

**Bastrop Special Planning and Zoning  
Commission Agenda**  
Bastrop City Hall City Council Chambers  
1311 Chestnut Street  
Bastrop, TX 78602  
(512) 332-8800



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**October 30, 2024**

**AMENDED AGENDA – ITEMS in RED are AMENDED**

**Special Planning and Zoning Commission at 5:00 PM**

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*Bastrop Planning and Zoning Commission meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.*

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1. **CALL TO ORDER**
    - 1A. WELCOME NEW MEMBERS
    - 1B. DISCUSS “WHY” AN AMENDED AGENDA
  
  2. **CITIZEN COMMENTS**

*At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Board/Commission must complete a citizen comment form and give the completed form to the Board/Commission Secretary prior to the start of the Board/Commission meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Board/Commission cannot discuss issues raised or make any decision at this time. Instead, the Board/Commission is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager for research and possible future action.*

*It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Board/Commission to allow a member of the public to slur the performance, honesty and/or integrity of the Board/Commission, as a body, or any member or members of the Board/Commission individually or collectively, or members of the City’s staff. Accordingly, profane, insulting or threatening language directed toward the Board/Commission and/or any person in the Board/Commission’s presence will not be tolerated.*

### 3. WORKSHOP

**3A.** **PARKING REQUIREMENTS** – Altogether, these proposals seek to allow residents the flexibility to continue to park in the “first layer”, give options to developers on whether or not they’d like to create alley entrances in new subdivision developments, and more importantly, to ease vehicular congestion in city streets.

- 1) **Proposal to amend** section SEC. 6.3.005 ALLEYS & DRIVEWAY LOCATIONS to remove alley entrance as the preferred means of vehicular access.

This proposal seeks to allow residents the flexibility to create or construct parking in the area between the street and the front façade of their home and gives an option to developments who do not want to create alley entrances.

- 2) **Proposal to amend** section SEC. 6.3.006 PARKING to remove parking maximums, allow residential garage facades to begin in the first layer, and allow parking in the first layer.

This proposal seeks to allow residents the flexibility to continue to park in the “first layer”, the area between the street and the front façade of their home, build a garage façade facing the street within required building setbacks, and allow for parking on the garage driveway in the first layer.

- 3) **Proposal to** amend the B3 Technical Manual SEC. 2.1.006 PARKING AREAS to allow for parking in the first layer.

This proposal seeks to allow residents or developments, to park in the area between the house and the street. Parking in the first layer is currently not allowed in the B3 code.

- 4) **Proposal to** amend section SEC. 6.3.006 PARKING to create onsite parking requirements.

This proposal seeks to require parking to be included on the site, as opposed to placing all parking on the street causing street congestion and making it difficult for first responders to navigate congested streets.

Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

**3B.** **Proposal to** amend section SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE A- LOT OCCUPATION (table) to reduce lot occupation standards also known as impervious cover ratios to reduce flooding risk.

This proposal seeks to reduce the impervious cover (the amount of area that water cannot travel through) on a lot in order to minimize the impact of water and flooding on the drainage system. Current maximums reach 80% in the commercial areas.

Submitted by: Sylvia Carrillo-Trevino, City Manager, ICMA-CM, CPM

**3C.** Proposal to amend section SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE A – LOT OCCUPATION (table) by adding additional dwelling unit category and to reduce the number of dwelling units allowed by right from two (2) to one (1) unless authorized by the Development Review Committee and/or the Planning Commission.

This proposal seeks to limit the number of additional dwelling units on a lot where the existing infrastructure or impervious cover (drainage) cannot be met. It allows relief from the code if the property owner can show the existing infrastructure can meet the necessary requirements.

Submitted by: Sylvia Carrillo-Trevino, City Manager, ICMA-CM, CPM

**3D.** TREE PROTECTION – Altogether these proposals seek to amend the B3 code by increasing tree protections through decreased caliper requiring protection and decreasing the caliper required for a tree survey. It also adds additional species for protection.

- 1) Proposal to amend section SEC 6.3.004 PROTECTED & HERITAGE TREES to decrease the caliper per tree that will be protected from future development.

This proposal seeks to decrease the tree caliper from 13” to 10” requiring protection.

- 2) Proposal to amend section SEC 6.3.004 PROTECTED & HERITAGE TREES to add the requirement of a tree survey, add 2. penalties, and further explanation of the requirements for tree protection.

This proposal seeks to improve tree protections by adding requirements for a tree survey and also adding penalties when not followed.

- 3) Proposal to amend TABLE 2.1.003 PREFERRED PLANT LIST to add the Pecan Tree amongst others and remove some current trees.

This proposal adds additional species to the existing plant list.

Submitted by: Kennedy Higgins, Senior Planner

**3E.** Proposal to amend the B3 Development Code by adding a section to create a Community Enrichment Fund to be used to fund park development, improvement, and art in parks.

This proposal seeks to add a fee in lieu of land dedication for park development.

Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

4. **UPDATES**

4A. Future development related items

4B. Individual Requests from Planning & Zoning Commissioners that particular items to be listed on future agendas (no group discussion allowed).

4C. Development Services Department Monthly Project Volume Report.

5. **ADJOURNMENT**

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, [www.cityofbastrop.org](http://www.cityofbastrop.org) and said Notice was posted on the following date and time: Sunday, October 27, 2024 at 2:00 p.m. and remained posted for at least two hours after said meeting was convened.

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Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager,



# STAFF REPORT

**MEETING DATE:** October 30, 2024

**TITLE:**

- 1) **Proposal to** amend section SEC. 6.3.005 ALLEYS & DRIVEWAY LOCATIONS to remove alley entrance as the preferred means of vehicular access.
- 2) **Proposal to** amend section SEC. 6.3.006 PARKING to remove parking maximums, allow residential garage facades to begin in the first layer, and allow parking in the first layer.
- 3) **Proposal to** amend the B3 Technical Manual SEC. 2.1.006 PARKING AREAS to allow for parking in the first layer.
- 4) **Proposal to** amend section SEC. 6.3.006 PARKING to create onsite parking requirements.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Sylvia Carrillo-Trevino, City Manager, ICMA-CM, CPM

**BACKGROUND/HISTORY:**

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop's population grew by approximately 34.3%. With the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

***"The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:***

- ✓ ***Fiscal Sustainability***
- ✓ ***Geographically Sensitive Developments***
- ✓ ***Perpetuation of Authentic Bastrop" pg. 11 – B3 Code***

While the aspirational ideas envisioned in the preamble of the B3 code (as noted above) to provide for fiscal sustainability, geographically sensitive developments, and perpetuation of Authentic Bastrop, several segments of the code accomplished just the opposite.

The B3 code removed several key factors to orderly growth in favor of a community that envisions no vehicles in the future.

***“Create a framework of transit, Pedestrian, and bicycle systems that provide alternatives to the automobile.” Pg 12 -The B3 Code***

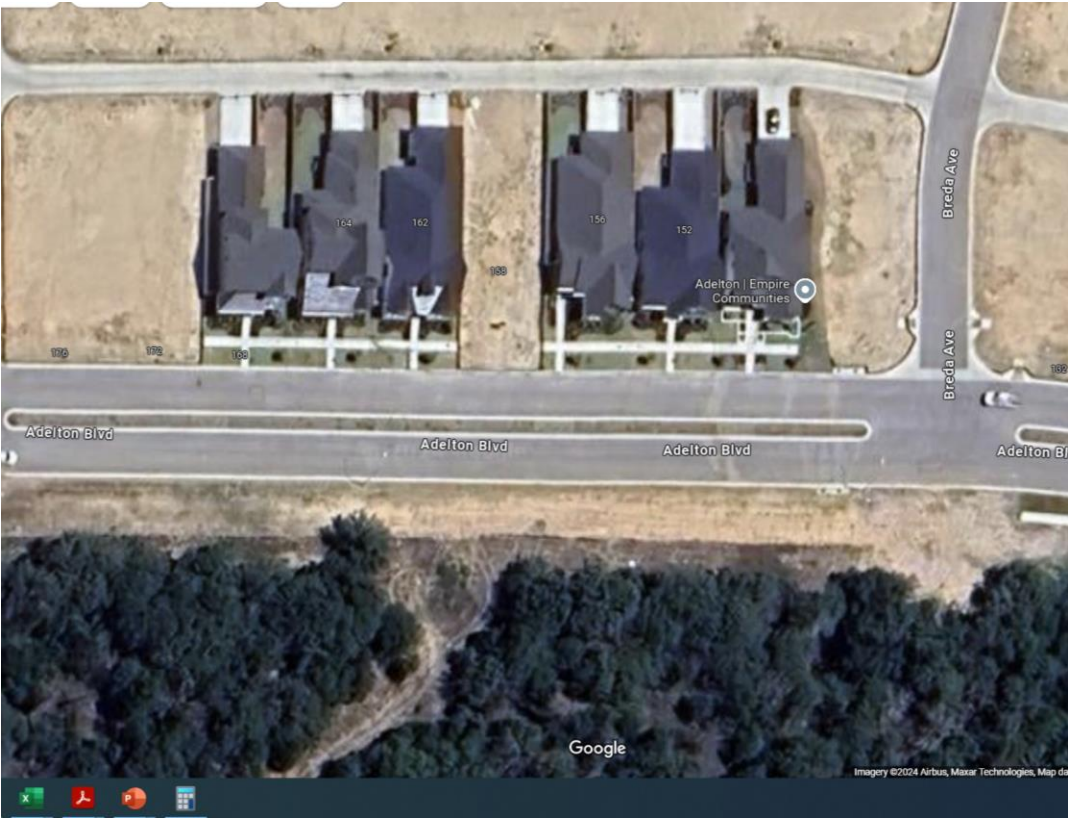
While that may be a lofty aspirational goal, without a mass transit ability, the densification of the neighborhoods allowed in the B3 creates an urban catastrophe in a suburban/rural area.

The proposed amendments for Sections 6.3.005 Alleys & Driveway Locations, Section 6.3.006 Parking, Section 2.1.006 Parking Areas (B3 Technical Manual), are proposed to rectify the original intent of the B3 code which removed the ability for a homeowner to park in the front of their home (in the first layer), instead opting to require alley entrances, and NO parking minimums.

It went from allowing this:



To requiring this but only IF parking is going to be provided per unit:



To be clear, this code amendment did not impact existing homes such as Pecan Park and Riverside Grove, UNLESS a 50% or more construction limit was reached. In which case, a home in a previously developed subdivision would need to come into compliance as was the case of a home on Barbara Way in the Riverside Grove subdivision.





The home shown above was damaged and had to create parking at the rear of the home; this requirement forced the home to go from a 3/2 to a 2/2 home.

To compound the parking situation, the B3 Code eliminated lot size minimums, and incorporated rather high impervious cover ratios. What does this mean? You can put more homes in an area with more concrete and less greenspace, but have ZERO parking requirements, forcing those cars onto the streets. This type of development pattern does have a place in American society; however, it must be inclusive of mass transit ability.

Bastrop is a semi-rural city which lacks adequate mass transit ability without major taxation. The new urbanist approach has a place in many cities across the country, and could have a place in Bastrop, however, not at the expense of existing residents whose authenticity lies in the open spaces of Bastrop's rich natural beauty.

A master sidewalk plan has been discussed at a Planning and Zoning workshop that will be incorporated into the Master Transportation plan is much safer and comprehensive way to address pedestrian friendly and multimodal access. This is currently underway.

#### Onsite Parking

The existing code removed all facets of onsite parking (parking on your lot) and moved it to the street with the elimination of minimum parking ratios (MPRs)

Staff is proposing a minimum of 1 parking space for every 2-bedroom in residential units. The commercial ratio has no proposal at this time as staff continues to weigh the impact of overparking in areas as well.

The proposed amendment to the parking regulation allows residents enjoy their neighborhood without over densification, as well as create a relief to street congestion.

Lastly, it should be noted that if a developer chooses to submit a development concept scheme that allows for alley access, reduced front yards, wider sidewalks, and other similar amenities, it is allowed under the Planned Unit Development (PUD) section of the ordinance which provides Planning and Zoning Commission as well as the City Council an opportunity to have a greater



say in the overall development of the community in order to reduce the negative impact of any surrounding existing neighborhoods.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Recommend the amendments as proposed by staff.

**ATTACHMENTS:**

1. B3 Code Proposed Amendment in redline

# CHAPTER 6: PRIVATE REALM DEVELOPMENT STANDARDS



.....  
**ARTICLE 6.1 GENERAL**  
.....

**SEC. 6.1.001 INTENT**

The Private Realm is intended to support the Public Realm with its Standards. The configuration of the Private Realm contains endless opportunities based on the minimum use Standards, Lot requirements, and with a wide variety of Building Types. Character Districts and Place Types determine the intensity of Building Types that can occur on the private lots.

**SEC. 6.1.002 INSTRUCTIONS**

(a) Lots and buildings located in the Private Realm within the City of Bastrop shall be subject to the requirements of this section.

(1) Lots and buildings shall be regulated according to the Building Type, Lot Occupation, Building placement, Building height, Private Frontage, use, parking spaces, parking placement, landscaping and signage Standards.

(b) Regulatory terminology related to private lots used in this section is diagrammed for illustrative purposes only.

(1) Building Types diagrammed are provided for illustrative purposes only.

(c) Development Process

The Development processes for all Application types is demonstrated in the B<sup>3</sup> Flowchart within the Introduction of this Code.

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**ARTICLE 6.2 PERMITTING REQUIREMENTS**  
.....

(a) Building or Construction permits shall not be issued for Development or redevelopment of private lots prior to the approval of a Building or Site Plan drawn to scale with the following details:

(1) For preliminary Site and Building plan approval:

- A. See B<sup>3</sup> Technical Manual for Site Plan Review requirements.
- B. See the Bastrop Development Manual for review timeline and Site Plan Checklists.

(2) Individual home applications in P3 shall be exempt from the Site Plan process.

(3) Building and Site Plans submitted under this Code shall be prepared by the Applicant and shall be submitted for Administrative Approval once all Code Standards are met.

ARTICLE 6.3 GENERAL LOT STANDARDS

SEC. 6.3.001 LOT DIMENSIONS

(a) Lot width is measured between the side Lot lines at the Street Setback line.

(b) Lots may have multiple Frontages as illustrated on Table 6.1. One Frontage Line is designated the Primary Frontage Line and all remaining Frontage Lines are designated as Secondary Frontage Lines.

~~(c) Lots shall be divided into regulatory Layers as illustrated on Table 6.1 and Table 6.2. Standards for the second and third Layers pertain only to the Primary Frontage. Standards for the First Layer pertain to both Frontages.~~

~~(1) The First Layer is the area of a Lot from the Frontage Line to the Facade of the Principal Building.~~

~~(2) The Second Layer is the area of the Lot set behind the First Layer to a depth of 20 feet in all Place Types.~~

~~(3) The Third Layer is the area of a Lot set behind the Second Layer and extending to the rear Lot Line.~~

~~A. The location of the Build to Line, on Infill properties, is established on Section 6.5.003 Building Standards per Place Type, and, for new neighborhoods, on the Neighborhood Regulating Plan or Zoning Concept Scheme.~~

(d) All buildings and Structures must be located at or behind the side or rear International Building Code (IBC) separation line.

SEC. 6.3.002 LOT LAYERS & FRONTAGE LINES

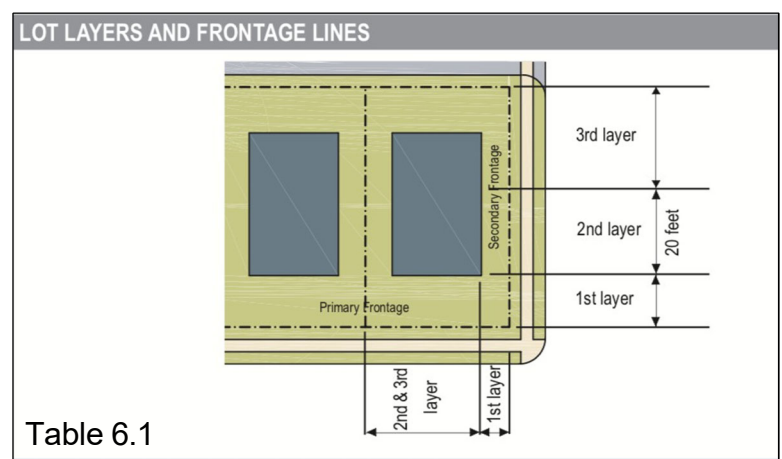


Table 6.1

### SEC. 6.3.003 BUILDING PLACEMENT

(a) Principal buildings shall be positioned on a Lot in accordance with Section 6.5.003 Building Standards per Place Type.

(1) The First Layer is the area of land between the Frontage Line and the Build-to-Line. The First Layer is measured from the Frontage Line.

~~(2) The required Build-to-Line is the minimum percentage of the front Building Facade that must be located within the First Layer, measured based on the width of the Building divided by the width of the Lot.~~

~~(3) A Building Facade must be placed within the First Layer for the first 30 feet along the Street extending from any Block corner.~~

A. All Structures and encroachments customarily allowed on the Lot are permitted in the First Layer, ~~with the exception of parking.~~

### SEC. 6.3.005 BUILDING SEPARATION

(a) Fences and screening walls may extend into the IBC Building separation line and Alley Setback.

(b) Side and rear Building separation will be determined by the IBC as adopted by the City.

### SEC. 6.3.005 ALLEYS & DRIVEWAY LOCATIONS

~~(a) Intent: Building walkable cities means that while vehicles are part of modern life, they should have minimal disruption to the Public Realm. The Standards of the Code intend to ensure all modes of Transportation are respected~~ and create safe means of transportation along all transportation types, including walk, bike, car, and other.

~~(b) The preferred means of vehicular access to lots is through the use of Alleys. Alleys provide a location to hide unsightly functions of our communities such as garages, garbage cans, transformers, electric meters, and telephone equipment.~~

~~(c) Other benefits of Alleys include:~~

~~(1) Alleys make it possible for rear accessed lots to be created, preserving the public frontages from interruptions of driveways and Curb-cuts.~~

~~(2) Safety as sidewalks and pedestrians become separated from the access requirements of vehicles.~~

~~(3) They create a more casual neighborhood space adjacent to backyard activity centers leaving the front of the House as a more formal community space.~~

(d) Driveways:

(1) Where Alleys are present, all vehicular access shall be provided from the Alley.

(2) Where a Lot does not have access to an Alley, driveways are allowed in accordance with this section.

(3) For corner lots, all driveways shall be located at the Secondary Frontage.

(4) Driveways shall be located as far from the adjacent public Street intersection as practical to achieve maximum

available corner clearance, with consideration of property limits, adjacent Curb cuts, topography, and existing Drainage facilities. Non-Alley loaded driveways may intersect a Street no closer than twenty (20) feet from the intersection of 2 Street rights-of-way in P1, P2, and P3, and forty (40) feet in P4 and P5.

(5) Mid-Block lots greater than 40' in width at the Frontage are allowed one Driveway with a maximum width of 24' for two-way and 12' for one-way driveways.

(6) In P4 and P5, driveways accessing up to 80 feet wide of Street right-of-way must be spaced 200 feet apart centerline to centerline, and driveways accessing more than an 80 feet wide Street right-of-way must be spaced 300 feet apart centerline to centerline.

(7) Nothing in this section shall prevent all Site access to any property.

#### SEC. 6.3.006 PARKING

~~(a) Intent: Parking shall not be the driver of Site planning. The Standards in the Code support this notion through limited and eliminating parking. The intent of building a walkable, bikeable, and an easily navigable City means all mode of transportation are available to reduce the reliance on the car.~~

(b) The location of the parking shall be established and shown on the Neighborhood Regulating Plan, Zoning Concept Scheme, and/or Site Plan:

(1) Shared parking is available and determined with the Site Plan in P2, P4, and P5, where it does not cause undue hardship to the existing built environment or neighborhood. Lot coverage shall not exceed the Place Type Standards.

~~(2) Parking requirements in P3 will be market driven. Lot coverage shall not exceed the Place Type Standards.~~

(3) Parking in EC shall be recommended by the DRC and part of the submittal package submitted for approval and handled through a public consultation process.

~~(4) P5 shall establish parking maximums based on the market demands per use as determined by the DRC at the time of Application.~~

~~(5) On site surface parking must be located in the Second Layer or Third Layer of each Lot as defined by the Place Types Standards.~~

(6) Residential garage access is permitted from the

public Street or from an Alley. Access may be taken from the Street or corner lots, in which case the garage doors may face the side street.

~~(7) Residential garage front facades must begin in the Third Layer.~~

(8) Open parking areas shall be masked from the Frontage by building or Street screening and will be regulated in size by Lot cover requirements of the Place Type.

~~(9) Parking spaces provided internal to a Lot shall be located entirely behind the minimum rear Setback as specified by Building Type and Place Type.~~

**SEC. 6.3.007 CROSS ACCESS CONNECTIONS**

(a) Cross-access easements and connections to adjoining properties shall be required to connect driveways and parking lots where no Alley is present. In the event these conditions cannot be met without undue hardship or if such connections would create undesirable traffic flow, the DRC may waive the connection requirement

(b) Internal vehicular circulation areas shall be designed and installed to allow for cross-access between abutting lots;

(c) In the event these conditions cannot be met without undue hardship or if such connections would create undesirable

traffic flow, the DRC may waive the connection requirement.

- (d) Where a parking lot connection is required, an easement for ingress and egress to adjacent lots shall be recorded on the Plat or by separate instrument as appropriate. Additional Standards shall be found in the B<sup>3</sup> Technical Manual.

#### SEC. 6.3.008 LOT OCCUPATION

- (a) In P2-P4, ~~three~~ two buildings may be built on each Lot, one Principal Building and ~~two~~ one Accessory Units or and one Accessory Dwelling Units ~~as generally illustrated on Article 6.4 Lot Structure Description & Diagram.~~ Additional structures may be approved if the impervious cover requirements and other infrastructure demands can be met.
- (b) Lot coverage by buildings (i.e. impervious surface requirements) are specified in Section 6.5.003.A.
- (c) For Building height see standard by Place

Type and Character District. If the Building height is undefined in the B<sup>3</sup> Code see the International Building Code as adopted by the City of Bastrop.

- (d) Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Building, which shall be a minimum of 11 feet with a maximum of 25 feet.
- (e) In the 100-year Floodplain, a first level Residential or lodging shall be raised a minimum of 2 feet from the Base Flood Elevation.

#### SEC. 6.3.009 PRIVATE FRONTAGE

- (a) Permitted Encroachments into the First Layer of any Lot are specified in Section 6.5.002, Permitted Encroachments per Place Type. Terminology used to identify these elements is diagrammed for illustrative purposes only.
- (b) The Facade of the Principal Building shall be built parallel to the Frontage Line or to the tangent of a curved Frontage Line of a Lot, and along a minimum percentage of the Frontage width at the Build-to-Line as specified as Facade Buildout in Section 6.5.003, Building Standards per Place Type.
- (c) All Facades shall be glazed with clear glass not less than



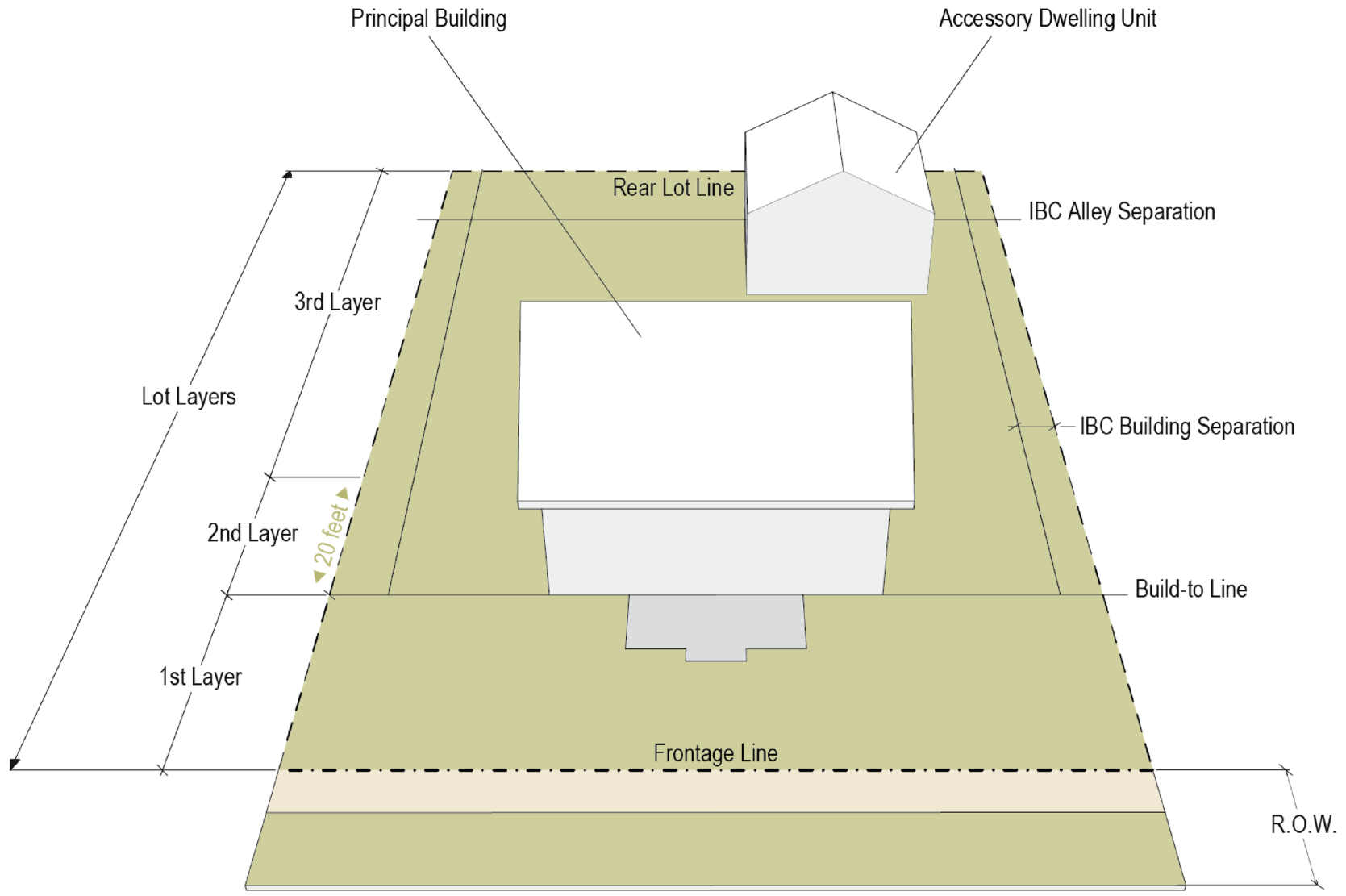
20% of the first Story. Glazing shall be calculated as the total combined area of window glazing (lights or panes within each window's casing) divided by the total area of the Facade for the target Story of a Building.

- (d) Buildings with a first floor Commercial Use shall be glazed with clear glass no less than 70% of the first Story.
- (e) Openings above the first Story shall not exceed 50% of the total Building wall area, with each Facade being calculated independently.
- (f) All opening, including porches, galleries, Arcades, and windows, with the exception of shopfronts, shall be square or vertical in proportion.

ARTICLE 6.4 LOT STRUCTURE DESCRIPTION & DIAGRAM

<b>BUILDINGS</b>	
Principal Building	The main Building on a Lot.
Accessory Structures	A secondary Building usually located toward the rear of the same Lot as a Principal Building such as a garage, carport, or workshop and may include a dwelling unit, but no more than two per Lot.
<b>LOT LAYERS</b>	
First Layer	The area of a Lot from the Frontage Line to the Facade of the Principal Building.
Second Layer	The area of a Lot set behind the First Layer to a depth of 20 feet in all Place Types.
Third Layer	The area of a Lot set behind the Second Layer and extending to the rear Lot Line.
<b>LOT</b>	
Build-to-Line	The minimum percentage of the front Building Facade that must be located within the First Layer.
Lot Width	The length of the Principal Frontage Line of a Lot.
Frontage Line	Where the Property Line meets R.O.W.
Rear Lot Line	Where the Property Line meets Alley R.O.W. or an adjoining side/ rear property line.

LOT STRUCTURE DIAGRAM



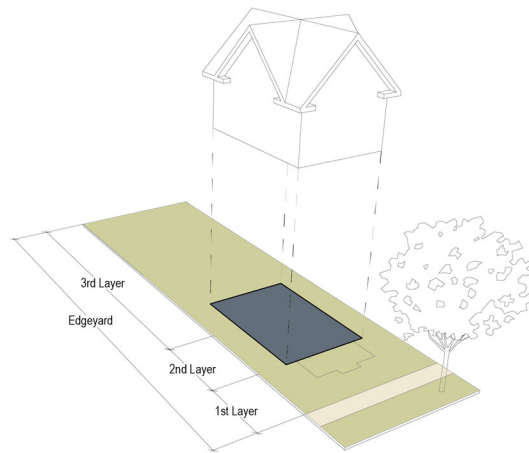
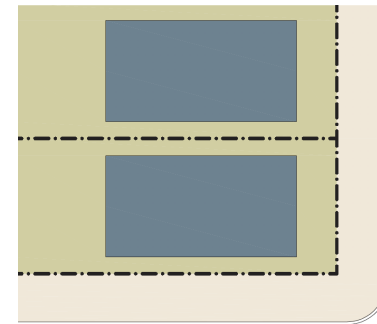
ARTICLE 6.5 BUILDING TYPES

(a) EDGEYARD

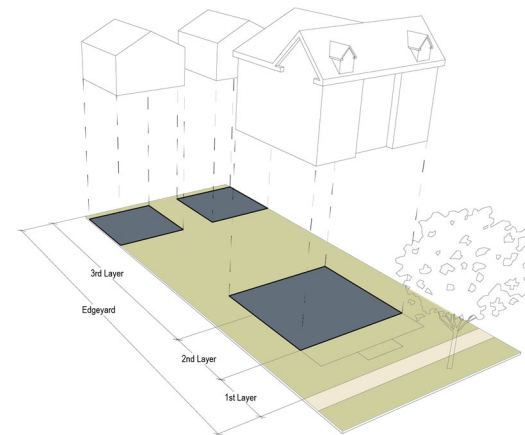
The placement of a Building within the boundaries of its Lot to create an Edgeyard around the Building, with IBC separation on all sides. This is the least urban of types as the front yard sets the Building back from the Public Frontage, while the side yards weaken the spatial definition of the Thoroughfare in front of the Building.

Variants:, House, Duplex, Triplex, Fourplex

GENERAL PLACEMENT



HOUSE



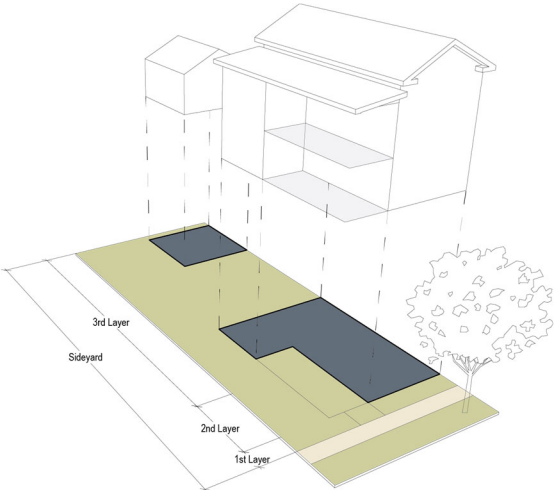
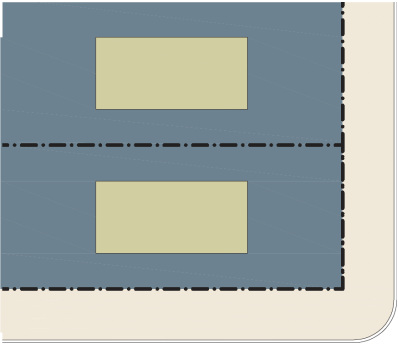
DUPLEX, TRIPLEX, FOURPLEX

**(b) SIDEYARD**

The placement of a Building within the boundaries of its Lot to create a private Sideyard, with a Setback to one side. A shallow Front Setback defines a more urban condition. If the adjacent Building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House.

Variants: Sideyard House

**GENERAL PLACEMENT**



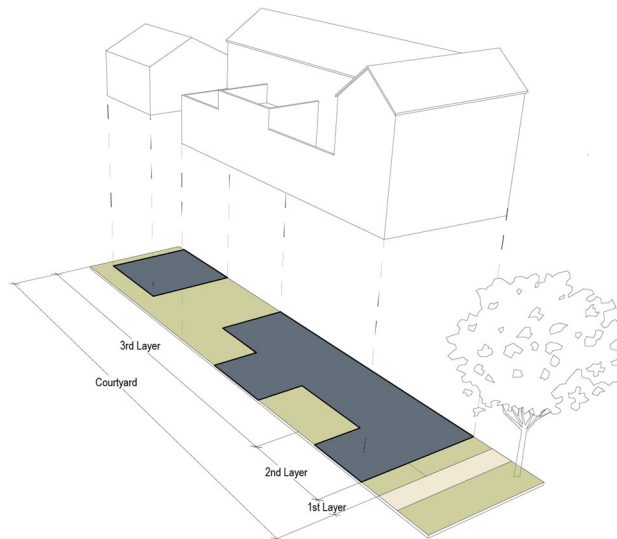
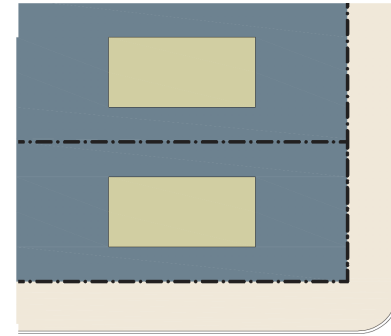
**SIDEYARD**

**(c) COURTYARD**

A Building placed within the boundaries of its Lot to create a private Courtyard, while internally defining one or more private patios. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. This is the most urban of types, as it is able to shield the Private Realm from all sides.

Variants: Courtyard House, Courtyard Apartment Building

**GENERAL PLACEMENT**



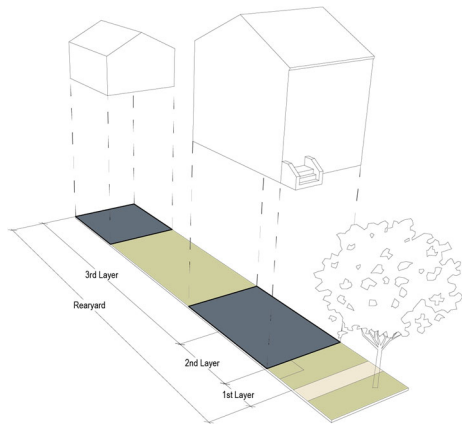
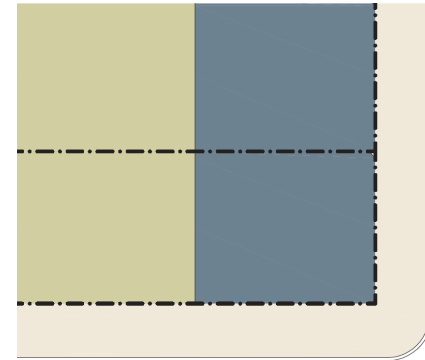
**COURTHOUSE**

**(d) REARYARD**

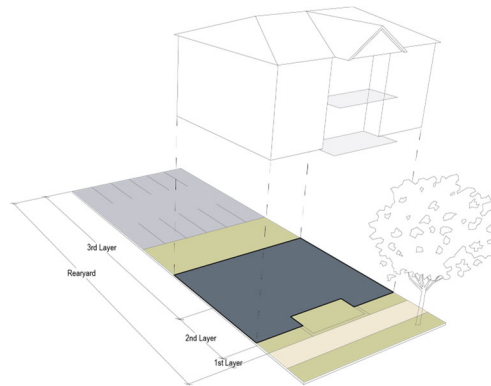
The placement of a Building within the boundaries of its Lot to create a Rearyard, leaving the rear of the Lot as private space or available for dedicated parking in its Commercial form. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. Rear elevations may be articulated for functional purposes.

Variants: Rowhouse, Apartment Building (5+ Units), Commercial Building, Live-Work Building, Mixed-Use Building,

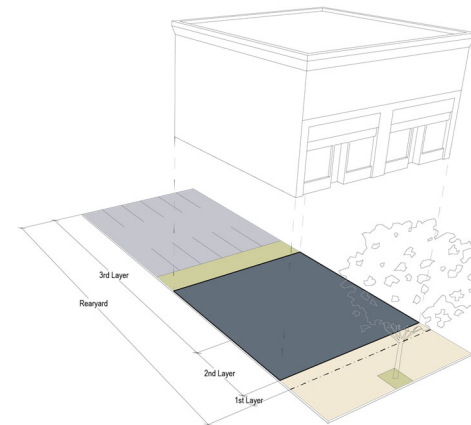
**GENERAL PLACEMENT**



**ROWHOUSE**



**APARTMENT BUILDING**



**COMMERCIAL BUILDING**

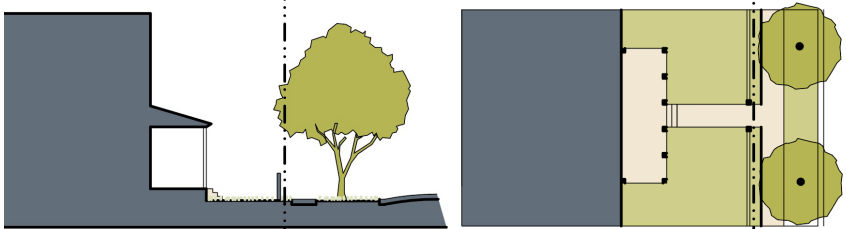
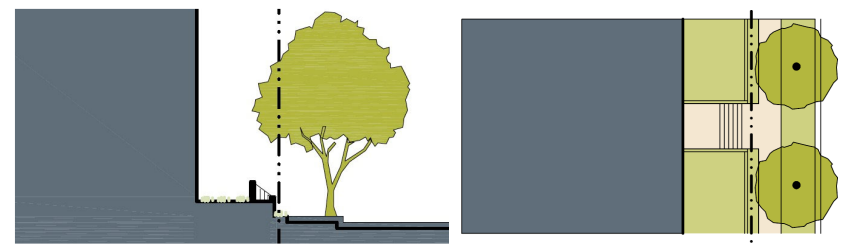
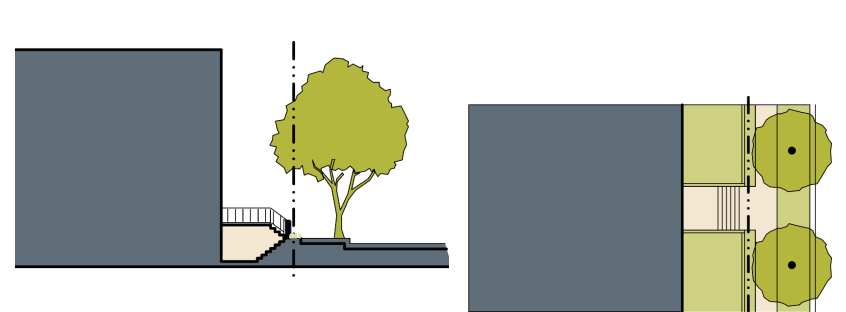

**SEC 6.5.001 PERMITTED BUILDING TYPES PER PLACE TYPE**

	P1	P2	P3	P4	P5
<b>A: REARYARD</b>					
COMMERCIAL BUILDING	NP	NP	NP	NP	P
APARTMENT BUILDING	NP	NP	NP	P**	P
ROWHOUSE	NP	NP	NP	P	P
<b>B: SIDEYARD</b>					
SIDEYARD	NP	NP	NP	P	P
<b>C: COURTYARD</b>					
COURTYARD HOUSE	NP	NP	NP	P	P
COURTYARD APARTMENT BUILDING	NP	NP	NP	P**	P
<b>D: EDGEYARD</b>					
RANCH HOUSE, VILLA	NP	P	P	NP	NP
HOUSE	NP	P	P	P	NP
DUPLEX	NP	P	P	P	NP
TRIPLEX, FOURPLEX	NP	NP	NP	P	NP

P\*\* SEE OVERLAY DISTRICTS    P = PERMITTED    NP = NOT PERMITTED



SEC. 6.5.002 PERMITTED ENCROACHMENTS PER PLACE TYPE

Private Realm   Public Realm		P3	P4	P5	DESCRIPTION
PORCH		P	P	NP	An elevated front yard extending to the Frontage Line, buffering it from Pedestrian activity of the Sidewalk.
DOORYARD		NP	P	P	An elevated, paved patio or veranda at the entrance to a Building. This type is suitable for first floor Commercial Uses as outdoor seating space.
TERRACE		NP	P	P	An exterior stair and landing leading to an elevated first Story of a Building.
STOOP		NP	P	P	

	Private Realm   Public Realm		P3	P4	P5	DESCRIPTION
LIGHTWELL			NP	P	P	An exterior stair and landing leading to a below grade Story of a Building.
GALLERY			NP	P	P	An attached cantilevered shed or a lightweight colonnade extending from a Building Facade to overlap the sidewalk.
ARCADE			NP	NP	P	Colonnade supported upper stories of a Building projecting over the Sidewalk, where the Facade of the first Story remains or behind the Frontage Line.

P = PERMITTED    NP = NOT PERMITTED

**SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE**

Place Types	P1	P2	P3	P4	P5
<b>A. LOT OCCUPATION</b>					
Lot Coverage		40% max	<del>50%-60% max</del>	60%-70% max	<del>65%-80%</del>
Facade Buildout at Build-to-Line		40% min 10	40% min	60% min	80% min
Build-to-Line		<del>ft no max</del>	<del>10 ft - 25 ft*</del>	5 ft - 15 ft	<del>2 ft - 15 ft</del>
Additional Dwelling Units allowed per Lot*		<del>1 2</del>	<del>1 2</del>	1 2	<del>1 - 2</del>

*\* Additional Dwelling Units may be increased if the applicant can meet all infrastructure requirements.*

**B. BUILDING HEIGHT (STORIES)**

Principal Building	2 max	2 max	3 max**	5 max / 3 max*
Accessory Dwelling Unit	2 max	2 max	2 max	2 max

\* CD Downtown/ Old Town

\*\* 2 1/2 Max in Overlay

**C. ENCROACHMENTS**

**First Layer Encroachments**

Open Porch	<del>50% max</del>	<del>50% max</del>	<del>80% max</del>	n/a
Balcony and/or Bay Window	<del>25% max</del>	<del>25% max</del>	<del>50% max</del>	<del>100% max</del>
Stoop, Lightwell, Terrace or Dooryard	NP	NP	100% max	100% max

**R.O.W. Encroachments \*\*\***

Place Types	P1	P2	P3	P4	P5
Awning, Gallery, or Arcade		NP	NP	to within 2 ft. of the Curb	to within 2 ft. of the Curb

**First Layer Encroachment Depths**

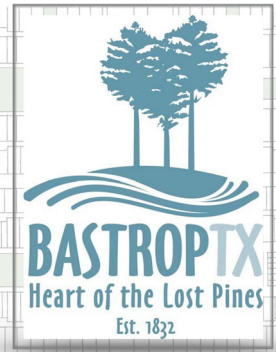
Porch		5 ft min	8 ft min	8 ft min	n/a
Gallery		NP		10 ft min	10 ft. min.
Arcade		NP			12 ft. min.

**D. PARKING LOCATION**

Second Layer		P	P	NP	NP
Third Layer		P	P	P	P
*** Required to go through an Encroachment process					

# Bastrop Building Block

# Technical Manual



**SEC. 2.1.004 EMERGENCY ACCESS AND FIRE LANES**

(a) Emergency Access Provisions:

The DRC will review all proposed developments for safe and appropriate access, parking lanes, private streets, driveway access points, and other emergency access items.

(b) Fire Lanes shall meet the standards of the IFC as adopted by the City.

**SEC. 2.1.005 DRIVE-THROUGH FACILITIES**

(a) Drive-throughs are required to be located in the 2nd or 3rd layer of the lot or located from an alley.

(b) Where allowed, locate and design drive-through facilities shall follow the following criteria:

- (1) Do not locate drive-through facilities to adjacent residential uses.
- (2) Screen vehicular storage areas for drive-through facilities placed on the street side of a building, or any other location that is directly visible from adjacent properties with screen walls, mounding, and/or dense

landscaping at least 3 feet in height at the time of planting.

- A. Provide a minimum vertical clearance of 8 feet for drive-through facilities. Provide a minimum vertical clearance of 10 feet for drive-through facilities that include a passenger-loading zone.

**SEC. 2.1.006 PARKING AREAS**

(a) Parking Spaces:

~~(1) Designed parking spaces and drive aisles locations shall be placed in the 2nd or 3rd layer of the lot, in accordance with the B<sup>3</sup> Code.~~

(b) Accessible (Handicapped) Parking Spaces:

- (1) Adequate designed accessible parking spaces shall be provided as required by the IBC and designed in accordance with the parking area landscaping.

(c) Parking Landscaping:

- (1) Incorporate parking lot landscaped areas and median in accordance with Section 2.1.002 - Landscape Design in the Private Realm.



# STAFF REPORT

**MEETING DATE:** October 30, 2024

**TITLE:**

**Proposal to** amend section SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE A- LOT OCCUPATION ([table](#)) to reduce lot occupation standards also known as impervious cover ratios to reduce flooding risk.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Sylvia Carrillo-Trevino, City Manager, ICMA-CM, CPM

**BACKGROUND/HISTORY:**

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop’s population grew by approximately 34.3%. With the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

***“The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:***

- ✓ ***Fiscal Sustainability***
- ✓ ***Geographically Sensitive Developments***
- ✓ ***Perpetuation of Authentic Bastrop” pg. 11 – B3 Code***

While the aspirational ideas envisioned in the preamble of the B3 code (as noted above) to provide for fiscal sustainability, geographically sensitive developments, and perpetuation of Authentic Bastrop, several segments of the code accomplished just the opposite.

The B3 code removed several key factors to orderly growth under the guise of “affordability” and “fiscal sustainability” by perpetuating the belief that denser neighborhoods create a larger tax base, and that denser development means the reduction of infrastructure costs, or that the cost can be spread among more people.

Further, the Code was written during a development moratorium meant to address flooding in the community; instead of lowering the impervious cover ratios which would have decreased runoff that would decrease flooding; the code decreased lot sizes by removing lot size minimums, increase impervious cover ratios, and called for onsite detention of runoff water on private development.

1. <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
2. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>

In the publication, “Creating Great Neighborhoods: Density in Your Community”<sup>1</sup>, written in coordination with the National Association of Realtors, the Local Government Commission, and the Environmental Protection Agency, the publication cites many of the same arguments heard in Bastrop:

- 1) *Density helps create walkable neighborhoods*
- 2) *Density supports housing choice and affordability*
- 3) *Density helps expand housing choices*
- 4) *Density helps support community fiscal health*
- 5) *Density helps improve security*
- 6) *Density helps protect the environment*

However, the publication goes further into a “lessons learned” where density did not work, and ways to improve design to achieve denser neighborhoods or areas. This includes:

- 1) *“Increase densities in appropriate locations*
- 2) *Connect people and places through a complete street network that invites walking and bicycling and provides convenient access to bus or rail,*
- 3) *Mix uses to create a quality of life where people may choose to live near their work, walk to the local store, or bike to the library with their kids,*
- 4) *Place parking in alternative locations to support density and create inviting places to walk,*
- 5) *Create great places for people.*

The combination of these five principles, along with resident involvement, helps ensure that density contributes to the community’s economic, social and environmental health” pg. 12

While many will argue that 1000’s of people had input into the development of the B3 code, many residents are unaware of the implications of the code beyond a pretty picture, and especially those who live in “town proper” are not aware that their neighbor may tear down an existing home, subdivide the lot, and create a series of tiny homes on tiny lots which currently allow for 60% maximum in the P3 (normal residential) zoning.

Place Types	P1	P2	P3	P4	P5
<b>A. LOT OCCUPATION</b>					
Lot Coverage		40% max	<del>50%</del> 60% max	60% 70% max	<del>65%</del> 80%
Facade Buildout at Build-to-Line		40% min 40	40% min	60% min	80% min
Build-to-Line		<del>ft</del> no max	40 ft – 25 ft*	5 ft – 15 ft	2 ft – 15 ft
Additional		1 2	1 2	1 2	1 — 2
Dwelling Units allowed per Lot*					

*\* Additional Dwelling Units may be increased if the applicant can meet all infrastructure requirements.*

Strike through in the “Build-to-Line” will be dependent on the type of development and parking proposed. For example, if a development chooses front layer parking, the setback should be adequate to allow for a parking space that would not cause the vehicle to hang over into the

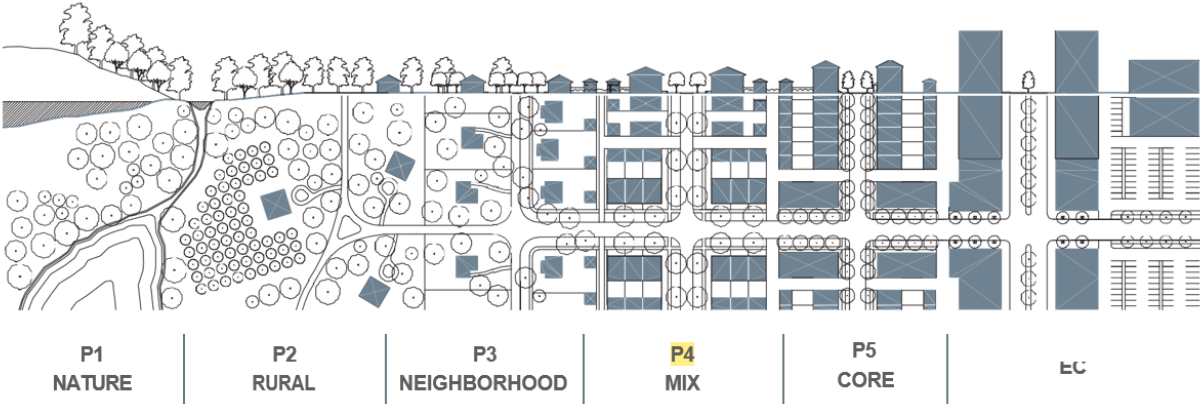
- 1. <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
- 2. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>



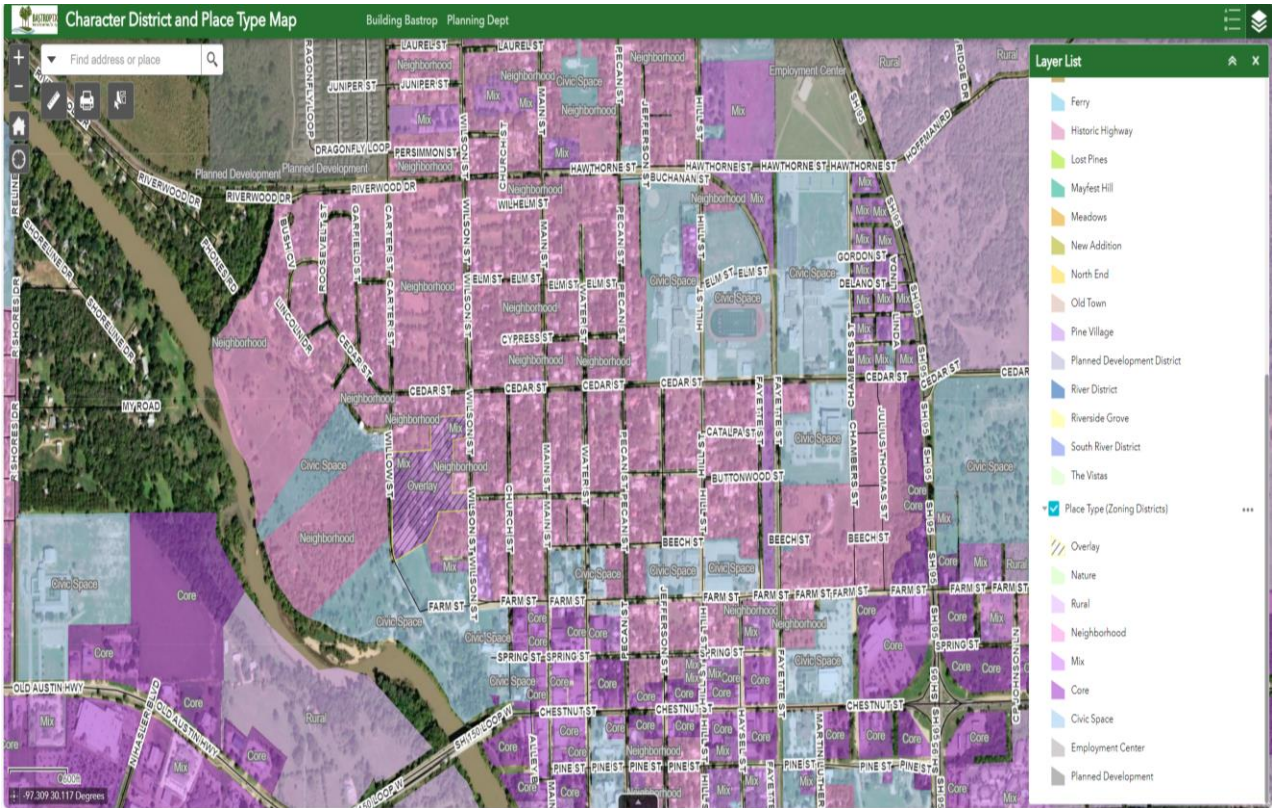
sidewalk causing an obstruction to walkers. Alternatively, if a developer proposes alley loaded parking, the rear setback should be adequate enough to park a vehicle also without encroachment. This “Build-to-Line” requires scrutiny at the site development process and needs further refinement. Evidence of an unsafe “Build-to-Line” can be seen at the multifamily development on 969.

The existing zoning map shows the vast majority of “town proper” to be zoned P3 shown in the areas highlighted in pink. P3 is called out as “low density”, however, the not lot size minimum, as well as 60% impervious cover, two (2) additional dwelling units, although well intentioned in the graphic below, does not fit the “low density” label.

SEC 3.1.005 PLACE TYPE ZONING DISTRICTS TABLE



1. <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
2. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>



Further, the absence of mass transit or a fully developed transportation system renders many of these points moot.

Drainage Costs

Increased impervious cover numbers increase the amount of runoff on a piece of property. The City received a draft drainage plan<sup>2</sup> from Halff and Associates in 2023 with a price tag of more than \$121M dollars.

- 1. <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
- 2. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>

**Table 5-4: Drainage CIP Project Ranking**

Ranking	Project ID	Project Name	Estimated Project Cost	Ranking Value
<b>Mitigation Projects</b>				
1	SB-01	Detention Pond at Hunters Crossing	\$709,000	83.3
2	GB-02	Gills Branch Flood Mitigation Improvements	\$14.05 M	73.3
3	GB-01	SH-95 at Gills Branch	\$688,000	71.7
4	PC-02	Riverwood Dr. at Piney Creek	\$2.29 M	68.3
5	GB-03	Water, Spring, & Cedar St. Drainage	\$25.66 M	66.7
6	PC-04	Local Storm Drain Improvements Near Piney Creek	\$5.14 M	63.3
6	PC-05	Pecan St. Bypass & Pond Diversion	\$23.73 M	63.3
6	GB-04	Hill, Pecan, & Pine St. Drainage	\$8.70 M	63.3
9	GB-05	Pecan, Beech, & Haysel to Gills Branch	\$20.56 M	61.7
10	PC-01	SH-95 at Piney Creek (2% ACE LOS)	\$6.72 M	60.0
11	PC-01	SH-95 at Piney Creek (1% ACE LOS)	\$13.61 M	58.3

The drainage improvements needed in “town proper” are more than \$86M dollars. Increasing density and increasing impervious cover serves to spread this cost among existing residents.

Quite simply, increased impervious cover as provided for in the existing B3 increases the propensity for flood.

This proposal seeks to reduce the impervious cover ratio in the P3 to 50% max, P4 60% max, and P5 to 65% max, and places the needs of residents above the desire for denser development.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Recommend the amendments as proposed by staff.

**ATTACHMENTS:**

1. B3 Code Proposed Amendment in redline

1. <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
2. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>

# CHAPTER 6: PRIVATE REALM DEVELOPMENT STANDARDS



.....  
**ARTICLE 6.1 GENERAL**  
.....

**SEC. 6.1.001 INTENT**

The Private Realm is intended to support the Public Realm with its Standards. The configuration of the Private Realm contains endless opportunities based on the minimum use Standards, Lot requirements, and with a wide variety of Building Types. Character Districts and Place Types determine the intensity of Building Types that can occur on the private lots.

**SEC. 6.1.002 INSTRUCTIONS**

(a) Lots and buildings located in the Private Realm within the City of Bastrop shall be subject to the requirements of this section.

(1) Lots and buildings shall be regulated according to the Building Type, Lot Occupation, Building placement, Building height, Private Frontage, use, parking spaces, parking placement, landscaping and signage Standards.

(b) Regulatory terminology related to private lots used in this section is diagrammed for illustrative purposes only.

(1) Building Types diagrammed are provided for illustrative purposes only.

(c) Development Process

The Development processes for all Application types is demonstrated in the B<sup>3</sup> Flowchart within the Introduction of this Code.

.....  
**ARTICLE 6.2 PERMITTING REQUIREMENTS**  
.....

(a) Building or Construction permits shall not be issued for Development or redevelopment of private lots prior to the approval of a Building or Site Plan drawn to scale with the following details:

(1) For preliminary Site and Building plan approval:

- A. See B<sup>3</sup> Technical Manual for Site Plan Review requirements.
- B. See the Bastrop Development Manual for review timeline and Site Plan Checklists.

(2) Individual home applications in P3 shall be exempt from the Site Plan process.

(3) Building and Site Plans submitted under this Code shall be prepared by the Applicant and shall be submitted for Administrative Approval once all Code Standards are met.

ARTICLE 6.3 GENERAL LOT STANDARDS

SEC. 6.3.001 LOT DIMENSIONS

(a) Lot width is measured between the side Lot lines at the Street Setback line.

(b) Lots may have multiple Frontages as illustrated on Table 6.1. One Frontage Line is designated the Primary Frontage Line and all remaining Frontage Lines are designated as Secondary Frontage Lines.

~~(c) Lots shall be divided into regulatory Layers as illustrated on Table 6.1 and Table 6.2. Standards for the second and third Layers pertain only to the Primary Frontage. Standards for the First Layer pertain to both Frontages.~~

~~(1) The First Layer is the area of a Lot from the Frontage Line to the Facade of the Principal Building.~~

~~(2) The Second Layer is the area of the Lot set behind the First Layer to a depth of 20 feet in all Place Types.~~

~~(3) The Third Layer is the area of a Lot set behind the Second Layer and extending to the rear Lot Line.~~

~~A. The location of the Build to Line, on Infill properties, is established on Section 6.5.003 Building Standards per Place Type, and, for new neighborhoods, on the Neighborhood Regulating Plan or Zoning Concept Scheme.~~

(d) All buildings and Structures must be located at or behind the side or rear International Building Code (IBC) separation line.

SEC. 6.3.002 LOT LAYERS & FRONTAGE LINES

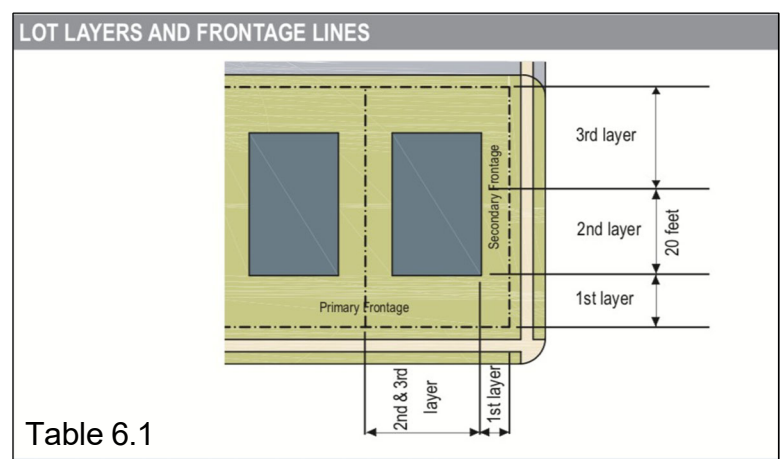


Table 6.1

### SEC. 6.3.003 BUILDING PLACEMENT

(a) Principal buildings shall be positioned on a Lot in accordance with Section 6.5.003 Building Standards per Place Type.

(1) The First Layer is the area of land between the Frontage Line and the Build-to-Line. The First Layer is measured from the Frontage Line.

~~(2) The required Build-to-Line is the minimum percentage of the front Building Facade that must be located within the First Layer, measured based on the width of the Building divided by the width of the Lot.~~

~~(3) A Building Facade must be placed within the First Layer for the first 30 feet along the Street extending from any Block corner.~~

A. All Structures and encroachments customarily allowed on the Lot are permitted in the First Layer, ~~with the exception of parking.~~

### SEC. 6.3.005 BUILDING SEPARATION

(a) Fences and screening walls may extend into the IBC Building separation line and Alley Setback.

(b) Side and rear Building separation will be determined by the IBC as adopted by the City.

### SEC. 6.3.005 ALLEYS & DRIVEWAY LOCATIONS

~~(a) Intent: Building walkable cities means that while vehicles are part of modern life, they should have minimal disruption to the Public Realm. The Standards of the Code intend to ensure all modes of Transportation are respected~~ and create safe means of transportation along all transportation types, including walk, bike, car, and other.

~~(b) The preferred means of vehicular access to lots is through the use of Alleys. Alleys provide a location to hide unsightly functions of our communities such as garages, garbage cans, transformers, electric meters, and telephone equipment.~~

~~(c) Other benefits of Alleys include:~~

~~(1) Alleys make it possible for rear accessed lots to be created, preserving the public frontages from interruptions of driveways and Curb-cuts.~~

~~(2) Safety as sidewalks and pedestrians become separated from the access requirements of vehicles.~~

~~(3) They create a more casual neighborhood space adjacent to backyard activity centers leaving the front of the House as a more formal community space.~~

(d) Driveways:

(1) Where Alleys are present, all vehicular access shall be provided from the Alley.

(2) Where a Lot does not have access to an Alley, driveways are allowed in accordance with this section.

(3) For corner lots, all driveways shall be located at the Secondary Frontage.

(4) Driveways shall be located as far from the adjacent public Street intersection as practical to achieve maximum

available corner clearance, with consideration of property limits, adjacent Curb cuts, topography, and existing Drainage facilities. Non-Alley loaded driveways may intersect a Street no closer than twenty (20) feet from the intersection of 2 Street rights-of-way in P1, P2, and P3, and forty (40) feet in P4 and P5.

(5) Mid-Block lots greater than 40' in width at the Frontage are allowed one Driveway with a maximum width of 24' for two-way and 12' for one-way driveways.

(6) In P4 and P5, driveways accessing up to 80 feet wide of Street right-of-way must be spaced 200 feet apart centerline to centerline, and driveways accessing more than an 80 feet wide Street right-of-way must be spaced 300 feet apart centerline to centerline.

(7) Nothing in this section shall prevent all Site access to any property.

#### SEC. 6.3.006 PARKING

~~(a) Intent: Parking shall not be the driver of Site planning. The Standards in the Code support this notion through limited and eliminating parking. The intent of building a walkable, bikeable, and an easily navigable City means all mode of transportation are available to reduce the reliance on the car.~~



(b) The location of the parking shall be established and shown on the Neighborhood Regulating Plan, Zoning Concept Scheme, and/or Site Plan:

(1) Shared parking is available and determined with the Site Plan in P2, P4, and P5, where it does not cause undue hardship to the existing built environment or neighborhood. Lot coverage shall not exceed the Place Type Standards.

~~(2) Parking requirements in P3 will be market driven. Lot coverage shall not exceed the Place Type Standards.~~

(3) Parking in EC shall be recommended by the DRC and part of the submittal package submitted for approval and handled through a public consultation process.

~~(4) P5 shall establish parking maximums based on the market demands per use as determined by the DRC at the time of Application.~~

~~(5) On-site surface parking must be located in the Second Layer or Third Layer of each Lot as defined by the Place Types Standards.~~

(6) Residential garage access is permitted from the

public Street or from an Alley. Access may be taken from the Street or corner lots, in which case the garage doors may face the side street.

~~(7) Residential garage front facades must begin in the Third Layer.~~

(8) Open parking areas shall be masked from the Frontage by building or Street screening and will be regulated in size by Lot cover requirements of the Place Type.

~~(9) Parking spaces provided internal to a Lot shall be located entirely behind the minimum rear Setback as specified by Building Type and Place Type.~~

#### SEC. 6.3.007 CROSS ACCESS CONNECTIONS

(a) Cross-access easements and connections to adjoining properties shall be required to connect driveways and parking lots where no Alley is present. In the event these conditions cannot be met without undue hardship or if such connections would create undesirable traffic flow, the DRC may waive the connection requirement

(b) Internal vehicular circulation areas shall be designed and installed to allow for cross-access between abutting lots;

(c) In the event these conditions cannot be met without undue hardship or if such connections would create undesirable

traffic flow, the DRC may waive the connection requirement.

- (d) Where a parking lot connection is required, an easement for ingress and egress to adjacent lots shall be recorded on the Plat or by separate instrument as appropriate. Additional Standards shall be found in the B<sup>3</sup> Technical Manual.

#### SEC. 6.3.008 LOT OCCUPATION

- (a) In P2-P4, ~~three~~ two buildings may be built on each Lot, one Principal Building and ~~two~~ one Accessory Units or and one Accessory Dwelling Units ~~as generally illustrated on Article 6.4 Lot Structure Description & Diagram.~~ Additional structures may be approved if the impervious cover requirements and other infrastructure demands can be met.
- (b) Lot coverage by buildings (i.e. impervious surface requirements) are specified in Section 6.5.003.A.
- (c) For Building height see standard by Place

Type and Character District. If the Building height is undefined in the B<sup>3</sup> Code see the International Building Code as adopted by the City of Bastrop.

- (d) Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Building, which shall be a minimum of 11 feet with a maximum of 25 feet.
- (e) In the 100-year Floodplain, a first level Residential or lodging shall be raised a minimum of 2 feet from the Base Flood Elevation.

#### SEC. 6.3.009 PRIVATE FRONTAGE

- (a) Permitted Encroachments into the First Layer of any Lot are specified in Section 6.5.002, Permitted Encroachments per Place Type. Terminology used to identify these elements is diagrammed for illustrative purposes only.
- (b) The Facade of the Principal Building shall be built parallel to the Frontage Line or to the tangent of a curved Frontage Line of a Lot, and along a minimum percentage of the Frontage width at the Build-to-Line as specified as Facade Buildout in Section 6.5.003, Building Standards per Place Type.
- (c) All Facades shall be glazed with clear glass not less than

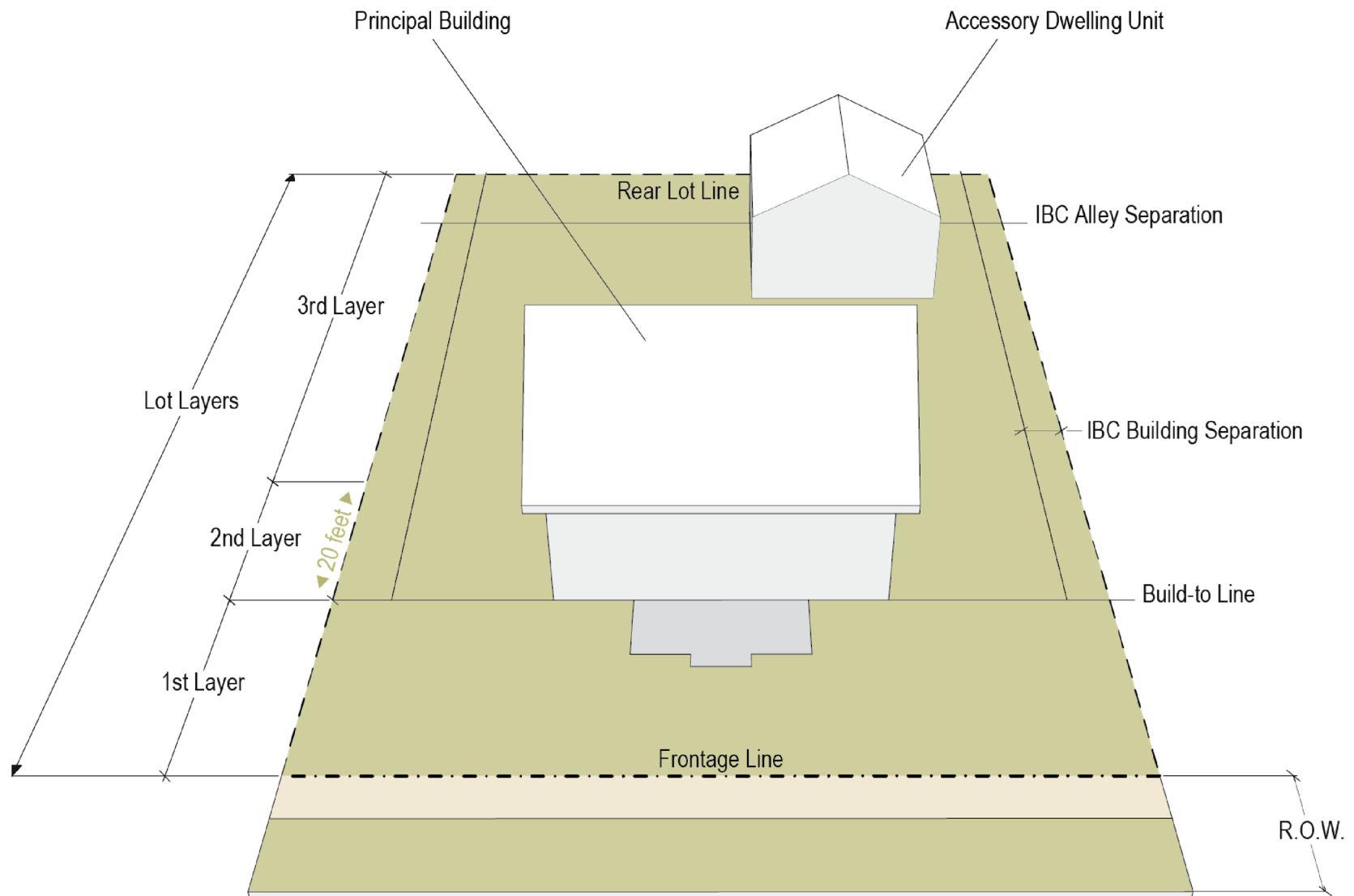
20% of the first Story. Glazing shall be calculated as the total combined area of window glazing (lights or panes within each window's casing) divided by the total area of the Facade for the target Story of a Building.

- (d) Buildings with a first floor Commercial Use shall be glazed with clear glass no less than 70% of the first Story.
- (e) Openings above the first Story shall not exceed 50% of the total Building wall area, with each Facade being calculated independently.
- (f) All opening, including porches, galleries, Arcades, and windows, with the exception of shopfronts, shall be square or vertical in proportion.

ARTICLE 6.4 LOT STRUCTURE DESCRIPTION & DIAGRAM

BUILDINGS	
Principal Building	The main Building on a Lot.
Accessory Structures	A secondary Building usually located toward the rear of the same Lot as a Principal Building such as a garage, carport, or workshop and may include a dwelling unit, but no more than two per Lot.
LOT LAYERS	
First Layer	The area of a Lot from the Frontage Line to the Facade of the Principal Building.
Second Layer	The area of a Lot set behind the First Layer to a depth of 20 feet in all Place Types.
Third Layer	The area of a Lot set behind the Second Layer and extending to the rear Lot Line.
LOT	
Build-to-Line	The minimum percentage of the front Building Facade that must be located within the First Layer.
Lot Width	The length of the Principal Frontage Line of a Lot.
Frontage Line	Where the Property Line meets R.O.W.
Rear Lot Line	Where the Property Line meets Alley R.O.W. or an adjoining side/ rear property line.

### LOT STRUCTURE DIAGRAM



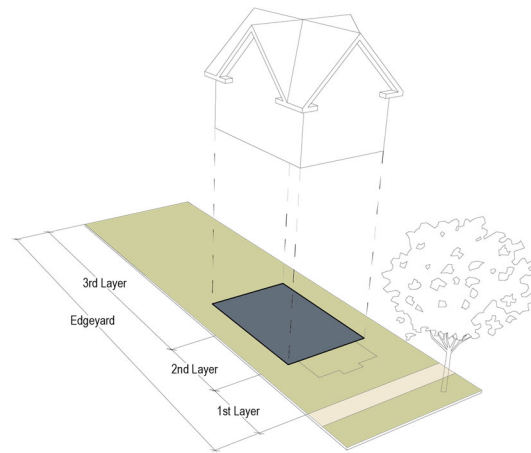
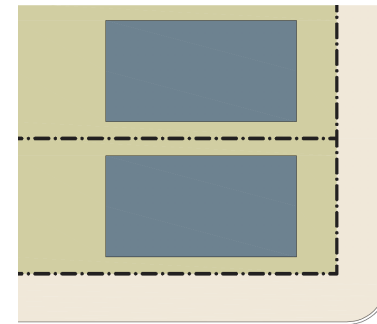
ARTICLE 6.5 BUILDING TYPES

(a) EDGEYARD

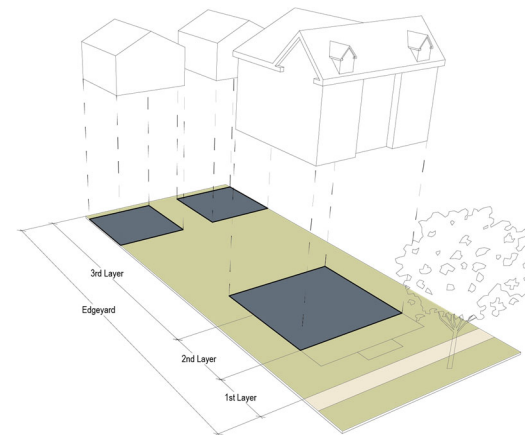
The placement of a Building within the boundaries of its Lot to create an Edgeyard around the Building, with IBC separation on all sides. This is the least urban of types as the front yard sets the Building back from the Public Frontage, while the side yards weaken the spatial definition of the Thoroughfare in front of the Building.

Variants:, House, Duplex, Triplex, Fourplex

GENERAL PLACEMENT



HOUSE



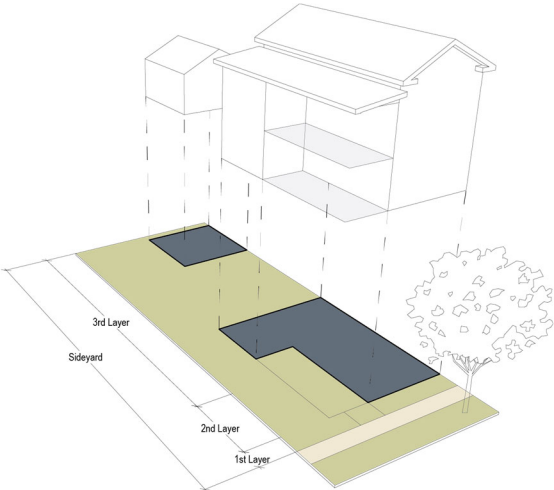
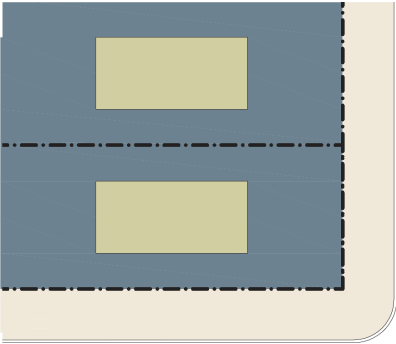
DUPLEX, TRIPLEX, FOURPLEX

**(b) SIDEYARD**

The placement of a Building within the boundaries of its Lot to create a private Sideyard, with a Setback to one side. A shallow Front Setback defines a more urban condition. If the adjacent Building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House.

Variants: Sideyard House

**GENERAL PLACEMENT**



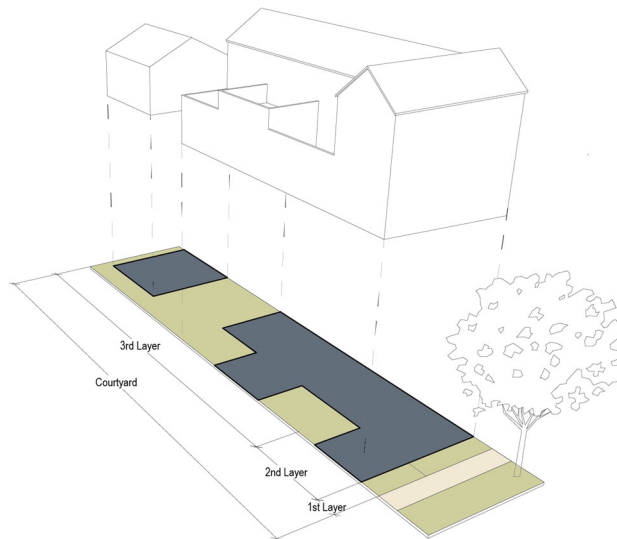
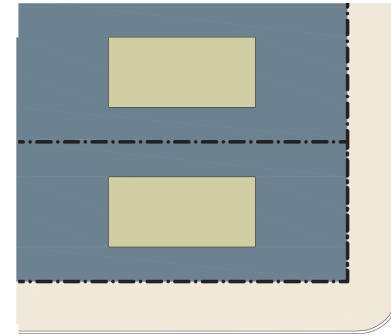
**SIDEYARD**

**(c) COURTYARD**

A Building placed within the boundaries of its Lot to create a private Courtyard, while internally defining one or more private patios. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. This is the most urban of types, as it is able to shield the Private Realm from all sides.

Variants: Courtyard House, Courtyard Apartment Building

**GENERAL PLACEMENT**



**COURTHOUSE**

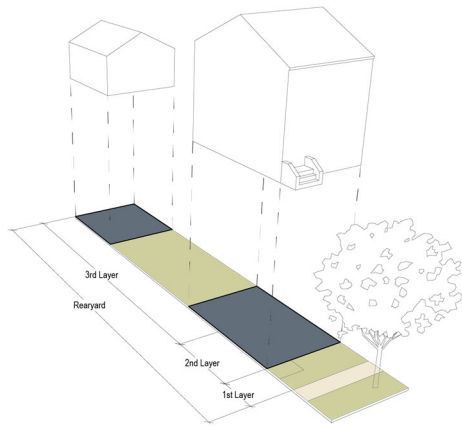
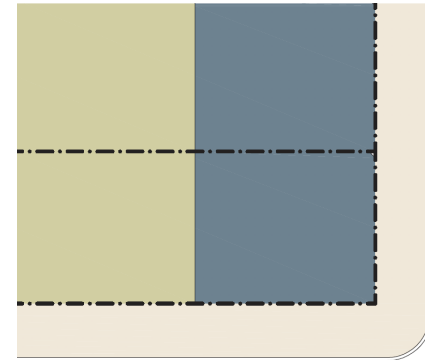


**(d) REARYARD**

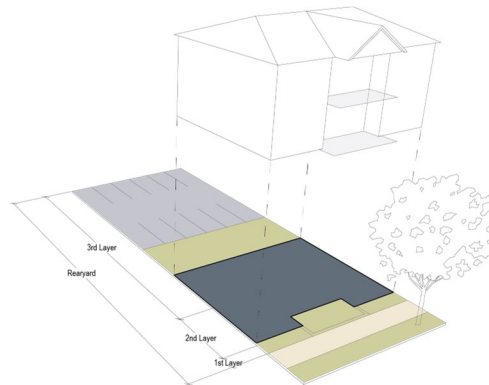
The placement of a Building within the boundaries of its Lot to create a Rearyard, leaving the rear of the Lot as private space or available for dedicated parking in its Commercial form. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. Rear elevations may be articulated for functional purposes.

Variants: Rowhouse, Apartment Building (5+ Units), Commercial Building, Live-Work Building, Mixed-Use Building,

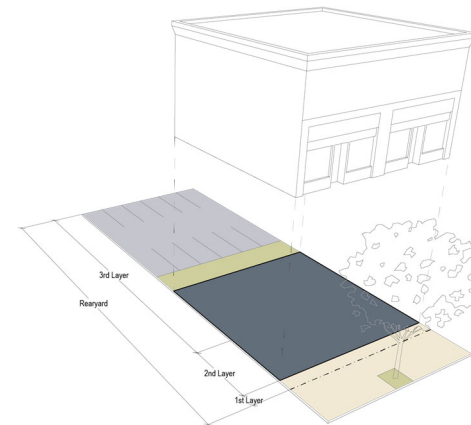
**GENERAL PLACEMENT**



**ROWHOUSE**



**APARTMENT BUILDING**



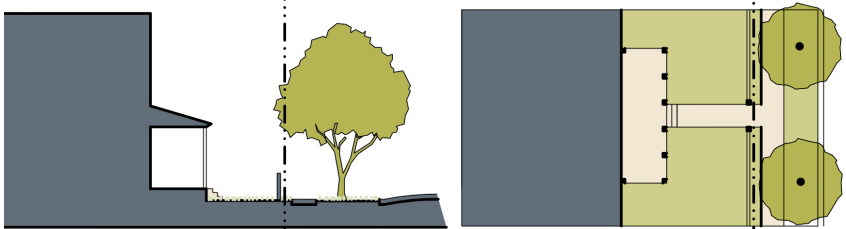
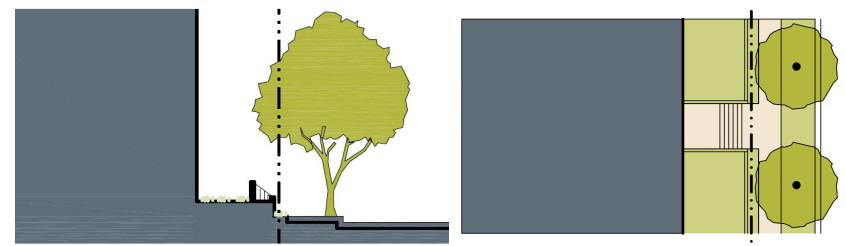
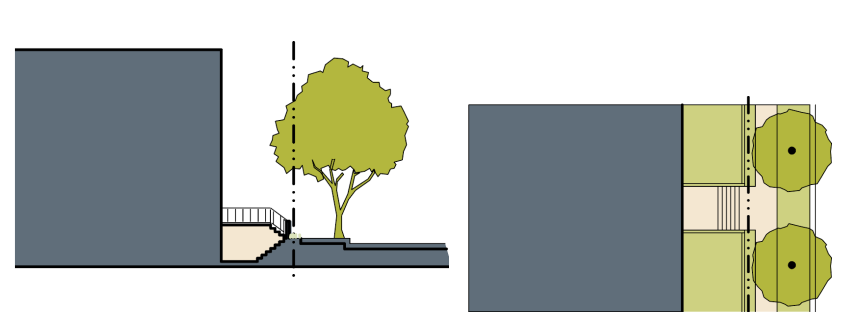

**COMMERCIAL BUILDING**

**SEC 6.5.001 PERMITTED BUILDING TYPES PER PLACE TYPE**

	P1	P2	P3	P4	P5
<b>A: REARYARD</b>					
COMMERCIAL BUILDING	NP	NP	NP	NP	P
APARTMENT BUILDING	NP	NP	NP	P**	P
ROWHOUSE	NP	NP	NP	P	P
<b>B: SIDEYARD</b>					
SIDEYARD	NP	NP	NP	P	P
<b>C: COURTYARD</b>					
COURTYARD HOUSE	NP	NP	NP	P	P
COURTYARD APARTMENT BUILDING	NP	NP	NP	P**	P
<b>D: EDGEYARD</b>					
RANCH HOUSE, VILLA	NP	P	P	NP	NP
HOUSE	NP	P	P	P	NP
DUPLEX	NP	P	P	P	NP
TRIPLEX, FOURPLEX	NP	NP	NP	P	NP

P\*\* SEE OVERLAY DISTRICTS    P = PERMITTED    NP = NOT PERMITTED

SEC. 6.5.002 PERMITTED ENCROACHMENTS PER PLACE TYPE

Private Realm   Public Realm		P3	P4	P5	DESCRIPTION
PORCH		P	P	NP	A roof covered raised platform at the entrance to a building.
DOORYARD		NP	P	P	An elevated front yard extending to the Frontage Line, buffering it from Pedestrian activity of the Sidewalk.
TERRACE		NP	P	P	An elevated, paved patio or veranda at the entrance to a Building. This type is suitable for first floor Commercial Uses as outdoor seating space.
STOOP		NP	P	P	An exterior stair and landing leading to an elevated first Story of a Building.

	Private Realm   Public Realm		P3	P4	P5	DESCRIPTION
LIGHTWELL			NP	P	P	An exterior stair and landing leading to a below grade Story of a Building.
GALLERY			NP	P	P	An attached cantilevered shed or a lightweight colonnade extending from a Building Facade to overlap the sidewalk.
ARCADE			NP	NP	P	Colonnade supported upper stories of a Building projecting over the Sidewalk, where the Facade of the first Story remains or behind the Frontage Line.

P = PERMITTED    NP = NOT PERMITTED

**SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE**

Place Types	P1	P2	P3	P4	P5
<b>A. LOT OCCUPATION</b>					
Lot Coverage		40% max	<del>50%-60% max</del>	60%-70% max	<del>65%-80%</del>
Facade Buildout at Build-to-Line		40% min 10	40% min	60% min	80% min
Build-to-Line		<del>ft no max</del>	<del>10 ft - 25 ft*</del>	5 ft - 15 ft	<del>2 ft - 15 ft</del>
<b>Additional Dwelling Units allowed per Lot*</b>		<del>1 2</del>	<del>1 2</del>	1 2	<del>1 2</del>

*\* Additional Dwelling Units may be increased if the applicant can meet all infrastructure requirements.*

**B. BUILDING HEIGHT (STORIES)**

Principal Building	2 max	2 max	3 max**	5 max / 3 max*
Accessory Dwelling Unit	2 max	2 max	2 max	2 max

\* CD Downtown/ Old Town

\*\* 2 1/2 Max in Overlay

**C. ENCROACHMENTS**

**First Layer Encroachments**

Open Porch	<del>50% max</del>	<del>50% max</del>	<del>80% max</del>	n/a
Balcony and/or Bay Window	<del>25% max</del>	<del>25% max</del>	<del>50% max</del>	<del>100% max</del>
Stoop, Lightwell, Terrace or Dooryard	NP	NP	100% max	100% max

**R.O.W. Encroachments \*\*\***

Place Types	P1	P2	P3	P4	P5
Awning, Gallery, or Arcade		NP	NP	to within 2 ft. of the Curb	to within 2 ft. of the Curb

**First Layer Encroachment Depths**

Porch		5 ft min	8 ft min	8 ft min	n/a
Gallery		NP		10 ft min	10 ft. min.
Arcade		NP			12 ft. min.

**D. PARKING LOCATION**

Second Layer		P	P	NP	NP
Third Layer		P	P	P	P
*** Required to go through an Encroachment process					

**SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE**

Place Types	P1	P2	P3	P4	P5
<b>A. LOT OCCUPATION</b>					
Lot Coverage		40% max	<del>50%-60% max</del>	60%-70% max	<del>65%-80%</del>
Facade Buildout at Build-to-Line		40% min 10	40% min	60% min	80% min
Build-to-Line		<del>ft no max</del>	<del>10 ft - 25 ft*</del>	5 ft - 15 ft	<del>2 ft - 15 ft</del>
Additional Dwelling Units allowed per Lot*		<del>1 2</del>	<del>1 2</del>	1 2	<del>1 - 2</del>

*\* Additional Dwelling Units may be increased if the applicant can meet all infrastructure requirements.*

**B. BUILDING HEIGHT (STORIES)**

Principal Building	2 max	2 max	3 max**	5 max / 3 max*
Accessory Dwelling Unit	2 max	2 max	2 max	2 max

\* CD Downtown/ Old Town

\*\* 2 1/2 Max in Overlay

**C. ENCROACHMENTS**

**First Layer Encroachments**

Open Porch	<del>50% max</del>	<del>50% max</del>	<del>80% max</del>	n/a
Balcony and/or Bay Window	<del>25% max</del>	<del>25% max</del>	<del>50% max</del>	<del>100% max</del>
Stoop, Lightwell, Terrace or Dooryard	NP	NP	100% max	100% max

**R.O.W. Encroachments \*\*\***



# STAFF REPORT

**MEETING DATE:** October 30, 2024

**TITLE:**

**Proposal to amend** section SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE **A – LOT OCCUPATION** (table) **by adding additional dwelling unit category and** to reduce the number of dwelling units allowed by right from two (2) to one (1) unless authorized by the Development Review Committee and/or the Planning Commission.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Sylvia Carrillo-Trevino, City Manager, ICMA-CM, CPM

**BACKGROUND/HISTORY:**

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop’s population grew by approximately 34.3%. With the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

***“The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:***

- ✓ ***Fiscal Sustainability***
- ✓ ***Geographically Sensitive Developments***
- ✓ ***Perpetuation of Authentic Bastrop” pg. 11 – B3 Code***

While the aspirational ideas envisioned in the preamble of the B3 code (as noted above) to provide for fiscal sustainability, geographically sensitive developments, and perpetuation of Authentic Bastrop, several segments of the code accomplished just the opposite.

In 2023, Council was presented with a draft Drainage Master Plan that cost more than 120M dollars.<sup>1</sup>

The “fiscal sustainability” aspect of the code means a greater tax base for the City, not fiscal sustainability for the resident.

The existing B3 code allows for two (2) additional dwelling units per lot. It allows an additional accessory unit for a total of four (4) buildings per lot with the primary structure included.

1. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>



However, the code does not require onsite parking; all parking shifts from the lot to the street and the neighborhood is left a congested mess.

Further, the elimination of lot size minimums creates a mathematical problem that may be too expensive for the city to maintain.

Example: An existing parcel of land containing 3.7 acres, of which the existing surrounding environment lot size is ½ acre lots is planned for subdivision. The proposal is for more than 30+ units in the same footprint previous planners planned for 7-8 units. Now add 2 additional dwelling units as well as no parking number required. The previous 8 units has become a potential 10X increase in the number of dwellings.

This increased density is an increase in water demand, wastewater demand, electrical demand, and stormwater runoff increase which is only partially paid by the development community and the rest is paid via utility rates, etc of existing consumers and residents.

The proposal is to decrease the number of Additional Dwelling Units required from two (2) to one (1) unless there is adequate impervious cover ability, parking, and infrastructure necessary to maintain the unit.

**INSERTED**

Place Types	P1	P2	P3	P4	P5
<b>A. LOT OCCUPATION</b>					
Lot Coverage		40% max	<del>50%-60%-max</del>	<del>60%-70% max</del>	<del>65%-80%</del>
Facade Buildout at Build-to-Line		40% min 40	40% min	60% min	80% min
Build-to-Line		<del>ft - no max</del>	10 ft - 25 ft*	5 ft - 15 ft	2 ft - 15 ft
<b>Additional</b>		<b>1 2</b>	<b>1 2</b>	<b>1 2</b>	<b>1 2</b>
<b>Dwelling Units allowed per Lot*</b>					

*\* Additional Dwelling Units may be increased if the applicant can meet all infrastructure requirements.*

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Recommend the amendments as proposed by staff.

**ATTACHMENTS:**

- 1. None – Redlines shown above

- 1. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>



# STAFF REPORT

**MEETING DATE:** October 30, 2024

**TITLE:**

- 1) **Proposal to** amend section SEC 6.3.004 PROTECTED & HERITAGE TREES to decrease the caliper per tree that will be protected from future development.
- 2) **Proposal to** amend section SEC 6.3.004 PROTECTED & HERITAGE TREES to add the requirement of a tree survey, add penalties, and further explanation of the requirements for tree protection.
- 3) **Proposal to** amend TABLE 2.1.003 PREFERRED PLANT LIST to add the Pecan Tree amongst others and remove some current trees.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

**BACKGROUND/HISTORY:**

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop's population grew by approximately 34.3%. With the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

***“The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:***

- ✓ ***Fiscal Sustainability***
- ✓ ***Geographically Sensitive Developments***
- ✓ ***Perpetuation of Authentic Bastrop” pg. 11 – B3 Code***

While the aspirational ideas envisioned in the preamble of the B3 code (as noted above) to provide for fiscal sustainability, geographically sensitive developments, and perpetuation of Authentic Bastrop, several segments of the code accomplished just the opposite.

The B3 code removed several key factors to preserving the natural environment .

***“Retain its natural infrastructure and visual character derived from topography, woodlands, farmlands and waterways;.” Pg 12 -The B3 Code***

While that may be a lofty aspirational goal, without increased protections for the natural environment, the minimal tree standards and penalties for removal of trees in the B3 creates a situation where it is easier to cut down trees, than it is to save them.

The proposed amendments for Sections 6.3.004 Protected & Heritage Trees, and Table 2.1.003 Preferred Plant List (B3 Technical Manual), are proposed to rectify the original intent of the B3 code which allows for any tree not on the preferred plant list to be taken down without penalty.

**TABLE 2.1.003 PREFERRED PLANT LIST**

Canopy		Accent	Grasses and Shrubs
American Elm	Texas Hickory	Crape Myrtle	Anthony Waterer Spirea
Austrian Pine	Texas Red Oak	Deciduous Magnolia	Apache Plume
Bald Cypress	Western Soapberry	Eastern Red Cedar	Autumn Sage
Black Jack Oak		Eve’s Necklace	Dwarf Wax Myrtle
Bur Oak		Mexican Buckeye	Gray Santolina
Caddo Maple		Mexican Plum	Gulf Muhly
Cedar Elm		Red Bud	Indian Grass
Chinese Pistache		Smoke Tree	Inland Sea Oats
Chinquapin Oak		Vitex	Lindheimer Muhly
Lacebark Elm		Wichita Blue Juniper	Little Bluestem Grass
Live Oak			Little Bunny Fountain Grass
Loblolly Pine			Mexican Feather Grass
Magnolia			Rose Creek Abelia
Post Oak			Rosemary
Red Cedar			Seep Muhly
Shumard Red Oak			Texas Sage
Southern Magnolia			
Sweetgum			

Currently, mitigation for removal of a tree starts at 13 caliper inches, as long as the tree is on the preferred plant list. If it is not on the preferred plant list (see above), no mitigation is required. One important thing to note is that the Pecan tree (Texas state tree) is not on that list. State legislation allows Cities to begin mitigating at as low as 10 inches. This amendment to the B3 code will ensure that more trees will either be protected, or there will be a fee in lieu of in order to cover the cost of a replacement tree.

Additionally, a tree survey is required for any tree on a property that is over 6 inches. There are not currently regulations around the tree survey. These amendments will add an expiration date to the tree survey, to ensure that an accurate and recent survey of the trees on site is provided. It will also add further requirements to ensure adequate protections.

The proposed amendment to the tree protections allows residents and visitors enjoy the natural environment and the trees that are so vital to the community.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Recommend the amendments as proposed by staff.

**ATTACHMENTS:**

1. B3 Code Proposed Amendment in redline

## B3 Code changes

## SEC. 6.3.004 PROTECTED &amp; HERITAGE TREES

- (a) Tree Determinations: Protected or heritage tree designations are determined by measuring at the height of the tree at 4.5 feet above the ground or Diameter at Breast Height (DBH), for various tree species for purposes of applying the Standards of this section. Multi-trunk trees are to be measured with the largest trunk counting for full DBH inches plus 50 percent of the DBH sum of the additional trunks, if the tree is classified as protected or heritage.

When the trunk branches or splits less than 4.5 feet from the ground, measure the smallest circumference below the lowest branch. See Figure 6.3B. If the tree has a branch or a bump at 4.5 feet, it is better to measure the diameter slightly below or above the branch/bump.

- (b) No grading or tree removal shall take place on any undeveloped property without obtaining a permit unless exempted from this code
- (c) Tree Survey
- (1) A tree survey and preservation plan for all areas of soil disturbance and construction activity including all work within rights-of-way and easements shall be submitted within a zoning concept scheme application. If rezoning is not applicable for a property, then this document shall be submitted at the time of public improvement plans or site development plans, whichever is first.
  - (2) The tree survey and preservation plan shall be approved and signed by a certified arborist and licensed surveyor and the information submitted shall not be older than two years.
  - (3) The tree survey and preservation plan must be reviewed
  - (4) The requirement of a tree survey and preservation plan may be appealed to the Planning and Zoning Commission. If sufficient information is provided to review the various provisions of this Code and the Commission determines that a tree survey and preservation plan is not necessary, the Commission may recommend that this requirement may be waived by the City Council the City Council shall make the final decision on whether a tree survey and preservation plan is necessary for development.

- (d) Protected Trees:

- (1) Tree species listed in the Preferred Plant List in the B3 Technical Manual with a 10-inch caliper diameter or greater measured at the DBH.
- (2) Protected trees must be preserved, protected, and integrated in the Development of the property.
- (3) Proposed Removal of healthy protected trees must be submitted for approval to the DRC.

(4) Granted Removal of protected trees shall be replaced by planting trees from the Preferred Plant List in the B3 Technical Manual, on the property equal to the total caliper inches of the trees removed, measured at 12 inches in height from the ground.

Strict

i. Said replacement trees shall be a minimum of four-inch (4") diameter (measured at twelve [12"] above ground) and seven (7') in height when planted.

i. A sufficient number of trees shall be planted to equal, in caliper, the caliper of the tree removed. Said replacement trees shall be a minimum of three (3) inches caliper when planted.

ii. A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree in compliance with this Code.

(5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site can not meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

(6) This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(e) Heritage Trees:

(1) Tree species listed in Preferred Plant List in the B3 Technical Manual with a 24 caliper inch circumference or greater measured DBH.

(2) Heritage trees must be preserved, protected, and integrated in the Development of the property.

(3) Proposed Removal of healthy heritage trees must be submitted for approval to the DRC.

(4) Granted Removal of heritage trees shall be replaced by planting trees from the Preferred Plant List in the B3 Technical Manual, on the property equal to the total caliper inches removed, measured at 12 inches in height from the ground.

Strict

i. Said replacement trees shall be a minimum of four-inch (4") diameter (measured at twelve [12"] above ground) and seven (7') in height when planted.

Moderate

i. A sufficient number of trees shall be planted to equal, in caliper, the caliper of the tree removed. Said replacement trees shall be a minimum of three (3) inches caliper when planted.

ii. A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree in compliance with this Code.

(5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site can not meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

(6) This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(g) Tree Preservation Credits.

(1) For every healthy protected tree ten (10) inches caliper or larger) located outside of the flood plain that is preserved, the developer shall be given credit, according to the following chart. When interior parking lot landscaping is also required, only those trees preserved in the parking area shall be considered for credit for the parking area, according to the following:

i. Trees ten (10) inches to twenty-four (24) inches caliper: one and one-half (1½") inches credit for each one (1) inch preserved.

ii. Trees over twenty-four (24) inches caliper: Two (2) inches credit for each one (1) inch preserved.

iii. Healthy unprotected trees, over twelve (12) inches in size, located outside the flood plain, may be considered for tree credits only when individually field inspected and approved by a designated representative of the City of Bastrop.

(h) Replacement of Trees.

(1) In the event it is necessary to remove a tree six (6) inches caliper or larger, the developer, builder or property owner shall be required to replace the tree to be removed with comparable or better spacious trees somewhere within the planned development or subdivision. The City Council may allow such trees to be located to other areas in the City if it is deemed necessary by City staff, and space is available. Otherwise, the developer, builder or property owner shall, at the City's option, escrow funds sufficient to meet the requirements of this Ordinance

(2) Trees planted to satisfy landscape requirements that are indicated herein, and successfully transplanted trees, shall count toward the tree replacement requirements, inch for inch. Transplanted trees must successfully survive one (1) full year after planting to count as a preserved tree.

(f) Exempt Trees:

(1) Any protected or heritage trees determined to be diseased, overly-mature, dying or dead, by a certified arborist are exempted from the Standards of this Code.

Technical Manual Changes

Shade Trees	Small Medium Native and Ornamental Trees	Native Grasses		
	Crepe Myrtle			
Chinquapin Oak		Red Bud		Little Bluestem Grass
	Eastern Red Cedar (ST)			
Black Jack Oak		Mexican Plum		
Bur Oak	Loblolly Pine	Mexican Buckeye	Red Buckeye	
			Mimosa	
Cedar Elm		Arroyo Sweet Wood	Kidney Wood	Inland Sea Oats
	Eastern Red Cedar	Rough Leaf Dogwood	Persimmon	
Magnolia		White & Red Mulberry	Passomhaw	Side Oats Gramma Weeping Muhly
Live Oak		Flame Leaf Sumac	Yaupon	Big Blue Stem
Sweetgum	Hackberry	Evergreen Sumac	Mexican Olive	Blue Gramma
Texas Ash	Pin Oak	Mountain Laurel	Desert Willow	Gulf Coast Muhly
Wafer Ash	Monterrey Oak	Goldenball Lead Tree	Soap Berry	
Box Elder	Montezuma Cypress	Ratama or Palo Verde	Fragrant Sumac	
Bodark	Mexican Sycamore	Southern Wax Myrtle	Huisache	
Catalpa	Lacey Oak		Barbados Cherry	
Red Oak	Pecan Tree			

Appendix A-

Tree Mitigation Fee- \$600 per caliper inch

Strict

*Penalties for Unauthorized Removal of Trees.* If any tree is removed from any real property, including injury to a tree resulting from the owner's failure to follow required tree protection guidelines, that results in or may reasonably be expected to result in the death of the subject tree(s), the property owner shall be determined to be in violation of this Ordinance.

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined the sum of two thousand dollars (\$2,000.00) per day; and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

Moderate



*Penalty.*

1. Any person, firm, corporation, agent, or employee thereof who violates the provisions of this Code by removing trees without a permit shall be guilty of a misdemeanor and upon conviction hereof shall be fined in an amount not to exceed two hundred and fifty dollars (\$250.00) per caliper inch of the tree(s) removed or damaged not to exceed two thousand dollars (\$2,000) per incident.

2. A person firm, corporation, agent, or employee thereof violates any other provisions of this Code shall be guilty of a misdemeanor and upon conviction hereof shall be fined a minimum of five hundred dollars (\$500.00) but not to exceed two thousand dollars (\$2,000) per incident. The unlawful injury, destruction or removal of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty set forth herein per tree.



# STAFF REPORT

**MEETING DATE:** October 30, 2024

**TITLE:**

Proposal to amend the B3 code by adding a section to create a Community Enrichment Fund to be used to fund park development, improvement, and art in parks.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

**BACKGROUND/HISTORY:**

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop's population grew by approximately 34.3%. With the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

The residents of Bastrop are seeking improved quality of life that comes with growth. The Parks and Recreation department is funded by the General Fund and is often in competition with other city departments such as Police, Fire, and Library.

The proposed ordinance would create a fee in lieu of land dedication where a developer finds it more prudent to pay into a fund where the City could develop or improve an existing park as opposed to the creation of a park within the development.

The fee would be used to fund land acquisition for parks, equipment, and a portion allocated to art in public places within the improved park.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Recommend the amendments as proposed by staff.

**ATTACHMENTS:**

1. Amendment in Redline.

### **Community Enrichment Fund**

- A. A special fund is established for the deposit of all sums paid in lieu of land dedication in accordance with this Section. The fund shall be known as the "Community Enrichment Fund"
- B. The City shall account for all sums paid in lieu of land dedication under this Section with reference to the individual plats involved. Any funds paid for such purposes shall be expended by the City within seven years from the date received by the City for acquisition or development of public parks. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro rata refund of such sum. The owners of such property shall request such refund in writing within 12 months of the last day of the seven-year period, or such refund right shall be terminated.

### **Fee in Lieu of Land Community Enrichment Fund**

- A. The City may require a fee in lieu of land dedication to be known as the Community Enrichment Fund. The Community Enrichment Fund shall be made at or prior to the time of filing the final plat or prior to the issuance of a building permit where a plat is not required.
- B. The fee in lieu of land dedication requirement shall be met by a payment of \$250 per dwelling unit. The Community Enrichment Fund will be adjusted each January 1, with the first adjustment January 1, 2026, by the cumulative percentage increase in the Consumer Price Index -All Urban Consumers, U.S. City Average -All Items (1982-84=100) as measured from the previous year.
- C. If the City accepts the fee in lieu of land, the fees shall be placed in the City's Community Enrichment Fund and shall be used for the acquisition or improvement of neighborhood, community, and/or regional parks most likely to serve the residents of the subdivision. The park most likely to serve a subdivision shall in no case be located more than three miles from the subdivision, taking into consideration factors such as the proximity of major barriers to accessibility, including freeways, navigable streams and bodies of water.
- D. Community Enrichment Fund funds shall be used only for the acquisition of land for a public park and/or development or construction of improvements for a public park including utility extensions required to serve recreational areas.
- E. Arts Allocation – 15% of the Community Enrichment Fund may be used to fund public art projects that would enhance the public spaces within the park system.