



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, May 01, 2024

Notice is hereby given that the Planning and Zoning Commission of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on May 01, 2024 at 6:00 PM. Members of the public and the Planning and Zoning Commission may participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

Link: <https://us02web.zoom.us/j/5307372193?pwd=QmNUbmZBQ1lwUjNjNmM5RnJreIRFUT09>

Toll-Free Numbers: (833) 548-0276 or (833) 548-0282

Meeting ID: 530 737 2193

Password: 9fryms

The public will be permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. If a member of the public is having difficulties accessing the public meeting, they can contact the city at dadair@rollingwoodtx.gov. Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

PUBLIC COMMENTS

Citizens wishing to address the Planning and Zoning Commission for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the Planning and Zoning Commission is restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the Planning and Zoning Commission with regard to matters on the agenda will be received at the time the item is considered.

PRESENTATIONS

2. Presentation, overview and discussion of the proposed code amendments and associated rezoning to implement the Comprehensive Plan

CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the Planning and Zoning Commission and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

3. Discussion and possible action on the minutes from the April 3, 2024 Planning and Zoning Commission meeting

REGULAR AGENDA

4. Discussion and possible action regarding an amendment to the City's Code of Ordinances Part I, Chapter 24 Signs and Advertising and Part II, Chapters 101 Buildings and Construction, 103 Environmental Protection and Control, and 107 Zoning related to aligning the City's codes with the recommendations in the City's Comprehensive Plan for the commercial corridor and other matters in connection therewith
5. Discussion and possible action regarding the rezoning of the following parcels of land from Professional and Business Office District (C-1) and Business District (C-2) to Commercial District (C): 5100 Rollingwood Dr.; 2901 Bee Cave Rd.; 3160 Bee Cave Rd.; 3144 Bee Cave Rd.; 3102 Bee Cave Rd.; 2900 Bee Cave Rd.; 3103 Bee Cave Rd.; 2826 Bee Cave Rd.; 3101 Bee Cave Rd.; 2829 Bee Cave Rd.; 1015 Bee Cave Woods Dr.; 2824 Bee Cave Rd.; 3012 Bee Cave Rd.; 2814 Bee Cave Rd.; 3010 Bee Cave Rd.; 2808 Bee Cave Rd.; 3008 Bee Cave Rd.; 2802 Bee Cave Rd.; 3001 Bee Cave Rd.; 2800 Bee Cave Rd.; 3006 Bee Cave Rd.; 2724 Bee Cave Rd.; 2720 Bee Cave Rd.; 2714 Bee Cave Rd.; 2712 Bee Cave Rd.; 2710 Bee Cave Rd.; 2708 Bee Cave Rd.; 2706 Bee Cave Rd.; 2700 Bee Cave Rd.; Travis County Appraisal District Property ID #'s 721173 and 105621
6. Discussion and possible action regarding Tree recommendations from the CRCRC
7. Discussion regarding Special Exceptions

ADJOURNMENT OF MEETING

CERTIFICATION OF POSTING

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at www.rollingwoodtx.gov at **5:00 PM** on **April 26, 2024**.

Desiree Adair

Desiree Adair, City Secretary

NOTICE -

The City of Rollingwood is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact the City Secretary, at (512) 327-1838 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

The Planning and Zoning Commission will announce that it will go into executive session, if necessary, to deliberate any matter listed on this agenda for which an exception to open meetings requirements permits such closed deliberation, including but not limited to consultation with the city's attorney(s) pursuant to Texas Local Government Code section 551.071, as announced at the time of the closed session.

Consultation with legal counsel pursuant to section 551.071 of the Texas Local Government Code;
discussion of personnel matters pursuant to section 551.074 of the Texas Local Government Code;
real estate acquisition pursuant to section 551.072 of the Texas Local Government Code;
prospective gifts pursuant to section 551.073 of the Texas Local Government Code;
security personnel and device pursuant to section 551.076 of the Texas Local Government Code;
and/or economic development pursuant to section 551.087 of the Texas Local Government Code.
Action, if any, will be taken in open session.

Comprehensive Plan

City of Rollingwood

Approved May 19, 2022

Table of Contents

Page 3	Introduction
Page 6	Community Profile
Page 16	Current Land Use
Page 24	Future Land Use
Page 29	Parks and Recreation
Page 31	Facilities and Infrastructure
Page 35	Mobility
Page 39	Economic Development and Fiscal Policy
Page 42	Implementation
Page 51	Appendix

Introduction

Like many municipalities across Texas, the City of Rollingwood is experiencing significant change due to a variety of factors including population and demographic shifts and aging infrastructure. In 2020, Rollingwood City Council members made the decision to undertake the City's first comprehensive planning process to provide a long-range guide for how our community will develop moving forward.

The neighborly character and beautiful landscape of Rollingwood make our City unique, and it is important that as Rollingwood evolves, we preserve what we love about our community now and in the future. This initiative is designed to address issues that are known today while anticipating and preparing for the needs of tomorrow.

Our efforts are informed by community input and the best data and resources available to understand the challenges facing our City. The plan is rooted in four guiding principles:

- Quality of Life
- Good Governance
- Financial Sustainability
- Environmental Stewardship

This Comprehensive Plan details the vision and goals for this effort, the history and current makeup of Rollingwood, along with recommendations related to current and future land use, parks and recreation, facilities, mobility, economic development, and facilities & infrastructure.

A comprehensive plan outlines a long-term vision that provides a framework for decision-makers to guide development and future growth of Rollingwood. The process of comprehensive planning determines the aspirations and goals of a community in terms of development, as well as social, economic, and environmental ambitions. This process, informed by the community, forms the basis for the policies and recommendations within the Plan. This Comprehensive Plan represents the first of its kind for the City of Rollingwood. It was heavily guided by input from stakeholders and outlines a vision of Rollingwood for the next 10 years. Importantly, this Comprehensive Plan is not a "how-to-guide", nor is it a regulatory document itself. It is a declaration of community and stakeholder values, and should serve as a roadmap for future decisions.

The recommendations in this document should be used to guide City leaders in decisions regarding community identity, land use, parks & recreation, public facilities & infrastructure, economic development, and mobility.

Cities in Texas are not required to adopt a comprehensive plan. However, Chapter 213 of the Texas Local Government Code allows cities in Texas to develop and adopt comprehensive plans to promote sound development. The purpose of this Comprehensive Plan is to develop a plan of action for the future physical and economic development of the community. The awareness of

the significance of this plan and a well-crafted implementation strategy will catapult Rollingwood as a pioneer in sustainability and high quality of life within the Austin Metropolitan Region.

Appreciation of Key Individuals

As Rollingwood continues to grow, City leadership recognizes the need for assessment of current conditions and a thoughtful vision for the future. This Plan embodies the discussions with stakeholders, data analysis, and previous studies conducted. Major participants in the planning process included:

- Residents, stakeholders, and staff who participated in focus groups, interviews, open houses, and community-wide surveys;
- Staff and the support team from the City of Rollingwood;
- The volunteer Rollingwood Comprehensive Plan “Strike Force” Committee who provided input and direction on the overall Plan; and City leadership, including the Mayor, City Council, and the Planning and Zoning Commission who provided feedback throughout the process.

Existing Plans and Studies

Prior to the development of this Comprehensive Plan, the City of Rollingwood commissioned various plans and studies whose findings and implications have been incorporated into this Plan. While the full reports may be found on the City’s website, summaries/key findings of these studies have been provided in the following chapters (these and other resources are found in the Appendix at the end up this Plan):

Report

Rollingwood Needs Assessment (2019)
Commercial Corridor Study (1999)
Retail Market Analysis (2019)
Infrastructure Improvement Plan (2020)
Park Master Plan (2018)
City Branding Initiative (2018)

Chapter

Public Facilities and Infrastructure
Future Land Use
Community and Economic Development
Public Facilities and Infrastructure
Parks and Recreation
Community Profile

How to Use this Plan

This Plan is intended to lay a strong foundation for the future of the City by building on the existing strengths of Rollingwood, and should therefore be used to guide its physical development in the years to come. However, comprehensive plans are just that - plans. They are just words on paper if the recommended actions are not pursued and implemented effectively.

Although this Comprehensive Plan has tremendous potential, it should not be considered a “cure all” or an “instant fix.” The resulting Plan may not address every challenge that the community has. However, the Plan is meant to motivate the community in the desired direction for the years to come. Change takes time, which is why this Plan is meant to unfold over the next 5, 10, 15, and 20 years, and real transformation will not be experienced right away.

Further, looking forward affords the opportunity to realistically address the challenges associated with congestion, drainage, community & economic development, and funding for the desired community amenities. With such plans built on community consensus, Rollingwood can guide and manage growth rather than just react to it.

Every Plan should have a Vision and Mission. The following is what statements form the foundation for this Comprehensive Plan:

Vision

Our vision is our ambition and calling; it’s why the Comprehensive Plan was developed. It is our desired future position for the City of Rollingwood.

Preserve Rollingwood’s friendly community, neighborly character, natural resources and high quality of life for current residents and future generations.

Mission

The mission for the Comprehensive Plan is what we will offer (and how) to the City of Rollingwood. This is our objective and approach.

Ensure the long-term sustainability of our community through careful financial planning, environmental stewardship, measured growth, excellent City services and governance reflective of public input.

Community Profile

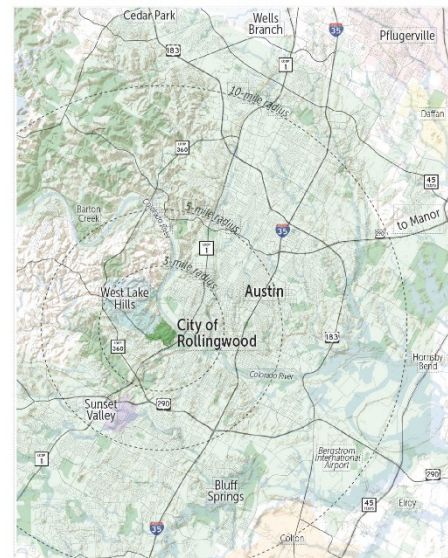
Key Takeaways

- As of 2019, Rollingwood had a population of approximately 1,532 residents, comprised of 525 households (US Census Bureau, 2019).
- Rollingwood has a significantly higher median home value as compared to Austin and United States averages. The median home value was \$2,194,272 in August, 2021, a 168% increase from 2011 (Zillow, 2021).
- The two largest age cohorts in Rollingwood are: 45-59 years and 5-14 years, and represent 22% and 21%, respectively, of the total population (US Census Bureau, 2019).

Location and Geographic Context

The City of Rollingwood is located in Central Texas between the Hill Country and the Texas Coastal Plain. It is nestled within the City of Austin and is only approximately four miles southwest of its downtown. Regionally, it is part of the Austin Metropolitan Area, and it is a jurisdictional component of Travis County. Geographically, Rollingwood is at the edge of the Balcones Escarpment, cliffs that are a result of the Balcones Fault. The City is surrounded by two streams, Dry Creek, sometimes referred to as Eanes Creek, to the south and the Colorado River to the north. Rollingwood sits above the Edwards Aquifer, and is only about one mile away from Barton Springs, a natural water spring. The City is near various regional thoroughfares such as the Mopac Expressway (TX- 1 Loop) and the Bee Caves Road corridor.¹

Location & Geographical Context



The Rollingwood community boasts closeness to both natural and cultural amenities. There are a number of recreational centers adjacent to the City, such as Zilker Park, Barton Springs Pool, the Nature & Science Center, Auditorium Shores, Zilker Botanical Garden, Lions Municipal Golf Course, and the Barton Creek Greenbelt.

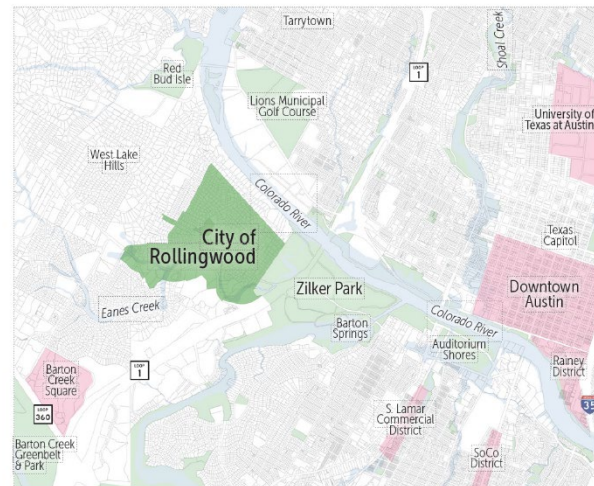
¹ Newlin, D. (n.d.). The Tonkawa People: A Tribal History from Earliest Times to 1893. Retrieved July 14, 2020, from <http://www.texasindians.com/tonk.htm>

City of Rollingwood Comprehensive Plan 2022

Rollingwood's History

The City of Rollingwood is a thriving community in Central Texas, which is the product of tremendous volunteerism and community collaboration.

“Rollingwood’s history began when 1,800 acres of land were bought by Condido Dellana who had emigrated from Italy in the 1880s and worked as a stone mason on the State Capitol building until its completion in 1888. The Dellana ranch stretched from Barton Creek on the south to the Colorado River on the north and included the land on which Rollingwood, Treemont, Barton Creek Mall and MoPac freeway now sit. Dellana, an enterprising and hardworking man paid for his ranch by selling hundreds of pounds of bat guano, which he harvested out of caves located on his property. The



Municipal Context

little community of sparsely scattered cabins and houses remained sparsely populated and remote from Austin because there were no bridges across the Colorado River until the 1880s. Rollingwood's Dellana Lane and the Dellana tract reference this original Dellana family.”²

In 1946, the George B. Hatley Company purchased approximately 300 acres of the Dellana Ranch, located just west of Austin, for \$67,690. The property was known as The Rollingwood Addition, and George B. Hatley proceeded to build a residential community. Oral history indicates Hatley decided to build his own town after experiencing rising property taxes while living in Austin. While Hatley is generally recognized for developing Rollingwood, there are known lots that were purchased and developed before Hatley purchased the 300 acres in Rollingwood in 1946.

At an election on August 8, 1955, the Village of Rollingwood was officially incorporated, with 44 residents voting in favor of incorporation and only three in opposition. Residents voted again on October 1, 1955, to elect Frank L. Scofield as the first mayor of Rollingwood, along with five aldermen – all of whom served without pay, establishing a tradition of volunteerism that continues with today’s volunteer-led City Council. In 1963 the Village of Rollingwood officially incorporated as the City of Rollingwood.

When Rollingwood was first created, the City of Austin turned down Hatley’s request for water, so he proceeded to dig wells and later put in his own water distribution network using discarded pipes from Camp Swift. In 1964, Rollingwood City Council purchased the water system from Hatley for \$40,500, and private water companies supplied water to homes until 1969, when the

² Collins, M. (2010, June 15). Levi Site. Retrieved July 14, 2020, from <https://tshaonline.org/handbook/online/articles/bbl03>

City contracted to receive water from Austin. The water system was upgraded at that time and continually since then.

One of the most significant changes to the City followed the installation of the sewer system in 2002. Until then, all homes had on-site septic systems which, in practice, limited the size of each home. The City has since seen an accelerated growth of larger homes, some of which have contributed to drainage and flooding issues within the City.

Since 1955, Rollingwood has grown from 28 homes to more than 500 homes in what is now a one-square-mile city. The vision for the City of Rollingwood has changed significantly in the decades since it was established by the Hatley brothers, and while established primarily as a means to escape City of Austin taxes and regulations, it is important to accurately account for the City's history and the discrimination within early deed restrictions – on the basis of race, color, ethnicity, religion – that also occurred in many City of Austin subdivisions and other Central Texas communities at that time. Although such restrictions for the sale of property have been prohibited since The Fair Housing Act was signed in 1968, the City of Rollingwood recognizes the generational impact of these discriminatory practices.³

Additional conditions in that original conveyance deed also limited the use of property exclusively for a private dwelling, specifically restricting the development of a multi-family residence, such as an apartment, or use for any trade or business. These restrictions likewise have influenced the structure of Rollingwood, which consists primarily of single-family residences today with a limited commercial corridor.

The Bee Caves Road commercial corridor dates back to approximately 1966, when Roy Kovar first bought the Texaco station after selling the nearby Circle B Riding Stables. Kovar is remembered for claiming that when he bought the station, he had to wait an hour or two for the first car to come by, and he would only serve 10 to 12 cars in a day with one employee. The store also served as an unofficial civic center for Rollingwood for many years; it housed the city's only fire truck for 10 years and is also where the City's lone trash collector, Mr. Durbin, would take his calls.

A pivotal moment in Rollingwood's history was the opening of a brand new City Hall on November 23, 1975 – under the leadership of the first female mayor, Helen Shaw. Prior to this date, all meetings of the City Council were conducted in private homes, local offices or at the Optimist Club building. From 1958 to 1975, all City bookkeeping, water billings, traffic tickets and other business was conducted out of a private home on Gentry. Construction of City Hall was completed and the costs – \$45,800 – were paid from City savings and donations from

³ History of Rollingwood. (City of Rollingwood). Retrieved July 14, 2020, from <https://www.rollingwoodtx.gov/administration/page/history-rollingwood>

organizations like the Rollingwood Women’s Club, the Volunteer Fire Department and private residents.⁴

Even before City Hall was built, the Rollingwood Women’s Club was a partner in the City’s growth. The club was established in 1958 to promote the welfare of residents, to encourage beautification of the City and to work with City government and staff on projects benefiting the community. Many club members have served on the City Council, and Roxanne McKee became the second female mayor in Rollingwood in 2016. Since its founding, the club has sponsored events including the annual 4th of July parade and celebrations like a 5K race every spring, which serve to unite the community while raising funds to beautify our shared spaces – both at City Hall and in the local parks.

Rollingwood’s green spaces remain one of the most valuable assets in the community. Hatley Park was once a large quarry that was filled, leveled and dedicated by the Optimist Club in 1961 as a large ball field for young athletes. There was a large archway inscribed with George B. Hatley’s name until 1994, when the City of Rollingwood purchased the ball fields, and, in 2009, an old concession stand building was replaced to create the Doyle Moore Field House with updated amenities. Rollingwood Park opened in 1985, after six years of volunteer efforts and donations from the community. The first 4th of July Parade was held in 1978 and continues to be a popular event in the City. The park continues to be used for many celebrations and public events today.

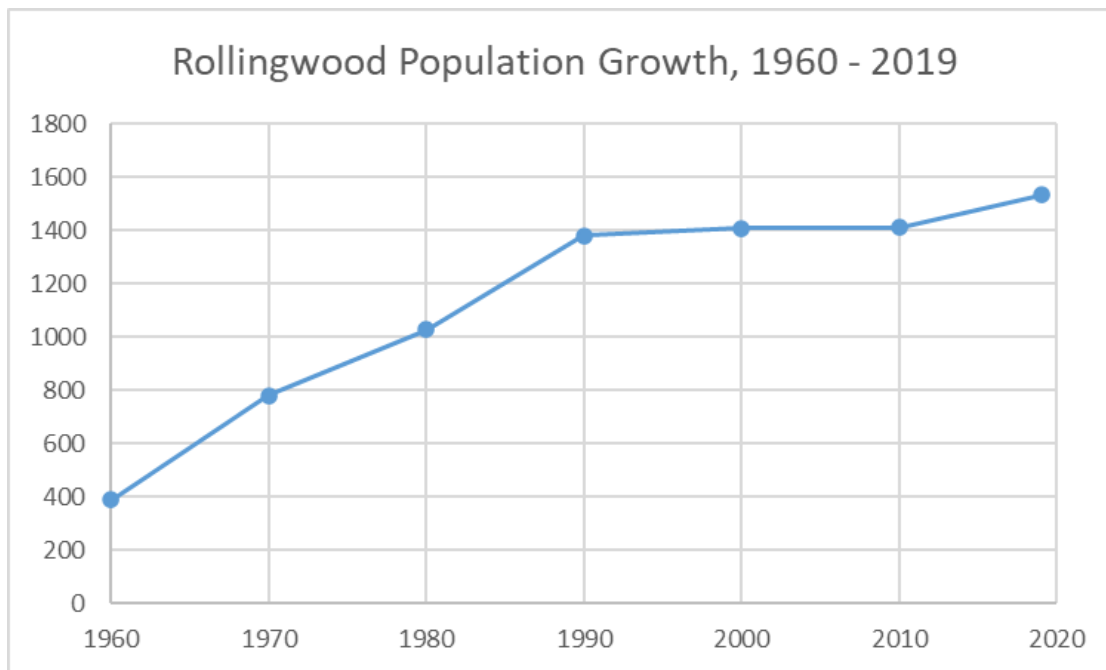
As a city, Rollingwood has grown and changed considerably in the past six decades. However, much of the infrastructure, utilities and amenities that were put in place over the years may require improvement, repair or updates. This Comprehensive Plan is designed to address our most immediate needs and carry the City into the next 65 years and beyond – building on the endearing and enduring spirit of volunteerism that will always be part of Rollingwood.

⁴ Garver, L. (2010, June 15). Milam, Benjamin Rush. Retrieved July 14, 2020, from <https://tshaonline.org/handbook/online/articles/fmi03>

Demographics

Current Population and Population Projections

The Austin Metropolitan Area's exponential growth has shaped the recent population trends in the City of Rollingwood. Rollingwood's population grew by 11%, from an estimated 1,412 residents in 2010 to 1,532 residents in 2019.⁹ While the population has grown, the total number of households has decreased from 565 in 2010 to approximately 525 households in 2019.¹⁰

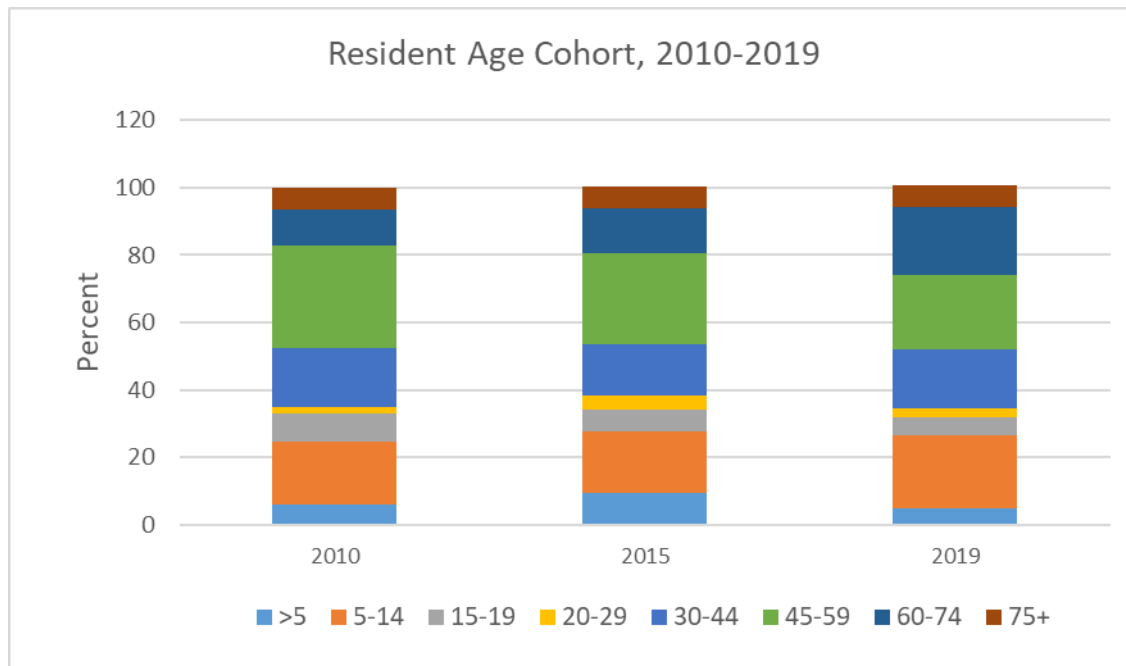


Sources:

- (1) Population of Rollingwood, TX. (2016). From <https://population.us/tx/rollingwood/>
- (2) United States Census Bureau. (2010-2019). ACS Demographic and Housing Estimates. From <https://data.census.gov/>

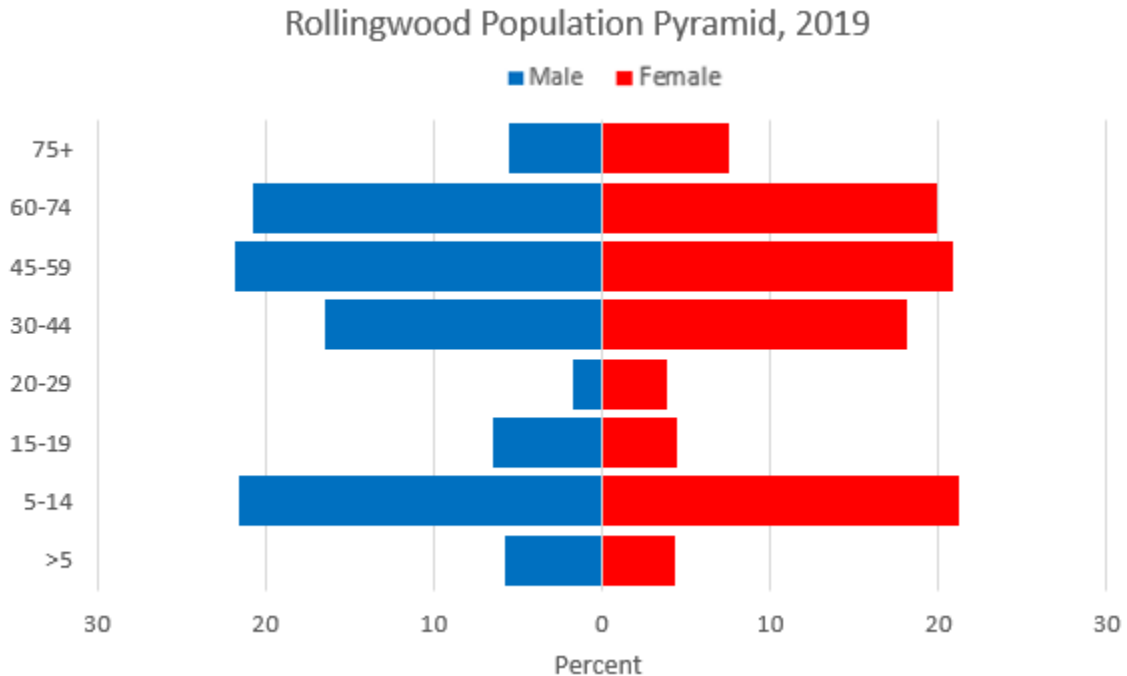
Age Cohorts and Median Age

Analyzing age group cohorts over time offers insights on the needs, preferences, and lifestyles of the community. While the share of Rollingwood's population that is 75 years and older has remained fairly constant, the share of residents between 45 to 59 has decreased within the last 20 years.¹¹ The largest population shift within the last decade has been the sharp increase of the 60 to 74 age cohort, from a 10% share of the population in 2010 to 20% in 2019. Furthermore, the children cohort of ages 5 to 14 years saw an increase of 15% from 2010 to 2019.¹² In comparison to Texas averages, the City of Rollingwood has a higher ratio of children under 15 years of age (26%, as compared to 21% for Texas), and an exceptionally low ratio of residents between the ages of 20 to 30 years (2%, as compared to 14% in Texas).



Sources:

- (1) United States Census Bureau. (2010-2019). ACS Age and Sex. From <https://data.census.gov/>



Source: United States Census Bureau. (2019). ACS Age and Sex. From <https://data.census.gov/>

Peer Cities

A need was recognized to establish Rollingwood within a larger context of strategies and practices for future development. A set of peer cities were selected to use as comparisons or benchmarks for this Comprehensive Plan. The peer cities were designated using four rationales:

- Location within the Austin Metropolitan Area
- A population or population density comparable to Rollingwood
- Specified by community leaders
- Comparable home values

Due to the unique socio-economic elements in Rollingwood and the selected peer cities, it was necessary to define these unique factors using a data matrix and data visualization methods. This section shows the various socio-economic criteria that allow City leaders to compare Rollingwood with those of similar municipalities.

City of Rollingwood Comprehensive Plan 2022

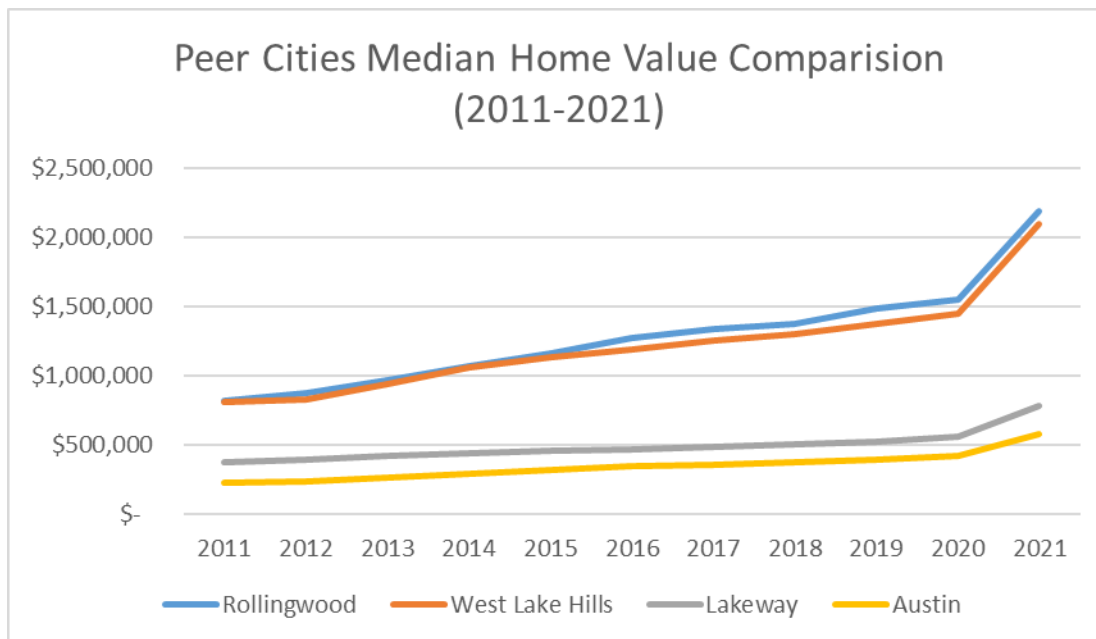
This table shows the population growth of Rollingwood, as compared to other peer cities.

	Population (2010)	Population (2019)	Population Percent Increase (2010-2019)
Rollingwood	1412	1532	8.5%
West Lake Hills	3063	3311	8.1%
Lakeway	11391	15138	32.9%
Austin	790390	979263	23.90%

Sources:

- (1) United States Census Bureau. (2019). ACS Demographic and Housing Estimates. From <https://data.census.gov/>
- (2) United States Census Bureau. (2010). Decennial Total Population. From <https://data.census.gov/>

The following chart examines the median home values over time for Rollingwood and its peer cities.



Source: Zillow. (2020, July). Home Prices; Home Values (various). From <https://www.zillow.com/>

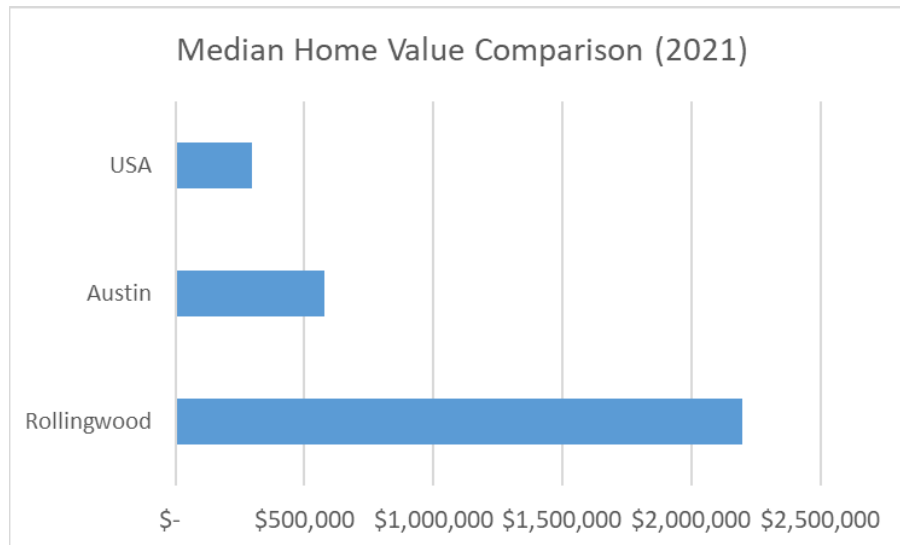
City of Rollingwood Comprehensive Plan 2022

More than a City

Known as a family-friendly community with excellent schools, the City of Rollingwood has been consistently ranked as the #1 place to raise a family in Texas. Additionally, Rollingwood has also been named “the best suburb to live in the Austin area” and is part of the Eanes School District, “one of the best school districts in America”.⁵



Rollingwood has a significantly higher median home value and median household income, as compared to Austin and United States averages. According to Zillow, the median home value was \$2,194,272 in August 2021, which represents a 168% increase from 2011.² Rollingwood’s median home value is approximately 3.7x higher than Austin’s median home value of \$579,595 and approximately 7.3x higher than the US average of \$298,933 within the same time period.³



Sources:

- (1) Zillow. (2021, August). Rollingwood TX Home Prices; Home Values. From <https://www.zillow.com/rollingwood-tx/home-values/>
- (2) Zillow. (2021, August). Austin TX Home Prices; Home Values. From <https://www.zillow.com/austin-tx/home-values/>
- (3) Zillow. (2021, August). United States Home Prices; Home Values. From <https://www.zillow.com/home-values>

⁵ Source: Niche. (2020). Rollingwood. From <https://www.niche.com/places-to-live/rollingwood-travis-tx/>

Community Branding Initiative

In mid-2018, the Rollingwood City Council approved a comprehensive branding effort in partnership with the Rollingwood Community Development Corporation (RCDC). The City's primary goal with the branding initiative was to encourage all its residents and businesses to rally around being a part of the Rollingwood community. The branding initiative incorporated community input and resulted in an identity suite which includes a branding guide, imagery, and logos. Rollingwood's brand is a reflection of the community's vision for the City. For more information, please visit <https://rollingwoodbrandguide.com>.



Current Land Use

Key Takeaways:

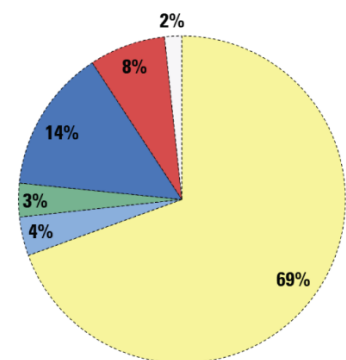
- Rollingwood's current land use, based on acreage, is composed of primarily residential uses (69%), followed by office (14.2%), and retail (7.5%) uses.
- A current land-use map shows how land is currently being used within an area, while zoning legally defines the types of uses permitted on a parcel of land and sets the development guidelines for those uses.
- Chapter 211 of the Texas Local Government Code states, "Zoning regulations must be adopted in accordance with a comprehensive plan."

Land Use and Zoning Designations⁶

Current land use is the characterization of land based on how parcels are currently used. Land use is composed of categories of uses such as residential, commercial, office, civic, industrial, and parks. A future land use plan (FLUP) indicates the community's desired or intended use of land for an area. The plan, through maps and other studies, help to set a broad direction on how City parcels should be used in the future. Currently, the City of Rollingwood does not have a future land-use plan.

Rollingwood Current Land-Use Percent Breakdown

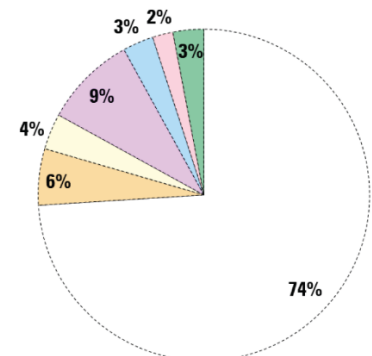
Legend



Zoning, on the other hand, legally defines the types of uses permitted on a parcel of land and sets the design and development guidelines for those uses. For instance, zoning districts regulate allowable uses, development types, building height, impervious cover, setbacks, floor to area ratio, and the density of land use.

Rollingwood Parcel Zoning Percent Breakdown

Legend



⁶ Land use and Zoning charts below are based on percent of total acres.

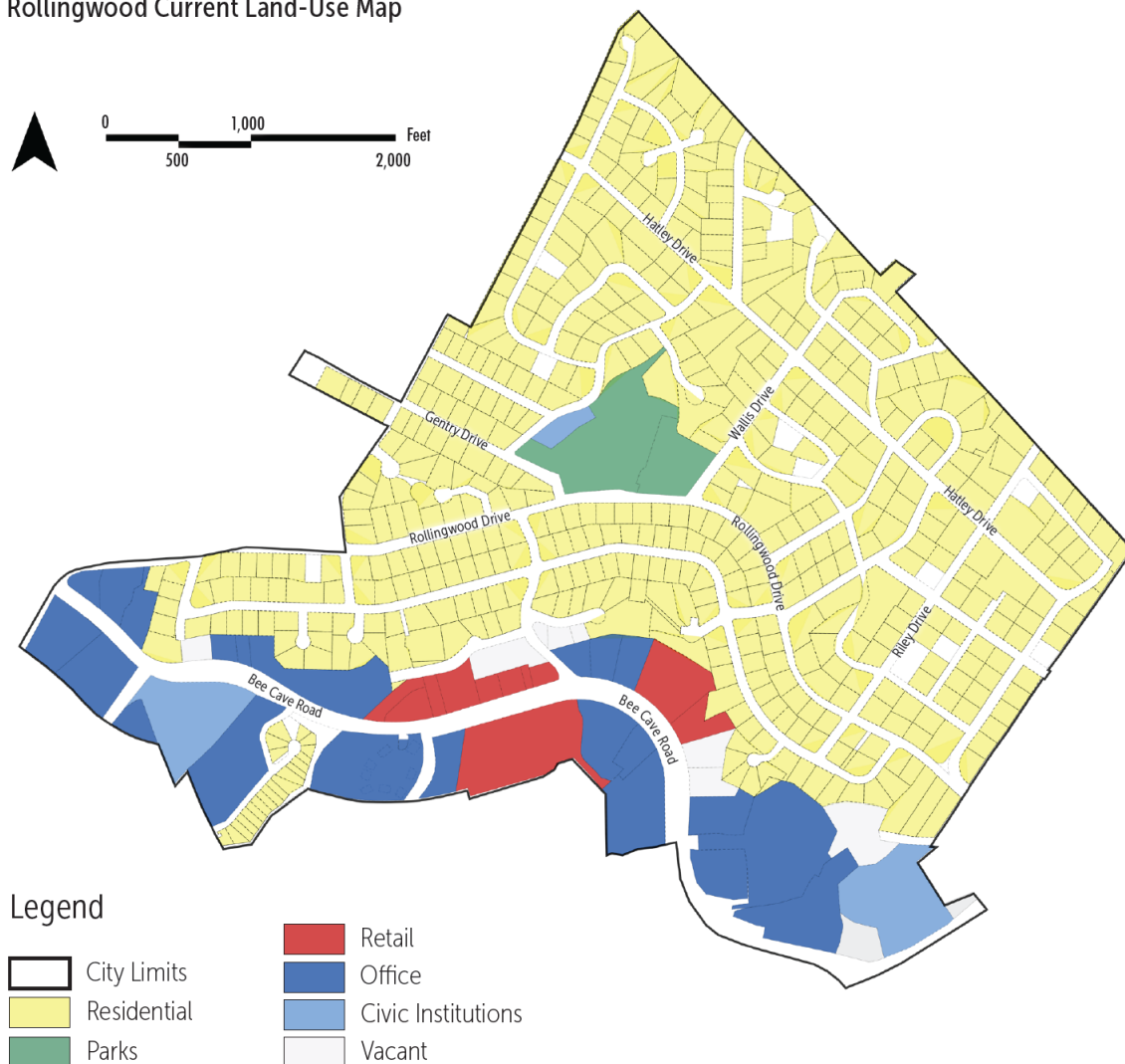
City of Rollingwood Comprehensive Plan 2022

Existing Conditions: Land Use

Current Land-Use Conditions

The existing land use in the City of Rollingwood is predominantly residential and commercial. Single-family residential comprises the largest percentage of land use, based on acreage, making up 69.4% of the total land use area. The second largest land use type is office with 14.2%, followed by retail with 7.5%. The commercial uses are located along Bee Caves Road, a key regional roadway. Civic Institutions such as City Hall and Parks/Green Space such as Rollingwood Park represent a modest amount of the City's current overall land use. Due to Rollingwood being fully built-out, vacant parcels make up only 1.7% of the total land-use and are scattered throughout the City.

Rollingwood Current Land-Use Map



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

Existing Conditions: Zoning

Current Zoning Districts

Zoning is governed by Chapter 107 of Rollingwood's Municipal Code. There are currently 7 different zoning districts in the city, including one residential district, two office & business districts, and four planned unit developments. The Residential zone in Rollingwood is by far the largest zoning district in the City.

The table below details the categories of zoning by percentage of land area, excluding major rights-of-way. This information was calculated based on the current zoning plan, last amended in 2018.

Legend

Rollingwood Parcel Zoning

- Professional & Business Office District (C-1)
- Business District (C-2)
- Governmental & Institutional District (GI)
- Hospital District (H)
- Park District (P)
- Planned Unit Development (P.U.D.)
- Residential
- Undeveloped Street Right of Way
- City Limits



Zoning Districts, 2018

Zoning Districts, 2018	Area (sqft)	% Total Zoning
Residential Zoning District (R)	11,562,798	74.8%
Professional & Business Office Zoning District (C-1)	778,265	6.1%
Business Zoning District (C-2)	478,294	3.1%
Planned Unit Developments Zoning District (PUD)	1,865,119	12.1%
Governmental & Institutional Zoning District (GI)	400,272	2.6%
Hospital Zoning District (H)	254,343	1.6%
Park Zoning District (P)	411,256	2.7%

City of Rollingwood Comprehensive Plan 2022

Zoning Regulatory Framework

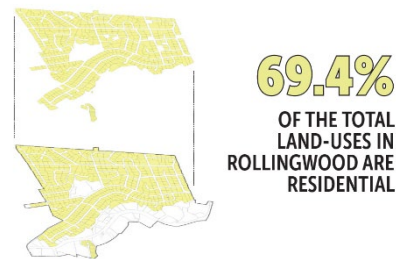
Future land-use and zoning are legally different. Although the Texas law does not explicitly mandate cities to have comprehensive plans, chapter 211 of the Texas Local Government Code authorizes a city to adopt a comprehensive plan that includes a future land use map. The Texas Government Code requires that “zoning regulations be adopted in accordance with a comprehensive plan”. The code further clarifies that a land use map is different than a zoning map by requiring all land use maps included as part of a comprehensive plan to always contain the following statement: “A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.”

Future Land Use Plan

Prior to this Comprehensive Plan, the City of Rollingwood did not have a Future Land Use Plan to guide development and zoning decisions. The framework and process to create the Rollingwood Future Land Use Plan will be discussed in detail in next chapter, Future Land Use.

Existing Land Use Conditions: Residential

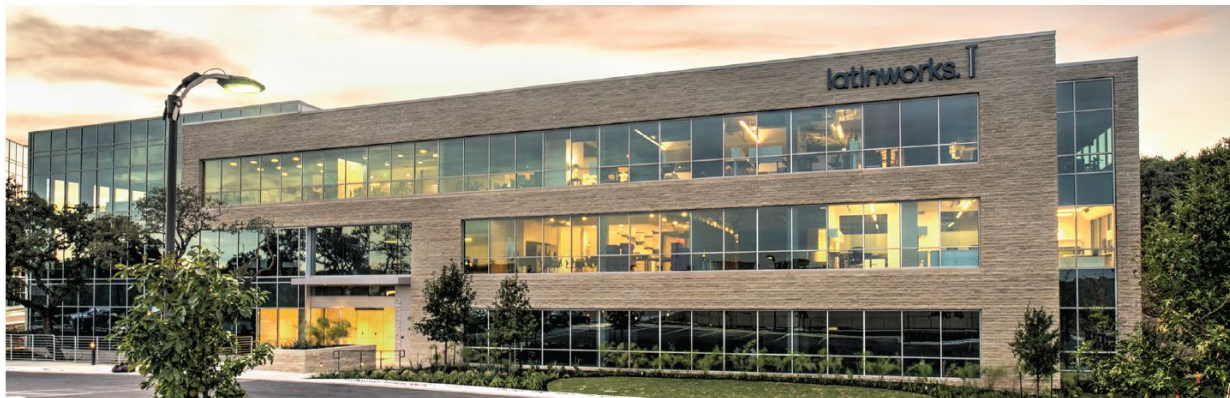
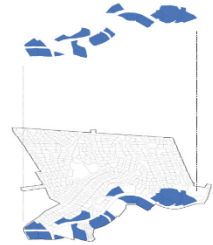
As evident in the land-use map, the City of Rollingwood is largely a residential community. The residential neighborhoods in the City are characterized by their wide streets, mature trees, and beautiful yards. In 2002 a sewer system was installed in the City, which allowed the building of larger homes. Previously, all homes had on-site septic systems which, in practice, limited the size of each home. While some of the older homes resemble their original character, one to two story homes comprised primarily of masonry, newer residences have incorporated contemporary architectural elements, such as the use of linear forms and glass as a building material.



Existing Land Use Conditions: Office

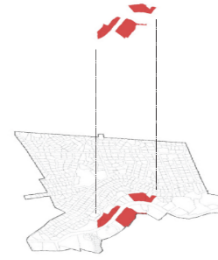
Office land-uses in Rollingwood are located along Bee Caves Road, the major commercial corridor in Rollingwood. This land-use makes-up 14.2% of the total land-use area and approximately 2/3 of the uses located on the Bee Caves Road commercial corridor. These types of uses include large business parks, banks, and low-rise office buildings.

14.2%
OF THE TOTAL
LAND-USES IN
ROLLINGWOOD ARE
OFFICE



Existing Land Use Conditions: Retail

Retail land uses are also clustered along the Bee Caves Road commercial corridor. Retail comprises of 7.5% of the total land-uses in Rollingwood and about 1/3 of all commercial land-uses. Stores, strip plazas, and local family-owned businesses occupy the bulk of the retail land portion.



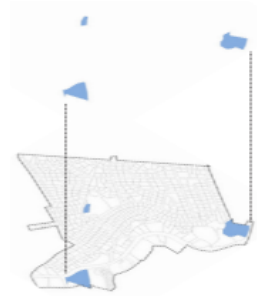
7.5%
OF THE TOTAL
LAND-USES IN
ROLLINGWOOD ARE
RETAIL



Existing Land Use Conditions: Civic Institutions

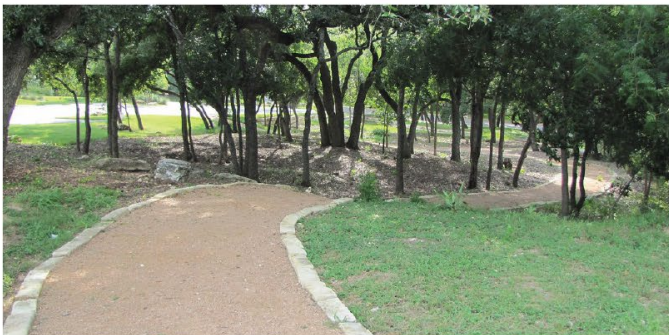
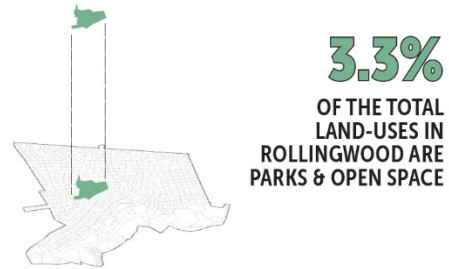
Civic institutions are public or quasi-public buildings. In Rollingwood, three parcels have civic uses: a religious institution, a medical center, and City Hall. These civic zones are located throughout the City, including the Bee Caves Road Corridor. Civic land-uses make-up only 3.8% of the total land use in the City.

3.8%
OF THE TOTAL
LAND-USES IN
ROLLINGWOOD ARE
CIVIC INSTITUTIONS



Existing Land Use Conditions: Parks & Open Space

Parks in Rollingwood consist of recreation facilities, open areas, and sport fields. The only established park, Rollingwood Park, is located at the heart of the City. Rollingwood Park makes up a total of 3.3% of the total land-use area. Additionally, Rollingwood boasts acres of natural landscapes, especially near Dry Creek, also commonly known as Eanes Creek.



Future Land Use

Citizen quote:

“A welcoming, walkable community amidst trees and nature.”

Key Takeaways

- Rollingwood residents envision a walkable, tree-filled, connected neighborhood of single-family homes with easy access to local shops and restaurants.
- Residential: Rollingwood residents place great value on the low-density, single-family nature of the residential areas of our community and want to protect the “small town feel” of the community.
- Commercial: Rollingwood residents support a renewal of the Bee Caves Road commercial corridor that focuses on retail and restaurants while protecting Rollingwood residents’ quality of life and the properties of adjacent and nearby Rollingwood homeowners.

Citizen Input on the Future of Rollingwood

The residents of Rollingwood have a great affection for the residential portions of the City and most hope that the residential areas of Rollingwood’s future look a lot like Rollingwood today. Residents appreciate the low density of single-family homes on larger lots and greatly value—and wish to protect—the neighborhood’s tree canopy. Although many residents are concerned about older and smaller homes being replaced by larger new ones, there is no widespread desire to alter current rules related to home sizes.

Residents resoundingly oppose allowing short-term rentals (*i.e.*, renting homes for less than 30 days) within Rollingwood, but there is some support for allowing residents to build accessory dwellings (sometimes called “granny flats”) on residential lots. In addition, although there was no consensus reached for or against allowing “estate” lots (*i.e.*, single homes built across multiple existing lots), most residents want the City to regulate any estate-lot development as necessary to protect adjacent and surrounding homes from unwanted or unintended consequences. Residents also expressed support for making it more difficult to “upzone” residentially zoned lots in the future.

Rollingwood residents identified storm-drainage issues and increased traffic as among their greatest concerns in Rollingwood’s residential areas. Residents support looking for creative ways to better connect Rollingwood’s residential and commercial areas via walking paths, bicycles, or golf carts. There is also widespread support of residents to install a dedicated crosswalk across Rollingwood Drive near the park.

As for Rollingwood’s commercial corridor (Bee Caves Road between MoPac and Rollingwood Drive), Rollingwood residents have a strong desire to permit, encourage, or improve restaurant

and retail offerings. Residents want greater connection between the residential and retail areas, showing a strong desire for additional trails or pathways to local shops and restaurants. Residents also support moving future development closer to Bee Caves Road by reducing setbacks between buildings and the roadway, while increasing or maintaining setbacks between commercial buildings and residential areas. Residents also would like to see Rollingwood join with TxDOT to fix stormwater runoff across Bee Caves Road and Edgegrove Drive.

Residents strongly oppose permitting hotels, apartment complexes, or large condominium developments in the Bee Caves Road commercial corridor. Residents also oppose increasing building heights in commercial areas. Residents' concerns about additional development on Bee Caves Road include the risk of increased traffic (within both the commercial district and residential areas) and losing the low-density, high quality of life currently maintained in Rollingwood.

Recommendations for Residential and Commercial Areas

- Review and, if necessary, create or strengthen City ordinances to protect Rollingwood tree canopy in residential and commercial areas.
- Create and encourage water-wise policies for landscaping in residential and commercial areas.
- Review and consider methods to ameliorate additional future drainage and storm water runoff, including additional drainage fees on new development.
- Review and revise City ordinances to ensure that new developments pay the costs they impose on drainage infrastructure.
- If allowable, enact rules making it more difficult to "upzone" properties from a residential use to a more intensive non-residential use.

Residential Recommendations

- Commission a traffic study to address residents' concerns over the amount and speed of traffic within residential areas; look for ways to reduce cut-through traffic; consider installation of crosswalks and pedestrian islands to permit the safe crossing of Rollingwood Drive near the park.
- Prohibit short-term rentals.
- Connect residential and commercial areas with a dedicated, safe pathway for pedestrians and bicyclists alongside Edgegrove Drive between Rollingwood Drive and Bee Caves Road.
- Evaluate and consider connecting residential and commercial areas with a dedicated pathway along old Dellana Lane.

- Maintain standard and uniform setback and building rules on residential lots throughout Rollingwood regardless of whether a residential lot borders a lot that is either non-residential or outside Rollingwood.
- Regulate “estate lots” as necessary to protect nearby and adjacent residential properties.

Commercial Corridor Recommendations

- Allow retail and office uses on commercially zoned properties and encourage restaurant development where a restaurant or retail use would not create a nuisance for adjacent residential properties, except where residential properties are adjacent to office properties today and could be negatively impacted by conversion of that office use to retail uses - extended hours, traffic, noise, smells and related concerns with restaurants, bars, and convenience stores, being the primary concerns.
- On the north side of Bee Caves Road, limit development on commercially zoned lots to two stories and 30 feet in height. On the south side of Bee Caves Road, limit development on commercially zoned lots to 3 stories and 45 feet in height.
- Maintain current Rollingwood Drive frontage setbacks (*i.e.*, setbacks between commercial buildings and Rollingwood Drive).
- Prohibit the clearing of native vegetation within the FEMA floodplain on commercially zoned properties.
- Work with stakeholders to envision and create a safer pedestrian crossing of Bee Caves Road at Edgegrove Drive. (Long-term vision: build a pedestrian bridge across Bee Caves Road within Rollingwood.)
- Replace current setbacks between commercially zoned properties and residentially zoned properties with a 75-foot setback measured from the edge of any residentially zoned lot to the edge of any building on any commercially zoned lot. The clearing of native vegetation shall be prohibited in this 75-foot setback. In addition, the City should require replanting of previously cleared spaces within the 75-foot setback between the edge of any residentially zoned lot and the edge of any building on any commercially zoned lot.
- To reduce the number of ingress/egress points on Bee Caves Road, eliminate any existing code provisions that require a driveway on every commercially zoned lot.
- Encourage the building of walking and biking paths on commercially zoned lots along the south side of Dry Creek (sometimes called Eanes Creek) on the north side of Bee Caves Road.
- Enforcement: The City should require an as-built survey as part of its final permitting and Certificate of Occupancy for all new commercial development. In addition, the City should exercise its full discretion and employ all means to enforce all development rules regulating commercially zoned lots.
- Modify development standards as necessary based on following recommendations:
 - Front setback:

- the front setback for commercial properties along the north side of Bee Caves Road be reduced from the current 25-foot setback to a 5-foot setback, where the developer has agreed to: 1) contribute any required right of way to TX DOT, and 2) implement a landscape plan, including appropriate irrigation and maintenance, that provides native species shade trees along sidewalks and rear lot pedestrian paths.
- Impervious cover:
 - City should establish commercial impervious cover requirements such that impervious cover shall not exceed 55% provided that no new project development will create any increases to storm water runoff (either volume or rate of flow of runoff).
 - Incentives: the development code should incentivize permanent low impact development practices such as rainwater harvesting, bio-retention, rain gardens, green roofs, infiltration/filter strips, conservation landscaping using native plants and trees that promote the area's natural habitat including bird-, bee-, butterfly-friendly plants, and natural area preservation over and above required greenbelt setbacks, by development of a schedule of impervious cover limit increases up to an additional 10% for use of such practices: 1) there are no increases to storm water runoff (either volume or rate of flow of runoff), 2) the site plan meets all TCEQ best management practices for water quality, and meets the design elements described below.
 - Certification: all requirements associated with impervious cover incentives, storm water management and water quality be mandatory, not subject to variance, and enforced by requirements for engineering certification that the design meets all requirements as initially submitted in the permitting process and for engineering certification that the design as built meets all impervious cover, storm water management, and water quality requirements before the issuance of any occupancy permit.
- Design requirements to lessen impact of commercial development to adjacent residential properties:
 - Where roofs are visible from adjacent residential lots, the City should adopt appropriate design requirements that mask and/or eliminate the impact of (i) building mechanical elements (AC units, vents, wireless facilities, etc.) by requiring such elements be located at ground level and not on roofs, or if located on roofs, masked by the roof; (ii) require all solar panels be masked; and (iii) require the site plan to provide a vegetative buffer and safety features between a residential lot and a commercial lot where there is no greenbelt, topographical, or line of sight buffer between the commercial lot and any residential lot.

- The City should adopt lighting design criteria to eliminate impact to adjacent residential properties, down-shield night-time lights, and adopt standards consistent with the “Dark Skies” lighting policies of similarly-sized Central Texas Hill Country communities, the International Dark Skies communities or other state-certified "Dark Skies" organization.
 - Review and revise necessary ordinances regarding interior and exterior lighting.
- Landscaping/Shade/setback incentives for commercial properties: the City should:
 - Require that landscaping within the setback along Bee Caves Road, where possible, and along any pedestrian walkways, include sufficient trees to shade sidewalks and pedestrian paths.
 - Employ a tree ordinance similar to that in residential areas that will preserve heritage trees, that requires replacement of heritage trees with a tree or trees of the same species and having the same total caliper inches, and require replacement of other protected trees so as to maintain current tree canopies.
- Safe harbor: the City should permit the renovation and, if necessary, rebuilding of existing structures on commercially zoned lots provided that such renovation or rebuilding 1) was in compliance with all City ordinances at the time it was built; and 2) is limited to the footprint of the existing structure.
- Update commercial signage regulations as needed to bring rules up to date with modern technology and building needs.
- Post-permit Enforcement and penalties: The zoning ordinance for commercial properties should include provisions sufficient to permit revocation of occupancy permits in the event the owner fails to maintain compliance with any permit requirement including impervious cover incentives, and landscaping, shade, setback requirements, and/or Dark Sky requirements, in addition to use of all fines and other enforcement provisions, including daily financial penalties for non-compliance.

Parks and Recreation

Citizen quote:

"Our park space is the heart and soul of our City."

Key Takeaways

- The Comprehensive Plan Strike Force did not engage in a new comprehensive plan for Rollingwood Park because the City had recently produced a Master Plan for the park (the 2018 Park Master Plan). The Strike Force elected to incorporate that Plan into this Comprehensive Plan and takes no position on the Plan's recommendations or conclusions. The 2018 Park Master Plan is attached and included with this chapter.
- The Strike Force did solicit resident input on parks and recreation generally and the results of its survey are summarized in this Chapter.
- The 2018 Park Master Plan recommendations include extending and improving the walking trail and making an accessible connection between the lower and upper park
- Strike Force parks & recreation recommendations include providing additional shade in Rollingwood Park and exploring the possibility of improving old Dellana Lane as a publicly accessible path.

Citizen Input on the Future of Rollingwood Park

If there is one thing that's certain about the residents of Rollingwood, it's that they love the Rollingwood Park. In surveys, residents described Rollingwood Park as "the heart and soul of our City," "a great asset to the community," and "the crown jewel of the neighborhood."

Residents were divided on whether to make significant changes to the park, with some reporting that it is "perfect as is," many others advocating for modest improvements, and some wanting a complete "overhaul" of the park similar to the recent renovations of many public parks in the City of Austin.

Many residents complained about the impact of league sports on park parking and accessibility, with some residents advocating for more open space while others asked for different sports fields to be added. Perhaps the issue that divided residents most was the use of the existing multipurpose field as a dog park when no youth sports are being played. Many residents feel that the existing off-leash dog use area is very important to the community, while others argued that dogs shouldn't play on the same fields as the youth sports league. No consensus emerged on the off-leash dog use issue in our surveys.

With respect to potential improvements, Rollingwood residents very much want additional shade to be provided in the park, including by tree planting. Residents also strongly support improving and expanding existing trails and sidewalks in the park. Residents were split on the idea of studying whether old Dellana Lane could be repurposed into a public trail, but more favored than disfavored the idea.

Recommendations for Parks and Recreation

- Add sources of shade to Rollingwood Park, including through tree planting
- Explore possibility of working with City of Austin and nearby neighbors to convert old Dellana Lane into a safe and publicly assessable hike and bike trail. (Long term: explore possibility of permitting golf cart use on pathway to connect residential areas with commercial corridor.)
- Improve and expand walking paths and sidewalks within Rollingwood Park
- The Strike Force took no position on the dog-park issues or concessions.

2018 Park Master Plan Recommendations

- Extend and improve walking trail and make an accessible connection between the lower and upper park
- Create multipurpose fields that allow for additional sports programming and unstructured play
- Assess and utilize on-street parking on all streets adjacent to the park
- Provide a separate off-leash dog area
- Expand programming opportunities for teenagers, adults, and seniors
- Create overall brand and identity for the park that reflects history of the park and community
- Focus on planting shade trees and maintaining existing canopy

Facilities and Infrastructure

Citizen quote:

“Storm drainage..., water main breaks..., [and] weak cell coverage.”

Key Takeaways

- The Comprehensive Plan Strike Force did not engage in a new Comprehensive Plan for infrastructure or facilities because the City has recently produced several reports on these subjects, including: (1) the 2020 Infrastructure Improvements Plan; (2) the 2019 Facilities Master Plan; and (3) the 2013 Capital Improvement Plan. The Strike Force elected to incorporate those plans into this Comprehensive Plan and takes no position on the plans’ recommendations or conclusions. Each plan is attached and included with this chapter.
- The Strike Force did solicit resident input on issues related to facilities and infrastructure generally and the results of its survey are summarized in this chapter. Residents expressed the greatest concern for stormwater drainage, but also identified repeated water-line breaks and weak cell-phone coverage as issues of concern. Residents also prioritized drainage and park improvements above building a new City Hall, but indicated support for each.
- The 2020 Infrastructure Improvement Plan identified 23 potential drainage projects with a total estimated cost of \$17,901,000. The cost estimate did not include a cost for improving its highest-priority concern—the stormwater runoff across Bee Caves Road. The second and third highest priority items are included in the cost: the Edgegrove Drive low-water crossing (estimated \$2,631,000) and the flooding at Nixon and Pleasant (estimated \$5,283,000).
- The 2019 Facilities Master Plan envisions a future joint City Hall and Police Station with 8,436 square feet and space for 22 staff members (half of which would work for the Police Department). The plan estimates that it would cost \$4,967,289 to renovate and build an addition to the existing City Hall building, and a cost of \$4,916,217 to demolish the existing City Hall building and replace it with “all new construction.”

Existing Infrastructure and Utility Services

- **Roads:** The City of Rollingwood owns and maintains all the roads within the City, except for Bee Caves Road, which is owned and maintained by the Texas Department of Transportation (TxDOT). The Mopac Expressway is also owned and maintained by TxDOT and is under study to expand HOV lanes south of the Colorado River.
- **Electric and Gas Services:** Electric Service for the City of Rollingwood is provided by Austin Energy. Gas Service for the City of Rollingwood is provided by Texas Gas Service.

- **Water and Wastewater:** Water and wastewater services are provided by the City of Rollingwood. The City provides surface water from the Colorado River, Lake Austin, and Lake Travis located in Travis County through a wholesale customer agreement with Austin Water Utilities. The City provides annual water quality reports, which can be found on the Rollingwood website. Before 2005, all homes in Rollingwood were on septic systems that required a drain field. Due to the drain field needed for septic tanks, many residential lots were not large enough to meet TCEQ standards. In 2005, the City of Rollingwood decided to transition from septic to a centralized water system.
- **Phone and Internet:** All telephone and internet services are provided by private service companies who contract directly with residents.
- **Trash & Recycling:** The City of Rollingwood contracts with third-party vendors to supply trash and recycling pickup to its residents.

Citizen Input on Facilities & Infrastructure

As part of the comprehensive planning process, Rollingwood residents were surveyed as to their thoughts on utilities, city services, and infrastructure. In general, residents were very positive about the services provided by the City of Rollingwood. The most favorably viewed City services were electricity (not provided by the City of Rollingwood), sewer, trash/recycling, and parks/recreation. The least favorably viewed areas were storm drainage, the City water system, road maintenance, and police. In addition, residents expressed an overall unfavorable view of the private internet and phone services available in Rollingwood. Notably, a significant majority of residents reported having no knowledge of the 2020 Infrastructure Improvement Plan or the 2019 Facilities Master Plan.

Addressing Rollingwood's stormwater drainage issues was the number one priority for the City as identified in the resident surveys. When specifically asked about the drainage projects identified in the 2020 Infrastructure Improvement Plan, a large majority of residents (nearly 72%) indicated that they support pursuing the identified stormwater runoff projects that address the most significant risks to public health and safety (such as the Edgegrove Drive low-water crossing and Nixon/Pleasant flooding). A smaller percentage, but still a majority (nearly 57%) indicated that they support pursuing all stormwater runoff projects identified in the 2020 Infrastructure Improvement Plan. Many residents pointed to the building of larger homes as contributing to the City's stormwater drainage problem.

Residents were more split on City Hall improvements. More than 35% indicated support for either completely rebuilding or completely renovating the existing building. A little less than 22% supported renovating portions of the existing building, and nearly 28% indicated that the City Hall should be left as it is.

When asked to choose between improvements to City Hall, drainage infrastructure, or parks & recreation, 51.67% of residents picked drainage as their number one priority. 36.81% chose parks & recreation projects, and 12.73% selected improving City Hall as their number one priority.

Although many residents complained about rising property taxes, nearly 63% of survey respondents indicated a willingness to pay at least a small increase in property taxes to pay for infrastructure improvements.

Strike Force Infrastructure Research Findings

- **Wastewater Capacity**

- Wholesale service agreement with the City of Austin in 1999 with the maximum level of wholesale service (as defined in the agreement) not to exceed 300 gallons per minute
- The 300 gallons consists of a peak of 255 from lift station No. 1 (Main lift station on Dellana Lane which is the main lift station for Rollingwood.) and 45 gallons per minute for other City of Rollingwood properties (on the south side of Bee Caves Road between Old Walsh Tarleton and Dry Creek)
- Original system designed for app. 1100 LUE (Living Unit Equivalents or average flow from one single family home) of wastewater service with estimated current LUEs being 677
- Additional tank on Dellana Lane of 100,000 to handle additional peak flows
- Peak Wet Weather Flows can reduce systems capacity
- Estimate of 100 to 200 additional LUEs available
- Residential areas of Rollingwood near 100% connected with lines and lift stations designed for service load. The City is currently upgrading electrical service interruption for its lift stations
- Existing lines capacity is adequate for residential areas and the commercial area currently serviced but will require extension of lines for additional commercial area service
- Full engineering study would be need to determine fully any additional capacity
- Additional service capacity should be allocated first to existing commercial properties in Rollingwood that do not have service

- **Water Capacity**

- Agreement for water wholesale service with the City of Austin dated 1999 amended 2004
- Maximum level of service 1,000,000 gallons per day with an instantaneous maximum flow rate of 694.4 with additional negotiations required when Rollingwood reaches 75% of the maximum monthly average flow
- Rollingwood will be required to provide its own source of raw water to be treated and delivered by the City of Austin with 12 month notice. The City of Austin has indicated that they will give this notice in the future and Rollingwood should be in the process of determining its own raw water source be it LCRA, groundwater, or other sources
- Current largest monthly demand 624,636 or approximately 62.5% of contractual limitations
- Current commercial water line on Bee Caves Road is 12 inches

- Existing residential water line has been under replacement for many years and should be a priority for the City

Facility and Infrastructure Recommendations

- Drainage: The Strike Force strongly supports implementing stormwater drainage improvements that address the most significant risks to the health and safety of Rollingwood residents. The Strike Force also emphasizes that drainage improvements were identified as the highest community need by residents. Because the Strike Force was asked not to reassess the 2020 Infrastructure Improvement Plan, it takes no other positions on drainage issues.
- City Hall: The Strike Force received input from City administrators and the Chief of Police on the need for more space and other improvements to City administrative and Police facilities. City and police employees indicated that there is no more space to add additional employees, that there are no showers or private bathrooms for employees, and no private room to interview crime victims or suspects. However, the Strike Force did not take a position on which option should be selected for contemplated City Hall improvements.
- Water Infrastructure: The Strike Force notes that many Rollingwood residents expressed the need to address frequent water-line breaks and boil-water notices. The Strike Force did not receive testimony or engineering reports on water lines and therefore defers to the City Council as to the best way to manage the City's water infrastructure.

Mobility and Connectivity

The Mobility chapter of the Comprehensive Plan provides guidance to the City of Rollingwood on issues related to sidewalks, bicycle lanes, and other mobility areas.

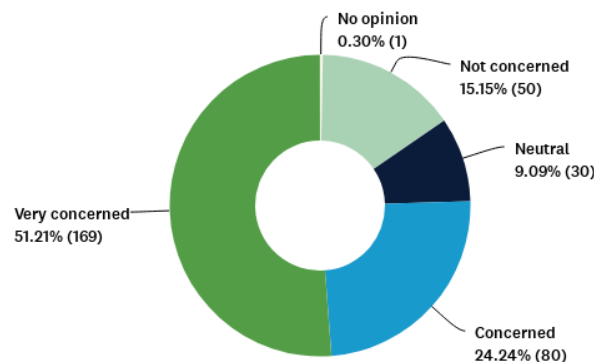
In general, Rollingwood residents want a community that is connected and accessible with safe passageways for biking, walking, jogging, and other forms of transportation.

Public Engagement

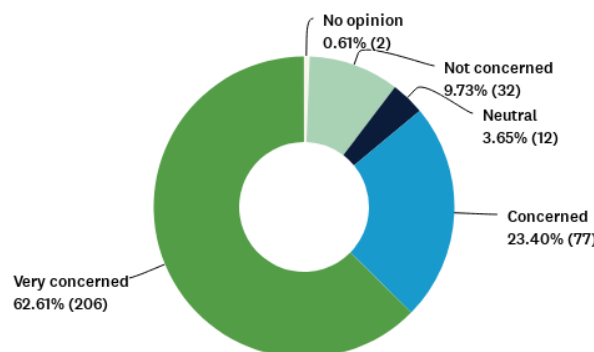
When asked about traffic, increased congestion on Bee Caves Road and within Rollingwood residential areas was a primary concern highlighted in responses for the Comprehensive Plan Strike Force Survey distributed in April 2021. However, the majority of residents were neutral on lowering the speed limit on Bee Caves Road, with the remainder of responses showing a split between support and opposition. Residents were also opposed to adding speed bumps or other traffic-calming measures.

Regarding potential mobility projects within Rollingwood, most residents supported a joint project with the Texas Department of Transportation to address Bee Caves Road low-water crossings and lane expansion with shoulders and sidewalks. The majority of residents opposed implementing reversible lanes on Bee Caves Road, proposed by CAMPO's regional study.

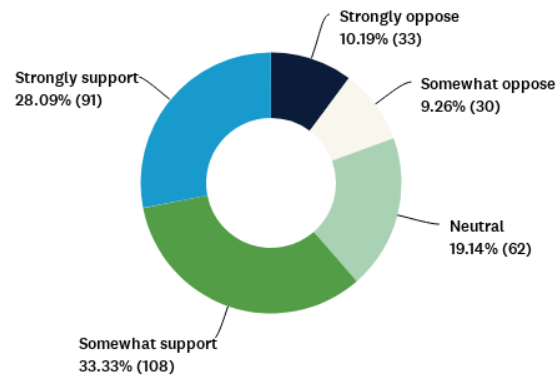
Q51 Increased traffic congestion on Bee Caves Road



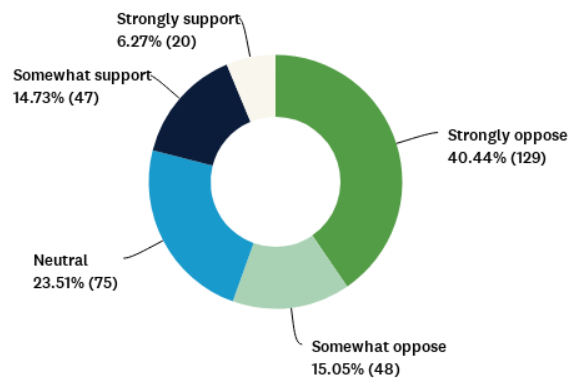
Q52 Increased traffic congestion within Rollingwood residential areas



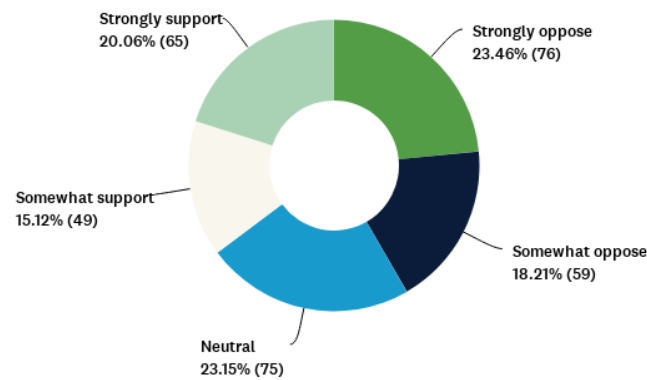
Q56 Joint project with TxDOT and Rollingwood to address Bee Caves low-water crossing and lane expansion with shoulders and sidewalks. [Note: Rollingwood would share 10% of the total project costs, which may be met through donation of land along the right of way.]



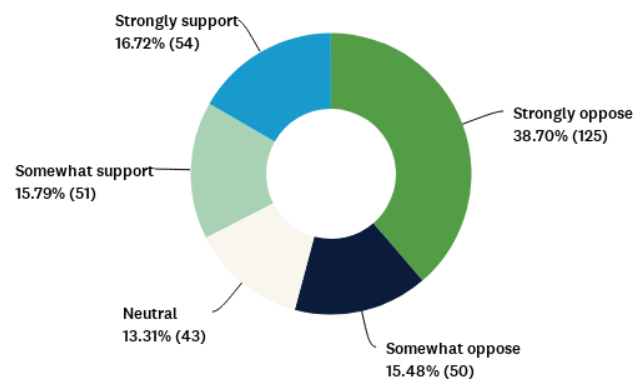
Q57 Reversible lanes on Bee Caves Road (Note: CAMPO's regional study proposes to implement reversible lanes on Bee Caves Road during peak morning and evening hours. Reversible lanes would use the center lane of Bee Caves Road for incoming traffic during morning peak traffic times and for outgoing traffic during evening peak traffic times.)



Q70 Lower the current speed limit

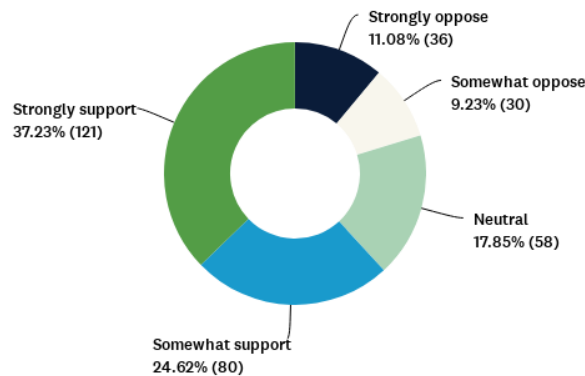


Q71 Add speed bumps or other traffic-calming measures



Beyond vehicular traffic, Rollingwood residents emphasized a desire for the City to prioritize improved walkability with shared use paths – sidewalks, bike paths, and trails – and street lights to promote safe use of such amenities. A majority of residents also supported adding a dedicated crosswalk across Rollingwood Drive near the park.

Q72 Add a dedicated crosswalk across Rollingwood Drive near park



Recommendations related to Mobility

1. Conduct a traffic study with an eye towards creating safe accessibility from the residential areas of Rollingwood to commercial areas along Bee Caves Road; specifically, along Dellana Lane, Rollingwood Drive, and Edgegrove Drive and at the crossings of these two roadways over Bee Caves Road.
2. Consider creating Pedestrian Refuge Islands and crosswalks at or near Bee Caves Road at the intersections of Rollingwood Drive and Edgegrove Drive (this requires additional study).
3. Consider adopting a policy allowing usage of golf cart type vehicles on residential roads and up to commercial areas at Bee Caves Road.
4. Encourage sidewalks on rear of commercial development for additional bike and pedestrian usage.
5. Add a crosswalk over Rollingwood Drive next to the Rollingwood Park.
6. Add an improved hike and bike path along Edgegrove Drive from Rollingwood Drive to Bee Caves Road.

Economic Development and Fiscal Policy

"Rollingwood projects should be funded primarily by use of revenue from property, sales and commercial taxes. All long term bond borrowing for infrastructure to be citizen approved. No short-term notes issued without tax payer approval." Citizen quote

Key Takeaways

- The City of Rollingwood's main sources of income are property tax revenues and sales tax revenues, allowing the City to provide the quality City services that residents and businesses have come to expect.
- The projected 2020-2021 total property tax revenues (from both residential real property and commercial real and personal properties) is \$2.62 million, with \$1.27 million committed to payment of debt service and \$1.35 million available for maintenance and operations. Sales tax revenues from sales of retail goods within Rollingwood's commercial area is \$852,887.
- With increases in property values in the Rollingwood area, revenues from property taxes are expected to increase.
- While Bee Caves Road is and will continue to be the only physical commercial area for Rollingwood, changes in the law with respect to the allocation of sales tax on internet sales are expected to increase the sales tax revenues received by the City.
- Maintaining the residential and family character of Rollingwood is much more of value to residents than increasing sales tax revenues.
- Implementing a City financial policy that reflects these values and factors is in the long term best interest of the City and will provide sound financial planning.

As part of the Comprehensive Plan Strike Force Survey distributed in April 2021, Rollingwood residents weighed in on a variety of potential priorities and shared their preferences for the Bee Caves Road Commercial Corridor. Responses revealed a desire for more restaurants and retail (small boutiques), with strong opposition to uses such as a hotel or additional multifamily housing options. Maintaining the low-density, single-family character of Rollingwood was identified as the number one priority for residents. Increased traffic and crime were primary sources of concern for respondents. *The list below indicates residents' preferred priority of potential goals for the Bee Caves Road Commercial Corridor:*

- #1 - Maintain low-density, single-family character of Rollingwood (56.25%)
- #2 - Protect property values and/or views of existing Rollingwood residences (18.87%)
- #3 - Increase sales tax revenue (13.38%)
- #4 - Increase retail and restaurant options (8.63%)
- #5 - Maintain current traffic levels (6.27%)

Although residents showed a desire for increased retail and restaurants, the majority opposed the use of a limited tax incentive to encourage additional retail business to locate in Rollingwood's commercial corridor.

Discussion with respect to fiscal policy:

City services necessarily include both recurring annual costs (such as salaries, supplies, and on-going maintenance) and one-time long-term costs (such as capital improvements for water system upgrades and drainage improvements). In funding both types of costs, the City is benefitted by development of a fiscal policy that identifies and manages the costs to be paid annually from current revenues and costs that are appropriately funded through municipal bonds (debt). Bonds, most of which require voter approval, allow the City to finance the cost of large, long-term projects over the useful life of the project so that current and future users benefitted by the project share in the cost over its useful life. Each year, the City pays the principal and interest on bonds (the annual debt service - much like a home mortgage) using a portion of annual property taxes. Having an appropriate allocation of the use of property tax revenues between annual costs and long-term repayment of bonds, through a stated fiscal policy, not only benefits the City in setting its annual budget but also assists the City in showing financial markets that the City has properly planned its budgeting so that it can pay its obligations, enabling the City to maintain a strong bond rating, which in turn reduces interest rates on those bonds.

The Comprehensive Plan Strike Force, together with the City's bond advisors, U.S. Capital Advisors, has analyzed Rollingwood's current and future debt service, current and future interest rates on municipal bonds, and projected growth in property tax revenues. This analysis has been conducted to project the amount of capital that the City might be able to raise, at various impacts to annual property taxes. The results of this analysis are provided in the Bond and Tax Rate Analysis (2021), and, in summary, show the impact of new bonds on the Rollingwood portion of a residential property tax bill, and on the total property tax bill (which includes taxes assessed by other Travis County taxing jurisdictions), using the assumptions stated in the attachment. For example, to raise an additional \$10 million in bonds, the annual cost to a residential property would be in the range of \$400 per year per million dollars of property tax valuation. As property values increase, the annual cost per resident for a \$10 million bond will reduce proportionally. Other changes will also impact this result, but these estimates provide a ballpark number for considering how larger long-term projects might be funded.

Economic Development Policy recommendations:

The Strike Force recommends the City develop a City financial policy, based on the values and circumstances identified above. The Strike Force recommends the following policies based on the community input identified in the April 2021 survey regarding development of the commercial corridor, and analysis of the City's ability to pay for bonds to afford quality public services:

1. Build and maintain a positive and competitive business-friendly climate that will retain, grow, and attract high-quality restaurants and retail businesses in the City's commercial corridor along Bee Caves Road.
2. Rather than build multi-story, multi-family housing, continue to invest in the single-family character and quality of life attributes that provide the City with a competitive advantage in terms of economic development and growth in property values.
3. Look first to new revenue made available by increases in the market value of new and existing Rollingwood properties to fund projects rather than raising property taxes.
4. Explore to the greatest extent possible third party sources of funds, including state and federal funds, to assist in financing of infrastructure projects.
5. Require voter approval for any new debt.
6. Develop a fiscal policy that balances use of tax funds between annual expenses and long-term project funding.

Implementation

The Implementation chapter of the Comprehensive Plan addresses how the policies and direction described in the previous chapters will be accomplished in Rollingwood. The Planning & Zoning Commission and City Council recognize these recommendations cannot be implemented all at once. Limitations of resources must be weighed against the desire to accomplish all recommendations at once. Therefore, this chapter of the Plan sets priorities for the objectives that should be undertaken.

This chapter also addresses future amendments of this Plan. Circumstances change as opportunities arise; therefore, to keep this plan vital and useful, it must be reviewed regularly, and the community must be involved in those reviews.

Revisions to the Comprehensive Plan and Priorities

The City Council reserves the right to change the priority list as objectives and strategies are completed, as circumstances change, and as new opportunities arise. As the City and community pursues an objective, they may find that upon detailed study, the objective or an associated strategy recommendation is not advisable. An alternative objective or strategy to meet the goal may be substituted. In addition, an objective that was identified as significant may be reduced in importance because of a change in circumstance. Another objective may be moved up on the priority list because a new funding source becomes available, another community organization has addressed or initiated efforts to address an objective, or a strong need arises. The list of priority objectives provided above is flexible and may be changed during the timeframe of this Comprehensive Plan.

It should also be noted that the inclusion of an objective or strategy in the Comprehensive Plan or priorities list does not guarantee implementation. The City Council also reserves the right to evaluate the need and cost of implementing an objective or strategy in light of current conditions and priorities as implementation proposals arise.

Amendments to the Comprehensive Plan

This Plan should be reviewed regularly so that it does not become out of date. Amendments to the Plan can also be made between the adoption of this Plan and the next update. The following are general guidelines to City Council, Planning & Zoning Commission, and City Staff:

- Public hearings should be held to allow citizens the opportunity to comment on proposed amendments.
- Regularly review the Comprehensive Plan's recommendations and the progress towards meeting them.

- Use the Comprehensive Plan as a guide for City of Rollingwood and community actions.
- Use the Comprehensive Plan as a guide for land use and zoning decisions, capital improvement planning, budgeting and other City actions.
- Seek and encourage partnerships to implement strategies and plan objectives. Partners might include the City, other local, state, and federal agencies, local businesses, the development community, and citizenry.

Implementation

The table on the following page lists all of the policy recommendations from each chapter of this Plan that should be prioritized for implementation by the City and the community. This list was developed in consideration of public comments, discussions at public workshops, and discussions among the Planning & Zoning Commission, City Council, and City staff. Available resources and financial realities shall be recognized during the implementation. The following sixty-two (62) policies have been identified as priorities for Rollingwood:

Future Policy/Objectives

FUTURE LAND USE CHAPTER	
General Policies	Review and, if necessary, create or strengthen City ordinances to protect Rollingwood tree canopy in residential and commercial areas.
	Create and encourage water-wise policies for landscaping in residential and commercial areas.
	Review and consider methods to ameliorate additional future drainage and storm water runoff, including additional drainage fees on new development.
	Review and revise City ordinances to ensure that new developments pay the costs they impose on drainage infrastructure.
	If allowable, enact rules making it more difficult to “upzone” properties from a residential use to a more intensive non-residential use.
Residential Policies	Commission a traffic study to address residents’ concerns over the amount and speed of traffic within residential areas; look for ways to reduce cut-through traffic; consider installation of crosswalks and pedestrian islands to permit the safe crossing of Rollingwood Drive near the park.
	Prohibit short-term rentals.
	Connect residential and commercial areas with a dedicated, safe pathway for pedestrians and bicyclists alongside Edgegrove Drive between Rollingwood Drive and Bee Caves Rd.
	Evaluate and consider connecting residential and commercial areas with a dedicated pathway along old Dellana Lane.
	Maintain standard and uniform setback and building rules on residential lots throughout Rollingwood regardless of whether a residential lot borders a lot that is either non-residential or outside Rollingwood.
Commercial Policies	Regulate “estate lots” as necessary to protect nearby and adjacent residential properties.
	Allow retail and office uses on all commercially zoned properties and encourage restaurant development where a restaurant use would not create a nuisance for adjacent residential properties.
	On the north side of Bee Caves Road, limit development on commercially zoned lots to two stories and 30 feet in height. On the south side of Bee Caves Road, limit development on commercially zoned lots to 3 stories and 45 feet in height.
	Maintain current Rollingwood Drive frontage setbacks (<i>i.e.</i> , setbacks between commercial buildings and Rollingwood Drive).
	Prohibit the clearing of native vegetation within the FEMA floodplain on commercially zoned properties.
	Work with stakeholders to envision and create a safer pedestrian crossing of Bee Caves Road at Edgegrove Drive. (Long-term vision: build a pedestrian bridge across Bee Caves Road within Rollingwood.)

Commercial Policies Continued (FUTURE LAND USE CHAPTER)	Replace current setbacks between commercially zoned properties and residentially zoned properties with a setback of 75 feet measured from the edge of any residentially zoned lot to the edge of any building on any commercially zoned lot. The clearing of native vegetation shall be prohibited in this 75-foot setback. In addition, the City should require replanting of previously cleared spaces within the 75-foot setback between the edge of any residentially zoned lot and the edge of any building on any commercially zoned lot.
	To reduce the number of ingress/egress points on Bee Caves Road, eliminate any existing code provisions that require a driveway on every commercially zoned lot.
	Encourage the building of walking and biking paths on commercially zoned lots along the south side of Dry Creek (sometimes called Eanes Creek) on the north side of Bee Caves Road.
	Enforcement: The City should require an as-built survey as part of its final permitting and Certificate of Occupancy for all new commercial development. In addition, the City should exercise its full discretion and employ all means to enforce all development rules regulating commercially zoned lots.
	Modify development standards as necessary based on following recommendations:
	<i>Front set back:</i>
	the front setback for commercial properties along the north side of Bee Caves Road be reduced from the current 25' setback to a 5' setback, where the developer has agreed to: 1) contribute any required right of way to TX DOT, and 2) implement a landscape plan, including appropriate irrigation and maintenance, that provides native species shade trees along sidewalks and rear lot pedestrian paths.
	<i>Impervious cover:</i>
	City should establish commercial impervious cover requirements such that impervious cover shall not exceed 55% provided that no new project development will create any increases to storm water runoff (either volume or rate of flow of runoff).
	Incentives: the development code should incentivize permanent low impact development practices such as rainwater harvesting, bio-retention, rain gardens, green roofs, infiltration/filter strips, conservation landscaping using native plants and trees that promote the area's natural habitat including bird-, bee-, butterfly-friendly plants, and natural area preservation over and above required greenbelt setbacks, by development of a schedule of impervious cover limit increases up to an additional 10% for use of such practices: 1) there are no increases to storm water runoff (either volume or rate of flow of runoff), 2) the site plan meets all TCEQ best management practices for water quality, and meets the design elements described below.
	Certification: all requirements associated with impervious cover incentives, storm water management and water quality be mandatory, not subject to variance, and enforced by requirements for engineering certification that the design meets all requirements as initially submitted in the permitting process and for engineering certification that the design as built meets all impervious cover, storm water management and water quality requirements before the issuance of any occupancy permit.
	<i>Design requirements to lessen impact of commercial development to adjacent residential properties:</i>

Commercial Policies Continued (FUTURE LAND USE CHAPTER)	Where roofs are visible from adjacent residential lots, the City should adopt appropriate design requirements that mask and/or eliminate the impact of (i) building mechanical elements (AC units, vents, wireless facilities, etc.) by requiring such elements be located at ground level and not on roofs, or if located on roofs, masked by the roof; (ii) require all solar panels be masked; and (iii) require the site plan to provide a vegetative buffer and safety features between a residential lot and a commercial lot where there is no greenbelt, topographical, or line of sight buffer between the commercial lot and any residential lot.
	The City should adopt lighting design criteria to eliminate impact to adjacent residential properties, down-shield night-time lights, and adopt standards consistent with the “Dark Skies” lighting policies of similarly-sized Central Texas Hill Country communities, the International Dark Skies communities or other state-certified "Dark Skies" organization.
	Review and revise necessary ordinances regarding interior and exterior lighting.
	<i>Landscaping/Shade/setback incentives for commercial properties: the City should:</i>
	Require that landscaping within the setback along Bee Caves Road, where possible, and along any pedestrian walkways, include sufficient trees to shade sidewalks and pedestrian paths.
	Employ a tree ordinance similar to that in residential areas that will preserve heritage trees, that requires replacement of heritage trees with a tree or trees of the same species and having the same total caliper inches, and require replacement of other protected trees so as to maintain current tree canopies.
	Safe harbor: the City should permit the renovation and, if necessary, rebuilding of existing structures on commercially zoned lots provided that such renovation or rebuilding (1) was in compliance with all City ordinances at the time it was built; and (2) is limited to the footprint of the existing structure.
	Update commercial signage regulations as needed to bring rules up to date with modern technology and building needs.
	Post-permit Enforcement and penalties: The zoning ordinance for commercial properties should include provisions sufficient to permit revocation of occupancy permits in the event the owner fails to maintain compliance with any permit requirement including impervious cover incentives, and landscaping, shade, setback requirements, and/or Dark Sky requirements, in addition to use of all fines and other enforcement provisions, including daily financial penalties for non-compliance.

PARKS AND RECREATION CHAPTER	
Additional Strike Force Recommendations	Add sources of shade to Rollingwood Park, including through tree planting
	Explore possibility of working with City of Austin and nearby neighbors to convert old Dellana Lane into a safe and publicly assessable hike and bike trail. (Long term: explore possibility of permitting golfcart use on pathway to connect residential areas with commercial corridor.)
	Improve and expand walking paths and sidewalks within Rollingwood Park
	The Strike Force took no position on the dog-park issues or concessions.

FACILITIES AND INFRASTRUCTURE CHAPTER	
Drainage	The Strike Force strongly supports implementing stormwater drainage improvements that address the most significant risks to the health and safety of Rollingwood residents. The Strike Force also emphasizes that drainage improvements were identified as the highest community need by residents. Because the Strike Force was asked not to reassess the 2020 Infrastructure Improvement Plan, it takes no other positions on drainage issues
City Hall	The Strike Force received input from City administrators and the Chief of Police on the need for more space and other improvements to City administrative and Police facilities. City and police employees indicated that there is no more space to add additional employees, that there is no shower for employees or private bathroom, and no private room to interview crime victims or suspects. However, the Strike Force did not take a position on which option should be selected for contemplated City Hall improvements.
Water	The Strike Force notes that many Rollingwood residents expressed the need to address frequent water-line breaks and boil-water notices. The Strike Force did not receive testimony or engineering reports on water lines and therefore defers to the City Council as to the best way to manage the City's water infrastructure.

MOBILITY CHAPTER	
	Conduct a traffic study with an eye towards creating safe accessibility from the residential areas of Rollingwood to commercial areas along Bee Cave Road; specifically, along Dellana Lane, Rollingwood Drive and Edgegrove Drive and at the crossings of these two roadways over Bee Caves Road.
	Consider creating Pedestrian Refuge Islands and crosswalks at or near Bee Cave Road at the intersections of Rollingwood Drive and Edgegrove Drive (this requires additional study).
	Consider adopting a policy allowing usage of golf cart type vehicles on residential roads and up to commercial areas at Bee Cave Road.
	Encourage sidewalks on rear of commercial development for additional bike and pedestrian usage.
	Add a crosswalk over Rollingwood Drive next to the Rollingwood Park
	Add an improved hike and bike path along Edgegrove Drive from Rollingwood Drive to Bee Cave Road.

ECONOMIC DEVELOPMENT CHAPTER	
	Build and maintain a positive and competitive business-friendly climate that will retain, grow and attract high-quality restaurants and retail businesses in the City's commercial corridor along Bee Cave Road.
	Rather than build multi-story multi-tenant housing, continue to invest in the single-family character and quality of life attributes that provide the City with a competitive advantage in terms of economic development and growth in property values.
	Look first to new revenue made available by increases in the market value of new and existing Rollingwood properties to fund projects rather than raising property taxes.
	Explore to the greatest extent possible third party sources of funds, including state and federal funds, to assist in financing of infrastructure projects.
	Require voter approval for any new debt.
	Develop a fiscal policy that balances use of tax funds between annual expenses and long-term project funding.

List of Appendices

- Pages 98-101 of *Eanes: Portrait of a Community* written by Linda Vance and Researched by Dorothy M. Depwe (1986)
- Page 257 of *Power, Money and the People: The Making of Modern Austin* by Anthony M. Orum (1987, 2002)
- Future Land Use Plan (1998)
- Bee Caves Road Corridor Study (1999)
- Capital Improvement Plan (CIP) for water and streets (2013)
- Park Master Plan (2018)
- City Branding Initiative (2018)
- Spatial Needs Assessment (2019)
- Retail Coach – Retail Market Analysis (2019)
- Retail Coach – Parcel-By-Parcel Analysis (2019)
- Retail Coach Recommendations (2019)
- Infrastructure Improvements Plan (IIP) (2020)
- Pegasus Survey Results (2020)
- Proposal for Rollingwood Reimagined (2021)
- Fiscal Forecast of Ad Valorem Tax Revenues (2021)
- Bond and Tax Rate Analysis (2021)
- Resident Generated – Residential Survey Results (2021)
- Resident Generated – Commercial Survey Results (2021)
- Engineer's Report on Wastewater Capacity (2021)
- Engineer's Report on Water Capacity (2021)



City of Rollingwood
Comprehensive Plan Appendices

A list and links to the Appendices in the Comprehensive Plan can be found on the City's website at the following link:

<https://www.rollingwoodtx.gov/bc-cpsf>

DRAFT

Rollingwood Commercial Corridor Project –Draft**Exhibit A**

All text which is underlined denotes addition of new text. All text which is ~~stricken through~~ denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and *italicized*, is for document organization and reference only and is not intended to be adopted. The Code of Ordinances of City of Rollingwood, Texas, Part I, Chapter 24 and Part II, Chapters 101, 103 and 107 are hereby amended as follows:

{Revisions to Chapter 24. Signs and Advertising, Article II. Sign Regulations}

CHAPTER 24 – SIGNS AND ADVERTISING

ARTICLE II. – SIGN REGULATIONS

DIVISION I. GENERALLY

Sec. 24-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-Frame sign means a temporary sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top with each angular face held at an appropriate distance so as to be adequately secured by a supporting member. These signs may also be referred to as sandwich board signs.

Animated sign means signs and lighting that, in whole or part, move, rotate, flash, reflect, blink, change color, or simulate motion in any manner.

Awning sign means a nonilluminated building-mounted sign that provides additional functionality as shelter.

Back-lit channel letter means a channel letter that contains a clear or transparent back and either an internal light source with an opaque face or an internal light source with a translucent face. The background illumination portion of a back-lit channel letter is commonly referred to as halo lighting.

Banner means an on-premises temporary sign composed of lightweight material ~~for promotional use to announce grand openings of business establishments.~~

Building official means the city's building official or his authorized representative.

Changeable electronic variable message sign or *CEVMS* means a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept

DRAFT

stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. The term "changeable electronic variable message sign" does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the national standard.

Channel letter means a fabricated or formed three-dimensional letter that may accommodate a light source.

Channel logo means a fabricated or formed three-dimensional logo that may accommodate a light source.

Church building means a building used as a church in a GI zoning district.

Commercial building means a building located in the Commercial District (C) with a ~~retail~~ use permitted in the ~~C-2~~ zoning district.

Contractor sign means a temporary sign erected on the premises where construction, alteration, or improvement is taking place.

Dimensional letter means a nonilluminated letter, logo or symbol, either cut out, cast, molded or fabricated in material such as metal or plastic to create a raised condition.

Directional real estate sign means a temporary sign directing traffic to an event occurring at the premises that are held for sale or lease. The sign may or may not be located on the premises held for sale or lease.

Erect means to construct, alter, reconstruct, install, place, attach, hang, suspend or affix, including painting or any physical operation required for construction of a sign, including, but not limited to, excavation, site clearance, and land fill.

Establishment means one business, organization, professional office, store, or other entity located in a ~~professional and business office commercial~~ district (C-1), ~~a business district (C-2)~~, a hospital district (H), or a planned unit development district (PUD) and engaged in activities allowed in such zoning districts.

Exposed neon sign means any sign that exposes neon glass tubing to public view, including neon window signs, open face channel letters, or border or architectural neon.

Front-lit channel letter signs means any sign designed to permit internal lighting to illuminate a translucent channel letter face.

Government building means a building used as a government office in a GI zoning district.

Hospital building means a building used as a hospital in a hospital (H) zoning district.

Illuminated awning means an awning that is back-lit or internally illuminated.

Logo means a letter, symbol or sign used to represent goods, identity or service.

Menu/message/marquee sign means a sign structure with manual or electronic changeable text or permanent text, including reader boards, electronic message displays, pricing displays, or time and temperature displays.

DRAFT

Monument sign means an on-premises freestanding sign that is supported by a pedestal or other solid foundation in or upon the ground.

Multiple-establishment complex means a building or series of buildings located on a common site or contiguous sites designed as a unified development occupied by more than one establishment. A shopping center containing more than one establishment, or an office building containing more than one establishment, are examples of multiple-establishment complexes.

Office building means a building primarily providing office space for businesses, organizations, professionals, and individuals, and perhaps providing auxiliary services for the tenants of the building, such as a snack bar.

Off-premises sign means a sign of a business, organization, professional office, store or other establishment that is not appurtenant to the use of the premises on which it is displayed.

Painted wall sign means a sign, including lettering, logos or murals, applied or attached directly to a building surface.

Personal sign means a temporary sign displayed by a resident on the resident's lot advertising personal events, including, but not limited to, garage sales, birthdays and lost pets. Such sign includes signs that are erected for the purpose of informing the public of that person's religious, philosophical, or similar beliefs, including viewpoints concerning current events of a nonpolitical nature.

Political sign means a temporary sign in support of a political candidate or issue in a future city, county, state or national election. The term "political sign" includes signs that are erected for the purpose of informing the public of that person's political beliefs, including viewpoints concerning current events of a political nature.

Portable sign means a readily removable temporary sign or other advertising device that may be erected at successive locations. A newspaper vending rack and A-Frame sign are ~~is~~ not a portable sign under this article.

Projecting sign means a nonilluminated building-mounted sign with the faces of the sign perpendicular to the building fascia.

Public view means the view as seen from any public street or residential property.

Real estate sign means a temporary sign located on premises indicating that the premises, or a portion thereof, are for sale, lease, or rent.

Roof-mounted signage means a building-mounted sign erected on the roof of a building.

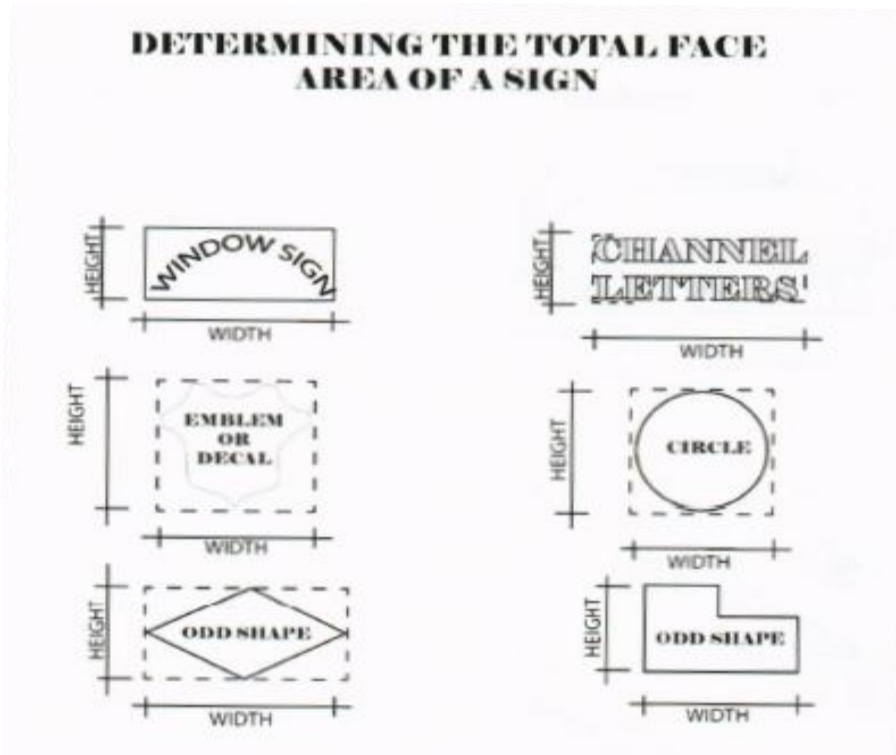
Sign means the display of any letters, numerals, symbols, images, messages, or anything else that is intended to advertise or promote any establishment, place, goods, services, activities, or events, or provide information to persons viewing the display.

Single establishment means one establishment that is the sole occupant of a building on one lot and not a part of a multiple-establishment complex.

Store window sign means a sign that is visible through a window or transparent door of a building that is oriented in a manner establishing an intent to be viewed off-premises or from public or private roadways. This term excludes signs displayed inside of buildings primarily for patrons on the premises.

DRAFT

Surface area of a sign means the total surface area of a sign with a distinguishable frame or background edge includes the surface area within the frame or edge plus the front surface of any frame. The total surface area of a sign without a distinguishable frame or background edge includes the surface area of all letters or symbols in the sign plus all space within and between the letters or symbols. The surface area shall be calculated using an imaginary rectangle which fully contain all extremities of the sign, including the frame, all words, numbers, figures, designs, or trademarks. Only one surface of a two-sided ~~freestanding~~ sign is counted if the two sides are back to back, have identical content, and are not separated by more than four feet at the widest point. See exhibit below for examples of calculating sign area:



Temporary sign means a nonilluminated sign not intended for permanent installation.

UL means underwriters' laboratory.

Wall/pole-mounted cabinet sign means a sign structure consisting of a frame and faces that has exposed pole supports or is wall mounted, and includes structures containing pan-formed faces, Lexan faces, Plexiglas faces, flexible faces, or wood faces.

Wayfinding sign means a nonilluminated single or double post mounted directional sign, which is limited to street names, entrance points, exit points, reserve parking areas, and critical locations within a property's internal traffic area. Wayfinding signs enable a person to find his way to a given destination through the use of effective signage.

Wrap-around awning means an awning that is installed on a building in a place other than directly over a door entrance or window frame.

Zoning district means a zoning district shown on the official zoning map of the city.

DRAFT

Sec. 24-20. Administration.

- (a) The building official will administer and enforce the provisions of this article. The duties of the building official will include the issuance of permits as required by this article, as well as the responsibility for ensuring that all signs comply with this article.
- (b) The building official will make such inspections as necessary to initiate appropriate action to bring about compliance with this article if any inspection discloses any instance of noncompliance.
- (c) The building official will investigate any complaints of alleged violations of this article.

Sec. 24-21. Notice of violation; correction of violations; penalty.

- (a) If the building official finds that any sign is erected or maintained in violation of the provisions of this article, the building official will give written notice by certified mail to the owner of the sign and the owner of the property on which the sign is located.
- (b) If the owner of the sign fails to remove or alter the sign as required by the building official within 15 days after the mailing of a written notice as required in subsection (a) of this section, the city may remove the sign at the expense of the owner of the sign or the owner of the property on which the sign is located and may use other legal remedies available to the city.
- (c) Any person convicted of a violation of any provision of this article by a court of competent jurisdiction shall be fined in an amount not to exceed \$500.00 for each violation. Each day of violation after the 15-day period allowed under subsection (b) of this section constitutes one violation.

Sec. 24-22. Appeals.

- (a) An appeal may be made to the city council by any person aggrieved by an action of the building official. Such appeal, specifying the grounds thereof, must be filed with the city secretary within ten days from the date the building official mailed the notice as required in section 24-21(a). The building official will promptly transfer to the mayor all papers constituting the record upon which the action being appealed was taken. These papers will be made available to the city council for purposes of the appeal. The filing of an appeal stays all proceedings related to the action being appealed.
- (b) The city council will have the following authority with respect to appeals:
 - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the building official; and
 - (2) To reverse or affirm, wholly or partially, or modify the order, requirement, decision, or determination being appealed and make such order, requirement, decision or determination as the city council determines ought to be made.
- (c) The concurring vote of four councilmembers will be necessary to reverse or change any order, requirement, decision, or determination of the building official, or to decide in favor of the person making the appeal.

DRAFT

Sec. 24-23. General requirements.

- (a) No person shall construct, alter or move any sign or any portion thereof, or cause the same to be done, without first obtaining a sign permit as required under the city construction code from the building official. All sign permits shall expire after a period of six months except for temporary sign permits as described in section 24-93.
- (b) No sign may be erected or maintained in such manner as to obstruct the view of operators of motor vehicles, or at any location where, by reason of position, shape, size, color or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (c) No person may place, erect or maintain or cause the placement, erection or maintenance of any sign on any tree, utility pole, fence, retaining wall, easement or right-of-way, unless specifically authorized by this article.
- (d) No person may place, erect or maintain or cause the placement, erection or maintenance of any sign upon any city property without the prior approval of the city council.
- (e) Unless expressly authorized or allowed under this article, no signs are permitted within the city.
- (f) All single establishments or multiple-establishment complexes must display building street address numbers on signage in compliance with the provisions of this article and the uniform fire code.
- (g) No sign on a lot zoned Commercial District (C) shall face an adjacent residentially zoned lot.

Sec. 24-24. Prohibited signs.

All signs not expressly permitted under this article or exempt from regulation in accordance with section 24-26 or that do not conform to the requirements of this article are prohibited in the city. Such signs include, but are not limited to:

- (1) Animated signs;
- (2) Exposed neon signs;
- (3) Front-lit channel letter signs;
- (4) Illuminated awnings;
- (5) Wrap-around awnings;
- (6) Menu/message/marquee signs;
- (7) Off-premises signs;
- (8) Painted wall signs;
- (9) Portable signs;
- (10) Roof-mounted signage;
- (11) Wall/pole-mounted cabinet signs;
- (12) Externally illuminated signs; and

DRAFT

212 (13) Changeable electronic variable message signs.

213 **Sec. 24-25. Maintenance; liability.**

214 (a) All signs must be properly maintained in good repair and appearance. The sign and all
 215 braces, bolts, supports, frame and fastenings must be free from deterioration, termite
 216 infestation, rot, or loosening. The building official is authorized and directed to order the
 217 painting, repair, or removal of a sign, or make other improvements as necessary to alleviate
 218 a hazard to public health, safety or welfare.

219 (b) The provisions of this article will not be construed as relieving or limiting in any way the
 220 responsibility or liability of any person erecting or owning any sign from personal injury or
 221 property damage resulting from the placing of the sign, or resulting from the negligence or
 222 willful acts of such person, or such person's agents, employees or workers, in the design,
 223 construction, maintenance, repair or removal of any sign erected in accordance with a
 224 permit issued under the provisions of this article. Nor should this article be construed as
 225 imposing upon the city or its officers, employees or representatives any responsibility or
 226 liability by reason of the approval of any signs, materials, or devices, or taking any other
 227 action under the provisions of this article.

228 **Sec. 24-26. Exempted signs.**

229 The provisions of this article shall not apply to the following signs:

- 230 (1) Memorial signs or tablets, or names of buildings and date of erection when cut into any
 231 masonry surface or when constructed of cast bronze or other metal;
- 232 (2) Signals, markers or signs erected by state or local government for traffic control or
 233 informational purposes;
- 234 (3) Temporary decorations or displays that are clearly incidental to and customarily or
 235 commonly associated with any national, local or religious holiday or celebration,
 236 provided that such decorations or displays are maintained in an attractive condition and
 237 do not constitute a fire, traffic or pedestrian hazard;
- 238 (4) Temporary or permanent signs erected by public utility companies or construction
 239 companies to warn of danger or hazardous conditions, including signs indicating the
 240 presence of underground cables, gas lines and other devices;
- 241 (5) Signs displayed by a civic organization up to three days before and on the meeting day
 242 of such organization if such signs do not exceed four square feet in surface area on
 243 each of the two sides;
- 244 (6) Residential nameplates, residential address numerals, and notices that property is
 245 protected by a security company or neighborhood watch;
- 246 (7) Newspaper names and prices on vending racks;
- 247 (8) Personal signs;
- 248 (9) Political signs.

249 **Secs. 24-27—24-55. Reserved.**

DRAFT

250

DIVISION 2. PERMIT

251 **Sec. 24-56. Required; expiration.**

252 No person may erect a sign within the city without first obtaining a permit to do so if
253 required by this article. If the work authorized by a permit issued under this article is not
254 commenced within 60 days after the date of issuance, the permit becomes null and void.

255 **Sec. 24-57. Application.**256 (a) *Application requirements.*

257 (1) A person desiring to erect a sign requiring a permit under this article must file a written
258 application for the permit. The permit application must be filed with the building
259 official and must be accompanied by the fee prescribed by the city, together with the
260 following information:

- 261 a. The name, address and telephone number of the person making application and
262 the owner of the premises upon which the proposed sign is to be located;
- 263 b. Written consent to the application from the owner of the premises upon which the
264 proposed sign is to be located;
- 265 c. A site plan depicting the exact location of the proposed sign on the premises, if
266 applicable; and
- 267 d. An elevation and specification drawing, to scale, of the proposed sign showing the
268 message to be depicted on the sign, the dimensions of the sign, the materials that
269 will be used in the construction of the sign, lighting devices (if any) that will be
270 used to illuminate the sign, and the method by which the sign will be constructed,
271 attached to the building or placed in the ground, and any associated landscaping.

272 (2) The specification drawing for a monument sign must bear the signature and seal of a
273 registered professional engineer.

274 (b) *Date of filing.* The application will not be deemed to have been filed until all information,
275 documentation and fees required by this article have been received by the building official.

276 **Sec. 24-58. Approval or denial.**

277 (a) The building official will approve, approve with conditions, or disapprove an application to
278 erect a sign within 30 working days following the day the application was filed. Failure of
279 the building official to approve, approve with conditions, or disapprove an application
280 within the prescribed time will constitute approval of the application.

281 (b) The applicant must comply with all conditions imposed by the building official with respect
282 to approval of an application.

283 (c) No sign requiring a permit may be erected until such permit is issued by the building
284 official.

285 **Secs. 24-59—24-89. Reserved.**

DRAFT

DIVISION 3. STANDARDS FOR SPECIFIC TYPES OF SIGNS

Sec. 24-90. Monument signs.

(a) Monument sign table.

Sign Type	Commercial & <u>Office Building</u>	Office Building	Hospital, Church or Government Building	Residential
Monument sign	Yes	Yes	Yes	Not permitted

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Information on sign.* The information display on a monument sign is limited to the name and logo of residing establishments (except, during such time the premises is ~~for held~~ for lease, it may include a "for lease" display).

(c) *Design and construction standards.* Monument signs must be designed and constructed in accordance with the following standards:

(1) If internally illuminated, the monument sign must:

a. Be designed and constructed in accordance with applicable UL specifications and requirements and must exhibit the appropriate UL certification; ~~and-~~

b. ~~Use either 30 milliamp neon glass tubing that is 15 millimeters in size and Lighting must be white in color 6500-white in color or high output fluorescent lamps.~~

(2) Monument sign materials must be noncorrosive, including, but not limited to, the frame, bolts, shields, brackets, paint, vinyl, and aluminum.

(3) Monument sign faces must be either back-lit channel letters or routed aluminum panel faces that are backed with either Plexiglas or up to a maximum one-half inch push-through type Plexiglas.

(4) A monument sign containing a routed aluminum panel face may have an internally lit or back-lit lighting application.

(5) Monument signs must display the building street address number, in four-inch metal letters, on all visible sign faces.

(d) *Number of signs permitted; dimensions and setback requirements.*

(1) For properties with less than 100 lineal feet of right-of-way frontage, the surface area of the monument sign may not exceed 24 total square feet.

(2) For properties with more than 100 lineal feet of right-of-way frontage, the surface area of the monument sign may not exceed 48 total square feet.

DRAFT

- (3) A monument sign may not exceed eight feet in height above the highest point in the natural grade immediately adjacent to the base of the sign.
- (4) A monument sign must be set back at least ten feet from the boundary line of the property.
- (5) Properties with less than 400 lineal feet of right-of-way frontage may have only one monument sign on the premises. Properties with more than 400 lineal feet of right-of-way frontage may have up to two monument signs on the premises; provided, however, the monument signs must be spaced at least 100 feet apart.

Sec. 24-91. Building-mounted signs.(a) *Building-mounted sign table.*

<i>Building-Mounted Sign Type</i>	<i>Commercial & Office Building</i>	<i>Office Building</i>	<i>Hospital, Church or Government Building</i>	<i>Residential</i>
Channel letter (illuminated)	Yes	Not permitted	Not permitted	Not permitted
Channel logo (illuminated)	Yes	Not permitted	Not permitted	Not permitted
Dimensional letter (nonilluminated)	Yes	Yes	Yes	Not permitted

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Channel letters.* Channel letters must be designed and constructed in accordance with the following standards:

(1) Channel letters:

- a. If illuminated, must have opaque side walls.
- b. If illuminated, must be designed and constructed in accordance with applicable UL specifications and requirements and must exhibit the appropriate UL certification.
- c. If illuminated, ~~lighting must be white in color must use 30 milliamp neon glass tubing that is 15 millimeters in size and 6500 white in color.~~
- d. Must be constructed of aluminum faces that are at least 0.090 inches thick, aluminum returns that are at least 0.063 inches thick and have a depth of at least three inches.
- e. Must contain clear Lexan backs that are at least 0.019 inches thick.

DRAFT

- 345 f. Must be mounted using an individual reverse mounting method that has at least a
- 346 two-inch standoff.
- 347 g. Must be painted with two-stage automotive acrylic paint.
- 348 h. Must have a painted white interior.
- 349 (2) Channel letter displays on a building-mounted sign may contain:
 - 350 a. One horizontal line of lettering, not to exceed 24 inches in height, with no more
 - 351 than one 24-inch-in-height logo that may not exceed four square feet in total
 - 352 surface area; or
 - 353 b. Two horizontal lines of lettering, not to exceed 30 inches in height, with no more
 - 354 than one 30-inch-in-height logo that may not exceed six square feet in total
 - 355 surface area.
- 356 (c) *Channel logos*. Channel logos must be designed and constructed in accordance with the
- 357 following standards:
 - 358 (1) A channel logo:
 - 359 a. If illuminated, must contain opaque side walls.
 - 360 b. If illuminated, ~~lighting must be white in color must use 30 milliamp neon glass~~
 - 361 ~~tubing that is 15 millimeters in size and 6,500 white in color.~~
 - 362 c. If illuminated, must be designed and constructed in accordance with applicable
 - 363 UL specifications and requirements and must exhibit the appropriate UL
 - 364 certification.
 - 365 d. Must be constructed of aluminum backs that are at least 0.063 inches thick,
 - 366 aluminum returns that are at least 0.040 inches thick and have a depth of at least
 - 367 five inches.
 - 368 e. Must contain clear Lexan backs that are least 0.019 inches thick.
 - 369 f. Must contain a translucent Plexiglas face that is at least 3/16-inch thick with an
 - 370 ultraviolet light-resistant vinyl overlay that is designed to resist fading for five
 - 371 years.
 - 372 g. Must contain a trim cap that is at least one inch thick, but not more than two
 - 373 inches thick.
 - 374 h. Must be mounted using an individual mounting method that has at least a two-
 - 375 inch standoff.
 - 376 i. Must be painted with two-stage automotive acrylic paint.
 - 377 j. Must have a painted white interior.
 - 378 (2) A channel logo display on a building-mounted sign may contain:
 - 379 a. One logo, not to exceed 24 inches in height or four square feet in total area; or
 - 380 b. One logo, not to exceed 30 inches in height or six square feet in total area.

DRAFT

- (d) *Dimensional letters.* Dimensional letters may not be illuminated. Dimensional letters must be designed and constructed in accordance with the following standards:

(1) Dimensional letters must:

- a. Be constructed of noncorrosive metal, including, but not limited to, the bolts, mounting brackets, and sign faces.
- b. Be mounted using an individual mounting method that has at least a one-quarter inch standoff.
- c. Be painted with two-stage automotive acrylic paint.
- d. Have ultraviolet light-resistant vinyl overlay faces that are designed to resist fading for five years.

(2) Dimensional letters on a building-mounted sign must be at least one inch deep, but no more than three inches deep.

- (e) *General standards for signs on commercial buildings.* General guidelines and restrictions for building-mounted signs on a commercial building are as follows:

(1) Channel letter type building-mounted signs may be internally illuminated.

(2) Dimensional letter type building-mounted signs may not be illuminated.

(3) Each establishment is limited to one building-mounted sign per building façade with a public entrance and each building-mounted sign may contain only one logo. Buildings with more than 10,000 square feet but less than 25,000 square feet in total gross floor area may have up to two building-mounted signs on the front façade. Buildings with more than 25,000 square feet in total gross floor area may have up to three building-mounted signs on the front façade.

(4) The width of each building-mounted sign may not exceed 75 percent of the linear width of the front facade of the premises structure. For multi-tenant buildings this shall be calculated based on the width of the façade for the individual tenant space.

(5) For premises with less than 25,000 square feet in gross floor area, the total surface area of the building-mounted sign, including any logo, may not exceed 60 square feet in area.

(6) For premises with more than 25,000 square feet, the total surface area of the building-mounted sign, including any logo, may not exceed 80 square feet.

- (f) *General standards for signs on ~~office~~, hospital, church, or government building.* General guidelines and restrictions for building-mounted signs on ~~an office building~~, hospital building, church building or government building are as follows:

(1) Only dimensional letter type building-mounted signs are allowed.

(2) Each building-mounted sign may contain only one logo.

(3) Building-mounted signs may not be illuminated.

(4) Total surface area of each building-mounted sign, including any logo, may not exceed 60 square feet in area.

DRAFT

- (5) Each building-mounted sign may contain either one or two lines of horizontal lettering, which will not exceed 30 inches in overall height. The content of the display text is limited to the building name or the establishment names.
- (6) Buildings with less than 10,000 square feet may have one building-mounted sign. Buildings with more than 10,000 square feet but less than 25,000 square feet in total gross floor area may have up to two building-mounted signs. Buildings with more than 25,000 square feet in total gross floor area may have up to three building-mounted signs.
- (7) The width of each building-mounted sign may not exceed 75 percent of the linear width of the front facade of the premises structure.

Sec. 24-92. Secondary signs.(a) *Secondary sign table.*

<i>Secondary Sign Type</i>	<i>Commercial & Office Building</i>	<i>Office Building</i>	<i>Hospital, Church or Government Building</i>	<i>Residential</i>
Awning sign	Yes	Not permitted	Not permitted	Not permitted
Projecting sign	Yes	Not permitted	Not permitted	Not permitted
Wayfinding sign	Yes	Yes	Yes	Not permitted

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Awning signs.* Awning signs must be designed and constructed in accordance with the following standards:(1) *Materials and construction.* Awning signs must:

- Have a support structure that is constructed of noncorrosive metal, including, but not limited to, the bolts, mounting brackets, and frame.
- Be made of low sheen, opaque canvas fabric.
- Contain white silk-screened display text, which is located on the sign band area of the canvas fabric only.
- Not contain display text that exceeds ten square feet in total surface area of each awning sign.

(2) *Number of signs permitted.* Each establishment may have one awning sign.(c) *Projecting signs.* Projecting signs must be designed and constructed in accordance with the following standards:(1) *Materials and construction.* Projecting signs must:

DRAFT

- 449 a. Be constructed of durable noncorrosive materials, and, if painted, must be painted
450 using two-stage automotive acrylic paint.
- 451 b. Be mounted so that there is at least eight feet of clearance between the bottom of
452 the projecting sign and the natural grade.
- 453 c. Project no more than four linear feet from the building facade.
- 454 d. Have ultraviolet light-resistant vinyl overlay faces that are designed to resist
455 fading for five years, if such vinyl materials are used in the projecting sign.
- 456 (2) *Number of signs permitted, dimensions and contents.*
- 457 a. Total surface area of the projecting sign face may not exceed six square feet in
458 area.
- 459 b. Each establishment may have only one projecting sign.
- 460 c. Display text is limited to the name, logo, crest, or insignia of the business or
461 organization.
- 462 d. Projecting signs may be illuminated using internal lighting that is white in color.
- 463 (d) *Wayfinding signs.* Wayfinding signs must be designed and constructed in accordance with
464 the following standards:
- 465 (1) *Materials and construction.* Wayfinding signs must:
- 466 a. Be constructed of noncorrosive metal, including, but not limited to, bolts,
467 mounting brackets and posts and sign faces.
- 468 b. Be mounted so that there are no more than two exposed posts.
- 469 c. Be painted with two-stage automotive acrylic paint.
- 470 d. Contain directional display graphics that are made of ultraviolet light-resistant
471 vinyl overlay faces designed to resist fading for five years.
- 472 (2) *Dimensions and maximum height.*
- 473 a. The total surface area of a wayfinding sign face may not exceed two square feet in
474 area.
- 475 b. Wayfinding signs may not exceed six feet in height above the highest point in the
476 natural grade immediately adjacent to the base of the sign.

477 **Sec. 24-93. Temporary signs allowed with prior approval.**

- 478 (a) *Temporary sign with prior approval table.*

<i>Temporary Sign Type Requiring Prior Approval</i>	<i>Commercial & <u>Office Building</u></i>	<i>Office Building</i>	<i>Hospital, Church or Government Building</i>	<i>Residential</i>
Commercial real estate sign	Yes	Yes	Yes	Not applicable
Banner	Yes	Yes	Yes	Not permitted

DRAFT

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Standards.* The temporary signs described below are allowable, but require prior approval of the building official:

(1) *Commercial real estate sign.* One commercial real estate sign may be located on the premises being held for sale, lease or rent. A commercial real estate sign may not be displayed for longer than six months. Commercial real estate signs may not exceed ten square feet in surface area. Commercial real estate signs must be at least ten feet from the public right-of-way.

(2) *Banners.* One banner is permitted at a time per establishment. No banner may be displayed for longer than 30 days from the date it is first displayed. No more than three banners may be displayed per establishment per calendar year. The surface area of the banner may not exceed 32 square feet.

Sec. 24-94. Temporary signs allowed without prior approval.

(a) *Temporary sign table.*

Type of Sign	Commercial & <u>Office Building</u>	Office Building	Hospital, Church or Government Building	Residential
Residential real estate sign	Not applicable	Not applicable	Not applicable	Yes
Directional real estate sign	Yes	Yes	Yes	Yes
Contractor sign	Yes	Yes	Yes	Yes
Store window sign	Yes	Not permitted	Not permitted	Not permitted
<u>A-frame sign</u>	<u>Yes</u>		<u>Not permitted</u>	<u>Not permitted</u>

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Standards.* The temporary signs described below are allowed without prior approval provided such temporary sign meets the requirements specified below:

(1) *Residential real estate sign.* One residential real estate sign may be located on the premises being held for sale, lease or rent. A residential real estate sign may be displayed only while the premises are for sale, lease or rent. Residential real estate signs may not exceed five square feet in total surface area. Residential real estate signs

DRAFT

must be at least ten feet from the public right-of-way unless, due to unusual circumstances created by the premises configuration, frontage, size or slope, the ten-foot setback would create a hardship.

- (2) *Directional real estate sign.* One directional real estate sign may be located within the public right-of-way or on private property adjoining the public right-of-way in a residential zoning district, provided that the following conditions are satisfied:

- a. The directional real estate sign does not exceed three feet in height above natural grade;
- b. The directional sign is installed and removed (before 8:00 p.m.) on the day of the event that it is advertising; and
- c. The owner of the directional real estate sign has obtained the prior consent of the owner of the private property or private property adjacent to the public right-of-way on which the directional real estate sign will be located.

- (3) *Contractor sign.* One contractor sign will be allowed on the premises being improved. Contractor signs in a residential zoning district may not exceed five square feet in surface area. Contractor signs in nonresidential zoning districts may not exceed ten square feet in surface area per contractor or subcontractor, and must be at least ten feet from the public right-of-way, unless affixed to temporary security/jobsite fencing being used in conjunction with the improvements. The contractor sign must be removed immediately after the improvements on the premises are completed.

- (4) Store window signs. An establishment may have store window signs that shall not exceed a total combined area of 12 square feet per establishment. An establishment where the business is at an intersection of two roadways and has windows on different sides of the building adjacent to the roadways, may have store window signs that shall not exceed 24 square feet.

- (5) A-frame sign. One A-frame sign will be allowed per establishment. The A-frame sign may not exceed five square feet per sign face, with a maximum of 2 sign faces which shall be parallel to each other (back-to-back). The A-frame sign shall not exceed three and one-half feet in height. A-frame signs may only be displayed during hours the establishment is open for business and must be taken down and stored inside the establishment when the establishment is closed. A-frame signs may not be placed within the public right-of-way, but may be placed on private sidewalks so long as it does not impeded pedestrian traffic or ADA accessibility.

Sec. 24-95. Signs in governmental or institutional (GI) district or park (P) district.

- (a) Churches and hospitals are considered single establishments and the regulations are the same as for a single establishment in a ~~professional and business office commercial~~ district (C-1) ~~and a business district (C-2)~~ in this article. Upon request, the city council may approve additional signs with a favorable vote of at least four councilmembers after a public hearing.
- (b) Signs on local, state, or federal government property require approval from the city council with a favorable vote of at least four councilmembers after a public hearing.

DRAFT

- (c) Signs on the premises of a public or private park require approval from the city council with a favorable vote of at least four councilmembers after a public hearing.

Secs. 24-96—24-118. Reserved.

DIVISION 4. VARIANCES

Sec. 24-119. Purpose; limitations.

- (a) In order to lessen practical difficulties and prevent unnecessary physical hardships, variances from the regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a structure, or the location of the structure, from topographic or physical conditions on the site or in the immediate vicinity, or from other physical limitations, street locations, or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.
- (b) With respect to signs which are subject to regulation under V.T.C.A., Transportation Code ch. 391 and state department of highways and public transportation regulations, no variance shall be granted from spacing, size and lighting requirements when such would result in less stringent regulation than that provided for under those regulations.

Sec. 24-120. Application.

Application for a variance shall be made upon a form provided by the city. The variance application shall include the application for a sign permit and shall also state the applicant's reasons for requesting variance in accordance with the criteria set forth in this article.

Sec. 24-121. Fee.

The fee for a variance shall be as provided in the city fee schedule. The fee shall be paid at the time of application and shall not be refundable.

Sec. 24-122. Hearing.

Upon receipt of a variance application, the city council shall hold a public hearing prior to the approval or disapproval of the requested variance.

Sec. 24-123. Action on application.

Within 20 days of the closing of a hearing on a variance application, the city council shall act on the application. The council may approve the application as submitted, may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this article, or the council may deny the application. A variance may be revocable or may be granted for a limited time period.

Sec. 24-124. Criteria for approval.

Before the city council acts on a variance application, the applicant must prove hardship, and the council must find that:

DRAFT

- (1) There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise to which the applicant desires to draw attention, and do not apply generally to all businesses or enterprises;
- (2) That such special circumstances were not created by the applicant or anyone in privity to the applicant;
- (3) That the granting of the variance will be in general harmony with the purposes of this article, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general;
- (4) The variance applied for does not depart from the provisions of this article any more than is required to identify the applicant's business or use;
- (5) Such other factors and criteria as the council deems applicable to the proposed variance.

{Amend references to C-1 & C-2 in Sec.101-94.c Site plan requirements}

Sec.101-94. Site plan requirements.

- (c) If the proposed project is within the ~~commercial district (C) professional and business office district (C-1), business district (C-2)~~ or planned unit development district (PUD), the site plan must be accompanied by a traffic impact analysis prepared by a professional approved by the city, indicating the impact of the project on existing traffic conditions and information on the potential congestion caused by ingress and egress.

{Repeal and replacement of Sec.101-248 Nonconformity arising from dedication of right-of-way for Bee Cave Road}

Sec.101-248. Reserved ~~Nonconformity arising from dedication of right-of-way for Bee Cave Road.~~

- ~~(a) Continuation of existing use, structure, or lot. A lawful use, building, structure, or lot existing prior to a dedication of right-of-way that is rendered nonconforming due to a voluntary dedication of right-of-way for Bee Cave Road may be continued after the dedication as if the dedication had not occurred.~~
- ~~(b) Completion of approved development. A proposed use, building, structure, or lot for which a preliminary plat, building permit, site plan, certificate of occupancy or other similar application for development approval was approved prior to a voluntary dedication of right-of-way for Bee Cave Road may be completed in accordance with the approved plan or application as if the dedication had not occurred.~~

DRAFT

- ~~(c) Calculation of impervious cover. If a property owner voluntarily dedicates right-of-way for Bee Cave Road, the property owner will be entitled to calculate impervious cover based upon the property owned prior to the dedication, as if the dedication had not occurred.~~
- ~~(d) Adjustment of setbacks, parking requirements, etc. If a property owner voluntarily dedicates right-of-way for Bee Cave Road, the property owner will be entitled to reduced setbacks and reduced parking requirements and other adjustments approved by the city council in order, to the extent possible, to place the property owner in the same position as if the dedication had not occurred. These reduced setbacks, parking requirements and other adjustments may be approved by the city council upon a finding that they are necessary in order to place the property owner in the same position as if the dedication had not occurred.~~
- ~~(e) Repair or reconstruction. If a building or structure rendered nonconforming due to voluntary dedication of right-of-way for Bee Cave Road is destroyed by fire or other means, the owner may repair or reconstruct the building or structure regardless of the extent of the damage, but may not increase the degree of nonconformity beyond that existing immediately prior to the destruction. The owner must obtain a building permit before initiating repair or reconstruction.~~
- ~~(f) Conflicting regulations. In the event of a conflict between this section and any other provision of chapters 105, 107 or this chapter, this section will control to the extent of the conflict.~~
- ~~(g) Applicability. This section will only apply to right-of-way necessary for the widening of Bee Cave Road (RM 2244) and which is accepted by the city and the state department of transportation.~~

{Addition of required engineer certification of stormwater compliance to Sec.103-206 Permit}

Sec.103-206 Permit

- (a) When a permit is required pursuant to this article, an applicant's design engineer shall prepare and seal and submit with an application for a permit construction drawings in compliance with all applicable regulations of this article and accepted engineering practices. Only one building permit shall be necessary for construction of all proposed improvements. If no building permit is otherwise required for other improvements, a building permit applicable only to proposed drainage facilities must be obtained. For developments requiring drainage facilities, construction plans and all associated documents shall be provided to the city and shall conform to the requirements of this article. Drainage facilities located on private property shall be maintained by the property owner. Construction or installation of facilities required by this article or by any building permit issued pursuant to this article shall constitute a condition to the issuance of the building permit and a condition to lawful occupancy of improvements that are the subject of such required facilities. An owner is responsible to provide notice of all maintenance requirements to subsequent purchasers of any part of the affected property.
- (b) Alternative methods of design of drainage facilities may be considered where performance is demonstrated through sound engineering practices to meet the performance requirements of this article. If any condition requiring some additional measure of protection is identified

DRAFT

as necessary to conform to the purpose identified in section 103-199, the applicant's engineer shall make provision therefor in the design of the development.

- (c) Accepted principles of surface drainage engineering and information obtainable from professionally recognized sources of hydrology, hydraulics and water resources may be considered in the application of the regulations provided in this article.

(d) Prior to the issuance of a Certificate of Occupancy in the C, H, and GI districts, the applicant shall submit a letter of certification from a registered professional engineer stating that the site as built meets all impervious cover requirements, stormwater management and water quality requirements, and impervious cover incentives from Sec. 107-115, as applicable, and is constructed in accordance with the approved permit.

{Amendments to Chapter 107 Zoning, Article I. In General, Sec.107-3. Definitions}

Sec. 107-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial district means a the Commercial District (C) ~~C-1 (professional and business office) zoning district or C-2 (business) zoning district.~~

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division I. Generally, Section 107-25 Districts designated.}

Sec. 107-25. Districts designated.

- (a) The city is hereby divided into the following zoning districts:

(1) Residential District (R);

(2) ~~Professional and Business Office District (C-1)~~ Commercial District (C);

~~(3) Business District (C-2);~~

~~(3)(4)~~ —Park District (P); ~~and~~

~~(4)(5)~~ Governmental and Institutional District (GI);

~~(5)(6)~~ Hospital District (H); ~~and~~

~~(6)(7)~~ Planned Unit Development District (PUD).

- (b) These zoning districts are of such shape and area as shown on the City's official zoning map, and have been deemed best suited to carry out the purposes of V.T.C.A., Local Government Code ch. 211. Within such districts, this article hereby regulates and restricts the construction, alteration and use of buildings and structures, and the use of land, as herein set forth. While the regulations applicable in each of the districts differ, all such regulations are uniform in each district.

- (c) Any portion of land within the city not specifically zoned ~~C-1, C-2~~, P, GI, H, or PUD is hereby expressly zoned R.

DRAFT

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division I. Generally,
Section 107-36 Driveways.}

Sec. 107-36. Driveways.

(a) Driveways in the zoning districts other than C district. Each driveway shall be located at least five feet from a side lot line and ten feet from a rear lot line. Each driveway shall be permanently hard-topped with a durable surface and shall be designed and constructed in a manner that will permit ingress and egress of motor vehicles.

(b) Driveways in C district.

(1) Each driveway shall be permanently hard-topped with a durable surface and shall be designed and constructed in a manner that will permit ingress and egress of motor vehicles.

(2) Driveways shall be no wider than 25 feet for a single drive and 40 feet for a divided drive, as measured at the lot line.

(3) Driveways taking access from Bee Cave Road shall be spaced no less than 200 feet at the lot line from any other driveway and no less than 100 feet from the right-of-way of intersecting streets.

(4) Shared and cross access. Notwithstanding any other provisions of the city, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements, and cross-lot access easements shall be required for all commercial development.

a. To facilitate access management and internal circulation, common access and cross access easements are required between and across adjacent lots zoned commercial fronting on Bee Cave Road unless the city administrator or his/her designee authorizes an exemption due to site constraints.

b. The use of common driveways shall require the dedication of a joint-use public or private access easement on each affected property.

c. Properties which do not share a common driveway straddling a lot line shall provide cross access easements to facilitate the flow of traffic between adjacent properties. Cross access shall begin at a driveway and extend side to side to adjacent properties.

d. The easement dedication shall be provided on the final plat when a public easement is used. Alternatively, a private access easement for access via neighboring property, approved by the city administrator or his/her designee, may be filed by separate instrument in the county deed records with a copy forwarded to the city. When a private access easement is used, it shall be filed in the county deed records prior to recordation of the final plat or prior to issuance of a certificate of occupancy, whichever comes first.

e. The plat or easement instrument shall state that the easement shall be maintained by the property owner or a property owner's association.

DRAFT

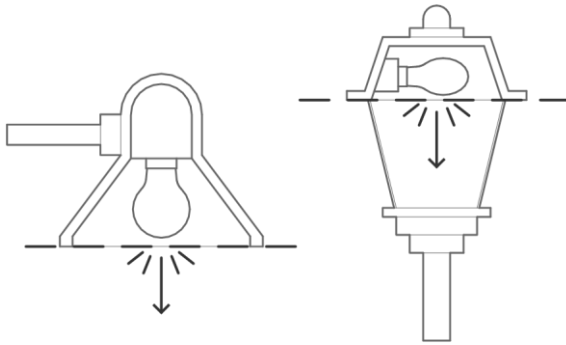
- f. The easement shall encompass the entire width of the planned driveway and drive aisles.

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division I. Generally, creating Section 107-39 Lighting requirements.}

Sec. 107-39. Lighting requirements.

(a) Definitions: As used herein:

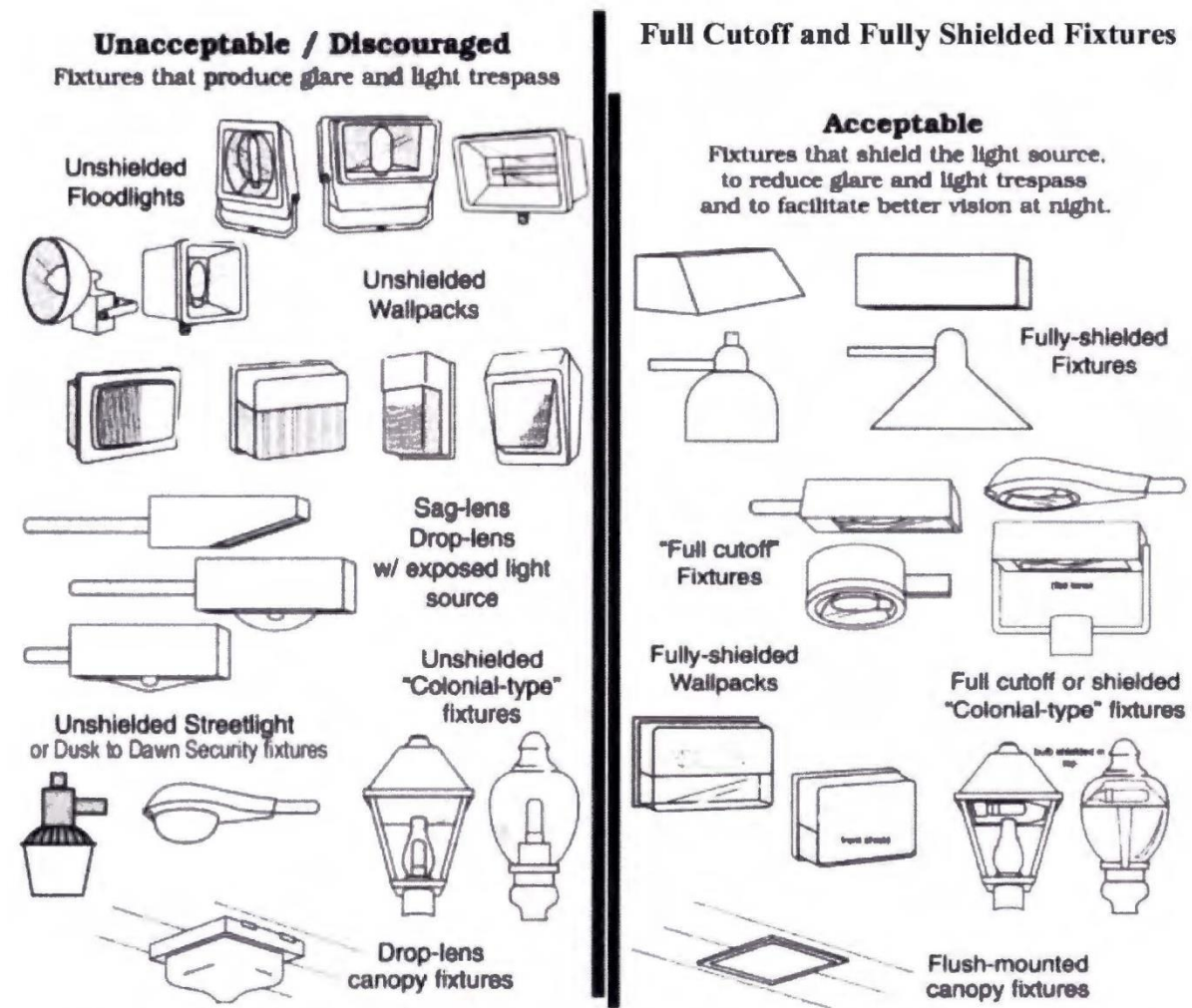
(i) "Shielded" means "installed in such a manner that all light emitted by the fixture, either directly from the bulb or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane immediately beneath the fixture's lowest light-emitting part."



In Figure A (below), the lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

DRAFT

UNSHIELDED FIXTURES



(ii) "Footcandle" as used herein shall mean: The illuminance produced on a surface one foot from a uniform point source of one candela and equal to one lumen per square foot.

(b) Applicability.

- (1) The regulations contained in this section are applicable to outdoor lighting fixtures installed on structures within the non-residential zoning districts of the City.
- (2) All outdoor lighting fixtures existing and legally installed and operating before the effective date of this section, or installed pursuant to a permit approved prior to the effective date of this Section, shall be brought into conformance with this Section upon the earlier of: (1) an application for a site plan or building permit for construction of a new building or modification of 50% or more of an existing structure; or (2) replacement or modification of an existing non-conforming fixture.

DRAFT

(3) This section does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this section if it is determined by the City Administrator or his/her designee that it creates a nuisance or a potential safety hazard.

(c) Exemptions. The following are exempt from the provisions of this section:

- (1) publicly maintained traffic control devices;
- (2) street lights installed prior to the effective date of this section;
- (3) temporary emergency lighting (fire, police, repair crews);
- (4) lighting fixtures and illumination requirements imposed by TxDOT within TxDOT rights-of-way (ROW);
- (5) moving vehicle lights;
- (6) navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by State or Federal law;
- (7) signs and associated lighting that conform to the city's sign regulations in Chapter 24;
- (8) seasonal decorations with lights in place no longer than sixty (60) days; and
- (9) other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time construction);

(d) General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this section:

- (1) Lighting must be shielded and aimed downward so as to ensure that the illumination is only pointing downward onto the ground surface or into the building. No outdoor lighting fixture shall permit light to shine off the property on which it is installed.
- (2) The source of the light (the light bulb, light emitting diode, or any other light emitting device), a refractive or non-refractive lens cover, or reflector shall not be visible in a direct line of sight from any other property or public right-of-way.
- (3) Lighting must have a color temperature of no more than 3000 Kelvins (K).
- (4) For properties other than automotive service stations, the maximum allowable intensity of lighting shall be 0.25 footcandle measured at the lot line. For automotive service stations and other fueling facilities, the maximum allowable intensity shall not exceed 10.0 footcandle in the area surrounding pump islands, canopy lighting shall be recessed into the canopy, and neither canopy lighting nor overhead lighting shall trespass onto any other property.
- (5) Any lighting to illuminate parking lots, buildings, or other structures shall not exceed the height of such buildings or structures, if attached thereto, or, if pole-mounted, a height of 24 feet. All lighting shall be installed in a manner which directs or shields the light away from nearby dwellings.

DRAFT

(6) Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties or public street rights-of-way.

(7) Outdoor uplighting is prohibited except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixtures will not cause light to extend beyond the structural shield. For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground. For spotlights and floodlights mounted at or near ground level and used to light a building, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the sides of the illuminated object.

(8) The aggregate total of outdoor lighting on any property shall not exceed 25,000 lumens per acre or equivalent thereof for lots of less than an acre.

(9) For any location or structure not specified in paragraphs (1) through (8) above, the Building Official shall set acceptable levels of illuminance upon request based on guidelines established by the Illuminating Engineering Society of North America (IESNA).

(10) No light or illumination that flashes, moves, scrolls rotates, scintillates, blinks, flickers, varies in intensity or color, or uses intermittent electrical pulsations is permitted.

(e) Submittals. Applications for all building permits for new construction or redevelopment, including the installation of outdoor lighting fixtures, shall provide proof of compliance with this section. The submittal shall contain the following information as part of the permit application:

(1) plans indicating the location, type, and height of lighting fixtures including both building mounted and ground mounted fixtures;

(2) a description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalog illustrations from the manufacturer;

(3) photometric data, which may be furnished by the manufacturer, showing the angle of light emission;

(4) detailed site lighting plan illustrating the footcandle power measured throughout the site;

(5) a certification by an engineer registered in the state as conforming to applicable requirements of this code, and

(6) additional information as may be required by the Building Official in order to determine compliance with this section.

(f) Enforcement. The city shall have the power to administer and enforce the provisions of this Section, as provided in this code. Any violation of this Section is hereby declared to be a nuisance. A civil penalty of up to \$2,000 for each day a violation occurs may be assessed when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice failed to take action necessary for compliance with this article.

DRAFT

Section 107-~~3940~~ – 107-66. - Reserved

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 3. Commercial District (C)}

DIVISION 3. COMMERCIAL DISTRICT (C)~~C-1 AND C-2 ZONING DISTRICTS~~Sec. 107-102. Purpose and applicability. ~~Applicability.~~

(a) Purpose. The Commercial District (C) is intended to provide suitable areas for the development of non-residential uses which offer a wide variety of retail and service establishments that are generally oriented toward serving the overall needs of the entire community.

(b) Applicability. The regulations set forth in this division shall apply to land, buildings and structures located in the Commercial District (C). ~~professional and business office district (C-1) or the business district (C-2).~~

Sec. 107-103. Maximum height of buildings/structures.

(a) ~~No portion of any A~~ building or structure or portion thereof within 300 feet of a residential district shall not exceed 30 feet in height and shall not exceed ~~or~~ two stories; ~~and no portion of any Any~~ other building or structure or portion thereof shall not exceed ~~35-45~~ feet in height and shall not exceed ~~or two three~~ stories (except as allowed in subsections (b) ~~and (e)~~ of this section). No parking structure shall be higher than the original native ground surface except as may be approved by the City Council pursuant to Section 107-38., and all All buildings or structures must be of pitched-type construction (hip or gable-type roofs with a minimum pitch of 3:12).

~~(b) A building or structure other than a personal wireless telephone service facility (commonly known as a cell phone tower or facility) may be three stories, provided that it satisfies all of the following conditions:~~

~~(1) It does not exceed 40 feet in height;~~

~~(2) It is located at least 150 feet from any lot in a residential district;~~

~~(3)(1) It is located on a lot or contiguous lots under common or affiliated ownership at least ten acres in size;~~

~~(4)(2) It is located on property that was the subject of an application for a preliminary plat filed after September 1, 1997, and before March 16, 2000;~~

~~(5)(3) That preliminary plat did not expire during that time nor was a final plat recorded for the property during that time; and~~

~~(6)(4) Any final plat includes all public facilities identified on the preliminary plat and the final plat is processed or the public facilities are dedicated to the city by July 31, 2000.~~

DRAFT

~~(e)~~(b) A personal wireless telephone service facility for which a special use permit has been issued may be up to five feet in elevation above the highest point of any building located on the same lot, if the lot has frontage on Bee Cave Road. The personal wireless telephone service facility must be located at a distance not less than 150 feet from any lot in a residential district if it:

- (1) Is freestanding and not attached to a building having an independent use; or
- (2) Has an elevation higher than the highest point of any building located on the same lot.

Sec. 107-104. Minimum lot size.

Each lot shall be at least 15,000 square feet in area.

Sec. 107-105. Minimum floor area.

- (a) Except as provided under subsection (b) of this section, each building shall be at least 1,800 square feet in area.
- (b) Separate commercial buildings of at least 800 square feet may be constructed on a lot of one acre or larger size upon approval by the city council of the development plans for the lot.

Sec. 107-106. Development plan approval for commercial buildings.

- (a) Each application for approval of development plans for commercial buildings shall include the following information, prepared and sealed where applicable by a registered professional engineer or registered professional land surveyor:
 - (1) Date, scale, north point, title, name of the owner of the property and the name of the person preparing the plans;
 - (2) A legal description of the lot, including a deed reference, a plat reference and, where applicable, a metes and bounds description;
 - (3) Drainage plan: The development drainage plan will ensure that for the two-, ten-, 25-, and 100-year frequency storm events, the stormwater runoff peak flow rates shall not be increased above the pre-developed condition and shall not cause increased inundation of any building or roadway surface. The drainage plan shall include, as a minimum: determination of stormwater flows will be according to the drainage criteria manual. Any applicant seeking an increase to impervious cover limits under Section 107-115 shall submit the documentation as required by that section to demonstrate compliance with the requirements of that section.
 - (4) A topographical survey of the site on two-foot vertical contours showing the centerlines of existing watercourses;
 - (5) A comprehensive grading plan shall be included with the development plan.
 - a. The grading plan shall be designed to ensure all lots will adequately drain upon completion of the development improvements.
 - b. The engineer will set the elevation of lot corners in conjunction with preparation of the drainage plan. Lot corner elevations shall be shown on the grading plan.

DRAFT

- c. All lots shall be graded from rear to front at which point the drainage shall be intercepted by the street. Alternate grading schemes may be utilized if it can be demonstrated by generally accepted engineering practices that grading from rear to front would be detrimental to trees or other natural features; or it would be prohibitive according to generally accepted engineering practice because of the existing topography because of excessive cuts and fills, or future lot development (i.e. commercial, industrial or multifamily lots).
- d. All lots shall be graded at a minimum of one percent. Grading of lots with existing slopes of one percent or greater will not be required provided the conditions under subsection (5)c of this section have been satisfied and it is demonstrated by generally accepted engineering practice that there are no existing or proposed features that will prevent the lots from adequately draining.
- e. Unless otherwise demonstrated by generally accepted engineering practice, surface swales shall be designed and provided along lot lines when more than two lots will be contributing to stormwater runoff at any given point. Side slopes for swales shall not exceed 3:1 (horizontal:vertical) unless otherwise accepted by the city engineer.
- f. Minimum finished floor slab elevations shall be shown for all lots. Such elevations shall be a minimum of two feet above the ultimate 100-year floodplain.
- g. Fills shall be placed in maximum 12-inch lifts and adequately compacted. The permit applicant shall be responsible for determining any special fill requirements.
- h. Following final grading, all exposed areas shall be permanently stabilized. Earthen areas shall be seeded or sodded and erosion controls shall remain in place until grass growth reaches 1½ inches, is of a density where it can be reasonably expected to be self-sustaining and there are no bare areas in excess of ten square feet.
- (6) The location and type of proposed drainage features, drainage systems, detention ponds and filtration ponds;
- (7) Erosion control: brush berms, silt fences, sedimentation basins, stabilized construction entrances/exits and similar recognized techniques shall be employed during and after construction to prevent point source sedimentation loading of downstream facilities. Such installations shall be in accordance with the approved engineered erosion control plan required by the approved development plan. Additional measures may be required during and after construction if, in the opinion of the city engineer, they are warranted. All disturbed and exposed areas due to construction shall be permanently stabilized. All such areas shall be dressed with topsoil and vegetated by seeding or sodding as appropriate. Where the city engineer determines that future maintenance is materially impaired or erosion is a distinct possibility, the developer shall be required to use concrete or similar permanent cover in lieu of vegetation. Erosion control matting (either pre-seeded or seeded after placement) may also be required if the city engineer determines that such protection of slopes is required to ensure that seeding or soil will not wash off of slopes;

DRAFT

(8) The shape, size, location, height and floor area of all existing and proposed buildings and structures;

(9) The location and size of existing and proposed streets, private or shared drives, driveways and parking spaces; and

(10) The size and location of all existing and proposed public and private utilities.

(11) Any impervious cover and design features as proposed under Sections 107-115 and 107-116.

(b) Each application for approval of development plans shall first be submitted to the building official ~~commission~~, and shall be subject to all of the notice, hearing and other procedures provided under this article for proposed changes in zoning.

Sec. 107-107. Reserved.

Sec. 107-108. Minimum setbacks.

(a) No building may be closer than 75 feet from any area within a residential district.

(b) No building may be closer than 20 feet from any public street or right-of-way.

(c) Notwithstanding subsection (b),

i. No building may be closer than 30 feet from Rollingwood Drive.

ii. A building may be closer than 20 feet, but no closer than 5 feet, from a property line adjacent to Bee Cave Road if the property owner has been approved to implement a landscape plan in conformance with Sections 107-116(d).

(d) As necessary to implement this chapter, the building official may designate the front or side lot lines.

~~(a) No building may be located closer than 20 feet from the front lot line nor closer than 30 feet from the rear lot line.~~

~~(b) There is no setback requirement with respect to side lot lines.~~

~~(c) No building may be constructed or extended into an area that is closer than 100 feet from any lot line of a lot within a residential district.~~

~~(d) If there is a question as to which lot line is the front lot line, the building official shall designate the front lot line.~~

Sec. 107-109. Buffers between abutting commercial and residential lots.

(a) In addition to the setback provided for in Section 107-108, Any lot in the Commercial District (C) a commercial district which that abuts a lot in a residential district shall be developed in accordance with the following requirements:

DRAFT

- (1) A ~~10075~~-foot greenbelt, measured horizontally, shall be provided between the boundary of a residential district and the impervious cover, including parking and buildings, on every lot located in the Commercial District (C) a professional and business office district (C-1) or a business district (C-2). Vegetation within the 10075-foot greenbelt shall be left in its undisturbed natural state or shall be landscaped as required by the city council. Clear cutting of native vegetation is prohibited within the 75-foot greenbelt. Notwithstanding anything contained herein to the contrary, the building official will, upon application by the owner thereof, issue a permit for repair, remodeling or reconstruction of the building or structure and its related parking, provided that the use (as defined in the zoning ordinance) of such building or structure will not be changed and the repair, remodeling or reconstruction conforms with the construction materials standards set forth in section 107-107. A nonconforming building or structure and its related parking may not be enlarged or otherwise altered in a manner that increases the square footage of the building or structure or the square footage of the building or structure's parking or the extent of their nonconformity.
- (2) In areas where the natural vegetation, terrain and other features do not provide a visual screen between a lot in a commercial district and an abutting lot in a residential district, landscaping shall be planted and maintained in accordance with the following specifications: terrain and other features do not provide a visual screen between a lot in a commercial district and an abutting lot in a residential district, screening shall be provided by a cedar or redwood privacy fence at least eight feet high, with its smooth side facing the residential lot. If the building official determines that the privacy afforded by such fencing does not meet the minimum reasonable expectations of a typical residential occupant, he may then require, in addition to the privacy fencing, that landscaping be planted and maintained in accordance with specifications prescribed by the city council.
- a. A minimum of one native species shade tree shall be planted for each 25 linear feet of landscape buffer.
 - b. A minimum of ten native species large shrubs (of a size of at least 5 gallons) shall be planted for each 50 linear feet of landscape buffer. Three small shrubs (of a size of at least one-gallon) may be planted for up to two required large shrubs.
 - c. Existing preserved trees and shrubs located within the greenbelt may be credited toward these requirements.
 - d. All plantings shall be supported by irrigation necessary to sustain growth and good health of the trees and shrubs.
 - e. All required landscape screening shall be, or shall achieve, at least six feet (6') in height and at least ninety percent (90%) opacity within two (2) years of initial installation.
- (3) No ~~fences or~~ landscaping required under this section shall be ~~constructed~~ installed without prior approval of the landscaping construction plans by the city ~~council~~ and the installation construction shall ~~be in compliance comply~~ with such approval and with all other applicable requirements of the city.

DRAFT

(4) No building shall be constructed with windows, porches or other features which provide a view from the building into a dwelling located on an abutting lot.

(5) Any lighting to illuminate parking lots, buildings or other structures shall not exceed the height of such buildings or structures, and shall be installed in a manner consistent with the lighting standards of this Division and which directs or shields the light downward and away from nearby dwellings.

Sec. 107-110. Parking spaces.

(a) Except as otherwise provided in ~~section 107-317~~this chapter, off-street parking shall be provided in the following ratios: ~~of not less than one parking space:~~

(1) When the front face of the building is separated from the front lot line by a drive isle or parking lot, one parking space for each 250 square feet of gross floor area in the particular building shall be provided.

(2) When the front face of the building is located on the front lot line or separated by only a sidewalk and or landscaped area from the front lot line, one parking space for each 500 square feet of gross floor area in the particular building shall be provided.

~~(1) For each 250 square feet of gross floor area in the particular building in a C-1 district; and~~

~~(2) For each 200 square feet of gross floor area in the particular building in a C-2 district.~~

(b) Where possible, shared parking is encouraged. Parking areas which are adjacent to a residential district or a required greenbelt buffer shall be limited to a maximum of one drive isle with one row of parking on each side.

(c) Parking requirement reduction. The building official may reduce the amount of required parking by a maximum of 40 percent upon a written request from the property owner demonstrating that if the reduction is granted:

(1) The reduced parking is sufficient for the proposed use;

(2) The granting of the reduction will not result in increased on-street parking in adjoining neighborhoods;

(2) There will not be a detrimental impact to adjacent properties; and

(3) The reduction in available parking will not create traffic congestion or public safety hazards.

(4) Trail Incentives for property on the north side of Bee Cave Road abutting Eanes Creek. Property located north of Bee Cave Road adjacent to Eanes Creek where land or a trail/pedestrian easement has been dedicated to and accepted by the City for the Eanes Creek trail may claim a 10% reduction in minimum parking requirements.

~~(d)(b)~~ Required parking spaces shall be located on the same lot as the building for which the parking spaces are required or within 300 feet of such building. Where required parking spaces are located at a place other than the lot on which the building to which the space pertains is located, there must be a valid, binding written commitment that such property

DRAFT

1074 shall be used to fulfill the parking requirement in a form acceptable to the city council. Such
1075 commitment shall be made enforceable by the city council.

1076 **Sec. 107-111. Signs.**

1077 Except as otherwise provided under this article, signs shall be governed by the regulations
1078 of the city sign ordinance.

1079 **Sec. 107-112. Other requirements.**

1080 Each permitted use shall:

1081 (1) Be conducted wholly within an enclosed building appropriate to such use (except in the
1082 case of a personal wireless telephone service facility for which a special use permit is
1083 issued); and

1084 (2) Where a special use permit is granted for cafes, cafeterias, or restaurants, such permit
1085 may also authorize outdoor dining.

1086 ~~(2) Provide for the temporary storage of solid waste in an unobtrusive manner approved by~~
1087 ~~the building official.~~

1088 **Sec. 107-113. Reserved. Prohibitions.**

1089 ~~The following are specifically prohibited:~~

1090 ~~(1) Accessory or temporary buildings;~~

1091 ~~(2) The manufacture of any product for sale;~~

1092 ~~(3) Activities involving the conduct of major automobile repairs, body repair or painting,~~
1093 ~~welding, storage of dismantled or nonoperational vehicles, sale of used automobile~~
1094 ~~parts, or the sale of new or used motor vehicles;~~

1095 ~~(4) The use of parking lots or front yards for the display, sale or storage of merchandise,~~
1096 ~~motor vehicles, equipment, containers or waste material;~~

1097 ~~(5) The wholesale processing of food;~~

1098 ~~(6) Activities which create odors, excessive light, electronic interference, smoke, dust, dirt,~~
1099 ~~noise, fumes, glare, vibration, the presence of vermin or rodents, or other undesirable~~
1100 ~~or hazardous conditions; or~~

1101 ~~(7) The provision of personal services, or the display, sale or advertisement of any product~~
1102 ~~that adversely affects the health, safety, or general welfare of the city; or~~

1103 ~~(8) Retail establishments, other than restaurants, may not be open to the public between~~
1104 ~~the hours of 10:00 p.m. and 7:00 a.m. the following day. These restrictions do not~~
1105 ~~apply to automated retail services, including, but not limited to, automated teller~~
1106 ~~machines and gasoline pumps. Restaurants will be subject to hours of operation as set~~
1107 ~~forth in the special use permit.~~

DRAFT

Sec. 107-114. ~~Reserved. Use and buildings.~~

~~Notwithstanding any provision in this division, any use that would be permitted in a residential district, but which is conducted in a commercial district, shall comply only with the regulations that would be applicable to the use if it were conducted in the residential district, to the extent applicable.~~

Sec. 107-115. Impervious cover.

(a) Impervious cover shall not exceed 50 percent of the total area of any lot in the Commercial District (C) ~~a commercial district except as provided in subsection (b).~~

(b) Exceptions:

(1) A total of 55% of the total area of any lot in the C district may be impervious cover if the increase in impervious cover does not create any increase in stormwater runoff (either volume or rate of flow of runoff).

(2) A total of 60% of the total area of any lot in a commercial district may be impervious cover upon the following conditions: (i) if the site plan includes permanent low impact development (LID) stormwater practices (such as rainwater harvesting, green roofs, bio-retention, rain gardens, infiltration/filter strips, and conservation landscaping using native plants and trees that promote the area's natural habitat, and natural area preservation) above and beyond any required preservation of natural areas that reduce stormwater discharge such that the increase in impervious cover does not create any increase in stormwater runoff either volume or rate of flow of runoff; (ii) the site plan meets all TCEQ best management practices for water quality, and (iii) the site plan meets the design criteria specified in Sections 107-39, 107-109, 107-116.

(c) An application under subsection (b) shall include a drainage plan certified by a registered professional engineer as consistent with city requirements and all permanent low impact development (LID) stormwater practices required under subsection (b)(1) or (2), as applicable, along with a proposed plan describing the manner in which the LID practices and facilities and design criteria specified in Sections 107-39, 107-109, 107-116 will be implemented and maintained for throughout the useful life of the project.

(d) Prior to the issuance of a Certificate of Occupancy in connection with such a permit, the applicant shall submit a letter of certification from a registered professional engineer stating that the site's stormwater management and drainage facilities as built meet all impervious cover, city and LID stormwater management and water quality requirements, and were constructed in accordance with the approved permit.

~~(be) Grass-crete set in sand shall be deemed to be 50 percent impervious cover; paving stones, ungrouted, set in sand, are deemed to be 75 percent impervious cover. Revisions to these materials and other materials and applications may be reviewed by the city council and their appropriate impervious cover assigned by the council. City Council may establish a list of materials and corresponding impervious cover values. This list may be reviewed and revised by City Council from time to time.~~ An approved and current list of such revisions shall be on file with the city.

DRAFT

- (f) No variance may be granted to exceed the maximum impervious cover limitations of this section

Sec. 107-116. Compatibility standards.

- (a) Screening of storage and mechanical equipment. All storage areas and mechanical equipment must be screened from view from any adjacent residential district lot and any public street. Ground level facilities and equipment may be screened with wood fencing (with a smooth side of the fencing facing the residential district lot or public right-of-way), or brick, limestone, or other native stone walls. All mechanical equipment (including AC units, vents, and wireless facilities) must be located in the following manner:

- (1) Under the roof;
- (2) Contained within the building;
- (3) On the ground and screened from view from any adjacent residential district lot and any public street by wood fencing (with a smooth side of the fencing facing the residential district or public right-of-way), or materials compatible with the exterior of the building as may be approved by the building official; or
- (4) On the roof and shielded from view from any adjacent property and any public street with an enclosure constructed of the same exterior materials as the building.
- (5) The permit application shall include an exhibit demonstrating compliance with these screening requirements and adjacent sightlines.

- (b) Roof design. Except for buildings with a ground floor area of 8,000 square feet or more, all roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a minimum pitch of 3:12). For buildings with a ground floor area of 8,000 square feet or more, all roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a minimum pitch of 3:12) or have architectural elements that give the appearance of pitched-roof construction. Roofs generally must be a combination of pitched, gabled, or sloped elements. Pitched and "flat" roof areas must be designed and arranged to provide maximum aesthetic appeal and provide screening of equipment, AC units, vents, wireless facilities, and accessories from any view from a lot in a residential district of the city and any view from Bee Cave Road. Roof mounted solar panels shall be designed so as to be consistent in pitch or slope with the roof or masked in such a manner as to be unobtrusive when viewed from any adjacent lot.

- (c) Screening of trash receptacles. All trash receptacles shall be screened from public view and neighboring property view with wood fencing (with the smooth side of the fencing facing the residential district or public right-of-way), or brick, limestone, or other native stone walls. The enclosure shall be a minimum of eight feet (8') in height with gates. Gates shall be of a solid sight obscuring material and shall be closed at all times except when loading or unloading.

- (d) Landscaping buffers. The following landscaping and buffers are required:

- (1) Along public rights-of-way. A landscaping buffer is required along any public right-of-way. The landscape buffer along public rights-of-way shall be located between the lot

DRAFT

line adjacent to the right-of-way and any impervious cover on the lot, including parking, and along any rear lot pedestrian paths or trail along Eanes Creek. The landscaping buffer shall consist of trees with a mature height of at least six feet planted at a ratio of 1 tree per 25 feet of linear frontage along the public right-of-way to shade adjacent sidewalks and any pedestrian path and may include shrubs with a mature height of at least three feet. The grouping or clustering of trees as necessary to accommodate driveway spacing, utilities, drainage facilities, or similar site features is permitted.

(2) Parking area landscaping. Parking areas shall be screened from any adjacent public right-of-way with a ten-foot deep landscaping buffer.

- a. The landscaping buffer shall be planted with trees planted at a ratio of 1 tree per 25 feet of linear frontage along the right of way, and with shrubs and other landscaping with a mature height of at least three (3) feet, planted at sufficient density to disrupt sightline into the parking area and screen vehicular headlights.
- b. One tree is required for every six parking spaces and may be located in landscaped islands, peninsulas, or medians. Tree preservation is encouraged, thus preservation of an existing protected tree shall be provided credit in accordance with Section 107-121(c)(3).
- c. No parking space shall be located further than 50 feet from a tree.
- d. Impervious paving over the critical root zone of any existing tree is prohibited, and any approved paving shall be porous pavement to allow water and air exchange, or other acceptable means to preserve the health of the tree.
- e. All required tree plantings shall be installed prior to the occupancy or use of property. Where compliance is not practicable due to the season of the year, the building official or his/her designee may grant a temporary certificate of occupancy. Any temporary certificate of occupancy may be revoked, after 30 days' written notice to the occupant and the owner of the affected property, if tree plantings are not undertaken as required under this article.

(3) Each required tree shall be at least 12 feet high when planted and shall be maintained in a healthy condition. Said trees shall not be pruned except either to remove dead wood, or to prevent growth or to remove existing growth lower than 15 feet above the ground. Existing trees having a height of at least 11 feet may be counted as required trees, provided that the ground beneath the canopy remains unimproved. Any species of tree which does not normally grow to a height of 15 feet in the city, as determined by the city arborist or other competent person designated by the city administrator, shall not qualify as a required tree under this section. Any required buffer areas or trees required to be planted by this chapter shall be counted toward satisfying this requirement. All landscaping and buffering required by this section must be maintained by the property owner. If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and imposing a fine pending compliance with this section.

(4) An exception to the requirements of this subsection (d) may be approved by the building official for the location of a driveway in required landscaped areas.

DRAFT

(e) Removal of vegetation from the city right-of-way. Any excavation, grading, or site clearance of a lot that involves the removal of vegetation from the city's right-of-way is prohibited without prior approval of the city building official.

~~(a) Trash disposal, storage and mechanical equipment. All trash disposal areas, storage areas and mechanical equipment must be screened from view from any residential district and any public street by wood fencing (with a smooth side of the fencing facing the residential district or public right of way), or brick, limestone, or other native stone walls for ground-level facilities, and an enclosure constructed of the same exterior materials as the building for any mechanical equipment located on the roof.~~

~~(b) Roof design. Except for buildings with a ground floor area of 8,000 square feet or more, all roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a minimum pitch of 3:12). For buildings with a ground floor area of 8,000 square feet or more, all roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a minimum pitch of 3:12) or have architectural elements that give the appearance of pitched-roof construction. Roofs generally must be a combination of pitched, gabled or sloped elements, and the materials used must be compatible and complementary to the masonry. These pitched areas may be metal with nonreflective finishes or nonmetallic clay or concrete tile. Except for buildings less than 8,000 square feet of floor space, composition or wood shakes and shingles may not be utilized. Exposed metal roof decks that reflect light in a glaring manner, such as galvanized steel sheets, are specifically prohibited. Pitched and "flat" roof areas must be designed and arranged to provide maximum aesthetic appeal and provide screening of undesirable roof surfaces, equipment and accessories from any view from a lot in a residential district of the city and any view from Bee Cave Road. All mechanical equipment must be located in the following manner: under the roof; contained within the building; on the ground; or shielded from view as approved by the city council.~~

~~(c) Lighting. Lighting fixtures installed to illuminate parking lots, buildings or other structures may not exceed the height of the buildings or structures, if attached thereto, or, if pole-mounted, a height of 24 feet. All exterior lighting must be shielded and down turned to direct light away from nearby dwellings and to concentrate the light within the lot. Exterior lightbulbs may not exceed 400 watts.~~

~~(d) Landscaping buffers. A ten-foot landscaping buffer is required between buildings on separate lots in a professional and business office district (C-1) or the business district (C-2) with a minimum of five feet of such buffer located on each such lot, as well as between all parking lots in a commercial district and any public right of way. The landscaping buffer must consist of shrubs or trees with a mature height of at least six feet planted at sufficient density to visually disrupt the outlines of buildings, pavement, and other structures; provided, however, that plant material located at the front of a site or between buildings (as determined by the building official) may consist of shrubs or trees with a mature height of at least three feet.~~

Sec. 107-117. Permitted uses.

(a) No area, building, or structure within the land may be used, constructed, or altered, except as follows:

DRAFT

(1) Uses permitted in the residential district, excluding dwelling uses or subdivision sales offices;

(2) Administrative, professional, and business offices and services, including account, architecture, attorney, computer services (including research and design) engineer, physician, veterinary services, broker, consultant, insurance agent, property management, investment, personnel, travel, secretarial, telephone answering, photocopy and reproduction, real estate agent, or similar administrative, professional, and business offices.

(3) Accessory structures, other than buildings, and uses customarily incidental to these administrative, professional, or business offices.

(4) Retail bakeries;

(5) Barbershops or beauty shops;

(6) Craft or hobby shops;

(7) Department, sporting goods, novelty, variety, or toy stores;

(8) Drugstores;

(9) Laundry pickup and dry cleaning pickup stations;

(10) Florist shops;

(11) Antique stores;

(12) Household or office furniture, furnishings, or appliance stores;

(13) Jewelry or optical goods stores;

(14) Shoe repair shops;

(15) Variety stores;

(16) Wearing apparel shops;

(17) Retail uses which supply the everyday shopping needs of residents of the city.

Sec. 107-118. Special uses.

(a) Subject to approval by the city council, the following special uses may be permitted in the C district:

(1) Facilities for assembling of and testing electronics components;

(2) Child day care facilities, provided this is the only use on the particular lot;

(3) Banks or savings and loan associations, including automated teller machines (ATMs);

(4) Parking garages, provided that the garage is an accessory to the primary use on the same lot or an adjacent commercial lot;

(5) For lots with frontage on Bee Caves Road, a personal wireless telephone service facility;

DRAFT

- 1310 (6) Research laboratories;
- 1311 (7) Cafes, cafeterias, or restaurants without outdoor dining;
- 1312 (8) Cafes, cafeterias, or restaurants with outdoor dining;
- 1313 (9) Convenience stores;
- 1314 (10) Grocery or food specialty stores;
- 1315 (11) Package liquor stores;
- 1316 (12) Automotive service stations;
- 1317 (13) Parking garages, provided that the garage is an accessory to the primary use on the
- 1318 same lot or an adjacent commercial lot;
- 1319 (14) Camera or photography supply stores;
- 1320 (15) Clinics without overnight facilities;
- 1321 (16) Hardware stores;
- 1322 (17) Art and photography studios; and
- 1323 (18) Facilities for assembling computer software products.

1324

1325 **Sec. 107-119. Prohibited uses.**

- 1326 (a) All uses not specifically permitted under section 107-117 and section 107-118 are prohibited,
- 1327 including, but not limited to, the following:
- 1328 (1) Accessory and Temporary buildings;
- 1329 (2) The manufacture of any product for sale;
- 1330 (3) Activities involving the conduct of major automobile repairs, body repair or
- 1331 painting, welding, storage of dismantled or nonoperational vehicles, sale of used
- 1332 automobile parts, or the sale or rental of new or used motor vehicles;
- 1333 (4) The use of parking lots or front yards for the display, sale, or storage of merchandise,
- 1334 motor vehicles, equipment, containers, or waste material;
- 1335 (5) The wholesale processing of food;
- 1336 (6) Activities which create odors, excessive light, electronic interference, smoke, dust,
- 1337 dirt, noise, fumes, glare, vibration, the presence of vermin or rodents, or other
- 1338 undesirable or hazardous conditions;
- 1339 (7) Veterinarian services and kennel services;
- 1340 (8) The repair, sale, resale, manufacture, refurbishment, or storage of boats, trailers,
- 1341 mobile homes, or recreational or sport vehicles;
- 1342 (9) Laundries or dry cleaning plants;
- 1343 (10) Music studios;
- 1344 (11) Monument sales or funeral homes and related services;

DRAFT

(12) Warehouses or the rental of storage space for personal or commercial property;

(13) Junkyards;

(14) Painting sales or service, except to the extent incidental to an otherwise permissible use;

(15) Assisted living, retirement, nursing home, or convalescent services or facilities;

(16) Tire retread facilities;

(17) Sexually oriented businesses, including, but not limited to, modeling studios and dating or escort services businesses;

(18) Hotel and motel; and

(19) Dwelling uses or subdivision sales offices.

(b) Retail establishments, other than restaurants, may not be open to the public between the hours of 10:00 p.m. and 7:00 a.m. the following day. These restrictions do not apply to automated retail services, including, but not limited to, automated teller machines and gasoline pumps. Restaurants will be subject to hours of operation as set forth in the special use permit.

Sec. 107-120 Tree Canopy Management within the Commercial District (C).

(a) Definitions. For purposes of this section,

(1) A "protected tree" shall be a tree of a "protected species" tree as defined in Part II, Land Development Code, Chapter 107, Division 10, Subdivision 2 (Sections 107-369 through 107-396) having a trunk with a diameter not less than 12 inches nor more than 24 inches, measured 4 1/2 feet above natural grade, as measured by an arborist.

(2) "Heritage tree" means a tree of a "protected species" as defined in Part II, Land Development Code, Chapter 107, Division 10, Subdivision 2 (Sections 107-369 through 107-396) having a diameter of 24 inches or more, measured 4½ feet above natural grade, or a tree cluster, as measured by an arborist.

(3) "Diameter at breast height" or (DBH) means the diameter of a tree at a height of 4 1/2 feet above natural grade.

(4) "Critical root zone" means "the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and twenty-four inches inn depth. For example, for a tree having a 10-inch DBH, the critical root zone is 10 feet out from the trunk and twenty-four inches deep.

(5) "Tree Cluster" means a cluster of three or more trees of a "protected species" located less than ten feet apart having a combined total diameter of 24 inches or more.

(b) Part II, Land Development Code, Chapter 107, Division 10, Subdivision 2 (Sections 107-369 through 107-396) addressing protection of protected trees, shall apply to any property within any zoning district other than the residential zoning district. To the extent of any conflict between Part II, Land Development Code, Chapter 107, Division 10, Subdivision 2 (Sections 107-369 through 107-396) and this Section, this Section shall control.

DRAFT

(c) In addition to the requirements of subsection (b), the following requirements for the preservation and protection of protected and heritage trees shall apply to any property, including any property within the city's rights-of-way, within any zoning district other than the residential zoning district.

(1) Permit required. A grading plan, tree survey, and tree protection plan shall be submitted prior to any tree removal, clearing or grading, filling, or other form of site development. No tree may be removed, nor shall any clearing or grading permit, site development plan, building permit, or tree removal permit be issued until a tree survey is submitted and tree protection plan is submitted and approved.

(2) Tree survey requirements. The tree survey shall address all requirements specified in Section 107-376, Development Application Requirements, indicate all existing, live, healthy trees with an eight-inch or larger diameter and all protected and heritage trees, and shall indicate the diameter, location, and species of each tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles indicating the diameter of the tree. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed, including trees identified to be distressed. Protected trees proposed to be removed to accommodate the development shall be indicated, along with the proposed replacement trees.

(3) Credit for preservation of existing trees. Preservation of existing protected species trees and heritage trees that are located outside the required 75-foot greenbelt may be credited toward required plantings (for example, landscape requirements, street trees, trees in parking areas) but not for required mitigation according to the following table:

<u>Type of tree</u>	<u>DBH</u>	<u>Credit factor *</u>
<u>Protected species</u>	<u>4-7.9 inches</u>	<u>1.15:1</u>
<u>Protected species</u>	<u>8-12 inches</u>	<u>1.5:1</u>
<u>Protected species</u>	<u>greater than 12 inches</u>	<u>2.0:1</u>
<u>Tree cluster</u>		<u>1.5:1 for each inch within the cluster</u>

*Credit factor provides tree credits per tree preserved.

Where the application of a credit factor produces a fractional number, rounding up to the next whole number of "credited" trees is permitted.

Example: Preservation of one 10-inch diameter protected species tree produces a credit equal to 1.5 trees of required planting.

(4) Mitigation. Any protected or heritage trees that are removed as a result of approval of a Tree Removal Permit must be mitigated by planting of a tree of the same species on the same property in the following ratios:

a. for each protected tree removed, one new tree of a protected species having a similar mature canopy spread as the removed tree, with a DBH of at least four inches and fourteen feet in height,

DRAFT

b. for each heritage tree removed, three new trees of a protected species having a similar mature canopy spread as the removed tree, with a DBH of at least four inches and fourteen feet in height.

An exception to the mitigation requirements may be granted by the Building Official, with the approval of the City Arborist, if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of the replacement tree(s); or (2) the required replacement trees to be installed would be planted under the canopy of an existing tree. A permit authorizing the removal of a protected or heritage tree shall require mitigation as specified above.

(5) Prohibition on removal of heritage trees. Removal of a heritage tree is prohibited unless a Heritage Tree Removal Special Exception is granted under Subsection (6) or a certified arborist confirms that the heritage tree is either: (i) dead; (ii) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (iii) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. The city administrator shall have the authority to determine whether such documentation is in order and may consider specific safety situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property under subsection (ii), documentation may be submitted within 72 hours after the action is taken.

(6) Heritage Tree Removal Special Exception. Except as provided in subsection (5), removal of a heritage tree is prohibited unless a Heritage Tree Removal Special Exception is granted by the Board of Adjustment upon a finding that: (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property.

(7) Limitation on removal of a protected tree. A protected tree may be removed upon the determination of the City Arborist and approval of the Building Official if: (i) the tree is damaged by natural causes or is diseased beyond the point of recovery, (ii) the tree is in danger of falling, or (iii) the tree is dead. Any application to remove a protected tree shall be supported by certification by a certified arborist that one or more of these conditions exists and such conditions shall be reviewed by the City Arborist. In addition, removal may be approved upon the grant of a special exception by the Board of Adjustment upon a finding that (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property.

(d) Pre- and post-construction tree protection plan. A pre- and post-construction tree protection plan shall be submitted with the tree permit and shall include the following:

(1) Irrigation and fertilization are required for any protected or heritage tree that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free. The tree protection plan shall describe the plan for irrigation and fertilization during the construction period until final installation of all landscaping.

DRAFT

- (2) The tree protection plan shall describe all measures to be taken during construction to protect any protected and heritage trees from damage during construction, including rigid fencing, shielding, and signage, as necessary. Tree protection shall include rigid fencing placed with a radius of at least ten feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain link or wood fencing not less than four feet high at the drip line of the tree. Stakes shall be no more than six feet apart and at least 1½ deep into the ground. Rigid fencing shall be at least three feet in height. Tree protection shall remain in place until final landscaping installation is approved by the city administrator or designee.
- (3) Protection of critical root zone. Construction within or impervious paving over the critical root zone of any protected or heritage tree is prohibited. A minimum of 50% of the critical root zone of any protected tree or heritage tree must be preserved at natural grade and with natural ground cover. No cut or fill nor any deposit or stockpiling of earthen materials in their natural state greater than four inches will be located closer to the tree trunk than one-half the CRZ radial distance. No grade changes, excavation or trenching shall be permitted within the limits of the critical root zone unless adequate construction methods are approved by the city arborist.
- (4) Parking or storing of vehicles, equipment or materials allowed within the critical root zone or any protected or heritage tree is prohibited. The plan shall designate where all construction equipment and materials will be stored outside the critical root zone.
- (5) Activities requiring approval of the city arborist shall be identified in the tree protection plan and shall be submitted for review and comment to the city arborist, along with such fees as are required by the city to cover all costs of the review process.

(e) Violations/Penalties.

- (1) It shall be an offense for a person:
- a. To fail to perform an act required by the provisions of this section;
 - b. To fail to timely comply with any term of a permit issued pursuant to this section, including terms regarding the preservation of heritage trees and the planting and maintenance of required replacement trees;
 - c. To hire, engage, or permit any person engaged in the business of tree planting, maintenance, or removal to perform such services on property in the city without a permit issued by the city pursuant to this Code;
 - d. Except as expressly allowed pursuant to this subdivision, to remove or to cause the removal of a heritage or protected tree without first obtaining a permit therefor;
 - e. To transfer property subject to obligations arising from a permit issued pursuant to this section if all obligations with respect to such permit are not then fulfilled unless the transferee of the property agrees in writing submitted to the city secretary to assume such permit and all obligations with respect to the protection of heritage trees and the planting and maintenance of required replacement trees; or
 - f. To fail to submit an application for a permit as required by this section.

DRAFT

(2) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed \$1,000.00. An offense committed intentionally, knowingly, recklessly, or with criminal negligence shall be punishable by a fine not to exceed \$2000.00 per offense. Each tree damaged or removed in violation of this division shall constitute a separate offense. A failure to plant and maintain a required replacement tree shall constitute a separate offense. Each day a violation continues shall constitute a separate offense. The owner or tenant of any building, structure, or premises and any designer, builder, contractor, agent or other person who knowingly commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and subject to the penalties as provided herein.

(3) The City Arborist, City Council, or other duly authorized city official may issue a stop work order in connection with site clearing, site preparation, any permitted development of the property from which a heritage tree is removed without authorization or upon the occurrence of any other violation of this subdivision or of any term of a permit issued pursuant to this subdivision. Any person, including a workman on the site, who fails to comply with a stop work order shall be guilty of a misdemeanor punishable as provided for in the penalty section hereof. It shall be unlawful for any person to do any work on the site covered by the stop work order unless and until a new permit, application, or site plan has been filed and processed in accordance with the provisions of this chapter and the City Council has granted approval to a new permit, application, or site plan which corrects the violations covered in the stop work order and all fees and fines have been paid.

(4) No certificate of occupancy shall be issued for a building or other structure that is not then in compliance with any permit issued pursuant to this subdivision. No certificate of occupancy shall be issued for a building or other structure that is not then in compliance with any permit issued pursuant to this subdivision for removal of a protected tree.

(5) Any temporary occupancy permit issued pending any completion of any required planting due to seasonal suitability of planting shall state the day by which planting shall be completed or an extension requested, and shall be revoked if the required planting is not completed or an extension granted by the stated date.

(6) Injunction and other remedies. Any tree removal or other work done contrary to any of the provisions of this Section or to any of the details contained in any final site plan approved by the City or to any of the conditions imposed in connection with the granting of any application required by this Section is hereby declared to be unlawful and shall constitute a violation of this Section. The City Council may direct the City Attorney to initiate injunction, mandamus, abatement, or any other action available in law or equity to prevent, enjoin, abate, or correct unlawful tree removal or other work.

(f) To the extent of conflict with another section of the Code, this section controls.

Secs. 107-~~121~~117—107-145. Reserved.

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 4. RESERVED}

DRAFT

1544 *DIVISION 4. ~~RESERVED. PROFESSIONAL AND BUSINESS OFFICE ZONING DISTRICT (C-~~*
 1545 *~~4)~~*

1546 **~~Sec. 107-146. Applicability.~~**

1547 ~~The regulations set forth in this division shall apply to all land, buildings and structures in a~~
 1548 ~~professional and business office district (C-1).~~

1549 **~~Sec. 107-147. Purpose.~~**

1550 ~~This district is intended to provide sites for quiet, low density commercial office uses.~~

1551 **~~Sec. 107-148. Permitted uses.~~**

1552 ~~No area, building or structure within the land may be used, constructed or altered, except as~~
 1553 ~~follows:~~

1554 ~~(1) Uses permitted in a residential district, excluding dwelling uses or subdivision sales~~
 1555 ~~offices;~~

1556 ~~(2) Administrative, professional and business offices and services, including account,~~
 1557 ~~architecture, attorney, computer services (including research and design) engineer,~~
 1558 ~~physician, veterinary services, broker, consultant, insurance agent, property~~
 1559 ~~management, investment, personnel, travel, secretarial, telephone answering,~~
 1560 ~~photocopy and reproduction, real estate agent, or similar administrative, professional~~
 1561 ~~business offices.~~

1562 ~~(3) Accessory structures, other than buildings, and uses customarily incidental to these~~
 1563 ~~administrative, professional or business offices.~~

1564 **~~Sec. 107-149. Special uses.~~**

1565 ~~Subject to approval by the city council, the following special uses may be permitted in a C-1~~
 1566 ~~district:~~

1567 ~~(1) Facilities for assembling of and testing electronics components;~~

1568 ~~(2) Child day care facilities, provided this is the only use on the particular lot;~~

1569 ~~(3) Banks or savings and loan associations;~~

1570 ~~(4) Parking garages, provided that the garage is an accessory to the primary use on the~~
 1571 ~~same lot or an adjacent commercial lot; and~~

1572 ~~(5) For lots with frontage on Bee Caves Road, a personal wireless telephone service~~
 1573 ~~facility.~~

1574 **~~Secs. 107-15046—107-166. Reserved.~~**

1575
 1576 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 5. Reserved}*
 1577

DRAFT

1578 *DIVISION 5. RESERVED. BUSINESS ZONING DISTRICT (C-2)*1579 **~~Sec. 107-167. Applicability.~~**

1580 ~~The regulations set forth in this division shall apply to all land, buildings and structures in a~~
 1581 ~~business district (C-2).~~

1582 **~~Sec. 107-168. Permitted uses.~~**

1583 ~~No area, building or structure may be used, constructed or altered, except as follows:~~

1584 ~~(1) Uses permitted in a C-1 zoning district;~~

1585 ~~(2) Retail bakeries;~~

1586 ~~(3) Barbershops or beauty shops;~~

1587 ~~(4) Craft or hobby shops;~~

1588 ~~(5) Department, sporting goods, novelty, variety or toy stores;~~

1589 ~~(6) Drugstores;~~

1590 ~~(7) Laundry pickup and dry cleaning pickup stations;~~

1591 ~~(8) Florist shops;~~

1592 ~~(9) Antique stores;~~

1593 ~~(10) Household or office furniture, furnishings, or appliance stores;~~

1594 ~~(11) Jewelry or optical goods stores;~~

1595 ~~(12) Shoe repair shops;~~

1596 ~~(13) Variety stores;~~

1597 ~~(14) Wearing apparel shops; and~~

1598 ~~(15) Retail uses which supply the everyday shopping needs of residents of the city.~~

1599 **~~Sec. 107-169. Special uses.~~**

1600 ~~Subject to approval by the city council, the following special uses may be permitted in a C-2~~
 1601 ~~district:~~

1602 ~~(1) Research laboratories;~~

1603 ~~(2) Other special uses that meet the criteria set forth in this article;~~

1604 ~~(3) Cafes, cafeterias or restaurants;~~

1605 ~~(4) Convenience stores;~~

1606 ~~(5) Grocery or food specialty stores;~~

1607 ~~(6) Package liquor stores;~~

1608 ~~(7) Automotive service stations;~~

DRAFT

- 1609 ~~(8) Parking garages, provided that the garage is an accessory to the primary use on the~~
 1610 ~~same lot or an adjacent commercial lot;~~
- 1611 ~~(9) Camera or photography supply stores;~~
- 1612 ~~(10) Clinics without overnight facilities;~~
- 1613 ~~(11) Hardware stores;~~
- 1614 ~~(12) Art and photography studios;~~
- 1615 ~~(13) Facilities for assembling computer software products; and~~
- 1616 ~~(14) For lots with frontage on Bee Caves Road, a personal wireless telephone service~~
 1617 ~~facility.~~

1618 **~~Sec. 107-170. Prohibited uses.~~**

1619 ~~All uses not specifically permitted under section 107-168 or 107-169 are prohibited,~~
 1620 ~~including, but not limited to, the following:~~

- 1621 ~~(1) Temporary buildings;~~
- 1622 ~~(2) The manufacture of any product for sale;~~
- 1623 ~~(3) Activities involving the conduct of major automobile repairs, body repair or painting,~~
 1624 ~~welding, storage of dismantled or nonoperational vehicles, sale of used automobile~~
 1625 ~~parts, or the sale of new or used motor vehicles;~~
- 1626 ~~(4) The use of parking lots or other outdoor areas for the display, sale or storage of~~
 1627 ~~merchandise, motor vehicles, equipment, containers or waste material;~~
- 1628 ~~(5) The wholesale processing of food;~~
- 1629 ~~(6) Activities which create a nuisance;~~
- 1630 ~~(7) Veterinarian services and kennel services;~~
- 1631 ~~(8) The repair, sale, resale, manufacture, refurbishment or storage of boats, trailers, mobile~~
 1632 ~~homes or recreational or sport vehicles;~~
- 1633 ~~(9) Laundries or dry cleaning plants;~~
- 1634 ~~(10) Music studios;~~
- 1635 ~~(11) Monument sales or funeral homes and related services;~~
- 1636 ~~(12) Warehouses or the rental of storage space for personal or commercial property;~~
- 1637 ~~(13) Pawnshops;~~
- 1638 ~~(14) Junkyards;~~
- 1639 ~~(15) Painting sales or service, except to the extent incidental to an otherwise permissible~~
 1640 ~~use;~~
- 1641 ~~(16) Assisted living, retirement, nursing home or convalescent services or facilities;~~
- 1642 ~~(17) Tire retread facilities;~~

DRAFT

1643 ~~(18) Sexually oriented businesses, including, but not limited to, modeling studios and dating~~
 1644 ~~or escort services businesses;~~

1645 ~~(19) The display, sale or advertisement of any product that adversely affects the health,~~
 1646 ~~safety, or general welfare of the residents of the city;~~

1647 ~~(20) Hotel and motel; and~~

1648 ~~(21) Dwelling uses or subdivision sales offices.~~

1649 **Secs. 107-17167—107-193. Reserved.**

1650

1651 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 9. Planned Unit*
 1652 *Developments, Sections 107-313 & 107-314}*

1653 *DIVISION 9. Planned Unit Developments*

1654 **Sec. 107-313. Purpose.**

1655 A planned unit development (PUD) is a permitted use within the C-1 district ~~or the C-2~~
 1656 ~~district~~, the purpose of which is to encourage planned developments as a means of creating a
 1657 superior community environment through unified planning and building operations; to provide
 1658 adequate community facilities well located with respect to needs; to protect the natural beauty of
 1659 the landscape; to encourage the preservation and more efficient use of open space; and to offer
 1660 an opportunity for greater flexibility and, consequently, more creative and imaginative design for
 1661 the development of the city than is generally possible under the zoning regulations established
 1662 elsewhere in this article.

1663 **Sec. 107-314. General regulations.**

1664 Regulations that apply in a C-1 district ~~or a C-2 district~~ shall apply to planned unit
 1665 developments except as otherwise provided in this division.

1666

1667 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 9. Planned Unit*
 1668 *Developments, Sections 107-316 & 107-317}*

1669 **Sec. 107-316. Permitted uses.**

1670 Except for uses permitted in a residential district, all uses permitted in a C-1 district ~~or a C-2~~
 1671 ~~district~~ shall be permitted in a PUD, and all special uses permitted in a C-1 district ~~or a C-2~~
 1672 ~~district~~, subject to the procedures for application and approval, and any restrictions provided
 1673 therefor, shall be permitted in a PUD.

1674 **Sec. 107-317. Parking adjustment for storage and warehouse areas. ~~Mixed-use zoning.~~**

1675 ~~Limited C-2 zoning may be granted for specified areas within the buildings or structures~~
 1676 ~~located in C-1 zoning. A property owner unable to comply with parking requirements may~~
 1677 ~~designate one or more specific areas within the buildings or structures for storage or warehouse~~

DRAFT

~~purposes. Such areas~~ Areas within a building designated as storage or warehouse areas shall have parking spaces allocated in a ratio of one parking space for each 1,000 feet of storage or warehouse area.

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 10. Landscaping, Subdivision 1. Non-Residential Regulations}

DIVISION 10. LANDSCAPING

Subdivision 1. Landscaping Non-Residential Regulations for zones other than Residential District (R) and Commercial District (C)

~~Sec. 107-340. Removal of vegetation from right-of-way.~~

~~Any excavation, grading or site clearance of a lot zoned for commercial use, including planned unit development, which involves the removal of vegetation from the city's right of way is prohibited without prior written approval of the city building official. Damaged, destroyed or removed trees having a height of 11 feet or more shall be restored in accordance with the landscape provisions of section 107-341 of this division.~~

Sec. 107-340~~1~~. Landscape requirements.

(a) ~~This subdivision is applicable to every lot in the city zoned for a use other than Residential District (R) or Commercial District (C), including a Planned Unit Development, with respect to which a building permit for any new structure or enlargement of any existing structure is issued. The provisions of this section are applicable to every lot zoned for a use other than residential, with respect to which a building permit for any new structure or enlargement of any existing structure is issued.~~

(b) Any excavation, grading, or site clearance of a lot that involves the removal of vegetation from the city's right-of-way is prohibited without prior written approval of the city building official. Damaged, destroyed, or removed trees having a height of 11 feet or more shall be restored.

(~~c~~b) Twenty (20) percent of the total area of each lot shall be devoted to landscaped open space, with one tree being required for each 2,000 square feet of area, or fraction thereof, of each lot. Each required tree shall be at least 12 feet high when planted and shall be maintained in a healthy condition. Said trees shall not be pruned except either to remove dead wood, or to prevent growth or to remove existing growth lower than 15 feet above the ground. Existing trees having a height of at least 11 feet may be counted as required trees, provided that the ground beneath the canopy remains unimproved. Any species of tree which does not normally grow to a height of 15 feet in the city, as determined by the city arborist or other competent person designated by the city administrator, shall not qualify as a required tree under this section. Any required buffer areas or trees required to be planted by this chapter shall be counted toward satisfying this requirement.

DRAFT

(de) When off-street parking for ten or more vehicles is provided, there shall be landscaped open space within the perimeter of the parking area or areas, in the minimum amount of 18 square feet for each parking space. Said landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Said trees shall be included in computing the number of trees required in subsection (b) of this section.

(ed) All required tree plantings shall be installed prior to the occupancy or use of property. Where compliance is not practicable due to the season of the year, the building official may grant a temporary certificate of occupancy providing an appropriate delay period in the installation of the required plantings ~~shall grant an appropriate delay~~. Any temporary certificate of occupancy may be revoked, after 30 days' written notice to the occupant and the owner of the affected property, if tree plantings are not undertaken ~~or maintained~~ as required under this article.

(f) All landscaping and buffering required by this section must be maintained by the property owner. If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and imposing a fine pending compliance with this section.

(eg) A ~~nonresidential~~ lot to which this Section applies that is adjacent to a public street or right-of-way or that is adjacent to a residential property line shall have a landscaped greenbelt at least 20 feet in width measured from the property line parallel with and adjacent to each such street, right-of-way or residential property line. An exception may be approved by the city council for the location of a driveway in such required landscaped greenbelt if the city council finds that special traffic conditions affect the property, and that the interest of safety of the driving public and pedestrians would better be protected by the location of a driveway. ~~in the area of the required greenbelt. Such greenbelt shall contain a minimum of one tree, not less than 12 feet in height, for every 500 square feet of greenbelt.~~

Secs. 107-3432 - 107-35968. Reserved.

Subdivision 2. FEMA Floodplain Management in Zones Other Than Residential

Sec. 107-360. Clearing of vegetation in a floodplain.

(a) This section applies to all zoning districts other than Residential District (R).

(b) Within a floodplain or special flood hazard area as identified by the Federal Emergency Management Agency, the removal of native vegetation is prohibited.

(c) This section does not prohibit:

a. trimming or other ordinary maintenance of vegetation,

b. removing dangerous, diseased, damaged, dead, or dying vegetation, or

c. removing, trimming, or maintaining vegetation as necessary to protect public health and safety.

DRAFT

(d) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed \$1,000.00. An offense committed intentionally, knowingly, recklessly, or with criminal negligence shall be punishable by a fine not to exceed \$2000.00 per offense. Each tree damaged or removed in violation of this division shall constitute a separate offense. Each day a violation continues shall constitute a separate offense.

(e) The City Arborist, City Council, or other duly authorized city official may issue a stop work order in connection with site clearing, site preparation, or any permitted development of the property upon the occurrence of any other violation of this subdivision. It shall be unlawful for any person to do any work on the site covered by the stop work order unless and until a new permit, application, or site plan has been filed and processed in accordance with the provisions of this chapter and the City Council has granted approval to a new permit, application, or site plan which corrects the violations covered in the stop work order.

(f) Injunction and other remedies. Any vegetation removal or other work done contrary to any of the provisions of this Section is hereby declared to be unlawful and shall constitute a violation of this Section. The City Council may direct the City Attorney to initiate injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate or correct unlawful tree removal or other work.

Secs. 107-361 - 107-368. Reserved.

Sec. 107-343. Variances.

~~The city council is authorized, upon written appeal of a property owner or developer subject to the requirements of this division, to grant a variance from the requirements of this division as will not be contrary to the public interest, where, due to special conditions, literal enforcement of the requirements of this division will result in unnecessary hardship, and so that the spirit of this division shall be observed and substantial justice done. In considering any proposed variance, the following rules shall be observed:~~

- ~~(1) The applicant for the variance must present to the city council a set of plans setting out the applicant's proposal and the nature of the proposed variance.~~
- ~~(2) The proposed variance may not substantially adversely affect any adjoining property or the general welfare of the community.~~
- ~~(3) The city council must find that the granting of the variance will not merely serve as a convenience to the applicant but will serve to alleviate some demonstrable and unusual hardship or difficulty based on the condition of the affected property or surrounding areas.~~

Secs. 107-343 - 107-368. Reserved.

{Amendments to numbering of Chapter 107 Zoning, Article II. District Regulations, Division 10. Landscaping, Subdivision 2. Residential Tree Canopy Management}

DRAFT

Subdivision ~~23~~. Residential Tree Canopy Management

{Amendments to Chapter 107 Zoning, Article III. Special Uses, Section 107-397 Applicability}

ARTICLE III. – SPECIAL USES**Sec. 107-397. Applicability.**

The regulations set forth in this article shall apply to land, buildings and structures located in a commercial district (C), ~~professional and business office district (C-1)~~, ~~a business district (C-2)~~, a governmental and institutional zoning district (GI), a park zoning district (P), a hospital zoning district (H), and a PUD.

{Amendments to Chapter 107 Zoning, Article III. Special Uses, Section 107-401 Criteria applicable to individual special uses}

Sec. 107-401. Criteria applicable to individual special uses.

(a) Alcoholic beverages sold in a restaurant for on-premises consumption. A proposal to sell alcoholic beverages in a restaurant for on-premises consumption must comply with the following specific criteria and conditions, as well as the general criteria prescribed under section 107-400:

- (1) The restaurant where alcoholic beverages are proposed to be sold is not located within 300 feet of a church or school;
- (2) The restaurant where alcoholic beverages are proposed to be sold is not located on property, two or more sides of which abut property in a residential district;
- (3) The gross receipts derived from the sale of alcoholic beverages shall not exceed the gross receipts derived from the sale of food; and
- (4) The permit shall be reviewed annually by the city secretary and if reissued, reissued at the end of the city's fiscal year.

(b) Alcoholic beverages sold in grocery stores for off-premises consumption.

- (1) The grocery store where the alcoholic beverages are proposed to be sold is not located within 300 feet of a church or school;
- (2) The grocery store where the alcoholic beverages are proposed to be sold is not located on property, two or more sides of which abut property in a residential district;
- (3) The permit shall be reviewed annually by the city secretary and if reissued, reissued at the end of the city's fiscal year;
- (4) Additional fees are to be collected after three years' operation in accordance with alcoholic beverage commission permit rules; and
- (5) A permit shall only be granted if:

DRAFT

- 1830 a. The applicant agrees that all litter associated with off-premises consumption of
 1831 alcoholic beverages within 200 feet of the applicant's premises is presumed to be
 1832 the applicant's; and
- 1833 b. The applicant agrees to collect and dispose of all litter within 200 feet of the
 1834 boundary line of the premises from which alcoholic beverages are sold.
- 1835 (c) Banks/savings and loan associations in ~~C-1~~ districts. A proposed bank or savings and loan
 1836 association in a ~~C-1~~ district must comply with the following specific criteria and conditions,
 1837 as well as the general criteria prescribed under section 107-400:
- 1838 (1) The site plan must provide adequate stack space for motor vehicles;
- 1839 (2) The site shall be designed and developed in a manner that will not impede the flow of
 1840 traffic in the vicinity of the bank or savings and loan association;
- 1841 (3) The site plan shall provide for adequate landscaping and the maintenance of
 1842 landscaped areas shall be governed by the provisions of restrictive covenants
 1843 enforceable by the city; and
- 1844 (4) There shall be no more than one curb cut for access to the office complex unless
 1845 otherwise approved by the city council.
- 1846 (d) Personal wireless telephone service facility in certain parts of a ~~C-1, C-2~~, and H district, and
 1847 a PUD. A proposed personal wireless telephone service facility on a lot with frontage on
 1848 Bee Cave~~s~~ Road in a ~~C-1, C-2~~ or H district or in a PUD must comply with the following
 1849 specific criteria and conditions as well as the general criteria prescribed under section 107-
 1850 400:
- 1851 (1) The facility shall have a design and appearance that mimics other uses and ancillary
 1852 structures in the vicinity, such as a flagpole, tree trunk or other object compatible with
 1853 surrounding buildings and uses, or, in lieu thereof, the lower 15 feet of a freestanding
 1854 facility shall be screened by vegetation;
- 1855 (2) The use or operation of the facility shall not be attended by noise or light that is
 1856 incompatible with surrounding uses, or other attributes constituting a nuisance to
 1857 surrounding uses;
- 1858 (3) The facility will at all times be operated in compliance with applicable federal and state
 1859 law, including law regulating radio frequencies, microwaves, and other electronic or
 1860 magnetic emissions or transmissions; and
- 1861 (4) No auxiliary generator or power source producing excessive noise or polluting
 1862 emissions shall be included.
- 1863 (e) Cafes, cafeterias, restaurants, and bakeries. A proposed café, cafeteria, restaurant, or
 1864 bakery must comply with the general criteria prescribed under section 107-400 and must provide
 1865 adequate exhaust air filtration systems as needed to control and capture smells created by the use
 1866 prior to release to the outside atmosphere.

1867
 1868 {Amendments to Chapter 107 Zoning, Article IV. Nonconforming Structures and Uses, Section
 1869 107-422 Nonconforming buildings, structures}

DRAFT

ARTICLE IV. – NONCONFORMING STRUCTURES AND USES**Sec. 107-422. Nonconforming buildings, structures.**

Any nonconforming building or structure may, so long as it remains otherwise lawful, be continued subject to the following requirements and limitations:

- (1) Except as otherwise required by ordinance or law, a nonconforming building or structure may not be altered in a manner that increases the extent of its nonconformity.
- (2) Except as otherwise required by ordinance or law, a nonconforming building or structure must be brought into conformity if:
 - a. Fifty percent of the square footage of the building or structure is demolished, excluding a permit for interior construction or remodeling only; or
 - b. If the nonconforming building or structure is moved, it shall conform to the regulations for the district within or into which it is moved.
- (3) The provisions of subsection (2)a of this section do not apply to the demolition of the roof of a building or structure.
- (4) If the nonconforming building or structure, other than a dwelling, is damaged or destroyed by fire or other accident or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure, provided that the repair or reconstruction conforms with the construction materials standards set forth in section 107-107, the compatibility standards set forth in section 107-116, and will not increase the extent of the nonconformity of the building or structure.
- (5) If the nonconforming building or structure that is a dwelling is damaged or destroyed by fire or other accidental or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure if the repair or reconstruction will not increase the extent of the nonconformity of the building or structure.
- (6) Nothing in this article shall be deemed to:
 - a. Prevent ordinary repairs to nonconforming buildings or structures;
 - b. Prevent alterations of or extensions to nonconforming building or structures as required by law or ordinance; or
 - c. Prevent the restoration to a safe condition of any nonconforming building or structure, or portion thereof, declared to be unsafe by the building official or other duly authorized official.

{Amendments to Chapter 107 Zoning, Article V. Administration and Enforcement, Division 1. Generally}

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

DRAFT

1907

DIVISION 1. GENERALLY

1908 **Sec. 107-442. Penalty for violation.**

1909 (a) If any building or structure is constructed or altered, or if any premises are used in violation
 1910 of the provisions of Chapter 107 or any permit ~~this article~~, the building official is authorized
 1911 and directed to institute any appropriate action to put an end to such violation.

1912 (b) ~~Any person who violates or fails to comply with any of the requirements of this article shall~~
 1913 ~~be guilty of a misdemeanor and shall be liable to a fine not to exceed \$2,000.00. Each day~~
 1914 ~~any such violation occurs shall constitute a separate offense. Any person, firm, or~~
 1915 ~~corporation who violates any of the provisions of this Chapter or any permit, or fails to~~
 1916 ~~comply therewith, or who shall violate or fail to comply with any order or regulation made~~
 1917 ~~hereunder, or who shall build any project or facility in violation of any detailed statement of~~
 1918 ~~specification or plans submitted and approved hereunder, or any certificate or permit issued~~
 1919 ~~hereunder, shall, for each and every violation and noncompliance respectively be deemed~~
 1920 ~~guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed~~
 1921 ~~\$2,000 or the appropriate legal maximum as determined by statute. Each and every day that~~
 1922 ~~such violation and/or noncompliance shall exist shall be deemed a separate offense. In case~~
 1923 ~~any person, firm, or corporation violates any of the provisions of this Chapter or any permit~~
 1924 ~~or fails to comply therewith, the city, in addition to imposing the penalties above provided~~
 1925 ~~may institute any appropriate action or proceedings in court to prevent, restrain, correct, or~~
 1926 ~~abate or to prevent any illegal act, conduct, business, or use in or about any land, and the~~
 1927 ~~definition of any violation of the terms of this chapter or any permit as a misdemeanor,~~
 1928 ~~shall not preclude the city from invoking the civil remedies given it by law in such cases,~~
 1929 ~~but same shall be cumulative of and in addition to the penalties prescribed for such~~
 1930 ~~violation.~~

1931 (c) The owner or owners of any land, building or structure, or part thereof, where anything in
 1932 violation of this ~~article~~ Chapter or any permit shall be placed or shall exist, and any person
 1933 employed in connection therewith and who assists in the commission of such violation,
 1934 shall be guilty of a misdemeanor and shall be liable to a fine not to exceed \$2,000.00.

1935 (d) Nothing herein contained shall prevent the city from taking such other lawful action as
 1936 necessary to prevent or remedy any violation of this ~~article~~ Chapter or any permit.

1937

1938 **Secs. 107-443—107-459. Reserved.**

1939

1940 {Amendments to Chapter 107 Zoning, Article V. Administration and Enforcement, Division 3.
 1941 Board of Adjustment, Sec.107-491 Special Exception to add a special exception for 75-greenbelt
 1942 reduction}

1943

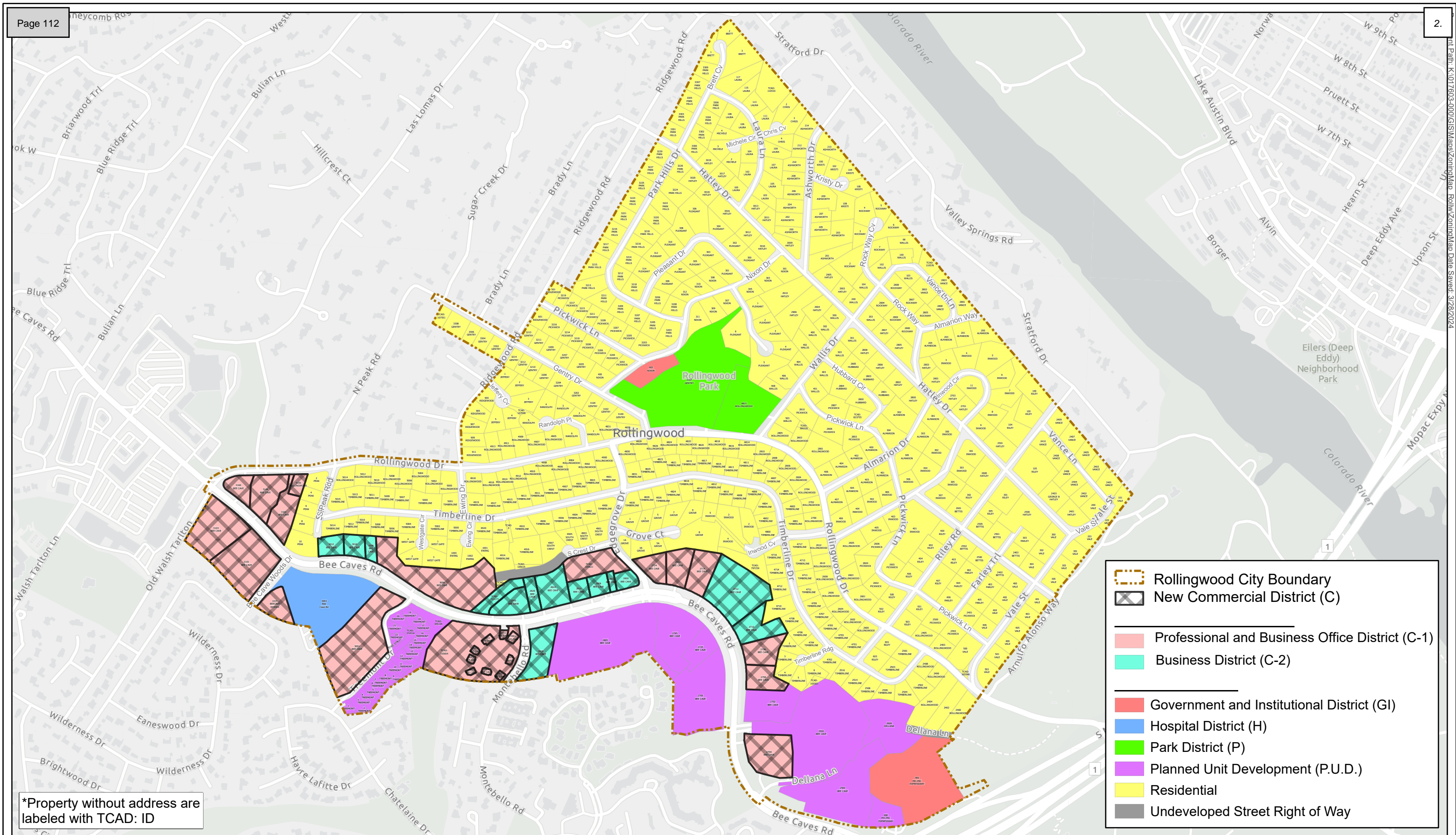
DIVISION 3. BOARD OF ADJUSTMENT

DRAFT

Sec. 107-491.- Special exceptions

- (a) The board of adjustment may, in a specific case, where the board of adjustment makes the findings required under subsection (c) herein, grant the following special exceptions from the requirements of this division:
- (1) Permit the reconstruction of a nonconforming building or structure that has been damaged by fire or other cause;
 - (2) Permit the enlargement or extension of a nonconforming use or nonconforming building upon the lot occupied by such use or building at the time of the passage of this division;
 - (3) In undeveloped sections of the city, grant temporary and conditional permits for not more than two years, provided that the grant of a temporary or conditional permit shall not be reason or cause for extension of such permit;
 - (4) Permit such modifications of yard, open space, lot area, or lot width regulations as may be necessary to improve a parcel of land, if the parcel is of such restricted size that it cannot be appropriately improved without such modification; or
 - (5) Permit a public utility or public service building of a ground area or height at variance with those provided for the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.
- (6) Permit a reduction or modification in the 75-foot setback requirements of Section 107-108(a) and/or the 75-foot greenbelt requirements of Section 107-109(a), provided that:
- a. In addition to the notice and hearing required under Subsection 107-494(a), the board of adjustment shall conduct a public hearing on the application to consider public comment and any alternative to the proposed application. The public hearing required by this subsection shall be held no less than 30 days prior to the date of any hearing at which the board of adjustment will consider action on the application. Upon the decision of the board of adjustment or upon request of the applicant, the board of adjustment may recess such public hearing, from time to time, to consider any alternative proposal. In the event the Applicant requests the board of adjustment to consider an alternative proposal, notice of the alternative proposal shall be given in the manner required by Subsection 107-491(a), and the hearing on the alternative proposal shall be set no less than 30-days prior to the date notice is given; and
 - b. The board of adjustment finds all of the following:
 - (i) The lot to be developed has no existing 75-foot greenbelt or the existing greenbelt is less than the required 75-feet;
 - (ii) The proposed alternative, as compared to the existing development, mitigates the impact of the existing development upon adjacent residential properties and/or improves to the greatest extent practicable the buffering of the adjacent residential properties, and preserves or enhances existing landscaping to the greatest reasonable extent;

- 1983 (iii) The proposed alternative, as compared to the existing development, is consistent
 1984 with and promotes the recommendations and policies within the city's
 1985 comprehensive plan;
- 1986 (iv) The proposed alternative enhances the site, as compared to the existing
 1987 development, without detriment to the adjacent residential properties, and
 1988 therefore, the overall environment of the city; and
- 1989 (v) The proposed alternative if granted will not have a detrimental impact on any
 1990 adjacent properties.
- 1991 (b) The board of adjustment may grant such other special exceptions as may be provided for
 1992 elsewhere in this division, subject to the terms and conditions therein set out.
- 1993 (c) Prior to granting a special exception, the board shall make a finding that it is empowered
 1994 under this chapter to grant the special exception, that the public convenience and welfare will
 1995 not be substantially or permanently injured in the granting of the special exception, and that
 1996 the grant of the special exception will not adversely affect the public health, convenience,
 1997 safety or general welfare.
- 1998 (d) In granting a special exception, the board of adjustment may prescribe appropriate conditions
 1999 and safeguards in conformity with this division.
- 2000 (e) The board of adjustment shall prescribe a time limit within which the action for which the
 2001 special exception is required shall be begun or completed, or both. Failure to comply with the
 2002 time limits set by the board shall void the special exception.

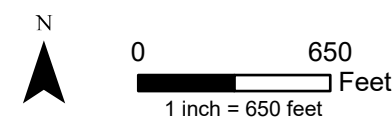


*Property without address are labeled with TCAD: ID



Zoning Map

City of Rollingwood, Texas



City of Rollingwood - Summary of Comprehensive Plan Code Revisions

Comprehensive Plan Policy 1: Allow retail and office uses on commercially zoned properties and encourage restaurant development where a restaurant or retail use would not create a nuisance for adjacent residential properties, except where residential properties are adjacent to office properties today and could be negatively impacted by conversion of that office use to retail uses - extended hours, traffic, noise, smells and related concerns with restaurants, bars, and convenience stores, being the primary concerns.

The former C-1 zoning district (business offices) and the former C-2 zoning district (primarily retail businesses) are combined into a new "Commercial District (C)". See §§ 107-3, 107-25, 107-102. Permitted uses in the former C-1 and C-2 districts are combined in new §§107-117 (permitted uses). Uses that today require a special use permit (such as convenience stores, restaurants, bars, cafes, cafeterias, banks) continue to require a special use permit. See §107-118 (special uses). Prohibited uses in the former C-1 and C-2 districts continue to be prohibited. See new §107-119. In addition, new Section 107-401(e) requires restaurant exhaust systems to control and capture smells prior to release.

Throughout the new code, references in other code sections to the former C-1 and C-2 districts are replaced with new "Commercial District (C)".

Comprehensive Plan Policy 2: On the north side of Bee Caves Road, limit development on commercially zoned lots to two stories and 30 feet in height. On the south side of Bee Caves Road, limit development on commercially zoned lots to 3 stories and 45 feet in height.

Section 107-103(a) sets the height allowances for commercial development on the north side of Bee Caves Road at 30 feet and two stories, and on the south side of Bee Caves Road at 45 feet and three stories.

Comprehensive Plan Policy 3: Maintain current Rollingwood Drive frontage setbacks (i.e., setbacks between commercial buildings and Rollingwood Drive).

Section 107-108(c) maintains existing 30-ft. front setbacks for commercial properties along Rollingwood Drive.

Comprehensive Plan Policy 4: Prohibit the clearing of native vegetation within the FEMA floodplain on commercially zoned properties.

Section 107-360 prohibits removal or clearcutting of vegetation in the FEMA floodplain, but allows for trimming, removal of damaged, dead, or dying vegetation as needed to protect public health and safety, by permit.

Comprehensive Plan Policy 5: Work with stakeholders to envision and create a safer pedestrian crossing of Bee Caves Road at Edgegrove Drive. (Long-term vision: build a pedestrian bridge across Bee Caves Road within Rollingwood)

This policy recommendation is not yet developed to the point of requiring any code

changes and will be addressed separately from the proposed zoning code changes.

Comprehensive Plan Policy 6: Replace current setbacks between commercially zoned properties and residentially zoned properties with a 75-foot setback measured from the edge of any residentially zoned lot to the edge of any building on any commercially zoned lot. The clearing of native vegetation shall be prohibited in this 75-foot setback. In addition, the City should require replanting of previously cleared spaces within the 75-foot setback between the edge of any residentially zoned lot and the edge of any building on any commercially zoned lot.

New Section 107-109, Buffers Between Abutting Commercial and Residential Lots, requires a 75-foot greenbelt to be maintained between the boundary of the residential zone and any lot in the C District, requires the existing greenbelt to be maintained in its natural state, and prohibits clear cutting of native vegetation in this greenbelt. In any area where there is no existing vegetative screen between a residential lot and a commercial lot, landscaping is required, with both the tree and shrub minimums, to achieve 90% opacity within 2 years of installation. See §107-109(a)(2). Existing subsections b, c, and d are retained to address approval of plans, windows facing residential properties, and lighting adjacent to nearby residential properties.

Comprehensive Plan Policy 7: To reduce the number of ingress/egress points on Bee Caves Road, eliminate any existing code provisions that require a driveway on every commercially zoned lot.

Sec.107-36 requires shared and cross access to Bee Caves Road and joint use of driveways, with such shared and joint use to be established as a part of the permitting process by dedicated easements between property owners. This section also addresses driveway spacing requirements along Bee Caves Road. In addition, Section 107-110(b) authorizes shared parking.

NOTE: In discussions regarding parking, the Committee recommends that parking space minimums (Sections 107-110(a)) be eliminated, leaving the determination of how many spaces are needed to the property owner. This proposed change was not addressed as a policy in connection with the Comprehensive Plan, so the Committee has not made this change in the proposed in the new code but raise as a consideration for the Council.

Comprehensive Plan Policy 8: Encourage the building of walking and biking paths on commercially zoned lots along the south side of Dry Creek (sometimes called Eanes Creek) on the north side of Bee Caves Road.

New Section 107-110 (c)(4) authorizes incentives in the form of a 10% reduction in required parking if property adjacent to Eanes Creek is dedicated to the city for a trail/pedestrian path.

Comprehensive Plan Policy 9: Enforcement: The City should require an as-built survey as part of its final permitting and Certificate of Occupancy for all new commercial development. In addition, the City should exercise its full discretion and employ all means to enforce all development rules regulating commercially zoned lots.

New Section 103-206(d) [move this?] requires a certificate from a registered professional engineer prior to issuance of a Certificate of Occupancy that the site as built meets the impervious cover requirements, stormwater drainage requirements, water quality requirements and approved impervious cover incentives, and is built per the approved permit. As-built surveys are already required prior to the issuance of a Certificate of Occupancy for new commercial construction. Sec.107-442 addresses enforcement and penalties for violation.

Comprehensive Plan Policy 10: Modify development standards as necessary based on following recommendations: Front setback: the front setback for commercial properties along the north side of Bee Caves Road be reduced from the current 25-foot setback to a 5-foot setback, where the developer has agreed to: 1) contribute any required right of way to TX DOT, and 2) implement a landscape plan, including appropriate irrigation and maintenance, that provides native species shade trees along sidewalks and rear lot pedestrian paths.

New Sections 107-108(c)(ii) and 107-116(d) allow a front setback reduction from 20 ft. to 5ft. where the applicant has adopted a landscape plan providing for trees along sidewalks on Bee Caves Road and has dedicated a pedestrian path along Eanes Creek to the City.

NOTE: The Committee is recommending that the code not require a contribution of right of way to TXDOT, as proposed in the Comprehensive Plan, upon the consideration that such a requirement could negatively impact the City's ability to address ROW negotiations with TxDOT.

Comprehensive Plan Policy 11: Impervious cover: City should establish commercial impervious cover requirements such that impervious cover shall not exceed 55% provided that no new project development will create any increases to storm water runoff (either volume or rate of flow of runoff).

Section 107-115 (b)(1) allows an increase in impervious cover to 55% if the increase does not create an increase in the volume or rate of flow of stormwater runoff.

Comprehensive Plan Policy 12: Incentives: the development code should incentivize permanent low impact development practices such as rainwater harvesting, bio-retention, rain gardens, green roofs, infiltration/filter strips, conservation landscaping using native plants and trees that promote the area's natural habitat including bird-, bee-, butterfly-friendly plants, and natural area preservation over and above required greenbelt setbacks, by development of a schedule of impervious cover limit increases up to an additional 10% for use of such practices: 1) there are no increases to storm water runoff (either volume or rate of flow of runoff), 2) the site plan meets all TCEQ best management practices for water quality, and meets the design elements described below.

An additional 5% of increase in impervious cover (up to a maximum of 60%) is allowed in Section 107-115(b)(2) if the site plan includes permanent low impact development stormwater practices, meets all TCEQ best management practices for water quality and meets the lighting, landscaping and buffering requirements of the Code. See Section 107-115(c) and (d) as to

engineering certificates required to confirm these requirements as proposed and as built.

Comprehensive Plan Policy 13: Certification: all requirements associated with impervious cover incentives, storm water management and water quality be mandatory, not subject to variance, and enforced by requirements for engineering certification that the design meets all requirements as initially submitted in the permitting process and for engineering certification that the design as built meets all impervious cover, storm water management, and water quality requirements before the issuance of any occupancy permit.

Section 103-206(d) requires an engineer's certificate be provided prior to issuance of an occupancy permit certifying that the site as built meets all impervious cover requirements, all stormwater management and water quality requirements, and all impervious cover incentives, and is constructed in accordance with the approved permit.

Comprehensive Plan Policy 14: Design requirements to lessen impact of commercial development to adjacent residential properties: Where roofs are visible from adjacent residential lots, the City should adopt appropriate design requirements that mask and/or eliminate the impact of (i) building mechanical elements (AC units, vents, wireless facilities, etc.) by requiring such elements be located at ground level and not on roofs, or if located on roofs, masked by the roof; (ii) require all solar panels be masked; and (iii) require the site plan to provide a vegetative buffer and safety features between a residential lot and a commercial lot where there is no greenbelt, topographical, or line of sight buffer between the commercial lot and any residential lot.

Buffering and design requirements per this Policy are contained in Sections 107-109 (greenbelt, vegetative buffer, windows, lighting) and 107-116 (screening of storage and mechanical systems, roof design, screening of trash receptacles, landscaping along rights of way, sidewalks, and parking areas.)

Comprehensive Plan Policy 15: The City should adopt lighting design criteria to eliminate impact to adjacent residential properties, down-shield night-time lights, and adopt standards consistent with the "Dark Skies" lighting policies of similarly sized Central Texas Hill Country communities, the International Dark Skies communities or other state-certified "Dark Skies" organization.

A new Section 107-39 has been added to provide for updated lighting requirements consistent with International Dark-Sky policies, specifically shielding of light fixtures, limitations on light trespass onto adjacent properties, maximum intensities, and limits on uplighting. The new policy applies to new builds and as lighting fixtures are updated in zoning districts other than residential.

Comprehensive Plan Policy 16: Review and revise necessary ordinances regarding interior and exterior lighting.

New Section 107-39 provides updated lighting standards consistent with International Dark-Sky policies. See also new Sections 24-90 through 24-95 addressing lighting associated with

commercial signage.

Comprehensive Plan Policy 17: Landscaping/shade/setback incentives for commercial properties: the City should require that landscaping within the setback along Bee Caves Road, where possible, and along any pedestrian walkways, include sufficient trees to shade sidewalks and pedestrian paths.

New Section 107-116(d)(1) requires trees to be installed along rights of way adjacent to Bee Caves Road and any pedestrian path along Eanes Creek - 1 tree per 25 linear feet of frontage, to shade sidewalks and any Eanes Creek pedestrian path.

Comprehensive Plan Policy 18: Employ a tree ordinance similar to that in residential areas that will preserve heritage trees, that requires replacement of heritage trees with a tree or trees of the same species and having the same total caliper inches, and require replacement of other protected trees so as to maintain current tree canopies.

See Section 107-120, Tree Canopy Management **within the Commercial District**, adopts a Tree Canopy Management Policy similar to that applicable to the residential zone **for all other zoning districts**. Using the same definitions of "protected species" as in the residential Tree Canopy Management ordinance, this section protects "protected trees" of a diameter of 12" or greater in diameter by requiring a permit for removal, conditioned on the issuance of a special exception by the board of adjustment. It prohibits the removal of a "heritage tree" (defined as a "protected species" tree of a diameter of 24" or greater) unless a variance is granted by the board of adjustment. It also creates an incentive for protecting existing "protected species" trees by giving a credit against other landscaping requirements where existing protected species trees of a diameter of 4" or greater are kept. Trees permitted to be removed are required to be mitigated by the planting of new trees of the same species. This section also requires protection of protected trees and critical root zones during construction, and provides enforcement mechanisms for these requirements and for wrongful removal of a protected tree.

Comprehensive Plan Policy 19: Safe harbor: the City should permit the renovation and, if necessary, rebuilding of existing structures on commercially zoned lots provided that such renovation or rebuilding 1) was in compliance with all City ordinances at the time it was built; and 2) is limited to the footprint of the existing structure.

On advice of the City Attorney, the proposed ordinance applies the same terms for renovation and rebuilding of non-conforming structures as in the current code, with one exception - where there is no existing 75-foot greenbelt or insufficient space for a 75-foot greenbelt, the applicant can seek a special exception to the greenbelt requirement if certain conditions are met. The conditions for the grant of a special exception are stated in Section 107-491(a)(6), and require findings by the Board of Adjustment, including that the proposed development "as compared to the existing development, mitigates the impact of the existing development upon adjacent residential properties and/or improves to the greatest extent practicable the buffering of the adjacent residential properties, and preserves or enhances existing landscaping to the greatest reasonable extent".

Comprehensive Plan Policy 20: Update commercial signage regulations as needed to bring rules up to date with modern technology and building needs.

New Sections 24-19 through 24-124 updating the Code's existing sign regulation to include: allowance for A-frame and store window signs; clarification of sign measurement methods; prohibition on signs facing adjacent R-zoned properties; replacement of references to neon signs with language allowing lighted signs that are white in color; allowing lighted signs for any commercially zoned property (previously prohibited on office buildings); updating standards for building signs (See §24-91); establishing standards for store window and A-Frame signs (See §24-94(b)).

Comprehensive Plan Policy 21: Post-permit Enforcement and penalties: update enforcement and penalties for zoning ordinance violations as necessary to ensure the City has adequate tools for code enforcement.

Enforcement and penalties for violation of zoning ordinances have been updated and made uniform for zoning violations in a revised Sec.107-422.

ROLLINGWOOD COMMERCIAL CORRIDOR PROJECT - COMPOSITE DRAFT INDEX

Miscellaneous

Sections 24-19 through 24-124. Commercial Signs - Lines 1-598

Develops new regulation for signs in the commercial district (type, size, etc.)

Requires illuminated signs to conform to the new lighting regulations in the commercial district

Section 101-94. Site Plan

Conforms "C-1" and "C-2" to new "C" District - Lines 599-607

[Section 101-248. Remove section regarding Bee Cave Road ROW - Lines 608-640.]

Section 103-206. Permit.

As-built engineer certification required - Lines 643-670

Chapter 107 - Zoning

Section 107-25. Districts designated

Combine C-1, C-2 districts to new Commercial "C" district - Ln. 682-700

Section 107-36. Driveways

Establishes requirements for driveways, joint and shared access - Ln. 701-738

Section 107-39. Lighting requirements.

Lighting requirements: updated to new technology and made consistent with Dark Skies recommendations - Ln. 742-847

Division 3 - COMMERCIAL DISTRICT**Section 107-102. Purpose** - Ln. 848-855**Section 107-103. Maximum heights** - Ln. 857-885

Buildings within 300 feet of a residential district [eg: North side of Bee Caves Road] may not exceed 30 feet or two stories.

Buildings not within 300 feet of a residential district [eg: south side of Bee Caves Road] may not exceed 45 ft or three stories.

Section 107-104/105. Lot size/floor area - no change - Ln. 886-892**Section 107-106. Development Plan Approval for commercial buildings.**

Ln. 893-967 -adds requirement to document compliance if seeking impervious cover incentives

Section 107-108. Minimum setbacks - Ln. 969-986

Setback of 75 feet from any residential area. Ln. 970

Setback of 20 ft. from any public street or right of way; alternatively, not closer than 5 ft from property line adjacent to Bee Caves Road if landscape plan conforms to Section 107-116(a) - Ln. 972-977.

Section 107-109. Buffers between abutting commercial and residential lots - Ln. 989-1040

Requires 75-ft. greenbelt (reduced from current 100 foot greenbelt) - Ln. 993-1007

Minimum requirements where no greenbelt/no visual screen between "C" lot and residential district - Ln. 1008-1030

Requirement for landscape permit - Ln. 1031-1034

Requirement that lighting conform to new lighting standards - Ln. 1037-1040

Section 107-110. Parking requirements - Ln. 1042-1075

Minimum parking spaces/shared parking - Ln. 1043-1065

Reduced parking incentives for dedication of easement for trail along
Eanes Creek - Ln. 1066-1069

Section 107-12. Special uses.

Requires special use permit for outdoor dining - Ln. 1079-1087

[Reorganization - prior prohibited uses in C-1 district moved to new Section 107-119. Removal: Ln. 1008-1112. Restatement: Ln. 1325-1359]

Section 107-115: Impervious Cover - Ln. 1113-1149

Current 50% limit retained - Ln. 1114-1115

Exceptions to current IP limit - Ln. 1116-1129

5% increase if no increase to stormwater runoff in rate of flow
or volume - Ln. 1117-1119

Up to 60% IP if low impact stormwater practiced employed,
TCEQ best management practices met, and site plan meets
lighting, buffering and compatibility standards - Ln. 1120-1129

Permit application requirements for increased IP - Ln. 1120-
1135

Engineering certification for increased IP - Ln. 1136-1140

Prohibition on variances to exceed IP limits - Ln. 1148-1149

Section 107-116. Compatibility standards - Ln. 1151-1170

Screening of storage and mechanical equipment - Ln. 1151-
1170

Roof design - Ln. 1168-1179

Screening of trash bins - Ln. 1180-1185.

Landscaping buffers - Ln. 1186-1229

Along public rights of way - Ln. 1186-1229

Parking area landscaping - Ln. 1196-1215

Exceptions for driveways - Ln. 1130-1131

Permit required for removal of vegetation in City ROW

[Removal of inconsistent current requirements - Ln. 1235-1270]

Section 107-117. Permitted Uses - Ln. 1272-1298

Combines current permitted uses for the former C-1 and C-2 districts into the new "C" District

Section 107-118. Special uses. Ln. 1300-1323

Mirrors current code to allow specified special uses subject to approval of City Council - Ln. 1300-1323

Section 107-119. Prohibited uses - Ln. 1325 - 1359

Mirrors current code to list prohibited uses

Section 107-120 - Tree Canopy Management - Ln. 1360-1540.

Specifies new tree canopy management requirements for all non-residential districts.

Defines "protected tree" by same species as under current residential tree management code - Ln. 1362-1365

Defines "heritage tree" as a "protected tree" of a diameter of 24" or greater or a "tree Cluster" - Ln. 1366-1369

Defines "critical root zone" Ln. 1372-1375

Defines "tree cluster" as 3 or more trees of a protected species less than 10 ft. apart with a diameter of 24" or greater - Ln. 1376-1377

Applies the same terms to non-residential districts as contained in the residential tree canopy management code unless in conflict with the new non-residential code - Ln. 1378-1382

Requires application for a tree permit and requirements for tree survey and tree protection plan - Ln. 1083-1425

Permit application requirements - Ln. 1387-1391

Tree survey requirements Ln. 1392-1393

Provides a credit to tree landscaping requirements and required street trees (but not tree mitigation) for preserving existing trees - Ln. 1401-1410

Requires mitigation for any protected or heritage tree permitted to be removed - Ln. 1411-1425

Prohibits removal of heritage trees except where city arborist confirms that the tree is dead, diseased, or unsafe, or a special exception has been granted by the Board of Adjustment - Ln. 1426-1442

Prohibits removal of a protected tree unless the city arborist confirms the tree is dead, diseased, or unsafe, or board of adjustment has granted a special exception - Ln. 1443-1453

Requires tree protection during construction - Ln. 1454 - 1470

Requires critical root zone protection - Ln. 1471 - 1481

Requires tree protection plan be reviewed by city arborists for fees to cover cost of review - Ln. 1482 - 1484

Provides for enforcement and penalties for violations - Ln. 1485 - 1529

[Removal of provisions applying to former C-2 district now incorporated into new "C" district - Ln. 1544 - 1648]

Division 9 - Planned Unit Developments - Ln. 1651 - 1683

Conforms reference from former C-1, C-2 district to new "C" district

Division 10 - Landscaping Regulations for zones other than Residential and Commercial District - Ln. 1686 - 1793

Section 107-340 Landscape requirements - Ln. 1694 - 1742

Conforms existing language to apply to non-residential zones other than the C district - Ln. 1695-1700

Prohibits removal of vegetation in the City ROW without prior approval - Ln. 1701 - 1704

Allows required buffer area trees to be counted toward satisfying landscaping requirements - Ln. 1705 - 1715

Allows temporary occupancy permit to be issued if landscaping cannot be completed due to the season - Ln. 1721 - 1727

Adds express requirement to maintain required landscaping - Ln. 1728-1732

Conforming language to other changes - Ln. 1733 - 1741

Subdivision 2 - FEMA floodplain Management in Zones Other Than Residential

Section 107-360 Clearing of vegetation in a floodplain - Ln. 1745 - 1771.

Prohibits removal of vegetation in the FEMA flood plain in all districts other than residential, and specifies penalties.

[Removal of variance language inconsistent with state law - Ln. 1775-1789]

Article III - Special uses.

Section 107-397. Applicability

Conforms language to recognize the new C District. Ln. 1799-1803

Adds section to address special use requirements for restaurants (exhaust air filtration) - Ln. 1863-1866

[Retains existing language regarding non-conforming structures - Ln. 1871 - 1902]

Section 107-442 Penalty for violation - Ln. 1908 - 1936

Conforms language to apply uniform penalty provisions to any zoning or permit violation.

Division III - Board of Adjustment**Section 107-491. Special exceptions** - Ln. 1962 - 2002.

Adds a new subsection (6) to allow a special exception to be granted by the BOA if the 75-ft. greenbelt requirement cannot be met where there is no existing 75-ft. greenbelt or the existing greenbelt is less than 75-ft. The exception requested must mitigate the impact on adjacent residential properties or improve the buffering "to the greatest extent practicable", preserve existing landscaping to the greatest extent possible, demonstrate the proposed alternative is consistent with the city's comprehensive plan, enhance the site as compared to the existing development, and has no detrimental impact to adjacent properties.



**Schedule for Review and Adoption of Proposed Commercial Code Amendments in
Accordance with the Comprehensive Plan**

Responsible Party/ Meeting	Date	Action
Regular Council Meeting	Wednesday, March 20, 2024	City Council must make a motion to establish the date and time of the joint public hearing.
Staff	Monday, April 1, 2024	Notice of Joint Public Hearing Mailed to P&Z Members, City Council Members and all property owners within the city. (Notices must be sent not less than 20 days prior to hearing)
Staff	Friday, April 5, 2024	Notice of Joint Public Hearing Published in Newspaper (Notice must be published not less than 16 days prior to hearing)
City Council/Planning & Zoning Commission	Wednesday, April 24, 2024	Joint P&Z and City Council Hearing on the Composite Draft. In Attendance: Charles Zech, Bryce Cox, Thom Farrell, Ryan Clinton, Brook Brown
Regular Planning & Zoning Commission Meeting	Wednesday, May 1, 2024	P&Z Meeting 1: Review of Proposed Ordinance Language
Special Planning & Zoning Commission Meeting	Wednesday, May 8, 2024	P&Z Meeting 2: Review of Proposed Ordinance Language and P&Z Make Recommendation to City Council
Special City Council Meeting 1*	Wednesday, May 22, 2024	City Council to Receive Recommendation from P&Z and Take Action on Proposed Code Amendments
Special City Council Meeting 2*	Wednesday, May 29, 2024	City Council to Receive Recommendation from P&Z and Take Action on Proposed Code Amendments

*Council may have one or both special meetings. To be determined at 3/20 City Council Meeting.

Note for schedule changes: The June Regular City Council Meeting falls on a City Holiday (Juneteenth). Staff recommends moving the regular meeting in June to Wednesday, June 12 as staff will be out at the TCMA conference June 19-21 and the City Administrator at a Board Meeting June 26-27. This may affect any schedule changes that require extending into June.















CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, April 03, 2024

The Planning and Zoning Commission of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on April 3, 2024. Members of the public and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

Chair Dave Bench called the meeting to order at 6:05 p.m.

Members Present: Genie Nyer, Michael Hall, Brian Nash, Jerry Fleming, Michael Rhodes and Dave Bench

Also Present: City Administrator Ashley Wayman, City Attorney Lee Simmons, Assistant City Administrator Desiree Adair, and Development Services Manager Nikki Stautzenberger

PUBLIC COMMENTS

The following individuals spoke during public comments:

- Ricky Joshi, 303 Pleasant, spoke regarding a house going up next to his home. He discussed building height, grade, foundation height and impervious cover and how those aspects affect neighborhood views and property values. He would like the rules to be reviewed and examined.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the March 6, 2024 Planning and Zoning Commission meeting

Brian Nash moved to adopt the minutes from the last meeting. Genie Nyer seconded the motion. The motion carried with 6 in favor and 0 against.

REGULAR AGENDA

3. Discussion and possible action to designate a Chair for April 24, 2024 joint City Council and Planning and Zoning meeting

Chair Dave Bench stated that he has asked Genie Nyer to sit in as Chair of the Planning and Zoning meeting for the April 24, 2024 joint City Council and Planning and Zoning meeting in his absence.

Michael Rhodes moved to designate Genie Nyer as the temporary Chair for that meeting. Brian Nash seconded the motion. The motion carried with 6 in favor and 0 against.

4. Discussion and possible action on a draft ordinance regarding a proposed zoning amendment to prohibit rental of amenities in the residential zoning district

City Administrator Ashley Wayman stated how this has been reviewed previously by the Planning and Zoning Commission and City Council . The intent of the ordinance in the packet is to apply to all rental of residential amenities.

The Planning and Zoning Commission discussed the background and process of this agenda item and the details of the draft ordinance.

The Commission discussed questions about how this ordinance would affect a commercial film or photography production shoot, the definition of a rental, and enforcement of this ordinance.

City Administrator Ashley Wayman stated that the City has the full authority to enforce the Zoning Code. The enforcement section with fines and penalties is within the Code of Ordinances.

Brian Nash moved to direct the City staff to post this for a public hearing at a future scheduled public hearing and to also put it back to City Council for clarification on whether properties would be able to be utilized for things like commercials or filming sets, parking, charity events, and the definition of what it means for something to be a rental. Jerry Fleming seconded the motion. The motion carried with 6 in favor and 0 against.

5. Discussion and possible action on recommendations from the CRCRC regarding building height, building height measurement, and related considerations

Chair Dave Bench stated the CRCRC proposed recommendations regarding building height, building height measurement, and related considerations:

- A 35 foot maximum residential building height;
- That is measured from an enclosure whose base is defined by a survey of existing grade and extending to an imaginary plane 35 feet above measured to the upper most edge of roofing material or parapet;
- And providing that unusual topographic variations with a width of less than 25 feet, including pools, ponds, existing basements, rock outcroppings, and natural drainage ways, shall not be included when establishing imaginary planes;
- And subject to a program that limits side wall height to 25 feet at 10 feet from the property line and then increments 1 foot upward for every additional foot of horizontal distance to the

property line such that at 15 feet from the property line there would be a 30 foot wall height limit and at 20 feet the 35 foot maximum horizontal plane would be reached;

- And allowing for dormers positioned a minimum of 3 feet back from the wall line and that do not exceed the maximum allowable height and are no more than 15 feet cumulative along any axis measured from outside wall to outside wall.

Genie Nyer asked questions about the dormers recommendations.

Mike Rhodes requested an update from the CRCRC and asked about the comprehensive nature of the CRCRC recommendations.

Chair Dave Bench explained the difference between the CRCRC and the Strike Force work products and the timeliness of bringing recommendations separately.

The Planning and Zoning Commission discussed thinking about these things in whole and the urgency for building height recommendations.

Genie Nyer discussed her concern regarding how to define the grade for easy interpretation and enforcement.

The Commission discussed the process of recommendations, direction for public hearing, and draft ordinance writing.

Duke Garwood, member of the CRCRC, stated that he doesn't think this precludes a comprehensive set of recommendations. He thinks that bringing this recommendation now will show progress of the CRCRC.

The Commission discussed how they appreciate the work of the CRCRC on these recommendations.

Mike Rhodes asked questions regarding the sloping plane, setbacks, and property lines. He brought up for discussion height exceptions such as three feet for chimneys and venting.

Mike Rhodes requested allowing reasonable height when it does not impact neighbors.

Michael Rhodes moved to recommend the proposed CRCRC recommendations to City Council for ordinance production by Council. Genie Nyer seconded the motion.

City Attorney Lee Simmons clarified that the motion was to recommend the CRCRC recommendations to City Council for consideration of a draft ordinance to come back to the Planning and Zoning Commission.

The Commission discussed the understanding of details of the recommendations being sent to City Council and their effect.

The motion carried with 5 in favor and 0 against with 1 abstention (Hall).

Michael Hall was questioned about and stated his reasons for abstaining from the vote. He noted that he does not like the tenting idea and the consequences of tenting in Austin.

ADJOURNMENT OF MEETING

The meeting was adjourned at 7:05 p.m.

Minutes Adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Desiree Adair, City Secretary

DRAFT

Rollingwood Commercial Corridor Project –Draft**Exhibit A**

All text which is underlined denotes addition of new text. All text which is ~~stricken through~~ denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and *italicized*, is for document organization and reference only and is not intended to be adopted. The Code of Ordinances of City of Rollingwood, Texas, Part I, Chapter 24 and Part II, Chapters 101, 103 and 107 are hereby amended as follows:

{Revisions to Chapter 24. Signs and Advertising, Article II. Sign Regulations}

CHAPTER 24 – SIGNS AND ADVERTISING

ARTICLE II. – SIGN REGULATIONS

DIVISION I. GENERALLY

Sec. 24-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-Frame sign means a temporary sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top with each angular face held at an appropriate distance so as to be adequately secured by a supporting member. These signs may also be referred to as sandwich board signs.

Animated sign means signs and lighting that, in whole or part, move, rotate, flash, reflect, blink, change color, or simulate motion in any manner.

Awning sign means a nonilluminated building-mounted sign that provides additional functionality as shelter.

Back-lit channel letter means a channel letter that contains a clear or transparent back and either an internal light source with an opaque face or an internal light source with a translucent face. The background illumination portion of a back-lit channel letter is commonly referred to as halo lighting.

Banner means an on-premises temporary sign composed of lightweight material ~~for promotional use to announce grand openings of business establishments.~~

Building official means the city's building official or his authorized representative.

Changeable electronic variable message sign or *CEVMS* means a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept

DRAFT

stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. The term "changeable electronic variable message sign" does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the national standard.

Channel letter means a fabricated or formed three-dimensional letter that may accommodate a light source.

Channel logo means a fabricated or formed three-dimensional logo that may accommodate a light source.

Church building means a building used as a church in a GI zoning district.

Commercial building means a building located in the Commercial District (C) with a ~~retail~~ use permitted in the ~~C-2~~ zoning district.

Contractor sign means a temporary sign erected on the premises where construction, alteration, or improvement is taking place.

Dimensional letter means a nonilluminated letter, logo or symbol, either cut out, cast, molded or fabricated in material such as metal or plastic to create a raised condition.

Directional real estate sign means a temporary sign directing traffic to an event occurring at the premises that are held for sale or lease. The sign may or may not be located on the premises held for sale or lease.

Erect means to construct, alter, reconstruct, install, place, attach, hang, suspend or affix, including painting or any physical operation required for construction of a sign, including, but not limited to, excavation, site clearance, and land fill.

Establishment means one business, organization, professional office, store, or other entity located in a ~~professional and business office commercial~~ district (C-1), ~~a business district (C-2)~~, a hospital district (H), or a planned unit development district (PUD) and engaged in activities allowed in such zoning districts.

Exposed neon sign means any sign that exposes neon glass tubing to public view, including neon window signs, open face channel letters, or border or architectural neon.

Front-lit channel letter signs means any sign designed to permit internal lighting to illuminate a translucent channel letter face.

Government building means a building used as a government office in a GI zoning district.

Hospital building means a building used as a hospital in a hospital (H) zoning district.

Illuminated awning means an awning that is back-lit or internally illuminated.

Logo means a letter, symbol or sign used to represent goods, identity or service.

Menu/message/marquee sign means a sign structure with manual or electronic changeable text or permanent text, including reader boards, electronic message displays, pricing displays, or time and temperature displays.

DRAFT

Monument sign means an on-premises freestanding sign that is supported by a pedestal or other solid foundation in or upon the ground.

Multiple-establishment complex means a building or series of buildings located on a common site or contiguous sites designed as a unified development occupied by more than one establishment. A shopping center containing more than one establishment, or an office building containing more than one establishment, are examples of multiple-establishment complexes.

Office building means a building primarily providing office space for businesses, organizations, professionals, and individuals, and perhaps providing auxiliary services for the tenants of the building, such as a snack bar.

Off-premises sign means a sign of a business, organization, professional office, store or other establishment that is not appurtenant to the use of the premises on which it is displayed.

Painted wall sign means a sign, including lettering, logos or murals, applied or attached directly to a building surface.

Personal sign means a temporary sign displayed by a resident on the resident's lot advertising personal events, including, but not limited to, garage sales, birthdays and lost pets. Such sign includes signs that are erected for the purpose of informing the public of that person's religious, philosophical, or similar beliefs, including viewpoints concerning current events of a nonpolitical nature.

Political sign means a temporary sign in support of a political candidate or issue in a future city, county, state or national election. The term "political sign" includes signs that are erected for the purpose of informing the public of that person's political beliefs, including viewpoints concerning current events of a political nature.

Portable sign means a readily removable temporary sign or other advertising device that may be erected at successive locations. A newspaper vending rack and A-Frame sign are ~~is~~ not a portable sign under this article.

Projecting sign means a nonilluminated building-mounted sign with the faces of the sign perpendicular to the building fascia.

Public view means the view as seen from any public street or residential property.

Real estate sign means a temporary sign located on premises indicating that the premises, or a portion thereof, are for sale, lease, or rent.

Roof-mounted signage means a building-mounted sign erected on the roof of a building.

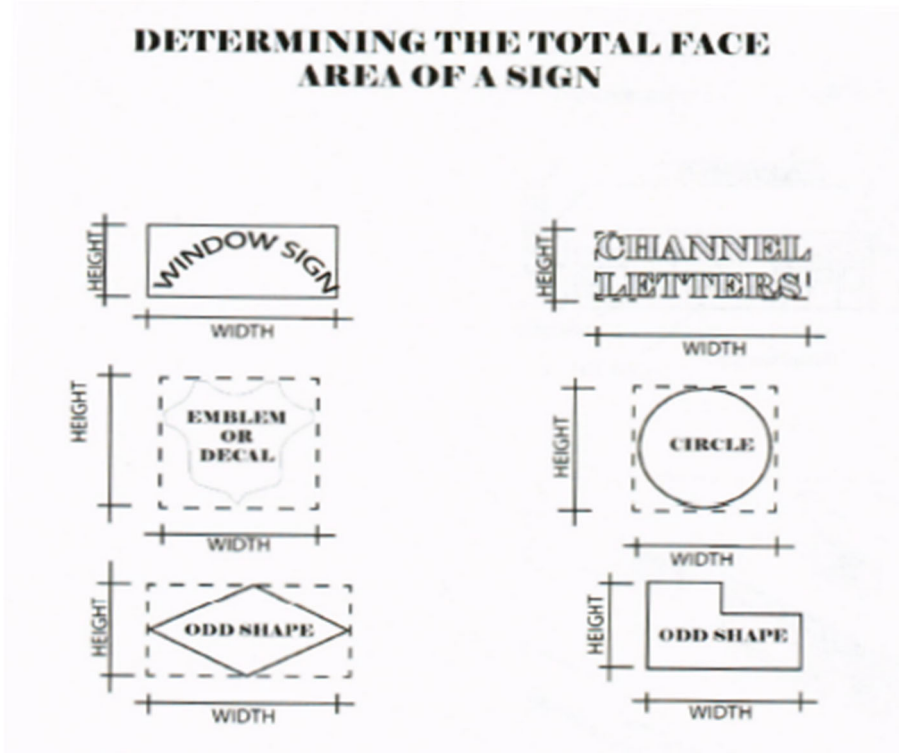
Sign means the display of any letters, numerals, symbols, images, messages, or anything else that is intended to advertise or promote any establishment, place, goods, services, activities, or events, or provide information to persons viewing the display.

Single establishment means one establishment that is the sole occupant of a building on one lot and not a part of a multiple-establishment complex.

Store window sign means a sign that is visible through a window or transparent door of a building that is oriented in a manner establishing an intent to be viewed off-premises or from public or private roadways. This term excludes signs displayed inside of buildings primarily for patrons on the premises.

DRAFT

Surface area of a sign means the total surface area of a sign with a distinguishable frame or background edge includes the surface area within the frame or edge plus the front surface of any frame. The total surface area of a sign without a distinguishable frame or background edge includes the surface area of all letters or symbols in the sign plus all space within and between the letters or symbols. The surface area shall be calculated using an imaginary rectangle which fully contain all extremities of the sign, including the frame, all words, numbers, figures, designs, or trademarks. Only one surface of a two-sided ~~freestanding~~ sign is counted if the two sides are back to back, have identical content, and are not separated by more than four feet at the widest point. See exhibit below for examples of calculating sign area:



Temporary sign means a nonilluminated sign not intended for permanent installation.

UL means underwriters' laboratory.

Wall/pole-mounted cabinet sign means a sign structure consisting of a frame and faces that has exposed pole supports or is wall mounted, and includes structures containing pan-formed faces, Lexan faces, Plexiglas faces, flexible faces, or wood faces.

Wayfinding sign means a nonilluminated single or double post mounted directional sign, which is limited to street names, entrance points, exit points, reserve parking areas, and critical locations within a property's internal traffic area. Wayfinding signs enable a person to find his way to a given destination through the use of effective signage.

Wrap-around awning means an awning that is installed on a building in a place other than directly over a door entrance or window frame.

Zoning district means a zoning district shown on the official zoning map of the city.

DRAFT

Sec. 24-20. Administration.

- (a) The building official will administer and enforce the provisions of this article. The duties of the building official will include the issuance of permits as required by this article, as well as the responsibility for ensuring that all signs comply with this article.
- (b) The building official will make such inspections as necessary to initiate appropriate action to bring about compliance with this article if any inspection discloses any instance of noncompliance.
- (c) The building official will investigate any complaints of alleged violations of this article.

Sec. 24-21. Notice of violation; correction of violations; penalty.

- (a) If the building official finds that any sign is erected or maintained in violation of the provisions of this article, the building official will give written notice by certified mail to the owner of the sign and the owner of the property on which the sign is located.
- (b) If the owner of the sign fails to remove or alter the sign as required by the building official within 15 days after the mailing of a written notice as required in subsection (a) of this section, the city may remove the sign at the expense of the owner of the sign or the owner of the property on which the sign is located and may use other legal remedies available to the city.
- (c) Any person convicted of a violation of any provision of this article by a court of competent jurisdiction shall be fined in an amount not to exceed \$500.00 for each violation. Each day of violation after the 15-day period allowed under subsection (b) of this section constitutes one violation.

Sec. 24-22. Appeals.

- (a) An appeal may be made to the city council by any person aggrieved by an action of the building official. Such appeal, specifying the grounds thereof, must be filed with the city secretary within ten days from the date the building official mailed the notice as required in section 24-21(a). The building official will promptly transfer to the mayor all papers constituting the record upon which the action being appealed was taken. These papers will be made available to the city council for purposes of the appeal. The filing of an appeal stays all proceedings related to the action being appealed.
- (b) The city council will have the following authority with respect to appeals:
 - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the building official; and
 - (2) To reverse or affirm, wholly or partially, or modify the order, requirement, decision, or determination being appealed and make such order, requirement, decision or determination as the city council determines ought to be made.
- (c) The concurring vote of four councilmembers will be necessary to reverse or change any order, requirement, decision, or determination of the building official, or to decide in favor of the person making the appeal.

DRAFT

Sec. 24-23. General requirements.

- (a) No person shall construct, alter or move any sign or any portion thereof, or cause the same to be done, without first obtaining a sign permit as required under the city construction code from the building official. All sign permits shall expire after a period of six months except for temporary sign permits as described in section 24-93.
- (b) No sign may be erected or maintained in such manner as to obstruct the view of operators of motor vehicles, or at any location where, by reason of position, shape, size, color or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (c) No person may place, erect or maintain or cause the placement, erection or maintenance of any sign on any tree, utility pole, fence, retaining wall, easement or right-of-way, unless specifically authorized by this article.
- (d) No person may place, erect or maintain or cause the placement, erection or maintenance of any sign upon any city property without the prior approval of the city council.
- (e) Unless expressly authorized or allowed under this article, no signs are permitted within the city.
- (f) All single establishments or multiple-establishment complexes must display building street address numbers on signage in compliance with the provisions of this article and the uniform fire code.
- (g) No sign on a lot zoned Commercial District (C) shall face an adjacent residentially zoned lot.

Sec. 24-24. Prohibited signs.

All signs not expressly permitted under this article or exempt from regulation in accordance with section 24-26 or that do not conform to the requirements of this article are prohibited in the city. Such signs include, but are not limited to:

- (1) Animated signs;
- (2) Exposed neon signs;
- (3) Front-lit channel letter signs;
- (4) Illuminated awnings;
- (5) Wrap-around awnings;
- (6) Menu/message/marquee signs;
- (7) Off-premises signs;
- (8) Painted wall signs;
- (9) Portable signs;
- (10) Roof-mounted signage;
- (11) Wall/pole-mounted cabinet signs;
- (12) Externally illuminated signs; and

DRAFT

212 (13) Changeable electronic variable message signs.

213 **Sec. 24-25. Maintenance; liability.**

214 (a) All signs must be properly maintained in good repair and appearance. The sign and all
215 braces, bolts, supports, frame and fastenings must be free from deterioration, termite
216 infestation, rot, or loosening. The building official is authorized and directed to order the
217 painting, repair, or removal of a sign, or make other improvements as necessary to alleviate
218 a hazard to public health, safety or welfare.

219 (b) The provisions of this article will not be construed as relieving or limiting in any way the
220 responsibility or liability of any person erecting or owning any sign from personal injury or
221 property damage resulting from the placing of the sign, or resulting from the negligence or
222 willful acts of such person, or such person's agents, employees or workers, in the design,
223 construction, maintenance, repair or removal of any sign erected in accordance with a
224 permit issued under the provisions of this article. Nor should this article be construed as
225 imposing upon the city or its officers, employees or representatives any responsibility or
226 liability by reason of the approval of any signs, materials, or devices, or taking any other
227 action under the provisions of this article.

228 **Sec. 24-26. Exempted signs.**

229 The provisions of this article shall not apply to the following signs:

- 230 (1) Memorial signs or tablets, or names of buildings and date of erection when cut into any
231 masonry surface or when constructed of cast bronze or other metal;
- 232 (2) Signals, markers or signs erected by state or local government for traffic control or
233 informational purposes;
- 234 (3) Temporary decorations or displays that are clearly incidental to and customarily or
235 commonly associated with any national, local or religious holiday or celebration,
236 provided that such decorations or displays are maintained in an attractive condition and
237 do not constitute a fire, traffic or pedestrian hazard;
- 238 (4) Temporary or permanent signs erected by public utility companies or construction
239 companies to warn of danger or hazardous conditions, including signs indicating the
240 presence of underground cables, gas lines and other devices;
- 241 (5) Signs displayed by a civic organization up to three days before and on the meeting day
242 of such organization if such signs do not exceed four square feet in surface area on
243 each of the two sides;
- 244 (6) Residential nameplates, residential address numerals, and notices that property is
245 protected by a security company or neighborhood watch;
- 246 (7) Newspaper names and prices on vending racks;
- 247 (8) Personal signs;
- 248 (9) Political signs.

249 **Secs. 24-27—24-55. Reserved.**

DRAFT

250

DIVISION 2. PERMIT

251 **Sec. 24-56. Required; expiration.**

252 No person may erect a sign within the city without first obtaining a permit to do so if
253 required by this article. If the work authorized by a permit issued under this article is not
254 commenced within 60 days after the date of issuance, the permit becomes null and void.

255 **Sec. 24-57. Application.**256 (a) *Application requirements.*

257 (1) A person desiring to erect a sign requiring a permit under this article must file a written
258 application for the permit. The permit application must be filed with the building
259 official and must be accompanied by the fee prescribed by the city, together with the
260 following information:

- 261 a. The name, address and telephone number of the person making application and
262 the owner of the premises upon which the proposed sign is to be located;
- 263 b. Written consent to the application from the owner of the premises upon which the
264 proposed sign is to be located;
- 265 c. A site plan depicting the exact location of the proposed sign on the premises, if
266 applicable; and
- 267 d. An elevation and specification drawing, to scale, of the proposed sign showing the
268 message to be depicted on the sign, the dimensions of the sign, the materials that
269 will be used in the construction of the sign, lighting devices (if any) that will be
270 used to illuminate the sign, and the method by which the sign will be constructed,
271 attached to the building or placed in the ground, and any associated landscaping.

272 (2) The specification drawing for a monument sign must bear the signature and seal of a
273 registered professional engineer.

274 (b) *Date of filing.* The application will not be deemed to have been filed until all information,
275 documentation and fees required by this article have been received by the building official.

276 **Sec. 24-58. Approval or denial.**

277 (a) The building official will approve, approve with conditions, or disapprove an application to
278 erect a sign within 30 working days following the day the application was filed. Failure of
279 the building official to approve, approve with conditions, or disapprove an application
280 within the prescribed time will constitute approval of the application.

281 (b) The applicant must comply with all conditions imposed by the building official with respect
282 to approval of an application.

283 (c) No sign requiring a permit may be erected until such permit is issued by the building
284 official.

285 **Secs. 24-59—24-89. Reserved.**

DRAFT

DIVISION 3. STANDARDS FOR SPECIFIC TYPES OF SIGNS

Sec. 24-90. Monument signs.

(a) Monument sign table.

Sign Type	Commercial & <u>Office Building</u>	Office Building	Hospital, Church or Government Building	Residential
Monument sign	Yes	Yes	Yes	Not permitted

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Information on sign.* The information display on a monument sign is limited to the name and logo of residing establishments (except, during such time the premises is ~~for held~~ for lease, it may include a "for lease" display).

(c) *Design and construction standards.* Monument signs must be designed and constructed in accordance with the following standards:

(1) If internally illuminated, the monument sign must:

a. Be designed and constructed in accordance with applicable UL specifications and requirements and must exhibit the appropriate UL certification; ~~and-~~

b. ~~Use either 30 milliamp neon glass tubing that is 15 millimeters in size and Lighting must be white in color 6500-white in color or high output fluorescent lamps.~~

(2) Monument sign materials must be noncorrosive, including, but not limited to, the frame, bolts, shields, brackets, paint, vinyl, and aluminum.

(3) Monument sign faces must be either back-lit channel letters or routed aluminum panel faces that are backed with either Plexiglas or up to a maximum one-half inch push-through type Plexiglas.

(4) A monument sign containing a routed aluminum panel face may have an internally lit or back-lit lighting application.

(5) Monument signs must display the building street address number, in four-inch metal letters, on all visible sign faces.

(d) *Number of signs permitted; dimensions and setback requirements.*

(1) For properties with less than 100 lineal feet of right-of-way frontage, the surface area of the monument sign may not exceed 24 total square feet.

(2) For properties with more than 100 lineal feet of right-of-way frontage, the surface area of the monument sign may not exceed 48 total square feet.

DRAFT

- (3) A monument sign may not exceed eight feet in height above the highest point in the natural grade immediately adjacent to the base of the sign.
- (4) A monument sign must be set back at least ten feet from the boundary line of the property.
- (5) Properties with less than 400 lineal feet of right-of-way frontage may have only one monument sign on the premises. Properties with more than 400 lineal feet of right-of-way frontage may have up to two monument signs on the premises; provided, however, the monument signs must be spaced at least 100 feet apart.

Sec. 24-91. Building-mounted signs.(a) *Building-mounted sign table.*

<i>Building-Mounted Sign Type</i>	<i>Commercial & Office Building</i>	<i>Office Building</i>	<i>Hospital, Church or Government Building</i>	<i>Residential</i>
Channel letter (illuminated)	Yes	Not permitted	Not permitted	Not permitted
Channel logo (illuminated)	Yes	Not permitted	Not permitted	Not permitted
Dimensional letter (nonilluminated)	Yes	Yes	Yes	Not permitted

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Channel letters.* Channel letters must be designed and constructed in accordance with the following standards:

(1) Channel letters:

- If illuminated, must have opaque side walls.
- If illuminated, must be designed and constructed in accordance with applicable UL specifications and requirements and must exhibit the appropriate UL certification.
- If illuminated, ~~lighting must be white in color must use 30 milliamp neon glass tubing that is 15 millimeters in size and 6500 white in color.~~
- Must be constructed of aluminum faces that are at least 0.090 inches thick, aluminum returns that are at least 0.063 inches thick and have a depth of at least three inches.
- Must contain clear Lexan backs that are at least 0.019 inches thick.

DRAFT

- 345 f. Must be mounted using an individual reverse mounting method that has at least a
346 two-inch standoff.
- 347 g. Must be painted with two-stage automotive acrylic paint.
- 348 h. Must have a painted white interior.
- 349 (2) Channel letter displays on a building-mounted sign may contain:
- 350 a. One horizontal line of lettering, not to exceed 24 inches in height, with no more
351 than one 24-inch-in-height logo that may not exceed four square feet in total
352 surface area; or
- 353 b. Two horizontal lines of lettering, not to exceed 30 inches in height, with no more
354 than one 30-inch-in-height logo that may not exceed six square feet in total
355 surface area.
- 356 (c) *Channel logos*. Channel logos must be designed and constructed in accordance with the
357 following standards:
- 358 (1) A channel logo:
- 359 a. If illuminated, must contain opaque side walls.
- 360 b. If illuminated, ~~lighting must be white in color must use 30 milliamp neon glass~~
361 ~~tubing that is 15 millimeters in size and 6,500 white in color.~~
- 362 c. If illuminated, must be designed and constructed in accordance with applicable
363 UL specifications and requirements and must exhibit the appropriate UL
364 certification.
- 365 d. Must be constructed of aluminum backs that are at least 0.063 inches thick,
366 aluminum returns that are at least 0.040 inches thick and have a depth of at least
367 five inches.
- 368 e. Must contain clear Lexan backs that are least 0.019 inches thick.
- 369 f. Must contain a translucent Plexiglas face that is at least 3/16-inch thick with an
370 ultraviolet light-resistant vinyl overlay that is designed to resist fading for five
371 years.
- 372 g. Must contain a trim cap that is at least one inch thick, but not more than two
373 inches thick.
- 374 h. Must be mounted using an individual mounting method that has at least a two-
375 inch standoff.
- 376 i. Must be painted with two-stage automotive acrylic paint.
- 377 j. Must have a painted white interior.
- 378 (2) A channel logo display on a building-mounted sign may contain:
- 379 a. One logo, not to exceed 24 inches in height or four square feet in total area; or
- 380 b. One logo, not to exceed 30 inches in height or six square feet in total area.

DRAFT

- (d) *Dimensional letters.* Dimensional letters may not be illuminated. Dimensional letters must be designed and constructed in accordance with the following standards:

(1) Dimensional letters must:

- a. Be constructed of noncorrosive metal, including, but not limited to, the bolts, mounting brackets, and sign faces.
- b. Be mounted using an individual mounting method that has at least a one-quarter inch standoff.
- c. Be painted with two-stage automotive acrylic paint.
- d. Have ultraviolet light-resistant vinyl overlay faces that are designed to resist fading for five years.

(2) Dimensional letters on a building-mounted sign must be at least one inch deep, but no more than three inches deep.

- (e) *General standards for signs on commercial buildings.* General guidelines and restrictions for building-mounted signs on a commercial building are as follows:

(1) Channel letter type building-mounted signs may be internally illuminated.

(2) Dimensional letter type building-mounted signs may not be illuminated.

(3) Each establishment is limited to one building-mounted sign per building façade with a public entrance and each building-mounted sign may contain only one logo. Buildings with more than 10,000 square feet but less than 25,000 square feet in total gross floor area may have up to two building-mounted signs on the front façade. Buildings with more than 25,000 square feet in total gross floor area may have up to three building-mounted signs on the front façade.

(4) The width of each building-mounted sign may not exceed 75 percent of the linear width of the front facade of the premises structure. For multi-tenant buildings this shall be calculated based on the width of the façade for the individual tenant space.

(5) For premises with less than 25,000 square feet in gross floor area, the total surface area of the building-mounted sign, including any logo, may not exceed 60 square feet in area.

(6) For premises with more than 25,000 square feet, the total surface area of the building-mounted sign, including any logo, may not exceed 80 square feet.

- (f) *General standards for signs on ~~office~~, hospital, church, or government building.* General guidelines and restrictions for building-mounted signs on ~~an office building~~, hospital building, church building or government building are as follows:

(1) Only dimensional letter type building-mounted signs are allowed.

(2) Each building-mounted sign may contain only one logo.

(3) Building-mounted signs may not be illuminated.

(4) Total surface area of each building-mounted sign, including any logo, may not exceed 60 square feet in area.

DRAFT

- (5) Each building-mounted sign may contain either one or two lines of horizontal lettering, which will not exceed 30 inches in overall height. The content of the display text is limited to the building name or the establishment names.
- (6) Buildings with less than 10,000 square feet may have one building-mounted sign. Buildings with more than 10,000 square feet but less than 25,000 square feet in total gross floor area may have up to two building-mounted signs. Buildings with more than 25,000 square feet in total gross floor area may have up to three building-mounted signs.
- (7) The width of each building-mounted sign may not exceed 75 percent of the linear width of the front facade of the premises structure.

Sec. 24-92. Secondary signs.(a) *Secondary sign table.*

<i>Secondary Sign Type</i>	<i>Commercial & Office Building</i>	<i>Office Building</i>	<i>Hospital, Church or Government Building</i>	<i>Residential</i>
Awning sign	Yes	Not permitted	Not permitted	Not permitted
Projecting sign	Yes	Not permitted	Not permitted	Not permitted
Wayfinding sign	Yes	Yes	Yes	Not permitted

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Awning signs.* Awning signs must be designed and constructed in accordance with the following standards:

(1) *Materials and construction.* Awning signs must:

- Have a support structure that is constructed of noncorrosive metal, including, but not limited to, the bolts, mounting brackets, and frame.
- Be made of low sheen, opaque canvas fabric.
- Contain white silk-screened display text, which is located on the sign band area of the canvas fabric only.
- Not contain display text that exceeds ten square feet in total surface area of each awning sign.

(2) *Number of signs permitted.* Each establishment may have one awning sign.

(c) *Projecting signs.* Projecting signs must be designed and constructed in accordance with the following standards:

(1) *Materials and construction.* Projecting signs must:

DRAFT

- 449 a. Be constructed of durable noncorrosive materials, and, if painted, must be painted
450 using two-stage automotive acrylic paint.
- 451 b. Be mounted so that there is at least eight feet of clearance between the bottom of
452 the projecting sign and the natural grade.
- 453 c. Project no more than four linear feet from the building facade.
- 454 d. Have ultraviolet light-resistant vinyl overlay faces that are designed to resist
455 fading for five years, if such vinyl materials are used in the projecting sign.
- 456 (2) *Number of signs permitted, dimensions and contents.*
- 457 a. Total surface area of the projecting sign face may not exceed six square feet in
458 area.
- 459 b. Each establishment may have only one projecting sign.
- 460 c. Display text is limited to the name, logo, crest, or insignia of the business or
461 organization.
- 462 d. Projecting signs may be illuminated using internal lighting that is white in color.
- 463 (d) *Wayfinding signs.* Wayfinding signs must be designed and constructed in accordance with
464 the following standards:
- 465 (1) *Materials and construction.* Wayfinding signs must:
- 466 a. Be constructed of noncorrosive metal, including, but not limited to, bolts,
467 mounting brackets and posts and sign faces.
- 468 b. Be mounted so that there are no more than two exposed posts.
- 469 c. Be painted with two-stage automotive acrylic paint.
- 470 d. Contain directional display graphics that are made of ultraviolet light-resistant
471 vinyl overlay faces designed to resist fading for five years.
- 472 (2) *Dimensions and maximum height.*
- 473 a. The total surface area of a wayfinding sign face may not exceed two square feet in
474 area.
- 475 b. Wayfinding signs may not exceed six feet in height above the highest point in the
476 natural grade immediately adjacent to the base of the sign.

477 **Sec. 24-93. Temporary signs allowed with prior approval.**

- 478 (a) *Temporary sign with prior approval table.*

<i>Temporary Sign Type Requiring Prior Approval</i>	<i>Commercial & <u>Office Building</u></i>	<i>Office Building</i>	<i>Hospital, Church or Government Building</i>	<i>Residential</i>
Commercial real estate sign	Yes	Yes	Yes	Not applicable
Banner	Yes	Yes	Yes	Not permitted

DRAFT

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Standards.* The temporary signs described below are allowable, but require prior approval of the building official:

(1) *Commercial real estate sign.* One commercial real estate sign may be located on the premises being held for sale, lease or rent. A commercial real estate sign may not be displayed for longer than six months. Commercial real estate signs may not exceed ten square feet in surface area. Commercial real estate signs must be at least ten feet from the public right-of-way.

(2) *Banners.* One banner is permitted at a time per establishment. No banner may be displayed for longer than 30 days from the date it is first displayed. No more than three banners may be displayed per establishment per calendar year. The surface area of the banner may not exceed 32 square feet.

Sec. 24-94. Temporary signs allowed without prior approval.

(a) *Temporary sign table.*

Type of Sign	Commercial & <u>Office Building</u>	Office Building	Hospital, Church or Government Building	Residential
Residential real estate sign	Not applicable	Not applicable	Not applicable	Yes
Directional real estate sign	Yes	Yes	Yes	Yes
Contractor sign	Yes	Yes	Yes	Yes
Store window sign	Yes	Not permitted	Not permitted	Not permitted
<u>A-frame sign</u>	<u>Yes</u>		<u>Not permitted</u>	<u>Not permitted</u>

Table legend:

"Yes" indicates this sign type is allowable under the conditions outlined below.

"Not permitted" indicates this sign type is not allowed.

(b) *Standards.* The temporary signs described below are allowed without prior approval provided such temporary sign meets the requirements specified below:

(1) *Residential real estate sign.* One residential real estate sign may be located on the premises being held for sale, lease or rent. A residential real estate sign may be displayed only while the premises are for sale, lease or rent. Residential real estate signs may not exceed five square feet in total surface area. Residential real estate signs

DRAFT

must be at least ten feet from the public right-of-way unless, due to unusual circumstances created by the premises configuration, frontage, size or slope, the ten-foot setback would create a hardship.

- (2) *Directional real estate sign.* One directional real estate sign may be located within the public right-of-way or on private property adjoining the public right-of-way in a residential zoning district, provided that the following conditions are satisfied:

- a. The directional real estate sign does not exceed three feet in height above natural grade;
- b. The directional sign is installed and removed (before 8:00 p.m.) on the day of the event that it is advertising; and
- c. The owner of the directional real estate sign has obtained the prior consent of the owner of the private property or private property adjacent to the public right-of-way on which the directional real estate sign will be located.

- (3) *Contractor sign.* One contractor sign will be allowed on the premises being improved. Contractor signs in a residential zoning district may not exceed five square feet in surface area. Contractor signs in nonresidential zoning districts may not exceed ten square feet in surface area per contractor or subcontractor, and must be at least ten feet from the public right-of-way, unless affixed to temporary security/jobsite fencing being used in conjunction with the improvements. The contractor sign must be removed immediately after the improvements on the premises are completed.

- (4) Store window signs. An establishment may have store window signs that shall not exceed a total combined area of 12 square feet per establishment. An establishment where the business is at an intersection of two roadways and has windows on different sides of the building adjacent to the roadways, may have store window signs that shall not exceed 24 square feet.

- (5) A-frame sign. One A-frame sign will be allowed per establishment. The A-frame sign may not exceed five square feet per sign face, with a maximum of 2 sign faces which shall be parallel to each other (back-to-back). The A-frame sign shall not exceed three and one-half feet in height. A-frame signs may only be displayed during hours the establishment is open for business and must be taken down and stored inside the establishment when the establishment is closed. A-frame signs may not be placed within the public right-of-way, but may be placed on private sidewalks so long as it does not impeded pedestrian traffic or ADA accessibility.

Sec. 24-95. Signs in governmental or institutional (GI) district or park (P) district.

- (a) Churches and hospitals are considered single establishments and the regulations are the same as for a single establishment in a ~~professional and business office commercial~~ district (C-1) ~~and a business district (C-2)~~ in this article. Upon request, the city council may approve additional signs with a favorable vote of at least four councilmembers after a public hearing.
- (b) Signs on local, state, or federal government property require approval from the city council with a favorable vote of at least four councilmembers after a public hearing.

DRAFT

- (c) Signs on the premises of a public or private park require approval from the city council with a favorable vote of at least four councilmembers after a public hearing.

Secs. 24-96—24-118. Reserved.

DIVISION 4. VARIANCES

Sec. 24-119. Purpose; limitations.

- (a) In order to lessen practical difficulties and prevent unnecessary physical hardships, variances from the regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a structure, or the location of the structure, from topographic or physical conditions on the site or in the immediate vicinity, or from other physical limitations, street locations, or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.
- (b) With respect to signs which are subject to regulation under V.T.C.A., Transportation Code ch. 391 and state department of highways and public transportation regulations, no variance shall be granted from spacing, size and lighting requirements when such would result in less stringent regulation than that provided for under those regulations.

Sec. 24-120. Application.

Application for a variance shall be made upon a form provided by the city. The variance application shall include the application for a sign permit and shall also state the applicant's reasons for requesting variance in accordance with the criteria set forth in this article.

Sec. 24-121. Fee.

The fee for a variance shall be as provided in the city fee schedule. The fee shall be paid at the time of application and shall not be refundable.

Sec. 24-122. Hearing.

Upon receipt of a variance application, the city council shall hold a public hearing prior to the approval or disapproval of the requested variance.

Sec. 24-123. Action on application.

Within 20 days of the closing of a hearing on a variance application, the city council shall act on the application. The council may approve the application as submitted, may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this article, or the council may deny the application. A variance may be revocable or may be granted for a limited time period.

Sec. 24-124. Criteria for approval.

Before the city council acts on a variance application, the applicant must prove hardship, and the council must find that:

DRAFT

- (1) There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise to which the applicant desires to draw attention, and do not apply generally to all businesses or enterprises;
- (2) That such special circumstances were not created by the applicant or anyone in privity to the applicant;
- (3) That the granting of the variance will be in general harmony with the purposes of this article, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general;
- (4) The variance applied for does not depart from the provisions of this article any more than is required to identify the applicant's business or use;
- (5) Such other factors and criteria as the council deems applicable to the proposed variance.

{Amend references to C-1 & C-2 in Sec.101-94.c Site plan requirements}

Sec.101-94. Site plan requirements.

- (c) If the proposed project is within the ~~commercial district (C) professional and business office district (C-1), business district (C-2)~~ or planned unit development district (PUD), the site plan must be accompanied by a traffic impact analysis prepared by a professional approved by the city, indicating the impact of the project on existing traffic conditions and information on the potential congestion caused by ingress and egress.

{Repeal and replacement of Sec.101-248 Nonconformity arising from dedication of right-of-way for Bee Cave Road}

Sec.101-248. Reserved ~~Nonconformity arising from dedication of right-of-way for Bee Cave Road.~~

- ~~(a) Continuation of existing use, structure, or lot. A lawful use, building, structure, or lot existing prior to a dedication of right-of-way that is rendered noneconforming due to a voluntary dedication of right-of-way for Bee Cave Road may be continued after the dedication as if the dedication had not occurred.~~
- ~~(b) Completion of approved development. A proposed use, building, structure, or lot for which a preliminary plat, building permit, site plan, certificate of occupancy or other similar application for development approval was approved prior to a voluntary dedication of right-of-way for Bee Cave Road may be completed in accordance with the approved plan or application as if the dedication had not occurred.~~

DRAFT

- ~~(e) Calculation of impervious cover. If a property owner voluntarily dedicates right of way for Bee Cave Road, the property owner will be entitled to calculate impervious cover based upon the property owned prior to the dedication, as if the dedication had not occurred.~~
- ~~(d) Adjustment of setbacks, parking requirements, etc. If a property owner voluntarily dedicates right of way for Bee Cave Road, the property owner will be entitled to reduced setbacks and reduced parking requirements and other adjustments approved by the city council in order, to the extent possible, to place the property owner in the same position as if the dedication had not occurred. These reduced setbacks, parking requirements and other adjustments may be approved by the city council upon a finding that they are necessary in order to place the property owner in the same position as if the dedication had not occurred.~~
- ~~(e) Repair or reconstruction. If a building or structure rendered nonconforming due to voluntary dedication of right of way for Bee Cave Road is destroyed by fire or other means, the owner may repair or reconstruct the building or structure regardless of the extent of the damage, but may not increase the degree of nonconformity beyond that existing immediately prior to the destruction. The owner must obtain a building permit before initiating repair or reconstruction.~~
- ~~(f) Conflicting regulations. In the event of a conflict between this section and any other provision of chapters 105, 107 or this chapter, this section will control to the extent of the conflict.~~
- ~~(g) Applicability. This section will only apply to right of way necessary for the widening of Bee Cave Road (RM 2244) and which is accepted by the city and the state department of transportation.~~

{Addition of required engineer certification of stormwater compliance to Sec.103-206 Permit}

Sec.103-206 Permit

- (a) When a permit is required pursuant to this article, an applicant's design engineer shall prepare and seal and submit with an application for a permit construction drawings in compliance with all applicable regulations of this article and accepted engineering practices. Only one building permit shall be necessary for construction of all proposed improvements. If no building permit is otherwise required for other improvements, a building permit applicable only to proposed drainage facilities must be obtained. For developments requiring drainage facilities, construction plans and all associated documents shall be provided to the city and shall conform to the requirements of this article. Drainage facilities located on private property shall be maintained by the property owner. Construction or installation of facilities required by this article or by any building permit issued pursuant to this article shall constitute a condition to the issuance of the building permit and a condition to lawful occupancy of improvements that are the subject of such required facilities. An owner is responsible to provide notice of all maintenance requirements to subsequent purchasers of any part of the affected property.
- (b) Alternative methods of design of drainage facilities may be considered where performance is demonstrated through sound engineering practices to meet the performance requirements of this article. If any condition requiring some additional measure of protection is identified

DRAFT

as necessary to conform to the purpose identified in section 103-199, the applicant's engineer shall make provision therefor in the design of the development.

- (c) Accepted principles of surface drainage engineering and information obtainable from professionally recognized sources of hydrology, hydraulics and water resources may be considered in the application of the regulations provided in this article.

(d) Prior to the issuance of a Certificate of Occupancy in the C, H, and GI districts, the applicant shall submit a letter of certification from a registered professional engineer stating that the site as built meets all impervious cover requirements, stormwater management and water quality requirements, and impervious cover incentives from Sec. 107-115, as applicable, and is constructed in accordance with the approved permit.

{Amendments to Chapter 107 Zoning, Article I. In General, Sec.107-3. Definitions}

Sec. 107-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial district means a the Commercial District (C) ~~C-1 (professional and business office) zoning district or C-2 (business) zoning district.~~

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division I. Generally, Section 107-25 Districts designated.}

Sec. 107-25. Districts designated.

- (a) The city is hereby divided into the following zoning districts:

(1) Residential District (R);

(2) ~~Professional and Business Office District (C-1)~~ Commercial District (C);

~~(3) Business District (C-2);~~

~~(3)(4)~~ —Park District (P); ~~and~~

~~(4)(5)~~ Governmental and Institutional District (GI);

~~(5)(6)~~ Hospital District (H); ~~and~~

~~(6)(7)~~ Planned Unit Development District (PUD).

- (b) These zoning districts are of such shape and area as shown on the City's official zoning map, and have been deemed best suited to carry out the purposes of V.T.C.A., Local Government Code ch. 211. Within such districts, this article hereby regulates and restricts the construction, alteration and use of buildings and structures, and the use of land, as herein set forth. While the regulations applicable in each of the districts differ, all such regulations are uniform in each district.

- (c) Any portion of land within the city not specifically zoned ~~C-1, C-2~~, P, GI, H, or PUD is hereby expressly zoned R.

DRAFT

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division I. Generally, Section 107-36 Driveways.}

Sec. 107-36. Driveways.

(a) Driveways in the zoning districts other than C district. Each driveway shall be located at least five feet from a side lot line and ten feet from a rear lot line. Each driveway shall be permanently hard-topped with a durable surface and shall be designed and constructed in a manner that will permit ingress and egress of motor vehicles.

(b) Driveways in C district.

(1) Each driveway shall be permanently hard-topped with a durable surface and shall be designed and constructed in a manner that will permit ingress and egress of motor vehicles.

(2) Driveways shall be no wider than 25 feet for a single drive and 40 feet for a divided drive, as measured at the lot line.

(3) Driveways taking access from Bee Cave Road shall be spaced no less than 200 feet at the lot line from any other driveway and no less than 100 feet from the right-of-way of intersecting streets.

(4) Shared and cross access. Notwithstanding any other provisions of the city, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements, and cross-lot access easements shall be required for all commercial development.

a. To facilitate access management and internal circulation, common access and cross access easements are required between and across adjacent lots zoned commercial fronting on Bee Cave Road unless the city administrator or his/her designee authorizes an exemption due to site constraints.

b. The use of common driveways shall require the dedication of a joint-use public or private access easement on each affected property.

c. Properties which do not share a common driveway straddling a lot line shall provide cross access easements to facilitate the flow of traffic between adjacent properties. Cross access shall begin at a driveway and extend side to side to adjacent properties.

d. The easement dedication shall be provided on the final plat when a public easement is used. Alternatively, a private access easement for access via neighboring property, approved by the city administrator or his/her designee, may be filed by separate instrument in the county deed records with a copy forwarded to the city. When a private access easement is used, it shall be filed in the county deed records prior to recordation of the final plat or prior to issuance of a certificate of occupancy, whichever comes first.

e. The plat or easement instrument shall state that the easement shall be maintained by the property owner or a property owner's association.

DRAFT

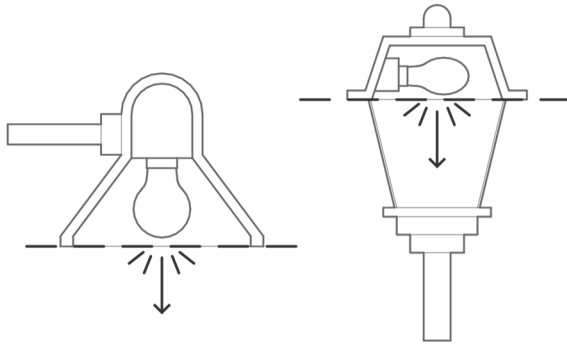
- f. The easement shall encompass the entire width of the planned driveway and drive aisles.

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division I. Generally, creating Section 107-39 Lighting requirements.}

Sec. 107-39. Lighting requirements.

(a) Definitions: As used herein:

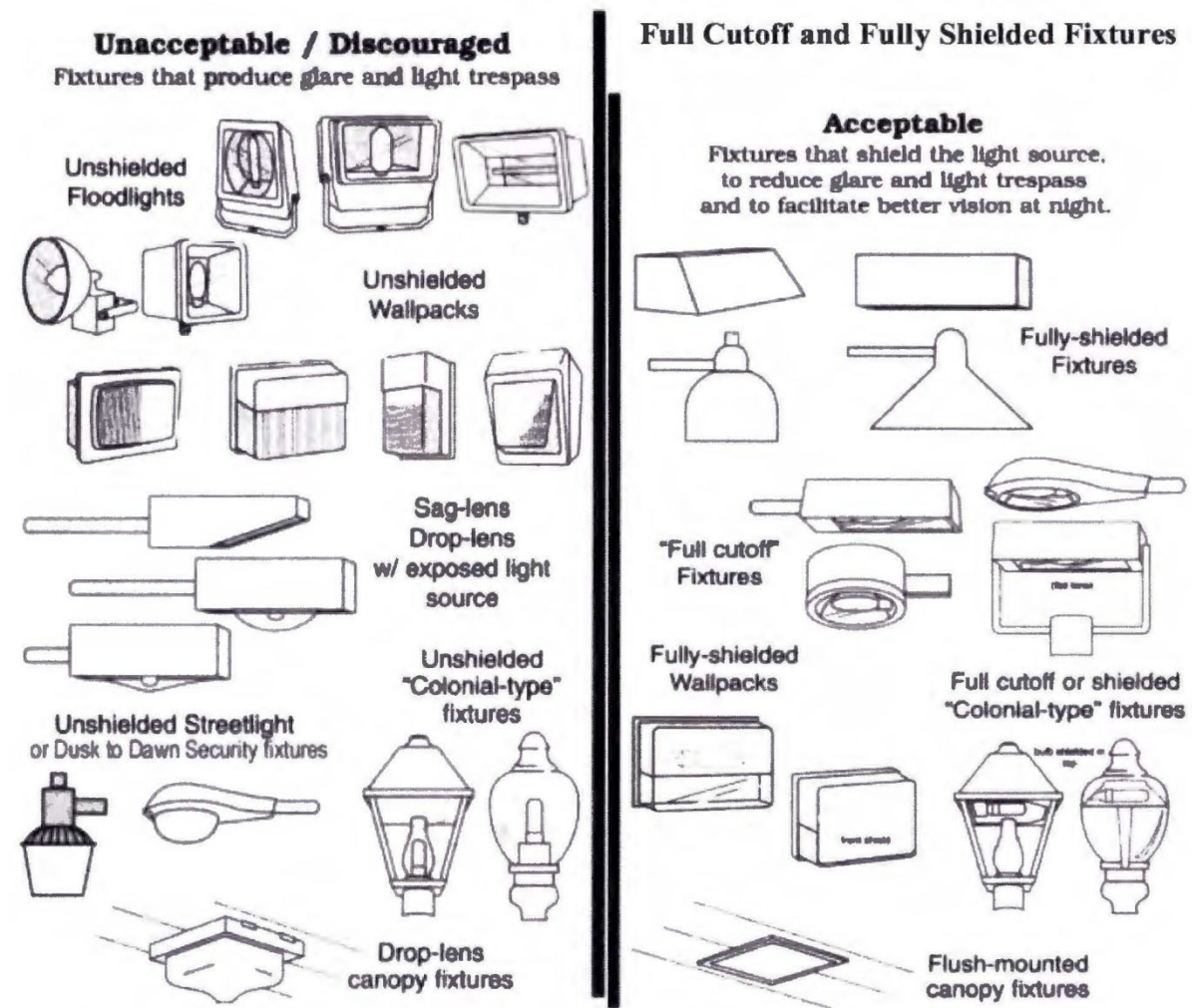
(i) "Shielded" means "installed in such a manner that all light emitted by the fixture, either directly from the bulb or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane immediately beneath the fixture's lowest light-emitting part."



In Figure A (below), the lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

DRAFT

UNSHIELDED FIXTURES



(ii) "Footcandle" as used herein shall mean: The illuminance produced on a surface one foot from a uniform point source of one candela and equal to one lumen per square foot.

(b) Applicability.

- (1) The regulations contained in this section are applicable to outdoor lighting fixtures installed on structures within the non-residential zoning districts of the City.
- (2) All outdoor lighting fixtures existing and legally installed and operating before the effective date of this section, or installed pursuant to a permit approved prior to the effective date of this Section, shall be brought into conformance with this Section upon the earlier of: (1) an application for a site plan or building permit for construction of a new building or modification of 50% or more of an existing structure; or (2) replacement or modification of an existing non-conforming fixture.

DRAFT

(3) This section does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this section if it is determined by the City Administrator or his/her designee that it creates a nuisance or a potential safety hazard.

(c) Exemptions. The following are exempt from the provisions of this section:

- (1) publicly maintained traffic control devices;
- (2) street lights installed prior to the effective date of this section;
- (3) temporary emergency lighting (fire, police, repair crews);
- (4) lighting fixtures and illumination requirements imposed by TxDOT within TxDOT rights-of-way (ROW);
- (5) moving vehicle lights;
- (6) navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by State or Federal law;
- (7) signs and associated lighting that conform to the city's sign regulations in Chapter 24;
- (8) seasonal decorations with lights in place no longer than sixty (60) days; and
- (9) other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time construction);

(d) General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this section:

- (1) Lighting must be shielded and aimed downward so as to ensure that the illumination is only pointing downward onto the ground surface or into the building. No outdoor lighting fixture shall permit light to shine off the property on which it is installed.
- (2) The source of the light (the light bulb, light emitting diode, or any other light emitting device), a refractive or non-refractive lens cover, or reflector shall not be visible in a direct line of sight from any other property or public right-of-way.
- (3) Lighting must have a color temperature of no more than 3000 Kelvins (K).
- (4) For properties other than automotive service stations, the maximum allowable intensity of lighting shall be 0.25 footcandle measured at the lot line. For automotive service stations and other fueling facilities, the maximum allowable intensity shall not exceed 10.0 footcandle in the area surrounding pump islands, canopy lighting shall be recessed into the canopy, and neither canopy lighting nor overhead lighting shall trespass onto any other property.
- (5) Any lighting to illuminate parking lots, buildings, or other structures shall not exceed the height of such buildings or structures, if attached thereto, or, if pole-mounted, a height of 24 feet. All lighting shall be installed in a manner which directs or shields the light away from nearby dwellings.

DRAFT

- (6) Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties or public street rights-of-way.
- (7) Outdoor uplighting is prohibited except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixtures will not cause light to extend beyond the structural shield. For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground. For spotlights and floodlights mounted at or near ground level and used to light a building, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the sides of the illuminated object.
- (8) The aggregate total of outdoor lighting on any property shall not exceed 25,000 lumens per acre or equivalent thereof for lots of less than an acre.
- (9) For any location or structure not specified in paragraphs (1) through (8) above, the Building Official shall set acceptable levels of illuminance upon request based on guidelines established by the Illuminating Engineering Society of North America (IESNA).
- (10) No light or illumination that flashes, moves, scrolls rotates, scintillates, blinks, flickers, varies in intensity or color, or uses intermittent electrical pulsations is permitted.
- (e) Submittals. Applications for all building permits for new construction or redevelopment, including the installation of outdoor lighting fixtures, shall provide proof of compliance with this section. The submittal shall contain the following information as part of the permit application:
- (1) plans indicating the location, type, and height of lighting fixtures including both building mounted and ground mounted fixtures;
 - (2) a description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalog illustrations from the manufacturer;
 - (3) photometric data, which may be furnished by the manufacturer, showing the angle of light emission;
 - (4) detailed site lighting plan illustrating the footcandle power measured throughout the site;
 - (5) a certification by an engineer registered in the state as conforming to applicable requirements of this code, and
 - (6) additional information as may be required by the Building Official in order to determine compliance with this section.
- (f) Enforcement. The city shall have the power to administer and enforce the provisions of this Section, as provided in this code. Any violation of this Section is hereby declared to be a nuisance. A civil penalty of up to \$2,000 for each day a violation occurs may be assessed when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice failed to take action necessary for compliance with this article.

DRAFT

Section 107-~~3940~~ – 107-66. - Reserved

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 3. Commercial District (C)}

DIVISION 3. COMMERCIAL DISTRICT (C)~~C-1 AND C-2 ZONING DISTRICTS~~Sec. 107-102. Purpose and applicability. ~~Applicability.~~

(a) Purpose. The Commercial District (C) is intended to provide suitable areas for the development of non-residential uses which offer a wide variety of retail and service establishments that are generally oriented toward serving the overall needs of the entire community.

(b) Applicability. The regulations set forth in this division shall apply to land, buildings and structures located in the Commercial District (C). ~~professional and business office district (C-1) or the business district (C-2).~~

Sec. 107-103. Maximum height of buildings/structures.

(a) ~~No portion of any A~~ building or structure or portion thereof within 300 feet of a residential district shall not exceed 30 feet in height and shall not exceed ~~or~~ two stories; ~~and no portion of any Any~~ other building or structure or portion thereof shall not exceed ~~35-45~~ feet in height and shall not exceed ~~or two three~~ stories (except as allowed in subsections (b) ~~and (c)~~ of this section). No parking structure shall be higher than the original native ground surface except as may be approved by the City Council pursuant to Section 107-38,; and all All buildings or structures must be of pitched-type construction (hip or gable-type roofs with a minimum pitch of 3:12).

~~(b) A building or structure other than a personal wireless telephone service facility (commonly known as a cell phone tower or facility) may be three stories, provided that it satisfies all of the following conditions:~~

~~(1) It does not exceed 40 feet in height;~~

~~(2) It is located at least 150 feet from any lot in a residential district;~~

~~(3)(1) It is located on a lot or contiguous lots under common or affiliated ownership at least ten acres in size;~~

~~(4)(2) It is located on property that was the subject of an application for a preliminary plat filed after September 1, 1997, and before March 16, 2000;~~

~~(5)(3) That preliminary plat did not expire during that time nor was a final plat recorded for the property during that time; and~~

~~(6)(4) Any final plat includes all public facilities identified on the preliminary plat and the final plat is processed or the public facilities are dedicated to the city by July 31, 2000.~~

DRAFT

~~(e)~~(b) A personal wireless telephone service facility for which a special use permit has been issued may be up to five feet in elevation above the highest point of any building located on the same lot, if the lot has frontage on Bee Caves Road. The personal wireless telephone service facility must be located at a distance not less than 150 feet from any lot in a residential district if it:

- (1) Is freestanding and not attached to a building having an independent use; or
- (2) Has an elevation higher than the highest point of any building located on the same lot.

Sec. 107-104. Minimum lot size.

Each lot shall be at least 15,000 square feet in area.

Sec. 107-105. Minimum floor area.

- (a) Except as provided under subsection (b) of this section, each building shall be at least 1,800 square feet in area.
- (b) Separate commercial buildings of at least 800 square feet may be constructed on a lot of one acre or larger size upon approval by the city council of the development plans for the lot.

Sec. 107-106. Development plan approval for commercial buildings.

- (a) Each application for approval of development plans for commercial buildings shall include the following information, prepared and sealed where applicable by a registered professional engineer or registered professional land surveyor:
 - (1) Date, scale, north point, title, name of the owner of the property and the name of the person preparing the plans;
 - (2) A legal description of the lot, including a deed reference, a plat reference and, where applicable, a metes and bounds description;
 - (3) Drainage plan: The development drainage plan will ensure that for the two-, ten-, 25-, and 100-year frequency storm events, the stormwater runoff peak flow rates shall not be increased above the pre-developed condition and shall not cause increased inundation of any building or roadway surface. The drainage plan shall include, as a minimum: determination of stormwater flows will be according to the drainage criteria manual. Any applicant seeking an increase to impervious cover limits under Section 107-115 shall submit the documentation as required by that section to demonstrate compliance with the requirements of that section.
 - (4) A topographical survey of the site on two-foot vertical contours showing the centerlines of existing watercourses;
 - (5) A comprehensive grading plan shall be included with the development plan.
 - a. The grading plan shall be designed to ensure all lots will adequately drain upon completion of the development improvements.
 - b. The engineer will set the elevation of lot corners in conjunction with preparation of the drainage plan. Lot corner elevations shall be shown on the grading plan.

DRAFT

- c. All lots shall be graded from rear to front at which point the drainage shall be intercepted by the street. Alternate grading schemes may be utilized if it can be demonstrated by generally accepted engineering practices that grading from rear to front would be detrimental to trees or other natural features; or it would be prohibitive according to generally accepted engineering practice because of the existing topography because of excessive cuts and fills, or future lot development (i.e. commercial, industrial or multifamily lots).
- d. All lots shall be graded at a minimum of one percent. Grading of lots with existing slopes of one percent or greater will not be required provided the conditions under subsection (5)c of this section have been satisfied and it is demonstrated by generally accepted engineering practice that there are no existing or proposed features that will prevent the lots from adequately draining.
- e. Unless otherwise demonstrated by generally accepted engineering practice, surface swales shall be designed and provided along lot lines when more than two lots will be contributing to stormwater runoff at any given point. Side slopes for swales shall not exceed 3:1 (horizontal:vertical) unless otherwise accepted by the city engineer.
- f. Minimum finished floor slab elevations shall be shown for all lots. Such elevations shall be a minimum of two feet above the ultimate 100-year floodplain.
- g. Fills shall be placed in maximum 12-inch lifts and adequately compacted. The permit applicant shall be responsible for determining any special fill requirements.
- h. Following final grading, all exposed areas shall be permanently stabilized. Earthen areas shall be seeded or sodded and erosion controls shall remain in place until grass growth reaches 1½ inches, is of a density where it can be reasonably expected to be self-sustaining and there are no bare areas in excess of ten square feet.
- (6) The location and type of proposed drainage features, drainage systems, detention ponds and filtration ponds;
- (7) Erosion control: brush berms, silt fences, sedimentation basins, stabilized construction entrances/exits and similar recognized techniques shall be employed during and after construction to prevent point source sedimentation loading of downstream facilities. Such installations shall be in accordance with the approved engineered erosion control plan required by the approved development plan. Additional measures may be required during and after construction if, in the opinion of the city engineer, they are warranted. All disturbed and exposed areas due to construction shall be permanently stabilized. All such areas shall be dressed with topsoil and vegetated by seeding or sodding as appropriate. Where the city engineer determines that future maintenance is materially impaired or erosion is a distinct possibility, the developer shall be required to use concrete or similar permanent cover in lieu of vegetation. Erosion control matting (either pre-seeded or seeded after placement) may also be required if the city engineer determines that such protection of slopes is required to ensure that seeding or soil will not wash off of slopes;

DRAFT

(8) The shape, size, location, height and floor area of all existing and proposed buildings and structures;

(9) The location and size of existing and proposed streets, private or shared drives, driveways and parking spaces; and

(10) The size and location of all existing and proposed public and private utilities.

(11) Any impervious cover and design features as proposed under Sections 107-115 and 107-116.

- (b) Each application for approval of development plans shall first be submitted to the building official ~~commission~~, and shall be subject to all of the notice, hearing and other procedures provided under this article for proposed changes in zoning.

Sec. 107-107. Reserved.

Sec. 107-108. Minimum setbacks.

(a) No building may be closer than 75 feet from any area within a residential district.

(b) No building may be closer than 20 feet from any public street or right-of-way.

(c) Notwithstanding subsection (b),

i. No building may be closer than 30 feet from Rollingwood Drive.

ii. A building may be closer than 20 feet, but no closer than 5 feet, from a property line adjacent to Bee Cave Road if the property owner has been approved to implement a landscape plan in conformance with Sections 107-116(d).

(d) As necessary to implement this chapter, the building official may designate the front or side lot lines.

~~(a) No building may be located closer than 20 feet from the front lot line nor closer than 30 feet from the rear lot line.~~

~~(b) There is no setback requirement with respect to side lot lines.~~

~~(c) No building may be constructed or extended into an area that is closer than 100 feet from any lot line of a lot within a residential district.~~

~~(d) If there is a question as to which lot line is the front lot line, the building official shall designate the front lot line.~~

Sec. 107-109. Buffers between abutting commercial and residential lots.

- (a) In addition to the setback provided for in Section 107-108, Any lot in the Commercial District (C) a commercial district which that abuts a lot in a residential district shall be developed in accordance with the following requirements:

DRAFT

- (1) A ~~100~~75-foot greenbelt, measured horizontally, shall be provided between the boundary of a residential district and the impervious cover, including parking and buildings, on every lot located in ~~the Commercial District (C) a professional and business office district (C-1) or a business district (C-2).~~ Vegetation within the 75-foot greenbelt shall be left in its undisturbed natural state or shall be landscaped as required by the city council. Clear cutting of native vegetation is prohibited within the 75-foot greenbelt. Notwithstanding anything contained herein to the contrary, the building official will, upon application by the owner thereof, issue a permit for repair, remodeling or reconstruction of the building or structure and its related parking, provided that the use (as defined in the zoning ordinance) of such building or structure will not be changed and the repair, remodeling or reconstruction conforms with the construction materials standards set forth in section 107-107. A nonconforming building or structure and its related parking may not be enlarged or otherwise altered in a manner that increases the square footage of the building or structure or the square footage of the building or structure's parking or the extent of their nonconformity.
- (2) In areas where ~~the natural vegetation, terrain and other features do not provide a visual screen between a lot in a commercial district and an abutting lot in a residential district,~~ landscaping shall be planted and maintained in accordance with the following specifications: terrain and other features do not provide a visual screen between a lot in a commercial district and an abutting lot in a residential district, screening shall be provided by a cedar or redwood privacy fence at least eight feet high, with its smooth side facing the residential lot. If the building official determines that the privacy afforded by such fencing does not meet the minimum reasonable expectations of a typical residential occupant, he may then require, in addition to the privacy fencing, that landscaping be planted and maintained in accordance with specifications prescribed by the city council.
- a. A minimum of one native species shade tree shall be planted for each 25 linear feet of landscape buffer.
 - b. A minimum of ten native species large shrubs (of a size of at least 5 gallons) shall be planted for each 50 linear feet of landscape buffer. Three small shrubs (of a size of at least one-gallon) may be planted for up to two required large shrubs.
 - c. Existing preserved trees and shrubs located within the greenbelt may be credited toward these requirements.
 - d. All plantings shall be supported by irrigation necessary to sustain growth and good health of the trees and shrubs.
 - e. All required landscape screening shall be, or shall achieve, at least six feet (6') in height and at least ninety percent (90%) opacity within two (2) years of initial installation.
- (3) No ~~fences or~~ landscaping required under this section shall be ~~constructed~~ installed without prior approval of the ~~landscaping construction~~ plans by the city ~~council~~ and the ~~installation construction~~ shall ~~be in compliance comply~~ with such approval and with all other applicable requirements of the city.

DRAFT

(4) No building shall be constructed with windows, porches or other features which provide a view from the building into a dwelling located on an abutting lot.

(5) Any lighting to illuminate parking lots, buildings or other structures shall not exceed the height of such buildings or structures, and shall be installed in a manner consistent with the lighting standards of this Division and which directs or shields the light downward and away from nearby dwellings.

Sec. 107-110. Parking spaces.

(a) Except as otherwise provided in ~~section 107-317~~this chapter, off-street parking shall be provided in the following ratios: ~~of not less than one parking space:~~

(1) When the front face of the building is separated from the front lot line by a drive isle or parking lot, one parking space for each 250 square feet of gross floor area in the particular building shall be provided.

(2) When the front face of the building is located on the front lot line or separated by only a sidewalk and or landscaped area from the front lot line, one parking space for each 500 square feet of gross floor area in the particular building shall be provided.

~~(1) For each 250 square feet of gross floor area in the particular building in a C-1 district; and~~

~~(2) For each 200 square feet of gross floor area in the particular building in a C-2 district.~~

(b) Where possible, shared parking is encouraged. Parking areas which are adjacent to a residential district or a required greenbelt buffer shall be limited to a maximum of one drive isle with one row of parking on each side.

(c) Parking requirement reduction. The building official may reduce the amount of required parking by a maximum of 40 percent upon a written request from the property owner demonstrating that if the reduction is granted:

(1) The reduced parking is sufficient for the proposed use;

(2) The granting of the reduction will not result in increased on-street parking in adjoining neighborhoods;

(2) There will not be a detrimental impact to adjacent properties; and

(3) The reduction in available parking will not create traffic congestion or public safety hazards.

(4) Trail Incentives for property on the north side of Bee Cave Road abutting Eanes Creek. Property located north of Bee Cave Road adjacent to Eanes Creek where land or a trail/pedestrian easement has been dedicated to and accepted by the City for the Eanes Creek trail may claim a 10% reduction in minimum parking requirements.

~~(d)(b)~~ Required parking spaces shall be located on the same lot as the building for which the parking spaces are required or within 300 feet of such building. Where required parking spaces are located at a place other than the lot on which the building to which the space pertains is located, there must be a valid, binding written commitment that such property

DRAFT

1074 shall be used to fulfill the parking requirement in a form acceptable to the city council. Such
 1075 commitment shall be made enforceable by the city council.

1076 **Sec. 107-111. Signs.**

1077 Except as otherwise provided under this article, signs shall be governed by the regulations
 1078 of the city sign ordinance.

1079 **Sec. 107-112. Other requirements.**

1080 Each permitted use shall:

1081 (1) Be conducted wholly within an enclosed building appropriate to such use (except in the
 1082 case of a personal wireless telephone service facility for which a special use permit is
 1083 issued); and

1084 (2) Where a special use permit is granted for cafes, cafeterias, or restaurants, such permit
 1085 may also authorize outdoor dining.

1086 ~~(2) Provide for the temporary storage of solid waste in an unobtrusive manner approved by~~
 1087 ~~the building official.~~

1088 **Sec. 107-113. Reserved. Prohibitions.**

1089 ~~The following are specifically prohibited:~~

1090 ~~(1) Accessory or temporary buildings;~~

1091 ~~(2) The manufacture of any product for sale;~~

1092 ~~(3) Activities involving the conduct of major automobile repairs, body repair or painting,~~
 1093 ~~welding, storage of dismantled or nonoperational vehicles, sale of used automobile~~
 1094 ~~parts, or the sale of new or used motor vehicles;~~

1095 ~~(4) The use of parking lots or front yards for the display, sale or storage of merchandise,~~
 1096 ~~motor vehicles, equipment, containers or waste material;~~

1097 ~~(5) The wholesale processing of food;~~

1098 ~~(6) Activities which create odors, excessive light, electronic interference, smoke, dust, dirt,~~
 1099 ~~noise, fumes, glare, vibration, the presence of vermin or rodents, or other undesirable~~
 1100 ~~or hazardous conditions; or~~

1101 ~~(7) The provision of personal services, or the display, sale or advertisement of any product~~
 1102 ~~that adversely affects the health, safety, or general welfare of the city; or~~

1103 ~~(8) Retail establishments, other than restaurants, may not be open to the public between~~
 1104 ~~the hours of 10:00 p.m. and 7:00 a.m. the following day. These restrictions do not~~
 1105 ~~apply to automated retail services, including, but not limited to, automated teller~~
 1106 ~~machines and gasoline pumps. Restaurants will be subject to hours of operation as set~~
 1107 ~~forth in the special use permit.~~

DRAFT

Sec. 107-114. ~~Reserved. Use and buildings.~~

~~Notwithstanding any provision in this division, any use that would be permitted in a residential district, but which is conducted in a commercial district, shall comply only with the regulations that would be applicable to the use if it were conducted in the residential district, to the extent applicable.~~

Sec. 107-115. Impervious cover.

(a) Impervious cover shall not exceed 50 percent of the total area of any lot in the Commercial District (C) ~~a commercial district except as provided in subsection (b).~~

(b) Exceptions:

(1) A total of 55% of the total area of any lot in the C district may be impervious cover if the increase in impervious cover does not create any increase in stormwater runoff (either volume or rate of flow of runoff).

(2) A total of 60% of the total area of any lot in a commercial district may be impervious cover upon the following conditions: (i) if the site plan includes permanent low impact development (LID) stormwater practices (such as rainwater harvesting, green roofs, bio-retention, rain gardens, infiltration/filter strips, and conservation landscaping using native plants and trees that promote the area's natural habitat, and natural area preservation) above and beyond any required preservation of natural areas that reduce stormwater discharge such that the increase in impervious cover does not create any increase in stormwater runoff either volume or rate of flow of runoff; (ii) the site plan meets all TCEQ best management practices for water quality, and (iii) the site plan meets the design criteria specified in Sections 107-39, 107-109, 107-116.

(c) An application under subsection (b) shall include a drainage plan certified by a registered professional engineer as consistent with city requirements and all permanent low impact development (LID) stormwater practices required under subsection (b)(1) or (2), as applicable, along with a proposed plan describing the manner in which the LID practices and facilities and design criteria specified in Sections 107-39, 107-109, 107-116 will be implemented and maintained for throughout the useful life of the project.

(d) Prior to the issuance of a Certificate of Occupancy in connection with such a permit, the applicant shall submit a letter of certification from a registered professional engineer stating that the site's stormwater management and drainage facilities as built meet all impervious cover, city and LID stormwater management and water quality requirements, and were constructed in accordance with the approved permit.

~~(be) Grass-crete set in sand shall be deemed to be 50 percent impervious cover; paving stones, ungrouted, set in sand, are deemed to be 75 percent impervious cover. Revisions to these materials and other materials and applications may be reviewed by the city council and their appropriate impervious cover assigned by the council. City Council may establish a list of materials and corresponding impervious cover values. This list may be reviewed and revised by City Council from time to time. An approved and current list of such revisions shall be on file with the city.~~

DRAFT

- (f) No variance may be granted to exceed the maximum impervious cover limitations of this section

Sec. 107-116. Compatibility standards.

- (a) Screening of storage and mechanical equipment. All storage areas and mechanical equipment must be screened from view from any adjacent residential district lot and any public street. Ground level facilities and equipment may be screened with wood fencing (with a smooth side of the fencing facing the residential district lot or public right-of-way), or brick, limestone, or other native stone walls. All mechanical equipment (including AC units, vents, and wireless facilities) must be located in the following manner:

- (1) Under the roof;
- (2) Contained within the building;
- (3) On the ground and screened from view from any adjacent residential district lot and any public street by wood fencing (with a smooth side of the fencing facing the residential district or public right-of-way), or materials compatible with the exterior of the building as may be approved by the building official; or
- (4) On the roof and shielded from view from any adjacent property and any public street with an enclosure constructed of the same exterior materials as the building.
- (5) The permit application shall include an exhibit demonstrating compliance with these screening requirements and adjacent sightlines.

- (b) Roof design. Except for buildings with a ground floor area of 8,000 square feet or more, all roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a minimum pitch of 3:12). For buildings with a ground floor area of 8,000 square feet or more, all roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a minimum pitch of 3:12) or have architectural elements that give the appearance of pitched-roof construction. Roofs generally must be a combination of pitched, gabled, or sloped elements. Pitched and "flat" roof areas must be designed and arranged to provide maximum aesthetic appeal and provide screening of equipment, AC units, vents, wireless facilities, and accessories from any view from a lot in a residential district of the city and any view from Bee Cave Road. Roof mounted solar panels shall be designed so as to be consistent in pitch or slope with the roof or masked in such a manner as to be unobtrusive when viewed from any adjacent lot.

- (c) Screening of trash receptacles. All trash receptacles shall be screened from public view and neighboring property view with wood fencing (with the smooth side of the fencing facing the residential district or public right-of-way), or brick, limestone, or other native stone walls. The enclosure shall be a minimum of eight feet (8') in height with gates. Gates shall be of a solid sight obscuring material and shall be closed at all times except when loading or unloading.

- (d) Landscaping buffers. The following landscaping and buffers are required:

- (1) Along public rights-of-way. A landscaping buffer is required along any public right-of-way. The landscape buffer along public rights-of-way shall be located between the lot

DRAFT

line adjacent to the right-of-way and any impervious cover on the lot, including parking, and along any rear lot pedestrian paths or trail along Eanes Creek. The landscaping buffer shall consist of trees with a mature height of at least six feet planted at a ratio of 1 tree per 25 feet of linear frontage along the public right-of-way to shade adjacent sidewalks and any pedestrian path and may include shrubs with a mature height of at least three feet. The grouping or clustering of trees as necessary to accommodate driveway spacing, utilities, drainage facilities, or similar site features is permitted.

(2) Parking area landscaping. Parking areas shall be screened from any adjacent public right-of-way with a ten-foot deep landscaping buffer.

- a. The landscaping buffer shall be planted with trees planted at a ratio of 1 tree per 25 feet of linear frontage along the right of way, and with shrubs and other landscaping with a mature height of at least three (3) feet, planted at sufficient density to disrupt sightline into the parking area and screen vehicular headlights.
- b. One tree is required for every six parking spaces and may be located in landscaped islands, peninsulas, or medians. Tree preservation is encouraged, thus preservation of an existing protected tree shall be provided credit in accordance with Section 107-121(c)(3).
- c. No parking space shall be located further than 50 feet from a tree.
- d. Impervious paving over the critical root zone of any existing tree is prohibited, and any approved paving shall be porous pavement to allow water and air exchange, or other acceptable means to preserve the health of the tree.
- e. All required tree plantings shall be installed prior to the occupancy or use of property. Where compliance is not practicable due to the season of the year, the building official or his/her designee may grant a temporary certificate of occupancy. Any temporary certificate of occupancy may be revoked, after 30 days' written notice to the occupant and the owner of the affected property, if tree plantings are not undertaken as required under this article.

(3) Each required tree shall be at least 12 feet high when planted and shall be maintained in a healthy condition. Said trees shall not be pruned except either to remove dead wood, or to prevent growth or to remove existing growth lower than 15 feet above the ground. Existing trees having a height of at least 11 feet may be counted as required trees, provided that the ground beneath the canopy remains unimproved. Any species of tree which does not normally grow to a height of 15 feet in the city, as determined by the city arborist or other competent person designated by the city administrator, shall not qualify as a required tree under this section. Any required buffer areas or trees required to be planted by this chapter shall be counted toward satisfying this requirement. All landscaping and buffering required by this section must be maintained by the property owner. If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and imposing a fine pending compliance with this section.

(4) An exception to the requirements of this subsection (d) may be approved by the building official for the location of a driveway in required landscaped areas.

DRAFT

(c) Removal of vegetation from the city right-of-way. Any excavation, grading, or site clearance of a lot that involves the removal of vegetation from the city's right-of-way is prohibited without prior approval of the city building official.

~~(a) Trash disposal, storage and mechanical equipment. All trash disposal areas, storage areas and mechanical equipment must be screened from view from any residential district and any public street by wood fencing (with a smooth side of the fencing facing the residential district or public right of way), or brick, limestone, or other native stone walls for ground level facilities, and an enclosure constructed of the same exterior materials as the building for any mechanical equipment located on the roof.~~

~~(b) Roof design. Except for buildings with a ground floor area of 8,000 square feet or more, all roofs of buildings must be of pitched type construction (hip or gable type roofs with a minimum pitch of 3:12). For buildings with a ground floor area of 8,000 square feet or more, all roofs of buildings must be of pitched type construction (hip or gable type roofs with a minimum pitch of 3:12) or have architectural elements that give the appearance of pitched roof construction. Roofs generally must be a combination of pitched, gabled or sloped elements, and the materials used must be compatible and complementary to the masonry. These pitched areas may be metal with nonreflective finishes or nonmetallic clay or concrete tile. Except for buildings less than 8,000 square feet of floor space, composition or wood shakes and shingles may not be utilized. Exposed metal roof decks that reflect light in a glaring manner, such as galvanized steel sheets, are specifically prohibited. Pitched and "flat" roof areas must be designed and arranged to provide maximum aesthetic appeal and provide screening of undesirable roof surfaces, equipment and accessories from any view from a lot in a residential district of the city and any view from Bee Cave Road. All mechanical equipment must be located in the following manner: under the roof; contained within the building; on the ground; or shielded from view as approved by the city council.~~

~~(c) Lighting. Lighting fixtures installed to illuminate parking lots, buildings or other structures may not exceed the height of the buildings or structures, if attached thereto, or, if pole-mounted, a height of 24 feet. All exterior lighting must be shielded and down turned to direct light away from nearby dwellings and to concentrate the light within the lot. Exterior lightbulbs may not exceed 400 watts.~~

~~(d) Landscaping buffers. A ten-foot landscaping buffer is required between buildings on separate lots in a professional and business office district (C-1) or the business district (C-2) with a minimum of five feet of such buffer located on each such lot, as well as between all parking lots in a commercial district and any public right of way. The landscaping buffer must consist of shrubs or trees with a mature height of at least six feet planted at sufficient density to visually disrupt the outlines of buildings, pavement, and other structures; provided, however, that plant material located at the front of a site or between buildings (as determined by the building official) may consist of shrubs or trees with a mature height of at least three feet.~~

Sec. 107-117. Permitted uses.

(a) No area, building, or structure within the land may be used, constructed, or altered, except as follows:

DRAFT

- 1275 (1) Uses permitted in the residential district, excluding dwelling uses or subdivision sales
 1276 offices;
- 1277 (2) Administrative, professional, and business offices and services, including account,
 1278 architecture, attorney, computer services (including research and design) engineer,
 1279 physician, veterinary services, broker, consultant, insurance agent, property
 1280 management, investment, personnel, travel, secretarial, telephone answering,
 1281 photocopy and reproduction, real estate agent, or similar administrative, professional,
 1282 and business offices.
- 1283 (3) Accessory structures, other than buildings, and uses customarily incidental to these
 1284 administrative, professional, or business offices.
- 1285 (4) Retail bakeries;
- 1286 (5) Barbershops or beauty shops;
- 1287 (6) Craft or hobby shops;
- 1288 (7) Department, sporting goods, novelty, variety, or toy stores;
- 1289 (8) Drugstores;
- 1290 (9) Laundry pickup and dry cleaning pickup stations;
- 1291 (10) Florist shops;
- 1292 (11) Antique stores;
- 1293 (12) Household or office furniture, furnishings, or appliance stores;
- 1294 (13) Jewelry or optical goods stores;
- 1295 (14) Shoe repair shops;
- 1296 (15) Variety stores;
- 1297 (16) Wearing apparel shops;
- 1298 (17) Retail uses which supply the everyday shopping needs of residents of the city.
 1299

1300 **Sec. 107-118. Special uses.**

- 1301 (a) Subject to approval by the city council, the following special uses may be permitted in the C
 1302 district:
- 1303 (1) Facilities for assembling of and testing electronics components;
- 1304 (2) Child day care facilities, provided this is the only use on the particular lot;
- 1305 (3) Banks or savings and loan associations, including automated teller machines (ATMs);
- 1306 (4) Parking garages, provided that the garage is an accessory to the primary use on the
 1307 same lot or an adjacent commercial lot;
- 1308 (5) For lots with frontage on Bee Caves Road, a personal wireless telephone service
 1309 facility;

- 1310 (6) Research laboratories;
- 1311 (7) Cafes, cafeterias, or restaurants without outdoor dining;
- 1312 (8) Cafes, cafeterias, or restaurants with outdoor dining;
- 1313 (9) Convenience stores;
- 1314 (10) Grocery or food specialty stores;
- 1315 (11) Package liquor stores;
- 1316 (12) Automotive service stations;
- 1317 (13) Parking garages, provided that the garage is an accessory to the primary use on the
- 1318 same lot or an adjacent commercial lot;
- 1319 (14) Camera or photography supply stores;
- 1320 (15) Clinics without overnight facilities;
- 1321 (16) Hardware stores;
- 1322 (17) Art and photography studios; and
- 1323 (18) Facilities for assembling computer software products.

1324

1325 **Sec. 107-119. Prohibited uses.**

- 1326 (a) All uses not specifically permitted under section 107-117 and section 107-118 are prohibited,
- 1327 including, but not limited to, the following:
- 1328 (1) Accessory and Temporary buildings;
- 1329 (2) The manufacture of any product for sale;
- 1330 (3) Activities involving the conduct of major automobile repairs, body repair or
- 1331 painting, welding, storage of dismantled or nonoperational vehicles, sale of used
- 1332 automobile parts, or the sale or rental of new or used motor vehicles;
- 1333 (4) The use of parking lots or front yards for the display, sale, or storage of merchandise,
- 1334 motor vehicles, equipment, containers, or waste material;
- 1335 (5) The wholesale processing of food;
- 1336 (6) Activities which create odors, excessive light, electronic interference, smoke, dust,
- 1337 dirt, noise, fumes, glare, vibration, the presence of vermin or rodents, or other
- 1338 undesirable or hazardous conditions;
- 1339 (7) Veterinarian services and kennel services;
- 1340 (8) The repair, sale, resale, manufacture, refurbishment, or storage of boats, trailers,
- 1341 mobile homes, or recreational or sport vehicles;
- 1342 (9) Laundries or dry cleaning plants;
- 1343 (10) Music studios;
- 1344 (11) Monument sales or funeral homes and related services;

DRAFT

(12) Warehouses or the rental of storage space for personal or commercial property;

(13) Junkyards;

(14) Painting sales or service, except to the extent incidental to an otherwise permissible use;

(15) Assisted living, retirement, nursing home, or convalescent services or facilities;

(16) Tire retread facilities;

(17) Sexually oriented businesses, including, but not limited to, modeling studios and dating or escort services businesses;

(18) Hotel and motel; and

(19) Dwelling uses or subdivision sales offices.

(b) Retail establishments, other than restaurants, may not be open to the public between the hours of 10:00 p.m. and 7:00 a.m. the following day. These restrictions do not apply to automated retail services, including, but not limited to, automated teller machines and gasoline pumps. Restaurants will be subject to hours of operation as set forth in the special use permit.

Sec. 107-120 Tree Canopy Management within the Commercial District (C).

(a) Definitions. For purposes of this section,

(1) A "protected tree" shall be a tree of a "protected species" tree as defined in Part II, Land Development Code, Chapter 107, Division 10, Subdivision 2 (Sections 107-369 through 107-396) having a trunk with a diameter not less than 12 inches nor more than 24 inches, measured 4 1/2 feet above natural grade, as measured by an arborist.

(2) "Heritage tree" means a tree of a "protected species" as defined in Part II, Land Development Code, Chapter 107, Division 10, Subdivision 2 (Sections 107-369 through 107-396) having a diameter of 24 inches or more, measured 4½ feet above natural grade, or a tree cluster, as measured by an arborist.

(3) "Diameter at breast height" or (DBH) means the diameter of a tree at a height of 4 1/2 feet above natural grade.

(4) "Critical root zone" means "the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and twenty-four inches inn depth. For example, for a tree having a 10-inch DBH, the critical root zone is 10 feet out from the trunk and twenty-four inches deep.

(5) "Tree Cluster" means a cluster of three or more trees of a "protected species" located less than ten feet apart having a combined total diameter of 24 inches or more.

(b) Part II, Land Development Code, Chapter 107, Division 10, Subdivision 2 (Sections 107-369 through 107-396) addressing protection of protected trees, shall apply to any property within any zoning district other than the residential zoning district. To the extent of any conflict between Part II, Land Development Code, Chapter 107, Division 10, Subdivision 2 (Sections 107-369 through 107-396) and this Section, this Section shall control.

DRAFT

(c) In addition to the requirements of subsection (b), the following requirements for the preservation and protection of protected and heritage trees shall apply to any property, including any property within the city's rights-of-way, within any zoning district other than the residential zoning district.

(1) Permit required. A grading plan, tree survey, and tree protection plan shall be submitted prior to any tree removal, clearing or grading, filling, or other form of site development. No tree may be removed, nor shall any clearing or grading permit, site development plan, building permit, or tree removal permit be issued until a tree survey is submitted and tree protection plan is submitted and approved.

(2) Tree survey requirements. The tree survey shall address all requirements specified in Section 107-376, Development Application Requirements, indicate all existing, live, healthy trees with an eight-inch or larger diameter and all protected and heritage trees, and shall indicate the diameter, location, and species of each tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles indicating the diameter of the tree. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed, including trees identified to be distressed. Protected trees proposed to be removed to accommodate the development shall be indicated, along with the proposed replacement trees.

(3) Credit for preservation of existing trees. Preservation of existing protected species trees and heritage trees that are located outside the required 75-foot greenbelt may be credited toward required plantings (for example, landscape requirements, street trees, trees in parking areas) but not for required mitigation according to the following table:

<u>Type of tree</u>	<u>DBH</u>	<u>Credit factor *</u>
<u>Protected species</u>	<u>4-7.9 inches</u>	<u>1.15:1</u>
<u>Protected species</u>	<u>8-12 inches</u>	<u>1.5:1</u>
<u>Protected species</u>	<u>greater than 12 inches</u>	<u>2.0:1</u>
<u>Tree cluster</u>		<u>1.5:1 for each inch within the cluster</u>

*Credit factor provides tree credits per tree preserved.

Where the application of a credit factor produces a fractional number, rounding up to the next whole number of "credited" trees is permitted.

Example: Preservation of one 10-inch diameter protected species tree produces a credit equal to 1.5 trees of required planting.

(4) Mitigation. Any protected or heritage trees that are removed as a result of approval of a Tree Removal Permit must be mitigated by planting of a tree of the same species on the same property in the following ratios:

a. for each protected tree removed, one new tree of a protected species having a similar mature canopy spread as the removed tree, with a DBH of at least four inches and fourteen feet in height,

DRAFT

b. for each heritage tree removed, three new trees of a protected species having a similar mature canopy spread as the removed tree, with a DBH of at least four inches and fourteen feet in height.

An exception to the mitigation requirements may be granted by the Building Official, with the approval of the City Arborist, if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of the replacement tree(s); or (2) the required replacement trees to be installed would be planted under the canopy of an existing tree. A permit authorizing the removal of a protected or heritage tree shall require mitigation as specified above.

(5) Prohibition on removal of heritage trees. Removal of a heritage tree is prohibited unless a Heritage Tree Removal Special Exception is granted under Subsection (6) or a certified arborist confirms that the heritage tree is either: (i) dead; (ii) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (iii) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. The city administrator shall have the authority to determine whether such documentation is in order and may consider specific safety situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property under subsection (ii), documentation may be submitted within 72 hours after the action is taken.

(6) Heritage Tree Removal Special Exception. Except as provided in subsection (5), removal of a heritage tree is prohibited unless a Heritage Tree Removal Special Exception is granted by the Board of Adjustment upon a finding that: (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property.

(7) Limitation on removal of a protected tree. A protected tree may be removed upon the determination of the City Arborist and approval of the Building Official if: (i) the tree is damaged by natural causes or is diseased beyond the point of recovery, (ii) the tree is in danger of falling, or (iii) the tree is dead. Any application to remove a protected tree shall be supported by certification by a certified arborist that one or more of these conditions exists and such conditions shall be reviewed by the City Arborist. In addition, removal may be approved upon the grant of a special exception by the Board of Adjustment upon a finding that (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property.

(d) Pre- and post-construction tree protection plan. A pre- and post-construction tree protection plan shall be submitted with the tree permit and shall include the following:

(1) Irrigation and fertilization are required for any protected or heritage tree that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free. The tree protection plan shall describe the plan for irrigation and fertilization during the construction period until final installation of all landscaping.

DRAFT

- (2) The tree protection plan shall describe all measures to be taken during construction to protect any protected and heritage trees from damage during construction, including rigid fencing, shielding, and signage, as necessary. Tree protection shall include rigid fencing placed with a radius of at least ten feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain link or wood fencing not less than four feet high at the drip line of the tree. Stakes shall be no more than six feet apart and at least 1½ deep into the ground. Rigid fencing shall be at least three feet in height. Tree protection shall remain in place until final landscaping installation is approved by the city administrator or designee.
- (3) Protection of critical root zone. Construction within or impervious paving over the critical root zone of any protected or heritage tree is prohibited. A minimum of 50% of the critical root zone of any protected tree or heritage tree must be preserved at natural grade and with natural ground cover. No cut or fill nor any deposit or stockpiling of earthen materials in their natural state greater than four inches will be located closer to the tree trunk than one-half the CRZ radial distance. No grade changes, excavation or trenching shall be permitted within the limits of the critical root zone unless adequate construction methods are approved by the city arborist.
- (4) Parking or storing of vehicles, equipment or materials allowed within the critical root zone or any protected or heritage tree is prohibited. The plan shall designate where all construction equipment and materials will be stored outside the critical root zone.
- (5) Activities requiring approval of the city arborist shall be identified in the tree protection plan and shall be submitted for review and comment to the city arborist, along with such fees as are required by the city to cover all costs of the review process.

(e) Violations/Penalties.

- (1) It shall be an offense for a person:
- a. To fail to perform an act required by the provisions of this section;
 - b. To fail to timely comply with any term of a permit issued pursuant to this section, including terms regarding the preservation of heritage trees and the planting and maintenance of required replacement trees;
 - c. To hire, engage, or permit any person engaged in the business of tree planting, maintenance, or removal to perform such services on property in the city without a permit issued by the city pursuant to this Code;
 - d. Except as expressly allowed pursuant to this subdivision, to remove or to cause the removal of a heritage or protected tree without first obtaining a permit therefor;
 - e. To transfer property subject to obligations arising from a permit issued pursuant to this section if all obligations with respect to such permit are not then fulfilled unless the transferee of the property agrees in writing submitted to the city secretary to assume such permit and all obligations with respect to the protection of heritage trees and the planting and maintenance of required replacement trees; or
 - f. To fail to submit an application for a permit as required by this section.

DRAFT

- (2) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed \$1,000.00. An offense committed intentionally, knowingly, recklessly, or with criminal negligence shall be punishable by a fine not to exceed \$2000.00 per offense. Each tree damaged or removed in violation of this division shall constitute a separate offense. A failure to plant and maintain a required replacement tree shall constitute a separate offense. Each day a violation continues shall constitute a separate offense. The owner or tenant of any building, structure, or premises and any designer, builder, contractor, agent or other person who knowingly commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and subject to the penalties as provided herein.
- (3) The City Arborist, City Council, or other duly authorized city official may issue a stop work order in connection with site clearing, site preparation, any permitted development of the property from which a heritage tree is removed without authorization or upon the occurrence of any other violation of this subdivision or of any term of a permit issued pursuant to this subdivision. Any person, including a workman on the site, who fails to comply with a stop work order shall be guilty of a misdemeanor punishable as provided for in the penalty section hereof. It shall be unlawful for any person to do any work on the site covered by the stop work order unless and until a new permit, application, or site plan has been filed and processed in accordance with the provisions of this chapter and the City Council has granted approval to a new permit, application, or site plan which corrects the violations covered in the stop work order and all fees and fines have been paid.
- (4) No certificate of occupancy shall be issued for a building or other structure that is not then in compliance with any permit issued pursuant to this subdivision. No certificate of occupancy shall be issued for a building or other structure that is not then in compliance with any permit issued pursuant to this subdivision for removal of a protected tree.
- (5) Any temporary occupancy permit issued pending any completion of any required planting due to seasonal suitability of planting shall state the day by which planting shall be completed or an extension requested, and shall be revoked if the required planting is not completed or an extension granted by the stated date.
- (6) Injunction and other remedies. Any tree removal or other work done contrary to any of the provisions of this Section or to any of the details contained in any final site plan approved by the City or to any of the conditions imposed in connection with the granting of any application required by this Section is hereby declared to be unlawful and shall constitute a violation of this Section. The City Council may direct the City Attorney to initiate injunction, mandamus, abatement, or any other action available in law or equity to prevent, enjoin, abate, or correct unlawful tree removal or other work.
- (f) To the extent of conflict with another section of the Code, this section controls.

Secs. 107-~~121~~117—107-145. Reserved.

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 4. RESERVED}

DRAFT

1544 *DIVISION 4. ~~RESERVED. PROFESSIONAL AND BUSINESS OFFICE ZONING DISTRICT (C-~~*
 1545 *~~4)~~*

1546 **~~Sec. 107-146. Applicability.~~**

1547 ~~The regulations set forth in this division shall apply to all land, buildings and structures in a~~
 1548 ~~professional and business office district (C-1).~~

1549 **~~Sec. 107-147. Purpose.~~**

1550 ~~This district is intended to provide sites for quiet, low density commercial office uses.~~

1551 **~~Sec. 107-148. Permitted uses.~~**

1552 ~~No area, building or structure within the land may be used, constructed or altered, except as~~
 1553 ~~follows:~~

1554 ~~(1) Uses permitted in a residential district, excluding dwelling uses or subdivision sales~~
 1555 ~~offices;~~

1556 ~~(2) Administrative, professional and business offices and services, including account,~~
 1557 ~~architecture, attorney, computer services (including research and design) engineer,~~
 1558 ~~physician, veterinary services, broker, consultant, insurance agent, property~~
 1559 ~~management, investment, personnel, travel, secretarial, telephone answering,~~
 1560 ~~photocopy and reproduction, real estate agent, or similar administrative, professional~~
 1561 ~~business offices.~~

1562 ~~(3) Accessory structures, other than buildings, and uses customarily incidental to these~~
 1563 ~~administrative, professional or business offices.~~

1564 **~~Sec. 107-149. Special uses.~~**

1565 ~~Subject to approval by the city council, the following special uses may be permitted in a C-1~~
 1566 ~~district:~~

1567 ~~(1) Facilities for assembling of and testing electronics components;~~

1568 ~~(2) Child day care facilities, provided this is the only use on the particular lot;~~

1569 ~~(3) Banks or savings and loan associations;~~

1570 ~~(4) Parking garages, provided that the garage is an accessory to the primary use on the~~
 1571 ~~same lot or an adjacent commercial lot; and~~

1572 ~~(5) For lots with frontage on Bee Caves Road, a personal wireless telephone service~~
 1573 ~~facility.~~

1574 **~~Secs. 107-15046—107-166. Reserved.~~**

1575
 1576 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 5. Reserved}*
 1577

DRAFT

1578 *DIVISION 5. RESERVED. BUSINESS ZONING DISTRICT (C-2)*

1579 **~~Sec. 107-167. Applicability.~~**

1580 ~~The regulations set forth in this division shall apply to all land, buildings and structures in a~~
 1581 ~~business district (C-2).~~

1582 **~~Sec. 107-168. Permitted uses.~~**

1583 ~~No area, building or structure may be used, constructed or altered, except as follows:~~

- 1584 ~~(1) Uses permitted in a C-1 zoning district;~~
- 1585 ~~(2) Retail bakeries;~~
- 1586 ~~(3) Barbershops or beauty shops;~~
- 1587 ~~(4) Craft or hobby shops;~~
- 1588 ~~(5) Department, sporting goods, novelty, variety or toy stores;~~
- 1589 ~~(6) Drugstores;~~
- 1590 ~~(7) Laundry pickup and dry cleaning pickup stations;~~
- 1591 ~~(8) Florist shops;~~
- 1592 ~~(9) Antique stores;~~
- 1593 ~~(10) Household or office furniture, furnishings, or appliance stores;~~
- 1594 ~~(11) Jewelry or optical goods stores;~~
- 1595 ~~(12) Shoe repair shops;~~
- 1596 ~~(13) Variety stores;~~
- 1597 ~~(14) Wearing apparel shops; and~~
- 1598 ~~(15) Retail uses which supply the everyday shopping needs of residents of the city.~~

1599 **~~Sec. 107-169. Special uses.~~**

1600 ~~Subject to approval by the city council, the following special uses may be permitted in a C-2~~
 1601 ~~district:~~

- 1602 ~~(1) Research laboratories;~~
- 1603 ~~(2) Other special uses that meet the criteria set forth in this article;~~
- 1604 ~~(3) Cafes, cafeterias or restaurants;~~
- 1605 ~~(4) Convenience stores;~~
- 1606 ~~(5) Grocery or food specialty stores;~~
- 1607 ~~(6) Package liquor stores;~~
- 1608 ~~(7) Automotive service stations;~~

DRAFT

- 1609 ~~(8) Parking garages, provided that the garage is an accessory to the primary use on the~~
 1610 ~~same lot or an adjacent commercial lot;~~
- 1611 ~~(9) Camera or photography supply stores;~~
- 1612 ~~(10) Clinics without overnight facilities;~~
- 1613 ~~(11) Hardware stores;~~
- 1614 ~~(12) Art and photography studios;~~
- 1615 ~~(13) Facilities for assembling computer software products; and~~
- 1616 ~~(14) For lots with frontage on Bee Caves Road, a personal wireless telephone service~~
 1617 ~~facility.~~

1618 **~~Sec. 107-170. Prohibited uses.~~**

1619 ~~All uses not specifically permitted under section 107-168 or 107-169 are prohibited,~~
 1620 ~~including, but not limited to, the following:~~

- 1621 ~~(1) Temporary buildings;~~
- 1622 ~~(2) The manufacture of any product for sale;~~
- 1623 ~~(3) Activities involving the conduct of major automobile repairs, body repair or painting,~~
 1624 ~~welding, storage of dismantled or nonoperational vehicles, sale of used automobile~~
 1625 ~~parts, or the sale of new or used motor vehicles;~~
- 1626 ~~(4) The use of parking lots or other outdoor areas for the display, sale or storage of~~
 1627 ~~merchandise, motor vehicles, equipment, containers or waste material;~~
- 1628 ~~(5) The wholesale processing of food;~~
- 1629 ~~(6) Activities which create a nuisance;~~
- 1630 ~~(7) Veterinarian services and kennel services;~~
- 1631 ~~(8) The repair, sale, resale, manufacture, refurbishment or storage of boats, trailers, mobile~~
 1632 ~~homes or recreational or sport vehicles;~~
- 1633 ~~(9) Laundries or dry cleaning plants;~~
- 1634 ~~(10) Music studios;~~
- 1635 ~~(11) Monument sales or funeral homes and related services;~~
- 1636 ~~(12) Warehouses or the rental of storage space for personal or commercial property;~~
- 1637 ~~(13) Pawnshops;~~
- 1638 ~~(14) Junkyards;~~
- 1639 ~~(15) Painting sales or service, except to the extent incidental to an otherwise permissible~~
 1640 ~~use;~~
- 1641 ~~(16) Assisted living, retirement, nursing home or convalescent services or facilities;~~
- 1642 ~~(17) Tire retread facilities;~~

DRAFT

1643 ~~(18) Sexually-oriented businesses, including, but not limited to, modeling studios and dating~~
 1644 ~~or escort services businesses;~~

1645 ~~(19) The display, sale or advertisement of any product that adversely affects the health,~~
 1646 ~~safety, or general welfare of the residents of the city;~~

1647 ~~(20) Hotel and motel; and~~

1648 ~~(21) Dwelling uses or subdivision sales offices.~~

1649 **Secs. 107-17167—107-193. Reserved.**

1650

1651 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 9. Planned Unit*
 1652 *Developments, Sections 107-313 & 107-314}*

1653 *DIVISION 9. Planned Unit Developments*

1654 **Sec. 107-313. Purpose.**

1655 A planned unit development (PUD) is a permitted use within the C-1 district ~~or the C-2~~
 1656 ~~district~~, the purpose of which is to encourage planned developments as a means of creating a
 1657 superior community environment through unified planning and building operations; to provide
 1658 adequate community facilities well located with respect to needs; to protect the natural beauty of
 1659 the landscape; to encourage the preservation and more efficient use of open space; and to offer
 1660 an opportunity for greater flexibility and, consequently, more creative and imaginative design for
 1661 the development of the city than is generally possible under the zoning regulations established
 1662 elsewhere in this article.

1663 **Sec. 107-314. General regulations.**

1664 Regulations that apply in a C-1 district ~~or a C-2 district~~ shall apply to planned unit
 1665 developments except as otherwise provided in this division.

1666

1667 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 9. Planned Unit*
 1668 *Developments, Sections 107-316 & 107-317}*

1669 **Sec. 107-316. Permitted uses.**

1670 Except for uses permitted in a residential district, all uses permitted in a C-1 district ~~or a C-2~~
 1671 ~~district~~ shall be permitted in a PUD, and all special uses permitted in a C-1 district ~~or a C-2~~
 1672 ~~district~~, subject to the procedures for application and approval, and any restrictions provided
 1673 therefor, shall be permitted in a PUD.

1674 **Sec. 107-317. Parking adjustment for storage and warehouse areas. ~~Mixed-use zoning.~~**

1675 ~~Limited C-2 zoning may be granted for specified areas within the buildings or structures~~
 1676 ~~located in C-1 zoning. A property owner unable to comply with parking requirements may~~
 1677 ~~designate one or more specific areas within the buildings or structures for storage or warehouse~~

DRAFT

~~purposes. Such areas~~ Areas within a building designated as storage or warehouse areas shall have parking spaces allocated in a ratio of one parking space for each 1,000 feet of storage or warehouse area.

{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 10. Landscaping, Subdivision 1. Non-Residential Regulations}

DIVISION 10. LANDSCAPING

Subdivision 1. Landscaping Non-Residential Regulations for zones other than Residential District (R) and Commercial District (C)

~~Sec. 107-340. Removal of vegetation from right-of-way.~~

~~Any excavation, grading or site clearance of a lot zoned for commercial use, including planned unit development, which involves the removal of vegetation from the city's right-of-way is prohibited without prior written approval of the city building official. Damaged, destroyed or removed trees having a height of 11 feet or more shall be restored in accordance with the landscape provisions of section 107-341 of this division.~~

Sec. 107-340~~1~~. Landscape requirements.

(a) ~~This subdivision is applicable to every lot in the city zoned for a use other than Residential District (R) or Commercial District (C), including a Planned Unit Development, with respect to which a building permit for any new structure or enlargement of any existing structure is issued. The provisions of this section are applicable to every lot zoned for a use other than residential, with respect to which a building permit for any new structure or enlargement of any existing structure is issued.~~

(b) Any excavation, grading, or site clearance of a lot that involves the removal of vegetation from the city's right-of-way is prohibited without prior written approval of the city building official. Damaged, destroyed, or removed trees having a height of 11 feet or more shall be restored.

(~~c~~) Twenty (20) percent of the total area of each lot shall be devoted to landscaped open space, with one tree being required for each 2,000 square feet of area, or fraction thereof, of each lot. Each required tree shall be at least 12 feet high when planted and shall be maintained in a healthy condition. Said trees shall not be pruned except either to remove dead wood, or to prevent growth or to remove existing growth lower than 15 feet above the ground. Existing trees having a height of at least 11 feet may be counted as required trees, provided that the ground beneath the canopy remains unimproved. Any species of tree which does not normally grow to a height of 15 feet in the city, as determined by the city arborist or other competent person designated by the city administrator, shall not qualify as a required tree under this section. Any required buffer areas or trees required to be planted by this chapter shall be counted toward satisfying this requirement.

DRAFT

(de) When off-street parking for ten or more vehicles is provided, there shall be landscaped open space within the perimeter of the parking area or areas, in the minimum amount of 18 square feet for each parking space. Said landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Said trees shall be included in computing the number of trees required in subsection (b) of this section.

(ed) All required tree plantings shall be installed prior to the occupancy or use of property. Where compliance is not practicable due to the season of the year, the building official may grant a temporary certificate of occupancy providing an appropriate delay period in the installation of the required plantings ~~shall grant an appropriate delay~~. Any temporary certificate of occupancy may be revoked, after 30 days' written notice to the occupant and the owner of the affected property, if tree plantings are not undertaken ~~or maintained~~ as required under this article.

(f) All landscaping and buffering required by this section must be maintained by the property owner. If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and imposing a fine pending compliance with this section.

(eg) A ~~nonresidential~~ lot to which this Section applies that is adjacent to a public street or right-of-way or that is adjacent to a residential property line shall have a landscaped greenbelt at least 20 feet in width measured from the property line parallel with and adjacent to each such street, right-of-way or residential property line. An exception may be approved by the city council for the location of a driveway in such required landscaped greenbelt if the city council finds that special traffic conditions affect the property, and that the interest of safety of the driving public and pedestrians would better be protected by the location of a driveway in the area of the required greenbelt. Such greenbelt shall contain a minimum of one tree, not less than 12 feet in height, for every 500 square feet of greenbelt.

Secs. 107-3432 - 107-35968. Reserved.

Subdivision 2. FEMA Floodplain Management in Zones Other Than Residential

Sec. 107-360. Clearing of vegetation in a floodplain.

(a) This section applies to all zoning districts other than Residential District (R).

(b) Within a floodplain or special flood hazard area as identified by the Federal Emergency Management Agency, the removal of native vegetation is prohibited.

(c) This section does not prohibit:

a. trimming or other ordinary maintenance of vegetation,

b. removing dangerous, diseased, damaged, dead, or dying vegetation, or

c. removing, trimming, or maintaining vegetation as necessary to protect public health and safety.

DRAFT

(d) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed \$1,000.00. An offense committed intentionally, knowingly, recklessly, or with criminal negligence shall be punishable by a fine not to exceed \$2000.00 per offense. Each tree damaged or removed in violation of this division shall constitute a separate offense. Each day a violation continues shall constitute a separate offense.

(e) The City Arborist, City Council, or other duly authorized city official may issue a stop work order in connection with site clearing, site preparation, or any permitted development of the property upon the occurrence of any other violation of this subdivision. It shall be unlawful for any person to do any work on the site covered by the stop work order unless and until a new permit, application, or site plan has been filed and processed in accordance with the provisions of this chapter and the City Council has granted approval to a new permit, application, or site plan which corrects the violations covered in the stop work order.

(f) Injunction and other remedies. Any vegetation removal or other work done contrary to any of the provisions of this Section is hereby declared to be unlawful and shall constitute a violation of this Section. The City Council may direct the City Attorney to initiate injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate or correct unlawful tree removal or other work.

Secs. 107-361 - 107-368. Reserved.

Sec. 107-343. Variances.

~~The city council is authorized, upon written appeal of a property owner or developer subject to the requirements of this division, to grant a variance from the requirements of this division as will not be contrary to the public interest, where, due to special conditions, literal enforcement of the requirements of this division will result in unnecessary hardship, and so that the spirit of this division shall be observed and substantial justice done. In considering any proposed variance, the following rules shall be observed:~~

- ~~(1) The applicant for the variance must present to the city council a set of plans setting out the applicant's proposal and the nature of the proposed variance.~~
- ~~(2) The proposed variance may not substantially adversely affect any adjoining property or the general welfare of the community.~~
- ~~(3) The city council must find that the granting of the variance will not merely serve as a convenience to the applicant but will serve to alleviate some demonstrable and unusual hardship or difficulty based on the condition of the affected property or surrounding areas.~~

Secs. 107-343 – 107-368. Reserved.

{Amendments to numbering of Chapter 107 Zoning, Article II. District Regulations, Division 10. Landscaping, Subdivision 2. Residential Tree Canopy Management}

DRAFT

Subdivision 23. Residential Tree Canopy Management

{Amendments to Chapter 107 Zoning, Article III. Special Uses, Section 107-397 Applicability}

ARTICLE III. – SPECIAL USES**Sec. 107-397. Applicability.**

The regulations set forth in this article shall apply to land, buildings and structures located in a commercial district (C), ~~professional and business office district (C-1), a business district (C-2)~~, a governmental and institutional zoning district (GI), a park zoning district (P), a hospital zoning district (H), and a PUD.

{Amendments to Chapter 107 Zoning, Article III. Special Uses, Section 107-401 Criteria applicable to individual special uses}

Sec. 107-401. Criteria applicable to individual special uses.

(a) Alcoholic beverages sold in a restaurant for on-premises consumption. A proposal to sell alcoholic beverages in a restaurant for on-premises consumption must comply with the following specific criteria and conditions, as well as the general criteria prescribed under section 107-400:

- (1) The restaurant where alcoholic beverages are proposed to be sold is not located within 300 feet of a church or school;
- (2) The restaurant where alcoholic beverages are proposed to be sold is not located on property, two or more sides of which abut property in a residential district;
- (3) The gross receipts derived from the sale of alcoholic beverages shall not exceed the gross receipts derived from the sale of food; and
- (4) The permit shall be reviewed annually by the city secretary and if reissued, reissued at the end of the city's fiscal year.

(b) Alcoholic beverages sold in grocery stores for off-premises consumption.

- (1) The grocery store where the alcoholic beverages are proposed to be sold is not located within 300 feet of a church or school;
- (2) The grocery store where the alcoholic beverages are proposed to be sold is not located on property, two or more sides of which abut property in a residential district;
- (3) The permit shall be reviewed annually by the city secretary and if reissued, reissued at the end of the city's fiscal year;
- (4) Additional fees are to be collected after three years' operation in accordance with alcoholic beverage commission permit rules; and
- (5) A permit shall only be granted if:

DRAFT

- 1830 a. The applicant agrees that all litter associated with off-premises consumption of
 1831 alcoholic beverages within 200 feet of the applicant's premises is presumed to be
 1832 the applicant's; and
- 1833 b. The applicant agrees to collect and dispose of all litter within 200 feet of the
 1834 boundary line of the premises from which alcoholic beverages are sold.
- 1835 (c) Banks/savings and loan associations in ~~C-1~~ districts. A proposed bank or savings and loan
 1836 association in a ~~C-1~~ district must comply with the following specific criteria and conditions,
 1837 as well as the general criteria prescribed under section 107-400:
- 1838 (1) The site plan must provide adequate stack space for motor vehicles;
- 1839 (2) The site shall be designed and developed in a manner that will not impede the flow of
 1840 traffic in the vicinity of the bank or savings and loan association;
- 1841 (3) The site plan shall provide for adequate landscaping and the maintenance of
 1842 landscaped areas shall be governed by the provisions of restrictive covenants
 1843 enforceable by the city; and
- 1844 (4) There shall be no more than one curb cut for access to the office complex unless
 1845 otherwise approved by the city council.
- 1846 (d) Personal wireless telephone service facility in certain parts of a ~~C-1, C-2~~, and H district, and
 1847 a PUD. A proposed personal wireless telephone service facility on a lot with frontage on
 1848 Bee Cave~~s~~ Road in a ~~C-1, C-2~~ or H district or in a PUD must comply with the following
 1849 specific criteria and conditions as well as the general criteria prescribed under section 107-
 1850 400:
- 1851 (1) The facility shall have a design and appearance that mimics other uses and ancillary
 1852 structures in the vicinity, such as a flagpole, tree trunk or other object compatible with
 1853 surrounding buildings and uses, or, in lieu thereof, the lower 15 feet of a freestanding
 1854 facility shall be screened by vegetation;
- 1855 (2) The use or operation of the facility shall not be attended by noise or light that is
 1856 incompatible with surrounding uses, or other attributes constituting a nuisance to
 1857 surrounding uses;
- 1858 (3) The facility will at all times be operated in compliance with applicable federal and state
 1859 law, including law regulating radio frequencies, microwaves, and other electronic or
 1860 magnetic emissions or transmissions; and
- 1861 (4) No auxiliary generator or power source producing excessive noise or polluting
 1862 emissions shall be included.
- 1863 (e) Cafes, cafeterias, restaurants, and bakeries. A proposed café, cafeteria, restaurant, or
 1864 bakery must comply with the general criteria prescribed under section 107-400 and must provide
 1865 adequate exhaust air filtration systems as needed to control and capture smells created by the use
 1866 prior to release to the outside atmosphere.
- 1867
- 1868 {Amendments to Chapter 107 Zoning, Article IV. Nonconforming Structures and Uses, Section
 1869 107-422 Nonconforming buildings, structures}

DRAFT

ARTICLE IV. – NONCONFORMING STRUCTURES AND USES**Sec. 107-422. Nonconforming buildings, structures.**

Any nonconforming building or structure may, so long as it remains otherwise lawful, be continued subject to the following requirements and limitations:

- (1) Except as otherwise required by ordinance or law, a nonconforming building or structure may not be altered in a manner that increases the extent of its nonconformity.
- (2) Except as otherwise required by ordinance or law, a nonconforming building or structure must be brought into conformity if:
 - a. Fifty percent of the square footage of the building or structure is demolished, excluding a permit for interior construction or remodeling only; or
 - b. If the nonconforming building or structure is moved, it shall conform to the regulations for the district within or into which it is moved.
- (3) The provisions of subsection (2)a of this section do not apply to the demolition of the roof of a building or structure.
- (4) If the nonconforming building or structure, other than a dwelling, is damaged or destroyed by fire or other accident or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure, provided that the repair or reconstruction conforms with the construction materials standards set forth in section 107-107, the compatibility standards set forth in section 107-116, and will not increase the extent of the nonconformity of the building or structure.
- (5) If the nonconforming building or structure that is a dwelling is damaged or destroyed by fire or other accidental or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure if the repair or reconstruction will not increase the extent of the nonconformity of the building or structure.
- (6) Nothing in this article shall be deemed to:
 - a. Prevent ordinary repairs to nonconforming buildings or structures;
 - b. Prevent alterations of or extensions to nonconforming building or structures as required by law or ordinance; or
 - c. Prevent the restoration to a safe condition of any nonconforming building or structure, or portion thereof, declared to be unsafe by the building official or other duly authorized official.

{Amendments to Chapter 107 Zoning, Article V. Administration and Enforcement, Division I. Generally}

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

DRAFT

1907

DIVISION 1. GENERALLY

1908 **Sec. 107-442. Penalty for violation.**

1909 (a) If any building or structure is constructed or altered, or if any premises are used in violation
 1910 of the provisions of ~~Chapter 107 or any permit this article~~, the building official is authorized
 1911 and directed to institute any appropriate action to put an end to such violation.

1912 (b) ~~Any person who violates or fails to comply with any of the requirements of this article shall~~
 1913 ~~be guilty of a misdemeanor and shall be liable to a fine not to exceed \$2,000.00. Each day~~
 1914 ~~any such violation occurs shall constitute a separate offense. Any person, firm, or~~
 1915 ~~corporation who violates any of the provisions of this Chapter or any permit, or fails to~~
 1916 ~~comply therewith, or who shall violate or fail to comply with any order or regulation made~~
 1917 ~~hereunder, or who shall build any project or facility in violation of any detailed statement of~~
 1918 ~~specification or plans submitted and approved hereunder, or any certificate or permit issued~~
 1919 ~~hereunder, shall, for each and every violation and noncompliance respectively be deemed~~
 1920 ~~guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed~~
 1921 ~~\$2,000 or the appropriate legal maximum as determined by statute. Each and every day that~~
 1922 ~~such violation and/or noncompliance shall exist shall be deemed a separate offense. In case~~
 1923 ~~any person, firm, or corporation violates any of the provisions of this Chapter or any permit~~
 1924 ~~or fails to comply therewith, the city, in addition to imposing the penalties above provided~~
 1925 ~~may institute any appropriate action or proceedings in court to prevent, restrain, correct, or~~
 1926 ~~abate or to prevent any illegal act, conduct, business, or use in or about any land, and the~~
 1927 ~~definition of any violation of the terms of this chapter or any permit as a misdemeanor,~~
 1928 ~~shall not preclude the city from invoking the civil remedies given it by law in such cases,~~
 1929 ~~but same shall be cumulative of and in addition to the penalties prescribed for such~~
 1930 ~~violation.~~

1931 (c) The owner or owners of any land, building or structure, or part thereof, where anything in
 1932 violation of this ~~article~~ Chapter or any permit shall be placed or shall exist, and any person
 1933 employed in connection therewith and who assists in the commission of such violation,
 1934 shall be guilty of a misdemeanor and shall be liable to a fine not to exceed \$2,000.00.

1935 (d) Nothing herein contained shall prevent the city from taking such other lawful action as
 1936 necessary to prevent or remedy any violation of this ~~article~~ Chapter or any permit.

1937

1938 **Secs. 107-443—107-459. Reserved.**

1939

1940 {Amendments to Chapter 107 Zoning, Article V. Administration and Enforcement, Division 3.
 1941 Board of Adjustment, Sec.107-491 Special Exception to add a special exception for 75-greenbelt
 1942 reduction}

1943

DIVISION 3. BOARD OF ADJUSTMENT

DRAFT

Sec. 107-491.- Special exceptions

- (a) The board of adjustment may, in a specific case, where the board of adjustment makes the findings required under subsection (c) herein, grant the following special exceptions from the requirements of this division:
- (1) Permit the reconstruction of a nonconforming building or structure that has been damaged by fire or other cause;
 - (2) Permit the enlargement or extension of a nonconforming use or nonconforming building upon the lot occupied by such use or building at the time of the passage of this division;
 - (3) In undeveloped sections of the city, grant temporary and conditional permits for not more than two years, provided that the grant of a temporary or conditional permit shall not be reason or cause for extension of such permit;
 - (4) Permit such modifications of yard, open space, lot area, or lot width regulations as may be necessary to improve a parcel of land, if the parcel is of such restricted size that it cannot be appropriately improved without such modification; or
 - (5) Permit a public utility or public service building of a ground area or height at variance with those provided for the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.
- (6) Permit a reduction or modification in the 75-foot setback requirements of Section 107-108(a) and/or the 75-foot greenbelt requirements of Section 107-109(a), provided that:
- a. In addition to the notice and hearing required under Subsection 107-494(a), the board of adjustment shall conduct a public hearing on the application to consider public comment and any alternative to the proposed application. The public hearing required by this subsection shall be held no less than 30 days prior to the date of any hearing at which the board of adjustment will consider action on the application. Upon the decision of the board of adjustment or upon request of the applicant, the board of adjustment may recess such public hearing, from time to time, to consider any alternative proposal. In the event the Applicant requests the board of adjustment to consider an alternative proposal, notice of the alternative proposal shall be given in the manner required by Subsection 107-491(a), and the hearing on the alternative proposal shall be set no less than 30-days prior to the date notice is given; and
 - b. The board of adjustment finds all of the following:
 - (i) The lot to be developed has no existing 75-foot greenbelt or the existing greenbelt is less than the required 75-feet;
 - (ii) The proposed alternative, as compared to the existing development, mitigates the impact of the existing development upon adjacent residential properties and/or improves to the greatest extent practicable the buffering of the adjacent residential properties, and preserves or enhances existing landscaping to the greatest reasonable extent;

- 1983 (iii) The proposed alternative, as compared to the existing development, is consistent
 1984 with and promotes the recommendations and policies within the city's
 1985 comprehensive plan;
- 1986 (iv) The proposed alternative enhances the site, as compared to the existing
 1987 development, without detriment to the adjacent residential properties, and
 1988 therefore, the overall environment of the city; and
- 1989 (v) The proposed alternative if granted will not have a detrimental impact on any
 1990 adjacent properties.
- 1991 (b) The board of adjustment may grant such other special exceptions as may be provided for
 1992 elsewhere in this division, subject to the terms and conditions therein set out.
- 1993 (c) Prior to granting a special exception, the board shall make a finding that it is empowered
 1994 under this chapter to grant the special exception, that the public convenience and welfare will
 1995 not be substantially or permanently injured in the granting of the special exception, and that
 1996 the grant of the special exception will not adversely affect the public health, convenience,
 1997 safety or general welfare.
- 1998 (d) In granting a special exception, the board of adjustment may prescribe appropriate conditions
 1999 and safeguards in conformity with this division.
- 2000 (e) The board of adjustment shall prescribe a time limit within which the action for which the
 2001 special exception is required shall be begun or completed, or both. Failure to comply with the
 2002 time limits set by the board shall void the special exception.

DRAFT

- (3) This section does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this section if it is determined by the City Administrator or his/her designee that it creates a nuisance or a potential safety hazard.

(c) Exemptions. The following are exempt from the provisions of this section:

- (1) publicly maintained traffic control devices;
- (2) street lights installed prior to the effective date of this section;
- (3) temporary emergency lighting (fire, police, repair crews);
- (4) lighting fixtures and illumination requirements imposed by TxDOT within TxDOT rights-of-way (ROW);
- (5) moving vehicle lights;
- (6) navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by State or Federal law;
- (7) signs and associated lighting that conform to the city's sign regulations in Chapter 24;
- (8) seasonal decorations with lights in place no longer than sixty (60) days; and
- (9) other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time construction);

(d) General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this section:

- (1) Lighting must be shielded and aimed downward so as to ensure that the illumination is only pointing downward onto the ground surface or into the building. ~~No outdoor lighting fixture shall permit light to shine off the property on which it is installed.~~ **CONTRADICTS 25 FC LIMIT BELOW**
- (2) The source of the light (the light bulb, light emitting diode, or any other light emitting device), a refractive or non-refractive lens cover, or reflector shall not be visible in a direct line of sight from any other property or public right-of-way.
- (3) Lighting must have a color temperature of no more than 3000 Kelvins (K).
- (4) ~~For properties other than automotive service stations, the maximum allowable intensity of lighting shall be 0.25 footcandle measured at the lot line. For automotive service stations and other fueling facilities, the maximum allowable intensity shall not exceed 10.0 footcandle in the area surrounding pump islands. Canopy lighting shall be recessed into the canopy, and neither canopy lighting nor overhead lighting shall trespass onto any other property.~~ **LTG LEVEL FOR SERVICE STATIONS AT LOT LINE NOT GIVEN AS DRAFTED.**
- (5) Any lighting to illuminate parking lots, buildings, or other structures shall not exceed the height of such buildings or structures, if attached thereto, or, if pole-mounted, a height of 24 feet. ~~All lighting shall be installed in a manner which directs or shields the light away from nearby dwellings.~~

TO TOP OF FIXTURE. IMPRECISE. FIXTURE TYPE & LT LEVEL AT LOT LINE IS PRECISE.

DRAFT

UNDEFINED

- 803 (6) Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure
 804 adequate safety, night vision, and comfort, and not create or cause excessive glare onto
 805 adjacent properties or public street rights-of-way.
- 806 (7) Outdoor uplighting is prohibited except in cases where the fixture is shielded by a roof
 807 overhang or similar structural shield and a licensed architect or engineer has stamped a
 808 prepared lighting plan that ensures that the light fixtures will not cause light to extend
 809 beyond the structural shield. For spotlights and floodlights mounted overhead on poles
 810 and used for area lighting, the axis of illumination shall be adjusted to an angle not more
 811 than 20 degrees from the vertical line between the fixture and the ground. For spotlights
 812 and floodlights mounted at or near ground level and used to light a building, or other
 813 structure, the axis of illumination shall be adjusted to minimize the amount of light
 814 escaping above, below, and to the sides of the illuminated object.
- 815 (8) The aggregate total of outdoor lighting on any property shall not exceed 25,000 lumens
 816 per acre or equivalent thereof for lots of less than an acre.
- 817 (9) ~~For any location or structure not specified in paragraphs (1) through (8) above, the~~
 818 ~~Building Official shall set acceptable levels of illuminance upon request based on~~
 819 ~~guidelines established by the Illuminating Engineering Society of North America~~
 820 ~~(IESNA).~~ **VAGUE & BLDG OFFICIAL ISN'T QUALIFIED.**
CONFLICTS WITH LATEST ENERGY CODE.
- 821 (10) No light or illumination that flashes, moves, scrolls rotates, scintillates, blinks, flickers,
 822 varies in intensity or color, or uses intermittent electrical pulsations is permitted, **EXCEPT AS REQUIRED BY IECC.**
- 823 (e) Submittals. Applications for all building permits for new construction or redevelopment,
 824 including the installation of outdoor lighting fixtures, shall provide proof of compliance with
 825 this section. The submittal shall contain the following information as part of the permit
 826 application:
- 827 (1) plans indicating the location, type, and height of lighting fixtures including both building
 828 mounted and ground mounted fixtures;
- 829 (2) a description of the lighting fixtures, including lamps, poles or other supports and
 830 shielding devices, which may be provided as catalog illustrations from the manufacturer;
- 831 (3) photometric data, which may be furnished by the manufacturer, showing the angle of
 832 light emission;
- 833 (4) detailed site lighting plan illustrating the footcandle power measured throughout the site;
- 834 (5) a certification by an engineer registered in the state as conforming to applicable
 835 requirements of this code, and
- 836 ~~(6) additional information as may be required by the Building Official in order to determine~~
 837 ~~compliance with this section.~~ **SUBJECT TO MAKE. NAIL DOWN REQ'TS.**
- 838 (f) Enforcement. The city shall have the power to administer and enforce the provisions of this
 839 Section, as provided in this code. Any violation of this Section is hereby declared to be a
 840 nuisance. A civil penalty of up to \$2,000 for each day a violation occurs may be assessed
 841 when it is shown that the defendant was actually notified of the provisions of this article and
 842 after receiving notice failed to take action necessary for compliance with this article.

Recommended Changes to Rollingwood Tree Maintenance Ordinance from the CRCRC.

Based on the strong support in the survey (question 15) for maintaining the tree canopy in Rollingwood (74% said maintaining the tree canopy had either high or very high priority). When asked whether they thought the current tree ordinance was adequate to this task (question 16), 51% of respondents said “yes”. However, in the comments from those “yes” votes, many were either uncertain what the current tree ordinance stated and/or had not any occasion to refer to the ordinance for recent tree work on their property.

Based on these survey results, the CRCRC had made the following recommendations to strengthen the current tree ordinance to make it more effective in maintaining the current tree canopy and try to keep the “wood” in Rollingwood of our beautiful city. Exact proposed wording or specific change is in green.

1. Change the name of Article II, Division 10, Subdivision 2 to “Residential Landscape and Tree Canopy Management.”
2. Introduce the concept of xeriscape landscaping into the ordinance, with some suggestions to use native and adapted low water use plants, and drought tolerant turf grasses for lawns. (no regulations, only education) “Landscape: Because the city experiences frequent drought conditions, low water demanding landscapes (Xeriscapes) are encouraged by using native and adapted low water use plants from the Austin Grow Green Guide (https://services.austintexas.gov/watershed_protection/publications/document.cfm?id=198301). Consideration should also be given to planting turfgrass on less than 50% of the total landscaped areas, with that turf grass preferably having summer dormancy capabilities such as Buffalo grass, Zoysia grass, or non-seeding varieties of Bermuda grass.” Section 107-369 (a): Purpose
3. Insert a definition for a “heritage tree” category into ordinance for those trees 24 inches in diameter measured 4 ½ feet above natural grade. “A heritage tree means a tree that has a diameter of 24 inches or more, measured four and one-half feet above natural grade, and is one of the protected species.” (Sec 107-371 Subdivision b- 2) (see addendum A- list of protected species)
4. Change the criteria for planting alternatives to protected species (from the utility setback tree list) to limit it to only protected trees removed from areas 20 feet from a utility line. In other words, a protected species removed from setbacks, right of way and buildable area must be replaced with a protected species, if not removed from the 20 ft utility setback area.” For protected trees removed from within 20 feet of an above-ground power, cable, or telephone line the following species can be used for replacement: These species CANNOT be used to replace a protected tree removed from areas that are not 20 feet from an above ground power cable, or telephone line.” Sec 107-369 (c)-2 (see Addendum B Replacement species list for trees planted 20ft from utility lines.)
5. Adding a definition for Critical Root Zone (CRZ) that is area around tree trunk with a radius of one foot for every inch of diameter. “Critical Root Zone (CRZ) means an area around the trunk with a radius of one foot for every inch of trunk diameter. No construction or disturbance shall occur within an area that constitutes more than (50%) of the total critical root zone, and one half the radial distance of the CRZ for each tree being preserved as a protected tree or heritage tree.” Sec 107-369 (g).
6. Redefine the definition of “city arborist” used 13 times in the current ordinance indicated to review, approve, and implement all tree removal permits. The definition of “City Arborist” used throughout would be amended to include a city official. “City Arborist means an ISA certified

- arborist, OR an administrator or designated officer of the city appointed by the city council to perform the duties of the “city arborist” when a certified arborist is not available.” Sec 107-369 (e).
7. Remove Sections (d) and (e) of Section 107-372 as we believe all protected trees and heritage trees removed from a lot should be replaced on that lot unless a variance is obtained to replant elsewhere. 107-372 (d) and (e).
 8. Removal of Heritage trees would require a separate “Heritage Tree Removal Permit” that can only be approved by a majority vote of the city council. 107-373 (a).
 9. Protected trees (12–24-inch diameter) removed from the buildable area must be replaced by one protected species tree. “Replacement of a Heritage tree removed from the buildable area, with City Council approval, must be replaced with one tree 6 inches in diameter, or more, for every 12 inches in diameter of the removed tree. For example: 24 inches = 2 six-inch diameter trees, 36 inches = 3 trees, etc. to be replaced.
 10. **Multi-trunk Trees:** To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk, **at 4 ½ feet above natural grade.**
 11. If a protected or heritage tree straddles the boundary between setback line and buildable area line, it shall be considered removed from the setback area if 25% or more of the trunk diameter is in the setback area. Sec 107-375 (c).
 12. An application for a tree removal permit must include a tree survey that shows all trees that are at least 12 inches in diameter 4 ½ feet above natural grade **and indicate the Critical Root Zone of these trees as well.** Sec 107-376 (a)-1.
 13. Inserted statement that “the site plan and project design will preserve the existing natural character of the landscape and the retention of protective trees as much as possible” This statement inserted into Purpose” Section of Sec 107-369.
 14. Change the maximum number of replacement trees from “7” to “unlimited”, no matter what the size of the lot. See section 107-375 (h).
 15. Change the requirement for **replacement of protected trees removed from the setback areas to 2 replacement trees for each removed.** (Currently it is 3:1.) Sec 107-375 (a).
 16. Development application requirements must include a tree survey indicating the location of all protected and heritage trees together with their CRZ. A protection plan must be submitted for these trees to include evidence that sufficient care must be demonstrated to ensure survival of these protected trees, including adequate watering before and during construction. Sec 107-376 (a)-1
 17. All replacement trees must survive for at least three years, and the city arborist or other suitable city employee (see item #6) shall keep tract of these replacements, so that at 3 years post planting their survival and health can be assessed. Sec 107-378 (d).
 18. Section 107-380 requires all vendors doing tree trimming, removal, or demolition, to have an annual permit to do so from the city secretary. **The city website should be amended so that residents can easily access the up-to-date list of approved and permitted tree service vendors and how a preferred vendor can obtain a no cost permit from the city.** Sec 107-380.
 19. The CRCRC strongly supports a program to plant “commemorative trees” on city property, especially parks, where the cost would come through citizen donations. This program is under consideration by the Parks Commission.

20. The CRCRC also supports a proposal that was very strongly supported in the survey (question 17, 85% said “yes”) to consider a plan sponsored by the city, or private donations, to plant additional trees, with owner approval, in public ROW. The CRCRC did not include any proposed changes to the current ordinance, to accommodate this proposal, and will investigate further the practical and legal ramifications of this idea and present it later.

ADDENDUM A:**Sec. 107-371. - Definitions.**

In this subdivision:

Protected species means:

(1)

Ash, Texas

(2)

Cypress, Bald

(3)

Elm, American

(4)

Elm, Cedar

(5)

Madrone, Texas

(6)

Maple, Bigtooth

(7)

All Oaks

(8)

Pecan

(9)

Walnut, Arizona

(10)

Walnut, Eastern Black

ADDENDUM B:

Replacement species means:

For trees planted within 20 feet of an above-ground power, cable, or telephone line:

a.

Anacacho Orchid Tree

b.

Common Tree Senna

c.

Crape Myrtle (dwarf)

d.

Desert Willow

e.

Evergreen Sumac

f.

Eve's Necklace

g.

Flameleaf Sumac

h.

Goldenball Leadtree

i.

Mexican Buckeye

j.

Mexican Plum

k.

Possumhaw Holly

l.

Rough Leaf Dogwood

m.

Texas Mountain Laurel

n.

Texas Persimmon

o.

Texas Pistache

p.

Texas Redbud

q.

Wax Myrtle

r.

Yaupon Holly

s.

Cherry Laurel

Q15 - How much of a priority to you are the trees in Rollingwood on a scale of 1 to 5, with 5 being the highest priority?

- 114 @ 5 - Highest Priority
- 89 @ 4
- 46 @ 3
- 11 @ 2
- 13 @ 1 - Lowest Priority

Q16 - Is our current tree ordinance doing enough to save protected and Heritage trees?

CRCRC Conclusions: The responses to question 15 were highly positive to the idea of preserving, maintaining, and enhancing the tree canopy in Rollingwood. Although many thought the present tree ordinance was doing enough to protect the tree canopy, many were uncertain of what the tree ordinance does to accomplish that result and were open to changes in the ordinance that would strengthen protection of our current tree canopy. The CRCRC believes the current ordinance can be modified and enhanced to better save protected species and especially "Heritage" trees (those on the protected species list with diameters greater than 24 inches). The CRCRC believes the community supports those changes if they can be done without creating onerous restrictions on house renovation and new construction by owners.

Following summaries provided by ChatGPT:

Yes (51%)

Respondents exhibit diverse perspectives on tree ordinances. Some individuals, uncertain about the details, express a positive inclination toward tree preservation, using "yes" as a placeholder. Others claim unawareness of any issues with the existing tree ordinance. Balancing appreciation for trees with uncertainty about restricting property owners' rights, some emphasize the need for equilibrium. Inconsistencies in enforcement are noted, with suggestions for enhanced monitoring and inspections, recognizing associated costs. Critiques are raised about survey requirements for various projects, citing concerns about increased expenses for homeowners. Support for ongoing evaluation is voiced, along with an appreciation for the uniqueness of Rollingwood compared to the City of Austin. There's also strong criticism of the perceived excessiveness of the tree ordinance, particularly the financial burden imposed by mandatory tree replacements. Additionally, concerns are expressed about misconceptions regarding tree benefits, advocating for nuanced considerations such as addressing overcrowding and disease. The responses collectively paint a nuanced picture, reflecting varying sentiments on issues related to tree preservation and ordinances.

No (40%)

Inconsistent Enforcement:

Concerns are raised about inconsistent enforcement, with enforcement seeming to rely on homeowner self-reporting. There's frustration over spending time and money to follow the code while watching neighbors disregard it. Builders appear undeterred.

Support for Tree Preservation:

Strong support for tree preservation, emphasizing the importance of saving trees despite the challenges associated with construction. The character and beauty of Rollingwood, especially heritage trees, are deemed vital.

Irrigation and Mitigation Enforcement:

Suggestions include requiring irrigation for heritage trees during construction and enforcing tree mitigation more rigorously. Concerns are expressed about trees planted during the permit process but left to die without proper care.

Issues with Heritage Tree Definition:

Criticism is voiced regarding the lack of a clear definition for heritage trees in the code. The replacement process, involving permits for 12" diameter trees, is seen as problematic, with a capped maximum for replacement trees.

Flexibility and Reasonableness in Ordinance:

Advocacy for a level of reasonableness in the tree ordinances is emphasized, considering factors like sloped lots and power lines that affect tree placement. Flexibility in planting replacement trees is sought, especially for lots facing significant hardship due to natural events.

Challenges with Tree Loss and Disease:

Challenges related to tree loss due to factors like oak wilt, ice storms, and wind storms are highlighted. Keeping up with nature's destruction is acknowledged as a significant difficulty.

Concerns about Developer Actions:

Criticism is directed at developers who clear-cut lots and replant smaller trees, potentially diminishing the value and character of Rollingwood. The need for efforts to preserve and protect native trees is emphasized.

Lack of Enforcement and Regulatory Gaps:

Expressions of doubt about the effectiveness of current enforcement mechanisms are shared. Concerns are raised about the absence of building limits based on tree size, health, and age. There's a call for better oversight and exploration of alternatives to cutting trees during construction.

Blank (9%):

Respondents generally lack specific knowledge about the current tree ordinance, with uncertainty prevailing regarding its details. Despite this, there is an overall positive sentiment toward trees, viewed as valuable assets for the community. Concerns arise over the practice of clearing large lots for larger homes, indicating a perceived need for enhanced tree protection measures. Criticisms are directed at the question's wording and insufficient information, hindering informed responses. Respondents call for additional details on the current tree ordinance, believing that more information would facilitate the formation of well-informed opinions. The protection of Heritage trees emerges as a consistent theme, with respondents expressing the importance of safeguarding these trees, even in the absence of comprehensive knowledge about the existing ordinance.

Q17: Should we consider a plan sponsored by the city, or private donations, to plant additional trees, with owner approval, in public ROW?

CRCRC Conclusions: There is very strong support in the community for a program to support planting of trees in parks and possibly right of ways. CRCRC is supportive of this idea but has not included a program to accomplish this in the current tree ordinance revisions. This idea may be developed later and perhaps in conjunction with other city committees such as Parks and Recreation.

Yes (80%)

The responses reflect a generally positive attitude toward the idea of planting more trees in Rollingwood, with various reasons and considerations mentioned:

Park Area Enhancement:

A specific desire is expressed for more trees in the park area between the park and the pool.

Acknowledgment of Tree Growth Time:

While recognizing that trees take a long time to grow, there is an overall sentiment favoring extensive tree planting.

Community Programs for Tree Planting:

Mention is made of successful programs in other areas where residents were offered the opportunity to purchase and plant trees with city support.

Concerns about Safety and Visibility:

Some respondents express support for tree planting, as long as it does not compromise safety by obstructing visibility at intersections or shedding branches into streets.

Private Donations and Owner Approval:

Support for tree planting is extended to private donations, and some respondents emphasize the importance of owner approval for such initiatives.

Cleanup and Maintenance:

Suggestions include a cleanup of right-of-way areas and attention to creeks and green belts, emphasizing the need for maintenance along with new plantings.

Consideration for Power Lines and Frost Exposure:

The positive view of tree enhancement comes with a note of consideration for factors like power lines and frost exposure.

Support for the Environmental Aspect:

The broader sentiment is that more trees contribute to the beauty and environmental health of Rollingwood.

Budget Considerations:

While many express support, there are mentions of the need to consider budget constraints and ensure cost-effectiveness.

Focus on Native Trees:

Several responses highlight the importance of planting native trees and following a strategic plan for mature tree placement.

In summary, the majority of responses endorse the idea of planting more trees, with considerations for safety, community programs, maintenance, and a preference for native species.

No (17%)

The responses to the idea of having the city plant more trees in public spaces, particularly in the right-of-way (ROW), vary. While there is general support for increasing the number of trees in Rollingwood, some concerns and considerations are raised:

Positive Responses:

- Many respondents express enthusiasm for more trees, emphasizing the aesthetic and environmental benefits they bring to the community.
- Some suggest implementing programs similar to other cities where residents can participate in tree planting initiatives.

Concerns and Considerations:

- Several respondents highlight the need for caution to avoid impairing views and infringing on property owners' rights.
- Concerns are raised about potential safety issues, such as restricting sightlines at corners or shedding branches into streets.

- Some respondents propose focusing on preserving existing trees before introducing new plantings.
- The impact on visibility and utility access is mentioned as a consideration, with suggestions for responsible planting.

Specific Suggestions:

- Recommendations are made to prioritize private donations or owner approval for tree planting initiatives.
- Some suggest addressing existing overgrowth issues and cleaning up certain areas before introducing more vegetation.
- There's a call for a strategic plan to shade streets with mature trees and possibly burying power lines.

Enforcement and Regulation:

- Concerns are voiced about the lack of enforcement and adherence to tree protection during construction, suggesting the need for a landscape fund and strict regulations.

Blank (3%)

The responses express a range of opinions on the idea of the city planting more trees in public right-of-way (ROW) areas:

Financial Considerations:

There is reluctance to raise taxes, with a preference for shifting the responsibility and cost onto builders and new homeowners. The sentiment is to make those who don't reside in the area bear the financial burden.

Support for Environmental Culture:

Some respondents express support for the idea of the city promoting a culture of protecting, planting, and fostering trees and native landscapes. They believe that influencing such a culture could eventually impact those choosing to build in the area positively.

Uncertainty due to Lack of Information:

Several respondents express uncertainty or a lack of information regarding the concept of planting more trees in public ROW areas. They indicate a need for more details or clarification to provide a more informed response.

In summary, opinions range from financial considerations and pushing costs onto builders to supporting the development of a pro-environment culture in the community. There is also a common theme of needing more information for a comprehensive evaluation of the idea.

Zoning Board of Adjustment

- LGC Sections 211.008-211.011
- Decide appeals from a decision of an administrative official regarding the Zoning Ordinance
 - May reverse, affirm, or modify an administrative official's order, requirement, or decision
- Authorize a variance, if:
 - Public interest is served;
 - Substantial justice is achieved; and
 - Unnecessary hardship would otherwise result.
- Decide other matters authorized by ordinance (Special Exceptions, etc.)

What the Board of Adjustment CAN do

- Interpret the Zoning Ordinance and how to apply the facts
- Grant special exceptions when authorized by an ordinance
- Grant variance that will:
 - Not be contrary to public interest
 - Where due to special conditions literal enforcement would result in unnecessary hardship
 - So that the spirit of the ordinance is observed, and substantial justice is done
- Board of Adjustment is the escape valve for the Zoning Ordinance when land does not fit ordinance mold

Special Exceptions

- Special exceptions must be specifically set forth and be found in the ordinance provisions themselves.
- Ordinance should include a procedure for processing and granting special exceptions.
- Criteria for evaluating special exceptions should be included in the ordinance. Criteria does not have to require an unnecessary hardship.
- Special exceptions can be used as a relief valve for regulations where the City wants the ability to grant relief or alternative compliance.
- Special exceptions cannot create an incompatibility.

Special Exception Examples

- Reduce required off-street parking if it can be shown that the required minimum as herein established will not at any time be necessary because of the character of the proposed uses at a probable limited quantity of employees, clients, customers or tenants.
- Permit such modification of the height, yard, area, coverage, and parking regulations as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
- Reduce, substitute, or allow alternative screening and buffering between districts when the proposed alternative provides equal or greater mitigation of nuisances created by the non-residential or multi-family development and result in an equal or greater level of compatibility between the uses.

Variance vs. Special Exception

- Variances have been defined as suspensions of the literal enforcement of the ordinance against a particular use. Therefore, a variance is a permission to use land in a manner prohibited by the ordinance, while a special exception allows a deviation from the ordinance that is specifically provided for in the ordinance.
- A variance may be granted where the application of the law or use may present a practical difficulty or unnecessary hardship, and the literal enforcement of the regulations may be disregarded.
- Special exception must be specifically set forth and be found in the ordinance provisions themselves and may not be altered.
- Special exceptions and variances are not mutually exclusive, and it is possible for relief requests to qualify for both processes.