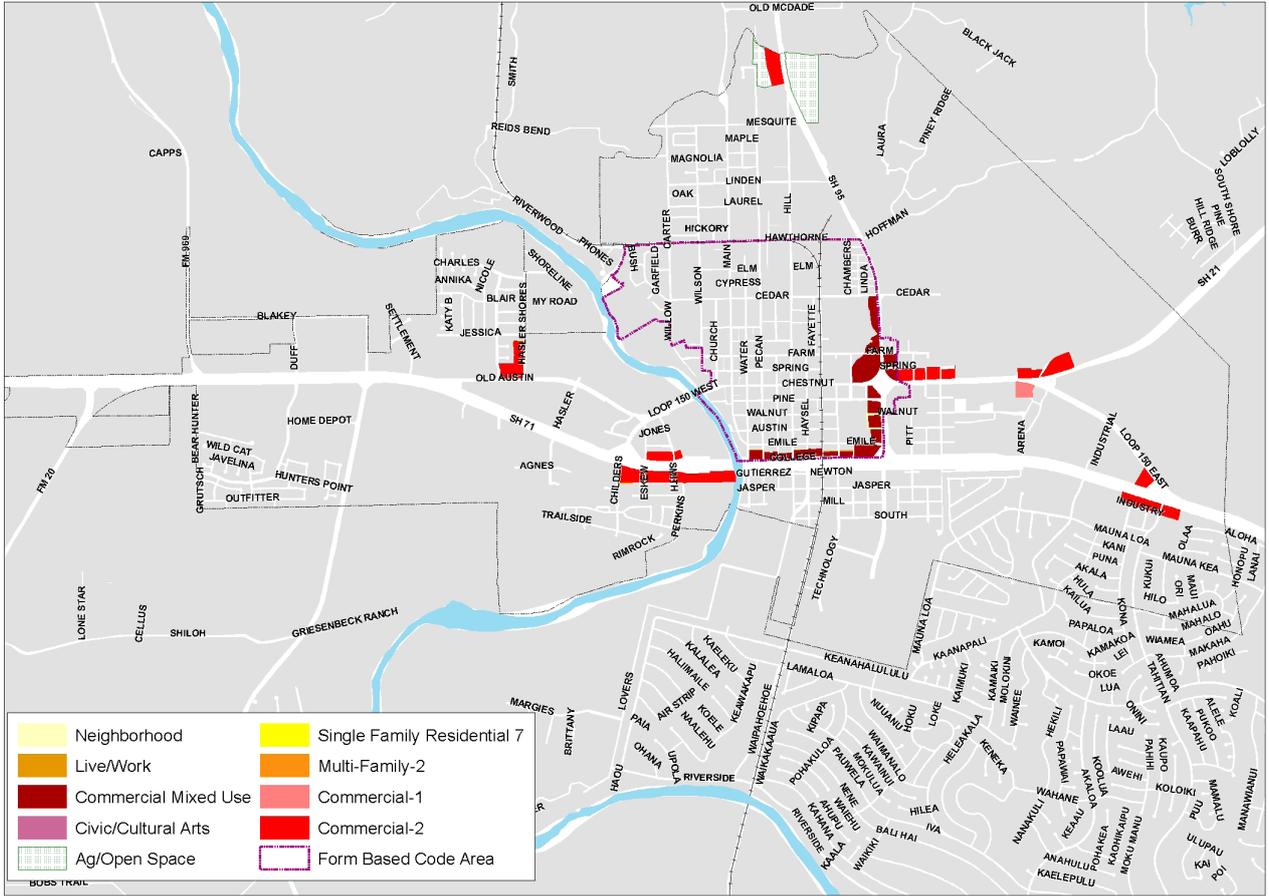
**The Neighborhood Commercial Character Area is intended for lands that are to be developed for nonresidential uses that are of an appropriate use, scale, and design that is compatible with abutting or nearby residential uses.**

These developments typically occupy much smaller footprints, use less signage, have more landscaping, and de-emphasize or screen parking in a manner that sets the areas apart from typical large-scale or corridor commercial developments. In some cases, neighborhood commercial uses may

be included as part of a larger planned development within residential Character Areas.

Despite the intention for commercial that is compatible with nearby residential areas, much of this Character Area is zoned C-2, which contains few standards to ensure compatibility. Development will be automobile-scaled and will generate heavy vehicle traffic. The Commercial Mixed Use area within the Downtown Form-based Code area provides better compatibility.

ZONING DISTRICT	ACRES IN CHARACTER AREA	% OF CHARACTER AREA
COMMERCIAL - 2	69	45%
COMMERCIAL MIXED USE	43	28%
AGRICULTURAL/ OPEN SPACE	36	23%
COMMERCIAL - 1	4	3%
NEIGHBORHOOD	1	1%
<b>GRAND TOTAL</b>	<b>153</b>	<b>100%</b>



Zoning in Neighborhood Commercial Future Land Use

## E

## General Commercial

## Character Area as established by the Comprehensive Plan

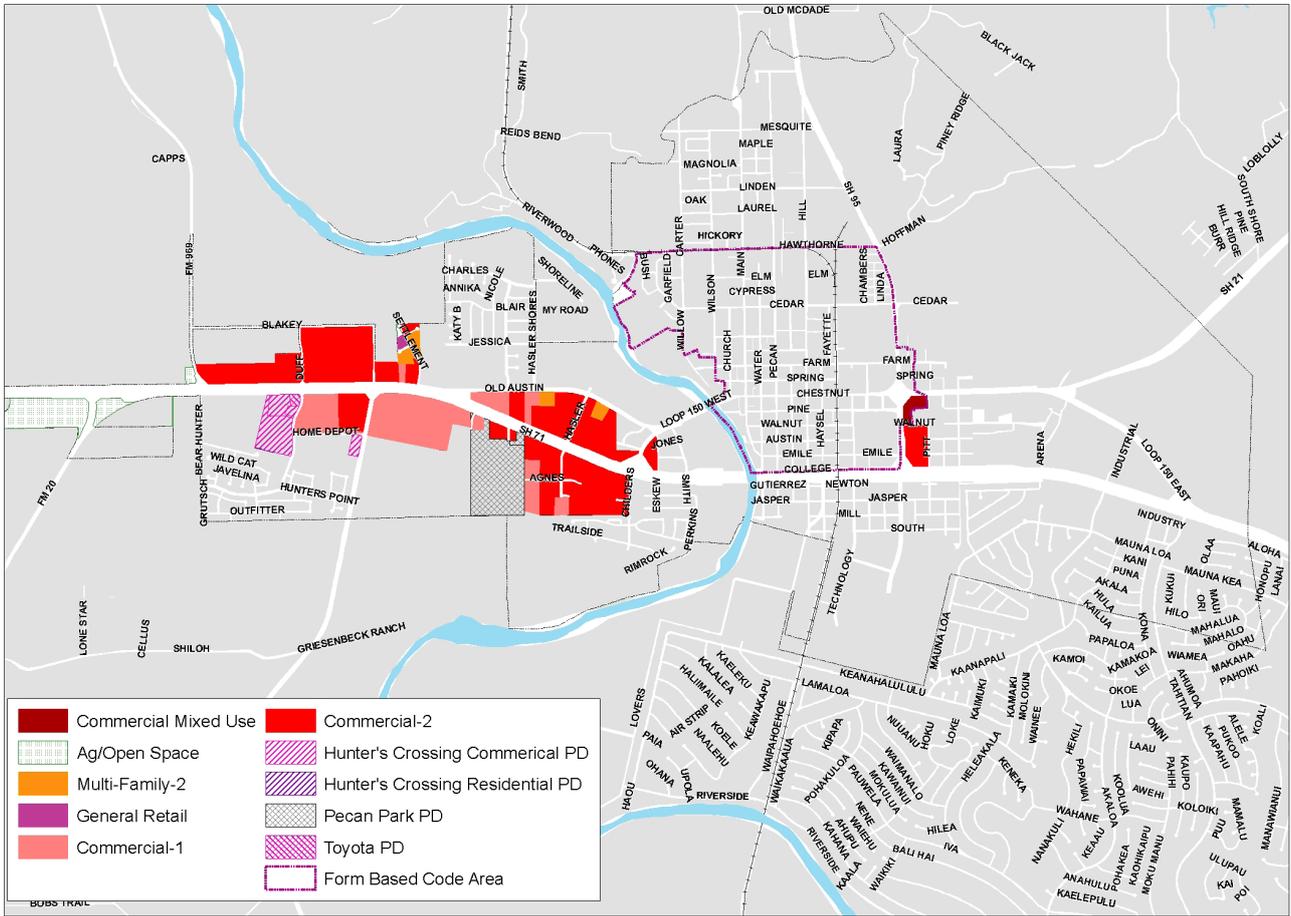
**The General Commercial Character Area supports local and regional businesses that rely on heavy traffic volumes and the visibility that is associated with being located near major roadways.**

General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto-oriented, with large accessory parking areas. While General Commercial development will continue to be auto-oriented, improved street-side and parking lot landscaping,

buffers, appropriately designed and scaled signage, bicycle and pedestrian accommodations, higher quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) will help to improve overall development quality and appearance

The zoning composition is consistent with the Character Area description. The Commercial zoning districts generally carry out the quality development items listed in the Character Area description, though some standards such as signs could be improved.

ZONING DISTRICT	ACRES IN CHARACTER AREA	% OF CHARACTER AREA
COMMERCIAL - 2	270	48%
COMMERCIAL - 1	121	22%
PECAN PARK P.D.	66	12%
AGRUCULTURAL / OPEN SPACE	42	7%
HUNTERS CROSSING COMMERCIAL P.D.	31	6%
MULTIFAMILY - 2	13	2%
COMMERCIAL MIXED USE	6	1%
TOYOTA P.D.	2	0%
GENERAL RETAIL	2	0%
<b>GRAND TOTAL</b>	<b>560</b>	<b>100%</b>



Zoning in General Commercial Future Land Use

## F

## Professional Services

## Character Area as established by the Comprehensive Plan

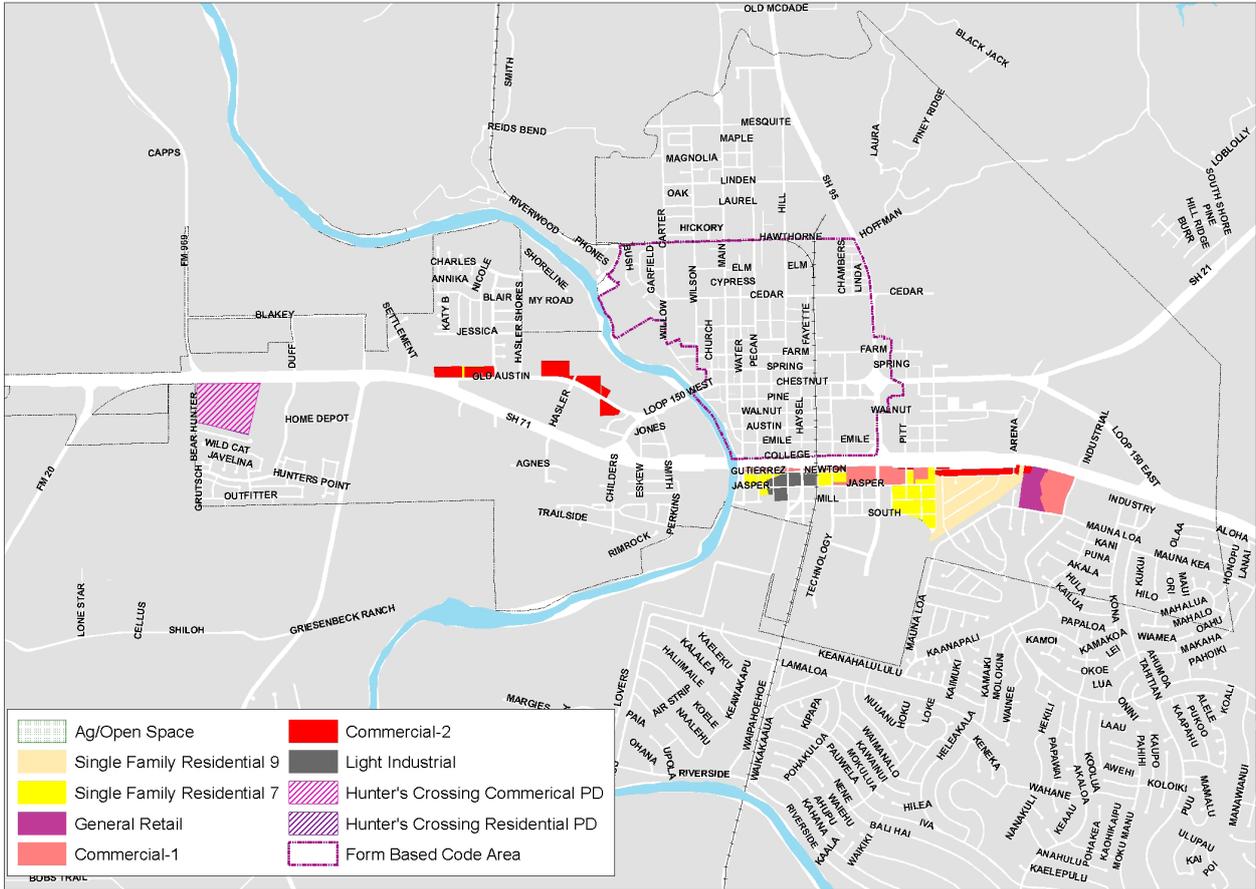
**The Professional Services Character Area is for the development of offices and clinics of varying size and intensity.**

In older areas of Bastrop – including center city – Professional Services land uses may be small-scale or even located in buildings converted for business use. In newer areas, or in conjunction with the General Commercial Character Area, Professional Services land uses may be larger in scale and auto-oriented in character. Land uses in the Professional Services Character Area are often related

to and support the public and quasi-public land uses supported by the Public & Institutional Character Area.

The largest zoning district in the Character Area, SF-9, allows limited home-occupations, as does the also-prominent SF-7. The C-1 and C-2 zoning districts do allow the types of uses called for. The standards are likely to result in automobile-oriented development, which the Character Area description calls for in some areas, but which is out of place in older areas.

ZONING DISTRICT	ACRES IN CHARACTER AREA	% OF CHARACTER AREA
SINGLE FAMILY RESIDENTIAL - 9	42	20%
HUNTERS CROSSING COMMERCIAL P.D.	42	20%
COMMERCIAL - 1	39	18%
COMMERCIAL - 2	35	16%
SINGLE FAMILY RESIDENTIAL - 7	32	15%
GENERAL RETAIL	13	6%
LIGHT INDUSTRIAL	11	5%
<b>GRAND TOTAL</b>	<b>214</b>	<b>100%</b>



Zoning in Professional Services Future Land Use

## G

## Industry

## Character Area as established by the Comprehensive Plan

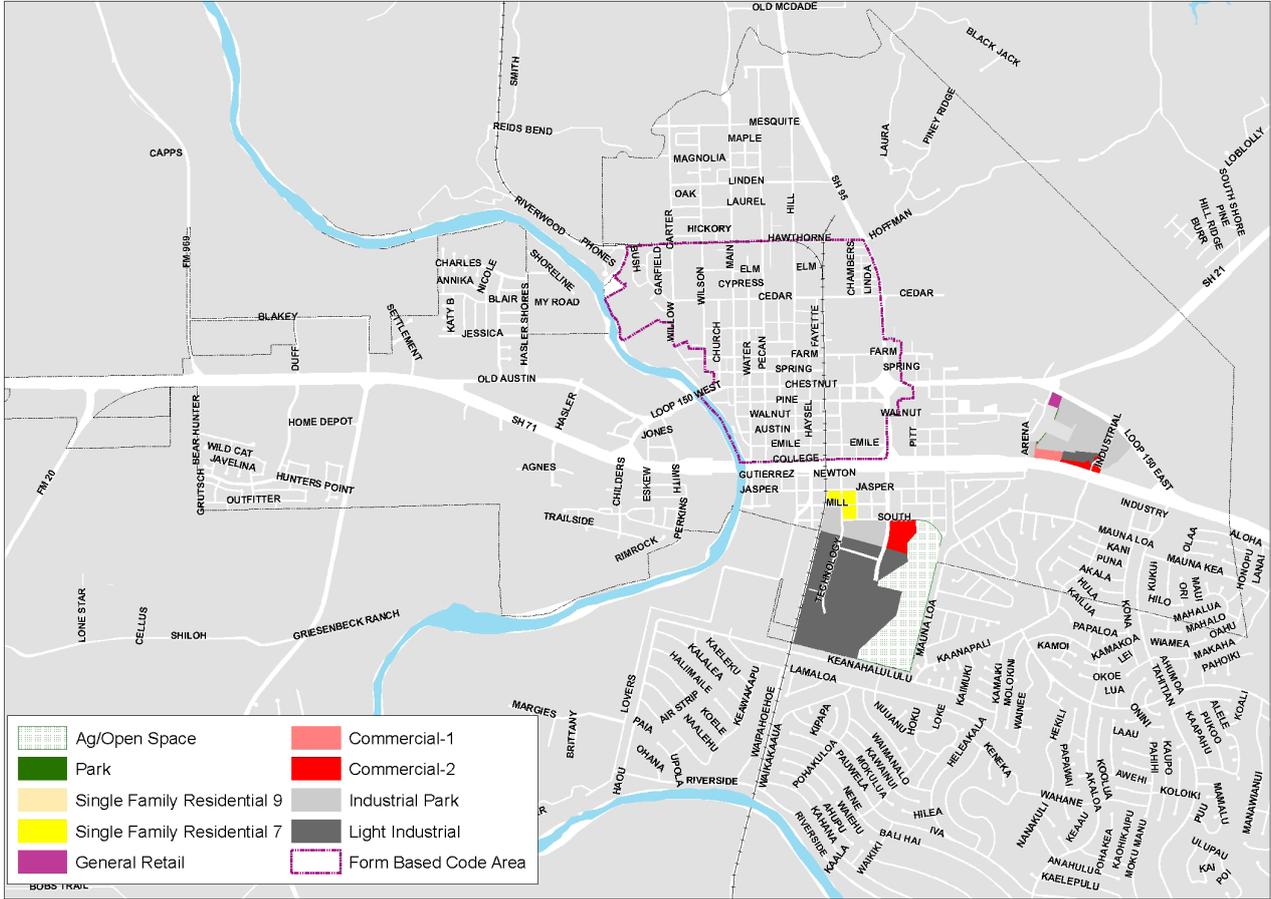
**The Industry Character Area supports light industrial, and warehousing and distribution, land uses.**

Activities within this Character Area include the assembly, production, and storage of finished products, and may require industrialized buildings of substantial size, as well as areas for outdoor storage. Primary land uses may be expected to generate high volumes of heavy vehicle traffic. The Industry Character Area may also support

some heavy manufacturing activity on a case-by-case basis, but only where performance measures on nuisances (e.g., noise, dust, light, etc.) may be mitigated.

The zoning composition is consistent with the intent of the district, as Light Industrial and Industrial Park make up the majority of the Character Area. The Agricultural/Open Space area shows that there is land available for new development.

ZONING DISTRICT	ACRES IN CHARACTER AREA	% OF CHARACTER AREA
LIGHT INDUSTRIAL	141	44%
AGRUCULTURAL / OPEN SPACE	85	26%
INDUSTRIAL PARK	68	21%
COMMERCIAL - 2	15	5%
SINGLE FAMILY RESIDENTIAL - 7	8	2%
COMMERCIAL - 1	4	1%
GENERAL RETAIL	2	1%
<b>GRAND TOTAL</b>	<b>323</b>	<b>100%</b>



Zoning in Industry Future Land Use

## 4 FINDINGS AND RECOMMENDATIONS

### FINDINGS

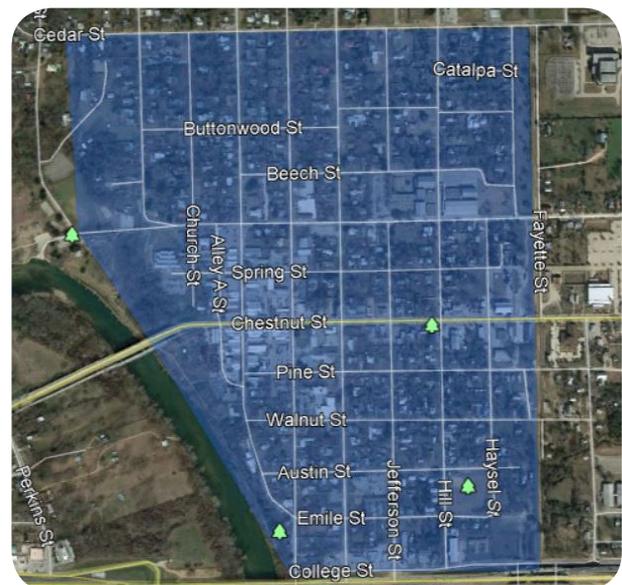
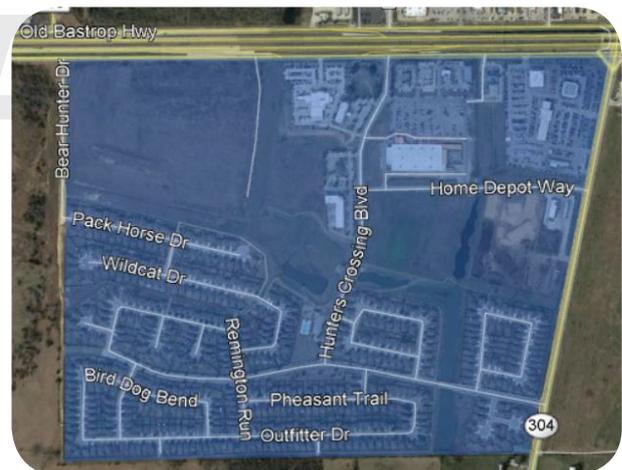
The findings in this section are based on a detailed review of Bastrop's zoning and sign regulations. The review was guided by the intent of the [Comprehensive Plan](#) and [Building Bastrop initiative](#) and examined more than just the technical aspects of the code. *Do the regulations create character areas with housing and transportation options? Do they ensure development honors Bastrop's authentic past? Do they prepare for a sustainable future?* Viewed through this lens, the shortcomings of the zoning and sign regulations are clear. They fall short of the vision for development set by the community.

This is evident in the built environment. As Bastrop plans for its future, it is important to recognize the variety of developments it has, why they were built in the manner they were, and plan how the City would like to build into the future.

- Comparing the DNA Analysis and the current code shows that Downtown Bastrop could not be built under any of the zoning districts outside the downtown FBC area.
- Furthermore, the developments being built under the current code are meeting the dimensional

standards and minimum development requirements under the codes.

Hunters Crossing is a development following the current codes. The top image illustrates how Bastrop might be built out under the current regulations. The shaded blue area in the 406 acres of land is a suburban configuration.

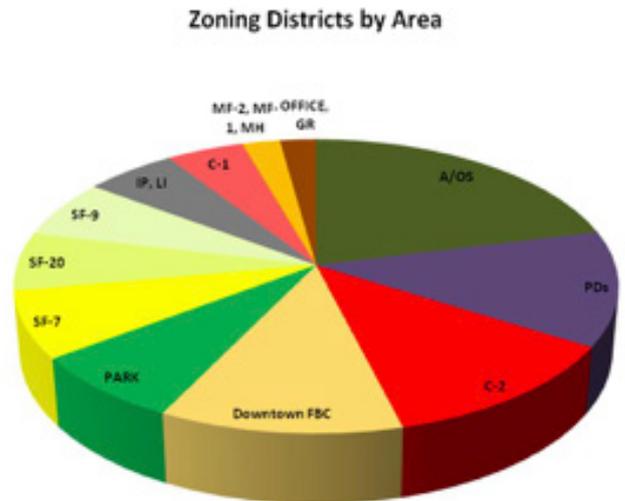


The bottom image is representative of 406 AC configured in a traditional

neighborhood development pattern. The development in the bottom image contains all the elements of the development as the suburban model but oriented into a gridded configuration.

## GENERIC DEVELOPMENT STANDARDS

1. **The zoning ordinance** as written does not meet the vision of the Comprehensive Plan. The plan calls for development with authentic character at infill and contiguous locations. Moreover, the Plan sets out a Vision to preserve “our history and character while embracing progress.” Goal 5.5 is more explicit – “Enhance community character and design through the amendment of city land development regulations.” This development should have a variety of housing choices and transportation options. The findings that follow detail ways that the zoning code does not carry this out. Also, as outlined in the previous section, zoning in the Neighborhood Residential, Transitional Residential, and Neighborhood Commercial character areas conflicts directly with the intent of the character areas, and zoning within the Professional Services character area is only partially consistent with the area’s intent.
2. **Single-use district types and standards** are generic and create development that more closely



SOURCE: CITY OF BASTROP GIS

resembles new development in Austin and other cities than traditional Bastrop. The regulations fail to capture any element of Bastrop’s authenticity. Also, the Comprehensive Plan calls for mixed-use development in several Character Areas, and the single-use districts do not allow this or the standards make it infeasible.

3. **The code creates places that are better for cars than for people.** It requires developments to provide free convenient places for cars but does not ensure comfortable and interesting places for people. Parking dominates and drives design. Parking lots divide the public and private realms. Minimum parking requirements limit opportunity for infill development. Separations of uses requires people to drive from use to use and make walking and bicycling challenging. Buffer requirements

further disconnect and wall off uses. Minimum lot standards create long distances between residences and other uses.

## INEFFECTIVE ZONING DISTRICTS

4. **Multiple districts** are unused or redundant.

**Floating Zones** – These zones exist in the ordinance, but there are no properties with any of these designations in the city. Furthermore, the standards in these districts make them unlikely to be used for development.

- 2F (Duplex)
- SFA (Townhouse)
- CBD (possibly one property)
- SF-8
- NS (Neighborhood Service)
- CT (Commercial Tourism)

**Unused Zoning** – Several zoning districts are applied to only one or two properties where development predates the zoning. No one has developed under them.

- MF-1
- MH

**Similar Zoning** – Several districts are not different enough to warrant separate classifications

- SF-7, SF-8, and SF-9 have only slightly different lot minimums

- C-1 and C-2 have only slightly different allowable uses
- GR and CT

5. **Residential Districts** do not allow for a variety of housing types and prices. Large lot sizes, setbacks, and unit sizes along with minimum parking requirements and 2 ½ story height maximums prevent a number of housing types.

## POOR ORGANIZATION, USABILITY & OVERLY COMPLICATED CODES

6. **The ordinances are poorly organized, contain arbitrary requirements, complicated terms and the document is too long.** The lack of clarity and arbitrary code requirements leads to unpredictable outcomes and interpretations. An overreliance on text, the location of requirements in multiple sections, and lengthy sections such as the Land Use Matrix make it nearly impossible for the community, staff, and developers to identify what the character of development within each district will be. Items such as application requirements and exhibits are included in the ordinance, which adds to the complexity while limiting staff's ability to administer without modifying the ordinance. The terminology requires experts help to accomplish simple tasks that homeowners should be able to

accomplish. This could discourage investment in homes, businesses and overall good development in the city.

7. To work around the issues identified in topics 2 – 5, there has been an overreliance on Planned Development Districts (PDD). More land area with the City is zoned PD than any other zoning district other than A/OS (Ag/Open Space)
8. Differences between Downtown FBC and citywide zoning are confusing and unnecessary. Each has a separate development process, standards, and definitions. This makes the code difficult to use and subject to conflicts. More importantly, over time will lead to the two areas having very different character.
9. The sign code is overly long and complex, and despite this, standards may not ensure appropriate signage in context to the place types.

## CODE RECOMMENDATIONS

Due to the major issues in the Codes it is difficult to recommend a series of short-term solutions to resolve the current code issues. Within the recommendations below there are short-term solutions provided, where applicable. However, it is possible to extract the key findings in the following “Review By Section” to create a series of immediate code fixes.

### PLAN

1. **Develop a strategic approach** to implementing these recommendations. Due to limited resources, not all of these recommendations can be accomplished within a quick turnaround time.
2. **Develop a comprehensive zoning structure** that incorporates both the Downtown FBC and citywide zoning. A Hybrid Code approach could include both and eliminate duplicate and conflicting requirements and definitions.
3. **Differentiate between areas where the code should transform or enhance existing character.** Transformation Areas are places like vacant land or buildings, or auto-oriented areas where a more pedestrian-oriented character is desired. Enhancement areas are places that are already in good

condition, but would benefit from renovation of existing buildings or construction of infill buildings to round out the area. The code in these areas would be based on the existing character of the area to build on the strengths of the existing fabric, repair the areas that detract from it, and fill gaps in the fabric of buildings.

4. **Optional Short-Term Fix:** Geographic intent statements could be created for areas within character or transition areas. Also, provide 10% Planning Director Administrative Adjustment Allowance (AAA). The 10% AAA could be used for distances, dimensions, intensity, density or other items as determined in the drafting of the code section. This recommendation would provide more leverage for the Planning Department and allow the staff and applicant to work together to address and overcome issues.

### CODE

5. **Create place-based standards.** The DNA Report provides the blueprint for the character of downtown Bastrop. With this as a starting point, establish standards by area that adopt or compliment this character. Use the Comprehensive Plan Character Areas and Transformation/Enhancement Area framework in #3, above, to guide coding.

6. **Develop neighborhood zoning districts which allow for a greater variety of housing** at all price points, lifestyle demands, and density types. This variety of housing should be found in diverse neighborhoods instead of generic developments and conventional subdivisions. Reduce minimum lot sizes and setbacks to increase developable area, and add form standards to ensure quality development. For example, instead of separating uses (single-family, multifamily, etc) and regulating intensity (units per acre), instead define allowable Building Types based on the context and character of the area.
7. **Revise requirements for Planned Developments** so that they are the rare exception instead of the default for development. Set higher minimum standards with a review criterion to establish reasoning for a PDD request.
8. **Revise sign standards** to make certain signage is appropriate for the context of place. For example, highway signage is not appropriate downtown due to the size and the design of roadway speed. Conversely downtown signage is not appropriate along the highway. The scale would be too small to read, the buildings are set back and don't communicate to

the users in the same manners.

## CUSTOMIZE

9. **Clearly define zoning regulations and standards which match subdivision standards.** The numerical values would include, but not be limited to, setbacks, build to lines, lot dimensions, block dimensions, and more. Doing so would allow for code consistency without creating a full Unified Development Code (UDC).
10. **Ensure the code is useable** for the general public. Remove unused or unnecessary zoning districts and consolidate others that are substantially similar. Use plain language wherever possible. Use graphics to show standards, and consolidate requirements in tables.
11. **Create a Development Manual** for items such as application requirements, standard details, and others items identified in the Appendix. Develop an administrative process for updating the Technical Manual that allows for public review and Council oversight. As noted in the report these items are sprinkled throughout the existing codes and difficult to find, interpret and administer.

## CONCLUSION

Bastrop has adopted policies, such as the Comprehensive Plan and the Building Bastrop initiative, that set a clear intention for growth and development. The city aims to stop rapid sprawl and instead focus on compact incremental and infill development, resilient green field developments, and enhancement of the core downtown. Development should maintain the unique character of Bastrop that is detailed in the Downtown DNA Analysis and achieve the goals of the Comprehensive Plan. The current regulations in place do not carry out this vision, however. The format and organization of the Code is complex and out-of-date, and the standards create generic automobile-oriented developments. The recommendations in this assessment mark the first steps in ensuring future development builds upon Bastrop's successful historical foundation.

### NEXT STEPS

The DNA Analysis and Code Assessment are complete, but they are not finished. Next, these items will be presented to the community. These reports and the growth of the community require a real conversation. This work provides a place for this conversation to begin, because as the concepts and findings in the report are introduced to the public, their responses and feedback will inform the rest of the process moving forward.

New zoning districts and sign standards will be developed that carry out the intent of the community for development. The community will help to shape these regulations through a series of public events, called the Rodeos. There will be designated times for public conversations, stakeholder input meetings, design review, and public presentations with feedback loops from the outcomes. After the the Rodeos, a draft of updated regulations will be released for public review.

# APPENDIX – A

## REVIEW BY SECTION

This Appendix provides notes from a detailed review of Chapter 14, Zoning, and Chapter 3, Article 20, Signs. Although some notes are quite detailed, by no means should this be considered an exhaustive list of all possible issues and conflicts within these code sections. The intent of this review is to identify all major issues and to highlight others, when possible.

In the sections covering individual zoning districts, pictures of representative development are included to show the character that the standards create. In some districts where there are no examples of development, models are included that show the potential lot size, building envelope, and parking location.

## ARTICLE 14.03 – HISTORIC LANDMARK PRESERVATION (ORD 2018-3)

The 2018 update resolved a number of issues in this section, including the creation of a process for local designation of Historic Districts and identifying a staff Preservation Officer.

For clarity and usability, much of this section could be incorporated into the portion of the Code dealing with overlays, since landmarks and historic districts function as overlays. Other sections may be relocated elsewhere – definitions with other definitions, functions of the Historic Landmark Commission along with P&Z and ZBA, etc.

## ORDINANCE NO. 99-37, ZONING ORDINANCE

### SECTION 6 – ZONING UPON ANNEXATION

Consider a provision to allow zoning to run concurrently with annexation. As currently written, annexation must be complete prior to initiating zoning. Running concurrently allows Council to consider the proposed use of the land along with the annexation. Property owners benefit from an expedited process as well as knowing the outcome of their zoning prior to coming into the city limits.

6.2 B. allows Council to authorize the construction of a project for a proposed use not allowed under the AOS zoning if the construction was commenced prior to annexation and Council finds that the land use is appropriate for the area. This provision is more lenient than the Local Government Code's Continuation of Land Use provision for annexation. Some potential drawbacks for the City include the creation of nonconformities, the requirement that the land use be "appropriate" is a

lower threshold than zoning and does not consider the Comprehensive Plan or other criteria.

#### Section 6.1 – Development Manual

Much of the “specifications and policy guidance” that could be included in a Development Manual are currently embedded in the Zoning Ordinance. This Code Assessment will identify these items as well as recommend other items appropriate for the Development Manual, which currently consists only of application forms.

This section references the Bastrop Advertiser. Change to “newspaper of general circulation and City’s website”

### SECTION 7 – NONCONFORMING USES AND STRUCTURES

The only allowable expansion to a nonconforming use or structure is to add parking.

7.5 E – clarify that such expansions shall not increase or extend any nonconformity except as allowed by ZBA.

### SECTION 9 – ZONING BOARD OF ADJUSTMENTS (ZBA)

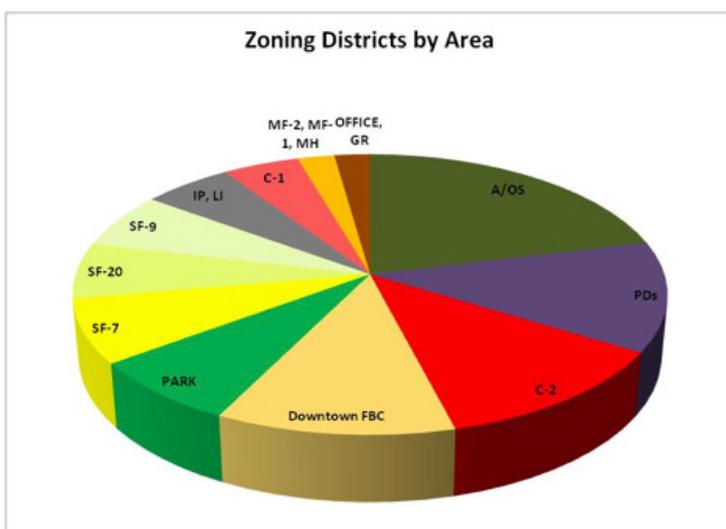
#### Section 9.7 – ZBA – Nonconforming Uses and Structures

Identify a process and criteria for expansion or enlargement of nonconforming uses, structures, etc. The procedure in Section 9.8 is specific to variances, and the criteria require findings that may not be applicable to nonconformities.

#### Section 9.9 – Appeals

This section grants authority for appeals broadly and not limited to zoning.

## III. ZONING DISTRICTS



Source: City of Bastrop GIS

## GENERAL TO ALL ZONING DISTRICTS

Organization – single-use districts ensure that development will be separated from homes, offices, and shopping, and will not foster a walkable environment.

The text-based layout could be more effectively shown in tables, graphics, and more concise text. Table A-5 begins to do this but is “for comparison purposes only and incomplete.” For example, all Area Regulations could be included in a table.

Each zoning district section contains a Permitted Uses subsection that references Use Charts in Section 36 and outlines additional uses as well. Incorporate all uses into a comprehensive Use Chart and remove the Permitted Uses subsection.

Several districts have what appear to be reasonable minimum lot width and depth. However, the minimum lot size is greater than the minimum width x depth, meaning that the functional minimum width or depth are larger than the actual minimum. For example, in the MF-2 district, the minimum width is 100' and the minimum depth is 125', resulting in a 12,500 square foot lot. However, the minimum lot size is 15,000 square feet, meaning that a lot that meets the minimum width and depth is too small to be legally platted.

Each zoning district section contains a Parking Requirement subsection and a reference to the complete parking requirements in Section 38. Some such as the multifamily districts contain additional parking requirements not found in Section 38. Compile all parking requirements and remove each individual Parking Requirements subsection.

Reference Parking Requirements and Permitted Uses in a “General to All Zoning Districts.”

Site Plan Requirements – SFA, O, CF, CT, C-1, C-2, IP, and LI refer to Section 42 for Site Permit requirements. MF-1 and MF-2 require a site plan at time of zoning. See note below. A “General to All Zoning Districts” section could require Site Permits for all appropriate development. Some non-single-family residential such as duplexes and townhouses may be exempted as appropriate.

Maximum Lot Coverage – limits the amount of primary and accessory buildings that can cover a lot. This both limits the most productive and positive use of property (building coverage) and does not regulate other harmful activities such as paving for parking. Recommend changing to impervious cover maximum determined by natural environment and drainage analysis.

Minimum Dwelling Unit Area – this is an unusual thing to regulate. Consider defining allowable building types by use with specifications and removing this requirement.

### SPECIAL REQUIREMENTS

- Multiple districts contain the same restrictions on recreational vehicles, fencing, and open storage. Consolidate these.
- Multiple districts contain standards for side entry garages on non-corner lots. Incorporate this in more comprehensive parking location requirements.
- Swimming pool fencing requirements are listed in each residential section. These are also found in the International Residential Code, so they are unnecessary here. [Confirm – local amendment?]
- Sidewalks either “May be required” or “May be required as delineated on the Comprehensive Plan.” Clarify this and make mandatory, not only permissive.
- Roof Pitch – Buildings shall have a minimum 4:12 roof pitch if immediately adjacent to residential use. Why? And what is this accomplishing and what are you coding out?

### SECTION 13 – AOS

Functions as the agricultural district, the placeholder zoning following annexation, and the zoning for public and civic uses.

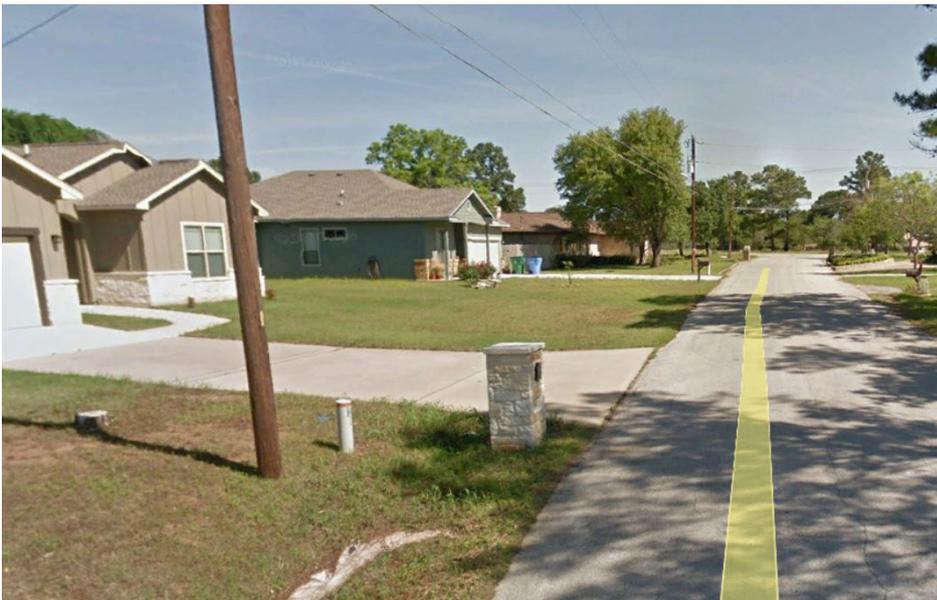
### SECTION 14 – SF-20



## SECTION 15 -17: SF-7, SF-8, AND SF-9



SINGLE FAMILY - 7



SINGLE FAMILY - 9

**Sf-8 no properties are pictured, because none have this designation.**

These districts are very similar, with only slightly different lot dimensional requirements. The only significantly different requirement is the minimum dwelling unit size. Consolidate these three districts and see Minimum Dwelling Unit Area discussion above.

7,000 square feet is a fairly large minimum lot size.

Multifamily and other zoning districts require SF-7 standards for single-family homes constructed within those districts. The large lot size, setbacks, and parking requirements prevent the type of single-family development that is more compatible with multifamily and other residential types.



*Setbacks, building envelopes and parking on a minimum size 2F lot*

### SECTION 18 – 2F (DUPLEX)

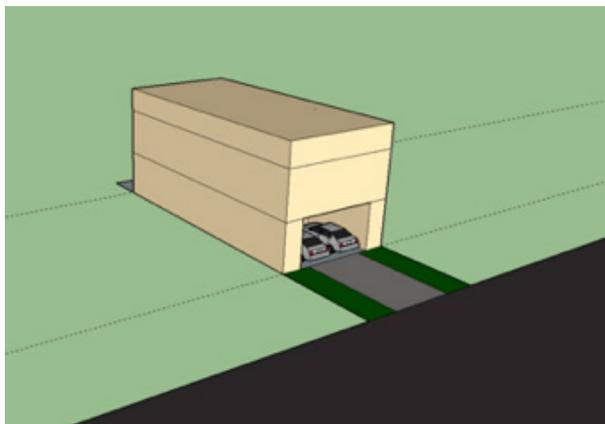
No properties designated in the city.

The duplex standards require 10,000 square foot lots with large minimum lot dimensions. This district is targeted for side by side units only and does not account for other types of duplexes.

The 25' front setback results in a suburban environment. The 10' side setback is larger than required for fire separation (10' total between buildings) and increases under utilized space between structures, which is more compatible with multifamily and other residential types.

Requiring two (2) covered spaces per unit is excessive in walkable areas where parking can be shared, or where there is on-street parking.

18.5 C. requires single-family homes constructed in the district to conform to SF-7 standards. This requires relatively large (7,000 square feet) lots and other suburban standards.



*Setbacks, building envelopes and parking on a minimum size SF-A lot*

### SECTION 19 – SF-A (TOWNHOUSE)

No properties designated in the city.

25' front setback is excessive for townhouses and creates a suburban environment.

Requiring 2 minimum covered parking spaces is likely to result in a garage-dominated landscape. With 25' minimum lots, garages could account for 20' or 80% of the lot frontage.

On-site visitor parking is required for developments with 4 or more units. This

increases impervious cover and creates a suburban environment. On-street parking should be available for visitor parking.

The Open Space Requirement seems to apply universally with no minimum lot threshold. In addition to reducing the amount of land usable for housing, this requires the creation of a homeowner's association for maintenance, which would not typically be done for small developments to be sold as individual lots. This requirement appears to be in addition to parkland dedication requirements. Moreover, see the general discussion of Usable Open Space Requirement in Section 21.

### SECTION 20 – MF-1 (QUADRAPLEX)

This district is targeted toward heavy auto uses and serves as a buffer from commercial. That is not a very conducive environment for humans. This district is named Quadraplex, but it actually allows multifamily development from 3 to 24 units (because of 2 acre maximum lot size). This zoning is rare (0.7% of the city), and there do not appear to be any developments built to these standards only vacant tracts and preexisting duplexes.

The MF-1, Multiple-Family-1 Residential (Quadraplex), District is an attached residential district intended to provide a residential density of not more than twelve (12) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings on sites of less than two (2) acres. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

15' side yard is required, which increases to 60' when a building greater than one story is adjacent to a single-family zoning district. Similarly, the rear yard setback increases to 80' when adjacent to a single-family zoning district. These are excessive considering that this district is intended for small-lot multi-family development and some single-family homes are two stories. A well-designed two-story triplex can be indistinguishable from a two-story single family home. This setback is especially unreasonable because of the 2.5 story height limit. Recommend more comprehensive and thoughtful compatibility requirements based on building design and site orientation.

Building separation is regulated in the International Building Code and does not need

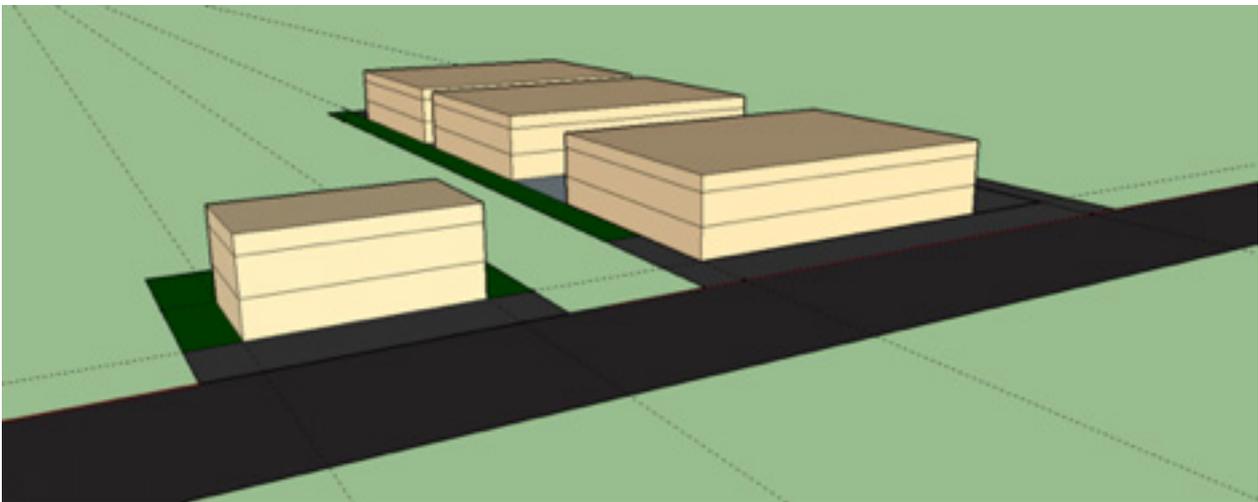
to be included.

Parking minimums are high and will result in suburban development.

A site plan and façade elevations are required with the zoning application. This puts a burden on property owners to produce plans that are likely to change once drainage and other site requirements are considered. It can also create a false expectation for neighbors about what is to be built. Recommend strengthening requirements for multifamily development to prevent negative impacts on surrounding properties. This would allow removal of the requirement for site plans and façade elevations at the time of zoning.

The 2.5 story height restriction limits the ability to build up and not out. Three-story buildings, if designed and situated correctly, can be an attractive and practical housing option.

20.6 E requires that the front door of each unit be no more than 150' from a fire lane. Recommend allowing public rights-of-way to meet this requirement as well as fire lanes.



*Potential difference in size and scale for development on a minimum size lot (left) and a maximum size lot (right) in the MF-1 district.*

## SECTION 21 – MF-2

This is the highest-density residential district outside of downtown, allowing up to 25 units per acre. The minimum lot size (15,000 square feet) means that developments in this district will have a minimum of eight (8) units.

The 2.5 story height restriction limits the ability to build up and not out. Three-



*Walnut Street*

story buildings, if designed and situated correctly, can be an attractive and practical housing option, particularly in a city's most dense multifamily district.

As in MF-1, a 15' side yard is required, which increases to 60' when a building greater than one story is adjacent to a single-family zoning district.

Similarly, the rear yard setback increases to 80' when adjacent to a single-family zoning district. This is seemingly more justifiable in this district because it allows both more density and larger lots. However, no three story buildings are allowed in this district. A well-designed two-story apartment building can be indistinguishable from a two-story single family home, regardless of units per acre. Recommend more comprehensive and thoughtful compatibility requirements based on building design and site orientation.

Parking minimums are high and will result in suburban development.

As in MF-1, a site plan and façade elevations are required with the zoning application. This puts a burden on property owners to produce plans that are likely to change once drainage and other site requirements are considered. It can also create a false expectation for neighbors about what is to be built. Recommend strengthening requirements for multifamily development to prevent negative impacts on surrounding properties. This would allow removal of the requirement for site plans and façade elevations at the time of zoning.

21.6 E requires that the front door of each unit be no more than 150' from a fire lane. Recommend allowing public rights of way to meet this requirement as well as fire lanes. Moreover, if this restriction comes from the Fire Code, recommend removing and allowing the fire code to govern.

Each complex is required to have a pool and community building. This is impractical for smaller complexes (this district could allow developments with as few as 8 units).

Each complex is required to have Usable Open Space on-site. The amount of open space required depends on the number of bedrooms in the development,

and the open space must either be improved or meet minimum slope and other requirements. This seems to be in addition to parkland dedication requirements in the subdivision ordinance. This is impractical for smaller complexes (this district could allow developments with as few as 8 units). Furthermore, this requirement may be justifiable for large complexes that are far or disconnected from community recreational facilities, but for multifamily development that is near to existing or planned facilities, this requirement is redundant, increases project costs which are passed on as rents, and creates private facilities that are available only to the residents of the complex and not the surrounding neighborhood.

### SECTION 22 – MH MANUFACTURED HOME DISTRICT



*Main and Mesquite (Note: Development predates current*

### SECTION 23 – OFFICE DISTRICT (LOW INTENSITY)

As in the multifamily districts, the minimum side yard increases to 60' when a building greater than one story is adjacent to a single-family zoning district. This is contrary to the district's intent of adaptive reuse of existing structures,



*Main Street*

because many existing two-story structures are unable to meet this requirement. Recommend more comprehensive and thoughtful compatibility requirements based on building design and site orientation.

Dimensional standards are similar to NS–Neighborhood Service district, and the different allowable uses have similar impacts. These two districts do not need to be separate.

## SECTION 24 – NS – NEIGHBORHOOD SERVICE DISTRICT

No properties designated in the city.

Height is limited to one story. Two-story office as well as live-work buildings can meet the intent of this district and should be allowed. This district has the same name as one of the Character Districts in the FBC.

The 25' front setback and high parking requirements will result in parking in front of the building. Development in this district will consist of strip centers and other suburban-style commercial.

Dimensional standards are similar to O – Office district, and the different allowable uses have similar impacts. These two districts do not need to be separate.



*Settlement Drive*

## SECTION 25 – GR – GENERAL RETAIL DISTRICT

This district has the same dimensional and development standards as the highway-oriented commercial districts (C-1 and C-2) with fewer allowable uses. Despite the more limited uses, both the minimum lot area and

lot dimensions are large and, along with the other standards, could result in development that is out of scale with neighborhoods.

## SECTION 26 – CBD – CENTRAL BUSINESS DISTRICT

This seems to be a floating zone that exists, but is not assigned to any area in the City since the adoption of the Downtown Form-Based Code. Ensure that all downtown standards are included in the Form-Based Code and remove this section.

## SECTION 26A – CF – CIVIC FACILITIES DISTRICT

## SECTION 27 – CT – COMMERCIAL TOURISM DISTRICT

No properties designated in the City.

Similar to the GR district, this district has highway-oriented commercial standards with a few less allowable uses.



*Home Depot Drive*

### SECTION 28 – C-1 – COMMERCIAL (LIGHT) DISTRICT

This district and standards are almost identical to C-2. Only a few allowable uses and maximum building cover are different.



*Agnes Drive*

### SECTION 29 – C-2 – COMMERCIAL (HEAVY) DISTRICT

Both C-1 and C-2 produce highway-oriented commercial development through parking minimums, setbacks, and lot sizes.



*Industrial Blvd. (Note: Development predates current zoning code)*

### SECTION 30 – IP – INDUSTRIAL PARK DISTRICT



*Business Park Drive*

### SECTION 31 – LI – LIGHT INDUSTRIAL DISTRICT

The LI and IP districts have the same dimensional and development standards and somewhat different uses.

#### OVERLAY DISTRICTS:

### SECTION 32 – PD – PLANNED DEVELOPMENT DISTRICT

This section says the intent of Planned Development Districts (PDDs) is to provide new neighborhoods and services similar to those in the older parts of town. Have the PDDs successfully accomplished this?

Because the base zoning districts are extremely rigid, PD zoning offers almost unlimited flexibility. Unfortunately, this also leads to very little certainty about outcomes throughout the city. Also because development regulations are basically completely rewritten for each project, PDDs can take an enormous amount of time for the developer, the community, boards and commissions, and staff.

What is the rationale for the three (3) acre minimum?

B. 1. Detailed Site Plan Requirements should be the same as the requirements for base zoning districts, except that the plans must demonstrate compliance with the Conceptual Plan referenced in (A). This section is unnecessary.

32.5 Approval Process and Procedure – references the procedure for zoning amendments. No separate approval criteria for PDDs are provided. Considering the lack of certainty and the time associated with creating and reviewing PDDs, there should be a requirement for a compelling reason to consider PD zoning. This is particularly true if the existing zoning is consistent with the Comprehensive Plan.

32.9 Patio/Zero lot line homes are allowed only by PD. This is not likely to become a common housing type.

### SECTION 33 – CUP OR C – CONDITIONAL USE PERMITS

Application/site plan requirements for CUPs could be moved to the Development Manual.

### SECTION 34 – HILLSIDE OVERLAY DISTRICT

The intent is clear and necessary, but the applicability is unclear. It is not mapped and there is no applicability section. 34.4 Requirements are either advisory (“will be encouraged”) or vague (what is a “significant amount of vegetation“?). Section C is particularly problematic.

Slopes can change dramatically within a site, which would lead to multiple allowable densities throughout the site. Moreover, regulating the number of units per acre only indirectly affects the amount of development on slopes. For example, a large single-family house may have the same footprint as two small duplexes.

C. Any development in areas designated as Hillside Overlay district will be limited only to densities conforming to the following:

Slope	DU/Acre
10%	3.5
15%	3.0
20%	2.5
25%	2.0
30%	1.5
35%	1.0
40%	0.5

A more direct approach such as limiting cut and fill and impervious cover on slopes would be more effective and enforceable.

## USE REGULATIONS

### SECTION 36 – USE REGULATIONS (CHARTS)

Reconcile with the use table in the Downtown Form Based Code.

The use tables are overly specific, defining numerous uses that could be combined.

Only a sample are detailed in this section, and more could be identified with the reconciliation with the Downtown Form Based Code.

Patio Home (Zero Lot Line Dwelling) is a defined use, but no other information is provided in the Code. This is a very specific housing type with a number of necessary standards. It is currently only allowed in PD districts.

Uses to Remove (either redundant or more appropriate in another section)– Off-Street Parking Incidental to Main Use, Temp Field Office/Const. Yard or Office Subject to Permit issued by Building Official, Tennis Court (Private)(No Lights), Local Utility Line, Telephone Exchange/ Switching/Relay or Transmitting Station, Amusement Arcade [both indoor and outdoor are included separately], School, Federally Funded Preschool Pgrm., Used Auto Sales, Dental Clinic/ Laboratory/ Office, Optician/Optomtrist, Real Estate Office

Fire, Police, Public Health, Municipal Bldgs/Fac are Conditional in Residential districts.

Garden or Orchard (Non-Commercial) are not allowed in MHO or PDD

Consolidate Water Reservoir Well/Pumping Station, Water stand Pipe/Elevated Water Storage [Storage], and Water Treatment Plant

Why would a private zoo be conditional in LI when a public zoo is allowed by right?

Consolidate School, Business and School, Commercial Trade

Consolidate Heliport and Helistop

Reconcile and consolidate all the Auto Repair uses

Consolidate Motorcycle, Auto, and RV Sale

Why would Mortgage/Loan Agency be Conditional in O when all other office uses are by right?

Retail and commercial uses are overly specific (Hobby Shop, Key Shop, Florist, etc) and some of the differences seem arbitrary. For example, Donut Shops are not allowed in CF, but Ice Cream Shops are. What is the difference between a Garden Shop and a Greenhouse/Plant Nursery w/Outside Display of Plants (Retail)? Consolidate.

## DEVELOPMENT STANDARDS

### SECTION 37 – EXTERIOR CONSTRUCTION REQUIREMENTS

Organization of this section could be improved. Definitions are in subsection A. Subsections B – D prescribe standards, but their applicability is unclear. C and D reference “approved materials,” but it is unclear what these materials are. Subsection D is followed by a non-enumerated section “Examples of currently allowed materials” which seems to contradict sections C and D by including the materials listed in C and D as only conditionally allowed.

EIFS is listed in the “Examples of currently allowed materials” but not addressed in the rest of the Section.

The residential Similarity Restrictions can blunt the impact of poor architecture by requiring variation of facades. They may also prohibit building types such as row



*Example of Row Houses*

houses, for which continuity of façade is deliberate and effective. The Section does allow for Planned Developments to vary from this requirement, but specific building types with other design requirements should be allowed to vary by right.

The materials allowed in Nonresidential Districts are very broad, including masonry, siding, wood, and glass. The main effect

of this seems to be prohibition of metal, unadorned concrete, and EIFS in these districts.

Nonresidential design standards do not regulate building orientation, entrances, transparency, articulation, or other architectural features.

### SECTION 38 – OFF-STREET PARKING AND LOADING

Allow for alternatives to asphalt/Portland cement, especially if enacting an impervious cover maximum.

Striping requirements and the dimensional standards in D, and E, may be moved to

the Development Manual.

#### 38.4

A. Loading space – necessary to regulate the number of berths?

C. Vehicular access to non-residential uses is not allowed from alleys serving residential areas.

E. No required parking shall be permitted on grass, landscaped or other impervious surface.

#### 38.6 Parking Requirements Based on Use

A. – What is (5 min)?

Parking requirements are generally high and will result in suburban style development, excess impervious cover.

Similar to the Use Charts, a number of these can be consolidated (i.e. separate requirements for Hotel and Motel are unnecessary). Also, reconcile with requirements in the downtown FBC and uses in the Use Charts.

#### 38.7 Rules for Computing Number of Parking Spaces

F – Shared parking requirements are very specific and not likely to be used often. Shared parking for uses with different peak demands allow efficient use of land, reduction in impervious cover, and reduced development costs. Consider a more broad allowance for shared parking. Also, shared parking should be allowed for mixed uses within the same building.

G – Compact spaces

H.– Expand the allowance for on-street parking to account for partial credit to areas outside the CBD.

I. This section is unclear.

J. This is overly complicated and unwieldy to enforce. Create a new section for alternative compliance and explore more effective reductions such as fees-in-lieu, mixed uses, location in a walkable/transit served area, off-site parking etc.

### 38.8 Location of Parking Spaces

Incorporate this section in a more thorough subsection outlining alternative compliance for parking.

B – Allow off-site parking administratively where appropriate criteria are met. Allow for distances greater than 150' if sidewalks and crosswalks connect the off-site parking to the site.

## SECTION 39 – LANDSCAPE REQUIREMENTS

30% expansion is a low threshold for full compliance.

Single-family and duplex parcels must plant at least two trees. Clarify that at least one is required in the front yard. For smaller lots, especially with reduced front setbacks, one tree may be sufficient.

39.4 – Requirements for the landscape plan (A-K) can be relocated to the Development Manual.

39.5 does not seem to consider xeriscaping, requiring landscaped open areas to completely covered with living plant material.

39.5 I. Provides credit for preserving existing trees. However, credit is not proportional. For example, preserving a 47" caliper tree provides credit for 3 trees. Considering that the minimum caliper of new trees is 2", this credit amounts to 6" when 47" have been preserved. For larger trees, consider providing a more generous credit, in order to, incentivize retaining large trees, especially since there is no mitigation requirement (except in subdivision draft).

Since they are so critical to the character of Bastrop, consider additional requirements for pine trees such as additional mitigation trees and/or requiring that removed pine trees be replaced with pine trees.

### 39.6 – Minimum Landscaping Requirements for Nonresidential and Multi-Family

- B – A minimum 10' landscape buffer is required along any major thoroughfare. Although this makes suburban development more attractive, it is not possible to meet for Main Street type development. Consider allowing street trees or other improvements in furnishing zone to meet this requirement.
- E. Requires a 4' x 4' permeable surface under the dripline of new trees. This is too

small for trees to grow to a desired height.

39.7 – include a tree preservation standard detail in the Development Manual and reference.

## SECTION 40 – ACCESSORY BUILDING AND USE REGULATIONS

This section is wordy and not clearly written. It contains redundant definitions, requirements for Conditional Use Permits that could be located in Section 33, and standards, such as setbacks, that could be included along with the other standards of the base zoning district. It limits size of accessory units, but not necessarily the number.

40.1 is a redundant definition.

40.3 – Permitted by Conditional Use Permit – the applicability of this section is unclear. Does it apply only to accessory buildings permitted by CUP? Accessory buildings < 240 square feet are permitted by right in most zoning districts. This should be clarified either in this section or in the use matrix.

## SECTION 41 – FENCING, WALLS, AND SCREENING REQUIREMENTS

“Decorative Fence” is subjective and not defined.

## SECTION 42 – SITE DEVELOPMENT PLAN REVIEW

This section would be more logically located with other zoning or permitting procedures.

B. 4 – CUP triggers site permit?

The review items listed in subsection E.

## SECTION 43 – SUPPLEMENTAL REGULATIONS

Explanations for how to measure standards such as setbacks and building height are included in the section, but are easily overlooked. This information would be more useful if introduced along with the standards. Also, graphics would convey this much better than text.

43.4 Special Height Regulations allow Council to waive the maximum height requirements if criteria are met. A more proactive approach would be to use these

criteria to identify areas where additional height would be appropriate and zone them accordingly.

#### SECTION 44 – PERFORMANCE STANDARDS

Are the noise requirements necessary considering Article 8.06 of the City code?

#### SECTION 45 – OUTDOOR LIGHTING STANDARDS

45.99 allows City Council to waive the maximum light pole height, but 45.12 outlines a process for variances, which are heard by the Board of Adjustment.

Does Staff have the equipment and personnel to enforce these detailed standards?

Definitions appear in several sections – Historic in 14.03, exterior materials in 37.1, outdoor lighting in 45.6 General in A-3, Downtown FBC in Section 4.0. Resolve conflicts and consolidate wherever possible.

#### SECTION 46 – 49 PENALTIES AND NONCONFORMITIES

Conduct legal review in light of case law, since 1999.

#### A-4 APPROVED PLANT LIST

Would be more appropriate in a Development Manual

#### A-5 SUMMARY OF ZONING DISTRICT REGULATIONS

Update and complete this and include in the main zoning ordinance to replace unnecessary or duplicated text.

#### ILLUSTRATIONS

General – relocate to the Development Manual. Revise as necessary through code update.

Delete number 1. No floor area ratio requirements in the code.

#### DOWNTOWN FORM-BASED CODE (FBC)

#### 3-ADMINISTRATION

Clarify the relationship of the Regulating Plan and Character Zones to zoning. 3.2 b. States that "Development standards not addressed in this ordinance shall be governed by the City of Bastrop Zoning Ordinance to the extent they are not in conflict with the intent or text of the DB-FBC Code." Clarify both the intent of this

and the specific items in the zoning ordinance to be regulated.

Section 3.3 prescribes a Development Review Process. This may be removed if redundant or updated if necessary based on how effective it has been since adoption.

#### 4-DEFINITIONS

Review for consistency with definitions in the Zoning and Subdivision Ordinance. Add definitions for – Façade Designation, sign types, and others as necessary.

Side-entry garage – perpendicular and parallel are reversed.

#### 5-SCHEDULE OF PERMITTED USES

Section 5.2, Conditional Use Permits (CUP), is a duplication of the process from the zoning ordinance. Instead of duplicating, citing a reference to the zoning ordinance would allow this section to be deleted, except for item j, which is an administrative provision that states CUPs approved prior to the FBC will remain in effect.

Table 5.1 Schedule of Uses – now that the FBC has been adopted and administered for several years, review the list of allowable uses and identify potential updates based on feedback received from the community, property owners, and developers. City Staff should have insight on this. For example, staff has identified that schools, libraries, community/civic facilities, and religious institutions require a CUP in all character zones, including the Civic/Cultural Arts Zone.

#### 6-BUILDING FORM AND SITE DEVELOPMENT STANDARDS

Several sections mention alleys and require them to be used when feasible. Are alleys available for access in these areas?

6.1.i – Requires a license agreement for any encroachment in the right-of-way, such as canopies and awnings. Develop a standard license agreement template to be processed administratively for license agreements for arcades, galleries, and balconies with only special cases going to Council.

6.2 – 6.6 Building Form and Site Development Standards – The code ensures that infill development will be appropriate in the highest priority areas (Historic Main St/Primary Frontages), but it does not ensure that surrounding development will be. Said another way, the code preserves existing character but does not enhance it. This is because requirements vary greatly depending on Frontage Designation. Primary Frontages are strict but result in the desired form. Secondary Frontages

provide additional flexibility but may still result in the desired form. General Frontages provide little assurance about the outcome. An examination of the specific requirements and a site study make this clearer.

The two properties at the western side of the intersection of Pine and Water are in the Downtown Mixed Use zone on a General Frontage and are both currently surface parking lots. The Downtown Mixed Use district is intended to “encourage compatible mixed use redevelopment” and to maintain “a pedestrian orientation and continuous building context.” Development on these sites meeting this intent would look similar to that on Main Street: buildings near the sidewalk forming a continuous street wall, with parking located to the rear as shown in the figure on the left.



However, the standards in the General Frontage areas do not require this. There is no maximum setback and no Building Frontage requirement. Parking is only required to be set back 6’ from the right of way. This allows suburban-style development as shown in the figure to the right. Development in this style at this location would represent an enormous missed opportunity to carry the character of Main Street outward.

This issue is not isolated to this particular site. General Frontages are the most common Frontage Designation and are found throughout downtown, including in the core area. The type of development in the first figure may be acceptable at the edges of downtown near highways but if widespread would be detrimental to downtown’s character. The following Character Zone/Frontage Type combinations may need to be reevaluated in the context of the Regulating Plan to ensure the intent of the code is carried out:

- HMS/Other Streets
- DMU/General
- C/CA/General

- MU/Secondary and General
- Live-Work/General

## 9.0 SIGN STANDARDS

This section provides dimensional standards that are generally appropriate. Several items could be clarified, and some additional standards related to things such as sign placement could result in better outcomes.



### 9.3 Permits eight types of signs.

The primary sign allowed throughout downtown is an “Attached Building Sign.” However, this term is not defined in the FBC, and there are no graphics to show what types of signs are included in this category. It is unclear whether this includes only wall signs attached directly to the façade, or also signage

attached to canopies or awnings. There are no placement standards for Attached Building Signs, which could result in signage being placed over windows or in other inappropriate locations.

Graphics showing sign types and placement requirements would help clarify this section.

### Street Cross-Sections

Identify on the Regulating Plan where each cross-section is intended. Revise as necessary.

The Head-In Parking Street seems to show 90° on-street. This is not desirable because of the maneuvering space required. Remove this cross-section or replace with an alternative if a cross-section with these dimensions is necessary. Options include 30° parking, parallel parking on that side with bicycle lanes on both sides, or parallel parking and a median.

### Misc.

The FBC was intended to replace the CBD zoning district, but the FBC area in the adopting ordinance did not include all properties zoned CBD. This property should either be included in the FBC or otherwise appropriately rezoned.

## CHAPTER 3, ARTICLE 20, SIGNS

### General

The Downtown FBC supersedes this Chapter. All references to the CBD and other conflicts with the Downtown FBC should be updated for clarity and consistency. This is an extremely long and detailed sign code, particularly for a city the size of Bastrop.

### 3.20.008 Definitions

This section has its own set of definitions. There are 54 sign types defined.

Definitions are not consistent with the Downtown FBC. For example, a blade sign as defined in the Downtown FBC is a projecting sign in this section.

### 3.20.007 Sign Categories

This section defines categories by zoning, so any additional or deleted zoning districts will have impacts on signage requirements.

References the Central Business District (CBD) zoning district that was replaced with the Downtown FBC.

### 3.20.008 Exempt Signs

This section exempts public warning and government signs from permitting, but they still must meet the standards of the article, which may not be possible in residential sign categories.

### 3.20.011 Sign Illumination

Subsection (5) regulates electronic message signs by requiring that the signs be no brighter than necessary and not too bright to interfere with traffic. No range of allowable NIT or other measurement is provided for these requirements. This section is subjective, unclear for applicants, and challenging to enforce.

Subsection (5) (E) provides a maximum foot candle measurement and a formula to measure it. Foot candle is an indirect and complicated metric because a foot candle measures how much light is falling on a surface. There is no standard for NITs. NIT is a unit of brightness emitted from a luminous surface. It is a more direct and less complicated method to measure brightness.

### 3.20.015 Standards for Permanent Signs

(1) Awning/canopy signs

(B) References CBD

(D) requires the awning itself to maintain a minimum 9' clearance over the sidewalk. Awnings/canopies are not inherently signage so regulating them in this section is unusual, and this would prohibit a small sign on a lower canopy even if it met the 8' clearance.

Items (7) and (8) reference the CBD

(12) Projecting signs are required a minimum 9' clearance, when hanging signs require only 8'.

### 3.20.016 Sign Dimensional Standards by Sign Category

This section establishes maximum sign dimensions based on the Category, i.e. zoning, of an area. Some standards in this section are clear (24 square feet, 6' height max). Others are very complex, particularly in the Business Category..

DRAFT