Notice of Meeting of the City Council of the City of Georgetown, Texas August 11, 2026

The Georgetown City Council will meet on August 11, 2026 at 2:00 PM at Council and Court Building, 510 W. 9th Street.

The City of Georgetown is committed to compliance with the Americans with Disabilities Act (ADA). If you require assistance in participating at a public meeting due to a disability, as defined under the ADA, reasonable assistance, adaptations, or accommodations will be provided upon request. Please contact the City Secretary's Office, at least three (3) days prior to the scheduled meeting date, at (512) 930-3652 or City Hall at 808 Martin Luther King Jr. Street, Georgetown, TX 78626 for additional information; TTY users route through Relay Texas at 711.

Policy Development and Discussion - Workshop

1.A Employee Recognition - Years of Service - July 2026
Presentation and recognition of the Years of Service and the value which the City of Georgetown Employees add to the organization, presented to those who have served at intervals of five years from the anniversary month in which they started -- David Morgan, City Manager, and City Council

1.B City Manager Proposed Fiscal Year 2027 Budget
Presentation and discussion regarding the FY2027 City of Georgetown proposed budget and tax rate -- David Morgan, City Manager

1.C RideGTX Update
Presentation, update, and discussion regarding rideGTX -- Nat Waggoner, PMP, AICP, Transportation Planning Coordinator

1.D Electric and Fire Code Updates
Presentation and discussion regarding the National Electric Code and National Fire Code -- Glen Holcomb, Building Official, and Daniel Bilbrey, Deputy Fire Marshal

Executive Session

In compliance with the Open Meetings Act, Chapter 551, Texas Government Code, Vernon's Codes, Annotated, the items listed below will be discussed in closed session and are subject to action in the regular session.

2.A Executive Session 08.11.2026
Sec. 551.071: Consultation with Attorney
Advice from the attorney about pending or contemplated litigation and other matters on which the attorney has a duty to advise the City Council, including agenda items.
- Litigation Update

- Georgetown Salamander

Sec. 551.074: Personnel Matters

- Municipal Court Judge

Sec. 551.087: Deliberation Regarding Economic Development Negotiations

- Wolf Lakes

Regular Session - This portion of the meeting will begin no earlier than 6:00 pm.

3.A Call to Order 08.11.2026

Pledge of Allegiance

Recognitions

Actions out of Executive Session

Public Wishing to Address Council

On a subject that is posted on this agenda: Please fill out a speaker registration form which can be found on the table at the entrance to the Council Chamber. Clearly print your name and the letter of the item on which you wish to speak and present it to the City Secretary on the dais, prior to the start of the meeting. You will be called forward to speak when the Council considers that item. Only persons who have delivered the speaker form prior to the meeting being called to order may speak. Speakers will be allowed up to three minutes to speak. If you wish to speak for six minutes, it is permissible to use another requestor's granted time to speak. No more than six minutes for a speaker may be granted. The requestor granting time to another speaker must also submit a form and be present at the meeting.

On a subject not posted on the agenda: An individual may address the Council at a regular City Council meeting by contacting the City Secretary no later than noon on the Wednesday prior to the Tuesday meeting, with the individual's name and a brief description of the subject to be addressed. Only those persons who have submitted a timely request will be allowed to speak. Speakers will be given up to three minutes to address the City Council. The City Secretary can be reached at (512) 931-7715 or cs@georgetown.org.

4.A Public Wishing to Address 08.11.2026

- At the time of posting no one had signed up to speak.

Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items which may be acted upon with one single vote. An item may be pulled from the Consent Agenda in order to be discussed and acted upon individually as part of the Regular Agenda.

5.A Council Minutes 07.28.2026

Consideration and possible action to approve the meeting minutes of the City Council meeting held on July 28, 2026 -- Robyn Densmore, City Secretary

5.B Noble as GTEC Chair

Consideration and possible action to appoint Doug Noble as the Chair of the Georgetown Transportation Enhancement Corporation (GTEC) -- Mayor Josh Schroeder

5.C Resolution - ETJ Disannexation - C5 Revocable Living Trust
Consideration and possible action to approve a Resolution to confirm the disannexation of approximately 123.83 acres of land from the City of Georgetown's Extraterritorial Jurisdiction (ETJ), identified as Williamson County Appraisal District Parcels R485197 and R039194 and owned by the Angela Wren Hawes Cummings and Michael Ray Cummings, Trustees of the C5 Revocable Living Trust -- Michael Charles, Real Estate Services Coordinator

5.D Resolution - Pole Attachment Policy Updates
Consideration and possible action to approve a Resolution establishing the Electric Utility Pole Attachment Policy -- Alex Spinn, Electric Design Supervisor

5.E Resolution - Electric Service Agreement with CitiGroup
Consideration and possible action to approve a Resolution authorizing the City Manager to approve the Electric Service Agreement between CitiGroup and the City of Georgetown -- Victoria Sirimarco, Customer Energy Solutions Program Manager

5.F Annual Sales Tax Use Certification
Consideration and possible action to approve the annual sales tax use certification requirement for the Texas Property Tax Code -- Randi Cormack, Budget Manager

5.G Rejection of Bids ITB 2026-57
Consideration and possible action to reject all bids received for ITB # 2026-57 for Electric Overhead & Underground Construction and Maintenance Services -- Veronica Ferriz, Senior Buyer

5.H TxDOT Grant - Purchase of 29+ Acres at 350 Serenada Drive
Consideration and possible action to approve a Resolution documenting the City's support and acceptance of a grant from the Texas Department of Transportation for the purchase of 29.156 acres located at 350 Serenada Drive -- Matthew Sommerfeld, Airport Manager, and Eric Johnson, Public Works Director

5.I Texas Commission on the Arts for a Performance Support Grant Application
Consideration and possible action to approve a grant application to the Texas Commission on the Arts for a Performance Support Grant to provide partial funding for the performance of the Central Texas Philharmonic at the Autumn Art Stroll and designate authority to Amanda Still to submit the grant application -- Kim Mcauliffe, Director of Downtown and Tourism Director and Amanda Still, Arts and Culture Program Manager

5.J DecorIQ Contract
Consideration and possible action to approve a contract with DecorIQ for the leasing, installation, and maintenance of the 2026 holiday lights, the installation and maintenance of the building cornice lights, and the installation, and removal of the holiday wreaths, tree, freestanding ornaments, free standing giftbox, and red gate walk-through through the Buyboard Contract #735-24 in the amount not to exceed

$185,140.15 -- Kim McAuliffe, Downtown & Tourism Director

5.K Purchase of UltraFLOC 322MV from USALCO
Consideration and possible action to approve a one-year contract with USALCO of LaPorte, TX for UltraFLOC 322MV in an amount not-to-exceed $323,718.00 -- Chelsea Solomon, PE, Water Utility Director

5.L Contract for Construction of Station No 1 Renovation and Addition
Consideration and possible action to approve Crossland General Construction for construction services associated with the Renovation and Addition of Fire Station No. 1 in the amount of $6,642,000.00 -- Jennifer Bettiol, CIP Manager, Public Works

5.M Contract for Construction of Electric Covered Equipment and Laydown Space
Consideration and possible action to approve the Contract for Construction of the Georgetown Municipal Complex Electric Equipment and Laydown Space with Trimbuilt Construction in the amount of $ 424,982.00 -- Jennifer Bettiol, CIP Manager Public Works

5.N Ratification for Berry Creek Dr. and Briarcrest Dr. Roadway Emergency Repairs
Consideration and possible action to ratify the expenditure of $188,850.00 with Joe Bland Construction for Berry Creek Emergency Repairs -- Wesley Wright, P.E., Systems Engineering Director, and David Herzog, CIP Manager

5.O Construction Contract with G2 Company for 1000 CR 409 Taylor Site Demo
Consideration and possible action to award a construction contract for the 1000 CR 409 Taylor, TX Site Structure Demolition and Site Clean Up Project to G2 Company out of Austin, TX in the amount of $130,775.00 -- Wesley Wright, PE, Systems Engineering Director and David Herzog, CIP Manager

5.P Task Order with LJA Engineering Inc. for Real Estate Services - Ridge Line Blvd. Extension Phase 1 Project
Consideration and possible action to approve Task Order LJA-26-001 with LJA Engineering, Inc., in the amount Not-To-Exceed $107,800.00 for Real Estate Services related to acquisition and relocation services (maximum of eight (8) properties to acquire fee simple right of way; two (2) potential business relocations and one (1) single family residential relocation) as part of the Ridge Line Blvd. Extension Phase 1 Project -- Juan Rodriguez, SR/WA, Real Estate Program Manager

5.Q Task Order KHA-26-002 Kimley-Horn Associates, Inc. to Design FM 1460 and Quail Valley Dr Intersection Improvements
Consideration and possible action to approve Task Order KHA-26-002 with Kimley-Horn Associates, Inc, for professional services related to the FM1460 and Quail Valley Dr. and High Tech improvements in the amount of $310,397.00 -- Wesley Wright, P.E., Systems Engineering Director, and David Herzog, CIP Manager

5.R Change Order No. 5 with STR Constructors for Garey Park Phase II Construction Improvements
Consideration and possible action to approve Change Order No. 5 to STR Constructors

LLC for Garey Park Phase 2 construction improvements in the total amount of $309,480.71 including ratification of $ $61,940.68 -- Eric Nuner, Acting Parks and Recreation Director

5.S Second Reading - Renaming of Capella Parkway to Clear Skies
Second Reading of an Ordinance to approve the renaming of Capella Parkway to Clear Skies Way from Lakeway Boulevard to the terminus of the street -- Lua Saluone, P.E., Transportation Manager

5.T Second Reading - 2026-2-SUP - Â 750 S. IH 35
Second Reading of an Ordinance on a request for a Special Use Permit (SUP) for the specific use of Permanent Mobile Food Vendor in the Local Commercial (C-1) and General Commercial (C-3) Zoning District on the property located at 750 South Interstate Highway 35, Georgetown, TX 78628, bearing the legal description of Lot 5B, Block B, of the Rivery Phase 1, Lot 5, Block B, Replat (2026-2-SUP) -- Preston Gunn, Planner

5.U Second Reading - UDC Adoption
Second Reading of an Ordinance for a proposed adoption of a new Unified Development Code to replace existing Development Code and repealing of conflicting ordinances -- Edgar I. Garcia, AICP, Director of Planning

Legislative Regular Agenda

6.A First Reading - 2026 Annual Service Plan Update to the Service and Assessment Plan with updated Assessment Roll for Parks at Westhaven PID
First Reading of an Ordinance approving the 2026 Annual Service Plan Update to the Service and Assessment Plan, including an updated Assessment Roll for Parks at Westhaven Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code -- Nick Woolery, Assistant City Manager, and Andrea Barnes, P3Works, LLC, City of Georgetown's PID Administrator

6.B First Reading - 2026 Annual Service Plan Update to the Service and Assessment Plan with Updated Assessment Roll for the Preserve at Water Oak PID
First Reading of an Ordinance approving the 2026 Annual Service Plan Update to the Service and Assessment Plan, including an updated Assessment Roll for the Preserve at Water Oak Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code -- Nick Woolery, Assistant City Manager, and Andrea Barnes, P3Works, LLC, City of Georgetown's PID Administrator

6.C Public Hearing and First Reading - Reinvestment Zone No. 2026-002
Public Hearing and First Reading of an Ordinance designating Reinvestment Zone No. 2026-002 -- Cameron Goodman, Economic Development Director

6.D First Reading - Electric Rate Ordinance Updates
First reading of an Ordinance amending the Electric Rate Ordinance (Chapter 13.04) -- Daniel Bethapudi, Electric Utility General Manager

6.E First Reading - Call for Election of Street Maintenance Sales Tax renewal
First Reading of an Ordinance ordering a Special Election to be held on November 3, 2026 for the purpose of seeking voter response to the proposition of "The Reauthorization of the Local Sales and Use Tax in the City of Georgetown, Texas, at the Rate of One-Fourth of One Percent to Continue Providing Revenue for Maintenance and Repair of Municipal Streets", providing for the City to contract with the Williamson County Elections Administrator to conduct said Election, making other provisions relating to the Election and providing an effective date – Robyn Densmore, City Secretary and Wesley Wright, Systems Engineering Director -- Robyn Densmore, City Secretary, and Wesley Wright, Director of Systems Engineering

6.F Set the Maximum Property Tax Rate for FY2027
Consideration and possible action to set the maximum tax rate and adopt the proposed 2026 (FY2027) property tax rate on a future agenda -- Randi Cormack, Budget Manager

6.G Set Public Hearing Date for Property Tax Rate
Consideration and possible action to set the date for the public hearing on the proposed 2026 (FY2027) property tax rate -- Randi Cormack, Budget Manager

Adjournment

Certificate of Posting

I, Robyn Densmore, City Secretary for the City of Georgetown, Texas, do hereby certify that this Notice of Meeting was posted at City Hall, 808 Martin Luther King Jr. Street, Georgetown, TX 78626, a place readily accessible to the general public as required by law, on the _____ day of _____, 2026, at _____, and remained so posted for at least three business days preceding the scheduled time of said meeting.

_____

Robyn Densmore, City Secretary

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Employee Recognition - Years of Service - July 2026

SUGGESTED ACTION:
Presentation and recognition of the Years of Service and the value which the City of Georgetown Employees add to the organization, presented to those who have served at intervals of five years from the anniversary month in which they started -- David Morgan, City Manager, and City Council

ITEM SUMMARY:
Recognition of the following employees for their dedicated service to the City of Georgetown. Five Years: Brian Rojas - Electric Utility; Charles Bowman - IT; Derrick Taylor - Finance; Linda Lam - Library; Michele Chambers - Library; Scott Parker - Finance; Ten Years: Michael Watson - IT; Fifteen Years: Cesar Salinas - Police; Christopher Saenz - Police; Laura Maloy - Human Resources; Twenty Years: Brandon Fonville - Parks & Rec; Twenty-Five Years: Aaron Swanzy - Police.

FINANCIAL IMPACT:
N/A

SUBMITTED BY:
Jessica Zamora, Human Resources and OD

ATTACHMENTS:
_July 2026 Years of Service Celebration (1).pdf

City of Georgetown
July 2026 Years of Service Celebration

Brian Rojas
Electric Utility

Charles Bowman
IT

Derrick Taylor
Finance

GEORGETOWN TEXAS

Celebrating 5 Years of Service

Linda Lam
Library

Michele Chambers
Library

Scott Parker
Finance

GEORGETOWN
TEXAS

Celebrating 5 Years of Service

Michael Watson

IT

GEORGETOWN TEXAS

Celebrating 10 Years of Service

Cesar Salinas
Police

Christopher Saenz
Police

Laura Maloy
Human Resources

GEORGETOWN
TEXAS

Celebrating 15 Years of Service

Brandon Fonville
Parks & Rec

GEORGETOWN
TEXAS

Celebrating 20 Years of Service

Aaron Swanzy
Police

GEORGETOWN
TEXAS

Celebrating 25 Years of Service

#LoveWhereYouWork

GEORGETOWN
TEXAS

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
City Manager Proposed Fiscal Year 2027 Budget

SUGGESTED ACTION:
Presentation and discussion regarding the FY2027 City of Georgetown proposed budget and tax rate -- David Morgan, City Manager

ITEM SUMMARY:

On August 11th, city staff will provide an overview of the proposed City of Georgetown FY2027 Budget and receive feedback and direction from the City Council. This is a follow-up session to the June 23rd 2026 City Council Workshop regarding the City of Georgetown FY2027 budget considerations. Discussion on the 2026 (FY2027) tax rate will also occur, providing direction to staff to finalize the FY2027 Annual Budget.

The proposed FY2027 Annual Budget will be available at the following link on 8/7/2026:
https://city-georgetown-tx-cleardoc.cleargov.com/27040/1111744/d

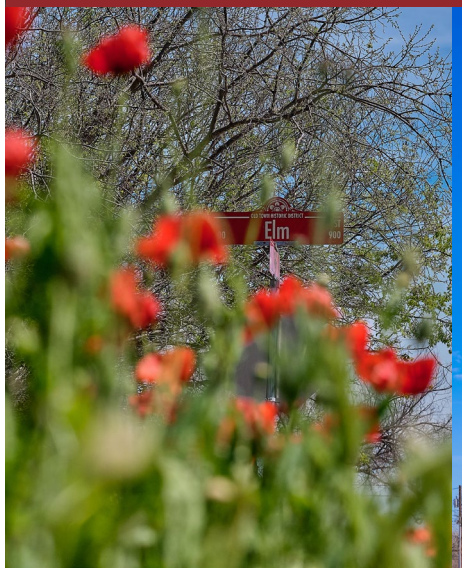
There are corresponding action items on the legislative session to set the maximum property tax rate the Council will consider, as well as set the date and time for the public hearing on the tax rate.

FINANCIAL IMPACT:
A financial overview will be included as part of the discussion.

SUBMITTED BY:
Aaron St Pierre, Finance/Purchasing

ATTACHMENTS:
Proposed- FY27 Budget -DM LW.pdf

FY2027 Budget and Capital Improvement Plan: Proposed Budget



FY2027 CITY MANAGER PROPOSED BUDGET

AGENDA

- Development of the FY2027 Budget and Major Themes
- General Fund
- Utilities
  - Water Utility
  - Electric Utility
  - Solid Waste
  - Stormwater drainage
- Capital Improvement Plans
- Other Budget Highlights
- Public Hearings and Adoption of the Budget and Tax Rate process

FY2027 CITY MANAGER PROPOSED BUDGET

CHANGES SINCE COUNCIL WORKSHOP

- Property tax rate changed using certified values; previous rate was a placeholder assumption; updates to General Fund and General Debt Service Fund
- The proposed budget shows a reduction from $1.5M to $1 in the projected FY26 General Fund transfer out to the Council Discretionary Fund that will occur during the Year End Budget Amendment
- Water Fund using available cash for the Georgetown Regional Water Initiative CIP projects and is issuing $21M less debt in the Fall FY2026 sale; projections are adjusted
  - Additionally, the SWIFT loan funding in FY2027 is broken out separate from revenue bond funding

FY2027 CITY MANAGER PROPOSED BUDGET

CHANGES SINCE COUNCIL WORKSHOP

- Facilities and IT Fund allocations have been updated to ensure consistent allocation methodology across funds. The allocations were reduced to align with the Joint Services allocation approach – credit available fund balance back to the paying fund/departments.
- Hillwood MUD projections for FY26 and budget for FY27 have been updated to more accurately reflect the property tax reimbursements in the General Fund, per the MUD's Chapter 552 Agreement.

FY2027 CITY MANAGER PROPOSED BUDGET

DEVELOPMENT OF THE FY2027 BUDGET AND MAJOR THEMES

- Key Themes
  - Public Safety Resource Investment
  - Strategic Infrastructure Investment
  - Reliable Service Delivery
  - Investing in our People
  - Continued Strong Fiscal Stewardship
  - Address Financial trends in Current Economy

Development of the FY2027 Budget and Major Themes

FY2027 CITY MANAGER PROPOSED BUDGET

DEVELOPMENT OF THE FY2027 BUDGET AND MAJOR THEMES

- January 13 — Debt summary; Council Goals update; FY25 Capital Improvement Plan roll forward amendment
- Jan 27 — Fire update
- Feb 10 — Police update
- March 24 — Water Capital Improvement Plan; Library Long Range Plan
- April 14 — Electric Capital Improvement Plan; 2026 Mid-Year Budget Amendment
- May 12 — Parks Capital Improvement Plan; Tree Fund Strategy; Facilities Capital Improvement Plan; Bond Election Planning/Multi Year Review; Water Resource Planning
- May 26 — Water Cost of Service; Stormwater Cost of Service
- June 09 — Solid Waste Cost of Service
- June 23 — Budget Workshop

FY2027 CITY MANAGER PROPOSED BUDGET

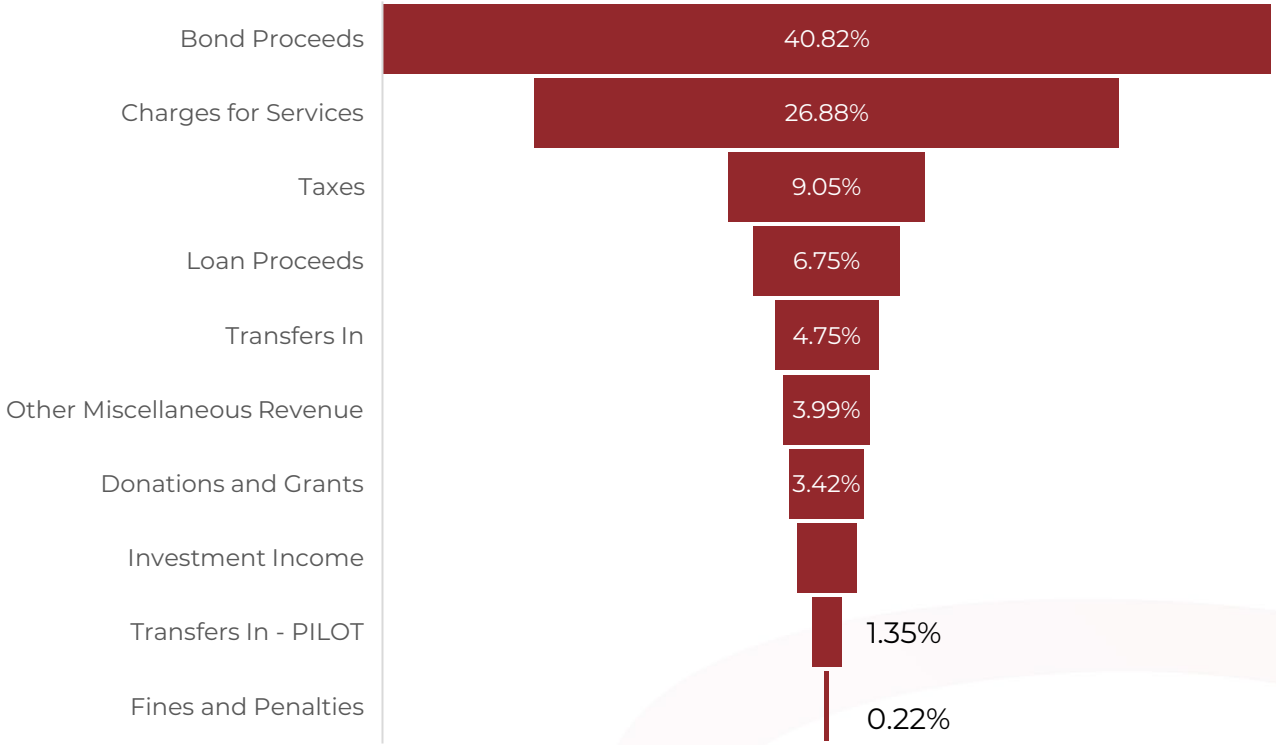
DEVELOPMENT OF THE FY2027 BUDGET AND MAJOR THEMES

- The City continues to experience impacts of growth and demands on service; The FY2027 budget focused on infrastructure investment and maintaining strong planning to guide.
- Total budget of $1.6 billion; of which, $903 million is capital investment
- Full-year impact of new positions
- Total City staff additions of 39.5 FTEs focused primarily in public safety, joint services and electric utilities.
- Compensation; merit, market, and steps
- All reserves at healthy levels

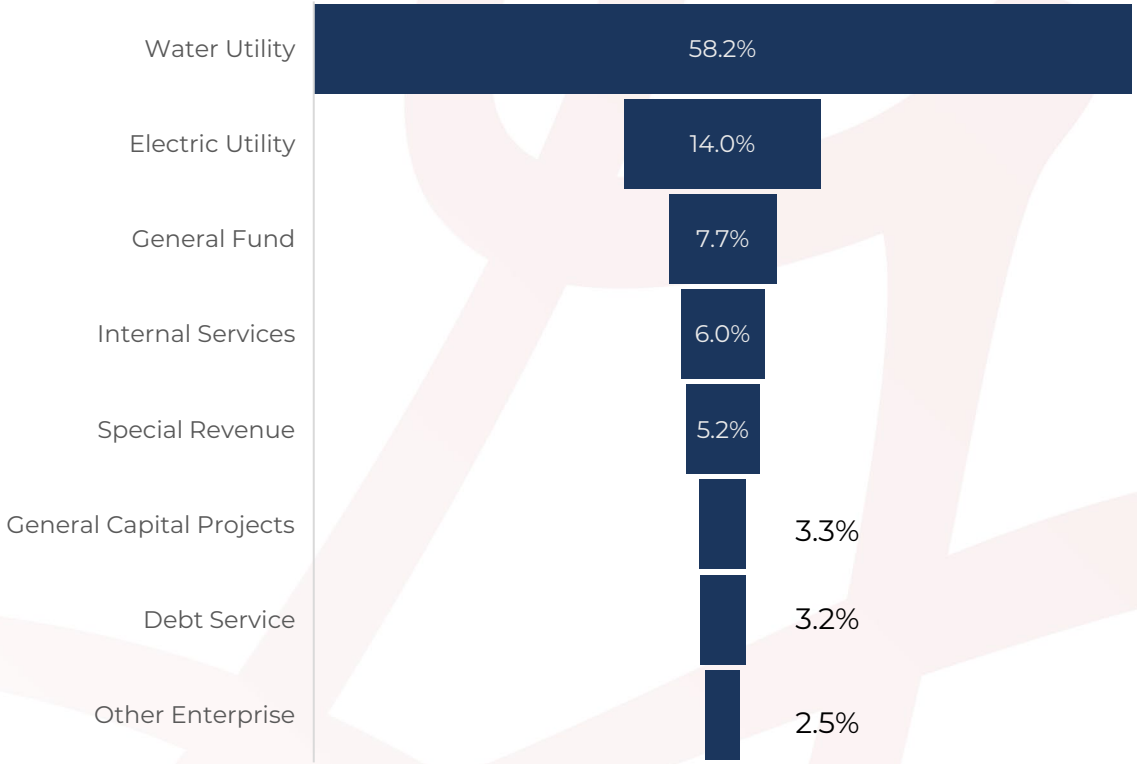
FY2027 CITY MANAGER PROPOSED BUDGET

DEVELOPMENT OF THE FY2027 BUDGET AND MAJOR THEMES

ALL FUNDS: FY2027 REVENUE BY SOURCE ($1.64B)



ALL FUNDS: FY2027 EXPENSE BY SOURCE ($1.65B)

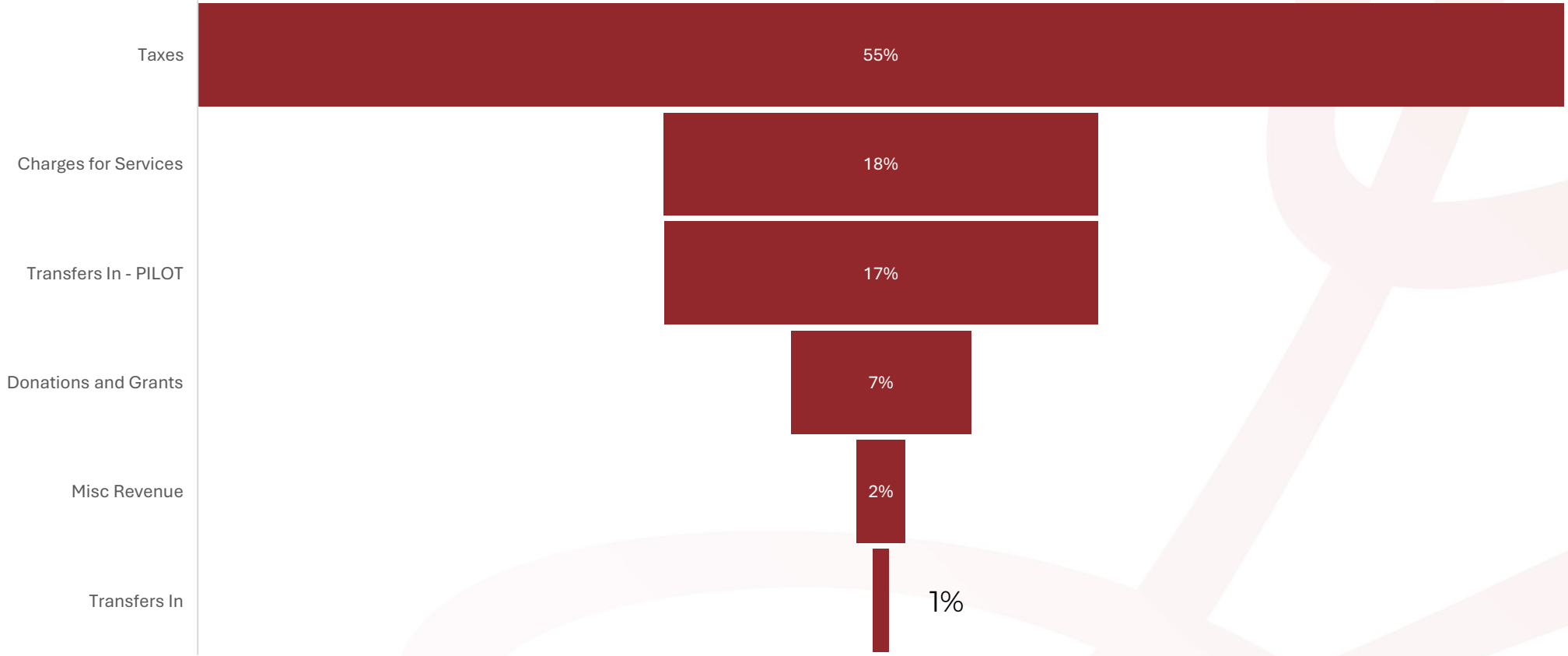


General Fund

FY2027 CITY MANAGER PROPOSED BUDGET

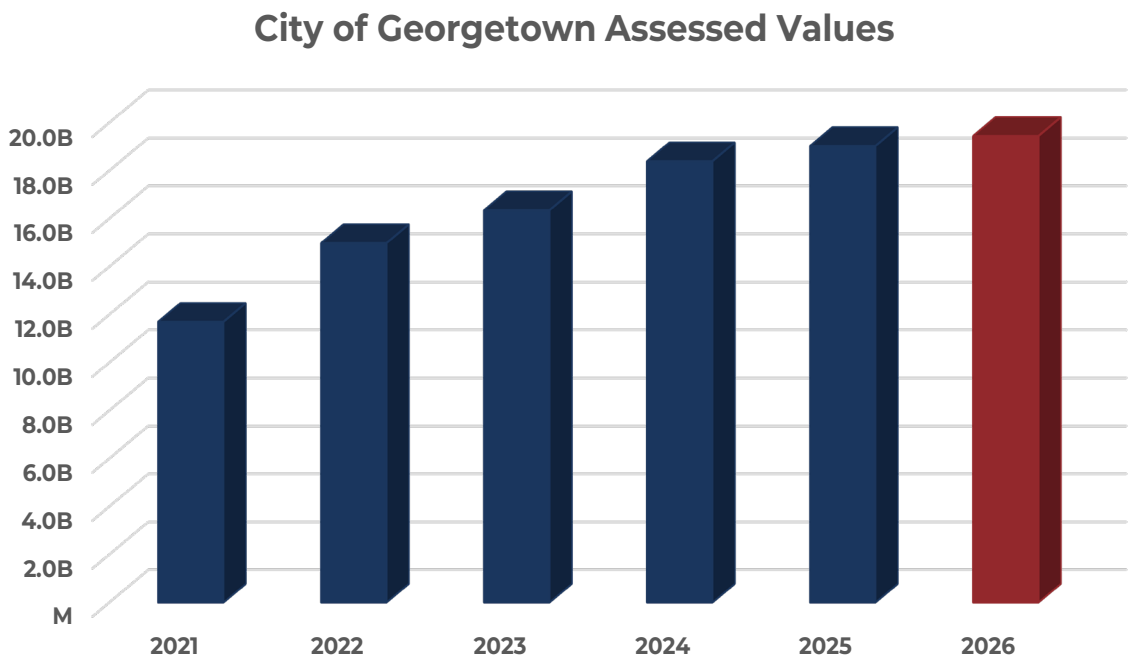
GENERAL FUND

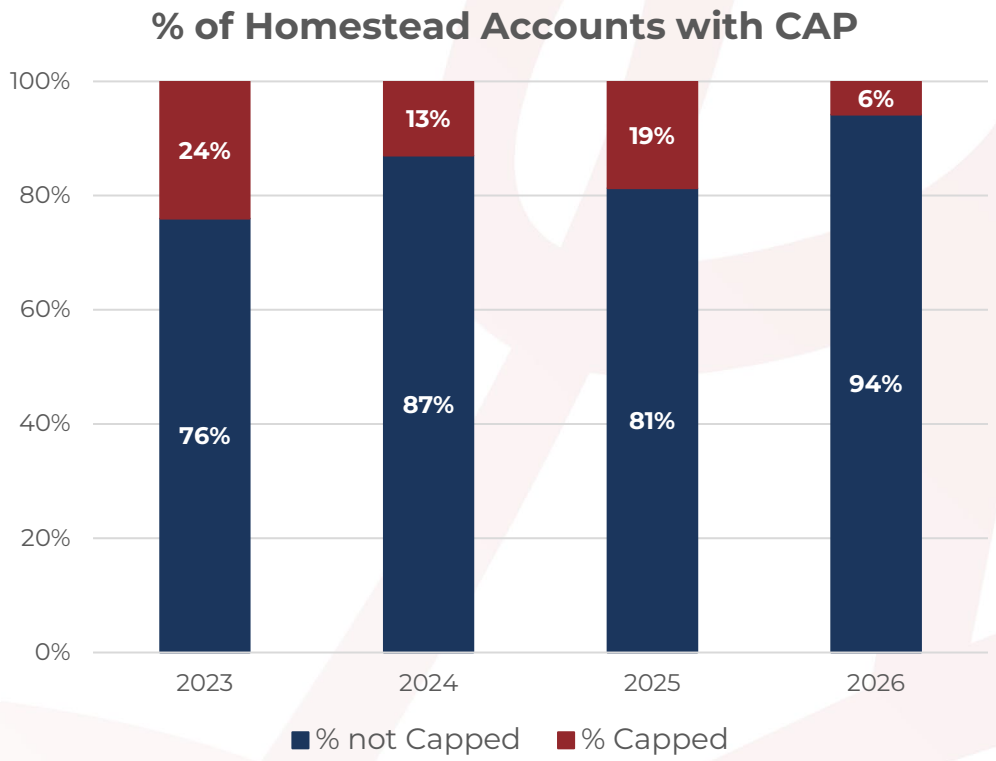
FY2027 Revenues by Source - General Fund ($127M)



FY2027 CITY MANAGER PROPOSED BUDGET

GENERAL FUND





FY2027 CITY MANAGER PROPOSED BUDGET

GENERAL FUND

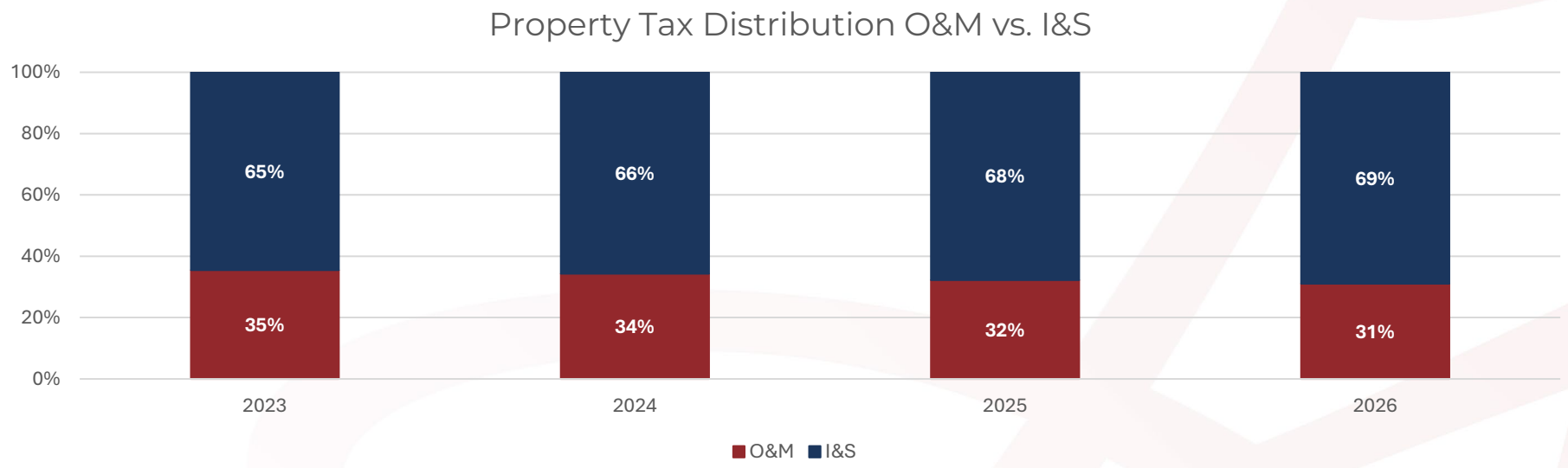
- FY2027 decrease in taxable value (w/ tax ceiling) of 1.8% compared to FY2026 taxable value (w/ tax ceiling)
  - Combination of growth in TIRZ, decrease in residential values, and increase in tax ceiling revenue.
- HB9 – exempt up to $125,000 of the appraised value of tangible personal property a person owns that is held for the production of income
  - $116,204,487 in taxable value lost in FY2027 as a result

Taxable Value	**FY2025 Budget**	**FY2026 Budget**	**FY2027 Budget**
Certified Appraisal Roll Today	18,391,675,246	19,601,896,142	20,024,990,223
Tax Increment Financing	(441,611,615)	(574,241,622)	(582,008,990)
Total AV	**17,950,063,631**	**19,027,654,520**	**19,442,981,233**
Value of Properties Under Protest (Not Certified)	124,129,438	602,708,912	404,515,678
Tax Ceilings	(4,655,079,126)	(4,498,220,235)	(4,987,198,129)
Taxable Value - City of Georgetown	**13,419,113,943**	**15,132,143,197**	**14,860,298,782**

FY2027 CITY MANAGER PROPOSED BUDGET

GENERAL FUND

- Property tax revenue - $68.4 million
  - O&M: $23.9 million (General Fund)
  - I&S: $44.5 million (General Debt Service Fund)
- 4.2% increase in property tax revenue - $2.8 million



FY2027 CITY MANAGER PROPOSED BUDGET

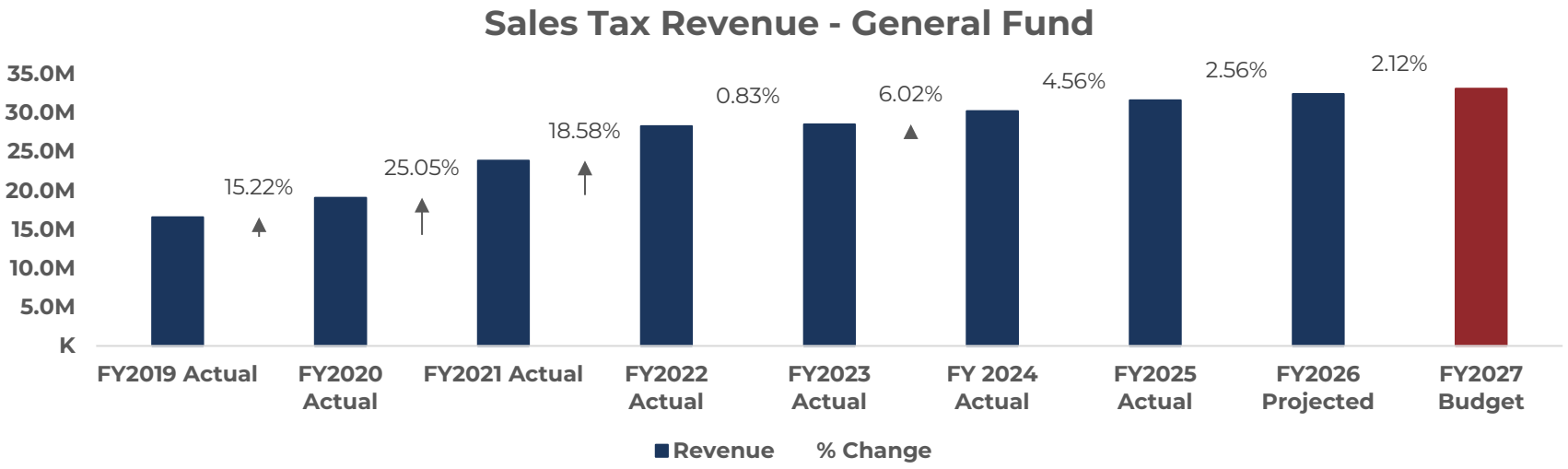
GENERAL FUND

- No New Revenue Rate - 36.2168 cents
- Voter Approval Rate - 36.3167 cents
- Proposed property tax rate - 36.3167 cents
  - Operations: 11.2630
  - Debt Service: 25.0537
- Average taxable home values decreased by 2.8% from $402 thousand to $391 thousand
- **No estimated annual increase to the average homesteaded tax bill**

FY2027 CITY MANAGER PROPOSED BUDGET

GENERAL FUND

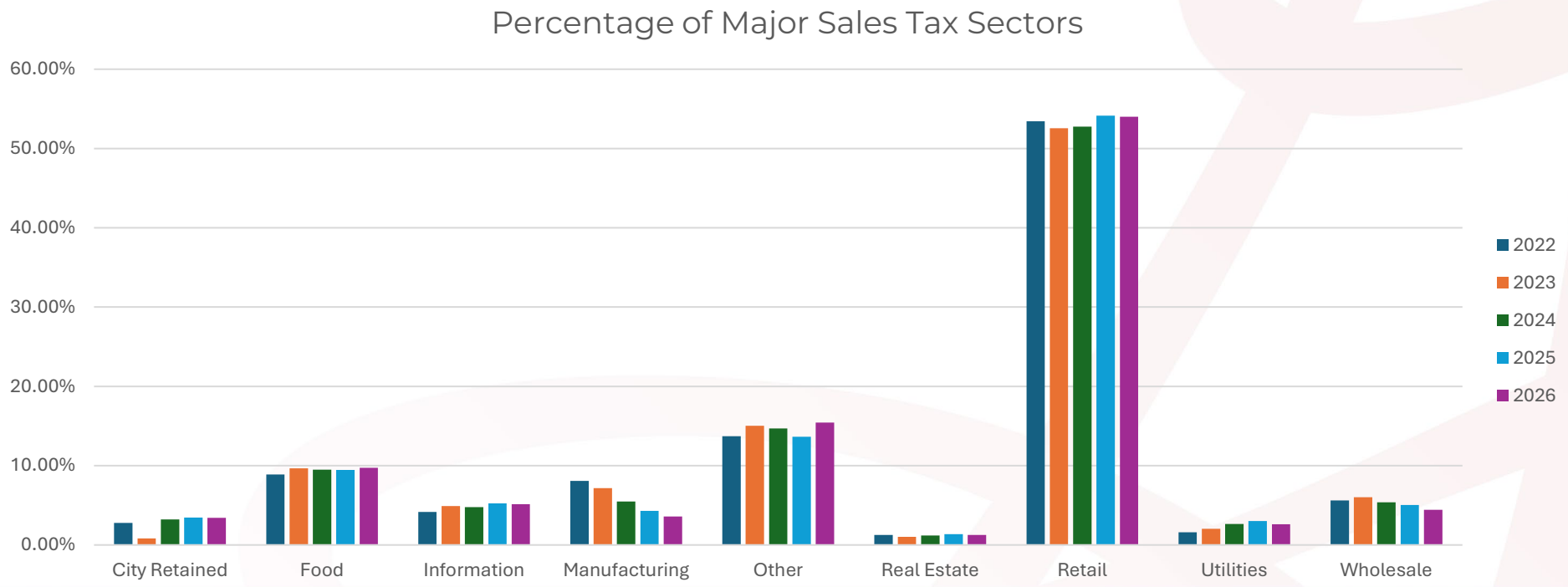
- Sales tax budgeted at 2% over FY2026 projections - $33.2 million
  - Revenue Stability Reserve funded at 8% of General Fund operating expenses - $7.8 million



FY2027 CITY MANAGER PROPOSED BUDGET

GENERAL FUND

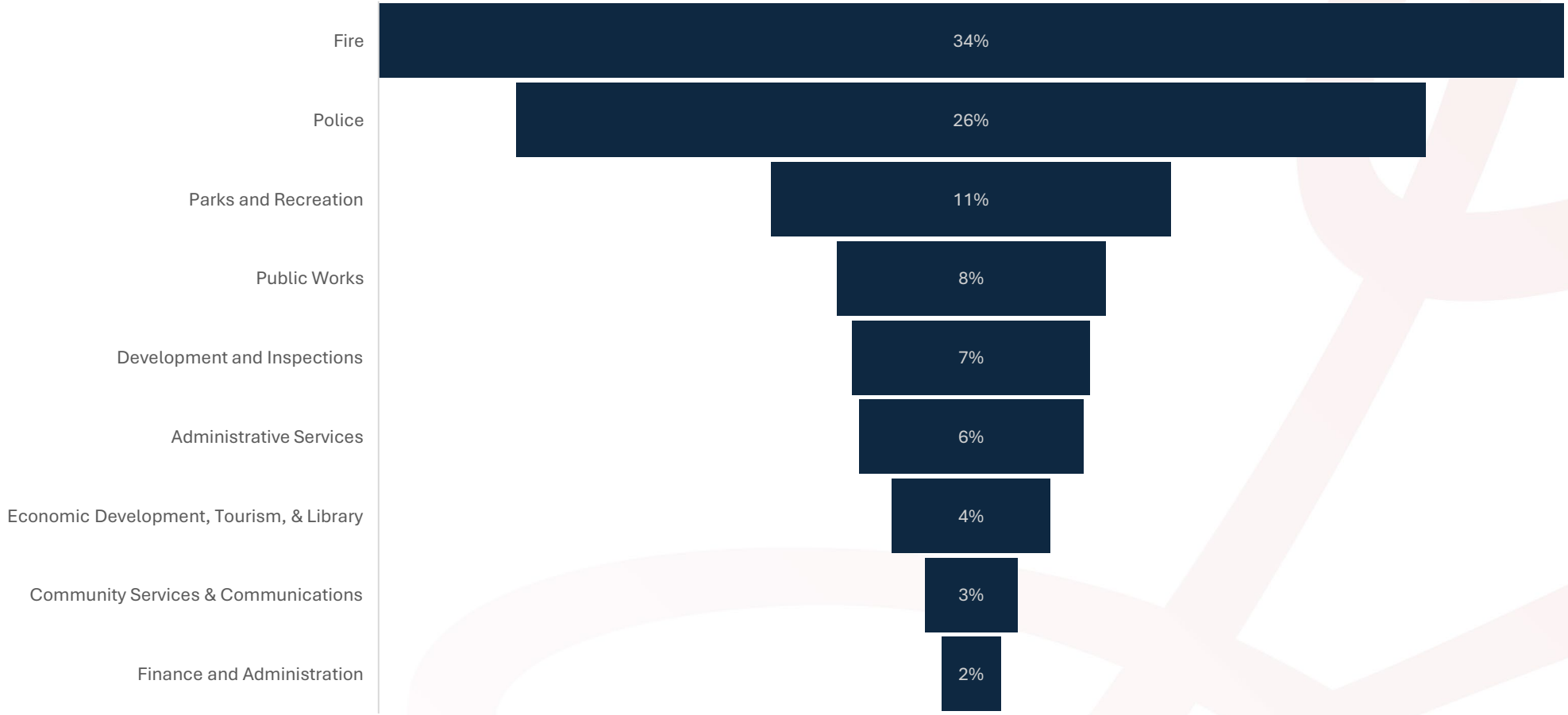
- Sales tax by sector: Core sectors of food, retail, and information continue to perform with consistency.
- Sales tax forecast relies on core sector consistency
- Conservative forecast of known new businesses coming online in FY2027



FY2027 CITY MANAGER PROPOSED BUDGET

GENERAL FUND

FY2027 Expenses by Source - General Fund ($126M)



FY2027 CITY MANAGER PROPOSED BUDGET

GENERAL FUND

- Slower growth in property tax and sales tax revenues with larger growth in PILOT reflecting fast growth in our utilities
- 14 positions proposed; 7 in Fire Services and 4 in Police Services
  - Improving police services with additions to patrol and investigations
  - Improving emergency medical response and continuing the three-year staffing plan to open Fire Station 8 in 2028
- Maintaining a conservative financial posture with reserves

FY2027 CITY MANAGER PROPOSED BUDGET

LIBRARY AND PARKS FRIENDS GROUPS PROPOSED DONATIONS - GENERAL FUND

- Friends of the Parks
  - $845,640 for parkland purchase
  - $50,000 for scholarships for parks and recreation programs and memberships
  - $10,000 for appreciation of volunteers for parks and recreation programs (youth coaches)
  - $600 for resident entry to Garey Park during Two Step Inn
  - Sponsorship of Sunset Movie Series, Cupids Chase 5k, Dive In Movies
  - Free outdoor pool entry for a weekend (proposed)

- Friends of the Library
  - $50,900 for programming and outreach
  - $17,000 for Classroom AV
  - $8,500 for RFID wand and misc. equipment
  - $9,000 to supplement specialized supplies for materials processing (like mylar and laminate)
  - $21,000 to increase available copies of bestsellers
  - $12,000 for enhancing availability of bestseller ebooks

FY2027 CITY MANAGER PROPOSED BUDGET

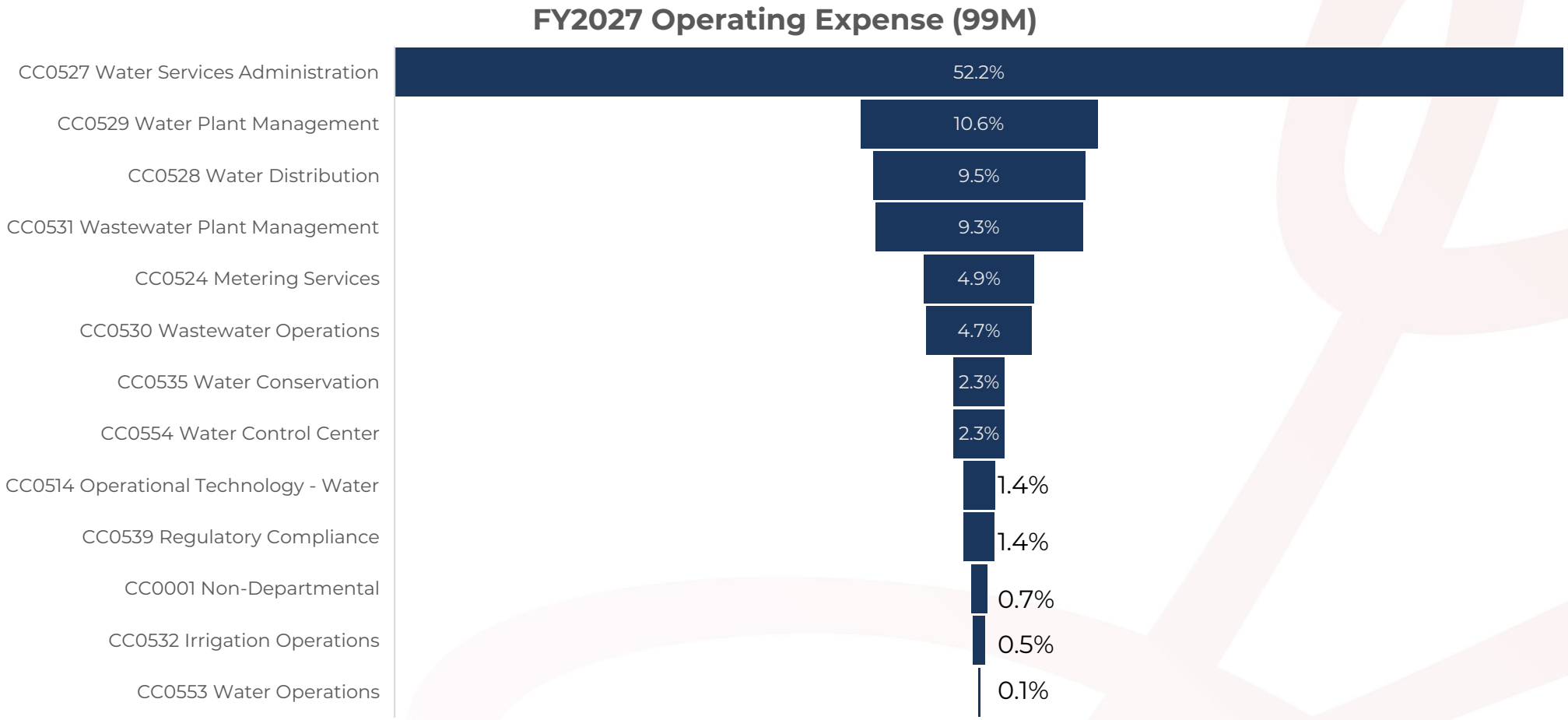
GENERAL CAPITAL PROJECTS FUND

- Continued focus on Bond Program implementation in FY2027
- Change in taxable values means we will need to revisit the tax-supported CIP; proposed budget remains placeholder
- Roads
  - Austin Avenue (Leander Rd to Interloop)
  - Wolf Ranch Parkway
  - Austin Avenue Improvements (downtown)
  - Ridgeline Blvd Extension
  - Intersection Improvements at multiple locations
  - Sidewalk enhancements
- Parks
  - Renovations at River Ridge Park
  - Blue Hole Park improvements

Electric and Water Funds

FY2027 CITY MANAGER PROPOSED BUDGET

WATER FUND – OPERATING BUDGET



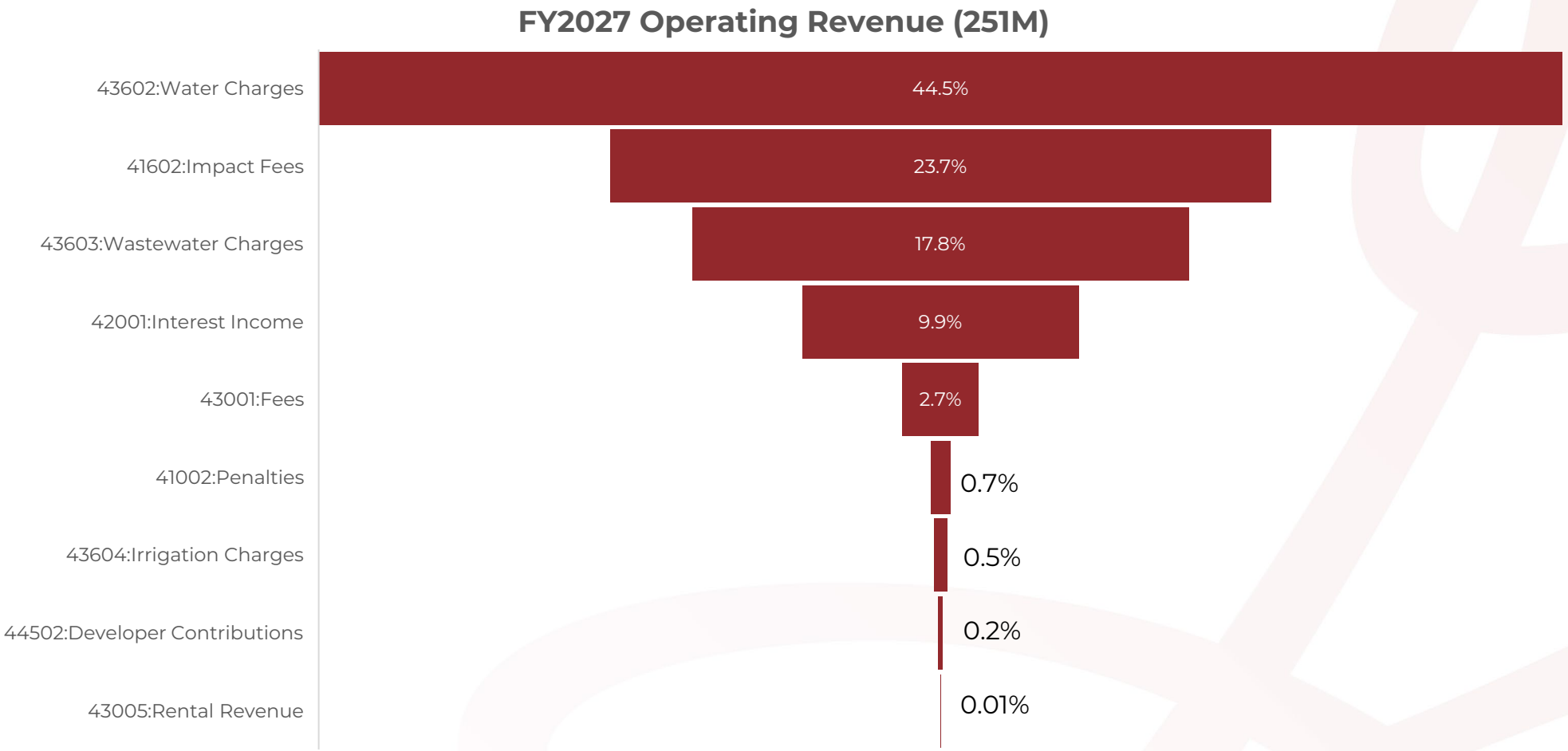
FY2027 CITY MANAGER PROPOSED BUDGET

WATER FUND – OPERATING BUDGET

- Continued investment in water resource planning and infrastructure to support ongoing maintenance as well as system expansion for growth
  - City's infrastructure to support new groundwater supply from Carrizo Wilcox aquifer
- Propose adding 1 staff member to promote system efficiency and compliance with federal, state, and local codes
- Water capital improvements: $304 million
- Wastewater capital improvements: $415 million

FY2027 CITY MANAGER PROPOSED BUDGET

WATER FUND – OPERATING BUDGET



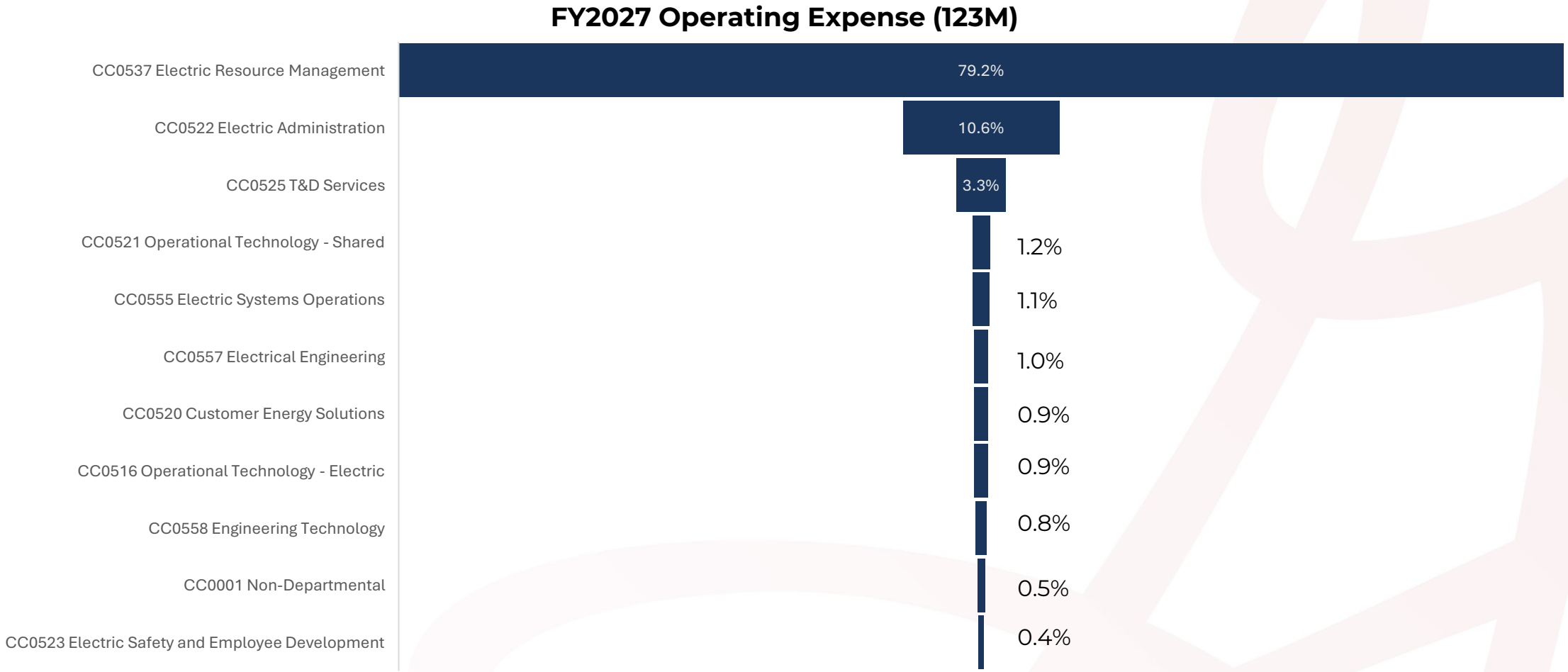
FY2027 CITY MANAGER PROPOSED BUDGET

WATER FUND – OPERATING BUDGET

- FY2027 Proposed Budget includes rate increases for Water and Wastewater – $13.5 million increase
  - 4% increase in base and 14% increase in volumetric water rates
  - 12% increase in wastewater rates
- Impact to the resident (6,000 gallons per month)
  - Water - $4.40 per month
  - Wastewater - $7.30 per month
  - Total Increase - $11.70 per month
- Impact to the average resident (10,000 gallons per month)
  - Water - $6.60 per month
  - Wastewater - $7.30 per month
  - Total Increase - $13.9 per month

FY2027 CITY MANAGER PROPOSED BUDGET

ELECTRIC FUND – OPERATING BUDGET



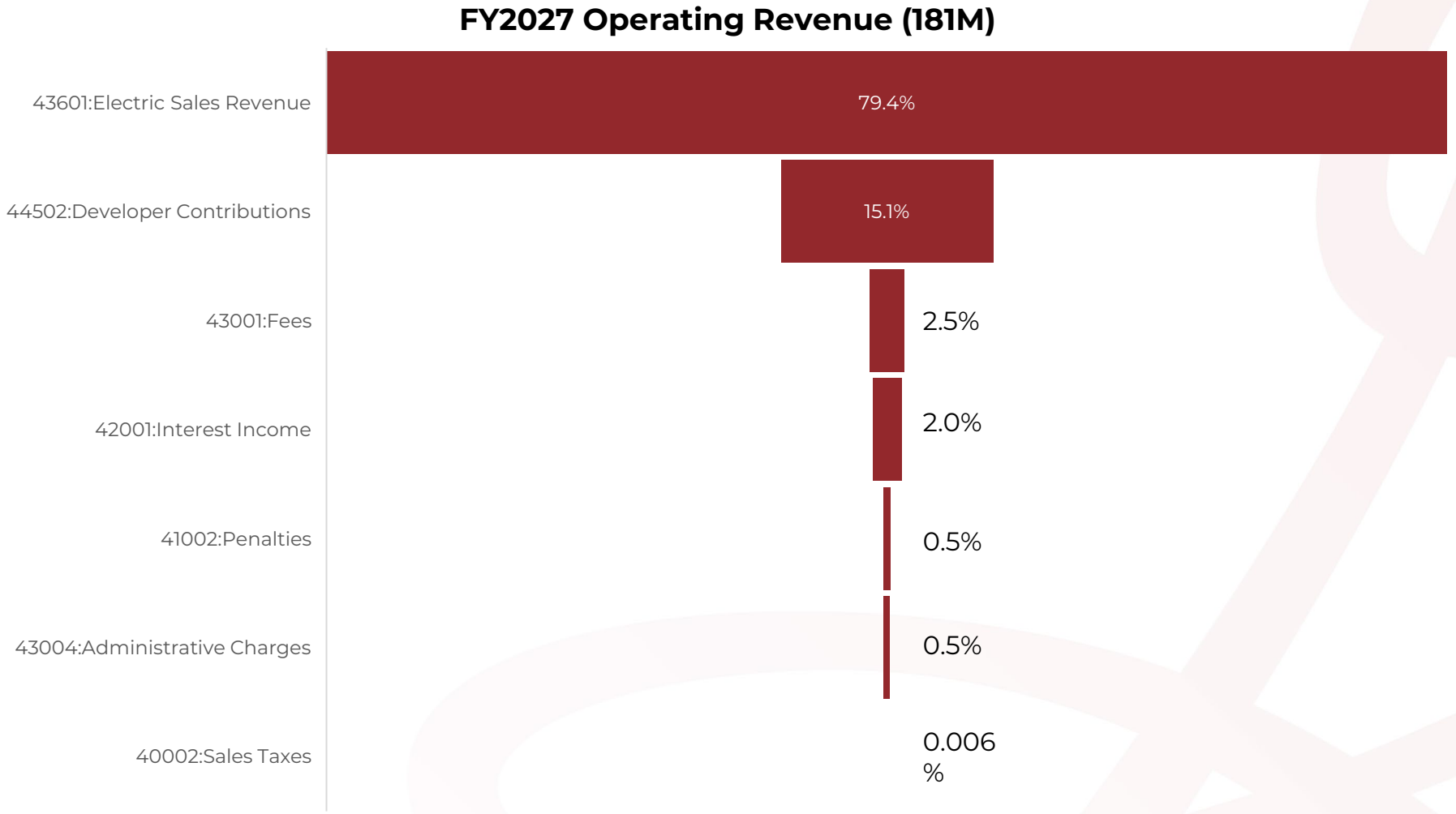
FY2027 CITY MANAGER PROPOSED BUDGET

ELECTRIC FUND – OPERATING BUDGET

- Continued strong customer growth with significant energy demand growth with very high load customers
- Enhanced portfolio management, risk mitigation strategies, and capital cost recovery
- Growing energy efficiency offerings for customers
- Improved system maintenance with the addition of a new field crew
- Proposing 11 new staff members to assist with system growth and maintenance
- Electric capital improvements $75 million

FY2027 CITY MANAGER PROPOSED BUDGET

ELECTRIC FUND – OPERATING BUDGET



FY2027 CITY MANAGER PROPOSED BUDGET

ELECTRIC FUND – OPERATING BUDGET

- Continued strong growth in new residential and commercial customers. Electric sales charges budgeted at $120.7 million
  - Anticipating significant ramp up in FY2027 for ZT Systems, Compal, and Pegatron
- Developer contributions - $27.3M
- Renewable energy credits - $1.4 million

Solid Waste

FY2027 CITY MANAGER PROPOSED BUDGET

SOLID WASTE FUND – OPERATING BUDGET

- Continued contract for trash services with TDS; contract will increase due to inflation and added customers
- FY2027 Proposed Budget includes rate increases for Solid Waste
  - 5% increase to residential - $1.24 per month increase
  - 8% increase to commercial - $3.36 per month increase
- Increased PILOT and Franchise Fee
  - PILOT 7% - $1.3 million
  - Franchise Fee 3% - $557 thousand
- Debt service reserve is fully funded at $1.1 million.
- Increase of contingency reserve by $670 thousand bringing reserve to $1.2 million. Target is approximately $5 million in FY31; multi-year approach to grow into this reserve.

Stormwater

FY2027 CITY MANAGER PROPOSED BUDGET

STORMWATER FUND – OPERATING BUDGET

- Cost of service model recommended increase to stormwater fee due to increased costs of maintenance and CIP projects
- FY2027 Proposed Budget includes rate increases for Stormwater
  - $1.50 increase to residential - $8 per month total
  - $15 increase to commercial - $80 per month total
- Increased PILOT and Franchise Fee
  - PILOT 7% - $575 thousand
  - Franchise Fee 3% - $246 thousand
- Debt service reserve is fully funded at $667 thousand
- Increase of contingency reserve by $242 thousand bringing reserve to $807 thousand

Capital Improvements

FY2027 CITY MANAGER PROPOSED BUDGET

CAPITAL IMPROVEMENTS

- Continued significant investments to address growth pressures
  - Property tax supported – facilities, public safety, parks, roads, sidewalks
  - Rate and fee supported – water/wastewater, electric, stormwater drainage, airport, and sanitation
  - Sales tax supported – City's 4A and 4B corporations

FY2027 CITY MANAGER PROPOSED BUDGET

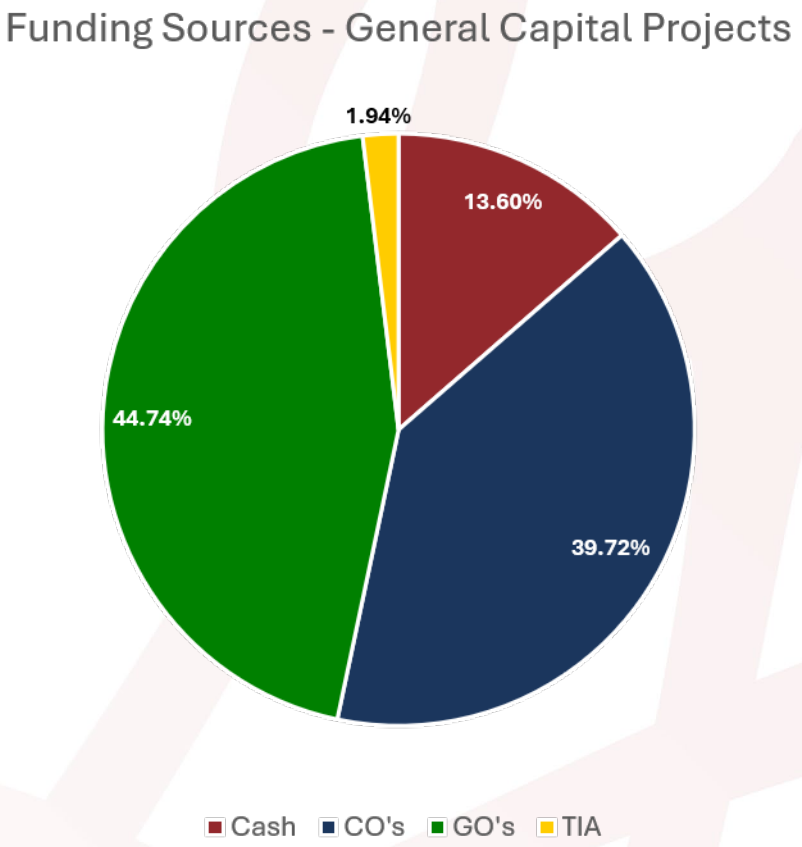
CAPITAL IMPROVEMENTS

5 Year Capital Improvement Plan	FY2027	FY2028	FY2029	FY2030	FY2031
Airport	1,445,000				
Electric	2,385,056	1,302,700	692,043	1,027,037	1,889,887
Electrical Engineering	72,680,556	105,382,856	47,824,261	49,113,597	50,438,936
Engineering	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000
Facilities	30,445,000	-		-	-
Fleet	7,772,000	6,601,500	6,461,500	3,790,000	4,675,000
GEDCO	7,000,000				
GTEC	37,500,000			-	
Parks	10,326,000	1,068,000	1,275,500	1,766,000	905,300
Stormwater Operations	3,050,000	2,650,000	1,600,000	1,600,000	1,600,000
Streets	3,525,000	1,500,000	1,500,000	1,500,000	1,500,000
Wastewater Operations	415,600,000	4,655,000	4,665,000	5,205,000	5,240,000
Water Operations	304,273,755	159,158,500	3,292,500	3,510,000	3,947,500
Grand Total	**903,002,367**	**289,318,556**	**74,310,804**	**74,511,634**	**77,196,623**

FY2027 CITY MANAGER PROPOSED BUDGET

CAPITAL IMPROVEMENTS – GENERAL CAPITAL PROJECTS

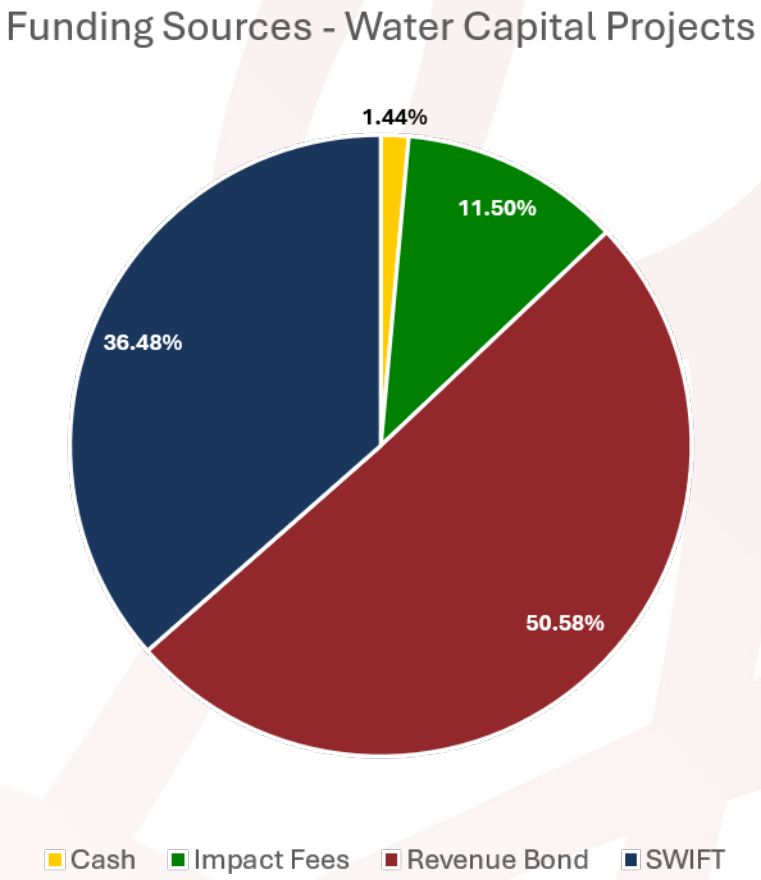
- Facilities –$30.4 million
  - YMCA
  - Customer Service Center
  - Animal Shelter
- Parks - $9.7 million
  - Blue Hole Park Improvements
- Public Safety - $1.9 million
- Transportation - $29.1 million
  - Ridgeline Blvd Ext Phase
  - Intersection and Sidewalk Improvements
- Fleet - $7.7 million
- Total - $51.5 million
- Revisit tax-supported debt plan before spring 2027 issuance



FY2027 CITY MANAGER PROPOSED BUDGET

CAPITAL IMPROVEMENTS – WATER CAPITAL PROJECTS

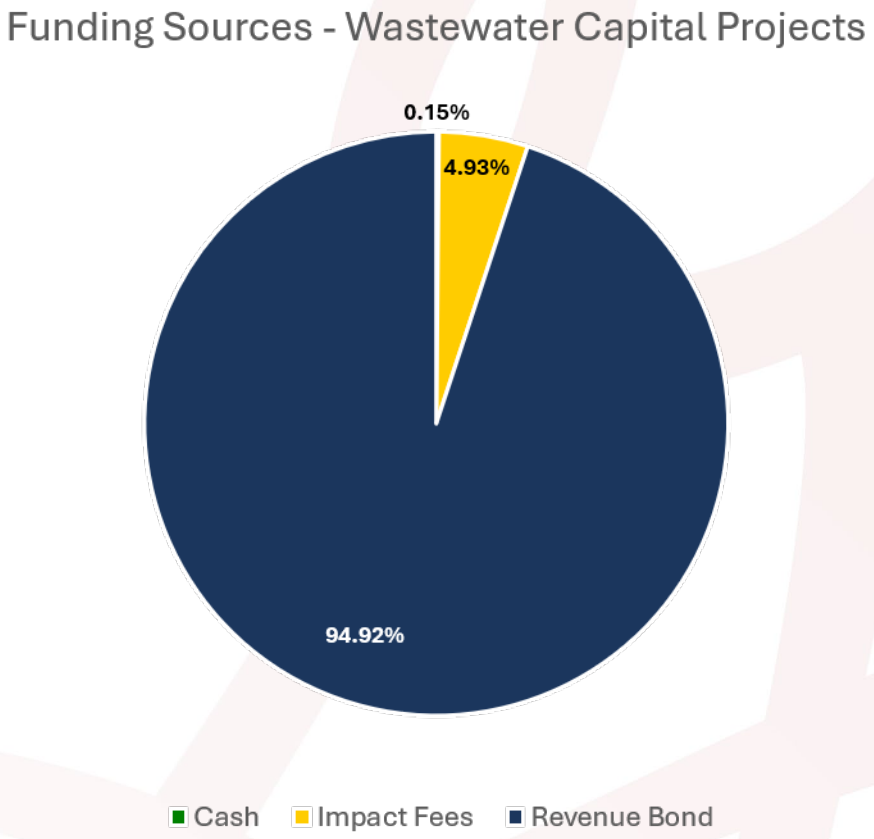
- Cash - $4.4 million
  - Replacement vehicles
  - CR 228 Waterline Improvements
- Impact Fees - $35 million
  - Georgetown Regional Water Initiative
  - Southwest Bypass Waterline
- Revenue Bonds – $154 million
  - Georgetown Regional Water Initiative
  - Water Meters
  - Westside Service Center Building Upgrades
- SWIFT - $111 million
  - Georgetown Regional Water Initiative
  - CR 141 Distribution facility
- Total - $304 million



FY2027 CITY MANAGER PROPOSED BUDGET

CAPITAL IMPROVEMENTS – WASTEWATER CAPITAL PROJECTS

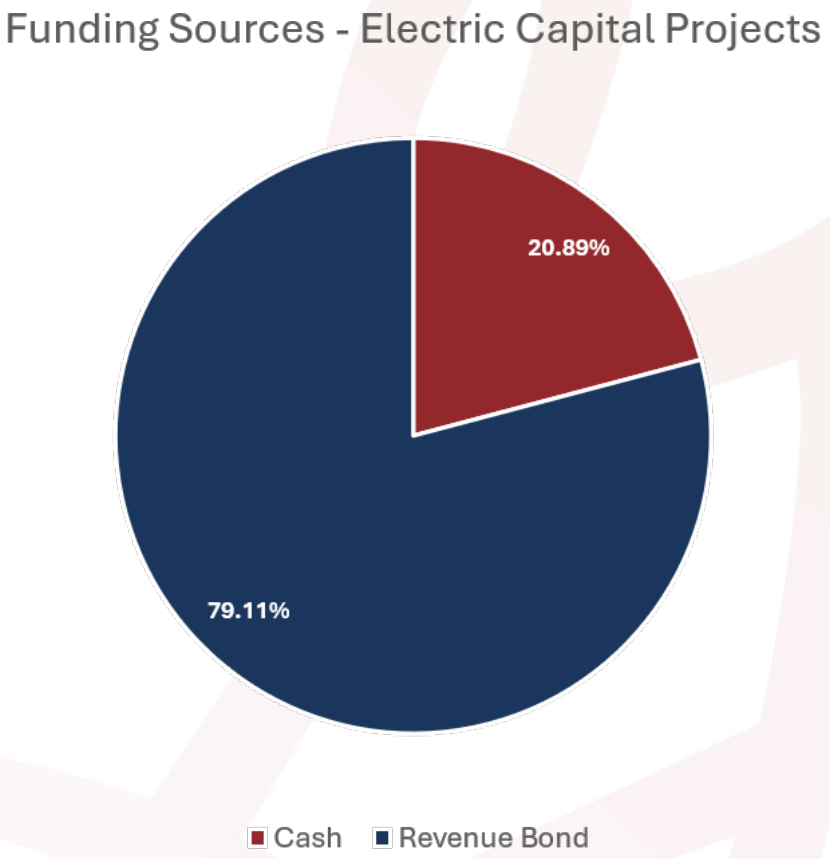
- Cash - $600 thousand
  - Replacement vehicles
- Impact Fees - $20 million
  - San Gabriel Interceptor
- Revenue Bonds – $395 million
  - EARZ
  - San Gabriel Lift Station
  - Treatment Plants (Three Forks, Dove Springs & Northlands)
- Total - $415.6 million



FY2027 CITY MANAGER PROPOSED BUDGET

CAPITAL IMPROVEMENTS – ELECTRIC CAPITAL PROJECTS

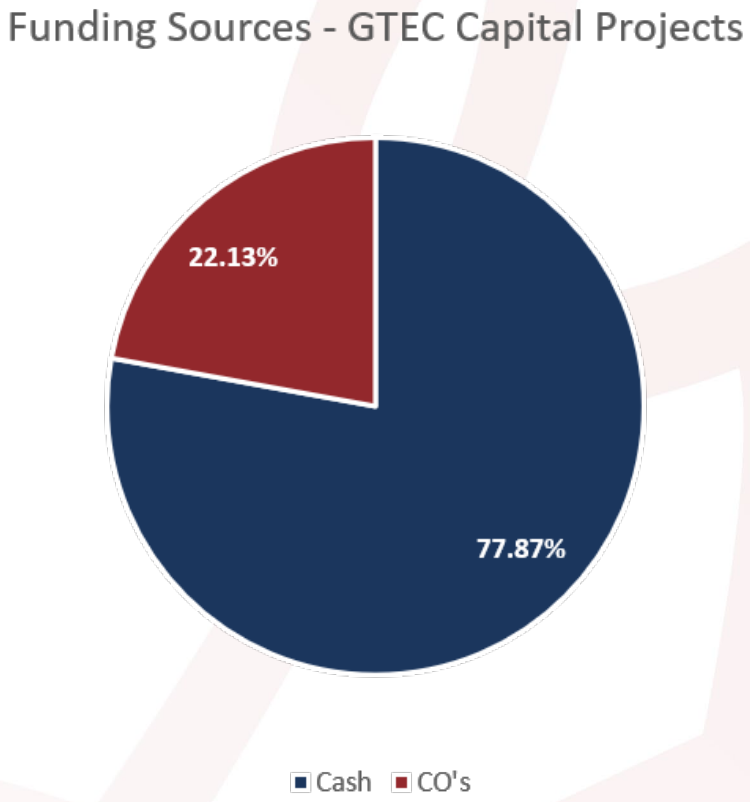
- Cash - $15.7 million
  - System Improvements
  - Substation Feeder Exits & Extensions
- Revenue Bonds – $59.4 million
  - Capacity Upgrades
  - New & replacement vehicles
  - Circuit rehab
  - System Improvements
  - Electric Utility Operations Center
  - New Development
- Total - $75 million



FY2027 CITY MANAGER PROPOSED BUDGET

CAPITAL IMPROVEMENTS – GTEC

- Facilities –$20 million
  - Parking garage
- Transportation - $17.5 million
  - Wolf Ranch Parkway
  - Austin Ave (downtown)
  - SU560 Transportation Infrastructure
- Total - $37.5 million



Other Budget Highlights

FY2027 CITY MANAGER PROPOSED BUDGET

OTHER BUDGET HIGHLIGHTS

- Average merit pay increase of 3% ($1.87 million) – implement in January 2027
- Market review for city staff (non civil service)
  - $420 thousand across the City
- Market Civil service/Public safety ($2.2 million)
  - 5.9% average market raise for Police
  - 5.4% average market raise for Fire
  - Step raises range between 2-5%
- Average 6.7% increase in the City's insurance contribution
  - Healthy reserve levels in Self Insurance Fund
  - Increased incentive for annual physical

FY2027 CITY MANAGER PROPOSED BUDGET

OTHER BUDGET HIGHLIGHTS

- Design and construction for Customer Service Center
- $7 million for street maintenance
  - November election to reauthorize street maintenance sales tax
- Ongoing cost of service for utilities to ensure financial models align with rates and assumptions
  - Electric
  - Water
  - Solid Waste
  - Stormwater

FY2027 CITY MANAGER PROPOSED BUDGET

OTHER BUDGET HIGHLIGHTS

General Fund **14.0**
- Court 1
- Public Works 2
- Police 4
- Fire 7

Joint Services Fund **7.0**
- Accounting 4
- Purchasing 1
- Systems Engineering 1
- Real Estate Services 1

Electric **11.0**
- Operational Technology 1
- Electric Administration 1
- T&D Services 4
- Systems Operations 1
- Electrical Eng 4

Water **1.0**
- Operational Technology 1

Stormwater **4.0**
- Administration & Regulatory 1
- Operations 3

Tourism **0.5**
- Tourism 0.5

IT **2.0**
- IT 2

Total **39.5**

FY2027 CITY MANAGER PROPOSED BUDGET

OTHER BUDGET HIGHLIGHTS

- Key Themes
  - Public Safety Resource Investment
  - Strategic Infrastructure Investment
  - Reliable Service Delivery
  - Investing in our People
  - Continued Strong Fiscal Stewardship
  - Address Financial trends in Current Economy

Next Steps

FY2027 CITY MANAGER PROPOSED BUDGET

PUBLIC HEARINGS AND ADOPTION OF THE BUDGET AND TAX RATE

- Aug 11: Regular Meeting: City Manager's proposed budget; set max tax rate, & set date for tax rate Public Hearing
- Required public notices published (internet, tv, newspaper)
- Aug 25: Regular Meeting: public hearings on budget and tax rate, 1st reading of the budget, 1st reading of the tax rate, fee/rate ordinances
- Sep. 8: Regular Meeting: 2nd reading of the budget, 2nd reading of the tax rate, fee/rate ordinances
- October 1: New fiscal year begins

FY2027 CITY MANAGER PROPOSED BUDGET

PUBLIC HEARINGS AND ADOPTION OF THE BUDGET AND TAX RATE

- Public Outreach
  - Proposed budget
    - Public comment via AskGTX
    - Digital Proposed Budget (8/7) posted on City website; Facebook
    - Press release on proposed budget
- Public Hearings on Budget and Tax Rate 8/25/26
- Adopted Budget (full book) published on website
- News release on adopted budget

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
RideGTX Update

SUGGESTED ACTION:
Presentation, update, and discussion regarding rideGTX -- Nat Waggoner, PMP, AICP, Transportation Planning Coordinator

ITEM SUMMARY:
At this meeting of the City Council, the City's Transportation Planning Coordinator will review for Council the City's history of transit programming, including Council's direction to shift GoGeo users to the rideGTX program, as well as update Council on the education and outreach efforts completed February 2026. The update will include a summary of ridership patterns and program cost for Fiscal Year 2026 and projected costs for Fiscal Year 2027. As part of the workshop, staff is seeking the following feedback from the Council:

- Is the program meeting Council's goals for public transportation?
- Does Council want to make any changes to rideGTX services for FY27?
- Does Council desire staff to investigate other cost saving measures?

rideGTX is a City of Georgetown voucher program that partners with Trippp Consulting to provide accessible transportation 24/7, year-round, through the use of Uber and zTrip. Riders get up to 10 discounted vouchers per month for rides that start and end in the service area. Riders pay the first $4, and the City subsidizes up to $10 per ride. Riders pay any remaining balance over $14.

WAV riders (wheelchair accessible vehicles) get unlimited rides in the service area. WAV riders pay the first $4 per trip.

Rides that start and end in the service area are eligible for the voucher and WAV. The service area includes the city limits of Georgetown plus Baylor Scott & White and Ascension Seton Williamson hospitals in Round Rock.

rideGTX launched in April 2025. Funding for rideGTX is provided by the City’s general fund.

FINANCIAL IMPACT:
Funding for rideGTX is provided by the City’s general revenue fund and included in FY27 proposed budget.

SUBMITTED BY:
Shawn Gunnin, Systems Engineering

ATTACHMENTS:
Transit Council Update - 08-11-2026 - FINAL.pdf

rideGTX Update

8/11/26 | City Council Workshop

GEORGETOWN TEXAS

Council Feedback

Is the program meeting Council goals for public transportation?

Does Council want to make any changes to rideGTX services for FY27?

Is there Council desire for staff to investigate other cost saving measures?

Agenda

- Transit background
- GoGeo to rideGTX transition & outreach
- rideGTX ridership
- FY26 Program costs
- Service options
- Council feedback

History of Transit Service in Georgetown, 2008 to Present

2008	2009	2011 - 2014	2015	2016	2017 - 2021	2021-2022	2023	2025-present
Public Transportation Implementation Committee	Bus Pilot Program in Sun City	• Urbanized Area Size • Service Area Expansion • Council Adopts Budget & Strategic Goal	Transit Development Plan Adopted	Council Decision on Transit	GoGeo Launch (Fixed-Route and Paratransit Services) Lyft pilot program & Micro transit exploration	Limited paratransit & senior service (*added 2022*)	Transit Development Plan Adopted	rideGTX launched

Transit Development Plan – Purpose

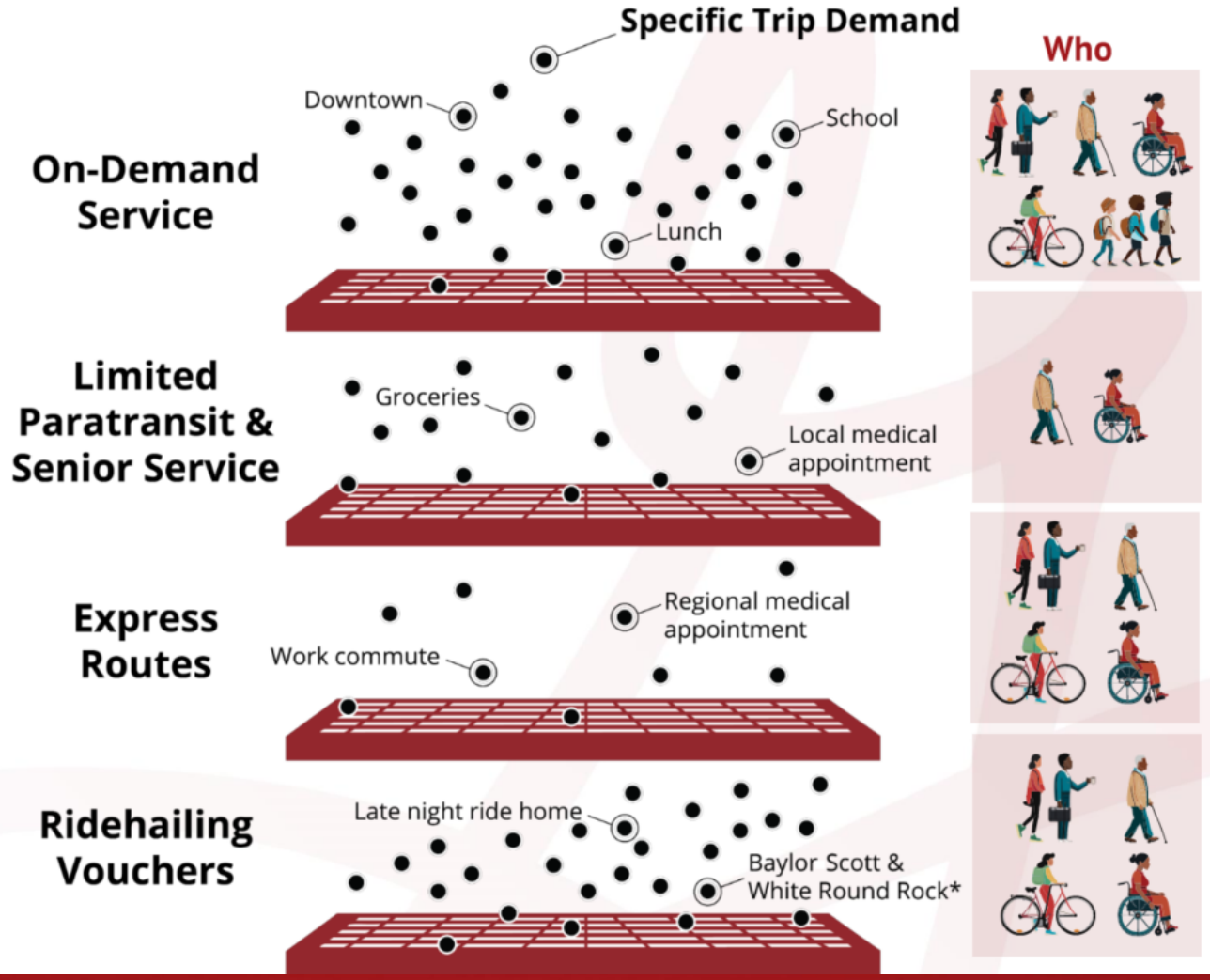
- Public transit exists to provide safe, reliable, accessible, and affordable transportation that connects people to essential destinations, improves mobility and quality of life, supports economic growth, and ensures that all members of the community—including those who cannot or choose not to drive—have access to opportunities and services

Transit Development Plan – Rider profiles

Combining Services Maximizes Mobility

- Different riders have different demands
- Graphic depicts capture of travel needs
  - Does not indicate total trips by mode

*Regional trips for ridehailing voucher program are still under consideration



Transit Programs

GoGeo

- Senior Service (65+) and Limited Paratransit
- $2/ trip
- Monday – Friday, 7am to 7pm

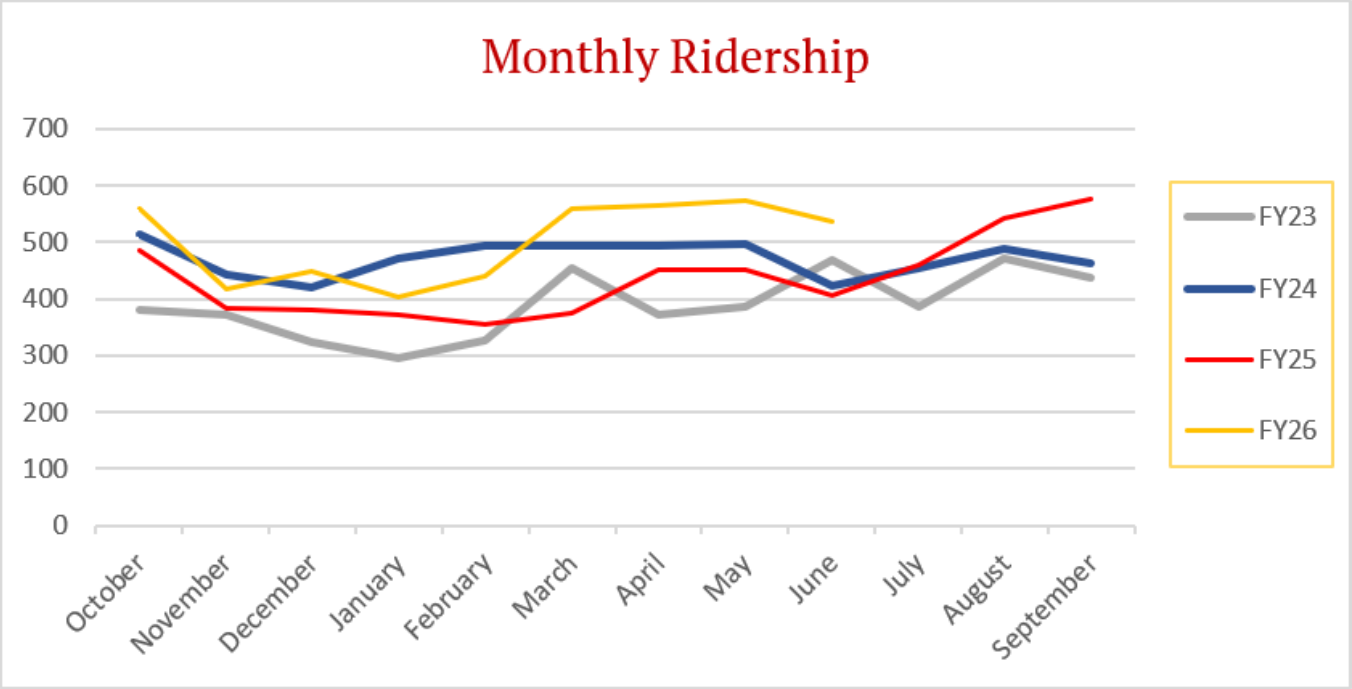
rideGTX

- Rideshare and Wheelchair Accessible Vehicle (WAV)
- Riders pay first $4. Voucher covers the next $10.
  - Rider pays remaining balance exceeding $14
  - Limited to 10 vouchers/ month
  - No limit on WAV vouchers
- Service is 24/7

GoGeo - Ridership

FY25 ridership
- 5,446 total trips
- 518 WAV trips

FY26 ridership - (Oct – Jun)
- 4503
- 393 WAV trips
- 500 trips/month
- 24.5 trips/day
- 1.28 trips/hr



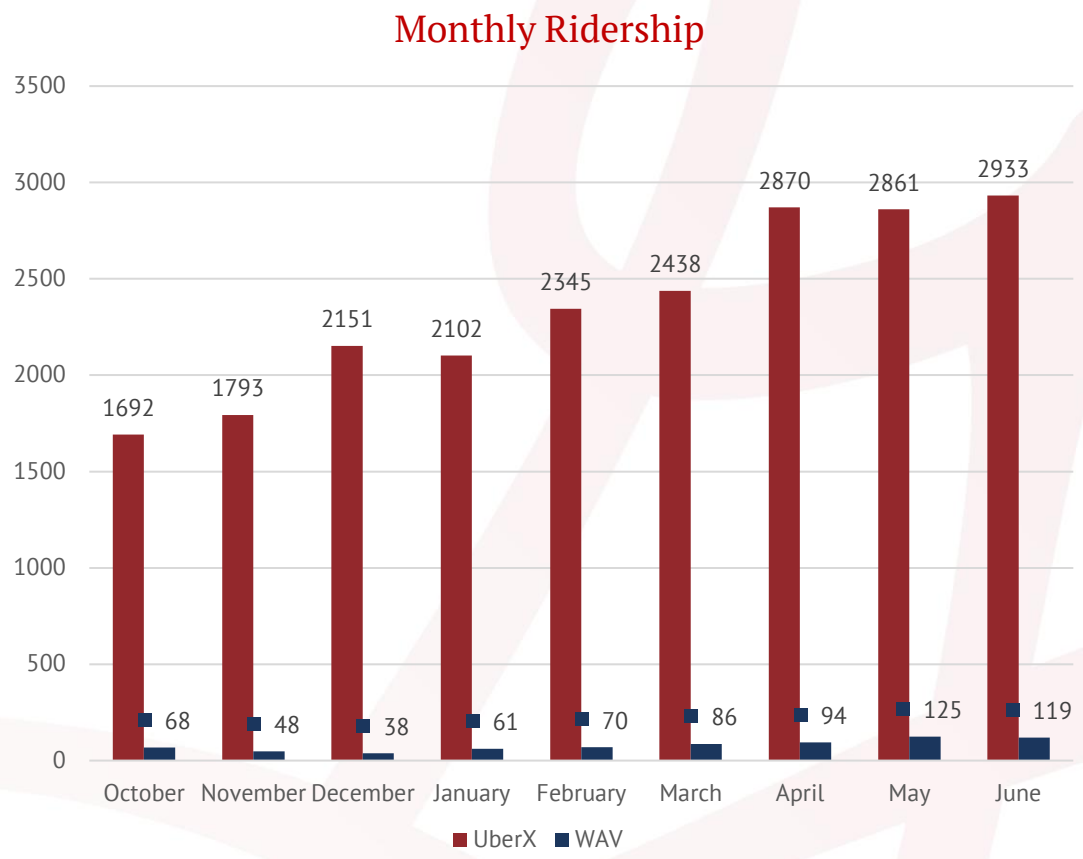
GoGeo Outreach

In February 2026 the City Council gave direction to end the GoGeo Limited Paratransit program at the end of FY26 and encourage users to shift to the rideshare or WAV option.

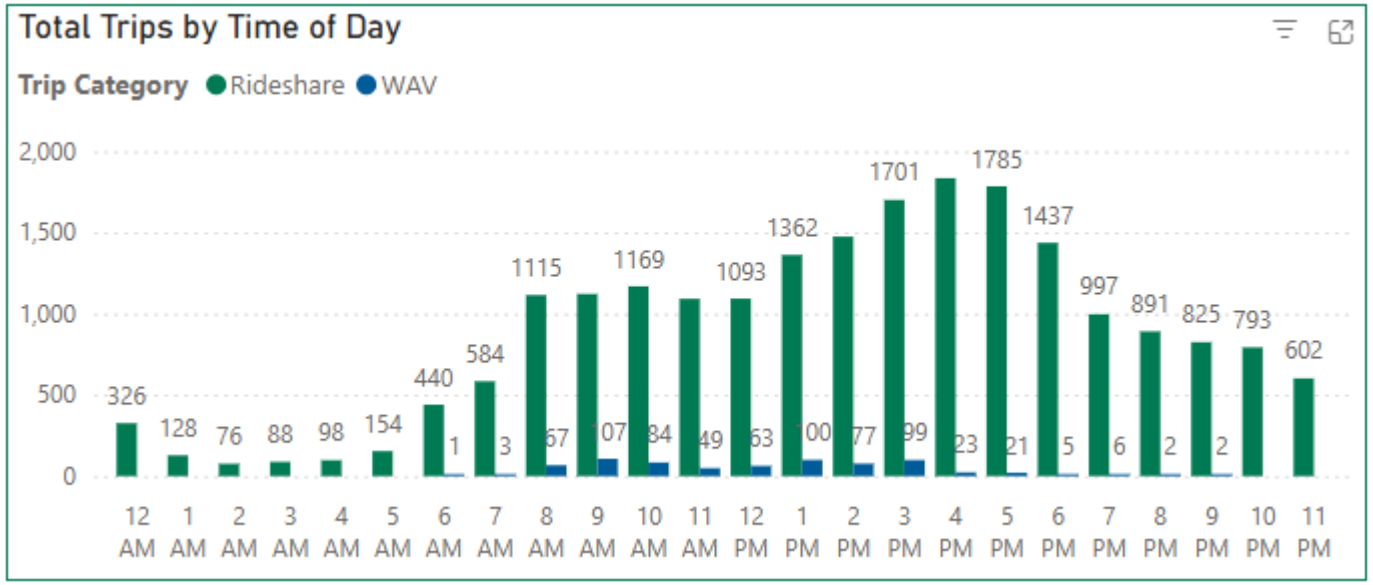
- Outreach Efforts:
  - 168 postcards mailed on (May and July)
  - 161 automated calls and text messages, in English and Spanish, sent thru Warn Central Texas (May and July)
  - Direct outreach to 10 senior living facilities with known ridership
  - Program information provided to non-profit partners and the Georgetown Neighborhood Roundtable
  - Flyers onboard GoGeo

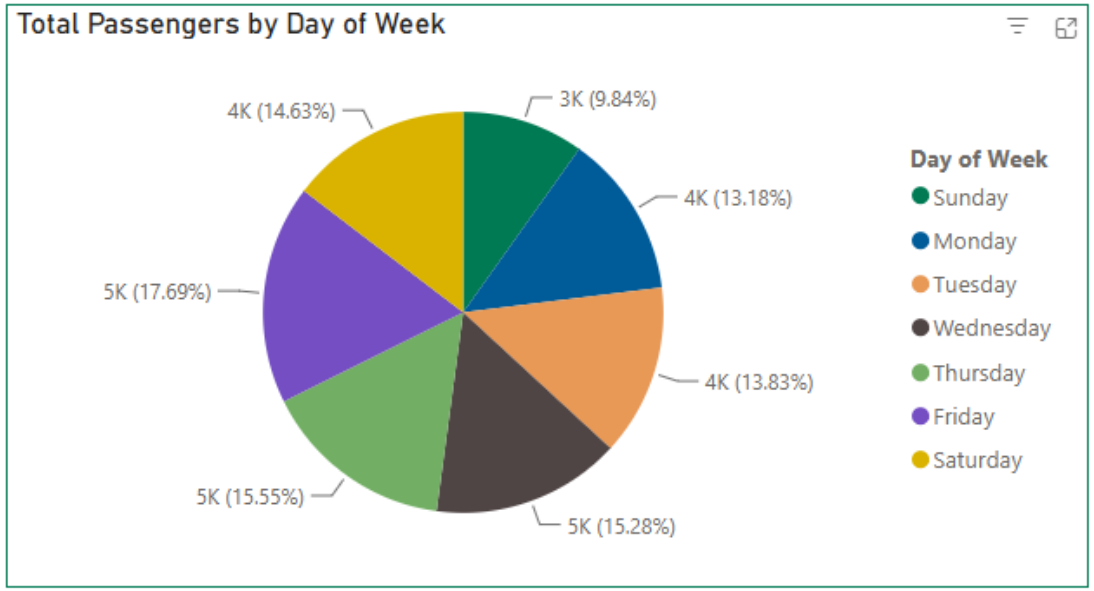
rideGTX – Ridership

- FY26 ridership (October – June)
  - 21,185 voucher trips
  - 709 WAV Trips
  - 21,894 total trips in FY26
  - 109 users/month maximize voucher (4.6%)



rideGTX – Ridership





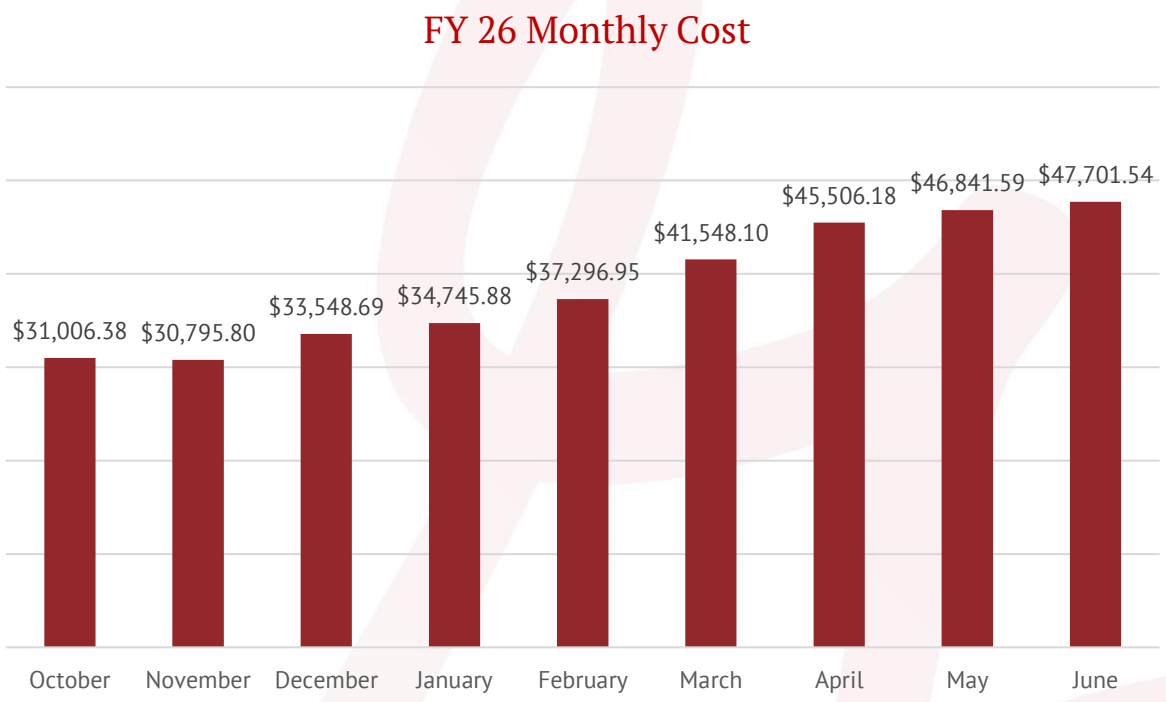
rideshare	WAV
After Hours	After Hours
7pm-7am, 7 days/wk	7pm-7am, 7 days/wk
24.8%	1.55%

rideGTX Cost for FY26

FY26: October – Sept

- October – June - $383,991
- Projections
  - July - $51K
  - August - $53K
  - September - $55K
- Voucher (Uber) cost/ trip - $7.22
- WAV cost/ trip – $66.44
  - WAV after hours cost - $550/day

- Projected FY26 - $542,895



Ridership Assumptions

What we know

- Number of total trips provided by GoGeo
- Number of total GoGeo wheelchair trips
- GoGeo trip origin and destination
- GoGeo ridership limits (max trips/hour)
- rideGTX time, location and type of trip (rideshare vs WAV)

Variability

- GoGeo 65+ eligibility; rider could also qualify for a wheelchair trip
- Number of trips that may convert to rideGTX
- rideGTX trips have not yet stabilized; ridership increases each month
- Demand for trips within the ETJ

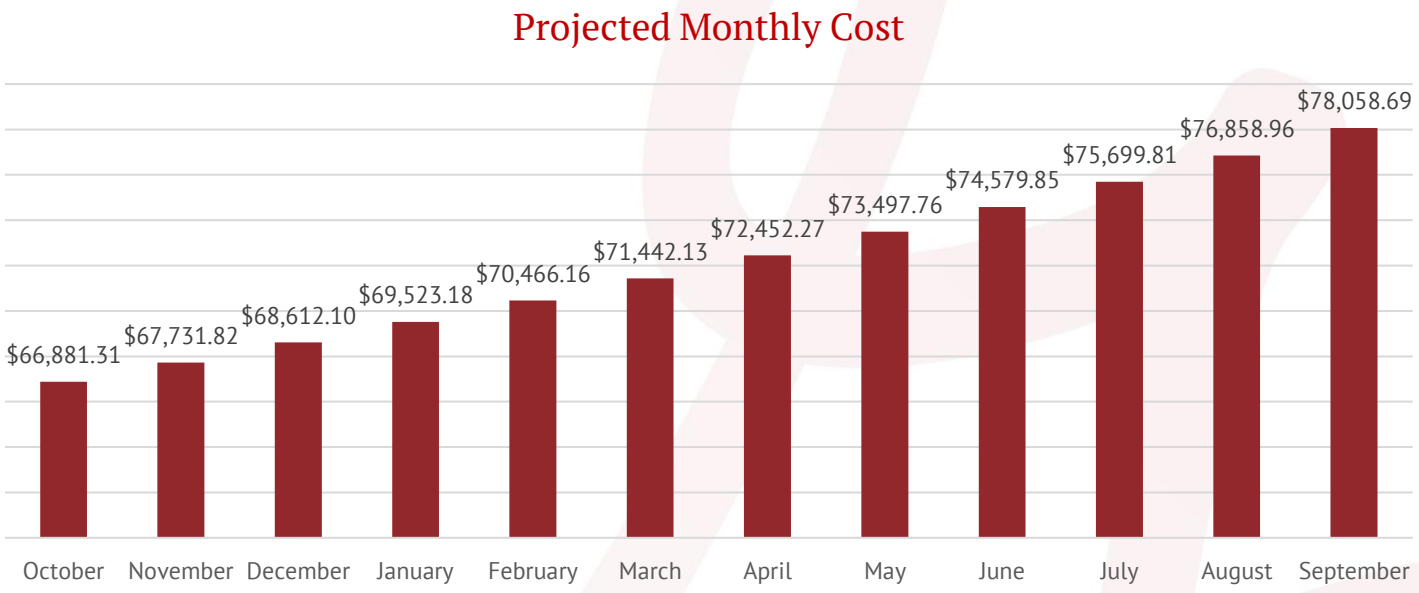
rideGTX Projected Cost for FY27

Criteria

- No change of service hours
- Added existing GoGeo riders within City limits
- No growth in GoGeo trips
- No change to cost structure

Results

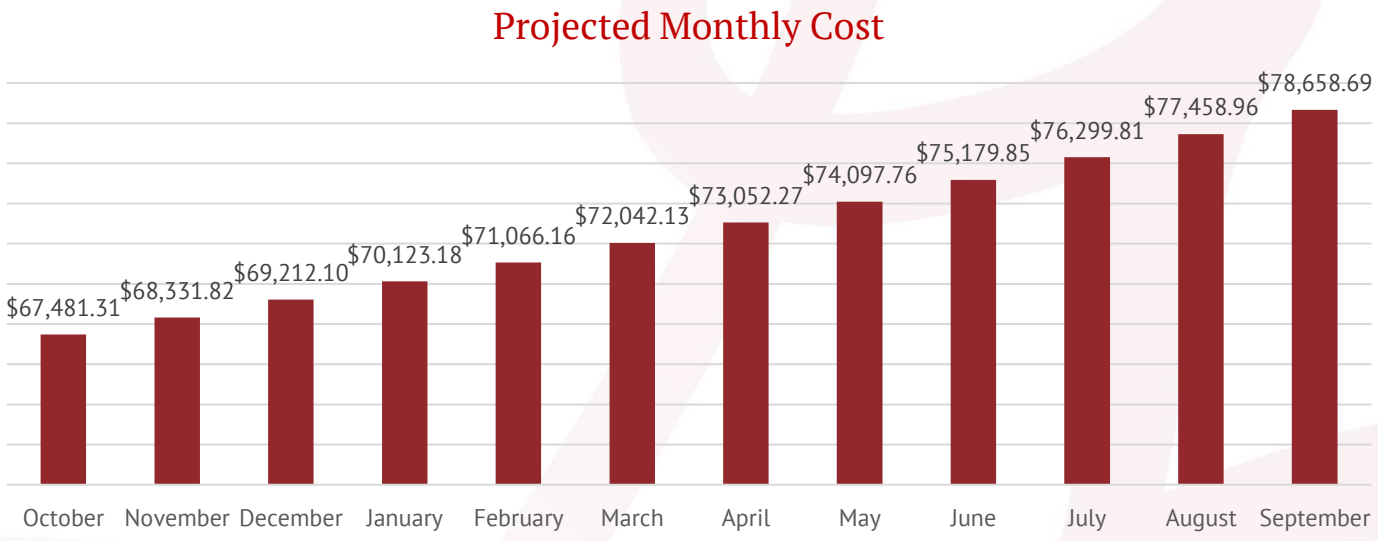
- 400 Non WAV trips/ month
- 42 Wav trips/ month
- Total monthly cost - $5.6k
- Program yearly cost - $795k to $865k



rideGTX Projected Cost for FY27 w/ ETJ Trips

Added GoGeo Service Area in the ETJ

- 55 trips/ month in the ETJ
- 3 Wav trips/ month
- No growth in GoGeo trips
- No change to cost structure
- Total monthly cost - $600
- Includes existing GoGeo riders within the City limits and ETJ.



- Overall Program Cost - $802k - $872k

Cost Savings Options

1. Reducing hours 7am -7pm
2. Reducing service hours 12am-6am
3. Increasing fare

1. FY 27 Cost Reduction – Change of Services 7am – 7pm

Criteria

- Added existing GoGeo riders within City limits
- No growth in GoGeo trips
- No change to cost structure
- 98.5% of WAV trips (FY26)
- 75% Voucher trips (FY26)

Anticipated Results

- 25% trip reduction (FY27)
- 10% savings/ month
- $75K-$85K savings/year in after hours services and reduced trips
- Amend contract
  - Increase load fee
  - Amend after hours fee

2. FY 27 Cost Reduction – Change of Services, 7am-12am

Criteria

- Added existing GoGeo riders within City limits
- No growth in GoGeo trips
- No change to cost structure
- <1% of WAV trips (FY26)
- 25% Voucher trips (FY26)

Anticipated Results

- 5% savings/month
- $40K-$50K savings/year in after hours services and reduced trips
- Amend contract
  - Increase load fee
  - Amend after hours fee

3. FY 27 Cost Reduction – Increase fee $1

Criteria

- Increase fee from $4 to $5 for all trips

Anticipated result

- Projected savings - $25K to 30K/year

Council Feedback

Is the program meeting Council goals for public transportation?

Does Council want to make any changes to rideGTX services for FY27?

Is there Council desire for staff to investigate other cost saving measures?

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Electric and Fire Code Updates

SUGGESTED ACTION:
Presentation and discussion regarding the National Electric Code and National Fire Code -- Glen Holcomb, Building Official, and Daniel Bilbrey, Deputy Fire Marshal

ITEM SUMMARY:
Staff will be presenting information on the proposed changes to the National Electric Code (NEC) and International Fire Code (IFC) requirements for the City of Georgetown.

FINANCIAL IMPACT:

SUBMITTED BY:
Karen Frost, Permitting and Inspections

ATTACHMENTS:
CMO_IFC_Amendments_Final_Aug2026.pdf

Proposed Fire Code Changes

2026 | City Council

GEORGETOWN TEXAS

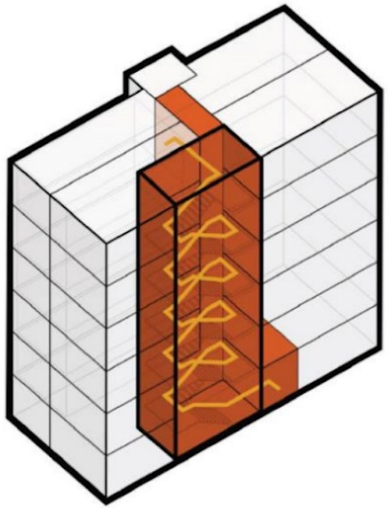
Clarification to Terminology

Definitions

- Frequency
- Frequency license holder
- Occupiable roof or Occupied Roof
- Emergency Responder Communications & Enhancement Systems

Single Exit Buildings

- Residential (R2)
- Max of six stories (<75’)
- Net floor area < 4000sqft
- Sprinklered building
- Elevator access required
- No electric in stairwell



Smart Stair Design

Temporary Structures

- Tents and membranes
- Other temporary occupancies, uses, and systems that may require a Fire Code permit
- Permit (max 365 days)
- Allow for temp utilities
- Aligns with IBC

Valet Trash

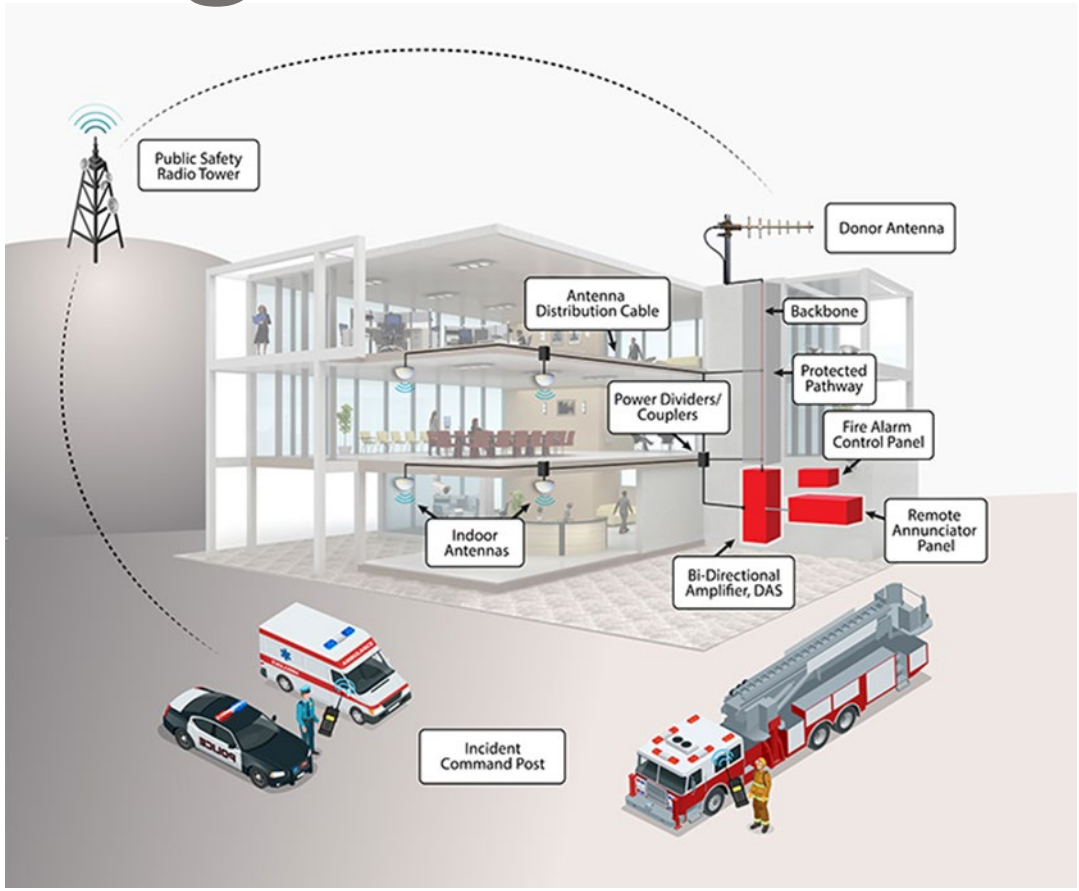
- Permit required
- Reduce risk in older bldgs.
- Protection of safe egress
- Rules established by AHJ

Reclaimed Water

- May be considered a desirable use by COG Water
- 971 Water Treatment Site
- Water testing required
- Limit damage/safety

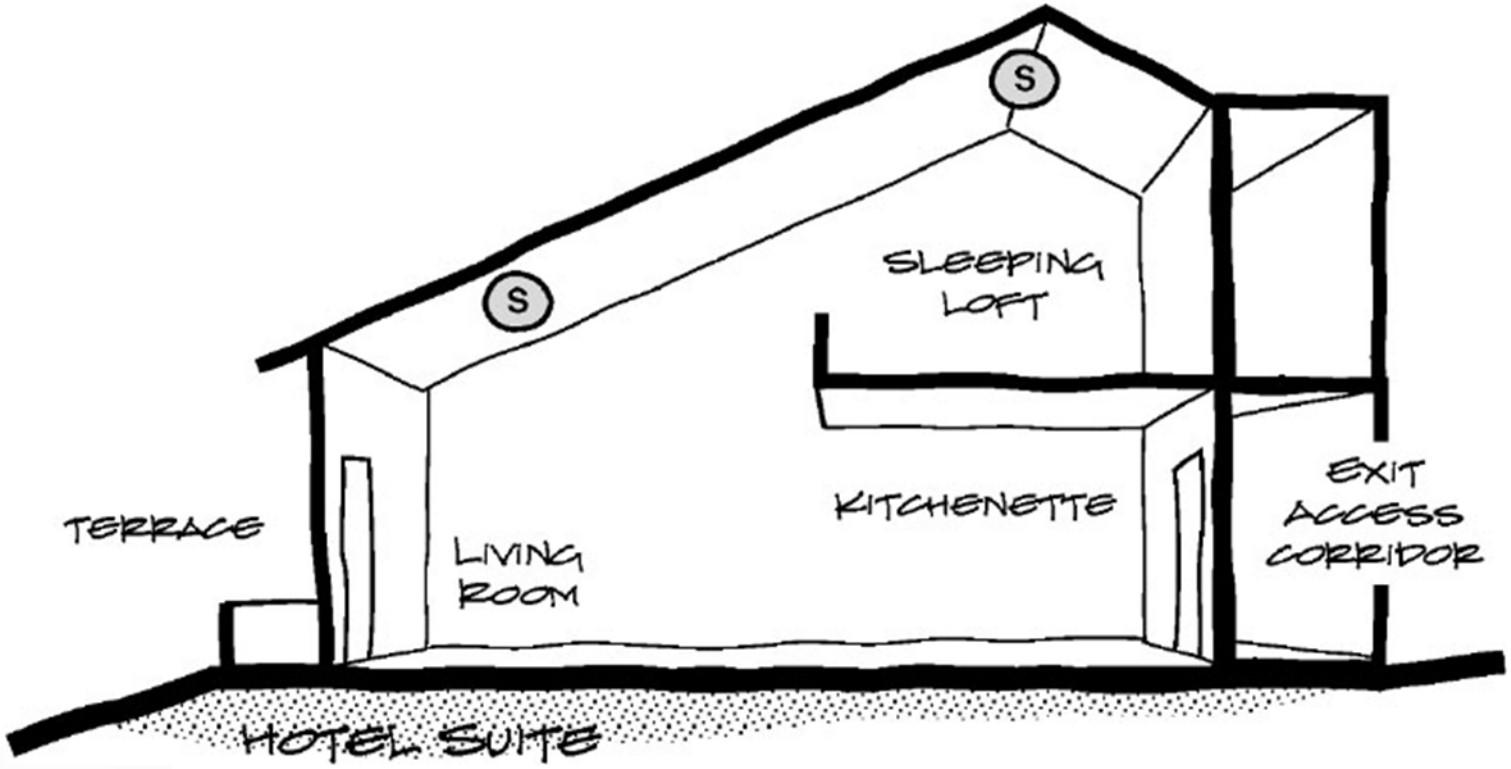
Emergency Responder Communication Coverage

- Clarification & guidance
- Requirement not changing
- Encourage building prep
- Assess post construction



Smoke Alarm

- Safety issue
- Becoming more common
- Proximity to sleeping area
- R-2, R-3, R-4, and I-1



Fire Protection - Post-Fire

- Group I, R-1, R-2, and R-4
- Post-fire repair/reconstruct
- Damage is >50%
- Consistent with the IEBC threshold for added protection
- Unoccupiable for >60days
- Sprinkler to be installed

Extinguisher Use by Pool

- NFPA 400 (2019 Ed)
- Interact w/ pool chemicals
- Avoid ammonium compounds
- Public and MF pool areas
- Possibly explosive (ABC)
- Respiratory irritant

Li-Ion Laboratories

- Proactive code placement
- Sprinkler requirement
- Primarily labs related to battery manufacturers

Storage of Li-Ion Batteries

- Permits w/ > 15cuft
- Limited indoor storage (15)
- Individual container < 7.5cuft
- Outdoor storage options
- Fire detection required
- Exception 2-hr rated walls
- Lesser requirements for less than 30% charge

Micro-mobility Charging

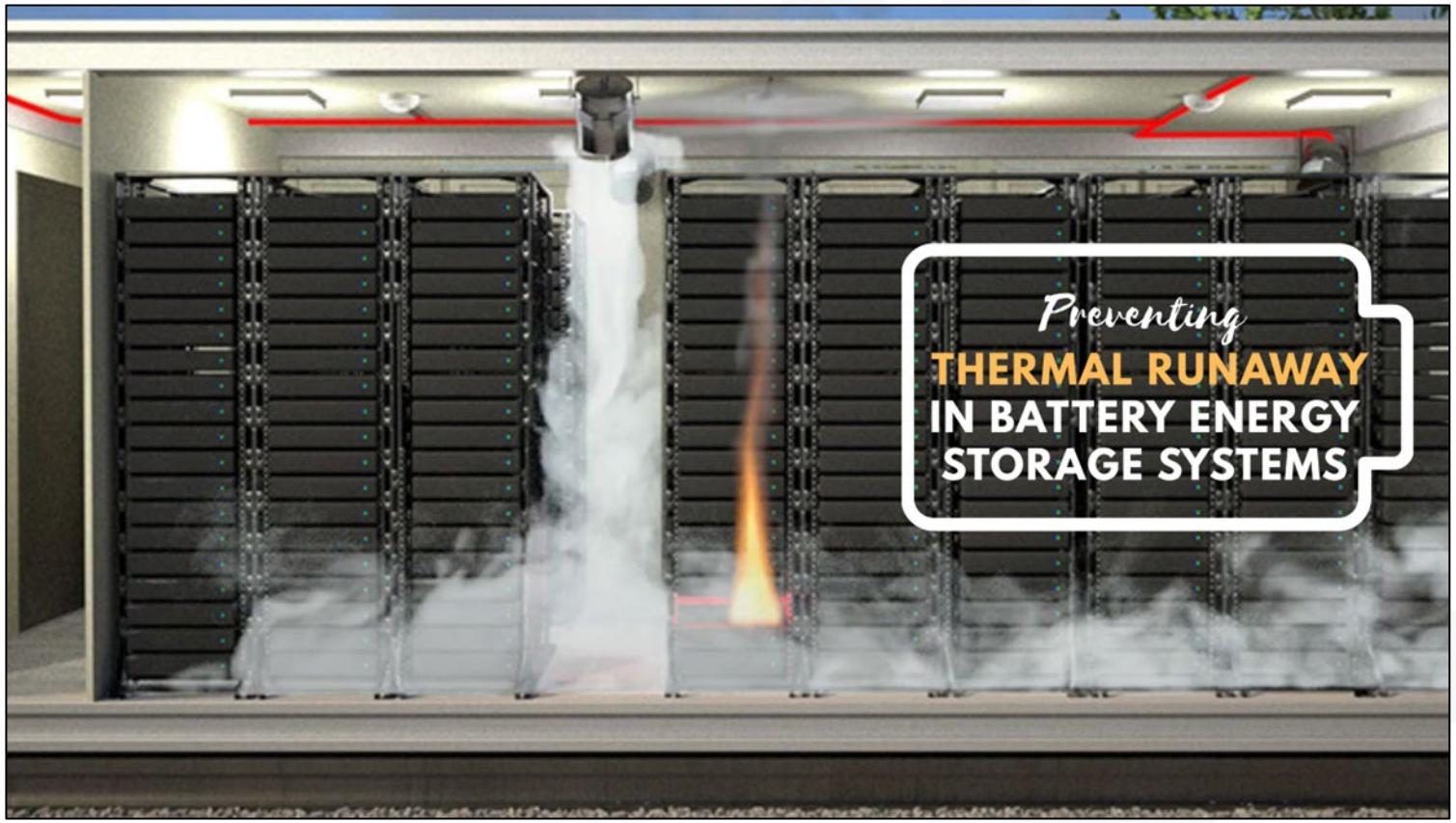
- OEM specs and process
- Listing and labeling per UL
- Specify charging areas
- Fire safety plan is required

Electric Vehicle Charging

- Disconnection requirement
- Emergency shutoff
- Sprinkler required (>500sqft)
- Similar purpose to gasoline/diesel emergency shutoff
- Exception for SFR garage

Pre-existing Energy Storage System

- ESS using Li-ion
- Older batteries/ESS not tested or listed to UL 9540A
- Technical report required
- Early detection for thermal
- Corrective action plan
- Exception for SFR



Fire Lanes in neighborhoods

Adjust Length of No parking 250 to 275 this helps with lot line placement

Move to a standard of painted curbs in neighborhoods.

Discussion

Thanks for your continued support & feedback

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Executive Session 08.11.2026

SUGGESTED ACTION:
Sec. 551.071: Consultation with Attorney
Advice from the attorney about pending or contemplated litigation and other matters on which the attorney has a duty to advise the City Council, including agenda items.
- Litigation Update
- Georgetown Salamander

Sec. 551.074: Personnel Matters
- Municipal Court Judge

Sec. 551.087: Deliberation Regarding Economic Development Negotiations
- Wolf Lakes

ITEM SUMMARY:

FINANCIAL IMPACT:

SUBMITTED BY:
Robyn Densmore, City Secretary

ATTACHMENTS:

N/A

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Call to Order 08.11.2026

SUGGESTED ACTION:
Pledge of Allegiance
Recognitions
Actions out of Executive Session

ITEM SUMMARY:

FINANCIAL IMPACT:

SUBMITTED BY:
Robyn Densmore, City Secretary

ATTACHMENTS:

N/A

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Public Wishing to Address 08.11.2026

SUGGESTED ACTION:
- At the time of posting no one had signed up to speak.

ITEM SUMMARY:

FINANCIAL IMPACT:

SUBMITTED BY:
Robyn Densmore, City Secretary

ATTACHMENTS:

N/A

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Council Minutes 07.28.2026

SUGGESTED ACTION:
Consideration and possible action to approve the meeting minutes of the City Council meeting held on July 28, 2026 -- Robyn Densmore, City Secretary

ITEM SUMMARY:

FINANCIAL IMPACT:

SUBMITTED BY:
Robyn Densmore, City Secretary

ATTACHMENTS:
City Council Minutes 07.28.2026.pdf

Minutes of the City Council
City of Georgetown, Texas
Tuesday, July 28, 2026

The Georgetown City Council met on Tuesday, July 28, 2026, at 2:00 PM at the Council and Court Building, 510 W. 9th Street.

The City of Georgetown is committed to compliance with the Americans with Disabilities Act (ADA). If you require assistance in participating in a public meeting due to a disability, as defined under the ADA, reasonable assistance, adaptations, or accommodations will be provided upon request. Please contact the City Secretary's Office at least three (3) days prior to the scheduled meeting date at (512) 930-3652 or City Hall at 808 Martin Luther King, Jr Street for additional information; TTY users route through Relay Texas at 711.

The following Members were in attendance: Amanda Parr, Kevin Pitts, Ben Butler, Ben Stewart, Jake French, Josh Schroeder, Ron Garland, and Doug Noble.

1. Policy Development and Discussion - Workshop

Mayor Schroeder called the meeting to order at 2:00 p.m.

1.A Health District Annual Update

Presentation and discussion regarding the Williamson County and Cities Health District annual update for Georgetown -- Leigh Wallace, Chief Financial Officer and Amber Erickson, Executive Director

Erickson presented and reviewed the following: health services provided; location of public health centers and offices; how the Board of Health governs them; how the Williamson County and Cities Health District (WCCHD) is funded; mission and vision statements; core values; strategic plan; steps for preventing disease; (Women, Infants, and Children) WIC services; emergency preparedness and response; environmental health and community safety initiatives; mobile food vending law change; strengthening systems and access; Healthy Williamson County Coalition; and the WCCHD's podcast.

General discussion among Erickson and Council regarding the eligibility requirements for different programs; partnership services are the Carver Center and the success of the services; mobile food vendor changes and the change in the application and inspection processes; how illness cases are reported when outbreaks occur; the current Cyclospora outbreak; and that the WCCHD does not participate in water testing.

1.B Woodside In-city MUD Expansion Follow-Up Request

Presentation and discussion regarding the expansion of an in-city Municipal Utility District (MUD) for the proposed Thompson Tract -- Nick Woolery, Assistant City Manager

Woolery presented and reviewed the MUD Policy purpose statement; feedback requested from the Council; background; Land Use Summary Map; Lotting Summary Map; and the initial staff and Council feedback.

Ryan Mikulenka with Pulte reviewed the Sun City overview. Amy Payne with Blake McGee Group presented and reviewed the Land Plan and financials. Mikulenka then reviewed entry, landscaping, and amenities.

Woolery resumed the presentation and reviewed the needed feedback and direction from the Council.

General discussion among Council, Mikulenka, Payne, and staff regarding per-lot fees to try and offset the cost of Fire and EMS services; impact fees; consumers paying a premium for Sun City name and amenities; types of neighborhood commercial being considered; transportation impact fee; traffic signals; who would have access to the proposed amenity center; tax rate estimator considerations and concerns; age restriction portion of the development; delay in amenity center building; land use summary clarification; location of amenity center; communication of sales tax rate to buyers; connectivity concerns; passing of the original MUD agreement; when debt can be issued; proposed fees; possible restrictions on commercial development; impact to the project if age-restricted portion is not approved; possible density; regional improvements; proposed MUD rate; improvements made since first presentation; diversity of housing products; the need to make sure public safety is supported; increased architectural standards; impact fees; thoughtful location of commercial development; and general support of the project.

Mayor called for a break at 3:15 p.m. and resumed the meeting at 3:26 p.m.

1.C Heirloom PID Development Agreement

Presentation and discussion of conditions to consent PID bond issuance to allow disbursement of PID bond proceeds for the construction of the Primary Collector prior to completion of the Primary Collector -- Nick Woolery, Assistant City Manager

Woolery presented and reviewed the item purpose; background; development map; PID construction bond; PID construction bond request; water quality pond requirements; and the needed Council feedback.

Logan Kimble with Heirloom presented and reviewed a project update and Major Improvement Area (MIA) improvements.

General discussion among Council, applicant, Tally Williams, and staff, including David Morgan, City Manager, regarding the change in value-to-debt ratio for road

construction; ponds will be for the whole development and road runoff; the location of water lines and wastewater infrastructure; ownership of ponds; PID assessments and ag exemptions; current appraisal of the land; right-of-way acquisition; City ownership of roads; contractor for improvements has been selected; and and what would happen to the PID bonds in the project is not completed.

1.D Pole Attachment Policy Updates

Presentation and discussion regarding proposed Pole Attachment Policy updates - - Daniel Bethapudi, General Manager of Electric Utilities

Bethapudi introduced the item and then turned it over to Alex Spinn, who presented and reviewed pole attachment standards; background; annual cost review; F2026 standard changes; FY2026 recommended fee changes; FY2026 recommended fees for violations; and staff recommendations.

General discussion among Council and staff regarding the timeliness of violation notices, and the use of an auditing system for existing pole attachments.

Mayor Schroeder recessed into Executive Session at 4:31 p.m.

2. Executive Session

In compliance with the Open Meetings Act, Chapter 551, Texas Government Code, Vernon's Codes, Annotated, the items listed below will be discussed in closed session and are subject to action in the regular session.

2.A Executive Session 07.28.2026

Sec. 551.071: Consultation with Attorney

Advice from the attorney about pending or contemplated litigation and other matters on which the attorney has a duty to advise the City Council, including agenda items.

- Litigation Update
- Austin Avenue Bridges
- Nova368, LLC TLAP Permit No. WQ0016488001
- Vista Townhomes LLC TLAP Permit No. WQ0016355002
- Long Term Water Supply Negotiations with Recharge LLC

Sec.551.072: Deliberations about Real Property

- 8th and Forrest

Sec. 551.087: Deliberation Regarding Economic Development Negotiations

- Project Barn
- Project Blue Skies
- Project Bluebonnet
- Project Boots
- Project Cowboy
- Project Delightful
- Project Ellie
- Project Hay

- Project Longhorn
- Project Lost Mine Peak
- Project Neptune
- Project Painted Canyon
- Project Palo Duro
- Project Pulse
- Project Rutherford
- Project Spurs
- Project Texas Heat
- Project Twist
- Project Vista Prism
- Wolf Lakes TIRZ

3. Regular Session - This portion of the meeting will begin no earlier than 6:00 pm.

Mayor Schroeder called the meeting to order at 6:04 p.m.

3.A Call to Order 07.28.2026

Pledge of Allegiance
Recognitions
- Parks and Recreation Month
Actions out of Executive Session

Moved by Kevin Pitts; seconded by Ben Stewart to approve that the City Council approve Project Twist and Project Texas Heat as discussed in Executive Session and authorize the City Manager to negotiate and execute agreements consistent with the terms presented.
Motion Approved: 7 - 0
Voting For: Amanda Parr, Kevin Pitts, Ben Butler, Ben Stewart, Jake French, Ron Garland, and Doug Noble
Voting Against: None

4. Public Wishing to Address Council

On a subject that is posted on this agenda: Please fill out a speaker registration form which can be found on the table at the entrance to the Council Chamber. Clearly print your name and the letter of the item on which you wish to speak and present it to the City Secretary on the dais, prior to the start of the meeting. You will be called forward to speak when the Council considers that item. Only persons who have delivered the speaker form prior to the meeting being called to order may speak. Speakers will be allowed up to three minutes to speak. If you wish to speak for six minutes, it is permissible to use another requestor's granted time to speak. No more than six minutes for a speaker may be granted. The requestor granting time to another speaker must also submit a form and be present at the meeting.

On a subject not posted on the agenda: An individual may address the Council at a regular City Council meeting by contacting the City Secretary no later than noon on the Wednesday prior to the Tuesday meeting, with the individual's name and a brief

description of the subject to be addressed. Only those persons who have submitted a timely request will be allowed to speak. Speakers will be given up to three minutes to address the City Council. The City Secretary can be reached at (512) 931-7715 or cs@georgetowntexas.gov.

4.A **Public Wishing to Address 07.28.2026**

- Upendra Chowlera wishes to speak about his utility bill.
- Michelle Augustine wishes to to give an Update on Neighbors First! programs addressing homelessness.
- Elaine Sebald - ceding time to Michelle Augustine for Update on Neighbors First!

5. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items which may be acted upon with one single vote. An item may be pulled from the Consent Agenda in order to be discussed and acted upon individually as part of the Regular Agenda.

Prior to the Consent Agenda being reviewed and voted on, both Councilmember Noble and Mayor Schroeder left the dais and recused themselves due to conflicts on Item 5.C.

Moved by Ron Garland; seconded by Amanda Parr to approve as presented.
Motion Approved: 6 - 0
Voting For: Amanda Parr, Kevin Pitts, Ben Butler, Ben Stewart, Jake French, and Ron Garland
Voting Against: None

5.A Council Minutes 07.14.26

Consideration and possible action to approve the minutes of the regular City Council meeting held on July 14, 2026 -- Robyn Densmore, City Secretary

5.B Resolution - ETJ Disannexation - Nova368 LLC - 2.45 Acres

Consideration and possible action to approve a Resolution to confirm the disannexation of approximately 2.45 acres of land from the City of Georgetown's Extraterritorial Jurisdiction (ETJ), identified as a portion of Williamson County Appraisal District Parcel R323695 and owned by Nova368 LLC -- Michael Charles, Real Estate Services Coordinator

5.C Resolution - ETJ Disannexation - Carlton - 129.858 Acres

Consideration and possible action to approve a Resolution to confirm the disannexation of approximately 129.858 acres of land from the City of Georgetown's Extraterritorial Jurisdiction (ETJ), identified as Williamson County Appraisal District Parcels R040585 and R550285 and owned by Kathryn J. Carlton, individually and as Trustee for the Kathryn J. Carlton Revocable Living Trust, and Nathan J. Carlton -- Michael Charles, Real Estate Services Coordinator

5.D Resolution - Advanced Funding Agreement with TxDOT for Stadium Drive and NE Inner Loop

Consideration and possible action to approve a resolution authorizing the City Manager to negotiate and approve an Advanced Funding Agreement with Texas Department of Transportation (TxDOT) for intersection improvements at Stadium Drive and Northeast Inner Loop -- Lua Saluone, P.E., Transportation Manager

5.E Resolution - First Amendment to Austin Avenue Advanced Funding Agreement
Consideration and possible action to approve a resolution amending an Advanced Funding Agreement with Texas Department of Transportation (TxDOT) to extend the limits on the Austin Avenue and Downtown Square Improvements project -- Lua Saluone, P.E., Transportation Manager

5.F Resolution - Authorizing the filing of the Assessment Roll for Georgetown Village Public Improvement District No.1
Consideration and possible action to approve a Resolution authorizing the filing of the Assessment Roll for the Georgetown Village Public Improvement District No. 1 -- Nick Woolery, Assistant City Manager, Andrea Barnes, P3Works, LLC - City's PID Administrator

5.G Transportation Impact Fee (TIF) Semi -Annual Report (2026 - 2nd Quarter)
Consideration and possible action to provide a recommendation to City Council on the semi-annual performance of the transportation impact fee -- Lua Saluone, P.E., Transportation Manager

5.H Memorandum of Understanding for Statewide Emergency Management Assistance Teams (TEMAT) Program Agreement
Consideration and possible action to enter into a Memorandum of Understanding (MOU) with Texas Division of Emergency Management (TDEM) to consolidate mutual aid processes and agreements between the State of Texas and the City for all special response teams under the State of Texas Emergency Management Assistance Teams (TEMAT) program -- Christy Rogers, Emergency Management Coordinator

5.I Ratification for US 183 & CR 3405 Emergency Water Main Repair
Consideration and possible action to ratify the expenditure of $272,888.00 with Royal Vista, Inc. for the emergency repair of a 16" water main at US 183 and CR 3405 -- Tim Walker, Water Utility Assistant Director

5.J Ratification for US 183 & CR 3405 Emergency Road Repairs
Consideration and possible action to ratify the expenditure of $211,021.20 with Texas Patriot Contracting for the emergency road repairs due to a water main break at US 183 and CR 3405 -- Tim Walker, Water Utility Assistant Director

5.K Construction Change Order #1 with Texas Road LLC, on the Shell Road Widening Project
Consideration and possible action to approve Change Order No. 1 to Texas Road, LLC (Austin Underground) for Shell Road improvements in the amount of $317,000.00 -- Wesley Wright, PE, Systems Engineering Director and David Herzog, CIP Manager

5.L Construction contract for D B Wood Phase II Part A

Consideration and possible action to award a contract to Jordan Foster Construction, LLC of Pflugerville, Texas for the Construction of the D B Wood Road Phase II Part A Improvements project in the amount of $5,800,000.00 -- Wesley Wright, P.E., Systems Engineering Director / David Herzog, CIP Manager

5.M Construction Contract with Bell Contractors for Saddle Creek Lift Station Phase II Contract #26-0246-CIP
Forwarded from the Georgetown Water Utility Advisory Board (GWUAB):
Consideration and possible action to approve a contract to Bell Contractors Inc, of Belton, TX for the construction of the Saddle Creek Lift Station Phase Two Improvements in the amount of $606,635.21 -- Wesley Wright P.E., Systems Engineering Director, and David Herzog, CIP Manager

5.N Halff Engineering Task Order HAI-26- 002 for Stormwater Small Projects FY26
Consideration and possible action to approve a task order with Halff Engineering of Austin, Texas for professional design services associated with the Pine Street, Myrtle Street, and Hogg Street Stormwater Drainage Improvement Projects in the amount of $295,070.00 – Wesley Wright, PE, Systems Engineering Director and David Herzog CIP Manager

5.O Task Order KPA-26-010 with Kasberg, Patrick and Associates, LP (KPA) for Westinghouse Gravity Wastewater Improvements & Lift Station Decommissioning project
Forwarded from the Georgetown Water Utility Advisory Board (GWUAB):
Consideration and possible action to approve Task Order KPA-26-010 with Kasberg, Patrick and Associates, LP (KPA) for professional engineering services for Westinghouse Gravity Wastewater Improvements & Lift Station Decommissioning project in the amount of $ 1,060,800.00 -- Wesley Wright, P.E., Systems Engineering Director, and David Herzog, CIP Manager

5.P ImageTrend Fire and EMS Records Management Software Renewal
Consideration and possible action to approve an amendment and renewal of the annual software subscription with ImageTrend, LLC for Fire and EMS records management, reporting, integrations, and related services, in the amount not to exceed $106,008.11 for a 12-month subscription term -- Chris Bryce, IT Director; Greg Berglund, Assistant IT Director

5.Q SCBA Purchase from HEAT Safety, LLC
Consideration and possible action to approve the purchase of Self-Contained Breathing Apparatus (SCBA) Bottles, Masks, and Accessories through HEAT Safety LLC utilizing TXShare Cooperative Agreement #2025-124 in an amount not to exceed $175,000.00 -- John Sullivan, Fire Chief

5.R Purchase and installation of Georgetown Tennis Center Court lighting from Musco Sports Lighting, LLC
Consideration and possible action to approve the purchase and installation of court lighting from Musco Sports Lighting, LLC of Oskaloosa, IA using Buyboard contract, 779-25 in the amount of $227,000.00 for the Georgetown Tennis Center courts. -- Eric Nuner, Interim Parks and Recreation Director

5.S Abandonment of a Portion of a Public Utility Easement at the Request of Ewing Development Company, LLC

Consideration and possible action to approve a resolution abandoning a portion of a public utility easement that was dedicated to the City under a plat recorded under Cabinet L, Slide 224 of the Official Plat Records of Williamson County, Texas, upon the acceptance by the City of a replacement public utility easement to be in a location to be specified by the City across Lot 16, Block C, Preliminary Plat of Rivery Crossing Phase 2, a Preliminary Plat approved by the City of Georgetown on June 2, 2026 under application number 2026-2-PP -- Andrew Culpepper, Assistant City Attorney - Real Estate Services

5.T Second Reading - Water Rate Increase and Associated Fees

Second Reading of an Ordinance amending sections 13.04.120 and 13.04.150 of the Code of Ordinances relating to water service rates and charges and water tap and meter fees -- Chelsea Solomon, PE, Water Utilities Director, and Leigh Wallace, Chief Financial Officer

5.U Second Reading - Wastewater Rate Increase

Second Reading of an Ordinance amending Section 13.04.140 of the Code of Ordinances related to sewer rates and charges -- Chelsea Solomon, PE, Water Utilities Director, and Leigh Wallace, Chief Financial Officer

6. Legislative Regular Agenda

6.A Second Reading - 2026-5-ANX - 8600 RM 2338

Second Reading of an Ordinance on a request for a Zoning Map Amendment to zone, upon annexation, 11.59 acres of land out of the Lewis P. Dyches Survey, Abstract No. 171, as the General Commercial (C-3) zoning district, for the property generally located at 8600 RM 2338, Georgetown, Texas (2026-5-ANX) -- Edgar Garcia, Planning Director

Garcia presented and reviewed the Aerial Map; Council action at first reading; and the location of C-1 and C-3 zoning.

Garcia read the Ordinance caption.

General discussion among Council and staff regarding the C-1 zoning.

Cy Payne addressed the Council regarding safety concerns with the change in zoning and loss of privacy.

Jarrod Warnock addressed the Council regarding his appreciation for consideration of neighboring residents, safety concerns, the possibility of businesses operating 24-hours, and his understanding of what a disannexation could lead to for neighboring residents.

General discussion after the motion among Council and staff regarding concerns if property were to disannex from the City limits, and the compromise with addition of C-1.

Moved by Kevin Pitts; seconded by Ben Butler to approve.
Motion Approved: 7- 0
Voting For: Amanda Parr, Kevin Pitts, Ben Butler, Ben Stewart, Jake French, Ron Garland, and Doug Noble

Voting Against: None

6.B First Reading - 2025-8-SUP - 2815 N. Austin Ave

Public Hearing and First Reading of an Ordinance on a request for a Special Use Permit (SUP) for the specific use of "Car Wash" in the General Commercial (C-3) zoning district on the property located at 2815 North Austin Avenue, Georgetown, Texas, bearing the legal description of 1.951 acres out of the Antonio Flores Survey, Abstract No. 235 (2025-8-SUP) -- Colin Davidson, Senior Planner

This item was postponed until the August 25, 2026, Council meeting, and there was no discussion on the item.

Moved by Jake French; seconded by Amanda Parr to Approve postpone until August 25, 2026.
Motion Approved: 7- 0
Voting For: Amanda Parr, Kevin Pitts, Ben Butler, Ben Stewart, Jake French, Ron Garland, and Doug Noble
Voting Against: None

6.C First Reading - 2026-2-SUP - 750 S IH 35

Public Hearing and First Reading of an Ordinance on a request for a Special Use Permit (SUP) for the specific use of Permanent Mobile Food Vendor in the C-1 Local Commercial zoning district on the property located at 750 South Interstate Highway 35, Georgetown, TX 78628, bearing the legal description of Lot 5B, Block B, of the Rivery Phase 1 Lot 5 Block B Replat (2026-2-SUP) -- Preston Gunn, Planner

Gunn presented and reviewed the Aerial Map; Zoning Map; Future Land Use Designation; Highway Overlay; Local Commercial (C-1) zoning designation explanation; General Commercial (C-3) zoning designation explanation; Special Use Permit (SUP) explanation; use limitations per UDC Sec. 5.04.020.Y; the site plan; how the application complies or partially complies with the approval criteria for UDC Sections 3.07.030 and 3.06.030; nearby uses; and how notifications were sent and to date staff have received no comments. He added that at their July 7th, 2026, meeting, the Planning and Zoning Commission recommended approval with conditions of the request with a 7-0 vote and the following conditions: the restrooms have potable water, have electricity, and are lockable; and service windows must face away from the drive aisle.

Gunn read the Ordinance caption.

General discussion among Council, applicant advocate Michael Price, and staff regarding: the implications if only one food trailer does not pass a health

inspection; how the site manager would handle issues with health and safety; how the addition of conditions would require potable water and electricity; the County will handle health complaints; current limit on the number of food trucks allowed; what would happen if a restaurant returned to the location in the future; impacts of the SUP on future use of the site; the goal of activating the space for the long term; the applicant's plans to properly maintain the site and keep it clean; possible plans for the interior of the building; toilet facilities will be provided in a trailer; and how dumpsters will be available, and the bathroom facilities will be maintained, but not connected to the sewer system.

Mayor Schroeder opened and closed the public hearing at 6:49 p.m. as there were no speakers.

Moved by Amanda Parr; seconded by Ron Garland to approve as with the conditions outlined by Planning and Zoning and staff recommendations.
Motion Approved: 7- 0
Voting For: Amanda Parr, Kevin Pitts, Ben Butler, Ben Stewart, Jake French, Ron Garland, and Doug Noble
Voting Against: None

6.D First Reading - Renaming of Capella Parkway to Clear Skies Way

First Reading of an Ordinance to approve the renaming of Capella Parkway to Clear Skies Way from Lakeway Boulevard to the terminus of the street -- Lua Saluone, P.E., Transportation Manager

Saluone presented and reviewed the location of the road to be renamed.

General discussion among Council and staff regarding the reason for the renaming to better reflect its tie to the Airport.

Saluone read the Ordinance caption.

Moved by Doug Noble; seconded by Jake French to Approve as presented.
Motion Approved: 7- 0
Voting For: Amanda Parr, Kevin Pitts, Ben Butler, Ben Stewart, Jake French, Ron Garland, and Doug Noble
Voting Against: None

6.E First Reading - UDC Adoption

Public Hearing and First Reading of an Ordinance for a proposed adoption of a new Unified Development Code to replace existing Development Code and repealing of conflicting ordinances- Edgar I. Garcia, AICP - Director of Planning

Garcia presented and reviewed: the City departments that contributed to the project; organizations outside of the City that contributed to the project; purpose and background of the UDC; reasons to update the UDC; UDC update process; UDC update highlights; and notable updates related to the reorganization of zoning districts, introduction of Residential Mix District, restructured Industrial

Districts, dedicated Downtown and Old Town Chapter, creation of separate Tree Preservation Section (Chapter 10), introduction of Neighborhood Conservation Overlay Districts, and a clearer path to redevelopment with Administrative and Special Exceptions. He added that the major outcomes of the UDC update include clarity, housing diversity, environmental stewardship, predictability, and uniformity. Garcia then reviewed comments received from the postcard notifications; next steps for City Council; and how, at its July 21, 2026, meeting, the Planning and Zoning Commission recommended Approval with a 7-0 vote. He added that the Planning and Zoning Commission provided the following comments: following the implementation of the updated UDC, staff should track any requests seeking to vary from the updated development standards; and staff should prioritize further updating and refining the code based on those requests.

Garcia read the Ordinance caption.

General discussion among Council and staff regarding the intent of tracking requests to look for trends; the total number of comments received was around 100; the City sent close to 100,000 postcards; staff did review all comments that were received to review for needed change considerations; and many thanks to City staff.

Mayor Schroeder opened the public hearing at 7:03 p.m. Larry David addressed the Council regarding the impact of the change in zoning on his business. Morris Williams addressed the Council regarding concerns with a road that could come across his property and impact his home, and the need for clarification on the appeal process. Mayor Schroeder closed the public hearing at 7:07 p.m.

General discussion among Council and staff after the motion regarding appreciation for staff and committee members and the years of work put into the process.

Moved by Ben Stewart; seconded by Kevin Pitts to approve as presented.
Motion Approved: 7- 0
Voting For: Amanda Parr, Kevin Pitts, Ben Butler, Ben Stewart, Jake French, Ron Garland, and Doug Noble
Voting Against: None

Adjournment

Mayor Schroeder adjourned the meeting at 7:08 p.m.

These minutes were approved at the meeting of _____.

_____ _____

Mayor Attest

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Noble as GTEC Chair

SUGGESTED ACTION:
Consideration and possible action to appoint Doug Noble as the Chair of the Georgetown Transportation Enhancement Corporation (GTEC) -- Mayor Josh Schroeder

ITEM SUMMARY:

FINANCIAL IMPACT:

SUBMITTED BY:
Robyn Densmore, City Secretary

ATTACHMENTS:

N/A

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Resolution - ETJ Disannexation - C5 Revocable Living Trust

SUGGESTED ACTION:
Consideration and possible action to approve a Resolution to confirm the disannexation of approximately 123.83 acres of land from the City of Georgetown's Extraterritorial Jurisdiction (ETJ), identified as Williamson County Appraisal District Parcels R485197 and R039194 and owned by the Angela Wren Hawes Cummings and Michael Ray Cummings, Trustees of the C5 Revocable Living Trust -- Michael Charles, Real Estate Services Coordinator

ITEM SUMMARY:

FINANCIAL IMPACT:

SUBMITTED BY:
Michael Charles, City Attorney's Office/ Real Estate

ATTACHMENTS:
Res_ETJ_Release_C5 Living Trust_FM3405_123 AC-FINAL.pdf
C5 REVOCABLE LIVING TRUST Map.pdf

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS ("GEORGETOWN") RELEASING APPROXIMATELY 123.83 ACRES OF LAND FROM THE CITY OF GEORGETOWN'S EXTRATERRITORIAL JURISDICTION ("ETJ"), SAID LAND IDENTIFIED BY THE WILLIAMSON COUNTY APPRAISAL DISTRICT AS PARCELS R485197 AND R039194, AND BEING LOCALLY KNOWN AS 2915 FM 3405, GEORGETOWN, WILLIAMSON COUNTY, TEXAS, RESULTING IN A REDUCTION OF GEORGETOWN'S ETJ; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 24, 2026, the City of Georgetown, Texas, received a petition requesting release from its ETJ of an approximately 123.83 acre tract of land in the L.P. Dyches Survey (the "Petition"), a true and correct copy of such Petition being attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, pursuant to Subchapter D of Chapter 42 of Local Government Code, landowners or residents may submit a petition seeking release of an area of land from the City's ETJ; and

WHEREAS, the City Secretary has reviewed the Petition and confirmed that it meets the requirements of Subchapter D of Chapter 42 of the Local Government Code and the petition requirements of Chapter 277 of the Election Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS:

SECTION 1. The City Council of the City of Georgetown, Texas ("**City Council**"), does hereby find that the forgoing recitals are true and correct and adopts the recitals by this reference for all purposes.

SECTION 2. To the extent required by state law, the City Council does hereby adjust the boundaries and limits of the ETJ of the City of Georgetown, Texas, such that the ETJ of the City of Georgetown, Texas, shall be and is hereby adjusted to release and remove the Area subject to the Petition, as such Area is more particularly described and depicted in Exhibit B attached hereto and incorporated herein by reference, from the ETJ of the City of Georgetown, Texas.

SECTION 3. The City Council is not consenting to this reduction of its ETJ except as required by state law.

SECTION 4. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the City Council of the City of Georgetown, Texas, on the _____ day of _____, 2026.

CITY OF GEORGETOWN, TEXAS

By:_____
Josh Schroeder, Mayor

ATTEST:

By:_____
Robyn Densmore, City Secretary

APPROVED AS TO FORM:

By:_____
Skye Masson, City Attorney

Exhibit A to Resolution

Petition

RECEIVED
JUL 2 4 2026
CITY SEC.

THE C5 REVOCABLE LIVING TRUST
Angela Hawes Cummings ***Michael Ray Cummings***
2915 FM 3405
Georgetown, TX 78633

July 23, 2026

City of Georgetown
Attn: City Secretary Robyn Densmore
808 Martin Luther King Jr. St.
Georgetown, Texas 78626

RE: Petition for the Release of Land from the City of Georgetown, Texas (the *"City"*)

Extraterritorial Jurisdiction; made by THE C5 REVOCABLE LIVING TRUST ANGELA HAWES CUMMINGS TRUSTEE OR MICHAEL R CUMMINGS TRUSTEE (the "Landowner"). (This is a revised petition from the original dated May 18, 2026 submission)

Dear Ms. Densmore:

As you know, Section 42.102 ofthe Texas Local Government Code [as added by Senate Bill 2038 in the 88th Texas Legislature, Regular Session, effective September 1, 2023 (the "Act") permits a resident ofan area in the City's extraterritorial jurisdiction to file a petition with the City for the area to be released from the City's extraterritorial jurisdiction. In accordance with the provisions ofthe Act, please find enclosed a Petition for the Release ofLand from the City of Georgetown's Extraterritorial Jurisdiction (the ***"Petition").***

Pursuant to Section 42.105, the Petition shall be verified by the City Secretary ofthe City or other person responsible for verifying signatures. If upon conclusion of this review, the City determines that the Petition contains the number ofsignatures required under Section 42.104, the City shall notify (i) the residents and landowners ofthe area described by the Petition, or (ii) the person who filed the Petition, ofthe results thereof, and the Land (defined in the Petition) shall be immediately released from the City's extraterritorial jurisdiction. Please note that ifthe City fails to take timely action to release the Land, then the Land shall be released by operation oflaw in accordance with Section 42.105(d).

If youy have any questions or need anything additional from me, please do not hesitate to contact me.

Sincerely,

Angela Wren Hawes Cummings

Michael Ray Cummings

Enclosure: Petition for the release of Land from the City of Georgetown, Texas Extratenitorial Jurisdiction

PETITION FOR RELEASE OF AREA FROM THE EXTRATERRITORIAL JURISDICTION

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS:

The undersigned (hereinafter called "Petitioner"), pursuant to Section 42.102 of the Texas Local Government Code, as amended, hereby respectfully petitions the City of Georgetown, Texas (hereinafter called the "City"), for the removal of the area described in Exhibit A herein (the "Property") from the extraterritorial jurisdiction (the "ETJ") of the City.

In support of this Petition, Petitioner would respectfully show:

I.

Petitioner has authority, pursuant to Section 42.102(b) of the Texas Local Government Code, to file this Petition as the owner of the majority in value of an area of land in a municipality's ETJ.

II.

This Petition is signed by a majority in value of the holders of title of land in the area as described by the Petition, as indicated by the tax rolls of the Williamson Central Appraisal District attached as Exhibit B.

III.

This Petition has satisfied the signature requirements described by Section 42.104 of the Texas Local Government Code.

IV.

The signature collected for this Petition is in writing, pursuant to Section 42.104(c) of the Texas Local Government Code.

V.

The Property is located in Williamson County, Texas, and totals approximately 123.83 acres, as described by metes and bounds and depicted in the map/sketch in Exhibit "A", which is located within the extraterritorial jurisdiction of the City and, is not subject to any of the exceptions from applicability described in Section 42.101, Texas Local Government Code.

VI.

This Petition shall be verified by the City Secretary of the City or other person at the City responsible for verifying signatures.

VII.

The City must notify the residents or landowners of the Property of the results of the Petition, which notification requirement may be satisfied by notifying the Petitioner in writing.

VIII.

If Petitioner has obtained the signatures on the Petition required under Section 42.104, Texas Local Government Code to release the Property from the City's ETJ, the City shall immediately release the Property from its ETJ pursuant to Section 42.105(c), Texas Local Government Code.

IX.

ANGELA WREN HAWES CUMMINGS & MICHAEL RAY CUMMINGS
TRS OF THE C5 REVOCABLE LIVING

Petitioner's voter registration number is [redacted]

Petitioner's voter registration number is [redacted]

X.

If the City Council has not released the Property from the ETJ by the later of the 45th day after the date the City receives this Petition or the next meeting of the City Council that occurs after the 30th day after the date the City receives this Petition, the Property shall be released by operation of law pursuant to Chapter 42.105(d), Texas Local Government Code.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the City Secretary of the City of Georgetown, Texas, and that, thereafter, the Property be removed from the extraterritorial jurisdiction of the City, in the manner provided by law, including particularly Sections 42.102-105 of the Texas Local Government Code, as amended, that after this Petition has been granted, that it and the Petitioner's action thereon be filed of record and be recorded in the Office of the City Secretary of Georgetown, Texas; and that Petitioner have such other order and relief to which it may show itself entitled.

IN WITNESS WHEREOF, I, as Petitioner, has hereunto set my hand this 24 day of July, 20 26.

PETITIONER:

Angela Wren Hawes Cummings

Angela Wren Hawes Cummings

PETITIONER:

Michael Ray Cummings

Residence and Mailing Address:

[redacted]

THE STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on 24th of July, 2026, by Angela Wren Hawes Cummings and Michael Ray Cummings.

Notary Public, State of Texas

(SEAL)

DAVID HUGHES
Notary ID #135509889
My Commission Expires
April 3, 2029

DAVID HUGHES
Notary ID #135509889
My Commission Expires
April 3, 2029

EXHIBIT "A"

LEGAL DESCRIPTION OF AREA TO BE REMOVED FROM THE EXTRATERRITORIAL JURISDICTION

[Please See Attached]

Prepared by and Return To:
Oath Law
1214 East 33rd Street
Tulsa, OK 74105

Taxes To:
Michael Ray Cummings
& Angela Wren Hawes Cummings
2915 FM 3405
Georgetown, TX 78633

TEXAS WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS

COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS, that the grantor, **Angela Hawes Cummings a/k/a Angela Wren Hawes Cummings**, a married person, and **Michael Ray Cummings**, non-title spouse joining as to marital/homestead rights only and not to create community property, whose address is: 2915 FM 3405, Georgetown, Texas 78633 for and in consideration of the sum of Ten and No/100 Dollars ($10.00) to me in hand paid and the receipt of which is hereby acknowledged, has granted, sold, and conveyed, and by these presents do grant, sell, and convey to the Grantee, **Angela Wren Hawes Cummings, a married person, and Michael Ray Cummings, non-title spouse joining as to marital/homestead rights only and not to create community property, Trustees of the C5 Revocable Living Trust, dated August 28, 2024, and any amendments thereto (referred to herein as "Grantee" whether one or more), whose address is: 2915 FM 3405, Georgetown, Texas 78633.**

All of my undivided interest unto the said grantee in the following described real property, located in Williamson County, Texas, to-wit:

> All that certain 2.50 acre tract or parcel of land situated in Williamson County, Texas, out of the L.P. Dyches Survey, Abstract No. 171 and being a portion of that tract described as 451.55 acres in a Gift Warranty Deed granted to Hawes Properties, Ltd., dated December 1995, and recorded as Document No. 9555852, Official Records of Williamson County, Texas, and being further described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein for all purposes (the "Property").

Property Address: 2915 FM 3405, Georgetown, Texas 78633.

Source of Title: Instrument No. 2007001470

THIS CONVEYANCE is made subject to:
any and all restrictions, covenants, conditions and easements, if any, relating to the herein above described property, but only to the extent they are still in effect, shown of record in the herein above mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the herein above described property.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said grantee, heirs and/assigns forever, and the said grantor hereby binds him/herself, heirs and/or assigns to warrant and forever defend, all and singular the said property and premises unto the said grantee, heirs and/or assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS my hand this August 28, 2024.

Grantor's Signature Angela Hawes Cummings Date August 28, 2024
Print Name: Angela Hawes Cummings a/k/a Angela Wren Hawes Cummings
Address: 2915 FM 3405, Georgetown, Texas 78633

Grantor's Spouse's Signature _____ Date August 28, 2024
Print Name: Michael Ray Cummings
Address: 2915 FM 3405, Georgetown, Texas 78633

STATE OF TEXAS)
) SS
COUNTY OF WILLIAMSON)

This instrument was acknowledged before me on August 28, 2024, by Angela Hawes Cummings a/k/a Angela Wren Hawes Cummings, a married person, and Michael Ray Cummings, non-title spouse joining as to marital/homestead rights only.

Ashleigh Banks
Notary Public
Ashleigh Banks
Print name

ASHLEIGH BANKS
My Notary ID # 135042077
Expires August 14, 2028

(Seal)

Construe all terms with the appropriate gender and quantity required by the sense of this deed.

This instrument was prepared based on information furnished by the parties, and no independent title search has been made.

EXHIBIT "A"

FIELD NOTES
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DATE: DECEMBER 23, 2004
PAGE: 1 of 2

2.50 ACRES (108900 sq. ft.)

All that certain tract or parcel of land situated in Williamson County, Texas, out of the L. P. Dyches Survey, Abstract No. 171 and being a portion of that tract described as 451.55 acres in a Gift Warranty Deed granted to Hawes Properties, Ltd., dated December 1995, and recorded as Document No. 9555852, Official Records of Williamson County, Texas, and further described by metes and bounds as follows:

COMMENCING at a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" in the south line of Farm to Market Road 3405, a 120-foot right-of-way, for the northwest corner of Lot 1, Hawes Ranch Section Two, a subdivision recorded in Cabinet Y, Slide(s) 395 – 399, Plat Records Williamson County and for the northeast corner of the remainder of said Hawes Properties, Ltd. tract;

THENCE: into said Hawes Properties, Ltd. tract in the following five (5) courses,

1. S 22°19'01" E with the most northerly west line of said Hawes Ranch Section Two, at 364.03 feet passing a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of Lot 2, said Hawes Ranch Section Two and leaving the same, in all 365.83 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
2. 360.06 feet along a curve to the right and concave to the west (Δ= 01°43'01", r= 12015.00 feet, lc bears S 21°27'31" E 360.05 feet) to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at a point of tangency,
3. S 20°36'00" E 147.43 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
4. 227.28 feet along a curve to the right and concave to the west (Δ= 39°27'39", r= 330.00 feet, lc bears S 00°52'11" E 222.81 feet) to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at a point of tangency,
5. S 18°51'39" W 1317.68 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the BEGINNING and northeast corner of this tract, a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of Lot 16, said Hawes Ranch Section Two bears S 85°14'24" E 928.75 feet;

THENCE: along the east line of this tract S 26°34'13" E 294.69 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and S 36°12'23" E 193.98 feet to a ½" iron pin set for the southeast corner of this tract;

THENCE: S 63°12'49" W 119.08 feet along the south line of this tract to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of this tract;

THENCE: along the west line of this tract N 55°53'49" W 307.79 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and N 53°15'19" W 245.27 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of this tract;

THENCE: N 63°38'54" E 337.22 feet to the point of Beginning and containing 2.50 acres (108900 sq. ft.) of land.

Bearings cited hereon based on Grid North, Texas State Plane Coordinate System, Central Zone (NAD 83/93).

Castleberry Surveying, Ltd.
203 South IH 35, Suite 101C
Georgetown, Texas 78628

STATE OF TEXAS REGISTERED KENNETH LOUIS CRIDER PROFESSIONAL LAND SURVEYOR

Kenneth Louis Crider
Registered Professional Land Surveyor No. [illegible]

FIELD NOTES
\\Server\projects_eng\Eppl_03\30359_HAWES_RANCH\DOCUMENTS\EXHIBITS\DAUGHTER2_122304.doc
DATE: DECEMBER 23, 2004
PAGE: 1 of 2

2.50 ACRES (108900 sq. ft.)

All that certain tract or parcel of land situated in Williamson County, Texas, out of the L. P. Dyches Survey, Abstract No. 171 and being a portion of that tract described as 451.55 acres in a Gift Warranty Deed granted to Hawes Properties, Ltd., dated December 1995, and recorded as Document No. 9555852, Official Records of Williamson County, Texas, and further described by metes and bounds as follows:

COMMENCING at a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" in the south line of Farm to Market Road 3405, a 120-foot right-of-way, for the northwest corner of Lot 1, Hawes Ranch Section Two, a subdivision recorded in Cabinet Y, Slide(s) 395 – 399, Plat Records Williamson County and for the northeast corner of the remainder of said Hawes Properties, Ltd. tract;

THENCE: into said Hawes Properties, Ltd. tract in the following five (5) courses,

1. S 22°18'01" E with the most northerly west line of said Hawes Ranch Section Two, at 364.03 feet passing a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of Lot 2, said Hawes Ranch Section Two and leaving the same, in all 365.83 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
2. 360.06 feet along a curve to the right and concave to the west (Δ= 01°43'01", r= 12015.00 feet, lc bears S 21°27'31" E 360.05 feet) to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at a point of tangency,
3. S 20°36'00" E 147.43 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
4. 227.28 feet along a curve to the right and concave to the west (Δ= 39°27'39", r= 330.00 feet, lc bears S 00°52'11" E 222.81 feet) to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at a point of tangency,
5. S 18°51'39" W 1317.65 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the BEGINNING and northeast corner of this tract, a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of Lot 16, said Hawes Ranch Section Two bears S 85°14'24" E 928.75 feet;

THENCE: along the east line of this tract S 28°34'13" E 294.69 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and S 36°12'23" E 193.99 feet to a ½" iron pin set for the southeast corner of this tract;

THENCE: S 63°12'49" W 119.08 feet along the south line of this tract to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of this tract;

THENCE: along the west line of this tract N 55°53'49" W 307.79 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and N 53°15'18" W 245.21 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of this tract;

THENCE: N 63°38'54" E 337.22 feet to the point of Beginning and containing 2.50 acres (108900 sq. ft.) of land.

Bearings cited hereon based on Grid North, Texas State Plane Coordinate System, Central Zone (NAD 83/93).

Castleberry Surveying, Ltd.
203 South IH 35, Suite 101C
Georgetown, Texas 78628

STATE OF TEXAS REGISTERED KENNETH LOUIS CRIDER 4835 PROFESSIONAL LAND SURVEYOR

Kenneth Louis Crider
Registered Professional Land Surveyor

KLC/hbb

RECORDERS MEMORANDUM
All or parts of the text on this page was not clearly legible for satisfactory recordation.

EXHIBIT
B

Prepared by and Return To:
Oath Law
1214 East 33rd Street
Tulsa, OK 74105

Taxes To:
Angela Wren Hawes Cummings
2915 FM 3405
Georgetown, TX 78633

TEXAS WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS

COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS, that the grantor, **Angela Wren Cummings a/k/a Angela Wren Hawes Cummings**, a married person not joined by spouse for the reason that the property conveyed herein is sole and separate property and does not constitute any part of any homestead, whose address is: 2915 FM 3405, Georgetown, Texas 78633 for and in consideration of the sum of Ten and No/100 Dollars ($10.00) to me in hand paid and the receipt of which is hereby acknowledged, has granted, sold, and conveyed, and by these presents do grant, sell, and convey to the Grantee, **Angela Wren Hawes Cummings, Trustee of the C5 Revocable Living Trust, dated August 28, 2024, and any amendments thereto** (referred to herein as "Grantee" whether one or more), whose address is: 2915 FM 3405, Georgetown, Texas 78633.

All of my undivided interest unto the said grantee in the following described real property, located in Williamson County, Texas, to-wit:

Being 123.83 acres out of the L.P. Dyches Survey, Abstract No. 171. Williamson County, Texas, and being a portion of that same tract described in a Gift Warranty Deed to Hawes Properties, Ltd., dated December 12, 1995 and recorded as Document No. 9555852, Official Records, Williamson County, Texas, and being an overall 126.33 acres as described on Exhibit "A" excluding and save and except that 2.50 acre tract described in a General Warranty Deed to Angela Hawes Cummings dated December 31, 2004 and recorded as Document No. 2007001470, and said overall tract of 126.33 acres being further described by metes and bounds on Exhibit "A" attached hereto and incorporated herein for all purposes,

SAVE AND EXCEPT:

All that certain 2.50 acre tract or parcel of land situated in Williamson County, Texas, out of the L. P. Dyches Survey, Abstract No. 171. being

that tract described in a General Warranty Deed to Angela Hawes Cummings dated December 31, 2004, and recorded as Document No. 2007001470, Official Public Records, Williamson County, Texas, and being further described by metes and bounds on Exhibit "B" attached hereto and incorporated herein for all purposes,

For a net tract conveyed hereunder of 123. 83 acres,

Property Address: 3321 FM 3405, Georgetown, Texas 78633.

Source of Title: Instrument No. 2010084308

THIS CONVEYANCE is made subject to:
any and all restrictions, covenants, conditions and easements, if any, relating to the herein above described property, but only to the extent they are still in effect, shown of record in the herein above mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the herein above described property.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said grantee, heirs and/assigns forever, and the said grantor hereby binds him/herself, heirs and/or assigns to warrant and forever defend, all and singular the said property and premises unto the said grantee, heirs and/or assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS my hand this August 28, 2024.

Grantor's Signature Angela Hawes Cummings Date August 28, 2024
Print Name: Angela Wren Cummings a/k/a Angela Wren Hawes Cummings

Address: 2915 FM 3405, Georgetown, Texas 78633

STATE OF TEXAS)
) SS
COUNTY OF WILLIAMSON)

This instrument was acknowledged before me on August 28, 2024, Angela Wren Cummings a/k/a Angela Wren Hawes Cummings.

Ashleigh B
Notary Public
Ashleigh Banks
Print name

ASHLEIGH BANKS
My Notary ID # 135042077
Expires August 14, 2028

(Seal)

Construe all terms with the appropriate gender and quantity required by the sense of this deed.

This instrument was prepared based on information furnished by the parties, and no independent title search has been made.

EXHIBIT "A"

FIELD NOTES
JOB NO: 30359-01_TRACT 3
DATE: SEPTEMBER 24, 2010
PAGE: 1 OF 4

123.83 ACRES

Being 123.83 acres out of the L.P. Dyches Survey, Abstract No. 171, Williamson County, Texas, and being a portion of that same tract described in a Gift Warranty deed to Hawes Properties, LTD., dated December 12, 1995 and recorded as Doc. No. 9555852, Official Records, Williamson County, Texas, and being an overall 126.33 acre tract as described below excluding that 2.50 acres tract that lays within said 126.33 acres described in a General Warranty Deed to Angela Hawes Cummings dated December 31, 2004 and recorded as Doc. No. 2007001470, and said overall tract being further described by metes and bounds as follows:

BEGINNING: at a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set in the south margin of Farm to Market Road 3405, for the northwest corner of Hawes Ranch Section Two, a subdivision in Williamson County, Texas and recorded in Cab. Y, Sl. 395-399, Plat Records of Williamson County, Texas, being the northeast corner of a remainder of said Hawes Properties, LTD. and this tract;

THENCE: with the west line of said Hawes ranch Section Two and the east line of said Hawes Properties, LTD. remainder tract and this tract, the following twelve (12) courses:

1. S 22°19'01" E 364.03 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
2. N 68°29'52" E 237.83 feet to a "PK" nail found,
3. S 20°36'00" E 1587.42 feet to a Cotton Spindle found,
4. S 00°02'49" W 586.14 feet to a Cotton Spindle found,
5. S 68°29'52" W 100.00 feet to a "T" post found,
6. S 20°54'00' E 322.13 feet to a 1/2" iron pin with yellow plastic cap inscribed "CCC 4835" found,
7. N 68°29'52" E 135.23 feet to a 1/2" iron pin with yellow plastic cap inscribed "CCC 4835" found,
8. S 20°54'00" E 1207.39 feet to a 2" iron pipe found,
9. N 68°29'52" E 542.28 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
10. S 20°54'00" E 60.00 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
11. S 68°29'52" W 541.65 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
12. S 30°12'41" W 1411.30 feet to a 1/2" iron pin with yellow plastic cap inscribed "CCC 4835" found in the south line of said Hawes Properties, LTD. tract, the north line of that tract described as Tract 400 deeded to the U.S. corps of engineers, dated May 23, 1974 and recorded in Vol. 589, Pg. 101, Deed Records, Williamson County, Texas, for the southeast corner of this tract;

THENCE: N 83°11'18" W 232.42 feet with the north line of said Corp of Engineers tract, the south line of said Hawes Properties, LTD. tract to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set for the southwest corner of this tract;

THENCE: into and across said Hawes Properties, LTD. tract for the west line if this tract the following three (3) courses:

1. N 12°47'26" W 2086.65 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
2. N 44°55'21" W 733.97 feet to a 1/2" iron pin found for the northwest corner of said Angela Hawes Cummings tract,

FIELD NOTES
JOB NO: 30359-01_TRACT 3
DATE: SEPTEMBER 24, 2010
PAGE: 2 OF 4

3. N 13°25'01" W 1961.05 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set in the south margin of said Farm to Market Road and the north line of said Hawes Properties, LTD. for the northwest corner of this tract;

THENCE: with the south margin of said Farm to Marker Road and the north line of said Hawes Properties, LTD. tract the following two (2) courses:

1. N 57°19'03" E 757.29 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
2. 248.25 feet along a curve to the right (delta=10°21'51", r=1372.39', LC bears= N 62°29'59" E 247.91') to the Point of Beginning.

Bearings cited hereon are based on Grid North Texas State Plane Coordinate System Central Zone (NAD 83/93).

9/24/10

Clyde C. Castleberry, Jr., R.P.L.S. No. 4835
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

CCC/jrb

STATE OF TEXAS
REGISTERED
CLYDE C. CASTLEBERRY JR.
4835
PROFESSIONAL
LAND SURVEYOR

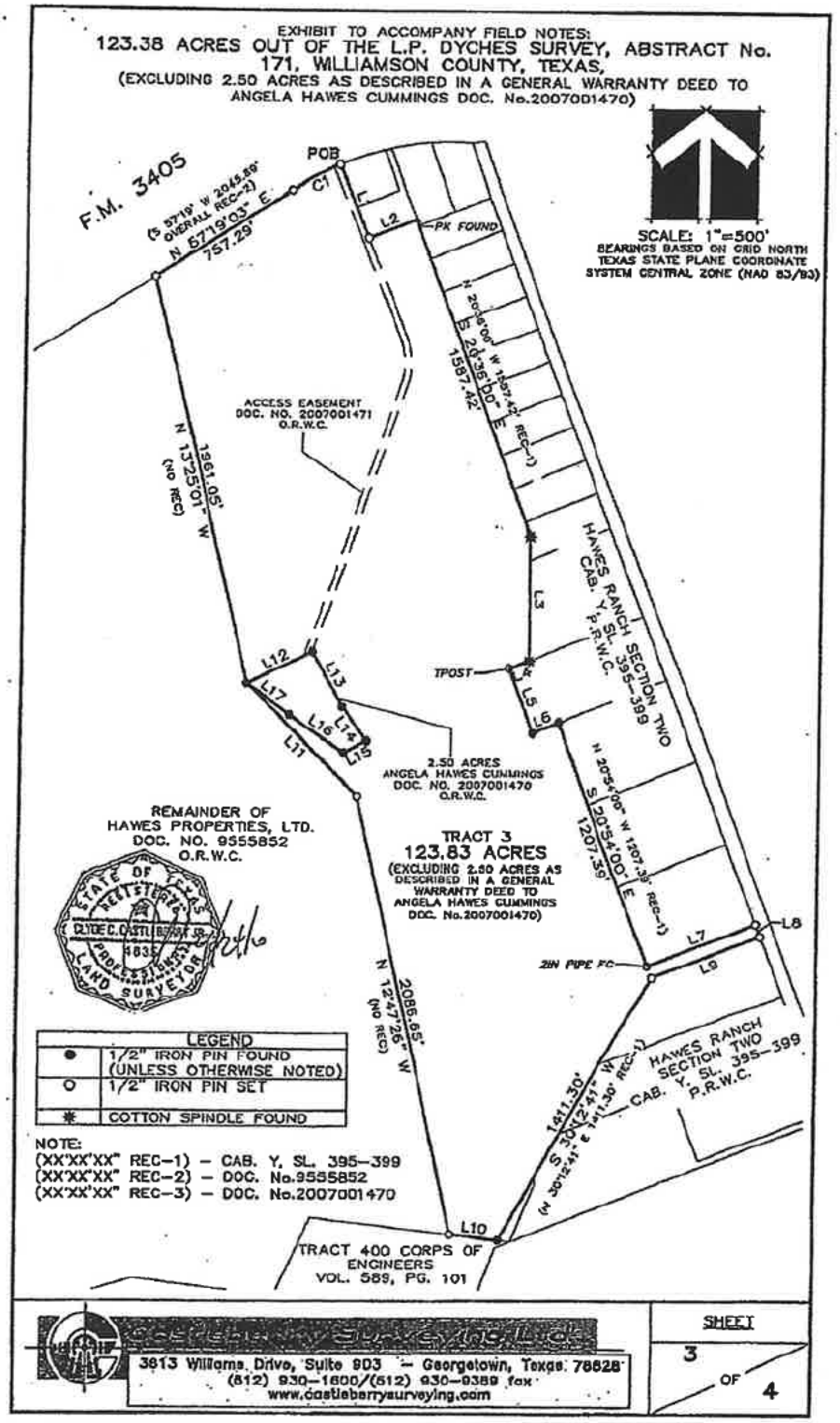
EXHIBIT TO ACCOMPANY FIELD NOTES:
123.38 ACRES OUT OF THE L.P. DYCHES SURVEY, ABSTRACT No. 171, WILLIAMSON COUNTY, TEXAS,
(EXCLUDING 2.50 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO ANGELA HAWES CUMMINGS DOC. No.2007001470)
SCALE: 1"=500'
BEARINGS BASED ON GRID NORTH TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE (NAD 83/93)
F.M. 3405
POB
C1
L2
PK FOUND
ACCESS EASEMENT DOC. NO. 2007001471 O.R.W.C.
HAWES RANCH SECTION TWO CAB. Y, SL. 395-399 P.R.W.C.
TPOST
2.50 ACRES ANGELA HAWES CUMMINGS DOC. NO. 2007001470 O.R.W.C.
REMAINDER OF HAWES PROPERTIES, LTD. DOC. NO. 9555852 O.R.W.C.
TRACT 3
123.83 ACRES
(EXCLUDING 2.50 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO ANGELA HAWES CUMMINGS DOC. No.2007001470)
2IN PIPE FC
TRACT 400 CORPS OF ENGINEERS VOL. 589, PG. 101
LEGEND
1/2" IRON PIN FOUND (UNLESS OTHERWISE NOTED)
1/2" IRON PIN SET
COTTON SPINDLE FOUND
NOTE:
(XX'XX'XX" REC-1) - CAB. Y, SL. 395-399
(XX'XX'XX" REC-2) - DOC. No.9555852
(XX'XX'XX" REC-3) - DOC. No.2007001470
3813 Williams Drive, Suite 903 - Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax
www.castleberrysurveying.com
SHEET 3 OF 4

EXHIBIT TO ACCOMPANY FIELD NOTES:
123.38 ACRES OUT OF THE L.P. DYCHES SURVEY, ABSTRACT No. 171, WILLIAMSON COUNTY, TEXAS,
(EXCLUDING 2.50 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO ANGELA HAWES CUMMINGS DOC. No.2007001470)

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	10°21'51"	1372.39'	248.25'	247.91'	N 62°29'59" E

RECORD CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1 REC-2	NO REC	1372.08'	NO REC	NO REC	NO REC

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 22°19'01" E	384.03'
L2	N 68°29'52" E	237.83'
L3	S 00°02'49" E	586.14'
L4	S 68°29'52" W	100.00'
L5	S 20°54'00" E	322.13'
L6	N 68°29'52" E	135.23'
L7	N 68°29'52" E	542.28'
L8	S 20°54'00" E	60.00'
L9	S 68°29'52" W	541.65'
L10	N 83°11'18" W	232.42'
L11	N 44°55'21" W	733.97'
L12	N 63°38'54" E	337.22'
L13	S 28°34'13" E	294.69'
L14	S 36°12'23" E	193.98'
L15	S 63°12'49" W	119.08'
L16	N 55°53'49" W	307.79'
L17	N 53°15'19" W	245.27'

RECORD LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1 REC-1	S 22°19'01" E	384.03'
L2 REC-1	N 68°29'52" E	237.83'
L3 REC-1	S 00°02'49" E	586.14'
L4 REC-1	S 68°29'52" W	100.00'
L5 REC-1	S 20°54'00" E	322.13'
L6 REC-1	N 68°29'52" E	135.23'
L7 REC-1	N 68°29'52" E	542.28'
L8 REC-1	S 20°54'00" E	60.00'
L9 REC-1	S 68°29'52" W	541.65'
L10 REC-2	N 83°13'00" W	949.40'
L11	NO REC	NO REC
L12 REC-3	N 63°38'54" E	337.22'
L13 REC-3	S 28°34'13" E	294.69'
L14 REC-3	S 36°12'23" E	193.98'
L15 REC-3	S 63°12'49" W	119.08'
L16 REC-3	N 55°53'49" W	307.79'
L17 REC-3	N 53°15'19" W	245.27'

STATE OF TEXAS REGISTERED CLYDE C. CASTLEBERRY JR. 4835 PROFESSIONAL LAND SURVEYOR

NOTE:
(XX°XX'XX" REC-1) – CAB. Y, SL. 395–399
(XX°XX'XX" REC-2) – DOC. No.9555852
(XX°XX'XX" REC-3) – DOC. No.2007001470

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SHEET 4 OF 4

FIELD NOTES
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DATE: DECEMBER 23, 2004
PAGE: 1 of 2

2.50 ACRES (108900 sq. ft.)

All that certain tract or parcel of land situated in Williamson County, Texas, out of the L. P. Dyches Survey, Abstract No. 171 and being a portion of that tract described as 451.55 acres in a Gift Warranty Deed granted to Hawes Properties, Ltd., dated December 1995, and recorded as Document No. 9555852, Official Records of Williamson County, Texas, and further described by metes and bounds as follows:

COMMENCING at a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" in the south line of Farm to Market Road 3405, a 120-foot right-of-way, for the northwest corner of Lot 1, Hawes Ranch Section Two, a subdivision recorded in Cabinet Y, Slide(s) 395 – 399, Plat Records Williamson County and for the northeast corner of the remainder of said Hawes Properties, Ltd. tract;

THENCE: into said Hawes Properties, Ltd. tract in the following five (5) courses,

1. S 22°19'01" E with the most northerly west line of said Hawes Ranch Section Two, at 364.03 feet passing a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of Lot 2, said Hawes Ranch Section Two and leaving the same, in all 365.83 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
2. 360.06 feet along a curve to the right and concave to the west (Δ= 01°43'01", r= 12015.00 feet, lc bears S 21°27'31" E 360.05 feet) to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at a point of tangency,
3. S 20°36'00" E 147.43 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
4. 227.28 feet along a curve to the right and concave to the west (Δ= 39°27'39", r= 330.00 feet, lc bears S 00°52'11" E 222.81 feet) to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at a point of tangency,
5. S 18°51'39" W 1317.68 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the BEGINNING and northeast corner of this tract, a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of Lot 16, said Hawes Ranch Section Two bears S 85°14'24" E 928.75 feet;

THENCE: along the east line of this tract S 28°34'13" E 294.09 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and S 36°12'23" E 193.59 feet to a ½" iron pin set for the southeast corner of this tract;

THENCE: S 63°12'49" W 119.08 feet along the south line of this tract to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of this tract;

THENCE: along the west line of this tract N 55°53'49" W 307.79 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and N 53°15'15" W 245.21 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of this tract;

THENCE: N 83°38'54" E 337.22 feet to the point of Beginning and containing 2.50 acres (108900 sq. ft.) of land.

Bearings cited hereon based on Grid North, Texas State Plane Coordinate System, Central Zone (NAD 83/93).

Castleberry Surveying, Ltd.
203 South IH 35, Suite 101C
Georgetown, Texas 78628

STATE OF TEXAS REGISTERED KENNETH LOUIS CRIDER 4835 PROFESSIONAL LAND SURVEYOR

Kenneth Louis Crider
Registered Professional Land Surveyor

KLC/hbb

RECORDERS MEMORANDUM
All or parts of the text on this page was not clearly legible for satisfactory recordation.

EXHIBIT
B

EXHIBIT "B"

Williamson Central Appraisal District

Tax Roll Detail

[Please See Attached]

WCAD

Property	Owner	Property Address	Tax Year	2026 Market Value
R039194	ANGELA WREN HAWES CUMMINGS TR OF THE C5 REVOCABLE LIVING TRUST	3321 FM 3405, GEORGETOWN, TX 78633	2026	$3,170,863

Page: Property Details

2026 GENERAL INFORMATION

Property Status	**Active**
Property Type	**Land - Transitional**
Legal Description	**AW0171 AW0171 - Dyches, L.p. Sur., ACRES 121.33**
Neighborhood	**G105M50E - Georgetown I.S.D. Abstracts**
Account	**R-20-0171-0000-0007**
Related Properties	**R039210, R040796, R485197, R508646**
Map Number	**1-0925**
Effective Acres	**123.830000**

2026 OWNER INFORMATION

Owner Name	**ANGELA WREN HAWES CUMMINGS TR OF THE C5 REVOCABLE LIVING TRUST**
Owner ID	
Exemptions	**Agriculture Use (Active)**
Percent Ownership	**100%**
Mailing Address	**2915 FM 3405 GEORGETOWN, TX 78633-4163**
Agent	**-**

2026 VALUE INFORMATION

MARKET VALUE

Improvement Homesite Value	**$**
Improvement Non-Homesite Value	**$8,51**
Total Improvement Market Value	**$8,51**
Land Homesite Value	**$**
Land Non-Homesite Value	**$**
Land Agricultural Market Value	**$3,162,34**
Land Timber Market Value	**$**
Total Land Market Value	**$3,162,34**
Total Market Value	**$3,170,86**

ASSESSED VALUE

Total Improvement Market Value	**$8,51**
Land Homesite Value	**$**
Land Non-Homesite Value	**$**
Agricultural Use	**$4,36**
Timber Use	**$**
Total Appraised Value	**$8,51**
Homestead Cap Loss	**-$**
Circuit Breaker Limit Cap Loss	**-$**
Total Assessed Value	**$12,88**

2026 ENTITIES & EXEMPTIONS

Special Exemptions **AG - Agriculture Use**

TAXING ENTITY	EXEMPTIONS	EXEMPTIONS AMOUNT	TAXABLE VALUE	TAX RATE PER 100
CAD- Williamson CAD		-	$12,886	0
F08- Wmsn ESD #8		-	$12,886	0.0912
GWI- Williamson CO		-	$12,886	0.369447
RFM- Wmsn CO FM/RD		-	$12,886	0.044329
SGT- Georgetown ISD		-	$12,886	1.0506
TOTALS				**1.555576**

2026 IMPROVEMENTS

Expand/Collapse Al

Improvement #1	State Code	Homesite	Total Main Area (Exterior Measured)	Market Value
-	**D2 - Farm Buildings Excluding Homestead**	**No**	-	**$8,518**

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Barn	2015	-	-	Details
2	Barn	2020	-	-	Details

2026 LAND SEGMENTS

LAND SEGMENT TYPE	STATE CODE	HOMESITE	MARKET VALUE	AG USE	TIM USE	LAND SIZE
1 - Native Pasture II	D1 - Qualified AG Use	No	$3,162,345	$4,368	$0	121.330000 acres
TOTALS						**5,285,135 Sq. ft / 121.330000 acres**

VALUE HISTORY

YEAR	IMPROVEMENT	LAND	MARKET	AG MARKET	AG USE	TIM MARKET	TIM USE	APPRAISED	HS CAP LOSS	CBL CAP LOSS	ASSESSED
2025	$4,652	$0	$4,652	$4,658,059	$2,669	$0	$0	$7,321	$0	$0	$7,32
2024	$6,618	$0	$6,618	$3,215,658	$1,941	$0	$0	$8,559	$0	$0	$8,55
2023	$8,190	$0	$8,190	$3,215,658	$1,941	$0	$0	$10,131	$0	$0	$10,13
2022	$11,728	$0	$11,728	$4,848,978	$1,456	$0	$0	$13,184	$0	$0	$13,18
2021	$5,108	$0	$5,108	$2,551,679	$1,577	$0	$0	$6,685	$0	$0	$6,68

SALES HISTORY

DEED DATE	SELLER	BUYER	INSTR #	VOLUME/PAGE
8/28/2024	CUMMINGS, ANGELA WREN	ANGELA WREN HAWES CUMMINGS TR OF THE C5 REVOCABLE LIVING TRUST	2024069605	
12/9/2010	HAWES PROPERTIES LTD	CUMMINGS, ANGELA WREN	2010084308	
12/12/1995	HAWES, REX A & MILDRED L	HAWES PROPERTIES LTD	9555852	
	HAWES, REX A & MILDRED L	HAWES, REX A & MILDRED L	-	492/483

WCAD

Property	Owner	Property Address	Tax Year	2026 Market Value
R485197	ANGELA WREN HAWES CUMMINGS & MICHAEL RAY CUMMINGS TRS OF THE C5 REVOCABLE LIVING	2915 FM 3405, GEORGETOWN, TX 78633	2026	$498,796

Page: Property Details

2026 GENERAL INFORMATION

Property Status	**Active**
Property Type	**Residential**
Legal Description	**AW0171 AW0171 - Dyches, L.p. Sur., ACRES 2.5**
Neighborhood	**G105M50E - Georgetown I.S.D. Abstracts**
Account	**R-20-0171-0000-0007C**
Related Properties	**R039194**
Map Number	**1-0925**
Effective Acres	**123.630000**

2026 OWNER INFORMATION

Owner Name	**ANGELA WREN HAWES CUMMINGS & MICHAEL RAY CUMMINGS TRS OF THE C5 REVOCABLE LIVING**
Owner ID	
Exemptions	**Agriculture Use (Active)** **Homestead (Active 1/1/2008)**
Percent Ownership	**100%**
Mailing Address	**2915 FM 3405 GEORGETOWN, TX 78633-4163**
Agent	-

2026 VALUE INFORMATION

MARKET VALUE

Improvement Homesite Value	**$433,63**
Improvement Non-Homesite Value	**$**
Total Improvement Market Value	**$433,63**
Land Homesite Value	**$26,06**
Land Non-Homesite Value	**$**
Land Agricultural Market Value	**$39,09**
Land Timber Market Value	**$**
Total Land Market Value	**$65,16**
Total Market Value	**$498,79**

ASSESSED VALUE

Total Improvement Market Value	**$433,63**
Land Homesite Value	**$26,06**
Land Non-Homesite Value	**$**
Agricultural Use	**$5**
Timber Use	**$**
Total Appraised Value	**$459,70**
Homestead Cap Loss	**-$149,46**
Circuit Breaker Limit Cap Loss	**-$**
Total Assessed Value	**$310,28**

2026 ENTITIES & EXEMPTIONS

Special Exemptions **AG - Agriculture Use**

TAXING ENTITY	EXEMPTIONS	EXEMPTIONS AMOUNT	TAXABLE VALUE	TAX RATE PER 100
CAD- Williamson CAD		-	$310,289	0
F08- Wmsn ESD #8		-	$310,289	0.0912
GWI- Williamson CO	HS	$15,512	$294,777	0.369447
RFM- Wmsn CO FM/RD	HS	$3,000	$307,289	0.044329
SGT- Georgetown ISD	HS	$140,000	$170,289	1.0506
TOTALS				**1.555576**

2026 IMPROVEMENTS

Expand/Collapse Al

Improvement #1	State Code	Homesite	Total Main Area (Exterior Measured)	Market Value
-	**E1 - Farm And Ranch Improvements-residence**	**Yes**	**2,816 Sq. Ft**	**$433,636**

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Main Area	2007	2,816	$342,553	Details
2	Detached Garage	2007	825	$50,239	Details
3	Open Porch	2007	265	$8,029	Details
4	Open Porch	2007	81	$2,433	Details
5	Open Porch	2007	261	$7,907	Details
6	Patio	2007	375	$4,485	Details
7	Site Improvement	-	1	$15,000	Details
8	Fireplace	2007	1	$2,990	Details

2026 LAND SEGMENTS

LAND SEGMENT TYPE	STATE CODE	HOMESITE	MARKET VALUE	AG USE	TIM USE	LAND SIZE
1 - Residential	E1 - Farm And Ranch Improvements-residence	Yes	$26,064	$0	$0	1.000000 acres
2 - Native Pasture II	D1 - Qualified AG Use	No	$39,096	$54	$0	1.500000 acres
TOTALS						**108,900 Sq. ft / 2.500000 acres**

VALUE HISTORY

YEAR	IMPROVEMENT	LAND	MARKET	AG MARKET	AG USE	TIM MARKET	TIM USE	APPRAISED	HS CAP LOSS	CBL CAP LOSS	ASSESSED
2025	$243,640	$38,392	$282,032	$57,587	$33	$0	$0	$282,065	$0	$0	$282,06
2024	$343,782	$66,258	$410,040	$0	$0	$0	$0	$410,040	$0	$0	$410,04
2023	$421,909	$26,503	$448,412	$39,755	$24	$0	$0	$448,436	$0	$0	$448,43
2022	$603,961	$50,865	$654,826	$76,297	$18	$0	$0	$654,844	$228,221	$0	$426,62
2021	$366,792	$21,031	$387,823	$31,546	$20	$0	$0	$387,843	$0	$0	$387,84

SALES HISTORY

DEED DATE	SELLER	BUYER	INSTR #	VOLUME/PAGE
8/28/2024	CUMMINGS, ANGELA HAWES	ANGELA WREN HAWES CUMMINGS & MICHAEL RAY CUMMINGS TRS OF THE C5 REVOCABLE LIVING	2024069604	
12/31/2004	HAWES PROPERTIES LTD	CUMMINGS, ANGELA HAWES	2007001470	

Exhibit B to Resolution

Legal Description and Map

EXHIBIT "A"

FIELD NOTES
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DATE: DECEMBER 23, 2004
PAGE: 1 of 2

2.50 ACRES (108900 sq. ft.)

All that certain tract or parcel of land situated in Williamson County, Texas, out of the L. P. Dyches Survey, Abstract No. 171 and being a portion of that tract described as 451.55 acres in a Gift Warranty Deed granted to Hawes Properties, Ltd., dated December 1995, and recorded as Document No. 9555852, Official Records of Williamson County, Texas, and further described by metes and bounds as follows:

COMMENCING at a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" in the south line of Farm to Market Road 3405, a 120-foot right-of-way, for the northwest corner of Lot 1, Hawes Ranch Section Two, a subdivision recorded in Cabinet Y, Slide(s) 395 – 399, Plat Records Williamson County and for the northeast corner of the remainder of said Hawes Properties, Ltd. tract;

THENCE: into said Hawes Properties, Ltd. tract in the following five (5) courses,

1. S 22°19'01" E with the most northerly west line of said Hawes Ranch Section Two, at 364.03 feet passing a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of Lot 2, said Hawes Ranch Section Two and leaving the same, in all 365.83 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
2. 360.06 feet along a curve to the right and concave to the west (Δ= 01°43'01", r= 12015.00 feet, lc bears S 21°27'31" E 360.05 feet) to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at a point of tangency,
3. S 20°36'00" E 147.43 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
4. 227.28 feet along a curve to the right and concave to the west (Δ= 39°27'39", r= 330.00 feet, lc bears S 00°52'11" E 222.81 feet) to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at a point of tangency,
5. S 18°51'39" W 1317.68 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the BEGINNING and northeast corner of this tract, a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of Lot 16, said Hawes Ranch Section Two bears S 85°14'24" E 928.75 feet;

THENCE: along the east line of this tract S 28°34'13" E 294.69 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and S 36°12'23" E 193.98 feet to a ½" iron pin set for the southeast corner of this tract;

THENCE: S 63°12'49" W 119.08 feet along the south line of this tract to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of this tract;

THENCE: along the west line of this tract N 55°53'49" W 307.79 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and N 53°15'19" W 245.27 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of this tract;

THENCE: N 63°38'54" E 337.22 feet to the point of Beginning and containing 2.50 acres (108900 sq. ft.) of land.

Bearings cited hereon based on Grid North, Texas State Plane Coordinate System, Central Zone (NAD 83/93).

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203 South IH 35, Suite 101C
Georgetown, Texas 78628

STATE OF TEXAS REGISTERED KENNETH LOUIS CRIDER PROFESSIONAL LAND SURVEYOR

Kenneth Louis Crider
Registered Professional Land Surveyor No. 5014

FIELD NOTES
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DATE: DECEMBER 23, 2004
PAGE: 1 of 2

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THENCE: into said Hawes Properties, Ltd. tract in the following five (5) courses,

1. S 22°19'01" E with the most northerly west line of said Hawes Ranch Section Two, at 364.03 feet passing a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of Lot 2, said Hawes Ranch Section Two and leaving the same, in all 365.83 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
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3. S 20°36'00" E 147.43 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at the beginning of a curve,
4. 227.28 feet along a curve to the right and concave to the west (Δ= 39°27'39", r= 330.00 feet, lc bears S 00°52'11" E 222.81 feet) to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" at a point of tangency,
5. S 18°51'39" W 1317.65 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the BEGINNING and northeast corner of this tract, a ½" iron pin found with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of Lot 16, said Hawes Ranch Section Two bears S 85°14'24" E 928.75 feet;

THENCE: along the east line of this tract S 28°34'13" E 294.69 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and S 36°12'23" E 193.96 feet to a ½" iron pin set for the southeast corner of this tract;

THENCE: S 63°12'49" W 119.08 feet along the south line of this tract to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the southwest corner of this tract;

THENCE: along the west line of this tract N 55°53'49" W 307.79 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" and N 53°15'16" W 245.21 feet to a ½" iron pin set with a yellow plastic cap inscribed "CCC 4835" for the northwest corner of this tract;

THENCE: N 63°38'54" E 337.22 feet to the point of Beginning and containing 2.50 acres (108900 sq. ft.) of land.

Bearings cited hereon based on Grid North, Texas State Plane Coordinate System, Central Zone (NAD 83/93).

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203 South IH 35, Suite 101C
Georgetown, Texas 78628

STATE OF TEXAS REGISTERED KENNETH LOUIS CRIDER LTC SURVEYOR

Kenneth Louis Crider
Registered Professional Land Surveyor

KLC/hbb

RECORDERS MEMORANDUM
All or parts of the text on this page was not clearly legible for satisfactory recordation.

EXHIBIT
B

EXHIBIT "A"

FIELD NOTES
JOB NO: 30359-01_TRACT 3
DATE: SEPTEMBER 24, 2010
PAGE: 1 OF 4

123.83 ACRES

Being 123.83 acres out of the L.P. Dyches Survey, Abstract No. 171, Williamson County, Texas, and being a portion of that same tract described in a Gift Warranty deed to Hawes Properties, LTD., dated December 12, 1995 and recorded as Doc. No. 9555852, Official Records, Williamson County, Texas, and being an overall 126.33 acre tract as described below excluding that 2.50 acres tract that lays within said 126.33 acres described in a General Warranty Deed to Angela Hawes Cummings dated December 31, 2004 and recorded as Doc. No. 2007001470, and said overall tract being further described by metes and bounds as follows:

BEGINNING: at a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set in the south margin of Farm to Market Road 3405, for the northwest corner of Hawes Ranch Section Two, a subdivision in Williamson County, Texas and recorded in Cab. Y, Sl. 395-399, Plat Records of Williamson County, Texas, being the northeast corner of a remainder of said Hawes Properties, LTD. and this tract;

THENCE: with the west line of said Hawes ranch Section Two and the east line of said Hawes Properties, LTD. remainder tract and this tract, the following twelve (12) courses:

1. S 22°19'01" E 364.03 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
2. N 68°29'52" E 237.83 feet to a "PK" nail found,
3. S 20°36'00" E 1587.42 feet to a Cotton Spindle found,
4. S 00°02'49" W 586.14 feet to a Cotton Spindle found,
5. S 68°29'52" W 100.00 feet to a "T" post found,
6. S 20°54'00' E 322.13 feet to a 1/2" iron pin with yellow plastic cap inscribed "CCC 4835" found,
7. N 68°29'52" E 135.23 feet to a 1/2" iron pin with yellow plastic cap inscribed "CCC 4835" found,
8. S 20°54'00" E 1207.39 feet to a 2" iron pipe found,
9. N 68°29'52" E 542.28 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
10. S 20°54'00" E 60.00 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
11. S 68°29'52" W 541.65 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
12. S 30°12'41" W 1411.30 feet to a 1/2" iron pin with yellow plastic cap inscribed "CCC 4835" found in the south line of said Hawes Properties, LTD. tract, the north line of that tract described as Tract 400 deeded to the U.S. corps of engineers, dated May 23, 1974 and recorded in Vol. 589, Pg. 101, Deed Records, Williamson County, Texas, for the southeast corner of this tract;

THENCE: N 83°11'18" W 232.42 feet with the north line of said Corp of Engineers tract, the south line of said Hawes Properties, LTD. tract to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set for the southwest corner of this tract;

THENCE: into and across said Hawes Properties, LTD. tract for the west line if this tract the following three (3) courses:

1. N 12°47'26" W 2086.65 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
2. N 44°55"21" W 733.97 feet to a 1/2" iron pin found for the northwest corner of said Angela Hawes Cummings tract,

FIELD NOTES
JOB NO: 30359-01_TRACT 3
DATE: SEPTEMBER 24, 2010
PAGE: 2 OF 4

3. N 13°25'01" W 1961.05 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set in the south margin of said Farm to Market Road and the north line of said Hawes Properties, LTD. for the northwest corner of this tract;

THENCE: with the south margin of said Farm to Marker Road and the north line of said Hawes Properties, LTD. tract the following two (2) courses:

1. N 57°19'03" E 757.29 feet to a 1/2" iron pin with yellow plastic cap inscribed "CS LTD" set,
2. 248.25 feet along a curve to the right (delta=10°21'51", r=1372.39', LC bears= N 62°29'59" E 247.91') to the Point of Beginning.

Bearings cited hereon are based on Grid North Texas State Plane Coordinate System Central Zone (NAD 83/93).

9/24/10

Clyde C. Castleberry, Jr., R.P.L.S. No. 4835
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

CCC/jrb

STATE OF TEXAS
REGISTERED
CLYDE C. CASTLEBERRY JR.
4835
PROFESSIONAL
LAND SURVEYOR

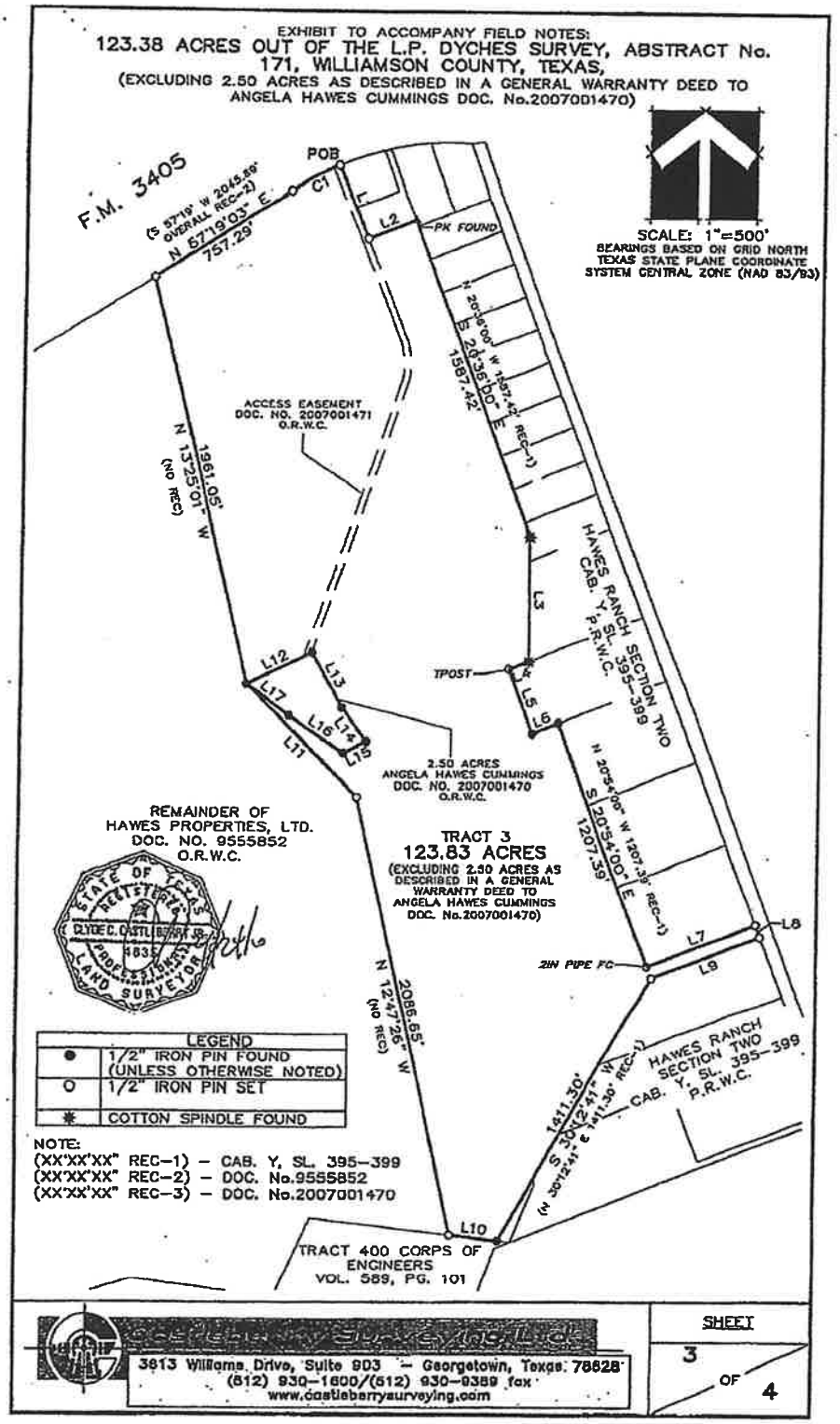


EXHIBIT TO ACCOMPANY FIELD NOTES:
123.38 ACRES OUT OF THE L.P. DYCHES SURVEY, ABSTRACT No. 171, WILLIAMSON COUNTY, TEXAS,
(EXCLUDING 2.50 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO ANGELA HAWES CUMMINGS DOC. No.2007001470)
SCALE: 1"=500'
BEARINGS BASED ON GRID NORTH TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE (NAD 83/93)
F.M. 3405
POB
C1
L2
PK FOUND
N 67°19'03" E 757.29'
ACCESS EASEMENT DOC. NO. 2007001471 O.R.W.C.
N 13°25'01" W 1961.05' (NO REC)
S 20°35'00" E 1587.42' REC-1
HAWES RANCH SECTION TWO CAB. Y, SL. 395-399 P.R.W.C.
L3
TPOST
L5
L6
L12
L13
L17
L16
L14
L15
L11
2.50 ACRES ANGELA HAWES CUMMINGS DOC. NO. 2007001470 O.R.W.C.
REMAINDER OF HAWES PROPERTIES, LTD. DOC. NO. 9555852 O.R.W.C.
TRACT 3
123.83 ACRES
(EXCLUDING 2.50 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO ANGELA HAWES CUMMINGS DOC. No.2007001470)
S 20°54'00" E 1207.39' REC-1
L7
L8
L9
2IN PIPE FC
N 12°47'26" W 2086.55' (NO REC)
S 30°12'41" W 1411.30' REC-1
HAWES RANCH SECTION TWO CAB. Y, SL. 395-399 P.R.W.C.
L10
TRACT 400 CORPS OF ENGINEERS VOL. 589, PG. 101
LEGEND
1/2" IRON PIN FOUND (UNLESS OTHERWISE NOTED)
1/2" IRON PIN SET
COTTON SPINDLE FOUND
NOTE:
(XX°XX'XX" REC-1) - CAB. Y, SL. 395-399
(XX°XX'XX" REC-2) - DOC. No.9555852
(XX°XX'XX" REC-3) - DOC. No.2007001470
3813 Williams Drive, Suite 903 - Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax
www.castleberrysurveying.com
SHEET 3 OF 4

EXHIBIT TO ACCOMPANY FIELD NOTES:

123.38 ACRES OUT OF THE L.P. DYCHES SURVEY, ABSTRACT No. 171, WILLIAMSON COUNTY, TEXAS,

(EXCLUDING 2.50 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO ANGELA HAWES CUMMINGS DOC. No.2007001470)

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	10°21'51"	1372.39'	248.25'	247.91'	N 62°29'59" E

RECORD CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1 REC-2	NO REC	1372.08'	NO REC	NO REC	NO REC

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 22°19'01" E	384.03'
L2	N 68°29'52" E	237.83'
L3	S 00°02'49" E	586.14'
L4	S 68°29'52" W	100.00'
L5	S 20°54'00" E	322.13'
L6	N 68°29'52" E	135.23'
L7	N 68°29'52" E	542.28'
L8	S 20°54'00" E	60.00'
L9	S 68°29'52" W	541.65'
L10	N 83°11'18" W	232.42'
L11	N 44°55'21" W	733.97'
L12	N 63°38'54" E	337.22'
L13	S 28°34'13" E	294.69'
L14	S 36°12'23" E	193.98'
L15	S 63°12'49" W	119.08'
L16	N 55°53'49" W	307.79'
L17	N 53°15'19" W	245.27'

RECORD LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1 REC-1	S 22°19'01" E	384.03'
L2 REC-1	N 68°29'52" E	237.83'
L3 REC-1	S 00°02'49" E	586.14'
L4 REC-1	S 68°29'52" W	100.00'
L5 REC-1	S 20°54'00" E	322.13'
L6 REC-1	N 68°29'52" E	135.23'
L7 REC-1	N 68°29'52" E	542.28'
L8 REC-1	S 20°54'00" E	60.00'
L9 REC-1	S 68°29'52" W	541.65'
L10 REC-2	N 83°13'00" W	949.40'
L11	NO REC	NO REC
L12 REC-3	N 63°38'54" E	337.22'
L13 REC-3	S 28°34'13" E	294.69'
L14 REC-3	S 36°12'23" E	193.98'
L15 REC-3	S 63°12'49" W	119.08'
L16 REC-3	N 55°53'49" W	307.79'
L17 REC-3	N 53°15'19" W	245.27'

STATE OF TEXAS REGISTERED CLYDE C. CASTLEBERRY JR. 4835 PROFESSIONAL LAND SURVEYOR

9/24/10

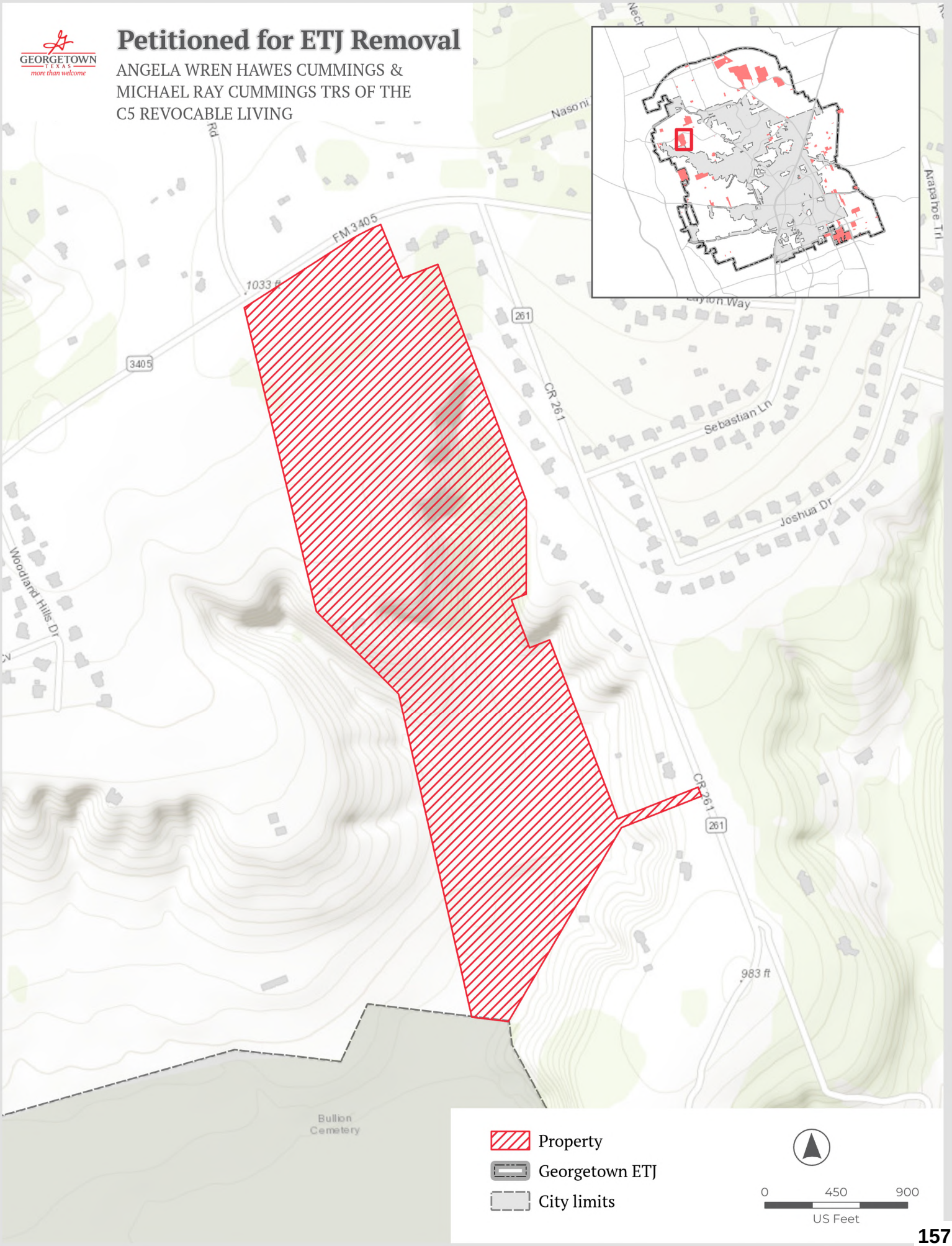
NOTE:
(XX°XX'XX" REC-1) – CAB. Y, SL. 395–399
(XX°XX'XX" REC-2) – DOC. No.9555852
(XX°XX'XX" REC-3) – DOC. No.2007001470

castleberry surveying ltd
3913 Williams Drive, Suite 903 – Georgetown, Texas: 78628
(512) 930-1600/(512) 930-9389 fax
www.castleberrysurveying.com

SHEET 4 OF 4

Petitioned for ETJ Removal

ANGELA WREN HAWES CUMMINGS &
MICHAEL RAY CUMMINGS TRS OF THE
C5 REVOCABLE LIVING



City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Resolution - Pole Attachment Policy Updates

SUGGESTED ACTION:
Consideration and possible action to approve a Resolution establishing the Electric Utility Pole Attachment Policy -- Alex Spinn, Electric Design Supervisor

ITEM SUMMARY:
Consideration and possible action to approve a resolution adopting the updated City of Georgetown Electric Utility Pole Attachment Policy. The proposed policy establishes standardized requirements for third-party attachments to utility-owned poles, including application procedures, engineering standards, cost responsibilities, and compliance requirements. The policy is intended to enhance public and worker safety, protect electric utility infrastructure, maintain system reliability, ensure cost recovery, and provide a consistent framework for administering pole attachments.

FINANCIAL IMPACT:
Adoption of the resolution is not expected to have a significant fiscal impact. The policy supports recovery of costs associated with third-party pole attachments and helps minimize unrecovered utility expenses while protecting City-owned electric infrastructure.

SUBMITTED BY:
Rene Bywater-Barajas, Electric Department

ATTACHMENTS:
Res_Pole Attachment Policy Update_8.11.2026.pdf
Pole Attachment Policy 08.11.26.pdf

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, ADOPTING THE ELECTRIC UTILITY POLE ATTACHMENT POLICY; REPEALING CONFLICTING RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's policy is to ensure that all costs associated with third-party attachments to electric utility-owned poles are the responsibility of the attaching entity, including costs related to application review, engineering, make-ready work, construction, inspection, maintenance, relocation, removal, and administration, thereby protecting the financial interests of the City's electric utility and its customers; and

WHEREAS, the City's policy is to recover one hundred percent (100%) of the costs incurred as a result of requests for third-party attachments to electric utility-owned poles, ensuring that the costs of reviewing, permitting, engineering, make-ready work, construction, inspection, maintenance, relocation, removal, and administration are borne by the attaching entity rather than the City's electric utility customers; and

WHEREAS, the City has determined that it is necessary to establish an Electric Utility Pole Attachment Policy to provide a consistent framework governing third-party attachments to utility-owned poles within the City's electric distribution system; and

WHEREAS, the Electric Utility Pole Attachment Policy establishes requirements and procedures for the application, engineering review, permitting, construction, inspection, operation, maintenance, transfer, relocation, and removal of communications facilities and other authorized attachments on utility-owned poles; and

WHEREAS, the Electric Utility Pole Attachment Policy is intended to enhance public and worker safety, protect electric utility infrastructure, maintain electric system reliability, establish uniform engineering and operational standards, clarify the responsibilities of attaching entities, and support the continued deployment of telecommunications and broadband facilities in a manner that is compatible with the City's electric utility operations; and

WHEREAS, the City Council finds that adoption of the Electric Utility Pole Attachment Policy is in the best interest of the public and will promote the safe, reliable, efficient, and financially responsible management of the City's electric utility assets.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN TEXAS:

SECTION 1. The foregoing recitals are incorporated herein for all purposes as if fully set forth.

SECTION 2. The City Council hereby approves the City of Georgetown Electric Utility Pole Attachment Policy, attached hereto as Exhibit A, and authorizes the City Manager, or designee, to implement and administer the Policy.

SECTION 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Should any section, paragraph, sentence, clause, phrase, or provision of this Resolution be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

SECTION 5. This Resolution shall become effective September 1, 2026.

PASSED AND APPROVED on the _____ day of _____, 2026

ATTEST:

_____
Robyn Densmore, City Secretary

CITY OF GEORGETOWN, TEXAS

By: _____
Josh Schroeder, Mayor

APPROVED AS TO FORM:

_____
Skye Masson, City Attorney

City of Georgetown

Pole Attachment Standards

Table of Contents

SECTION I 5
SECTION II 9
A. DEFINITIONS 9
SECTION III 21
A. GENERAL DESIGN & CONSTRUCTION STANDARDS & SPECIFICATIONS 21
B. POLE MODIFICATIONS AND REPLACEMENTS 29
C. OVERLASHING 43
D. INSPECTION AND INVENTORY OF ATTACHING ENTITY'S FACILITIES 44
E. UNAUTHORIZED OCCUPANCY OR ACCESS 49
F. OPERATIONAL DUTIES AND RESPONSIBILITIES 51
SECTION IV 55
G. POLE ATTACHMENT APPLICATION PROCESS 55
1. Eligibility. 55
2. Application for Attachment Required 55
3. City Review of Application 57
4. Compliance by Attaching Entity 59
5. Application Approval 59
6. Treatment of Multiple Requests for Same Pole 60
7. Make-Ready Electrical Construction 60
8. Make-Ready Communication Construction – One Touch Transfer 63
9. Make-Ready Communication Construction - Complex Transfers 67
10. Notice of Attachment Completion and Acceptance 72
11. Post-Construction Inspection 72
H. COMPETITIVE PROVIDER – STANDARD PROCESS FOR OVERLASHING EXISTING ATTACHMENTS 73
1. Eligibility 73
2. Application for Attachment Required 73
3. City Review of Application 75

4. Make-Ready Electrical Construction 75
5. Make-Ready Communication Construction – One Touch Transfers 75
6. Make-Ready Communication Construction - Complex Transfers. 75
7. Notice of Attachment Completion and Acceptance. 76
8. Post Construction Inspection 76
SECTION V 77
APPENDIX A: ENTITY REGISTRATION AND ANNUAL REPORTING FORM 77
APPENDIX B: APPLICABLE POLE ATTACHMENT APPLICATIONS AND FORMS 78
APPENDIX C: SPECIFICATIONS FOR ATTACHMENTS 89
APPENDIX D: VERTICAL CLEARANCE TABLE 92
APPENDIX E: POLE LOADING REQUIREMENTS 95
APPENDIX F: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES 97
APPENDIX G: CITY OF GEORGETOWN POLE ATTACHMENT TAG LIST AND DETAIL 99
1 99
AT&T 99
2 99
CenturyLink 99
3 99
Frontier 99
4 99
Fiberlight/Level 3 Communications 99
5 99
Grande/Astound 99
6 99
MCI-Verizon 99
7 99
Millennium Telcom 99
8 99
Optimum 99

9 99
Williamson County 99
10 99
City of Georgetown 99
(COG Fiber) 99
11 99
Metronet 99
12 99
Hotwire 99

SECTION I
Purpose

The City of Georgetown referred to as "The City from herein has established these Pole Attachment Standards (Standards) to govern access to and use of City Poles. Applicable to all communications providers and other stakeholders for attachment of Communications Facilities, these Standards provide for a non-discriminatory, consistent, and streamlined approach for the access and use of City Poles in a manner that will facilitate the delivery of the variety of communication services offered today, as well as to assist with speed-to-market processes for future technologies in a manner that is consistent with the safe and reliable operation of City Facilities. These Standards will work to ensure that The City and all communications providers and other stakeholders attaching to The City Poles comply with all applicable laws, standards, regulations, and ordinances.

In adopting these Standards, the City has attempted to incorporate new and evolving best practices and recommendations that have been developed and endorsed at the national level, such as the Federal Communications Commission's (FCC) recommendations in its National Broadband Plan related to the ability of Attaching Entities to perform Make-Ready Work by utility-approved and qualified contractors. Consistent with the FCC's rules, the Standards also mirror and incorporate national safety standards and federal requirements, such as those developed by the Occupational Safety and Health Administration (OSHA) that are aimed at ensuring the safety of workers and maintaining a safe work environment. At the same time, these Standards, like the FCC's pole attachment access rules, do not woodenly apply national standards when The City's unique operational experiences and requirements dictate the application of

policies, practices, and standards that are more stringent or different than national standards. As the FCC noted,

> *Despite this specificity, the introduction to the NESC [National Electric Safety Code] states that the code "is not intended as a design specification or an instruction manual... In addition to operating under federal, state, and local requirements, a utility normally will have its own operating standards that dictate conditions of access. Utilities have developed their own individual standards and incorporated them into pole attachment agreements because industry-wide standards and applicable legal requirements are too general to take into account all of the variables that can arise. A utility's individual standards cover not simply its policy with respect to attachments, but all aspects of its business...Particular utility work methods and equipment may require specific separations between attachments and may restrict the height of the poles that a utility will use... The number of variables makes it impossible to identify and account for them all for purposes of prescribing uniform standards and requirements. Universally accepted codes such as the NESC do not attempt to prescribe specific requirements applicable to each attachment request and neither shall we.*

While The City has looked to FCC pole attachment access rules for guidance, The City is not bound by such regulations. State law requires The City to provide Certificated Providers and Wireless Providers with non-discriminatory access to its utility distribution poles for the purpose of installing wire Attachments. In addition, The City must establish annual pole attachment rates at a level not to exceed the rate that would result from the application of the FCC's telecommunications pole attachment formula. Otherwise, the federal Pole Attachment Act and the FCC's pole attachment regulations are not applicable to The City. Private Networks Attachments fall outside the scope of these legal requirements. Nevertheless, The City will grant non-discriminatory access to its Poles for Private Networks

Attachments taking into account the burdens that these and all other Attachments place on The City Facilities.

Consistent with these legal requirements and the voluntary commitment of The City, under these Standards, wire Attachments may be installed on The City's utility distribution Poles. Private Network Attachers will have access to utility distribution Poles and Overhead Streetlight Poles, subject to certain restrictions and Make-Ready Work requirements. Consistent with the rate design for wire Attachments, which is based on the rental of one foot of pole space, and pursuant to Chapter 284 of the Texas Local Government Code, Private Network Attachers will be assessed annual rent based on the number of feet of Pole use.

From a holistic perspective, the Standards seek to balance the competing needs and interests of multiple and varied communications providers and other eligible stakeholders to access and utilize The City's distribution infrastructure, while at the same time recognizing that the core purpose and function of this infrastructure is for The City's safe and reliable distribution and delivery of electric services to The City customers. Hence, the use of any The City's Poles or other facilities must at all times ensure the continued operational integrity, safety, and reliability of The City's Facilities, electric services, personnel, and the general public.

These Standards are organized into five parts:

SECTION I	**this introductory section explaining the purpose of the Standards**
SECTION II	**sets out general administrative provisions**
SECTION III	**sets out general technical provisions**
SECTION IV	**sets out the specifications applicable to wire Attachments**
SECTION V	**contains the Appendices referenced in these Standards**

Upon their effective date, these Pole Attachment Standards shall be enforceable by The City at all times upon any entity that attaches its facilities to a The City-owned Pole regardless of the status of any type of contract Pole Attachment Contract, Application.

These Standards shall be interpreted liberally. It is The City's intent to apply generally applicable requirements in a similar manner to all Attaching Entities, and to avoid interpretations that are contradictory, irrational, or unfair. These Standards are intended to apply in a non-discriminatory manner; however, this does not mean the same treatment under all circumstances or to differently situated Attaching Entities. The City reserves the right to interpret these Standards consistent with the guiding principles of ensuring safety, network reliability, and customer service. At no time shall these Standards be interpreted to jeopardize safety, network reliability, or customer service.

The City reserves the right to amend these Standards at any time and manner in response to market conditions and as necessary to comply with changes in applicable engineering and/or safety standards or changes in local, state or federal law. Any such changes will be applied in a non-discriminatory manner with respect to similarly situated entities and facilities.

To the extent that issues arise that have not been contemplated by these Standards, The City will work with the Attaching Entities to find a solution that effectively addresses the issue consistently with these Standards.

These Standards supersede all prior The City pole attachment rules and regulations. Amendments to these Standards will become effective following a notice period as provided in this document and the return of a letter accepting the amendments, as provided in the applicable Pole Attachment Contract.

SECTION II

General Administrative Provisions

A. DEFINITIONS

For the purposes of these Standards, the following terms, phrases, words, and their derivations shall have the meaning given herein, unless more specifically defined within a specific Article or Paragraph of this Agreement. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

1. **Affiliate** means when used in relation to an Attaching Entity, another entity that owns or controls, is owned or controlled by, or is under common ownership or control with the Attaching Entity.

2. **Applicable Standards** means all applicable engineering and safety standards governing the installation, maintenance and operation of facilities and the performance of all work in or around electric City Facilities and includes the most current versions of the National Electric Safety Code ("NESC"), the National Electrical Code ("NEC"), the Texas Health and Safety Code, Chapter 752, the rules and regulations of the Occupational Safety and Health Act ("OSHA") and any lawful rules, requirements or orders now in effect. Applicable Standards may also include updated or revised laws, rules, and regulations hereafter issued by City or other authority having jurisdiction.

3. **Application** means the form(s) an Attaching Entity is required to submit to the City, along with all applicable documents (see Appendices), as part of a complete Application in order to request an Attachment.

4. **Application Fee** means the non-refundable fee described in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES of these Standards, compensating The City for

the administrative and other work required to process and review an Application.

5. **Assigned Space** means space on City's Poles that can be used, as defined by the Applicable Standards, for the attachment or placement of wires, cables and associated equipment for the provision of Communications Service or electric service. The neutral zone or safety space is not considered Assigned Space.

6. **Attaching Entity** means any eligible person, public entity, or private company or corporation that places an Attachment on a City Pole, as appropriate, in accordance with the City's applicable requirements, including an applicable contract Pole Attachment Contract and these Standards, to provide Communications Services.

7. **Attachment** means (a) each aerial cable together with its associated Messenger cable, guy wire, anchors, and associated hardware, and each amplifier, repeater, receiver, appliance, or other device or piece of equipment, whether comprised of steel, aluminum, copper, coaxial, optical fiber, or other media or material utilized to provide Communications Services; and (b) any hardware or equipment identified as (i) a Communications Facility affixed to a The City Pole utilizing one foot or less of Communication Space, or (ii) a Mid-Span Installation utilizing the same one foot of Communication Space as the Messenger cable to which it is attached. An Attachment occurs whether Attaching Entity's Communications Facilities are connected to the Pole itself or are supported by an Attachment Arm, bracket, support stand, or other support devices, provided however that Overlashing an existing permitted Attachment and Service Drops shall not count as separate Attachments. This definition shall not apply to communications wires or facilities installed by the City for its own internal communications requirements or energy Information Services such as automated meter reading.

8. **Attachment Arm** means a City approved metal or fiberglass bracket used to support attaching wires away from the face of the Pole in order to clear risers or other obstacles. Standoff brackets will not be allowed for the specific purpose of achieving the forty (40") inch vertical clearance from the Neutral as required by Applicable Engineering Standards.

9. **Attachment Connection Fee** means the total annual rental payment assessed by the City to each Attaching Entity determined by

multiplying [Attachment Rate] x [total number of Attachments for the Attaching Entity], as described in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES.

10. **Attachment Rate** means the annual rate for one foot of space as determined by the City consistent with Texas Utilities Code, §54.204(c).

11. **Authorization for Make-Ready Work** means the form, provided in **APPENDIX B2. AUTHORIZATION FOR MAKE READY WORK AND INVOICING** The City shall issue to an Attaching Entity that request's the Attaching Entity's authorization for The City to undertake Make-Ready Electrical Construction. The Authorization for Make-Ready Work form shall also provide an estimate for the advanced payment cost required to be paid for the Make-Ready Electrical Construction.

12. **Cable Service** means the provision of one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service by a cable system.

13. **Capacity** means the ability of a Pole to accommodate an additional Attachment based on Applicable Standards, including space and loading considerations.

14. **City** means the City of Georgetown, Texas.

15. **Civic Project** means any specific project that requires adjustments of The City Poles, Streetlight Poles, or other The City Facilities to accommodate federal, state, city, or county roadway reconstruction/widening, drainage improvements, or other type of civic improvement project (reimbursable to The City or not) within the Public Right of Way.

16. **Collection Notice Letter** means a letter of notification produced by the City Claims Department itemizing charges owed to the City as a result of damages to City Facilities caused by an Attaching Entity, or its contractors, subcontractors, or agents, or by a third-party causing damage to the Attaching Entity's Attachments, Communication Facilities, or Attachments and by extension to City Facilities. This letter constitutes the City's tender for recovery of all costs associated with repairs to the damaged facilities.

17. **City Facilities** means all personal property and real property owned or controlled by City, including Poles.

18. **City Network Hardware:** means City equipment used in the wireless transmission of data to networks that are necessary for the connectivity, communication, operations, and management of City-owned and operated critical infrastructure.

19. **Climbing Space** means that portion of a Pole's surface and surrounding space that is free from encumbrances to enable City employees and contractors to safely climb, access and work on City Facilities and equipment.

20. **Communications Facilities** means Attachments, including associated network equipment, cables, wire or cable facilities, including but not limited to fiber optic, optical fiber amplifier, Micro Network Nodes, copper and/or coaxial cables or wires, utilized to provide Communications Service. Unless otherwise specified, Communications Facilities includes wireless network equipment including but not limited to wireless antennas, receivers, radios, amplifiers, repeaters, receivers or transceivers.

21. **Communications Service** means the provision of Telecommunications Service, Cable Service or other lawful communications services over wire or cable facilities utilizing Attachments to City's Poles.

22. **Communications Space** means the portion of a Pole's usable space designated for the installation of Communications Facilities, the top of which is forty (40) inches below The City's Neutral or lowest electrical supply conductor.

23. **Communication Worker Safety Zone** means that space on a Pole measured from the location of the Neutral to a location forty (40) inches below the Neutral as described in the NESC.4

24. **Competitive Provider – Area Wide Network Deployment Process** means the Application submission and Attachment approval process applicable to a Certificated Provider engaged in a broadband network deployment within the City service area characterized by an Attaching Entity's submission of Applications to attach or Overlash to Poles that would result in an estimated replacement of eighty (80) or more Poles per month; and the responsibility to prepare Make-Ready Engineering,

manage Make-Ready Electrical Construction and Make-Ready Communications Construction, and incur all expenses associated with Make-Ready Work.

25. **Competitive Provider – Network Upgrade Process** means the Application submission and Attachment approval process applicable to a Certificated Provider engaged in a broadband network deployment within the City service area; and the responsibility to prepare Make-Ready Engineering, manage Make-Ready Communications Construction, the option to manage Make-Ready Electrical Construction, and incur all expenses associate with Make-Ready Work.

26. **Completion of Attaching Entity Construction** means the form, provided in **APPENDIX B5. COMPLETION OF ATTACHING ENTITY CONSTRUCTION**, an Attaching Entity shall issue to The City providing written notice of completion of Make-Ready Communication Construction.

27. **Complex Transfer** means the transfer or relocation of a third-party Attachment or Overlash onto a The City Pole that will require cutting and splicing of a Communication Facility resulting in a network and/or customer outage affecting the Attaching Entity that owns the Communication Facility subject to transfer or relocation, or the transfer or relocation of such an Attached or Overlash Communication Facility located over and across a state or federal highway.

28. **Customer** means a The City electric customer that has established an electric service account and that is receiving the electric service at a specified point of delivery from The City's electric distribution system in compliance with the City's Electric Service Standards and all applicable local, state, and federal codes and regulations.

29. **The City Facilities** means all personal property and real property owned or controlled by The City, including Poles and Streetlight Poles.

30. **Critical Communications Facility** means a Communications Facility that must provide "always on" connectivity for public safety communications or public health operations whose failure would pose a potential imminent threat to public health or safety.

31. **Deployment Plan** means a document prepared by an Attaching Entity that shall include: (1) footprint of the network buildout illustrated in a map depicting the municipal jurisdiction, or parts thereof, within The City service area expected to be covered by the project; (2) overall

network deployment schedule and phasing; (3) map of backbone fiber rings routes, if any; (4) description of overall physical plant architecture and design; (5) description of typical Service Drop installations; (6) estimated number of Poles expected to be attached to including a reasonable "ramp-up" and "ramp-down" plan; (7) project and corporate organizational chart for the Attaching Entity; and (8) signature page attesting to the veracity of the Deployment Plan executed by an authorized officer of the Attaching Entity. A Deployment Plan is required only under the Competitive Provider – Area Wide Network Deployment Process and the Competitive Provider – Network Upgrade Process.

32. **Days** means calendar days unless otherwise specified.

33. **Electrical Space or Supply Space** means the upper portion of a Pole reserved for the installation of electric distribution facilities to support existing and planned electric distribution equipment as described in the NESC.

34. **Emergency** means the existence of a situation which, in the reasonable discretion of The City or the Attaching Entity, if not remedied immediately will result in a threat to public safety, a hazardous condition, damage to property or a service outage.

35. **Engineer** means any licensed professional engineering firm approved by The City to complete Engineering work on The City Facilities.

36. **Federal Communications Commission (FCC)** means the independent federal agency established to regulate, in the public interest, communications by radio and wire.

37. **Inventory** means a complete count of all Authorized and Unauthorized Attachments on The City-owned Poles and Streetlight Poles within The City service territory.

38. **Joint Meeting Transfer** means the coordinated transfer of a pole-mounted Wireless Installation by its owner to take place at the same time as an Attaching Entity schedules the installation of a new Attachment, Overlash, or Mid-Span Installation onto or supported by the same Pole that hosts the Wireless Installation, which requires

adjustments of existing Attachments or Pole replacement as part of the One-Touch Transfer Process.

39. **Joint User** means any entity which owns poles that are jointly used by City and to which City has extended, or in the future may extend, privileges to jointly use City's Poles.

40. **Make-Ready Charges** means all reasonable administrative, engineering design, construction, inspection, and management charges associated with Make-Ready Work.

41. **Make-Ready Communication Construction** means that portion of Make-Ready Work associated with construction work requiring access to Communication Facilities within the Communication Space of a Pole, including, but not limited to the movement, transfer, relocation, or modification of an existing Attachment Overlash, or Mid-span Installation; the replacement of a Pole; and all other construction activities necessary to accommodate the installation of a new Attachment Overlash, or Mid-span Installation. Make-Ready Communications Construction shall include, where applicable, the nexus between aerial and underground communication construction.

42. **Make-Ready Electrical Construction** means that portion of Make-Ready Work associated with construction work requiring access to City Facilities within the Electrical Space, which includes, but is not limited to the movement, transfer, relocation, or modification of City electric distribution facilities; the replacement of a Pole; and all other construction activities necessary to accommodate the installation of a new Attachment or Overlash. Make-Ready Electrical Construction shall include, where applicable, the nexus between aerial and underground electrical construction.

43. **Make-Ready Engineering** means that portion of Make-Ready Work associated with the preparation, submission, review, and approval of the Attaching Entity's Application for Attachment. Make-Ready Engineering shall include, but not limited to, the preparation of the following in support of the Application: the Pre-Construction Survey; the engineering design document(s) for Make-Ready Electrical Construction, Make-Ready Communications Construction; and the submission of such documents to the City for review, potential modification, and approval. Make- Ready Engineering shall include, where required, the approval of City staff, and the engineering design specifications related to the nexus between aerial and underground

construction of Communications Facilities as part of Make-Ready Communications Construction and of electrical distribution facilities as part of Make-Ready Electrical Construction.

44. **Make-Ready Work** means all work City determines is required to accommodate the Attaching Entity's Communications Facilities and/or to comply with all Applicable Standards. Make-Ready Work includes, but is not limited to, rearrangement, relocation and/or transfer of existing Attachments, inspections, engineering work, permitting work, tree trimming, Pole strengthening, Pole replacement and construction, and Pole removal and disposal, all in accordance with City's current construction and engineering standards.

45. **Messenger** means any cable owned by an Attaching Entity extending between Poles which is used as support for a Communications Facility or upon which a Mid-Span Installation is clamped

46. **Micro Network Node:** means a network node (as defined in Tex. Local Gov't Code § 284.002(12)) that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has exterior antenna, if any, not longer than 11 inches.

47. **Mid-Span Installation** means an Installation consisting of a "micro network node," as that term is defined in Chapter 284 of the Texas Local Government Code, attached to a Messenger cable suspended between two Poles, in the Communication Space, that was manufactured for this type of installation and designed to connect by means of an Overlashed Communications Facility for the purpose of providing Wireless Service.

48. **National Electrical Safety Code (NESC)** means the current edition published by the Institute of Electrical and Electronic Engineers (IEEE) as may be amended or supplemented from time-to-time.

49. **National Joint Utilities Notification System (NJUNS)** means the national not-for profit organization that helps support effective communication between utilities and Attaching Entities

50. **Network Operations Center (NOC)** means a centralized location from which an Attaching Entity administrator remotely supervises, monitors, and maintains the day-to-day operations of a network. The scope of responsibilities of a NOC may be national or regional in nature.

51. **Neutral** means the conductor used to carry unbalanced current. In single-phase systems, the conductor used for a return current path.

52. **Notice to Proceed** means the form, provided in **APPENDIX B4: NOTICE TO PROCEED**, the City shall issue to an Attaching Entity that provides written notification that the Attaching Entity may proceed with Make-Ready Communication Construction.

53. **Notice of Safety Violation** means the form, provided in **APPENDIX B8: NOTICE OF SAFETY VIOLATION**, the City shall issue to an Attaching Entity providing written notice of the City's identification of a Safety Violation with one or more of the Attaching Entity's Attachments or Overlashings.

54. **Notice of Safety Violation Assessment Charge** means the form, provided in **APPENDIX B9: NOTICE OF SAFETY VIOLATION CHARGE**, the City shall issue an Attaching Entity providing written notice of the levying of a Safety Violation Assessment Charge to the Attaching Entity.

55. **Notice of Unauthorized Attachment** means the form, provided in **APPENDIX B7: NOTICE OF UNAUTHORIZED ATTACHMENT**, the City shall issue to an Attaching Entity providing written notice of the City's identification of an Unauthorized Attachment owned by the Attaching Entity.

56. **Occupancy** means the use or specific reservation of Assigned Space for Attachments on the same City Pole.

57. **One-Touch Transfer** mean the transfer, relocation, or alteration of third-party Attachment Communication Facilities or Mid-span Installations whether conducted by an Attaching Entity or the City subject to the requirements described in **SECTION IV**.

58. **Overlash (or Overlashing)** means to place an additional wire or cable Communications Facility onto an existing Attachment or Messenger already secured to the Pole in order to accommodate additional wire or cable Communications Facility capacity. An Overlash does not include a Mid-span Installation.

59. **Other Attaching Entity** means a Joint User or any entity, other than the Attaching Entity, to which City has extended, or in the future extends, a license to attach Communications Facilities to City Poles.

60. **Pedestals/Vaults/Enclosures** means above- or below-ground housings that are used to enclose a cable/wire splice, power supplies, amplifiers, and passive devices and/or provide a service connection point and that shall not be attached to the City Poles.

61. **Pole** means a pole owned or controlled by City that is capable of supporting Attachments for Communications Services.

62. **Pole Attachment Agreement** means an executed agreement between The City and a Requestor that grants a general license to access Poles for the purpose of installing Attachments, Mid-Span Installations and Overlashes pursuant to the specifications of these Standards, adopts and incorporates these Standards by reference, and under which the Requestor agrees to abide by the terms and conditions of the agreement as well as the duties and obligations set out in these Standards as they may be amended from time to time. A Pole Attachment Agreement shall include additional legal protections and obligations of the parties not specifically covered in the Standards. A Pole Attachment Agreement may be referred to generally in the Standards as a "Pole Attachment Contract."

63. **Pole Attachment Program** means the development, implementation, and operation of The City Pole Attachment Standards including but not limited to the execution of applicable Pole Attachment Contracts, communications with stakeholders regarding the accommodation of Attachments, review of Applications, completion of appropriate Make-Ready Work, inspection of Make-Ready Work, issuance of Notice to Proceed, coordination of networks deployments and expansions, resolution of conflicts and disputes, provision of applicable invoices, conducting workshops, accepting stakeholder input, amending the Standards as appropriate, enforcing the Standards, conducting Inventories, and all other general program administration and duties.

64. **Pole Attachment Standards (or Standards)** means these "Pole Attachment Standards" with an effective date of July 1, 2026, and as amended from time to time.

65. **Post-Construction Inspection** means the inspection required by City to determine and verify that the Attachments have been made in accordance with Applicable Standards.

66. **Pre- Attachment Survey** means all work or operations required by Applicable Standards or the City to determine the Make-Ready

Work necessary to accommodate Attaching Entity's Communications Facilities on a Pole. Such work includes, but is not limited to, field inspection, loading calculations and administrative processing. The Pre-Attachment Survey shall be coordinated with City and include Attaching Entity's professional engineer.

67. **Public Right-of-Way** means, the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or City easement in which the City has an interest. The term does not include: (1) a private easement; or (2) the airwaves above a right-of-way with regard to wireless communications.

68. **Request for Temporary Attachment** means the form, provided in **APPENDIX B3. REQUEST FOR TEMPORARY ATTACHMENT**, an Attaching Entity shall submit to The City to request permission to install a temporary Attachment.

69. **Reserved Space** means designated space on a Pole that the City has reserved, pursuant to the City's development plan, that reasonably and specifically projects a need for that space for the provision of core electric service and lighting requirements, including moving the neutral as part of converting phases, space for the future attachment of internal communications lines owned by the City, or installation of transformer(s).

70. **Riser** means metallic or plastic encasement materials placed vertically on the Pole to guide and protect communications wires and cables they transition from overhead to underground or vice-versa.

71. **Safety Violation** means a violation of the Applicable Engineering Standards which: (a) is reasonably expected to endanger life or property; or (b) poses a potential safety risk to any The City or Attaching Entity employee or contractor, or to the general public.

72. **Safety Violation Assessment Charge** means the charge payable by an Attaching Entity for a Safety Violation as described in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES**.**

73. **Service Drop** means a single wired drop installed to provide Communications Service to an individual customer measured from the customer premises to the closest available Pole without requiring any additional anchors or guys to comply with all Applicable Engineering

Standards. Unless otherwise stated herein, Service Drops are subject to all terms and conditions of these Standards.

74. **Simple Transfer** means the transfer, relocation, or alteration of any Attachment or Overlash on an existing Pole or onto a new Pole that does not require cutting and splicing of the Communication Facility subject to such transfer, relocation, or alteration.

75. **Streetlight Pole** means a Streetlight Pole whose luminaire is fed by electrical distribution facilities owned by the City.

76. **Tag** means to place a distinct marker within twelve inches (12") of a Pole on the wires and cables, coded by number, color, or other means that will readily identify the owner of the Attachment Mid-Span Installation as set forth at **APPENDIX G**. The Tag shall be consistent with accepted communications industry standards.

77. **Tagging Plan** means a written plan developed by the Attaching Entity at the request of The City to address and remedy untagged or incorrectly tagged Attachments or Overlashings.

78. **Telecommunications Service** means the offering of telecommunications for a fee, directly to the public or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

B. REQUIREMENT TO REGISTER AND EXECUTE A POLE ATTACHMENT AGREEMENT

1. No entity shall install, own, maintain, or operate any Attachment, Overlash, or Mid-Span Installation on a City Pole, and the City shall issue no Notice to Proceed to any entity, unless and until that entity has (a) registered with the City pursuant to this Section; (b) executed a Pole Attachment Agreement with the City that adopts and incorporates these Standards by reference; and (c) satisfied all applicable insurance, bonding, and documentation requirements set forth in these Standards and the Pole Attachment Agreement. Registration and execution of a Pole Attachment Agreement are conditions precedent to access to City Poles and apply equally to new and existing Attaching Entities.
2. Registration and execution of a Pole Attachment Agreement do not, by themselves, authorize any Attachment. Each individual Attachment,

Overlash, and Mid-Span Installation remains subject to the Application, Make-Ready Work, and Notice to Proceed requirements of Section IV.

SECTION III
General Technical Provisions

C. GENERAL DESIGN & CONSTRUCTION STANDARDS & SPECIFICATIONS

1. **Professional Engineer**
   An Attaching Entity shall utilize a licensed Professional Engineer to undertake and complete the Pole Loading Analysis (PLA) calculations required in completing an Application for Attachment as described in **SECTION IV**. For the purposes of these Standards, an Engineer shall include engineering employees or contractors with a valid state of Texas professional engineering license in good standing. The Attaching Entity's Engineer shall adhere to all Applicable Engineering Standards and requirements of the City. Any nonadherence will result in application rejection.

2. **Contractors**
   All employees, contractors, and subcontractors utilized by the Attaching Entity shall be subject to the same standards of conduct and behavior as the City applies to its own contractors and employees, which the City may reasonably revise upon thirty (30) calendar days' notice. Failure of any employee, contractor, or subcontractor of the Attaching Entity to adhere to and comply with such standards and requirements may result in the City retracting its approval of the employee, contractor, or subcontractor to perform work of any kind on The City Facilities.

   The Attaching Entity shall bear full responsibility for ensuring its employees, agents, contractors, and subcontractors are in

full compliance with the requirements of these Standards. An Attaching Entity may be required to remedy any and all work, conducted by either its employees, contractor, or subcontractor that does not comply with the Applicable Engineering Standards and other construction standards and requirements of the City. The City reserves the right to halt all work undertaken by the Attaching Entity or its contractors/subcontractors that in the City's sole discretion is deemed unsafe or undertaken contrary to the City's standards and requirements.

3. **Right to Review**
   The City contemplates relying upon the Attaching Entity's Pre-Construction Survey and other engineering/field evaluation reports developed and relied upon in connection with any Application submitted be the Attaching Entity. Nonetheless, the City reserves the right to perform its own engineering and field evaluation or verification as appropriate or necessary. The costs for The City to undertake such additional engineering and field evaluation shall be paid by the Attaching Entity pursuant to these standards.

4. **Installation/Maintenance of Communications Facilities**
   All Attaching Entities shall be responsible for the installation and maintenance of their Communications Facilities, in accordance with the requirements and specifications set out in these Standards, including the Appendices. An Attaching Entity shall at all times and at its own expense make and maintain its Attachments and Overlashings in a safe and workmanlike manner, and keep them in good repair and condition in accordance with all Applicable Engineering Standards.

   Notwithstanding the foregoing; Attachments and Overlashings which complied with the Applicable Engineering Standards at the time they were originally installed may be operated in place until such time that such facilities are subject to modification, upgrade, rebuild, repair, transfer, relocation, or other such changes at which time, these facilities will be required to comply with the then current Applicable Engineering Standards.

a. **Protective Equipment**
The Attaching Entity, its employees and contractors, shall install and utilize adequate protective equipment to ensure the safety of people and facilities. The Attaching Entity shall install, at its own expense, protective devices designed to handle the voltage and current impressed on its Communications Facilities in the event of a contact or due to close proximity with a supply conductor(s) or other energized equipment. The City shall not be liable for any actual or consequential damages to the Attaching Entity's Communication Facilities, or the Attaching Entity's customers' facilities resulting from such contact or proximity with The City's supply conductor(s) or other energized equipment.

5. **Conflicts within the Standards**
If there exists a difference or conflict in the Applicable Engineering Standards, the following rules will apply:

   a. if one Applicable Engineering Standard is more stringent than the other, the more stringent shall apply:
      i. if one of the conflicting specifications, regulations, or practices is not more stringent than the other, the specification, regulation, or practice of the National Electrical Safety Code (NESC) will apply; or
      ii. if the conflict cannot be resolved under the first two rules, the City will determine in good faith which specification, regulation, or practice shall apply, with safety concerns given the highest priority in such determination, subject to the conflict resolution procedures outlined in these standards.

An Attaching Entity shall not be penalized in any manner for non-compliance with conflicting standards that are resolved pursuant to subpart (a.ii) of this Section III.A.5 provided the Attaching Entity identifies the potential conflict to the City in writing at least seven (7) days before actual construction of the Attachment or Overlash began.

6. **Tagging**
   Each Attaching Entity shall properly install identification Tags on all of its Attachments and Overlashings as specified in **APPENDIX G** and/or applicable federal, state, local, or industry regulations in effect at the time of installation. Failure of an Attaching Entity to provide proper tagging of its Attachments and Overlashings or failure to undertake in good faith its Tagging Plan shall be considered a violation of the Applicable Engineering Standards.

   a. Should the City discover that an Attaching Entity has Attachments and Overlashings that are untagged or incorrectly tagged, excluding Service Drops, exceeding five percent (5%) of its total Attachments, the Attaching Entity, at the City's request, shall within two (2) months, provide to The City a written plan (Tagging Plan) to Tag the Attachments and Overlashings. The Tagging Plan shall identify an estimated schedule to complete the tagging of all untagged or incorrectly tagged Attachments and Overlashing within an eighteen (18) month period for Attachments and Overlashings. The Attaching Entity and City shall meet every four months during the timeframe outlined in the Tagging Plan to determine Attaching Entity's compliance with its Tagging Plan. The City reserves the right to conduct field audits to assess the Attaching Entity's compliance with its Tagging Plan.
   b. In the event any Attachment or Overlash is untagged or incorrectly tagged and the City must determine the owner's identity in order to address the repair or maintenance of a City Facility where the City cannot undertake such repair or maintenance absent the removal or transfer of such Attachment or Overlash; The City will undertake the following protocol:
      i. A thirty (30) minute reasonable effort to determine the owner of the untagged Attachment or Overlash at no cost to the Attaching Entity; then
      ii. Provided the initial thirty (30) minute effort is unsuccessful, The City shall continue with its search until ownership is determined. The City

shall bill and the non-compliant Attaching Entity shall pay the City at the Tracing Line Ownership rate set forth at **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES for the time required to determine the Attachment or Overlash ownership.

7. **Physical Interference with The City Facilities**

An Attaching Entity shall not allow its Communications Facilities to impede, impair, or interfere with the installation, placement, or operation of any City Facilities. An Attaching Entity whose Communications Facilities, or any part thereof; impede, impair, or interfere with any City Facilities shall correct such condition within fifteen (15) calendar days from receipt of written notice of such impairment from the City. Failure to timely correct such condition will result in the City, at its option, taking all necessary steps to correct said condition at Attaching Entity's expense plus ten-percent (10%). The City will attempt to notify the non-compliant Attaching Entity in writing prior to performing such work whenever practicable.

If an Attaching Entity continues to allow its Communications Facilities to impede, impair, or interfere with the operation of any City Facilities after the initial fifteen (15) calendar day correction period, the Attaching Entity shall be subject to enforcement action, including but not limited to:

i. Suspension of the processing any further Applications, by the Attaching Entity, pending resolution of such interference; and
ii. Potential contractual claims.

An Attaching Entity shall not be responsible for physical interference with future installations by other Attaching Entities, provided that the Attaching Entity's prior Attachments are duly permitted by the City and comply with all Applicable Engineering Standards and the requirements of these Standards at the time of the initial installation, unless otherwise required by applicable federal, state, or local laws. Where the City needs to add to or modify City Facilities in a

case other than remedying a non-compliant condition caused by an Attaching Entity, and where that action would require the replacement of a Pole, as applicable, the City and all affected Attaching Entities shall be responsible for their own cost of transferring their Attachments and Overlashing. The City will be responsible for the replacement cost of the pole structure.

8. **Enclosures**
   Except as to Attaching Entity's facilities located on Attaching Entity's private property and/or easements, no Attaching Entity shall place new pedestals, vaults and/or other enclosures on or within four (4) feet of any Pole, or other City Facilities without the City's prior written permission. The Attaching Entity shall specifically identify this request in its Application for Attachment submittal. If permission is granted by the City, all such installations shall be in compliance with the specifications and drawings provided in **APPENDIX D**: VERTICAL CLEARANCE TABLE or other Applicable Engineering Standards. Any prior pedestals, vaults and/or other enclosures located within four (4) feet of any Pole, or other City Facilities that are in place on or before July 1, 2026, or result as part of a future pole replacements, provided the Attaching Entity complies with any and all directives issued by the City regarding such enclosures.

9. **Vegetation Management**
   Attaching Entities shall be responsible for performing, or causing the performance of, all tree trimming and other vegetation management necessary for the safe and reliable installation, use, and maintenance of their Attachments and Overlashings, and to avoid stress on Poles, as applicable, caused by contact between tree limbs and the Attaching Entities' Attachments or Overlashings.

   Per NESC, all crossing span and adjoining spans on each side of a line crossing, railroad crossing, limited-access highway crossing, or navigable waterway requiring a crossing permit shall be kept free from overhanging or decayed trees or limbs that shall fall into the line, including both supply and communication cables.

All tree trimming shall be performed in accordance with OSHA regulations and/or local municipal ordinances, as may be amended from time to time. Attaching Entities shall adhere to industry and local municipal ordnances, standards, and requirements for tree trimming and vegetation management. Failure of a tree trimming contractor to adhere to and comply with such standards and requirements may result in the City issuing a Safety Violation. An Attaching Entity may be required to remedy any and all work, conducted by its tree trimming contractor that fails to comply with the tree trimming standards and requirements set forth by the City. The City reserves the right to halt any and all work by any such tree trimming contractor that the City in its discretion deems to be unsafe or performs work contrary to the standards and requirements set forth.

10. **Removal of Attaching Entity's Facilities**
    a. **Abandoned Facilities.**
    An Attaching Entity shall report, through the annual registration process described in these standards, and remove at the Attaching Entity's expense; all abandoned, non-functional, and obsolete Attachments and Overlashings, and any related Communications Facilities on City Poles as applicable, which the appropriate Attaching Entity:

        i. No longer utilizes for providing Communications Service or Telecommunications Services;
        ii. Has abandoned or plans to abandon during the next reporting period; or
        iii. Has replaced with operating capacity of alternative facilities.

    b. Except as otherwise provided, the Attaching Entity shall remove these facilities coincident with their replacement, and in all cases within one (1) year of meeting any of the above conditions, unless the Attaching Entity receives written notice from the City that removal is necessary to accommodate City's use of the affected Poles, pursuant to a reservation of Capacity,

in which case the Attaching Entity shall remove such Attachments and Overlashings within ninety (90) calendar days of The City issuing such written notice.

c. **Removal on Expiration/Termination**
Subject to the expiration or other termination of an Attaching Entity's Attachment Contract or any individual Attachment, unless renewed; the Attaching Entity shall submit a written plan which describes the commitment, schedule, and process for the removal of its Attachments and Overlashings from the affected Poles, as applicable, to the City for approval. The City shall review such plan and either approve or request additional details within fifteen (15) calendar days of receipt of the plan. Following approval of the plan by the City, the Attaching Entity shall make judicious progress toward fulfilling the removal commitments made by the Attaching Entity in the plan. Such removals will be at the Attaching Entity's sole expense. If the Attaching Entity fails to remove such Attachment and Overlashings within the timeframe contemplated by the plan, the City shall have the right to have such Attachments and Overlashings removed at the Attaching Entity's expense without liability to the City.

11. **Pre-Certification Requirements for Mid-Span Installations**
An Attaching Entity engaged in the deployment of Mid-Span Installations shall comply with the following pre-certification requirements:
    a. submit written materials explaining the installation, operational, and safety procedures, features, and considerations associated with the deployment of Mid-Span Installation wireless technologies;
    b. submit a 12-month and 3-year deployment plan and re-fresh the plan as appropriate;
    c. determine the appropriate distance from a pole structure that the micro network nodes component of a Mid-Span Installation should be strand-mounted in order to protect linemen working on such poles from harmful radio frequency energy, and submit calculations;

d. determine the appropriate distance that the micro network node component of a Mid-Span Installation should be installed away from a City wireless system that operates in the same unlicensed frequency bands in order to prevent Wireless Interference, and submit results;
e. identify the location of the shut-off switch for the micro network node component of a Mid-Span Installation, and submit information; and
f. schedule a briefing with City prior to initiating deployment of Mid- Span Installations in order to provide an overview of all these issues.
g. All installations are subject to the City's Unified Development Code and must comply with the UDC standards.

D. POLE MODIFICATIONS AND REPLACEMENTS

1. **Restrictions on Certain Poles**
The City may deny an Application for Attachment for access to a Pole (as appropriate for the type of installation) in flood zones, river crossings or other such locations, or if the proposed new Attachment cannot be accommodated without creating a potential to disrupt or impair City Facilities or endanger the safety of people or facilities. In such instances, the City, in its sole discretion or solution, may erect a taller/larger pole structure to accommodate an Attaching Entity's Attachment if the costs of such replacement pole or solution is approved by and paid by the Attaching Entity in advance.

Further, the City may require the removal or modification of an existing Attachment at the Attaching Entity's expense, if The City reasonably determines that such Attachment did not meet the clearance requirements set forth in the Standards at the time of installation or modification, or may create a potential to disrupt or impair City Facilities or endanger the general safety of people or facilities.

a. **Steel Poles**
The City will consider requests by an Attaching Entity to access existing distribution steel Poles. Attachments must

be firmly secured with clamps and/or stainless steel banding. The drilling of any additional holes into steel Poles or associated equipment is prohibited. The only exception permitted is the use of a self- tapping set screw for grounding of equipment on steel Poles.

b. **Distribution Poles with Overhead Street Lights**
Subject to these Standards, the City will provide access to Overhead Streetlight Poles for the purpose of accommodating attachments, provided that such installations do not interfere with the maintenance and operation of the overhead street lights.

c. **Restrictions Applicable to Mid-Span Installations**

i. **Steel Poles.**
All Riser cables necessary to connect the components of a Mid- Span Installation back to the Slab-Mounted Equipment Cabinet must be installed outside the steel Pole using U-Guard, provided the structural integrity of the Pole is maintained

ii. **Distribution Poles with Overhead Street Lights.**
Subject to these Standards, The City will provide access to Overhead Streetlight Poles for the purpose of accommodating Mid-Span Installations, provided that such installations do not interfere with the maintenance and operation of the overhead street lights.

iii. **Poles with Distribution Equipment Installed**
Mid-Span Installations may be installed next to Poles or that host electric distribution equipment, provided that the Riser that protects the coaxial cable supporting the strand-mounted micro network node component of the Mid-Span Installation shall not be installed on such a pole structure if the Riser:

a. would interfere with the City's ability to operate or maintain its electrical equipment;
b. could not be installed in compliance with NESC requirements; or
c. the Pole already supports three Risers.

d. **Foreign Poles**
The City of Georgetown is not the sole electric provider in the area. Any poles not owned by the City of Georgetown are outside the scope of these Standards. Additionally, some Attaching Entities own their own poles in the area. Therefore, the City cannot give permission to attach to such pole structures. The Attaching Entity is solely responsible for obtaining permission from the respective pole owner to install any Attachments on such non-City owned pole structures outside the scope of these Standards.

2. **City Not Required to Relocate**
Except as provided by the Make-Ready Electrical Construction process outlined later in these standards, no provision of these Standards requires the City to relocate, modify, or replace any Pole or other The City Facility for the benefit of any Attaching Entity, provided; however, that any denial by the City for modification of a pole structure or facility is applied in a nondiscriminatory manner to all Attaching Entities.

3. **Guying**
All guying, including the installation of independent anchors for each Attachment requiring guying to accommodate an Attaching Entity's Attachments shall be provided by and at the expense of the Attaching Entity to the satisfaction of City as specified in the Applicable Engineering Standards and in **APPENDIX C**: SPECIFICATIONS FOR ATTACHMENTS and as proposed in the approved application.

4. **Relocation of Aerial Facilities**
The following sections apply to various relocation or undergrounding scenarios of City's aerial facilities.

Should the Attaching Entity not desire to participate in the applicable joint relocation activity as described in these standards, the Attaching Entity shall be required to remove its facilities from the impacted City's Poles or and submit an Application for Attachment pursuant to the procedures detailed in these standards, as appropriate. All affected

Attaching Entities shall also be subject to the provisions regarding removal of facilities as described in these standards.

a. **Civic Projects Requiring Relocation**
City may be required by ordinance or directive of a Civic Authority to relocate or underground its existing Poles and aerial facilities in order to accommodate a Civic Project.

i. **Pole Replacements**
For any Civic Project requiring the relocation of existing City Poles and facilities to new replacement Poles that the City undertakes for any of the reasons set forth in this Section, the City will provide the affected Attaching Entities written notice of the proposed Civic Project as soon as reasonably practical after City itself receives such notice from the applicable Civic Authority. Unless a shorter time frame is required by the applicable Civic Authority, the City will endeavor to provide not less than sixty (60) calendar days prior written notice of the expected transfer date of the City's existing facilities to new replacement Poles and the dates upon which the City will be removing the existing Poles.

1. The notice from the City to the affected Attaching Entities shall include the name and contact information for the Civic Project's manager and the Civic Project's construction design contractor, as well as any available information in the City's possession related to scheduling and coordination of the Project, including any information on cost reimbursement from the Civic Authority to the affected Attaching Entities. The notice shall be in substantially the same form to the sample notification(s) contained in **APPENDIX B**: APPLICABLE POLE ATTACHMENT APPLICATIONS AND FORMS of these Standards.

2. All affected Attaching Entities shall have thirty (30) days from receipt of the above relocation notice from the City to notify the City in writing that they

intend to transfer their existing Attachments to the City replacement Poles. The City will not require an Attaching Entity that elects to transfer its existing facilities without Modification to replacement Poles to submit a new Attachment Application as part of such transfer

3. An affected Attaching Entity will be required to submit an Application for a transfer, but will not require a PLA submittal in such instances

4. An affected Attaching Entity that elects to transfer its Existing Attachments to the City's replacement Poles, shall complete such transfer at no cost to the City and in accordance with all Applicable Engineering Standards.

5. If the Attaching Entity elects to make a Modification to its existing facilities as part of the transfer process, the Attaching Entity shall submit a new Application and shall also pay the proportionate share of the increased costs, if any, of the replacement Pole or Streetlight Pole attributable to such Modification.

6. Affected Attaching Entities seeking to transfer their existing facilities to City replacement Poles in response to a Civic Project shall be solely responsible for coordinating with the Civic Project's manager in order to determine whether any of the Attaching Entity's transfer costs are reimbursable from the Civic Authority, and for entering into any necessary agreements with the Civic Authority concerning such cost reimbursements.

7. The City will perform a Post-Construction Inspection of any transfers to The City replacement as described in these standards.

ii. **Civic Project Initiated Undergrounding**

For any Civic Project requiring the removal of existing City Poles or where undergrounding is directed by a Civic Authority, the City will provide all affected Attaching Entities written notice of the proposed Civic Project as soon as reasonably practical after the City itself receives such notice from the applicable Civic Authority. Unless a shorter time frame is required by the applicable Civic Authority, the City will endeavor to provide not less than four (4) months prior written notice of the expected removal of the Poles and undergrounding of the existing the City aerial facilities.

1. The notice from The City to the affected Attaching Entities shall include the name and contact information for the Civic Project's manager and the Civic Project's construction design contractor, as well as any available information in The City's possession related to scheduling of the Civic Project. The notice will also direct any affected Attaching Entity to provide written notice to The City if the Attaching Entity intends to participate in a Joint Trench with The City at thirty (30) days after to receiving notice from The City, but in no event less than thirty (30) days from the beginning of construction if four (4) months prior notice is no provided. The notice shall be in substantially the same form to the sample notification(s) contained in **APPENDIX B**: APPLICABLE POLE ATTACHMENT APPLICATIONS AND FORMS of these Standards.

2. Upon receipt of notice of the Civic Project from The City, affected Attaching Entities shall be solely responsible for conveying to the Civic Project's manager whether they desire to remove and underground their existing facilities, and pursue any cost reimbursement from the Civic Authority.

3. Affected Attaching Entities seeking to underground their existing facilities shall be solely responsible for coordinating with the Civic Project's manager and the Civic Project's construction design contractor concerning the design, specifications, costs, and construction schedule of the underground facilities, including the design of the Attaching Entities' conduits

and duct bank systems, as well as for entering into any necessary agreements with the Civic Authority and/or the Civic Project's construction design contractor for any available reimbursement.

4. To the extent consistent with the Civic Project's design and specifications and all Applicable Engineering Standards, The City will allow affected Attaching Entities to relocate their aerial facilities into a Joint Trench along with the City, provided that such Attaching Entities provide the City with prior written notice of their intent to participate in a Joint Trench within the time frame specified in City's notice of the project. All such Joint Trenching shall be at no additional cost to the City and is contingent upon the Attaching Entity entering into a Joint Trench Agreement with the City. All parties executing such Joint Trench Agreement will have an opportunity to install their ducts and conduits, and associated facilities, during the timeframe allowed for the relevant trenching to occur. under the Civic Project and City schedule.

5. In no event will the City be obligated to pay for any Attaching Entity's costs, nor shall the City act as a collection agent on behalf of any party, including the Civic Authority. Such costs shall be payable by or to the Civic Authority or construction design contractor associated with such removal and undergrounding of facilities.

6. Any Attaching Entity seeking to relocate its existing Attachments to underground conduit as part of a Joint Trench Agreement with the City shall be solely responsible for securing, and providing to the City at its request, all requisite public and private authorizations, permits, and easements to occupy and operate its facilities within the Joint Trench.

7. Participation in a Joint Trench with the City is subject to the specifications and standards provided by the City.

b. **Utility Initiated Relocation**

This Section applies to any Pole, or underground relocation of the City's existing aerial facilities that City undertakes to enhance and ensure the safety, security or reliability of its electric services that is not either required as part of a Civic Project, or a Private Development Project.

i. **City-Initiated Pole Replacements**

If the City is required to relocate its existing Poles in order to enhance or ensure the safety, security, or reliability of its electric system, and not for a Civic Project, or for a Private Development Project, the City will provide the affected Attaching Entities not less than sixty (60) days written notice of the transfer date of City's existing facilities to new replacement Poles or Streetlight Poles and the dates upon which the City will be removing the existing Poles.

1. All affected Attaching Entities shall have thirty (30) calendar days from receipt of the above relocation notice to notify the City in writing that they intend to transfer their existing Attachments to the City replacement Poles. City will not require an Attaching Entity that elects to transfer its existing facilities without Modification to replacement Poles to submit a new Application as part of such transfer. An affected Attaching Entity that elects to transfer its Existing Attachments to the City replacement Poles, shall complete such transfer at its own cost in accordance with all Applicable Engineering Standards.

2. All costs for the replacement of a Pole, including any related costs for tree-cutting or trimming required to clear the new location for the City's cables or wires, shall be allocated to the City.

3. If the Attaching Entity elects to make a Modification to its existing facilities as part of the transfer process, the Attaching Entity shall submit a new Application and shall also pay the proportionate share of the costs of the replacement Pole or Streetlight Pole attributable to its Modification.

4. The City will perform a Post-Construction Inspection of any transfers to The City replacement Poles or Streetlight Poles as described in these standards.

ii. **City Initiated Undergroundin**g.
If the City is required to remove its existing Poles and Streetlight Poles and to underground its existing aerial facilities in order to enhance or ensure the safety, security, and/or reliability of its electric system, and such undergrounding is not required for a Civic Project or for a Private Development Project, the City will provide the affected Attaching Entities four (4) months written notice of the date upon which they must remove their existing facilities from the City's Poles and/or Streetlight Poles and the dates upon which the City will be removing the existing Poles and/or Streetlight Poles (unless the City offers the affected Attaching Entities to acquire ownership of the existing Poles or Streetlight Poles as specified in these standards. The notice shall be in substantially the same form to the sample notification(s) contained in **APPENDIX B**: APPLICABLE POLE ATTACHMENT APPLICATIONS AND FORMS of these Standards.

1. Upon receipt of the written notice of the pending undergrounding of the City's aerial facilities, affected Attaching Entities shall have thirty (30) days to provide written notice to the City of their desire to place their existing facilities underground as part of a Joint Trench with the City. Upon receipt of such notice, the City will attempt to accommodate the affected Attaching Entities in the design and construction of the Joint Trench, contingent upon the Attaching Entity entering into a Joint Trench Agreement with the City. Subject to the City's review and Applicable Engineering Standards, the Attaching Entity shall be responsible for the design, engineering, and installation of its conduit and duct bank system within the Joint Trench, as well as all applicable costs associated with such facilities.

2. All parties executing such Joint Trench Agreement will have an opportunity to install their conduits and related underground facilities, in accordance with the Joint Trench Agreement, during the timeframe that the City has allowed for the relevant trenching to occur.

3. An Attaching Entity seeking to place its existing above-ground facilities underground as pursuant to a Joint Trench Agreement with the City shall be solely responsible for securing and providing to the City at its request, all requisite public and private authorizations, permits, and easements to occupy and operate its facilities within the Joint Trench.

4. Participation in a Joint Trench with the City pursuant to a Joint Trench Agreement shall not convey, or be deemed to convey, any right or authorization to occupy or use any the City ducts or conduits within the Joint Trench.

c. **Private Development Projects**
This Section applies to any Pole or Streetlight Pole relocation or undergrounding of the City's existing aerial facilities that the City undertakes because of a Private Development Project.

i. Private Development Project Initiated Pole Replacements. If the City is required to relocate existing the City Poles or Streetlight Poles and facilities to new replacement Poles or Streetlight Poles because of a Private Development Project, the City will provide the affected Attaching Entities written notice of the proposed Private Development Project as soon as reasonably practical after the City itself receives such notice from the applicable Private Developer. Unless a shorter time frame is required by the applicable Private Development Project, the City will endeavor to provide not less than sixty (60) calendar days prior written notice of the expected transfer date of the City's existing facilities to new replacement Poles and/or Streetlight Poles and the dates upon which the City will be removing the existing Poles or Streetlight Poles.

1. The notice from the City to the affected Attaching Entities shall include the name and contact information for the Private Development Project's manager and the Private Development Project's construction design contractor, as well as any available information in the City's possession related to scheduling and coordination of the Private Development Project, including any information on cost reimbursement from the Private Developer to the affected Attaching Entities. The notice shall be in substantially the same form to the sample notification(s) contained in **APPENDIX B**: APPLICABLE POLE ATTACHMENT APPLICATIONS AND FORMS of these Standards.

2. All affected Attaching Entities shall have thirty (30) days from receipt of the above relocation notice from the City to notify the City in writing that they intend to transfer their existing Attachments, Wireless Installations, or Banner Attachments to the City's replacement Poles or Streetlight Poles. the City will not require an Attaching Entity that elects to transfer its existing facilities without Modification to replacement Poles or Streetlight Poles to submit a new Application as part of such transfer.

3. An affected Attaching Entity that elects to transfer its Existing Attachments, Wireless Installations, or Banner Attachments to the City's replacement Poles and/or Streetlight Poles as a result of Private Development Project, shall complete such transfer at no cost to the City and in accordance with all Applicable Engineering Standards.

4. If the Attaching Entity elects to make a Modification to its existing facilities as part of the transfer process, the Attaching Entity shall submit a new Application and shall also pay the proportionate share of the costs of the replacement Pole or Streetlight Pole attributable to its Modification.

5. Affected Attaching Entities seeking to transfer their existing facilities to the City replacement Poles or

Streetlight Poles in response to a Private Development Project shall be solely responsible for coordinating with the Private Development Project's manager to determine whether any of Attaching Entity's transfer costs are reimbursable from the Private Developer (or Civic Authority if applicable) and for entering into any necessary agreements with the Private Developer (or applicable Civic Authority) concerning such cost reimbursements.

6. The City will perform a Post-Construction Inspection of any transfers to the City replacement Poles and or Streetlight Poles as described in these standards.

d. **Private Development Project Initiated Undergrounding**
If the City places its existing aerial facilities underground because of a Private Development Project, the City shall provide all affected Attaching Entities written notice of the proposed Private Development Project as soon as reasonably practical after the City itself receives such notice. Unless a shorter time frame is required by the applicable Private Development Project, the City will endeavor to provide not less than four (4) months prior written notice of the expected removal of the Poles or Streetlight Poles and undergrounding of the existing the City aerial facilities.

i. The notice from the City to the affected Attaching Entities shall include the name and contact information for the Private Development Project's manager and the Private Development Project's construction design contractor, as well as any available information in the City's possession related to scheduling of the Private Development Project, and shall direct the Attaching Entities to provide written notice to the City if they intend to participate in a Joint Trench with the City at least thirty (30) days after receiving notice from the City, but in

no event less than thirty (30) days from the beginning of construction if four (4) months prior notice is no provided.. The notice may be in similar form to the sample notification(s) contained in **APPENDIX B**: APPLICABLE POLE ATTACHMENT APPLICATIONS AND FORMS of these Standards.

ii. Upon receipt of notice of the Private Development Project, from the City, affected Attaching Entities shall be solely responsible for informing the Private Development Project's manager whether they desire to underground their existing facilities, and pursue any cost reimbursement from the Private Developer.

iii. Affected Attaching Entities seeking to underground their existing facilities shall be solely responsible for coordinating with the Private Development Project's manager and the Private Development Project's construction design contractor concerning the design, specifications, costs, and construction schedule of the underground facilities, including the design of the Attaching Entities' conduits and duct bank systems, as well as for entering into any necessary agreements with the Private Developer and/or the Private Development Project's construction design contractor for any available cost reimbursement.

iv. To the extent consistent with the Private Development Project's design and specifications and all Applicable Engineering Standards, the City will allow affected Attaching Entities to relocate their existing aerial facilities into a Joint Trench along with the City, provided that such Attaching Entities provide the City with prior written notice of their intent to participate in a Joint Trench within the time frame specified in the City's notice of the Private Development Project. An Attaching Entity's participation in a Joint Trench with the City shall be at no additional cost to the City and is

contingent upon the Attaching Entity entering into a Joint Trench Agreement with the City. All parties executing such a Joint Trench Agreement will have an opportunity to install their conduits and associated facilities, during the timeframe allowed for the relevant trenching to occur under the Private Development Project and the City schedule.

v. Any Party seeking to place its existing above-ground facilities underground as part of a Joint Trench Agreement with the City shall be solely responsible for securing and providing copies to the City at its request of all requisite public and private authorizations, permits, and easements to occupy and operate its facilities within the Joint Trench.

vi. The ability to enter into a Joint Trench with the City pursuant to a Joint Trench Agreement shall not convey any right or authorization to occupy or use any the City ducts or conduits within a Joint Trench.

5. Abandonment or Removal of City Facilities.

a. Notwithstanding the provisions of Section III.B.4, if the City decides at any time to abandon, remove or underground any Pole on which one or more Attaching Entities have Attachments; the City shall give the affected Attaching Entities notice in writing to that effect as soon as practical, but at least sixty (60) calendar days prior to the date on which the City intends to abandon or remove such Pole. Notice may be limited to a lesser period of time if the City is required to remove or abandon its Facilities as the result of the action of a governmental authority or third-party and the greater notice period is not practical. Such notice shall indicate whether the City is offering the Pole or for sale. The notice shall be in substantially the same form to the sample notification(s) contained in **APPENDIX B**:

APPLICABLE POLE ATTACHMENT APPLICATIONS AND FORMS of these Standards.

i. The City shall have the right upon ten (10) days written notice (unless a shorter time period is dictated by circumstances) to remove the Attaching Entity's facilities at the Attaching Entity's expense at one hundred and twenty-five percent (125%) of the actual documented costs. the City shall bear no responsibility or have any liability of any kind to any Attaching Entity in any manner for the removal of Attachments from the applicable Poles subject to removal.

E. OVERLASHING

1. **Application Required**
   a. Refer to Section IV for details on the Application process for new Attachments and Overlashings and Section IV.F for the Application process for Overlashing existing Attachments. Regardless of Overlashing size or methodology, Attaching Entities are required to maintain their Overlashing in compliance with the Applicable Engineering Standards in effect at the time of the Overlash installation except where a change is required by applicable law.

2. **Overlashing Third-Party Facilities**
   a. An Attaching Entity is prohibited from Overlashing Communications Facilities of a third-party, including an Affiliate of the Attaching Entity, unless both the Attaching Entity and third-party have registered and executed a Pole Attachment Agreement with the City pursuant to these standards. The City shall not grant a Notice to Proceed authorizing the Overlashing of a third-party's Communications Facilities unless the Attaching Entity that owns the Attachments subject to Overlash has provided the City its consent in writing to such Overlashing.

3. **Annual Attachment Connection Fee**
    a. An Attaching Entity or an Overlashing third- party shall not be required to pay a separate annual Attachment Connection Fee for such Overlashed Communications Facilities provided that the annual Attachment Connection Fee is already being billed for the original Attachment that was Overlashed.

F. INSPECTION AND INVENTORY OF ATTACHING ENTITY'S FACILITIES

1. **Inspections**
the City, at its discretion and in addition to any inspections undertaken during Make-Ready Work and Post-Construction Inspections, may engage in two other specific types of inspections or Inventory of Attachments.. These include:
1) routine visual inspections of Attachments that the City's employees may conduct at any time; and

2) a formal Inventory that the City may conduct no more frequently than once every five (5) years, in which the City shall undertake with its own personnel or with outside contractors, subject to a formal competitive bidding basis, the cost of which shall be borne by all Attaching Entities on a pro-rata basis. Regardless of inspection or Inventory method:

    a. The City expects an Attaching Entity to install, maintain, and inspect its Attachments and Overlashings to ensure these facilities are in good order and safe to the general public at all times. If any inspection reveals that any Attaching Entity's Attachments and Overlashings are not in compliance with the Applicable Engineering Standards in effect at the time the Application was approved, the City shall provide written notice and the Attaching Entity shall make any and all corrections to bring the Attachment and Overlash Attachments into compliance with the Applicable Engineering Standards. If the severity of the non-compliance warrants, the City will assess, and the

Attaching Entity will be required to pay a Safety Violation Assessment as described in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES.

b. If it is found that an Attaching Entity has made an Attachment without a Notice to Proceed, the Attaching Entity shall pay an Unauthorized Attachment Charge as specified in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES, in addition to applicable Attachment Connection Fees, Application Fees, and Make-Ready Charges, if any.

c. Notwithstanding any other provisions contained in these Standards, including this Section, no revisions to the Applicable Engineering Standards shall be retroactive to existing permitted Attachments and Overlashings unless required by city, county, state, or federal law.

2. **Routine Visual Inspections and/or Inventory**
Any qualified City employee may conduct a routine inspection and/or inventory of an Attaching Entity's Attachments and Overlashings. In practice, these routine inspections and/or inventory may be undertaken and completed as part of the daily work assignment of a City employee. The cost of this work is included in the determination of the annual Attachment Rate or Wireless Rate, as described in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES. In the course of a routine visual inspection, a City employee or contractor may require an Attaching Entity or its contractors installing an Attachment or Overlash to supply evidence of a valid Notice to Proceed or permission from the City to access a City Pole, as applicable. The City reserves the right to demand the Attaching Entity or its contractor to immediately suspend work on the Attachment, Overlash should the Attaching Entity or contractor be unable to furnish the valid Notice to Proceed or other notice of permission for

the City's inspection. If the City directs the work be suspended, the Attaching Entity or its contractor shall suspend the work in a safe and orderly manner ensuring the suspension of the work will not cause a danger to City employees, contractors, or the general public.

3. **Formal Inventory Performed by the City or Third-Party Contractor Subject to Competitive Bid**
The City may contract with a third-party contractor to conduct a formal Inventory of either all or designated Poles within the City service area. The cost of this formal Inventory shall not be included in the calculation of the Attachment Rate as described in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES. All Attaching Entities shall cooperate and participate in the Inventory. Each Attaching Entity will share the total cost of the Inventory on a pro-rata basis with all other Attaching Entities based on the number of found Attachments belonging to each Attaching Entity. For the limited purpose of determining the pro-rata shared costs, each foot of space occupied on a pole will count as one (1) Attachment on each Pole. In undertaking this formal Inventory:

    a. the City shall have sole responsibility for the management, review, and approval of the Inventory of its Poles.

    b. the City shall routinely conduct meetings, communicate in writing, via electronic mail, with all Attaching Entities to discuss the progress and on-going results of the Inventory. The City will seek to find consensus with the Attaching Entities as to the most effective schedule and methodology of these meetings and communications. Each Attaching Entity shall be expected to cooperate fully with the City and/or the third-party contractor conducting the Inventory by assigning a single point of contact to attend project meetings and receive the written communications and to answer any questions either the City or the third-

party contractor may have concerning the Attaching Entity's Attachments. Attaching Entities shall be given access to the Inventory results and other supporting documentation, including maps, spreadsheets, and other related items.

c. At the conclusion of the Inventory, the City shall provide a written report to each Attaching Entity containing a draft of the final Inventory Attachment count for the Attaching Entity and other documentation necessary to substantiate the third-party contractor's Inventory findings. Notwithstanding the challenge provisions of Section III.D.3.d below, if the Attaching Entity does not provide a written challenge to the draft Inventory count or results within thirty (30) calendar days of the issuance of the City's draft Inventory count, the Inventory count will be deemed correct, and the City will invoice the Attaching Entity for their share of the cost of inventory.

d. Should an Attaching Entity wish to challenge the results of the draft Inventory report, the Attaching Entity shall, within thirty (30) calendar day of the City issuing the draft Inventory report, discussed in Section III.D.3.c above, provide the City written notice that the Attaching Entity has cause to challenge the results. In this notice, the Attaching Entity shall provide to the City all relevant documentation to substantiate its challenge for review and consideration by the City. All costs related to this challenge, including both the City's and third-party contractor's labor and other expenses required to respond to and resolve the challenge shall be borne by the Attaching Entity challenging the Inventory results. Should multiple Attaching Entities provide notice of their intent to challenge the results, the City will pro-rate the cost and expenses required to respond to the challenge as described in this Section to the

Attaching Entities participating in the challenge. To the extent the Attaching Entity prevails in identifying errors or omissions in the Inventory, the City shall be responsible for its own and the third-party contractor costs. the City will meet with the Attaching Entity requesting the challenge within ten (10 calendar days of receiving the written notice of challenge to discuss the challenge and attempt to reach agreement and settlement on the Attaching Entity's Attachment count. The City will issue its final decision in writing as to the resolution of the challenge within fifteen (15) days following this settlement meeting.

e. Following resolution of all challenges, pursuant to Section III.D.3.d, the City shall issue a final Inventory report and shall true-up each Attaching Entity's count to the number of Attachments identified in the final Inventory report including any Unauthorized Attachments as described in Section III.E. Unauthorized Attachments reported shall incur an Unauthorized Attachment Charge as provided in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES. The City shall invoice the applicable Attaching Entity for the Unauthorized Attachments and payment shall be due within forty-five (45) calendar days of the City's issuance of the invoice. Failure of the Attaching Entity to pay the outstanding invoice timely and in full will result in the suspension of any current pending Applications and the immediate rejection of any future Applications until such payment is received in full.

f. The Attaching Entities will be charged their pro-rata share of the cost of inventory based upon the total cost of the inventory and the number of attachments total in the system.

4. **No Liability**

The making of any inspections or Inventory under this Section III.E, or the failure to do so, shall not operate to impose upon the City any liability of any kind whatsoever or relieve an Attaching Entity of any responsibility, obligations or liability, whether assumed or otherwise existing.

5. **Attaching Entity Conducted Inventory**
Nothing in these Standards prevents an Attaching Entity from performing its own Inventory of its own which the City shall consider in the determination of that Attaching Entities total Attachment count. Before the City will consider such inventory, the Attaching Entity shall be required to meet with the City and describe the methodology and approach used to conduct the inventory. The cost of such inventory shall be the sole risk and responsibility of the Attaching Entity undertaking the inventory.

G. UNAUTHORIZED OCCUPANCY OR ACCESS

1. **Unauthorized Attachments**
If, after the establishment of the Inventory baseline set forth in Section III.D.3 any belonging to an Attaching Entity that:

a. are found to occupy a Pole, as applicable, for which the City had not previously issued a Notice to Proceed to the Attaching Entity, or
b. are being utilized to provide services that are not Communications Services,

The City, without prejudice to its other rights or remedies, will send the Attaching Entity a written Notice of the Unauthorized Attachment, a copy of which is provided in **APPENDIX B7: NOTICE OF UNAUTHORIZED ATTACHMENT**. Such notice shall include the specific location of the Pole where the violation is found and the nature of the Unauthorized Attachment. Within forty-five (45) calendar days upon receipt of the notice of

violation, the Attaching Entity must submit for the Unauthorized Attachment

a. an Application for an Attachment,
b. correct Application Fee if applicable, and
c. the Unauthorized Attachment Charge to the City.

Should the Attaching Entity fail to comply within the forty-five (45) calendar days, the Attaching Entity must remove its Unauthorized Attachment within the subsequent forty-five (45) calendar day period. If the Attaching Entity fails to remove the unauthorized facilities, the City may remove them without liability and the Attaching Entity shall promptly reimburse the City for the expense plus ten percent (10%) of such removal in all cases, no later than forty-five (45) calendar days following the City's issuance of invoice.

2. **Unauthorized Attachment Charge**

Pursuant to Section III.E.1 above, the City, without prejudice to its other rights or remedies, may assess an Unauthorized Attachment Charge, as specified in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES, for each Attachment for which:

a. No Notice to Proceed has been issued by the City;
b. Where an Attachment received a Notice to Proceed and it was later found the information provided by the Attaching Entity on the Application was substantially incorrect; or
c. Where an Attachment has been significantly modified since the issuance of its initial Notice to Proceed and such modification has not been approved by the City.

3. **No Ratification of Unauthorized Use**

No act or failure to act by the City with regard to an Attaching Entity's Unauthorized Attachments shall be deemed as ratification of the unauthorized (unlicensed) use. If any Notice to Proceed should be subsequently issued for an unauthorized facility, such Notice to Proceed shall not operate retroactively or constitute a waiver by the City of any of its rights or privileges and the non-compliant Attaching Entity shall remain subject to all liabilities, obligations, and responsibilities under the applicable Pole Attachment

Agreement and these Standards in regards to said unauthorized (unlicensed) use from its inception.

4. **Excessive Unauthorized Attachments**

   a. If an Attaching Entity is determined by the City pursuant to an Inventory described in Section III.D or by other means to have Unauthorized Attachments accounting for the greater of (1) more than two percent (2%) of its total Attachments, or (2) thirty (30) or more Unauthorized Attachments; the Attaching Entity shall be in breach of its Pole Attachment Agreement and the City will have the right to terminate such Agreement subject to the cure provisions in the Pole Attachment Agreement. Failure to timely cure such breach of contract could result in the removal of all of the Attaching Entity's Communication Facilities, or the City, in its sole discretion, may exercise such other remedies as the Pole Attachment Agreement provides.

   b. For those entities found with Unauthorized Attachment who do not have a valid Pole Attachment Agreement, or who are otherwise not authorized to attach to City Poles, as applicable; the City reserves all of its rights under applicable law and equity to remedy the trespass.

H. OPERATIONAL DUTIES AND RESPONSIBILITIES

1. **Duty to Inspect**
   While recognizing its duty to maintain and update its electric distribution system, in order to provide safe and reliable electric service, the City does not warrant that its Poles are free of defects or non-compliant Attachments. By submitting an Application, an Attaching Entity acknowledges that it has an obligation to inspect the City's Poles, as applicable, and the premises surrounding such pole structures prior to commencing any work utilizing the or entering the premises surrounding such pole structures. ANY CITY FACILITIES WHICH MAY BE IDENTIFIED AS UNSAFE SHALL BE

REPORTED TO THE CITY AS SOON AS PRACTICAL AFTER THEY ARE IDENTIFIED, FOR FURTHER HANDLING BEFORE THE ATTACHING ENTITY UNDERTAKES ANY WORK AT THAT LOCATION.

2. **Knowledge of Work Conditions**
   In all situations, it is the continuing responsibility of an Attaching Entity to acquaint itself, its employees, agents, contractors, and/or subcontractors with these Standards including all Applicable Engineering Standards relating to the work for which a Notice to Proceed may be sought by the Attaching Entity. Failure to become familiar with these Standards and with the facilities, difficulties, and/or restrictions attending the execution of such work may result in the denial of an Attachment, delay in construction, assessment of penalties, and removal of a non-conforming Attachment and Overlashing among other remedies that the City may impose for violations of these Standards.

   a. City Poles may be treated with chemical wood preservatives.
   b. The City attempts to identify and mark such pole structures that should not be climbed. In all situations, it the responsibility of any person having a valid reason to climb a pole structure in performance of assigned job duties to be personally satisfied as to the structural integrity of such poles prior to climbing or doing other work on the pole.

3. **Duty of Competent Supervision and Performance**
   All Attaching Entities are on notice that in the performance of work under these Standards, an Attaching Entity and its employees, agents, servants, contractors and/or subcontractors will work near electrically energized lines, transformers, or other City Facilities, and it is the intention that energy therein will not be interrupted at any time, except in an Emergency endangering life, personal injury, or property. All Attaching Entities shall ensure that their employees, agents, servants, contractors and/or subcontractors have the necessary qualifications, skill, knowledge, training, and experience to protect themselves, their fellow employees, employees of the City, and the general public from harm or

injury while performing work permitted pursuant to these Standards. In addition, all Attaching Entities shall furnish their employees, agents, servants, contractors and/or subcontractors competent supervision; as well as ensure these employees, agents, servants, contractors and/or subcontractors have sufficient and adequate tools, equipment, and training for the required work to be performed in a safe manner.

In the event of an Emergency or otherwise in which it may be necessary for the City to de-energize any part of City Facilities, the Attaching Entity shall ensure that work is suspended until such City Facilities have been de-energized and properly grounded and that no such work is conducted unless and until an authorized City employee has communicated that such City Facilities have been made safe and are ready for the Attaching Entity to work.

4. **Requests to De-energize**
   An Attaching Entity may request that the City de- energize and render safe any City Facility for its benefit and convenience. Such request shall be made in writing and received by the City at least five (5) calendar days in advance of the date the work is planned. The Attaching Entity shall reimburse the City in full for all costs and expenses incurred, in accordance with these standards, to comply with such request. Before any City Facilities are de-energized, with the exception of actions taken pursuant to an Emergency, the City shall provide upon request an estimate of all costs and expenses to be incurred in accommodating the Attaching Entity's request.

5. **Interruption of Service**
   In the event an Attaching Entity causes an interruption of service by damaging or interfering with any City Facilities, the Attaching Entity at its expense shall immediately do all things reasonable to avoid further injury or damages, direct and incidental, resulting therefrom and shall notify the City immediately of these activities.

6. **Duty to Inform**

THE WORK CONTEMPLATED UNDER THESE STANDARDS INVOLVES IMMINENT DANGERS INCLUDING SERIOUS BODILY INJURY OR DEATH FROM ELECTROCUTION. The Attaching Entity acknowledges such dangers and accepts as its duty and sole responsibility to notify, inform, and keep informed its employees, agents, servants, contractors and/or subcontractors of such dangers and shall not be passed or assigned this duty and responsibility to any third-party.

7. **Duty to Protect Data**
   An Attaching Entity has an obligation and duty under Section §418.181 Texas Government Code (Confidentiality of Certain Information Relating to Critical Infrastructure) to protect and hold confidential City data relating to City Facilities and not disclose such data to any third-party without the City's written consent. The City will undertake reasonable measures to keep an Attaching Entity's proprietary data confidential and secure.

SECTION IV
SPECIFICATIONS FOR ATTACHMENTS

I. POLE ATTACHMENT APPLICATION PROCESS

The City offers Attaching Entities non-discriminatory access to Poles for wire Attachments or Overlashings as shown listed below.

Competitive Provider - Standard Process.

1. **Eligibility.**

   Default process for any Attaching Entity with a valid Pole Attachment Agreement that is a Competitive Provider.

2. **Application for Attachment Required**

   An Attaching Entity shall not install any new Attachment or new Overlashing, except as provided in Section IV.F, on any City Pole without first submitting an Application and obtaining a Notice to Proceed pursuant to the requirement and procedures set forth below and elsewhere in these Standards.

   a. **Application Form.**

      All Attaching Entities shall use the Application for Pole Attachment Form, a copy of which is provided in **APPENDIX B1. *APPLICATION FOR POLE ATTACHMENT***, which may be amended from time to time, provided that any such amendments are consistent with Applicable Engineering Standards and are applied to all similar types of Attachments on a non-discriminatory basis.

      i. A single Application may include up to a maximum of fifty (50) Poles for new Attachments.

      ii. the City's acceptance of the submitted design documents required as part of a complete Application Form does not relieve the Attaching Entity of full responsibility for any errors and/or omissions in the engineering analysis and compliance with all Applicable Engineering Standards.

   b. **Pole Ownership**

      For the purposes of Application submittal, unless the City records and/or Poles indicate otherwise, the City shall be presumed to be the owner all Poles subject to Attachment. The Attaching Entity is responsible for field verifying Pole ownership and notifying the

City of any discrepancies between the City's maps/records and the actual Poles in the field.

c. **Compliance with Standards**
Attaching Entity shall comply with the Texas Engineering Act at Section 1001.001, et seq., of the Texas Occupations Code to the extent it is applicable to the work described herein, and with the most current version of the National Electrical Safety Code (NESC), including any and all revisions to both, and all other Applicable Engineering Standards. The Attaching Entity shall certify its compliance with the above on each Application it submits to the City for processing. The certification statement shall be submitted by an employee or agent of the Attaching Entity who has the final authority or responsibility to approve the Application. The City will not process an Application that fails to provide the signed certification statement included therein. The Attaching Entity shall provide documentation, sealed by an Engineer, establishing that the Attaching Entity's applicable Pole Loading Analysis (PLA) documents comply with all requirements specified by the NESC and the Applicable Engineering Standards.

i. **Pole Loading Analysis (PLA)**
An Attaching Entity, in connection with an Application, must comply with the PLA methodology described herein and in **APPENDIX E**: POLE LOADING REQUIREMENTS . Acceptable software for use of PLA shall be completed in OCALC, unless otherwise approved by the City. The Attaching Entity will gather the pole and Attachment physical and technical information required to conduct a PLA on Poles that meet the criteria for PLA as described in **APPENDIX E**: POLE LOADING REQUIREMENTS, with assistance as required from the City.

ii. **Submission of Application**
Completed Applications may be submitted electronically via the City's online application platform, or other means mutually agreeable by the City and the Attaching Entity. The Application shall include:

1. A completed Application form, as provided in **APPENDIX B1.** ***APPLICATION FOR POLE ATTACHMENT*** and within the application portal;
2. A proposed installation schedule upon issuance of Notice to Proceed; PLA worksheets and results, and

3. Relevant pole data;

Such Application shall be prepared by, or under the authority of, the Attaching Entity. The detailed design documents referenced in this Section will be undertaken and completed in design tools to be deemed acceptable by the City. All actions pursuant to this Section shall be at the Attaching Entity's cost and risk.

3. **City Review of Application**

The City will respond to each completed Application submitted by the Attaching Entity within thirty (30) calendar days of receipt. Should the City be required to return an Application for clarification or modification, the time required for the Attaching Entity to address the concerns raised and return the Application shall not count against the thirty (30) calendar day period. For Applications with Overlashing only, the City will respond pursuant to Section IV.F. Any Application that does not conform to the requirements provided in Section IV and the Applicable Engineering Standards will be deemed incomplete and immediately rejected by the City.

In the event the City does not finalize its review of a completed Application within thirty (30) calendar days, the City will provide notice to the Attaching Entity of the delay and provide a reasonable timeline of completion mutually agreed upon between the City and the Attaching Entity.

a. **Review**

In making its decision as to whether to approve an Application, the City will consider the Applications proposed compliance with engineering and safety requirements, in accordance with the Applicable Engineering Standards set forth in these standards. In addition, the City shall consider Capacity constraints, including the future needs of the City as determined in accordance with the Reserved Capacity provisions set forth in these standards, flood zone requirements, in-flight City projects, and other circumstances known at the time that would directly affect the engineering, safety requirements, and Capacity constraints of the Application submission and review which may impact the Application, including any known third-party requests for Attachment to the same Pole as described in these standards.

b. **Make-Ready Electrical Construction**
In the event an Attaching Entity's proposed Application requires the City to undertake and complete Make-Ready Electrical Construction to accommodate the Attaching Entity's Application, the City will review the PLA documents and the application to prepare a design and cost estimate for Make-Ready Electrical Construction work provided by the City or Attaching Entity. If the Attaching Entity wishes to conduct Make Ready Electrical Construction on behalf of the City, the City must provide approval. The City will then submit this estimate of the cost of Make-Ready Electrical Construction to the Attaching Entity utilizing the City Authorization for Make-Ready Work form, provided in **APPENDIX B2. AUTHORIZATION FOR MAKE READY WORK AND INVOICING**, for approval from the Attaching Entity to proceed. The Attaching Entity shall approve and make advanced payment of this cost estimate in order for any Make-Ready Electrical Construction to procced in accordance with these standards. The Attaching Entity shall have thirty (30) calendar days following the issuance of the City invoice for Make-Ready Work to approve the estimate and provide payment. Failure of the Attaching Entity to respond to the City or return the City invoice for Make-Ready Work within the thirty (30) calendar day period will result in the Application being cancelled or recalculated by the City, with all applicable Application Fees being non-refundable.

c. **Changes Required**
If the City describes any changes, modifications, or revisions necessary to the proposed application, including the pole loading analysis, pursuant to this Section, the City shall notify the Attaching Entity in writing. Upon receipt of this notice, the Attaching Entity may resubmit the Application as amended and is subject to additional review; or the Attaching Entity may propose alternative changes, modifications, or revisions consistent with Applicable Engineering Standards by resubmitting the Application with such other alternative proposals, provided that such resubmission explains the reasons for the alternative proposals and addresses all concerns raised by the City in response to the initial Application.

The Attaching Entity shall incur an additional application fee, if applicable, upon resubmitting the Application containing the alternative proposals. the City shall have thirty (30) calendar days of receipt thereof to provide the Attaching Entity with:

(i) Notification that access is granted based on the alternative proposals; or
(ii) A detailed description of any changes, modifications, or revisions to the alternative proposal necessary to comply with safety, reliability, or generally applicable engineering practices or standards.

In the event the City fails to complete its review within thirty (30) calendar days of the resubmitted Application containing the alternative proposals, the City will provide notice to the Attaching Entity of the delay and provide a reasonable timeline of completion mutually agreed upon between the City and the Attaching Entity.

4. **Compliance by Attaching Entity**
   The City's acceptance of the submitted application including respective engineering documents does not relieve the Attaching Entity from compliance with the requirements of the Texas Engineering Act, the National Electrical Safety Code, and all other Applicable Engineering Standards as required by this Standard.

5. **Application Approval**
   i. **If Make-Ready Electrical Construction Is Required**
      After acceptance of all necessary revisions, the City will issue to the Attaching Entity the City Authorization for Make-Ready Work, a copy of which is in **APPENDIX B2. AUTHORIZATION FOR MAKE READY WORK AND INVOICING**. The Attaching Entity shall comply with the provisions of Section IV

   ii. **If Make-Ready Electrical Construction Is Not Required**
      After acceptance of all necessary revisions to the Application, the City will issue to the Attaching Entity the City Notice to Proceed, a copy of which is in **APPENDIX B4: NOTICE TO**

PROCEED. The Attaching Entity shall comply with the provisions of Section IV.

6. **Treatment of Multiple Requests for Same Pole**

   The City shall consider complete Applications received from multiple Attaching Entities to attach to the same Pole on a "first-come, first-served", non-discriminatory basis.

   iii. If the City receives a subsequent Application for the same Pole from a second prospective Attaching Entity following acceptance of a complete Application and prior to completing Make-Ready Electrical Construction or issuing a Notice to Proceed on said first Application, the City shall reject the second Application and any subsequent Applications for the same Pole without consideration of the proposed Attachments from the Application which was first in time. The City will reconsider the rejected Application if it is revised and resubmitted to eliminate the conflict with the first in time Application previously approved.

   iv. Should the first in time Application require the City to undertake and complete any Make-Ready Electrical Construction on a Pole with a subsequent request for an Attachment Installation received before the City completes such Make-Ready Electrical Construction, the City shall meet with each Attaching Entity and allocate the costs to complete this Make-Ready Electrical Construction evenly between the Attaching Entities requesting access to the Pole.

   v. Where Make-Ready Electrical Construction on the Pole with multiple Attachment requests arise not required or has been already completed; in the event the Attaching Entity that was first in time fails to timely affix its Attachment in accordance with these standards, as applicable, the City will withdraw the first Application and process the second Application without consideration to the initial first-in-time Application.

7. **Make-Ready Electrical Construction**

   If Make-Ready Electrical Construction is required to accommodate an Attaching Entity's Attachment and/or Overlashing, the City or its contractors shall perform such work at Attaching Entity's expense as provided in Section IV.

   a. **Advance Payment**

The City shall invoice Attaching Entity based on the estimated cost of such work. Pursuant to these standards, the City shall require payment in advance for any Make-Ready Electrical Construction, to be performed by the City or its contractors.

b. **Work Performed by the City or City Contractor**
Make-Ready Electrical Construction shall be performed only by the City and/or a contractor authorized by the City to perform such work. Prior to commencement of Make-Ready Electrical Construction and upon receipt of advance payment, the City will schedule a work order within thirty (30) calendar days for construction to commence. The City will strive to perform the Make-Ready Electrical Construction to accommodate an Attaching Entity's Communications Facilities within ninety (90) calendar days after scheduling. The City shall provide to the Attaching Entity as soon as possible the estimated schedule for completing the Make-Ready Electrical Construction. In the event that the City is unable to complete the Make-Ready Electrical Construction within the ninety (90) calendar day period, an Attaching Entity may request in writing to the City the use of temporary Attachments by submitting a Request for Temporary Attachment form, located in **APPENDIX B3. REQUEST FOR TEMPORARY ATTACHMENT**. Upon receiving this written request, the City shall coordinate with the Attaching Entity on a non- discriminatory basis to determine all reasonable means to accommodate the temporary Attachment request subject to compliance with the Applicable Engineering Standards. Any temporary Attachments must be removed and properly installed upon the completion of the Make-Ready Electrical Construction. The cost to install and remove a temporary Attachment shall be borne by the Attaching Entity.

c. **Work Schedule**
In performing all Make-Ready Electrical Construction to accommodate an Attaching Entity's Attachments, the City will include such work in its normal work schedule on a non-discriminatory basis. In the event the Attaching Entity requests that the Make-Ready Electrical Construction be performed on a priority basis or outside of the City's normal work hours, the Attaching Entity shall pay the appropriate

increased costs if deemed necessary by the City. Nothing herein shall be construed to require performance of any Attaching Entity's work before other scheduled work, the City service restoration, or other Emergency work.

d. **Notifying Other Attaching Entities**
Prior to commencing Make-Ready Electrical Construction, the City shall provide no less than ten (10) calendar days' written notice to the Attaching Entities on the affected Pole of the impending work. Such notification will be sent through the National Joint Utilities Notification System (NJUNS) or comparable notice.

e. **Notice to Proceed**
Following completion of the Make-Ready Electrical Construction, the City will issue a City Notice to Proceed, a form of which is provided in **APPENDIX B4: NOTICE TO PROCEED**, to the Attaching Entity (applicant) in writing that the Pole is available for Make-Ready Communications Construction and Attachment. When applicable, the Attaching Entity shall proceed to install its Attachments utilizing the One-Touch Transfer Process described in Section IV below. Whenever the transfer of an Attachment would requires cutting or splicing of the Communication Facility or disruption of wireless service, the Complex Transfer Process in Section IV below shall apply.

f. **Failure to Attach**
An Attaching Entity must exercise the right granted by the City Notice to Proceed within ninety (90) calendar days of issuance of the Notice to Proceed. If needed, the Attaching Entity may request in writing to the City an additional thirty (30) calendar day extension of the effective period of the Notice to Proceed. The request for this extension must be received by the City no later than seven (7) calendar days before the expiration date provided in the Notice to Proceed. In considering this request, the City will review past construction practices of the Attaching Entity and current efforts underway to complete the installation for which the extension was requested. the City will provide a written response to the request for extension within seven (7) calendar

days of receiving the request. The City, at its discretion, may not consider any requests for extension received within seven (7) calendar days of the expiration of the Notice to Proceed.

i. Failure to install an Attachment within the effective period of the Notice to Proceed, or extended period if granted by the City, will result in expiration of the Application and the forfeiture of the applicable Application Fees and any payments made for Make-Ready Work already completed. Following expiration of an Application, should the Attaching Entity wish to continue to install the Attachment subject to the expired Application, the Attaching Entity must submit a new Application covering the same Attachment including all appropriate Application Fees.

ii. The City and the Attaching Entity shall determine a mutually-agreeable schedule for the completion of the Make-Ready Work should an issue of Force Majeure, as described in the Pole Attachment Agreement, be asserted by either party.

8. **Make-Ready Communication Construction – One Touch Transfer**

The transfer of third-party Attachments or Wireless Installations, whether conducted by an Attaching Entity or the City, shall hereinafter be referred to as the "One-Touch Transfer Process." Pursuant to these Standards, the One-Touch Transfer Process allows an Attaching Entity to transfer or rearrange an Attachment of one or more Attaching Entities in the Communications Space of the City, as may be necessary to accommodate the installation of a new Attachment contingent upon compliance with requirements identified in this Section. All One-Touch Transfers conducted by an Attaching Entity or the City must comply with the following requirement(s):

a. **Simple Transfers Only**

One-Touch Transfers shall be limited to rearrangement or transfer of third-party Attachments on an existing Pole and/or a Mid-Span Installation suspended by a Messenger cable between two Poles. Such Attachment or Mid-span installation may be rearranged within an existing Pole or transferred onto a replacement Pole Installation (along with any supporting

Communication Facility or Overlash) is not subject to cutting and splicing and any affected Mid-Span Installation is not severed from the Communication Facility providing connectivity.

b. **Applicability to City**
The City's communications wires or facilities installed in the Communication Worker Safety Zone of a Pole will also be subject to the One-Touch Transfer Process.

c. O**ne-Touch Transfers Subject to Applicable Engineering Standards**
All Make-Ready Communication Construction performed under the One-Touch Transfer Process shall meet all Applicable Engineering Standards, including the City's clearance standards. Applications that include Make-Ready Communications Construction and One-Touch Transfers that fail to meet Applicable Engineering Standards will be rejected by the City.

d. **Cost Responsibility**

With the exception of instances where in the sole judgement of the City in which a Pole has been identified as defective, the City will be responsible for the cost to replace such defective Pole. In all other instances, the Attaching Entity shall pay all costs of Make-Ready Electrical Construction and Make-Ready Communications Construction associated with One-Touch Transfers as described below:

i. Where the Pole includes one or more third-party Attachment(s) that fail to meet Applicable Engineering Standards but otherwise there is enough space on the Pole to accommodate the Attaching Entity's Attachment. Make-Ready Work will include the transfer of the third-party Attachment(s).

ii. Where the Pole includes one or more third-party Attachment(s) that fail to meet Applicable Engineering Standards, and in order to accommodate the Attaching Entity's Attachment on the same Pole the third-party Attachment(s) must be rearranged, the cost of rearranging the third-party Attachment(s) will not be included in Make Ready Work. Provided that if the Attachment(s) on the Pole fails to

meet NESC clearance standards and/or poses a public safety hazard, the Attaching Entity may recover the cost to bring such Attachment(s) into compliance from the owner of that Attachment.

iii. Where the Pole includes one or more third-Party Attachment(s) that fail to meet Applicable Engineering Standards, and in order to accommodate the Attaching Entity's Attachment a new Pole must be installed, the cost of the new Pole and the transfer of the third-party Attachment(s) will be included in the Make-Ready Work. The City will provide notice of the work being completed, any third-Party Entity shall have the option to provide notice that they wish to conduct the transfer themselves, in which case, they will be provided a specified date the transfer must be completed by. Should the transfer not be completed by specified date, the City will conduct the transfer.

iv. Where the Pole includes one or more third-party Attachment(s) that meet Applicable Engineering Standards, and otherwise there is enough space on the Pole to accommodate the Attaching Entity's Attachment, Make-Ready Work will not include the transfer of the third-party Attachment(s).

v. Where the Pole includes one or more third-party Attachment(s) that comply with Applicable Engineering Standards, and in order to accommodate the Attaching Entity's Attachment on the same Pole the third-party Attachment(s) must be rearranged, the cost of rearranging the third-party Attachment(s) will be included in Make-Ready Work.

vi. Where the Pole includes one or more third-party Attachment(s) that comply with Applicable Engineering Standards, and in order to accommodate the Attaching Entity's Attachment a new Pole must be installed, the cost of the new Pole and the transfer of the third-party Attachment(s) will be included in Make- Ready Work.

e. **Notice of Transfer**

An Attaching Entity shall provide all third-parties having wire Attachments or Overlashings affected by a proposed One-Touch Transfer with advanced written notice of such One-Touch Transfer no less than twenty-one (21) calendar days prior to undertaking such One-Touch Transfer. This notice shall be provided using the NJUNS or comparable notice to a duly designated representative of the affected Attaching Entity, unless another method of notice is prescribed by the City. The Attaching Entity who desires to utilize the One-Touch Transfer Process shall bear the responsibility of determining the appropriate representative for each Attaching Entity affected by the Attaching Entity's implementation of the One-Touch Transfer Process. The Attaching Entity shall include notice to City staff as well.

f. **Critical Communication Facilities**
If an affected Attaching Entity, in its reasonable discretion, determines that a proposed One-Touch Simple Transfer poses a risk of disconnection or interruption of service to a Critical Communications Facility, the affected Attaching Entity shall notify the requesting Attaching Entity and the City in writing within ten (10) calendar days of receiving the notice of transfer described in this standard. The affected Attaching Entity is obligated to make the requested transfer of their Critical Communication Facilities within fifteen (15) calendar days of providing such notice. Failure to transfer the Critical Communications Facilities in a timely manner will subject the Critical Communications Facility to the One-Touch Transfer Process.

g. **Post-Transfer Notice**
Within fifteen (15) calendar days following the completion of a One-Touch Transfer, the Attaching Entity shall send written notice of the One- Touch Transfer and as-built reports to each affected Attaching Entity and the City. Within thirty (30) calendar days of receipt of these as-built reports, the Attaching Entity that owns the Communications Facilities that were transferred or relocated may conduct an inspection at the expense of the Attaching Entity who moved the facilities. If the One-Touch Transfer failed to meet all Applicable Engineering Standards, the owner of the Communications Facilities subject to transfer or

relocation will notify the Attaching Entity responsible for the One-Touch Transfer of any deficiency, which will be corrected within fifteen (15) calendar days following receipt of such written notice at the expense of the Attaching Entity responsible for the One-Touch Transfer. The Attaching Entity responsible for the One-Touch Transfer shall pay the actual, reasonable, and documented inspection expenses incurred by the owner of the Communication Facilities subject to transfer or relocated, within forty-five (45) calendar days of receipt of an invoice. Failure of the owner of the moved or relocated Attachment to undertake and complete the inspection within the thirty (30) calendar day period shall be deemed acceptance of the One-Touch Transfer.

h. **Attaching Entity's Attachments Subject to One-Touch Transfer by Other Entities**
An Attaching Entity's Communications Facilities shall be subject to the One-Touch Transfer Process conducted by another Attaching Entity or the City pursuant to the same terms and conditions prescribed in this Section.

9. **Make-Ready Communication Construction - Complex Transfers**
   a. **Responsibility for Complex Transfers**
   The accomplishment of a Complex Transfer is considered part of Make-Ready Communication Construction and shall be performed by the Attaching Entity which owns the Attachment subject to transfer. It is the responsibility of the Attaching Entity requesting the Complex Transfer to negotiate a private process with the owning Attaching Entity for the Complex Transfer. The cost of the Complex Transfer shall be borne by the requesting Attaching Entity

   b. **Complex Transfers Escalation Process**
   In the event an Attaching Entity refuses to reach agreement on a process for the expedient transfer of an Attachment subject to a Complex Transfer, the requesting Attaching Entity may rely on the following escalation procedures. At any time during these escalation procedures, the requesting Attaching Entity and the owner of the Attachment subject to the Complex Transfer may reach agreement on a voluntary transfer process. In such event,

the requesting Attaching Entity shall notify the City in writing of this agreement.

i. **Level 1: Initial Request for Complex Transfer (Days 0 to 30)**

1. **Initial Notice Letter**
   The requesting Attaching Entity shall provide written notice to owner of the Attachment subject to Complex Transfer requesting the transfer of such Attachment using NJUNS or comparable notice with a copy to the City. The Attaching Entity which owns such Attachment shall perform the transfer within thirty (30) calendar days of receipt of notice from the requesting Attaching Entity.

ii. **Level 2: Initial Escalation Process (Days 31 to 60)**

1. **Escalation Notification**
   If the owner fails to transfer the Attachment subject to Complex Transfer within the initial thirty (30) calendar days, the requesting Attaching Entity shall send a certified letter notifying the non-compliant Attaching Entity that failure to transfer the Attachment within a subsequent thirty (30) calendar days (escalation period) of receipt of notice will result in the Attachment in question being designated by the City as non-compliant with the Complex Transfer Process and subject to penalty, as described in these standards, on the basis of interference with the requesting Attaching Entity's permitted Attachment rights. The requesting Attaching Entity shall send the City a copy of the escalation letter and all other correspondence between the parties related to this matter.
2. **Duty to Negotiate**
   The requesting Attaching Entity is required to continue negotiations with the non-compliant Attaching Entity during the thirty (30) calendar day escalation period. Absent extraordinary circumstances, the non-compliant Attaching Entity's failure to transfer the Attachment subject to Complex Transfer by the end of the thirty (30) calendar day escalation period shall be

considered a lack of cooperation on the part of the non- compliant Attaching Entity. Conversely, absent extraordinary circumstances, a refusal by the requesting Attaching Entity to agree to an alternative process for the transfer of the Attachment in question within a reasonable date certain shall be considered a lack of cooperation on the part of the requesting Attaching Entity.

3. **Notice of Success Complex Transfer**
   If the non-compliant Attaching Entity transfers the Attachment subject to Complex Transfer within the thirty (30) calendar day escalation period, or the requesting Attaching Entity transfers the Attachment by mutual agreement of the parties, no further escalation will be necessary.

iii. **Level 3: City Finding of Non-Compliant Attachments (Days 61 to 90)**

1. **Request for Finding of Non-Compliant Attachments**
   If the requesting Attaching Entity and the non-compliant Attaching Entity cannot reach agreement and the non-compliant Attaching Entity fails to transfer the Attachment subject to Complex Transfer within the thirty (30) calendar day escalation period; the requesting Attaching Entity within five (5) calendar days thereafter shall notify the City in writing, provide a short summary of efforts to negotiate the rearrangement or transfer of the Attachment in question, and request the City to make a finding of Non-complaint Attachment on the basis of interference with the requesting Attaching Entity's permitted Attachment rights. The request shall explain why the requesting Attaching Entity believes the non-compliant Attaching Entity is acting in bad faith.

2. **Notification of Non-Compliant Attachments**
   Within ten (10) calendar days of receiving the request for a finding of non-compliant Attachments, the City will evaluate the request and if it finds the request credible; the City will:

1) Notify the non-compliant Attaching Entity by certified mail that the City has determined the Attachment subject to Complex Transfer is declared as "Non-compliant Attachment";
(2) The non-conforming Attaching Entity will begin accruing penalties as provided in **Appendix F** of these Standards until the non-compliant Attachment is transferred; and
(3) the City will suspend the processing of the non-compliant Attaching Entity's Applications effective five (5) days after receipt of the certified letter.

Thereafter, the non-compliant Attaching Entity will have fifteen (15) days in which to transfer the non-compliant Attachment and notify the City in writing in order to reinstate the processing of Applications. If the non-compliant Attaching Entity fails to transfer the non-compliant Attachment within the twenty (20) calendar day grace period, the non-compliant Attachment will be subject to further penalties and transfer as provided in **Appendix F**. The City will reinstate the processing of the non-compliant Attaching Entity's Applications upon receipt of written notification of the transfer of the non-compliant Attachment and the payment of all assessed penalties.

3. **Duty to Negotiate.** The requesting Attaching Entity is required to continue negotiations with the non-compliant Attaching Entity which owns the non-compliant Attachment during the twenty (20) calendar day grace period.

4. **Notice of Transfer**
If the non-compliant Attaching Entity transfers the non- compliant Attachment within the twenty (20) calendar day grace period, or the requesting Attaching Entity transfers the non-compliant Attachment by mutual agreement of the parties, the moving party shall notify the City by electronic message, and the City shall reinstate processing of the non-compliant

Attaching Entity's Applications within twenty-four (24) hours of receiving payment of all outstanding penalties.

5. **Stop Processing Pole Attachment Applications**
   If the City does not receive written notification of the transfer of the non-compliant Attachment by the end of the twenty (20) calendar day grace period, the City shall stop processing the non-compliant Attaching Entity's Applications pending further written notice of a successful transfer and the payment of all outstanding penalties.

iv. **Level 4: Transfer or Removal of Unauthorized Attachments (Days 91 and Beyond)**

1. **Notification of Failed Transfer**
   If the parties fail to negotiate the successful transfer of the non-compliant Attachment, the requesting Attaching Entity shall promptly notify the City in writing of the failed attempt and explain the reasons for the unsuccessful transfer.

2. **Notification of Transfer of Non-Compliant Attachments** Following receipt of the notification of failed transfer, the City shall promptly proceed to transfer the non-compliant Attachment at the respective owner's expense. Following the transfer of the non-compliant Attachment, the City will provide written notification of the transfer to the non-compliant Attaching Entity within twenty-four (24) hours. the City shall reinstate processing of the non-compliant Attaching Entity's Applications within twenty-four (24) hours of receiving payment for the transfer cost and all outstanding penalties.

3. **Notice of Transfer**
   In the event the non-compliant Attaching Entity transfers the non-compliant Attachment, or the requesting Attaching Entity transfers the non-compliant Attachment, by mutual agreement of the parties, prior to the City's transfer efforts, the moving

party shall notify the City in writing. The non-compliant Attaching Entity shall be assessed a one-time fine as provided in **APPENDIX F**: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES of these Standards. Thereafter, the City shall reinstate the processing of the non-compliant Attaching Entity's Applications within twenty-four (24) hours of receiving payment of all outstanding penalties.

10. **Notice of Attachment Completion and Acceptance**

The Attaching Entity shall notify the City in writing by submitting the Completion of Attaching Entity Construction form, **APPENDIX B5,** within ten (10) calendar days following the acceptance by all Attaching Entities whose facilities were rearranged or transferred pursuant to Section IV (Simple Transfers) and/or Section IV (Complex Transfers) that all Make-Ready Communication Construction has been completed and accepted, and that the new Attachments and/or Overlashings and all Make-Ready Work are ready for the City to undertake Post-Construction Inspection.

11. **Post-Construction Inspection**

a. **Construction Subject to Inspection**
The City shall complete a Post-Construction Inspection of applicable Make-Ready Work at the Attaching Entity's expense within thirty (30) calendar days of receiving the Attaching Entity's notification set forth in Section IV the City will conduct the Post-Construction Inspections to evaluate compliance with the requested Notice to Proceed, Applicable Engineering Standards, or other design and installation requirements. Completion of a Post-Construction Inspection by the City shall not in any way relieve any Attaching Entity or an Attaching Entity's insurers of any responsibility, duty, obligation, or liability under these Standards, any contractual agreement, or otherwise; nor does the City's ability to make Post-Construction Inspections relieve an Attaching Entity from its obligations to exercise due care in the installation of its Attachments or Overlashings. The Post-Construction Inspection provision set forth in this Section IVdoes not affect any other inspection requirements elsewhere in these

Standards. This Section also applies to supplemental Post-Construction Inspections where the Attaching Entity reports "final corrections" of previously identified non-compliant work or locations as described in Section IV below.

b. **Compliance**
In the event a Post-Construction Inspection conducted pursuant to Section IV reveals that corrections or other actions are required of an Attaching Entity, including without limitation those required for reasons of safety or structural integrity, the Attaching Entity shall make such required corrections or take the requested actions within thirty (30) calendar days after the date the City sends written notice. If the City determines in its reasonable judgment and discretion that the needed corrections rise to the level of an Emergency, the City may perform the necessary corrective work without providing notice, at the Attaching Entity's sole risk and cost plus ten-percent (10%). As soon as practicable thereafter, the City will advise the Attaching Entity of the work performed or the action taken.

c. **Issuance of Notice to Proceed**
Upon satisfactory completion of the Post-Construction Inspection, the City shall notify the Attaching Entity in writing that the City has approved the Attachments identified in the Application by submitting to the Attaching Entity a Notice to Proceed, a copy of which form is located in **APPENDIX B4**, for the affected facilities.

J. COMPETITIVE PROVIDER – STANDARD PROCESS FOR OVERLASHING EXISTING ATTACHMENTS

1. **Eligibility**
Default process for any Attaching Entity with a valid Pole Attachment Agreement that is a Competitive Provider engaged in Overlashing existing Attachments.

2. **Application for Attachment Required**
All provisions of Section IV shall be applicable to Applications considered under the Standard Process for

Overlashing Existing Attachments, except as provided below:

1. An Attaching Entity may Overlash its own Attachments where the facilities comprising the Overlashing and Attachment do not exceed a combined total of three and one-half inches (3.5”) in diameter, such Overlashing fully complies with the Applicable Engineering Standards, and no Make-Ready Electrical Construction is required. In such cases, the Attaching Entity shall provide the City with five (5) calendar days’ prior written notice of the Overlashing and its compliance with the requirements set forth in this Section IV.F.2.a.

2. For Overlashing and Attachments that will exceed a combined total of three and one- half inches (3.5”) in diameter, the City requires ten (10) calendar days’ notice before installation and its compliance with the requirements set forth in Section IV.F.2.a.

3. An Attaching Entity shall be permitted to Overlash its own Attachments without prior written notice or submitting an Application to the City in the event such Overlashing is necessary to restore service temporarily to the Attaching Entity’s customers and is in compliance with the Applicable Engineering Standards. In such cases, the Attaching Entity shall provide the City with written notice of the Overlashing with ten (10) calendar days of its completion.

4. Such notice as required in Section IV.F.2.a, Section IV.F.2.b, and Section IV.F.2.c above will be provided using the City Application for Pole Attachment Form, provided in **APPENDIX B1.** ***APPLICATION FOR POLE ATTACHMENT*** and shall identify:

5. Application Form specifying the Poles and Attachments subject to Overlashing;
6. Total diameter and estimated weight of the existing Communications Facilities subject to Overlash;

7. Diameter and estimated weight of the added Communications Facilities;
8. Owner of the Communication Facilities;
9. Total estimated diameter and weight of the Communications Facilities after the Overlash;
10. Applicable PLA documents, and
11. Applicable Make-Ready Electrical Construction engineering design documents, if any.

3. **City Review of Application**

All provisions of Section IV shall be applicable to Applications considered under the Competitive Provider – Standard Process for Overlashing Existing Attachments, except as provided below:

1. Where no Make-Ready Electrical Construction is required, the City shall review and provide written Notices to Proceed in accordance with the provisions of Section IV.F.2.a and Section IV above.
2. Where Make-Ready Electrical Construction is required, the provisions of Section IV shall apply.

4. **Make-Ready Electrical Construction**

If required, all provisions of Section IV shall be applicable to Make-Ready Work Electrical Construction for Applications considered under the Competitive Provider – Standard Process for Overlashing Existing Attachments.

5. **Make-Ready Communication Construction – One Touch Transfers**

If required, all provisions of Section IV shall be applicable to Make-Ready Communications Construction for Applications considered under the Competitive Provider – Standard Process for Overlashing Existing Attachments regarding One-Touch Transfers**.**

6. **Make-Ready Communication Construction - Complex Transfers**.

If required all provisions of Section IV shall be applicable to Make-Ready Communications Construction for Applications considered under the Competitive Provider – Standard Process for Overlashing Existing Attachments regarding Complex Transfers.

7. **Notice of Attachment Completion and Acceptance.**
   All provisions of Section IV shall be applicable to Notice of Attachment Completion and Acceptance for Applications considered under the Competitive Provider – Standard Process for Overlashing Existing Attachments.

8. **Post Construction Inspection.**
   All provisions of Section IV shall be applicable to Post Construction Inspection for Applications considered under the Competitive Provider – Standard Process for Overlashing Existing Attachments.

SECTION V

APPENDIX A: ENTITY REGISTRATION AND ANNUAL REPORTING FORM

The Entity Registration and Annual Form to be provided with eTrack +, the City's current application software platform. Entity will be asked to update following contact information each year, or as needed. Required information includes contact information for:

1. Contract and Legal Notices
2. Contact for Insurance Notices
3. Contact for Annual Billing for Rental Payments and General Invoicing
4. Contact for Field Issues and Emergencies
5. Contact for Dispute Escalation

The form will also require provision for a list of new attachments, non-functional attachments, and removed attachments performed in the respective year, description of attachment (New or Overlash), and Date of Attachment.

This will used in support of the issuance of the Annual Rental Invoice.

APPENDIX B: APPLICABLE POLE ATTACHMENT APPLICATIONS AND FORMS

B1. *APPLICATION FOR POLE ATTACHMENT*

Applications are provided and processed through the eTrack + platform. Access to this form will be granted upon registration and approval of access by the City.

B2. AUTHORIZATION FOR MAKE READY WORK AND INVOICING

Once an application has been determined to require make ready work, the Attaching Entity will confirm this within the eTrack + platform. The attaching entity will confirm in the portal with the utility if the work will commence prior to engineering and construction work respectively.

Make Ready Engineering will be authorized within the platform. Fees for Make Ready Engineering will be charged and paid within the platform, unless otherwise an alternative method is mutually agreed upon between the City and the Attaching Entity.

Make Ready Construction will be authorized within the platform and the Attaching Entity will be provided a Cost Estimate Letter. Cost for Make Ready Construction will be derived from the design, charged outside of the platform, and will be provided via an invoice prepared by the City once authorization is approved by Attaching Entity.

The invoice will be due within 30 days of issuance. If payment is not received within 30 days, the invoice will be cancelled. If the Attaching Entity wishes to proceed with the project past the initial 30-day period, they will be provided a new invoice but is subject to price changes at the time a new cost estimate is generated.

No material procurement or construction scheduling shall occur until all outstanding fees are paid in full in relation to that project.

GEORGETOWN
TEXAS
more than welcome

Georgetown Electric Utility
City of Georgetown

Date:

To:
Name:
Company (if applicable):
Mailing Address:

Subject: Request for Acknowledgement of 90% Design Plans and Cost Estimate

Dear ,

Georgetown Electric Utility has completed the 90% design plans for the proposed electric service project at . We are also providing the associated proposed Cost Estimate(s) for your review.

Please sign and return this acknowledgement to confirm that the 90% design plans and the proposed cost estimate(s) meet your expectations and that you are in agreement with the scope, layout, and preliminary costs as presented. Once received, we will proceed with the final design phase and coordination of next steps.

Unless requested, at this time you will only be receiving an invoice based on Cost Estimate #1 and payment is due Net 30. Once payment is received, design will be finalized and Cost Estimate #2's invoice will be sent. Additionally, to ensure timely processing and billing, please provide the contact information of the individual or entity responsible for payment of all charges related to this project, using the format below:

Responsible Party for Payment:
Company (if applicable):
ATTN:
Mailing Address:
Phone Number:
Email Address:

If you have any questions or require clarifications, please feel free to contact us at electricengineering@georgetowntexas.gov.

Signature_____ Date_____

Thank you for your cooperation.

Sincerely,
Electric Engineering
Georgetown Electric Utility
(512) 930-6102
alex.spinn@georgetowntexas.gov

B3. REQUEST FOR TEMPORARY ATTACHMENT

If Attaching Entity wishes to to attach temporarily to City poles, the following form must submitted along with an application in the City's application portal. Approvals are subject to the City's discretion. The City may require documentation to support the request.

GEORGETOWN
TEXAS

CITY OF GEORGETOWN
ELECTRIC UTILITY
POLE ATTACHMENTS

Request for Temporary Attachment

Submit form to poleattachments@georgetowntexas.gov *Subject Line: Request for Temporary Attachment*

Attaching Entity		**Application Number:** **Provided in eTrack**	
Date Temporary Attachment Requested:			

Requestor	
Name	
E-mail Address	
Company	
Phone Number	
Cell Number	

Type of Temporary Attachment & Location (Pole #)	
Project Location:	
New Attachment:	#
Overlash:	#
Other:	

Approval by City	
By:	
Printed Name:	
Title:	
Date:	

B4: NOTICE TO PROCEED

A notice to proceed will be issued upon the confirmation of the inspection date provided by the Attaching Entity.

GEORGETOWN
TEXAS

CITY OF GEORGETOWN
ELECTRIC UTILITY
ELECTRIC ENGINEERING

Licensee Project Owner
Licensee
Address of Licensee

XX/XX/20XX

NOTICE TO PROCEED

Application #:
Location:
Project Description:

Georgetown Electric Utility hereby grants **(Licensee)**, otherwise known as the Licensee, the ability to proceed with the make-ready portion of attachment to City facilities for distribution build-out for the above referenced permit. The licensee, in conjunction with any necessary de-energization, will investigate any additional information if so required. The Licensee will also coordinate with the Georgetown Electric Engineering group, and the assigned inspector to facilitate any additional necessary communications with City services.

All make-ready work related to this project must be completed within 90 days of issuance of this Notice to Proceed. All work must be completed by **(XX/XX/20XX)**. Upon completion of construction, please notify the Engineering group that the construction is complete and it ready for post-construction inspection.

If there are any additional inquires or questions, please contact the Pole Attachments Team at poleattachments@georgetowntexas.gov.

Regards,

Georgetown Pole Attachment Team

B5. COMPLETION OF ATTACHING ENTITY CONSTRUCTION

Upon completion of Attaching Entity Construction, Attaching Entity is to submit the updated form within the Application Portal and provide an inspection date for City to conduct an inspection.

GEORGETOWN TEXAS

CITY OF GEORGETOWN
ELECTRIC UTILITY
POLE ATTACHMENTS

Completion of Attaching Entity Construction

Submit form to poleattachments@georgetowntexas.gov *Subject Line: Construction Completion*

Attaching Entity		**Application Number**	

Reported by	
Name	
E-mail Address	
Company	
Phone Number	
Cell Number	

Type and Date of Completed Construction *(Identify the type of Construction and list the date work was completed)*	
Date Make-Ready Communication Construction Completed	
Are all 3rd Party Attachments Successfully Transferred	Yes / No

Received by City	
By	
Printed Name	
Title	
Date	

B7: NOTICE OF UNAUTHORIZED ATTACHMENT

GEORGETOWN
TEXAS

CITY OF GEORGETOWN
ELECTRIC UTILITY
POLE ATTACHMENTS

Notice of Unauthorized Attachment

Attaching Entity	
Primary Contact	
Title	
Address	
Phone	
Email	

Pursuant to the City of Georgetown Pole Attachment Standards (Standards), the following Unauthorized Attachments have been identified on City Facilities:

Pole Number	Description of Unauthorized Attachment	Approximate Date Discovered	Unauthorized Attachment Charge
			$
			$
			$
			$
			$

If you believe this finding of an Unauthorized Attachment is incorrect, you may dispute this with forty-five (45) calendar days pursuant to Section II. I. 6. By providing the City a copy of either (1) Permit for Attachment or (2) an approved Application from the City of Georgetown which covers the installations described above.

If you do not dispute this finding within forty-five (45) calendar days upon receipt of this Notice of Unauthorized Attachment, you must submit for the Application for the aforementioned poles, the unauthorized attachment charge as noted above and invoiced.

Inquiries related to this notice shall be made to:

City of Georgetown
Pole Attachments
300-1 Industrial Ave.
Georgetown, TX 78626

For City Use	
By:	
Printed Name:	
Title:	
Date Signed:	

B8: NOTICE OF SAFETY VIOLATION

GEORGETOWN
TEXAS

CITY OF GEORGETOWN
ELECTRIC UTILITY
POLE ATTACHMENTS

Notice of Safety Violation

Date Issued	
Attaching Entity	
Primary Contact	
Title	
Address	
Phone	
Email	

Pursuant to the City of Georgetown Pole Attachment Standards (Standards), the City has identified the following Safety Violation(s) on Attachments or Overlashing owned by the Attaching Entity referenced above.

Pole Number	Description of Safety Violation	Approximate Date Discovered

Pursuant to Section II.K. of the Standards, you are hereby given notice that you are required to correct the above referenced Safety Violation(s) within five (5) calendar days of issuance of this Notice of Safety Violation.

Failure to correct the above referenced Safety Violation(s) within five (5) calendar days of the issuance of this Notice of Safety Violation will be subject to the above referenced Attaching Entity to enforcement actions and other remedies available to the City of Georgetown under the Pole Attachment Agreement or the Standards.

Inquiries related to this notice shall be made to:

City of Georgetown
Pole Attachments
300-1 Industrial Ave.
Georgetown, TX 78626

For City Use	
By:	
Printed Name:	
Title:	
Date Signed:	

B9: NOTICE OF SAFETY VIOLATION CHARGE

GEORGETOWN
TEXAS

CITY OF GEORGETOWN
ELECTRIC UTILITY
POLE ATTACHMENTS

Notice of Safety Violation Charge

Date Issued	
Attaching Entity	
Primary Contact	
Title	
Address	
Phone	
Email	

Pursuant to the City of Georgetown Pole Attachment Standards (Standards), the following Safety Violation(s) on Attachments or Overlashing owned by the Attaching Entity referenced above and is levying Safety Violation Assessment Charges as shown below:

Pursuant to Section II.K. of the Standards, you may dispute such Safey Violation Assessment Charges

Pole Number	Description of Safety Violation	Approximate Date Discovered	Safety Violation Charge
			$
			$
			$
			$
			$

within fifteen (15) calendar days of the City's issuance of this Notice of Safety Violation Assessment Charge (Notice)

Failure to dispute the Safety Violation Assessment Charges shown above within fifteen (15) calendar days of the issuance of this Notice, shall result in the Attaching Entity named above to pay the charges shown above in full within forty-five (45) calendar days of the issuance of this Notice.

Failure to pay timely for the Safety Violation Assessment Charge, shall subject the above referenced Attaching Entity to enforcement actions and other remedies available to the City of Georgetown under the Pole Attachment Agreement or the Standards.

Inquiries related to this notice shall be made to:

City of Georgetown
Pole Attachments
300-1 Industrial Ave.
Georgetown, TX 78626

For City Use	
By:	
Printed Name:	
Title:	
Date Signed:	

B10: NOTICE TO REMOVE ATTACHMENT(S) (AESTHETIC OR CIVIC PROJECTS)

GEORGETOWN
TEXAS

CITY OF GEORGETOWN
ELECTRIC UTILITY
POLE ATTACHMENTS

Notice to Remove Attachment(s)

Aesthetic or Civic Projects

Project Name	
Date Issued	
Attaching Entity	
Primary Contact	
Title	
Address	
Phone	
Email	

Pursuant to the City of Georgetown Pole Attachment Standards (Standards), the City is pursuing a Civic Project. The City of Georgetown reserves the right to remove any Attachments at the Attaching Entity's expense without liability to the City if the owner fails to remove its facilities.

Project Number	Project Name and Description	Remove by Date

Pursuant to Section III.B.4 of the Standards, you are hereby given notice that you are required to remove the above referenced facilities(s) within forty- five (45) calendar days of issuance of this Notice to Remove Attachment(s).

Failure to remove the above referenced facilities within forth-five (45) calendar days of issuance of this Notice to Remove Attachment(s) will be subject to the above referenced Attaching Entity to enforcement actions and other remedies available to the City under the Pole Attachment Agreement or the Standards.

Inquiries related to this notice shall be made to:

City of Georgetown
Pole Attachments
300-1 Industrial Ave.
Georgetown, TX 78626

For City Use	
By:	
Printed Name:	
Title:	
Date Signed:	

B11: NOTICE TO REMOVE ATTACHMENT(S) (CUSTOMER REQUESTED UNDERGROUND RELOCATION)

GEORGETOWN
TEXAS

CITY OF GEORGETOWN
ELECTRIC UTILITY
POLE ATTACHMENTS

Notice to Remove Attachment(s)

Customer Requested Underground Relocation

Project Name	
Date Issued	
Attaching Entity	
Primary Contact	
Title	
Address	
Phone	
Email	

Pursuant to the City of Georgetown Pole Attachment Standards (Standards), the City has undertaken a Customer Requested Underground Relocation project. The City of Georgetown reserves the right to remove any Attachments at the Attaching Entity's expense without liability to the City if the owner fails to remove its facilities.

Project Number	Project Name and Description	Remove by Date

Pursuant to Section III.B.4 of the Standards, you are hereby given notice that you are required to remove the above referenced facilities(s) within thirty (30) calendar days of issuance of this Notice to Remove Attachment(s).

Failure to remove the above referenced facilities within forth-five (45) calendar days of issuance of this Notice to Remove Attachment(s) will be subject to the above referenced Attaching Entity to enforcement actions and other remedies available to the City under the Pole Attachment Agreement or the Standards.

Inquiries related to this notice shall be made to:

City of Georgetown
Pole Attachments
300-1 Industrial Ave.
Georgetown, TX 78626

For City Use	
By:	
Printed Name:	
Title:	
Date Signed:	

B12: NOTICE TO REMOVE ATTACHMENT(S) (UNDERGROUND RELOCATION)

GEORGETOWN
TEXAS

CITY OF GEORGETOWN
ELECTRIC UTILITY
POLE ATTACHMENTS

Notice to Remove Attachment(s)

Underground Relocation

Project Name	
Date Issued	
Attaching Entity	
Primary Contact	
Title	
Address	
Phone	
Email	

Pursuant to the City of Georgetown Pole Attachment Standards (Standards), the City has undertaken a Underground Relocation project. The City of Georgetown reserves the right to remove any Attachments at the Attaching Entity's expense without liability to the City if the owner fails to remove its facilities.

Project Number	Project Name and Description	Remove by Date

Pursuant to Section III.B.4 of the Standards, you are hereby given notice that you are required to remove the above referenced facilities(s) within sixty (60) calendar days of issuance of this Notice to Remove Attachment(s).

Failure to remove the above referenced facilities within 60 (60) calendar days of issuance of this Notice to Remove Attachment(s) will be subject to the above referenced Attaching Entity to enforcement actions and other remedies available to the City under the Pole Attachment Agreement or the Standards.

Inquiries related to this notice shall be made to:

City of Georgetown
Pole Attachments
300-1 Industrial Ave.
Georgetown, TX 78626

For City Use	
By:	
Printed Name:	
Title:	
Date Signed:	

APPENDIX C: SPECIFICATIONS FOR ATTACHMENTS

The following engineering and construction specifications practices will be followed by the Attaching Entity when making Attachments, Wireless Installations or Banner Attachments to City pole structures, as appropriate. The items listed below are not an exhaustive list, and are intended to supplement, not replace the National Electrical Safety Code (NESC) or other Applicable Engineering Standards required by the Pole Attachment Agreement, Wireless Installation Agreement, Banner Attachment Agreement, City Pole Attachment Standards, or other applicable City standards and specifications.

1. **Attachment and Cable Clearances:** Attaching Entity's Attachments on City Poles, including metal attachment clamps and bolts, metal cross-arm supports, bolts and other equipment, must be attached so as to maintain the minimum separations specified in the National Electrical Safety Code (NESC) and in the City drawings and standards. The City adopts and requires Attaching Entity's compliance with revisions of the NESC upon adoption by NESC of those revisions. Compliance with NESC sections pertaining to overhead communication lines will be stringently enforced by the City.

2. **Sag and Mid-Span Clearances:** Attaching Entity will leave proper sag in its lines and cables and shall observe the established sag of power line conductors and other cables so that minimum clearances are (a) achieved at Poles located on both ends of the span; and (b) retained throughout the span. At mid-span, a minimum of four inches (4") of separation must be maintained between any other communication cables. At the Pole support, a twelve inch (12") spacing must be maintained between Attaching Entity's connection and any other Attaching Entities connection.

3. **Vertical Runs on Poles:** All vertical runs on Poles, including those for power feed for TV amplifiers, shall be placed on the quarter faces of the Pole and shall be covered by a riser guard with a two-inch (2") clearance in any direction from cable, bolts clamps, metal supports and other equipment. The riser guard must not cover or obstruct any City identification tags on the pole. However, Attacher may request the City to relocate the City identification tags at the Attacher's expense and subject to the City's sole discretion.

4. **Cable Bonding:** An Attaching Entity's Messenger cable shall be bonded to the City Pole ground wire at each City Pole that has a ground wire.

5. **Down Guys and Anchors:**
   a. Down guys shall not be bonded to ground or Neutral wires of the City Pole and shall not provide a current path to ground from the Pole ground or power system Neutral.
   b. All Attaching Entities shall provide their own anchors. Under no circumstances is the Attaching Entity allowed to attach its guy to a City anchor. Attaching Entity's anchors shall strive to be a minimum of four (4) feet from the City anchor.
   c. No Attachments may be installed on a Pole until all required guys and anchors are installed. No Attachment may be modified, added to, or relocated in such a way as will materially increase the stress or loading on a Pole until all required guys and anchors are installed.
   d. Anchors and guys must be installed on each Pole where an angle or dead-end occurs. Attaching Entity shall make guy attachments to Poles at or below the height of its cable Attachment.

6. **Service Drop Clearance:** The parallel minimum separation between an Attaching Entity's Service Drops and telephone Service Drops shall be six inches (6"), and the crossover separation between the drops shall be twelve inches (12").

7. **Service Clearances:** A four-inch (4") separation shall be maintained between the City's service cable and any other Attaching Entities facilities located on the customer's private property in accordance with the National Electric Code (NEC).

8. **Climbing Space:** All Attachments must be placed as to allow and maintain at all times, a clear and proper climbing space on the face of the City Pole. Cable Attachments shall be placed on the same side of the Pole as existing telephone or communication cables. In general, all other facilities and vertical runs should be placed on Pole quarter faces.

9. **Riser Installations:** All Riser installations, including those providing 120/240 volt power for Attaching Entity's equipment enclosure shall be placed on the quarter faces of a Pole and limited such that one side (180 degrees) of the pole is kept clear for climbing space and future replacement of the pole and must be installed in the City approved conduit with a weatherhead attached to the Pole with metal stand-off

brackets. Communication cable Risers shall be located on the same side of the pole as the overhead communication cables are attached and must not cover or obstruct any City pole identification tags on the pole. However, Attacher may request the City to relocate the City identification tags at the Attacher's expense and subject to City sole discretion. Ground wires may be attached directly to the Pole. There shall be forty (40") inch separation from the top of an electric Riser to the highest communication line.

10. **Identification:** All Attaching Entity's Communication Facilities, including all cable, shall be identified with Tags as required by these Standards and described in Appendix G.

11. **Telecommunication Cables:** All telecommunication cables not owned by the City shall be attached within the Communication Space that is located no less than forty inches (40") below the lowest power.

12. **Communication Worker Safety Zone:** The Communication Worker Safety Zone between Communication Facilities and supply facilities on the same Pole extends horizontally out to the boundaries of the climbing space and working space as described in the NESC. The Communication Worker Safety Zone is measured vertically from the level of the closest surface of the Communication Facility to the level of the closest surface of the electrical supply facility. The required clearance of the Communication Worker Safety Zone is measured vertically between the levels of the equipment involved. Stand-off bracket installation will not be allowed to meet the forty inch (40") clearance requirement. No mounting brackets are permitted in the Communication Worker Safety Zone.

13. **Platforms:** Communication Facilities/Attachments must dip underground one Pole before and one Pole after on all City Platforms for step-down and voltage- regulator banks.

14. **Power Supply:** Attaching Entity shall install no power supply on any City Pole on which underground services, capacitor banks, sectionalizing equipment, voltage-regulators, or other City equipment is already installed.

15. **Disconnect or Breaker.** No electrical service connection to a communication power supply shall be made or installed by Attaching Entity until the City shall have completed an inspection of an approved

fused service disconnect or circuit breaker installed by the Attaching Entity.

16. **Relocating Attachments:** When moving an Attachment from one location to another, Attaching Entity shall immediately treat all affected holes left in the Pole with industry- acceptable wood preservative and plug all holes left by such Attachments.

17. **Bolts:** No bolt used by Attaching Entity to attach its Communication Facilities shall extend or project more than one inch (1") beyond its nut.

18. **Workmanship:** Attaching Entity shall install and maintain any and all of its Communication Facilities in a neat and workmanlike manner consistent with the maintenance of the overall appearance of the Pole as determined by the City in its sole discretion.

19. **Attachment Arm:** All Wireline Attachments shall be installed without the use of Attachment Arms, extension arms, stand-off brackets or similar hardware, unless otherwise approved in advance by the City for each Pole. The proposed use of Attachment Arms, extension arms, stand-off brackets or similar hardware by an Attaching Entity shall be identified on the Application for Attachment.

APPENDIX D: VERTICAL CLEARANCE TABLE

NESC 2023 — COMMUNICATION WIRE VERTICAL CLEARANCE TABLE

Rules 232, 233, 234, 235 | Minimum clearances for communication conductors | All values in feet unless noted

SECTION 1 | Rule 232 — Clearances Above Ground, Rails & Water (ft)						
Nature of Surface / Location	**Comm. Conductors (ft)**	**Open-Wire Comm. (ft)**	**Cable / Fiber (ft)**	**Messenger-Supported (ft)**	**Supply-Neutral Shared (ft)**	**NESC Reference**
Track rails — non-electrified railroad	27	27	27	27	27	232A1
Track rails — electrified railroad (trolley)	27	27	27	27	27	232A2
Roads, streets & areas subject to truck traffic	18	18	18	18	18	232B
Driveways / parking lots (passenger vehicles only)	14.5	14.5	14.5	14.5	14.5	232B

Pedestrian-only spaces / ways	10	10	10	10	10	232C
Spaces accessible to vehicles ≤ 8 ft tall only	14.5	14.5	14.5	14.5	14.5	232C
Slopes not suitable for cultivation (no equipment access)	10	10	10	10	10	232D
Agricultural / orchard / vineyard land	12.5	12.5	12.5	12.5	12.5	232D/E
Agricultural land with grain / cultivated crops	18	18	18	18	18	232E
Water — boats < 20 ft mast height	17.5	17.5	17.5	17.5	17.5	232F1
Water — boats 20–100 ft mast height	20	20	20	20	20	232F2
Water — commercial navigation (navigable waterways)*	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	232F3

SECTION 2 | Rule 233 — Separation Between Comm. Conductors & Supply Conductors on Same Structure (inches)

Supply Conductor Voltage (Adjacent to Comm. Wire)	Min. Vertical Sep. (in)	Min. Horiz. Sep. (in)	With Insulating Covering (in)	Climbing Space Required	NESC Reference	Applies To
0 – 750 V	6	6	4	No	233A	Open wire, cable, fiber
751 V – 8,700 V (8.7 kV)	12	12	6	No	233A	Open wire, cable, fiber
8,701 V – 15,000 V (15 kV)	12	12	6	Yes	233A	Open wire, cable, fiber
15,001 V – 25,000 V (25 kV)	24	24	12	Yes	233A	Open wire, cable, fiber
25,001 V – 46,000 V (46 kV)	24	24	12	Yes	233A	Open wire, cable, fiber
46,001 V – 72,500 V (72.5 kV)	24	24	12	Yes	233A	Open wire, cable, fiber
72,501 V – 121,000 V (121 kV)	48	48	24	Yes	233A	Open wire, cable, fiber
121,001 V – 145,000 V (145 kV)	48	48	24	Yes	233A	Open wire, cable, fiber
145,001 V – 169,000 V (169 kV)	60	60	30	Yes	233A	Open wire, cable, fiber
169,001 V – 242,000 V (242 kV)	72	72	36	Yes	233A	Open wire, cable, fiber
242,001 V – 362,000 V (362 kV)	96	96	48	Yes	233A	Open wire, cable, fiber

SECTION 3 | Rule 234 — Clearances from Buildings, Bridges & Structures (ft)

Structure / Surface Type	Vertical Clearance (ft)	Horizontal Clearance (ft)	Clearance from Sides (ft)	Accessible to Public?	NESC Reference	Applies To
Roofs accessible to pedestrians	8	—	3	Yes	234A1	All comm. conductors
Roofs not accessible to pedestrians	3	—	3	No	234A2	All comm. conductors

Sides / projections of buildings	—	3	3	—	234B	All comm. conductors
Bridges — pedestrian	14.5	—	—	Pedestrian	234C1	All comm. conductors
Bridges — vehicular (road traffic)	18	—	—	Vehicular	234C2	All comm. conductors
Bridges — railroad	27	—	—	Rail	234C3	All comm. conductors
Swimming pools (vertical above water)**	22.5	10	—	Public	234D	All comm. conductors
Swimming pools (horizontal from edge)**	—	10	—	Public	234D	All comm. conductors
Signs, chimneys, tanks, other structures	—	3	3	—	234E	All comm. conductors

SECTION 4 | Rule 235 — Clearances Between Communication Conductors (inches)

Conductor Type / Configuration	Min. Vertical Sep. (in)	Min. Horiz. Sep. (in)	Crossings Allowed?	Grade of Construction	NESC Reference	Applies To
Open-wire comm. to open-wire comm. (same owner)	6	6	Yes	N	235A	Open wire
Open-wire comm. to open-wire comm. (different owner)	12	12	Yes	C	235A	Open wire
Open-wire comm. to cable / fiber (any ownership)	6	6	Yes	N	235B	Mixed
Cable / fiber to cable / fiber (any ownership)	2	2	Yes	N	235B	Cable / fiber
Comm. conductors crossing railroad tracks	27	—	Yes	B	235C	All comm.
Comm. conductors crossing navigable waterways*	20	—	Yes	B	235C	All comm.

Notes & References

- **Note 1(*):** For navigable waterways subject to commerce, clearance shall be as determined by the authority having jurisdiction (U.S. Army Corps of Engineers, USCG, or applicable regulatory body). No minimum is specified in the NESC itself.
- **Note 2(**):** Swimming pool clearances apply within 10 ft horizontally of the pool edge, pool deck, or diving structure (Rule 234D). Both vertical and horizontal clearances must be satisfied simultaneously.
- **Note 3:** Fuel storage/dispensing equipment clearances may be further restricted by local fire codes or NFPA 30/30A — always verify with the authority having jurisdiction.
- **Note 5:** Grades of Construction: Grade B (highest) applies to crossings of railroads and major highways; Grade C applies to crossings of roads; Grade N/C (Normal/Construction) applies to general spans. Refer to Rules 230–260 for full applicability.
- **Note 6:** Communication conductors include but are not limited to: telephone, telegraph, cable TV (CATV), fiber optic (in cable sheath), data circuits, and similar low-energy circuits as defined in Rule 230.
- **Note 7:** This table is a summary reference only. Always consult the full 2023 NESC text for complete rules, exceptions, special conditions, and applicable footnotes.
- **Source:** IEEE/ANSI C2-2023, National Electrical Safety Code (NESC), 2023 Edition. IEEE, New York, NY.

Clearance Adders: The vertical clearances required by the NESC are the absolute minimum clearance allowed by the City in order to issue a Notice to Proceed. To ensure that NESC clearances are met under all reasonably

anticipated circumstances, the City may require additional tolerances for movement and variances in construction to be added to the NESC requirements on a per pole basis.

APPENDIX E: POLE LOADING REQUIREMENTS

It is the determination of the City that pole attachments can have a significant wind loading and stress effect on a pole and can cause overloading. Therefore, nothing should be attached to a pole that is not engineered to be there in advance.

1. **Engineering and Planning Qualifications:** Any Pole Loading Analysis (PLA) submitted as part of the Application package shall be signed and sealed by a licensed Professional Engineer approved by The City, either on a cover sheet, or on each Poles' respective PLA report.

2. **PLA Submittal Requirements**: Attaching Entity shall submit PDF copies of the full PLA report for each pole identified as requiring a PLA study pursuant to this **APPENDIX E**: POLE LOADING REQUIREMENTS. Acceptable software for use of PLA will be OCALC, unless otherwise approved by The City.

3. **Pole Loading Parameters**: PLA is to be performed in accordance with the requirements of medium wind and ice loading requirements as described the current version of the National Electric Safety Code (NESC). PLA Grade Requirements shall be as follows:

- **Single Circuit:** NESC Grade C unless required to be Grade B by the current version of the NESC.
- **Double Circuit:** NESC Grade C unless required to be Grade B by the current version of the NESC. The City may require Grade B design at "critical" double circuit areas.

The City's construction standards require that the electrical wire tensions will be set per NESC Section 261.H1.b at 35% of the rated breaking strength of the conductor (Maximum Design Tension), unless otherwise required for reduced tension spans; in which case, sag tables shall be required.

The City's construction standards require that the total usage of the Pole based on the available ground line moment capacity of the Pole shall not be greater than 90% after all loadings have been applied to the existing or new City Pole. Any Pole exceeding 90% capacity shall be replaced with a Pole that will pass the 90% usage capacity requirement.

4. **Required Conditions for PLA**: The City will require PLA for all poles.

5**. Reserved Capacity for Proposed Pole Change Outs:** The City shall require Reserved Capacity (beyond the required to pass pole capacity of 90%) for any new or replaced Pole as follows:

- Single Circuit: five percent (5%)
- Double Circuit: fifteen percent (15%)
- Hollow composite Pole: fifteen percent (15%)

6. **Pole Loading Analysis Time Limitations:** PLA analysis shall be valid for a time period of no longer than six (6) months from the time of Application submission. After this six (6) month period, a new PLA analysis will be required.

7. **Exceptions to PLA Requirements:** The City will not require PLA for the following conditions:

- When Overlashing a 144-strand or smaller diameter and weight fiber optic or other cable
- When placing a fiber optic cable in an existing aerial inner duct

8. **Review of PLA:** City will review the PLA submitted by the Attaching Entity and return any questions or comments that City may have concerning the PLA, or will give its approval with no comments. The Attaching Entity shall adequately answer all questions and concerns City has prior to City giving final approval. Should City not approve of the responses by the Attaching Entity, additional reviews shall be required.

APPENDIX F: SCHEDULE OF POLE ATTACHMENT RATES, FEES, AND CHARGES

The City uses the current FCC formula applicable to providers of telecommunications services. The City reserves the right to adjust this Schedule of Pole Attachment Rates, Fees, and Charges in accordance with any changes in the FCC formula delineated below, and with updated City cost information. The Application Fee does not cover back office engineering services and field inspection work provided by the City or its contractor's part of the Application review process.

All listed fees subject to annual adjustment

Fee	Description	Cost	Per
One-Time Application Fee	Review of Application including map	$134.00	Attachment
Reinspection Fee	Review of PLA; PLA Provided by Attaching Entity	$117	Attachment
Make Ready Engineering Fee	Non-refundable; includes design for make ready work	$350	Pole
Make Ready Construction	Cost of construction portion of make ready work	Per Estimate	Project
Annual Pole Attachment Fee	Multiplied per Attachment per City Pole. Does not include overlashed attachments	$16.50	Attachment
Unauthorized Attachment Fee	multiplied per day, per Attachment, until complete application is submitted for Attachment	$45.00	Attachment
Failure to Transfer/ Remove Facilities Fee	multiplied per day, per pole, after notice period expires	$15.00	Pole

Safety Violation Charge		$500.00	Safety Violation
Tracing Line Ownership Fee	In the event an attachment is untagged and the City must determine owner to amend an issue at a City pole with needed aid from a Attaching Entity	$150.00 for first hour; $100 for every subsequent hour	Hour

APPENDIX G: CITY OF GEORGETOWN POLE ATTACHMENT TAG LIST AND DETAIL

1	**AT&T**
2	**CenturyLink**
3	**Frontier**
4	**Fiberlight/Level 3 Communications**
5	**Grande/Astound**
6	**MCI-Verizon**
7	**Millennium Telcom**
8	**Optimum**
9	**Williamson County**
10	**City of Georgetown (COG Fiber)**
11	**Metronet**
12	**Hotwire**
Future Attacher IDs to be Designated by COG	

For the purposes of Tagging an Attachment, Overlash or Wireless Installation (including a Mid- Span Installation), the City requires the use of a Tag placed within twelve inches (12") of a Pole on the wires and cables, coded by number, color, or other means that will readily identify the owner of the Attachment at a Pole from ground level. The Tag shall be as specified or consistent with accepted communication industry standards or other Attaching Entity supplied tag approved in writing by the City, provided the Tag is made of materials which are weather, corrosion, and Ultraviolet (UV) resistant

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Resolution - Electric Service Agreement with CitiGroup

SUGGESTED ACTION:
Consideration and possible action to approve a Resolution authorizing the City Manager to approve the Electric Service Agreement between CitiGroup and the City of Georgetown -- Victoria Sirimarco, Customer Energy Solutions Program Manager

ITEM SUMMARY:
This item authorizes the City Manager to approve the Electric Service Agreement between the City of Georgetown and CitiGroup. The agreement addresses risks associated with serving this large-load customer, defines service requirements, and establishes provisions for anticipated future growth.

FINANCIAL IMPACT:
This Electric Service Agreement ensures the effective recovery of finances associated with serving CitiGroup.

SUBMITTED BY:
Rene Bywater-Barajas, Electric Department

ATTACHMENTS:
Resolution - Citigroup Agreement for Electric Service 8.11.2026.pdf

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE AGREEMENT FOR ELECTRIC SERVICE WITH CITIGROUP TECHNOLOGY, INC.; REPEALING CONFLICTING RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Citigroup Technology, Inc. ("Citigroup") plans to continue to operate its corporate facilities and data centers with an allocated capacity of 15 MW located in Georgetown, Texas;

WHEREAS, Citigroup desires to continue to receive from the City, and the City desires to continue to provide to Citigroup, the electric power and energy sufficient for Citigroup's requirements;

WHEREAS, the City and Citigroup desire to enter into an Agreement for Electric Service to govern the provision of service to Citigroup.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS:

SECTION 1. The facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof.

SECTION 2. The City Manager is hereby authorized to execute the Agreement for Electric Service and any other documents and instruments necessary or appropriate to carry out the terms of the Agreement for Electric Service, and to do all such other acts as in the opinion of the City Manager may be necessary or appropriate to carry out the purposes and intent herein.

SECTION 3. The Mayor is authorized to sign this Resolution and the City Secretary to attest.

SECTION 4. This Resolution shall become effective immediately upon adoption. Any conflicting resolutions are repealed.

RESOLVED this _____ day of _____, 2026.

ATTEST:

_____
Robyn Densmore, City Secretary

THE CITY OF GEORGETOWN:

_____
Josh Schroeder, Mayor

APPROVED AS TO FORM:

_____
Skye Masson, City Attorney

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Annual Sales Tax Use Certification

SUGGESTED ACTION:
Consideration and possible action to approve the annual sales tax use certification requirement for the Texas Property Tax Code -- Randi Cormack, Budget Manager

ITEM SUMMARY:
Each year City staff follow the Texas Property Tax Code and Local Government Code requirements for adopting the property tax rate. Various changes were made to the code during the 2019 State Legislative Session that are in effect now.

One of the changes requires the City staff to certify to the Council the amount of Sales and Use Taxes for Property Tax Relief that are used to pay tax-supported debt service within the Truth in Taxation calculation.

This action item on the agenda certifies the Council's acknowledgement that $0 of Sales and Use Taxes for Property Tax Relief are used to make tax-supported debt payments. All Sales and Use Taxes for Property Tax Relief are deposited into the City's General Fund and used for municipal operations.

FINANCIAL IMPACT:

SUBMITTED BY:
Aaron St Pierre, Finance/Purchasing

ATTACHMENTS:
Sales Tax Certification 50-882 Executed LW.pdf

Form 50-882

Certification of Additional Sales and Use Tax to Pay Debt Services

THE STATE OF TEXAS,
County of Williamson

Chief Financial Officer or Auditor: Leigh Wallace, CFO

For the taxing unit: City of Georgetown, TX

Hereby certifies that the amount of additional sales and use tax revenue collected to pay debt service has been deducted from the total amount described by Tax Code Section 26.05(e-1), 26.04(e)(3)(C) and 26.05(a)(1).

This certification is submitted to the governing body of City of Georgetown, TX on 8/11/26.

Leigh.Wallace Digitally signed by Leigh.Wallace
Date: 2026.07.23 09:06:57 -05'00'

Signature of Financial Officer or Auditor

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Rejection of Bids ITB 2026-57

SUGGESTED ACTION:
Consideration and possible action to reject all bids received for ITB # 2026-57 for Electric Overhead & Underground Construction and Maintenance Services -- Veronica Ferriz, Senior Buyer

ITEM SUMMARY:
On June 28, 2026, the City received 3 bids in response to the ITB 2026-57 for Electric Overhead and Underground Construction Services. Bids were reviewed, and it was determined that only underground services were needed at this time. Department staff recommends rejecting all bids received.

FINANCIAL IMPACT:

SUBMITTED BY:
Rene Bywater-Barajas, Electric Department

ATTACHMENTS:

N/A

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
TxDOT Grant - Purchase of 29+ Acres at 350 Serenada Drive

SUGGESTED ACTION:
Consideration and possible action to approve a Resolution documenting the City's support and acceptance of a grant from the Texas Department of Transportation for the purchase of 29.156 acres located at 350 Serenada Drive -- Matthew Sommerfeld, Airport Manager, and Eric Johnson, Public Works Director

ITEM SUMMARY:
Georgetown Executive Airport is allocated $3,352,000.00 in grants through the Infrastructure Investment and Jobs Act (IIJA) and has identified the purchase of property at 350 Serenade Drive for a total of $2,500,000.00. The project is 95% TxDOT with a 5% City match.

FINANCIAL IMPACT:
The anticipated 5% City share of the project is $125,000.00.

SUBMITTED BY:
Anne Pogson, Public Works

ATTACHMENTS:
certification of project funds.doc
DESIGNATION OF SPONSOR.doc

CERTIFICATION OF PROJECT FUNDS

I, _____, _____,
(Name) (Title)
do certify that sufficient funds to meet the _____ share of
(Sponsor Name)
project costs as identified for the project and will be available in accordance with the schedule shown below:

SPONSOR FUNDS

Source	Amount	Date Available

_____, Texas
(Sponsor)

By:_____

Title:_____

Date:_____

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

I, _____, _____,

(Name) (Title)

with the _____ designates _____

(Sponsor Name) (Name, Title)

as the _____authorized representative for the _____ project,

(Sponsor Name)

who shall have the authority to make approvals and disapprovals as required on behalf of

the _____.

(Sponsor Name)

_____, Texas

(Sponsor)

By:_____

(Signature)

Title:_____

Date:_____

DESIGNATED REPRESENTATIVE

Mailing Address:_____

_____

_____

*Physical/Overnight Address: _____

_____

Telephone Number: _____

E-Mail Address: _____

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Texas Commission on the Arts for a Performance Support Grant Application

SUGGESTED ACTION:
Consideration and possible action to approve a grant application to the Texas Commission on the Arts for a Performance Support Grant to provide partial funding for the performance of the Central Texas Philharmonic at the Autumn Art Stroll and designate authority to Amanda Still to submit the grant application -- Kim Mcauliffe, Director of Downtown and Tourism Director and Amanda Still, Arts and Culture Program Manager

ITEM SUMMARY:
This program provides professional artist fees to schools, libraries, and nonprofit organizations for hiring an artist from TCA's Texas Touring Roster to do a performance or workshop. These non-competitive applications are funded based on a percentage of contracted fees.

FINANCIAL IMPACT:
The total cost of the artist fee is $8,750. Applicants may request up to 30% of the artist fee. This grant request is $2,625 with a City match of $6,125. The entire amount of the fee is already budgeted from HOT funds.

SUBMITTED BY:
Shelly Sommerfeld, Economic Development plus

ATTACHMENTS:
Attachment_TCA Performance Support Guidelines.pdf

TCA Grant Guidelines

A Guide to Programs & Services | Texas Online Arts Plan | Revised December 2022

Eligibility: All Texas nonprofits, schools, colleges, and units of government

Intent: To advance the creative economy of Texas by investing in arts organizations.

This program provides professional artist fees to schools, libraries, and nonprofit organizations for hiring an artist from TCA's Texas Touring Roster to do a performance or workshop. These non-competitive applications are funded based on a percentage of contracted fees. Please read the FAQ for more information

Grant Type: Quarterly
Application Limit: Multiple applications can be submitted, but only $12,000 cumulatively will be awarded to an organization per fiscal year (Sept.-Aug.)
Minimum Request: $75
Maximum Request: $8,000
Match Requirement: dollar for dollar (1:1)
Application Deadline: Varies.

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
DecorIQ Contract

SUGGESTED ACTION:
Consideration and possible action to approve a contract with DecorIQ for the leasing, installation, and maintenance of the 2026 holiday lights, the installation and maintenance of the building cornice lights, and the installation, and removal of the holiday wreaths, tree, freestanding ornaments, free standing giftbox, and red gate walk-through through the Buyboard Contract #735-24 in the amount not to exceed $185,140.15 -- Kim McAuliffe, Downtown & Tourism Director

ITEM SUMMARY:
The proposed scope of work is to include lease, installation, maintenance, and removal of holiday lights on 65 trees in the downtown and 5 trees on the Williamson County Courthouse lawn; installation and maintenance of the building lights along the cornices of buildings downtown; installation, and removal of three freestanding pieces, and installation and removal of 45 wreaths on the antique light poles downtown, as well as the installation of the Christmas tree on the Courthouse lawn.

Staff has positive experience with Décor during the 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025 seasons.

Staff is recommending approval to use Decor IQ for the 2026 Holiday Lights in the amount of $185,140.15.

FINANCIAL IMPACT:
Funding is contingent upon Council approval of the FY2027 Budget.

The funding for the holiday lights comes from several sources:

Convention & Visitors Bureau funding: $160,140.15
Source: Facility Services Internal Service Fund (ISF): $ 25,000.00

SUBMITTED BY:
Shelly Sommerfeld, Economic Development plus

ATTACHMENTS:
26-0341-SC DecorIQ [For CC08112026].pdf

CONTRACT ROUTING FORM

Contract No. 26-0341-SC Project No._____ Bid No._____ RFP No._____

☒ New Contract ☐ Renewal ☐ Change Order ☐ Amendment ☐ Assignment ☐ Other

NAME OF CONTRACTOR: DecoreIQ

CONTRACT DESCRIPTION: City Holiday Lights (BuyBoard 735-24)

CONTRACT VALUE: $185,140.15

GL ACCT NO/COST CENTER/FUND: CC0211, 120

GRANT FUNDED: ☒ NO ☐ YES If YES, Grant No.

SIGNATURES RECOMMENDING APPROVAL

_____ _____
PURCHASING DATE

_____ _____
LEGAL DEPARTMENT DATE

_____N/A_____ _____
DIRECTOR ADMINISTERING CONTRACT DATE
(greater than $25,000)

APPROVED and EXECUTED

_____N/A_____ _____
DIRECTOR DATE
($25,000 or less)

_____N/A_____ _____
CITY MANAGER/ASST CITY MANAGER DATE
($100,000 or less)

_____ _____
MAYOR/CITY SECRETARY ATTESTS (if applicable) DATE

FINAL PROCESSING

_____ _____
PURCHASING DATE

For Purchasing Use Only	*For City Secretary Use Only*
Insurance Certificates:	☐ Permanent (Record Retention)
Performance Bond: x	Originals sent to CSO:
Payment Bond: x	Scanned into Laserfiche/Global:
Form 1295: 2026-1491643	Council Date: Item No.:
Attorney: Lyndsay L.	

DECOR IQ™
Holiday & Event Services

City of Georgetown, Texas - Base Bid 2026

City of Georgetown, TX
Georgetown, TX 78626
US

Reference: 20260710-175051533
Quote created: July 10, 2026
Quote expires: August 9, 2026

Quote created by: John
CEO
jalban@decoriq.net
+12147284532

Lyle Fraser
Facilities Project Coordinator
lyle.fraser@georgetowntexas.gov
+15126942307

Trish Long
Facilities Manager
trish.long@georgetowntexas.gov
+15129702786

Comments from John

BUYBOARD VENDOR #735-24

Thank you so much for the opportunity!

Products & Services

Item & Description	Image	SKU	Quantity	Unit Price	Total
Labor 65 Trees: 677,103 total lights (Installation/Removal Labor Only)		IQ-LABOR	1,704.52	$65.00	$110,793.80
Labor Installation/Removal of Lights Wrapped on Main Branches of 5 Existing Trees Around Courthouse (Approx. 88200 lights)		IQ-LABOR	167.21	$65.00	$10,868.65

Item & Description	Image	SKU	Quantity	Unit Price	Total
Labor WEEKLY MAINTENANCE OF DISPLAY DURING SEASON Labor to send crew out 1 day per week (10 total weeks) - Day of week for service TBD by Georgetown but must be same day each week so we can dedicate crew		IQ-LABOR	10	$780.00	$7,800.00
Labor City Owned 24' Frame Tree (Installation/Removal Labor Only)		IQ-LABOR	103.08	$65.00	$6,700.20
Labor 34 City Owned Pole Mount Wreaths		IQ-LABOR	129.62	$65.00	$8,425.30
Labor City Owned Walk Through Ornament		IQ-LABOR	58.46	$65.00	$3,799.90
Labor Free standing ornaments (set of 3), multicolor LED, Height: 5 ft 3 in (Installation/Removal Labor Only)		IQ-LABOR	22.56	$65.00	$1,466.40
Labor Free standing giftbox gate, warm white and red LED, Height: 16 ft (Installation/Removal Labor Only)		IQ-LABOR	72.94	$65.00	$4,741.10
Labor Install/Strike Golden Red Gate		IQ-LABOR	22.5	$65.00	$1,462.50
Labor 5265 Ln Ft Roofline Labor (Installation/Removal Labor Only)		IQ-LABOR	324.46	$65.00	$21,089.90
Labor 880 Ln Ft Roofline Labor: Georgetown Public Library - Front, West side, Back of Library (Installation/Removal Labor Only)		IQ-LABOR	52.48	$65.00	$3,411.20
Labor 510 Ln Ft Roofline Labor: Georgetown City Hall - Small side W 9th St, Front, Round Top, W 8th St side (Installation/Removal Labor Only)		IQ-LABOR	30.42	$65.00	$1,977.30

Item & Description	Image	SKU	Quantity	Unit Price	Total
Labor 548 Ln Ft Roofline Labor: Grace Heritage Center - All sides, Top of tower, including bathroom buildings NOT TOP RIDGE (Installation/Removal Labor Only)		IQ-LABOR	40.06	$65.00	$2,603.90
	One-time subtotal				$185,140.15
			Total		**$185,140.15**

Terms & Agreement

The City and DecorIQ agree that the terms of BuyBoard Contract 735-24 govern this Agreement.

Signature

Signature

Date

Printed name

Questions? Contact me

John Alban
CEO
jalban@decoriq.net
+12147284532

Decor IQ
1310 W. Laurel St
San Antonio, TX 78201
United States

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Purchase of UltraFLOC 322MV from USALCO

SUGGESTED ACTION:
Consideration and possible action to approve a one-year contract with USALCO of LaPorte, TX for UltraFLOC 322MV in an amount not-to-exceed $323,718.00 -- Chelsea Solomon, PE, Water Utility Director

ITEM SUMMARY:
The purpose of this contract is to provide delivery of a proprietary polymer/coagulant blend for water treatment. USALCO is the sole source provider of this proprietary chemical.

FINANCIAL IMPACT:
Funds are available in Fund 660, Cost Center CC0529

SUBMITTED BY:
Deniece Sesma, Water Utility Department

ATTACHMENTS:
26-0338-GC USALCO [For CC08112026].pdf
Sole Source Letter - City of Georgetown.pdf

Request for Quote

For ULTRAFLOC 32MV Polymer – Sole Source

The City of Georgetown requests a quotation on the following items. Questions regarding this request should be directed to:

Contact: Deniece Sesma
E-mail Address: Deniece.Sesma@georgetowntexas.gov

Quotations must be received no later than 2:00 PM (CST) on June 10, 2026.

This Request for Quotations and any purchase order resulting from this request will be issued under and governed by the City of Georgetown's standard terms and conditions (reference Attachment A.) Exceptions to the City standard terms and conditions should be noted in the response.

Please complete all information requested below and return via E-Mail by the deadline listed above and send to:

Contact: Deniece Sesma
E-mail Address: Deniece.Sesma@georgetowntexas.gov

LOCAL BUSINESS PREFERENCE POLICY. The City Council encourages utilization of local vendors for City Procurements. Therefore, the City implemented a local bidder preference for it's purchase solicitations. This preference may be applied only for those businesses located within the city limits of Georgetown, without regard for the location of the owner/operator's personal place of residence.

Local Bidders selected for consideration of local business preference for this Request for Quote, shall provide Local Business Preference supporting documentation upon request of the City.

Company Name: USALCO, LLC

Contact Name: Terry Waldo, Chief Commercial Officer **Phone #:** 800-453-2583

Address: 2601 Cannery Ave., Baltimore, MD 21226

E-Mail: bids@usalco.com **HUB? Yes / No Number:** No

Signature: JWa **Date:** 6/15/2026

Please provide a quotation for the following item(s):

Pricing is to remain firm for a twelve (12) month period.

Term 08/27/2026 – 08/26/2027

Please provide tiered pricing on a per gallon basis if that option is available. Average gallons per shipment will not be less than 1,000 gallons.

I. PURCHASE PRICE –

1. Quantity: 19,560 Unit of Measure: Gallon Unit Cost: $16.55

Description: UltraFloc 322MV is an NSF-certified proprietary formulation of polymer manufactured by USALCO for drinking water treatment applications.

2. Freight / Shipping Charges: Delivery included in unit cost Handling Charges: N/A

3. Total Bid (Including all freight and handling charges): $323,718.00

4. Payment Terms: 30 days from date of invoice.
(Please provide any prepayment discounts; the City's standard payment terms are Net 30; payments to vendors located in Georgetown are processed immediately)

5. FOB: Destination
(If left blank, FOB will be considered destination to City premises, prepay and add)

6. Delivery Locations:
a. Plant One: North Lake Water Treatment Plant. Location: 3601 DB Wood Rd. Georgetown, TX 78628
b. Plant Two: Southlake Water Treatment Plant. Location: 1010 Crocket Gardens Rd. Georgetown, TX 78628

7. Delivery Date: 14 business day lead time required.
(If left blank, delivery will be required within 14 calendar days)

Please quote firm fixed pricing inclusive of all costs including delivery as required.

Award will be on a City of Georgetown purchase order. Additional terms and conditions are subject to review and acceptance by the City of Georgetown.

Notwithstanding anything to the contrary in this Quote, including any linked or referenced terms and conditions by either party, the following terms control:

1. **PAYMENT**. Notwithstanding anything to the contrary in this quote, including all attached and incorporated terms and conditions, all payments shall be processed in accordance with the Texas Prompt Payment Act, Texas Government Code, Subtitle F, Chapter 2251. Contractor may charge a late fee (fee shall not be greater than that permitted under the Texas Prompt Payment Act) for payments not made in accordance with this prompt payment policy; however, the policy does not apply to payments made by the City in the event: (a) there is a bona fide dispute between the City and Contractor concerning the goods, supplies, materials, equipment delivered, or the services performed, that causes the payment to be late; (b) the terms of a federal agreement, grant, regulation or statute prevents the City from making a timely payment with Federal funds; (c) there is a bona fide dispute between Contractor and a subcontractor and its suppliers concerning goods, supplies, material or equipment delivered, or the services performed, which caused the payment to be late; or (d) the payment application is not mailed to the City in accordance with this Agreement.
2. **NON-APPROPRIATION**. Notwithstanding anything to the contrary in this Agreement, including all attached and incorporated terms and conditions, this Agreement is a commitment of the City's current revenues only. The City shall have the right to terminate this Agreement at the end of any City fiscal year if the governing body of the City does not appropriate funds sufficient to purchase the services. The City may terminate for non-appropriation by giving Contractor a written notice of termination at the end of its then current fiscal year.
3. **INDEMNITY**. **NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS AGREEMENT, INCLUDING ALL ATTACHED AND INCORPORATED TERMS AND CONDITIONS, THE CITY SHALL NOT INDEMNIFY CONTRACTOR.**
4. **GOVERNING LAW AND VENUE**. Notwithstanding anything to the contrary in this Agreement, including all attached and incorporated terms and conditions, this Agreement shall be governed by the laws of the State of Texas. Venue shall be the applicable courts of Williamson County, Texas.
5. **CONFIDENTIALITY**. Notwithstanding anything to the contrary in this agreement, including all attached and incorporated terms and conditions, nothing in this Agreement shall prevent the City from disclosing Confidential Information to the extent legally required to do so pursuant to the Texas Public Information Act.
6. **CERTIFICATIONS**.
   a) Pursuant to Chapter 2271, Texas Government Code, Contractor certifies that it (1) does not currently boycott Israel; and (2) will not boycott Israel during the term of this Agreement. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.
   b) Pursuant to Subchapter F, Chapter 2252, Texas Government Code, Contractor certifies Contractor is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.
   c) Pursuant to Chapter 2274, Contractor certifies that either (1) Contractor is a sole proprietorship or company with fewer than ten (10) employees or (2) Contractor does not currently boycott energy companies and will not boycott energy companies during the Term of this Agreement. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.
   d) Pursuant to Chapter 2274, Texas Government Code, Contractor certifies that either (1) Contractor is a sole proprietorship or company with fewer than ten (10) employees or (2) Contractor does not currently boycott firearm and ammunition industries; and will not boycott firearm and ammunition industries during the Term of this Agreement. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

Signature: _____
Name: Terry Waldo, Chief Commerical Officer

Sole Source Provider

USALCO, LLC
9401 Strange Rd
La Porte, TX 77571
800-453-2568

Date: May 18, 2026

To: City of Georgetown
Attn: Isaac Conde
3601 DB Wood Rd
Georgetown, TX 78626

RE: Usalco Sole Source Justification

This letter is to provide notification that USALCO, LLC. is the Sole Source Provider for UltraFLOC 322MV, formerly known as Aqualum 3012. UltraFLOC 322MV is NSF certified, and a proprietary formulation of Polymer manufactured by USALCO for drinking water treatment applications.

If you desire additional information, don't hesitate to contact your sales representative Evan Ledet, 713-705-1378 or visit our website at www.usalco.com. Thank you for your interest in our product.

Sincerely,

Evan Ledet
Water Treatment Specialist
USALCO, LLC
Water Treatment Chemicals
713-705-1378

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Contract for Construction of Station No 1 Renovation and Addition

SUGGESTED ACTION:
Consideration and possible action to approve Crossland General Construction for construction services associated with the Renovation and Addition of Fire Station No. 1 in the amount of $6,642,000.00 -- Jennifer Bettiol, CIP Manager, Public Works

ITEM SUMMARY:
The Renovation and Addition of Fire Station 1 will increase the number of living quarters for additional staff, improve the health and safety of the station and improve the ability of the department to meet the high demands of this fire station. With extensive experience and knowledge of Fire Stations, Crossland General Construction was selected as the most qualified and best value for the City of Georgetown for the Construction of the Fire Station 1 project.

FINANCIAL IMPACT:
Cost Impact: $6,642,000.00

SUBMITTED BY:
Lauren Wilson, Public Works

ATTACHMENTS:
26-0285-CIP - Crossland Construction (For Signature).pdf
26-0285-CIP - Crossland Construction (General Conditions).pdf

XVII. EXHIBIT 00500
STANDARD AGREEMENT
BETWEEN OWNER AND CONTRACTOR

This Agreement is made as of _____, 20____ (the "Effective Date"), by and between

The **Owner**:

City of Georgetown
PO Box 409
Georgetown, TX 78627

and **Contractor**:

Crossland Construction Company, Inc
731 Industry Way
Prosper, TX 75078

for the **Project**:

Georgetown Fire Station No 1 Renovation

Contract Number: 26-0285-CIP

Project Architect:

BRW Architects
175 Century Square Dr, Suite 350
College Station, TX 77840

The Owner and the Contractor agree as follows:

TABLE OF CONTENTS

ARTICLE

1 SCOPE OF WORK
2 CONTRACT DOCUMENTS
3 THE CONTRACT SUM
4 TIME OF COMPLETION
5 LIQUIDATED DAMAGES

6 SAFETY
7 CERTIFICATION OF NO ASBESTOS CONTAINING MATERIALS OR WORK

8 PRE-EXISTING CONDITIONS
9 BONDS AND INSURANCE
10 CONTRACTOR'S SPECIAL WARRANTIES AND RESPONSIBILITIES

11 INDEMNITY
12 PARTY REPRESENTATIVES
13 NOTICES
14 MISCELLANEOUS PROVISIONS

LIST OF EXHIBITS

The following Exhibits are incorporated into the Agreement as if set out verbatim.

Ex.A General Conditions

Ex.B Owner's Special Conditions and Specifications with the date they were issued (if applicable)

Ex.C Contractor's Proposal (if incorporated into the Project)

Ex.D List of Drawings, Specifications Addenda, details and other documents developed by Project Architect that describe the Project with the date they were issued.

ARTICLE 1 SCOPE OF WORK

The Contractor has overall responsibility for and shall provide and furnish all materials, equipment, tools and labor as necessary or reasonably inferable to complete the Work, or any phase of the Work, in accordance with the Owner's requirements and the terms of the Contract Documents.

ARTICLE 2 CONTRACT DOCUMENTS

2.1 The Contract Documents consist of:

a. This Agreement and all exhibits and attachments listed, contained or referenced in this Agreement;
b. The General Conditions;
c. Special Conditions and Owner's Specifications;
d. All Addenda issued before the Effective Date of this Agreement;
e. All Alternate Bid Proposals accepted by the Owner before the Effective Date of this Agreement;
f. All Change Orders issued after the Effective Date of this Agreement;
g. The Drawings, Specifications, details and other documents developed by Project Architect to describe the Project and accepted by Owner;
h. The Drawings and Specifications developed or prepared by Owner's other consultants, if any, and accepted by the Owner; and
i. Contractor's Proposal if incorporated into the Project. To the extent of any conflict between Contractor's Proposal and any other Contract Document, the Contact Document shall govern.

2.2 The Contract Documents form the entire and integrated Contract between Owner and Contractor and supersede all prior negotiations, representations or agreements, written or oral.

ARTICLE 3 THE CONTRACT SUM:

3.1 The Owner shall pay the Contractor for performance of the Contract, including the Base Proposal and Alternate Proposal(s), the sum of **Six Million, Six Hundred – Forty Two Thousand dollars ($6,642,000.00),** and make payment on account as provided in the General Conditions.

3.2 The following Alternate Proposals, fully described in the Specifications and Drawings, are included as a part of the contract sum: Alternate #1 - Demo and Replace Existing Asphalt - **Forty Two Thousand Dollars ($ 42,000.00)**

ARTICLE 4 TIME OF COMPLETION:

The Owner shall issue a Notice to Proceed identifying the date for commencement of the Work. The commencement date shall be 10 or more days after the date the notice is issued. The Contractor shall achieve substantial completion of the Work within Three Hundred Ninety _ (390) calendar days after the commencement date, as such completion date may be extended by approved Change Orders. **THE TIME SET FORTH FOR COMPLETION OF THE WORK IS AN ESSENTIAL ELEMENT OF THE CONTRACT.**

ARTICLE 5 LIQUIDATED DAMAGES:

For each consecutive calendar day after the expiration of the substantial completion period set forth in Article 4 that any incomplete Work prevents or impairs the Owner's ability to operate and use the Project for its intended purposes, including the correction of deficiencies found during the final testing and inspection, the amount of three hundred dollars ($300) for projects with a contract sum of less than five million dollars ($5,000,000) and five hundred dollars ($500) for projects with a contract sum of five million dollars ($5,000,000) or more will be deducted from the money due or that becomes due the Contractor, not as a penalty but as liquidated damages representing the parties' estimate at the time of executing this Agreement of the damages that the Owner will sustain for late completion.

ARTICLE 6 SAFETY

6.1 In accordance with the General Conditions, Contractor is responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with the Work. The safety program shall comply with all applicable requirements of the Occupational Safety and Health Act of 1970 and all other applicable federal, state and local laws and regulations and with the requirements of Owner's project safety specification.

6.2 Contractor shall provide recommendations and information to Owner and Project Architect regarding the assignment of responsibilities for safety precautions and programs, temporary Project facilities, and equipment, materials, and services for common use of the Subcontractors. Contractor shall verify that appropriate safety provisions are included in the Construction Documents. The existence or creation of any Owner controlled insurance program in connection with the Work shall not lessen or reduce the Contractor's safety responsibilities.

ARTICLE 7 CERTIFICATION OF NO ASBESTOS CONTAINING MATERIALS OR WORK

7.1 The Contractor shall be responsible for ensuring that no asbestos containing materials or work is included within the scope of the Work. The Contractor shall take whatever measures it deems necessary to ensure that all employees, suppliers, fabricators, material men, subcontractors, or their assigns, comply with this requirement.

7.2 The Contractor shall ensure that Texas Department of Health licensed individuals, consultants or companies are used for any required asbestos work including asbestos inspection, asbestos abatement plans/specifications, asbestos abatement, asbestos project management and third-party asbestos monitoring.

7.3 At Substantial Completion and Final Completion the Contractor shall provide a certification letter certifying that the Work does not contain asbestos.

ARTICLE 8 PRE-EXISTING CONDITIONS

The Contractor acknowledges that it has been provided unrestricted access to the existing improvements and conditions on the Project site and that it has thoroughly investigated those conditions. Contractor's investigation was instrumental in preparing its Proposal to perform the Work. Contractor shall not make or be entitled to any adjustment to the Contract Time or the Contract Sum arising from Project conditions that Contractor discovered or, in the exercise of reasonable care, should have discovered in Contractor's investigation.

ARTICLE 9 BONDS AND INSURANCE

9.1 The Contractor shall provide performance and payment bonds on forms prescribed by Owner and in accordance with the requirements set forth in the General Conditions. The penal sum of the payment and performance bonds shall be equal to the Contract Sum.

9.2 The Contractor shall not commence work under the Agreement until it has obtained all insurance coverage as required by the General Conditions and until evidence of the required insurance has been reviewed and approved by the Owner. Owner's review of the insurance shall not relieve nor decrease the liability of the Contractor.

ARTICLE 10 CONTRACTOR'S SPECIAL WARRANTIES AND RESPONSIBILITIES

10.1 Contractor agrees and acknowledges that Owner is entering into this Agreement in reliance on Contractor's represented expertise and ability to provide construction services. Contractor agrees to use its best efforts, skill, judgment, and abilities to perform its obligations and to further the interests of Owner in accordance with Owner's requirements and procedures.

10.2 Contractor represents and agrees that it will perform its services in accordance with the usual and customary standards of Contractor's profession or business and in compliance with all applicable national, federal, state, and municipal, laws, regulations, codes, ordinances, orders and with those of any other body having jurisdiction over the Project that are applicable to the performance of the work. Contractor agrees to bear the full cost of correcting Contractor's negligent or improper work and services, those of its consultants, and any harm caused by the negligent or improper work or services.

10.3 Contractor's duties shall not be diminished by any approval by Owner nor shall the Contractor be released from any liability by any approval by Owner, it being understood that the Owner is ultimately relying upon the Contractor's skill and knowledge in performing the services required by this Agreement.

10.4 Contractor represents and agrees that all persons connected with the Contractor directly in charge of its services are duly registered and/or licensed under the laws, rules and regulations of any authority having jurisdiction over the Project if registration is required.

10.5 Contractor represents and agrees to advise Owner of anything of any nature in any drawings, specifications, plans, sketches, instructions, information, requirements, procedures, and other data supplied to the Contractor (by the Owner or any other party) that is, in its opinion, unsuitable, improper, or inaccurate for the purposes for which the document or data is furnished. Because the Contract Documents are complementary, the Contractor shall, before starting each portion of the Work, carefully study and compare the various Contract Documents relative to that portion of the Work, as well as the information furnished by the Owner, shall take field measurements of any existing conditions related to that portion of the Work, and shall observe any conditions at the site affecting it. These obligations are for the purpose of facilitating coordination and construction by the Contractor and are not for the purpose of discovering errors, omissions, or inconsistencies in the Contract Documents; however, the Contractor shall promptly report to the Architect any errors, inconsistencies or omissions discovered by or made known to the Contractor as a request for information in such form as the Architect may require. It is recognized that the Contractor's review is made in the Contractor's capacity as a contractor and not as a licensed design professional, unless otherwise specifically provided in the Contract Documents.

10.6 The Contractor represents and agrees to perform its services under this Agreement in an expeditious and economical manner consistent with good business practices and the interests of Owner.

10.7 Contractor represents and agrees that there are no obligations, commitments, or impediments of any kind that will limit or prevent performance of its obligations under this Agreement.

10.8 Contractor represents and agrees that the individual executing this Agreement on behalf of Contractor has been duly authorized to act for and to bind Contractor to its terms.

10.9 Contractor shall designate a representative authorized to act on Contractor's behalf with respect to the Project.

10.10 Contractor shall establish and maintain a numbering and tracking system for all Project records including, but not limited to, changes, requests for information, submittals, and supplementary instructions and shall provide updated records to the Owner when requested.

10.11 Except for the obligation of Owner to pay Contractor certain fees, costs, and expenses pursuant to the terms of this Agreement, Owner shall have no liability to Contractor or to anyone claiming through or under Contractor by reason of the execution or performance of this Agreement. Notwithstanding any obligation or liability of Owner to Contractor, no present or future partner or affiliate of Owner or any agent, officer, director, or employee of Owner, or anyone claiming under Owner has or shall have any personal liability to Contractor or to anyone claiming through or under Contractor by reason of the execution or performance of this Agreement.

ARTICLE 11 INDEMNITY

11.1 SEE ARTICLE 3 OF THE GENERAL CONDITIONS FOR CONTRACTOR'S GENERAL INDEMNIFICATION OBLIGATIONS.

ARTICLE 12 PARTY REPRESENTATIVES

12.1 The Owner's Designated Representative authorized to act in the Owner's behalf with respect to the Project is:

Jennifer Bettiol
Capital Improvements Project Manager
PO Box 409, Georgetown, TX 78627
(512)930-6681
Jennifer.Bettiol@Georgetowntexas.gov

12.2 The Contractor's designated representative authorized to act on the Contractor's behalf and bind the Contractor with respect to the Project is:

Ivan Crossland, Jr
CEO
731 Industry Way
Prosper, TX 75078
972-347-5659
icrossland@crossland.com

12.3 The parties may make reasonable changes in their designated representatives upon advance written notice to the other party.

ARTICLE 13 NOTICES

Notices of claims or disputes or other legal notices required by this Agreement shall be sent to the following persons at the indicated locations.

If to Owner:

City of Georgetown
510 W 9th St
Georgetown, TX 78626
Attn: Purchasing
purchasing@georgetowntexas.gov

With Copies to:

City of Georgetown
ATTN: City Manager, City Attorney
P.O. Box 407
Georgetown, TX 78627
David.Morgan@georgetowntexas.gov
Skye.Masson@georgetowntexas.gov

If to Contractor:

Ivan Crossland, Jr
CEO
731 Industry Way
Prosper, TX 75078
972-347-5659
icrossland@crossland.com

The parties may make reasonable changes in the person or place designated for receipt of notices upon advance written notice to the other party.

ARTICLE 14 MISCELLANEOUS PROVISIONS

14.1 Assignment. This Agreement is a personal service contract for the services of Contractor, and Contractor's interest in this Agreement, duties hereunder and/or fees due hereunder may not be assigned or delegated to a third party without the written consent of the Owner.

14.2 Records of expenses pertaining to Additional Services and services performed on the basis of a Worker Wage Rate or Monthly Salary Rate shall be kept on the basis of generally accepted accounting principles and in accordance with cost accounting standards promulgated by the Federal Office of Management and Budget Cost Accounting Standards Board and shall be available for audit by the Owner or the Owner's authorized representative on reasonable notice.

14.3 Family Code Child Support Certification. Pursuant to Section 231.006, Texas Family Code, Service Provider certifies that it is not ineligible to receive the award of or payments under this Agreement and acknowledges that this Agreement may be terminated and payment may be withheld if this certification is inaccurate.

14.4 Franchise Tax Certification. A corporate or limited liability company Contractor certifies that it is not currently delinquent in the payment of any Franchise Taxes due under Chapter 171 of the *Texas Tax*

Code, or that the corporation or limited liability company is exempt from the payment of such taxes, or that the corporation or limited liability company is an out-of-state corporation or limited liability company that is not subject to the Texas Franchise Tax, whichever is applicable.

14.5 Entire Agreement; Modifications. This Agreement supersedes all prior agreements, written or oral, between Contractor and Owner and shall constitute the entire Agreement and understanding between the parties with respect to the Project. This Agreement and each of its provisions shall be binding upon the parties and may not be waived, modified, amended or altered except by a writing signed by Contractor and Owner.

14.6 Captions. The captions of paragraphs in this Agreement are for convenience only and shall not be considered or referred to in resolving questions of interpretation or construction.

14.7 Governing Law and Venue. This Agreement and all of the rights and obligations of the parties and all of the terms and conditions shall be construed, interpreted and applied in accordance with and governed by and enforced under the laws of the State of Texas without reference to its conflicts of law provisions. Williamson County, Texas or the county where the Project is located shall be the sole places of venue for any legal action arising from or related to this Agreement or the Project in which the Owner is a party.

14.8 Waivers. No delay or omission by either party in exercising any right or power arising from non-compliance or failure of performance by the other party with any of the provisions of this Agreement shall impair or constitute a waiver of any such right or power. A waiver by either party of any covenant or condition of this Agreement shall not be construed as a waiver of any subsequent breach of that or of any other covenant or condition of the Agreement.

14.9 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties and their respective permitted assigns and successors.

14.10 Appointment. Owner hereby expressly reserves the right from time to time to designate by notice to Contractor a representative(s) to act partially or wholly for Owner in connection with the performance of Owner's obligations. Contractor shall act only upon instructions from the designated representative(s) unless otherwise specifically notified to the contrary.

14.11 Records. Records of Contractor’s costs, reimbursable expenses pertaining to the Project and payments shall be available to Owner or its authorized representative during business hours and shall be retained for four (4) years after final Payment or abandonment of the Project, unless Owner otherwise instructs Contractor in writing.

14.12 Notices. All notices, consents, approvals, demands, requests or other communications relied on by the parties shall be in writing. Written notice shall be deemed to have been given when delivered in person to the designated representative of the Contractor or Owner for whom it is intended; or sent by U. S. Mail to the last known business address of the designated representative; or transmitted by fax machine to the last know business fax number of the designated representative. Mail notices are deemed effective upon receipt or on the third business day after the date of mailing, whichever is sooner. Fax notices are deemed effective the next business day after faxing.

14.13 Severability. Should any term or provision of this Agreement be held invalid or unenforceable in any respect, the remaining terms and provisions shall not be affected and this Agreement shall be construed as if the invalid or unenforceable term or provision had never been included.

14.14 Illegal Dumping. The Contractor shall ensure that it and all of its Subcontractors and assigns prevent illegal dumping of litter in accordance with Title 5, *Texas Health and Safety Code*, Chapter 365.

14.15 By signature hereon, Contractor certifies that no member of the City Council, has a financial interest, directly or indirectly, in the transaction that is the subject of this contract.

14.16 Disclosure of Interested Parties. By signature hereon, Contractor certifies that it has complied with Section 2252.908 of the Texas Government Code and Part 1 Texas Administrative Code Sections 46.1 through 46.3 as implemented by the Texas Ethics Commission (TEC), if applicable, and has provided the Owner with a fully executed TEC Form 1295, certified by the TEC and signed and notarized by the Contractor.

14.17 Contractor Certification Regarding Boycotting Israel. Pursuant to Chapter 2271, Texas Government Code, Contractor certifies that it (1) does not currently boycott Israel; and (2) will not boycott Israel during the term of this Agreement. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

14.18 Contractor Certification Regarding Business with Certain Countries and Organizations. Pursuant to Subchapter F, Chapter 2252, Texas Government Code, Contractor certifies Contractor is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

14.19 Contractor Certification Regarding Boycotting Energy Companies. Pursuant to Chapter 2274, Texas Government Code, Contractor certifies that either (1) Contractor is a sole proprietorship or company with fewer than ten (10) employees or (2) Contractor does not currently boycott energy companies and will not boycott energy companies during the Term of this Agreement. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

14.20 Contractor Certification Regarding Boycotting Firearm and Ammunition Industries. Pursuant to Chapter 2274, Texas Government Code, Contractor certifies that either (1) Contractor is a sole proprietorship or company with fewer than ten (10) employees or (2) Contractor does not currently boycott firearm and ammunition industries; and will not boycott firearm and ammunition industries during the Term of this Agreement. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

14.21 Domestic Iron and Steel Certification. Pursuant to Sections 2252.201-2252.205 of the Government Code, Service Provider certifies that it is in compliance with the requirement that any iron or steel product produced through a manufacturing process and used in the project is produced in the United States.

BY SIGNING BELOW, the Parties have executed and bound themselves to this Agreement as of the day and year first above written.

[SIGNATURES PROVIDED ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the day and year first written above.

CITY OF GEORGETOWN

By: _____

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

By: _____
City Attorney

THE STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the _____ day of _____, _____, by _____, Mayor of the City of Georgetown, on behalf of the City.

_____
Notary Public – State of Texas

Project Contractor

_____

Printed Name: _____

Title: _____

THE STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the _____ day of _____, _____, by _____ on behalf of _____.

_____
Notary Public – State of Texas

XX. EXHIBIT 00700

General Conditions

Table of Contents

Article 1. Definitions

Article 2. Wage Rates and Other Laws Governing Construction

Article 3. General Responsibilities of Owner and Contractor

Article 4. Bonds and Insurance

Article 5. Construction Documents, Coordination Documents, and Record Documents

Article 6. Construction Safety

Article 7. Quality Control

Article 8. Construction Schedules

Article 9. Payments

Article 10. Changes

Article 11. Project Completion and Acceptance

Article 12. Warranty and Guarantee

Article 13. Suspension and Termination

Article 14. Dispute Resolution

Article 15. Certification of No Asbestos Containing Material or Work

Article 16. Miscellaneous

Exhibit 00700

Article 1. Definitions

Unless the context clearly requires another meaning, the following terms have the meaning assigned herein.

1.1 *Application for Payment* means Contractor's monthly partial invoice for payment that includes any portion of the Work that has been completed for which an invoice has not been submitted and performed in accordance with the requirements of the Contract Documents. The Application for Payment accurately reflects the progress of the Work, is itemized based on the Schedule of Values, bears the notarized signature of Contractor, and shall not include subcontracted items for which Contractor does not intend to pay.

1.2 *Application for Final Payment* means Contractor's final invoice for payment that includes any portion of the Work that has been completed for which an invoice has not been submitted, amounts owing to adjustments to the final Contract Sum resulting from approved change orders, and release of remaining Contractor's retainage.

1.3 *Architect/Engineer (A/E)* means a person registered as an architect pursuant to Tex. Occ. Code Ann., Chapter 1051, as a landscape architect pursuant to Tex. Occ. Code Ann., Chapter 1052, a person licensed as a professional engineer pursuant Tex. Occ. Code Ann., Chapter 1001, and/or a firm employed by Owner or Design-Build Contractor to provide professional architectural or engineering services and to exercise overall responsibility for the design of a Project or a significant portion thereof, and to perform the contract administration responsibilities set forth in the Contract.

1.4 *Baseline Schedule* means the initial time schedule prepared by Contractor for Owner's information and acceptance that conveys Contractor's and Subcontractors' activities (including coordination and review activities required in the Contract Documents to be performed by A/E and ODR), durations, and sequence of work related to the entire Project to the extent required by the Contract Documents. The schedule clearly demonstrates the critical path of activities, durations and necessary predecessor conditions that drive the end date of the schedule. The Baseline Schedule shall not exceed the time limit current under the Contract Documents.

1.5 *Certificate of Final Completion* means the certificate issued by A/E that documents, to the best of A/E's knowledge and understanding, Contractor's completion of all Contractor's Punchlist items and pre-final Punchlist items, final cleanup and Contractor's provision of Record Documents, operations and maintenance manuals, and all other Close-Out documents required by the Contract Documents.

1.6 *Change Order* means a written modification of the Contract between Owner and Contractor, signed by Owner, Contractor and A/E.

1.7 *Close-out Documents* mean the product brochures, submittals, product/equipment maintenance and operations instructions, manuals, and other documents/warranties, record documents, affidavit of payment, release of lien and claim, and as may be further defined, identified, and required by the Contract Documents.

1.8 *Contract* means the entire agreement between Owner and Contractor, including all of the Contract Documents.

1.9 *Contract Date* is the date when the agreement between Owner and Contractor becomes effective.

1.10 *Contract Documents* mean those documents identified as a component of the agreement (Contract) between Owner and Contractor. These may include, but are not limited to, Drawings; Specifications; these General Conditions and Owner's Special Conditions; and all pre-bid and/or pre-proposal addenda.

1.11 *Contract Sum* means the total compensation payable to Contractor for completion of the Work in accordance with the terms of the Contract.

Exhibit 00700

1.12 *Contract Time* means the period between the start date identified in the Notice to Proceed with construction and the Substantial Completion date identified in the Notice to Proceed or as subsequently amended by a Change Order.

1.13 *Contractor* means the individual, corporation, limited liability company, partnership, firm, or other entity contracted to perform the Work, regardless of the type of construction contract used, so that the term as used herein includes a Construction Manager-at-Risk or a Design-Build firm as well as a general or prime Contractor. The Contract Documents refer to Contractor as if singular in number.

1.14 *Construction Documents* mean the Drawings, Specifications, and other documents issued to build the Project. Construction Documents become part of the Contract Documents when listed in the Contract or any Change Order.

1.15 *Construction Manager-at-Risk*, means a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repair of a facility at the contracted price as a general Contractor and provides consultation to Owner regarding construction during and after the design of the facility.

1.16 *Date of Commencement* means the date designated in the Notice to Proceed for Contractor to commence the Work.

1.17 *Day* means a calendar day unless otherwise specifically stipulated.

1.18 *Design-Build* means a project delivery method in which the detailed design and subsequent construction is provided through a single contract with a Design-Build firm; a team, partnership, or legal entity that includes design professionals and a builder.

1.19 *Drawings* mean that product of A/E which graphically depicts the Work.

1.20 *Final Completion* means the date determined and certified by A/E and Owner on which the Work is fully and satisfactorily complete in accordance with the Contract.

1.21 *Final Payment* means the last and final monetary compensation made to Contractor for any portion of the Work that has been completed and accepted for which payment has not been made, amounts owing to adjustments to the final Contract Sum resulting from approved change orders, and release of Contractor's retainage.

1.22 *Historically Underutilized Business (HUB)* pursuant to Tex. Gov't Code, Chapter 2161, means a business that is at least 51% owned by an Asian Pacific American, a Black American, a Hispanic American, a Native American and/or an American Woman; is an entity with its principal place of business in Texas; and has an owner residing in Texas with proportionate interest that actively participates in the control, operations, and management of the entity's affairs.

1.23 *Laws and Regulations*—Any and all applicable laws, rules, regulations, ordinances, codes, and orders of any and all governmental bodies, agencies, authorities, and courts having jurisdiction.

1.24 *Notice to Proceed* means written document informing Contractor of the dates beginning Work and the dates anticipated for Substantial Completion.

1.24 *Open Item List* means a list of work activities, Punchlist items, changes or other issues that are not expected by Owner and Contractor to be complete prior to Substantial Completion.

1.25 *Owner* means the City of Georgetown.

1.26 *Owner's Designated Representative (ODR)* means the individual assigned by Owner to act on its behalf

Exhibit 00700

and to undertake certain activities as specifically outlined in the Contract. ODR is the only party authorized to direct changes to the scope, cost, or time of the Contract.

1.27 *Owner's Special Conditions* mean the documents containing terms and conditions which may be unique to the Project. Owner's Special Conditions are a part of the Contract Documents and have precedence over the Uniform General Conditions

1.28 *Project* means all activities necessary for realization Owner's desired building or other structure including all ancillary and related work. This includes design, contract award(s), execution of the Work itself, work by Owner's forces and/or other Contractors and fulfillment of all Contract and warranty obligations.

1.29 *Proposed Change Order (PCO)* means a document that informs Contractor of a proposed change in the Work and appropriately describes or otherwise documents such change including Contractor's response of pricing for the proposed change.

1.30 *Punchlist* means a list of items of Work to be completed or corrected by Contractor before Final Completion. Punchlists indicate items to be finished, remaining Work to be performed, or Work that does not meet quality or quantity requirements as required in the Contract Documents.

1.31 *Record Documents* mean the drawing set, Specifications, and other materials maintained by Contractor that documents all addenda, Architect's Supplemental Instructions, Change Orders and postings and markings that record the as-constructed conditions of the Work and all changes made during construction.

1.32 *Request for Information (RFI)* means a written request by Contractor directed to A/E or ODR for a clarification of the information provided in the Contract Documents or for direction concerning information necessary to perform the Work that may be omitted from the Contract Documents.

1.33 *Samples* mean representative physical examples of materials, equipment, or workmanship used to confirm compliance with requirements and/or to establish standards for use in execution of the Work.

1.34 *Schedule of Values* means the detailed breakdown of the cost of the materials, labor, and equipment necessary to accomplish the Work as described in the Contract Documents, submitted by Contractor for approval by Owner and A/E.

1.35 *Shop Drawings* mean the drawings, diagrams, illustrations, schedules, performance charts, brochures, and other data prepared by Contractor or its agents which detail a portion of the Work.

1.36 *Site* means the geographical area of the location of the Work.

1.37 *Specifications* mean the written product of A/E that establishes the quality and/or performance of products utilized in the Work and processes to be used, including testing and verification for producing the Work.

1.38 *Subcontractor* means a business entity that enters into an agreement with Contractor to perform part of the Work or to provide services, materials, or equipment for use in the Work.

1.39 *Submittal Register* means a list provided by Contractor of all items to be furnished for review and approval by A/E and Owner and as identified in the Contract Documents including anticipated sequence and submittal dates.

1.40 *Substantial Completion* means the date determined and certified by Contractor, A/E, and Owner when the Work, or a designated portion thereof, is sufficiently complete, in accordance with the Contract, so as to be operational and fit for the use intended.

Exhibit 00700

1.41 *Unit Price Work* means the Work, or a portion of the Work, paid for based on incremental units of measurement.

1.42 *Unilateral Change Order (ULCO)* means a Change Order issued by Owner without the complete agreement of Contractor, as to cost and/or time.

1.43 *Work* means the administration, procurement, materials, equipment, construction and all services necessary for Contractor, and/or its agents, to fulfill Contractor's obligations under the Contract.

1.44 *Work Progress Schedule* means the continually updated time schedule prepared and monitored by Contractor that accurately indicates all necessary appropriate revisions as required by the conditions of the Work and the Project while maintaining a concise comparison to the Baseline Schedule.

Article 2. Wage Rates and Other Laws Governing Construction

2.1 Laws and Regulations.

2.1.1. Contractor shall give all notices required by and shall comply with all Laws and Regulations applicable to the performance of the Work. Except where otherwise expressly required by applicable Laws and Regulations, the City shall not be responsible for monitoring Contractor's compliance with any Laws or Regulations.

2.1.2. If Contractor performs any Work knowing or having reason to know that it is contrary to Laws or Regulations, Contractor shall bear all claims, costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals and all court or arbitration or other dispute resolution costs) arising out of or relating to such Work. However, it shall not be Contractor's responsibility to make certain that the Specifications and Drawings are in accordance with Laws and Regulations.

2.1.3. Changes in Laws or Regulations not known at the time of opening of Bids having an effect on the cost or time of performance of the Work may be the subject of an adjustment in Contract Price or Contract Time.

2.1.4. Contractor shall conduct activities in compliance with applicable laws and regulations and other requirements of the Contract relating to the environment and its protection at all times. Unless otherwise specifically determined, Contractor is responsible for obtaining and maintaining permits related to stormwater run-off. Contractor shall conduct operations consistent with stormwater run-off permit conditions. Contractor is responsible for all items it brings to the Site, including hazardous materials, and all such items brought to the Site by its SubContractors and suppliers, or by other entities subject to direction of Contractor. Contractor shall not incorporate hazardous materials into the Work without prior approval of Owner, and shall provide an affidavit attesting to such in association with request for Substantial Completion inspection.

2.2 Prevailing Wage Rates.

2.2.1. *Duty to pay Prevailing Wage Rates.* The Contractor shall comply with all requirements of Chapter 2258, Texas Government Code (as amended), including the payment of not less than the rates determined by the City Council of the City of Georgetown to be the prevailing wage rates in accordance with Chapter 2258. Such current prevailing wage rates are made part of these Contract Documents and can be found at https://www.wdol.gov/wdol/scafiles/davisbacon/TX

2.2.2. *Penalty for Violation.* A Contractor or any Subcontractor who does not pay the prevailing wage shall, upon demand made by the City, pay to the City $60 for each worker employed for each

Exhibit 00700

calendar day or part of the day that the worker is paid less than the prevailing wage rates stipulated in these contract documents. This penalty shall be retained by the City to offset its administrative costs, pursuant to Texas Government Code 2258.023.

2.2.3. *Complaints of Violations and City Determination of Good Cause.* On receipt of information, including a complaint by a worker, concerning an alleged violation of 2258.023, Texas Government Code, by a Contractor or Subcontractor, the City shall make an initial determination, before the 31st day after the date the City receives the information, as to whether good cause exists to believe that the violation occurred. The City shall notify in writing the Contractor or Subcontractor and any affected worker of its initial determination. Upon the City's determination that there is good cause to believe the Contractor or Subcontractor has violated Chapter 2258, the City shall retain the full amounts claimed by the claimant or claimants as the difference between wages paid and wages due under the prevailing wage rates, such amounts being subtracted from successive progress payments pending a final determination of the violation.

2.2.4. *Arbitration Required if Violation Not Resolved.* An issue relating to an alleged violation of Section 2258.023, Texas Government Code, including a penalty owed to the City or an affected worker, shall be submitted to binding arbitration in accordance with the Texas General Arbitration Act (Article 224 et seq., Revised Statutes) if the Contractor or Subcontractor and any affected worker does not resolve the issue by agreement before the 15th day after the date the City makes its initial determination pursuant to Paragraph C above. If the persons required to arbitrate under this section do not agree on an arbitrator before the 11th day after the date that arbitration is required, a district court shall appoint an arbitrator on the petition of any of the persons. The City is not a party in the arbitration. The decision and award of the arbitrator is final and binding on all parties and may be enforced in any court of competent jurisdiction.

2.2.5 *Records to be Maintained.* The Contractor and each Subcontractor shall, for a period of three (3) years following the date of acceptance of the work, maintain records that show (i) the name and occupation of each worker employed by the Contractor in the construction of the Work provided for in this Contract; and (ii) the actual per diem wages paid to each worker. The records shall be open at all reasonable hours for inspection by the City. The provisions of Paragraph 16.4, Right to Audit, shall pertain to this inspection.

2.2.6. *Progress Payments*. With each progress payment or payroll period, whichever is less, the Contractor shall submit an affidavit stating that the Contractor has complied with the requirements of Chapter 2258, Texas Government Code.

2.2.7. *Posting of Wage Rates*. The Contractor shall post prevailing wage rates in a conspicuous place at all times.

2.2.8. *Subcontractor Compliance*. The Contractor shall include in its subcontracts and/or shall otherwise require all of its Subcontractors to comply with the provisions above.

2.3 Venue for Suits. The venue for any suit arising from the Contract will be in a court of competent jurisdiction in County, Texas.

2.4 Licensing of Trades. Contractor shall comply with all applicable provisions of State law related to license requirements for skilled tradesmen, Contractors, suppliers and or laborers, as necessary to accomplish the Work. In the event Contractor, or one of its Subcontractors, loses its license during the term of performance of the Contract, Contractor shall promptly hire or contract with a licensed provider of the service at no additional cost to Owner.

2.5 Royalties, Patents, and Copyrights. Contractor shall pay all royalties and license fees, defend suits or claims for infringement of copyrights and patent rights, and shall hold Owner harmless from loss on account thereof, but shall not be responsible for such defense or loss when a particular design, process

Exhibit 00700

or product of a particular manufacturer or manufacturers is required by the Contract Documents, or where the copyright violations are contained in Drawings, Specifications or other documents prepared by Owner or A/E. However, if Contractor has reason to believe that the required design, process, or product is an infringement of a copyright or a patent, Contractor shall be responsible for such loss unless such information is promptly furnished to A/E.

2.6 State Sales and Use Taxes. Owner qualifies for exemption from certain State and local sales and use taxes pursuant to the provisions of Tex. Tax Code, Chapter 151. Upon request from Contractor, Owner shall furnish evidence of tax exempt status. Contractor may claim exemption from payment of certain applicable State taxes by complying with such procedures as prescribed by the State Comptroller of Public Accounts. Owner acknowledges not all items qualify for exemption. Owner is not obligated to reimburse Contractor for taxes paid on items that qualify for tax exemption.

Article 3. General Responsibilities of Owner and Contractor

3.1 Owner's General Responsibilities. Owner is the entity identified as such in the Contract and referred to throughout the Contract Documents as if singular in number.

3.1.1 Preconstruction Conference. Prior to, or concurrent with, the issuance of Notice to Proceed with construction, a conference will be convened for attendance by Owner, Contractor, A/E and appropriate Subcontractors. The purpose of the conference is to establish a working understanding among the parties as to the Work, the operational conditions at the Project Site, and general administration of the Project. Topics include communications, schedules, procedures for handling Shop Drawings and other submittals, processing Applications for Payment, maintaining required records and all other matters of importance to the administration of the Project and effective communications between the Project team members.

3.1.2 Owner's Designated Representative. Prior to the start of construction, Owner will identify Owner's Designated Representative (ODR), who has the express authority to act and bind Owner to the extent and for the purposes described in the various Articles of the Contract, including responsibilities for general administration of the Contract.

3.1.2.1 Unless otherwise specifically defined elsewhere in the Contract Documents, ODR is the single point of contact between Owner and Contractor. Notice to ODR, unless otherwise noted, constitutes notice to Owner under the Contract.

3.1.2.2 All directives on behalf of Owner will be conveyed to Contractor and A/E by ODR in writing.

3.1.2.3 Owner will furnish or cause to be furnished, free of charge, the number of complete sets of the Drawings, Specifications, and addenda as provided in the Agreement or Owner's Special Conditions.

3.1.3 Owner Supplied Materials and Information.

3.1.3.1 Owner will furnish to Contractor those surveys describing the physical characteristics, legal description, limitations of the Site, Site utility locations, and other information used in the preparation of the Contract Documents.

3.1.3.2 Owner will provide information, equipment, or services under Owner's control to Contractor with reasonable promptness.

3.1.4 Availability of Lands. Owner will furnish, as indicated in the Contract, all required rights to use the lands upon which the Work occurs. This includes rights-of-way and easements for access and such other lands that are designated for use by Contractor. Contractor shall comply

Exhibit 00700

with all Owner identified encumbrances or restrictions specifically related to use of lands so furnished. Owner will obtain and pay for easements for permanent structures or permanent changes in existing facilities, unless otherwise required in the Contract Documents.

3.1.5 Limitation on Owner's Duties.

3.1.5.1 Owner will not supervise, direct, control or have authority over or be responsible for Contractor's means, methods, technologies, sequences or procedures of construction or the safety precautions and programs incident thereto. Owner is not responsible for any failure of Contractor to comply with laws and regulations applicable to the Work. Owner is not responsible for the failure of Contractor to perform or furnish the Work in accordance with the Contract Documents. Except as provided in Section 2.5, Owner is not responsible for the acts or omissions of Contractor, or any of its Subcontractors, suppliers or of any other person or organization performing or furnishing any of the Work on behalf of Contractor.

3.1.5.2 Owner will not take any action in contravention of a design decision made by A/E in preparation of the Contract Documents, when such actions are in conflict with statutes under which A/E is licensed for the protection of the public health and safety.

3.2 Role of Architect/Engineer. Unless specified otherwise in the Contract between Owner and Contractor, A/E shall provide general administration services for Owner during the construction phase of the project. Written correspondence, requests for information, and Shop Drawings/submittals shall be directed to A/E for action. A/E has the authority to act on behalf of Owner to the extent provided in the Contract Documents, unless otherwise modified by written instrument, which will be furnished to Contractor by ODR, upon request.

3.2.1 Site Visits.

3.2.1.1 A/E will make visits to the Site at intervals as provided in the A/E's Contract with Owner, to observe the progress and the quality of the various aspects of Contractor's executed Work and report findings to Owner.

3.2.1.2 A/E has the authority to interpret Contract Documents and inspect the Work for compliance and conformance with the Contract. Except as referenced in Paragraph 3.1.5.2, Owner retains the sole authority to accept or reject Work and issue direction for correction, removal, or replacement of Work.

3.2.2 Clarifications and Interpretations. It may be determined that clarifications or interpretations of the Contract Documents are necessary. Upon direction by ODR, such clarifications or interpretations will be provided by A/E consistent with the intent of the Contract Documents. A/E will issue these clarifications with reasonable promptness to Contractor as A/E's supplemental instruction ("ASI") or similar instrument. If Contractor believes that such clarification or interpretation justifies an adjustment in the Contract Sum or the Contract Time, Contractor shall so notify Owner in accordance with the provisions of Article 11.

3.2.3 Limitations on Architect/Engineer Authority. A/E is not responsible for:

3.2.3.1 Contractor's means, methods, techniques, sequences, procedures, safety, or programs incident to the Project, nor will A/E supervise, direct, control or have authority over the same;

3.2.3.2 The failure of Contractor to comply with laws and regulations applicable to the furnishing or performing the Work;

Exhibit 00700

3.2.3.3 Contractor's failure to perform or furnish the Work in accordance with the Contract Documents; or

3.2.3.4 Acts or omissions of Contractor, or of any other person or organization performing or furnishing any of the Work.

3.3 Contractor's General Responsibilities. Contractor is solely responsible for implementing the Work in full compliance with all applicable laws and the Contract Documents and shall supervise and direct the Work using the best skill and attention to assure that each element of the Work conforms to the Contract requirements. Contractor is solely responsible for all construction means, methods, techniques, safety, sequences, coordination and procedures.

Contractor shall visit the Site before commencing the Work and become familiar with local conditions such as the location, accessibility and general character of the Site and/or building.

3.3.1 Project Administration. Contractor shall provide Project administration for all Subcontractors, vendors, suppliers, and others involved in implementing the Work and shall coordinate administration efforts with those of A/E and ODR in accordance with these general conditions, Division 1 of the Specifications and other provisions of the Contract, and as outlined in the pre-construction conference.

3.3.2 Contractor's Management Personnel. Contractor shall employ a competent person or persons who will be present at the Project Site during the progress of the Work to supervise or oversee the work. The competent persons are subject to the approval of ODR. Contractor shall not change approved staff during the course of the project without the written approval of ODR unless the staff member leaves the employment of Contractor. Contractor shall provide additional quality control, safety and other staff as stated in the Contract Documents.

3.3.3 Labor. Contractor shall provide competent, suitably qualified personnel to survey, lay-out, and construct the Work as required by the Contract Documents and maintain good discipline and order at the Site at all times.

3.3.4 Services, Materials, and Equipment. Unless otherwise specified, Contractor shall provide and assume full responsibility for all services, materials, equipment, labor, transportation, construction equipment and machinery, tools, appliances, fuel, power, light, heat, telephone, water, sanitary facilities, temporary facilities, and all other facilities, incidentals, and services necessary for the construction, performance, testing, start-up, inspection and completion of the Work.

3.3.5 Contractor General Responsibility. For Owner furnished equipment or material that will be in the care, custody, and control of Contractor, Contractor is responsible for damage or loss.

3.3.6 Non-Compliant Work. Should A/E and/or ODR identify Work as non-compliant with the Contract Documents, A/E and/or ODR shall communicate the finding to Contractor, and Contractor shall correct such Work at no additional cost to the Owner. The approval of Work or the failure to find non-compliant Work by either A/E or ODR does not relieve Contractor from the obligation to comply with all requirements of the Contract Documents.

3.3.7 Subcontractors. Contractor shall not employ any Subcontractor, supplier or other person or organization, whether initially or as a substitute, against whom Owner shall have reasonable objection. Owner will communicate such objections in writing within ten (10) days of receipt of Contractor's intent to use such Subcontractor, supplier, or other person or organization. Contractor is not required to employ any Subcontractor, supplier or other person or organization to furnish any of the work to whom Contractor has reasonable objection. Contractor shall not substitute Subcontractors without the acceptance of Owner.

Exhibit 00700

3.3.7.1 All Subcontracts and supply contracts shall be consistent with and bind the Subcontractors and suppliers to the terms and conditions of the Contract Documents including provisions of the Contract between Contractor and Owner.

3.3.7.2 Contractor shall be solely responsible for scheduling and coordinating the Work of Subcontractors, suppliers and other persons and organizations performing or furnishing any of the Work under a direct or indirect contract with Contractor. Require all Subcontractors, suppliers and such other persons and organizations performing or furnishing any of the Work to communicate with Owner only through Contractor. Contractor shall furnish to Owner a copy, at Owner's request, of each first-tier subcontract promptly after its execution. Contractor agrees that Owner has no obligation to review or approve the content of such contracts and that providing Owner such copies in no way relieves Contractor of any of the terms and conditions of the Contract, including, without limitation, any provisions of the Contract which require the Subcontractor to be bound to Contractor in the same manner in which Contractor is bound to Owner.

3.3.8 Continuing the Work. Contractor shall carry on the Work and adhere to the progress schedule during all disputes, disagreements, or alternative resolution processes with Owner. Contractor shall not delay or postpone any Work because of pending unresolved disputes, disagreements or alternative resolution processes, except as Owner and Contractor may agree in writing.

3.3.9 Cleaning. Contractor shall at all times, keep the Site and the Work clean and free from accumulation of waste materials or rubbish caused by the construction activities under the Contract. Contractor shall ensure that the entire Project is thoroughly cleaned prior to requesting Substantial Completion inspection and, again, upon completion of the Project prior to the final inspection.

3.3.10 Acts and Omissions of Contractor, its Subcontractors and Employees. Contractor shall be responsible for acts and omissions of his employees and all its Subcontractors, their agents and employees. Owner may, in writing, require Contractor to remove from the Project any of Contractor's or its Subcontractor's employees whom ODR finds to be careless, incompetent, unsafe, uncooperative, disruptive, or otherwise objectionable.

3.3.11 Ancillary Areas. Contractor shall operate and maintain operations and associated storage areas at the site of the Work in accordance with the following:

3.3.11.1 All Contractor operations, including storage of materials and employee parking upon the Site of Work, shall be confined to areas designated by Owner.

3.3.11.2 Contractor may erect, at its own expense, temporary buildings that will remain its property. Contractor shall remove such buildings and associated utility service lines upon completion of the Work, unless Contractor requests and Owner provides written consent that it may abandon such buildings and utilities in place.

3.3.11.3 Contractor shall use only established roadways or construct and use such temporary roadways as may be authorized by Owner. Contractor shall not allow load limits of vehicles to exceed the limits prescribed by appropriate regulations or law. Contractor shall provide protection to road surfaces, curbs, sidewalks, trees, shrubbery, sprinkler systems, drainage structures and other like existing improvements to prevent damage and repair any damage thereto at the expense of Contractor.

3.3.11.4 Owner may restrict Contractor's entry to the Site to specifically assigned entrances and routes.

Exhibit 00700

3.3.12 Separate Contracts. Owner reserves the right to award other contracts in connection with the Project under the same or substantially similar contract terms, including those portions related to insurance and waiver of subrogation. Owner reserves the right to perform operations related to the Project with Owner's own forces.

3.3.13 Under a system of separate contracts, the conditions described herein continue to apply except as may be amended by change order.

3.3.14 Contractor shall cooperate with other contractors or forces employed on the Project by Owner, including providing access to Site, integration of activities within Contractor's Work Progress Schedule and Project information as requested.

3.3.15 Owner shall be reimbursed by Contractor for costs incurred by Owner which are payable to a separate Contractor because of delays, improperly timed activities, or defective construction by Contractor. Owner will equitably adjust the Contract by Change Order for costs incurred by Contractor because of delays, improperly timed activities, damage to the Work or defective construction by a separate contractor.

3.4 Indemnification of Owner.

3.4.1 Contractor covenants and agrees to indemnify, hold harmless and defend, at its own expense, the City, its officers, servants and employees, from and against any and all claims arising out of, or alleged to arise out of, the work and services to be performed by the Contractor, its officers, agents, employees, subcontractors, licenses or invitees under this Contract. THIS INDEMNIFICATION PROVISION IS SPECIFICALLY INTENDED TO OPERATE AND BE EFFECTIVE EVEN IF IT IS ALLEGED OR PROVEN THAT ALL OR SOME OF THE DAMAGES BEING SOUGHT WERE CAUSED, IN WHOLE OR IN PART, BY ANY ACT, OMISSION OR NEGLIGENCE OF THE CITY. This indemnity provision is intended to include, without limitation, indemnity for costs, expenses and legal fees incurred by the City in defending against such claims and causes of actions.

3.4.2 **Contractor covenants and agrees to indemnify and hold harmless, at its own expense, the City, its officers, servants and employees, from and against any and all loss, damage or destruction of property of the City, arising out of, or alleged to arise out of, the work and services to be performed by the Contractor, its officers, agents, employees, subcontractors, licensees or invitees under this Contract. THIS INDEMNIFICATION PROVISION IS SPECIFICALLY INTENDED TO OPERATE AND BE EFFECTIVE EVEN IF IT IS ALLEGED OR PROVEN THAT ALL OR SOME OF THE DAMAGES BEING SOUGHT WERE CAUSED, IN WHOLE OR IN PART, BY ANY ACT, OMISSION OR NEGLIGENCE OF THE CITY.**

3.4.3 The provisions of this indemnification are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

3.4.4 Contractor shall promptly advise Owner in writing of any claim or demand against Owner or against Contractor which involves Owner and known to Contractor and related to or arising out of Contractor's activities under this Contract.

3.4.5 These indemnity provisions shall survive the termination of this Agreement regardless of the reason for termination.

Article 4. Bonds and Insurance

4.1 Construction Bonds. Contractor is required to tender to Owner, prior to commencing the Work,

Exhibit 00700

performance and payment bonds, as required by Tex. Gov't Code, Chapter 2253. On Construction Manager-at-Risk and Design-Build Projects the Owner shall require a security bond, as described in Subsection 5.1.2 below.

4.1.1 Bond Requirements. Each bond shall be executed by a corporate surety or sureties authorized to do business in the State of Texas and acceptable to Owner, on Owner's form, and in compliance with the relevant provisions of the Texas Insurance Code. If any bond is for more than ten (10) percent of the surety's capital and surplus, Owner may require certification that the company has reinsured the excess portion with one or more reinsurers authorized to do business in the State. A reinsurer may not reinsure for more than ten (10) percent of its capital and surplus. If a surety upon a bond loses its authority to do business in the State, Contractor shall, within thirty (30) days after such loss, furnish a replacement bond at no added cost to Owner.

4.1.1.1 A Performance bond is required if the Contract Sum is in excess of $100,000. The performance bond is solely for the protection of Owner. The performance bond is to be for the Contract Sum to guarantee the faithful performance of the Work in accordance with the Contract Documents. The form of the bond shall be approved by the Office of the Attorney General of Texas. The performance bond shall be effective through Contractor's warranty period.

4.1.1.2 A Payment bond is required if the Contract price is in excess of $25,000. The payment bond is to be for the Contract Sum and is payable to Owner solely for the protection and use of payment bond beneficiaries. The form of the bond shall be approved by the Office of the Attorney General of Texas.

4.1.2 Security Bond. The security bond provides protection to Owner if Contractor presents an acceptable guaranteed maximum price ("GMP") to Owner but is unable to deliver the required payment and performance bonds within the time period stated below.

4.1.3 When Bonds Are Due

4.1.3.1 Security bonds are due before execution of a Construction Manager-at-Risk or Design-Build Contract.

4.1.3.2 Payment and performance bonds are due before execution of a contract on competitively bid or competitively sealed proposal projects or before execution of a GMP proposal on Construction Manager-at-Risk projects or Design-Build projects.

4.1.4 Power of Attorney. Each bond shall be accompanied by a valid power of attorney (issued by the surety company and attached, signed and sealed with the corporate embossed seal, to the bond) authorizing the attorney-in-fact who signs the bond to commit the company to the terms of the bond, and stating any limit in the amount for which the attorney can issue a single bond.

4.1.5 Bond Indemnification. The process of requiring and accepting bonds and making claims thereunder shall be conducted in compliance with Tex. Gov't Code, Chapter 2253. IF FOR ANY REASON A STATUTORY PAYMENT OR PERFORMANCE BOND IS NOT HONORED BY THE SURETY, CONTRACTOR SHALL FULLY INDEMNIFY AND HOLD OWNER HARMLESS OF AND FROM ANY COSTS, LOSSES, OBLIGATIONS OR LIABILITIES IT INCURS AS A RESULT.

4.1.6 Furnishing Bond Information. Owner shall furnish certified copies of the payment bond and the related Contract to any qualified person seeking copies who complies with Tex. Gov't Code § 2253.026.

4.1.7 Claims on Payment Bonds. Claims on payment bonds must be sent directly to Contractor and

Exhibit 00700

his surety in accordance with Tex. Gov't Code § 2253.041. All payment bond claimants are cautioned that no lien exists on the funds unpaid to Contractor on such Contract, and that reliance on notices sent to Owner may result in loss of their rights against Contractor and/or his surety. Owner is not responsible in any manner to a claimant for collection of unpaid bills, and accepts no such responsibility because of any representation by any agent or employee.

4.1.8 Payment Claims when Payment Bond not Required. The rights of Subcontractors regarding payment are governed by Tex. Prop. Code §§ 53.231 – 53.239 when the value of the Contract between Owner and Contractor is less than $25,000.00. These provisions set out the requirements for filing a valid lien on funds unpaid to Contractor as of the time of filing the claim, actions necessary to release the lien and satisfaction of such claim.

4.1.9 Sureties. A surety shall be listed on the US Department of the Treasury's Listing of Approved Sureties maintained by the Bureau of Financial Management Service (FMS), www.fms.treas.gov/c570, stating companies holding Certificates of Authority as acceptable sureties on Federal bonds and acceptable reinsuring companies (FMS Circular 570).

4.2 Insurance Requirements. Contractor shall carry insurance in the types and amounts indicated in this Article for the duration of the Contract. The required insurance shall include coverage for Owner's property prior to construction, during construction and during the warranty period. The insurance shall be evidenced by delivery to Owner of certificates of insurance executed by the insurer or its authorized agent stating coverages, limits, expiration dates and compliance with all applicable required provisions. Upon request, Owner, and/or its agents, shall be entitled to receive without expense, copies of the policies and all endorsements. Contractor shall update all expired policies prior to submission for monthly payment. Failure to update policies shall be reason for withholding of payment until renewal is provided to Owner.

4.2.1 Contractor, consistent with its status as an independent Contractor, shall provide and maintain all insurance coverage with the minimum amounts described below until the end of the warranty period unless otherwise stated in Owner's Special Conditions. Failure to maintain insurance coverage, as required, is grounds for suspension of Work for cause pursuant to Article 14. The Contractor will be notified of the date on which the Builder's Risk insurance policy may be terminated by any means deemed appropriate by Owner.

4.2.2 Coverage shall be written on an occurrence basis by companies authorized and admitted to do business in the State of Texas and rated A-, VII or better by A.M. Best Company or similar rating company or otherwise acceptable to Owner.

4.2.2.1 Insurance Coverage Required.

4.2.2.1.1 Workers' Compensation. Insurance with limits as required by the Texas Workers' Compensation Act and Employer's Liability Insurance with limits of not less than:

$1,000,000 each accident;

$1,000,000 disease each employee; and

$1,000,000 disease policy limit.

Policies must include (a) Other States Endorsement to include TEXAS if business is domiciled outside the State of Texas, and (b) a waiver of all rights of subrogation in favor of Owner.

4.2.2.1.2 Commercial General Liability Insurance, including premises, operations, independent Contractor's liability, products and completed

Exhibit 00700

operations and contractual liability, covering, but not limited to, the liability assumed under the indemnification provisions of this Contract, fully insuring Contractor's (or Subcontractor's) liability for bodily injury (including death) and property damage with a minimum limit of:

$1,000,000 per occurrence;

$2,000,000 general aggregate;

$2,000,000 products and completed operations aggregate; and

Coverage shall be on an "occurrence" basis.

The policy shall include coverage extended to apply to completed operations and explosion, collapse, and underground hazards. The policy shall include endorsement CG2503 Amendment of Aggregate Limits of Insurance (per Project) or its equivalent.

If the Work involves any activities within fifty (50) feet of any railroad, railroad protective insurance as may be required by the affected railroad, written for not less than the limits required by such railroad.

4.2.2.1.3 Asbestos Abatement Liability Insurance, including coverage for liability arising from the encapsulation, removal, handling, storage, transportation, and disposal of asbestos containing materials. *This requirement applies if the Work or the Project includes asbestos containing materials.

The combined single limit for bodily injury and property damage will be a minimum of $1,000,000 per occurrence.

*Specific requirement for claims-made form: Required period of coverage will be determined by the following formula: continuous coverage for life of the Contract, plus one (1) year (to provide coverage for the warranty period), and an extended discovery period for a minimum of five (5) years which shall begin at the end of the warranty period.

Employer's liability limits for asbestos abatement will be:

$1,000,000 each accident;

$1,000,000 disease each employee; and

$1,000,000 disease policy limit.

If this Contract is for asbestos abatement only, the All-Risk Builder's Risk or all-risk installation floater (5.2.2.1.5.e) is not required.

4.2.2.1.4 Business Automobile Liability Insurance, covering all owned, hired, and non-owned vehicles, with a minimum combined single limit for bodily injury (including death) and property damage of $1,000,000 per occurrence. No aggregate shall be permitted for this type of coverage.

Exhibit 00700

Such insurance is to include coverage for loading and unloading hazards.

Contractor or any subcontractor responsible for transporting asbestos or other hazardous materials defined as asbestos shall provide pollution coverage for any vehicle hauling asbestos containing cargo. The policy must include a MCS 90 endorsement with a $5,000,000 limit and the CA 9948 Pollution Endorsement, or its equivalent.

4.2.2.1.5 All-Risk Builder's Risk Insurance, if applicable (or all-risk installation floater for instances in which the project involves solely the installation of material and/or equipment). Coverage is determined by the Contract Sum, as detailed, below.

BUILDERS RISK REQUIREMENT FOR PROJECTS WITH A CONTRACT SUM <$20 MILLION

4.2.2.1.5.1 Contractor shall purchase and maintain in force builders risk insurance on the entire Work. Such insurance shall be written in the amount of the original contract, plus any subsequent change orders and plus the cost of materials supplied or installed by others, comprising Total Value for the entire Project at the site. The insurance shall apply on a replacement cost basis with no coinsurance provision. A sublimit may be applicable to flood coverage, but sublimit must be at least 20% of the Total Value of the Project. The limit for all other perils, including Named Windstorm, Wind, and Hail, must be equal to the Total Value for the entire Project at the site. (If Installation Floater, limit shall be equal to 100 percent of the contract cost.)

4.2.2.1.5.2 This insurance shall name as insureds the Owner, the Contractor, and all subcontractors and sub-subcontractors in the Work.

4.2.2.1.5.3 Builders risk insurance shall be on an "all risk" or equivalent policy form and shall include, without limitation, insurance against fire and extended coverage perils, theft, vandalism, malicious mischief, collapse, earthquake, flood, windstorm, boiler and machinery/mechanical breakdown, testing and startup, and terrorism.

4.2.2.1.5.4 This insurance shall cover the entire work at the site as required in 4.2.2.1.5.1, including, but not limited to, the following:

- Temporary works including but not limited to scaffolding, form work, fences, shoring, hoarding, falsework and temporary buildings
- Offsite Storage
- Portions of the work in transit
- Debris removal
- Extra Expense
- Expediting Expenses
- Demolition and Increased Cost of Construction
- Pollutant Clean-Up and Removal
- Trees, Shrubs, Plants, Lawns and Landscaping (if applicable)
- Errors & Omissions (applicable to purchase of Builders Risk policy only)

4.2.2.1.5.5 This insurance shall not contain an occupancy clause suspending or reducing coverage should the Owner occupy, or begin beneficial occupancy before the Owner has accepted final completion.

4.2.2.1.5.6 This insurance shall be specific as to coverage and shall be primary to any permanent insurance or self-insurance that may be maintained on the property by Owner.

Exhibit 00700

4.2.2.1.5.7 This insurance shall include a waiver of subrogation in favor of Owner, the Contractor, and all subcontractors and sub-subcontractors in the work.

4.2.2.1.5.8 As applicable, Flood deductible shall not exceed $250,000 for Zone A, $100,000 for Zone B and $50,000 for all other Zones. For Tier 1 and Tier 2, Named Windstorm deductible shall not exceed 2% of the project values in place at the time of the loss.

4.2.2.1.5.9 Before the commencement of the work, Contractor shall provide to Owner an accurate certificate of insurance that provides specific evidence of all requirements outlined in Section 4.2.2.1.5. A copy of the policy itself shall be provided to Owner within 30 days after Notice to Proceed.

4.2.2.1.5.10 Refer to Owner's Special Conditions for possible additional Builders Risk insurance requirements.

BUILDERS RISK REQUIREMENT FOR PROJECTS WITH A CONTRACT SUM ≥$20 MILLION

4.2.2.1.5.1 Contractor shall purchase and maintain in force builders risk insurance on the entire Work. Such insurance shall be written in the amount of the original contract, plus any subsequent change orders and plus the cost of materials supplied or installed by others, comprising Total Value for the entire Project at the site. The insurance shall apply on a replacement cost basis with no coinsurance provision and shall include a margin clause of plus/minus 10% on project value. A sublimit may be applicable to flood coverage, but sublimit must be at least 20% of the Total Value of the Project. A sublimit of $50 million or the Total Value of the Project, whichever is less, is acceptable for Earthquake. The limit for all other perils, including Named Windstorm, Wind, and Hail, must be equal to the Total Value for the entire Project at the site. (If Installation Floater, limit shall be equal to 100 percent of the contract cost.)

4.2.2.1.5.2 This insurance shall name as insureds the Owner, the Contractor, and all subcontractors and sub-subcontractors in the Work.

4.2.2.1.5.3 Builders risk insurance shall be on an "all risk" or equivalent policy form and shall include, without limitation, insurance against fire and extended coverage perils, theft, vandalism, malicious mischief, collapse, earthquake, flood, windstorm, boiler and machinery/mechanical breakdown, testing and startup, and terrorism.

4.2.2.1.5.4 This insurance shall cover the entire work at the site as required in 4.2.2.1.5.1, including, but not limited to, the following:

Coverage	Minimum Limit Required
Temporary works including but not limited to scaffolding, form work, fences, shoring, hoarding, falsework and temporary buildings	$1 million
Offsite Storage	Sufficient to cover the anticipated maximum values stored offsite
Portions of the work in Transit	Sufficient to cover the anticipated maximum values in transit
Debris Removal	25% of Physical damage amount subject to maximum of $5 million or 25% of Total Value of Project whichever is higher
Expediting Expenses	$1 million
Extra Expense	$5 million
Demolition and Increased Cost of Construction	$2 million or 10% of Total Value of Project whichever is higher
Pollutant Clean-Up and Removal	$250,000
Trees, Shrubs, Plants, Lawns and Landscaping (if applicable)	$2,500 per item subject to a maximum of $1 million

Exhibit 00700

Errors & Omissions (applicable to purchase of Builders Risk policy only)	$2.5 million

4.2.2.1.5.5 This insurance shall not contain an occupancy clause suspending or reducing coverage should the Owner occupy, or begin beneficial occupancy before the Owner has accepted final completion.

4.2.2.1.5.6 This insurance shall be specific as to coverage and shall be primary to any permanent insurance or self-insurance that may be maintained on the property by Owner.

4.2.2.1.5.7 This insurance shall include a waiver of subrogation in favor of Owner, the Contractor, and all subcontractors and sub-subcontractors in the work.

4.2.2.1.5.8 As applicable, Flood deductible shall not exceed $250,000 for Zone A, $100,000 for Zone B and $50,000 for all other Zones. For Tier 1 and Tier 2, Named Windstorm deductible shall not exceed 2% of the project values in place at the time of the loss.

4.2.2.1.5.9 Before the commencement of the work, Contractor shall provide to Owner an accurate certificate of insurance that provides specific evidence of all requirements outlined in Section 5.2.2.1.5. A copy of the policy itself shall be provided to Owner within 30 days after Notice to Proceed.

4.2.2.1.5.10 Refer to Owner's Special Conditions for possible additional Builders Risk insurance requirements.

4.2.2.1.6 "Umbrella" Liability Insurance. Contractor shall obtain, pay for and maintain umbrella liability insurance during the Contract term, insuring Contractor (or Subcontractor) that provides coverage at least as broad as and applies in excess and follows form of the primary liability coverages required above. The policy shall provide "drop down" coverage where underlying primary insurance coverage limits are insufficient or exhausted.

4.2.2.1.7 "Umbrella" Liability Insurance coverage shall be in the following amounts:

- If Contract sum is $1,000,000 or less:
  No Umbrella Required
- If Contract Sum is greater than $1,000,000 up to $3,000,000:
  $1,000,000 each occurrence and $2,000,000 annual aggregate
- If Contract Sum is greater than $3,000,000 up to $5,000,000:
  $5,000,000 each occurrence and $5,000,000 annual aggregate
- If Contract Sum is greater than $5,000,000:
  $10,000,000 each occurrence and $10,000,000 annual aggregate

4.2.3 All Policies must include the following clauses, as applicable:

4.2.3.1 Contractor must provide to Owner immediate notice of cancellation, material change, or non-renewal to any insurance coverages required herein above. This requirement may be satisfied by the Contractor providing a copy of the notice received by the insurer to Owner within two business days of date of receipt or by Endorsement of the policies that require Insurer to provide notice to Owner.

4.2.3.2 It is agreed that Contractor's insurance shall be deemed primary with respect to any insurance or self insurance carried by Owner for liability arising out of operations under the Contract with Owner.

4.2.3.3 Owner, its officials, directors, employees, representatives, and volunteers are added

Exhibit 00700

as additional insureds pursuant with ISO endorsement form CG 20 10 11 85 as respects operations and activities of, or on behalf of the named insured performed under Contract with Owner. The additional insured status must cover completed operations as well. This is not applicable to workers' compensation policies.

4.2.3.4 A waiver of subrogation in favor of Owner shall be provided in all policies.

4.2.3.5 If Owner is damaged by the failure of Contractor (or Subcontractor) to maintain insurance as required herein and/or as further described in Owner's Special Conditions, then Contractor shall bear all reasonable costs properly attributable to that failure.

4.2.4 Without limiting any of the other obligations or liabilities of Contractor, Contractor shall require each Subcontractor performing work under the Contract, at Subcontractor's own expense, to maintain during the term of the Contract, the same stipulated minimum insurance including the required provisions and additional policy conditions as shown above. As an alternative, Contractor may include its Subcontractors as additional insureds on its own coverage as prescribed under these requirements. Contractor's certificate of insurance shall note in such event that Subcontractors are included as additional insureds and that Contractor agrees to provide workers' compensation for Subcontractors and their employees. Contractor shall obtain and monitor the certificates of insurance from each Subcontractor in order to assure compliance with the insurance requirements. Contractor must retain the certificates of insurance for the duration of the Contract plus five (5) years and shall have the responsibility of enforcing these insurance requirements among its Subcontractors. Owner shall be entitled, upon request and without expense, to receive copies of these certificates.

4.2.5 Workers' compensation insurance coverage must meet the statutory requirements of Tex. Lab. Code § 401.011(44) and specific to construction projects for public entities as required by Tex. Lab. Code § 406.096.

4.2.5.1 Definitions:

4.2.5.1.1 Certificate of coverage ("certificate")- A copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement (DWC-81, DWC-82, DWC-83, or DWC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

4.2.5.1.2 Duration of the project - includes the time from the beginning of the work on the project until the Contractor's/person's work on the project has been completed and accepted by the Owner.

4.2.5.1.3 Persons providing services on the project ("subcontractor" in §406.096) – includes all persons or entities performing all or part of the services the Contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the Contractor and regardless of whether that person has employees. This includes, without limitation, independent Contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitation, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

4.2.5.2 The Contractor shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory

Exhibit 00700

requirements of Texas Labor Code, Section 401.011(44) for all employees of the Contractor providing services on the project, for the duration of the project.

4.2.5.3 The Contractor must provide a certificate of coverage to the Owner prior to being awarded the contract.

4.2.5.4 If the coverage period shown on the Contractor's current certificate of coverage ends during the duration of the project, the Contractor must, prior to the end of the coverage period, file a new certificate of coverage with the Owner showing that coverage has been extended.

4.2.5.5 The Contractor shall retain all required certificates of coverage for the duration of the project and for one year thereafter.

4.2.5.6 The Contractor shall notify the Owner in writing by certified mail or personal delivery, within 10 days after the Contractor knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.

4.2.5.7 The Contractor shall post on each project site a notice, in the text, form and manner prescribed by the Texas Depart of Insurance Division of Workers' Compensation, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.

4.2.5.8 The Contractor shall contractually require each person with whom it contracts to provide services on a project, to:

(1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;

(2) provide to the Contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing services on the project, for the duration of the project;

(3) provide the Contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(4) obtain from each other person with whom it contracts, and provide to the Contractor:

(a) a certificate of coverage, prior to the other person beginning work on the project; and

(b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(5) retain all required certificates of coverage on file for the duration of the project and for one year thereafter;

(6) notify the Owner in writing by certified mail or personal delivery, within 10 days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project; and

Exhibit 00700

(7) contractually require each person with whom it contracts, to perform as required by paragraphs (1) - (7), with the certificates of coverage to be provided to the person for whom they are providing services.

4.2.5.9 By signing this contract or providing or causing to be provided a certificate of coverage, the Contractor is representing to the Owner that all employees of the Contractor who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Contractor to administrative penalties, criminal penalties, civil penalties, or other civil actions.

4.2.5.10 The Contractor's failure to comply with any of these provisions is a breach of contract by the Contractor which entitles the Owner to declare the contract void if the Contractor does not remedy the breach within ten days after receipt of notice of breach from the Owner.

Article 5. Construction Documents, Coordination Documents, and Record Documents

5.1 Drawings and Specifications.

5.1.1 Copies Furnished. Contractor will be furnished, free of charge, an electronic copy of the Drawings, Specifications, and addenda as provided in the Agreement or the Owner's Special Conditions.

5.1.2 Ownership of Drawings and Specifications. All Drawings, Specifications and copies thereof furnished by A/E are to remain A/E's property. These documents are not to be used on any other project, and with the exception of the Contract record set and electronic versions needed for warranty operations, are to be returned to the A/E, upon request, following completion of the Work.

5.1.3 Interrelation of Documents. The Contract Documents as referenced in the Contract between Owner and Contractor are complementary, and what is required by one shall be as binding as if required by all.

5.1.4 Resolution of Conflicts in Documents. Where conflicts may exist within the Contract Documents, the documents shall govern in the following order: (a) Change Orders, addenda, and written amendments to the Contract; (b) the Contract; (c) Drawings; (d) Specifications (but Specifications shall control over Drawings as to quality of materials and installation); and (e) other Contract Documents. Among other categories of documents having the same order of precedence, the term or provision that includes the latest date shall control. Contractor shall notify A/E and ODR for resolution of the issue prior to executing the Work in question.

5.1.5 Contractor's Duty to Review Contract Documents. In order to facilitate its responsibilities for completion of the Work in accordance with and as reasonably inferable from the Contract Documents, prior to commencing the Work, Contractor shall examine and compare the Contract Documents, information furnished by Owner, relevant field measurements made by Contractor and any visible or reasonably anticipated conditions at the Site affecting the Work. This duty extends throughout the construction phase prior to commencing each particular work activity and/or system installation.

5.1.6 Discrepancies and Omissions in Drawings and Specifications.

Exhibit 00700

5.1.6.1 Promptly report to ODR and to A/E the discovery of any apparent error, omission or inconsistency in the Contract Documents prior to execution of the Work.

5.1.6.2 It is recognized that Contractor is not acting in the capacity of a licensed design professional, unless it is performing as a Design-Build firm.

5.1.6.3 It is further recognized that Contractor's examination of Contract Documents is to facilitate construction and does not create an affirmative responsibility to detect errors, omissions or inconsistencies or to ascertain compliance with applicable laws, building codes or regulations, unless it is performing as a Design-Build firm or a Construction Manager-at-Risk.

5.1.6.4 When performing as a Design-Build firm, Contractor has sole responsibility for discrepancies, errors, and omissions in the Drawings and Specifications.

5.1.6.5 When performing as a Construction Manager-at-Risk, Contractor has a shared responsibility with A/E for discovery and resolution of discrepancies, errors, and omissions in the Contract Documents. In such case, Contractor's responsibility pertains to review, coordination, and recommendation of resolution strategies within budget constraints.

5.1.6.6 Contractor has no liability for errors, omissions, or inconsistencies unless Contractor knowingly failed to report a recognized problem to Owner or the Work is executed under a Design-Build or Construction Manager-at-Risk Contract as outlined above. Should Contractor fail to perform the examination and reporting obligations of these provisions, Contractor is responsible for avoidable costs and direct damages.

5.1.6.7 Owner does not warrant or make any representations as to the accuracy, suitability or completeness of any information furnished to Contractor by Owner or it representatives.

5.2 Requirements for Record Documents. Contractor shall:

5.2.1 Maintain at the Site one copy of all Drawings, Specifications, addenda, approved submittals, Contract modifications, and all Project correspondence. Keep current and maintain Drawings and Specifications in good order with postings and markings to record actual conditions of Work and show and reference all changes made during construction. Provide Owner and A/E access to these documents.

5.2.2 Maintain the Record Documents which reflect the actual field conditions and representations of the Work performed, whether it be directed by addendum, Change Order or otherwise. Make available the Record Documents and all records prescribed herein for reference and examination by Owner and its representatives and agents.

5.2.3 Update the Record Documents at least monthly prior to submission of periodic partial pay estimates. Failure to maintain current Record Documents constitutes cause for denial of a progress payment otherwise due.

5.2.4 Prior to requesting Substantial Completion inspection Contractor shall furnish a copy of its marked-up Record Documents and a preliminary copy of each instructional manual, maintenance and operating manual, parts catalog, wiring diagrams, spare parts, specified written warranties and like publications, or parts for all installed equipment, systems, and like items and as described in the Contract Documents.

5.2.5 Once determined acceptable by ODR with input from A/E, provide one (1) reproducible copy and one (1) electronic media copy in a format acceptable to the ODR `of all Record Documents,

Exhibit 00700

unless otherwise required by the Owner's Special Conditions.

5.2.6 Contractor shall be responsible for updating the Record Documents for all Contractor initiated documents and changes to the Contract Documents due to coordination and actual field conditions, including RFIs.

5.2.7 A/E shall be responsible for updating the Record Documents for any addenda, Change Orders, A/E supplemental instructions and any other alterations to the Contract Documents generated by A/E or Owner.

Article 6. Construction Safety

6.1 General. It is the duty and responsibility of Contractor and all of its Subcontractors to be familiar with, enforce and comply with all requirements of Public Law No. 91-596, 29 U.S.C. § 651 et. seq., the Occupational Safety and Health Act of 1970, (OSHA) and all amendments thereto. Contractor shall prepare a safety plan specific to the Project and submit it to ODR and A/E prior to commencing Work. In addition, Contractor and all of its Subcontractors shall comply with all applicable laws and regulations of any public body having jurisdiction for safety of persons or property to protect them from damage, injury or loss and erect and maintain all necessary safeguards for such safety and protection.

6.2 Notices. Contractor shall provide notices as follows:

6.2.1 Notify owners of adjacent property including those that own or operate utility services and/or underground facilities, and utility owners, when prosecution of the Work may affect them or their facilities, and cooperate with them in the protection, removal, relocation and replacement, and access to their facilities and/or utilities.

6.2.2 Coordinate the exchange of material safety data sheets (MSDSs) or other hazard communication information required to be made available to or exchanged between or among employers at the site in connection with laws and regulations. Maintain a complete file of MSDSs for all materials in use on site throughout the construction phase and make such file available to Owner and its agents as requested.

6.3 Emergencies. In any emergency affecting the safety of persons or property, Contractor shall act to minimize, mitigate, and prevent threatened damage, injury or loss.

6.3.1 Have authorized agents of Contractor respond immediately upon call at any time of day or night when circumstances warrant the presence of Contractor to protect the Work or adjacent property from damage or to take such action pertaining to the Work as may be necessary to provide for the safety of the public.

6.3.2 Give ODR and A/E prompt notice of all such events.

6.3.3 If Contractor believes that any changes in the Work or variations from Contract Documents have been caused by its emergency response, promptly notify Owner within seventy-two (72) hours of the emergency response event.

6.3.4 Should Contractor fail to respond, Owner is authorized to direct other forces to take action as necessary and Owner may deduct any cost of remedial action from funds otherwise due Contractor.

6.4 Injuries. In the event of an incident or accident involving outside medical care for an individual on or near the Work, Contractor shall notify ODR and other parties as may be directed promptly, but no later than twenty-four (24) hours after Contractor learns that an event required medical care.

Exhibit 00700

6.4.1 Record the location of the event and the circumstances surrounding it, by using photography or other means, and gather witness statements and other documentation which describes the event.

6.4.2 Supply ODR and A/E with an incident report no later than thirty-six (36) hours after the occurrence of the event. In the event of a catastrophic incident (one (1) fatality or three (3) workers hospitalized), barricade and leave intact the scene of the incident until all investigations are complete. A full set of incident investigation documents, including facts, finding of cause, and remedial plans shall be provided within one (1) week after occurrence, unless otherwise directed by legal counsel. Contractor shall provide ODR with written notification within one week of such catastrophic event if legal counsel delays submission of full report.

6.5 Environmental Safety. Upon encountering any previously unknown potentially hazardous material, or other materials potentially contaminated by hazardous material, Contractor shall immediately stop work activities impacted by the discovery, secure the affected area, and notify ODR immediately.

6.5.1 Bind all Subcontractors to the same duty.

6.5.2 Upon receiving such notice, ODR will promptly engage qualified experts to make such investigations and conduct such tests as may be reasonably necessary to determine the existence or extent of any environmental hazard. Upon completion of this investigation, ODR will issue a written report to Contractor identifying the material(s) found and indicate any necessary steps to be taken to treat, handle, transport or dispose of the material.

6.5.3 Owner may hire third-party Contractors to perform any or all such steps.

6.5.4 Should compliance with ODR's instructions result in an increase in Contractor's cost of performance, or delay the Work, Owner will make an equitable adjustment to the Contract Sum and/or the time of completion, and modify the Contract in writing accordingly.

6.6 Trenching Plan. When the project requires excavation which either exceeds a depth of four (4) feet, or results in any worker's upper body being positioned below grade level, Contractor is required to submit a trenching plan to ODR prior to commencing trenching operations unless an engineered plan is part of the Contract Documents. The plan is required to be prepared and sealed by a professional engineer registered in the State of Texas, and hired or employed by Contractor or Subcontractor to perform the work. Said engineer cannot be anyone who is otherwise either directly or indirectly engaged on this project.

Article 7. Quality Control

7.1 Materials & Workmanship. Contractor shall execute Work in a good and workmanlike matter in accordance with the Contract Documents. Contractor shall develop and provide a quality control plan specific to this Project and acceptable to Owner. Where Contract Documents do not specify quality standards, complete and construct all Work in compliance with generally accepted construction industry standards. Unless otherwise specified, incorporate all new materials and equipment into the Work under the Contract.

7.2 Testing.

7.2.1 Owner is responsible for coordinating and paying for routine and special tests required to confirm compliance with quality and performance requirements, except as stated below or otherwise required by the Contract Documents.

7.2.2 Contractor shall provide the following testing as well as any other testing required of Contractor by the Specifications:

Exhibit 00700

7.2. 2.1 Any test of basic material or fabricated equipment included as part of a submittal for a required item in order to establish compliance with the Contract Documents.

7.2. 2.2 Any test of basic material or fabricated equipment offered as a substitute for a specified item on which a test may be required in order to establish compliance with the Contract Documents.

7.2. 2.3 Preliminary, start-up, pre-functional and operational testing of building equipment and systems as necessary to confirm operational compliance with requirements of the Contract Documents.

7.2. 2.4 All subsequent tests on original or replaced materials conducted as a result of prior testing failure.

7.2. 3 All testing shall be performed in accordance with standard test procedures by an accredited laboratory, or special consultant as appropriate, acceptable to Owner. Results of all tests shall be provided promptly to ODR, A/E, and Contractor.

7.2. 4 Non-Compliance (Test Results). Should any of the tests indicate that a material and/or system does not comply with the Contract requirements, the burden of proof remains with Contractor, subject to:

7.2. 4.1 Contractor selection and submission of the laboratory for Owner acceptance.

7.2. 4.2 Acceptance by Owner of the quality and nature of tests.

7.2. 4.3 All tests taken in the presence of A/E and/or ODR, or their representatives.

7.2. 4.4 If tests confirm that the material/systems comply with Contract Documents, Owner will pay the cost of the test.

7.2. 4.5 If tests reveal noncompliance, Contractor will pay those laboratory fees and costs of that particular test and all future tests, of that failing Work, necessary to eventually confirm compliance with Contract Documents.

7.2. 4.6 Proof of noncompliance with the Contract Documents will make Contractor liable for any corrective action which ODR determines appropriate, including complete removal and replacement of non-compliant work or material.

7.2. 5 Notice of Testing. Contractor shall give ODR and A/E timely notice of its readiness and the date arranged so ODR and A/E may observe such inspection, testing, or approval.

7.2. 6 Test Samples. Contractor is responsible for providing Samples of sufficient size for test purposes and for coordinating such tests with their Work Progress Schedule to avoid delay.

7.2. 7 Covering Up Work. If Contractor covers up any Work without providing Owner an opportunity to inspect, Contractor shall, if requested by ODR, uncover and recover the work at Contractor's expense.

7.3 Submittals.

7.3.1 Contractor's Submittals. Contractor shall submit with reasonable promptness consistent with the Project schedule and in orderly sequence all Shop Drawings, Samples, or other information required by the Contract Documents, or subsequently required by Change Order. Prior to submitting, Contractor shall review each submittal for general compliance with Contract

Exhibit 00700

Documents and approve submittals for review by A/E and Owner by an approval stamp affixed to each copy. Submittal data presented without Contractor's stamp of approval will be returned without review or comment. Any delay resulting from Contractor's failure to certify approval of the Submittal is Contractor's responsibility.

7.3.1.1 Contractor shall within twenty-one (21) days of the effective date of the Notice To Proceed with construction, submit to ODR and A/E, a submittal schedule/register, organized by specification section, listing all items to be furnished for review and approval by A/E and Owner. The list shall include Shop Drawings, manufacturer's literature, certificates of compliance, materials Samples, materials colors, guarantees, and all other items identified throughout the Specifications.

7.3.1.2 Contractor shall indicate the type of item, Contract requirements reference, and Contractor's scheduled dates for submitting the item along with the requested dates for approval answers from A/E and Owner. The submittal register shall indicate the projected dates for procurement of all included items and shall be updated at least monthly with actual approval and procurement dates. Contractor's Submittal Register must be reasonable in terms of the review time for complex submittals. Contractor's submittal schedule must be consistent with the Work Progress Schedule and identify critical submittals. Show and allow a minimum of fifteen (15) days duration after receipt by A/E and ODR for review and approval. If re-submittal required, allow a minimum of an additional fifteen (15) days for review. Submit the updated Submittal Register with each request for progress payment. Owner may establish routine review procedures and schedules for submittals at the preconstruction conference and/or elsewhere in the Contract Documents. If Contractor fails to update and provide the Submittal Register as required, Owner may, after seven (7) days notice to Contractor withhold a reasonable sum of money that would otherwise be due Contractor.

7.3.1.3 Contractor shall coordinate the Submittal Register with the Work Progress Schedule. Do not schedule Work requiring a submittal to begin prior to scheduling review and approval of the related submittal. Revise and/or update both schedules monthly to ensure consistency and current project data. Provide to ODR the updated Submittal Register and schedule with each application for progress payment. Refer to requirements for the Work Progress Schedule for inclusion of procurement activities therein. Regardless, the Submittal Register shall identify dates submitted and returned and shall be used to confirm status and disposition of particular items submitted, including approval or other action taken and other information not conveniently tracked through the Work Progress Schedule.

7.3.1.4 By submitting Shop Drawings, Samples or other required information, Contractor represents that it has determined and verified all applicable field measurements, field construction criteria, materials, catalog numbers and similar data; and has checked and coordinated each Shop Drawing and Sample with the requirements of the Work and the Contract Documents.

7.3.2 Review of Submittals. A/E and ODR review is only for conformance with the design concept and the information provided in the Contract Documents. Responses to submittals will be in writing. The approval of a separate item does not indicate approval of an assembly in which the item functions. The approval of a submittal does not relieve Contractor of responsibility for any deviation from the requirements of the Contract unless Contractor informs A/E and ODR of such deviation in a clear, conspicuous, and written manner on the submittal transmittal and at the time of submission, and obtains Owner's written specific approval of the particular deviation.

7.3.3 Correction and Resubmission. Contractor shall make any corrections required to a submittal

Exhibit 00700

and resubmit the required number of corrected copies promptly so as to avoid delay, until submittal approval. Direct attention in writing to A/E and ODR, when applicable, to any new revisions other than the corrections requested on previous submissions.

7.3.4 Limits on Shop Drawing Review. Contractor shall not commence any Work requiring a submittal until review of the submittal under Subsection 7.3.2. Construct all such work in accordance with reviewed submittals. Comments incorporated as part of the review in Subsection 7.3.2 of Shop Drawings and Samples is not authorization to Contractor to perform extra work or changed work unless authorized through a Change Order. A/E's and ODR's review, if any, does not relieve Contractor from responsibility for defects in the Work resulting from errors or omissions of any kind on the submittal, regardless of any approval action.

7.3.5 No Substitutions Without Approval. ODR and A/E may receive and consider Contractor's request for substitution when Contractor agrees to reimburse Owner for review costs and satisfies the requirements of this section. If Contractor does not satisfy these conditions, ODR and A/E will return the request without action except to record noncompliance with these requirements. Owner will not consider the request if Contractor cannot provide the product or method because of failure to pursue the Work promptly or coordinate activities properly. Contractor's request for a substitution may be considered by ODR and A/E when:

7.3.5.1 The Contract Documents do not require extensive revisions; and

7.3.5.2 Proposed changes are in keeping with the general intent of the Contract Documents and the design intent of A/E and do not result in an increase in cost to Owner; and

7.3.5.3 The request is timely, fully documented, properly submitted and one or more of the following apply:

7.3.5.3.1 Contractor cannot provide the specified product, assembly or method of construction within the Contract Time;

7.3.5.3.2 The request directly relates to an "or-equal" clause or similar language in the Contract Documents;

7.3.5.3.3 The request directly relates to a "product design standard" or "performance standard" clause in the Contract Documents;

7.3.5.3.4 The requested substitution offers Owner a substantial advantage in cost, time, energy conservation or other considerations, after deducting additional responsibilities Owner must assume;

7.3.5.3.5 The specified product or method of construction cannot receive necessary approval by an authority having jurisdiction, and ODR can approve the requested substitution;

7.3.5.3.6 Contractor cannot provide the specified product, assembly or method of construction in a manner that is compatible with other materials and where Contractor certifies that the substitution will overcome the incompatibility;

7.3.5.3.7 Contractor cannot coordinate the specified product, assembly or method of construction with other materials and where Contractor certifies they can coordinate the proposed substitution; or

7.3.5.3.8 The specified product, assembly or method of construction cannot provide a warranty required by the Contract Documents and where

Exhibit 00700

Contractor certifies that the proposed substitution provides the required warranty.

7.3.6 Unauthorized Substitutions at Contractor's Risk. Contractor is financially responsible for any additional costs or delays resulting from unauthorized substitution of materials, equipment or fixtures other than those specified. Contractor shall reimburse Owner for any increased design or contract administration costs resulting from such unauthorized substitutions.

7.4 Field Mock-up.

7.4.1 Mock-ups shall be constructed prior to commencement of a specified scope of work to confirm acceptable workmanship.

7.4.1.1 As a minimum, field mock-ups shall be constructed for roofing systems, exterior veneer / finish systems, glazing systems, and any other Work requiring a mock-up as identified throughout the Contract Documents. Mock-ups for systems not part of the Project scope shall not be required.

7.4.1.2 Mock-ups may be incorporated into the Work if allowed by the Contract Documents and if acceptable to ODR. If mock-ups are freestanding, they shall remain in place until otherwise directed by Owner.

7.4.1.3 Contractor shall include field mock-ups in their Work Progress Schedule and shall notify ODR and A/E of readiness for review sufficiently in advance to coordinate review without delay.

7.5 Inspection During Construction.

7.5.1 Contractor shall provide sufficient, safe, and proper facilities, including equipment as necessary for safe access, at all reasonable times for observation and/or inspection of the Work by Owner and its agents.

7.5.2 Contractor shall not cover up any Work with finishing materials or other building components prior to providing Owner and its agents an opportunity to perform an inspection of the Work.

7.5.2.1 Should corrections of the Work be required for approval, Contractor shall not cover up corrected Work until Owner indicates approval.

7.5.2.2 Contractor shall provide notification of at least five (5) working days or otherwise as mutually agreed, to ODR of the anticipated need for a cover-up inspection. Should ODR fail to make the necessary inspection within the agreed period, Contractor may proceed with cover-up Work, but is not relieved of responsibility for Work to comply with requirements of the Contract Documents.

Article 8. Construction Schedules

8.1 Contract Time. **TIME IS AN ESSENTIAL ELEMENT OF THE CONTRACT**. The Contract Time is the time between the dates indicated in the Notice to Proceed for commencement of the Work and for achieving Substantial Completion. The Contract Time can be modified only by Change Order. Failure to achieve Substantial Completion within the Contract Time ***or*** as otherwise agreed to in writing will cause damage to Owner and may subject Contractor to liquidated damages as provided in the Contract Documents. If Contractor fails to achieve Final Completion in a reasonable time after Substantial Completion, Contractor shall be responsible for Owner's damages including, but not limited to, additional inspection, project management, and maintenance cost to the extent caused by Contractor's failure to achieve Final Completion.

Exhibit 00700

8.2 Notice to Proceed. Owner will issue a Notice to Proceed which shall state the dates for beginning Work and for achieving Substantial Completion of the Work.

8.3 Work Progress Schedule. Refer to Owner's Special Conditions and Division 1 of the Specifications for additional schedule requirements. Unless indicated otherwise in those documents, Contractor shall submit their initial Work Progress Schedule for the Work in relation to the entire Project not later than twenty-one (21) calendar days after the effective date of the Notice to Proceed to ODR and A/E. Unless otherwise indicated in the Contract Documents, the Work Progress Schedule shall be computerized Critical Path Method (CPM) with fully editable logic. This initial schedule shall indicate the dates for starting and completing the various aspects required to complete the Work, including mobilization, procurement, installation, testing, inspection, delivery of Close-out Documents and acceptance of all the Work of the Contract. When acceptable to Owner, the initially accepted schedule shall be the Baseline Schedule for comparison to actual conditions throughout the Contract duration.
Note: This article pertains to construction phase schedules. Additional requirements for design phase scheduling for Construction Manager-at-Risk and Design-Build contracts are outlined in Division 1 Project Planning and Scheduling Specifications.

8.3.1 Schedule Requirements. Contractor shall submit electronic and paper copy of the initial Work Progress Schedule reflecting accurate and reliable representations of the planned progress of the Work, the Work to date if any, and of Contractor's actual plans for its completion. Contractor shall organize and provide adequate detail so the schedule is capable of measuring and forecasting the effect of delaying events on completed and uncompleted activities.

8.3.1.1 Contractor shall re-submit initial schedule as required to address review comments from A/E and ODR until such schedule is accepted as the Baseline Schedule.

8.3.1.2 Submittal of a schedule, schedule revision or schedule update constitutes Contractor's representation to Owner of the accurate depiction of all progress to date and that Contractor will follow the schedule as submitted in performing the Work.

8.3.2 Schedule Updates. Contractor shall update the Work Progress Schedule and the Submittal Register monthly, as a minimum, to reflect progress to date and current plans for completing the Work, while maintaining original schedule as Baseline Schedule and submit paper and electronic copies of the update to A/E and ODR as directed, but as a minimum with each request for payment. Owner has no duty to make progress payments unless accompanied by the updated Work Progress Schedule. Show the anticipated date of completion reflecting all extensions of time granted through Change Order as of the date of the update. Contractor may revise the Work Progress Schedule when in Contractor's judgment it becomes necessary for the management of the Work. Contractor shall identify all proposed changes to schedule logic to Owner and to A/E via an executive summary accompanying the updated schedule for review prior to final implementation of revisions into a revised Baseline Schedule. Schedule changes that materially impact Owner's operations shall be communicated promptly to ODR and shall not be incorporated into the revised Baseline Schedule without ODR's consent.

8.3.3 The Work Progress Schedule is for Contractor's use in managing the Work and submittal of the schedule, and successive updates or revisions, is for the information of Owner and to demonstrate that Contractor has complied with requirements for planning the Work. Owner's acceptance of a schedule, schedule update or revision constitutes Owner's agreement to coordinate its own activities with Contractor's activities as shown on the schedule.

8.3.3.1 Acceptance of the Work Progress Schedule, or update and/or revision thereto does not indicate any approval of Contractor's proposed sequences and duration.

8.3.3.2 Acceptance of a Work Progress Schedule update or revision indicating early or late completion does not constitute Owner's consent, alter the terms of the Contract, or

Exhibit 00700

waive either Contractor's responsibility for timely completion or Owner's right to damages for Contractor's failure to do so.

8.3.3.3 Contractor's scheduled dates for completion of any activity or the entire Work do not constitute a change in terms of the Contract. Change Orders are the only method of modifying the Substantial Completion Date(s) and Contract Time.

8.4 Ownership of Float. Unless indicated otherwise in the Contract Documents, Contractor shall develop its schedule, pricing, and execution plan to provide a minimum of ten (10) percent total float at acceptance of the Baseline Schedule. Float time contained in the Work Progress Schedule is not for the exclusive benefit of Contractor or Owner, but belongs to the Project and may be consumed by either party. Before Contractor uses any portion of the float Contractor must submit a written request to do so to the Owner and receive Owner's written authorization to use the float. Owner's approval shall not be unreasonably withheld.

8.5 Completion of Work. Contractor is accountable for completing the Work within the Contract Time stated in the Contract, or as otherwise amended by Change Order.

8.5.1 If, in the judgment of Owner, the work is behind schedule and the rate of placement of work is inadequate to regain scheduled progress to insure timely completion of the entire work or a separable portion thereof, Contractor, when so informed by Owner, shall immediately take action to increase the rate of work placement by:

8.5.1.1 An increase in working forces.

8.5.1.2 An increase in equipment or tools.

8.5.1.3 An increase in hours of work or number of shifts.

8.5.1.4 Expedite delivery of materials.

8.5.1.5 Other action proposed if acceptable to Owner.

8.5.2 Within ten (10) days after such notice from ODR, Contractor shall notify ODR in writing of the specific measures taken and/or planned to increase the rate of progress. Contactor shall include an estimate as to the date of scheduled progress recovery and an updated Work Progress Schedule illustrating Contractor's plan for achieving timely completion of the Project. Should ODR deem the plan of action inadequate, Contractor shall take additional steps or make adjustments as necessary to its plan of action until it meets with ODR's approval.

8.6 Modification of the Contract Time.

8.6.1 Delays and extension of time as hereinafter described are valid only if executed in accordance with provisions set forth in Article 10.

8.6.2 When a delay defined herein as excusable prevents Contractor from completing the Work within the Contract Time, Contractor is entitled to an extension of time. Owner will make an equitable adjustment and extend the number of days lost because of excusable delay or Weather Days, as measured by Contractor's progress schedule. All extensions of time will be granted in calendar days. In no event, however, will an extension of time be granted for delays that merely extend the duration of non-critical activities, or which only consume float without delaying the project Substantial Completion date(s).

8.6.2.1 A "Weather Day" is a day on which Contractor's current schedule indicates Work is to be done, and on which inclement weather and related site conditions prevent Contractor from performing at least five (5) hours of Work between the hours of

Exhibit 00700

7:00 a.m. and 6:00 p.m. Weather days are excusable delays. When weather conditions at the site prevent work from proceeding, Contractor shall immediately notify ODR for confirmation of the conditions. At the end of each calendar month, Contractor shall submit to ODR and A/E a list of Weather Days occurring in that month along with documentation of the impact on critical activities, daily logs noting the site and weather conditions and photographs. Based on confirmation by ODR, any time extension granted will be issued by Change Order. If Contractor and Owner cannot agree on the time extension, Owner may issue a ULCO for fair and reasonable time extension.

8.6.2.2 Excusable Delay. Contractor is entitled to an equitable adjustment of the Contract Time, issued via change order, for delays caused by the following:

8.6.2.2.1 Errors, omissions and imperfections in design, which A/E corrects by means of changes in the Drawings and Specifications.

8.6.2.2.2 Unanticipated physical conditions at the Site, which A/E corrects by means of changes to the Drawings and Specifications or for which ODR directs changes in the Work identified in the Contract Documents.

8.6.2.2.3 Changes in the Work that effect activities identified in Contractor's schedule as "critical" to completion of the entire Work, if such changes are ordered by ODR or recommended by A/E and ordered by ODR.

8.6.2.2.4 Suspension of Work for unexpected natural events (sometimes called "acts of God"), civil unrest, strikes or other events which are not within the reasonable control of Contractor.

8.6.2.2.5 Suspension of Work for convenience of ODR, which prevents Contractor from completing the Work within the Contract Time.

8.6.3 Contractor's relief in the event of such delays is the time impact to the critical path as determined by analysis of Contractor's schedule. In the event that Contractor incurs additional direct costs because of the excusable delays other than described in Subparagraph 8.6.2.2.4 and within the reasonable control of Owner, the Contract price and Contract Time are to be equitably adjusted by Owner pursuant to the provisions of Article 10.

8.7 No Damages for Delay. An extension of the Contract Time shall be the sole remedy of Contractor for delays in performance of the Work, whether or not such delays are foreseeable, except for delays caused solely by acts of Owner that constitute intentional interference with Contractor's performance of the Work and then only to the extent such acts continue after Contractor notifies Owner in writing of such interference. For delays caused by any act(s) other than the sole intentional interference of Owner, Contractor shall not be entitled to any compensation or recovery of any damages including, without limitation, consequential damages, lost opportunity costs, impact damages, loss of productivity, or other similar damages. Owner's exercise of any of its rights or remedies under the Contract including, without limitation, ordering changes in the Work or directing suspension, rescheduling, or correction of the Work, shall not be construed as intentional interference with Contractor's performance of the Work regardless of the extent or frequency of Owner's exercise of such rights or remedies.

8.8 Concurrent Delay. When the completion of the Work is simultaneously delayed by an excusable delay and a delay arising from a cause not designated as excusable, Contractor may not be entitled to a time extension for the period of concurrent delay.

8.9 Other Time Extension Requests. Time extensions requested in association with changes to the Work directed or requested by Owner shall be included with Contractor's proposed costs for such change.

Exhibit 00700

Time extensions requested for inclement weather are covered by Paragraph 8.6.2.1 above. If Contractor believes that the completion of the Work is delayed by a circumstance other than for changes directed to the Work or weather, they shall give ODR written notice, stating the nature of the delay and the activities potentially affected, within five (5) days after the Contractor becomes aware or should have been aware of the event or circumstance giving rise to the excusable delay. Contractor shall provide sufficient written evidence to document the delay. In the case of a continuing cause of delay, only one notice of claim is necessary. Claims for extensions of time shall be stated in numbers of whole or half days.

8.9.1 Within ten (10) days after the cessation of the delay, Contractor shall formalize its request for extension of time in writing to include a full analysis of the schedule impact of the delay and substantiation of the excusable nature of the delay. All changes to the Contract Time or made as a result of such claims is by Change Order, as set forth in Article 10.

8.9.2 No extension of time releases Contractor or the Surety furnishing a performance or payment bond from any obligations under the Contract or such a bond. Those obligations remain in full force until the discharge of the Contract.

8.9.3 Contents of Time Extension Requests. Contractor shall provide with each Time Extension Request a quantitative demonstration of the impact of the delay on project completion time, based on the Work Progress Schedule. Contractor shall include with Time Extension Requests a reasonably detailed narrative setting forth:

8.9.3.1 The nature of the delay and its cause; the basis of Contractor's claim of entitlement to a time extension.

8.9.3.2 Documentation of the actual impacts of the claimed delay on the critical path indicated in Contractor's Work Progress Schedule, and any concurrent delays.

8.9.3.3 Description and documentation of steps taken by Contractor to mitigate the effect of the claimed delay, including, when appropriate, the modification of the Work Progress Schedule.

8.9.4 Owner's Response. Owner will respond to the Time Extension Request by providing to Contractor written notice of the number of days granted, if any, and giving its reason if this number differs from the number of days requested by Contractor.

8.9.4.1 Owner will not grant time extensions for delays that do not affect the Contract Substantial Completion date.

8.9.4.2 Owner will respond to each properly submitted Time Extension Request within fifteen (15) days following receipt. If Owner cannot reasonably make a determination about Contractor's entitlement to a time extension within that time, Owner will notify Contractor in writing. Unless otherwise agreed by Contractor, Owner has no more than fifteen (15) additional days to prepare a final response. If Owner fails to respond within forty-five (45) days from the date the Time Extension Request is received, Contractor's request for a time extension shall be deemed rejected by Owner.

8.10 Failure to Complete Work Within the Contract Time. **TIME IS AN ESSENTIAL ELEMENT OF THE CONTRACT.** Contractor's failure to substantially complete the Work within the Contract Time or to achieve Substantial Completion as required will cause damage to Owner. These damages shall be liquidated by agreement of Contractor and Owner, in the amount per day as set forth in the Contract Documents.

8.11 Liquidated Damages. Owner may collect liquidated damages due from Contractor directly or indirectly by reducing the Contract Sum in the amount of liquidated damages stated in the Agreement or the

Exhibit 00700

Owner's Special Conditions.

Article 9. Payments

9.1 Schedule of Values. Contractor shall submit to ODR and A/E for acceptance a Schedule of Values accurately itemizing material and labor for the various classifications of the Work based on the organization of the specification sections and of sufficient detail acceptable to ODR. The accepted Schedule of Values will be the basis for the progress payments under the Contract.

9.1.1 No progress payments will be made prior to receipt and acceptance of the Schedule of Values, provided in such detail as required by ODR, and submitted not less than twenty-one (21) days prior to the first request for payment. The Schedule of Values shall follow the order of trade divisions of the Specifications and include itemized costs for general conditions, costs for preparing Close-Out documents, fees, contingencies, and Owner cash allowances, if applicable, so that the sum of the items will equal the Contract price. As appropriate, assign each item labor and/or material values, the subtotal thereof equaling the value of the work in place when complete.

9.1.1.1 Owner requires that the Work items be inclusive of the cost of the Work items only. Any contract markups for overhead and profit, general conditions, etc., shall be contained within separate line items for those specific purposes which shall be divided into at least two (2) lines, one (1) for labor and one (1) for materials.

9.1.2 Contractor shall retain a copy of all worksheets used in preparation of its bid or proposal, supported by a notarized statement that the worksheets are true and complete copies of the documents used to prepare the bid or proposal. Make the worksheets available to ODR at the time of Contract execution. Thereafter Contractor shall grant Owner during normal business hours access to said copy of worksheets at any time during the period commencing upon execution of the Contract and ending one year after final payment.

9.2. Progress Payments. Contractor will receive periodic progress payments for Work performed, materials in place, suitably stored on Site, or as otherwise agreed to by Owner and Contractor. Payment is not due until receipt by ODR or his designee of a correct and complete Pay Application in electronic and/or hard copy format as set forth in the Agreement or the Owner's Special Conditions, and certified by A/E. Progress payments are made provisionally and do not constitute acceptance of work not in accordance with the Contract Documents. Owner will not process progress payment applications for Change Order Work until all parties execute the Change Order.

9.2.1 Preliminary Pay Worksheet. Once each month that a progress payment is to be requested, the Contractor shall submit to A/E and ODR a complete, clean copy of a preliminary pay worksheet or preliminary pay application, to include the following:

9.2.1.1 Contractor's estimate of the amount of Work performed, labor furnished and materials incorporated into the Work, using the established Schedule of Values;

9.2.1.2 An updated Work Progress Schedule including the executive summary and all required schedule reports;

9.2.1.3 Such additional documentation as Owner may require as set forth in the elsewhere in the Contract Documents; and

9.2.1.4 Construction payment affidavit. Payment affidavit such as AIA G706, or approved equal, shall be submitted with each pay application request.

9.2.2 Contractor's Application for Payment. As soon as practicable, but in no event later than seven (7) days after receipt of the preliminary pay worksheet, A/E and ODR will meet with Contractor

Exhibit 00700

to review the preliminary pay worksheet and to observe the condition of the Work. Based on this review, ODR and A/E may require modifications to the preliminary pay worksheet prior to the submittal of an Application for Payment, and will promptly notify Contractor of revisions necessary for approval. As soon as practicable, Contractor shall submit its Application for Payment on the appropriate and completed form, reflecting the required modifications to the Schedule of Values required by A/E and/or ODR. Attach all additional documentation required by ODR and/or A/E, as well as an affidavit affirming that all payrolls, bills for labor, materials, equipment, subcontracted work and other indebtedness connected with Contractor's Application for Payment are paid or will be paid within the time specified in Tex. Gov't Code, Chapter 2251. No Application for Payment is complete unless it fully reflects all required modifications, and attaches all required documentation including Contractor's affidavit.

9.2.3 Certification by Architect/Engineer. Within five (5) days or earlier following A/E's receipt of Contractor's formal Application for Payment, A/E will review the Application for Payment for completeness, and forward it to ODR. A/E will certify that the application is complete and payable, or that it is incomplete, stating in particular what is missing. If the Application for Payment is incomplete, Contractor shall make the required corrections and resubmit the Application for Payment for processing.

9.3 Owner's Duty to Pay. Owner has no duty to pay the Contractor except on receipt by ODR of: 1) a complete Application for Payment certified by A/E; 2) Contractor's updated Work Progress Schedule; and 3) confirmation that Contractor has maintained and updated the Record Documents kept at the Site.

9.3.1 Payment for stored materials and/or equipment confirmed by Owner and A/E to be on-site or otherwise properly stored is limited to eighty-five (85) percent of the invoice price or eighty-five (85) percent of the scheduled value for the materials or equipment, whichever is less.

9.3.2 Retainage. Owner will withhold from each progress payment, as retainage, five (5) percent of the total earned amount, the amount authorized by law, or as otherwise set forth in the Owner's Special Conditions. Retainage is managed in conformance with Tex. Gov't Code, Chapter 2252, Subchapter B.

9.3.2.1 Contractor shall provide written consent of its surety for any request for reduction or release of retainage.

9.3.2.2 Contractor shall not withhold retainage from their Subcontractors and suppliers in amounts that are any percentage greater than that withheld in its Contract with Owner under this subsection, unless otherwise acceptable to Owner.

9.3.3 Price Reduction to Cover Loss. Owner may reduce any Application for Payment, prior to payment to the extent necessary to protect Owner from loss on account of actions of Contractor including, but not limited to, the following:

9.3.3.1 Defective or incomplete Work not remedied;

9.3.3.2 Damage to Work of a separate Contractor;

9.3.3.3 Failure to maintain scheduled progress or reasonable evidence that the Work will not be completed within the Contract Time;

9.3.3.4 Persistent failure to carry out the Work in accordance with the Contract Documents;

9.3.3.5 Reasonable evidence that the Work cannot be completed for the unpaid portion of the Contract Sum;

9.3.3.6 Assessment of fines for violations of prevailing wage rate law; or

Exhibit 00700

9.3.3.6 Failure to include the appropriate amount of retainage for that periodic progress payment.

9.3.4 Title to all material and Work covered by progress payments transfers to Owner upon payment.

9.3.4.1 Transfer of title to Owner does not relieve Contractor and its Subcontractors of the sole responsibility for the care and protection of materials and Work upon which payments have been made until final acceptance, or the restoration of any damaged Work, or waive the right of Owner to require the fulfillment of all the terms of the Contract.

9.4 Progress Payments. Progress payments to Contractor do not release Contractor or its surety from any obligations under the Contract.

9.4.1 Upon Owner's request, Contractor shall furnish manifest proof of the status of Subcontractor's accounts in a form acceptable to Owner.

9.4.2 Pay estimate certificates must be signed by a corporate officer or a representative duly authorized by Contractor.

9.4.3 Provide copies of bills of lading, invoices, delivery receipts or other evidence of the location and value of such materials in requesting payment for materials.

9.4.4 For purposes of Tex. Gov't Code § 2251.021(a)(2), the date the performance of service is complete is the date when ODR approves the Application for Payment.

9.5 Off-Site Storage. With prior approval by Owner and in the event Contractor elects to store materials at an off-site location, abide by the following conditions, unless otherwise agreed to in writing by Owner.

9.5.1 Store materials in a commercial warehouse meeting the criteria stated below.

9.5.2 Provide insurance coverage adequate not only to cover materials while in storage, but also in transit from the off-site storage areas to the Project Site. Copies of duly authenticated certificates of insurance, made out to insure the State agency which is signatory to the Contract, must be filed with Owner's representative.

9.5.3 Inspection by Owner's representative is allowed at any time. Owner's inspectors must be satisfied with the security, control, maintenance, and preservation measures.

9.5.4 Materials for this Project are physically separated and marked for the Project in a sectioned-off area. Only materials which have been approved through the submittal process are to be considered for payment.

9.5.5 Owner reserves the right to reject materials at any time prior to final acceptance of the complete Contract if they do not meet Contract requirements regardless of any previous progress payment made.

9.5.6 With each monthly payment estimate, submit a report to ODR and A/E listing the quantities of materials already paid for and still stored in the off-site location.

9.5.7 Make warehouse records, receipts and invoices available to Owner's representatives, upon request, to verify the quantities and their disposition.

9.5.8 In the event of Contract termination or default by Contractor, the items in storage off-site, upon which payment has been made, will be promptly turned over to Owner or Owner's agents at a

Exhibit 00700

location near the jobsite as directed by ODR. The full provisions of performance and payment bonds on this Project cover the materials off-site in every respect as though they were stored on the Project Site.

9.6 Time for Payment by Contractor Pursuant to Tex. Gov't Code § 2251.022.

9.6.1 Contractor who receives a payment from Owner shall pay Subcontractor the appropriate share of the payment not later than the tenth (10th) day after the date Contractor receives the payment.

9.6.2 The appropriate share is overdue on the eleventh (11th) day after the date Contractor receives the payment.

Article 10. Changes

10.1 Change Orders. A Change Order issued after execution of the Contract is a written order to Contractor, signed by ODR, Contractor, and A/E, authorizing a change in the Work or an adjustment in the Contract Sum or the Contract Time. The Contract Sum and the Contract Time can only be changed by Change Order. A Change Order signed by Contractor indicates his agreement therewith, including the adjustment in the Contract Sum and/or the Contract Time. ODR may issue a written authorization for Contractor to proceed with Work of a Change Order in advance of final execution by all parties in accordance with Section 10.9.

10.1.1 Owner, without invalidating the Contract ***and without approval of Contractor's Surety***, may order changes in the Work within the general scope of the Contract consisting of additions, deletions or other revisions, and the Contract Sum and the Contract Time will be adjusted accordingly. All such changes in the Work shall be authorized by Change Order or ULCO, and shall be performed under the applicable conditions of the Contract Documents. If such changes cause an increase or decrease in Contractor's cost of, or time required for, performance of the Contract, an equitable adjustment shall be made and confirmed in writing in a Change Order or a ULCO.

10.1.2 Owner and Contractor acknowledge and agree that the Specifications and Drawings may not be complete or free from errors, omissions and imperfections and that they may require changes or additions in order for the Work to be completed to the satisfaction of Owner. Therefore, any minor errors, omissions or imperfections in the Specifications or Drawings, or any changes in or additions to the Specifications or Drawings to correct minor errors or omissions or to the Work ordered by Owner shall not constitute or give rise to any claim, demand or cause of action of any nature whatsoever in favor of Contractor, whether for breach of Contract, or otherwise. However, should the nature of the errors or omissions necessitate substantial changes in the Work such that a Change Order is appropriate, Owner shall be liable to Contractor for the sum stated to be due Contractor in any Change Order approved and signed by both parties. The sum established in any Change Order, together with any extension of time contained in said Change Order, shall constitute full compensation to Contractor for all costs, expenses and damages to Contractor for the changes in the Work described in the Change Order, as permitted under Tex. Gov't Code, Chapter 2260.

10.1.3 Procedures for administration of Change Orders shall be established by Owner and stated in the Owner's Special Conditions, or elsewhere in the Contract Documents.

10.1.4 No verbal order, verbal statement, or verbal direction of Owner or his duly appointed representative shall be treated as a change under this article or entitle Contractor to an adjustment.

10.1.5 Contractor agrees that Owner or any of its duly authorized representatives shall have access and the right to examine any directly pertinent books, documents, papers, and records of Contractor.

Exhibit 00700

Further, Contractor agrees to include in all its subcontracts a provision to the effect that Subcontractor agrees that Owner or any of its duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records of such Subcontractor relating to any claim arising from the Contract, whether or not the Subcontractor is a party to the claim. The period of access and examination described herein which relates to appeals under the Disputes article of the Contract, litigation, or the settlement of claims arising out of the performance of the Contract shall continue until final disposition of such claims, appeals or litigation.

10.2 Unit Prices. If unit prices are stated in the Contract Documents or subsequently agreed upon and if the quantities originally contemplated in setting the unit prices are so changed in a Proposed Change Order that application of the agreed unit prices to the quantities of work proposed will cause substantial inequity to Owner or Contractor, the applicable unit prices shall be equitably adjusted as provided in the Owner's Special Conditions or as agreed to by the parties and incorporated into a Change Order.

10.3 Claims for Additional Costs.

10.3.1 If Contractor wishes to make a claim for an increase in the Contract Sum not related to a requested change, it shall give Owner and A/E written notice thereof within twenty-one (21) days after the occurrence of the event or discovery of any conditions giving rise to such claim. Contractor must notify Owner and A/E before proceeding to execute any Work considered to add additional cost or time, except in an emergency endangering life or property in which case Contractor shall act in accordance with Subsection 6.2.1., and failure to provide the required notice will invalidate any subsequent notice or claim for additional cost or time for the Work. If Owner and Contractor cannot agree on the amount of the adjustment in the Contract Sum, it shall be determined as set forth under Article 14. Any change in the Contract Sum resulting from such claim shall be authorized by a Change Order or a ULCO.

10.3.2 If Contractor claims that additional cost is involved because of, but not limited to, 1) any written interpretation of the Contract Documents, 2) any order by Owner to stop the Work pursuant to Article 13 where Contractor was not at fault, or 3) any written order for a minor change in the Work issued pursuant to Section 10.4, Contractor shall make such claim as provided in Subsection 10.3.1.

10.3.3 Should Contractor or his Subcontractors fail to call attention of A/E to discrepancies or omissions in the Contract Documents, but claim additional costs for corrective Work after Contract award, Owner may assume intent to circumvent competitive bidding for necessary corrective Work. In such case, Owner may choose to let a separate Contract for the corrective Work, or issue a ULCO to require performance by Contractor. Claims for time extensions or for extra cost resulting from delayed notice of patent Contract Document discrepancies or omissions will not be considered by Owner.

10.4 Minor Changes. A/E, with concurrence of ODR, will have authority to order minor changes in the Work not involving an adjustment in the Contract Sum or an extension of the Contract Time. Such changes shall be effected by written order which Contractor shall carry out promptly and record on the Record Documents.

10.5 Concealed Site Conditions. Contractor is responsible for visiting the Site and being familiar with local conditions such as the location, accessibility, and general character of the Site and/or building. If, in the performance of the Contract, subsurface, latent, or concealed conditions at the Site are found to be materially different from the information included in the Contract Documents, or if unknown conditions of an unusual nature are disclosed differing materially from the conditions usually inherent in Work of the character shown and specified, ODR and A/E shall be notified in writing of such conditions before they are disturbed. Upon such notice, or upon its own observation of such conditions, A/E, with the approval of ODR, will promptly make such changes in the Drawings and Specifications as they deem necessary to conform to the different conditions, and any increase or decrease in the cost of the Work,

Exhibit 00700

or in the time within which the Work is to be completed, resulting from such changes will be adjusted by Change Order, subject to the prior approval of ODR.

10.6 Extension of Time. All changes to the Contract Time shall be made as a consequence of requests as required under Section 8.6, and as documented by Change Order as provided under Section 10.1.

10.7 Administration of Change Order Requests. All changes in the Contract shall be administered in accordance with procedures approved by Owner, and when required, make use of such electronic information management system(s) as Owner may employ.

10.7.1 Routine changes in the construction Contract shall be formally initiated by A/E by means of a PCO form detailing requirements of the proposed change for pricing by Contractor. This action may be preceded by communications between Contractor, A/E and ODR concerning the need and nature of the change, but such communications shall not constitute a basis for beginning the proposed Work by Contractor. Except for emergency conditions described below, approval of Contractor's cost proposal by A/E and ODR will be required for authorization to proceed with the Work being changed. Owner will not be responsible for the cost of Work changed without prior approval and Contractor may be required to remove Work so installed.

10.7.2 All proposed costs for change order Work must be supported by itemized accounting of material, equipment and associated itemized installation costs in sufficient detail, following the outline and organization of the established Schedule of Values, to permit analysis by A/E and ODR using current estimating guides and/or practices. Photocopies of Subcontractor and vendor proposals shall be furnished unless specifically waived by ODR. Contractor shall provide written response to a change request within twenty-one (21) days of receipt.

10.7.3 Any unexpected circumstance which necessitates an immediate change in order to avoid a delay in progress of the Work may be expedited by verbal communication and authorization between Contractor and Owner, with written confirmation following within twenty-four (24) hours. A limited scope not-to-exceed estimate of cost and time will be requested prior to authorizing Work to proceed. Should the estimate be impractical for any reason, ODR may authorize the use of detailed cost records of such work to establish and confirm the actual costs and time for documentation in a formal Change Order.

10.7.4 Emergency changes to save life or property may be initiated by Contractor alone (see Section 6.3) with the claimed cost and/or time of such work to be fully documented as to necessity and detail of the reported costs and/or time.

10.7.5 The method of incorporating approved Change Orders into the parameters of the accepted Schedule of Values must be coordinated and administered in a manner acceptable to ODR.

10.8 Pricing Change Order Work. The amounts that Contractor and/or its Subcontractor adds to a Change Order for profit and overhead will also be considered by Owner before approval is given. The amounts established hereinafter are the maximums that are acceptable to Owner.

10.8.1 For Work performed by its forces, Contractor will be allowed its actual costs paid for materials, the total amount of its actual wages paid for labor, plus its actual cost paid for State and Federal payroll taxes and for worker's compensation and comprehensive general liability insurance, plus its actual additional bond and builders risk insurance cost if the change results in an increase in the premium paid by Contractor. To the total of the above costs, Contractor will be allowed to add a percentage as noted below to cover overhead and profit combined. Overhead shall be considered to include insurance other than mentioned above, field and office supervisors and assistants, including safety and scheduling personnel, use of small tools, incidental job burdens and general Home Office expenses, and no separate allowance will be made therefore.

Exhibit 00700

Allowable percentages for overhead and profit on changes will not exceed 15 percent if the total of self-performed work is less than or equal to $10,000, 10 percent if the total of self-performed work is between $10,000 and $20,000 and 7.5 percent if the total of self-performed work is over $20,000, for any specific change priced.

10.8.2 For subcontracted Work each affected Subcontractor shall figure its costs, overhead and profit as described above for Contractor's Work, all Subcontractor costs shall be combined, and to that total Subcontractor cost Contractor will be allowed to add a maximum mark-up of ten (10) percent if the total of all subcontracted work is less than or equal to $10,000, seven and half (7.5) percent if the total of all subcontracted work is between $10,000 and $20,000 and five (5) percent if the total of all subcontractor work is over $20,000.

10.8.3 On changes involving both additions and deletions, percentages for overhead and profit will be allowed only on the net addition. Owner does not accept and will not pay for additional Contract cost identified as indirect or consequential damages or as damages caused by delay.

10.8.4 For Contracts based on a Guaranteed Maximum Price (GMP), the Construction Manager-at-Risk or Design Builder shall NOT be entitled to a percentage mark-up on any Change Order Work unless the Change Order increases the Guaranteed Maximum Price.

10.9 Unilateral Change Order (ULCO). Owner may issue a written ULCO directing a change in the Work prior to reaching agreement with Contractor on the adjustment, if any, in the Contract price and/or the Contract Time.

10.9.1 Owner and Contractor shall negotiate for appropriate adjustments, as applicable, to the Contract Sum or the Contract Time arising out of a ULCO. As the changed Work is performed, Contractor shall submit its costs for such Work with its Application for Payment beginning with the next Application for Payment within thirty (30) days of the issuance of the ULCO. The Parties reserve their rights to dispute the ULCO amount, subject to Article 14.

10.10 Finality of Changes - Contractor. Upon execution of a Change Order and/or a ULCO by Owner, Contractor and A/E, all costs and time issues claimed by Contractor regarding that change are final and not subject to increase.

10.11 Audit of Changes - Owner. All Changes Orders are subject to audit by Owner or its representative at any time in accordance with Article 16.4 and Change Order amounts may be adjusted lower as a result of such audit.

Article 11. Project Completion and Acceptance

11.1 Closing Inspections.

11.1.1 Substantial Completion Inspection. When Contractor considers the entire Work or part thereof Substantially Complete, it shall notify ODR in writing that the Work will be ready for Substantial Completion inspection on a specific date. Contractor shall include with this notice Contractor's Punchlist to indicate that it has previously inspected all the Work associated with the request for inspection, noting items it has corrected and included all remaining work items with date scheduled for completion or correction prior to final inspection. The failure to include any items on this list does not alter the responsibility of Contractor to complete all Work in accordance with the Contract Documents. If any of the items on this list prevents the Project from being used as intended, Contractor shall not request a Substantial Completion Inspection. Owner and its representatives will review the list of items and schedule the requested inspection, or inform Contractor in writing that such an inspection is premature because the Work is not sufficiently advanced or conditions are not as represented on Contractor's list.

Exhibit 00700

11.1.1.1 Prior to the Substantial Completion inspection, Contractor shall furnish a copy of its marked-up Record Documents and a preliminary copy of each instructional manual, maintenance and operating manual, parts catalog, wiring diagrams, spare parts, specified written warranties, and like publications or parts for all installed equipment, systems, and like items as described in the Contract Documents. Delivery of these items is a prerequisite for requesting the Substantial Completion inspection.

11.1.1.2 On the date requested by Contractor, or as mutually agreed upon pending the status of the Open Items List, A/E, ODR, Contractor, and other Owner representatives as determined by Owner will jointly attend the Substantial Completion inspection, which shall be conducted by ODR or their delegate. If ODR concurs with the determination of Contractor and A/E that the Work is Substantially Complete, ODR will issue a Certificate of Substantial Completion to be signed by A/E, Owner, and Contractor establishing the date of Substantial Completion and identifying responsibilities for security, insurance and maintenance. A/E will provide with this certificate a list of Punchlist items (the pre-final Punchlist) for completion prior to final inspection. This list may include items in addition to those on Contractor's Punchlist, which the inspection team deems necessary to correct or complete prior to final inspection. If Owner occupies the Project upon determination of Substantial Completion, Contractor shall complete all corrective Work at the convenience of Owner, without disruption to Owner's use of the Project for its intended purposes.

11.1.2 Final Inspection. Contractor shall complete the list of items identified on the pre-final Punchlist prior to requesting a final inspection. Unless otherwise specified, or otherwise agreed in writing by the parties as documented on the Certificate of Substantial Completion, Contractor shall complete and/or correct all Work within thirty (30) days of the Substantial Completion date. Upon completion of the pre-final Punchlist work, Contractor shall give written notice to ODR and A/E that the Work will be ready for final inspection on a specific date. Contractor shall accompany this notice with a copy of the updated pre-final Punchlist indicating resolution of all items. On the date specified or as soon thereafter as is practicable, ODR, A/E and Contractor will inspect the Work. A/E will submit to Contractor a final Punchlist of open items that the inspection team requires corrected or completed before final acceptance of the Work.

11.1.2.1 Correct or complete all items on the final Punchlist before requesting Final Payment. Unless otherwise agreed to in writing by the parties, complete this work within seven (7) days of receiving the final Punchlist. Upon completion of the final Punchlist, notify A/E and ODR in writing stating the disposition of each final Punchlist item. A/E, Owner, and Contractor shall promptly inspect the completed items. When the final Punchlist is complete, and the Contract is fully satisfied according to the Contract Documents ODR will issue a certificate establishing the date of Final Completion. Completion of all Work is a condition precedent to Contractor's right to receive Final Payment.

11.1.3 Annotation. Any Certificate issued under this Article may be annotated to indicate that it is not applicable to specified portions of the Work, or that it is subject to any limitation as determined by Owner.

11.1.4 Purpose of Inspection. Inspection is for determining the completion of the Work, and does not relieve Contractor of its overall responsibility for completing the Work in a good and competent fashion, in compliance with the Contract. Work accepted with incomplete Punchlist items or failure of Owner or other parties to identify Work that does not comply with the Contract Documents or is defective in operation or workmanship does not constitute a waiver of Owner's rights under the Contract or relieve Contractor of its responsibility for performance or warranties.

Exhibit 00700

11.1.5 Additional Inspections.

11.1.5.1 If Owner's inspection team determines that the Work is not substantially complete at the Substantial Completion inspection, ODR or A/E will give Contractor written notice listing cause(s) of the rejection. Contractor will set a time for completion of incomplete or defective work acceptable to ODR. Contractor shall complete or correct all work so designated prior to requesting a second Substantial Completion inspection.

11.1.5.2 If Owner's inspection team determines that the Work is not complete at the final inspection, ODR or A/E will give Contractor written notice listing the cause(s) of the rejection. Contractor will set a time for completion of incomplete or defective work acceptable to ODR. Contractor shall complete or correct all Work so designated prior to again requesting a final inspection.

11.1.5.3 The Contract contemplates three (3) comprehensive inspections: the Substantial Completion inspection, the Final Completion inspection, and the inspection of completed final Punchlist items. The cost to Owner of additional inspections resulting from the Work not being ready for one or more of these inspections is the responsibility of Contractor. Owner may issue a ULCO deducting these costs from Final Payment. Upon Contractor's written request, Owner will furnish documentation of any costs so deducted. Work added to the Contract by Change Order after Substantial Completion inspection is not corrective Work for purposes of determining timely completion, or assessing the cost of additional inspections.

11.1.6 Phased Completion. The Contract may provide, or Project conditions may warrant, as determined by ODR, that designated elements or parts of the Work be completed in phases. Where phased completion is required or specifically agreed to by the parties, the provisions of the Contract related to closing inspections, occupancy, and acceptance apply independently to each designated element or part of the Work. For all other purposes, unless otherwise agreed by the parties in writing, Substantial Completion of the Work as a whole is the date on which the last element or part of the Work completed receives a Substantial Completion certificate. Final Completion of the Work as a whole is the date on which the last element or part of the Work completed receives a Final Completion certificate or notice.

11.2 Owner's Right of Occupancy. Owner may occupy or use all or any portion of the Work following Substantial Completion, or at any earlier stage of completion. Should Owner wish to use or occupy the Work, or part thereof, prior to Substantial Completion, ODR will notify Contractor in writing and identify responsibilities for security, insurance and maintenance Work performed on the premises by third parties on Owner's behalf does not constitute occupation or use of the Work by Owner for purposes of this Article. All Work performed by Contractor after occupancy, whether in part or in whole, shall be at the convenience of Owner so as to not disrupt Owner's use of, or access to occupied areas of the Project.

11.3 Acceptance and Payment

11.3.1 Request for Final Payment. Following the certified completion of all work, including all final Punchlist items, cleanup, and the delivery of record documents, Contractor shall submit a certified Application for Final Payment and include all sums held as retainage and forward to A/E and ODR for review and approval.

11.3.2 Final Payment Documentation. Contractor shall submit, prior to or with the Application for Final Payment, final copies of all Close-Out documents, maintenance and operating instructions, guarantees and warranties, certificates, Record Documents and all other items required by the Contract. Contractor shall submit evidence of return of access keys and cards,

Exhibit 00700

evidence of delivery to Owner of attic stock, spare parts, and other specified materials. Contractor shall submit consent of surety to Final Payment form and an affidavit that all payrolls, bills for materials and equipment, subcontracted work and other indebtedness connected with the Work, except as specifically noted, are paid, will be paid, after payment from Owner or otherwise satisfied within the period of time required by Tex. Gov't Code, Chapter 2251. Contractor shall furnish documentation establishing payment or satisfaction of all such obligations, such as receipts, releases and waivers of claims and liens arising out of the Contract. Contractor may not subsequently submit a claim on behalf of Subcontractor or vendor unless Contractor's affidavit notes that claim as an exception.

11.3.3 Architect/Engineer Approval. A/E will review a submitted Application for Final Payment promptly but in no event later than ten (10) days after its receipt. Prior to the expiration of this deadline, A/E will either: 1) return the Application for Final Payment to Contractor with corrections for action and resubmission; or 2) accept it, note their approval, and send to Owner.

11.3.4 Offsets and Deductions. Owner may deduct from the Final Payment all sums due from Contractor. If the Certificate of Final Completion notes any Work remaining, incomplete, or defects not remedied, Owner may deduct the cost of remedying such deficiencies from the Final Payment. On such deductions, Owner will identify each deduction, the amount, and the explanation of the deduction on or by the twenty-first (21st) day after Owner's receipt of an approved Application for Final Payment. Such offsets and deductions shall be incorporated via a final Change Order, including a ULCO as may be applicable.

11.3.5 Final Payment Due. Final Payment is due and payable by Owner, subject to all allowable offsets and deductions, on the thirtieth (30th) day following Owner's approval of the Application for Payment. If Contractor disputes any amount deducted by Owner, Contractor shall give notice of the dispute on or before the thirtieth (30th) day following receipt of Final Payment. Failure to do so will bar any subsequent claim for payment of amounts deducted.

11.3.6 Effect of Final Payment. Final Payment constitutes a waiver of all claims by Owner, relating to the condition of the Work except those arising from:

11.3.6.1 Faulty or defective Work appearing after Substantial Completion (latent defects);

11.3.6.2 Failure of the Work to comply with the requirements of the Contract Documents;

11.3.6.3 Terms of any warranties required by the Contract, or implied by law; or

11.3.6.4 Claims arising from personal injury or property damage to third parties.

11.3.7 Waiver of Claims. Final payment constitutes a waiver of all claims and liens by Contractor except those specifically identified in writing and submitted to ODR prior to the application for Final Payment.

11.3.8 Effect on Warranty. Regardless of approval and issuance of Final Payment, the Contract is not deemed fully performed by Contractor and closed until the expiration of all warranty periods.

Article 12. Warranty and Guarantee

12.1 Contractor's General Warranty and Guarantee. Contractor warrants to Owner that all Work is executed in accordance with the Contract, complete in all parts and in accordance with approved practices and customs, and of the required finish and workmanship. Contractor further warrants that unless otherwise specified, all materials and equipment incorporated in the Work under the Contract are new. Owner may, at its option, agree in writing to waive any failure of the Work to conform to the Contract, and to accept a reduction in the Contract price for the cost of repair or diminution in value of the Work by

Exhibit 00700

reason of such defect. Absent such a written agreement, Contractor's obligation to perform and complete the Work in accordance with the Contract Documents is absolute and is not waived by any inspection or observation by Owner, A/E or others, by making any progress payment or final payment, by the use or occupancy of the Work or any portion thereof by Owner, at any time, or by any repair or correction of such defect made by Owner.

12.2 Warranty Period. Except as may be otherwise specified or agreed, Contractor shall repair all defects in materials, equipment, or workmanship appearing within one (1) year from the date of Substantial Completion of the Work. If Substantial Completion occurs by phase, then the warranty period for the Work performed for each phase begins on the date of Substantial Completion of that phase, or as otherwise stipulated on the Certificate of Substantial Completion for the particular phase.

12.3 Limits on Warranty. Contractor's warranty and guarantee hereunder excludes defects or damage caused by:

12.3.1 Modification or improper maintenance or operation by persons other than Contractor, Subcontractors, or any other individual or entity for whom Contractor is not responsible, unless Owner is compelled to undertake maintenance or operation due to the neglect of Contractor.

12.3.2 Normal wear and tear under normal usage after acceptance of the Work by Owner.

12.4 Events Not Affecting Warranty. Contractor's obligation to perform and complete the Work in a good and workmanlike manner in accordance with the Contract Documents is absolute. None of the following will constitute an acceptance of Work that is not in accordance with the Contract Documents or relieve the Contractor from its obligation to perform the Work in accordance with the Contract Documents:

12.4.1 Observations by Owner and/or A/E;

12.4.2 Recommendation to pay any progress or final payment by A/E;

12.4.3 The issuance of a certificate of Substantial Completion or any payment by Owner to Contractor under the Contract Documents;

12.4.4 Use or occupancy of the Work or any part thereof by Owner;

12.4.5 Any acceptance by Owner or any failure to do so;

12.4.6 Any review of a Shop Drawing or sample submittal; or

12.4.7 Any inspection, test or approval by others.

12.5 Separate Warranties. If a particular piece of equipment or component of the Work for which the Contract requires a separate warranty is placed in continuous service before Substantial Completion, the warranty period for that equipment or component will not begin until Substantial Completion, regardless of any warranty agreements in place between suppliers and/or Subcontractors and Contractor. ODR will certify the date of service commencement in the Substantial Completion certificate.

12.5.1 In addition to Contractor's warranty and duty to repair, Contractor expressly assumes all warranty obligations required under the Contract for specific building components, systems and equipment.

12.5.2 Contractor may satisfy any such obligation by obtaining and assigning to Owner a complying warranty from a manufacturer, supplier, or Subcontractor. Where an assigned warranty is tendered and accepted by Owner which does not fully comply with the requirements of the Contract, Contractor remains liable to Owner on all elements of the required warranty not provided by the assigned warranty.

Exhibit 00700

12.6 Correction of Defects. Upon receipt of written notice from Owner, or any agent of Owner designated as responsible for management of the warranty period, of the discovery of a defect, Contractor shall promptly remedy the defect(s), and provide written notice to Owner and designated agent indicating action taken. In case of emergency where delay would cause serious risk of loss or damage to Owner, or if Contractor fails to remedy within thirty (30) days, or within another period agreed to in writing, Owner may correct the defect and be reimbursed the cost of remedying the defect from Contractor or its surety.

Article 13. Suspension and Termination

13.1 Suspension of Work for Cause. Owner may, at any time without prior notice, suspend all or any part of the Work if, after reasonable observation and/or investigation, Owner determines it is necessary to do so to prevent or correct any condition of the Work which constitutes an immediate safety hazard or which may reasonably be expected to impair the integrity, usefulness or longevity of the Work when completed.

13.1.1 Owner will give Contractor a written notice of suspension for cause, setting forth the reason for the suspension and identifying the Work suspended. Upon receipt of such notice, Contractor shall immediately stop the Work so identified. As soon as practicable following the issuance of such a notice, Owner will initiate and complete a further investigation of the circumstances giving rise to the suspension, and issue a written determination of the findings.

13.1.2 If it is confirmed that the cause was within the control of Contractor, Contractor will not be entitled to an extension of time for delay resulting from the suspension. If the cause is determined not to have been within the control of Contractor, and the suspension has prevented Contractor from completing the Work within the Contract Time, the suspension is an excusable delay and a time extension will be granted through a Change Order.

13.1.3 Suspension of Work under this provision will be no longer than is reasonably necessary to remedy the conditions giving rise to the suspension.

13.2 Suspension of Work for Owner's Convenience. Upon seven (7) days written notice to Contractor, Owner may at any time without breach of the Contract suspend all or any portion of the Work for a period of up to sixty (60) days for its own convenience. Owner will give Contractor a written notice of suspension for convenience, which sets forth the number of suspension days for which the Work, or any portion of it, and the date on which the suspension of Work will cease. When such a suspension prevents Contractor from completing the Work within the Contract Time, it is an excusable delay. A notice of suspension for convenience may be modified by Owner at any time on seven (7) days written notice to Contractor. If Owner suspends the Work for its convenience for more than sixty (60) consecutive days, Contractor may elect to terminate the Contract pursuant to the provisions of the Contract.

13.3 Termination by Owner for Cause.

13.3.1 Upon thirty (30) days written notice to Contractor and its surety, Owner may, without prejudice to any right or remedy, terminate the Contract and take possession of the Site and of all materials, equipment, tools, construction equipment, and machinery thereon owned by Contractor under any of the following circumstances:

13.3.1.1 Persistent or repeated failure or refusal, except during complete or partial suspensions of work authorized under the Contract, to supply enough properly skilled workmen or proper materials;

13.3.1.2 Persistent disregard of laws, ordinances, rules, regulations or orders of any public authority having jurisdiction, including ODR;

Exhibit 00700

13.3.1.3 Persistent failure to prosecute the Work in accordance with the Contract, and to ensure its completion within the time, or any approved extension thereof, specified in the Contract;

13.3.1.4 Failure to remedy defective work condemned by ODR;

13.3.1.5 Failure to pay Subcontractors, laborers, and material suppliers pursuant to Tex. Gov't Code, Chapter 2251;

13.3.1.6 Persistent endangerment to the safety of labor or of the Work;

13.3.1.7 Failure to supply or maintain statutory bonds or to maintain required insurance, pursuant to the Contract;

13.3.1.8 Any material breach of the Contract; or

13.3.1.9 Contractor's insolvency, bankruptcy, or demonstrated financial inability to perform the Work.

13.3.2 Failure by Owner to exercise the right to terminate in any instance is not a waiver of the right to do so in any other instance.

13.3.3 Upon receipt of a termination notice, the Contractor or its Surety has thirty (30) days to cure the reasons for the termination or demonstrate to the satisfaction of the Owner that it is prepared to remedy to the condition(s) upon which the notice of termination was based with diligence and promptness. If the Owner is satisfied that the Contractor or its Surety can remedy the reasons for the termination and complete the Work as required, the notice of termination shall be rescinded in writing by the Owner and the Work shall continue without an extension of time.

13.3.4 If at the conclusion of the thirty (30) day cure period the Contractor or its Surety is unable to demonstrate to the satisfaction of the Owner its ability to remedy the reasons for termination, the Owner may immediately terminate the employment of the Contractor, make alternative arrangements for completion of the Work and deduct the cost of completion from the unpaid Contract Sum.

13.3.4.1 Owners cost to complete the Work includes, but is not limited to, fees for additional services by A/E and other consultants, and additional contract administration costs.

13.3.4.2 Owner will make no further payment to Contractor or its surety unless the costs to complete the Work are less than the Contract balance, then the difference shall be paid to Contractor or its surety. If such costs exceed the unpaid balance, Contractor or its surety will pay the difference to Owner.

13.3.4.3 This obligation for payment survives the termination of the Contract.

13.3.4.4 Owner reserves the right in termination for cause to take assignment of all the Contracts between Contractor and its Subcontractors, vendors, and suppliers. ODR will promptly notify Contractor of the contracts Owner elects to assume. Upon receipt of such notice, Contractor shall promptly take all steps necessary to effect such assignment.

13.4 Conversion to Termination for Convenience. In the event that any termination of Contractor for cause under Section 13.3 is later determined to have been improper, the termination shall automatically convert to a termination for convenience under Section 13.5 and Contractor's recovery for termination shall be strictly limited to the payments allowable under Section 13.5.

Exhibit 00700

13.5 Termination for Convenience of Owner. Owner reserves the right, without breach, to terminate the Contract prior to, or during the performance of the Work, for any reason. Upon such an occurrence, the following shall apply:

13.5.1 Owner will notify Contractor and A/E in writing specifying the reason for and the effective date of the Contract termination. The notice may also contain instructions necessary for the protection, storage or decommissioning of incomplete work or systems, and for safety.

13.5.2 Upon receipt of the notice of termination, Contractor shall immediately proceed with the following obligations, regardless of any dispute in determining or adjusting any amounts due at that point in the Contract:

13.5.2.1 Stop all work.

13.5.2.2 Place no further subcontracts or orders for materials or services.

13.5.2.3 Terminate all subcontracts for convenience.

13.5.2.4 Cancel all materials and equipment orders as applicable.

13.5.2.5 Take appropriate action that is necessary to protect and preserve all property related to the Contract which is in the possession of Contractor.

13.5.3 When the Contract is terminated for Owner's convenience, Contractor may recover from Owner payment for all Work executed. Contractor may not claim lost profits or lost business opportunities.

13.6 Termination By Contractor. If the Work is stopped for a period of ninety (90) days under an order of any court or other public authority having jurisdiction, or as a result of an act of government, such as a declaration of a national emergency making materials unavailable, through no act or fault of Contractor or Subcontractor or their agents or employees or any other persons performing any of the Work under a contract with Contractor, then Contractor may, upon thirty (30) additional days written notice to ODR, terminate the Contract and recover from Owner payment for all Work executed, but not lost profits or lost business opportunities. If the cause of the Work stoppage is removed prior to the end of the thirty (30) day notice period, Contractor may not terminate the Contract.

13.7 Settlement on Termination. When the Contract is terminated for any reason, at any time prior to one hundred eighty (180) days after the effective date of termination, Contractor shall submit a final termination settlement proposal to Owner based upon recoverable costs as provided under the Contract. If Contractor fails to submit the proposal within the time allowed, Owner may unilaterally determine the amount due to Contractor because of the termination and pay the determined amount to Contractor.

Article 14. Dispute Resolution

14.1 If either the Contractor or the City has a claim or dispute, the parties shall first attempt to resolve the matter through non-binding mediation. The disputing party shall notify the other party in writing as soon as practicable after discovering the claim, dispute, or breach. The notice shall state the nature of the dispute and list the party's specific reasons for such dispute. Within ten (10) business days of receipt of the notice, both parties shall make a good faith effort, in person or through generally accepted means, to resolve any claim, dispute, breach or other matter in question that may arise out of, or in connection with, this Contract. If the parties cannot resolve the dispute through mediation, then either party shall have the right to exercise any and all remedies available under law regarding the dispute. If there is a dispute, the Contractor agrees to continue performance under the Contract.

Article 15. Certification of No Asbestos Containing Material or Work

Exhibit 00700

15.1 Contractor shall insure that Texas Department of State Health Services licensed individuals, consultants or companies are used for any required asbestos work including asbestos inspection, asbestos abatement plans/specifications, asbestos abatement, asbestos project management and third-party asbestos monitoring.

15.2 Contractor shall provide a notarized certification to Owner that all equipment and materials used in fulfillment of its Contract responsibilities are non-Asbestos Containing Building Materials (ACBM). This certification must be provided no later than Contractor's application for Final Payment.

15.3 The Contractor shall insure compliance with the following acts from all of his subcontractors and assigns:

- Asbestos Hazard Emergency Response Act (AHERA—40 CFR 763-99 (7));
- National Emission Standards for Hazardous Air Pollutants (NESHAP—EPA 40 CFR 61, Subpart M—National Emission Standard for Asbestos;
- Texas Asbestos Health Protection Rules (TAHPR—Tex. Admin. Code Title 25, Part 1, Ch. 295C, Asbestos Health Protection

Article 16. Miscellaneous

16.1 Owner's Special Conditions. When the Work contemplated by Owner is of such a character that the foregoing General Conditions of the Contract cannot adequately cover necessary and additional contractual relationships, the Contract may include Owner's Special Conditions that relate to the Project. In the event of a conflict between the General Conditions and the Owner's Special Conditions, the Owner's Special Conditions will govern.

16.2 Federally Funded Projects. On Federally funded projects, Owner may waive, suspend or modify any Article in these Uniform General Conditions which conflicts with any Federal statue, rule, regulation or procedure, where such waiver, suspension or modification is essential to receipt by Owner of such Federal funds for the Project. In the case of any Project wholly financed by Federal funds, any standards required by the enabling Federal statute, or any Federal rules, regulations or procedures adopted pursuant thereto, shall be controlling.

16.3 Internet-based Project Management Systems. At its option, Owner may administer its design and construction management through an Internet-based management system. In such cases, Contractor shall conduct communication through this media and perform all Project related functions utilizing this database system. This includes correspondence, submittals, Requests for Information, vouchers or payment requests and processing, amendment, Change Orders and other administrative activities.

16.3.1 Accessibility and Administration.

16.3.1.1 When used, Owner will make the software accessible via the Internet to all Project team members.

16.3.1.2 Owner shall administer the software.

16.3.2 Training. When used, Owner shall provide training to the Project team members.

16.4 Right to Audit.

16.4.1 Contractor understands that acceptance of funds under this Contract acts as acceptance of the authority of the State Auditor's Office, Owner, any successor agency and their representatives, including independent auditors, to conduct an audit or investigation in connection with those funds. Contractor further agrees to cooperate fully with any party conducting the audit or

Exhibit 00700

investigation, including providing all records requested.

16.4.2 Contractor shall maintain and retain supporting fiscal and any other documents relevant to showing that any payments under this Contract funds were expended in accordance with the terms of this Contact, the requirements of Owner, and with the laws and regulations of the State of Texas including, but not limited to, requirements of the Comptroller of the State of Texas and the State Auditor. Contractor shall maintain all such documents and other records relating to this Contract and Owner's property for a period of four (4) years after the date of submission of a request for Final Payment or until a resolution of all billing questions, whichever is later. Contractor shall make available at reasonable times and upon reasonable notice and for reasonable periods all documents and other information related to the Work of this Contract.

16.4.3 Contractor shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the Contractor and the requirement to cooperate is included in any subcontract it awards.

16.5 Limitation of Damages. Notwithstanding any other provisions of the Contract and to the fullest extent permitted by law, the Owner and Contractor, on behalf of themselves, their parent companies, if applicable, their affiliates and their directors, officers and employees, mutually waive all claims against the other for any loss of funding, loss of profits, loss of opportunity, loss of office expenses, loss of compensation, loss of business and reputation, and any other special, consequential or indirect losses or damages, except as expressly permitted in the Contract.

16.6 179 D Benefit Allocation. Owner may decide to seek the allocation of certain tax benefits pursuant to Section 179D of the Internal Revenue Code of 1986, as amended, (the "Code") through its Agreement with Contractor

If the Owner and the Internal Revenue Service (IRS) determine that the Contractor is eligible to receive the 179D deduction allocation as a "Designer" for the purposes of Section 179D of the Code or that Contractor could otherwise profit financially from the monetization of the benefit (separately and collectively, the "Rebate"), Contractor hereby agrees to allocate to the Owner a portion of the Rebate in an amount to be determined and contracted for on mutually agreeable terms when the value of the Rebate becomes ascertainable, net of associated costs realized by the Owner and Project Architect. At its sole discretion, the Owner shall determine whether to receive its portion of the Rebate in cash, discounted Contractor fees or both.

Owner reserves the right to retain a third party consultant (the "Consultant") to manage and administer the process of obtaining and monetizing the Rebate derived from the Project(s).

Contractor agrees to cooperate in all reasonable respects with the Consultant's efforts to obtain and monetize any such Rebates derived from the Project(s) on behalf of the Owner. Certification of eligibility and negotiation of the Rebates should be facilitated by the Owner's 179D Consultant.

End of General Conditions

Exhibit 00700

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Contract for Construction of Electric Covered Equipment and Laydown Space

SUGGESTED ACTION:
Consideration and possible action to approve the Contract for Construction of the Georgetown Municipal Complex Electric Equipment and Laydown Space with Trimbuilt Construction in the amount of $ 424,982.00 -- Jennifer Bettiol, CIP Manager Public Works

ITEM SUMMARY:
Project scope includes the addition of free-standing pre-engineered metal canopies to the existing covered fleet parking at the Georgetown Municipal Complex for the City of Georgetown's Electric Equipment and Laydown Space. Construction contract to be completed with Trimbuilt Construction.

FINANCIAL IMPACT:
Cost Impact: $ 424,982.00

SUBMITTED BY:
Lauren Wilson, Public Works

ATTACHMENTS:
ITB 202647 Solicitation Award Recommendation MEMO.pdf

City of Georgetown
Purchasing Department
510 W. 9th Street
Georgetown, Texas 78626
(512) 930-8454

Solicitation Award Recommendation

To: Jennifer Bettiol; CIP Manager ; Lauren Wilson; Contract Coordinator

From: Nicole Abrego, Senior Buyer, Purchasing

Date: July 22, 2026

Re: Recommendation for Solicitation # 202647 – GMC Layout Parking Lot

---

This memorandum documents the recommendation for award for Invitation to Bid No. 202647 titled GMC Layout Parking Lot project.

The solicitation was conducted as a competitive sealed bid process. All bids were received and publicly opened on June 9, 2026, 2PM. After verifying bid completeness, compliance with submission requirements, and confirming arithmetic accuracy, Trimbuilt Construction, Inc. was identified as the lowest responsive and responsible bidder.
Bid Results:

- **Low Bidder: Trimbuilt Construction Inc.**
- **Bid Amount: $424,982.00**
- Status: Responsive and Responsible
- Other Bidders:
  Synergy Commercial Construction;
  Bid Amount: $466,054.02

Recommendation
Based on the verified bid tabulation and compliance with all solicitation requirements, approval is requested to award the[GMC Layout Parking Lot contract to Trimbuilt Construction, Inc. as the lowest responsive and responsible bidder.

Please advise if further information is needed to proceed with the award.
Nicole Abrego
Senior Buyer

Attached is the detail of all line items recommended

Event Number	202647 Addendum 1	**Organization**	Georgetown Purchasing
Event Title	GMC Layout Parking Lot ITB	**Workgroup**	Georgetown TX
Event Description	GMC Layout Parking Lot ITB	**Event Owner**	Nicole Abrego
Event Type	ITB	**Email**	nicole.abrego@georgetowntexas.gov
Issue Date	5/10/2026 02:00:00 PM (CT)	**Phone**	
Close Date	6/9/2026 02:00:00 PM (CT)	**Fax**	

Responding Supplier	City	State	Response Submitted	Lines Responded	Addendum 1	Section 0400	Bid Bond	Line 1	Line 2	Response Total
Trimbuilt Construction Inc	Austin	TX	6/9/2026 01:10:25 PM (CT)	2	Acknowledged	Submitted	Submitted	$19,125.00	$405,857.00	$424,982.00
Synergy Commercial Constructi	Georgetown	TX	6/9/2026 01:27:19 PM (CT)	2	Acknowledged	Submitted	Submitted	$23,300.00	$442,754.02	$466,054.02

Please note: Lines Responded and Response Total only includes responses to specification. No alternate response data is included.

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Ratification for Berry Creek Dr. and Briarcrest Dr. Roadway Emergency Repairs

SUGGESTED ACTION:
Consideration and possible action to ratify the expenditure of $188,850.00 with Joe Bland Construction for Berry Creek Emergency Repairs -- Wesley Wright, P.E., Systems Engineering Director, and David Herzog, CIP Manager

ITEM SUMMARY:
The May 20, 2026 flood event caused a complete roadway closure on Berry Creek Drive between Briarcrest Drive and Morning Dove Boulevard. Floodwaters damaged the existing storm drainage system and completely washed out a portion of the roadway.

A second area below the Briarcrest Drive bridge was also significantly affected. The existing drainage infrastructure was washed out, leaving wastewater utilities exposed and requiring immediate repairs.

Joe Bland Construction completed the emergency repairs within three days, allowing Berry Creek Drive to reopen as quickly as possible. The work included the installation of new drainage culverts, reconstruction of the roadway, and replacement of guardrails. Repairs near the Briarcrest Drive bridge, including restoration of the damaged drainage area and protection of the exposed wastewater utilities, were completed within the same time frame.

FINANCIAL IMPACT:
Funds for this expenditure are budgeted and available in the FY 2026 Street Maintenance Fund.

SUBMITTED BY:
Moose Morales, Systems Engineering

ATTACHMENTS:
Procurement Exemption Form_Joe Bland emergency repair_dc signed 7.20.26.pdf
1110.CGT.001-1.pdf

Purchasing Department Exemption Form

Department Name:

Systems Engineering

Requisition Number:

REQ-2605770

Vendor name, description of item or service to be procured, and estimated amount or fiscal year amount(s) as applicable:

Joe Bland Construction, repair roadway that washed out during the flooding event on May 20th 2026. The amount is for $188,850.00

Attach vendor proposals and any other documentation that supports this exemption.

This exemption form is executed and filed with the Purchasing Department in the Finance Division.

The undersigned agrees that the following general exemption (per Texas Local Government Code, Section 252.022) is applicable to this purchase.

Please check the appropriate exemption:

- ◯ **1. Public Calamity: Procurement made because of a public calamity that required the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality.**
- ◯ **2. Public Health or Safety: Procurement necessary to preserve or protect the public health or safety of the municipality's residents.**
- ◯ **3. Unforeseen Damage: Procurement necessary because of unforeseen damage to public machinery, equipment, or other property.**
- ◯ **4. Procurement for Personal, Professional, or Planning Services: Professional services are those rendered by an architect, attorney, certified public accountant, engineer, physician, real estate appraiser, land surveyor or other profession approved under the law.**

Describe the type of professional services and what mainly mental or intellectual rather than physical or manual and/or disciplines requiring special knowledge or attainment and a high order of learning, skill, and intelligence are needed.

5. Sole Source. Item or service available from only one source because of: (check one below)

- ○ Patents, copyrights, secret processes, or natural monopolies
- ○ Films, manuscripts, or books,
- ◉ Gas, water and other utility services
- ○ Captive replacement parts or components for equipment
- ○ Books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials
- ○ Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits

Attach manufacturer's sole source statement and other supporting documentation.

- ○ 6. Purchase of rare books, papers, and other library materials for a public library
- ○ 7. Services performed by blind or severely disabled persons
- ○ 8. Goods purchased by a municipality for subsequent retail sale by the municipality
- ○ 9. Advertising, other than legal notices

Provide additional details and justification on exemption selected above. Provide evaluation conducted including efforts taken to ensure vendor is responsible and will provide the best value to the City. If applicable, explain if another exemption applies not listed above that is allowed under law.

Joe Bland was able to get crews on-site same day to repair the roadway and storm drainage that was completely washed away with high fast moving waters. They installed brand new culverts to make the system able to handle such events in the future. They were able to get the roadway back open in 3 days. They completed another area near Briarcrest Dr. Bridge where the flood waters washed out an area which exposed our wastewater infrastructure. They cleaned the area up and added a concrete cap on the wastewater lines to prevent future exposure.

A: Requesting Person: (Sign & Date)

X

Date July 17 2026

B: Director: (For purchases $3,000 - $49,999.99) (Sign & Date)

X

Date 07/17/2026

C: CM / ACM: (For purchases $50,000 & up (Sign & Date)

X

Date 7/20/2026

Exemption Authorized: (Purchasing Manager or Designee) (Sign & Date)

X Donna Cantwell

Date 7/20/2026

All purchases over $50,000 are subject to City Council approval.

NOTE: This form is not required for purchases under $3,000.

Purchasing Department comments:

BJM - Updated category from Sole Source to Public Calamity. The department submitted PUR-2982 on June 23rd with the invoice from Joe Bland Construction.

INVOICE BERRY CREEK EMERGENCY WORK - GEORGETOWN

JOE BLAND CONSTRUCTION, LLC

9500 W PARMER LN - 1301
AUSTIN, TX 78717
Contact: KYLE KLUSSMANN
Phone: (512) 821-2808
Email: kklussmann@joeblandconstruction.com

Quote To: JONATHAN MORALES
CITY OF GEORGETOWN, TX

Phone:
Email:

Job Name:
Date of Plans:
Revision Date:

Inv# 1110.CGT.001

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
10	**WASTE WATER REPAIRS**				
20	MOBILIZATION	1.00	LS	1,250.00	1,250.00
30	CLEAN & PREP WW LINE	1.00	LS	2,475.00	2,475.00
40	INSTALL CONCRETE CAP	10.00	CY	715.00	7,150.00
42	CLEAN UP SITE	1.00	LS	1,500.00	1,500.00
45	**SUBTOTAL WASTE WATER REPAIRS**				**12,375.00**
100	**BOX CULVERT REPAIRS**				
110	MOBILIZATION	1.00	LS	1,250.00	1,250.00
120	CLEAN & PREP SITE	1.00	LS	2,000.00	2,000.00
125	3" X 5" ROCK- 90 TNS & 1" BEDDING-160 TNS	1.00	LS	9,800.00	9,800.00
130	INSTALL 10' X 5' PRE-CAST CBC	49.00	LF	1,365.00	66,885.00
140	ASPHALT - TYPE D	100.00	TONS	118.00	11,800.00
150	MBGF	565.00	LF	74.00	41,810.00
160	TRAFFIC CONTROL	3.00	DAYS	6,150.00	18,450.00
170	BURY CONDUIT	1.00	LS	1,250.00	1,250.00
180	CLEAN UP SITE	1.00	LS	3,000.00	3,000.00
200	**SUBTOTAL BOX CULVERT REPAIRS**				**156,245.00**
250	12% MARK UP	1.00	LS	20,230.00	20,230.00
GRAND TOTAL					**$188,850.00**

NOTES:

KYLE KLUSSMANN
JOE BLAND CONSTRUCTION, LLC
6/19/26

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Construction Contract with G2 Company for 1000 CR 409 Taylor Site Demo

SUGGESTED ACTION:
Consideration and possible action to award a construction contract for the 1000 CR 409 Taylor, TX Site Structure Demolition and Site Clean Up Project to G2 Company out of Austin, TX in the amount of $130,775.00 -- Wesley Wright, PE, Systems Engineering Director and David Herzog, CIP Manager

ITEM SUMMARY:
In 2025 the City of Georgetown purchased property at 1000 CR 409 Taylor, TX for a site to take water for the Regional Water Initiative Project. On this recently purchased property sits a vacant house and outbuilding structures that we would like to demolish to ensure that we are not inadvertently allowing unauthorized individuals to occupy this house.

The project consists of the demolition of one (1) residential structure outbuilding structures, septic system and concrete slabs, as well as capping an existing water well and other miscellaneous construction activities.

This project was publicly advertised on June 24, 2026, and July 1, 2026. Bid opening was on Tuesday July 14,2026 at 2:00pm. We received 2 responsive and 2 nonresponsive bids. The low qualified bidder for the project is G2 Company of Austin, TX with a total bid of $130,775.00. G2 Company has successfully completed various structure demolition projects throughout Texas.

With this contract, substantial completion is within 45 calendar days and final completion is 60 calendar days from Notice to Proceed.

STAFF RECOMMENDATIONS:
Staff and KPA recommend awarding a construction contract for the 1000 CR 409 Taylor, TX Structure Demolition project to G2 Company of Austin, TX in the amount of $130,775.00.

FINANCIAL IMPACT:
Funds for this expenditure are budgeted and available in the FY 26 budget, PRJ000977

SUBMITTED BY:
Hunter Anderson, Systems Engineering

ATTACHMENTS:
Council Attachments LOR,Bid Tab, Exhibit.pdf

19 North Main Street • Temple, TX 76501 • (254) 773-3731
800 South Austin Ave • Georgetown, TX 78626 • (512) 819-9478

July 16, 2026

Mr. Hunter Anderson
Assistant CIP Manager
City of Georgetown
300-1 Industrial Avenue

Re: City of Georgetown
1000 CR 409 Structure Demolition Project

Mr. Anderson,

Bids were received by the City of Georgetown until 2:00 P.M. on Tuesday, July 14, 2026, for the above referenced project. There were two (2) responsive bids received, and two (2) non-responsive bids received for this project. A detailed bid tabulation is attached for your use as well as an overall location map (Exhibit A).

This project consists demolition of an existing residential structure, outbuilding structures, septic system, and concrete slabs, as well as, capping an existing water well, and other miscellaneous construction activities.

The low qualified bidder for this project is G2 Company of Austin, Texas in the amount of $130,775.00. G2 Company has completed projects of similar size and scope. We have reviewed the current workload, references and construction history of G2 Company and as a result of our findings, we recommend that a contract be awarded to G2 Company for the total bid amount of **$130,775.00.**

Sincerely,

Alvin R. (Trae) Sutton III, P.E., CFM
Principal
TSutton@kpaengineers.com

xc: Ms. Nicole Abrego, City of Georgetown
Mr. Josue Garcia, G2 Company
2026-145-30

BID TABULATION
CITY OF GEORGETOWN TEXAS
1000 CR 409 Structure Demolition Project
July 14, 2026; 2:00 PM

				BIDDER INFORMATION							
				G2 Company **12901 Margit Drive** **Austin, TX 78729**		**JA Demoltion Services, LLC** **3843 Hopper Road** **Houston, TX 77093**		**Rise Up Refuse, LLC** **P.O. Box 583** **China Spring, TX 76633**		**Diamond S Fencing, Inc.** **4993 N. Venison Road** **Scott City, KS 67871**	
Item No.	*Estimated Quantity*	*Unit*	*Bid Data Description*	*Unit Price*	*Extended Amount*	*Unit Price*	*Extended Amount*	*Unit Price*	*Extended Amount*	*Unit Price*	*Extended Amount*
1	100%	LS	Insurance, Bonds and Mobilization, not to exceed 5% of Bid	$ 6,225.00	$ 6,225.00	$ 7,500.00	$ 7,500.00	**NON-RESPONSIVE BID (INCOMPLETE BID FORM/BID BOND)**		**NON-RESPONSIVE BID (INCOMPLETE BID SUBMITTAL)**	
2	2	LS	Provide Labor, Equipment, Tools and Supervision to Complete Preparation of Right-of-way	3,000.00	6,000.00	16,000.00	32,000.00				
3	100%	LS	Prepare Stormwater Pollution Prevention Plan, including submission to and receiving permits from Texas Commission on Environmental Quality (TCEQ)	5,000.00	5,000.00	2,700.00	2,700.00				
4	100%	LF	For Providing a Video DVD of each Project Area Prior to and After Construction	2,500.00	2,500.00	4,500.00	4,500.00				
5	500	EA	Furnish, Install, Maintain & Remove Silt Fence	3.00	1,500.00	3.50	1,750.00				
6	6,800	SF	Furnish All Equipment, Material and Labor to Demolish Structures per the Specifications, Including but not limited to Removal and Disposal of All Debris and Materials, and All Other Appurtenances	10.00	68,000.00	8.50	57,800.00				
7	2,600	SF	Furnish All Equipment, Material and Labor to Demolish Concrete Pads and Peir & Beam Structure per the Specifications, Including but not limited to Removal and Disposal of All Debris and Materials, Demolition of Concrete Foundations, Grading of Site, Re-Seeding and Fertilizing/Watering to Maintain Growth, and All Other Appurtenances	6.75	17,550.00	11.50	29,900.00				
8	100%	SF	Furnish All Equipment, Material and Labor for the Demolition of the Existing Conventional Septic System, Including Pumping & Disposal of Waste Materail, Backfill, Seeding, and other Miscealleneous Work as outlined in the Plans	8,000.00	8,000.00	7,600.00	7,600.00				
9	100%	SF	Furnish All Equipment, Material and Labor for Capping the Existing Domestic Water Well per TCEQ Regulatory Guidelines, as shown in the Plans	6,000.00	6,000.00	8,800.00	8,800.00				
10	100%	LF	For City of Georgetown Force Account	10,000.00	10,000.00	10,000.00	10,000.00				
BASE BID - (Items 1 - 10)					$ 130,775.00		$ 162,550.00				

Did Bidder Acknowledge Addendum No. 1 through 3?	YES	YES	**NON-RESPONSIVE BID (INCOMPLETE BID FORM/BID BOND)**	**NON-RESPONSIVE BID (INCOMPLETE BID SUBMITTAL)**
Did Bidder provide Section #00400?	YES	YES		
Did Bidder provide Section #00410?	YES	YES		

I hereby certify that this is a correct and true tabulation of all bids received

July 16, 2026

Alvin R (Trae) Sutton III, PE, CFM
Kasberg, Patrick & Associates, LP

Date

STATE OF TEXAS
ALVIN R. SUTTON, III
96530
LICENSED
PROFESSIONAL ENGINEER

NO.	DATE	REVISION	BY

© 2026 Kasberg, Patrick & Associates, LP
KPA Firm Registration Number F-510

Plot Date: 6/15/2026 1:53:29 PM
Plotted By: KRICHARDSON

PROJECT NO. 2026-145
DRAWN BY Klint Richardson
DESIGNED BY
APPROVED BY
DATE 06/15/2026

STATE OF TEXAS
ALVIN R. SUTTON, III
96530
LICENSED
PROFESSIONAL ENGINEER

KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501

CITY OF GEORGETOWN, TX
1000 CR 409 STRUCTURE DEMOLITION PROJECT

Exhibit A

FILE: P:\Georgetown\2026\2026-145 1000 CR 409 Structure Demolition Project\CAD\BASE\26-145_DEMO_PLAN.dwg LAST SAVED: 5/21/2026 3:38:32 PM LAYOUT: STRUCTURE DEMOLITION PLAN

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Task Order with LJA Engineering Inc. for Real Est ate Services - Ridge Line Blvd. Extension Phase 1 Project

SUGGESTED ACTION:
Consideration and possible action to approve Task Order LJA-26-001 with LJA Engineering, Inc., in the amount Not-To-Exceed $107,800.00 for Real Estate Services related to acquisition and relocation services (maximum of eight (8) properties to acquire fee simple right of way; two (2) potential business relocations and one (1) single family residential relocation) as part of the Ridge Line Blvd. Extension Phase 1 Project -- Juan Rodriguez, SR/WA, Real Estate Program Manager

ITEM SUMMARY:
The accompanying proposal from LJA Engineering, Inc., a vendor with an approved City of Georgetown Master Services Agreement, to provide Right-of-Way acquisition and relocation services on up to eight (8) Parcels, as part of the Ridgeline Boulevard Extension, Phase 1 from Naturita Drive to FM 1460, requires Council approval as the total no-to-exceed cost for these services will be in excess of $100,000.00. The proposal from the vendor is in the amount of $107,800.00, as further explained on the attached Scope of Services and Fee Schedule proposal from LJA Engineering, Inc.

City Staff recommends approval of this new Task Order with LJA Engineering, Inc. on the subject City Project. There is no additional cost associated with this Task Order, as the estimated expense to acquire the necessary Right-Of-way was previously included as part of the design and construction budget associated with this Project.

FINANCIAL IMPACT:
N/A

SUBMITTED BY:
Susan Demeo, City Attorney's Office/ Real Estate

ATTACHMENTS:
LJA Proposal_Ridge Line Blvd_Scope of Services & Fee Schedule_$107,800_PRJ000888.pdf

EXHIBIT A
SCOPE OF SERVICES

The terms and conditions of this Agreement shall take precedence and control over any term or provision of the Scope of Services that in any way conflicts with, differs from, or attempts to alter the terms of this Agreement.

1. Communication and Project Administration
    a. All project files must be available to the City at all times.
    b. Summary reports of project expenses, including authorized amounts, amounts paid and budget forecasting, must be provided to the City monthly, or at intervals agreed upon by the City.
    c. Status reports of all parcel and project activities must be maintained and provided to the City monthly.
    d. A schedule of all areas of work, including anticipated commencement and completion dates, must be provided to the City within 30 calendar days of the issuance of a task order.
    e. Consultant must participate in project review meetings scheduled by the City.

2. File Management
    a. All working files must be maintained at the Consultant's project administration offices.
    b. All files and documents must be made available to the City immediately upon request.
    c. Upon completion of any project, as determined by the City, a copy of all files associated with the project must be provided to the City.
    d. Invoices must be prepared and submitted monthly to the City. All invoices must contain an itemized, detailed description of the services performed and charges therefor.
    e. Consultant must retain copies of all correspondence and documentation of all contact with parties involved in any acquisition negotiations, including but not limited to property owners, lenders, lease holders or holders of any other rights in title, involved legal counsel, other agencies, or any party with whom Consultant had contact related with the Project, for a period of time to be specified by the City for each project.

3. Title and Closing Services
    a. Consultant shall secure preliminary title commitments from title companies specified by the City. Any title company charges for the preliminary title commitments shall be paid directly by the City and must not be included in Consultant's cost/fee schedule.

b. Consultant shall secure title commitment updates in accordance with applicable insurance rules and regulations for parcel payment submissions. Any title company charges shall be paid directly by the City and must not be included in Consultant's cost/fee schedule.
c. Consultant shall secure title insurance for all parcels acquired, insuring acceptable title to the City. Advance written authorization from the City is required for any exceptions to title insurance. Any title company charges for the title insurance shall be paid directly by the City and must not be included in Consultant's cost proposal/fee schedule.
d. Charges for the curative services necessary to provide clear title to the City are the responsibility of the Consultant and must be included in the Consultant's fee schedule for this service. Charges may not include costs/expenses that qualify as payment of incidental expenses to transfer real property to the City if applicable.
e. Consultant shall be responsible for direct contact with the title company to obtain updated title commitments along with other forms and certified copies of instruments of conveyance necessary when requesting funds from the City for property purchases.
f. Consultant shall provide closing services in conjunction with the title company and must attend closings as requested by the City.
g. Any fee related to obtaining certified court documents, and fees for recording same, which are not collected at the closing of the parcel, shall be direct pass-through fees. Consultant may be required to submit proof of fees.
h. Consultant shall cause the recording of all original instruments immediately after closing at the appropriate County Clerk's office. Fees for the recording and/or filing of documents shall be paid directly by the City and must not be included in Consultant's cost/ fee schedule.

4. Negotiation Services
   a. Consultant shall analyze preliminary title report to determine potential title problems and shall propose methods to cure title deficiencies.
   b. Consultant shall analyze appraisal and appraisal review reports and confirm the City's approved value prior to extending an offer for a parcel.
   c. Consultant shall undertake negotiations for any acquisition for the project in accordance with applicable local, State, and Federal law. Consultant shall deliver the Landowner Bill of Rights to each property owner in accordance with the applicable law, and obtain written proof of owner's receipt thereof.
   d. Consultant shall prepare the initial offer letter, memorandum of agreement, instruments of conveyance and any other documents required or requested by the City, on forms approved by the City.

e. Consultant shall contact each property owner or the property owner's designated representative to present the written offer in person (when practical) and to deliver the appraisal report. Upon acceptance of the offer by the property owner, Consultant must maintain follow up contacts and secure any other necessary instruments for closing.
f. Consultant must provide a copy of the appraisal report for the subject property exclusively to the property owner, or their authorized representative, at the time the offer is presented, and obtain written proof of owner's receipt thereof. The original signed receipt of the appraisal must be retained with the file.
g. Consultant must respond to the property owner's inquiries verbally and/or in writing within three (3) business days.
h. Consultant must prepare a separate negotiator contract report for each substantive contact with the property owner.
i. Consultant must maintain parcel files, including all original documentation, related to the transaction.
j. Consultant must advise the property owner of the administrative settlement process. If a counteroffer is presented by the property owner, the Consultant must present such counteroffer to the City, along with the supporting documentation and a recommendation for response.
k. Consultant must prepare the final offer letter and all necessary documents of conveyance. Consultant shall only utilize forms approved by the City.
l. At the City's request, Consultant shall appear and provide expert witness testimony at Special Commissioners Hearings and/or trials.

5. Relocation Services
   a. Consultant shall determine the applicability of the Uniform Relocation Assistance and Real Property Acquisition Act (1970), as amended, based on use of federal funds for any part of the project and, at the time of initial contact, shall notify all property owners and potential displaced persons of eligibility for relocation assistance.
   b. As necessary, Consultant shall provide directly, or shall subcontract for and provide, relocation assistance services to all eligible parties impacted by the project, in an accordance with City policy, and applicable State and Federal law.
   c. Be available for any appeals or hearings.

6. Condemnation Support Services

   a. At the direction of the City, Consultant shall prepare eminent domain packets containing copies of all documents required to initiate condemnation proceedings, and submit the packets to the City's Legal Representative. Such documentation may include, but is not limited to, initial and final offer letters, negotiator reports, records

of all communications with parties other than the City regarding the acquisition, appraisals, and updated title commitment.

b. At the City's request, the Consultant shall appear and provide expert witness testimony at Special Commissioners Hearing and/or trial. Fees for such appearances must be included in Consultant's cost/fee schedule.

7. Disposal of Property Services
   a. Provide written notification to the City of any clearance items not acquired or retained by property owner as part of the right-of-way acquisition.
   b. Provide written notification to the City when buildings are vacant and ready for disposal.
   c. Coordinate with property owner to assure the clearance of personal property from the
      right-of-way.
   d. Prepare documentation (if any) necessary for disposal of improvements in accordance with state requirements including any environmental survey documentation.
   e. Fee for Disposal of Property Services: Payment made per Parcel.
   f. 100 % Payment milestone upon acceptance by the City.

Ridge Line Boulevard Extension Phase I

Task	Hourly Rate ($/hr.)	# of Hours	Totals
Project Management	$200	70	$14,000
Parcel File Management	$125	95	$11,875
Title and Closing Services	$115	65	$7,475
ROW Acquisition Negotiation	$145	276	$40,020
Relocation Services	$80	340	$27,200
Condemnation Support Services	$115	30	$3,450
SUB TOTALS (hours)		*876*	*104,020*
	Rounded to:		**$104,000**
	Units	Unit cost	
Property Disposal (Milestone)	1	$2,000	**$2,000**
TASK TOTALS ($)			**$106,000**

Expenses	Units	Rate	Totals
Mileage	1000	Current IRS Rate	$725
Postage and Miscellaneous	pass through		$450
Courier Service	pass through		$250
Recording Fees	pass through		$300
		SUB TOTAL	$1,725
		Rounded to	**$1,800**

Total (Not to Exceed): **$107,800**

Hours estimated above for each task are approximate only.
Worked performed is to be billed monthly on a time and material basis with the exception of Property Disposal Services which are compensated on a milestone (per-unit) basis at a fixed fee per property.
The Not To Exceed total is the maximum to be charged under this scope of work without a supplement.

Assumptions:
There are a maximum of eight (8) properties from which to acquire fee simple right of way for a road improvement project. Additionally, there are two (2) potential business relocations and one (1) single family residential relocation.

Miscellaneous expenses can include:
Texas Secretary of State research fees on corporations, fees for copies of recorded instruments, parking fees, tolls, certifed copies of recorded instruments, and lien release application fees.

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Task Order KHA-26-002 Kimley-Horn Associates, Inc. to Design FM 1460 and Quail Valley Dr Intersection Improvements

SUGGESTED ACTION:
Consideration and possible action to approve Task Order KHA-26-002 with Kimley-Horn Associates, Inc, for professional services related to the FM1460 and Quail Valley Dr. and High Tech improvements in the amount of $310,397.00 -- Wesley Wright, P.E., Systems Engineering Director, and David Herzog, CIP Manager

ITEM SUMMARY:
In April 2025, City Council approved Task Order KHA-25-003 with Kimley-Horn to develop a 30% geometric schematic for the addition of a fourth leg at the intersection of FM 1460 and Quail Valley Road, including the necessary traffic signal modifications to accommodate the proposed intersection improvements.

This task order advances the project from the approved 30% schematic through final design and bidding. The scope of services includes the preparation of Plans, Specifications, and Estimates (PS&E) for the addition of a fourth leg at the FM 1460 and Quail Valley Road intersection, as well as intersection improvements at High-Tech Drive. The project will include roadway and traffic signal improvements, along with the design of required water and wastewater utility relocations to support the proposed roadway configuration

Upon issuance of the Notice to Proceed, the design phase is anticipated to require approximately 15 months, followed by an estimated 7-month construction period. Upon completion, the project will improve roadway connectivity, enhance traffic operations, and increase safety for motorists.

FINANCIAL IMPACT:
Funds for this expenditure are budgeted in the FY 2026 Transportation CIP Budget. PRJ000947

SUBMITTED BY:
Moose Morales, Systems Engineering

ATTACHMENTS:
Kimley Task Order KHA-26-002_partial-3.pdf

TASK ORDER

Task Order No. KHA-26-002, consisting of 22 pages.

Task Order

In accordance with paragraph 1.01 of the Master Services Agreement between Owner and Kimley-Horn Associates, Inc.("Engineer") for Professional Services – Task Order Edition, dated __August 9, 2022__ ("Agreement"), Owner and Engineer agree as follows:

1. **Specific Project Data**

   A. Title: Plans, Specifications and Estimates for FM 1460 and Quail Valley Intersection Improvements

   B. Description: Developing PS&E for the intersection, signal, water and wastewater improvements at the intersection of FM 1460 and Quail Valley road along with the intersection improvements at the intersection of FM 1460 and High Tech Drive.

   C. City of Georgetown Project Number: _____PRJ000947_____

   D. City of Georgetown General Ledger Account No.: _____

   E. City of Georgetown Purchase Order No.: _____

   F. Master Services Agreement, Contract Number: 22-0096-MSA_____

2. **Services of Engineer**

   See Exhibit B – Scope of Services

3. **Owner's Responsibilities**

   Owner shall have those responsibilities set forth in the Agreement subject to the following: See Exhibit C – Services to be Provided by the City.

4. **Times for Rendering Services**

   See Exhibit E – Project Schedule

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5. **Payments to Engineer**

A. Owner shall pay Engineer for services rendered as follows:

Category of Services	***Compensation Method***	***Lump Sum or Not to Exceed Amount of Compensation for Services***
Task 1 - Project Management	*Lump Sum*	*$16,135.00*
Task 2 – ENV Documentation & Permits	*Lump Sum*	*$23,625.00*
Task 3 – Utility Coordination	*Lump Sum*	*$14,750.00*
Task 4 – PS&E	*Lump Sum*	*$202,490.00*
Task 5 – TDLR	*Lump Sum*	*$5,040.00*
Task 6 – Bid Phase Services	*Lump Sum*	*$11,770.00*
Task 7 – Construction Phase Services	*Lump Sum*	*$30,030.00*
Reimbursable Expenses	*Lump Sum*	*$6,100.00*

B. The terms of payment are set forth in Article 4 of the Agreement unless modified in this Task Order.

6. **Consultants:**

7. **Other Modifications to Agreement:** Kimley-Horn and Associates, Inc.

8. **Attachments:**

Exhibit A – Location Map

Exhibit B – Scope of Services

Exhibit C – Services to be Provided by the City

Exhibit D – Fee Schedule

Exhibit E – Project Schedule

9. **Documents Incorporated By Reference:** The Agreement effective _____.

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TASK ORDER

Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is _____, 20_____.

OWNER:	ENGINEER:
By: _____	By: _____
Name: Josh Schroeder	Name: Austin Helton
Title: Mayor	Title: Vice President
	Engineer License or Firm's Certificate No. F-928
	State of: Texas
Date: _____	Date: 7/29/2026

ATTEST:	APPROVED AS TO FORM:
	_____
___N/A_____	_____
_____, City Secretary	City Attorney

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TASK ORDER

DESIGNATED REPRESENTATIVE FOR TASK ORDER:		DESIGNATED REPRESENTATIVE FOR TASK ORDER:	
Name:	Jonathan Morales	Name:	
Title:	Assistant CIP Manager	Title:	
Address:	295 Inner loop Georgetown, TX 78626	Address:	
E-Mail Address:	Moose.morales@georgetowntexas.gov	E-Mail Address:	
Phone:		Phone:	
Fax:		Fax:	

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Exhibit A – Location Map
FM 1460 & Quail Valley Intersection Improvements

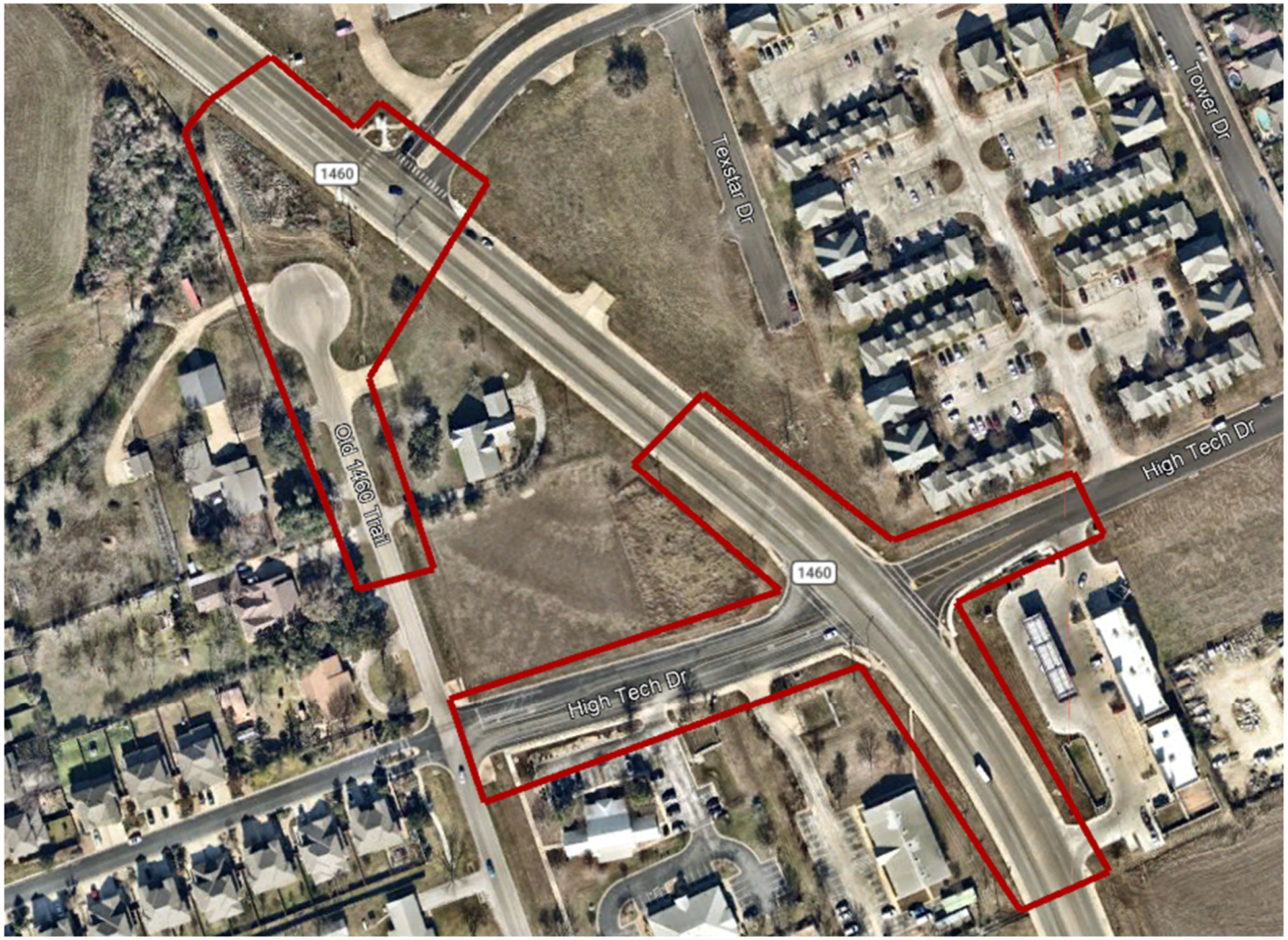


EXHIBIT B
Scope of Services
FM 1460 & Quail Valley Intersection Improvements

SCOPE OF WORK OVERVIEW

The services on this project will consist of developing Plans, Specifications, and Estimates for adding a 4th leg to the intersection of FM 1460 and Quail Valley Road and intersection improvements at High-Tech Drive. The project will consist of intersection and signal improvements and water and wastewater relocations.

PROJECT ASSUMPTIONS

Kimley-Horn (KH) is assuming the following for this project:

- Assume Lidar and Aerial will be utilized for design of High-Tech Drive improvements
- Assume TxDOT storm sewer as builts are available
- Assume one (1) correction to existing WPAP
- Assume submittal of TxDOT driveway permit
- Assume pavement section to be used will match what was used on Southwestern Blvd project (2" TY D HMAC, 4" TY B HMAC, 14" Flexbase and 6" Moisture Conditioned Subgrade).

TASK 1 - PROJECT ADMINISTRATION

KH will perform the following as part of Task 1:

- Invoicing and progress reports.
- Develop and maintain a workplan.
- Attend one (1) kick of meeting.
- Attend two (2) Plan review meetings with the City for 60% and 90% Plan Submittals
- Attend two (2) Plan review meetings with TxDOT for 60% and 90% Plan Submittals
- Attend up to twelve (12) monthly progress meetings with the City.
- Coordination with subconsultants.

TASK 2 – ENVIRONMENTAL DOCUMENTATION AND PERMITS

aci environmental services, LLC will execute the following tasks under this scope of work. The tasks are mutually dependent and scoped accordingly.

ENVIRONMENTAL CONSTRAINTS REPORT

aci env. will prepare an environmental constraints report to present the results of the desktop and field reconnaissance review of the project study area. The findings from the tasks below will be incorporated into this report. The findings of the cultural resources survey and geologic assessment will also be presented in a stand-alone reports. This task includes one round of comments from the project team. Following the comment response a finalized digital copy (PDF format) of the report will be provided to the client.

WATERS OF THE US

aci env. will conduct a jurisdictional waters of the United States assessment, based on the Environmental Protection Agency's (EPA) and U.S. Army Corps of Engineers' (USACE) current guidance, within the project study area. The purpose of this assessment is to identify the location and extent of potential waters of the United States in accordance with Section 404 of the Clean Water Act (CWA). aci env. consulting will perform an analysis of the most current available aerial photographs, topographic maps, National Wetlands Inventory (NWI) database, National Hydrography Dataset (NHD), and soil surveys as well as conduct appropriate field work necessary to identify the location and extent of USACE jurisdictional waters and potential wetlands within the ROW of the alignment. The findings from this task will be incorporated into the Environmental Constraints Report.

ENDANGERED SPECIES

aci env. will perform an endangered species habitat evaluation along the project study area for federally listed species. A visual inspection of habitat within and immediately adjacent to the alignment ROW will be performed for songbird habitat. Woody vegetation within 300 feet of the ROW will be evaluated as right-of-entry allows. All potential habitat along the proposed project will be identified and provided in a report to the client. Note: According to the terms and conditions of aci env. consulting's Endangered Species Permit issued by U.S. Fish and Wildlife Service (USFWS), the findings of the habitat assessment for golden-cheeked warbler must be reported to USFWS directly by aci env. consulting following assessment completion unless aci notifies the client of the upcoming spring survey season when a presence/absence survey may be conducted. The findings from this task will be incorporated into the Environmental Constraints Report.

HAZARDOUS MATERIALS

aci env. will conduct a hazardous materials screen for the project study area by completing an ASTM environmental background search and field reconnaissance. This environmental setting will rely primarily on desktop analysis and will not include site assessment or the ASTM 1527-05 level of review. The findings from this task will be incorporated into the Environmental Constraints Report.

CULTURAL RESOURCES SURVEY

aci env. archeologists will prepare a Texas Historical Commission (THC) permit application to perform a cultural resources survey project study area. The project Area of Potential Effect (APE) will correlate to the entire project study area. The investigation will include a pedestrian survey, shovel testing, site revisits, site recording, site photography, preliminary archival research, National Register and State Antiquities Landmark eligibility assessments, data

analysis, and report preparation in accordance with THC and Council of Texas Archaeologists (CTA) standards.

aci env. will develop the THC Permit application including the requisite research design in accordance with the level of effort required by the THC. This Task also includes background research at THC, the Texas Archeological Research Laboratory (TARL), and preliminary archival file searches. The permit application will be provided to the client for review and comment prior to signature by the Client and submission to the reviewer at the THC.

Pedestrian survey and shovel testing of the APE will be conducted in accordance with the minimum survey standards established by the THC and CTA. This task includes standard recording of any newly discovered archeological resources and delineation of those resources in the APE. According to the soils data in the APE, backhoe trenching to determine the presence of deeply buried cultural deposits should not be necessary due to the lack of Holocene alluvium within the APE. The majority of the proposed APE has not been previously surveyed for cultural resources.

This task will involve the analysis of the data collected from the fieldwork and the production of a draft report submitted to the THC for approval and concurrence. A draft and final report will be submitted to the client as well as the THC as part of the deliverables. All field documents will also be curated for submittal to TARL as is required by the THC Antiquities permit. This will be a non-collection survey, so no artifacts will be collected as part of this effort and therefore, artifacts will not require curation.

GEOLOGICAL ASSESSMENT/SPRING SURVEY

aci env. will prepare a Geologic Assessment in accordance with TCEQ regulations for the project. Based on the field investigations completed under geologic assessment. aci env. will also prepare a standalone Springs Survey Report detailing the findings of the spring survey for compliance with the City of Georgetown Water Quality Ordinance. This will include a survey of potential spring locations on the property and general drainages to comply with the City of Georgetown Water Quality Ordinance. However, this task does not include a presence/absence survey for any federally-protected salamanders.

ENV CHECKLIST FOR DONATION AGREEMENTS AND DRIVEWAYS

aci env. will complete the TxDOT Austin District Environmental Issues Checklist for Donation Agreements and Driveways. If requested by the client, aci will submit the document to TxDOT Austin District and attend a meeting to discuss the findings.

Additional Services:

- TxDOT Technical Reports such as Archeological Background Report (ABR), Preliminary Coordination Report (PRC), Species Analysis Spreadsheet and Species Checklist, Hazardous Materials Initial Site Assessment (ISA) are not included in this scope.
- Right-of-entry acquisition, organization, and coordination;
- Public Involvement such as TxDOT or City of Georgetown open house meetings, public hearings or notice of opportunity to comment to adjacent landowners.
- Full Phase I Environmental Site Assessments for each parcel along the alignment;
- Section 404 permitting (if necessary);
- Section 7 Consultation with USFWS for impacts to federally-listed species (if necessary);
- Williamson County Regional Habitat Conservation Plan participation
- Backhoe trenching;
- Phase II archeological testing (in cases where impacts from the project are unavoidable and potentially significant archeological deposits are present); or
- The archeological recovery of any human burials, should they be discovered during the field survey.
- Presence/absence surveys for any federally listed species including Georgetown salamander.
- NEPA Clearance

TASK 3 – UTILITY COORDINATION

KH will perform the following tasks as a part of Utility Coordination:

UTILITY COORDINATION

- Produce and send relocation notices to utility owners requiring relocation.
- Host group utility coordination meetings (up to 3 virtual meetings) at incremental stages in the PS&E development to inform utility owners of plans and schedule, and to facilitate coordination between utility owners.
- Host recurring individual utility coordination meetings/phone calls with utility owners to review schedule, cost, conflicts, and track progress. (assume 10 virtual meetings/phone calls).
- Provide client monthly status reports via email.

UTILITY ENGINEERING

- Update utility conflict matrix and identify utilities in conflict with proposed improvements.

- Produce overall combined utility conflict exhibit showing all known conflicts for owners on one exhibit.
- Review utility relocation plans for conformity with proposed roadway plans. Utility relocations are to be designed and produced by others.
- Coordinate with local City staff to review utility owners' permit applications in City ROW.

UTILITY CONSTRUCTION MANAGEMENT

- Host monthly individual utility coordination meeting/phone calls with utility owners to track utility relocation progress and obtain utility owner confirmation of relocation.
- Conduct site visit (up to 1) to verify relocations completed according to plans. Verification is limited to visual observation.

Assumptions:

- Right of Entry will be secured by the Client.
- No gas transmission or distribution pipelines will require relocation.
- No LONOs for gas transmission will be required.
- Relocated utilities will not be surveyed and added to base files.
- All relocation design will be performed by the utility owners.
- No electric relocations will be required.
- Reimbursement agreements will not be required or will be prepared and reviewed by others.

TASK 4 – PLANS SPECIFICATIONS AND ESTIMATE (PS&E)

KH will develop the plans, specifications and estimate for the project. This task will include:

ROADWAY DESIGN

- Prepare and submit TxDOT driveway permit
- Prepare a Title Sheet, Index of Sheets, and a Project Layout which references survey control benchmarks.
- Prepare existing and proposed typical section sheets incorporating any unresolved comments from the Preliminary/Schematic Design Phase.
- Prepare Removal Plans identifying and quantifying removals at a scale of 1"=40'
- Prepare Plan-Profile Sheets for Quail Valley Road
- Prepare Intersection Detail Sheet for one (1) intersection of 1"=20'
- Prepare Driveway Layout Sheets for two (2) driveways at a scale of 1"=20'
- Prepare Roadway Miscellaneous Details Sheet
- Prepare Sequence of Work narrative and General Traffic Control Notes for construction
- Prepare Traffic Control Typical Sections
- Prepare Traffic Control Sheets at a scale of 1"=40'.

DRAINAGE AND EROSION CONTROL

- Prepare Drainage Design for Hydrology & Hydraulics Cross Culvert and ditches
- Produce drainage area maps
- Develop storm water hydrology utilizing rational method
- Perform HY-8 for one (1) crossing culvert

- Perform ditch capacity calculations
- Prepare hydrologic and hydraulic data sheets
- Produce one (1) culvert layout sheet at 1”=20’ scale
- Provide non-structural drainage detail sheet
- Design erosion control measures to be utilized for the project and shall identify the locations of the measures to be installed on erosion control layout sheets.

WATER AND WASTEWATER RELOCATIONS

- Design approximately 150 LF of waterline relocation
- Design approximately 200 LF of wastewater relocation
- Prepare general notes
- Prepare Water Plan and Profile (1 sheet)
- Prepare Wastewater Plan and Profile (1 sheet)
- Prepare standard details
- TCEQ permitting

The design of the Water and Wastewater line will follow City of Georgetown Utility Criteria Manual and TCEQ 217C.

WATER QUALITY

- Identify if there is an existing WPAP that encompasses the project area
- Design TCEQ compliant BMPs based on the additional impervious cover
- TCEQ coordination
- Prepare Water Quality Basin Map
- Prepare Wate Quality Calculation Sheets
- Prepare Water Pollution Abatement Plan (WPAP) and submit to TCEQ.
- Prepare Sewage Collection System Plan (SCS) and submit to TCEQ.

TRAFFIC AND SIGNAL DESIGN PLANS

- Prepare plans to modify the existing traffic signal. Proposed signal modification will consist of:
  - Remove existing and install new traffic signal poles to accommodate proposed roadway widening.
  - Install new signal pole for 4th leg connection.
  - Relocate and/or install new pedestal poles, push buttons, and countdown pedestrian signal heads to accommodate pedestrian curb ramps.
- Traffic signal modification plans will consist of:
  - Existing Traffic Signal/Removal Layout sheet to show locations of existing traffic signal components and notations of which components are to remain and which are to be removed.
  - Proposed Traffic Signal Layout sheet to show the locations of proposed signal poles, pedestal poles, signal heads, communication equipment, electrical conduits, ground boxes, street name signs, and detectors. The locations of pedestal poles and pedestrian access ramps will be designed in conformance with ADA requirements.

  - Traffic Signal Elevation Views sheet to show the placement of signal heads, street name signs, and vehicle detectors on signal poles and mast arms, horizontal offset dimensions, and minimum vertical clearances.
  - Conduit and Electrical Details sheet showing the type, size, and number of conduits and electrical wires underground, inside poles, inside mast arms, and inside controller cabinet, and cable termination tables.
  - Load Switch Configuration Layout sheet showing controller cabinet load switch assignments for each vehicle and pedestrian phase.
  - Detection Zone Layout sheet showing the size, location, and type of each vehicle detection zone. Presence and advance detection will be provided along FM 1460 and presence detection only will be provided along Quail Valley Drive.
  - Phasing, ring & barrier, and orientation diagrams.
  - Street name sign details developed using SignCAD software in accordance with TMUTCD, SHSD, and City of Georgetown criteria.
  - Pedestrian push button details with APS message information table.
  - City of Georgetown traffic signal general notes, modified as appropriate for this project.
- Prepare Signing and Pavement Marking sheets at a scale of 1”=40’. Design signing and pavement markings in accordance with the Texas Manual for Uniform Traffic Control Devices. Include signage identifying the bike route within the corridor.

STANDARDS, SPECIFICATIONS, AND ESTIMATE

- Download and prepare the appropriate City and TxDOT standards. Standards that require modification will be corrected and sealed by the Engineer. All other standards will have their title blocks filled out with the applicable project data and printed for inclusion in the final plan set.
- Prepare a list of applicable special specifications. If needed, the Engineer will develop or modify up to two (2) unique special specifications where an existing statewide specification is unavailable.
- Calculate quantities and prepare Item Summaries Sheets tabulating project quantities.
- Prepare An opinion of probable construction cost will be prepared at each submittal
- Prepare General Notes and a Construction Timeline Estimate

In addition to the items described above in this task, KH will:

- Perform internal quality control review
- Address one round of comments each for 60% and 90% PS&E from the City and incorporate those comments into the plans.

The following deliverables will be provided as part of this task:

- 60% 90%, and Final Plans Submittal to contain:
  - A PDF of the following Design Plans (11”x17”):
    - Title Sheet
    - Index of Sheets
    - Project Layout
    - Roadway Typical Sections
    - General Notes
    - Item Summaries
    - Traffic Control Narrative

    - Traffic Control Plans
    - Survey and Control Index Sheets
    - Alignment Data Sheets
    - Roadway Plan-Profile Sheets
    - Intersection Detail Sheets
    - Driveway Detail Sheets
    - Miscellaneous Roadway Details Sheet
    - Drainage Area Map Sheets
    - Hydrologic and Hydraulic Calculation Sheets
    - Culvert Layouts
    - Water Relocation Sheets
    - Wastewater Relocation Sheets
    - Miscellaneous Drainage Details Sheet
    - Water Quality Basin Map Sheets
    - Water Quality Calculation Sheets
    - Water Quality Details
    - Traffic Signal Layout
    - Traffic Detail Sheets
    - Signing and Pavement Markings Sheets
    - Erosion Control Layouts
    - Removal Plans
    - Standard Details
  - PDF of Opinion of Probable Construction Costs
  - A PDF of the Construction Timeline

TASK 5 TDLR

Altura, subconsultant to KH, will perform the project registration, plan review, and inspection of the FM 1460& Quail Valley intersection project for compliance with Chapter 469 of the Texas Government Code, State of Texas Architectural Barriers Act, and TDLR Administrative Rule 68.102. The Public Rights-of-Way Guidelines (PROWAG) will be used as the standard to achieve compliance for all work located within the Public Right-of-Way.

TASK 6 BIDDING PHASE SERVICES

KH will perform the following tasks as part of the Bid Phase:

- Prepare one set of bid documents in accordance with the City of Georgetown standards
- Attend one (1) pre-bid meeting with the City and assist the City in developing meeting agenda
- Receive, record and provide responses to prospective bidder's and suppliers questions. Issue addenda as appropriate to clarify, correct, or change the bidding documents
- Assist the City in opening of bids, review and evaluate all bids including bid amount and prepare recommendation letter for award of the contract for construction.

TASK 7 CONSTRUCTION PHASE SERVICES

KH will provide the construction phase services specifically stated below:

- Pre-Construction Conference. Consultant will conduct a Pre-Construction Conference prior to commencement of construction activity.
- Visits to Site and Observation of Construction. Consultant will make up to four (4) progress site visits as directed by Client in order to observe the progress of the work. Such observations will not be exhaustive or extend to every aspect of Contractor's work. Observations will to be limited to spot checking, selective measurement, and similar methods of general observation. Based on information obtained during site visits, Consultant will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Consultant will keep Client informed of the general progress of the work.
- Consultant will not supervise, direct, or have control over Contractor's work, nor shall Consultant have authority to stop the Work or have responsibility for the means, methods, techniques, equipment choice and usage, schedules, or procedures of construction selected by Contractor, for safety programs incident to Contractor's work, or for any failure of Contractor to comply with any laws. Consultant does not guarantee the performance of any Contractor and has no responsibility for Contractor's failure to perform its work in accordance with the Contract Documents.
- Recommendations with Respect to Defective Work. Consultant will recommend to Client that Contractor's work be disapproved and rejected while it is in progress if, on the basis of its observations, Consultant believes that such work will not produce a completed Project that generally conforms to the Contract Documents.
- Clarifications and Interpretations. Consultant will respond to up to six (6) Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents. Any orders authorizing variations from the Contract Documents will be made by Client.
- Change Orders. Consultant may recommend Change Orders to the Client and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.
- Shop Drawings and Samples. Consultant will review and approve up to fifteen (15) shop drawings or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, schedules, or procedures of construction or to related safety programs.
- Substitutes and "or-equal." Consultant will evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents.
- Disagreements between Client and Contractor. Consultant will, if requested by Client, render written decision on all claims of Client and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents. In rendering decisions, Consultant shall be fair and not show partiality to Client or Contractor and shall not be liable in connection with any decision rendered in good faith.
- Applications for Payment. Based on its observations and on review of applications for payment and supporting documentation, Consultant will determine amounts that Consultant recommends Contractor be paid. Such recommendations will be based on Consultant’s knowledge, information and belief, and will state whether in Consultant’s

opinion Contractor's work has progressed to the point indicated, subject to any qualifications stated in the recommendation. For unit price work, Consultant's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests. Consultant's recommendations will not be a representation that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work, or involved detailed inspections.

- Substantial Completion. Consultant will, after notice from Contractor that it considers the Work ready for its intended use, in company with Client and Contractor, conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list.
- Final Notice of Acceptability of the Work. Consultant will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Consultant may recommend final payment to Contractor. Accompanying the recommendation for final payment, Consultant shall also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Consultant's knowledge, information, and belief based on the extent of its services and based upon information provided to Consultant.
- Construction Phase Engineering Support for Karst features encountered
- Record Drawings

ADDITIONAL SERVICES

Any services not specifically provided for or listed in the above scope of services, as well as any changes or expansions in the scope of services requested by the City, will be considered additional services. Examples of additional services include, but are not limited to, the following:

- Topographical boundary survey
- SUE
- Geotechnical borings, pavement design and engineering
- Parcel acquisition document creation
- Landscaping and streetscaping services
- Meetings with Adjacent landowners
- Appearing as an expert witness in any litigation for the City of Georgetown
- Intersection or segment traffic analysis (including Intersection Control Evaluations), traffic signal warrant studies
- Preparing Conditional Letter of Map Revision (CLOMR)
- Preparing final Letter of Map Revision for FEMA (LOMR)
- Construction Phase Engineering Support for Karst features encountered
- TxDOT Donation Agreement
- Any item not specifically noted in this agreement

EXHIBIT C
Services To Be Performed By The City
FM 1460 & Quail Valley Intersection Improvements

SCOPE OF WORK OVERVIEW

Kimley-Horn (KH) will provide engineering services including developing Plans, Specifications, and Estimates for adding a 4th leg to the intersection of FM 1460 and Quail Valley Road and intersection improvements at High-Tech Drive. The project will consist of intersection and signal improvements and water and wastewater relocations.

SERVICES TO BE PROVIDED BY THE CITY

- Provide a project coordinator to work with KH during the development of the project.
- Provide timely review of submittals.
- Provide available copies of associated studies and coordination with ongoing related City projects.
- Provide pavement section to be used for the project.
- Perform Right-of-Way acquisition

EXHIBIT D

FEE SCHEDULE

FM 1460 & Quail Valley Intersection Improvements

					Kimley-Horn Staff					Subconsultants		
		Professional Service Description	Total Task Hours	Total Task Cost	Senior Professional II	Senior Professional I	Professional	Analyst	Support Staff	ACI (Environmental)	Altura (TDLR)	Terracon (Geotech)
	Task 1 - Project Administration											
		Invoicing and Progress Reports	24	$ 4,020.00			12		12			
		Project Administration/Maintain Project Files	8	$ 1,720.00			8					
		Maintain/Develop Workplan	8	$ 1,720.00			8					
		Project Kick Off Meeting (Assume 1)	2	$ 485.00		1	1					
		Progress Meetings (Assume 12)	24	$ 5,820.00		12	12					
		Design Review Meetings City (Assume 2)	5	$ 1,185.00		2	3					
		Design Review Meetings TxDOT (Assume 2)	5	$ 1,185.00		2	3					
		Total Task 1:	76	$ 16,135.00		17	47	0	12	$ -	$ -	$ -
	Task 2 - Environmental Documentation and Permits											
		Task 1: Env. Constraints Report		$ 2,500.00						$2,500.00		
		Task 2: Waters of US		$ 1,700.00						$1,700.00		
		Task 3: Endangered Species		$ 1,700.00						$1,700.00		
		Task 4: Hazardous Materials		$ 1,700.00						$1,700.00		
		Task 5: Archeological Survey		$ 9,000.00						$9,000.00		
		Task 6: Geologic Assessment & Spring Fixed Fee		$ 3,000.00						$3,000.00		
		Task 6: TxDOT Compliance Checklist		$ 900.00						$900.00		
		Task 7: Project Coordination		$ 2,000.00						$2,000.00		
		Oversight and QA/QC		$ 1,125.00								
		Total Task 2:	0	$ 23,625.00		0	0	0	0	$22,500.00	$ -	$ -

EXHIBIT D

FEE SCHEDULE

FM 1460 & Quail Valley Intersection Improvements

					Kimley-Horn Staff					Subconsultants		
		Professional Service Description	Total Task Hours	Total Task Cost	Senior Professional II	Senior Professional I	Professional	Analyst	Support Staff	ACI (Environmental)	Altura (TDLR)	Terracon (Geotech)
	Task 3 - Utility Coordination											
	Utility Coordination											
		Produce and send relocation notices	7	$ 1,360.00		1	1	5				
		Host follow-up group utility meetings (assume 2 virtual)	6	$ 1,240.00		2		4				
		Recurring calls/emails with owners (assume 8 virtual)	12	$ 2,480.00		4		8				
	Utility Engineering											
		Utility conflict matrix	12	$ 2,450.00		2	4	6				
		Conflict exhibit	10	$ 2,100.00		2	4	4				
		Review utility relocation plans	6	$ 1,335.00		3		3				
		Permitting coord with the City	6	$ 1,335.00		3		3				
	Utility Construction Management											
		Recurring calls/emails with owners	7	$ 1,400.00		1	2	4				
		Relocation verification site visits (up to 1)	5	$ 1,050.00		1	2	2				
		Total Task 3:	12	$ 14,750.00		19	13	39	0	$ -	$ -	$ -
	Task 4 - Plans Specifications and Estimates (PS&E)											
		TxDOT Driveway Permit		$ 1,130.00		1	4					
	Roadway											
		Title Sheet	3	$ 620.00		1		2				
		Index	7	$ 1,400.00		1	2	4				
		Project Layout	6	$ 1,130.00			2	4				
		Finalize Typical Sections	9	$ 1,830.00		1	4	4				
		Prepare Removal Plans	6	$ 1,130.00			2	4				
		Prepare Horizontal Alignment Data Sheet	5	$ 1,050.00		1	2	2				
		Finalize Design and Prepare Roadway Plan/Profile Sheets	36	$ 7,000.00		4	8	24				
		Prepare Roadway Plan Sheets (High Tech)	16	$ 3,150.00		2	4	10				
		Finalize and Prepare Intersection Layouts	14	$ 2,800.00		2	4	8				
		Finalize and Prepare Driveway Layouts	10	$ 2,020.00		2	2	6				
		Finalize and Prepare Roadway Misc Details	7	$ 1,400.00		1	2	4				
		Final 3D Model	24	$ 4,900.00		4	8	12				
		Final XSC	18	$ 3,500.00		2	4	12				
		Prepare TCP Narrative	4	$ 890.00		2		2				
		Prepare TCP Typical Section	5	$ 915.00			1	4				
		Finalize and Prepare TCP Plans	36	$ 7,000.00		4	8	24				

EXHIBIT D

FEE SCHEDULE

FM 1460 & Quail Valley Intersection Improvements

					Kimley-Horn Staff					Subconsultants		
		Professional Service Description	Total Task Hours	Total Task Cost	Senior Professional II	Senior Professional I	Professional	Analyst	Support Staff	ACI (Environmental)	Altura (TDLR)	Terracon (Geotech)
	Drainage											
		Delineate internal drainage areas	11	$ 2,180.00		1	4	6				
		Culvert and Ditch Hydrology (rational method) Analysis	15	$ 2,880.00		1	4	10				
		Culvert Hydraulic (HY-8) Analysis	9	$ 1,750.00		1	2	6				
		Storm Drain Design	11	$ 2,100.00		1	2	8				
		Prepare Storm lateral sheets	11	$ 2,100.00		1	2	8				
		Prepare storm calculation sheets	5	$ 915.00			1	4				
		Ditch Hydraulic Analysis	5	$ 970.00		1		4				
		Prepare Drainage Area Map	5	$ 915.00			1	4				
		Finalize and Prepare Hydrologic and Hydraulic Data Sheets	4	$ 835.00		1	1	2				
		Finalize and Prepare Culvert Layouts	12	$ 2,450.00		2	4	6				
		Finalize and Prepare Drainage Misc Details	6	$ 1,130.00			2	4				
		Prepare Erosion Control Layout	12	$ 2,450.00		2	4	6				
	Water and Wastewater Relocations											
		Coordination	18	$ 3,500.00								
		60% Design										
		General Notes (2 sheets)	8	$ 1,480.00			2	4				
		Water Plan & Profile (1 sheet)	31	$ 5,760.00		1	6	24				
		Wastewater Plan & Profile (1 sheet)	31	$ 5,760.00		1	6	24				
		Standard Details (3-4 sheets)	10	$ 1,830.00			2	8				
		Specifications	13	$ 2,530.00		1	4	8				
		90% Design										
		General Notes (2 sheets)	3	$ 565.00			1	2				
		Water Plan & Profile (1 sheet)	11	$ 2,100.00		1	2	8				
		Wastewater Plan & Profile (1 sheet)	11	$ 2,100.00		1	2	8				
		Standard Details (3-4 sheets)	3	$ 565.00			1	2				
		Specifications	7	$ 1,400.00		1	2	4				
		100% Design										
		General Notes (2 sheets)	1	$ 175.00				1				
		Water Plan & Profile (1 sheet)	5	$ 915.00			1	4				
		Wastewater Plan & Profile (1 sheet)	5	$ 915.00			1	4				
		Standard Details (3-4 sheets)	3	$ 565.00			1	2				
		Specifications	7	$ 1,400.00		1	2	2				
		TCEQ Permitting	14	$ 2,800.00		2	4	8				

EXHIBIT D

FEE SCHEDULE

FM 1460 & Quail Valley Intersection Improvements

					Kimley-Horn Staff					Subconsultants		
		Professional Service Description	Total Task Hours	Total Task Cost	Senior Professional II	Senior Professional I	Professional	Analyst	Support Staff	ACI (Environmental)	Altura (TDLR)	Terracon (Geotech)
	Water Treatment											
		TCEQ corrdination	8	$ 1,940.00		4	4					
		BMP design	20	$ 3,930.00		2	6	12				
		WPAP development	48	$ 9,230.00		2	16	30				
		SCS development	20	$ 4,010.00		2	8	10				
	Traffic											
		Traffic Signal	190	$ 38,500.00	10	20	40	120				
		Signing and Pavement marking sheets	32	$ 6,270.00		2	12	18				
	Misc											
		Prepare General Notes	5	$ 970.00		1		4				
		Prepare Standards	8	$ 1,670.00		2	2	4				
		Prepare Specifications	3	$ 700.00		1	2					
		Prepare Quantity Summary Sheets	9	$ 1,750.00		1	2	6				
		60%, 90% & Final OPCC	35	$ 7,160.00	1	4	12	18				
		60%,90% & Final QA/QC	32	$ 9,920.00	16	16						
		Construction Timeline	14	$ 2,960.00		2	8	4				
		Address 60% Review Comments	44	$ 8,370.00		2	12	30				
		90% Submittal & Address Review Comments	34	$ 6,460.00		2	8	24				
		Final Submittal	9	$ 1,750.00		1	2	6				
		Total Task 4:	1,004	$ 202,490.00		88	207	495	0	$ -	$ -	$ -
	Task 5 - TDLR											
		TDLR Project Registration		$ 300.00							$ 300.00	
		TDLR Review Report		$ 2,000.00							$ 2,000.00	
		TDLR Inspection Report		$ 2,500.00							$ 2,500.00	
		Oversight and QA/QC		$ 240.00								
		Total Task 5:		$ 5,040.00						$ -	$ 4,800.00	$ -
	Task 6 - Bid Phase Services (PS&E)											
		Assemble bid docs	16	$ 3,880.00		8	8					
		Assist with Agenda and Attend Pre-Bid Meeting	6	$ 1,400.00		2	4					
		Respond to Bidder Comments and Issue Addenda	20	$ 4,200.00	2	2	4	12				
		Assist with Bid Opeing Meeting (assume 1)	2	$ 540.00		2						
		Evaluate Bids and Prepare Letter of Recommendation	9	$ 1,750.00		1	2	6				
		Total Task 6:	53	$ 11,770.00		15	18	18	0	$ -	$ -	$ -
	Task 7 - Construction Phase Services (PS&E)											
		Attend Pre-Construction Meeting	6	$ 1,670.00	2	2	2					
		Attend Progress Site Meetings (assume 4)	8	$ 2,480.00	4	4						
		Respond to RFIs (assume 6)	24	$ 4,900.00	2	2	4	16				
		Review Change Orders (assume 2)	14	$ 2,800.00		2	4	8				
		Review Shop Drawing Submittals (assume 15)	30	$ 7,430.00	4	8	18					
		Coordination with Testing and Inspection Team	8	$ 1,940.00		4	4					
		Review and approve pay applications	12	$ 2,670.00		6		6				
		Final Walkthrough and Punch List	8	$ 1,780.00		4		4				
		Prepare Record Drawings	22	$ 4,360.00		2	8	12				
		Total Task 7:	132	$ 30,030.00		34	40	46	0	$ -	$ -	$ -

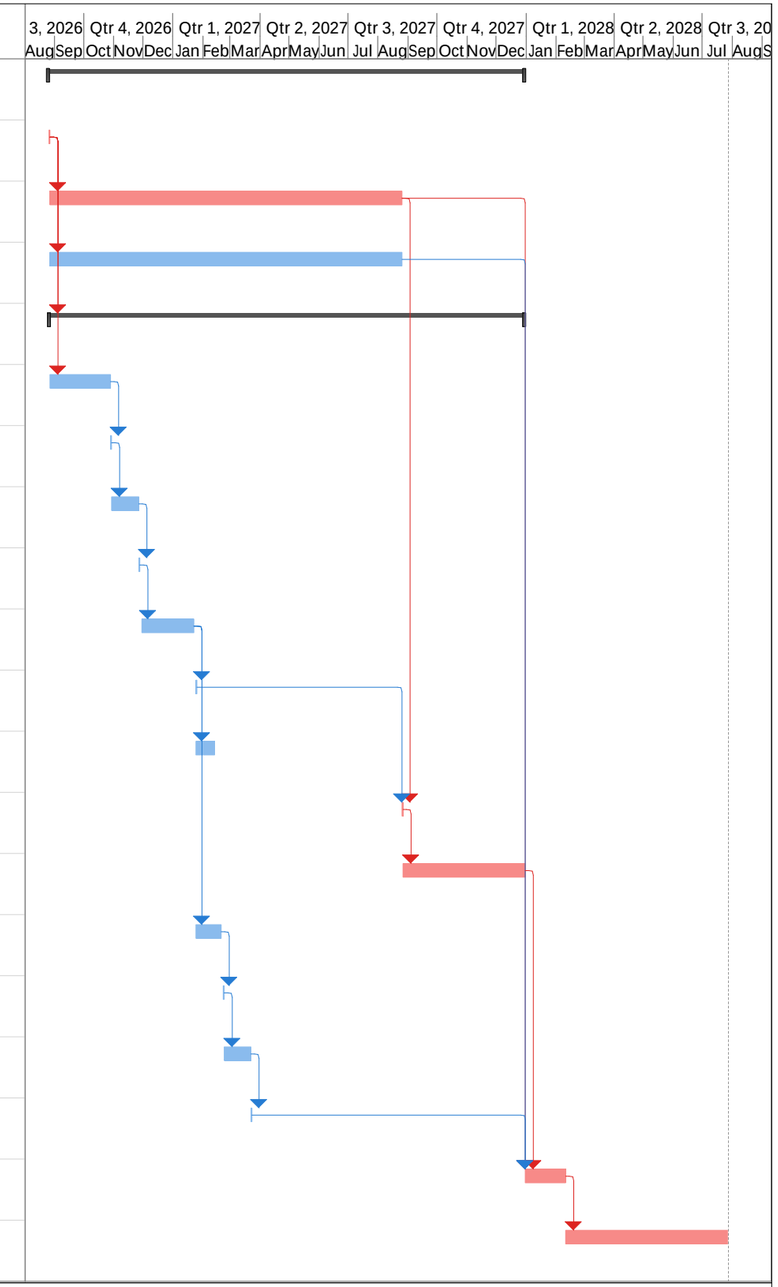
EXHIBIT D

FEE SCHEDULE

FM 1460 & Quail Valley Intersection Improvements

					Kimley-Horn Staff					Subconsultants		
		Professional Service Description	Total Task Hours	Total Task Cost	Senior Professional II	Senior Professional I	Professional	Analyst	Support Staff	ACI (Environmental)	Altura (TDLR)	Terracon (Geotech)
Reimbursable Expenses												
		Plotting & Reproduction		$ 250.00								
		Mileage		$ 200.00								
		WPAP TCEQ Permitting		$ 5,000.00								
		SCS TCEQ Permitting		$ 650.00								
		Total Reimbursable Expenses:	0	$ 6,100.00					0	$ -	$ -	$ -
Kimley-Horn Fee				$ 282,400.00						$ 22,500.00	$ 4,800	$ -
		Total Fee		$ 309,940.00								

ID	Task Name	Duration	Predecessors	Start	Predecessors	Finish
1	FM 1460 & Quail Valley Intersection	352 days		Wed 8/26/26		Thu 12/30/27
2	NTP	1 day		Wed 8/26/26		Wed 8/26/26
3	ROW Acquisition	260 days	2	Thu 8/27/26	2	Wed 8/25/27
4	Environmental	260 days	2	Thu 8/27/26	2	Wed 8/25/27
5	PS&E	351 days	2	Thu 8/27/26	2	Thu 12/30/27
6	Prepare 60% Plans	45 days	2	Thu 8/27/26	2	Wed 10/28/26
7	Submit 60% Plans	1 day	6	Thu 10/29/26	6	Thu 10/29/26
8	City Review 60% Plans	20 days	7	Fri 10/30/26	7	Thu 11/26/26
9	60% Plans Comment Resolution Meeting	1 day	8	Fri 11/27/26	8	Fri 11/27/26
10	Address 60% comments/ prepare 90% Plans	40 days	9	Mon 11/30/26	9	Fri 1/22/27
11	Submit 90% Plans	1 day	10	Mon 1/25/27	10	Mon 1/25/27
12	Prepare WPAP	15 days	10	Mon 1/25/27	10	Fri 2/12/27
13	Submit to TCEQ	1 day	11,3	Thu 8/26/27	11,3	Thu 8/26/27
14	TCEQ Approval of WPAP	90 days	13	Fri 8/27/27	13	Thu 12/30/27
15	City Review 90% Plans	20 days	10	Mon 1/25/27	10	Fri 2/19/27
16	90% Plans Comment Resolution Meeting	1 day	15	Mon 2/22/27	15	Mon 2/22/27
17	Address 90% Comments/ Prepare Final Plans	20 days	16	Tue 2/23/27	16	Mon 3/22/27
18	Submit Final Plans	1 day	17	Tue 3/23/27	17	Tue 3/23/27
19	Bid Phase	30 days	18,3,4,14	Fri 12/31/27	18,3,4,14	Thu 2/10/28
20	Construction Phase	120 days	19	Fri 2/11/28	19	Thu 7/27/28



Project: FM 1460 & Quail Valley
Date: Thu 7/30/26

Task	Inactive Task	Manual Summary Rollup	External Milestone	Manual Progress
Split	Inactive Milestone	Manual Summary	Deadline	
Milestone	Inactive Summary	Start-only	Critical	
Summary	Manual Task	Finish-only	Critical Split	
Project Summary	Duration-only	External Tasks	Progress	

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Change Order No. 5 with STR Constructors for Garey Park Phase II Construction Improvements

SUGGESTED ACTION:
Consideration and possible action to approve Change Order No. 5 to STR Constructors LLC for Garey Park Phase 2 construction improvements in the total amount of $309,480.71 including ratification of $ $61,940.68 -- Eric Nuner, Acting Parks and Recreation Director

ITEM SUMMARY:
City Council awarded a construction contract to STR Constructors, LLC on February 11, 2025, for the Garey Park Phase II construction project. This change order includes improvements and modifications that enhance the quality, functionality, and long-term sustainability of the park for visitors. A portion of the change order includes ratification of previously completed work, which was necessary to maintain construction progress as the project nears completion.

Improvements at Garey House include the addition of drain lines, upgrades to finishes, and modifications to hardware to meet City facility standards that were not included in the original construction contract.

Garey Park improvements included in the change order address several site conditions and opportunities identified during construction. These improvements include the addition of retaining block to address existing drainage issues; modifications to perimeter and internal fencing and gates to improve site security and provide additional protection from wildlife intrusion of Garey House grounds; adjustments to hardscape layouts to minimize impacts to existing trees; modifications to ramps and entries to comply with accessibility standards; and the addition of barriers to improve pedestrian and facility safety. The change order also includes restroom hardware upgrades to improve durability and ease of maintenance, additional drainage improvements based on grading requirements identified during construction, and grading modifications to promote positive drainage away from newly constructed amenities.

Additional changes include converting the dock from a fixed design to a floating structure after site conditions determined that bedding was not feasible for the installation of helical piers, improvements to the low water crossing based on unforeseen conditions discovered during construction, and structural adjustments to pavilion lintels to improve long-term durability.

In accordance with Mr. Garey's wishes, capital improvement funds were established in a donor-advised fund through the Georgetown Area Community Foundation to support capital improvements at Garey Park. Funds from the donor-advised account must be used for eligible capital improvements within five years of Mr. Garey's passing, or by March 18, 2027.

STAFF RECOMMENDATIONS:

Staff and Halff Associates recommend approval of Change Order No. 5 to STR Constructors, LLC for the Garey Park Phase II Improvements project in the amount of $309,480.71.

FINANCIAL IMPACT:
Funds for this project are budgeted and available in the Parks CIP Fund. Georgetown Area Community Foundation will reimburse actual expenses as they occur.

SUBMITTED BY:
Amy Castillo, Parks and Recreation

ATTACHMENTS:
25-0182-CIP-CO5 - STR Construction.pdf

CONTRACT ROUTING FORM

Contract No. 25-0182-CIP-CO5 Project No. PRJ000385 Bid No._____ RFP No. 202506

☐ New Contract ☐ Renewal ☒ Change Order ☐ Amendment ☐ Assignment ☐ Other

NAME OF CONTRACTOR: STR Constructors, LTD

CONTRACT DESCRIPTION: Change Order No. 5: Misc Garey House and Garey modifications, and revisions

CONTRACT VALUE: $309,480.71

GL ACCT NO/COST CENTER/FUND: CC0211, 120

GRANT FUNDED: ☒ NO ☐ YES If YES, Grant No.

SIGNATURES RECOMMENDING APPROVAL

Catherine Lanzara 08/03/2026
PURCHASING DATE

_____ _____
LEGAL DEPARTMENT DATE

Eric Nuner 08/03/2026
DIRECTOR ADMINISTERING CONTRACT DATE
(greater than $25,000)

APPROVED and EXECUTED

N/A _____
DIRECTOR DATE
($25,000 or less)

N/A _____
CITY MANAGER/ASST CITY MANAGER DATE
($100,000 or less)

_____ _____
MAYOR/CITY SECRETARY ATTESTS (if applicable) DATE

FINAL PROCESSING

_____ _____
PURCHASING DATE

For Purchasing Use Only	*For City Secretary Use Only*
Insurance Certificates: On File	☐ Permanent (Record Retention)
Performance Bond: 4409902	Originals sent to CSO:
Payment Bond: 4409902	Scanned into Laserfiche/Global:
Form 1295: 2026-1488028	Council Date: Item No.:
Attorney:	

Change Order

No. 05

Date of Issuance: July 30, 2026 Effective Date: _____

Project: Garey Park Phase II - Improvements	Owner: City of Georgetown	Owner's Contract No.: 25-0182-CIP
Project No: CSP202506		Date of Contract: March 14, 2025
Contractor: STR Constructors, Inc.		Engineer's Project No.: 31001

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Miscellaneous Garey House and Garey Park modifications, revisions and additions by Owner.

Attachments (list documents supporting change):

See attached Change Proposal: 5

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: $ 15,885,369.00	Original Contract Times: ☐ Working days ☒ Calendar days Substantial completion (days or date): 335 Ready for final payment (days or date): 365
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 4: $518,488.74	[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 4: Substantial completion (days): 462 Ready for final payment (days): 492
Contract Price prior to this Change Order: $ 16,403,857.74	Contract Times prior to this Change Order: Substantial completion (days or date): 462 Ready for final payment (days or date): 492
[Increase] [Decrease] of this Change Order: $309,480.71	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): 522 Ready for final payment (days or date): 552
Contract Price incorporating this Change Order: $ 16,713,338.45	Contract Times with all approved Change Orders: Substantial completion (days or date): 522 Ready for final payment (days or date): 552

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: PLA, SPM (Halff)	By: _____	By: Josh Hout _____
Design Consultant (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: 07-30-2026	Date: _____	Date: _____

Approved by Funding Agency (if applicable):

_____ Date: _____

STR CONSTRUCTORS, LLC.
CHANGE PROPOSAL

PROPOSAL ISSUED TO: City of Georgetown
Parks Dept

NO.: 5

PROJECT: Garey Park Phase 2

ATTENTION: Halff - Georgetown

DESCRIPTION: Change proposal Request No. 05. This COR has costs associated and (60) additional Calander Days.

Description	Subcontracts	Material	Labor	Total
7 additional quarry block and 5 sleeves - retreat	$ 2,925.00			$ 2,925.00
Removal and install hog fence and add gate - pon	$ 3,077.01			$ 3,077.01
cabin doors and frames	$ 4,593.10			$ 4,593.10
cattle guard footers	$ 6,250.00			$ 6,250.00
retreat circle changes - concrete	$ 14,543.00			$ 14,543.00
Equine restroom handicap ramp - concrete	$ 1,733.00			$ 1,733.00
quarry block wall playranch	$ 3,710.00			$ 3,710.00
Garey house additional drain line	$ 670.51			$ 670.51
TP-1 to TP-4	$ 3,060.00			$ 3,060.00
Adjust 8 closers and install weather strip	$ 660.00			$ 660.00
replace hold open arms and adjust push bars	$ 1,156.72			$ 1,156.72
turf perf pipe and more sleeves	$ 4,138.20			$ 4,138.20
cabin patches and blocking for ADA	$ 2,900.00			$ 2,900.00
overhead door fur outs due to motors	$ 5,067.00			$ 5,067.00
replace hardie at retreat due to motors	$ 5,410.00			$ 5,410.00
ampitheather drainage	$ 1,550.57			$ 1,550.57
relocate skate park drain basin	$ 4,051.00			$ 4,051.00
demo concrete and relocate drain at Equine	$ 2,566.50			$ 2,566.50
dock abutment change in design	$ 4,000.00			$ 4,000.00
credit asphalt - add demo ribbon curb	$ (4,852.50)			$ (4,852.50)
Credit Fence	$ (200.00)			$ (200.00)
Willy Goat		$ 7,267.77		$ 7,267.77
Fence Rental 3/18/26 - 4/14/26		$ 657.00		$ 657.00
Fence Rental 4/15/26 - 5/12/26		$ 657.00		$ 657.00
Remove and replace 3 cabin storage doors	$ 4,160.00			$ 4,160.00
Pavilion blocking and fire rated plywood	$ 3,730.00			$ 3,730.00
Remove and dispose of trees not on demo plan	$ 2,064.00			$ 2,064.00
Golf Tee pad build up	$ 15,000.00			$ 15,000.00
Delivery and install of cattle guard	$ 3,153.85			$ 3,153.85
Low water crossing rework and changes	$ 16,471.00			$ 16,471.00
Playranch additional grading	$ 7,500.00			$ 7,500.00
Barbwire and Clrearing	$ 12,181.25			$ 12,181.25
Price Increase to upgrade 8 door operators	$ 800.00			$ 800.00
Revised Lintels	$ 3,850.00			$ 3,850.00
Add extra dock steel	$ 7,920.00			$ 7,920.00
Horse Arena Fence Repairs	$ 933.08			$ 933.08
Skate Ranch Restroom	$ 700.00			$ 700.00
Site Costs due to extended time onsite		$ 30,007.00	$ 70,466.00	$ 100,473.00
Additonal GC Days - Calander Add Days (60)				$ -
DIRECT COST	$ 145,472.29	$ 38,588.77	$ 70,466.00	$ 254,527.06
PAYROLL TAX & INSURANCE	25.00%			$ 17,616.50
STR FEE ON SUBCONTRACTORS	10.00%			$ 14,547.23
STR FEE ON OWN WORK	10.00%			$ 12,667.13
BOND	2.50%			$ 7,483.95

STR CONSTRUCTORS, LLC.

STR CONSTRUCTORS, LLC.
CHANGE PROPOSAL

INSURANCE	0.86%	$	2,638.84
TOTAL COST		$	309,480.71

QUALIFICATIONS & CLARIFICATIONS:

STR CONSTRUCTORS, LLC.	Approved by:
DATE: 7/10/2026 Joshua Hout, PM	Date:

PAMPERED LAWNS AUSTIN, INC. 13805 DRAGLINE DRIVE AUSTIN, TEXAS 78728
PHONE (512) 251-1295 FAX (512) 990-5969

Pampered Lawns

COMMERCIAL LANDSCAPE MANAGEMENT SERVICES

April 30, 2026

ATTN: Joshua Hout

SENT VIA E-MAIL
One (1) Pages Total
joshua@strconstructors.com

RE: Garey Park Retreat Pavilion Drop-Off CO request

Dear Mr. Hout

In accordance with your request, we submit the following price for Items 1.5 &1.7 for the retreat pavilion drop off area.

PRICE FOR THIS SERVICE

Item #1.5

We will install 7 additional Quarry Blocks as indicated on the drawings. (the drawing shows 11 if more are needed then add $325.00 each)

TOTAL ITEM # 1.5 $2,275.00

Item #1.7

We will install 5 additional 4" sleeves as shown on the drawings

TOTAL ITEM #1.7 $ 650.00

$2,925.00

Sincerely,
PAMPERED LAWNS AUSTIN, INC.

Michael McNabb

Michael McNabb
Vice President

Discount Fence Commercial

3805 Woodbury Drive | Austin, Texas 78704
521-334-9546 | dennis@discountfenceusa.com |
www.discountfenceusa.com

RECIPIENT:

STR Constructors
Georgetown, TX

Estimate #1768	
Sent on	Apr 24, 2026
Estimator	Josh
Estimator Email address	joshua@discountfenceusa.com
Estimator Phone Number	Josh - 737-300-9765
Total	**$15,748.55**

Product/Service	Description	Qty.	Unit Price	Total
Garey Park Restroom Gates.	~~To Furnish and Install (8) 6'x4' Single Swing Gates in Restrooms. Gates will have 3 - Rails with 1 1/2" Square Tube with 3/4" Pickets Spaced at No More Than 4" OC. Gates will have J - Bolt Hinges Mounted to Wall with Slide Bolt Latch. Gates will be Powder Coated Black.~~	8	~~$1,583.9425~~	~~$12,671.54~~
Garey Park Hog Fence and Gate.	To Remove and Reinstall ~30LF of Hog Fence with Custom 4'W Manual Swing Gate. Fence Mesh will be 6x6x4Ga Galvanized Welded Wire Mesh with 6x6x8' Cedar Posts. Gate Frame and Cross Supports will be Galvanized 2" Square Tube with 4" SqureTube Posts Dig and Set in Concrete. Gate will have Self Closing Hinges and Gravity Latch.	30	$102.567	$3,077.01
Garey Park 6x6 Cedar Posts	To Furnish and Install (6) 6x6x8' Cedar Posts on Top of Concrete with Post Bases and Wedge Anchors.	6	~~$525.385~~	Not Included ~~$3,152.31~~

Total ~~$15,748.55~~

Denali Doors

Change Proposal – Storage Room Doors

To: STR Constructors

Attn: Estimating

Proposal Number: 25-1015

Proposal Date: 04/21/26

Project: Garey Park

Plans Dated: Email

Specifications: No

Addendums:

Revisions:

Please review the following proposal for consideration of supply only of doors frames and hardware as follows:

Hollow Metal Frames				
Retreat Cabin				
3070 Hm frame	sgl, interior, primed, no rating	3	ea	$975
Hollow Metal Doors				
Gary House				
3070 HM door	Exterior Flush Hollow Metal Doors	3	ea	$2,250
Shipping Hollow Metal		1	ea	$769
Total				$3,994
Markup			15%	$599
Proposal Total				**$4,593**
Tax			0.00%	**$0.00**
Total W/Tax				**$4,593.10**

512-662-4161 / Estimating@DenaliDoors.com

MERVAL CONSTRUCTION
BUILDING FOR TOMORROW

www.mervalconstruction.com
info@mervalconstruction.com
512-294-2177
PO Box 41768 Austin, TX 78704

Toll Free: 833-294-2177

Generator Pad

Project: Garey Park

GC: STR Constructors

Date: 05-6-2026

Description: 2 Cattle Guard Footings

Total Cost for Materials[1]	**$ 2,250.00**
Total Cost for labor[2]	**$ 3,250.00**
Total Cost for Equipment[3]	**$ 750.00**
Grand Total Cost[4]	**$ 6,250.00**

Merval Construction Company, LLC.

Sign_____

Date_____

STR Constructors, LLC

Sign_____

Date _____

1. **Reinforced per new plans (SK-3)**
   Concrete per new plans
2. **Labor to form, reinforce, and pour 2 Cattle Guard Footings**
3. **Equipment for Excavation and prep.**
4. **Price does not include taxes, includes markup.**

MERVAL CONSTRUCTION
BUILDING FOR TOMORROW

www.mervalconstruction.com
info@mervalconstruction.com
512-294-2177
PO Box 41768 Austin, TX 78704

Toll Free: 833-294-2177

Generator Pad

Project: Garey Park

GC: STR Constructors

Date: 05-6-2026

Description: Retreat Circle Changes

Total Cost for Materials[1]	**$ 6,402.00**
Total Cost for labor[2]	**$ 6,398.00**
Total Cost for Equipment[3]	**$ 1,743.00**
Grand Total Cost[4]	**$ 14,543.00**

Merval Construction Company, LLC.

Sign_____

Date_____

STR Constructors, LLC

Sign_____

Date _____

1. **Reinforced per new plans**
   Concrete per new plans
   Expansion Joint
   Dowels
2. **Labor to form, reinforce, and pour additional sq ft**
3. **Equipment for fine grade and prep.**
4. **Price does not include taxes, includes markup.**

Additional 1385 sq ft of flatwork at Circle

We didn't adjust curbs because there was curb reallocation

MERVAL CONSTRUCTION
BUILDING FOR TOMORROW

www.mervalconstruction.com
info@mervalconstruction.com
512-294-2177
PO Box 41768 Austin, TX 78704
Toll Free 833-294-2177

Generator Pad

Project: Garey Park

GC: STR Constructors

Date: 05-6-2026

Description: Pourback Ramp @ Equestrian Area

Total Cost for Materials[1]	**$ 763.00**
Total Cost for labor[2]	**$ 762.00**
Total Cost for Equipment[3]	**$ 208.00**
Grand Total Cost[4]	**$ 1,733.00**

Merval Construction Company, LLC.

Sign_____

Date_____

STR Constructors, LLC

Sign_____

Date _____

1. **Reinforced per plan**
   Concrete per plan
   Dowels
2. **Labor to prep, reinforce, and pour area**
3. **Equipment for prep and pour.**
4. **Price does not include taxes, includes markup.**

165 sq ft of pourback

PAMPERED LAWNS AUSTIN, INC. 13805 DRAGLINE DRIVE AUSTIN, TEXAS 78728
PHONE (512) 251-1295 FAX (512) 990-5969

Pampered Lawns

COMMERCIAL LANDSCAPE MANAGEMENT SERVICES

June 24, 2026

ATTN: Joshua Hout

SENT VIA E-MAIL
One (1) Pages Total
joshua@strconstructors.com

RE: Garey Park Splash pad Pavilion Wall

Dear Mr. Hout

In accordance with your request, we submit the following price for installing a quarry block wall at the splash pad pavilion. We will use the left over blocks from the Skate park for this wall. We will excavate and install 3/8: compacted gravel, then install the Quarry blocks, and the drainage system. We will then install Decomposed Granite between the blocks and the existing concrete. We will also need to adjust the existing Irrigation to acomidate the new wall and Granite.

PRICE FOR THIS SERVICE
Item #1

We will install a new quarry block wall as shown on the sketch sent over to us by Scott

TOTAL $3,710.00

Sincerely,
PAMPERED LAWNS AUSTIN, INC.

Michael McNabb

Michael McNabb
Vice President

PAMPERED LAWNS AUSTIN, INC. 13805 DRAGLINE DRIVE AUSTIN, TEXAS 78728
PHONE (512) 251-1295 FAX (512) 990-5969

Pampered Lawns

COMMERCIAL LANDSCAPE MANAGEMENT SERVICES

April 22, 2026

ATTN: Joshua Hout

SENT VIA E-MAIL
One (1) Pages Total
joshua@strconstructors.com

RE: Garey House Drain Line Addition

Dear Mr. Hout

In accordance with your request, we submit the following price for connecting the downspout in the mechanical inclosure to a 3" ADS pipe and extending it +/-25', then adding a drain popup to the end of the ADS to get the water away from the building..

PRICE FOR THIS SERVICE

We will install a about 25' of ADS pipe below the gravel and add a drain popup at the end of the ADS.

TOTAL $670.51

Sincerely,
PAMPERED LAWNS AUSTIN, INC.

Michael McNabb

Michael McNabb
Vice President

Specialties Direct of Texas INC
6200 Tri County Bld.
Schertz, TX 78158
210.978.6463

11/06/2025

CHANGE ORDER REQUEST

To: STR Constructors
Attn: Scott Carey
Re: Garey Park

We note the following changes on the above referenced project:

Add the following to contract:

Change from Royce Rolls Model TP-1 to Royce Rolls Model TP-4

These changes will require a _ TOTAL ADD _$ 3.060.00__ to contract

WE WILL NEED THIS SIGNED AND RETURNED BEFORE WE CAN START ANY WORK / ORDER ANY MATERIAL.

*******To avoid any delays please return a signed and dated copy of this change order to my office, or issue the appropriate change order on your standard form. Thank you for your prompt attention to this letter and for your patronage. ******

Agreed to:

By:_____ Date: 4-28-25

Printed name: Josh Holt

Sincerely,
Brandon Bjella
Sales Representative

ESTIMATE

G's Doors and Plus LLC
7604 Gilbert Rd
Manor, TX 78653-3049

silva@gsdoorsandplus.com
+1 (512) 968-8265
G's Door and Plus LLC

Door services

Bill to
STR Constructors
15500 TX-29, Liberty Hill, TX 78642
Job Site: Garey Park
6450 RM 2243, Georgetown TX, US, 78628

Estimate details
Estimate no.: 0614
Estimate date: 04/16/2026

#	Date	Product or service	Description	Qty	Rate	Amount
1.	04/16/2026	**1 Foreman 1 Installer**	- Adjust 8 door closers and install weather strips	1	$480.00	$480.00
2.	04/16/2026	**Material(s)**	- Weather strips = $180.00	1	$180.00	$180.00
			Total			**$660.00**

Accepted date 04/16/2026 **Accepted by**

ESTIMATE

G's Doors and Plus LLC
7604 Gilbert Rd
Manor, TX 78653-3049

silva@gsdoorsandplus.com
+1 (512) 968-8265
G's Door and Plus LLC

Door services

Bill to
STR Constructors
15500 TX-29, Liberty Hill, TX 78642
Job Site: Garey Park
6450 RM 2243, Georgetown TX, US, 78628

Estimate details
Estimate no.: 0615
Estimate date: 04/16/2026

#	Date	Product or service	Description	Qty	Rate	Amount
1.	04/16/2026	**1 Foreman 1 Installer**	- Replace to hold open arms from closers and adjust push bars that are possible damaged at exterior HM doors.	1	$495.00	$495.00
2.	04/16/2026	**Material(s)**	- 2 Hold open arms = $661.72	1	$661.72	$661.72
			Total			**$1,156.72**

Accepted date 04/16/2026 **Accepted by**

PAMPERED LAWNS AUSTIN, INC. 13805 DRAGLINE DRIVE AUSTIN, TEXAS 78728
PHONE (512) 251-1295 FAX (512) 990-5969

Pampered Lawns

COMMERCIAL LANDSCAPE MANAGEMENT SERVICES

April 20, 2026

ATTN: Joshua Hout

SENT VIA E-MAIL
One (1) Pages Total
joshua@strconstructors.com

RE: Garey House Drain Line Addition

Dear Mr. Hout

In accordance with your request, we submit the following price for 3-additional sleeves with 90s and caps at the dog ranch, and drainage at the play ranch.

PRICE FOR THIS SERVICE

Item #1

We will install a about 178lf of 4" sock covered ADS pipe set in a gravel filled trench at the play ranch per RFI #127. Scot said that the concrete guys would install the head wall. We will hand trench in the areas around the conduit installed by the electritions and punch under the sidewalk by hand. The area out side of the synthetic lawn will be backfield with native soil.

TOTAL ITEM #1 $3,450.00

Item #2

We will install 3-4" sleeves with 90s and caps per Patrick at the dog ranch for future use

TOTAL ITEM #2 $ 688.20

$4,138.20

Sincerely,
PAMPERED LAWNS AUSTIN, INC.

Michael McNabb

Michael McNabb
Vice President

BUILT ON THE ROCK
Drywall & Acoustics
STRAIGHT BEFORE HIM

Change Order Proposal

9 Lake Dr
Round Rock TX 78665
Office: 512.670.2200
Fax: 512.670.2204
Direct: 512.670.2201
Adrian@builtontherock.com

Proposal date: 4/2/2026

Date: 04-02-2026

Project Name: Garey Park Phase #2

Project Address: 6450 Leander Rd/FM 2243 Georgetown TX 78628

We hereby propose to furnish labor and materials for the sum of $2,900.00 as specified below:

Furnish and Install for Scope of Work:

1.) **Labor and materials to patch ceiling and walls at all 3 cabins and add blocking on walls for shower bench**

   a.) **Labor $2240.00**
   b.) **Material $380.00**
   c.) **Delivery $280.00**

2.) **Provide and install**
   a.) **Labor $**
   b.) **Material $**
   c.) **Delivery $**

3.) **Demo $.00**
   a.) **Walls**
   b.) **Finish flooring**
   c.) **Ceilings**

4.) **Addendums:**
   a.)

5.) **All work to be perform during regular hours 7:00 am to 3:30 pm Monday thru Friday.**
6.) **If over time is required GC will pick up the premium. $35.00 per man hr**
7.) **Labor cost per hour for CO $70.00 per man hr**
8.) **15% OH on Change orders**
9.) **Haul our trash to a dumpster onsite provided by others.**

10.) **Alternates:**
   1.)

Exclusions:

a.) **Remove existing wall framing to structure**
b.) **DFH modification or alterations due to wrong DFH**
c.) **Storage, Inventory and record keeping of DFH.**
d.) **Infill Hollow metal door frames with concrete.**
e.) **Water proofing in general**
f.) **Caulking of exterior door frames**
g.) **Floor scraping or grinding.**
h.) **Store front windows.**
i.) **shop drawings**
j.) **Final keying/special cylinders.**
k.) **Bonds.**

BUILT ON THE ROCK
Drywall & Acoustics
STRAIGHT BEFORE HIM

Change Order Proposal

9 Lake Dr
Round Rock TX 78665
Office: 512.670.2200
Fax: 512.670.2204
Direct: 512.670.2201
Adrian@builtontherock.com

Proposal date: 4/2/2026

Date: 01-14-2026

Project Name: Garey Park Phase #2 PAVILION

Project Address: 6450 Leander Rd/FM 2243 Georgetown TX 78628

We hereby propose to furnish labor and materials for the sum of $5,067.00 as specified below:

Furnish and Install for Scope of Work:

1.) **Labor and material to lower the overhead doors openings since floor is not level,**
-Make fur out fur-dawn with metal and drywall, corner bead to make look all the same

   a.) **Labor $3,360.00**
   b.) **Material $1,427.00**
   c.) **Delivery $280.00**

2.) **Demo $.00**
   a.) **Walls**
   b.) **Finish flooring**
   c.) **Ceilings**

3.) **Addendums:**
   a.)

4.) **All work to be perform during regular hours 7:00 am to 3:30 pm Monday thru Friday.**
5.) **If over time is required GC will pick up the premium. $35.00 per man hr**
6.) **Labor cost per hour for CO $70.00 per man hr**
7.) **15% OH on Change orders**
8.) **Haul our trash to a dumpster onsite provided by others.**

9.) **Alternates:**
   1.)

Exclusions:

a.) **Remove existing wall framing to structure**
b.) **DFH modification or alterations due to wrong DFH**
c.) **Storage, Inventory and record keeping of DFH.**
d.) **Infill Hollow metal door frames with concrete.**
e.) **Water proofing in general**
f.) **Caulking of exterior door frames**
g.) **Floor scraping or grinding.**
h.) **Store front windows.**
i.) **shop drawings**
j.) **Final keying/special cylinders.**
k.) **Bonds.**
l.) **Building Protection.**
m.) **Cleanup for other trades**
n.) **Tape & Float.**
o.) **Paint.**
p.) **Corner guard**
q.) **Finish wood or finish carpentry**

[redacted]

CO SUBMITTED TO: STR Constructors

JOB NAME: Grarey Park Phase 2

CONTACT: Joshua Hout **DATE: 5/4/20269**

CO Description: Replace Hardie at Retreat Pavillion Roll-up Doors for corrected elevation.

CO Proposal: $5,410.00

Acceptance of CO Price Signature: _____ **Date:** _____

General Inclusions:

- Equipment required for this work
- Cost for parking if applicable
- Daily clean-up for this work

General Exclusions:

- Installation of equipment mounted to blocking
- Steel framing
- Demolition
- Painting
- Roofing
- Waterproofing
- Perimeter/Exterior Caulking
- Payment and Performance Bonds
- Tax

NOTE: This proposal may be withdrawn after 30 days.

If you have any questions, please call.

Thank you,
Wayne Poehls
512.966.7066
wayne@cscentraltx.com

PAMPERED LAWNS AUSTIN, INC. 13805 DRAGLINE DRIVE AUSTIN, TEXAS 78728
PHONE (512) 251-1295 FAX (512) 990-5969

Pampered Lawns

COMMERCIAL LANDSCAPE MANAGEMENT SERVICES

May 6, 2026

ATTN: Joshua Hout

SENT VIA E-MAIL
One (1) Pages Total
joshua@strconstructors.com

RE: Garey Park Amphitheater Drainage

Dear Mr. Hout

In accordance with your request, we submit the following price to install drainage for the synthetic turf at the Amphitheater per field directive #10.

PRICE FOR THIS SERVICE
Item #1
We will install 70lf of 4" sock covered ADS pipe set in a gravel filled trench at the Amphitheater. Scot said that the concrete guys would install the head wall. The area out side of the synthetic lawn will be backfield with native soil.

TOTAL ITEM #1 **$1,550.57**

Sincerely,
PAMPERED LAWNS AUSTIN, INC.

Michael McNabb

Michael McNabb
Vice President

Venditti LLC
CHANGE ORDER
9423 Shady Oaks DR
Austin, TX 78729

PROJECT:
Garey Park Phase 2
6450 RM 2243
Georgetown, TX 78628

CHANGE ORDER NO.:

DATE: 5/1/2026

OWNER/ GENERAL CONTRACTOR

Customer:
STR Constructors, LLC
15500 Hwy 29
Liberty Hill, TX 78642

Your subcontract for performing work on this project is revised as shown below. Except as specifically revised herein, all work, terms and conditions of the original subcontract remain the same and in force. If any portion of this change order is not acceptable, you must furnish us written notification of such non-acceptance at the address designated below within seven (7) days of the date of this letter.

The SubContract is changed as follows:
Description: Relocated Drain Basin installed per plan at Skate Park
Scope:
Excavate, extend storm line, re-install drain basin, backfil and compact, clean up

		QTY	Unit	Unit Price	Add/Deduct
1					$ -
2	308 Excavator	6	HRS	$ 149.50	$ 897.00
3					$ -
4	Operator	8	HRS	$ 70.00	$ 420.00
5	Skid loader	8	HRS	$ 109.25	$ 874.00
6	Operator	8	HRS	$ 70.00	$ 560.00
7	Labor X2	20	HRS	$ 65.00	$ 1,300.00
8					$ -
9					$ -
10					$ -
11					$ -
12					$ -
13					$ -
14					$ -
15					$ -
16					$ -
17					$ -
18					$ -
19					$ -
20					$ -
21					$ -
22					
23					
24					
25					
26					
27					
28					$ -
29					$ -
30					$ -
31					$ -
32					$ -
33					$ -
34					$ -
35					$ -
36					$ -
37					$ -
38					$ -
	Total Change Order:				**$ 4,051.00**

The changes listed above were discussed with and verbally approved by

Not valid until signed by the Owner and Subcontractor.

The original contract sum is	
The net change by previously approved Change Orders	$ -
The Total sum this Change Order is	$ 4,051.00
The Total sum for all Change Orders is	$ 4,051.00
The new SubContract sum including this Change Order will be	$ 4,051.00

The change results in an add of days to the contract time.

Note: Please sign and return both copies of this Change Order. You will receive a fully executed copy for your files.

Contractor
Venditti LLC
9423 Shady Oaks DR
Austin, TX 78729

BY *Thomas Venditti*
CEO
DATE 5/1/2026

Customer:
OWNER/ GENERAL CONTRACTOR

STR Constructors, LLC
15500 Hwy 29

BY
DATE

Venditti LLC
CHANGE ORDER
9423 Shady Oaks DR
Austin, TX 78729

PROJECT:
Garey Park Phase 2
6450 RM 2243
Georgetown, TX 78628

CHANGE ORDER NO.:

DATE: 5/6/2026

OWNER/ GENERAL CONTRACTOR

Customer:
STR Constructors, LLC
15500 Hwy 29
Liberty Hill, TX 78642

Your subcontract for performing work on this project is revised as shown below. Except as specifically revised herein, all work, terms and conditions of the original subcontract remain the same and in force. If any portion of this change order is not acceptable, you must furnish us written notification of such non-acceptance at the address designated below within seven (7) days of the date of issue hereof.

The SubContract is changed as follows:
Description: Move Drains atEQUINE RR
Scope:
Demo concrete relocate drains at EQUINE RR

		QTY	Unit	Unit Price	Add/Deduct
1					$ -
2					$ -
3					
8					$ -
9					$ -
10					
11	Mini Ex	3	HRS	$ 86.25	$ 258.75
12	Operator	3	HRS	$ 70.00	$ 210.00
13	Labor X4	24	HRS	$ 65.00	$ 1,560.00
14	Skid Loader	3	HRS	$ 109.25	$ 327.75
15	Operator	3	HRS	$ 70.00	$ 210.00
16					$ -
17					$ -
18					$ -
19					$ -
20					$ -
21					$ -
22					$ -
23					$ -
24					
25					
26					$ -
27					$ -
28					$ -
29					$ -
30					$ -
31					$ -
					$ -
32					$ -
33					$ -
34					$ -
35					$ -
36					$ -
37					$ -
38					$ -
	Total Change Order:				**$ 2,566.50**

The changes listed above were discussed with and verbally approved by

Not valid until signed by the Owner and Subcontractor.

The original contract sum is	
The net change by previously approved Change Orders	$ -
The Total sum this Change Order is	$ 2,566.50
The Total sum for all Change Orders is	$ 2,566.50
The new SubContract sum including this Change Order will be	$ 2,566.50

The change results in an add of days to the contract time.

Note: Please sign and return both copies of this Change Order. You will receive a fully executed copy for your files.

Contractor
Venditti LLC
9423 Shady Oaks DR
Austin, TX 78729

BY *Thomas Venditti*
CEO
DATE 5/6/2026

Customer:
OWNER/ GENERAL CONTRACTOR

STR Constructors, LLC
15500 Hwy 29

BY
DATE

MERVAL CONSTRUCTION
BUILDING FOR TOMORROW

www.mervalconstruction.com
info@mervalconstruction.com
512-294-2177
PO Box 41768 Austin, TX 78704

Toll Free: 833-294-2177

Dock Abutment

Project: Garey Park

GC: STR Constructors

Date: 05-18-2026

Description: Dock Abutment Pricing

Total Cost for Materials[1]	**$ 2,250.00**
Total Cost for labor[2]	**$ 1,250.00**
Total Cost for Equipment[3]	**$ 500.00**
Grand Total Cost[4]	**$ 4,000.00**

Merval Construction Company, LLC.

Sign_____

Date_____

STR Constructors, LLC

Sign_____

Date _____

1. **Reinforced per plans (S-301)**
   Concrete per new plans
2. **Labor to form, reinforce, and pour Dock Abutment**
3. **Equipment for Excavation and prep.**
4. **Price does not include taxes, includes markup.**

Venditti LLC
CHANGE ORDER
9423 Shady Oaks DR
Austin, TX 78729

PROJECT:
Garey Park Phase 2
6450 RM 2243
Georgetown, TX 78628

CHANGE ORDER NO.:

DATE: 5/6/2026

OWNER/ GENERAL CONTRACTOR

Customer:
STR Constructors, LLC
15500 Hwy 29
Liberty Hill, TX 78642

Your subcontract for performing work on this project is revised as shown below. Except as specifically revised herein, all work, terms and conditions of the original subcontract remain the same and in force. If any portion of this change order is not acceptable, you must furnish us written notification of such non-acceptance at the address designated below within seven (7) days of the date of issue hereof.

The SubContract is changed as follows:
Description: Cabbin Area adds and Credits
Scope:
Add Credits per Change Proposal Dated 4-29-2026 From City of Georgetown, EXLUDES: Line paint NIC, Concrete Work NIC, Concrete Walkway NIC, Gurard Fence NIC

		QTY	Unit	Unit Price	Add/Deduct
1	Credit Medium Duty Asphalt	(262)	SY	$ 19.25	$ (5,043.50)
2	Base Credit at Roadway (Cabbin)	(105)	Ton	$ 11.00	$ (1,155.00)
3					
8					$ -
9					$ -
10					$ -
11					$ -
12					$ -
13					$ -
14					$ -
15					$ -
16	Demo Ribbon curb			-	$ -
17	Mini Ex	2	HRS	$ 86.25	$ 172.50
18	Operator	2	HRS	$ 70.00	$ 140.00
19	Skid loader	2	HRS	$ 109.25	$ 218.50
20	Operator	2	HRS	$ 70.00	$ 140.00
21	Dump Truck	4	HRS	$ 86.25	$ 345.00
22	Driver	4	HRS	$ 70.00	$ 280.00
23	Disposal fee	1	Load	$ 50.00	$ 50.00
24					
25					
26					$ -
27					$ -
28					$ -
29					$ -
30					$ -
31					$ -
					$ -
32					$ -
33					$ -
34					$ -
35					$ -
36					$ -
37					$ -
38					$ -
	Total Change Order:				**$ (4,852.50)**

The changes listed above were discussed with and verbally approved by

Not valid until signed by the Owner and Subcontractor.

The original contract sum is	
The net change by previously approved Change Orders	$ -
The Total sum this Change Order is	$ (4,852.50)
The Total sum for all Change Orders is	$ (4,852.50)
The new SubContract sum including this Change Order will be	$ (4,852.50)

The change results in an add of days to the contract time.

Note: Please sign and return both copies of this Change Order. You will receive a fully executed copy for your files.

Contractor
Venditti LLC
9423 Shady Oaks DR
Austin, TX 78729

BY *Thomas Venditti*
CEO
DATE 5/6/2026

Customer:
OWNER/ GENERAL CONTRACTOR

STR Constructors, LLC
15500 Hwy 29

BY

DATE

Securing Your Future
402A W. Palm Valley Blvd., Suite #181
Round Rock, Texas 78664
PH: 512.709.8467 FAX: 512.310.8307
www.BarrierFence.com
Member – Better Business Bureau

Change Order Request #13 – Garey Park Phase 2
Retreat Drop

Date: May 7, 2026

Customer: Attn: Joshua Hout 512.515.0254
STR Constructors
15500 W State Hwy 29
Liberty Hill, TX 78642

Project: Garey Park Phase 2
6450 RM 2243
Georgetown, TX 78628

COR#13: Change Order Request #13 for Barrier Fence LLC to make the following changes to our base contract.
This is to delete the installation of a portion of the guardrail per plans titled "31001-GP-Ph2-CPR_RetreatDrop-off(2026-04-29)".
All material is on site, this credit is for labor only.

COR#13 LINE ITEMS:

Retreat Drop Off:

1	- Credit for 40' of Guardrail Not to be Installed	=($ 200.00)

TOTAL COR#13 AMOUNT: =($ 200.00)

By: _____ Date: _____
Name: Title:

Thank you,

David Roseland
Barrier Fence Systems - Securing Your Future
402A W. Palm Valley Blvd. Suite #181
Round Rock, Texas 78664
Cell: 512.516.1455
Ph: 512.709.8467
Fax: 512.310.8307
David@BarrierFence.com
www.BarrierFence.com

PO#: _____

Joshua Hout

From: Patrick Cavanaugh <Patrick.Cavanaugh@georgetowntexas.gov>
Sent: Thursday, May 28, 2026 9:24 AM
To: Joshua Hout
Subject: Playground equipment for Garey Park

External (patrick.cavanaugh@georgetowntexas.gov)

Report This Email

Josh,

Here is the equipment. Note that it is 4 riders and 4 springs. Link to site: https://willygoat.com/

Let me know if you have any questions.

Thanks

Patrick Cavanaugh, PLA | ASLA
ISA Certified Arborist WE-10004A
TCEQ Licensed Irrigator LI-0030297
Parks Development Manager
City of Georgetown Parks and Recreation
(O) 512 930.3540

GEORGETOWN
TEXAS
more than welcome

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Playgrounds Swing Slide Climb & Crawl Balance Explore Games Shades Borders & Surfacing Park Backyard

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Product	Quantity	Total
Mustang Easy Rider Lead Time: 10 Weeks Product Manual $970.00 MSRP: ~~$1,030.00~~	− 2 + Remove	$1,940.00
Zebra Easy Rider Lead Time: 10 Weeks Product Manual $930.00 MSRP: ~~$1,030.00~~	− 1 + Remove	$930.00
Spring Animal Boot Hardware Lead Time: 2 To 3 Weeks $447.00	− 4 + Remove	$1,788.00
Bronco Easy Rider Lead Time: 10 Weeks Product Manual $930.00 MSRP: ~~$1,030.00~~	− 1 + Remove	$930.00

Total **$5,588.00 USD**

You saved $320.00 off MSRP!

Order Instructions

Taxes and Shipping calculated at checkout

Tax exempt? Convert your cart to a Quote and submit your exemption certificate.

Proceed to Checkout

Convert to Quote

Add Quote Items to Cart

100% Secure Payments

$930.00 MSRP: ~~$1,030.00~~

Remove

Spring Animal Boot Hardware

Lead Time: 2 To 3 Weeks

$447.00

− 4 +

Remove

$1,788.00

Bronco Easy Rider

Lead Time: 10 Weeks

Product Manual

$930.00 MSRP: ~~$1,030.00~~

− 1 +

Remove

$930.00

Estimate Shipping

State: Texas

Zip code: 78628

Estimate

There is one shipping rate for your address:

- Shipping: $1,679.77

Total $5,588.00 USD

You saved $320.00 off MSRP!

Order Instructions

Taxes and Shipping calculated at checkout

Tax exempt? Convert your cart to a Quote and submit your exemption certificate.

Proceed to Checkout

Convert to Quote

Add Quote Items to Cart

100% Secure Payments

$7,267.77

RENTALS TO GO
877-929-1919
WWW.RTGRENTS.COM

COMPANY INFORMATION
Rentals To Go
PO Box 336
Canajoharie, NY 13317
p: 8779291919 | e: orders@rtgrents.com

ACCOUNT: 277212 **INVOICE:** 0001612562

Check/Money order

Amount Paid

0 **AUTO**00 000 000000 000277212 786642163 10

STR Constructors
210 COMMERCE BLVD
Round Rock TX 786642163

ACCOUNT SUMMARY AS OF 03/24/2026

New charges this invoice	$949.35
Applied Credit/Payment	$0.00
Invoice Balance	**$949.35**
Account Balance	**$1,997.54**

277212 0001612562 0094935 0199754 0 0000 0000000 1

Please Return this Portion of the Invoice with Payment.

Rentals To Go

Office Address :
PO Box 336
Canajoharie, NY 13317

Contact Info :
Phone : 8779291919
Email : orders@rtgrents.com

Invoice & Account Statement as of 03/24/2026 **Invoice#** 0001612562 **Due Date:** 04/23/2026

Account: STR Constructors | **Account#:** 277212 | **Bill Zip:** 786642163

SERVICE DATE	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
Service Location: 0003 - STR CONSTRUCTORS-Garey Park - 6450 TO MARKET RD 2243 RANCH, Georgetown, TX, 78628				
03/17/2026 - 04/13/2026	[28 Days] - CONSTRUCTION PORTABLE TOILET (2 days per week)	~~1.00~~	~~$220.00~~	~~$220.00~~
03/18/2026 - 04/14/2026	Rental [28 Days] - TEMPORARY FENCE PANEL	50.00	$657.00	$657.00
			~~Sub Total :~~	~~$877.00~~
			Fuel Surcharge :	**$0.00**
			~~Tax Total :~~	~~$72.35~~
			~~Invoice Total :~~	~~$949.35~~

PAYMENT INFORMATION

We happily accept credit card, check, or ACH payments! Cancellation Policy: All portable toilet rentals are subject to a minimum $50 cancellation fee. All Restroom Trailer Rentals are subject to a minimum $250 cancellation fee. Amounts Past Due Subject to 18% APR.

IMPORTANT INFORMATION

All rentals must be placed on a hard and flat surface that is easily accessible for servicing. Rentals To Go is not responsible for any and all damages to property. Weekend orders will be delivered the week prior to the event and picked up the week after event.

~~**ACCOUNT SUMMARY AS OF 03/24/2026**~~

~~New charges this invoice~~	~~$949.35~~
~~Applied Credit/Payment~~	~~$0.00~~
~~**Invoice Balance**~~	~~$949.35~~
Account Balance	**$1,997.54**

STR CONSTRUCTORS
GENERAL CONTRACTORS
CONSTRUCTION MANAGEMENT

JOB#: 2402 DATE: _____

COST CODE: 1530-5

PROJECT MANAGER: Josh

APPROVAL SIGNATURE:

RENTALS TO GO
877-929-1919
WWW.RTGRENTS.COM

COMPANY INFORMATION

Rentals To Go
PO Box 336
Canajoharie, NY 13317
p: 8779291919 | e: orders@rtgrents.com

ACCOUNT: 277212 **INVOICE:** 0001778933

Check/Money order

Amount Paid

ACCOUNT SUMMARY AS OF 04/21/2026

New charges this invoice	$949.35
Applied Credit/Payment	$0.00
Invoice Balance	**$949.35**
Account Balance	**$1,521.24**

0 **AUTO**00 000 000000 000277212 786642163 10

STR Constructors
210 COMMERCE BLVD
Round Rock TX 786642163

277212 0001778933 0094935 0152124 0 0000 0000000 4

Please Return this Portion of the Invoice with Payment

Rentals To Go

Office Address :
PO Box 336
Canajoharie, NY 13317

Contact Info :
Phone : 8779291919
Email : orders@rtgrents.com

Invoice & Account Statement as of 04/21/2026 **Invoice#** 0001778933 **Due Date:** 05/21/2026

Account: STR Constructors | **Account#:** 277212 | **Bill Zip:** 786642163

SERVICE DATE	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
Service Location: 0003 - STR CONSTRUCTORS-Garey Park - 6450 TO MARKET RD 2243 RANCH, Georgetown, TX, 78628				
04/14/2026 - 05/11/2026	[28 Days] - CONSTRUCTION PORTABLE TOILET (2 days per week)	~~1.00~~	~~$220.00~~	~~$220.00~~
04/15/2026 - 05/12/2026	Rental [28 Days] - TEMPORARY FENCE PANEL	50.00	$657.00	$657.00
			Sub Total:	~~$877.00~~
			Fuel Surcharge :	**$0.00**
			Tax Total:	~~$72.35~~
			Invoice Total:	~~$949.35~~

PAYMENT INFORMATION

We happily accept credit card, check, or ACH payments! Cancellation Policy: All portable toilet rentals are subject to a minimum $50 cancellation fee. All Restroom Trailer Rentals are subject to a minimum $250 cancellation fee. Amounts Past Due Subject to 18% APR.

IMPORTANT INFORMATION

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~~**ACCOUNT SUMMARY AS OF 04/21/2026**~~

~~New charges this invoice~~	~~$949.35~~
~~Applied Credit/Payment~~	~~$0.00~~
~~Invoice Balance~~	~~$949.35~~
Account Balance	**$1,521.24**

STR CONSTRUCTORS
GENERAL CONTRACTORS
CONSTRUCTION MANAGEMENT

JOB #: 2502 DATE: _____

COST CODE: 1530-5

PROJECT MANAGER: Josh

APPROVAL SIGNATURE: _____

BUILT ON THE ROCK
Drywall & Acoustics
STRAIGHT BEFORE HIM

Change Order Proposal

9 Lake Dr
Round Rock TX 78665
Office: 512.670.2200
Fax: 512.670.2204
Direct: 512.670.2201
Adrian@builtontherock.com

Proposal date: 5/18/2026

Date: 05-18-2026

Project Name: Garey Park Phase #2

Project Address: 6450 Leander Rd/FM 2243 Georgetown TX 78628

We hereby propose to furnish labor and materials for the sum of $4,160.00 as specified below:

Furnish and Install for Scope of Work:

1.) Labor and material to install ¾ fire treated plywood for A/C guys in all 3 cabins
2.) Removed 3 cabins door frames
3.) Install new frames in 3 cabins
4.) Clean and take all trash out the building

   a.) Labor $ 3,840.00
   b.) Material, $1,250.00
   c.) Delivery $320.00

5.) Provide and install
   a.) Labor $
   b.) Material $
   c.) Delivery $

6.) Demo $.00
   a.) Walls
   b.) Finish flooring
   c.) Ceilings

7.) Addendums:
   a.)

8.) All work to be perform during regular hours 7:00 am to 3:30 pm Monday thru Friday.
9.) If over time is required GC will pick up the premium. $40.00 per man hr
10.) Labor cost per hour for CO $80.00 per man hr
11.) 15% OH on Change orders
12.) Haul our trash to a dumpster onsite provided by others.

13.) Alternates:
   1.)

Exclusions:

a.) Remove existing wall framing to structure
b.) DFH modification or alterations due to wrong DFH
c.) Storage, Inventory and record keeping of DFH.
d.) Infill Hollow metal door frames with concrete.
e.) Water proofing in general
f.) Caulking of exterior door frames
g.) Floor scraping or grinding.

BUILT ON THE ROCK
Drywall & Acoustics
STRAIGHT BEFORE HIM

Change Order Proposal

9 Lake Dr
Round Rock TX 78665
Office: 512.670.2200
Fax: 512.670.2204
Direct: 512.670.2201
Adrian@builtontherock.com

Proposal date: 5/18/2026

Date: 05-18-2026

Project Name: Garey Park Phase #2 PAVILION

Project Address: 6450 Leander Rd/FM 2243 Georgetown TX 78628

We hereby propose to furnish labor and materials for the sum of $3,730.00 as specified below:

Furnish and Install for Scope of Work:

1.) Labor and material to install 3/4 fire treated plywood, 2x4x12 wood studs, 5/8 drywall to infield the overhead doors and between each one.
2.) Frame over door frame with metal studs and drywall and install corner bead
3.) Clean and take all trash out the building

   a.) Labor $2,560.00
   b.) Material, $850.00
   c.) Delivery $320.00

4.) Provide and install
   a.) Labor $
   b.) Material $
   c.) Delivery $

5.) Demo $.00
   a.) Walls
   b.) Finish flooring
   c.) Ceilings

6.) Addendums:
   a.)

7.) All work to be perform during regular hours 7:00 am to 3:30 pm Monday thru Friday.
8.) If over time is required GC will pick up the premium. $40.00 per man hr
9.) Labor cost per hour for CO $80.00 per man hr
10.) 15% OH on Change orders
11.) Haul our trash to a dumpster onsite provided by others.

12.) Alternates:
   1.)

Exclusions:
   a.) Remove existing wall framing to structure
   b.) DFH modification or alterations due to wrong DFH
   c.) Storage, Inventory and record keeping of DFH.
   d.) Infill Hollow metal door frames with concrete.
   e.) Water proofing in general
   f.) Caulking of exterior door frames
   g.) Floor scraping or grinding.

Venditti LLC
CHANGE ORDER
9423 Shady Oaks DR
Austin, TX 78729

PROJECT:
Garey Park Phase 2
6450 RM 2243
Georgetown, TX 78628

CHANGE ORDER NO.:

DATE: 6/17/2026

OWNER/ GENERAL CONTRACTOR

Customer:
STR Constructors, LLC
15500 Hwy 29
Liberty Hill, TX 78642

Your subcontract for performing work on this project is revised as shown below. Except as specifically revised herein, all work, terms and conditions of the original subcontract remain the same and in force. If any portion of this change order is not acceptable, you must furnish us written notification of such unacceptance at the address designated below within seven (7) days of the date of issue hereof.

The SubContract is changed as follows:

Description: Remove Trees and dispose

Scope:

Demo and remove trees (3) per correspondance

		QTY	Unit	Unit Price	Add/Deduct
1	308 Excavator	6	hrs	$ 149.50	$ 897.00
2	Operator	6	HRS	$ 75.00	$ 450.00
3	End Dump	4	HRS	$ 109.25	$ 437.00
8	Driver	4	HRS	$ 70.00	$ 280.00
9					$ -
10					
11					$ -
12					$ -
13					$ -
14					$ -
15					$ -
16					$ -
17					$ -
18					$ -
19					$ -
20					$ -
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22					$ -
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24					
25					
26					$ -
27					$ -
28					$ -
29					$ -
30					$ -
31					$ -
					$ -
32					$ -
33					$ -
34					$ -
35					$ -
36					$ -
37					$ -
38					$ -
	Total Change Order:				$ 2,064.00

The changes listed above were discussed with and verbally approved by

Not valid until signed by the Owner and Subcontractor.

The original contract sum is	
The net change by previously approved Change Orders	$ -
The Total sum this Change Order is	$ 2,064.00
The Total sum for all Change Orders is	$ 2,064.00
The new SubContract sum including this Change Order will be	$ 2,064.00

The change results in an add of days to the contract time.

Note: Please sign and return both copies of this Change Order. You will receive a fully executed copy for your files.

Contractor
Venditi LLC
9423 Shady Oaks DR
Austin, TX 78729

BY *Thomas Venditti*
CEO
DATE 6/17/2026

Customer:
OWNER/ GENERAL CONTRACTOR

STR Constructors, LLC
15500 Hwy 29

BY

DATE

MERVAL CONSTRUCTION
BUILDING FOR TOMORROW

www.mervalconstruction.com
info@mervalconstruction.com
512-294-2177
PO Box 41768 Austin, TX 78704

Toll Free 833-294-2177

Golf Tee Pad Buildup Pricing

Project: Garey Park

GC: STR Constructors

Date: 06-16-2026

Description: Golf Tee Pad Buildup

Total Cost for Materials[1]	**$ 3,450.00**
Total Cost for labor[2]	**$ 10,350.00**
Total Cost for Equipment[3]	**$ 1,200.00**
Grand Total Cost[4]	**$ 15,000.00**

Merval Construction Company, LLC.

Sign_____

Date_____

STR Constructors, LLC

Sign_____

Date _____

1. Base for compaction and sandbags
   Lumber for high form
2. Labor to prep, spread, and compact base
   Labor to move base to each golf tee pad from drop off locations
   Labor to bag the turndown
   Labor for high form
3. Equipment for Base prep, spread and compaction (Skid Steer, plate compactor, Fuel).
4. Price does not include taxes, includes markup.

Discount Fence Commercial

3805 Woodbury Drive | Austin, Texas 78704
521-334-9546 | dennis@discountfenceusa.com |
www.discountfenceusa.com

RECIPIENT:

STR Constructors
Georgetown, TX
Phone: 512-969-7098

Estimate #1831

Sent on	May 12, 2026
Estimator	Josh
Estimator Email address	joshua@discountfenceusa.com
Estimator Phone Number	Josh - 737-300-9765
Total	**$3,153.85**

Product/Service	Description	Qty.	Unit Price	Total
Garey Park Cattle Guard Install Only.	To Install (1) Cattle Guard Model HL93 20. Per Detail: SK-3 Discount Fence USA will Pick up from San Marcos Location and Deliver TO Garey Park for Installation.	1	$3,153.85	$3,153.85

Total **$3,153.85**

Why Choose Discount Fence USA Commercial:
- In-House DFUSA Installation Teams & Certified Payroll
- Specialized expertise with all types of commercial fence and gates
- Project management efficiencies keep you on schedule
- Scalability for all projects sizes and scopes
- Turn-Key solutions to save time, money, and coordination efforts
- Consistency, quality, and responsive warranty support

Permits, taxes, bonds, surveys, layout, clearing, grading, demolition, haul-off, mow strips, retaining walls, core drilling, asphalt/concrete cutting and patching, irrigation repairs, grounding, electrical, gate operators and access control, locks, paint/stain, BABA materials, and any testing or special inspections are excluded unless specifically noted.

Rock, caliche, or unsuitable soil conditions will be addressed via change order if encountered. Restoration and final grading are excluded unless otherwise noted.

Engineer-sealed drawings are not included and can be provided at an additional cost upon request.

Proposal is based on available plans and site conditions. Any unforeseen conditions or scope changes may result in additional costs.

This proposal is valid for 30 days from the date issued.

VENDITTI

CCCO #CCO #016

Project: 25-092 - Garey Park Phase 2
6450 Ranch to Market Rd 2243
Georgetown, Texas 78628
Phone: 512-515-0254

DRAFT

Client Contract Change Order #CCO #016: CE #021 - 2 12" RCP Pipe at Low Water Crossing

TO:	**STR Constructors, LLC** 15500 Hwy 29 West Liberty Hill, Texas 78642	**FROM:**	**Venditti LLC** 7807 Old Lockhart Hwy Buda, Texas 78610
DATE CREATED:	7/14/2026	**CREATED BY:**	Kirk W. Zajac **(Venditti LLC)**
CONTRACT STATUS:	Draft	**REVISION:**	0
REQUEST RECEIVED FROM:		**LOCATION:**	
DESIGNATED REVIEWER:		**REVIEWED BY:**	
DUE DATE:		**REVIEW DATE:**	
INVOICED DATE:		**PAID DATE:**	
REFERENCE:		**CHANGE REASON:**	Allowance
PAID IN FULL:	No	**EXECUTED:**	No
ACCOUNTING METHOD:	Amount Based	**SCHEDULE IMPACT:**	
SIGNED CHANGE ORDER RECEIVED DATE:		**REVISED SUBSTANTIAL COMPLETION DATE:**	
FIELD CHANGE:	No	**CONTRACT FOR:**	1:Garey Park
		TOTAL AMOUNT:	$16,471.00

DESCRIPTION:
CE #021 - 2 12" RCP Pipe at Low Water Crossing
Provide and install 2 12" RCP pipe at low water crossing
Excavate and Grade blow out low water crossing, remove, demo and dispose damaged and broken RCP pipe, Furnish and install 2 new 12"x 20 LF RCP Pipe, Backfill and cover
Excludes Concrete work

ATTACHMENTS:

CHANGE ORDER LINE ITEMS:

#	Budget Code	Description	Amount
1	33-33.10.00.4 Water Utilities.Owned Equipment	308 Excavator - 10 Hours	$1,495.00
2	33-33.10.00.1 Water Utilities.Labor	Operator - 10 Hours	$750.00
3		End Dump - 2 Hours	$218.50
4		Driver - 2 Hours	$140.00
5		Skid Steer - 10 Hours	$1,092.50
6		Operator - 10 Hours	$700.00
7		Labor - 30 Hours	$1,950.00
8		2 Barrel RCP, 25 LF	$2,225.00
9		Bedding Rock - 30 Tons	$660.00
10		Bedding Rock Delivery - 30 Tons	$540.00
11		Base Backfill - 100 Tons	$1,800.00
12		Base Delivery - 100 Tons	$1,800.00

VENDITTI

CCCO #CCO #016

#	Budget Code	Description	Amount
13		Flowable Fill - 10 cy	$1,650.00
14		10% OH&P on Materials Only	$1,450.00
		Grand Total:	$16,471.00

The original (Contract Sum)	$2,225,323.00
Net change by previously authorized Change Orders	$225,380.40
The contract sum prior to this Change Order was	$2,450,703.40
The contract sum would be changed by this Change Order in the amount of	$16,471.00
The new contract sum including this Change Order will be	$2,467,174.40
The contract time will not be changed by this Change Order.	

STR Constructors, LLC
15500 Hwy 29 West
Liberty Hill, Texas 78642

Venditti LLC
7807 Old Lockhart Hwy
Buda, Texas 78610

SIGNATURE DATE

SIGNATURE DATE

SIGNATURE DATE

Printed On: 7/14/2026 05:40 PM

PAMPERED LAWNS AUSTIN, INC. 13805 DRAGLINE DRIVE AUSTIN, TEXAS 78728
PHONE (512) 251-1295 FAX (512) 990-5969

Pampered Lawns

COMMERCIAL LANDSCAPE MANAGEMENT SERVICES

July 10, 2026

ATTN: John Robinson

SENT VIA E-MAIL
One (1) Pages Total

joshua@strconstructors.com
john@strconstructors.com

RE: Garey Park Play Ranch Grading

Dear Mr. Robinson

Scott, asked me to send you a quote to fix the grading issues at the large grass area at the Play Ranch. The existing grading is allowing water to sheet drain across sidewalks and ribbon curbs, into the splash pad and onto the artificial turf. With this item we will re direct the water under the sidewalks using the two under walk drains. Caleb and Scott think this will take a week due to the rock layer just below the surface.

PRICE FOR THIS SERVICE
Item #1

We will cut and fill as needed to direct the water away from the splash pad and the artificial turf.

TOTAL **$7,500.00**

Sincerely,
PAMPERED LAWNS AUSTIN, INC.

Michael McNabb

Michael McNabb
Vice President

Securing Your Future
402A W. Palm Valley Blvd., Suite #181
Round Rock, Texas 78664
PH: 512.709.8467 FAX: 512.310.8307
www.BarrierFence.com
Member – Better Business Bureau

Change Order Request #14 – Garey Park Phase 2
Add Barbwire Fence and Clearing

Date: June 30, 2026

Customer: Attn: Joshua Hout 512.515.0254
STR Constructors
15500 W State Hwy 29
Liberty Hill, TX 78642

Project: Garey Park Phase 2
6450 RM 2243
Georgetown, TX 78628

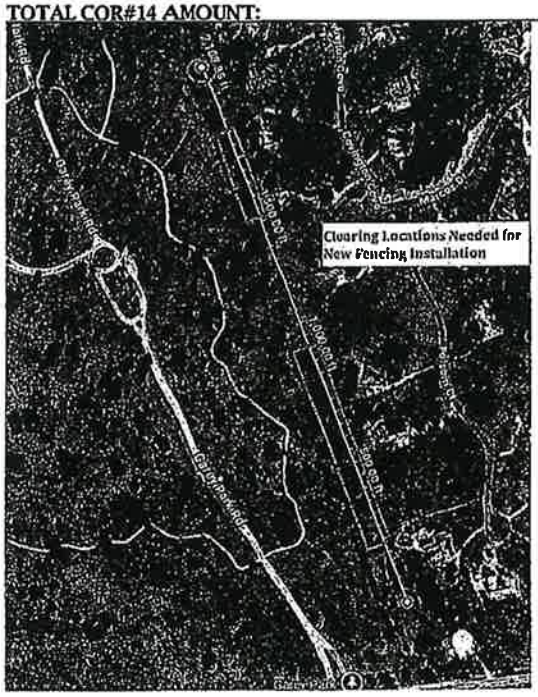
COR#14: Change Order Request #14 for Barrier Fence LLC to make the following changes to our base contract. This is for an additional 2,215' of 3-strand barb wire fence along the

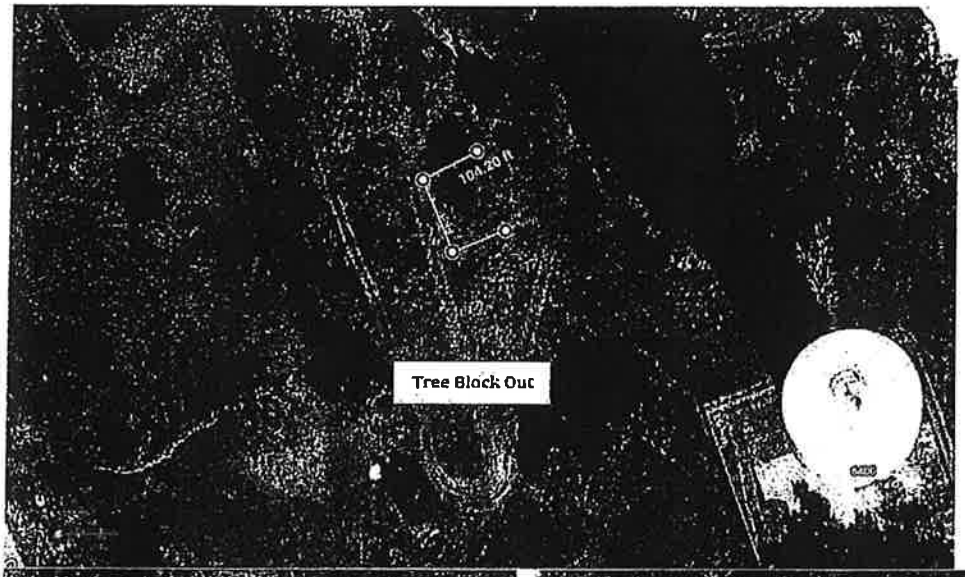
COR#14 LINE ITEMS:

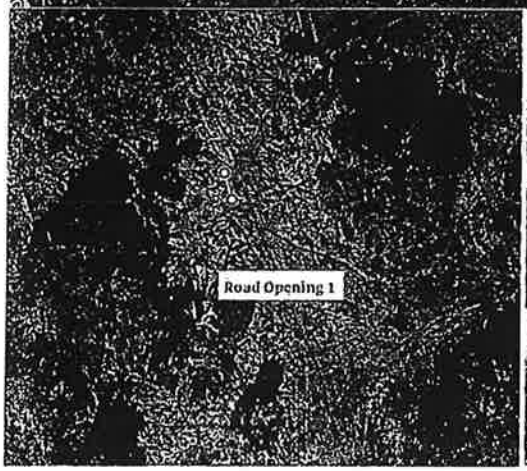
Retreat Drop Off:

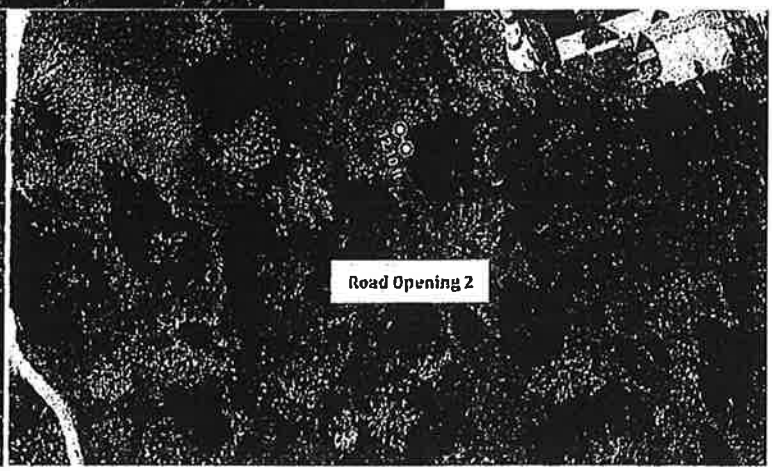
75'	- Added 3-Strand Barb Wire Fence (Per Updated Fence Detail in CO#2)	= $ 881.25
4	- Added Bracing for Tree Block Outs	= $ 1,200.00
4	- Added Bracing at Existing Roads that are to Remain Open	= $ 500.00
815'	- Added Tree and Brush Clearing w/ Haul-Off	= $ 9,600.00

TOTAL COR#14 AMOUNT: = $12,181.25









By: _____ Date: _____
Name: Title:

Thank you,

David Roseland
Barrier Fence Systems - Securing Your Future
402A W. Palm Valley Blvd. Suite #181
Round Rock, Texas 78664
Cell: 512.516.1455
Ph: 512.709.8467
Fax: 512.310.8307
David@BarrierFence.com
www.BarrierFence.com

PO#: _____

COMMERCIAL SALES/SERVICE MANAGER
Darrell Sanders, 817-295-0216
dsanders@txohd.com

COMMERCIAL/SECURITY SALES
Jesse Collier, 817-295-0216
jcollier@txohd.com

SALES REPRESENTATIVE
Kimberly Wempa, 817-295-0216
kwempa@txohd.com

TEXAS OVERHEAD DOOR
COMMERCIAL & RESIDENTIAL

CORPORATE OFFICE
ERIC FLETCHER
122 NW Hillery Street, Burleson, TX 76028
817-295-0216 / efletcher@txohd.com

ESTIMATOR
Brett Rodrick Jr.,817-295-0216
brodrick@txohd.com

ESTIMATOR
Keith Barnes, 817-295-0216
kbarnes@txohd.com

ESTIMATOR
Linsey Golden, 817-295-0216
lgolden@txohd.com

Change Order

DATE: June 26, 2026

PROJECT: Garey Park

Price Increase from manufacturer on operators.

ADD Price increase to upgrade 8 door operators **$800.00**

ELECTRICAL WIRE OR WIRING LOW OR HIGH VOLTAGE BY OTHERS

Important Notes:

1. *Materials not delivered to job site will incur an additional storage fee, this will allow TXohd to receive and/or store the materials in house.*
2. *Specialty Product Requires from the Manufacturer a 30% Down Payment on Material Portion Only.*
3. *TXOHD LLC may reasonably adjust any agreed-upon bid proposal price in case of governmental charges imposed on any goods as they are sold or shipped across country borders, including but not limited to, tariffs, anti-dumping taxes, or other punitive charges or measures, up until the date of materials being released by TXOHD or anytime thereafter and resulting in increased costs in materials*

This quotation is based on current pricing from our suppliers and includes surcharges levied by the steel industry. Surcharges are subject to change and final pricing will be determined at the time the order is released for fabrication

YOUR CONTACT FOR THIS PROJECT IS: Allie Black, 817-295-0216
EMAIL: ablack@txohd.com

OVERHEAD SECTIONAL AND ROLLING DOORS - HIGH SPEED ROLLING DOORS
FULL LINE OF DOCK EQUIPMENT - INDUSTRIAL HANGAR, BI-FOLD, AND BLAST DOORS
Please visit our website: www.txohd.com

AB

CHANGE ORDER: #11- Big plate curved lintels- Your Subcontractor wants 2- No paint finish

June 24, 2026 Job. #: Garey Park

Attn: John Robinson
STR Constructors

Carrillo Steel Fabrication & Erectors would like to offer this quote for the: CHANGE ORDER: #11- Big plate curved lintels- quantity of 2
. WE QUOTE THE FOLLOWING:

Cost Breakdown

Fabrication	$	2,550.00
Delivery from Houston	$	950.00
Subtotal	$	3,500.00
O&P 10%	$	350.00
TOTAL	$	3,850.00

We include the following scope:
1 one added plate lintel
3
4

We exclude the following scope:
1 Design Engineering
2 Testing
3 finish paint
4 Anything not mention in the inclusions

Total PCO#	$	3,850.00

SUBMITTED:
Carrillo Steel Fabrication & Erectors
By: Ivan Chavira
Title: General Manager
Date: June 23, 2026

ACCEPTED:
By:
Title:
Date:

This work is considered as Additional Work to the contract, with this quote being valid for (2) weeks from submission date. Signature by an authorized agent of the Contractor shall release Carrillo Steel Fabrication & Erectors. to proceed with this work and will indicate acceptance of the terms, scope and pricing of this change. Authorized Contractor signature will allow this change (or portion applicable) to be incorporated in the appropriate billing cycle, regardless of receipt of a Change Order.

CHANGE ORDER: #10- Added NEW HSS TUBE 45FT LONG, PLATE WITH STUDS for DOCK

June 24, 2026 Job. #: Garey Park

Attn: John Robinson
STR Constructors

Carrillo Steel Fabrication & Erectors would like to offer this quote for the: CHANGE ORDER: #10- Added NEW HSS TUBE 45FT LONG, PLATE WITH STUDS
. WE QUOTE THE FOLLOWING:

Cost Breakdown

Fabrication and New Materials	$	3,950.00
Delivery	$	750.00
Erection	$	2,500.00
Subtotal	$	7,200.00
O&P 10%	$	720.00
TOTAL	$	**7,920.00**

We include the following scope:
ADDED 45FT HSS TUBE, ADDED NEW
1 PLATE
3
4

We exclude the following scope:
1 Design Engineering
2 INSTALLATION OF HINGES - THIS IS ANOTHER PRICE
3 finish paint
4 Anything not mention in the Inclusions

Total PCO#

SUBMITTED:
Carrillo Steel Fabrication & Erectors
By: Ivan Chavira
Title: General Manager
Date: June 24, 2026

ACCEPTED:
By:
Title:
Date:

This work is considered as Additional Work to the contract, with this quote being valid for (2) weeks from submission date. Signature by an authorized agent of the Contractor shall release Carrillo Steel Fabrication & Erectors, to proceed with this work and will indicate acceptance of the terms, scope and pricing of this change. Authorized Contractor signature will allow this change (or portion applicable) to be incorporated in the appropriate billing cycle, regardless of receipt of a Change Order.

Discount Fence Commercial

3805 Woodbury Drive | Austin, Texas 78704
521-334-9546 | dennis@discountfenceusa.com |
www.discountfenceusa.com

RECIPIENT:

STR Constructors
Georgetown, TX
Phone: 512-969-7098

Estimate #1956

Sent on	Jun 19, 2026
Estimator	Josh
Estimator Email address	joshua@discountfenceusa.com
Estimator Phone Number	Josh - 737-382-9910
Total	**$933.08**

Product/Service	Description	Qty.	Unit Price	Total
Garey Park Horse Arena Double Swing Gate Hinge Repair.	To Repair (1) Set of Horse Arena Double Swing Gate Hinges and Reset 4x4" Square Tube Posts. Gates will be Fitted with New Heavy Duty Barrel Hinges and Reset 4x4" Square Tube Posts to Hold Gates in Open Postions.	1	$933.08	$933.08

Total **$933.08**

Why Choose Discount Fence USA Commercial:
- Guaranteed quantities and footages to reduce change orders
- In-House DFUSA Installation Teams & Certified Payroll
- Specialized expertise with all types of commercial fence and gates
- Dedicated project specific management
- Turn-Key solutions to save time, money, and coordination efforts

Permits, taxes, bonds, surveys, layout, clearing, grading, demolition, haul-off, mow strips, retaining walls, core drilling, asphalt/concrete cutting and patching, irrigation repairs, grounding, electrical, gate operators and access control, locks, paint/stain, BABA materials, and any testing or special inspections are excluded unless specifically noted.

Rock, caliche, or unsuitable soil conditions will be addressed via change order if encountered. Restoration and final grading are excluded unless otherwise noted.

Engineer-sealed drawings can be provided at an additional cost upon request.

Proposal is based on available plans and site conditions. Any unforeseen conditions or scope changes may result in additional costs.

This proposal is valid for 30 days from the date issued.

Signature: _____ **Date:** _____

[redacted]

CO PROPOSAL SUBMITTED TO: STR Constructors

JOB NAME: Garey Park

CONTACT: Joshua Hout **DATE: 7-14-2026**

CO Description: Install Frame at Skate Ranch Restroom

- Install frame for chase door
- Door frame furnished by others

Material:	**$0.00**
Labor:	**$636.36**
OH&P:	**$63.64**
CO Total:	**$700.00**

Acceptance of CO Price Signature: _____ **Date:** _____

General Inclusions:

- Equipment required for this work
- Cost for parking if applicable
- Daily clean-up for this work

General Exclusions:

- Painting
- Perimeter/Exterior Caulking
- Payment and Performance Bonds
- Tax

NOTE: This proposal may be withdrawn after 30 days.

If you have any questions, please call.

Thank you,
Daniel Smith
512-939-6931
daniel@cscentraltx.com

STR CONSTRUCTORS
GENERAL CONTRACTORS
CONSTRUCTION MANAGEMENT

Site Operational Costs

Bid ID #: 2502
Bid Name: Garey Park Phase II
Bid Date: 6/22/2026

DO NOT Add to Operational Items! Wholesale Costs Only.

Operational Item Description	Unit	Quantity	Unit Cost	Operational Item Total
Site Allowances				$ -
Subsistance			$ 300.00	$ -
Travel Expense			$ 80.00	$ -
Mobilize/Demobilize (Mobilize only)		0	$ 3,000.00	$ -
Project Sign			$ 1,500.00	$ -
Inspector Office			$ 250.00	$ -
Field Office		4	$ 1,500.00	$ 6,000.00
Tool Sheds			$ 35.00	$ -
Toilets		12	$ 285.00	$ 3,420.00
Temporary Fences			$ 4.50	$ -
Water Bills			$ 20.00	$ -
Electric Bills			$ 70.00	$ -
Job Site Ice, Water, & Cups		12	$ 25.00	$ 300.00
Telephone		12	$ 150.00	$ 1,800.00
Small Tools		8	$ 100.00	$ 800.00
Dumpsters		0	$ 825.00	$ -
Pickup Trucks		12	$ 250.00	$ 3,000.00
Gas & Oil		0	$ 100.00	$ -
Survey		40	$ 300.00	$ 12,000.00
Plans		0	$ 500.00	$ -
Photos			$ 1,500.00	$ -
Technology		12	$ 25.00	$ 300.00
OSHA		12	$ 125.00	$ 1,500.00
Pump Water			$ 1,000.00	$ -
Electric Startup			$ -	$ -
Permits			$ -	$ -
AS Builts		0	$ 1,000.00	$ -
Procor		1	$ 887.00	$ 887.00
Final Clean		0	$ 2,500.00	$ -
Floor Protection		0	$ 150.00	$ -
				$ -
				$ -
				$ -
				$ -
			$ -	$ -
				$ -
				$ -
				$ -
				$ -
				$ -
				$ -

Site Operational Total Value | $ **30,007.00**

STR CONSTRUCTORS
GENERAL CONTRACTORS
CONSTRUCTION MANAGEMENT

STR Involved Labor Costs

Bid ID #: 2502
Bid Name: Garey Park Phase II
Bid Date: 6/22/2026

Enter Only Wholesale Labor Costs! DO NOT Add Anything to Wholesale Numbers.

Labor Description	Labor Unit	Labor Quantity	Labor Item Total
Project Executive			$ -
General Superintendent			$ -
Project Manager	12	$ 1,830.00	$ 21,960.00
Superintendent	12	$ 2,818.00	$ 33,816.00
Assistant Superintendent			$ -
Assistant Project Manager	6	$ 1,635.00	$ 9,810.00
Project Engineer			$ -
Carpenter Foreman			$ -
Carpenter			$ -
Labor Foreman			$ -
Laborer			$ -
Watchman			$ -
Safety Coordinator			$ -
Misc Metals			$ -
General Clean up	8	$ 610.00	$ 4,880.00
Final Cleanup		$ 1,000.00	$ -
Unload			$ -
Wood Doors			$ -
Hardware			$ -
Pump Water			$ -
			$ -
Demo		$ 1,750.00	$ -
Concrete		$ 1,810.00	$ -
Rough Carpentry		$ 1,260.00	$ -
			$ -
			$ -
			$ -
			$ -
Labor Total Value			**$ 70,466.00**

Gary Park Phase II Improvements
CHANGE ORDER NO. 5-VALIDATION

	DOCUMENTATION	SUMMARY
	$ 2,925.00	$ 2,925.00
	$ 3,077.01	$ 3,077.01
	$ 4,593.10	$ 4,593.10
V	$ 6,250.00	$ 6,250.00
A	$ 14,543.00	$ 14,543.00
L	$ 1,733.00	$ 1,733.00
I	$ 3,710.00	$ 3,710.00
D	$ 670.51	$ 670.51
A	$ 3,060.00	$ 3,060.00
T	$ 660.00	$ 660.00
E	$ 1,156.72	$ 1,156.72
D	$ 4,138.20	$ 4,138.20
	$ 2,900.00	$ 2,900.00
b	$ 5,067.00	$ 5,067.00
y	$ 5,410.00	$ 5,410.00
	$ 1,550.57	$ 1,550.57
C	$ 4,051.00	$ 4,051.00
A	$ 2,566.50	$ 2,566.50
T	$ 4,000.00	$ 4,000.00
H	$ (4,852.50)	$ (4,852.50)
E	$ (200.00)	$ (200.00)
R	$ 7,267.77	$ 7,267.77
I	$ 657.00	$ 657.00
N	$ 657.00	$ 657.00
E	$ 4,160.00	$ 4,160.00
	$ 3,730.00	$ 3,730.00
7	$ 2,064.00	$ 2,064.00
.	$ 15,000.00	$ 15,000.00
2	$ 3,153.85	$ 3,153.85
7	$ 16,471.00	$ 16,471.00
.	$ 7,500.00	$ 7,500.00
2	$ 12,181.25	$ 12,181.25
0	$ 800.00	$ 800.00
2	$ 3,850.00	$ 3,850.00
6	$ 7,920.00	$ 7,920.00
	$ 933.08	$ 933.08
	$ 700.00	$ 700.00
	$ 30,007.00	$ 100,473.00
	$ 70,466.00	
	$ 254,527.06	$ 254,527.06
	$ -	$ -

Payroll Tax & Insurance	$ 70,466.00	25%	$ 17,616.50
STR Fee on Subcontractors	$ 145,472.29	10%	$ 14,547.23
STR Fee on Own Work	$ 126,671.27	10%	$ 12,667.13
Bond	$ 299,357.92	2.50%	$ 7,483.95
Insurance	$ 306,841.87	0.86%	$ 2,638.84

Total $ 309,480.71

Items subject to ratification - Total: $61,940.68

CERTIFICATE OF INTERESTED PARTIES

FORM **1295**

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY
CERTIFICATION OF FILING

Certificate Number:
2026-1488028

Date Filed:
07/13/2026

Date Acknowledged:
7/13/2026

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

STR Constructors LLC
Round Rock, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Georgetown

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

25-0182-CIP-CO5
General Contractor/Construction Management

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
Robinson, John	Round Rock, TX United States	X	

5 Check only if there is NO Interested Party. ☐

6 UNSWORN DECLARATION

My name is **John Robinson**, and my date of birth is **08/04/1986**.

My address is **8330 Timber Trl**, **Lago Vista** (city), **TX** (state), **78645** (zip code), **USA** (country).

I declare under penalty of perjury that the foregoing is true and correct.

Executed in **Williamson** County, State of **Texas**, on the **13** day of **July** (month), 20**26** (year).

Signature of authorized agent of contracting business entity
(Declarant)

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Second Reading - Renaming of Capella Parkway to Clear Skies

SUGGESTED ACTION:
Second Reading of an Ordinance to approve the renaming of Capella Parkway to Clear Skies Way from Lakeway Boulevard to the terminus of the street -- Lua Saluone, P.E., Transportation Manager

ITEM SUMMARY:
Pursuant to Texas State Law and the City Charter of the City of Georgetown, the City has exclusive dominion, jurisdiction and control over public streets within the city limits of the City. As such, the City desires to rename Capella Parkway to Clear Skies Way from Lakeway Boulevard to the terminus of the street as shown in Exhibit A of this Ordinance. The roadway is located to the west of the airport and will provide a gateway and open an access to the west side of the airport. The name change from Capella to Clear Skies is to have a street name that is related to the airport.

City Council First Reading:
At their 7/28/26 meeting, the City Council approved by consent the First Reading of the Ordinance for the proposed request.

FINANCIAL IMPACT:

SUBMITTED BY:
Shawn Gunnin, Systems Engineering

ATTACHMENTS:
Ord_RenameCapellatoClearSkiesWay_7.28.2026.pdf

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, RENAMING CAPELLA PARKWAY TO CLEAR SKIES WAY FROM LAKEWAY BOULEVARD TO THE TERMINUS OF THE STREET; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas State Law and the City Charter of the City of Georgetown, the City has exclusive dominion, jurisdiction and control over public streets within the city limits of the City; and

WHEREAS, the City Council has further adopted Chapter 15.36 of the Code of Ordinance establishing uniform street and site addressing requirements; and

WHEREAS, the City Council of the City of Georgetown finds that pursuant to Texas State Law, the City Charter, and Chapter 15.36 of the Code of Ordinances it is the best interest of the public to rename Capella Parkway to Clear Skies Way from Lakeway Boulevard to the terminus of the street.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

Section 1. The meeting at which this ordinance was approved was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 3. "Capella Parkway" is hereby renamed to "Clear Skies Way" from Lakeway Boulevard to the terminus of the street as show in Exhibit A of this Ordinance.

Section 4. All ordinances or resolutions that conflict with the provisions of this ordinance are hereby repealed, and all other ordinances or resolutions of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5. If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect in accordance with the provisions of the City Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the _____ of _____,2026.

PASSED AND APPROVED on Second Reading on the _____ of _____, 2026.

CITY OF GEORGETOWN, TEXAS

_____
Josh Schroeder, Mayor

ATTEST:

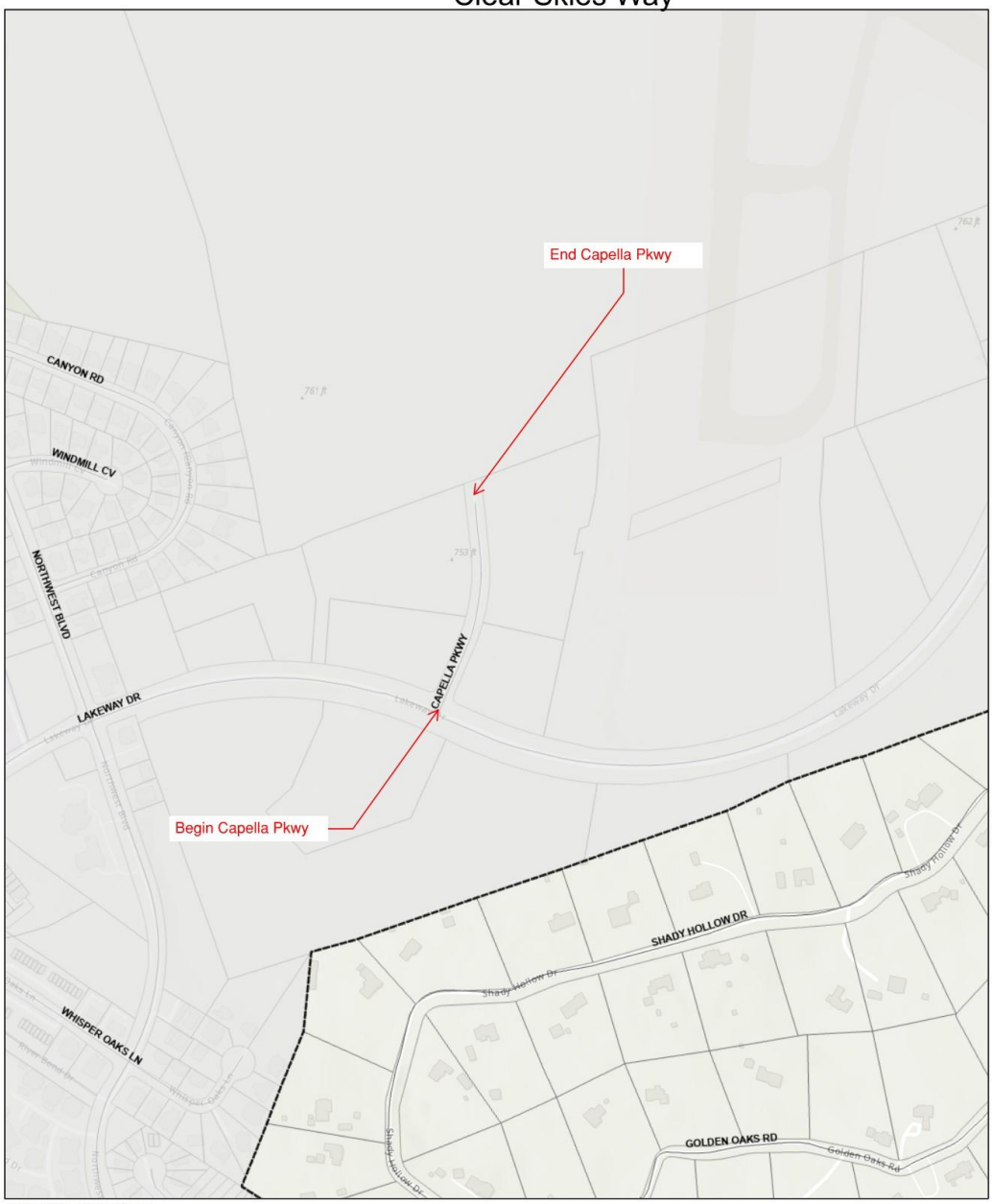
_____
Robyn Densmore, City Secretary

APPROVED AS TO FORM:

_____
Skye Masson, City Attorney

EXHIBIT A

Exhibit A - Renaming Capella Parkway to Clear Skies Way



6/22/2026, 1:23:45 PM

Streets

OPEN

Parcels

Georgetown City Limits-Zoomed In

1:4,514

0 0.04 0.09 0.18 mi

0 0.05 0.1 0.2 km

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

Georgetown Planning

Esri Community Maps Contributors, County of Williamson, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Second Reading - 2026-2-SUP - 750 S. IH 35

SUGGESTED ACTION:
Second Reading of an Ordinance on a request for a Special Use Permit (SUP) for the specific use of Permanent Mobile Food Vendor in the Local Commercial (C-1) and General Commercial (C-3) Zoning District on the property located at 750 South Interstate Highway 35, Georgetown, TX 78628, bearing the legal description of Lot 5B, Block B, of the Rivery Phase 1, Lot 5, Block B, Replat (2026-2-SUP) -- Preston Gunn, Planner

ITEM SUMMARY:
The applicant is requesting the Special Use Permit (SUP) to create a permanent food truck park. In their Letter of intent (see attached) they note that they expect to have 100 daily patrons between the hours of 11am and 10pm. They believe that they provide a low impact commercial use that supports community gathering and local food vendors.

FINANCIAL IMPACT:
None. The applicant has paid the required application fees.

SUBMITTED BY:
Anish Dsouza, Planning Department

ATTACHMENTS:
2026-2-SUP_Staff Report.pdf
2026-8-SUP Staff Presentation.pdf
2026-2-SUP Ordinance with Exhibit A 08.05.2026
Exhibit 1 - Location Map.pdf
Exhibit 2 - Future Land Use Map.pdf
Exhibit 3 - Zoning Map.pdf
Exhibit 4 - Conceptual Plan.pdf
Exhibit 5 - Letter of Intent.pdf
Exhibit 6 - UDC Approval Criteria Analysis.pdf

Planning Department Staff Report

Report Date: July 1st, 2026

Case Number: 2026-2-SUP

AGENDA ITEM DESCRIPTION

Public Hearing and possible action on a request for a Special Use Permit (SUP) for the specific use of Permanent Mobile Food Vendor in the Local Commercial (C-1) and General Commercial (C-3) Zoning District on the property located at 750 South Interstate Highway 35, Georgetown, TX 78628, bearing the legal description of Lot 5B, Block B, of the Rivery Phase 1 Lot 5 Block B Replat (2026-2-SUP)

AGENDA ITEM DETAILS

Project Name: Georgetown Food Truck Park

Applicant: ATX kitchens, c/o Qing Chen

Property Owner: ATX kitchens, c/o Qing Chen

Property Address: 708 N IH 35

Legal Description: of Lot 5B, Block B, of the Rivery Phase 1 Lot 5 Block B Replat

Current Zoning: Local Commercial (C-1) and General Commercial (C-3).

Current Use: Vacant

APPLICANT'S REQUEST

The applicant is requesting the Special Use Permit (SUP) to create a permanent food truck park. In their Letter of intent (see attached) they note that they expect to have 100 daily patrons between the hours of 11am and 10pm. They believe that they provide a low impact commercial use that supports community gathering and local food vendors.

RECOMMENDATION

Staff <u>recommend conditional approval</u> of the request.

- **The permanent food vendors service windows must not face the drive aisle of the parking lot**

PROPERTY CONTEXT

Neighborhood Character:

The subject property is located off the I-35 frontage road and the Rivery Driveway Private Road in front of Wal-Mart. The majority of the area surrounding the subject site are local commercial uses such as banking, retail, and offices.

Zoning Trends:

The area was platted on April 24, 2003. It was rezoned from RS, Residential Single-Family District to C-2A, Commercial First Heigh Restricted on October 22nd, 1996. On November 28th, 2000, a portion of the property was rezoned to C-1 Local Commercial. In 2003 the Unified Development Code was adopted

and removed the C-2A, Commercial First Heigh Restricted zoning district, and was replaced with the C-3 General Commercial zoning district.

Present Property Description:
The property has an existing unoccupied commercial building at the center of the lot. It was formerly used for the George's on the Town Restaurant. The property derives vehicular access from the private Rivery Drive which connects directly to South I-35 frontage road. On the western portion of the property is a connection to an existing Wells Fargo bank.

STAFF ANALYSIS

Technical Review:
The subject property has an existing Future Land Use designation of Regional Center (RC). RC is configured as major shopping centers, standalone big-box retailers, or large-scale mixed-use developments, as well as supporting flex office space and office/warehouse development. They are typically located at high- volume intersections and sometimes along both sides of a highway or arterial. These developments are typically automobile-oriented with convenient access from major transportation routes.

With the intended pedestrian connectivity of RC, it would meet the intent of the Land Use Policy No. 3. A food truck court would provide additional commercial services that contribute to complete neighborhoods. Complete neighborhoods include a range of housing types or may be exclusively single-family housing types; however, a critical component is the provision of appropriately-scaled amenities and commercial services.

The SUP for a food truck park would be providing additional food options to the area within a short distance to multifamily and single family housing as well as adjacent office, retail, and commercial uses. The SUP would also be helping to utilize a property that has been vacant for at least 5 years. This utilization would be an improvement in the quality of life for the community.

The proposed Special Use Permit (SUP) request was reviewed by all applicable City Departments to determine the appropriateness of the requested zoning on the subject property. No comments were made regarding the zoning request. The request will still need to receive a Site Development Plan, Temporary Use Permits for each food vendor, and any other required permit prior to commencing operations following approval of the Special Use Permit.

Staff reviewed the proposed rezoning request and found it complies with the criteria established in UDC Section 3.06.030 for a Zoning Map Amendment and UDC Section 3.07.030 for a Special Use Permit, as outlined in Exhibit 6.

PUBLIC NOTIFICATION

As required by the Unified Development Code, all property owners and registered neighborhood associations within a 300-foot radius of the subject property were notified of the Special Use Permit (6 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper (June 21, 2026) and signs were posted on-site. To date, staff has received 0 written comment in favor, and 0 in opposition to the request.

ATTACHMENTS

Exhibit 1 – Location Map
Exhibit 2 – Future Land Use Map
Exhibit 3 – Zoning Map
Exhibit 4 – Conceptual Plan
Exhibit 5– Letter of Intent
Exhibit 6 – Criteria Analysis

SUBMITTED BY

Preston Gunn, Planner

Georgetown Food Truck Park 2026-2-SUP

August 11th, 2026 | City Council

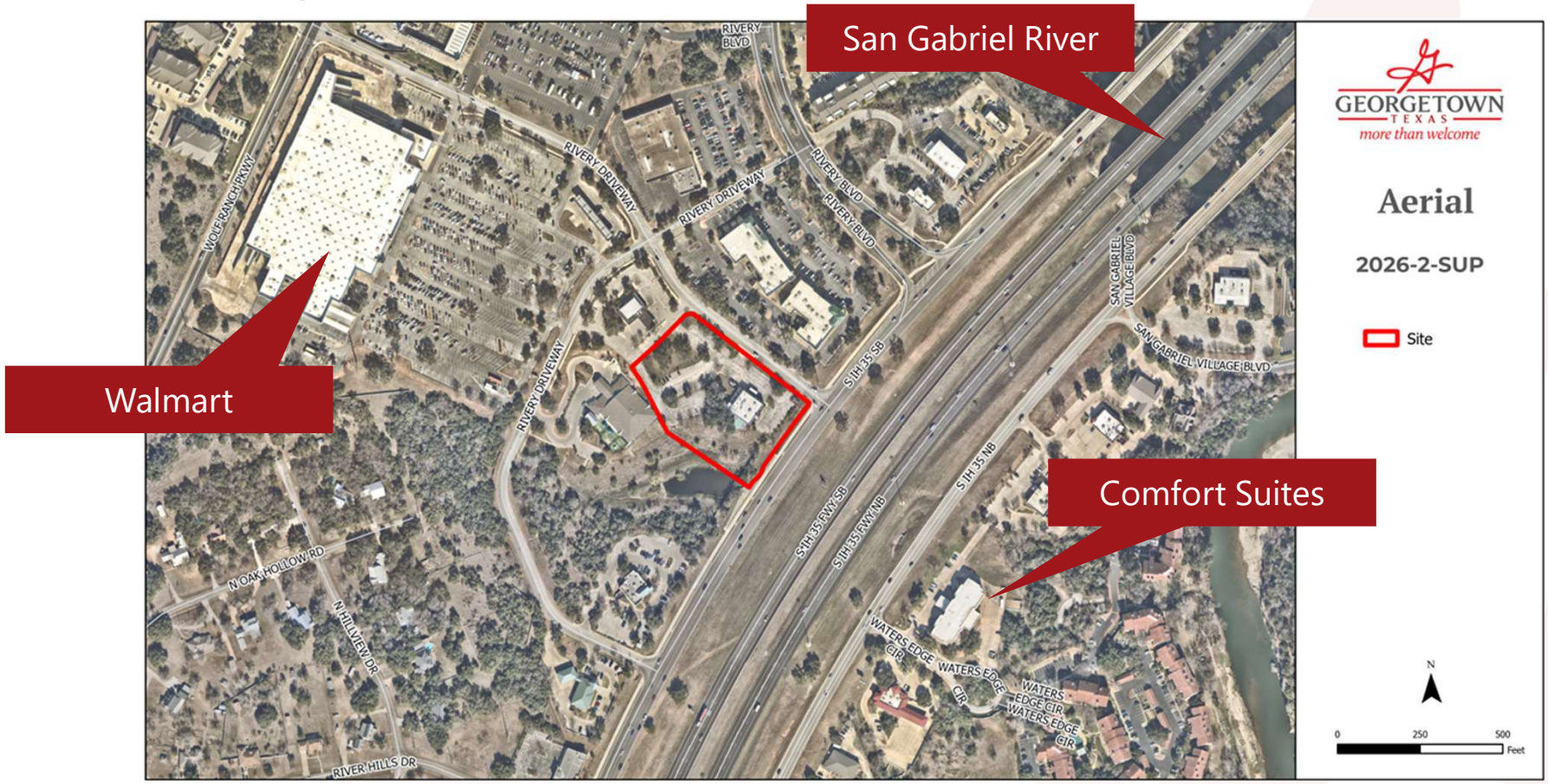
GEORGETOWN
TEXAS

Item Under Consideration

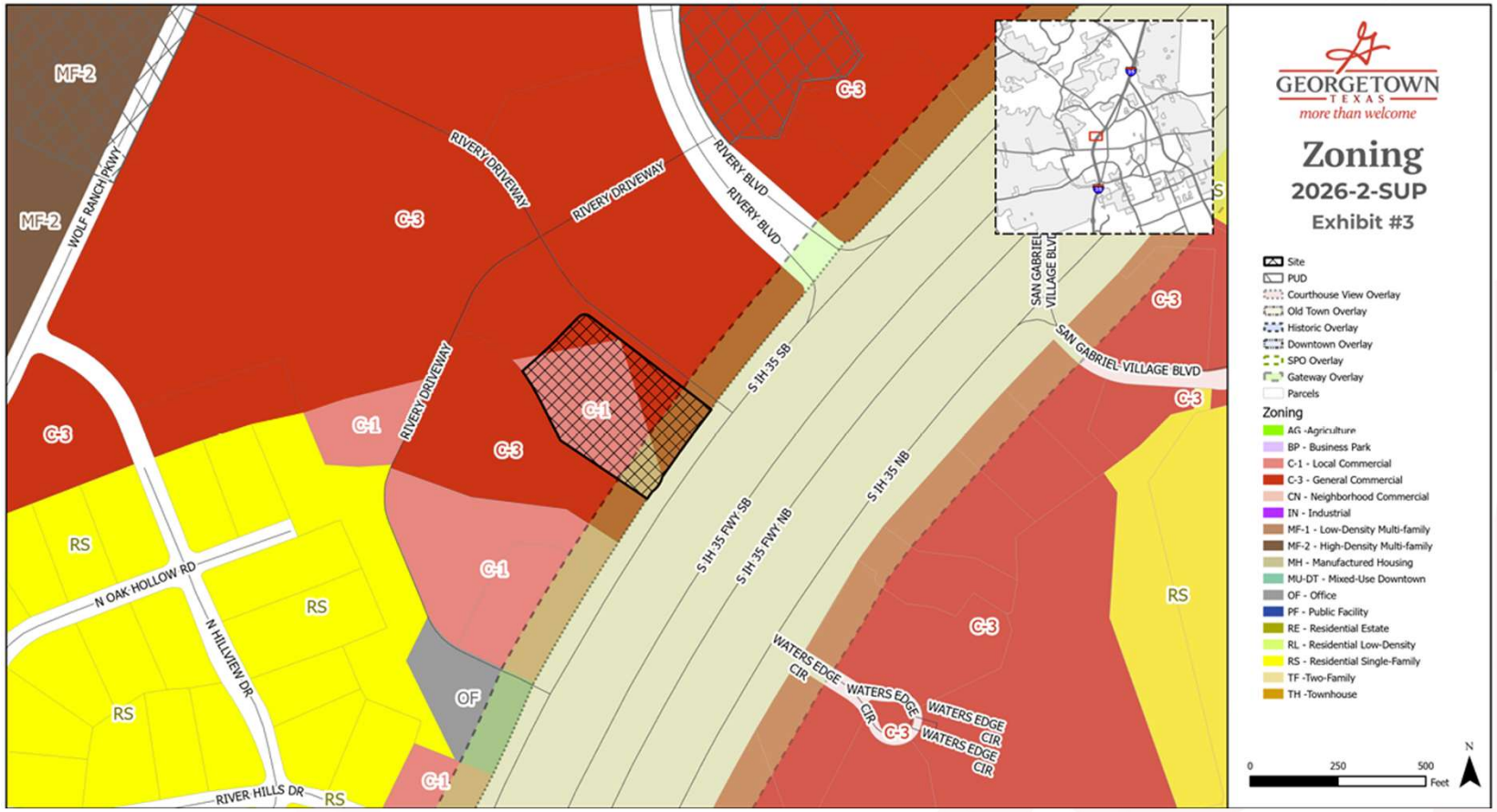
2026-2-SUP

- Second Reading of an Ordinance on a request for a Special Use Permit (SUP) for the specific use of Permanent Mobile Food Vendor in the Local Commercial (C-1) and General Commercial (C-3) Zoning District on the property located at 750 South Interstate Highway 35, Georgetown, TX 78628, bearing the legal description of Lot 5B, Block B, of the Rivery Phase 1, Lot 5, Block B, Replat (2026-2-SUP). Preston Gunn, Planner

Aerial Map


San Gabriel River
Walmart
Comfort Suites
GEORGETOWN
TEXAS
more than welcome
Aerial
2026-2-SUP
Site
N
0
250
500
Feet
RIVERY BLVD
RIVERY DRIVEWAY
WOLF RANCH PKWY
S I-H 35 SB
S I-H 35 FWY SB
S I-H 35 FWY NB
S I-H 35 NB
SAN GABRIEL VILLAGE BLVD
N OAK HOLLOW RD
N HILLVIEW DR
RIVER HILLS DR
WATERS EDGE CIR

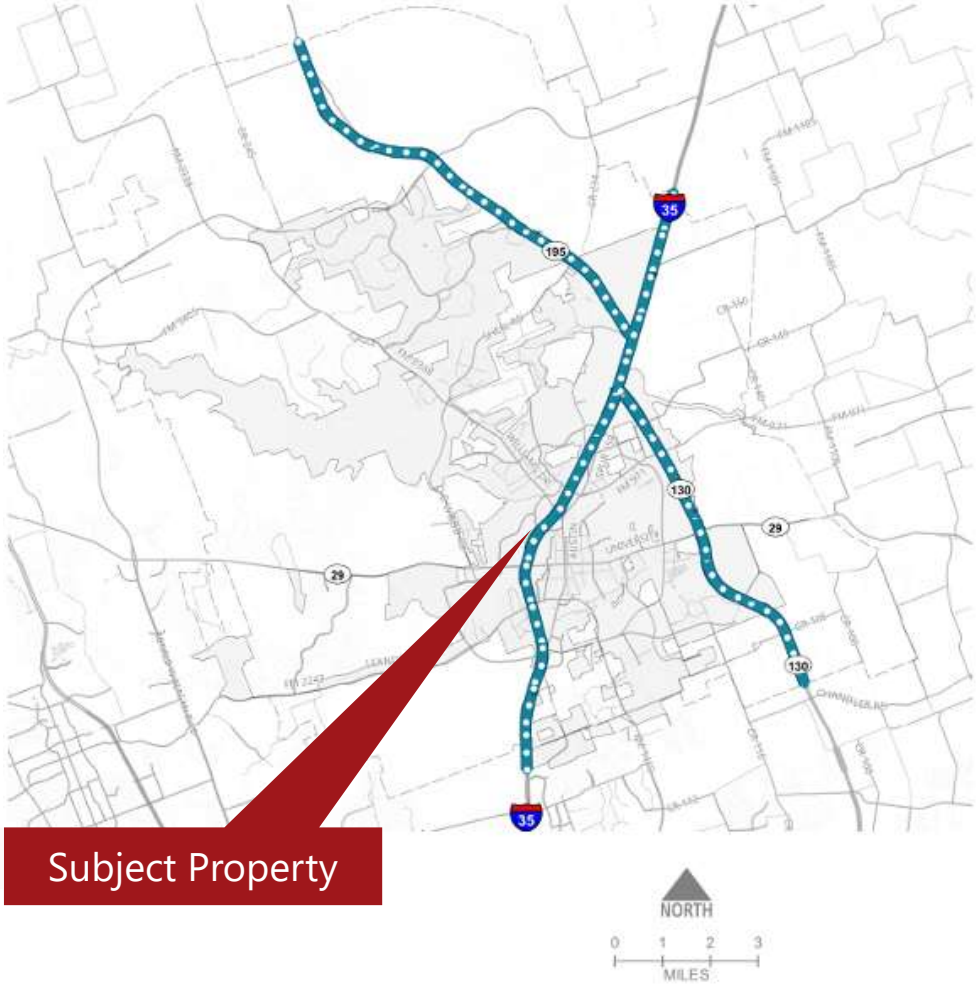
Zoning Map


GEORGETOWN
TEXAS
more than welcome
Zoning
2026-2-SUP
Exhibit #3
Site
PUD
Courthouse View Overlay
Old Town Overlay
Historic Overlay
Downtown Overlay
SPO Overlay
Gateway Overlay
Parcels
Zoning
AG -Agriculture
BP - Business Park
C-1 - Local Commercial
C-3 - General Commercial
CN - Neighborhood Commercial
IN - Industrial
MF-1 - Low-Density Multi-family
MF-2 - High-Density Multi-family
MH - Manufactured Housing
MU-DT - Mixed-Use Downtown
OF - Office
PF - Public Facility
RE - Residential Estate
RL - Residential Low-Density
RS - Residential Single-Family
TF -Two-Family
TH -Townhouse
0
250
500
Feet
N
MF-2
WOLF RANCH PKWY
RIVERY DRIVEWAY
RIVERY BLVD
SAN GABRIEL VILLAGE BLVD
S IH 35 SB
S IH 35 FWY SB
S IH 35 FWY NB
S IH 35 NB
N OAK HOLLOW RD
N HILLVIEW DR
RIVER HILLS DR
WATERS EDGE CIR
C-3
C-1
RS
OF

Future Land Use Designation

Highway Overlay

- Highway corridors are located along the City's major roadways with the highest traffic volumes and traffic speeds. Highway corridors include primarily auto-oriented, nonresidential development such as commercial, retail, office, and mixed-use to capitalize on highway visibility and access



Local Commercial (C-1)

- Commercial and retail serving residential areas
- Pedestrian access to adjacent residential areas
- Not appropriate along residential streets or residential collectors

Dimensional Standards

- Min. lot width = 50’
- Max building height = 35’
- Front setback = 25’
- Side setback = 10’
- Rear setback = 0’
- Side setback to residential = 15’
- Rear setback to residential = 25’
- 15’ bufferyard adjacent to RS
- FAR = 0.5

General Commercial (C-3)

- Commercial and retail serving entire community
- May be large in scale and generate substantial traffic
- Appropriate along Arterials and Freeways

Dimensional Standards

- Max building height = 60’
- Front setback = 25’
- Side setback = 10’
- Rear setback = 10’
- Side setback to residential = 15’
- Rear setback to residential = 25’
- 15’ bufferyard adjacent to RS

Special Use Permit (SUP)

- The SUP allows for Planning & Zoning Commission and City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in the UDC.
- The SUP also allows for additional restrictions to be placed on the use by the Planning & Zoning Commission and the City Council.

Use Limitations – UDC Sec. 5.04.020.Y

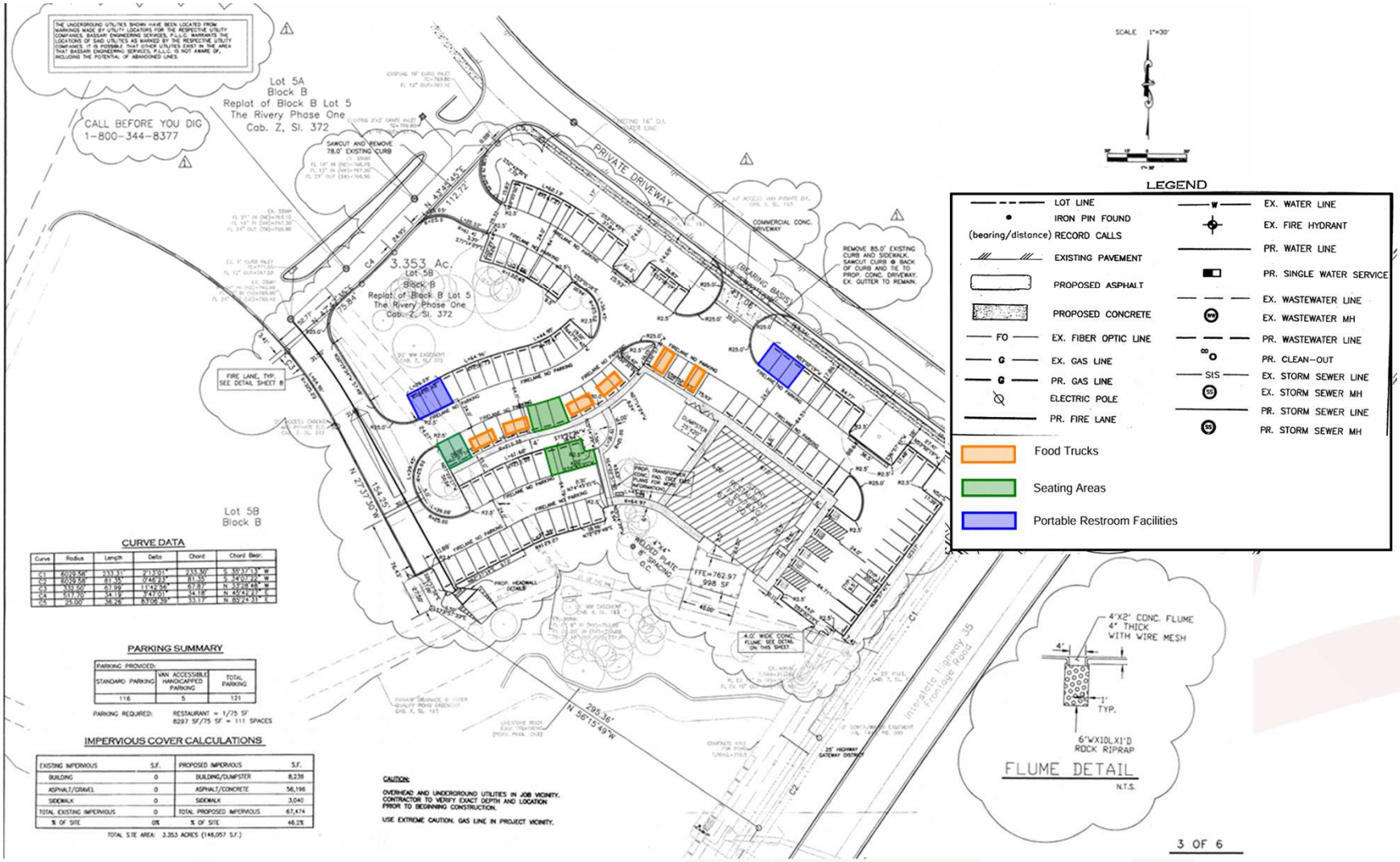
1. The Mobile or Outdoor Food Vendor(s) shall be a primary use on the property.
2. Each Mobile or Outdoor Food Vendor shall have a City approved connection to City approved electric, water and wastewater services.

Use Limitations – UDC Sec. 5.04.020.Y

3. A Mobile Food Park Manager shall be designated for the property.
   a) The Mobile Food Park Manager shall be available by phone while the vendor(s) is open for business. A telephone number and email address for the Mobile Food Park Manager shall be posted on a sign no larger than one square foot. The sign shall be posted on a location visible to the patrons.
   b) The Mobile Food Park Manager shall be responsible for the general management of the park, including but not limited to addressing inquiries, questions, and concerns, ensuring property maintenance, enforcing hours of operation, and other operational matters.

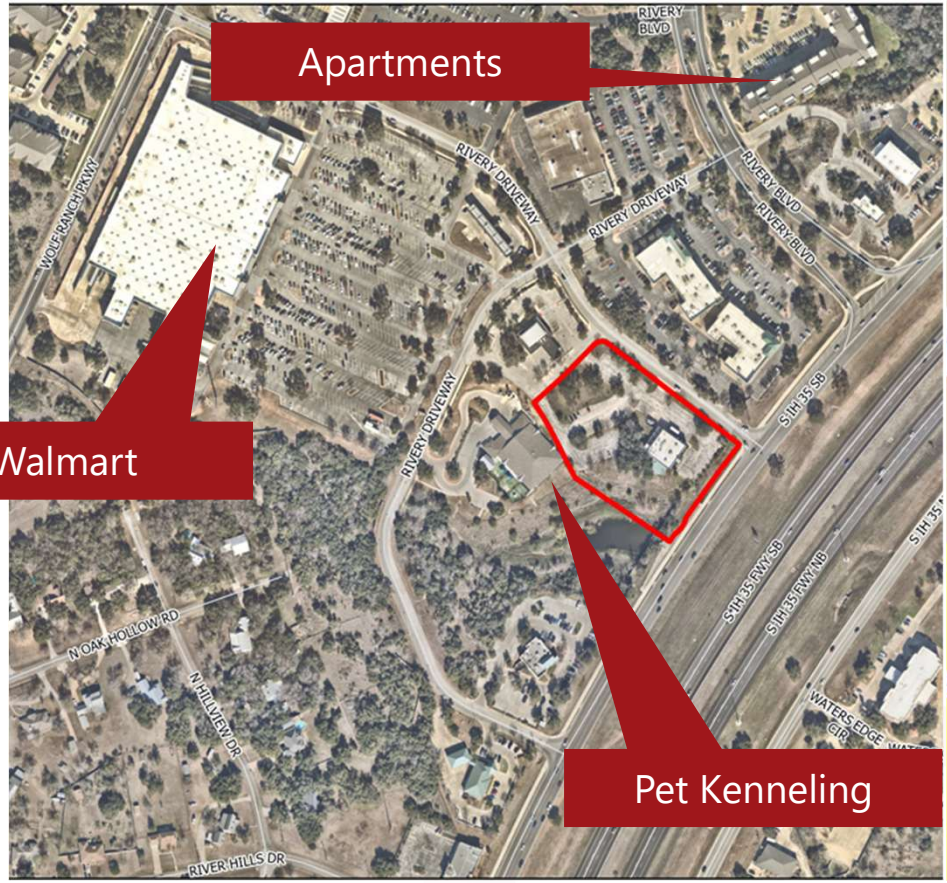
Use Limitations – UDC Sec. 5.04.020.Y

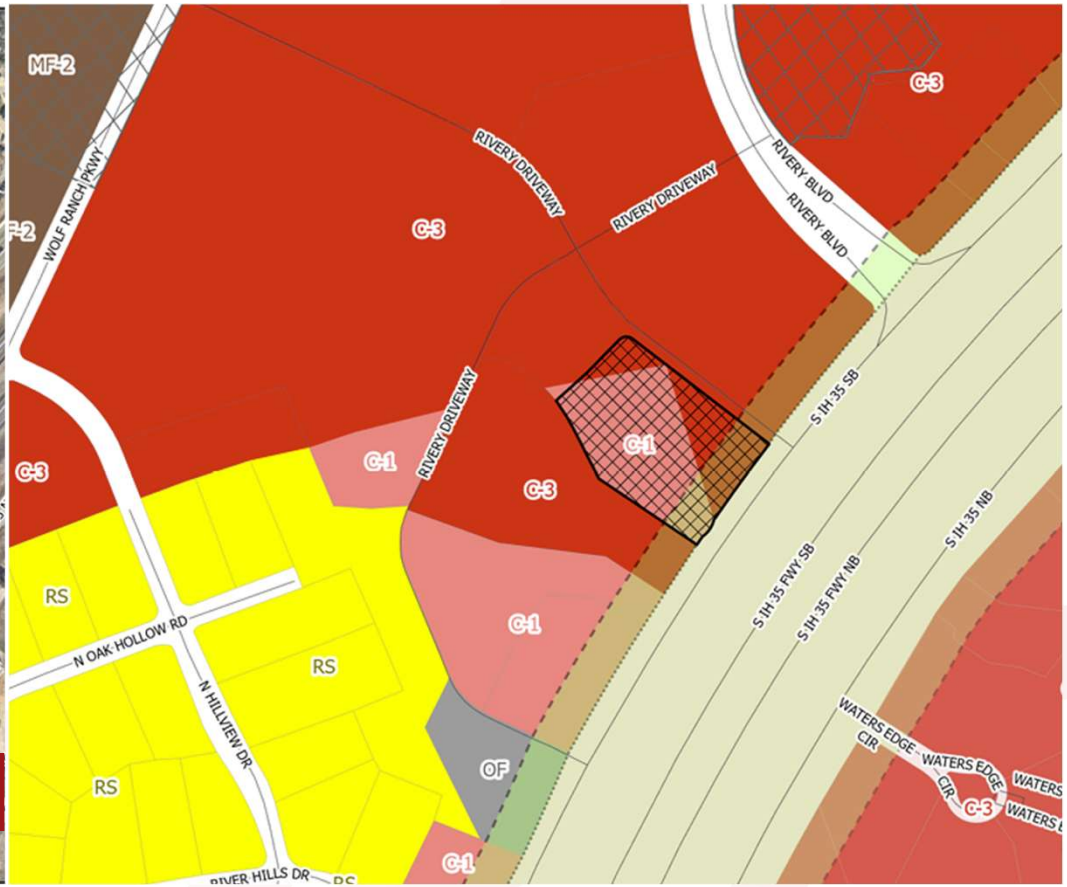
4. Parking shall be provided in accordance with Chapter 9 of this Code.
5. Toilet facilities and trash receptacles shall be provided on the property in compliance with all applicable City regulations.
6. Amenities including but not limited to tables, chairs and shade structures may be permitted on the property subject to compliance with this Code.
7. All vendors, amenities and other site improvements shall be identified on the Special Use Permit Concept Plan and Site Development Plan in accordance with this Code.


CALL BEFORE YOU DIG
1-800-344-8377
Lot 5A
Block B
Replat of Block B Lot 5
The Rivery Phase One
Cab. Z, Sl. 372
SAWCUT AND REMOVE 78.0' EXISTING CURB
PRIVATE DRIVEWAY
COMMERCIAL CONC. DRIVEWAY
REMOVE 85.0' EXISTING CURB AND SIDEWALK. SAWCUT CURB @ BACK OF CURB AND TIE TO PROP. CONC. DRIVEWAY. EX. GUTTER TO REMAIN.
3.353 Ac.
Lot 5B
Block B
Replat of Block B Lot 5
The Rivery Phase One
Cab. Z, Sl. 372
FIRE LANE, TYP. SEE DETAIL SHEET 8
Lot 5B
Block B
N 27°37'30"W
N 56°15'49"W
295.36'
154.35'
112.72'
4.0' WIDE CONC. FLUME, SEE DETAIL ON THIS SHEET
Interstate Highway 35 Frontage Road
SCALE 1"=30'
LEGEND
LOT LINE
IRON PIN FOUND
(bearing/distance) RECORD CALLS
EXISTING PAVEMENT
PROPOSED ASPHALT
PROPOSED CONCRETE
EX. FIBER OPTIC LINE
EX. GAS LINE
PR. GAS LINE
ELECTRIC POLE
PR. FIRE LANE
EX. WATER LINE
EX. FIRE HYDRANT
PR. WATER LINE
PR. SINGLE WATER SERVICE
EX. WASTEWATER LINE
EX. WASTEWATER MH
PR. WASTEWATER LINE
PR. CLEAN-OUT
EX. STORM SEWER LINE
EX. STORM SEWER MH
PR. STORM SEWER LINE
PR. STORM SEWER MH
Food Trucks
Seating Areas
Portable Restroom Facilities
CURVE DATA
PARKING SUMMARY
PARKING PROVIDED:
STANDARD PARKING 116
VAN ACCESSIBLE HANDICAPPED PARKING 5
TOTAL PARKING 121
PARKING REQUIRED: RESTAURANT = 1/75 SF
8297 SF/75 SF = 111 SPACES
IMPERVIOUS COVER CALCULATIONS
EXISTING IMPERVIOUS S.F.
BUILDING 0
ASPHALT/GRAVEL 0
SIDEWALK 0
TOTAL EXISTING IMPERVIOUS 0
% OF SITE 0%
PROPOSED IMPERVIOUS S.F.
BUILDING/DUMPSTER 8,238
ASPHALT/CONCRETE 56,196
SIDEWALK 3,040
TOTAL PROPOSED IMPERVIOUS 67,474
% OF SITE 46.2%
TOTAL SITE AREA: 3.353 ACRES (146,057 S.F.)
CAUTION:
OVERHEAD AND UNDERGROUND UTILITIES IN JOB VICINITY. CONTRACTOR TO VERIFY EXACT DEPTH AND LOCATION PRIOR TO BEGINNING CONSTRUCTION.
USE EXTREME CAUTION. GAS LINE IN PROJECT VICINITY.
4'X2' CONC. FLUME 4" THICK WITH WIRE MESH
6"WX10LX1'D ROCK RIPRAP
FLUME DETAIL
N.T.S.
3 OF 6

Approval Criteria – UDC Section 3.07.030

Criteria for SUP	Complies	Partially Complies	Does Not Comply
The proposed special use is not detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants.		X	
The proposed use does not negatively impact existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard or other injurious or noxious impact.	X		
The proposed use does not negatively impact existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection and the ability of existing infrastructure and services to adequately provide services.	X		
The proposed conceptual site layout, circulation plan, and design are harmonious with the character of the surrounding area.	X		


Apartments
Walmart
Pet Kenneling
RIVERY BLVD
RIVERY DRIVEWAY
WOLF RANCH PKWY
S IH 35 SB
S IH 35 FWY SB
S IH 35 FWY NB
N OAK HOLLOW RD
N HILLVIEW DR
WATERS EDGE CIR
RIVER HILLS DR


MF-2
C-3
C-1
RS
OF
WOLF RANCH PKWY
RIVERY DRIVEWAY
RIVERY BLVD
S IH 35 SB
S IH 35 FWY SB
S IH 35 FWY NB
S IH 35 NB
N OAK HOLLOW RD
N HILLVIEW DR
WATERS EDGE CIR
RIVER HILLS DR

Approval Criteria – UDC Section 3.06.030

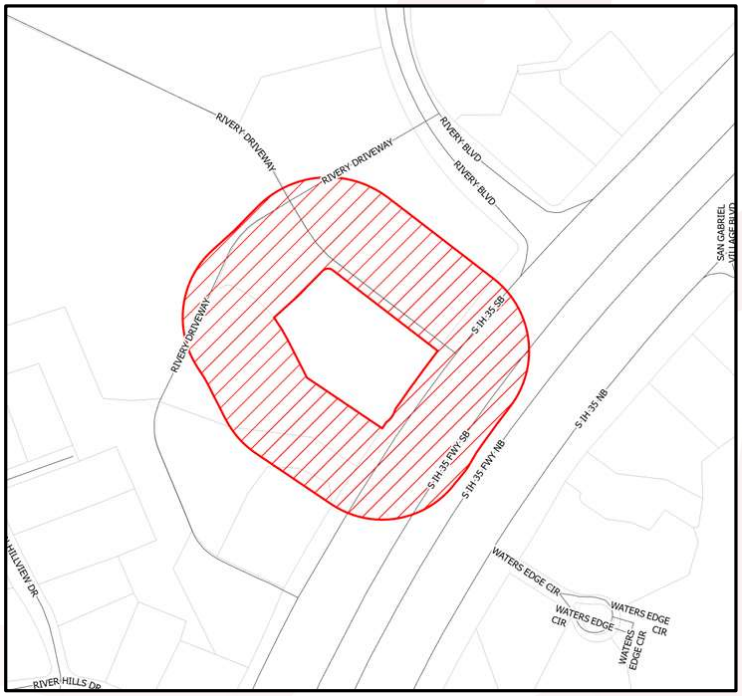
Criteria for Rezoning	Complies	Partially Complies	Does Not Comply
The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action;	X		
The zoning change is consistent with the Comprehensive Plan;	X		
The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City;		X	

Approval Criteria – UDC Section 3.06.030

Criteria for Rezoning	Complies	Partially Complies	Does Not Comply
The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood; and	X		
The property to be rezoned is suitable for uses permitted by the district that would be applied by the proposed amendment.	X		

Public Notifications

- 6 property owners within the 300' buffer
- Notice in Sun News on June 21, 2026
- Signs posted on the property
- To date, staff has received:
  - 0 written comments IN FAVOR
  - 0 written comments OPPOSED



Planning & Zoning Commission Action

- At their July 7th, 2026 meeting, the Planning & Zoning Commission recommended Approval with conditions of the request (7-0).

  - With the following conditions:
    - The restrooms have potable water, have electricity, and are lockable.
    - Service window must face away from the drive aisle

City Council Action on First Meeting

- At their July 27th meeting, City Council voted (7-0) for approval of the Special Use Permit.

  - With the following conditions:
    - Restrooms have potable water, electricity, and are lockable
    - The Food Trucks service window must face away from the drive aisle
    - Staff can administratively approve up to 2 trucks additional trucks

Summary

- Second Reading of an Ordinance on a request for a Special Use Permit (SUP) for the specific use of Permanent Mobile Food Vendor in the Local Commercial (C-1) and General Commercial (C-3) Zoning District on the property located at 750 South Interstate Highway 35, Georgetown, TX 78628, bearing the legal description of Lot 5B, Block B, of the Rivery Phase 1, Lot 5, Block B, Replat (2026-2-SUP). Preston Gunn, Planner

First Reading of an Ordinance

- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, GRANTING A SPECIAL USE PERMIT FOR THE SPECIFIC USE OF A PERMANENT MOBILE FOOD VENDOR IN THE LOCAL COMMERCIAL (C-1) AND GENRAL COMMERCIAL (C-3) ZONING DISTRICT ON THE PROPERTY LOCATED AT 750 SOUTH INTERSTATE HIGHWAY 35, GEORGETOWN, TX, 78628, BEARING THE LEGAL DESCRIPTION OF LOT 5B, BLOCK B, OF THE RIVERY PHASE 1, LOT 5, BLOCK B; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, GRANTING A SPECIAL USE PERMIT FOR THE SPECIFIC USE OF A PERMANENT MOBILE FOOD VENDOR IN THE LOCAL COMMERCIAL (C-1) AND GENERAL COMMERCIAL (C-3) ZONING DISTRICT ON THE PROPERTY LOCATED AT 750 SOUTH INTERSTATE HIGHWAY 35, GEORGETOWN, TX, 78628, BEARING THE LEGAL DESCRIPTION OF LOT 5B, BLOCK B, OF THE RIVERY PHASE 1, LOT 5, BLOCK B; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been made to the City for the purpose of allowing a special use of the following described real property ("the Property"):

Lot 5B, Block B, of the Rivery Phase 1 Lot 5 Block B Replat, generally located at address/general location, as recorded in Document Number 2022118901 of the Official Public Records of Williamson County, Texas, hereinafter referred to as "the Property"; and

WHEREAS, the Planning and Zoning Commission, at a meeting on July 7, 2026, held the required public hearing and submitted a recommendation of conditional approval to the City Council for the requested rezoning of the Property; and

WHEREAS, public notice of such hearing was accomplished in accordance with State Law and the City's Unified Development Code through newspaper publication, signs posted on the Property, and mailed notice to nearby property owners; and

WHEREAS, the City Council, at a meeting on July 28th 2026 held an additional public hearing prior to taking action on the requested special use of the Property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

Section 1. The meeting at which this ordinance was approved was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 3. The City Council hereby finds that this Ordinance implements the vision, goals, and policies of the Georgetown 2030 Comprehensive Plan and further finds that the enactment of

this Ordinance is not inconsistent or in conflict with any other policies or provisions of the 2030 Comprehensive Plan and the City's Unified Development Code.

Section 4. The Zoning District for the Property shall remain Residential Single-Family (RS) and the Ordinance allowing for the specific use of Permanent Mobile Food Vendor on the property is hereby adopted, in accordance with the attached ***Exhibit A*** (Conceptual Site Plan). Further, all service windows shall not face vehicle drive aisles.

Section 5. All ordinances or resolutions that conflict with the provisions of this ordinance are hereby repealed, and all other ordinances or resolutions of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 7. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect immediately in accordance with the provisions of the City Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the _____of _____, 2026.

PASSED AND APPROVED on Second Reading on the _____ of _____, 2026.

CITY OF GEORGETOWN, TEXAS

_____

Josh Schroeder, Mayor

ATTEST:

_____

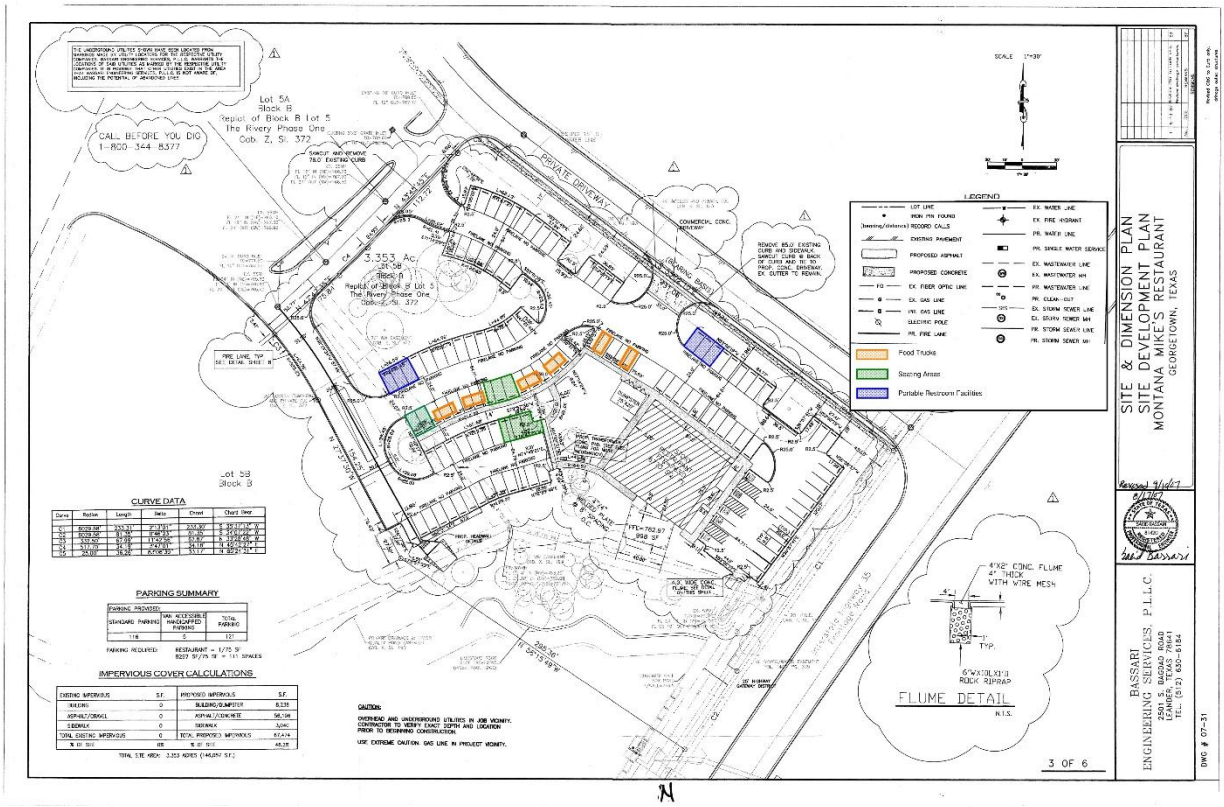
Robyn Densmore, City Secretary

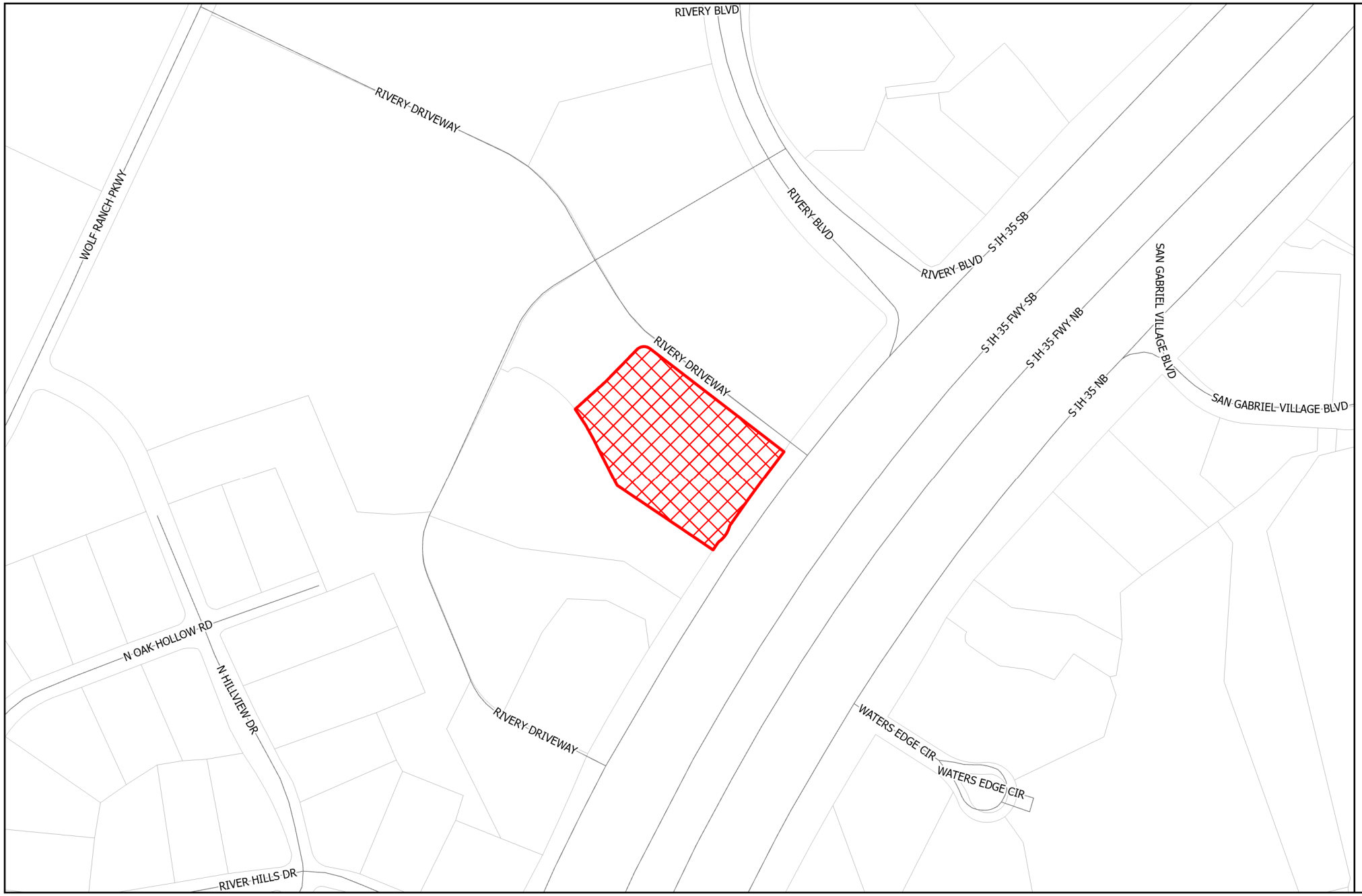
APPROVED AS TO FORM:

_____

Skye Masson, City Attorney

EXHIBIT A


SITE & DIMENSION PLAN
SITE DEVELOPMENT PLAN
MONTANA MIKE'S RESTAURANT
GEORGETOWN, TEXAS
BASSARI ENGINEERING SERVICES, P.L.L.C.
1604 S. BOULDER ROAD
LEANDER, TEXAS 78641
TEL: (512) 630-6184
DWG # 07-51
3 OF 6
LEGEND
SCALE 1"=30'
CALL BEFORE YOU DIG 1-800-344-8377
PRIVATE DRIVEWAY
Lot 5A Block B Replat of Block B Lot 5 The Rivery Phase One Cab. Z, Sl. 372
Lot 5B Block B
3.353 Ac. 31.08 Bldgs. B
Food Trucks
Seating Areas
Portable Restroom Facilities
CURVE DATA
PARKING SUMMARY
IMPERVIOUS COVER CALCULATIONS
FLUME DETAIL
N.T.S.
4'X2' CONC. FLUME 4" THICK WITH WIRE MESH
6"WX30LX12"D ROCK RIPRAP
CAUTION:
OVERHEAD AND UNDERGROUND UTILITIES IN JOB VICINITY. CONTRACTOR TO VERIFY EXACT DEPTH AND LOCATION PRIOR TO BEGINNING CONSTRUCTION.
USE EXTREME CAUTION: GAS LINE IN PROJECT VICINITY.
N



GEORGETOWN
TEXAS
more than welcome

Location

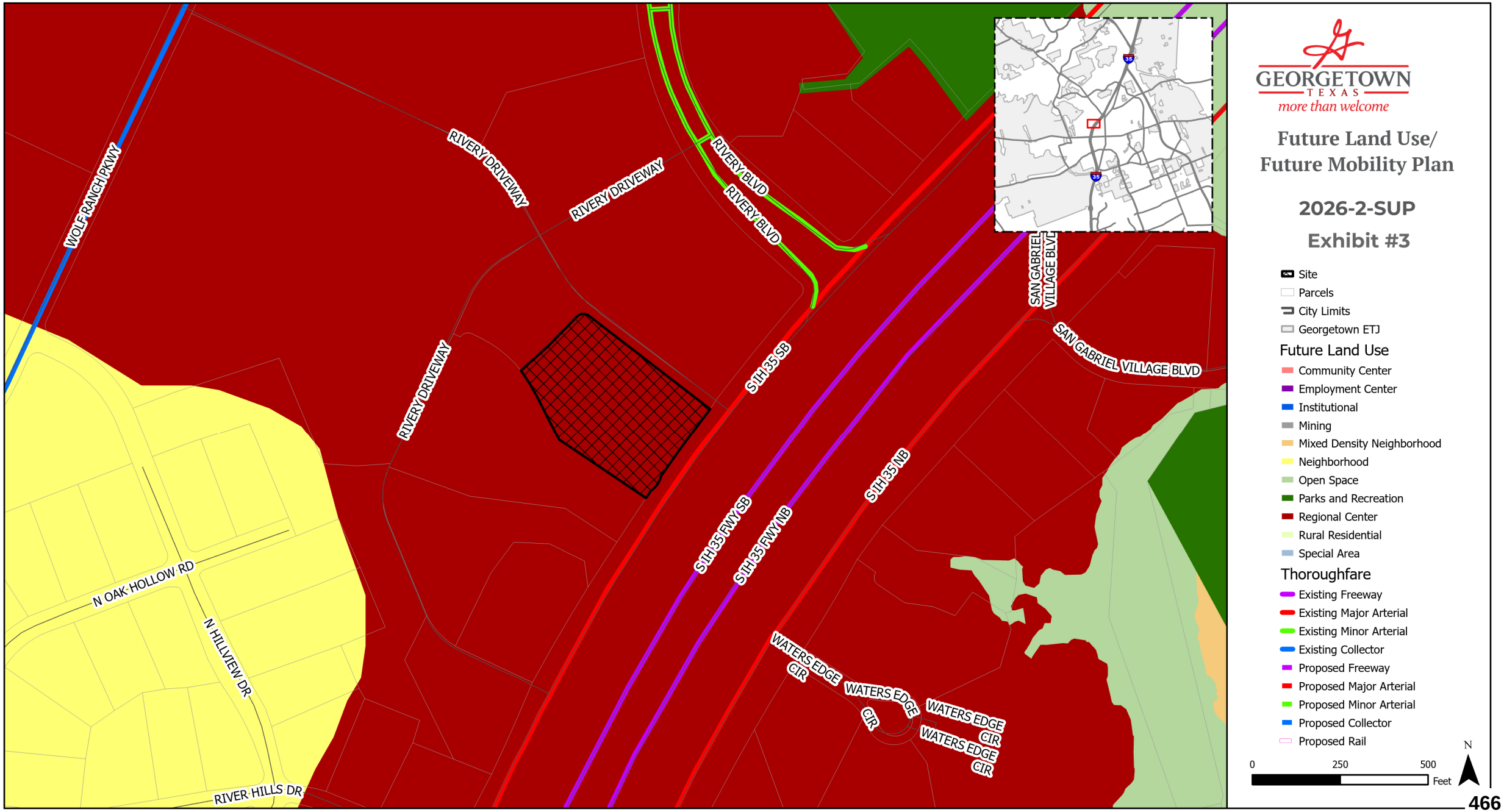
2026-2-SUP

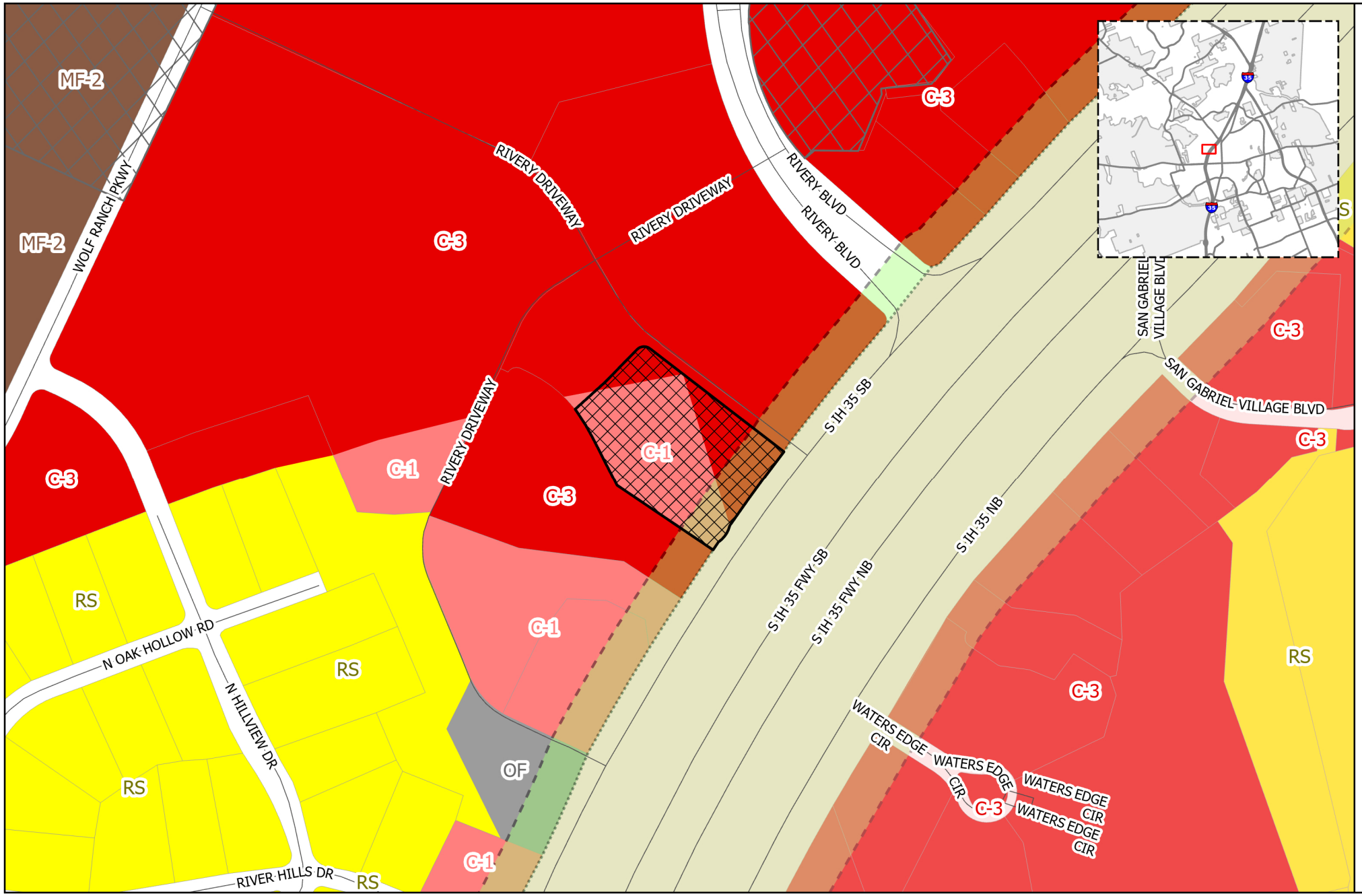
Exhibit #1

Site
Parcels

N

0 250 500 Feet


GEORGETOWN
TEXAS
more than welcome
Future Land Use/
Future Mobility Plan
2026-2-SUP
Exhibit #3
Site
Parcels
City Limits
Georgetown ETJ
Future Land Use
Community Center
Employment Center
Institutional
Mining
Mixed Density Neighborhood
Neighborhood
Open Space
Parks and Recreation
Regional Center
Rural Residential
Special Area
Thoroughfare
Existing Freeway
Existing Major Arterial
Existing Minor Arterial
Existing Collector
Proposed Freeway
Proposed Major Arterial
Proposed Minor Arterial
Proposed Collector
Proposed Rail
0
250
500
Feet
N
WOLF RANCH PKWY
RIVERY DRIVEWAY
RIVERY DRIVEWAY
RIVERY DRIVEWAY
RIVERY BLVD
RIVERY BLVD
SAN GABRIEL VILLAGE BLVD
SAN GABRIEL VILLAGE BLVD
S IH 35 SB
S IH 35 FWY SB
S IH 35 FWY NB
S IH 35 NB
N OAK HOLLOW RD
N HILLVIEW DR
RIVER HILLS DR
WATERS EDGE CIR
WATERS EDGE CIR
WATERS EDGE CIR
WATERS EDGE CIR



GEORGETOWN
TEXAS
more than welcome

Zoning

2026-2-SUP

Exhibit #3

- Site
- PUD
- Courthouse View Overlay
- Old Town Overlay
- Historic Overlay
- Downtown Overlay
- SPO Overlay
- Gateway Overlay
- Parcels

Zoning

- AG -Agriculture
- BP - Business Park
- C-1 - Local Commercial
- C-3 - General Commercial
- CN - Neighborhood Commercial
- IN - Industrial
- MF-1 - Low-Density Multi-family
- MF-2 - High-Density Multi-family
- MH - Manufactured Housing
- MU-DT - Mixed-Use Downtown
- OF - Office
- PF - Public Facility
- RE - Residential Estate
- RL - Residential Low-Density
- RS - Residential Single-Family
- TF -Two-Family
- TH -Townhouse

0 250 500 Feet

N

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM MARKINGS MADE BY UTILITY LOCATORS FOR THE RESPECTIVE UTILITY COMPANIES. BASSARI ENGINEERING SERVICES, P.L.L.C. WARRANTS THE LOCATIONS OF SAID UTILITIES AS MARKED BY THE RESPECTIVE UTILITY COMPANIES. IT IS POSSIBLE THAT OTHER UTILITIES EXIST IN THE AREA THAT BASSARI ENGINEERING SERVICES, P.L.L.C. IS NOT AWARE OF, INCLUDING THE POTENTIAL OF ABANDONED LINES.

CALL BEFORE YOU DIG
1-800-344-8377

Lot 5A
Block B
Replat of Block B Lot 5
The Rivery Phase One
Cab. Z, Sl. 372

SAWCUT AND REMOVE 78.0' EXISTING CURB

REMOVE 85.0' EXISTING CURB AND SIDEWALK. SAWCUT CURB @ BACK OF CURB AND TIE TO PROP. CONC. DRIVEWAY. EX. GUTTER TO REMAIN.

FIRE LANE, TYP. SEE DETAIL SHEET 8

3.353 Ac.
Lot 5B
Block B
Replat of Block B Lot 5
The Rivery Phase One
Cab. Z, Sl. 372

PRIVATE DRIVEWAY

COMMERCIAL CONC. DRIVEWAY

(BEARING BASIS)

FIRELANE NO PARKING

DUMPSTER 25'x20'

PROP. TRANSFORMER CONC. PAD. (SEE ELEC. PLANS FOR MORE INFORMATION)

BUILDING CHEZ RESTAURANT 8,238 SF

FFE=762.97
998 SF

4'X4" WELDED PLATE @ 8' SPACING O.C.

PROP. HEADWALL DETAILS

4.0' WIDE CONC. FLUME. SEE DETAIL ON THIS SHEET

Lot 5B
Block B

N 27°37'30"W 154.25'

N 56°15'49"W 295.36'

Interstate Highway 35 Frontage Road

25' HIGHWAY GATEWAY DISTRICT

SCALE 1"=30'

1"=30'

LEGEND

- LOT LINE
- IRON PIN FOUND
- (bearing/distance) RECORD CALLS
- EXISTING PAVEMENT
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- FO — EX. FIBER OPTIC LINE
- G — EX. GAS LINE
- G — PR. GAS LINE
- ELECTRIC POLE
- PR. FIRE LANE
- EX. WATER LINE
- EX. FIRE HYDRANT
- PR. WATER LINE
- PR. SINGLE WATER SERVICE
- EX. WASTEWATER LINE
- EX. WASTEWATER MH
- PR. WASTEWATER LINE
- PR. CLEAN-OUT
- STS — EX. STORM SEWER LINE
- EX. STORM SEWER MH
- PR. STORM SEWER LINE
- PR. STORM SEWER MH
- Food Trucks
- Seating Areas
- Portable Restroom Facilities

CURVE DATA

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	6029.58'	233.31'	2°13'01"	233.30'	S 35°37'13" W
C2	6029.58'	81.35'	0°46'23"	81.35'	S 34°07'22" W
C3	332.50'	67.99'	11°42'56"	67.87'	N 33°28'48" W
C4	517.70'	34.19'	3°47'01"	34.18'	N 45°42'27" E
C5	25.00'	36.26'	83°06'39"	33.17'	N 85°24'31" E

PARKING SUMMARY

PARKING PROVIDED:		
STANDARD PARKING	VAN ACCESSIBLE HANDICAPPED PARKING	TOTAL PARKING
116	5	121

PARKING REQUIRED: RESTAURANT = 1/75 SF
8297 SF/75 SF = 111 SPACES

IMPERVIOUS COVER CALCULATIONS

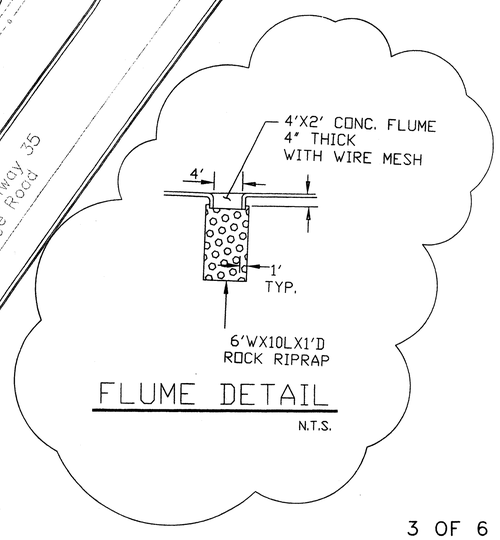
EXISTING IMPERVIOUS	S.F.	PROPOSED IMPERVIOUS	S.F.
BUILDING	0	BUILDING/DUMPSTER	8,238
ASPHALT/GRAVEL	0	ASPHALT/CONCRETE	56,196
SIDEWALK	0	SIDEWALK	3,040
TOTAL EXISTING IMPERVIOUS	0	TOTAL PROPOSED IMPERVIOUS	67,474
% OF SITE	0%	% OF SITE	46.2%

TOTAL SITE AREA: 3.353 ACRES (146,057 S.F.)

CAUTION:

OVERHEAD AND UNDERGROUND UTILITIES IN JOB VICINITY. CONTRACTOR TO VERIFY EXACT DEPTH AND LOCATION PRIOR TO BEGINNING CONSTRUCTION.

USE EXTREME CAUTION. GAS LINE IN PROJECT VICINITY.



FLUME DETAIL
N.T.S.

3 OF 6

No.	DATE	REMARKS	BY
1	8-10-07	Revised C&G to curb only. Revised drainage structures.	SB

REVISIONS

Revised C&G to Curb only, drinage outlet structures.

SITE & DIMENSION PLAN
SITE DEVELOPMENT PLAN
MONTANA MIKE'S RESTAURANT
GEORGETOWN, TEXAS

Revised 9/19/07
8/17/07

STATE OF TEXAS
SAEID BASSARI
81420
REGISTERED PROFESSIONAL ENGINEER
Saeid Bassari

BASSARI
ENGINEERING SERVICES, P.L.L.C.
2501 S. BAGDAD ROAD
LEANDER, TEXAS 78641
TEL. (512) 630-6184

DWG # 07-31

Letter of Intent

Proposed Food Truck Park / Special Use Permit
City of Georgetown, Texas

Applicant: Qing Chen
Project: Georgetown Food Truck Park
Date: [2/09/2026]

To Whom It May Concern,

This Letter of Intent is submitted in support of the proposed food truck park project in the City of Georgetown, Texas, as part of our Special Use Permit application. The intent of this letter is to provide justification for the proposed use, demonstrate compliance with the City of Georgetown 2030 Comprehensive Plan, and address the approval criteria outlined in Section 3.07.030 of the Unified Development Code (UDC).

---

1. Statement of Justification & Project Description

The proposed project consists of a professionally managed food truck park designed to provide a curated, family-friendly dining environment featuring multiple mobile food vendors. The operation will focus on high-quality, locally operated food trucks, with an emphasis on orderly site management, cleanliness, and compatibility with surrounding commercial uses.

Type of Operation:
• Multiple permitted food trucks operating from designated parking stalls
• Centralized seating areas and pedestrian circulation
• No permanent enclosed structures for food preparation

Proposed Hours of Operation:
• Sunday–Thursday: 11:00 AM – 9:00 PM
• Friday–Saturday: 11:00 AM – 10:00 PM

Estimated Employment & Attendance:
• Approximately 2–4 employees per food truck
• Estimated daily attendance of 100 patrons depending on day and season

The food truck park is intended to serve nearby residents, employees of surrounding commercial developments, and visitors, offering a convenient dining option that complements existing businesses.

---

2. Consistency with the Georgetown 2030 Comprehensive Plan

The proposed use is consistent with the goals and policies of the **City of Georgetown 2030 Comprehensive Plan**, particularly those that promote:

• **Economic Vitality and Local Business Support** – The project supports small, locally owned businesses and entrepreneurial opportunities, aligning with the Plan's emphasis on fostering diverse commercial activity.
• **Efficient Use of Land** – The proposal activates underutilized commercial land without requiring permanent vertical construction, supporting flexible and adaptive land use strategies.
• **Community Gathering Spaces** – The food truck park provides an informal social space that encourages community interaction while remaining compatible with surrounding commercial development.
• **Transportation and Accessibility Goals** – The site design accommodates vehicular and pedestrian access without overburdening adjacent roadways or parking infrastructure.

Overall, the proposal advances the Comprehensive Plan's vision of thoughtful, well-managed growth that enhances quality of life while supporting local commerce.

---

3. Compliance with UDC Section 3.07.030 – Special Use Permit Criteria

a. Health, Welfare, and Safety
The proposed use will not be detrimental to the health, welfare, or safety of the surrounding neighborhood. All food trucks will operate under valid permits and health department approvals. The site will include designated trash and grease disposal, regular cleaning protocols, and clear circulation paths for both vehicles and pedestrians.

b. Compatibility with Surrounding Area
The conceptual site layout, circulation, and design are harmonious with the surrounding commercial character. The project is designed as a low-profile, open-air use that does not introduce incompatible building massing or visual impacts.

c. Public Infrastructure & Services
The proposed use will not negatively impact public infrastructure or services. Traffic generation is anticipated to be comparable to other commercial food service uses. Adequate parking, circulation, and access will be provided on site, and existing police, fire, and solid waste services are sufficient to serve the development.

d. Environmental & Nuisance Impacts
The project will not create excessive noise, glare, fumes, vibration, or other noxious impacts. Food trucks will comply with applicable noise and operational regulations, and no amplified music or late-night activity beyond the proposed hours is planned.

Conclusion

The proposed food truck park represents a well-managed, low-impact commercial use that aligns with the City of Georgetown's long-term planning goals, supports local economic development, and meets all

applicable Special Use Permit criteria. We respectfully request consideration and approval of this application.

Please do not hesitate to contact me should additional information be required.

Sincerely,

Qing Chen

Report Date: July 7, 2026
Case Number: 2026-2-SUP

UDC Section 3.07.030 – Approval Criteria for Special Use Permits

Special Use Permits allow for City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Code. Special Use Permits may be issued only for uses that are generally compatible with other uses permitted in a zoning district, but that require individual review of their location, design, intensity, etc. These uses may be in districts as indicated with conditions described in a Special Use Permit recommended by the Planning and Zoning Commission and approved by the City Council.

In addition to the criteria for zoning changes in Section 3.06.030, the City Council may approve an application for a Special Use Permit where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the public.

Staff Reviewed the request against the approval criteria for Special Use Permits found in UDC Section 3.07.030 and found that it complied with all four of the criteria as detailed below.

1. The proposed special use is not detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants.	**Partially Complies**
Staff did not find the request to be detrimental to the health, welfare, or safety of the surrounding neighborhood. The food truck park does not encroach onto or prevent access to existing adjacent business. It will also provide ample parking and enough restrooms to serve its patrons and prevent them from using adjacent business facilities. Impact to adjacent business is also mitigated as the City will require a utility evaluation in the site development plan as each food vendor must have an individual connection to utilities. A standard requirement would also be Mobile Food Park Manager who would be available by phone while the vendors are open for business. The SUP would also be helping to utilize a property that has been vacant for at least 5 years. This utilization would be an improvement in the quality of life for the community. Staff found that the request may undermine the safety of the occupants if the food trucks are positioned a certain way. The applicant does not indicate the direction that the food trucks face which could cause conflicts with pedestrians	

and cars. The danger could be mitigated by requiring the applicant not to face the food vendor service window toward the drive aisle which would prevent queuing in the drive aisle and reduce foot traffic in the parking lot.	
2. The proposed conceptual site layout, circulation plan, and design are harmonious with the character of the surrounding area.	**Complies**
The proposed conceptual site layout, circulation plan, and design are harmonious with the character of the surrounding area. The site is not proposing any change to current circulation of the lot and maintains means of ingress and egress for emergency services.	
3. The proposed use does not negatively impact existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection and the ability of existing infrastructure and services to adequately provide services.	**Complies**
It is not anticipated that the food truck park will have any negative impacts on public infrastructure. The property was previously used as a restaurant which provided ample space for parking when compared to what would have been required by the UDC. Due to the subject property derives access from a Local Road with immediate access to a Major Arterial Road, the food truck park is not anticipated to increase traffic beyond current capacity. Utilities will also be evaluated during the site development plan to ensure constant service to adjacent properties.	
4. The proposed use does not negatively impact existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard or other injurious or noxious impact.	**Complies**
The food truck park is a commercial use and is not anticipated that it will have any greater impact on the surrounding area than any other Food and Beverage Establishments allowed by right in the General Commercial (C-3) zoning district.	

Additionally, staff reviewed the request against the approval criteria for a Zoning Map Amendment found in UDC Section 3.06.030 and found that it complied with four and partially complied with one of the five approval criteria as detailed below.

A. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action;	**Complies**

This application was reviewed by staff and deemed to be complete.	
B. The zoning change is consistent with the Comprehensive Plan.	**Complies**
The request is consistent with the comprehensive plan. Regional Centers (RC) are intended to be shopping centers, standalone big-box retailers, or large-scale mixed-use developments, as well as supporting flex office space and office/warehouse development. RC is typically located at high- volume intersections and sometimes along both sides of a highway or arterial. These developments are typically automobile-oriented with convenient access from major transportation routes and highway interchanges; however, internal pedestrian connectivity is maximized and includes opportunities for pedestrian activity. A food truck court would provide additional commercial services to create complete neighborhoods. The food truck park would be providing additional food options to the area within a walkable distance to adjacent office, retail, and commercial uses. It would also be within a reasonable distance to adjacent residential and multi-family	
C. The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City.	**Partially Complies**
Staff found that this criteria has the same merits and concerns as the first approval criteria for Special Use Permits. See page 1.	
D. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.	**Complies**
The proposed use of a Special Use Permit is compatible with the present zoning and conforming uses of the nearby properties. It offers ample parking and restrooms to prevent any disturbances to adjacent uses. The food truck park would occupy an unused site and improve the vibrancy of this Commercial area.	
E. The property to be rezoned is suitable for uses permitted by the district that would be applied by the proposed amendment.	**Complies**
The subject property does not have any natural features or site constraints that will inhibit the uses allowed within the proposed zoning district. The site has adequate access and will be served with necessary utilities.	

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Second Reading - UDC Adoption

SUGGESTED ACTION:
Second Reading of an Ordinance for a proposed adoption of a new Unified Development Code to replace existing Development Code and repealing of conflicting ordinances -- Edgar I. Garcia, AICP, Director of Planning

ITEM SUMMARY:
On March 11, 2003 the City of Georgetown adopted its first set of comprehensive development regulations known as a Unified Development Code. This document codified various zoning and subdivision standards in one cohesive place.

On October 25, 2022 the City engaged with Freese & Nichols to evaluate the City's existing Unified Development Code and provide recommendations on the best approach for making improvements and develop and updated Unified Development Code.

Since April 2023 the City's Planning & Zoning Commission, Unified Development Code Steering Committee, Unified Development Code Advisory Committee, and City Council have reviewed different proposed chapters of the Unified Development Code and provided feedback. In total, over 25 Steering Committee meetings were held including various City Council and Joint Workshop presentations.

The first comprehensive draft of the Unified Development Code was received in September 2025. Staff as well as internal and external testers have continued to refine the code. In total, four separate drafts were posted on the Planning Department's web page. The current draft was posted and has been available since June 5th.

The Unified Development Code adoption is scheduled for presentation at Planning and Zoning Commission on July 21st, First Reading of City Council on July 28th, and Second Reading and Adoption on August 11th.

FINANCIAL IMPACT:
None.

SUBMITTED BY:
Anish Dsouza, Planning Department

ATTACHMENTS:
1. UDC Adoption Staff Report.pdf
2. UDC Adoption Council Presentation.pdf
3. First vs. Final Draft Redline.pdf
4. UDC Final Draft.pdf

5. Public & Testing Comments Received.pdf
6. Ordinance with Attachments.pdf

Planning Department Staff Report

Report Date: August 3, 2026

Item Details

Project & Applicant: Unified Development Code Update

Request: Public Hearing and possible action on a proposed adoption of an updated Unified Development Code to replace existing Development Code and repealing of conflicting ordinances

Overview and Analysis

The City's current Unified Development Code (UDC) was adopted on March 11, 2003, consolidating previously separate subdivision and zoning regulations that had been adopted in 1988 and 1968, respectively. Since that time, Georgetown has experienced unprecedented growth, creating the need for a modernized development code that not only keeps pace with continued development activity but also promotes the high-quality growth envisioned by the City.
Recognizing this need, the City Council authorized a contract with Freese and Nichols, Inc. in October 2022 to prepare a comprehensive Diagnostic Report evaluating the effectiveness of the existing UDC. The report assessed the code's ability to implement the City's adopted policies and development objectives while identifying opportunities to improve usability, modernize regulations, align with the City's Comprehensive Plan and Small Area Plans, respond to changes in state law, and address evolving development practices.

The Diagnostic Report established six guiding principles that served as the foundation for the UDC Update:

1. Balance certainty and flexibility within the City's zoning framework.
2. Ensure development standards are clear, adaptable, and capable of accommodating continued growth while promoting high-quality development.
3. Align the UDC with the Comprehensive Plan, the 2030 Plan, and adopted Small Area Plans.
4. Prioritize modernization of the UDC while maintaining an efficient project timeline.
5. Conduct a transparent code development process supported by robust stakeholder engagement and code testing.
6. Recognize that predictable development processes and clearly defined decision-making criteria are as important as the development standards themselves.

To guide the update effort, the City Council appointed a Unified Development Code Steering Committee (UDCSC) to work alongside the standing Unified Development Code Advisory Committee (UDCAC), which consists of representatives from the development community and other external code users. Throughout the project, the Steering Committee convened 25 public meetings to review and provide direction on individual sections of the draft UDC prepared by Freese and Nichols. Concurrently, City staff met regularly with the consultant team—initially on a biweekly basis and later monthly—to review draft language, discuss proposed revisions, and implement direction received from the City Council, the UDCSC, and the UDCAC.

The first complete draft of the rewritten UDC was delivered to City staff on September 25, 2025. Following an initial staff review, the draft was released for public testing in November. Since that time, four successive drafts have been published on the Planning Department's website, with each version incorporating comments and recommendations from City staff, external stakeholders, public code testers, the UDCSC, the UDCAC, and the City Council. This iterative review process ensured that the final document reflects extensive public input, practical testing, and continuous refinement.

In addition to incorporating updates required by changes in state law and accepted industry practices, the proposed UDC has been reorganized to provide a more intuitive and user-friendly framework. The revised structure places related regulations into dedicated chapters, improving navigation and usability for applicants, property owners, and staff. Notable organizational enhancements include the creation of standalone chapters for Downtown and Old Town Development Standards (Chapter 5) and Tree Preservation (Chapter 10), reinforcing the significance of these topics while making the code easier to navigate and administer.

Reorganized and Revised Zoning Districts

Zoning Districts, as shown below, were restructured and reorganized to provide better options for development within each district. Notably, the inclusion of a Residential Mix zone allows for different housing options to address missing middle housing and provide more housing options for Georgetown's current and future residents. The Neighborhood Commercial (CN) and Office (OF) zoning districts were merged and their allowed uses reorganized. Likewise, Business Park (BP) and Industrial (I) were merged into a Flex Industrial (I-1) zone with the more intense industrial use slotted into a new Intensive Industrial (I-2) zone. Overall, the allowed, limited, and prohibited uses in each district were reviewed by the Steering Committees to determine adequacy.

Reorganized Zoning Districts

Previous UDC	Current UDC
Residential Zoning Districts	
AG Agriculture	AG Agriculture
RE Residential Estate	RE Residential Estate
RL Residential Low Density	RT Residential Traditional
RS Residential Single-family	RS Residential Suburban
TF Two-family	RM Residential Mix
TH Townhouse	
MF-1 Low Density Multifamily	MF-1 Medium Density Multifamily Residential
MF-2 High Density Multifamily	MF-2 High Density Multifamily Residential
MH Manufactured Housing	MH Manufactured Housing
Non-Residential Zoning Districts	
CN Neighborhood Commercial	CN Neighborhood Commercial
OF Office	
C-1 Local Commercial	C-1 Local Commercial
C-3 General Commercial	C-2 Regional Commercial
PF Public Facilities	PF Public Facilities
BP Business Park	I-1 Flex Industrial
IN Industrial	
-	I-2 Intensive Industrial
Special Purpose Zoning Districts	
PUD Planned Unit Development	PUD Planned Unit Development
Mixed-Use Zoning Districts	
MU-DT Mixed-Use Downtown	MU-DT Mixed-Use Downtown
Overlay Zoning Districts	
SP Special Area Plan Overlay	SP Special Area Plan Overlay

Consistent with the guiding principle of aligning the UDC with the City's adopted plans and policies, the revised UDC introduces a Neighborhood Conservation Overlay District to provide enhanced protection for neighborhoods with adopted Small Area Plans. As part of the initial UDC adoption, Neighborhood Conservation Overlay Districts will be established for the Track-Ridge-Grasshopper (TRG) and San Jose neighborhoods. These overlay districts implement the vision and recommendations of the respective Small Area Plans, which were adopted by the City Council on March 22, 2022, following an extensive public engagement process that included nearly two years of community meetings, stakeholder collaboration, and public input.

Stand Alone Downtown & Old Town Chapter

The preservation of Georgetown's historic character, particularly within its downtown core, has remained a community priority since the adoption of the Downtown and Old Town Overlay Districts in 2015. Under the previous UDC, these standards were incorporated within the broader Zoning Districts chapter. The proposed UDC establishes a dedicated chapter for Downtown and Old Town development standards, increasing their visibility and ensuring these regulations are more accessible to applicants, property owners, and staff. Creating a standalone chapter also reinforces the community's longstanding commitment to preserving the unique character and identity of these historic areas. Additionally, the revised UDC clarifies that the Mixed-Use Downtown (MU-DT) zoning district is eligible for inclusion within both the Downtown and Old Town Overlay Districts. This clarification resolves a recurring procedural ambiguity that previously required separate Overlay District amendments to be processed concurrently with MU-DT rezoning requests.

Stand Alone Tree Chapter

Tree preservation has long been a defining element of Georgetown's community character and remains a priority for both the City and its residents. While tree preservation regulations were previously combined with landscaping and fencing standards, the proposed UDC establishes a dedicated chapter focused exclusively on tree preservation. This reorganization enhances the usability of the code while emphasizing the City's continued commitment to protecting its urban forest. The chapter also incorporates the text amendments adopted in July 2025 (effective October 1, 2025), including refined definitions, expanded tree preservation incentives, and additional mitigation options that provide greater flexibility while maintaining the City's tree preservation objectives.

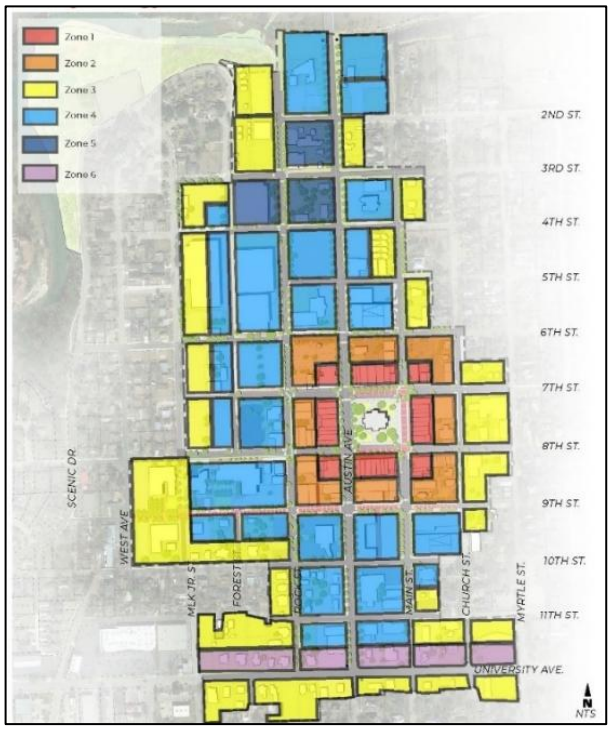
Overarching Improvements

In addition to the improvements highlighted above, revisions were made to the overall organization and structure of the UDC, resulting in updates across all chapters. Process flowcharts were incorporated throughout the document to illustrate the progression of applications from submittal through final action. These visual tools are intended to enhance clarity, providing applicants with a more intuitive understanding of how applications advance through each stage of the review and decision-making process.

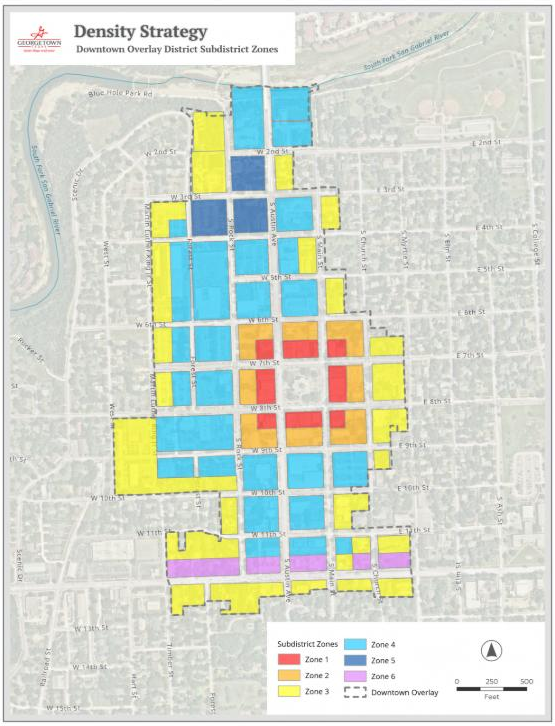
Figure 3.07.010-3.07.01-1. Rezoning Summary

While the UDC always incorporated the use of maps and graphics, there was no standardization of these. Maps were sometimes directly copied from other adopted plans that had various graphic styles. Part of making the UDC a cohesive, unified document was ensuring all maps found within it had a consistent format, base layer, and legend.

Previous Map Example



Revised Map Example



Consistency in definitions and terminology was identified as a key concern in the initial Diagnostic Report. A central objective of the UDC update was to establish clear, consistent language throughout the document, ensuring that both staff and users began with a shared understanding of its requirements and intent. Significant effort was devoted to developing precise definitions in Chapter 18 and then applying those standardized terms consistently across the remaining 17 chapters. Ambiguous or inconsistently defined terminology was eliminated in favor of a single, clearly defined vocabulary that promotes clarity, consistency, and uniform interpretation throughout the document.

Clarification of Roles & Review Authorities

A primary objective of the UDC update was to clearly define the responsibilities and decision-making authority of key administrative roles, including the Planning Director, Development Engineer, Building Official, and other designated officials. Throughout the document, each application type and regulatory process was carefully aligned with the appropriate reviewing authority, eliminating ambiguity regarding administrative responsibilities. These revisions provide greater transparency for applicants while improving internal consistency and ensuring staff have clear guidance regarding their respective roles in the development review process.

Similarly, Chapter 1 was revised to clearly identify the adopted manuals, technical specifications, and design standards that applicants are required to follow in order to comply with the City's development regulations. The revised chapter specifically references these documents and identifies the City department or official responsible for their administration. Incorporating these standards by reference, rather than reproducing their contents within the UDC, results in a more streamlined and user-friendly code while allowing technical manuals and engineering standards to be updated as needed without requiring a formal UDC text amendment. This approach provides the flexibility necessary to keep technical requirements current while preserving the stability of the City's regulatory framework.

External & Internal Testing

Following receipt of the first complete draft of the proposed UDC, the document was released for both internal and external testing to evaluate its functionality, usability, and overall consistency. Staff, members of the development community, and other stakeholders were encouraged to identify broken references, inconsistencies, unclear language, and other areas requiring refinement. This collaborative review process allowed staff to continuously improve the document prior to adoption.

In total, four draft versions of the UDC were published on the Planning Department's website, with each successive draft incorporating feedback received throughout the testing process. To further enhance transparency, a comprehensive redlined version comparing the initial full draft to the final proposed draft was published on July 7, allowing stakeholders to clearly identify revisions made during the review period. In addition, staff facilitated two joint work sessions involving the City Council, Planning and Zoning Commission, Unified Development Code Advisory Committee (UDCAC), and Unified Development Code Steering Committee (UDCSC) to receive additional feedback, discuss policy considerations, and obtain direction on the proposed revisions.

Next Steps

While adoption of the Unified Development Code represents the culmination of several years of planning, collaboration, and public engagement, it also marks the beginning of the next phase of implementation. One of the City's immediate priorities will be the review and update of the Development Manual to ensure consistency with the adopted UDC. This effort is already underway and is anticipated to be completed prior to the UDC's proposed effective date of November 1, 2026.

Following adoption, staff will also undertake a comprehensive implementation and outreach effort to familiarize both City staff and the development community with the new regulations, organizational structure, and development procedures. This transition period will provide an opportunity to address questions, clarify interpretations, and ensure that all users are prepared for the Code's effective date.

As with any modern development code, the UDC should be viewed as a living document that will continue to evolve over time in response to changes in federal and state law, emerging development practices, and ongoing refinement based on implementation experience. Several topics have already been identified for future evaluation, and staff anticipates conducting workshops during 2027 to consider additional amendments. Furthermore, as the City begins preparing a new Comprehensive Plan to succeed the Georgetown 2030 Plan, additional updates to the UDC will likely be necessary to ensure the City's development regulations remain aligned with its long-term vision and policy objectives.

Planning & Zoning Commission

At its July 21st, 2026 meeting the Planning & Zoning Commission recommended Approval with a 7-0 vote.

The Planning & Zoning Commission provided the following comments:

- Following the implementation of the updated UDC, staff should track any requests seeking to vary from the updated development standards; and
- Staff should prioritize further updating and refining the code based on those requests.

City Council 1st Reading

At its July 28th, 2026 meeting the City Council Approved the first reading of the UDC Update Ordinance with a 7-0 vote, echoing the recommendations from Planning & Zoning Commission.

The full implementation of the UDC was not moved from the November 1st date proposed by staff. Developers vested to the old UDC will be able to opt into the new UDC after November 1st as they may see fit.

Public Meeting Dates

July 21, 2026 – Planning and Zoning Commission
July 28, 2026 – City Council First Reading of the Ordinance
August 11, 2026 – City Council Second Reading of the Ordinance

Public Notification

As required by state law, a legal notice complying with Texas Local Government Code 211.006 was mailed out to each owner of real or business property and any occupants of those properties within the City's adopted tax rolls in May 2026; in total, 99,997 legal notices were mailed out.

Comments received throughout the testing periods and from the legal noticing are included in Exhibit 2.

Attachments

Exhibit 1 – UDC Adoption Staff Report
Exhibit 2 – UDC Adoption Council Presentation
Exhibit 3 – First vs. Final Draft Redline
Exhibit 4 – UDC Final Draft
Exhibit 5 – Public & Testing Comments Received
Exhibit 6 – Ordinance with Attachments

UDC Update Adoption

July 28, 2026 | City Council

GEORGETOWN TEXAS

Team Effort

UDC Steering Committee
UDC Advisory Committee
P&Z Commission
HARC
Sofia Nelson
Travis Baird
Hayley Webre
Colin Davidson
askGTX
Development Engineering
Transportation
Fire Marshall

Parks & Rec
Permitting
Code Compliance
Legal & Real Estate
City Secretary
Electric Utilities
Public Works Streets
Public Works Environmental
CAPE
Downtown
Special Districts
Georgetown Water

Team Effort

Track-Ridge-Grasshopper Neighborhood
San Jose Neighborhood
Austin Home Builders Association
Commercial Real Estate Development Association, formerly NAIOP
CHA Consulting, formerly Steger-Bizzell
Kimley-Horn
Development Alliance
Georgetown Neighborhood Roundtable

Meeting Purpose

1. Provide overview of UDC process
2. Highlight notable changes
3. Provide an opportunity for public comments

Purpose and Background

Why Update the UDC?

- Regulates how land is developed and used across Georgetown
- Governs zoning, subdivisions, building form, mobility, and environmental standards
- The last full update occurred over two decades ago
- Ensures the code reflects current plans, laws, and community priorities

UDC Update Process

Oct. 2022 — Apr. 2023 — Sept. 2025 — Summer

Phase 1: Diagnostic Evaluation

- Review of existing plans and codes
- Interviews with ~25 internal code users and ~40 external code users
- Community events: State of the City, quarterly neighborhood update, Gather Round Georgetown
- 2 Steering Committee meetings
- City Council workshop
- Diagnostic Report to identify issues and propose solutions

Phase 2: Code Drafting

- Drafting individual chapters of the updated UDC
- 25 Steering Committee meetings
- Various City Council and Joint Workshop updates
- Monthly or biweekly status calls and monthly status reports to City (throughout project)

Phase 3: Code Refinement and Adoption

- Code testing and revisions
- Draft UDC on City website
- Community events: State of Our City, and others as available
- Joint workshops
- Public hearings
- City Council 1st and 2nd readings for adoption

UDC Update Process

Guiding Principles

The following Guiding Principles were developed by the Joint Planning & Zoning Commission and City Council to guide this code update process.

1. Zoning categories should **balance certainty and flexibility**.
2. Development standards should be **clear and nimble** enough to **adapt to rapid growth** and new development trends, as well as create **high-quality development**.
3. Ensure **alignment** between the UDC, 2030 Plan, and Small Area Plans.
4. Updating the **outdated UDC is a high priority** and keeping **on timeline is essential**.
5. The code writing process should be **transparent** and involve a **thorough code testing** process to ensure appropriately-scaled development regulations.
6. The development **process and criteria** used for decision making is as important as **development standards**.

UDC Update Highlights

Notable Updates

- Reorganization of Zoning Districts
  - Introduction of Residential Mix District
  - Restructured Industrial Districts
- Dedicated Downtown & Old Town Chapter
- Creation of separate Tree Preservation Section (Chapter 10)
- Introduction of Neighborhood Conservation Overlay Districts
- Clearer path to redevelopment with Administrative & Special Exceptions

Major Outcomes of UDC Update

- **Clarity** – Easier to navigate and interpret
- **Housing Diversity** – More tools for infill and missing-middle housing
- **Environmental Stewardship** – Measurable protection for trees & water quality
- **Predictability** – Transparent, consistent review processes
- **Uniformity** – Appropriate referencing of technical manuals & consistent graphics throughout

Postcard Comments

Summary of Postcard Comments

- Prep with CAPE
- Mailed out in May
- askGTX routed comments
- Most were questions on impacts on single-family homes
- Comments centered on:
  - Environmental standards
  - Expanded parkland dedication
  - Road network

Notice: The City of Georgetown will be holding hearings for the adoption of an updated Unified Development Code. This notice has been mailed to all properties and property owners in Georgetown. The code changes mainly affect future development, especially in business park, industrial, office, neighborhood commercial, and multifamily zoning districts. These updates have minimal impact on established residential neighborhoods.

STATE LAW REQUIRES THE FOLLOWING STATEMENT FOR ZONING REGULATION CHANGES. ADOPTION OF THE UPDATED UNIFIED DEVELOPMENT CODE WILL NOT REQUIRE ANY PROPERTY OWNER TO DISCONTINUE THEIR USE. FOR A SMALL MINORITY OF PROPERTIES, THE FOLLOWING MAY APPLY:

THE CITY OF GEORGETOWN IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY.

Meeting Dates:
Planning & Zoning Commission Public Hearing: July 21, 2026, at 6:00 PM
City Council First Reading of the Ordinance: July 28, 2026, at 6:00 PM
City Council Second Reading of the Ordinance: August 11, 2026, at 6:00 PM

Location of Meetings:
Council and Court Building, 510 W. 9th Street

askGTX
Find. Report. Connect.
512.930.CITY
(512.930.2489)

FOR MORE INFORMATION
SCAN CODE, OR VISIT
georgetowntexas.gov/udc

Next Steps

City Council

• 1st Reading of UDC Adoption Ordinance	July 28, 2026
• 2nd Reading of UDC Adoption Ordinance	August 11, 2026
• Updating of Development Manual	Jul-Oct 2026
• UDC becomes effective	November 1, 2026

Planning & Zoning Commission

- At its July 21st meeting, the Planning and Zoning Commission recommended Approval with a 7-0 vote
- The Planning and Zoning Commission provided the following comments:
  - Following the implementation of the updated UDC, staff should track any requests seeking to vary from the updated development standards; and
  - Staff should prioritize further updating and refining the code based on those requests

Ordinance Caption

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, ADOPTING AN UPDATED UNIFIED DEVELOPMENT CODE AND CODIFYING IT AS TITLE 17 OF THE CODE OF ORDINANCES; REPEALING THE EXISTING UNIFIED DEVELOPMENT AND ALL CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Thank You!

GEORGETOWN
TEXAS

~~Combined~~ UDC Draft | ~~September~~June 5, 202~~5~~6

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Contents

Chapter 1. General Provisions ~~(Chapter 1)~~ 1

Section 1.01. Short Title 1

1.01.010. Usage of Terms 1

1.01.020. How to Use This Code 1

1.01.030. Purpose and Intent 2

Section 1.02. Authority ..... ~~3~~2

Section 1.03. Applicability ..... ~~3~~2

Section 1.04. Transitional Provisions 4

1.04.010. Applications Submitted Before the Effective Date 4

1.04.020. Violations Continue 4

1.04.030. Dormant Projects ..... ~~5~~4

1.04.040. Legal Nonconforming Uses Under the Zoning Ordinance ..... ~~5~~4

Section 1.0~~1~~5. Jurisdiction ..... ~~7~~4

~~1.01.01~~1.05.010. Within City Limits ~~7~~4

~~1.01.02~~1.05.020. Within the City's Extraterritorial Jurisdiction ~~7~~4

Section 1.0~~2~~6. Definitions ..... ~~7~~4

Section 1.0~~3~~7. Minimum Requirements ..... ~~7~~5

Section 1.0~~4~~8. Comprehensive Plan ..... ~~7~~5

Section 1.0~~5~~9. Effective Date ..... ~~8~~5

Section 1.1~~0~~6. Severability ..... ~~8~~5

Section ~~1.07~~1.11. UDC Development Manual ~~8~~5

Section ~~1.08~~1.12. City Construction Specifications and Standards Manual ~~8~~5

Section ~~1.09~~1.13. Drainage Criteria Manual ~~8~~5

Section 1.1~~0~~4. Historic District Design Guidelines ..... ~~8~~6

Section 1.1~~1~~5. Traffic Calming Standards ..... ~~9~~6

Section 1.1~~2~~6. Utility Improvement and Extension Policy ..... ~~9~~6

Section 1.1~~3~~7. Access Management Policy ..... ~~9~~6

Section 1.1~~4~~8. Municipal Utility District Policy ..... ~~9~~6

Section 1.1~~5~~9. Parks Development Manual ..... ~~9~~6

Section 1.161.20. Real Estate Policies 106

Section 1.21. Water Quality Management Plan 7

Section 1.171.22. Other Manuals or Regulations Adopted by the City 107

Chapter 2. Review Authority (Chapter 2) 118

Section 2.01. General 118

2.01.010. Purpose 118

2.01.020. Summary of Review Authority 118

2.01.030. Conformity with Development Regulations 1410

Section 2.02. Administrative Officials 1411

2.02.010. Director of Planning 1411

2.02.020. Development Engineer 1511

2.02.030. Building Official 1512

2.02.040. Landscape Planner 1612

2.02.050. Historic Preservation Officer 1613

Section 2.03. Historic and Architectural Review Commission (HARC) 1713

2.03.010. Powers and Duties 1713

2.03.020. Membership 1714

Section 2.04. Zoning Board of Adjustment (ZBA) 1714

2.04.010. Powers and Duties 1714

2.04.020. Membership 1814

2.04.030. General Rules for Zoning Board of Adjustment Matters 1814

Section 2.05. Planning and Zoning Commission (Commission or P&Z) 1814

2.05.010. Powers and Duties 1814

2.05.020. Membership 1915

Section 2.06. City Council 1915

Section 2.07. Parks and Recreation Advisory Board 1915

2.07.010. Powers and Duties 1915

Section 2.08. Unified Development Code (UDC) Advisory Committee 1915

2.08.010. Powers and Duties 1915

2.08.020. Membership 2016

Chapter 3. Applications and Permits (Chapter 3) 2117

Section 3.01. General 2117

3.01.010. Purpose 2117

3.01.020. Applicability of Case Types and Permits 2117

3.01.030. Simultaneous Submission of Related Applications ..... ~~23~~18

Section 3.02. Common Review Elements ..... ~~24~~19

3.02.010. Application Forms and Fees ..... ~~24~~19
3.02.020. Application Deadline ..... ~~24~~19
3.02.030. Accurate Information Required ..... ~~24~~19
3.02.040. Determination of Application Completeness ..... ~~25~~20
3.02.050. Limit on Reapplication ..... ~~25~~20
3.02.060. Expiration of Application ..... ~~26~~21

Section 3.03. Public Hearing and Notice ..... ~~26~~21

3.03.010. Provision of Public Notice ..... ~~26~~21
3.03.020. Required Public Hearing ..... ~~30~~23
3.03.030. Conduct of Public Hearings ..... ~~30~~24
3.03.040. Postponement of Application ..... ~~31~~25
3.03.050. Administrative Review Process ..... ~~32~~25

Section 3.04. Comprehensive Plan Amendment ..... ~~34~~27

3.04.010. Applicability ..... ~~34~~27
3.04.020. Review Process ..... ~~34~~27
3.04.030. Approval Criteria ~~(Comprehensive Plan Amendment)~~ ..... ~~35~~28

Section 3.05. Unified Development Code Text Amendment ..... ~~35~~28

3.05.010. General ..... ~~35~~28
3.05.020. Review Process ..... ~~35~~28
3.05.030. Approval Criteria ..... ~~38~~29

Section 3.06. Annexation ..... ~~38~~29

3.06.010. Applicability ..... ~~38~~29
3.06.020. Annexation Review Process ..... ~~39~~29
3.06.030. Zoning ~~U~~upon Annexation ..... ~~40~~30
3.06.040. Approval Criteria (Annexation) ..... ~~40~~30

Section 3.07. Zoning Map Amendment~~—~~ (Rezoning) ..... ~~40~~31

3.07.010. Applicability ..... ~~40~~31
3.07.020. Review Process ..... ~~41~~31
3.07.030. Approval Criteria (All Rezonings) ..... ~~42~~32
3.07.040. Approval Criteria (Historic Overlay Districts) ..... ~~42~~32
3.07.050. Approval Criteria (Historic Landmark Designation) ..... ~~43~~33
3.07.060. Interim Control ~~D~~during Historic Landmark or Historic Overlay District Consideration ..... ~~44~~33

Section 3.08. Zoning Verification Letter ..... ~~44~~34

3.08.010. Applicability ..... ~~44~~34
3.08.020. Zoning Verification Letter Defined ..... ~~44~~34
3.08.030. Nonconforming Status Determination 34

Section 3.09. Temporary Use Permit ..... ~~45~~34
3.09.010. Applicability ..... ~~45~~34
3.09.020. Review Process ..... ~~46~~35
3.09.030. Approval Criteria ..... ~~46~~35
3.09.040. Responsibility for Final Action ..... ~~47~~36
Section 3.10. Special Use Permit ..... ~~47~~37
3.10.010. Applicability ..... ~~48~~37
3.10.020. Review Process ..... ~~48~~37
3.10.030. Approval Criteria ..... ~~49~~38
3.10.040. Changes to Submitted Conceptual Site Layout ..... ~~50~~38
3.10.050. Expiration ..... ~~50~~38
3.10.060. Discontinuation ..... ~~50~~39
Section 3.11. Planned Unit Development ..... ~~51~~39
3.11.010. Applicability ..... ~~51~~39
3.11.020. Review Process ..... ~~51~~39
3.11.030. Approval Criteria ..... ~~52~~40
3.11.040. Changes to a Submitted PUD Concept Plan ..... ~~53~~41
3.11.050. Expiration ..... ~~53~~41
Section 3.12. Appeal of an Administrative Decision–Zoning Regulations ..... ~~54~~41
3.12.010. Effect of Appeal ..... ~~54~~41
3.12.020. Appeal Procedures ..... ~~54~~42
3.12.030. Review Criteria ..... ~~54~~42
3.12.040. Decision on Appeal ..... ~~55~~42
Section 3.13. Zoning Variance and Special Exception ..... ~~55~~43
3.13.010. Applicability ..... ~~56~~43
3.13.020. Zoning Variance and Special Exception Process ..... ~~56~~43
3.13.030. Criteria for Zoning Variance Review ..... ~~57~~44
3.13.040. Criteria for Special Exception Review ..... ~~58~~45
3.13.050. Expiration of Zoning Variance or Special Exception ..... ~~59~~45
Section 3.14. Administrative Exception ..... ~~59~~46
3.14.010. Applicability ..... ~~59~~46
3.14.020. Authority ..... ~~60~~46
3.14.030. Approval Criteria ..... ~~61~~47
3.14.040. Expiration of Administrative Exception ..... ~~61~~47
Section 3.15. Subdivision of Land ..... ~~62~~48
3.15.010. Plat Required ..... ~~62~~48
3.15.020. Exemptions from Required Plat ..... ~~62~~48
3.15.030. Certification ~~R~~regarding Compliance with Plat Requirements ..... ~~63~~49

3.15.040. Plat Types ..... ~~63~~49
3.15.050. Submission Requirements ..... ~~65~~50
3.15.060. Staff Review ..... ~~65~~51
3.15.070. Preliminary Plats ..... ~~65~~51
3.15.080. Recording Plats ..... ~~68~~53
3.15.090. Extension of Approved Subdivision Plats ..... ~~75~~58
3.15.100. Construction Plans ..... ~~75~~58

Section 3.16. Subdivision Waiver ..... ~~77~~59
3.16.010. Applicability ..... ~~77~~59
3.16.020. Initiation ..... ~~77~~59
3.16.030. Application and Completeness Determination ..... ~~77~~60
3.16.040. Staff Review ..... ~~77~~60
3.16.050. Planning and Zoning Final Action ..... ~~77~~60
3.16.060. Approval Criteria ..... ~~78~~60
3.16.070. Expiration of Subdivision Waiver ..... ~~78~~60

Section 3.17. Site Development Plan ..... ~~78~~61
3.17.010. Applicability ..... ~~78~~61
3.17.020. Review Process ..... ~~79~~61
3.17.030. Criteria for Approval ..... ~~80~~62
3.17.040. Components of a Site Development Plan ..... ~~80~~62
3.17.050. Site Development Plan Area of Development ..... ~~81~~63
3.17.060. Site Development Plan Phasing ..... ~~81~~63
3.17.070. Minor Site Development Plan ..... ~~82~~63
3.17.080. Revisions to Approved Site Development Plans ..... ~~83~~64
3.17.090. Expiration ..... ~~83~~65

Section 3.18. Development Agreement ..... ~~85~~66
3.18.010. Applicability ..... ~~85~~66
3.18.020. Review Process ..... ~~85~~66
3.18.030. Approval Criteria ..... ~~86~~67

Section 3.19. Master Sign Plan ..... ~~86~~67
3.19.010. Applicability ..... ~~87~~67
3.19.020. Review Process ..... ~~87~~67
3.19.030. Criteria for Approval ..... ~~87~~67
3.19.040. Responsibility for Final Action ..... ~~87~~68
3.19.050. Expiration ..... ~~87~~68

Section 3.20. Sign Permit ..... ~~88~~68
3.20.010. Applicability ..... ~~88~~68
3.20.020. Review Process ..... ~~88~~68
3.20.030. Criteria for Approval ..... ~~88~~68

3.20.040. Responsibility for Final Action ..... ~~88~~69
3.20.050. Expiration ..... ~~89~~69
Section 3.21. Stormwater Permit ..... ~~89~~69
3.21.010. Applicability ..... ~~89~~69
3.21.020. Review Process ..... ~~89~~69
3.21.030. Criteria for Approval ..... ~~89~~69
3.21.040. Responsibility for Final Action ..... ~~90~~70
3.21.050. Expiration ..... ~~90~~70
Section 3.22. Driveway Access Permit ..... ~~90~~70
3.22.010. Purpose ..... ~~90~~70
3.22.020. Applicability ..... ~~90~~70
3.22.030. Review Process ..... ~~91~~70
3.22.040. Criteria for Approval ..... ~~91~~70
3.22.050. Submission Requirements ..... ~~91~~71
3.22.060. Responsibility for Final Action ..... ~~93~~72
3.22.070. Expiration ..... ~~93~~72
Section 3.23. License ~~To~~to Encroach ..... ~~93~~72
3.23.010. Purpose ..... ~~93~~72
3.23.020. Applicability ..... ~~93~~72
3.23.030. Review Process ..... ~~94~~72
3.23.040. Criteria for Approval ..... ~~94~~72
3.23.050. Submission Requirements ..... ~~94~~73
3.23.060. Responsibility for Final Action ..... ~~95~~73
3.23.070. Expiration ..... ~~95~~73
Section 3.24. Tree Removal Permit ..... ~~95~~73
3.24.010. Purpose ..... ~~95~~73
3.24.020. Applicability ..... ~~95~~74
3.24.030. Review Process ..... ~~96~~74
3.24.040. Criteria for Approval ..... ~~96~~74
3.24.050. Submission Requirements ..... ~~96~~74
3.24.060. Responsibility for Final Action ..... ~~97~~74
3.24.070. Expiration ..... ~~97~~75
Section 3.25. Heritage Tree Pruning Permit ..... ~~98~~75
3.25.010. Purpose ..... ~~98~~75
3.25.020. Applicability ..... ~~98~~75
3.25.030. Review Process ..... ~~98~~75
3.25.040. Criteria for Approval ..... ~~98~~75
3.25.050. Submission Requirements ..... ~~98~~76

3.25.060. Responsibility for Final Action 9976
3.25.070. Expiration 9976

Section 3.26. Certificate of Appropriateness 99
3.26.01. Applicability 99
3.26.02. Certificate of Appropriateness—Administrative Approval 104
3.26.03. Certificate of Appropriateness—HARC Approval 106
3.26.04. Relocation, Removal or Demolition Prior To Approval of a Certificate of Appropriateness 111
3.26.05. Certificate and Compliance Inspections 112
3.26.06. Limits on Resubmission 112
3.26.07. Expiration 112
3.26.08. Appeals 113

Section 3.276. Request for Creation of Certain Special Purpose Districts 11476
3.27.013.26.010. Applicability 11476
3.27.023.26.020. Review Process 11476
3.27.033.26.030. Approval Criteria 11577

Section 3.287. Courthouse View Waiver 11678
3.28.013.27.010. Applicability 11678
3.28.023.27.020. Initiation 11678
3.28.033.27.030. Application and Completeness Determination 11678
3.28.043.27.040. Staff Review 11678
3.28.053.27.050. Final Action 11778
3.28.063.27.060. Approval Criteria 11779

Section 3.29. Nonconforming Status 117

3.29.01. Applicability 117
Section 3.28. Historic Design Guidelines Procedures 79
3.29.02. Review Process 117
3.28.010. Request to Create or Amend Guidelines 79
3.29.03. Approval Criteria 118
3.28.020. Consideration by HARC 79
3.29.04. Responsibility for Final Action 118
3.28.030. City Council Hearing & Action 79

3.28.040. Supplemental Policy Guides 80

Section 3.29. Historic Resource Survey Procedures 80

3.29.010. Request to Create or Update a Historic Resource Survey 80

3.29.020. Preparation of Survey Materials 80

3.29.030. Consideration by HARC 81

3.29.040. City Council Review & Action 81

3.29.050. Use and Maintenance of Historic Resource Surveys 81

Chapter 4. Zoning Districts ~~(Chapter 4)~~ ..... ~~119~~82

Section 4.01. Establishment of Zoning Districts ..... ~~119~~82

4.01.010. Zoning Districts 82

Section 4.02. Zoning District Equivalency Table ..... ~~120~~83

Section 4.03. Official Zoning Map ..... ~~121~~84

4.03.010. Official Zoning Map ..... ~~121~~84

4.03.020. Digital Mapping ..... ~~121~~84

4.03.030. Replacement of Official Zoning Map ..... ~~121~~84

4.03.040. Rules for Interpretation of District Boundaries ..... ~~123~~85

4.03.050. Uniform Application of District Regulations ..... ~~123~~85

Section 4.04. Newly Annexed Territory ..... ~~123~~85

4.04.010. ~~Action to Assign~~ Initial Default Zoning ~~Required~~ ..... ~~123~~85

Section 4.05. Zoning Districts and Special Districts ..... ~~124~~86

4.05.010. Residential Districts ..... ~~124~~86

4.05.020. Non-Residential Districts ..... ~~124~~86

4.05.030. Special Purpose Zoning Districts ..... ~~124~~86

4.05.040. Mixed-Use Downtown (MU-DT) Zoning District~~s.~~ ..... ~~125~~87

4.05.050. Overlay Zoning Districts ..... ~~126~~89

Section 4.06. Planned Unit Development District ..... ~~129~~90

4.06.010. General Provisions ..... ~~129~~90

Section 4.07. Neighborhood Conservation Overlay Districts ..... ~~130~~91

4.07.010. General Provisions ..... ~~130~~91

~~4.07.02. Secs. 4.07.030, 4.07.040. Reserved ..... 134~~

Section 4.08. Historic Overlay Districts ..... ~~134~~93

4.08.010. Designation of a Historic Overlay District ..... ~~134~~93

4.08.020. Regulations for Historic Overlay Districts 94

Section 4.09. Courthouse View Protection Overlay District 95

4.09.010. Purpose and Intent 95

4.09.020. Applicability 95

4.09.030. Maximum Height Determination Required 96
4.09.040. Courthouse View Determination 97
4.09.050. Courthouse View Corridor Waiver 97

Section 4.10. Gateway Overlay District 97

4.10.010. Purpose and Intent 97
4.10.020. Applicability 98
4.10.030. Gateway Corridors 98
4.10.040. Gateway Design Standards 100

Chapter 5. Downtown and Old Town Code 102

Section 5.01. Purpose 102

Section 5.02. Components of the Code 102

Section 5.03. Established Historic Overlay Districts 102

~~4.08.02~~5.03.010. ~~....~~ Historic Overlay Districts Established ~~135~~102

Section 5.04. General Development Standards for Historic Overlay Districts 105

~~4.08.03~~5.04.010. ~~....~~ Certificate of Appropriateness Required ~~137~~105

~~4.08.04~~5.04.020. ~~....~~ Applicability of Historic Overlay District Standards ~~137~~106

~~4.08.05~~5.04.030. ~~....~~ General Guidelines Applicable to All Historic Overlay Districts ~~138~~106

~~4.08.06~~5.04.040. ~~....~~ Demolition by Neglect ~~139~~107

~~4.08.07.~~Section 5.05.~~Standards Specific to the~~ Downtown Overlay District Development Standards 1~~4~~07

~~4.08.08. Standards Specific to the Old Town Overlay District ....143~~5.05.010. Base Zoning District 107
5.05.020. Use 108
5.05.030. Parking 108
5.05.040. Lot Size and Coverage 109
5.05.050. Building Design 109
5.05.060. Building Height 109
5.05.070. Signs 111
5.05.080. Streets and Sidewalks 111
5.05.090. Tree Preservation, Landscaping, and Fencing 111
5.05.100. Specific Exemptions to Development Standards 111

Section 5.06. Old Town Overlay District Development Standards 111

5.06.010. Base Zoning Districts 111
5.06.020. Use 112

5.06.030. Parking 112
5.06.040. Building Design 112
5.06.050. Building Height 112
5.06.060. Signs 112
5.06.070. Setbacks 112
5.06.080. Floor-to-Area Ratio 112
5.06.090. Tree Preservation, Landscaping, and Fencing 112

~~4.08.09.~~ Section 5.07. Standards Specific to Designated Historic Districts ....~~143~~112

~~4.08.10.~~ Section 5.08. Standards Specific to Historic Landmark Designation ....~~144~~113

~~Section 4.09. Mixed Use District145~~Section 5.09. Alternative Parking Plans in a Historic Overlay District 113

~~4.09.01. Intent ....145~~
~~4.09.02. General Provisions ....146~~
~~4.09.03. Organizing Framework ....150~~
~~4.09.04. The Regulating Plan ....165~~
~~4.09.05. Sub-District Standards ....175~~
~~4.09.06. Streets and Blocks ....196~~
~~4.09.07. Parking ....205~~
~~4.09.08. Architectural Requirements ....210~~
~~4.09.09. Landscaping ....216~~
~~4.09.10. Signage and Graphics ....218~~

~~Section 4.10. Courthouse View Protection Overlay District ....224~~
~~4.10.01. Purpose and Intent ....224~~
~~4.10.02. Applicability ....225~~
~~4.10.03. Maximum Height Determination Required ....226~~
~~4.10.04. Courthouse View Determination ....228~~
~~4.10.05. Courthouse View Corridor Waiver ....228~~

~~Section 4.11. Gateway Overlay District ....228~~
~~4.11.02. Applicability ....229~~
~~4.11.03. Gateway Corridors ....229~~
~~4.11.04. Gateway Design Standards ....231~~

~~Chapter 5. Downtown and Old Town Code (New Chapter) ....233~~

~~Section 5.01. Purpose ....233~~
~~Section 5.02. Applicability of Historic Overlay District Standards ....233~~
~~Section 5.03. Components of the Code ....234~~
~~Section 5.04. Established Historic Overlay Districts ....234~~
~~5.04.01. Historic Overlay Districts Established ....234~~

Section 5.05. General Development Standards for Historic Overlay Districts 236
5.05.01. Use of Historic District Design Guidelines. 236
5.05.02. Certificate of Appropriateness Required 236
5.05.03. General Guidelines Applicable to All Historic Overlay Districts 236
Section 5.06. Downtown Overlay District 237
5.06.01. Base Zoning District 237
5.06.02. Use 238
5.06.03. Parking 238
5.06.04. Alternative Parking Plans in a Historic Overlay District 239
5.06.05. Lot Size and Coverage 241
5.06.06. Building Design 241
5.06.07. Subdistricts - Downtown Overlay District 241
5.06.08. Signs 243
5.06.09. Streets and Sidewalks 243
5.06.10. Tree Preservation, Landscaping, and Fencing 243
5.06.11. Specific Exemptions to Development Standards 243
Section 5.07. Old Town Overlay District 243
5.07.01. Base Zoning Districts 244
5.07.02. Use 244
5.07.03. Parking 244
5.07.04. Signs 244
5.07.05. Building Design 244
5.07.06. Building Height. 244
5.07.07. Setbacks. 244
5.07.08. Tree Preservation, Landscaping, and Fencing 244
Section 5.108. Development Review Process 245114
Section 5.095.11. Certificate of Appropriateness 245115
5.09.015.11.010. Applicability 245115
5.09.025.11.020. Certificate of Appropriateness—Administrative Approval 1251
5.09.035.11.030. Certificate of Appropriateness—HARC Approval 1252
5.09.045.11.040. Relocation, Removal or Demolition Prior Toto Approval of a Certificate of Appropriateness 1257
5.09.055.11.050. Certificate and Compliance Inspections 258127
5.09.065.11.060. Limits on Resubmission 1258

5.09.075.11.070. Expiration 259128

5.09.085.11.080. Appeals 259128

Chapter 6. Zoning Use Regulations (Chapter 5) 261130

SECTIONSection 6.01. Zoning Uses 261130

6.01.010. General 261130

6.01.020. Zoning Use Classifications 261130

6.01.030. Determination of Unlisted Uses 265132

SECTIONSection 6.02. Use Tables 267134

6.02.010. Residential Uses and Standards 267134

6.02.02. Civic Uses 268

6.02.03. Transportation and Utility Uses 270

6.02.04. Commercial Uses 270

6.02.05. Industrial Uses 274

6.02.06. Agricultural and Related Uses 276

SECTION 6.03. Limited Use Standards 277

6.03.01.6.02.020. Residential Use Civic Uses and Standards 277139

6.03.02. Civic Use Standards 283

6.03.036.02.030. Transportation and Utility Uses and Standards 284142

6.03.046.02.040. Commercial Uses and Standards 285143

6.03.056.02.050. Industrial Uses and Standards 300157

6.03.066.02.060. Agricultural and Related Uses and Standards 302160

6.02.070. Temporary Uses and Standards 160

6.02.080. Outdoor Display and Storage Uses and Standards 165

Section 6.043. Wireless Transmission Facilities 303168

6.04.016.03.010. Locational Regulations 303168

6.04.026.03.020. Mounting Standards 303168

6.04.036.03.030. Collocation 304169

6.04.046.03.040. Setback Requirements 304169
6.04.056.03.050. Fencing Requirements 305170
6.04.066.03.060. Maintenance and Inspection 306170
6.04.076.03.070. Radio Frequency Standards 306170
6.04.086.03.080. Specific Development Standards 307171
6.04.096.03.090. Submittal Requirements 308172
6.04.106.03.100. Notice Requirements 310173
6.04.116.03.110. Permitted Hours for Construction 311174
6.04.126.03.120. Permit Limitations 311174
6.04.136.03.130. Effective Date and Effect on Pre-Existing and Permitted WTFs 311174

Chapter 7. Residential Development Standards (Chapter 6) 313175

Section 7.01. General 313175
7.01.010. Authority 313175
7.01.020. Purpose and Intent 313175
7.01.030. Applicability 313175

Section 7.02. Development Standards 313175
7.02.010. General 313175
7.02.020. AG Agriculture District 315177
7.02.030. RE Residential Estate District 3179
7.02.040. RT Residential Traditional District 3180
7.02.050. RS Residential Suburban District 320181
7.02.060. RM Residential Mix District 327186
7.02.070. MF-1 Medium Density Multifamily Residential District 332195
7.02.080. MF-2 High Density Multifamily Residential District 337204
7.02.090. MH Manufactured Housing District 340207

Section 7.03. Mixed Use 344

Section 7.043. Dimensional Interpretations and Exceptions 344211
7.04.017.03.010. Lot Exceptions 344211

7.04.027.03.020. Setbacks 345211
7.04.037.03.030. Conflicts 349214
7.04.047.03.040. Building Height 349214

Section 7.054. Accessory Structures, Garages and Carports 349215

7.05.017.04.010. Accessory Structures, Garages and Carports 349215

Section 7.065. Common Amenity Area 350215

7.06.017.05.010. Applicability 350215
7.06.027.05.020. Common Amenity Area Requirements 350215

Section 7.076. Special Development Types 352217

7.07.017.06.010. Conservation Subdivision Development 352217
7.07.02. Housing Diversity Development 352
7.07.03. Multi-Lot Unified Development 355
7.07.047.06.020. Workforce Housing Development 356217

Chapter 8. Non-Residential Development Standards (Chapter 7) 359219

Section 8.01. General 359219

8.01.010. Authority 359219
8.01.020. Purpose and Intent 359219
8.01.030. Applicability 359219

Section 8.02. Development Standards 361220

8.02.010. General 361220
8.02.020. CN Neighborhood Commercial District 362221
8.02.030. C-1 Local Commercial District 364223
8.02.040. C-2 Regional Commercial District 366225
8.02.050. PF Public Facilities District 368227
8.02.060. I-1 Flex Industrial District 370229
8.02.070. I-2 Intensive Industrial District 372231

Section 8.03. Dimensional Interpretations and Exceptions 374233

8.03.010. Minimum Lot Size and Width Exceptions 374233
8.03.020. Setbacks Generally 374233
8.03.030. Setback Reductions and Exceptions 374233

8.03.040. Building Height 377234
8.03.04. 377
8.03.050. Multi-Lot Unified Development 377235
8.03.060. Height Limitation for Residential Adjacency 378236
8.03.070. Conflicts 378236
Section 8.04. Building Design Standards 380237
8.04.010. General 380237
8.04.020. Structures Exempt from Building Design Standards 380237
8.04.030. Foundation Requirements 380237
8.04.040. Building Elements 381237
8.04.050. Building Articulation and Architectural Features 383239
8.04.060. Architectural Compatibility 385240
8.04.070. Alternative Building Design 385241
8.04.080. Industrial Design Standards 386241
Section 8.05. Lighting Standards 388243
8.05.010. Lighting 388243
Section 8.06. Non-Residential Enhanced Quality Incentives 391
8.06.01. General 391
8.06.02. Non-Residential High-Quality Design Elements 391

Chapter 9. Landscaping and Fencing (Chapter 8) 397245
Section 9.01. General 397245
9.01.010. Purpose 397245
9.01.020. Authority 397245
9.01.030. Applicability 397245
9.01.040. Essential Terms Defined 399245
9.01.050. Unified Development Code Development Manual 400247
Section 9.02. Residential Landscaping 411247
9.02.010. Applicability 411247
9.02.020. Shade Tree Requirement 411247
9.02.030. Residential Groundcover 411247
Section 9.03. Non-Residential and Multi-Ffamily Landscape Requirements 411248
9.03.010. Applicability 411248
9.03.020. Landscape Tree Credits 412248
9.03.030. Alternative Exception 412248
9.03.040. Street Yard Landscaping 413249
9.03.050. Parking Lot Landscaping 414250
9.03.060. Gateway Overlay District Landscaping 415251
9.03.070. Bufferyards 416252

9.03.080. Screening 420254

Section 9.04. Review and Approval Process 423256

9.04.01. Residential Review 423

9.04.0210. Non-Residential Landscape Review 4256

9.04.0320. Inspection and Approval of Installation 428257

9.04.0430. Postponement of Installation of Required Landscaping 429257

9.04.0540. Alternative Landscape Standards 429257

Section 9.05. Plant Selection, Installation, and Maintenance 429258

9.05.010. General 429258

9.05.020. Plant Materials and Size Requirements 430258

9.05.030. Installation Requirements 433260

9.05.040. Maintenance Requirements 435262

9.05.050. Irrigation Requirements 436263

9.05.060. Removal of Required Landscape Trees, Shrubs and Turf 437263

9.05.070. Street Trees 438264

Section 9.06. Fence Standards 438264

9.06.010. Purpose 438264

9.06.020. Permit Required 439265

9.06.030. General Requirements 439265

9.06.040. Residential Fences 441266

9.06.050. Apartment Fences 443267

9.06.060. Residential Boundary Walls 443268

9.06.070. Non-Residential Fences 444268

9.06.080. Alternative Fences 445269

9.06.090. Fences Required by Particular Zoning Uses 446270

Chapter 10. Tree Preservation (New Chapter) 448271

Section 10.01. General 448271

10.01.010. Purpose 448271

10.01.020. Authority 271

10.01.0230. Applicability 448271

10.01.03. Exceptions 449

10.01.040. Essential Terms Defined 450271

10.01.050. Unified Development Code Development Manual. 453273

Section 10.02. Tree Preservation Standards 453273

10.02.010. Applicability 453273

10.02.020. General Standards Tree Preservation Incentives and Priorities 453274

10.02.030. Heritage Treesand Protected Tree Removal 454274
10.02.04. Protected Trees 455
10.02.040. Tree Retention Standards 275
Section 10.03. ..... 10.02.050. Tree Mitigation 455276
10.03.01. General Standards 455
10.03.02. Mitigation by On-Site Credit Trees 456
10.03.03. Mitigation by Planting On-Site Replacement Trees 458
10.03.04. Mitigation by Soil Aeration and Supplemental Nutrients or Other Supplemental Treatment 458
10.03.05. Cost of Tree Infrastructure 459
10.03.06. Mitigation by Payment 459
Section 10.03. Review and Approval Process 280
Section 10.04. ..... 10.03.010. Tree Preservation Permitting 459280
10.04.01. General 460
10.04.02. Tree Survey and Preservation Plan 461
10.04.03. Tree Inventory 461
10.04.04. Tree Schedule 461
10.04.05. Critical Root Zone (CRZ) Protection Plan, If Applicable 461
10.04.06. Mitigation Plan 461
10.04.07. Residential Building Permit Review- Landscape Plan 462

Chapter 11. ..... Off-Street Parking, Circulation, and Loading (Chapter 9) 463282

Section 11.01. General 463282
11.01.010. Authority 463282
11.01.020. Purpose 463282
11.01.030. Applicability 463282
11.01.040. Timing of Installation 463282
Section 11.02. Parking Requirements 463282
11.02.010. Minimum Requirements 463282
11.02.020. Parking Surface 464282
11.02.030. Parking Exceeding Minimum Requirements 464283
11.02.040. Off-Street Parking Requirements 464283
11.02.050. Rules for Computing Requirements 467285
Sections 9.02.050, 9.02.060. Reserved 468
Section 11.03. Parking Space and Parking Lot Design 468286
11.03.010. Location of Required Parking 468286
11.03.020. Parking Space and Parking Lot Design 469286
11.03.030. Sub-Lots and Pedestrianways Accessways 471289

11.03.040. Pedestrian Circulation 471289

Section 11.04. Vehicle Stacking Areas 472

11.04.01. Minimum Number of Spaces 472

11.04.02. Design and Layout 473

Section 11.05. Off-Street Loading 474

Section 11.06. Bicycle Parking 474

Section 11.07. Pedestrian and Bicycle Mobility 476

11.07.01. General 476

Section 11.084. Alternative Parking Plans 477290

11.08.011 11.04.010. Alternative Plans 477290

11.08.02 11.04.020. Alternative Parking Plans in a Historic Overlay District 482293

Section 11.045. Vehicle Stacking Areas 294

11.05.010. Minimum Number of Spaces 294

11.05.020. Design and Layout 294

Section 11.056. Off-Street Loading 295

11.06.010. No Use of Public Right-of-Way 295

11.06.020. Location 295

11.06.030. Space Size 295

Section 11.067. Bicycle Parking 295

11.07.010. Purpose 295

11.07.020. Vehicular Parking Substitution 296

11.07.030. Bicycle Parking Facilities – Minimum Requirements 296

11.07.040. Location Requirements 296

Chapter 12. Sign Standards (Chapter 10) 485297

Section 12.01. General 485297

12.01.010. Authority 485297

12.01.020. Purpose and Objectives 485297

12.01.030. Applicability and Effect 485297

12.01.040. Applicable Regulations in Extraterritorial Jurisdiction 486297

12.01.050. Master Sign Plan 486298

12.01.060. Nonconforming Sign Standards 486298

12.01.070. Abandoned and Unsafe Signs 486298

12.01.080. Alternative Sign Plan 487298

Section 12.02. Summary of Permitted Signs 488299

Section 12.03. Exempt Signs 489299
Section 12.04. Prohibited Sign Types 489300
Section 12.05. Sign Design and Area Regulations 491300
12.05.010. Sign Dimensional Standards 491300
12.05.020. Sign Area Computation 498304
12.05.030. Design Requirements 498304
12.05.040. Sign Lighting Standards 505309
12.05.050. Electronic Message Centers 505309
12.05.060. Multi-Tenant Signs 506310
12.05.070. Subdivision Entry Signs 506310
Section 12.06. Temporary Signs 507311
12.06.010. General 507311
12.06.020. Temporary Signs on Private Property 508311
12.06.030. Temporary Signs on Public Property and Right-of-Way 509312
Section 12.07. Directional Signs in Residential Zoning Districts 510313
12.07.010. Erection and Maintenance of Directional Signs 510313
12.07.020. Regulation of Directional Signs 510313
12.07.030. Disposition of Funds 511313

Chapter 13. Drainage and Environmental Protection (Chapter 11) 513314

Section 13.01. General 513314
13.01.010. Purpose 513314
13.01.020. Authority 5314
13.01.030. Applicability 5314
13.01.040. Compliance 5314
Section 13.02. Impervious Cover 514315
13.02.010. Impervious Cover Limitation 514315
13.02.020. Waiver of Impervious Cover Limitations 519318
Section 13.03. Pollutant Attenuation Plans 522319
13.03.010. Industrial Uses 522319
Section 13.04. Stormwater Management System Requirements 522320
13.04.010. General Requirements 523320
13.04.020. Basic Design Objectives 523320
13.04.030. General Design Requirements 524321
13.04.040. Building Permits and Utility Connections 527323
13.04.050. Drainage Easements 528323
~~13.04.06. Steep Slopes and Cuts and Fills ..... 529~~

Section 13.05. Reserved 530

Section 13.065. Open Space Subdivisions 530324

13.06.01 13.05.010. Applicability 530324

13.06.02 13.05.020. Open Space Requirements 531324

13.06.03 13.05.030. Conservation Lot Development Standards 537326

Section 13.076. Edwards Aquifer Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone 540328

13.07.01 13.06.010. Applicability 541328

13.06.020. Definitions 328

13.07.02 13.06.030. Spring Buffer and Stream Buffer Protection 542330

13.07.03 13.06.040. Water Quality Best Management Practices 545332

13.07.04 13.06.050. Geologic Assessment 546332

13.07.05 13.06.060. Acknowledgement Form 546333

13.07.06 13.06.070. Water Quality Management Plan 547334

13.07.07 13.06.080. Williamson County Conservation Foundation Adaptive Management Working Group 547334

Chapter 14. Pedestrian and Vehicle Circulation (Chapter 12) 549335

Section 14.01. General 549335

14.01.010. Purpose 549335

14.01.020. Authority 549335

14.01.030. Applicability 549335

14.01.040. Subdivision Waiver 549335

Section 14.02. Future Mobility Plan Thoroughfares 550335

14.02.010. General Future Mobility Plan Goals 550335

14.02.020. General 336

14.02.0230. Developer Responsibilities 550336

14.02.0340. Future Mobility Plan 551337

Section 14.03. Local and Neighborhood Streets 553338

14.03.010. Developer Responsibilities 553338

14.03.020. Public and Private Streets ..... ~~553~~338
14.03.030. Local and Neighborhood Streets ..... ~~554~~338

Section 14.04. Alternative Streets ..... ~~556~~340
14.04.010. Residential Rural Estate Streets ..... ~~556~~340
14.04.020. Local Street—Street Tree Alternative ..... ~~556~~340
14.04.030. Downtown Overlay District Streets ..... ~~556~~340

Section 14.05. Subdivision and Street Design ..... ~~558~~341
14.05.010. Street Network Connections ..... ~~558~~341
14.05.020. Streets and Blocks ..... ~~560~~343
14.05.030. Inter-Parcel Connectivity ..... ~~562~~344
14.05.040. Exceptions ..... ~~562~~345

Section 14.06. Design and Technical Standards ..... ~~563~~345
14.06.010. Street Curves and Geometry ..... ~~564~~345
14.06.020. Intersection Alignment ..... ~~565~~346
14.06.030. Turning Radius ..... ~~565~~346
14.06.040. Intersection Visibility and Sight Triangle ..... ~~565~~348
14.06.050. Mailbox Kiosks ..... ~~568~~350
14.06.060. Construction Entrances ..... ~~568~~350
14.06.070. Street Naming ..... ~~568~~350
~~14.06.08. Traffic Calming ..... 568~~
14.06.0~~9~~80. Deceleration and Left-Turn Lanes ..... ~~569~~350
14.06.~~1~~090. School Zone ..... ~~569~~351
14.06.1~~1~~00. Minimum Road Standards ..... ~~570~~351

Section 14.07. Pedestrian and Bicycle Mobility ..... ~~571~~352
14.07.010. General ..... ~~571~~352

Section 14.08. Driveway Standards ..... ~~573~~354
14.08.010. Residential Driveways ..... ~~573~~354
14.08.020. Non-Residential Driveways ..... 35~~7~~4

Section 14.09. Traffic Impact Analysis ..... 35~~7~~6
14.09.010. Purpose ..... 35~~7~~6
14.09.020. Applicability ..... 35~~7~~6
14.09.030. Traffic Impact Analysis ..... 35~~7~~6

Chapter 15. Infrastructure and Public Improvements ~~(Chapter 13)~~ ~~584~~361

Section 15.01. General ..... ~~584~~361
15.01.010. Applicability ..... ~~584~~361
15.01.020. Public Improvements ..... ~~584~~361
15.01.030. Public Improvement Exemptions ..... ~~585~~361

Section 15.02. Public Improvement Requirements ~~586~~362

15.02.010. Developer Responsibilities ~~586~~362

15.02.020. Continuity of Improvements ~~586~~362

15.02.030. Inspection of Improvements ~~586~~362

15.02.040. Acceptance and Maintenance of Improvements ~~586~~363

15.02.050. Provision of Utilities ~~587~~363

Section 15.03. Utility Easements ~~587~~363

Section 15.04. Public Water Standards ~~588~~364

Section 15.05. Public Wastewater Standards ~~589~~364

Section 15.06. Electric And Communication Standards ~~590~~365

Section 15.07. Master Plan Infrastructure ~~591~~366

Section 15.08. Parkland ~~592~~367

15.08.010. Purpose ~~592~~367

15.08.020. Applicability ~~592~~367

15.08.030. Requirements for Parkland Dedication ~~593~~367

15.08.040. Location, Site and Development Standards for Public Parkland ~~595~~370

15.08.050. Method of Dedicating Parkland ~~597~~371

15.08.060. Park Fund Established ~~598~~371

Section 15.09. Subdivision Improvement Guarantee ~~599~~373

Section 15.10. Creation of Special Purpose Districts ~~600~~373

15.10.010. Municipal Utility District (MUD), Water Control and Improvement District (WCID) or Fresh Water Supply District (FWSD) ~~600~~373

~~15.10.02. Public Improvement District (PID) – Reserved 605~~

Chapter 16. Nonconformities ~~(Chapter 14)~~ ~~607~~378

Section 16.01. General ~~607~~378

16.01.010. Purpose ~~607~~378

16.01.020. Authority ~~607~~378

16.01.030. Applicability ~~607~~378

16.01.040. Nonconforming Status ~~607~~378

16.01.050. ~~Exemptions~~ Effect of Acquisition of Right-of-Way ~~610~~379

16.01.060. Abandonment of a Nonconforming Situation ~~611~~379

16.01.070. Variance Not Precluded ~~613~~381

~~16.01.07. Termination of Nonconforming Situation 613~~

Section 16.02. Nonconforming Uses ~~613~~381

16.02.010. Nonconforming Uses Generally ~~613~~381

16.02.020. Elimination of Nonconforming Use Status ..... ~~614~~381
16.02.030. Change of Use ..... ~~614~~382
16.02.040. Abandonment of Nonconforming Use ..... ~~615~~382
16.02.050. Expansion of a Nonconforming Use ..... ~~615~~382
16.02.060. Destruction or Damage of Structure Housing Nonconforming Use ..... ~~615~~383
16.02.070. Nonconforming Telecommunications Towers ..... ~~616~~383

Section 16.03. Nonconforming Lots ..... ~~616~~383

16.03.010. Nonconforming Lots Generally ..... ~~616~~383
16.03.020. Use of a Nonconforming Lot ..... ~~616~~383
16.03.030. Elimination of Nonconforming Lot Status ..... ~~617~~383
16.03.040. New Division ..... ~~617~~383

Section 16.04. Nonconforming Structures ..... ~~617~~384

16.04.010. Nonconforming Structures Generally ..... ~~617~~384
16.04.020. Elimination of Nonconforming Structure Status ..... ~~617~~384
16.04.030. Repair and Maintenance ..... ~~617~~384
16.04.040. Unsafe Situations ..... ~~618~~384
16.04.050. Abandonment of a Nonconforming Structure ..... ~~618~~384
16.04.060. Interior Alterations to a Nonconforming Structure ..... ~~618~~385
16.04.070. Movement of a Nonconforming Structure ..... ~~618~~385
16.04.080. Expansion of a Nonconforming Structure ..... ~~618~~385
16.04.090. Destruction or Damage of a Nonconforming Structure ..... ~~619~~385

Section 16.05. Nonconforming Sites ..... ~~620~~386

16.05.010. Nonconforming Sites Generally ..... ~~620~~386
16.05.020. Elimination of Nonconforming Site Status ..... ~~620~~386
16.05.030. Repair and Maintenance ..... ~~620~~386
16.05.040. Change in Tenant of a Legal Nonconforming Site ..... ~~621~~387
16.05.050. Abandonment of a Nonconforming Site ..... ~~622~~388
16.05.060. Process for Review of Required Improvements ..... ~~623~~388
16.05.070. Postponement of Required Improvements ..... ~~624~~388
16.05.080. Expansion of a Nonconforming Site ..... ~~624~~388

Section 16.06. Nonconforming Signs ..... ~~625~~389

16.06.010. Nonconforming Signs Generally ..... ~~625~~389
16.06.020. Elimination of Nonconforming Sign Status ..... ~~625~~389
16.06.030. Repair and Maintenance ..... ~~625~~389
16.06.040. Abandonment of a Nonconforming Sign ..... ~~625~~390
16.06.050. Alterations to a Nonconforming Sign ..... ~~625~~390
16.06.060. Destruction or Damage of a Nonconforming Sign ..... ~~625~~390
16.06.070. Immediate Termination of Nonconforming Signs ..... ~~626~~390

Chapter 17. Enforcement (Chapter 15) 627391

Section 17.01. Administration 627391

17.01.010. General 627391

Section 17.02. Compliance Required 627391

17.02.010. General 627391

17.02.020. Certificates of Occupancy 627391

17.02.030. Demolition by Neglect 628392

Section 17.03. Enforcement 629393

17.03.010. Stop Work Orders 629393

17.03.020. Notice of Intent to Suspend or Revoke 629393

17.03.030. Penalties 630393

17.03.040. Other Remedies 630394

17.03.05. Cumulative Remedies 631

Chapter 18. Definitions (Chapter 16) 632395

Section 18.01. General 632395

18.01.010. Purpose 632395

18.01.020. Word Usage 632395

Section 18.02. General Definitions 632395

18.02.010. Terms Defined: A-D 632395

18.02.020. Terms Defined: E-K 642411

18.02.030. Terms Defined: L-O 647422

18.02.040. Terms Defined: P-S 653432

18.02.050. Terms Defined: T-Z 666450

Section 18.03. Land Use Definitions 671

18.03.01. Residential Uses 671

18.03.02. Civic Uses 673

18.03.03. Transportation and Utility Uses 676

18.03.04. Commercial Uses 677

18.03.05. Industrial Uses 686

18.03.06. Agricultural Uses 688

Chapter 19. Heading 1 (DO NOT DELETE) 703

Section 19.01. Heading 2 703

19.01.01. Heading 3 703

Chapter 1. General Provisions (Chapter 1)

Section 1.01. Short Title

This Ordinance is hereby officially known and cited as the Unified Development Code of the City of Georgetown, Texas. References to "this Code," or "this UDC" shall be interpreted as references to this Unified Development Code. In the interpretation of provisions in this Code, certain terms and words are defined in Chapter 16Chapter 18 or, if not, resort to their customary usage and meaning.

1.01.010. 1.01.01.Usage of Terms

A. For the purposes of using this Code, words used or defined in one tense or form shall include other tenses and derivative forms, words in the singular number shall include the plural number and words in the plural number shall include the singular number.

B. The following terms contained in this Code shall be defined as follows:

1. The words “must,” “will,” "shall,” and “may not” are mandatory.
2. The words "may" isand “should” are permissive, not mandatory or required.
3. The word “City” means the City of Georgetown, Texas.

C. In the case of any difference of meaning or implication between the text of this Code and any caption, number, illustration or table, the text shall control, unless otherwise specifically noted herein.

1.01.020. 1.01.02.How to Use This Code

A. If you need to subdivide or plat your land:

Whether you live inside or outside the city limits, you may not develop or disturb your land (see Section 16.02Section 18.02 for definition of "land disturbance") until you have properlyunless your land has legal lot status. If it is not, you will need to subdivided or plattted your parcel. The procedures that you will need to follow are described in Section 3.15Section 3.15.

B. If you want to build or establish a particular use on your property:

1. **Step One:** You should first determine what kind of use you desire to establish. You can usually determine the use by referencing the use categories and specific uses found in Chapter 5Chapter 6. Refer to the definitions of the specific uses in Chapter 5Chapter 18 to help you determine the use that best describes what you want to establish.
2. **Step Two:** You should next determine the zZoning dDistrict (and any oOverlay dDistricts) that appliesy to your property. The oOfficial zZoning mMap, available at the Planning and Development OfficeDepartment, depicts the zoning designation for every parcel of land in the Ccity limits of Georgetown. If your property is not inwithin the Ccity limits, no zoning designations or zoning requirements apply, but some development standards and requirements do apply. Read **Section** 3.01.0203.01.020 to identify which applications or permits you must acquire before you build.
3. **Step Three:** For properties in the Ccity limits, locate the use tables in Chapter 5Chapter 6. Find the row that lists the specific use you are interested in. Match this row to your zZoning dDistrict designation (across the top of the table) to determine whether the use you want to establish is permitted in the dDistrict.

4. **Step Four:** If your use is permitted, you must get the appropriate applications approved (see Chapter 3Chapter 3) and comply with the applicable development standards of this Code before building the structure or establishing the use.

These requirements are intended to help you and the City ensure that your project is legally established and that it matches the development vision that the City of Georgetown, as a community, desires.

C. If you own or lease property and want to know what rules apply:

Follow sSteps tTwo through fFour above, to identify your zZoning dDistrict and the permitted uses. You can find the specific details for the uses in your zZoning dDistrict in Chapter 5Chapter 6 and the definitions found in Chapter 16in Chapter 18. You can also find the various development standards that apply to your property in Chapters 6Chapter 7 through 12Chapter 14.

D. If you want to change your Zoning District:

Only the City Council may rezone property, following public notice and hearings at meetings of the Planning and Zoning Commission and the City Council. See Section 3.03Section 3.03 for public notice requirements and Section 3.06Section 3.07 for Rrezoning requirements.

1.01.030. 1.01.03.Purpose and Intent

This Unified Development Code is adopted for the purpose of promoting the public health, safety, and general welfare of the present and future citizens of the City of Georgetown and promoting the safe, orderly, and healthful development of the City of Georgetown. The City of Georgetown's Comprehensive Plan is the fundamental guide to all decisions made under this Code. In order to implement the broad goals of the plan, this Code regulates land development in order to achieve objectives of the plan that include, but are not limited to, the following:

A. Lessen congestion in the streets;

B. Secure safety from fire, panic, and other dangers;

C. Promote health and general welfare;

D. Provide adequate light and air;

E. Prevent the overcrowding of land;

F. Avoid concentration of population;

G. Promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;

H. Protect the character and the established pattern of desirable development in each area;

I. Prevent or minimize land use incompatibilities and conflicts among different land uses;

J. Facilitate adequate provision of transportation, water, sewerage, parks, and other public requirements;

K. Facilitate erosion protection and water pollution management by reducing stormwater runoff;

L. Maintain property values by stabilizing expectations and ensuring predictability in development; and

M. Establish a process that effectively and fairly applies the regulations and standards of this Code and respects the rights of property owners and the interests of citizens.

Section 1.02. Authority

This Unified Development Code is adopted under authority of the constitution and laws of the State of Texas, including particularly Texas Local Government Code cChapters 211, 212, 216, and 242, and pursuant to the provisions of the Charter of the City of Georgetown, Texas.

Section 1.03. Applicability

A. So long as land or structures or any portion thereof~~,~~ continue to be used for the purpose and in the manner authorized by a permit or approval, no person, including a successor or assign of the person who obtained the permit or approval, may use the land or structure except in accordance with all the terms, conditions, and requirements of the permit or approval.

B. If a new project is begun, the requirements of this Unified Development Code shall apply. The City shall determine whether a new project has begun using the principles set forth in Texas Local Government Code ~~c~~Chapter 245.

C. Any plat that has development standards (to include, but not limited to, impervious cover or setbacks), that are in conflict with the standards of this Code, shall be subject to the development standards noted on the plat and none other shall apply.

~~D. All RP, Residential Planned Zoning Districts approved prior to the effective date of this Code that have not submitted a complete application for a Preliminary Plat or a Site Plan are obsolete and are hereby repealed on the effective date of this Code. However, the RP, Residential Planned Zoning Districts listed below may continue as a legal conforming use provided however, the zoning designation shall be renamed from RP, Residential Planned to PUD, Planned Unit Development. In addition, any of the projects listed below which have approved preliminary plans or Site Plans shall be allowed to continue to seek development permits under the ordinances, rules, and regulations existing prior to the effective date of this Code, including, but not limited to (i) development standards, and (ii) variances duly approved for each of said Residential Planned Zoning Districts.~~

~~1. Katy Crossing.~~

~~2. Sun City Georgetown.~~

~~3. Georgetown Village.~~

~~4. Village of River Bend.~~

~~5. Parkview Place Apartments.~~

~~6. University Park.~~

~~7. Morrow Addition.~~

~~8. College Place Condominiums.~~

~~9. Dalrymple Addition.~~

~~10. Cody Addition.~~

~~11. Southwestern University.~~

~~12. 401 West University Avenue (S.H. 29).~~

~~13. Wesley Subdivision.~~

~~14. Snyder Addition.~~

~~15. Dimmitt Addition.~~

~~16. Lost Addition.~~

~~17. Georgetown Municipal Airport~~

~~E. The requirements of this section do not constitute the waiving of any rights the City may have pursuant to Texas Local Government Code chapter 245.~~

Section 1.04. Transitional Provisions

1.04.010. 1.04.01.Applications Submitted Before the Effective Date

A. Complete applications that are pending approval before the effective date of this Unified Development Code may be reviewed and approved in accordance with the regulations in effect before this Code was adopted.

B. An applicant may elect at any time to use this Code in place of previously applicable regulations, provided this Code shall then be applied in its entirety to such a project.to request a determination on a project's or permit's vested rights under **Section 1.04.040** to formalize the regulations that will apply to the project or permit.

1.04.020. 1.04.02.Violations Continue

Any violation of the previous zoning, sign, or subdivision regulations of the City shall continue to be a violation under this Code and shall be subject to penalties and enforcement under **Chapter 15, Enforcement**Chapter 17. Enforcement, unless the use, development, construction, or other activity is consistent with the express terms of this Code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this Code.

1.04.030. 1.04.03.Dormant Projects

Any permit (as defined by Texas Local Government Code § 245.001) that is dormant according to the provisions of Texas Local Government Code § 245.005 shall expire May 11, 2004.

1.04.04. Legal Nonconforming Uses Under the Zoning OrdinanceUnless otherwise provided in the UDC, an individual permit (as that term is defined in the Texas Local Government Code Sec. 245.001) shall expire two years after the date the permit was issued if no progress has been made toward completion of the project, as defterminedbyunder Texas Local Government Code §Sec. 245.0015(c). Any project (as defined in the Texas Local Government Code §Sec. 245.0051) shall expire five years after the date the first permit application was filed for the project if no progress has been made toward completion of the project, as determined under Texas Local Government Code Sec. 245.005(c).

1.04.040. Vested Rights Petition

Any legal nonconformity under the previous zoning regulations shall also be a legal nonconformity under this UDC, as long as the situation that resulted in the nonconforming status under the previous zoning regulations continues to exist. If a nonconformity under the previous ordinances and regulations becomes conforming because of the adoption of this Code, then the situation shall no longer be treated as a nonconformity. See **Chapter 14** for specific regulations for nonconformities.

A property owner, or the owner's duly authorized agent, who believes that a project is entitled to vested rights under Chapter 245 of the Texas Local Government Code may submit a written petition for a vested rights determination to the Director. The petition shall identify the property and the project, describe the permit application or plan for development that gives the City fair notice of the project, and specify each current regulation from which the petitioner seeks relief. The Director shall review the petition to determine whether approval of the permit is required to initiate, continue, or complete a project for which an original application was filed before the effective date of the regulation from which relief is sought. The Director shall issue a written determination granting the petition in whole or in part, or denying it, and stating the regulation that apply to the project. A determination under this section may not waive or modify a requirement except as authorized by Chapter 245 and is binding on the City and the petitioner for the direction of the project.

Section 1.05. Section 1.01.Jurisdiction

1.05.010. 1.01.01.Within City Limits

All provisions of this Unified Development Code shall apply to all land within the Ccity limits.

1.05.020. 1.01.02.Within the City's Extraterritorial Jurisdiction

As authorized by Texas Local Government Code cChapters 212 and 216, the City shall apply the applicable subdivision and sign provisions of this Code to the City's extraterritorial jurisdiction (ETJ).

Section 1.06. Section 1.02.Definitions

All definitions located in CHAPTER 16Chapter 18 of this Unified Development Code shall govern the interpretation of this Code. Any terms not defined shall be interpreted using RANDOM HOUSE Merriam-Webster's Unabridged Dictionary, subject to approval of interpretation by the Director of Planning AND DEVELOPMENT.

Section 1.07. Section 1.03.Minimum Requirements

A. In the interpretation and application, the provisions of this Code shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare.

B. Whenever the requirements of this Code are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards, as determined by the Director of Planning and Development shall govern.

C. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Code shall not relieve the recipient of such permit, certificate, or approval from the responsibility of complying with all other applicable requirements of any other City, state, or federal agency having jurisdiction over the structures or land uses for which the permit, certificate, or approval was issued.

Section 1.08. Section 1.04.Comprehensive Plan

It is intended that this Unified Development Code implements the City's planning policies as adopted as part of the City's Comprehensive Plan, as amended and periodically updated.

Section 1.09. Section 1.05.Effective Date

This Code shall become effective [Date to be inserted]November 1, 2026, and be in full force and effect in accordance with the City Charter.

Section 1.10. Section 1.06.Severability

Should any section or provision of this Unified Development Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1.11. ~~Section 1.07.~~UDC Development Manual

The UDC Development Manual contains technical and procedural requirements for the submittal of development applications, as well as application forms, checklists, calendars, and other materials to aid applicants in the preparation and submittal of applications. The UDC Development Manual may be amended from time to time by the Director, following posting of the proposed changes on the City's website and a 15-day public comment period.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2019-54 , § 3, 9-10-2019)*~~

Section 1.12. ~~Section 1.08.~~City Construction Specifications and Standards Manual

The City Construction Specifications and Standards Manual contain~~s~~ specifications, standards, and requirements for the construction of public improvements. The City Construction Specifications and Standards Manual may be amended from time to time by the City's Development Engineer, following public notice and a 30-day public comment period.

~~*(Ord. No. 2019-54 , § 3, 9-10-2019)*~~

Section 1.13. ~~Section 1.09.~~Drainage Criteria Manual

The Drainage Criteria Manual establishes drainage design procedures and standards for stormwater management systems within the jurisdiction of the City of Georgetown. The Drainage Criteria Manual may be amended from time to time by the City's Development Engineer, following public notice and a 30-day public comment period.

~~*(Ord. No. 2019-54 , § 3, 9-10-2019)*~~

Section 1.14. ~~Section 1.10.~~Historic District Design Guidelines

The Historic District Design Guidelines adopted on July 27, 2021, and on file with the City Secretary, are hereby incorporated into this Code by reference, as if set forth in full. The Historic District Design Guidelines establish policies to guide improvements to properties and work within the Downtown Overlay District and Old Town Overlay District, as well as improvements to Historic Landmarks anywhere within the city limits.

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2021-53 , § 4(Exh. C), 7-27-2021)*~~

~~*Editor's note(s)—Ord. No. 2021-53 , § 4(Exh. C), adopted July 27, 2021, changed the title of Section 1.14 from "Downtown and Old Town design guidelines" to "Historic district design guidelines". The historical notation has been preserved for reference purposes.*~~

Section 1.15. ~~Section 1.11.~~Traffic Calming Standards

The Traffic Calming Standards prepared by the Development Engineer ~~is~~are hereby adopted by reference as if set forth in full. The Traffic Calming Standards shall establish traffic calming requirements for new development applications, both within proposed development and any affected existing development within the City and ETJ. The Traffic Calming Standards may be amended from time to time by the Development Engineer, following public notice and a 30-day public comment period.

Section 1.16. ~~Section 1.12.~~Utility Improvement and Extension Policy

The Utility Improvement and Extension Policy contains specifications, standards, and requirements for projects that desire to connect to Georgetown ~~Utility Systems~~ infrastructure. The Utility Improvement and Extension Policy may be amended from time to time by ordinance.

~~*(Ord. No. 2019-54 , § 3, 9-10-2019)*~~

Section 1.17. ~~Section 1.13.~~Access Management Policy

The Access Management Policy contains specifications, standards, and requirements for properties that desire to connect to public streets, roadways, or rights-of-way in the city limits or the ETJ. The Access Management Policy may be amended from time to time by the City's Development Engineer, following public notice and a 30-day public comment period.

~~*(Ord. No. 2019-54 , § 3, 9-10-2019)*~~

Section 1.18. ~~Section 1.14.~~Municipal Utility District Policy

The Municipal Utility District Policy contains guidelines and requirements for properties that seek the City's consent to establish a municipal utility district within the city limits or the ETJ. The Municipal Utility District Policy may be amended from time to time by the City Manager, following public notice and a 30-day public comment period.

~~*(Ord. No. 2019-54 , § 3, 9-10-2019)*~~

Section 1.19. ~~Section 1.15.~~Parks Development Manual

The Parks Development Manual establishes design standards for the parks system within the jurisdiction of the City of Georgetown. The Parks Development Manual may be amended from time to time by the City's Parks and Recreation Director.

Section 1.20. ~~Section 1.16.~~Real Estate Policies

A. The City of Georgetown Real Estate Services group (“Real Estate”) is responsible for managing the City’s real estate activities, including:

   1. ~~A.~~The acquisition of real property rights for City infrastructure, such as roadways, utility lines, drainage improvements, trails, and sidewalks;
   2. ~~B.~~The acquisition of real property for parks and City facilities;
   3. ~~C.~~The abandonment, vacation, and sale of City rights-of-way and easements;
   4. ~~D.~~The sale of City property; and
   5. ~~E.~~The use of City property by others, including the City’s license to encroach program.

B. The Real Estate Policies dated November 18, 2022, and on file with the City Secretary (the "Policies"), are hereby adopted. The Policies may be amended from time to time by resolution, or by the City Manager with written notice to the City Council.

Section 1.21. Water and Wastewater Master Plan

The Water and Wastewater Master Plan establishes best practices for public education and outreach, hazardous waste education, construction-site stormwater runoff control, and pollution prevention in Georgetown through its Water and Wastewater Design Criteria contained therein. The Water Quality Management Plan may be amended from time to time by the City Council.

Section 1.22. ~~Section 1.17.~~Other Manuals or Regulations Adopted by the City

The City may adopt other technical manuals or policies in the future that are not listed in this Unified Development Code and are applicable to development within the ~~C~~city limits and ETJ.

Chapter 2. Review Authority ~~(Chapter 2)~~

Section 2.01. General

2.01.010. ~~2.01.01.~~Purpose

This chapter establishes review authority under this Unified Development Code. Specific requirements for each type of application or permit are described in ~~Chapter 3~~Chapter 3. The submittal contents of each application are set forth in the UDC Development Manual.

2.01.020. ~~2.01.02.~~Summary of Review Authority

The following table summarizes the decision-making authority of each review body for the City. Each body or official responsible for final action on an item shall be considered the final action authority for the purposes of this ~~c~~Code.

Table ~~2.01.02~~2.01.020-1. Summary of Review Authority

Application	Planning Director	Building Official	Development Engineer	Landscape Planner	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
R - Recommendation FA-Final Action Authority A - Appeal Authority < > - Public Hearing									
Abandonment									FA
Administrative Exception	FA						A*		A*
Administrative Plat (minor or amend plat)	FA							A	
Annexation									<FA>
Appeal of Administrative Decision							<FA>		
Artificial Turf	FA								
Certificate of Appropriateness (Administrative Approval)					FA	A			
Certificate of Appropriateness (HARC approval)						<FA>			A
Comprehensive Plan Amendment								<R>	<FA>
Construction Plans			FA					A	

Application	Planning Director	Building Official	Development Engineer	Landscape Planner	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
R - Recommendation	FA-Final Action Authority			A - Appeal Authority		< > - Public Hearing			
Courthouse View Height Determination	FA						A		
Courthouse View Waiver									<FA>
Development Agreement									<FA>
Driveway Access Permit			FA					A	
Easements									FA
Final Plat	FA							A	
HARC Exception (Building Height/Setback variations pursuant to ~~Section 4.08~~Chapter 5)						<FA>			A
Heritage Tree Protection Priority	FA								A
Heritage Tree Pruning Permit	A			FA					
Historic Landmark Designation						<R>			<FA>
Historic Overlay District Designation						<R>		<R>	<FA>
Historic Design Guidelines Amendments						<R>			<FA>
Historic Resource Survey Amendments						<R>			<FA>
License to Encroach			FA**						FA**
Master Sign Plan		FA					A		
Master Sign Plan in a ~~h~~Historic ~~o~~Overlay ~~d~~District					FA	A			
Preliminary Plat	FA							A	

Application	Planning Director	Building Official	Development Engineer	Landscape Planner	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
R - Recommendation		**FA-Final Action Authority**		**A - Appeal Authority**		**< > - Public Hearing**			
Rezoning (Zoning Map Amendment)								<R>	<FA>
Sign Permit		FA					A		
Site Development Plan	FA							A	
Special Exception							FA		
Special Use Permit								<R>	<FA>
Stormwater Permit			FA					A	
Subdivision Construction Plans			FA					A	
Subdivision Waiver								<FA>	A
Temporary Use Permit		FA					A		
Traffic Impact Analysis			FA						A
Tree Removal Permit				FA					A
UDC Text Amendment								<R>	<FA>
Zoning Variance							<FA>		

* Administrative Exceptions related to ~~Chapter 8~~**Chapter 9** and **Chapter 10** items are sent to the City Council, all others are appealed to ZBA.

** Licenses to Encroach that involve encroachments into a public street, roadway, sidewalk, or right-of-way require final approval by the City Council; all other requests are approved by the Development Engineer.

2.01.030. ~~2.01.03.~~Conformity with Development Regulations

Every official and employee with the City vested with the duty or authority to issue a permit, certificate, or license under this Code may not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Unified Development Code. Any permit, certificate, or license issued in conflict with the provisions of this Code is null and void.

Section 2.02. Administrative Officials

2.02.010. ~~2.02.01.~~Director of Planning

A. Appointment

The City Manager shall appoint a Director of Planning (Director) to be the administrator of this Unified Development Code.

B. Powers and Duties

The Director has the following powers and duties:

1. Final Action

The Director is responsible for taking final action on the applications and procedures as noted in the table in **Section 2.01.020**, subject to the specific criteria for each procedure as described in the Code.

2. Review and Report

The Director shall review and make either a report or recommendation to the Zoning Board of Adjustment, Planning and Zoning Commission, or City Council on the applications as noted in the table in **Section 2.01.020** of this Code, subject to the terms and conditions set forth for such procedures in this Code.

3. Additional Duties

The Director shall have the following additional duties:

a. To comply with any other duty or responsibility clearly assigned to the Director elsewhere in this Code;

b. To ensure conformance with all provisions of this Code;

c. To meet with potential applicants ~~in Pre-Application Conferences as described in this Code~~; and

d. To act and serve as staff for each review body appointed by this Code.

4. Delegation

The Director may delegate any duties to members of the Planning ~~and Development~~ Department staff. Such designation authorizes the staff member to act on the Director's behalf~~,~~ but does not relieve the Director of overall responsibility for any final action, report, recommendation, or additional duty described in this Code.

C. Compliance with Rules and Procedures

1. The Director shall comply with any specific procedures described in this Code.

2. The Director may develop a manual consisting of administrative rules, submittal requirements for all case types, or additional procedures to clarify implementation of this Code, providing that additional rules, requirements, or procedures do not violate any other provisions of this Code. The Director may include in the manual a submittal calendar specifying the dates on which the City will accept applications.

2.02.020. ~~2.02.02.~~Development Engineer

A. Designation

The City Manager shall appoint a Development Engineer to function as described in this Code. The Development Engineer must be an engineer licensed by the State of Texas. For the purposes of this Code, the Development Engineer is also designated as the Drainage Engineer.

B. Powers and Duties

The Development Engineer shall review and make reports to the Director or other final action authorities on all Site Plans and plats, and shall have final authority for approving applications as noted in **Section 2.01.020** of this Code, and as may otherwise be authorized by this Code.

C. Compliance with Rules and Procedures

1. The Development Engineer shall comply with any specific procedures or technical criteria described in this Code.
2. The Development Engineer shall develop additional procedures or technical criteria to clarify implementation of this Code, providing that additional procedures do not violate any other provisions of this Code.

2.02.030. ~~2.02.03.~~Building Official

A. Designation

In addition to the powers granted to the Building Official in Chapter 2.32 of the City Code of Ordinances, the City Manager shall designate the Building Official for the City of Georgetown to review and approve sign permits, certificates of occupancy, conditional certificates of occupancy, temporary certificates of occupancy, Temporary Use Permits, sign permits, and Master Sign Plans. This section does not restrict the powers and duties of the Building Official granted or assigned by other sections of the City's Code of Ordinances.

B. Powers and Duties

The Building Official shall be responsible for taking final action on certificates of occupancy, conditional certificates of occupancy, temporary certificates of occupancy, sign permits, Temporary Use Permits, and Master Sign Plans. See **Chapter 5** for additional regulations that apply to certain approvals in historic Districts.

C. Inspectors

The City's Building Inspectors are authorized designees of the Building Official.

D. Code Enforcement Officers

The City's Code Enforcement Officers are authorized designees of the Building Official.

~~*(Ord. No. 2023-44 , § 3(Exh. A), 8-22-2023)*~~

2.02.040. ~~2.02.04.~~Landscape Planner

A. Designation

The Director shall appoint a Landscape Planner to function as described in this Code. The Landscape Planner must be a ~~c~~Certified ~~a~~Arborist as recognized by the International Society of Arboriculture (ISA)~~.~~ or able to work toward the certification. ~~This designation~~Throughout this Code, any reference to an “Urban Forester” shall mean the Landscape Planner, and the powers and duties ~~herein,~~assigned to the Urban Forester shall apply to ~~all references to "Urban Forester" within this Code~~the Landscape Planner.

B. Powers and Duties

The duties of the Landscape Planner shall include, but are not limited to, the review and recommendation on ~~p~~Plats, Site Development Plans, and other development permits requiring compliance with applicable sections of ~~Chapter 9 , Tree Preservation~~**Chapter 9. Landscaping and Fencing** and **Chapter 10. Tree Preservation**, governing the placement, replacement, maintenance, and/or preservation of trees~~:~~, and~~,~~ providing recommendations on such to the relevant Final Action Authority in accordance with **Section 2.01.020** of this Code.

2.02.050. ~~2.02.05.~~Historic Preservation Officer

A. Designation

The Director may designate a Historic Preservation Officer to function as described in this Code.

B. Powers and Duties

The duties of the Historic Preservation Officer shall include, but are not limited to:

1. Providing review, report, and recommendation to the Historic and Architectural Review Commission (HARC) regarding Certificates of Appropriateness and any other provisions of this Code requiring action by HARC;
2. Reviewing and taking final action on Administrative Certificates of Appropriateness;
3. Reviewing and taking final action on Alternative Parking Plans in a Historic Overlay District; and
4. Coordinating local historic preservation efforts with the State Historic Preservation Office (SHPO), the National Park Service (NPS), and the Advisory Council on Historic Preservation (ACHP) in compliance with the National Historic Preservation Act of 1966, as amended, TAC Chapter 15.6, as amended, and any additional federal and state enabling legislation.

Section 2.03. Historic and Architectural Review Commission ~~(HARC)~~

2.03.010. ~~2.03.01.~~Powers and Duties

The Historic and Architectural Review Commission (HARC) has the following powers and duties as described in this Code:

A. Final Action

The HARC shall be responsible for hearing and taking final action on the following procedures described in this Code:

1. Certificate of Appropriateness;
2. HARC Exceptions on building height ~~and~~, setback, and floor-to-area-ratio (FAR) variations pursuant to ~~Section 4.08~~**Chapter 5** of this Code; and
3. ~~Hear and take final action on an a~~Appeal of an administrative Certificate of Appropriateness.

B. Review and Recommendation

The HARC shall review and make recommendations to the City Council on the designation of Historic Overlay Districts, ~~U~~updating of the Historic Resource Survey, ~~U~~updating of the Historic District Design Guidelines and Historic Landmarks, subject to the terms and conditions set forth for the procedure in this Code.

C. Additional Duties

The HARC has the following additional duties:

1. To act and assist the City Council in formulating design guidelines and other supplemental materials relevant to historic preservation or design review; and
2. To render advice and guidance, upon request of the property owner or occupant, on new construction or the restoration, alteration, or maintenance of any building or structure within a Historic Overlay District or designated as a Historic Landmark.

2.03.020. ~~2.03.02.~~Membership

The HARC shall be constituted and conduct all activities in accordance with Texas Local Government Code ~~c~~Chapter 214, the City Charter, and Chapter 2 of the City's Code of Ordinances.

Section 2.04. Zoning Board of Adjustment ~~(ZBA)~~

2.04.010. ~~2.04.01.~~Powers and Duties

Pursuant to Texas Local Government Code § 211.009, the Zoning Board of Adjustment (ZBA) may:

A. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an Administrative Official (see **Section 2.02**) in the enforcement of this Code;

B. Hear and decide Special Exceptions when this Code requires the Board to do so; and

C. Authorize in specific cases a ~~V~~variance from the zoning requirements of this Code if the ~~V~~variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

2.04.020. ~~2.04.02.~~Membership

The Zoning Board of Adjustment shall be constituted and conduct all activities in accordance with the City Charter, and Chapter 2 of the City's Code of Ordinances.

2.04.030. ~~2.04.03.~~General Rules for Zoning Board of Adjustment Matters

In exercising its authority under **Subsection 2.04.010.A**, the Board may reverse or affirm, in whole or in part or modify the Administrative Official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, as provided for by Texas Local Government Code Chapter 211.

~~*(Ord. No. 2023-44 , § 3(Exh. A), 8-22-2023)*~~

Section 2.05. Planning and Zoning Commission ~~(Commission or P&Z)~~

2.05.010. ~~2.05.01.~~Powers and Duties

The Planning and Zoning Commission (P&Z or Commission) has the following powers and duties as described in this Code:

A. Final Action

The Planning and Zoning Commission shall be responsible for considering and taking final action on the applications and procedures as noted in the table in **Section 2.01.020**.

B. Review and Recommendation

The Commission shall review and make recommendations to the City Council on the following, subject to the terms and conditions set forth for the procedure in this Code:

1. Comprehensive Plan Amendment;
2. Development Agreement;

3. Rezoning (Zoning Map Amendment);
4. Special Use Permit; and
5. UDC Text Amendment.

C. Additional Duties

The Commission has the following additional duties:

1. Authorize a heritage tree protection priority determination pursuant to **Subsection** 8.02.050.B.10.02.020; and
2. Hear and decide an appeal of an administrative decision on the applications and procedures as noted in the table in **Section 2.01.020**.
3. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an Administrative Official in the enforcement of Section 11.07 of this Code**Section 13.06. Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone**.

2.05.020. 2.05.02.Membership

The Planning and Zoning Commission shall be constituted, have the powers and duties, and conduct all activities in accordance with Sstate law, the City Charter, and the City's Code of Ordinances.

Section 2.06. City Council

The City Council shall be constituted, have the powers and duties, and conduct all activities in accordance with Texas Local Government Code Chapters 42, 43, 211, 212, and 216, the City Charter, and the City's Code of Ordinances. The City Council shall hear and decide appeals pursuant to Table 2.01.020**Table 2.01.020-1. Summary of Review Authority** and this Code.

Section 2.07. Parks and Recreation Advisory Board

2.07.010. 2.07.01.Powers and Duties

The Parks and Recreation Advisory Board has the following powers and duties:

A. Review and Recommendation

1. The Parks and Recreation Advisory Board shall provide review and recommendation for projects requesting approval for alternative site and development standards, private parkland credit, and certain conditions set forth in Section 13.08.040.8**15.08.040.A.6.** The Parks and Recreation Director shall provide review and recommendation for projects which meet the code requirements. The Parks and Recreation Director may defer these projects to the Parks and Recreation Advisory Board for review and recommendation for any reason.

Section 2.08. Unified Development Code (UDC) Advisory Committee

2.08.010. 2.08.01.Powers and Duties

The Unified Development Code (UDC) Advisory Committee has the following powers and duties:

A. Review and Recommendation

The UDC Advisory Committee ~~shall~~may be directed by City Council to review and make recommendations to the Planning and Zoning Commission and the City Council on the following~~,~~ subject to the terms and conditions set forth for the procedure in this Code:

1. Make recommendations and advise the Planning and Zoning Commission and the City Council on the proposed amendments to the UDC when requested by City Council~~.~~;
2. Provide an additional forum for public participation and input regarding proposed amendments to the UDC; and
3. Assist the general public in understanding the proposed amendments to the UDC.

2.08.020. ~~2.08.02.~~Membership

The UDC Advisory Committee shall be constituted and conduct all activities in accordance with the City Charter, and Chapter 2 of the City's Code of Ordinances.

Chapter 3. Applications and Permits (Chapter 3)

Section 3.01. General

3.01.010. 3.01.01.Purpose

The purpose of this chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City.

3.01.020. 3.01.02.Applicability of Case Types and Permits

Note: Reordered sections in table, and reordered sections in this chapter to

The following table shows which review Ccase Ttypes and permits apply in the City and its extraterritorial jurisdiction.

Table 3.01.02:3.01.020-1. Applicability of Case Types

Section	Application Type	City Limits	Extraterritorial Jurisdiction
General Applications			
Section 3.04	Comprehensive Plan Amendment	X	X
Section 3.05	Unified Development Code Text Amendment	X	X
Section 3.06	Annexation		X
Zoning Applications			
Section 3.07	Zoning Map Amendment— (Rezoning)	X	
Section 3.08	Zoning Verification Letter	X	
Section 3.09	Temporary Use Permit	X	
Section 3.10	Special Use Permit	X	
Section 3.121	Appeal of an Administrative Decision–Zoning RegulationsPlanned Unit Development	X	X
Section 3.112	Planned Unit DevelopmentAppeal of an Administrative Decision–Zoning Regulations	X	
Section 3.13	Zoning Variance and Special Exception	X	
Section 3.14	Administrative Exception	X	
Subdivision Applications			
3.15.070	Preliminary Plats	X	X
3.15.080	Recording Plats (Final Plats, Replats, Amending Plats, Vacation of Recorded Plat)	X	X
3.15.100	Construction Plans	X	X

Section	Application Type	City Limits	Extraterritorial Jurisdiction
Section 3.16	Subdivision Waiver	X	X
Site Development Applications			
Section 3.17	Site Development Plan	X	
Section 3.18	Development Agreement	X	X
Section 3.19	Master Sign Plan	X	X
Section 3.20	Sign Permit	X	X
Section 3.21	Stormwater Permit	X	X
Section 3.22	Driveway Access Permit	X	X
Section 3.23	License Toto Encroach	X	X
Section 3.24	Tree Removal Permit	X	X
Section 3.25	Heritage Tree Pruning Permit	X	X
Section 3.26	Certificate of AppropriatenessRequest for Creation of Certain Special Purpose Districts	X	X
Section 3.27	Request for Creation of Certain Special Purpose Districts	X	X
Section 3.287	Courthouse View Waiver	X	
Section 3.295.11	Nonconforming StatusCertificate of Appropriateness	X	X

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2015-49, § 2(Exh. A), 9-22-2015; Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

Editor's note(s)—Ord. No. 2023-44 , § 4(Exh. B), adopted August 22, 2023, changed the title of Section 3.01.020 from "Applicability of Procedures" to "Applicability of Case Types and Permits." The historical notation has been preserved for reference purposes.

3.01.030. 3.01.03.Simultaneous Submission of Related Applications

A. Submission of different applications related to the same development may be made simultaneously within each application group listed below. Approval consideration of the different applications, however, shall occur in the sequence as listed.

1. Policy Applications
   a. Annexation (Voluntary)
   b. Development Agreement
   c. Comprehensive Plan Amendment
   d. Rezoning (Zoning Map Amendment)
   e. Special Use Permit
   f. e.Preliminary Plat
      (i) Exception:

A Preliminary Plat shall not be submitted until final approval of a Planned Unit Development (PUD) zoning request.

2. Development Applications
   a. Construction Plans
      (i) Exception: Construction Plans for master planned infrastructure improvements may be submitted at any time for review.
   b. Final Plat
   c. Certificate of Appropriateness
   d. Site Development Plan
3. Building Permits

   An application for a Building Permit shall not be submitted to the City until review of the first submittal of the corresponding Site Development Plan has been completed by staff, and the comments have been forwarded to the applicant.

B. Any application submitted simultaneously is subject to approval of all other related applications. Denial, disapproval, or reconsideration of any concurrently submitted application shall stop consideration of any related applications.

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 3.02. Common Review Elements

3.02.010. ~~3.02.01.~~Application Forms and Fees

The following regulations shall apply to all applications under this chapter:

A. Forms

   Application forms, submittal requirements, instructions, and fee schedule are set forth in the UDC Development Manual.

B. Fees
   1. Application fees shall be established and revised from time to time by the City Council.
   2. All required fees shall be made payable to "The City of Georgetown."
   3. An applicant who has paid the appropriate fee with an application, but who chooses to withdraw such application prior to any notification of completeness, may be entitled to a refund of all or a portion of the amount paid at the discretion of the Director. The application fee required for UDC Text or Zoning Map Amendments shall not be refundable.
   4. An application shall only be accepted for review if the applicant, agent, or property owner has no outstanding, undisputed fees owed to the City for the same property or other property under their control.

~~*(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)*~~

3.02.020. ~~3.02.02.~~ Application Deadline

All applications shall be completed and submitted to the Director in accordance with a schedule established annually by the Director. An application shall not be considered as officially submitted, accepted, or filed until it has been determined to be complete as specified in **Subsection 3.02.040. Determination of Application Completeness**.

3.02.030. 3.02.03.Accurate Information Required

A. All required information and materials must contain accurate information. A finding of inaccurate information (e.g., incorrect easement locations, incorrect owner information) is grounds for application denial. Typos or grammatical errors alone do not constitute inaccurate information.

B. Each submission or resubmission of an application or plan set must contain accurate information within the entire application or plan set. If one element of the application or plan set is revised, all elements of the application or plan set must be updated to include the same information throughout the entire application or plan set and resubmitted.

C. If an approved application or an application currently under review is found to contain conflicting information, the applicant may be required to submit a revised application or an amendment to the original application to resolve the discrepancy.

3.02.040. 3.02.04.Determination of Application Completeness

A. The Director or their designee, shall review each submitted application to determine if the minimum items needed for proper review of such application are present.

B. A determination of whether an application is complete shall be made by the Director no more than five working days after submittal of the application.

C. If the application is determined not to be complete, the Director shall notify the applicant in writing. The notification shall attempt to list all missing or incomplete items and provide a specific period of time (not greater than five working days) for the applicant to resubmit the material. The applicant may request an additional meeting for explanation of the missing or incomplete items. If the application is not resubmitted within the period specified by the Director, the application shall be deemed rejected and shall not be accepted for filing. After an application has been rejected, the applicant shall resubmit within the time period prescribed by the Director, or the application will expire and a new application and fee shall be required.

D. The determination of completeness shall take into account the following:

1. Consistency with the Comprehensive Plan (for zoning applications, only);
2. Any required previous approvals; and
3. Required submission materials and compliance with the UDC Development Manual and the City's Construction Specifications and Standards Manual.

E. For the purposes of Texas Local Government Code § 212.009, an application for subdivision is considered filed once it is determined by the Director to be accepted for consideration per **Section 3.15.0500. Submission Requirements**.

F. Determination that an application is complete does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria.

G. If the Director determines that any request for a Zoning Map Amendment (Rezoning) is not consistent with the Comprehensive Plan, the application shall be determined to be incomplete and shall not be filed unless it is submitted in conjunction with a comprehensive plan amendment. No action on the rezoning may occur until it is consistent with the Comprehensive Plan; however, both actions may occur during the same meeting. The City Council may approve amendments to the Comprehensive Plan in accordance with the procedure in **Section 3.04. Comprehensive Plan Amendment**.

1. An appeal of the Director's determination can be made in accordance with the procedures in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.02.050. 3.02.05. Limit on Reapplication

If any petition for a rezoning (zoning map amendment), plan amendment (such as to a future mobility plan, comprehensive plan, water master plan, etc.), or any petition for an amendment to this Unified Development Code is disapproved by the Final Action Authority, another application or petition for the same permit, approval or amendment for the same property or any portion thereof may not be filed within a period of 30 calendar days (or 12 months for zoning change applications) from the date of final disapproval, except with permission of the Planning and Zoning Commission or City Council. Such reapplication must demonstrate:

A. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;

B. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;

C. A new application is proposed to be submitted that is materially different (e.g., proposes new uses or a substantial decrease in proposed densities and intensities) from the prior application; or

D. The final decision on the application was based on a material mistake of fact.

(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.02.060. 3.02.06. Expiration of Application

An accepted application for which there has been no action taken by an applicant for a period of 180 days or more from the date of the last action shall be determined dormant and processed as withdrawn by the applicant, causing the file to be closed. The Director shall notify the applicant in writing 30 days in advance of the pending closure. The Director may consider extending the application if the applicant can show just cause for the delays or there is evidence of continued communication with staff.

Section 3.03. Public Hearing and Notice

3.03.010. 3.03.01. Provision of Public Notice

A. Compliance with Texas Local Government Code

Public hearings and public notice shall be provided in accordance with Texas Local Government Code **Chapter 211 Municipal Zoning Authority** and **Chapter 212 Municipal Regulation of Subdivisions and Property Development**.

B. Summary of Notice Required

Notice shall be required for application review as shown in the following Ttable.

Table 3.03.01:3.03.010-1. Summary of Notice Requirements

Procedure	Published	Mailed	Posted
Annexation (Voluntary)	X		
Appeal of Administrative Decision	X		
Certificate of Appropriateness			‡
Certificate of Appropriateness for relocation, removal, or demolition, or		‡	‡

Procedure	Published	Mailed	Posted
building height, setback, or floor-to-area ratio modification			
Comprehensive Plan Amendment	X	X[1]	
Development Agreement	*	*	*
Historic Overlay District Designation	X	X	X
Historic Landmark Designation	X	X	X
Replat without Vacating (Texas Local Government Code § 212.0145)	X	X	
Rezoning (Zoning Map Amendment)	X	X[1]	X
Special Exception	X	X	X
Special Use Permit	X	X	X
Subdivision Waiver	X	X	X
UDC Text Amendment	X	X[1]	
Zoning Variance	X	X	X
X = Notice Rrequired. * = Notice to be determined by Development Agreement Committee per **Section 3.18. Development Agreement.** ‡ = Only applicable to Certificate of Appropriateness applications that require consideration by the Historic and Architectural Review Commission. 1 = mMailed notice to be provided in compliance with Local Government Code 211.007			

C. Published Notice

1. A public notice shall be published at least once in a local newspaper of general circulation, as designated by the City Council, within the City prior to the meeting. The notice shall contain the time and place of such public meeting or hearing and a brief description of the agenda items that may be considered or reviewed.
2. A published notice shall be published at least 15 days in advance of the public meeting or hearing.

D. Mailed Notice

1. Generally
   a. A notice of Ppublic Hhearing shall be sent to owners of record of real property within 300 feet of the boundary of the property under consideration, as determined by the most recent municipal tax roll and central appraisal district tax roll information.
   b. A notice of Ppublic Hhearing shall be sent to homeowners' associations and other similar associations registered with the City and located within 300 feet of the boundary of property under consideration.
   c. A notice of Ppublic Hhearing shall be provided to each party required provided in compliance with Local Government Code 211.007.
   d. Notice of Ppublic Hhearing shall be sent by United States mail. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in United States mail at least 15 days prior to the date set for the Ppublic Hhearing or as otherwise required by the Texas Local Government Code, as amended.
2. Special Mailed Notice Required for Certain Replats

Replats containing any area or lot that, during the preceding five years, was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, require mailed notice to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted, in the same manner as prescribed in **Subsection 3.03.010** above and in accordance with Texas Local Government Code § 212.015, as amended.

3. Special Mailed Notice Required for PUD Modification
   a. For purposes of mailed notice, the boundary of a PUD modification shall be the boundary of any tract of land for which PUD standards or requirements are proposed to change due to the modification.
   b. A notice of Pubicpublic Hhearing shall be provided to each party required provided in compliance with Local Government Code 211.007.
   c. In addition to the requirements of **Subsection 3.03.010** above, mailed notice shall also be provided to all owners of property within the entire PUD boundary, not otherwise notified.

E. Posted Notice
1. Notice shall be posted in a format approved by the Director on the subject property, along rights-of-way contiguous to the proposed development according to the following standards:
   a. One sign for tracts of less than 300 feet of right-of-way frontage;
   b. One sign at each interval of 1,000 feet; and
   c. The total number of signs shall not be required to exceed a total of four signs per right-of-way.
2. Notice of application shall be posted at the project site such that it is visible from the public right-of-way.
3. The City will provide the required sign; however, the applicant shall be responsible for posting and maintaining the sign in a format approved by the Director, and for removing the sign within five days following the Ppublic Hhearing on the application.
4. Posted notice shall be posted not less than 15 days prior to the scheduled Ppublic Hhearing by the Review Authority and must remain posted until the City Council or other Final Action Authority has acted on the application.
5. The notice is considered served upon receipt by the developer of the posted notice(s) in a format approved by the Director.

F. Content of Notice
1. Published or mailed notices shall contain at least the following specific information:
   a. The general location of land that is the subject of the application, including a location map with the mailed notice only;
   b. The legal description or street address;
   c. The substance of the application, including the type of proposed development and the current zZoning dDistrict;
   d. The time, date, and location of the Ppublic Hhearing;
   e. A phone number to contact the City; and
   f. A statement that interested parties may appear at the Ppublic Hhearing.

2. Posted notices shall contain at least the following specific information:
   a. The type of request (i.e., rezoning, variance, etc.);
   b. The application number;
   c. A phone number to contact the City; and
   d. The time, date, and location of the Ppublic Hhearing.

G. Constructive Notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

H. Special Hearing Notice Required for Certain Replats

A Replat without vacation of the preceding plat must conform to the requirements of Texas Local Government Code §§ 212.014 and 212.015.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019; Ord. No. 2019-37 , § 2(Exh. A), 6-11-2019; Ord. No. 2022-89 , § 2(Exh. A), 11-22-2022; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.03.020. 3.03.02.Required Public Hearing

The following table identifies the types of applications requiring a Ppublic Hhearing and the review body responsible for conducting the hearing.

Table 3.03.02:3.03.020-1. Summary of Required Public Hearing

Type of Application	HARC	Zoning Board of Adjustment	Planning & Zoning	City Council
Annexation			XX[1]	XX[2]
Appeal of Administrative Decision		X		
Certificate of Appropriateness	‡			
Comprehensive Plan Amendment			X	X
Development Agreement			*	X
Historic Overlay District Designation	X		X	X
Historic Landmark Designation	X			X
Replat (Resubdivision)			X	X
Rezoning (Zoning Map Amendment)			X	X
Special Exception		X		
Special Use Permit			X	X
Subdivision Waiver			X	
UDC Text Amendment			X	X

Zoning Variance		X		
Courthouse View Waiver				X

X = Public Hhearing Rrequired.

* = Public Hhearing to be determined by Development Agreement Committee per **Section 3.18. Development Agreement**.

‡ = Only applicable to certificate of appropriateness applications that require consideration by the Historic and Architectural Review Commission

1 = Only on cases when applicant is seeking initial zoning in lieu of the initial default zoning of AG.

2 = See **Section 3.06.020. Annexation Review Process** for specific requirements.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019; Ord. No. 2022-89 , § 2(Exh. A), 11-22-2022; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.03.030. 3.03.03.Conduct of Public Hearings

A. Modification of Application at Public Hearing

1. The applicant may agree to modify the application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the Ppublic Hhearing or to suggestions or recommendations by the recommending or decision-making body holding the Ppublic Hhearing.
2. Unless such modifications are so substantial that the recommending or decision-making body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials before it, the recommending or decision-making body may approve or recommend approval of the application with the condition that the approval or recommendation of approval will not be applicable until materials reflecting the agreed upon changes are submitted to the Director. No application may proceed until the revisions have been made.
3. Where deemed appropriate by the decision-making body, modifications to an application may be referred back to the recommending body for reconsideration prior to further action by the decision-making body.
4. Modification of an application that causes the consideration of that application to be substantially different than that which was provided in the public notice shall require a new Ppublic Hhearing by the recommending and decision-making bodies with new notice in accordance with **Section 3.03.010. Provision of Public Notice**. Such modifications shall include, but are not be limited to, a change to a zZoning dDistrict that was not otherwise included in the public notice or andy increase ing the acreage of the area under consideration. Decreasing the acreage of the area under consideration shall not cause the application to require a new Ppublic Hhearing.

B. Evidence

All findings and conclusions necessary to the permit or decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

C. Record

1. An audio tape recording and/or written minutes shall be made of all required Ppublic Hhearings, and such audio recordings shall be kept for two years.

2. All documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record and shall be kept by the City for two years.

3.03.040. 3.03.04.Postponement of Application

A. Postponement of Public Hearing after Public Notice

The applicant shall be required to pay for all re-notice fees for a scheduled and noticed Ppublic Hhearing that is postponed at the request of the applicant.

B. Postponement of Application after Recommendation

For applications where a recommendation is required by the Planning and Zoning Commission, an applicant may request the City Council Public Hearing to be postponed to the next regular meeting following the date of the scheduled City Council Public Hearing. The Director may approve, for good cause shown, a postponement of up to 30 days from the date of the scheduled City Council Public Hearing. Public notice of the new Ppublic Hhearing shall be required in accordance with **Section 3.03.010. Provision of Public Notice**.

3.03.050. 3.03.05.Administrative Review Process

Administrative reviews occur when the Director or another City employee is responsible for final action on any application.

A. Applicability

An administrative review shall be required for any permit or application that requires final action from an aAdministrative oOfficial, as described in Table 2.01.020**Table 2.01.020-1. Summary of Review Authority**.

B. Review Process

Administrative reviews shall occur within the standard review periods established by the Director. The Director or other authority responsible for final action may establish procedures necessary to ensure compliance with this Code and State statute.

1. Initiation

Initiation of an administrative review may be made upon:

a. Recommendation of the Director;

b. Recommendation of other aAdministrative oOfficial responsible for final action on the permit being initiated; or

c. Submission of a complete application by the property owner or their authorized agent.

2. Application

Application must be made in a format consistent with **Section 3.02.010. Application Forms and Fees**.

3. Completeness Determination

Upon submission of an application for any administrative review, the Director shall determine whether the application is complete, as described in this Code.

4. Staff Review

Once an application is determined complete, the Director or Final Action Authority shall review the application, considering any applicable criteria for approval. The Director or Final Action Authority may assign staff to review the application and make a report to the Director or Final Action Authority.

C. Administrative Final Action

Upon completion of the administrative review, the Director or other responsible Final Action Authority shall make a final determination and notify the applicant in writing. The Director or other Final Action Authority may take one of the following final actions:

1. Approve the application.
2. Approve the application with conditions.
3. Disapprove the application. Such disapproval must include specific reasons for disapproval.

D. Criteria for Approval—Generally

1. An application shall be approved administratively when all of the following criteria are met:
   a. A complete application and fee have been submitted.
   b. The application and content of the application are consistent with the provisions of this Unified Development Code, the Comprehensive Plan, and any other applicable City regulations.
   c. The application and content of the application are consistent with any administrative rules established by the Director, and any prior written interpretations of this Code.
2. Additional criteria for approval that apply to specific administrative procedures may be provided in the specific descriptions of those procedures in this **Chapter 3. Applications and Permits**. An administrative procedure that does not have specific criteria for approval shall be considered using the general criteria provided above. All such criteria shall be published as part of the Development Manual pursuant to UDC ~~Section 1.11~~**Section 1.11.**

E. Appeals

1. If an applicant is appealing a final action of disapproval, only the basis for disapproval may be appealed to the Appeal Authority as identified in ~~the UDC Table 2.01.020~~**Table 2.01.020-1. Summary of Review Authority**.
2. The Appeal Authority shall be the decisive body for any appeal request; no appeal of the Appeal Authority shall be considered, except where required by ~~S~~state Law.
3. A person may not appeal a denial for the purpose of continuance, an extension agreed to by the applicant and the Director, or a determination that an application is not complete.
4. An ~~A~~appeal of a denial of an application by a Final Action Authority shall be limited to one appeal per instance of denial of the relevant application.
5. All appeal requests of decisions on plat type applications shall be processed in accordance with Local Government Code 212.0093.
6. The Director shall identify and publish in the Development Manual requirements for submitting requests pursuant to this ~~S~~section.
7. The Director or Development Engineer may, at their discretion, forward any application for which they are the Final Action Authority to the Appeal Authority for Final Action.

~~*(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)*~~

Section 3.04. Comprehensive Plan Amendment

3.04.010. ~~3.04.01.~~Applicability

A. For the purpose of establishing and maintaining sound, stable, and desirable development consistent with the goals and policies of the Comprehensive Plan, amendments to the Plan may be considered. Plan ~~A~~amendments

are periodic, substantive changes that are necessary to accommodate changed or unforeseen circumstances in a manner consistent with the public interest and in accordance with the procedures established in the Plan and in this section. The provisions of the section are adopted pursuant to Texas Local Government Code cChapter 213 and the City Charter.

B. Plan Aamendments will not be made more than once per calendar year, except for the rare circumstance where the City Council feels it necessary to make a change with a super-may be considered by City Council upon Director recommendation. Where the Plan Amendments shall commence upon a simple majority vote by City Council. Applications may be made at any time of year.

C. Amendments initiated by a property owner or their authorized agent may be considered at any time for amendments to the Future Land Use Plan Map or Overall TransportationFuture Mobility Plan Map.

3.04.020. 3.04.02.Review Process

A. Initiation

Initiation of an Aamendment may be made upon:

1. Application of a property owner or their authorized agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning and Zoning Commission; or
4. Recommendation of the Director.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, considerring any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Planning and Zoning Commission Review

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a Ppublic Hhearing in accordance with its rules and Sstate law and make a recommendation to the City Council.

E. City Council Final Action

1. The City Council shall hold a Ppublic Hhearing and may take final action on the proposed amendment.
2. The amendment shall become effective when approved by a super-majority vote of the City Council and in accordance with the City Charter.

3.04.030. 3.04.03.Approval Criteria (Comprehensive Plan Amendment)

A. The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-term effects.

1. The Aamendment promotes the health, safety or general welfare of the City and the safe, orderly, and healthful development of the City.

B. In considering Aamendments to the Plan, the City should be guided by the following:

1. The need for the proposed change;
2. The effect of the proposed change on the need for City services and facilities;
3. The compatibility of the proposed change with the existing uses and development patterns of nearby property and with the character of the neighborhood; and
4. The implications, if any, that the amendment may have for other parts of the Plan.

Section 3.05. Unified Development Code Text Amendment

3.05.010. 3.05.01.General

3.05.02. Amendments to this Unified Development Code (UDC) may be made in order to establish and maintain sound, stable, and desirable development within the jurisdiction of the City, to correct errors in the text, or because of changed or changing conditions in the City. All Ttext Aamendments shall be consistent with the Comprehensive Plan.

3.05.020. Review Process

A. Initiation

Initiation of an amendment may be made upon resolution of the City Council upon the recommendation of the:

1. City Council;
2. Planning and Zoning Commission; or
3. Director.

At the request of the City Council the amendment to be considered may be directed to the UDC Advisory Committee for review and recommendation in advance of the Planning and Zoning Commission review. The resolution from City Council shall specify the following: intent of the changes, whether a recommendation from UDC Advisory Committee or other city boards/commissions are desired in advance of Planning and Zoning Commission action, and any notice in addition to UDC requirements and state law is desired.

B. Staff Review

The dDirector shall prepare a report for the Planning and Zoning Commission review on the proposed amendment and consistency with the approval criteria outlined in the cCode.

C. Planning and Zoning Commission Review

Following notice in accordance with Chapter 211 of the Texas Local Government Code, the Commission shall hold a Ppublic Hhearing in accordance with state law and make a recommendation to the City Council.

D. City Council Final Action

The City Council shall hold a public hearing and take final action on the proposed amendment.

3.05.030. 3.05.03.Approval Criteria

The following lists of criteria are not all-inclusive. Review and recommendations on text amendments to this Unified Development Code should consider the following:

A. The proposed text amendment corrects an error or meets the challenge of some changing condition, trend or fact;

B. The proposed text amendment is in response to changes in state law;

C. The proposed text amendment is generally consistent with the Comprehensive Plan and other adopted plans and does not conflict with any specific policy or action item outlined in the comprehensive plan;

D. The proposed text amendment is generally consistent with the stated purpose and intent of the section it is amending;

E. The proposed text amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;

F. The proposed text amendment will maintain or advance the public health, safety, or general welfare, including but not limited to facilitating the adequate provision of transportation, water, sewers, schools, and parks.

Section 3.06. Annexation

3.06.010. 3.06.01.Applicability

A. For the purpose of establishing and maintaining sound, stable, and desirable development consistent with the goals and policies of the Comprehensive Plan, the City may consider annexations of territory to the corporate limits or extraterritorial jurisdiction (ETJ). The provisions of the Section are adopted pursuant to Texas Local Government Code cChapter 43 and the City Charter.

B. Annexation and disannexation of territory may be requested by landowners or their representatives through this process for real property within the City's corporate limits and the ETJ.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.06.020. 3.06.02.Annexation Review Process

A. Initiation

Initiation

Initiation of an annexation or disannexation of territory may be made upon application of a property owner or their authorized agent. Another governmental authority may also request modification of ETJ or corporate limit boundaries through this process, or through the cooperative effort of the Georgetown City Council to initiate such proceedings.

Figure 3.06.020-3.06.02-1. Annexation Summary

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consider~~ing~~ any applicable criteria for approval and prepare a report to the City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and ~~s~~State statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Written Agreement Regarding Services

If required pursuant to Section 43.0672 of the Texas Local Government Code, the City Council shall approve a written agreement regarding services with the property owner prior to initiation of annexation.

E. City Council Public Hearings

City Council shall hold public hearings as required by applicable sections of Texas Local Government Code Chapter 43.

F. City Council Final Action

1. The City Council shall take final action on the proposed annexation or disannexation.
2. The annexation or disannexation shall become effective when approved by the City Council and in accordance with the City Charter.

3.06.030. ~~3.06.03.~~Zoning ~~U~~upon Annexation

~~Note: Recommend moving referenced Sec. 4.04 (current Sec. 4.03 Newly Annexed Territory) here to improve~~

A. As indicated in ~~Sec.4.04.01~~Subsection 4.04.010. Initial Default Zoning, the City must take action to assign zoning to the newly annexed area.

B. While Planning and Zoning Commission approval is not required for an annexation, the Commission's recommendation is needed to assign zoning to the annexed area.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)*~~

3.06.040. ~~3.06.04.~~Approval Criteria (Annexation)

The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-term effects.

A. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action; and

B. The annexation promotes fiscally responsible, safe, orderly, and healthful development of the City; and

C. The City has the capacity and ability to serve the area with City utilities and services; and

D. The annexation is consistent with the City's adopted long-range plans and annexation policies.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

Section 3.07. Zoning Map Amendment— (Rezoning)

3.07.010. 3.07.01.Applicability

Applicability

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area, or in the City generally, or to rezone an area or extend the boundary of an existing Zoning District or Overlay District. All amendments must be consistent with the Comprehensive Plan. The provisions of the section related to Rrezoning are adopted pursuant to Texas Local Government Code cChapter 211 and the City Charter.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

Figure 3.07.010-3.07.01-1. Rezoning Summary

3.07.020. 3.07.02.Review Process

A. Initiation

Initiation of a map amendment may be made upon:

1. Application of a property owner or their designated agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning and Zoning Commission;
4. For a hHistoric lLandmark or hHistoric oOverlay dDistrict designation, recommendation of the Historic and Architectural Review Commission; or
5. Recommendation of the Director.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, considerring any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission, the Historic and Architectural Review Commission (where applicable), and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.

3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Historic and Architectural Review Commission

When a request is made for ~~h~~Historic ~~l~~Landmark or ~~h~~Historic ~~o~~Overlay ~~d~~District designation, the Commission shall hold a ~~P~~public ~~H~~hearing in accordance with its rules and state law, and make a recommendation to the City Council following notice in accordance with **Section 3.03. Public Hearing and Notice**.

E. Planning and Zoning Commission Review

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a ~~P~~public ~~H~~hearing in accordance with its rules and state law and make a recommendation to the City Council. Designation of a Historic Landmark shall not require review and recommendation by the Planning and Zoning Commission.

F. City Council Final Action

1. The City Council shall hold a ~~P~~public ~~H~~hearing and may take final action on the proposed amendment.
2. The amendment shall become effective when approved by the City Council and in accordance with the City Charter. If a proposed amendment has been recommended for disapproval by the Planning and Zoning Commission and the Historic and Architectural Review Commission (where applicable), the amendment may not become effective except by a three-fourths vote of all members of the City Council.

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)*~~

3.07.030. ~~3.07.03.~~Approval Criteria (All Rezonings)

The City Council shall consider the following approval criteria for zoning changes:

A. The zoning change is consistent with the density, primary and secondary uses, and target ratios outlined for Future Land Use Plan ~~d~~District;

B. The zoning change implements the policies of the Comprehensive Plan and any applicable Small Area Plans;

C. The zoning change will maintain or advance the public health, safety, orderly growth, or general welfare, such as facilitating the adequate provision of transportation, water, sewers, schools, and parks;

D. The zoning change is compatible with the present zoning and conforming uses and with the character of the surrounding properties;

E. The subject property ~~is adequate~~has sufficient size, shape, and topography to accommodate for uses and development standards permitted by the proposed amendment.; and

F. ~~Whether t~~The proposed amendment maintains or advances the goals of the Economic Development Strategic Plan.

3.07.040. ~~3.07.04.~~Approval Criteria (Historic Overlay Districts)

In addition to the approval criteria for zoning changes in **Section 3.07.030. Approval Criteria (All Rezonings)**, the City Council shall ~~make the findings~~find that one or more of the following criteria for approving a Historic Overlay District is met:

A. Character, interest, or value of the structures, sites, or area is significant because of their unique role in the development, heritage, or cultural characteristics of the City, ~~C~~county, ~~S~~state, or ~~N~~nation;

B. Occurrence of a notable historical event at the structures, sites, or area;

C. Identification of the structures, sites, or area with a person or persons who contributed notably to the culture and development of the City, Ccounty, Sstate, or Nnation;

D. Embodiment in multiple buildings in a site or area under consideration of distinctive elements of architectural design, detail material, or craftsmanship related to a uniqueness to the area, or the related distinctiveness of a craftsman, master builder or architect, or a style or innovation, including but not limited to:

1. Scale of buildings and structures typical of the area;
2. Architectural style of the buildings and structures;
3. Architectural period of the buildings and structures;
4. Building materials typical of the area;
5. Colors and textures used in the buildings and structures typical of the area;
6. Typical relationships of buildings in the area to the street;
7. Setbacks and other physical patterns of buildings in the area;
8. Typical patterns of rooflines of buildings in the area; or
9. Typical patterns of porch and entrance treatments of buildings in the area; and

E. Archaeological value in the sense that the structures, sites, or area have produced or can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

Note(s)—See editor's note at Section 3.06.050.

3.07.050. 3.07.05.Approval Criteria (Historic Landmark Designation)

The City Council shall make the findingsfind that one or more of the following criteria isare met for designating a building, structure, or site within the Ccity limits as a local Historic Landmark:

A. Character, interest, or value of the building, structure, or site is significant because of its unique role in the development, heritage, or cultural characteristics of the City, County, State, or Nation;

B. Occurrence of a notable historical event at the building, structure, or site;

C. Identification of the building, structure, or site with a person or persons who contributed notably to the culture and development of the City, Ccounty, Sstate, Nnation, or society;

D. Distinctive elements of architectural design, detail material, or craftsmanship that make it an established or familiar visual feature, or the related distinctiveness of a craftsman, master builder, or architect, or a style or innovation, including but not limited to:

1. Architectural style of the building or structure;
2. Architectural period of the building or structure;
3. Textures and colors of materials used in the building or structure;
4. Shape of the building or structure;
5. Roofline of the building or structure;
6. Porch and entrance treatments of the building or structure;
7. Height and mass of the building or structure; or
8. Relative proportions of the building or structure (width to height, width to depth); and

E. Archaeological value in the sense that the building, structure or site can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory.

~~(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)~~

3.07.060. ~~3.07.06.~~Interim Control ~~D~~during Historic Landmark or Historic Overlay District Consideration

A. Upon deeming an application for a ~~h~~Historic ~~l~~Landmark or ~~h~~Historic ~~o~~Overlay ~~d~~District designation complete, no Building Permit may be issued by the City for alteration, construction, demolition, or removal of any building or structure located within the area proposed for such designation.

B. This Building Permit hold period shall commence on the date the application for ~~h~~Historic ~~l~~Landmark or ~~h~~Historic ~~o~~Overlay ~~d~~District designation is deemed complete until its final disposition by the City Council. For City initiated requests, this Building Permit hold period shall commence on the date the resolution to initiate the request is adopted until final disposition by the City Council.

C. The Building Permit hold period shall not apply to alterations, removal, or demolition authorized by formal action of the Building Standards Board as necessary for preservation of the public health, welfare or safety as provided for dangerous buildings in Chapter 15 of the City Code of Ordinances.

~~(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)~~

Section 3.08. Zoning Verification Letter

3.08.010. ~~3.08.01.~~Applicability

A Zoning Verification Letter, as defined in **Section 3.08.02**0 below, may be obtained upon written request as outlined in the Development Manual.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

3.08.020. ~~3.08.02.~~Zoning Verification Letter Defined

A Zoning Verification Letter is a letter that indicates to a property owner that a specified use, clearly identified in the application, is permitted within the ~~Z~~zoning District. A Zoning Verification Letter does not authorize the property owner to proceed with a development; does not specify requirements that must be met for future development; and does not include a determination that a tract of land may be developed.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

3.08.030. Nonconforming Status Determination

A. Applicability

A request for a determination of legal nonconforming status, as defined in **Section** ~~**14.01.04**~~**16.01.040**, may be made to the Director to determine that a use, lot, structure, site, or sign is exempt from the requirements as provided in this Code.

B. Review Process

Review of a determination of legal nonconforming status shall follow the administrative review procedures set forth in **Section 3.03.050**. **Administrative Review Process**, subject to the criteria for approval set forth below.

C. Approval Criteria

A determination of legal nonconforming status may be made if the Director finds that the structure, lot, site, sign, or use was lawfully in existence, constructed, and located on the effective date or applicability of this Code or any amendment thereto or was legally constructed to meet previous requirements of this Code and has been in regular and continuous use, but which does not conform to the current requirements of this Unified Development Code, shall be granted legal nonconforming status, except as specifically exempted or prohibited by other sections of this chapter. A legal nonconforming structure, lot, site, sign, or use may remain or continue, subsequent to the effective date of this Code and any amendments thereto, provided that such continuance is in accordance with the provisions of this chapter and all other applicable codes of the City.

D. Responsibility for Final Action

The Director is responsible for final action on the determination of the final legal nonconforming status.

Section 3.09. Temporary Use Permit

3.09.010. 3.09.01.Applicability

The following temporary uses may not be commenced until the applicant obtains a Temporary Use Permit from the Building Official. The permit specifies the specific use, the period of time for which it is approved, and any special conditions attached to the approval. The provisions of this section relating to Temporary Use Permits are adopted in accordance with Texas Local Government Code chapter 211 and the City Charter.

The following uses may be permitted, subject to the issuance of a Temporary Use Permit:

A. Pumpkins, Christmas trees, and other seasonal product sales. No permit shall be required for such uses operated as part of a school or place of worship.

B. Sales offices and model homes, pursuant to the standards set forth in **Section 5.08.0206.02.070**.

C. Temporary parking lots, pursuant to the standards set forth in **Section 5.08.0206.02.070** and subject to **Section 3.09.020. Review Process**.

D. Business offices or sales facilities where construction of a permanent facility is being diligently completed, pursuant to the standards set forth in **Section 5.08.0206.02.070**.

E. Construction field offices, pursuant to the standards set forth in **Section 5.08.0206.02.070**.

F. Private farmer's markets, pursuant to the standards set forth in **Section 5.08.0206.02.070**.

G. Temporary manufacturing of concrete products, pursuant to the standards set forth in **Section 5.08.0206.02.070**.

H. Temporary Mmobile or outdoor food vendor, pursuant to City Code Section 8.12.

I. Offsite construction staging, pursuant to the standards set forth in **Section 5.08.0206.02.070**.

J. Portable classrooms, pursuant to the standards set forth in **Section 5.08.0206.02.070**.

K. Temporary storage facility located on a property affected by a natural disaster, pursuant to the standards set forth in **Section 5.08.0206.02.070**.

L. Noise permits, pursuant to City Code Section 8.16.050.

M. Similar temporary uses which, in the opinion of the Director, are compatible with the district and surrounding land uses.

(Ord. No. 2018-61, § 2(Exh. A), 10-9-2018; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.09.020. ~~3.09.02.~~Review Process

A. Review of a Temporary Use application shall follow the procedure set forth in **Section 3.03.050. Administrative Review Process**.

B. The Director may determine if a Site Development Plan companion application is necessary for applications pursuant to **Subsection** ~~3.11.010.E~~**3.09.010.E** above; and~~,~~ is authorized to waive the requirement for such a companion application.

~~*(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)*~~

3.09.030. ~~3.09.03.~~Approval Criteria

In addition to the general criteria for consideration of administrative procedures in **Subsection 3.03.050.D. Criteria for Approval—Generally**, the Director shall consider whether the application complies with the following standards:

A. Land Use Compatibility

The ~~T~~temporary ~~U~~use must be compatible with the purpose and intent of this Unified Development Code and the zoning ~~d~~District in which it will be located. The ~~T~~temporary ~~U~~use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

B. Compliance with Other Regulations

A Building Permit or Temporary Certificate of Occupancy may be required, as determined by the Building Official, before any structure used in conjunction with the ~~T~~temporary ~~U~~use is constructed or modified. All structures and the site as a whole shall meet applicable Building and Fire Code standards as well as any provisions of this Code for such ~~T~~temporary ~~U~~use. Upon cessation of the ~~T~~temporary ~~E~~event or ~~U~~use, any structures associated with the temporary use shall be promptly removed and the site shall be returned to its previous condition (including the removal of all trash, debris, signage, or other evidence of the temporary use).

C. Duration

The duration of the ~~T~~temporary ~~U~~use shall be established by the Building Official at the time of approval of the Temporary Use Permit, pursuant to any provisions of ~~Chapter 5~~**Chapter 6** applicable to the ~~T~~temporary ~~U~~use. In the event no time limit is established, the duration shall be a period not to exceed 90 days.

D. Traffic Circulation.

The ~~T~~temporary ~~U~~use shall not cause undue traffic congestion or accident potential, as determined by the Development Engineer, given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.

E. Off-Street Parking

Off-street parking shall be provided in accordance with ~~Table 9.02.030.A~~**Table 11.02.040-1. Off-Street Parking Requirements*** for the ~~T~~temporary ~~U~~use, and it shall not create a parking shortage for any of the other existing uses on the site.

F. Public Conveniences and Litter Control

Adequate on-site rest-room facilities may be required. Adequate on-site solid waste containers may also be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.

G. Appearance and Nuisances

The Ttemporary Uuse shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and it shall not unduly impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.

H. Signs

The Building Official shall review all signage in conjunction with the issuance of the permit. Such signage shall be in accordance with the requirements of this Code.

I. Other Conditions

The Building Official may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the Ttemporary Uuse.

J. Revocation

The Building Official may revoke a Temporary Use Permit if it is determined that:

1. The applicant has misrepresented any material fact on his or her application or supporting materials.
2. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit.
3. The operation of the temporary use violates any statute, law, ordinance, or regulation.
4. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety, or welfare of the public.

3.09.040. 3.09.04.Responsibility for Final Action

The Building Official is responsible for final action on all Temporary Use Permits.

Section 3.10. Special Use Permit

3.10.010. 3.10.01.Applicability

Applicability

Special Use Permits allow for City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Code. Special Use Permits may be issued only for uses that are generally compatible with other uses permitted in a zoning dDistrict, but that require individual review of their location, design, intensity, etc. These uses and the dDistricts where they may be located are listed in Chapter 5Chapter 6. Zoning Use Regulations. These uses may be located in dDistricts as indicated with conditions described in a Special Use Permit recommended by the Planning and Zoning Commission and approved by the City Council. No such use shall commence without prior approval of a Special Use Permit. A Special Use Permit includes a conceptual site layout that, after approval, serves as the conceptual site layout necessary for the basis of the final Site Development Plan, which, if necessary, shall be required prior to obtaining any additional permits. An approved Special Use Permit is maintained with the property, and not the property owner, renter, or lessee, and shall be valid per the terms of Section **3.10.050. Expiration**. The provisions of this section related to Special Use Permits are adopted pursuant to Texas Local Government Code cChapter 211 and the City Charter.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

Figure 3.10.010-3.10.01-1. Special Use Permit Summary

3.10.020. 3.10.02.Review Process

A. Initiation

Initiation of a Special Use Permit may be made upon application of a property owner or their designated agent, following the established application processes and requirements in this **Chapter 3. Applications and Permits**.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted, with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consideringing any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Planning and Zoning Commission Review

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a Ppublic Hhearing in accordance with its rules and State law and make a recommendation to the City Council.

E. City Council Final Action

1. The City Council shall hold a Ppublic Hhearing, in accordance with its rules and Sstate law, and may take final action on the proposed Special Use Permit.
2. The Special Use Permit and any subject conditions shall become effective upon approval by the City Council and in accordance with the City Charter.

3.10.030. 3.10.03.Approval Criteria

A. AThe City Council must approve the conceptual site layout for thebefore a Special Use Permit mustmay be approved by the City Council in order to approve issuance of a Special Use Permitissued.

B. The conceptual site layout must be submitted with all material necessary for the City Council to render an informed decision and reviewed by the Director for compliance with this Code.

C. The City Council may approve an application for a Special Use Permit where it reasonably determines that there will be no significant negative impact on residents of surrounding property or upon the general public. The City Council shall consider the following criteria in its review:

1. The proposed special use is not detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants.
2. The proposed conceptual site layout, circulation plan, and design are compatible in terms of scale (building massing, form, orientation, and location), intensity, and operating characteristics with uses and structures on adjacent properties and properties in the vicinity of the proposed site.
3. The proposed use does not negatively impact existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection and the ability of existing infrastructure and services to adequately provide services.
4. The proposed use does not negatively impact existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact.
5. Whether there are any other special circumstances that may be unique to the subject property.

3.10.040. 3.10.04.Changes to Submitted Conceptual Site Layout

An application submitted to modify an approved conceptual site layout that was filed as part of a Special Use Permit shall cause the Special Use Permit to be reviewed under Subsections **A** and **B** below. Modified conceptual site layouts must be resubmitted to the Director for consideration.

A. The Director may determine that the modification to the conceptual site layout does not change the basis for Special Use Permit approval and issue an approval of the modified Special Use Permit.

B. If the Director determines that the modifications to the conceptual site layout change the basis for the initial Special Use Permit approval, the modified permit shall follow the normal review process for a Special Use Permit.

3.10.050. 3.10.05.Expiration

A. A Special Use Permit shall expire 24 months from the date of City Council approval, unless:

1. A Site Development Plan application, if necessary, has been submitted in accordance with **Section 3.17. Site Development Plan**.

2. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy has been issued.
3. In the case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 24 months from the date conceptual site layout approval is granted. Each subsequent application must be submitted within 24 months from the date of issuance of a Certificate of Occupancy, or equivalent, by the Building Official for the previous phase of the development.
4. A lapse of a period greater than the periods set forth above causes the related approvals or permits to expire and be of no further force and effect. The Director has the authority to consider a six-month extension of the above deadlines based on extenuating circumstances. Any further action shall require a new application and approval.
5. The Council's approval of the Special Use Permit specified an alternative expiration date.

B. A Zoning Map Amendment (Rezoning), in accordance with **Section 3.07. Zoning Map Amendment— (Rezoning)**, is required to remove an approved but expired Special Use Permit.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

3.10.060. 3.10.06.Discontinuation

A Special Use Permit shall expire 12 months following the discontinuation of the use for which the Special Use Permit was approved.

Section 3.11. Planned Unit Development

3.11.010. 3.11.01.Applicability

Planned Unit Developments (PUDs) may be used to permit a unique development that does not meet the use and/or development standards included within this UDC. PUDs are intended to promote innovative, unique development that is consistent with the cComprehensive pPlan.

Figure 3.11.010-3.11.01-1. Planned Unit Development Summary

3.11.020. 3.11.02.Review Process

A. General

A PUD is a zoning dDistrict change and requires a rezoning in accordance with **Section 3.07. Zoning Map Amendment— (Rezoning)**.

B. PUD Concept Plan

1. PUD Concept Plan Purpose

The PUD Concept Plan is intended to serve as a tool that can assist in identifying the appropriateness of a proposed development within the context of its surroundings. The PUD Concept Plan forms the basis for approval of the PUD.

2. PUD Concept Plan Application Submittal

a. Application for a PUD Concept Plan must comply with the UDC Development Manual. Applications must include all materials determined necessary by the Director of Planning and Development.

b. The PUD Concept Plan and supplemental application material shall be submitted to the Director of Planning and Development no later than 60 calendar days prior to the date of the regular meeting of the Planning & Zoning Commission.

c. The PUD Concept Plan must indicate whether a base zoning dDistrict will be used, or whether a customized PUD will be submitted that addresses all elements of this UDC (i.e., landscaping, parking, connectivity, etc.).

3. Director of Planning and Development Recommendation

The Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the PUD Concept Plan. The report shall recommend that the PUD Concept Plan be approved, conditionally approved, disapproved, or postponed.

4. PUD Concept Plan Public Hearings and Approval

The Planning & Zoning Commission and City Council shall act on the PUD Concept Plan application in accordance with **Section 3.07. Zoning Map Amendment— (Rezoning)**. The decision-makers may impose additional conditions as part of the terms of approval.

5. PUD Shown on Zoning Map at PUD Concept Plan Approval

If the PUD Concept Plan is approved or conditionally approved by the City Council, the PUD shall be shown on the Zoning Map as a PUD replacing the existing zoning dDistricts.

C. Platting

If platting is required by **Section 3.15. Subdivision of Land**, all plats and plans must be submitted and approved following PUD Concept Plan approval and prior to Site Development Plan submittal.

D. Site Development Plan

Upon approval of the PUD Concept Plan and completion of any required platting process, the applicant may submit a Site Development Plan in accordance with **Section 3.17. Site Development Plan** for part or all of the land area covered by a PUD Concept Plan for Director of Planning and Development consideration. The Director may defer the Site Development Plan to the Planning & Zoning Commission and City Council action for any reason.

3.11.030. 3.11.03.Approval Criteria

In addition to the zoning change criteria in **Section 3.07. Zoning Map Amendment— (Rezoning)**, the City Council shall consider the following specific objectives and criteria for approving the PUD:

A. The proposed PUD provides a greater level of public benefits than would otherwise be achieved if the property were developed under a standard zoning dDistrict;.

B. Specific Objectives

Rezoning to, and development under the PUD District, will be permitted only in accordance with the following specific objectives:

1. A variety of housing types, employment opportunities, or commercial services to achieve a balanced City;
2. An orderly and creative arrangement of all land uses with respect to each other and to the entire City;
3. A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as roadways, bicycle ways, and pedestrian walkways;

4. The location of general building envelopes to take maximum advantage of the natural and built environment; and
5. The staging of development in a manner that can be accommodated by the timely provision of public utilities, facilities, and services.

3.11.040. 3.11.04.Changes to a Submitted PUD Concept Plan

Any substantial change proposed on a Site Development Plan that would affect the approved PUD Concept Plan shall require re-submittal of the PUD Concept Plan in its entirety. Minor changes are those changes that are not substantial and do not affect the overall intent of the PUD Concept Plan, which may be approved by the Director of Planning and Development; however, the Director may determine that any proposed change should be heard at a public hearing before the Planning & Zoning Commission and City Council. Substantial changes to the PUD Concept Plan are subject to the same requirements as the original application. Substantial changes shall include but are not limited to:

A. a.Any change that would increase the intensity of the land uses;

B. b.A 15 percent% cumulative increase or decrease in residential density;

C. c.A 15 percent% cumulative increase or decrease in nonresidential square footage;

D. d.Any change in private incentives and public benefits;

E. e.Increase in size of property;

F. f.Any reduction in screening, screening buffers, and setbacks at the PUD property line;

G. g.A 15 percent% cumulative increase in the buildable area for structures, including signs; and

H. h.A 15 percent% cumulative reduction in open space.

3.11.050. 3.11.05.Expiration

A. 1.PUD Concept Plan Effective Period

1. a.The approved PUD Concept Plan shall be effective for a period of five years. If a Site Development Plan for all or part of the area has not been approved by the expirationend of the five-year period, the Concept Plan shall expire, and a new Concept Plan will be required. If the property owner desires to revert the property to its previous zoning (or any other zoning designation besides the approved PUD), a rezoning in accordance with **Section 3.07. Zoning Map Amendment— (Rezoning)** is required.

2. b.Prior to the expiration date, the Director of Planning and Development may approve a request for an extension of time of up to two years. After the first extension, the Planning & Zoning Commission shall consider any other time extension requests. When at least one Site Development Plan has been approved, the PUD Concept Plan shall remain effective until amended.

B. 2.Site Development Plan Effective Period

See **Section 3.17. Site Development Plan.** If the property owner desires to revert the property to its previous zoning (or any other zoning designation besides the approved PUD), a rezoning in accordance with **Section 3.07. Zoning Map Amendment— (Rezoning)** is required.

Section 3.12. Appeal of an Administrative Decision–Zoning Regulations

3.12.010. ~~3.12.01.~~Effect of Appeal

Pursuant to the authority granted to the City by Texas Local Government ~~Code c~~Chapter 211, the City Charter, the City Council and this Code, the Zoning Board of Adjustment may hear and decide an ~~A~~appeal that alleges error in an order, requirement, decision, or determination made by an ~~a~~Administrative ~~o~~Official in the enforcement of zoning regulations contained in this Code.

~~*(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)*~~

3.12.020. ~~3.12.02.~~Appeal Procedures

A. Initiation

Within 30 days after the date of the administrative decision, any person specified by state law may appeal an administrative decision to the Zoning Board of Adjustment.

B. Content of Notice of Appeal

The notice of appeal must specifically set forth all grounds for appeal.

C. Effect of Appeal

An ~~A~~appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the ~~A~~appeal is taken certifies in writing to the Board the facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record, after notice to the official and if due cause is shown.

~~*(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)*~~

3.12.030. ~~3.12.03.~~Review Criteria

The Zoning Board of Adjustment shall consider whether the Director of Planning ~~and Development~~ or other ~~a~~Administrative ~~o~~Official's action was appropriate considering the details of the case and the requirements contained in this Unified Development Code. The Board or Commission will make its decision based on this Unified Development Code and the information presented to the Board or Commission by the applicant and the Director or other Administrative Official~~.~~'s action

A. Appeal Hearing

The Zoning Board of Adjustment shall set a reasonable time for hearing the ~~A~~appeal and shall give notice to the parties and to the public. Each ~~A~~appeal must be heard by at least 75~~ percent (75~~%~~)~~ of the members of the Board.

B. Burden of Proof in Appeals

When an ~~A~~appeal is taken to the Zoning Board of Adjustment, the Director's or other Administrative Official's action is presumed to be valid. The applicant shall present sufficient evidence and have the burden to justify a reversal of the action being appealed. The Director may present evidence and argument to the contrary.

C. Findings and Conclusions

All findings and conclusions necessary to the permit or ~~A~~appeal decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) will be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably

available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed. In exercising its authority, the Board may reverse or affirm, in whole or in part, or modify the Aadministrative Oofficial's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and, for that purpose, the Board has the same authority as the Administrative Official.

(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.12.040. 3.12.04. Decision on Appeal

The Board shall review the application, the Director's report, conduct a Hhearing in accordance with the Board's established procedures and Sstate law, and take final action on the application. It shall require a concurring vote of three-fourths vote of all members of the Zoning Board of Adjustment to overturn an administrative decision.

(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

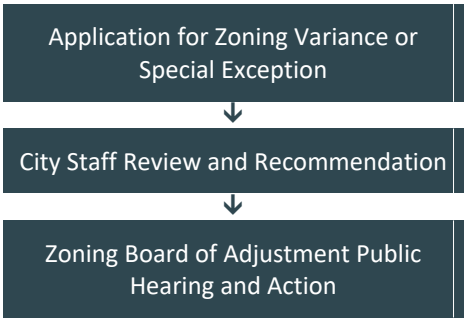
Section 3.13. Zoning Variance and Special Exception

3.13.010. 3.13.01. Applicability

A. Zoning Variance

1. In accordance with the provisions of the Texas Local Government Code eChapters 211 and 216, the Zoning Board of Adjustment (Board) shall have the authority to hear and grant requests for a Vvariance from the zoning provisions and sign regulations of this Unified Development Code. A Zoning Variance to the development standards of this Code shall be considered an exception to the regulations, rather than a right.
2. A Zoning Variance differs from a Subdivision Waiver, which applies to certain regulations pertaining to subdivision of land and must be requested from the Planning & Zoning Commission during the subdivision review process.

Figure 3.13.010-3.13.01-1. Zoning Variance and Special Exception Summary



B. Special Exceptions

In accordance with the provisions of Texas Local Government Code eChapter 211, the Zoning Board of Adjustment shall also have the authority to hear and decide Special Exceptions to the terms of this Code when the Code requires the Board to do so.

(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2020-08 , § 2(Exh. A), 1-28-2020)

3.13.020. 3.13.02. Zoning Variance and Special Exception Process

A. Initiation

Initiation of a request for a Zoning Variance or Special Exception may be made upon application by the property owner of the affected property or their authorized agent.

B. Application

Application for a Zoning Variance or Special Exception must comply with the UDC Development Manual. Applications must include all materials determined necessary by the Director.

C. Completeness Determination

Upon submission of an application, the Director shall determine whether the application is complete, as described in **Section 3.02.040. Determination of Application Completeness**.

D. Staff Review

1. Once an application for a Zoning Variance or Special Exception request has been received and the application deemed complete, the Director shall review the application, consider any applicable criteria for approval, and prepare a report to the Zoning Board of Adjustment.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and Sstate statutes.
3. The Director may assign staff to review the application and make a preliminary report to the Director.
4. The Director's report may include a recommendation for final action.

E. Notice and Hearing

1. The Zoning Board of Adjustment shall hold a public hearing for consideration of the Zoning Variance or Special Exception request on the next available regular scheduled meeting after the date of the application is filed.
2. Written notice of the public hearing for a Zoning Variance or Special Exception shall be provided as set forth in **Section 3.03. Public Hearing and Notice**.
3. The applicant may appear at the hearing in person or by agent or attorney.

(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2020-08 , § 2(Exh. A), 1-28-2020)

3.13.030. 3.13.03.Criteria for Zoning Variance Review

A. Required Findings

The Zoning Board of Adjustment (ZBA) may authorize a Zoning Variance from the requirements of the zoning provisions and sign regulations of this Unified Development Code if the Vvariance from the terms of the zoning provisions is not contrary to the public interest and, due to special conditions, a literal enforcement of the requirements would result in unnecessary hardship, so the spirit of this Code is preserved, and substantial justice done. No Zoning Variance shall be granted unless the ZBA finds all of the following:

1. Extraordinary Conditions

   That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Unified Development Code will deprive the applicant of the reasonable use of their land. For example, a Zoning Variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

2. No Substantial Detriment

   That the granting of the Zoning Variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area or to the City in administering this Code.

3. Other Property

   That the conditions that create the need for the Zoning Variance do not generally apply to other property in the vicinity.

4. Applicant's Actions

   That the conditions that create the need for the Zoning Variance are not the result of the applicant's own actions.

5. Comprehensive Plan

   That the granting of the Zoning Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.

6. Utilization

   That because of the conditions that create the need for the Zoning Variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

7. Insufficient Findings

   The following types of possible findings do not constitute sufficient grounds for granting a Zoning Variance:

   a. That the property cannot be used for its highest and best use.

   b. That there is a financial or economic hardship, except as authorized in Local Government Code 211.009(b-1).

   c. That there is a self-created hardship by the property owner or their agent.

   d. That the development objectives of the property owner are or will be frustrated.

B. Limitations

   The Zoning Board of Adjustment may not grant a Zoning Variance when the effect of which would be any of the following:

   1. To allow the establishment of a use not otherwise permitted in the applicable zoning ~~d~~District.

   2. To increase the density of a use above that permitted by the applicable ~~d~~District.

   3. To extend physically a nonconforming use of land.

   4. To change the zoning ~~d~~District boundaries shown on the Official Zoning Map.

C. Profitability Not to Be Considered

   The fact that property may be utilized more profitably should a Zoning Variance be granted may not be considered grounds for a Zoning Variance.

D. Limitation on Variances for Signs

   No ~~V~~variance application(s) shall be accepted for prohibited signs listed in ~~Section 10.04 ("Signs Prohibited Under this Code").~~ **Section 12.04. Prohibited Sign Types.**

~~*(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2020-08 , § 2(Exh. A), 1-28-2020; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023).*~~

3.13.040. ~~3.13.04.~~Criteria for Special Exception Review

If authorized by this Code, the Zoning Board of Adjustment may grant a Special Exception from the requirements of the certain provisions of this Unified Development Code, if the Special Exception is not contrary to the public interest and the spirit of this Code is preserved and substantial justice done. No Special Exception shall be granted unless the ZBA finds the specific criteria identified in this Code are met. The only Special Exceptions that may be granted by the Board are for the following:

A. Time extension for an abandoned nonconforming use, pursuant to ~~Subsection 14.01.060.B.7.~~**16.01.060.C.6.**

B. Expansion of nonconforming use, pursuant to ~~Section 14.02.050.~~ **16.02.050.**

C. Right to continue nonconforming use after destruction or damage, pursuant to Subsection 14.02.060.A.

C. D.Reduce or modify standards of nonconforming lot, pursuant to Section 14.03.0216.03.020.

D. E.Abandonment of a nonconforming structure determination, pursuant to Section 14.04.050.16.04.050.

E. F.Expansion of a nonconforming structure, pursuant to Subsections 14.04.080.B. and C.16.04.080.

F. G.Abandonment of a nonconforming site, pursuant to Section 14.05.050.16.05.050.

G. H.A setback exception, pursuant to Subsection 14.05.050.D.16.05.050.

H. I.Expansion of a nonconforming site, pursuant to Subsections 14.05.080.B. and C. 16.05.080.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015).

3.13.050. 3.13.05.Expiration of Zoning Variance or Special Exception

A. Zoning Variance

Zoning Variance approval shall expire 24 months from the date of ZBA approval unless a Building Permit has been issued and construction commenced or, if no Building Permit is required, a Certificate of Occupancy has been issued.

B. Special Exception

A Special Exception shall expire 24 months from the date of Board approval, unless:

1. A Building Permit application has been issued and construction commenced, or, if no Building Permit is required, a Certificate of Occupancy has been issued.
2. The Board approval extended the 24-month expiration date and provided for an alternative expiration; however, in no case shall the expiration date exceed 36 months.

(Ord. No. 2017-15, § 2, 2-28-2017)

Section 3.14. Administrative Exception

3.14.010. 3.14.01.Applicability

A. In order to provide an alternative method, to correct human error, allow for minor numerical adjustments, or consider alternative design schemes for particular development standards of this Code, Administrative Exceptions may be permitted. Administrative Exceptions are specified deviations from otherwise applicable development standards where development is proposed that would be:

1. Compatible with surrounding land uses;
2. Harmonious with the public interest; and
3. Consistent with the purposes of this Code.

B. Administrative Exceptions shall comply with all other provisions of this Code not specifically relieved by the Administrative Exception. Administrative Exceptions expressly permitted in this section may be approved only if meeting the criteria provided in **Section 3.14.030. Approval Criteria**.

C. The Director or the Building Official is responsible for final action on Administrative Exceptions.

D. An appeal of an Administrative Exception may be made to the Zoning Board of Adjustment in accordance with the rules and authority granted thereto.

3.14.020. 3.14.02.Authority

A. The Director or Building Official shall have the authority to determine thatwhether the language or a particular development standard in this Code is incorrect, unclear, or otherwise in error and authorize an adjustment or interpretation to correct such error as necessary.

B. The Director or Building Official shall have the authority to consider and authorize an adjustment up to ten percent (10%) of any numerical standard set forth in this Code, with the following exceptions:

1. A request for an increase in the number of units permitted on a lot or parcel does not qualify for an Administrative Exception.
2. Any numerical standard set forth in this Code that has been previously adjusted by way of a City board or commission, Special Exception, Special Use Permit, or other similar process may not be eligible for an Administrative Exception. Accordingly, any adjustment made in conformance with this section may not be allowed further adjustment by any other process allowed in this Code.
3. Any consideration of a numerical adjustment greater than ten percent (10%) shall require a request for a Vvariance, per the terms of **Section 3.13. Zoning Variance and Special Exception**.

C. The Director or Building Official shall have authority to consider alternative design plan(s) or other uses or requirements for the following situations:

1. Courthouse view overlay height exception (per Section 4.12.040Section 3.27).
2. Alternative residential boundary wall (per **Section** 8.07.0609.06.060).
3. Alternative building design plan (per **Section** 7.04.0708.04.070).
4. Alternative landscape standards (per **Section** 8.05.0509.04.040).
5. Alternative parking plan (per **Section** 9.02.05011.04.010).
6. Alternative sign plan (per **Section** 10.01.09012.01.080).
7. Alternative fences (per **Section** 8.07.0809.06.080).
8. Change of use (per **Section** 14.02.03016.02.030).
9. Expansion of nonconforming uses (per **Section** 14.02.05016.02.050).
10. Postponement of required improvements (per **Section** 14.05.07016.05.070).
11. Heritage Tree or Protected Tree Preservation Priority (per Section 8.02.050).10.02.020).

(Ord. No. 2021-62 , § 2(Exh. A), 9-14-2021)

3.14.030. 3.14.03.Approval Criteria

To approve an application for an Administrative Exception, the Director or Building Official must determine that the following criteria are met:

A. That granting the Administrative Exception serves an obvious and needed purpose.

B. That granting the Administrative Exception will ensure an equal or better level of design or land use compatibility than the otherwise applicable standards.

C. That granting the Administrative Exception will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development.

D. That granting the Administrative Exception will be consistent with the purposes and intent of this Unified Development Code.

3.14.040. 3.14.04.Expiration of Administrative Exception

The Administrative Exception shall expire if the companion application expires, according to the specified expiration in this chapter. If the Administrative Exception is a stand-alone application, the approval will expire in 24 months if the exception is not utilized in a manner consistent with the approval.

Section 3.15. Subdivision of Land

3.15.010. 3.15.01.Plat Required

A. Pursuant to the authority granted in Texas Local Government Code cChapter 212 and the City Charter, prior to the subdivision, resubdivision, assembly, or development of any land within the City or its extraterritorial jurisdiction, a subdivision plat and, where public improvements are proposed, construction plans must be approved in accordance with this Chapter. Exemptions to these situations are found in **Section 3.15.020. Exemptions from Required Plat**.

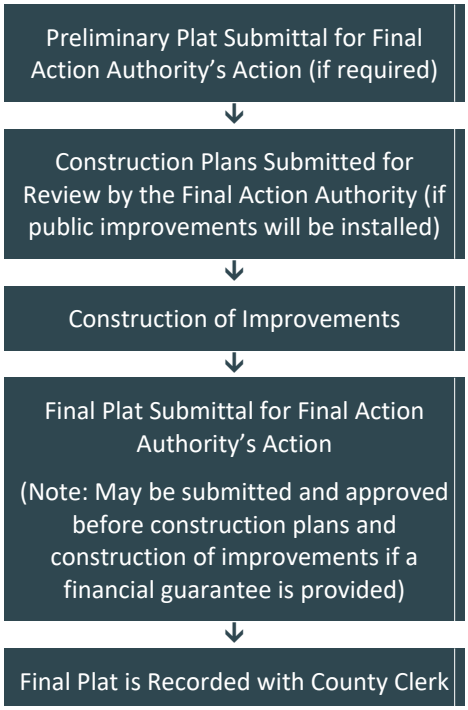
B. The owner of a tract of land located within the Ccity limits or the extraterritorial jurisdiction who divides the tract into two or more parts to lay out a subdivision of the tract or to lay out streets, parks, or other parts of the tract intended by the Oowner to be dedicated to public use shall submit a plat of the subdivision in accordance with this Cchapter.

C. A division of a tract under this section includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, by using a condominium plat and declaration of condominium, or in a contract for a deed, by using a contract for sale or other executory contract to convey or by using any other method.

D. No Site Development Plan, Stormwater Permit, Building Permit, Certificate of Occupancy, or utility services may be approved or issued for the construction or development of any parcel or tract of land unless such property is in conformity with the provisions of this Code.

E. The division of any lot or any parcel of land by the use of metes and bounds description for the purpose of development is prohibited.

Figure 3.15.010-3.143.15.01-1. Subdivision Summary



(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.15.020. 3.15.02.Exemptions from Required Plat

The following situations shall not require review by the City under the subdivision provisions, but may require a Certification Regarding Compliance with Plat Requirements per **Section 3.15.030. Certification Rregarding Compliance with Plat Requirements**. Williamson County may still require subdivision approval under its regulations for subdivisions located in the City's ETJ.

A. Previously Established or Large Tracts

1. A.Land constituting a single tract, lot, site, or parcel for which a legal deed of record describing the boundary of said tract, lot, site, or parcel was filed of record in the deed records of Williamson County, Texas, on or before May 10, 1977, provided that such parcel or tract of land has not thereafter been subdivided into two or more parcels or tracts of land.

2. B.A division of land into parts greater than five5 acres, where each part has at least 25 feet of frontage on a public street and no public improvement, including right-of-way, easement, or physical improvement of any kind intended for public use, is proposed.

B. Specific Situations Not Requiring a Plat

1. C.A division of land created by order of a court of competent jurisdiction, including the probate of an estate provided, however, that prior to construction of improvements, a plat may be required in accordance with this Cchapter.

2. D.Construction of additions or alterations to an existing building where no public utility extension or public improvement is required to meet the standards of this Code for such building addition or alterations.

3. E.Operation of existing cemeteries complying with all state and local laws and regulations.

4. F.Acquisition of land by the City, Ccounty, or Sstate for public improvements, as defined in this Code, by dedication, condemnation, or easement.

(Ord. No. 2017-15, § 2, 2-28-2017)

3.15.030. 3.15.03.Certification Rregarding Compliance with Plat Requirements

An application for certification of compliance with the platting requirements of this Cchapter may be submitted for an existing tract of land or proposed division of land within the City's jurisdiction, but shall be required for tracts of land created via the exemptions outlined in SubsectionsSection **3.15.020.A** above—B. In compliance with Local Government Code § 212.0115, the Director, or their designee, shall provide written determination of the following:

A. Whether a plat is required under this Cchapter for the tract of land or the proposed division of land or whether an exemption to platting under **Section 3.15.020. Exemptions from Required Plat** applies; and

B. If a plat is required, whether a plat has been reviewed and approved by the applicable approving body.

(Ord. No. 2017-15, § 2, 2-28-2017)

3.15.040. 3.15.04.Plat Types

The following table summarizes the types of plats required by this Code as well as their corresponding process. Also see the Summary of Review Authority table in **Section** 2.01.0202.01.020 of this Code for the decision-making authority for each plat type. When a proposed division is subject to more than one description within a plat type, the more restrictive process is applicable.

Table 3.08.030:**3.15.040-1. Plat Summary**

Plat Type	Description	Public Hearing	Expiration
Preliminary Plat	Required when the extension of public infrastructure, including public utilities and roadways, is required or proposed	No	24 months from approval date unless Final Plat recorded within that time. Phased Preliminary Plats expire 24 months from date last Final Plat recorded.
	Preliminary Plat that includes existing platted property	See Replat	
	Amendment to approved Preliminary Plat	No	Maintains expiration date of original Preliminary Plat being amended

Plat Type		Description	Public Hearing	Expiration
Recording Plats	Final Plat	Final Plat of approved Preliminary Plat	No	Must be recorded within 24 months from approval date
		Plat with more than 4 lots, but with no required or proposed public infrastructure	No	
		Combined Preliminary and Final Plat is available when plat that could qualify as Minor Plat requires land or utility dedication	No	
		Final Plat that proposes qualified Minor Deviations from the approved Preliminary Plat	No	
		Final Plat that proposes qualified Major Deviations from the approved Preliminary Plat	No	
		Final Plat processed concurrently with Subdivision Waiver	No	
	Minor Plat	Plat involving 4 or fewer lots that does not require or propose public infrastructure or land or utility dedication	No	Must be recorded within 24 months from approval date
		Minor Plat processed concurrently with Subdivision VarianceWaiver	No	
	Replat	A resubdivision of all or part of an existing plat, involving more than 4 lots	Yes	Must be recorded within 24 months from approval date
		A resubdivision of all or part of an existing plat, involving 4 lots or less (non-residential)	No	
		A Replat involving property that is or has been subject to single or two-family restrictions or zoning within last 5 years	Yes	
		A Replat that is processed concurrently with a Subdivision Waiver	No	

Plat Type		Description	Public Hearing	Expiration
	Amending Plat	Plat meeting the standard qualifications of Amending Plat (i.e. corrections to previous plat, moving lot line, etc.)	No	Must be recorded within 24 months from approval date

(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.15.050. 3.15.05.Submission Requirements

The applicant shall submit the information required in the UDC Development Manual as specified in the corresponding plat application checklist. A plat application is considered filed for the purposes of Texas Local Government Code § 212.004(f) on the date the applicant submits the plat, along with a completed plat application and the application fees and all required documentation prescribed by or under this CodeUDC and Texas Local Government Code Chapter 212, subject to **Section 3.02.040. Determination of Application Completeness** within this eCode. The final copy of Preliminary and Recording Plats shall be prepared and submitted by the applicant in conformance with the UDC Development Manual.

(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.15.060. 3.15.06. Staff Review

A. The Director may establish procedures for administrative review of plat applications necessary to ensure compliance with this Code and Sstate law.

B. The Director may assign staff to review the plat application and make a report to the Director.

C. Once the Director determines the application has been filed, the Director shall either approve, conditionally approve, or disapprove the application.

D. If an application is disapproved or conditionally approved, the Director shall provide the applicant with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.15.070. 3.15.07.Preliminary Plats

A. Applicability

1. Approval of a Preliminary Plat, showing the proposed layout of the subdivision, shall be required before approval of any division of land or platting activity that requires or proposes the extension of public infrastructure, including, but not limited to, public utilities and roadways.

2. Any Preliminary Plat that includes the further subdivision of all or part of a recorded plat that has not otherwise been vacated, must also follow the procedures set forth for Replats as outlined in **Subsection 3.15.070.D** below.

B. Unlawful to Record Preliminary Plat

It shall be unlawful to cause any Preliminary Plat of land within the Ccity limits or extraterritorial jurisdiction of Georgetown to be recorded with the County Clerk except as otherwise established for a combined Preliminary and Final Plat.

C. Approval Criteria

1. No Preliminary Plat shall be approved without a determination that the plat conforms to the following:
   a. The Plat meets or exceeds the requirements of this Unified Development Code and any applicable local or Sstate laws.
   b. The Plat is consistent with the City's Comprehensive Plan and any other adopted plans as they relate to:
      (i) The City's streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and
      (ii) The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
   c. Any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002 or § 212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe orderly, and healthful development of the City.
   d. The tract of land subject to the application is adequately served by public improvements and infrastructure or will be adequately served upon completion by the applicant of required improvements.
2. Phasing Plan

   In lieu of recording the entirety of a proposed division of a property at one time, and therefore constructing all public improvements required by the division at once, an applicant may propose a plan for phasing the subdivision as follows:
   a. The Phasing Plan shall indicate the boundaries and order of final platting and construction of associated improvements.
   b. Phasing Plans shall not propose more than ten10 phases. The Director may approve phasing in excess of this number if the applicant can provide justification for such. The number of phases herein is exclusive of any increase in phases due to the splitting of phases as allowed per **Subsection 3.15.080.B.1.c** below.
   c. Each proposed phase of a Phasing Plan for a single-family residential development shall include at least four lots, except that lots shown on a Phasing Plan for nonresidential uses, such as lots for parkland, neighborhood amenity centers, or commercial out lots, or any similar uses as determined by the Director, may be shown as a single lot phase.
   d. The proposed order of phasing shall follow a logical progression and, in the event subsequent phases are not built, meet the minimum requirements of this Code, including, but not limited to, public infrastructure, parkland dedication, connectivity, and dedication of adjacent street rights-of-way.
   e. Changes to a Phasing Plan shall meet the requirements of this section and follow the procedures for such as permitted in **Subsection 3.15.070.F** and **Subsection 3.15.080.B.1.c** below.

D. Responsibility for Final Action

1. Final Action Authority, according to UDC 2.01.020**Table 2.01.020-1. Summary of Review Authority**, shall consider the Preliminary Plat application, the Director's report, Sstate law, and compliance with this Unified Development Code, and take final action.
2. The Final Action Authority shall either:
   a. Approvale of the Preliminary Plat;
   b. Conditionally approvale of the Preliminary Plat; or

c. Disapprove the Preliminary Plat.

E. Expiration of Preliminary Plat

1. A Preliminary Plat that is proposed to be developed in a single phase shall become null and void 24 months after its approval unless a Final Plat is recorded for the entire area included in the Preliminary Plat within that time.

2. A Preliminary Plat that includes an approved Phasing Plan shall become null and void 24 months after its approval unless a Final Plat for the first phase is recorded within that time. The recording of a Final Plat for the first phase of the project shall extend the expiration date for the remaining portion of the original Preliminary Plat for a period of 24 months after the date of recordation of the Final Plat. Recordation of each subsequent Final Plat within 24 months of the date of recordation of the preceding Final Plat shall extend the expiration date for the portion of the original Preliminary Plat for which no Final Plats have been approved for an additional 24 months from the date of recordation of such Final Plat.

   a. Each 24-month extension period for the expiration of the original Preliminary Plat runs from the date of the latest Final Plat recordation. Extension periods are not cumulative.

   b. If a Final Plat is not recorded during the 24-month extension period, the approval of the original portion of the Preliminary Plat that has not been recorded, together with any unrecorded Final Plat applications or Construction Plans, lapses.

F. Changes to Approved Preliminary Plats

Changes to an approved Preliminary Plat that do not otherwise qualify as a deviation to the approved Preliminary Plat as defined in **Subsection 3.15.0800.B.1.c** below, shall be processed as either an amendment to the original Preliminary Plat or as a new Preliminary Plat application as follows:

1. Changes to a Preliminary Plat may be processed as an amendment to the original Preliminary Plat if:

   a. The proposed amendment does not alter the purpose and intent of the original Preliminary Plat (i.e., commercial subdivision, single-family residential large lot subdivision);

   b. The general design and layout of the original Preliminary Plat is maintained;

   c. The proposed development density does not substantially increase or decrease; and

   d. The amendment does not propose the removal or addition of an arterial-level roadway.

2. The Director shall review the proposed changes, including any changes to the Phasing Plan, in the same manner prescribed for the original Preliminary Plat approval.

3. The Final Action Authority shall consider and take final action on an amendment to a Preliminary Plat in the same manner prescribed for the original Preliminary Plat approval.

4. Approval of a Preliminary Plat amendment shall not cause the expiration date established with the original Preliminary Plat approval to be extended.

5. The development regulations in effect for the original Preliminary Plat approval shall be applicable to the Preliminary Plat amendments.

6. All other changes to an approved Preliminary Plat that do not meet the provisions of this section, as determined by the Director, shall require submittal and approval of a new Preliminary Plat application (including new fees, new review process, new approval dates, etc.).

(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.15.080. 3.15.08.Recording Plats

Recording Plats are those Subdivision Plats that are to be a document of legal record and include Final Plats, Minor Plats, Replats, and Amending Plats.

A. Approval of Recording Plats

Recording plats shall be processed in accordance with **3.03.050.C. Administrative Final Action**. Final Action Authority shall be as noted in 2.01.020 of this CodeTable 2.01.020-1. Summary of Review Authority.

B. Final Plats

1. Applicability

Final Plats are technically complete, recordable versions of an already approved Preliminary Plat. Except as otherwise noted within this section, no Final Plat may be considered or approved unless the Preliminary Plat for the same land has been approved and has not expired and the Final Plat is consistent with such Preliminary Plat or revision thereof. The Final Plat must incorporate all changes from the Preliminary Plat that were considered and approved by the Planning and Zoning Commission or the Director. Final Plat review is used to ensure that a final recorded plat application includes final engineering diagrams and descriptions that conform to the Preliminary Plat and the "as-built" infrastructure on the site. Exceptions to these requirements are allowed as follows:

a. No Public Infrastructure Proposed. A Final Plat may be approved without approval of a Preliminary Plat for the same project if the division of land would otherwise qualify as a Minor Plat, but proposes more than four lots. A Final Plat under this provision may not include the dedication of land or require or propose the extension of any public infrastructure, including, but not limited to, public utilities or roadways.

b. Combined Preliminary and Final Plat Option.

(i) Any division of land or platting activity that requires any of the following, but would otherwise meet the definition of a Minor Plat, may be processed as a combined Preliminary and Final Plat, subject to the criteria of this section and **Section 3.15.070. Preliminary Plats**.

(a) Any utility dedication; or

(b) Any dedication of land.

(ii) The Director shall have the authority to determine if a plat meets the criteria to be processed as a combined Preliminary and Final Plat.

c. Deviations from the Approved Preliminary Plat.

(i) Minor Deviations. During review of the Final Plat, the Director may consider and approve minor deviations from what was proposed on the approved Preliminary Plat. Deviations that affect another proposed phase of the Preliminary Plat or that affect property off-site of the Preliminary Plat or any deviations that increase the density of development shall not be considered minor. The deviations shall meet any approval criteria applicable to the approved Preliminary Plat. A draft of the proposed changes to the Preliminary Plat shall be provided to the Planning Department as part of the application submission for the Final Plat. Approval by the Director of such Final Plat shall be considered approval of the amendments to the Preliminary Plat and shall cause an updated final copy of the Preliminary Plat to be provided to the Planning Department prior to recordation of the Final Plat. The Director may, at their discretion, choose to send proposed deviations to the Planning and Zoning Commission for their consideration and final action.

The following deviations from the Preliminary Plat may be considered minor:

(a) Adjustments in alley, local, or collector street alignments or widths that do not affect another proposed phase of the Preliminary Plat or adjacent property;

(b) Changes to the lot lines, sizes, or configuration provided that the total number of lots does not increase and the changes do not affect approved infrastructure;

(c) Decreases in the number of lots by up to ten percent (10%) or one lot, whichever is greater, provided any minimum density requirements continue to be met, if applicable;

(d) The splitting of a proposed phase of the Preliminary Plat into two phases if the separation does not affect access or utilities to a later phase;

(e) The combining of adjacent proposed phases of the Preliminary Plat;

(f) A change in the order of adjacent phases of the Preliminary Plat, provided adequate public infrastructure is available and is maintained for subsequent phases; and

(g) Other similar changes as determined by the Director.

(ii) Major Deviations from the Aapproved Preliminary Plat. The deviations shall meet any approval criteria applicable to the approved Preliminary Plat. A draft of the proposed changes to the Preliminary Plat shall be provided to the Planning Department as part of the application submission for the Final Plat. Approval of such Final Plat shall be considered approval of the amendments to the Preliminary Plat and shall cause an updated final copy of the Preliminary Plat to be provided to the Planning Department prior to recordation of the Final Plat.

The following deviations from the Preliminary Plat are considered major:

(a) Adjustments in arterial roadway alignments or widths that do not affect another proposed phase of the Preliminary Plat or property off-site;

(b) Adjustments to lot lines, sizes, or configurations that do not increase or decrease the total number of lots by more than ten percent (10%) or one lot, whichever is greater;

(c) Modification to proposed parkland;

(d) Changes in the location of the boundary line of a phase of the Preliminary Plat to include part of another phase, provided no change in the layout of the streets and lots of adjacent phases is required;

(e) Reordering of proposed phases of the preliminary plan, provided adequate public infrastructure is maintained and the reordering does not affect planned infrastructure off-site; and

(f) Other similar changes as determined by the Director.

(iii) All Other Changes. All other changes that affect property off-site of the Preliminary Plat, or otherwise do not fall within the limitations herein, shall not be processed as deviations and shall follow the procedures of **Subsection 3.15.070.F. Changes to Approved Preliminary Plats**.

(iv) Determination. The Director shall make a determinatione of whether proposed deviations are deemed to be minor or major.

2. Approval Criteria

A Final Plat shall not be considered for final action until the Director has determined the following:

a. The Final Plat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The Final Plat is consistent with an approved Preliminary Plat, except as provided for in **Subsection 3.15.080.B.1. Applicability**.

c. The Final Plat is consistent with any City-approved Construction Plans for any required or agreed improvements.

d. The Final Plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

e. The tract of land subject to the application is adequately served by public improvements and infrastructure, including water and wastewater, or will be adequately served upon completion by the applicant of required improvements.

C. Minor Plats

1. Applicability

a. A Minor Plat is a plat for four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities and not otherwise considered a Replat or Amending Plat.

b. Any plat that requires public improvements per this Unified Development Code, any utility dedication or any dedication of land shall not be processed as a Minor Plat and shall be processed in accordance with **Section 3.15.070** or **3.15.080.B.1.b**, as applicable.

2. Approval Criteria

A Minor Plat shall not be considered for final action until the Director has determined the following:

a. The Minor Plat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The plat meets or exceeds the requirements of this Unified Development Code and any applicable Sstate or local laws.

c. The plat is consistent with the City's Comprehensive Plan and any other adopted plans as they relate to:

(i) The City's streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(ii) The extension, improvement, or widening of City roads, taking into account access to and extension of sewer and water mains and the instrumentality of public utilities.

d. The plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly and healthful development of the City.

e. The tract of land subject to the application is adequately served by public improvements and infrastructure.

f. A Subdivision VarianceWaiver may be requested as a companion application to the consideration of a Minor Plat, according to the provisions detailed in **Section 3.16. Subdivision Waiver** of this Code. The Subdivision Variance and the Minor Plat Waiver shall be required to be approved by P&Z.

D. Replats

1. Applicability

A property owner who proposes to further subdivide all or part of a recorded plat, without first vacating that plat, must obtain approval for a Replat as outlined in the procedures prescribed for the resubdivision of land under these regulations and Texas Local Government Code cChapter 212.

2. Approval Criteria

A Replat shall not be considered for final action until the Director has determined the following:

a. The Replat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The plat meets or exceeds the requirements of this Unified Development Code and any applicable Sstate or local laws.

c. The plat is consistent with the City's Comprehensive Plan and any other adopted plans as they relate to:

(i) The City's current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(ii) The extension, improvement, or widening of City roads, taking into account access to and extension of sewer and water mains and the instrumentality of public utilities.

d. The plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002 or § 212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

e. The tract of land subject to the application is adequately served by public improvements and infrastructure.

f. A Subdivision Waiver may be requested as a companion application to the consideration of a Replat, according to the provisions detailed in **Section 3.16. Subdivision Waiver**. The Subdivision Waiver and the Replat shall be required to be approved by P&Z.

g. A Replat may not amend or remove any covenants or restrictions and is controlling over the preceding plat.

3. Responsibility for Final Action

Final Action Authority shall be as noted in 2.01.020**Table 2.01.020-1. Summary of Review Authority**.

4. Additional Requirements for Certain Replats

Replats containing any area or lot that, during the preceding five (5) years, was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot or in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, require compliance with Texas Local Government Code § 212.015 and shall meet the additional requirements outlined below.

a. Where a variance or exception is required, Wwritten notice of the Public Hearing required in Subsection **3.15.080.D.3** above shall be mailed, in accordance with Subsection **3.03.010.D. Mailed Notice**, no less than 15 days prior to the Ppublic Hhearing, to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted.

b. Where a variance or exception is not required, a public meeting is not required and written notice shall be provided no less than 15 days after the date the replat is approved, to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted. Such notice must include the zoning designation of the property after the replat, and a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

c. b. If the Replat application is accompanied by a Subdivision Waiver application, per **Section 3.16. Subdivision Waiver**, and is legally protested in accordance with this section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Planning and Zoning Commission present at the meeting. For purposes of this section, a protest is legal if it is made in writing and signed by the owners of at least 20 percent (20%) of the area of the lots or land (including streets and alleys) that was subject to the written notification required above and filed with the Commission prior to the close of the Public Hhearing on the Replat.

E. Amending Plats

1. Applicability

An Amending Plat is any plat meeting the definition in Texas Local Government Code § 212.016.

2. Approval Criteria

An Amending Plat shall not be considered for final action until the Director has determined the following:

a. The Amending Plat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The plat meets the requirements of Texas Local Government Code § 212.016.

c. The plat meets or exceeds the requirements of this Unified Development Code and any applicable Sstate law.

d. The plat is consistent with the recorded subdivision it is amending.

F. Recordation Requirements for Recording Plats

1. The Recording Plat is the instrument to be recorded in the Office of the County Clerk when all requirements have been met. The plat is ready for recordation only after the following has occurred:

a. The Director or the Planning and Zoning Commission has approved the plat;

b. For Final Plats, the Development Engineer has approved the Construction Plans;

c. For Final Plats, the subdivider has either filed a "financial guarantee of performance" or completed required construction of infrastructure and public improvements;

d. The Director or the Chair and Secretary of the Planning and Zoning Commission have signed the plat; and

e. Support documentation, as required by the County Clerk's office for plat recordation, has been provided to the Planning Department, including the filing fees.

2. The subdivider shall be responsible for paying all record filing fees

G. Expiration of Recording Plats

An approved Recording Plat that has not been filed in the appropriate records of Williamson County within 24 months of its approval shall expire and be considered null and void.

H. Vacation of Recorded Plat

In accordance with Texas Local Government Code § 212.013, after a plat has been recorded with the Ccounty, the plat or any portion of the plat may be vacated by application of all the owners of property within the original

plat in the same manner as would be currently prescribed under this Code for approval of the original plat (i.e., Administrative, Public Hearing required, etc.).

(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.15.090. 3.15.09.Extension of Approved Subdivision Plats

A. Prior to expiration of an approved Subdivision Plat, including Preliminary Plats and RecordingFinal Plats, an applicant may request a one-time extension of the Subdivision Plat approval for a period of six months if the Director determines such extension will have no negative impacts on the surrounding area and would not be contrary to the public interest. Approval of an extension for a Final Plat that is subject to the requirement for a Preliminary Plat may only be granted if the approval of the Preliminary Plat for such is also extended, if applicable.

B. The Director shall have the authority to determine if a Subdivision Plat Eextension meets the criteria for processing and approval.

(Ord. No. 2017-15, § 2, 2-28-2017)

Editor's note(s)—Ord. No. 2017-15, § 2, adopted February 28, 2017, changed the title of Section 3.08.090 from "Extension and Reinstatement of Approved Subdivision Plats" to "Extension of Approved Subdivision Plats.".

3.15.100. 3.15.10.Construction Plans

A. Applicability

Construction Plans conforming to the City's Construction Specifications and Standards Manual and this Code must be submitted to the Development Engineer for all existing or proposed streets, sidewalks, drainage, and utility improvements, and any other infrastructure or public improvements that are required or proposed to be constructed, reconstructed, improved or modified to serve the development. Where the Final Plat is for property being developed in phases, the required Construction Plans must include the improvements specified in the Preliminary Plat to serve the phase being platted. The Construction Plans are intended to provide detailed engineering drawings for all improvements required to serve the development. The Construction Plans shall be kept as a permanent record of the City.

B. Construction or Financing of Public Improvements

1. After approval of a Preliminary Plat or a Combined Preliminary and Final Plat Option, the subdivider shall notify the Development Engineer as to the construction procedure the subdivider proposes to follow. One of the following procedures shall be used:

   a. The subdivider may file Construction Plans, and, upon approval of the Construction Plans by the Development Engineer, proceed with construction of streets, alleys, sidewalks, and utilities that the subdivider is required to install.

   b. The subdivider may elect to file a "financial guarantee of performance" as provided in Section 13.08**Section 15.09**, in which case the guarantee of performance shall be filed with the City.

2. Upon completion of construction the subdivider shall deliver to the City a two-year Maintenance Bond for guarantee of workmanship and materials as provided in **Section 13.09.15.02.040**.

   3. A conditional construction permit for a model home may be issued once the streets to the subdivision have been constructed to sub-grade and water service and a fire hydrant are located

within 500 feet of the lot on which the model home is located. The Building Official shall note on the permit that the property owner accepts all responsibility for commencing construction prior to completion of the public improvements and City acceptance of the subdivision. The Certificate of Occupancy for the model home will not be issued until the subdivision and all public improvements have been accepted by the City, a Final Plat has been filed with the County, and all utilities are connected to the home.

3. 4.The construction documents, when duly signed by the Development Engineer, are authority to proceed with the construction of streets and utilities.

C. Responsibility of Subdivider's Engineer

The professional engineer representing the subdivider is responsible for the accuracy, completeness, and conformance to the City's Construction Specifications and Standards Manual, this Code, and, all applicable City standards. The City has no project design or engineering responsibility.

D. Approval Criteria

The purpose of the Development Engineer's review is to ensure conformance to City policies and standards. However, the Development Engineer's review is limited to facts as presented on submitted plans.

1. The Development Engineer shall approve Construction Plans that are submitted and sufficiently show compliance with any City-approved or adopted design or construction criteria manuals or, in the absence of City-approved or adopted design requirements, standard engineering practices.
2. The City reserves the right to require corrections to actual conditions in the field that are found to be contrary to or omitted from submitted plans.
3. The Development Engineer shall not approve Construction Plans that do not adequately represent construction of the approved infrastructure and public improvements included in the approved Preliminary Plat or Preliminary Final Plat.
4. Construction Plans shall not be approved until an Electric Utility Services Availability Letter, as defined in this Code, has been submitted to the City.

E. Responsibility for Final Action

Final Action Authority shall be as noted in **Section** 2.01.020. **2.01.020**.

(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2020-40 , § 2(Exh. A), 5-12-2020; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

Section 3.16. Subdivision Waiver

3.16.010. 3.16.01.Applicability

A waiver of certain subdivision standards of this Code, as provided for within this Code, may be considered concurrently with a Preliminary Plat, Final Plat, Minor Plat, or Replat to address unforeseen circumstances or other difficulties in developing a property under the specific provisions of this Code. A Subdivision Waiver application may be filed without a companion plat application in very limited circumstances if the granting of the waiver would eliminate the requirement of the plat, as determined by the Director.

(Ord. No. 2017-15, § 2, 2-28-2017)

3.16.020. ~~3.16.02.~~Initiation

Initiation of the Subdivision Waiver may be made upon submittal of a complete application by a property owner or their designated agent.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

3.16.030. ~~3.16.03.~~Application and Completeness Determination

The applicant shall submit all the information required in the UDC Development Manual. The Director is responsible for determining the completeness of an application submitted, pursuant to **Section 3.02.040. Determination of Application Completeness**.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

3.16.040. ~~3.16.04.~~Staff Review

A. The Director shall review the application, consider applicable criteria for approval, and prepare a report to the Planning and Zoning Commission.

B. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statute.

C. The Director may assign staff to review the application and make a report to the Director.

D. The Director's report may include a recommendation for final action.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

3.16.050. ~~3.16.05.~~Planning and Zoning Final Action

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a public hearing in accordance with its rules and state law and consider the Subdivision Waiver, Director's report, state law, and compliance with this Code, and take final action. Approval of a Subdivision Waiver shall require a super-majority vote of the members present. Any approved Subdivision Waiver shall be noted on all corresponding plats, if applicable.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

3.16.060. ~~3.16.06.~~Approval Criteria

A Subdivision Waiver may be approved, conditionally approved, or disapproved. At least four of the following factors are required for approval:

A. That the granting of the waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area or to the City in administering this Code.

B. That the granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Code.

C. That the conditions that create the need for the waiver do not generally apply to other property in the vicinity.

D. That application of a provision of this Code will render subdivision of the land impossible.

E. Where the literal enforcement of these regulations would result in an unnecessary hardship.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

3.16.070. ~~3.16.07.~~Expiration of Subdivision Waiver

The Subdivision Waiver shall expire if the corresponding plat expires, according to the timing specified in **Section 3.15. Subdivision of Land**.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 3.17. Site Development Plan

3.17.010. ~~3.17.01.~~Applicability

A. An approved, valid Site Development Plan is required prior to the construction, expansion, or removal of any improvements to a property, as defined in ~~Section 16.2~~**Section 18.02** of this Code and including driveways, sidewalks, drainage structures, and utility improvements, within the City's limits, except as follows:

1. Single-family and Two-family structures, including related accessory structures~~,~~ and fences on individually platted lots; and
2. Agricultural buildings for the purposes of farming, ranching, or sheltering of animals.
3. Improvements covered by a Temporary Use Permit that do not add impervious cover.

B. All improvements reflected on approved Site Development Plans must be constructed at the time of development. All terms and conditions of Site Development Plan approval must be met at the time of development.

C. The Site Development Plan may not be approved unless the lot on which the improvements are proposed is legally platted or the subject tract is determined to be exempt from the platting requirements of **Section 3.15. Subdivision of Land**.

D. Where Site Development Plan approval is required, no Building Permit approval shall be issued and no site construction shall be allowed until such property has received final Site Development Plan approval and is in conformity with the provision of this Code except through a ~~Grading~~Stormwater Permit. A ~~Grading~~Stormwater Permit, processed and reviewed with the Site Development Plan, may be considered by the Development Engineer for vegetation clearing and site grading. Such a permit may be issued at the discretion of the Development Engineer for specific activities such as understory removal and rough grading, and shall not include removal of protected trees, utility work, paving, or foundation. The Development Engineer may revoke the permit and issue a stop-work order if non-compliant.

E. The provisions of this ~~S~~section relating to Site Development Plans are adopted in accordance with the Texas Local Government Code ~~c~~Chapter 211 and the City Charter.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2017-15, § 2, 2-28-2017)*~~

3.17.020. ~~3.17.02.~~Review Process

Review of a Site Development Plan shall follow the procedures set forth in **Section 3.03.050. Administrative Review Process** for administrative review and shall be processed as follows:

A. Application Completeness

1. The applicant shall submit all of the information required in the UDC Development Manual as specified on the Site Development Plan application checklist.
2. The Director shall determine that a complete application has been submitted with all material necessary to review the Site Development Plan's conformance with applicable criteria for approval.

B. Staff Review

1. The Director shall review the application, consider~~ing~~ any applicable criteria for approval, and notify the applicant of any necessary corrections.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statutes.
3. The Director may assign staff to review the application.

C. Responsibility for Final Action

Final Action Authority shall be as noted in **Section** ~~2.01.020~~2.01.020 of this Code.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)*~~

3.17.030. ~~3.17.03.~~Criteria for Approval

A Site Development Plan shall be approved if it is in compliance with the following criteria:

A. A complete application and fee have been submitted.

B. The application and content of the application are consistent with the provisions of this Unified Development Code, the Comprehensive Plan, and any other applicable City regulations.

C. The application and content of the application are consistent with the UDC Development Manual, City's Construction Specifications and Standards Manual, this Code, and any written interpretations of this Code.

D. Site Development Plans may not be approved on any parcel of land not otherwise in conformance with ~~Section 3.08~~Section 3.15 of this ~~C~~chapter.

E. Compliance with any approved plat, Development Agreement, or other agreement or ordinance governing the parcel of land to which the Site Development Plan is related.

F. Compliance with any additional Site Development Plan approval criteria required for Overlay Districts or any Site Development Plan approval criteria adopted as part of a special area plan.

G. Prior to final approval of any plan within the ~~C~~city ~~L~~limits, the applicant must certify to the Drainage Engineer that all City Drainage Manual requirements for a Stormwater Permit are met by the Site Development Plan. Approval of the Site Development Plan constitutes approval of the Stormwater Permit.

H. The Site Development Plan shall conform to standard engineering practices and must be sealed by a ~~P~~professional ~~E~~engineer licensed in the State of Texas, except as otherwise provided for in this ~~S~~section.

I. The materials, embedment, and testing of all private main utility lines ~~six~~6 inches and above in diameter shall meet the requirements of the City's Construction Specifications and Standards Manual and/or the approved City Building Codes.

J. An Electric Utility Services Availability Letter, as defined in this Code, has been submitted to the City.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2020-40 , § 2(Exh. A), 5-12-2020)*~~

3.17.040. ~~3.17.04.~~Components of a Site Development Plan

All Site Development Plans shall include the following components demonstrating compliance with the provisions of this Code and the UDC Development Manual, unless otherwise provided for within this ~~S~~section:

A. Cover Sheet;

B. Dimensional Site Plan;

C. Architectural Plan;

D. Lighting Plan;

E. Landscape Plan;

F. Tree Preservation Plan;

G. Utility Plan;

H. Grading Plan; and

I. Drainage Plan.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

3.17.050. 3.17.05.Site Development Plan Area of Development

A Site Development Plan shall include the entire area within the legal boundaries of the tract for which it is proposed; however, the area included in a Site Development Plan may be reduced to reflect the actual area of development in the situations listed below.(i.e., The "actual area of development" refers to the portion of the tract that is planned to experience construction, expansion, or removal of any improvements to a property) in the situations listed below. The new artificial boundary shall be the same used for all components of the Site Development Plan and shall be scaled such that all requirements applicable to the Site Development Plan can be met within that boundary.

A. The area of development is part of a much larger tract whereby the area encompasses less than fifty percent (50%) of the total tract;

B. The proposed improvements are part of a larger campus where the areas are designed to function relatively independent of each other;

C. The excluded area is to remain undeveloped and in its natural state;

D. The improvements are proposed to be added to an existing site, provided:

1. No improvements are proposed to the excluded area;
2. Review of the excluded area is not necessary for review of the area of development;
3. The improvements proposed within the area of development are not dependent on improvements located within the excluded area; and
4. No retrofitting of existing site improvements is required pursuant to the provisions applicable to the expansion of a nonconforming structure or site in Chapter 14Chapter 16; and

E. Other similar circumstances, as determined by the Director.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

3.17.060. 3.17.06.Site Development Plan Phasing

When development is proposed for a larger site with multiple buildings, an applicant may choose to partition the site and construct the improvements in a series of phases as follows:

A. The Site Development Plan submittal shall include a Phasing Plan indicating the boundaries of each phase and the order of construction of associated site improvements.

B. No Phasing Plan shall propose more than five phases or exceed a period of ten10 years. The Director may approve phasing in excess of this number if the applicant can provide justification for such.

C. The proposed order of phasing shall follow a logical progression and, in the event subsequent phases are not built, must meet the minimum requirements of this Code, including, but not limited to, parking, landscaping, tree mitigation, fire access, and stormwater management.

D. Changes to a Phasing Plan shall meet the requirements of this Ssection and follow the procedures established for revisions of Site Development Plans.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)*~~

3.17.070. ~~3.17.07.~~Minor Site Development Plan

Where the scope of required or proposed site improvements is limited, as herein defined, a Minor Site Development Plan review process may be utilized subject to the provisions below.

A. Determination of Minor Site Development Plan Review

1. A Minor Site Development Plan submittal may be considered when the extent, type, or size of the site improvements is such that review of all standard Site Development Plan components, as identified in **Section 3.17.040. Components of a Site Development Plan**, is not necessary, as determined by the Director. Typical situations qualifying for Minor Site Development Plan review may include, but not be limited to, improvements required by ~~Chapter 14~~**Chapter 16** due to a change in use, a small addition to a building over existing impervious coverage, installing parking lot striping on an existing parking lot, replacement of a site's landscaping, or where only one component of a Site Development Plan, as outlined in **Section 3.17.040. Components of a Site Development Plan**, is required.

2. A Minor Site Development Plan review shall not be utilized when:

   a. Site improvements are proposed to a property where no development has otherwise occurred, except in unique situations as determined by the Director;

   b. The proposed project requires preparation of a Traffic Impact Analysis (TIA);

   c. The proposed project requires preparation of a stormwater drainage study, although some drainage information may be reviewed as part of a Minor Site Plan;

   d. A new building(s) in excess of 1,000 square feet is proposed;

   e. A building addition that increases impervious coverage is proposed in excess of 1,000 square feet or ~~twenty percent (~~20%~~)~~ of the existing building's square footage, whichever is less;

   f. The intended project requires or proposes more than six parking spaces; or

   g. Similar situations are proposed as determined by the Director.

B. Components of a Minor Site Development Plan

The components required with a Minor Site Development Plan application shall be those determined by the Director to be applicable to the particular situation and necessary to verify the conformance of the proposed site improvements with the provisions of this Code. The Director may determine an engineer is not required to prepare the plans under the Minor Site Development Plan provisions if the proposed improvements do not warrant such.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)*~~

3.17.080. ~~3.17.08.~~Revisions to Approved Site Development Plans

Any modifications to an approved Site Development Plan must be resubmitted to the Director for consideration as follows:

A. Modifications to an approved Site Development Plan that do not substantially change the design or nature of the original Site Development Plan and have no significant adverse impact upon neighboring properties, the public, or persons who will occupy or use the proposed development may be processed as one of the following based upon the scope and impact of the change:

1. A Record Change/Record Drawing; or,

2. A Minor Revision to a Site Development Plan; or,
3. A Site Development Plan Amendment.

An application for modification of a Site Development Plan following the requirements of the UDC Development Manual shall be submitted to the Planning Department identifying the requested revisions and/or modifications.

B. The Director shall publish requirements within the Development Manual for all modifications to approved plans.

C. All other revisions or modifications to an existing Site Development Plan that do not meet the provisions of Subsections **A** or **B** above shall be processed as a new Site Development Plan application.

D. Approval of a new Site Development Plan or Site Development Plan Amendment application shall void the previously approved Site Development Plan. A Minor Revision to a Site Development Plan, or a Record Change/Record Drawing shall directly update and be applied to the original Site Development Plan.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)*~~

3.17.090. ~~3.17.09.~~ Expiration

A. A Site Development Plan shall expire 24 months after the date that the Site Development Plan was approved, unless:

1. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy has been issued.
2. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 24 months from the date Site Development Plan approval is granted. Each subsequent application must be approved within 24 months from the date of issuance of a Certificate of Occupancy, conditional or otherwise, by the Building Official for the previous phase of the development.
3. Except as provided for within this ~~S~~section, a lapse of a period greater than those set forth above causes the related approvals or permits to expire and be of no further force and effect. Any further action shall require a new application and approval.

B. Site Development Plan Extension

Prior to expiration of an approved Site Development Plan, an applicant may request a one-time extension of the Site Development Plan approval for a period of 24 months if the Director determines such extension will have no negative impacts on the surrounding area and would not be contrary to the public interest. A request for Site Development Plan extension shall follow the procedures set forth for such in the UDC Development Manual.

C. Site Development Plan Reinstatement

In the event a Site Development Plan approval expires, an applicant may seek a one-time reinstatement of the approved Site Development Plan, without modification, subject to the provisions below. Such reinstatement may be granted by the Director for a period not to exceed 24 months. A request for Site Development Plan reinstatement shall follow the procedures set forth for such in the UDC Development Manual.

1. The reinstatement must be requested within 24 months of the expiration date of the approved Site Development Plan.
2. The regulations applicable to the project per the Code currently in effect may not be determined to be significantly different from those applied to the original approval of the Site Development Plan, such that a new application for the same plan would be substantially the same.
3. The circumstances of the adjacent properties, roadways, and subject property shall have remained the same, so as to not change the requirements applicable to the property. Such circumstances could include,

but not be limited to, a change of zoning in the subject or adjacent properties, a change in the boundary of the subject property, a change in classification of the adjacent roadway, or neighboring construction affecting landscape buffers.

D. The Director shall have the authority to determine if a Site Development Plan Extension or Reinstatement meets the criteria for processing and approval.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

Section 3.18. Development Agreement

3.18.010. 3.18.01.Applicability

A. An application for a Development Agreement pursuant to Section 212.172 of the Texas Local Government Code seeking to modify or delay certain requirements of this Code (including any manuals adopted by reference by this Code) and/or any other provisions of the City Code of Ordinances in order to present an alternative plan for development that could not otherwise be accomplished under this Code or the Code of Ordinances may be filed in accordance with the terms and conditions of this section.

B. This section shall apply to any new agreement and any amendments thereto, as well as to any amendments to an existing Development Agreement.

(Ord. No. 2019-01 , § 2(Exh. A), 1-8-2019; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.18.020. 3.18.02.Review Process

A. Initiation

Initiation of a Development Agreement or an amendment may be made upon:

1. Application of a property owner or their authorized agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning and Zoning Commission or appropriate board or commission; or
4. Recommendation of the Director.

B. Application and Completeness Determination

1. Applications shall be reviewed by a Development Agreement Committee ("Committee") which shall be designated by tThe Director at the time of who will route the application to determine the necessary staff for the particular application.City staff as needed to determine completeness. The Committee will be established based on the functional areas needed in order to appropriately respond to the request being considered. The Committee may consist of the City's Development Engineer, City Attorney, Finance Director, Community Development Director, Planning Director, Planner(s), Systems Engineering Director, Georgetown Utility Systems representative(s), their designees, or any other staff assigned to the Committee.
2. The Committee City staff shall determine completeness of the application no more than 15 working days following submittal of the application. At that time, the CommitteeCity staff shall also assign staff hourly rates, a payment schedule, and determine if the application is consistent with City policies and advances a legitimate City interest; otherwise, the Committee may reject the application may be rejected based on such criteria.

C. Staff Review

1. The CommitteeDirector shall review the application, consider the approval criteria, and assign a project manager to lead the review and prepare a report to the Planning and Zoning Commission and/or appropriate board or commission and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and Sstate statute.
3. The project manager's report may include a recommendation for final action.

D. Public Notice

Public notice, in the form of mailed, published, and posted notice, shall be required per the notice provisions of this Code, unless the agreement or amendment thereto is determined by the CommitteeDirector to be minor, inconsequential, or otherwise unnecessary for public notice and Ppublic Hhearings. If notice is required, the CommitteeDirector shall determine the location and the extent of the notice based on the type and effect of the proposed amendment.

E. Board or Commission Review

The Planning and Zoning Commission or other appropriate board or commission, shall hold a Ppublic Hhearing, unless determined unnecessary by the CommitteeDirector, and make a recommendation to the City Council.

F. City Council Final Action

1. The City Council shall hold a Ppublic Hhearing, unless determined unnecessary by the CommitteeDirector, and may take final action on the proposed Development Agreement or amendment.
2. The Development Agreement or amendment shall become effective in the manner provided by the City Charter or Sstate law.
3. All outstanding application, staff, and legal fees must be paid in full to the City prior to the adoption of the agreement or amendment.

3.18.030. 3.18.03.Approval Criteria

In determining whether to approve, approve with modifications, or disapprove a proposed Development Agreement or amendment, the City Council shall consider the following matters:

A. The proposed agreement promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.

B. The proposed agreement is consistent with the Comprehensive Plan.

Section 3.19. Master Sign Plan

3.19.010. 3.19.01.Applicability

A Master Sign Plan shall be required for all multiple-tenant buildings, Planned Unit Developments, and all multi-building or multi-occupant commercial developments before any signs for such development may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved Master Sign Plan.

3.19.020. 3.19.02.Review Process

A. Review of a Master Sign Plan shall follow the procedure set forth in **Section 3.03.050. Administrative Review Process**, save and except a Master Sign Plan for property located in a hHistoric oOverlay dDistrict.

B. Review of a Master Sign Plan for property in a hHistoric oOverlay dDistrict shall follow the procedure set forth in **Section 3.265.11. Certificate of Appropriateness**.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

3.19.030. 3.19.03.Criteria for Approval

In addition to the general review criteria in **Section 3.03.050.D. Criteria for Approval—Generally** or **Section 3.265.11. Certificate of Appropriateness** for property in a hHistoric oOverlay dDistrict, , the Building Official or Historic Preservation Officer, as applicable, shall determine the following in order to approve the Master Sign Plan:

A. The plan provides that signs of a similar type and function within the development will have a consistent building material;

B. The plan provides for signs that meet the size limitations, location requirements, and other applicable requirements of this Unified Development Code; and

C. Plans for property located in a hHistoric oOverlay dDistrict shall be in keeping with the adopted Historic District Design Guidelines.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019; Ord. No. 2021-53 , § 5(Exh. D), 7-27-2021)

3.19.040. 3.19.04.Responsibility for Final Action

A. The Building Official is responsible for final action on Master Sign Plans, save and except Master Sign Plans for property located in a hHistoric oOverlay dDistrict.

B. The Historic Preservation Officer is responsible for final action on Master Sign Plans for property located in a hHistoric oOverlay dDistrict.

C. A sSign pPermit for all signs in the Master Sign Plan shall also be required in accordance with **Section 3.20. Sign Permit**.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)

3.19.050. 3.19.05.Expiration

A Master Sign Plan shall expire 24 months after the date that the Master Sign Plan was approved unless:

A. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy or equivalent has been issued.

B. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 12 months from the date Site Development Plan approval is granted. Each subsequent application must be submitted within 24 months from the date of issuance of a Certificate of Occupancy by the Building Official for the previous phase of the development.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

Section 3.20. Sign Permit

3.20.010. ~~3.20.01.~~Applicability

No sign may hereafter be erected, moved, added to, or structurally altered within the City or the extraterritorial jurisdiction without a permit issued by the Building Official in conformity with the provisions of this section. No Building Permit issued under the provisions of this Code for signs shall be considered valid unless signed by the Building Official. The provisions of this section relating to ~~s~~Sign ~~p~~Permits are adopted pursuant to Texas Local Government Code ~~c~~Chapters 211, 214, 216, and the City Charter.

3.20.020. ~~3.20.02.~~Review Process

Review of a ~~s~~Sign ~~p~~Permit shall follow the procedures set forth in **Section 3.03.050. Administrative Review Process**.

3.20.030. ~~3.20.03.~~Criteria for Approval

In addition to the general criteria for approval of administrative procedures in **Subsection 3.03.050.D. Criteria for Approval—Generally**, the Building Official shall base the final action on the following criteria:

A. Whether the intended sign conforms in all respects with all applicable regulations and standards of this Unified Development Code and any applicable construction or safety standards of the City's adopted ~~b~~Building Code.

B. If the subject property has a Master Sign Plan, Development Agreement, or ordinance governing it, whether the plans, specifications, and intended use of such building or structures or part thereof conform in all respects to the Development Agreement or ordinance.

3.20.040. ~~3.20.04.~~Responsibility for Final Action

A. Final Action Authority shall be as noted in ~~Section 2.01.020 of this Code~~**Table 2.01.020-1. Summary of Review Authority**.

B. Appeals of Building Official actions regarding sign-related Building Permits are considered by the Zoning Board of Adjustment and must follow the standard appeal of an administrative decision procedure described in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

~~*(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)*~~

3.20.050. ~~3.20.05.~~Expiration

A Sign Permit shall expire six months after issuance if the sign is not constructed in a manner consistent with the permit.

Section 3.21. Stormwater Permit

3.21.010. ~~3.21.01.~~Applicability

To ensure conformance to the stormwater management provisions of this Code, a Stormwater Permit is required prior to any land disturbance, as defined in ~~Section 16.02~~**Section 18.02**, except for a single or two-family structure on a legal lot ~~one~~1 acre or greater in the City's extraterritorial jurisdiction (ETJ). Approval of a Site Development Plan or Subdivision Construction Plans constitutes approval of a Stormwater Permit. The provisions of this ~~S~~section related to Stormwater Permitting are adopted pursuant to the authority conferred by the U.S. Environmental Protection

Agency, the Texas Commission on Environmental Quality, the Texas Local Government Code cChapters 211 and 212, and the City Charter.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2017-15, § 2, 2-28-2017)

3.21.020. 3.21.02.Review Process

Review of a Stormwater Permit shall follow the procedure set forth in **Section 3.03.050. Administrative Review Process**.

3.21.030. 3.21.03.Criteria for Approval

A. The applicant must ensure that the application for a Stormwater Permit wasis prepared or reviewed, approved, and sealed by a professional engineer licensed in the State of Texas prior to submission to the City, and that the application meets the requirements of the UDC Development Manual.

B. Stormwater Permit will be issued after the Development Engineer has determined that the development meets the stormwater and pollution management requirements of Chapter 11Chapter 13.

C. A Stormwater Permit is conditional upon all applicable related permits required from the Texas Commission on Environmental Quality, the U.S. Environmental Protection Agency, or any other Sstate or federal agency being issued by that agency.

D. A Ggrading Ppermit, processed and reviewed as a Stormwater Permit, may be considered by the Development Engineer for vegetation clearing, and site grading. Such a permit may be issued at the discretion of the Development Engineer for specific activities such as understory removal and rough grading, and shall not include removal of protected trees, utility work, paving, or foundation. The Development Engineer may revoke the permit and issue a stop-work order if non-compliant.

E. A Stormwater Permit shall not be issued until an Electric Utility Services Availability Letter, as defined in this Code, has been submitted to the City.

(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2020-40 , § 2(Exh. A), 5-12-2020)

3.21.040. 3.21.04.Responsibility for Final Action

Final Action Authority shall be as noted in **Section** 2.01.0202.01.020 of this Code.

(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.21.050. 3.21.05.Expiration

A Stormwater Permit shall expire 24 months after the date that the permit was issued if the improvements identified in the permit are not constructed.

(Ord. No. 2017-15, § 2, 2-28-2017)

Section 3.22. Driveway Access Permit

3.22.010. 3.22.01.Purpose

The purpose of a Driveway Access Permit is to determine the safety, mobility, and operational impacts that a proposed access connection will have on the roadway system.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

3.22.020. ~~3.22.02.~~Applicability

Driveway Permits are required for the following:

A. New driveway locations on roadways within the jurisdictional limits of the City~~;~~.

B. Existing driveways on roadways within the jurisdictional limits of the City for those developments that represent a change in property usage or zoning.

C. For the purposes of this section, the jurisdictional limits of the City shall include properties within the municipal limits of the City as well as the extraterritorial jurisdiction (ETJ).

D. The alteration of a public street curb or drainage facility, if not associated with an approved Construction Plan or Building Permit. Such request shall comply with Chapter 12.08, Street Excavations, of the Georgetown Municipal Code.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

3.22.030. ~~3.22.03.~~Review Process

Review of a Driveway Access Permit shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

~~Editor's note(s)—Ord. No. 2017-15, § 2, adopted February 28, 2017, repealed the former Section 3.19.030 in its entirety, which pertained to the Pre-Application Conference, and derived from original codification. Subsequently, Sections 3.19.040—3.19.080 have been redesignated as Sections 3.19.030—3.19.070.~~

3.22.040. ~~3.22.04.~~Criteria for Approval

~~No Driveway Access Permit will be denied unless it is determined by t~~The Development Engineer will make a determination to approve the permit or that the proposed location of the driveway will have an adverse effect on public safety. In making this determination, the following will be evaluated:

A. Existing driveways;

B. Land use (including but not limited to the intensity of development and trip attraction/generation potential, mix of vehicles, and turning movements);

C. Function of public street (including, but not limited to, the number of lanes, medians, median openings, vertical and horizontal curvature, sight distance, operating speeds, traffic volumes, entrance/exit ramps, and frontage roads);

D. The location of nearby streets and driveways;

E. The Site Plan (including but not limited to on-site circulation, delineation of the intended paths, parking stalls, location of buildings, location of loading areas);

F. Actual or anticipated excessive increase in vehicular traffic being routed onto streets occurring as a result of any such permit;

G. Physical constraints on the site, including topography and site distance(s);

H. Unusual lot configurations;

I. Potential traffic movements which are unsafe or have an adverse effect on traffic operations;

J. Joint access at the time of subdivision or Site Plan approval for abutting lots that have insufficient frontage to allow a driveway approach for each lot; and

K. That strict enforcement of the criteria for approval would result in a denial of access to the site.

(Ord. No. 2017-15, § 2, 2-28-2017)

3.22.050. 3.22.05.Submission Requirements

The Development Engineer will determine during the Pre-Application Meeting if further studies will be required. Such studies may include, but shall not be limited to, the following:

A. Engineering Study

1. An Engineering Study may be required based on the determination of the Development Engineer. In all cases, the City will require only those elements of an Engineering Study that are necessary to answer the specific questions that arise during the review process. The Engineering Study shall conform to standard engineering practices and must be sealed by a Professional Eengineer licensed in the State of Texas. The Development Engineer will review the following information in the determination to require an Engineering Study:

   a. Compliance with the minimum spacing requirements of this Code;

   b. Deceleration or acceleration lane required;

   c. Traffic volumes and classification of the intersecting street at the proposed driveway location;

   d. Sight distance or physical obstructions and/or constraints that will result in a safety problem;

   e. Environmental or hydraulic issues associated with the proposed driveway(s); and

   f. Lot configuration.

2. An Engineering Study shall contain the following information:

   a. Trip generation based on the latest edition of the ITE Trip Generation Manual unless there is acceptable data that supports the use of another trip generation source, as approved by the Development Engineer.

   b. Trip distribution, to be performed with input from the City.

   c. Traffic assignment to determine the forecasted turning movements attributable to the proposed development.

   d. Traffic volumes, if determined necessary by the Development Engineer and subject to the following criteria:

      (i) The existing traffic counts will be grown using an annual growth rate as agreed to by the City to the build-out year of the proposed development;

      (ii) The resulting traffic volumes will be used as background traffic volumes, and the assigned forecasted turning movements will be added to the background traffic volumes, resulting in the total traffic volumes; and

      (iii) The total traffic volumes will be used to determine the need for left-turn and right-turn lanes.

B. Traffic Impact Analysis (TIA)

1. A TIA may be required based on the determination of the Development Engineer. In all cases, the City will require only those elements of a TIA that are necessary to answer the specific questions that arise during the permitting process.

2. A TIA shall contain the following information:

a. All of the information outlined in **Subsection 3.22.0500.A.2** above.

b. Operational analysis (level of service, capacity, etc.) for the determined study intersections.

c. Recommendations for mitigation measures should the impact of the proposed access point(s) result in unacceptable levels of service.

(Ord. No. 2017-15, § 2, 2-28-2017)

3.22.060. 3.22.06.Responsibility for Final Action

Final Action Authority shall be as noted in **Section** 2.01.020.2.01.020.

(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

Note(s)—See editor's note at Section 3.19.030.

3.22.070. 3.22.07.Expiration

A Driveway Access Permit will expire 18 months after issuance if the driveway is not constructed in a manner consistent with the permit. An application for a Driveway Access Permit will expire if it remains inactive for six months.

(Ord. No. 2017-15, § 2, 2-28-2017)

Note(s)—See editor's note at Section 3.19.030.

Section 3.23. License Toto Encroach

3.23.010. 3.23.01.Purpose

The purpose of a License to Encroach is to determine the potential impacts of proposed improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, right-of-way, or easement in order to maintain their safety, mobility, and operational functionality.

3.23.020. 3.23.02.Applicability

A. A License to Encroach, in the procedures provided for in this section, is required for the following:

1. New improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, or right-of-way within the Ccity limits and easements located within the Ccity limits or the extraterritorial jurisdiction.

2. Existing improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, or right-of-way within the Ccity limits and easements located within the Ccity limits or the extraterritorial jurisdiction.

B. Those improvements, as defined in Subsection **A** above, that encroach into a public street, roadway, or sidewalk shall obtain approval from the City Council, in addition to this license.

3.23.030. 3.23.03.Review Process

Review of a License to Encroach shall follow the administrative review procedures set forth in **Section 3.03.0500. Administrative Review Process**, subject to the criteria for approval set forth below.

(Ord. No. 2017-15, § 2, 2-28-2017)

3.23.040. 3.23.04.Criteria for Approval

No License to Encroach will be denied unless it is determined by the Development Engineer that the proposed location or type of improvement will negatively impact the function of the public street, roadway, sidewalk, right-of-way, or utility easement or other easement or have an adverse effect upon the health, safety, or welfare of the general public. In making this determination, the following will be evaluated:

A. The proposed encroachment into a public street, roadway, sidewalk, right-of-way, or easement by any person shall not interfere with the lawful use thereof.

B. Any proposed construction within a public street, roadway, sidewalk, right-of-way, or easement shall be in accordance with this Code, the City's adopted construction standards, and any other applicable ordinances and regulations.

C. At any time during the construction of any structure within a public street, roadway, sidewalk right-of-way, or easement:

1. The applicable public street, roadway, or sidewalk shall be kept open for vehicular and pedestrian traffic in a reasonable manner, and sidewalks shall not be obstructed to prevent the use thereof by pedestrians;
2. Dirt and other material removed from the construction of any structure within a public street, roadway, sidewalk, right-of-way, or easement shall not be allowed to remain on the street or sidewalk and shall be removed immediately at the sole cost, risk, liability, and expense of the licensee;
3. All excavations and obstructions of any kind that take place during the period of the licensee's construction shall be properly barricaded and well-illuminated during the night, subject to the approval of the Building Official.

(Ord. No. 2017-15, § 2, 2-28-2017)

3.23.050. 3.23.05.Submission Requirements

Staff may determine further studies will be required. Such studies may include, but are not limited to, an Engineering Study, which may be required at the determination of the Development Engineer. Only the elements of an engineering study that are necessary to answer specific questions that arise during the review process will be required for submittal.

(Ord. No. 2017-15, § 2, 2-28-2017)

3.23.060. 3.23.06.Responsibility for Final Action

The Development Engineer is responsible for final action on Licenses to Encroach into a public easement. For those requests that encroach into a public street, roadway, sidewalk, or right-of-way, final approval shall be obtained from the City Council.

(Ord. No. 2017-15, § 2, 2-28-2017)

3.23.070. 3.23.07.Expiration

The City shall provide written notice at least 180 days in advance to the licensee, its representatives, successors, or assigns to take possession of and use all or any part of the licensed area in the event that such use be reasonably desired or needed by the City for street, sewer, transportation, or any other public or municipal use or purpose. During such time, it is the responsibility of the licensee, its representatives, successors, or assigns to remove the

encroachment(s). In such an event, the City shall have the right to cancel the revocable license as to that portion of the licensed area so designated and required by the City.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~*Note(s)—See editor's note at Section 3.21.030.*~~

Section 3.24. Tree Removal Permit

3.24.010. ~~3.24.01.~~Purpose

The purpose of a Tree Removal Permit is to determine whether such a tree should be removed based on its species, size, location, health, viability, and impact on the overall site design. Protected and ~~H~~heritage trees shall not be removed without first securing approval from the City.

~~*(Ord. No. 2021-62 , § 2(Exh. A), 9-14-2021)*~~

3.24.020. ~~3.24.02.~~Applicability

A. The provisions of this section shall apply to all property located within the corporate limits and in the extraterritorial jurisdiction (ETJ) of the City.

B. The provisions of this section apply to all development subject to this Code, except as noted below, whether or not there is an active permit for the project.

C. Single-family or two-family residential lots approved and platted prior to February 13, 2007, are exempt from the requirement of a ~~t~~Tree ~~r~~Removal ~~p~~Permit. However, single-family and two-family lots platted after February 13, 2007, are subject to the heritage tree protection provisions in ~~Section 8.02~~**Chapter 10**, which shall apply to the developer, home builder, and homeowner. Notwithstanding the preceding exemption, if a future change of use from a single-family or two-family home to any other use triggers a permit under this Code, then the provisions of the Tree Removal Permit will be required.

~~*(Ord. No. 2021-62 , § 2(Exh. A), 9-14-2021)*~~

3.24.030. ~~3.24.03.~~Review Process

Review of a Tree Removal Permit shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

~~*(Ord. No. 2021-62 , § 2(Exh. A), 9-14-2021)*~~

3.24.040. ~~3.24.04.~~Criteria for Approval

No Tree Removal Permit shall be approved unless it is determined by the Landscape Planner or their designee, that the proposed removal is justified, based on the tree species and site conditions of the tree. In making this determination, the following will be evaluated:

A. Tree species;

B. Tree size/number of trunks;

C. Tree health and viability;

D. Tree location;

E. Protected and heritage trees to remain on site; and

F. Whether the project can be developed without tree removal.

(Ord. No. 2021-62 , § 2(Exh. A), 9-14-2021)

3.24.050. 3.24.05.Submission Requirements

A. Statement of justification for tree removal.

B. Copy of companion plat, Site Development Plan or concept plan for the permit or authorization that required compliance with this section.

C. Copy of tree survey, if applicable. If no tree survey exists, location of tree identified, tree type, size, condition, etc.

D. A photo of the tree's canopy and trunk, labeled with the corresponding tree number on the companion tree survey, shall be submitted with the application for a heritage tree removal permit.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

3.24.060. 3.24.06.Responsibility for Final Action

A. Final Action Authority shall be as noted in 2.01.020 of this CodeTable 2.01.020-1. Summary of Review Authority.

B. Upon receipt of the application, the Landscape Planner shall inspect the subject tree and approve or deny the application in accordance with the provisions of this section within ten10 working days of the date of the application. Upon written request from the owner or the owner(s)'s representative, said date for the Landscape Planner's final decision may be extended for a period of up to 15 additional days.

C. An applicant may appeal a denial of a Tree Removal Permit to the City Council. Such appeal must be made in writing and received by the Director within 30 days of the date of the decision on the application by the Landscape Planner. The Director shall set the matter for Ppublic Hhearing before the City Council at the earliest possible regularly scheduled meeting of the City Council. The City Council shall review the request and render a decision affirming, affirming in part, conditionally affirming, or reversing the determination of the Landscape Planner. If a Tree Removal Permit is issued after appeal, pursuant to the provisions of this Code, the applicant must comply with all applicable provisions of this Code, including mitigation.

D. The applicant shall, prior to approval of the application, submit a mitigation or payment of fees-in-lieu calculation and a mitigation plan, pursuant to Section 8.05Section 10.02, showing the proposed species, location, and irrigation plan for the proposed mitigation trees.

E. The Director is authorized to identify and require such documents as are necessary to process this request. Said requirements and/or documents shall be published in the City's Development Manual.

(Ord. No. 2021-62 , § 2(Exh. A), 9-14-2021; Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.24.070. 3.24.07.Expiration

A Tree Removal Permit shall remain valid for the longer of:

A. The period of validity of the permit or authorization that required compliance with this section; or

B. One hundred eighty (180) days from the issuance of the tTree rRemoval pPermit.

(Ord. No. 2021-62 , § 2(Exh. A), 9-14-2021)

Section 3.25. Heritage Tree Pruning Permit

3.25.010. ~~3.25.01.~~Purpose

The purpose of a Heritage Tree Pruning Permit is to determine whether such a tree should be pruned and how the pruning shall be performed. Heritage trees shall not be pruned without first securing approval from the City.

3.25.020. ~~3.25.02.~~ Applicability

A. The provisions of this section shall apply to all property located within the corporate limits and in the extraterritorial jurisdiction (ETJ) of the City.

B. A Heritage Tree Pruning Permit shall be required for any pruning of a heritage tree located on all properties, including single-family and two-family lots platted after February 13, 2007; however, a Heritage ~~t~~Tree ~~p~~Pruning ~~p~~Permit shall only be required during the original home construction. Notwithstanding the preceding exemption, if a future change of use from a single-family or two-family home to any other use triggers a permit under this Code then the provisions of the Heritage Tree Pruning Permit will be required.

~~*(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)*~~

3.25.030. ~~3.25.03.~~ Review Process

Review of a Heritage Tree Pruning Permit shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

3.25.040. ~~3.25.04.~~ Criteria for Approval

No Heritage Tree Pruning Permit will be approved unless it is determined by the Landscape Planner or their designee, that the proposed pruning is justified based on the health or viability of the tree and that the proposed pruning will not negatively impact the health and appearance of the tree. In making this determination the following will be evaluated:

A. Reason for pruning request;

B. Tree location;

C. Percent of canopy to be removed;

D. Tree health; and

E. Whether an ISA Certified Arborist is going to perform the pruning.

3.25.050. ~~3.25.05.~~Submission Requirements

A. Statement of justification for tree pruning.

B. Copy of companion plat, Site Development Plan or concept plan for the permit or authorization that required compliance with this section.

C. A photo (digital or hardcopy) of the tree, labeled with the tree number on the tree survey, DBH, species, and contractor's ISA certification number, shall be submitted with the application for a Heritage Tree Pruning Permit.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)*~~

3.25.060. ~~3.25.06.~~Responsibility for Final Action

A. Final Action Authority shall be as noted in **Section** ~~2.01.020~~**2.01.020** of this Code.

B. An applicant may appeal the denial of a Heritage Tree Pruning Permit to the Director. Such appeal must be made in writing and received by the Director within 30 days of the date of the decision on the application by the Landscape Planner. The request for appeal shall set forth the specific reasons for the appeal and state the specific reasons for disagreement with the decision of the Landscape Planner, including the basis for the applicant's position that the application should have been granted. Appeals shall be processed in accordance with **Section** 2.01.0202.01.020 and **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

(Ord. No. 2023-44 , § 4(Exh. B), 8-22-2023)

3.25.070. 3.25.07.Expiration

A. The Heritage Tree Pruning Permit shall remain valid for 180 days from date of issuance.

Section 3.26. Certificate of Appropriateness

3.26.01. Applicability

A. Pursuant to the authority granted to the City by Texas Local Government Code chapter 211 and the City Charter, a Certificate of Appropriateness is required in accordance with Table 3.13.010 below. Activities that include more than one project (scope of work) shall be subject to the review process and criteria for approval for each specific project as identified in Table 3.13.01.

Table 3.13.01: Certificate of Appropriateness Required

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
New Construction (Infill Development)		
New building construction	All Historic Overlay Districts	HARC
Additions		
Addition that creates a new, or adds to an existing, street-facing facade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)	HARC
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)	HPO
	Non-Contributing Historic Structure	HPO
Addition of a non-street-facing facades	Historic Landmark	HARC
	Contributing Historic Structure	HPO
	Non-Contributing Historic Structure	NR
New addition does not comply with the zoning standards of the historic overlay district	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Awning or canopy	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified	HARC

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
	on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Porch, patio, deck, pergola, or sail sunshade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Reconstruction, Alterations, Changes		
Restoring historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Replacing a historic architectural feature with a non-historic architectural feature±	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Replacing roof materials with different roof materials±	Historic Landmark	HARC
	Contributing Historic Structure	HPO
	Non-Contributing Historic Structure	NR
Modifications to exterior steps, stairways, and ramps using in-kind material	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Modifications to exterior steps, stairways, and ramps	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
	Historic Landmark	HPO

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
Paint removal from historic and significant architectural features (back to original condition; does not include repainting)	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Changes to paint color on previously painted surfaces (includes repainting or new paint on previously painted surface)	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
New paint on unpainted historic and other significant architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Changes in color to awning fabric	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Exterior lighting that is attached to the building or structure	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Rooftop HVAC, mechanical, or communication equipment that result in no modifications to the building facade	Historic Landmark*	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Rooftop HVAC, mechanical, or communication equipment that result in modifications to the building facade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structure as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Removal, Demolition, or Relocation		
Awnings or canopies	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structure as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Exterior non-historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Exterior siding to unencapsulate historic siding materials	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
Removal, stripping, concealing, or destruction of any historic and architectural feature that is integral to the historic character of the building or structure, or historic overlay district	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)	HPO
	Non-Contributing Historic Structure*	HPO
Non-historic additions that are made of non-historic materials	Historic Landmark	HPO
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Attached carport, porch, patio, or deck	Historic Landmark	HARC‡
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Attached carport, porch, patio, or deck made of non-historic materials	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Reopen enclosed porch, patio, or deck to original condition	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Street facing facade	Historic Landmark	HARC‡
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Demolition that results in the reduction or loss in the total square footage of the existing structure	Historic Landmark	HARC
	Contributing Historic Structure	
	High Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District	HARC
	Medium Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District	HPO
Relocation of a building or structure on the same lot	Historic Landmark	HPO
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Relocation of a building or structure to a historic overlay district (includes relocation of buildings or structures within the same historic overlay districts)	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Relocation of a building or structure outside of the historic overlay district	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Signage		
Master Sign Plan	All Historic Overlay Districts	HPO

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
New signage, to include new signage that is consistent with an approved Master Sign Plan		HPO
New signage that is inconsistent with an approved Master Sign Plan or applicable guidelines		HARC
Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting, or total sign area		HPO
Amending an approved Master Sign Plan		HPO
Fences		
New fence, railing, or wall that is inconsistent with the overlay district's characteristics and applicable guidelines	All Historic Overlay Districts†	HARC
Miscellaneous		
Exceptions on building height, setback, and FAR alternative standards pursuant to Section 4.08 of this Code	All Historic Overlay District	HARC
Renewal of an expired Certificate of Appropriateness	All Historic Overlay Districts Historic Landmark	HPO
** Only applicable to a street-facing facade* *† Only applicable to fences along a street lot line or located in a street yard* *‡ CLG demo delay period and Demolition Subcommittee review not applicable* *± Material that is intended to replace a historic material or feature that is either the same or a similar material, and the result will match all visual aspects, including form, color, and workmanship in order to retain the original design of the structure, may be permitted by the identified decision maker for medium and low priority resources.*		

B. Exemptions

A Certificate of Appropriateness shall not be required for the following:

1. Ordinary maintenance and repair, as this term is defined in Chapter 16 of this Code.
2. Interior construction or alterations provided the alterations do not alter the exterior wall of the building.
3. New additions to existing single-family and two-family structures provided the addition does not create or add to a street-facing facade, and the addition, in combination with the existing building, is in compliance with the zoning standards of the historic overlay district.
4. New, modifications to, or removal of existing awnings (to include changes in color), canopies, exterior paint color, or exterior lighting attached to a single-family or two-family residential structure, provided the alterations do not alter the exterior wall of a building designated as a historic landmark.
5. Demolition of a building or structure that the Building Official has declared a dangerous structure in accordance with Chapter 15.40 of the City Code, as amended, or determined that demolition is necessary for the preservation of the public health, safety, and welfare.

a. Should the Building Official declare a building a dangerous structure or determine that demolition is necessary for the preservation of public health, safety, and welfare, the Building Official shall coordinate with the Historic Preservation Officer and property owner to identify historic and significant architectural features that are unique to the building or structure, era or district and that may be salvaged.

b. The Historic Preservation Officer shall create a record of the building or structure to be demolished through archival-quality photo-documentation, drawings, and other information similar to those required by the Historic American Buildings Survey. The list of identified historic and significant architectural features to be salvaged shall also be made part of this record.

6. New fence, railing or wall that is consistent with the overlay district's characteristics and applicable guidelines.

7. Site alterations and other hardscape features provided that these do not alter a building or structure designated as a Historic Landmark or that is a contributing historic structure to the Historic Overlay District.

C. No Building Permit shall be issued by the Building Official for any building or structure designated as a Historic Landmark or that is located in a Historic Overlay District until the application for such permit has been reviewed and approved by the Historic and Architectural Review Commission or the Historic Preservation Officer, as applicable, and the project, as proposed, is in compliance with all other applicable regulations of this Code.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)

3.26.02. Certificate of Appropriateness—Administrative Approval

A. Review Process

1. Initiation

Initiation of a certificate of appropriateness to the Historic Preservation Officer may be made upon application by the property owner of the affected property or their authorized agent following the established application processes and requirements of this Chapter.

2. Application Completeness

a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable certificate of appropriateness checklist.

b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material necessary to review conformance with applicable criteria for approval in accordance with this Code.

3. Staff Review

Once a Certificate of Appropriateness has been initiated and the application deemed complete, the Historic Preservation Officer shall review the application for consistency with any applicable criteria for approval.

4. Responsibility for Final Action

a. The Historic Preservation Officer is responsible for final action on a Certificate of Appropriateness for certain projects as specified in Section **3.26.01. Applicability**.

b. Should the Historic Preservation Officer be unable to approve the request, the Historic Preservation Officer may forward the request to the Historic and Architectural Review Commission for review and final action at the next available meeting following public notification in accordance with **Section 3.03. Public Hearing and Notice** .

B. Criteria for Approval

The Historic Preservation Officer shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;
2. Compliance with applicable design and development standards of this Code;
3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable;
4. Compliance with the adopted Historic District Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District; and
5. The overall character of the applicable Historic Overlay District and the building or structure is preserved, and the design is compatible with the Historic Overlay District.
6. The sign is in keeping with the adopted Historic District Design Guidelines and character of the Historic Overlay District.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019; Ord. No. 2021-53 , § 6(Exh. E), 7-27-2021)

3.26.03. Certificate of Appropriateness—HARC Approval

A. Review Process

1. Initiation

Initiation of a Certificate of Appropriateness to the Historic and Architectural Review Commission may be made upon application by the property owner of the affected property or their authorized agent following the established application processes and requirements of this Chapter.

2. Application Completeness

a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable Certificate of Appropriateness checklist.

b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material necessary to review conformance with applicable criteria for approval in accordance with this Code.

3. Staff Review

a. Once a Certificate of Appropriateness has been initiated and the application deemed complete, the Historic Preservation Officer shall review the application for consistency with any applicable criteria for approval.

b. The Historic Preservation Officer shall prepare a report to the Historic and Architectural Review Commission.

c. The Historic Preservation Officer's report shall include a recommendation for final action.

4. Responsibility for Final Action

a. The Historic and Architectural Review Commission shall review the application, the Historic Preservation Officer's report, conduct a hearing in accordance with the Historic and Architectural Review Commission's established procedures and State law, and take final action on the application within 35 days of the application hearing unless the applicant agrees to extend the time.

b. An application before the Historic and Architectural Review Commission shall be considered approved by a majority vote of all members of the Historic and Architectural Review Commission.

B. Criteria for Approval

The Historic and Architectural Review Commission shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;

2. Compliance with applicable design standards of this Code;

3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable;

4. Compliance with the adopted Historic District Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District;

5. The general historic, cultural, and architectural integrity of the building, structure, or site is preserved;

6. New buildings or additions are designed to be compatible with surrounding properties in the applicable historic overlay district;

7. The overall character of the applicable historic overlay district is protected; and

8. The Master Sign Plan is in keeping with the adopted Historic District Design Guidelines and character of the historic overlay district.

C. Additional Criteria for Approval for Building Height Modification

1. Applicants requesting exceptions to the building height standards set forth in Section 4.08.020.A must submit documentation to HARC that the following standards will be met if the requested exception to the height standards is approved:

a. The proposed building or addition shall not obscure views to and from the Courthouse or overwhelm or detract from views of the Town Square Historic District;

b. The proposed building or addition shall be compatible with the height, scale, massing, and volume reflected in the Downtown Overlay District, and the historic character of the District; and

c. The proposed building shall be an extraordinary contribution to the aesthetic and economic goals of the Downtown Master Plan.

2. The documentation required by Section **3.26.03.C.1** must include, at a minimum, the following information:

a. A visual analysis that identifies:

(i) The extent to which the building would impact views to and from the Courthouse, and to what extent the building will be visible from four directions; and

(ii) How the building will relate to the context of the surrounding structures and the character of the district.

b. A summary of the conclusions of the visual analysis as to how the proposed building will impact the District, specifically the immediate surroundings.

3. HARC may grant a request for a variation in height from the standards set forth in Section 4.08.020.A only if it determines that the following goals or purposes will still be achieved:

a. Views to and from the Courthouse and to and from the Town Square Historic District will be protected; and

b. The character of the Downtown Overlay District and the Town Square Historic District will be defined, reinforced, and preserved; and

c. The relationship of the proposed project to the existing structures in the immediate vicinity remains consistent; and

d. The proposed project allows for the best utilization of redevelopment in the Downtown Overlay District and the Town Square Historic District; and

e. The proposed project protects the historic buildings in the Downtown Overlay District.

D. Additional Criteria for Approval of a Setback Modification

1. The Historic and Architectural Review Commission may grant a Certificate of Appropriateness, per Section 4.08.080.D of this Code, to modify the setback standards of the underlying base zoning district for residential properties located within the Old Town Overlay District.

2. HARC may consider the following in determining whether to approve a Certificate of Appropriateness for a setback exception:

a. Whether the proposed setback encroachment is solely a matter of convenience;

b. Whether there is adequate room on the site to allow the proposed addition or new structure without encroaching into the setback;

c. Whether the proposed setback is compatible and in context within the block in which the subject property is located;

d. Whether the proposed addition or new structure will be set closer to the street than other units within the block;

e. Whether the proposed structure is replacing a structure removed within the past year;

f. Whether the proposed structure will replace a structure that previously existed with relatively the same footprint and encroachment as proposed;

g. If the proposed encroachment is for a structure that is replacing another structure, whether the proposed structure is significantly larger than the original;

h. If the proposed encroachment is for an addition, the scale of the addition compared to the original house;

i. The size of the proposed structure compared to similar structures within the same block;

j. Whether the proposed addition or new structure will negatively impact adjoining properties, including limiting their ability to maintain existing buildings;

k. Whether there is adequate space for maintenance of the proposed addition or new structure and/or any adjacent structures; and/or

l. Whether the encroachment would enable existing large trees or significant features of the lot to be preserved.

E. Additional Requirements for Relocation, Removal, or Demolition of a Historic Landmark or Contributing Historic Structure.

In addition to the staff review process established in Section **3.26.03.A. Review Process**, applications for a Certificate of Appropriateness for the relocation, removal, or demolition of a building or structure designated as a Historic Landmark or contributing historic structure shall be subject to the following additional review:

1. Demolition Delay Period Certified Local Government (CLG) Program

a. Upon deeming the application complete, requests for a Certificate of Appropriateness for demolition of a Historic Landmark or contributing historic structure shall be subject to a 60-day demolition delay period. The Historic and Architectural Review Commission shall not take action on a request for demolition until the 60-day demolition delay period is complete.

b. During this 60-day delay period, the applicant shall coordinate with the Historic Preservation Officer to reach a satisfactory resolution that preserves the building or structure, or that preserves historic and significant architectural features unique to the building or structure, era, or district.

c. The Historic Preservation Officer shall coordinate with local, county, and other historical organizations to explore possibilities for preserving, to include the possible relocation of the structure.

d. The Historic Preservation Officer shall present the findings and resolution, if applicable, to the Historic and Architectural Review Commission with the request.

2. Demolition Subcommittee Review

a. No later than the 30th day from deeming the application complete, the Historic and Architectural Review Commission's Demolition Subcommittee shall complete a walk-through of the building or structure proposed to be demolished or relocated with the Historic Preservation Officer and the applicant.

b. The Demolition Subcommittee shall review the application and analyze the building or structure to determine possibility of preservation and restoration, and appropriateness for demolition or relocation. In the event of demolition, the Demolition Subcommittee shall also create a list of historic salvageable materials identified during the walk-through.

c. The Demolition Subcommittee's report shall include a recommendation for final action.

3. Responsibility of Final Action

a. In addition to the application, and the Historic Preservation Officer's report, the Historic and Architectural Review Commission shall review the recommendation by the Demolition Subcommittee, conduct a hearing in accordance with the HARC's established procedures and state law, and take final action on the application within 35 days of the application hearing unless the applicant agrees to extend the time.

b. As conditions of approval, the Historic and Architectural Review Commission may require historical materials to be salvaged, archival-quality photo-documentation, and/or architectural drawings of the building or structure proposed to be demolished or relocated similar to those

required by the Historic American Buildings Survey to be submitted to the Historic Preservation Officer.

F. Criteria for Approval for Relocation, Removal, or Demolition of a Historic Landmark or Contributing Historic Structure.

1. The Historic and Architectural Review Commission shall use circumstances or items unique to the building or structure proposed to be relocated, removed, or demolished when reviewing the application.

2. The Historic and Architectural Review Commission shall make the following findings when considering a request for demolition or relocation of a structure:

a. Loss of Significance

(i) The applicant has provided information that the building or structure is no longer historically, culturally, or architecturally significant, or is no longer contributing to the historic overlay district; and

(ii) The applicant has established that the building or structure has undergone significant and irreversible changes, which have caused the building or structure to lose the historical, cultural, or architectural significance, qualities, or features that qualified the building or structure for such designation; and

(iii) The applicant has demonstrated that any changes to the building or structure were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction, or lack of maintenance rising to the level of a demolition by neglect; and

(iv) Demolition or relocation of the building or structure will not cause significant adverse effects on the historic overlay district or the City's historic resources; or

b. Unreasonable Economic Hardship

(i) The applicant has demonstrated that the property owner cannot take reasonable, practical or viable measures to adaptively use, rehabilitate or restore the building or structure, or make reasonable beneficial use of, or realize a reasonable rate of return on a building or structure unless the building or structure may be demolished or relocated; and

(ii) The applicant must prove that the structure cannot be reasonably adapted for any other feasible use, which would result in a reasonable rate of return; or

c. There is a compelling public interest that justifies relocation, removal, or demolition of the structure.

3. Relocation of a Structure to a Historic Overlay District

In the event the building or structure is proposed to be relocated to a property in a Historic Overlay District, in addition to the above, the applicant must demonstrate the following with the application:

a. The architectural compatibility of the relocated building or structure with adjacent buildings according to the applicable Historic District Design Guidelines and UDC standards for new construction; and

b. The proposed siting, setback, and other applicable site-specific treatments according to pertinent Historic District Design Guidelines and UDC standards of the applicable historic overlay district; and

c. Relocation will not damage existing contributing historical buildings or structures, or the character of the Historic Overlay District.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019; Ord. No. 2021-53 , § 6(Exh. E), 7-27-2021)

3.26.04. Relocation, Removal or Demolition Prior To Approval of a Certificate of Appropriateness

A. Demolition, including demolition by neglect, of a building or structure prior to approval of a Certificate of Appropriateness by the Historic and Architectural Review Commission, when required, shall be subject to an automatic hold on all permits. No permit may be granted until this period is complete and the Historic and Architectural Review Commission has granted a Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable.

B. The permit delay period shall be determined by the Historic and Architectural Review Commission, but in no case shall it exceed 365 days.

C. The Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable, shall be reviewed and final action taken by the Historic and Architectural Review Commission concurrently with the determination of the longevity of the permit hold period.

D. During this delay period, the applicant shall provide the following information to the Historic Preservation Officer:

1. Documentation regarding the original and existing condition of the building or structure, to include structural integrity and the extent of work necessary to stabilize the building or structure.
2. Site development plan (or plot plan) identifying proposed development on-site following demolition of the building or structure.
3. List of any salvageable materials, and a plan offering donation or sale of the remaining building or structure and any salvageable materials identified.

E. In the event of demolition by neglect, the applicant shall complete any work required to stabilize and arrest further deterioration of the building or structure.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)

3.26.05. Certificate and Compliance Inspections

A. It shall be the responsibility of the Historic Preservation Officer to issue the actual Certificate of Appropriateness following approval by the Historic Preservation Officer or the HARC, with any designated conditions, and to maintain a copy of the Certificate of Appropriateness, together with the proposed plans. The certificate shall be forwarded to the Building Official. These shall be public documents for all purposes.

B. Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of the certificate. In the event that work is not in compliance, the Building Official shall issue a stop work order and/or citation as prescribed by ordinance.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)

3.26.06. Limits on Resubmission

No application for the same project shall be considered within 180 days of the rejection or disapproval by the Historic and Architectural Review Commission or Historic Preservation Officer, as applicable, of an application. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the Historic and Architectural Review Commission or Historic Preservation Officer, as applicable, at any time.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)

3.26.07. Expiration

A. A Certificate of Appropriateness, except as noted below, expires if the work authorized by the Certificate of Appropriateness is not commenced within 24 months from the date of the final action to approve the request. In the case of a phased project, after the initial phase is complete or a Certificate of Occupancy has been issued, each subsequent phase shall commence within 24 months of the completion or Certificate of Occupancy of the prior phase. The Historic Preservation Officer may extend the time commencement of work upon written request by the applicant.

B. A Certificate of Appropriateness for relocation, removal, or demolition expires if a permit for relocation or demolition has not been issued within 180 days or, if a permit is not required, the work authorized by the Certificate of Appropriateness is not commenced within 180 days from the date of the final decision to approve the request. The Historic Preservation Officer may extend the time for commencement of work upon written request of the applicant.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

3.26.08. Appeals

A person aggrieved by a final action of the Historic and Architectural Review Commission on a Certificate of Appropriateness may appeal to the City Council, pursuant to the procedures set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the final action.

Appeals from an administratively issued Certificate of Appropriateness will be processed through the Historic and Architectural Review Commission, subject to the procedures established for new applications and set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the administrative action.

A. Appeal Hearing

The hearing shall be set for the next available City Council or HARC meeting, subject to the provision of public notification. Notification shall be provided in the same manner as the initial certificate of appropriateness.

B. Burden of Proof in Appeals

When an appeal is considered by the City Council or HARC, the final action by the original reviewing authority is presumed to be valid. The person filing the appeal shall present sufficient evidence and have the burden to justify a reversal of the action being appealed.

C. Findings and Conclusions

All findings and conclusions necessary to the appeal decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) will be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed. In

exercising its authority, as an appellate body, the City Council or HARC may reverse or affirm, in whole or in part, the original order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the City Council or HARC, as an appellate body, has the same authority as the original reviewing authority.

D. Decision on Appeal

As an appellate body, the City Council or HARC shall review the application, the staff report, and meeting minutes, conduct a hearing in accordance with established procedures and state law, and take final action on the appeal by a majority vote of City Councilmembers or members of HARC. In the event of a tie among the City Councilmembers, the Mayor shall vote as permitted in the City Charter.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)

Section 3.26. Section 3.27.Request for Creation of Certain Special Purpose Districts

3.26.010. 3.27.01. Applicability

The review process in this section establishes the process and procedures for requesting a Municipal Utility District ("MUD"), Water Control and Improvement District ("WCID"), Fresh Water Supply District ("FWSD"), or similar political subdivision ("District") in accordance with **Section** 13.10.0103.26.010 of this Code.

(Ord. No. 2019-01 , § 2(Exh. A), 1-8-2019)

3.26.020. 3.27.02. Review Process

A. Initiation

Initiation of a request for the creation of a District may be made upon application of a property owner or their authorized agent.

B. Application for Completeness Determination

The applicant shall provide a complete application with the material and supporting information outlined in the Development Manual. The Planning Director, or designee, is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. Upon receipt of a complete application, the cross-departmental "Special Purpose District Petition Review Team" shall analyze the proposed development and its potential impact on facilities and services. The Special Purpose District Petition Review Team shall be comprised, at a minimum, of members of the Planning, Utility, Finance, Parks and Recreation, and Public Safety departments, and the City Attorney's Office.
2. The Special Purpose District Petition Review Team shall review the application, consider the approval criteria, and assign a Case Manager to lead the review and prepare a report to the Planning and Zoning Commission and/or appropriate board or commission, and City Council.
3. Review of a request for a District within the city limits shall be reviewed in conjunction with a zoning request for a Planned Unit Development District demonstrating enhanced development standards, and consistent with applicable City codes and policies adopted by the City Council.

4. Review of a request for a District within the extraterritorial jurisdiction (ETJ) shall be reviewed in conjunction with terms for enhanced development standards and consistency with applicable City policies adopted by the City Council.

D. Board or Commission Review

The Planning and Zoning Commission or other appropriate board or commission, shall hold a Public Hhearing and make a recommendation to the City Council.

E. City Council Final Action

1. The City Council shall hold a Public Hhearing and render a final decision on the request for a District.
2. All outstanding application, staff, and legal fees shall be paid in full to the City prior to the approval of a District.

(Ord. No. 2019-01 , § 2(Exh. A), 1-8-2019)

3.26.030. 3.27.03.Approval Criteria

The City Council shall consider the following approval criteria when reviewing a request for the creation of a District:

A. The request is consistent with **Section** 13.10.010, Municipal Utility District (MUD), Water Control and Improvement District (WCID) or Fresh Water Supply District (FWSD)**3.26.010**, of this Code;

B. The request is consistent with all applicable City policies as adopted by the City Council; and

C. The request supports the following objectives:

1. Quality Development

   The development meets or exceeds the intent of the development and design standards of City codes;

2. Extraordinary Benefits

   The development provides extraordinary public benefits that advance the vision and goals of the Comprehensive Plan, such as, but not limited to, extension, financial contribution, or enhancement of master planned infrastructure, diversity of housing, and enhanced parks and open space that are available to the public;

3. Enhance Public Service and Safety

   The development enhances public services and optimizes service delivery through its design, dedication of sites, connectivity, and other features;

4. City Exclusive Provider

   The development further promotes the City as the exclusive provider of water, wastewater, solid waste, and electric utilities;

5. Fiscally Responsible

   The development is financially feasible and does not impair the City's ability to provide municipal services;

6. Finance Plan

   The developer(s) contribute financially to cover a portion of infrastructure expenses without reimbursement by the Districts or the City; and

7. Annexation

   When applicable, the development will not impair the City's future annexation of the Districts or adjacent property, or impose costs not mutually agreed upon.

~~(Ord. No. 2019-01 , § 2(Exh. A), 1-8-2019)~~

Section 3.27. ~~Section 3.28.~~Courthouse View Waiver

3.27.010. ~~3.28.01.~~ Applicability

A request for a waiver from the requirements of the Courthouse View Protection Overlay standards of this Code, as provided for within this Code, may be considered when a request does not meet the criteria for a Courthouse View Exception.

~~(Ord. No. 2022-89 , § 2(Exh. A), 11-22-2022)~~

3.27.020. ~~3.28.02.~~Initiation

Initiation of the Courthouse Waiver request may be made upon submittal of a complete application by a property owner or their designated agent.

~~(Ord. No. 2022-89 , § 2(Exh. A), 11-22-2022)~~

3.27.030. ~~3.28.03.~~Application and Completeness Determination

The applicant shall submit all of the information required in the UDC Development Manual. The Director is responsible for determining the completeness of an application submitted, pursuant to **Section 3.02.040. Determination of Application Completeness**.

~~(Ord. No. 2022-89 , § 2(Exh. A), 11-22-2022)~~

3.27.040. ~~3.28.04.~~Staff Review

A. The Director shall review the application, consider applicable criteria for approval, and prepare a report to the City Council.

B. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statute.

C. The Director's report may include a recommendation for final action.

~~(Ord. No. 2022-89 , § 2(Exh. A), 11-22-2022)~~

3.27.050. ~~3.28.05.~~Final Action

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the City Council shall hold a public hearing in accordance with its rules and state law, and consider the Courthouse View Waiver, Director's report, and compliance with this Code, and take final action.

A. Approval of a Courthouse View Waiver for property located within the Downtown Overlay District shall require a simple majority vote plus one additional vote of approval of the members present.

B. Approval of a Courthouse View Waiver for all other property located outside of the Downtown Overlay District shall require a simple majority vote of the members present.

~~(Ord. No. 2022-89 , § 2(Exh. A), 11-22-2022)~~

3.27.060. 3.28.06.Approval Criteria

A Courthouse View Waiver may be approved, conditionally approved, or disapproved. All of the following factors are required for approval:

A. The existence of specific site opportunities or constraints.

B. The proposed waiver furthers goals of the comprehensive plan, and any applicable sSmall aArea pPlans, specific to the location of the property and furthers a specific implementation step(s) of the cComprehensive pPlan.

C. The waiver is not contrary to the public interest.

D. The request for a waiver creates a building height that is in scale with conforming uses of nearby property and with the character of the neighborhood. When properties are located in a Historic Overlay District the development has undergone a conceptual review by the Historic and Architectural Review Committee (HARC) with general support for the building massing and form.

(Ord. No. 2022-89 , § 2(Exh. A), 11-22-2022)

Section 3.28. Section 3.29.Nonconforming StatusHistoric Design Guidelines Procedures

3.28.010. 3.29.01. ApplicabilityRequest to Create or Amend Guidelines

A request for a determination of legal nonconforming status, as defined in **Section 14.01.04**, may be made to the Director to determine that a use, lot, structure, site, or sign is exempt from the requirements as provided in this Code.

A. City Council or HARC may request amendments or updates to any adopted design guidelines or create new guidelines if none were adopted at the time of Historic Overlay designation by directing the HPO to submit recommendations to HARC for consideration.

B. The HPO may initiate the process of amending any adopted design guidelines, or for creating new guidelines if none were adopted at the time of the Historic Overlay designation.

3.28.020. 3.29.02.Review ProcessConsideration by HARC

Review of a determination of legal nonconforming status shall follow the administrative review procedures set forth in Section **3.03.05. Administrative Review Process**, subject to the criteria for approval set forth below.

A. Scheduling the Hearing

Once the HPO has sent notice and prepared the proposed design guidelines, a hearing must be scheduled before the HARC for consideration. Notice of the hearing must be sent to all affected property owners.

B. HARC Recommendation

After the hearing, the HARC shall recommend approval, approval with revisions, denial or continuation of the request to a future date. Recommendations are forwarded to the City Council for final consideration.

3.28.030. 3.29.03.Approval CriteriaCity Council Hearing & Action

A determination of legal nonconforming status may be made if the Director finds that the structure, lot, site, sign, or use was lawfully in existence, constructed, and located on the effective date or applicability of this Code or any amendment thereto or was legally constructed to meet previous requirements of this Code and has been in regular

and continuous use, but which does not conform to the current requirements of this Unified Development Code, shall be granted legal nonconforming status, except as specifically exempted or prohibited by other sections of this chapter. A legal nonconforming structure, lot, site, sign, or use may remain or continue, subsequent to the effective date of this Code and any amendments thereto, provided that such continuance is in accordance with the provisions of this chapter and all other applicable codes of the City

3.29.04. Responsibility for Final Action

The Director is responsible for final action on the determination of the final legal nonconforming status.

A. Submission to City Council

Following HARC's recommendation on the proposed amendments or creation of design guidelines, the request shall be submitted to City Council for review and consideration.

B. City Council Action

The City Council shall give notice and conduct a public hearing for the request.

C. Adopted Guidelines

Adopted design guidelines must be used by City staff in implementing the intent and purpose of the Historic Preservation Ordinance. Invalidation of any portion of the guidelines does not affect the validity of other provisions. Any existing design guidelines remain in effect until the City Council approved amendments or revisions.

3.28.040. Supplemental Policy Guides

A. Purpose

HARC may adopt supplemental policy guides that provide additional clarification, best practices, or detailed expectations for specific types of requests frequently reviewed by the Commission. These policy guides are intended to support consistent interpretation and application of the adopted design guidelines.

B. Consistency with Adopted Guidelines

Supplemental policy guides must be consistent with and subordinate to the City Council–adopted design guidelines and may not create new standards, modify existing standards, or conflict with adopted guidelines.

C. Review and Approval Process

The HPO may prepare draft supplemental policy guides or accept requests from HARC to develop them. Draft policy guides must be placed on a HARC agenda for review and may be adopted by majority vote following discussion in a public meeting.

D. Effect of Adoption

Upon adoption, supplemental policy guides may be used by staff and HARC to provide additional clarity and expectations for applicants but may not replace or supersede City Council-adopted design guidelines.

Section 3.29. Historic Resource Survey Procedures

3.29.010. Request to Create or Update a Historic Resource Survey

A. Initiation by City Council or HARC

City Council or HARC may request preparation of an updated or new Historic Resource Survey by directing the HPO to initiate the process and prepare recommendations for HARC consideration.

B. Initiation by the Historic Preservation Officer (HPO)

The HPO may initiate the creation of a new survey or updates to an existing survey based on newly identified resources, preservation priorities, updated research, or the need for improved documentation.

3.29.020. Preparation of Survey Materials

A. The HPO shall coordinate preparation of the survey, which must include:

1. Survey boundaries;
2. Photographic documentation;
3. Classification of resources (e.g., contributing, noncontributing, eligible, ineligible);
4. Statements of significance and period(s) of significance;
5. Historical context(s);
6. Maps and inventory forms; and
7. Summary findings and recommendations.

B. The HPO may conduct the survey directly or manage consultants undertaking the work.

C. Once completed in draft, the survey shall be posted for public review consistent with City notification procedures.

3.29.030. Consideration by HARC

A. Scheduling the Hearing

The draft Historic Resource Survey must be scheduled for a public meeting of HARC after the required notice has been provided.

B. HARC Recommendation

After receiving public input and reviewing the draft survey, HARC shall make a recommendation that is forwarded to City Council for final review.

3.29.040. City Council Review & Action

A. Submission to City Council

Following HARC's recommendation, the draft survey shall be submitted to City Council for review and consideration.

B. Adoption

Upon Council adoption, the Historic Resource Survey becomes an official planning document used by the City in evaluating historic significance, determining contributing status, guiding preservation priorities, and supporting designation of Historic Landmarks or Historic Overlay Districts.

3.29.050. Use and Maintenance of Historic Resource Surveys

A. The HPO shall maintain the adopted survey and update it periodically to reflect changes in conditions, new research, newly eligible resources, or resources lost to demolition or alteration.

B. Updates may be minor (administrative corrections or new photos) or major (reclassification of significance, boundary changes, new historic contexts).

C. Major updates require the full process outlined above. Minor updates may be approved administratively by the HPO and reported to HARC.

Chapter 4. Zoning Districts ~~(Chapter 4)~~

Section 4.01. Establishment of Zoning Districts

The following zoning districts may be established for the City as authorized by the City Charter and Texas Local Government Code Chapter 211.

4.01.010. Zoning Districts

Table ~~4.01.010:~~4.01.010-1. Zoning Districts

Residential Zoning Districts	
AG	Agriculture
RE	Residential Estate
RT	Residential Traditional
RS	Residential Suburban
RM	Residential Mix
MF-1	Medium Density Multif~~-f~~amily Residential
MF-2	High Density Multif~~-f~~amily Residential
MH	Manufactured Housing
Non-Residential Zoning Districts	
CN	CN Neighborhood Commercial
C-1	Local Commercial
C-2	Regional Commercial
PF	Public Facilities
I-1	Flex Industrial
I-2	Intensive Industrial
Special Purpose Zoning Districts	
PUD	Planned Unit Development
Mixed-Use Zoning District	
MU-DT	Mixed-Use Downtown
~~MU~~	~~Mixed Use~~
Overlay Zoning Districts	
NC	Neighborhood Conservation Overlay District
D	Downtown Overlay
OT	Old Town Overlay
H	Historic Overlay
HL	Historic Landmark
CVP	Courthouse View Protection Overlay

G	Gateway Overlay

A. (Ord. No. 2014-30, § 2(Exh. A), 5-27-2014; Ord. No. 2015-49, § 2(Exh. A), 9-22-2015)Zoning Districts

B. The Two-Family, Townhouse, Office, Business Park, and Industrial districts are declared legacy zoning districts upon adoption of this UDC as set forth on the Official Zoning Map.

C. No additional property will be rezoned to a legacy zoning district after the effective date of the UDC. Property located in a legacy zoning district shall continue to be subject to zoning regulations applicable at the time the property was rezoned to a legacy zoning district. All other provisions of this UDC shall apply to legacy zoning districts.

Section 4.02. Zoning District Equivalency Table

Note for Staff: New Section added for equivalency table.

The following table identifies zZoning dDistricts, other than Legacy Zoning Districts, adopted in previous ordinances and the zZoning dDistrict regulations that now apply in this UDC to those dDistricts.

Table 4.02.010:4.01.020-1. Zoning District Equivalency Table

Previous UDC	Current UDC
Residential Zoning Districts	
AG Agriculture	AG Agriculture
RE Residential Estate	RE Residential Estate
RL Residential Low Density	RT Residential Traditional
RS Residential Single-family	RS Residential Suburban
TF Two-Ffamily	RM Residential Mix
TH Townhouse	
MF-1 Low Density Multifamily	MF-1 Medium Density Multif-Family Residential
MF-2 High Density Multifamily	MF-2 High Density Multif-Family Residential
MH Manufactured Housing	MH Manufactured Housing
Non-Residential Zoning Districts	
CN Neighborhood Commercial	CN Neighborhood Commercial
OF Office	
C-1 Local Commercial	C-1 Local Commercial
C-3 General Commercial	C-2 Regional Commercial
PF Public Facilities	PF Public Facilities
BP Business Park	I-1 Flex Industrial
IN Industrial	
-	I-2 Intensive Industrial
Special Purpose Zoning Districts	
PUD Planned Unit Development	PUD Planned Unit Development
Mixed-Use Zoning Districts	
MU-DT Mixed-Use Downtown	MU-DT Mixed-Use Downtown
MU Mixed Use	MU Mixed Use

Previous UDC	Current UDC
Overlay Zoning Districts	
SP Special Area Plan Overlay	SP Special Area Plan Overlay
-	NC Neighborhood Conservation Overlay District
D Downtown Overlay	D Downtown Overlay
OT Old Town Overlay	OT Old Town Overlay
H Historic Overlay	H Historic Overlay
HL Historic Landmark	HL Historic Landmark
CVP Courthouse View Protection Overlay	CVP Courthouse View Protection Overlay
G Gateway Overlay	G Gateway Overlay

Section 4.03. Official Zoning Map

4.03.010. ~~4.03.01.~~Official Zoning Map

A. The City is hereby divided into the above ~~z~~Zoning ~~d~~Districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Unified Development Code (Code). The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of Georgetown under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section _____ Ordinance No. _____ of the City of Georgetown, Texas."

B. If, in accordance with the provisions of this Code and Texas Local Government Code § 211.006, as amended, changes are made in the ~~d~~District boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within five business days after the amendment has been approved by the City Council and signed by the Mayor.

C. Approved zoning changes shall be entered on the Official Zoning Map by the appropriate City department and the City shall maintain records identifying the ordinance number making such changes.

D. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this Unified Development Code. Any unauthorized change shall be null and void and have no force or effect.

E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Planning ~~and Development~~ Department, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

4.03.020. ~~4.03.02.~~Digital Mapping

Digital maps, created through the use of geographical information system technology, containing registration points recorded on the Texas State Plane Coordinate System, as amended, may be used in the administration and enforcement of this Unified Development Code. Digital mapping will not replace the paper originals of official maps~~,~~ but may represent the most accurate and up-to-date information in between printings.

4.03.030. ~~4.03.03.~~Replacement of Official Zoning Map

A. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and/or number of changes and additions, the City Council shall, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City and date under the following words:

   "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____ of the City of Georgetown, Texas."

B. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

C. The City shall initiate the creation of a revised Official Zoning Map consistent with the provisions of this Code.

4.03.040. 4.03.04.Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of dDistricts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following Ccity limits shall be construed as following such Ccity limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of a change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center-lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center-lines.

F. Boundaries indicated as parallel to, or extensions of, features indicated above shall be so construed. Distances not specifically indicated in a classification amendment shall be determined by the scale of the map.

G. Where physical features, such as streets, railroad lines, rivers, streams, and such, existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered above, the Director shall make a written interpretation of the dDistrict boundaries.

4.03.050. 4.03.05.Uniform Application of District Regulations

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the zoning regulations herein specified for the dDistrict in which it is located.

Section 4.04. Newly Annexed Territory

4.04.010. 4.04.01.Action to AssignInitial Default Zoning Required

A. The Planning & Zoning Commission and City Council shall take action to assign zoning to newly annexed territory in accordance with the procedures of Chapter 3.06. If no other zoning districts are deemed appropriate, then action shall be taken to assign the Agriculture (AG) district to the annexed area.

B. Proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, included on the same agenda, public hearings scheduled at the same time as annexation, etc.).

C. Zoning approval must occur after approval of the annexation ordinance has occurred, and as a separate and distinct action by the City Council.

All new territory hereinafter annexed to the City shall have the initial zoning of Agriculture (AG) Zoning District classification unless another zoning classification that is consistent with the Future Land Use Plan is proposed by the property owner(s) or the Director. For a zoning to AG, there shall be no special action or hearing required to zone the property after or during the annexation process. For any zoning classification other than AG, the procedures of Chapter 3.06 shall be followed (i.e., notice of zoning, hearing ordinance adoption). Newly annexed property may

begin rezoning procedures to any Zoning District during or upon completion of annexation process but may not be approved until annexation is completed.

Section 4.05. Zoning Districts and Special Districts

This ~~S~~section describes the Zoning Districts established in **Section 4.01**. Each ~~d~~District is divided into unofficial categories intended to distinguish similar ~~d~~Districts. ~~Special development types that may be applied to more than one district are described in **Section 4.06**.~~

~~**Note for Staff:**~~

~~Removed residential and non-residential purposes to reduce~~ ~~Removing~~ ~~this chap~~ ~~they are.~~

~~Note for Staff: Updated Section 4.04 to reflect separate action is taken to zone property upon annexation.~~

4.05.010. ~~4.05.01.~~Residential Districts

A. The purpose statements and development standards for the Residential Districts established in **Section 4.01** are located in ~~Chapter 6~~Chapter 7 of this UDC.

1. For uses allowed in each ~~z~~Zoning ~~d~~District, see ~~Section 5.02~~Section 6.02.
2. For purpose statements and lot and development standards, see ~~Section 6.03~~Section 7.02.

4.05.020. ~~4.05.02.~~Non-Residential Districts

A. The purpose statements and development standards for the Non-Residential Districts established in **Section 4.01** are located in ~~Chapter 7~~Chapter 8 of this UDC.

1. For uses allowed in each ~~z~~Zoning ~~d~~District, see ~~Section 5.02~~Section 6.02.
2. For purpose statements and lot and development standards, see ~~Section 7.02~~Section 8.02.
3. For building design standards, see ~~Section 7.04~~Section 8.04.

4.05.030. ~~4.05.03.~~Special Purpose Zoning Districts

A. Planned Unit Development (PUD) District

The Planned Unit Development (PUD) District is intended to allow flexibility in planning and designing for unique or environmentally sensitive properties and that are to be developed in accordance with a common development scheme. PUD zoning is designed to accommodate various types of development, including multiple housing types, neighborhood and community retail, professional and administrative areas, industrial and business parks, and other uses or a combination thereof. A PUD may be used to permit new or innovative concepts in land use and standards not permitted by zoning or the standards of this Code. Although greater flexibility is given to allow development in a PUD that would not otherwise be allowed, procedures and standards are established in this Code that are intended to ensure against misuse.

1. For special requirements of a PUD District, see **Section 4.0~~7~~6**.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)*~~

4.05.040. 4.05.04.Mixed-Use Downtown (MU-DT) Zoning Districts.

A. Mixed Use Downtown (MU-DT) District

The Mixed-Use Downtown (MU-DT) District is intended to provide a location for a mix of land uses, including general commercial and retail activities, office, as well as single-family and multi-family in the downtown area. Developments in the MU-DT District are typically smaller in size and scope, although there may be occasionally heavy traffic. The MU-DT District is only appropriate in the traditional downtown area of Georgetown.MU-DT District Pproperties in MU-DT shall meet the design requirements of the Downtownshall fall within the Historic Overlay District and the Historic District Design Guidelinesor Old Town Overlay.

1. For uses allowed in the MU-DT District, see Section 5.02 **Section 6.02**.
2. For dimensional interpretations and exceptions, see Section 7.03**Section 8.03**.
3. For building design standards, see Section 7.04.**Section 8.04**.

4. For Downtown and Old Town code requirements, see **Chapter 5**

B. 5.For Downtown Overlay District design standards, see **Section 4.09.** Lot and Dimensional Standards

Mixed-Use Downtown (MU-DT) District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	25
B	Front/primary street setback, minimum feet	0
C	Front setback, build-to option	See **8.03.030.A**
	Front setback, Downtown Gateway Overlay	See **4.10.040.B**
D	Side setback, minimum feet[2]	0
E	Rear setback, minimum feet[2]	0
F	Building height, maximum feet[3]	40
	Maximum impervious cover[4]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

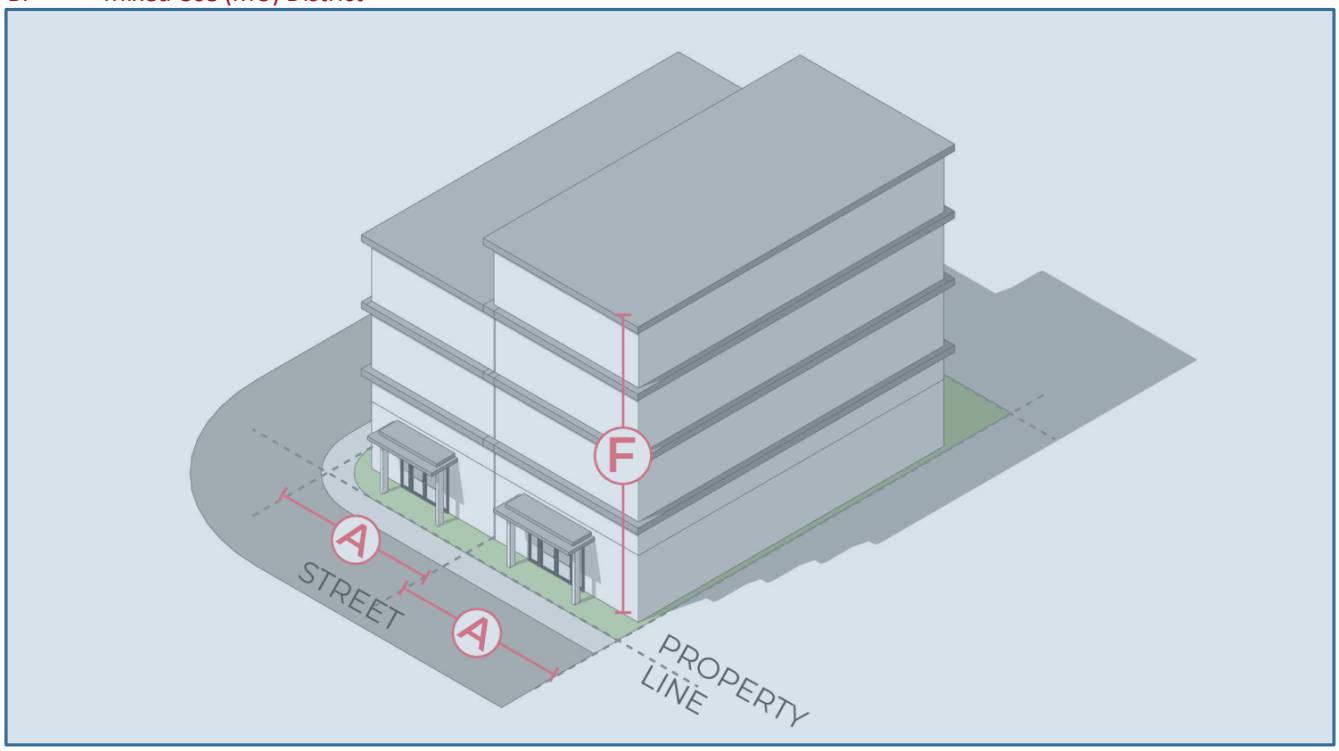
[3] Structures, lighting, scoreboards, and other elements of a stadium are exempted, but shall be set back a minimum of 120 feet.

[4] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.

6. See also the Downtown Master Plan.

7. See also the Historic District Design Guidelines, referenced in Section 1.14.

B. Mixed Use (MU) District



The Mixed Use (MU) District is intended to provide development standards to promote a dense and active mixed use urban environment that incorporates residential and non-residential uses. The MU District shall be used only in conjunction with the procedures in **Section 4.10** and is not intended to accommodate a mix of uses in traditional zoning districts. The district is appropriate in, but not limited to, areas designated as Specialty Mixed Use, Mixed-Use Neighborhood Center, and Mixed-Use Community in the 2030 Future Land Use Plan. The MU District contains a series of sub-districts that differ in size, scale, design, and allowed uses, to be established as part of a regulating plan prior to zoning approval. The development standards for the MU District also apply to Transit Oriented Development (TOD), which is a specific type of development allowed in the MU District.

Note for Staff:

Please confirm whether changes are needed to the categories based on recent plan amendments.

The Mixed Use (MU) District also allows for a mixed-use development of limited size and scope that requires only one sub-district. Typically, these are projects that have a distinct development plan that does not fit a base zoning district or is limited in developable area. The Urban Village and Urban Neighborhood sub-districts, as defined in **Section 4.10**, are the only allowable sub-districts for this type of proposal. All requirements of the sub-district and other applicable standards of the MU District apply.

1. For specific standards of the MU District, see **Section 4.10**. Due to the length of **Section 4.10**, it may be incorporated into the Code by reference and used as a separate document.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2021-53, § 7(Exh. F), 7-27-2021)

4.05.050. 4.05.05.Overlay Zoning Districts

A. Neighborhood Conservation Overlay (NC) Districts

Within the City of Georgetown, there are unique and distinctive residential neighborhoods or commercial dDistricts which contribute to the overall character and identity of the City and are worthy of preservation and protection. The City aims to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods or commercial dDistricts by establishing Neighborhood Conservation (NC) Overlay Districts. The NC District is appropriate for establishing design standards to foster infill development of primarily residential and mixed-use areas while protecting the character of the existing neighborhood.

1. For specific standards of the NC District, see **Section 4.07**.

2. .

B. Historic Overlay Districts

1. Purpose

The City of Georgetown recognizes that, as a matter of public policy, the protection, enhancement, and perpetuation of landmarks and dDistricts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. Historic oOverlay dDistricts are created to:

a. •Protect and enhance the landmarks and dDistricts that represent distinctive elements of Georgetown's historical, architectural, and cultural heritage;

b. •Foster civic pride in the accomplishments of the past;

c. •Protect and enhance Georgetown's attractiveness to visitors and the support and stimulus to the economy thereby provided;

d. •IEnsure the harmonious, orderly, and efficient growth and development of the cCity that is sensitive to its historic resources;

e. •Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the cCity; and

f. •Encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation and preservation.

2. 1.Downtown Overlay (D) District

The Downtown Overlay District is intended to protect the aesthetic and visual character of the Town Square and downtown Georgetown through the establishment of two distinct zones, designated as Area 1 (Town Square Historic District) and Area 2 (remainder of the Downtown Overlay District).

a. For specific standards of the Downtown Overlay District, see **Chapter 5**.

3. 2.Old Town Overlay (OT) District

The Old Town Overlay District is intended to preserve and protect historic structures, maintain a residential appearance along South Austin and University Avenues, and maintain the integrity of the historic character in the area commonly referred to as Old Town.

a. For specific standards of the Old Town Overlay District, see **Chapter 5**.

4. 3.Designated Historic (H) District

The Designated Historic District is intended to preserve areas, structures, and landmarks of historical or cultural significance. Each designated dDistrict may have specific standards unique to the dDistrict.

a. For specific standards of the Town Square Designated Historic District (H-TS), see **Chapter 5**.

5. 4.Historic Landmark (HL) Designation

The purpose of the historic landmark designation is to protect, preserve, and enhance buildings or structures of historical, architectural, or cultural importance or value to the City of Georgetown.

a. For Sspecific Sstandards of the Historic Overlay Districts, see Section 4.09Chapter 5.

C. Courthouse View Protection Overlay (CVP) District

The Courthouse View Protection Overlay District is intended to preserve views of the Williamson County Courthouse from various locations along corridors in Georgetown.

1. For specific standards of the Courthouse View Protection Overlay District, see **Section 4.114.09**.

D. Gateway Overlay (G) District

The Gateway Overlay District is intended to enhance the entry corridors to Georgetown. Various corridors into the cCity are designated for the purpose of applying additional landscaping and design standards.

1. For specific standards of the Gateway Overlay District, see **Section 4.120**.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

Section 4.06. Planned Unit Development District

This section establishes procedures and requirements of a Planned Unit Development District. Planned Unit Developments may be established in any location and may include more than one bBase zZoning dDistrict.

4.06.010. 4.06.01.General Provisions

A. Compatibility with Base Zoning District

A PUD is designed to be used in conjunction with a designated bBase zZoning dDistrict. An application for PUD zoning shall specify the base dDistrict(s) and the uses proposed. Any uses not permitted in the base dDistrict shall be specifically identified. The standards and requirements of the specified base dDistrict shall apply unless specifically superseded by the standards and requirements of the PUD Development Plan.

B. Compliance with Applicable City Codes

The granting of a PUD Zoning District shall not relieve the developer from complying with all other applicable sections of this Code, and other Codes and Ordinances of the City, unless such relief is specified in the approved Development Plan.

C. Development Plan Required

An application for the establishment of a PUD District shall be accompanied by a dDevelopment pPlan that meets the requirements of this section. The dDevelopment pPlan shall become a part of the PUD ordinance, if approved by the City Council.

D. Development Plan

1. Development requirements for the PUD District shall be set forth in the Development Plan and meet the approval criteria detailed in **Section 3.06.0403.11.030.** The Development Plan is intended to capture how and why the particular project is of exceptional quality and cannot be met by bBase zZoning dDistrict requirements. At a minimum, the Development Plan shall explain the purpose and intent of the PUD,

detailed description of the project, and a specific development design plan, in addition to how the PUD may deviate from the minimum standards set forth in this Code.

2. The PUD zoning application shall include written justification as to why any such Code deviations listed in the Development Plan are necessary because of the unique characteristics of the site, outline how the deviations needed are consistent with the ~~2030~~ City's Comprehensive ~~p~~Plan or applicable ~~s~~Small ~~a~~Area ~~p~~Plans, the needs of the proposed project, or other exceptional circumstances. Such deviations should be intended to provide an unconventional, cohesive, and well-planned layout design scheme, and should not be proposed to simply avoid the requirements of this Code.
3. Developments with PUD zoning may vary in size and scope and the Development Plan should reflect the scale and detail desired in the ~~d~~District. A Development Plan should generally include allowed and/or prohibited land uses, parks/open space/natural features, density, traffic circulation/streets/access, building and site design standards and/or schematics, and other pertinent information. The Planning Director retains full discretion to require the necessary detail and information needed to justify the proposed PUD ~~d~~Development ~~p~~Plan.
4. Revisions to the adopted Development Plan shall require an amendment to the PUD ordinance to be processed pursuant to this Code. If the Director determines that a proposed revision is a minor revision, the Director may consider such a revision in connection with approval of a Plat or Site Plan pursuant to this Code.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)*~~

Section 4.07. Neighborhood Conservation Overlay Districts

4.07.010. ~~4.07.01.~~General Provisions

A. Purpose

1. The purposes of the Neighborhood Conservation Overlay District standards are as follows:
   a. To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;
   b. To protect and enhance the livability of the City;
   c. To reduce conflict ~~and~~ caused by incompatible and insensitive development, and to promote new compatible development;
   d. To stabilize property values and protect property investments;
   e. To provide residents and property owners with a planning tool for future development;
   f. To promote and retain attainable housing options;
   g. To encourage and strengthen civic pride; and
   h. To ensure the harmonious, orderly, and efficient growth and redevelopment of the City.
2. The Neighborhood Conservation Overlay Districts implement the following policies of the Comprehensive Plan:
   a. Policy H.2 – Preserve existing neighborhoods in targeted areas.
   b. Policy H.4 – Maintain and promote neighborhood character and quality.

B. Designation

To be designated as a Neighborhood Conservation Overlay District, the area must meet the following criteria:

1. Be part of a neighborhood master plan adopted by the City of Georgetown;
2. Contain a minimum of one ~~(1)~~ blockface (all the lots on one ~~(1)~~ side of a block);
3. Possess one ~~(1)~~ or more of the following distinctive features that create a cohesive, identifiable setting, character, or association:
   a. Unique architectural style, building scale, or streetscape;
   b. Distinct neighborhood character;
   c. Special natural characteristics, such as creek~~s~~ beds, green belts or other natural features;
   d. Land use patterns, including mixed or unique uses or activities; or
   e. ~~Includes or l~~Links to designated landmarks or ~~d~~Districts.

C. Overlay District

1. Neighborhood ~~c~~Conservation ~~d~~Districts are designed as overlays to the underlying ~~z~~Zoning ~~d~~Districts. Property designated within these ~~d~~Districts must also be designated as being within one ~~(1)~~ or more ~~b~~Base ~~z~~Zoning ~~d~~Districts.
2. Authorized uses must be permitted in both the ~~z~~Zoning ~~d~~District and the ~~o~~Overlay ~~d~~District. Property designated as a Neighborhood Conservation Overlay District may have additional designations. Such property shall comply with all applicable use restrictions.
3. The designation of property within a Neighborhood Conservation Overlay District will follow all procedures and requirements for zoning/rezoning.
4. In the event of a conflict between the provisions of a specific Neighborhood Conservation Overlay District ordinance and the underlying ~~z~~Zoning ~~d~~District regulations, the provisions of the Neighborhood Conservation Overlay District ordinance shall control.

D. Initiation Procedures

1. A zoning change application for designation as a Neighborhood Conservation Overlay District shall be initiated at the direction of the:
   a. A request of owners representing ~~fifty-one (51) percent~~51% of the land area within the proposed ~~d~~District~~,~~; or
   b. A request of ~~fifty-one (51) percent~~51% of property owners within the proposed ~~d~~District~~,~~; or
   c. The Director, pursuant to a neighborhood, community, perimeter, sector, or sub-area plan adopted by the City Council.
2. Following initiation for designation of a Neighborhood Conservation Overlay District, the Director shall develop the boundaries and standards for the proposed ~~d~~District ~~that follows~~ **~~Subsection 4.07.01.F~~** and include~~s~~:
   a. Maps indicating boundaries, and existing land use within the proposed ~~d~~District;
   b. Maps and other graphic and written materials identifying and describing the distinct neighborhood and building characteristics of the proposed ~~d~~District;
   c. A list of all property owners (with legal addresses), neighborhood associations and/or other organizations representing the interests of property owners in the proposed ~~d~~District; and
   d. Design standards.
3. All property owners within the proposed ~~d~~District shall be afforded the opportunity to participate in drafting the boundaries and standards, which will be approved as part of the amending ordinance to this UDC creating the ~~n~~Neighborhood ~~c~~Conservation Overlay ~~d~~District.

E. Design Standards

1. A Neighborhood Conservation Overlay District shall include design standards for new construction of any building or structure, or the relocation or rehabilitation to a street-facing fa~~c~~cade of an existing building or structure, but in accordance with state law, shall not include any standards or requirements relating to building materials or methods.
2. The Neighborhood Conservation Overlay District regulations shall not apply to those activities which constitute ordinary repair and maintenance~~,~~ (i.e., using the same or similar design).
3. The design standards for the Neighborhood Conservation Overlay District must include at least one or a combination of the following elements governing the physical characteristics and features of all property (public or private) within the proposed ~~d~~District:
    a. Building height, number of stories;
    b. Building size, massing;
    c. Principal elevation features;
    d. Lot size and setbacks;
    e. Off-street parking and loading requirements;
    f. Roof line and pitch; and
    g. Coverage, paving, hardscape covering.
4. In addition, the design standards may include, but shall not be limited to, the following elements:
    a. Building orientation;
    b. General site planning (primary, ancillary structures);
    c. Density;
    d. Floor area ratio;
    e. Signage;
    f. Architectural style and details;
    g. Garage entrance location;
    h. Window/dormer size and location;
    i. Landscaping;
    j. Fences and walls;
    k. Entrance lighting;
    l. Driveways, curbs and sidewalks;
    m. Utility boxes, trash receptacles;
    n. Street furniture;
    o. Building relocation; and/or
    p. Right-of-way (exceeding public works standards).

4.07.020. Established Overlay Districts

~~4.07.02. Secs. 4.07.030, 4.07.040. Reserved~~

~~*Editor's note(s)—Ord. No. 2015-49, § 2(Exh. A), adopted September 22, 2015, repealed the former Sections 4.07.030 and 4.07.040 in their entirety, which pertained to Area Plans Established, and Standards for the Williams Drive SP, respectively, and derived from original codification.*~~

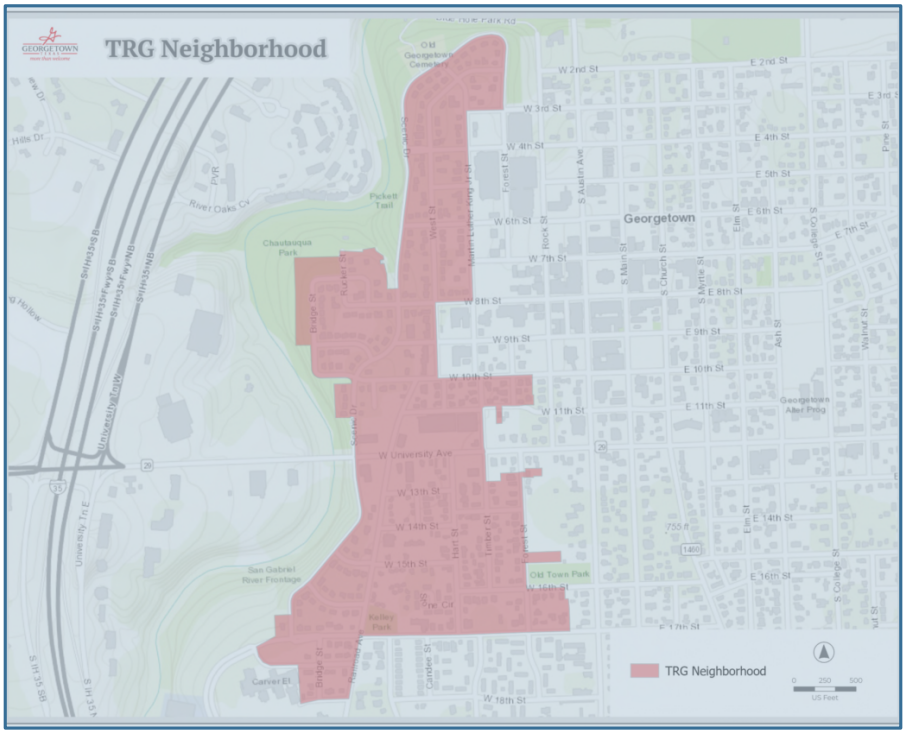
~~Note for Staff: Previously reserved sections maintained in the draft.~~

A. The Neighborhood Conservation Overlay Districts are established as follows. Each Neighborhood Conservation Overlay District includes all the land within the boundary of the district, as shown on the Official Zoning Map.

1. TRG Neighborhood Conservation Overlay District

The TRG Neighborhood Conservation Overlay District is generally bounded by the San Gabriel River to the west, Leander Road to the south, and Austin Street and Forest Street to the east. The precise boundaries are depicted on the map incorporated below.

Figure 4.07.020-4.7.020-1. TRG Neighborhood Conservation Overlay District Map



a. Design standards for TRG Neighborhood Conservation Overlay District.

This section contains specific development and design standards applicable to new development occurring on properties located in the TRG Neighborhood Conservation Overlay District.

(i) Building Height.

(a) Residential zoned properties shall have a maximum building height: 25 feet.

(b) Non-Residential zoned properties shall have a maximum building height: 35 feet.

(c) Mixed Use and Multifamily zoned properties shall have a maximum building height: 40 feet.

At no point shall a structure exceed more than 12 feet than the tallest structure on an adjacent property.

(ii) Parking/Garages Placement.

(a) Multifamily and nonresidential surface parking shall not be located between the street and the front façade of the primary structure and must be located to the side or rear of the primary building.

(iii) Setbacks and Orientation.

(a) Where thirty (30) percent or more of the existing lots within the same block face are occupied by primary structures that do not meet the required setback for the designated use, the Director may approve and Administrative Exception to allow a reduced setback.

(b) The front yard setback line may fall within the range of the front yard setbacks of the two (2) nearest lots containing primary structures within the same block face.

(c) Residential front setback, minimum: 15 feet.

(d) Residential street facing garage setback, minimum: 20 feet.

(e) Non-Residential front setback, minimum: 15 feet.

(iv) Demolitions

Prior to the issuance of a demolition permit within the TRG Neighborhood Overlay District a Certificate of Appropriateness shall be issued by the Historic Preservation Office. Application standards for a Certificate of Appropriateness can be found **Chapter 3** of the UDC.

2. San Jose Neighborhood Conservation Overlay District

The San Jose Neighborhood Conservation Overlay District is generally bounded by the railroad to the west, West Fork Smith Branch of the San Gabriel River to the south, Maple Street to the east, and East 15th Street to the north. The precise boundaries are depicted on the map incorporated below.

Figure 4.07.020-4.7.020-2. San Jose Neighborhood Conservation Overlay District Map

a. Design standards for San Jose Neighborhood Conservation Overlay District.

This section contains specific development and design standards applicable to new development occurring on properties located in the San Jose Neighborhood Conservation Overlay District.

(i) Building Height.

(a) Residential zoned properties shall have a maximum building height: 20 feet.

(ii) Parking/Garages Placement.

(a) New driveways should be single width at the curb. Tandem parking is permitted. Carports are permitted to follow the front yard setback associated with the primary structure.

(iii) Setbacks and Orientation.

(a) Where thirty (30) percent or more of the existing lots within the same block face are occupied by primary structures that do not meet the required setback for the designated use, the Director may approve and Administrative Exception to allow a reduced setback.

(b) The front yard setback line may fall within the range of the front yard setbacks of the two (2) nearest lots containing primary structures within the same block face.

(c) A proposed building on an infill lot must be constructed within this established front setback range.

(iv) Minimum Lot Size.

Residential minimum lot size: 5,000 sq. ft.

Section 4.08. Historic Overlay Districts

4.08.010. ~~4.08.01.~~Designation of a Historic Overlay District

A. A Historic Overlay District may be established over any ~~b~~Base ~~z~~Zoning ~~d~~District within the city limits and may be established over more than one ~~b~~Base ~~z~~Zoning ~~d~~District.

B. Creation or expansion of a Historic Overlay District requires approval by the City Council, following the procedures for a Zoning Map Amendment in ~~Section 3.06~~Section 3.07.

C. Consideration of Standards for a Designated Historic District.

The following shall be considered when developing standards for a Designated Historic District:

1. The findings adopted by the City Council for a specific Designated Historic District shall define the scope of the City's interest in protecting the historic resource and shall provide the guidelines to be used, along with the applicable regulations, in considering whether to grant or deny a certificate of appropriateness.

2. HARC may develop and the City Council may approve supplemental guidelines as it may deem necessary to implement the regulations of a particular designated ~~h~~Historic ~~d~~District or the findings applicable to the designation of a particular designated ~~h~~Historic ~~d~~District. Such guidelines may include, but are not limited to, the following:

   a. Charts or samples of acceptable materials for siding, foundations, roofs, or other parts of buildings;

   b. Illustrations of appropriate architectural details;

   c. Numerical specifications of appropriate rhythms or proportions;

   d. Specifications of appropriate relationships to streets, sidewalks, other structures, and buildings;

   e. Illustrations of appropriate porch treatments or entrances; or

   f. Illustrations of appropriate signage or street furniture.

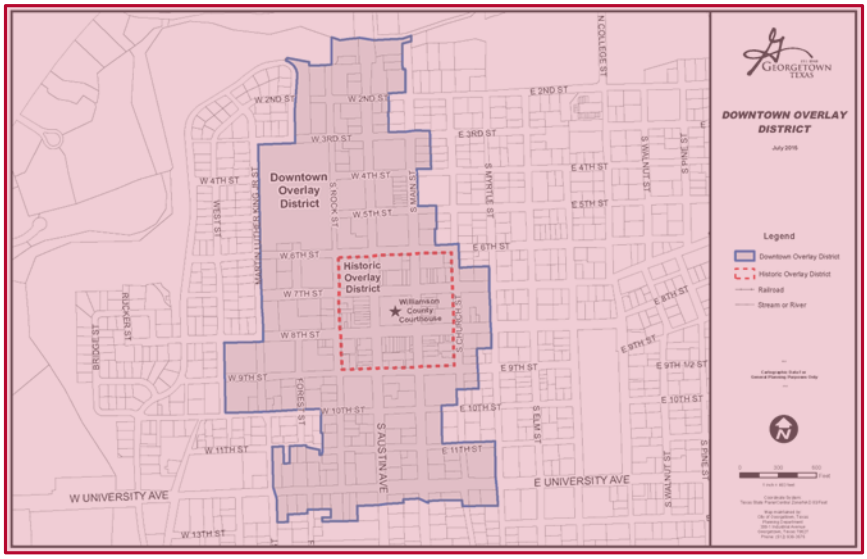
~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)*~~

4.08.020. ~~4.08.02.Historic Overlay Districts Established~~Regulations for

~~The Historic Overlay Districts are established as follows. Each Historic Overlay District includes all the land within the boundary of the district shown on the Official Zoning Map.~~

~~A. Downtown Overlay District~~

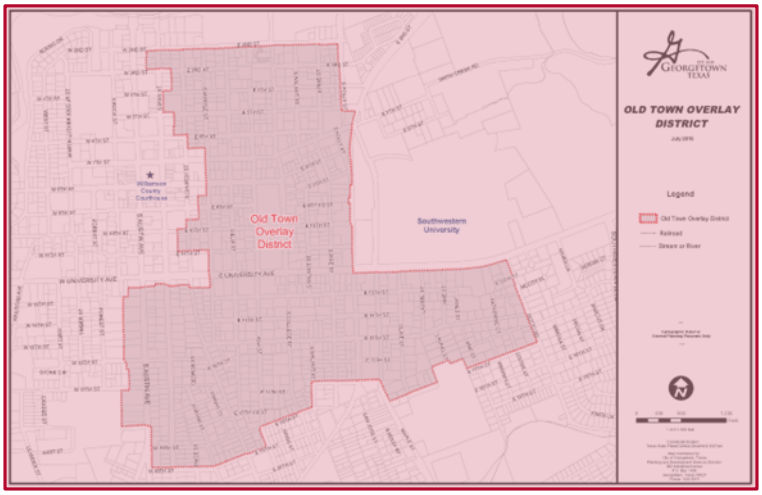
~~The Downtown Overlay District was established by the City Council as part of adoption of Ordinance No. 2001-48 on August 28, 2001 and expanded with the adoption of Ordinance No. 2014-86, adopted on October 28, 2014. The district is divided into two distinct zones, designated as Area 1 (the Town Square Historic District) and Area 2. The Downtown Overlay District is generally bounded by the river to the north, the lots fronting the south side of University Avenue to the south, Martin Luther King, Tr., Street to the west, and Myrtle Street to the east. The Downtown Overlay District abuts, but does not include, the Old Town Overlay District. The precise boundaries are depicted on the map incorporated below.~~



~~This map is available for viewing at the Planning Department office or as a downloadable map at http://maps.georgetown.org.~~

~~B. Old Town Overlay District~~

~~The Old Town Overlay District was established by the City Council as part of adoption of Ordinance No. 2004-22 on April 13, 2004. The Old Town Overlay District is generally bounded on the north by 2nd Street; on the east by Holly Street, the railroad tracks, University Avenue, and Hutto Road; on the south by 17th, 18th, and 19th Streets; and on the west by the properties on the western side of Austin Avenue and the boundaries of the Downtown Overlay District. The Old Town Overlay District abuts, but does not include the Downtown Overlay District. The precise boundaries are depicted on the map incorporated below.~~



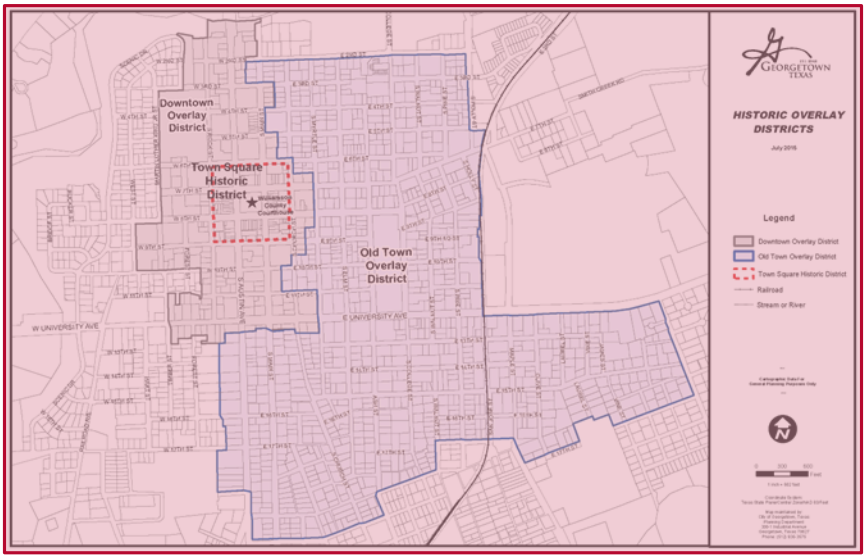
~~This map is available for viewing at the Planning Department office or as a downloadable map at http://maps.georgetown.org.~~

~~C. Designated Historic Districts~~

~~Designation of a Historic District shall be established and governed in accordance with this Code. This subsection contains all designated Historic Districts under this Code. Designated Historic Districts are as follows:~~

1. Town Square Historic District

The City Council designated the Town Square Historic District by the adoption of Ordinance No. 2001-48, the confines of which are defined as follows: All lots in Blocks 37, 38, 39, 40, 41, 50, 51, and 52 of the City of Georgetown, Texas, according to the map or plat thereof of record and which lots are all of those properties on the nine blocks surrounding and including the property that may commonly be referred to as the Public Square or Court House Square of the City of Georgetown, Williamson County, Texas. The precise boundaries are depicted on the map incorporated below.



This map is available for viewing at the Planning Department office or as a downloadable map at http://maps.georgetown.org.

D. Historic Landmark Designation

Designation of a Historic Landmark shall be established and governed in accordance with this Code. Buildings or structures to be protected, preserved, restored, and enhanced as a historic resource and in the interest of the culture, prosperity, education, and welfare of the City of Georgetown may be designated as a Historic Landmark by ordinance of the City Council. Upon designation of a building or structure as a Historic Landmark, the City Council shall cause this designation to be recorded in the official public record of real property of Williamson County and the City of Georgetown official's zoning map. All zoning maps shall reflect historic landmarks by inclusion of the words "Historic Landmark" (HL) as a prefix to its use designation in accordance with this Code.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2021-53 , § 8(Exh. G), 7-27-2021)

4.08.03. Certificate of Appropriateness Required

All new buildings and changes to existing buildings located in a Historic Overlay District, designated as a Historic Landmark, or located in a National Register of Historic Places of the US National Park Service are subject to the Certificate of Appropriateness provisions of Section 3.13 of this Code. Any activity requiring review of a Certificate of Appropriateness per Section 3.13 of this Code will be subject to this Section and the Historic District Design Guidelines adopted by the City of Georgetown.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019; Ord. No. 2021-53 , § 8(Exh. G), 7-27-2021)

4.08.04. Applicability of Historic Overlay District Standards

A. Each designated Historic Overlay District may have unique standards that are described in the adopting ordinance for that district.

B. The development and design standards contained within this Section are intended to supplement any development and design standards of an underlying base zoning district. The standards of the underlying base zoning district, as well as those of any other applicable overlay district, shall remain in effect unless superseded by specific standards of the applicable historic overlay district.

C. In the event of a conflict between the development regulations of the underlying zoning district and the provisions of this Section, the provisions of this Section shall apply.

D. Any regulations for a specific Historic Overlay District shall apply to all properties or structures wholly contained within that district and to those portions of any property or district located within the district.

E. All uses permitted or conditionally permitted in the underlying zoning districts shall continue to be permitted or conditionally permitted, respectively, unless otherwise specified in the specific standard for the overlay district. HARC shall not have the authority to approve the specific use of a site.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)

4.08.05. General Guidelines Applicable to All Historic Overlay Districts

A. The historic character of a building or structure should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a building or structure should be avoided.

B. Each building or structure should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other structures, should not be undertaken.

C. Most buildings or structures change over time; those changes that have acquired historic significance in their own right should be retained and preserved.

D. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a building or structure should be preserved.

E. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires the replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

F. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.

G. Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures should be undertaken.

H. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the building or structure. The new work should be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the building or structure and its environment.

I. New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

J. Maintaining and repairing features is preferred over replacing features as to maintain the high-quality materials, character, and embodied energy of historic buildings and to reduce the amount of waste that goes to a landfill. However, if features are deteriorated beyond repair in-kind replacement using new components that match the original in form, finish, and materials is favored. Substitute materials should be used only on a limited basis and only when they will match the appearance and general properties of the historic material and will not damage the historic resource.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)

4.08.06. Demolition by Neglect

A. An owner of a building or structure designated as a historic landmark or located in a historic overlay district, or person with interest in the real property, shall not allow such structure to fall into a serious state of disrepair so as to result in deterioration which would, in the judgment of the Historic Preservation Officer and the Building Official, produce a detrimental effect upon the life and character of the structure itself.

B. The Building Official and Historic Preservation Officer of the City of Georgetown shall determine the "serious state of disrepair" in accordance with the most current form of the International Property Maintenance Code. Examples of such deterioration include, but are not limited to, the following:

1. Deterioration of walls or other vertical supports;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors;
6. Deterioration of exterior walls, doors, windows, or other means of interior access, so as to create a danger of trespassing;
7. Deterioration of plumbing and electrical systems affecting the exterior of the structure; or
8. A hazardous condition resulting from the deterioration of any exterior feature, which might indicate that demolition is necessary for the public safety.

C. A property owner, or person with interest in the real property, who is in violation of this Section shall be subject to enforcement measures under Section 15.02.030 of this Code.

D. Should compliance with this Section require more than ordinary maintenance and repair, the provisions of Section 3.13, Certificate of Appropriateness, shall be applicable.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

4.08.07. Standards Specific to the Downtown Overlay District

This Section contains specific development and design standards applicable to properties located in the Downtown Overlay District of the City of Georgetown.

A. Building Height

1. In the Downtown Overlay District shall not exceed the max height permitted per subdistrict, unless a Certificate of Appropriateness is approved by HARC in accordance with the procedures set forth in Section 3.13 of this Code.

2. Buildings located along the portion of Austin Avenue that lies within the boundaries of the Downtown Overlay District shall be at least two usable stories in height with an overall building height of not less than 20 feet.

B. Subdistricts - Downtown Overlay District

1. Purpose

The purpose of this section is to implement the mass and scale goals of the Downtown Master Plan.

2. Subdistricts

The following subdistricts of the Downtown Overlay District are graphically shown on the map below and are defined as follows:

a. Zone 1 - The inner half- block within the Nine Block Square facing the County Courthouse.

b. Zone 2 - The outer half-block within the Nine Block Square does not face the County Courthouse.

c. Zone 3 - Transition zones between areas of Historic District Overlay and adjacent residential land use.

d. Zone 4 - Areas of increased height outside of the Nine Block Square

e. Zone 5 - Properties north of the Nine Block square where topography allows for additional building height

f. Zone 6 - Properties along University Avenue between MLK JR Street and Myrtle Street.

Table 4.08.07.A: Downtown Overlay District Building Height Maximum Requirements

Downtown Zone	Maximum Vertical Stories Allowed	Maximum Vertical Height Allowed*
Zone 1	2	35 feet
Zone 2	N/A	50 feet
Zone 3	N/A	35 feet
Zone 4	N/A	52 feet
Zone 5	N/A	64 feet
Zone 6	N/A	40 feet

*maximum building height shall not exceed the height of the bottom of the balustrade of the County Courthouse

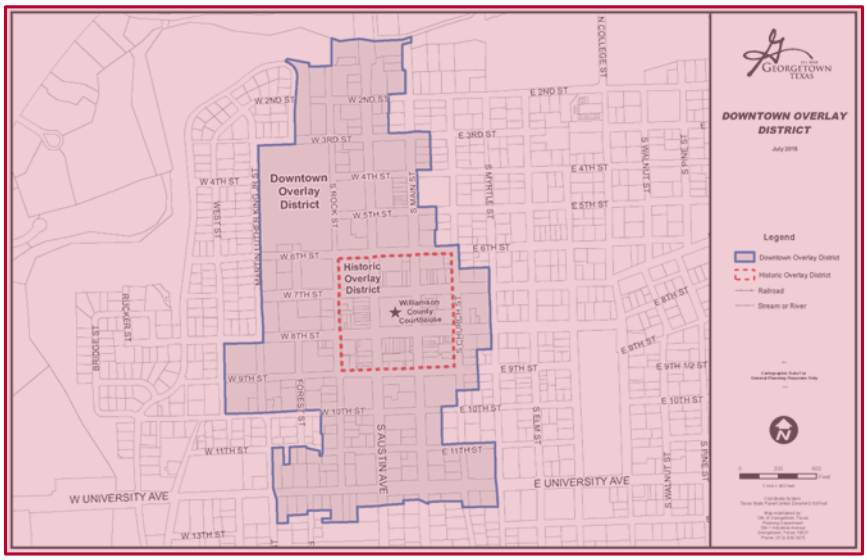
3.

C. Setbacks

Building setbacks adjacent to public rights-of-way in the Downtown Overlay District be zero feet or "built to" the right-of-way line. Such setbacks shall be reviewed on a case-by-case basis in accordance with the adopted Historic District Design Guidelines.

D. Parking

The following table lists minimum off-street parking requirements for the Downtown Overlay District. The boundaries for Area 1 and Area 2 are depicted on the map incorporated below.



This map is available for viewing at the Planning Department office or as a downloadable map at http://maps.georgetown.org.

Table 5.06.A: Downtown Overlay District Off-Street Parking Requirements

Downtown Overlay District

Downtown Overlay District	Retail buildings greater than 20,000 square feet in Area 1 ‡	1 per 1,500 sq ft GFA
	All other uses in Area 1	No off-street parking requirement
	Residential Uses in Area 2	See the Household Living parking requirements of this table
	Non-Residential Uses in Area 2‡	1 per 500 sq ft GFA

‡ Retail and restaurant Uses do not require off-street parking when a shared public parking lot is within 2 blocks of the proposed use.

E. Signs

The sign standards shall be those contained within the Historic District Design Guidelines. In the event that no standards exist, the standards in this Code shall apply, and may be modified in order to more accurately reflect the express language or the intent of the design guidelines in regard to signs.

4.08.08. (*Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019; Ord. No. 2021-53 , § 8(Exh. G), 7-27-2021*)Standards Specific to the Old Town Overlay District

This Section contains specific development and design standards applicable to properties located in the Old Town Overlay District of the City of Georgetown.

A. Parking

The parking standards of Table 9.02.030A shall apply. Alternative parking plans, as described in Section 9.02.060 of this Code, may be considered.

B. Signs

The sign standards contained within the Historic District Design Guidelines shall apply. In the event that no standards exist, the standards of this Code shall apply and may be modified in order to more accurately reflect the express language or the intent of the design guidelines with regard to signs.

C. Building Height

1. Buildings within the Old Town Overlay District shall not exceed 30 feet in height. However, a Certificate of Appropriateness may be approved in accordance with Section 3.13 of this Code to allow utilization of the height limitation of the underlying zoning district.
2. Maximum building height at the prescribed setback of the underlying base zoning district shall not exceed 15 feet. For each additional three feet of setback from the property line, the building may increase in height by five feet. However, a Certificate of Appropriateness may be approved in accordance with Section 3.13 of this Code to allow building heights in excess of this requirement.

D. Setbacks

Setbacks shall be that of the underlying base zoning district. However, for residential structures in the Old Town Overlay District, a Certificate of Appropriateness may be approved in accordance with Section 3.13 of this Code to allow a residential structure to encroach into a required setback.

E. Floor-to-Area Ratio.

The floor-to-area-ratio (FAR) within the Old Town Overlay District shall not exceed 0.45, unless a Certificate of Appropriateness is approved in accordance with Section 3.13 of this Code.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2021-53 , § 8(Exh. G), 7-27-2021)

4.08.09. Standards Specific to Designated Historic Districts

A. Town Square Designated Historic District

The Town Square Historic District shall follow the standards set forth for the Downtown Overlay District.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

4.08.10. Standards Specific to Historic Landmark Designation

A. Design, alterations, additions, and maintenance of a building or structure designated as a Historic Landmark shall be in keeping with applicable guidelines of the Historic District Design Guidelines as adopted by the City Council.

B. Buildings, structures, or sites designated as a Historic Landmark shall follow the standards set forth by the applicable underlying and overlay zoning districts.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2021-53 , § 8(Exh. G), 7-27-2021)

Section 4.09. Mixed Use District

How to Use This Code

For all Users:

This Code forms an integral part of the City of Georgetown Unified Development Code (UDC), although it may be published as a separate stand-alone document.

You should familiarize yourself with the intent and the general organizational framework of this Code by reading Sections 4.10.010 and Section 4.10.030.

If you need to subdivide or plat your land:

You should make sure that your land has been zoned as a MIXED USE DISTRICT, and that there is an adopted REGULATING PLAN in place for the entire District. If you would like to subdivide or re-plat an existing block or lot, refer to Subdivision of Lots, Section 4.10.050.F.

If you want to build or establish a particular use on your property:

Step One: Refer to the REGULATING PLAN for your District in order to determine your parcel's SUB-DISTRICT.

Step Two: Refer to Figure 4.10.051 for a table of uses permitted in the various SUB-DISTRICTS. Section 16.03 in the UDC may be helpful in determining the appropriate Use Category for your proposed use.

Step Three: If your proposed use is listed as L (Limited) in your SUB-DISTRICT, make sure you comply with the corresponding Specific Notes described in Section 4.10.050.D.

Step Four: Once you have determined that your use is permitted, ensure that your project complies with the SUB-DISTRICT Development Standards, Figure 4.10.052, and the STREET TYPE Development Standards, Figure 4.10.061. It may be helpful to refer to Section 4.10.050.G, which provides a one-page summary of the major regulations for each SUB-DISTRICT.

Step Five: All developments must also comply with Section 4.10.070, Parking; Section 4.10.080, Architectural Requirements; Section 4.10.090, Landscaping; and Section 4.10.100, Signage and Graphics.

If you want to change your SUB-DISTRICT:

Review the standards listed in Section 4.10.030.G to ensure that your proposed change complies with them. If so, you will need to make an application for a Map Amendment in accordance with Section 4.10.020.B.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

4.09.01. Intent

This amendment to the Unified Development Code of the City of Georgetown, Texas, pertaining to Mixed Use Development Districts (herein also referred to as "this Code"), provides development standards to promote a dense and active mixed use urban environment. To that end, this Code is based on the following general principles:

A. Support the creation of vibrant, interesting, and resilient areas;

B. Encourage walkability and multi-modal connections to and within destination;

C. Design places that reflect Georgetown's local character and create a positive, welcoming image of the community; and

D. Ensure context-sensitive, pedestrian-scaled development that is compatible with and complementary to adjacent neighborhoods.

4.09.02. General Provisions

A. Language Conventions

1. Provisions activated by certain auxiliary verbs are to be read as follows:

"Shall" indicates a mandatory provision.

"Should" indicates a recommended provision.

"May" indicates an optional provision.

2. BOLD CAPS indicates a term that is defined in Chapter 16 and has a meaning particular to this Code.

3. Illustrations and Tables appear throughout this Code. They are all referred to as Figures and are numbered according to the corresponding Section number, so that any Figures appearing in this Section, for example, would be numbered 4.10.021, 4.10.022, and so on.

4. Certain terms may be abbreviated as follows:

Director means the Director of Planning and Development.

District means the area within the boundaries of any adopted MIXED USE DISTRICT.

P and D means the Department of Planning and Development.

This Code refers to this document, Section 4.09 of the UDC.

UDC means the Unified Development Code of the City of Georgetown.

5. Written language takes precedence over graphics in the event of any discrepancy.

B. Administrative Provisions

1. Administration. The provisions of this Code shall be administered and enforced by the Director in accordance with the application and approval procedures defined in Chapter 3 of the UDC.

2. Applicability. This Code applies to any new development in a MIXED USE DISTRICT as well as any redevelopment or remodeling that alters the existing building footprint or massing. Interior remodeling or exterior modifications of a largely cosmetic nature need not comply with the provisions of this Code.

3. Submittals. In addition to the normally required submittals for development approval, the developer shall include adequate documentation to show compliance with the requirements set forth within this Code.

4. An EXCEPTION to any of the provisions of this Code may be requested, in accordance with the appropriate procedure described in Chapter 3 of the UDC, as referenced below.

Three levels of EXCEPTION are recognized:

a. An Administrative EXCEPTION in a minor change to any provision of this Code that maintains the intent of the code. The procedure is described in Section 3.16 of the UDC. The Director may, at his/her sole discretion, determine whether the requested change qualifies as an Administrative EXCEPTION, or must comply with the more stringent requirement of a Major EXCEPTION.

b. A Major EXCEPTION is a change to any code provision that would require a public hearing process for Planning and Zoning Commission approval, with appeal to City Council.

c. A Map Amendment is any change to the Regulating Plan (i.e., a change in boundaries, street alignment, block layout, or SUB-DISTRICT). Map Amendments shall follow the procedure outlines in Section 3.06 of the UDC.

4.09.03. Organizing Framework

A. Adoption of MIXED USE DISTRICTS

This Code applies to any MIXED USE DISTRICT that formally adopts this Code as its zoning regulations. The basic steps in the adoption process are as follows:

1. All of the property within a proposed MIXED USE DISTRICT shall undertake a master planning exercise resulting in the creation of a REGULATING PLAN meeting the requirements of **4.09.04. The Regulating Plan**.
2. Upon approval of the REGULATING PLAN, all of the property within a proposed MIXED USE DISTRICT shall be re-zoned to MU - Mixed Use in accordance with the process defined for a Zoning Map Amendment in Chapter 3, Applications and Permits, of the UDC, and in compliance with the comprehensive plan.

B. Organizing Framework

This Code is based on the organization of development along a smooth continuum, or TRANSECT that progresses from rural (least intensive) to urban (most intensive). Various conditions along this TRANSECT are codified here as zoning SUB-DISTRICTS.

Accordingly, the SUB-DISTRICTS defined here progress from an intensive Town Center (TC) condition to a more typically suburban General Neighborhood (GN) condition. A proposed MIXED USE DISTRICT shall select SUB-DISTRICTS from this Code; however, not all SUB-DISTRICTS are required to be used within a single MIXED-USE DISTRICT.

This Code regulates development by correlating form and function. The function of a given development parcel is determined by its SUB-DISTRICT. The form is determined by the classification of the STREET TYPE fronting the parcel. SUB-DISTRICT and STREET TYPE are correlated in accordance with Figure 4.10.031.

Figure 4.10.031 Organizing Framework

Shaded area indicates a permitted combination

Street Type	**Sub-District**			
	TC	**UV**	**UN**	**GN**
A				
B				
C				
D				
E				

1. The SUB-DISTRICT regulates the following development parameters:
   a. Use
   b. Intensity and/or density of use
   c. Lot coverage
   d. Building height

Specific Standards are defined in **4.09.05. Sub-District Standards**.

2. The STREET TYPE regulates the following development parameters:
   a. Front setback or build-to zone.
   b. Frontage width and standards for street level occupancy.
   c. Parking and driveway location.
   d. Curb Cuts.

Specific Standards are defined in **4.09.06. Streets and Blocks**.

3. SUB-DISTRICTS and STREET TYPES are identified on the REGULATING PLAN, a diagram showing the physical disposition and extent of these elements within a District's Boundaries.
4. The REGULATING PLAN also identifies locations and sizes of PUBLIC OPEN SPACE, which is classified into certain types based on size, characteristics, and location. Standards for PUBLIC OPEN SPACE are defined in **4.09.03.F. PUBLIC OPEN SPACE**.
5. The intent of this Code is that stormwater detention and water quality facilities are provided on a District-wide basis, thereby relieving individual development parcels from having to make any such provisions. Space for this purpose shall be shown within the areas designated as Open Space on the REGULATING PLAN if the District-wide improvements for this purpose have not been completed as of the adoption of this Code.
6. Architectural features of the buildings, as well as ancillary elements such as landscaping and signage, will have varying requirements based on both SUB-DISTRICT and STREET-TYPE.

C. REGULATING PLAN Required

No parcel within a Mixed Use District may be developed without the creation and adoption of a REGULATING PLAN governing all properties within the District. The REGULATING PLAN shall conform to the Standards defined in **4.09.04. The Regulating Plan**.

D. SUB-DISTRICTS

The following SUB-DISTRICTS of a Mixed Use District are defined:

Town Center

1. TC (Town Center) - Generally, those areas have the highest intensity of mixed uses and may serve as an anchor to surrounding smaller-scale mixed-use. TC allows for a broad range of uses with a pedestrian orientation at street level.

Urban Village

2. UV (Urban Village) - Generally, those properties fronting on a designated 'A' Street as defined in **4.09.03.E. STREET TYPES** below, although it may also occur along a 'B' Street. UV is intended to provide for a wide range of uses well integrated in close proximity. UV should provide for a lively pedestrian experience with a bias to commercial uses at the street level.

Urban Neighborhood

3. UN (Urban Neighborhood) - Generally, those properties fronting on a designated 'B' Street as defined in **4.09.03.E. STREET TYPES** below, although it may also occur along a 'C' Street. UN allows for a range of medium-density residential, as well as limited commercial uses such as live/work units, small scale professional office, bed-and-breakfast lodging, and neighborhood service commercial.

General Neighborhood

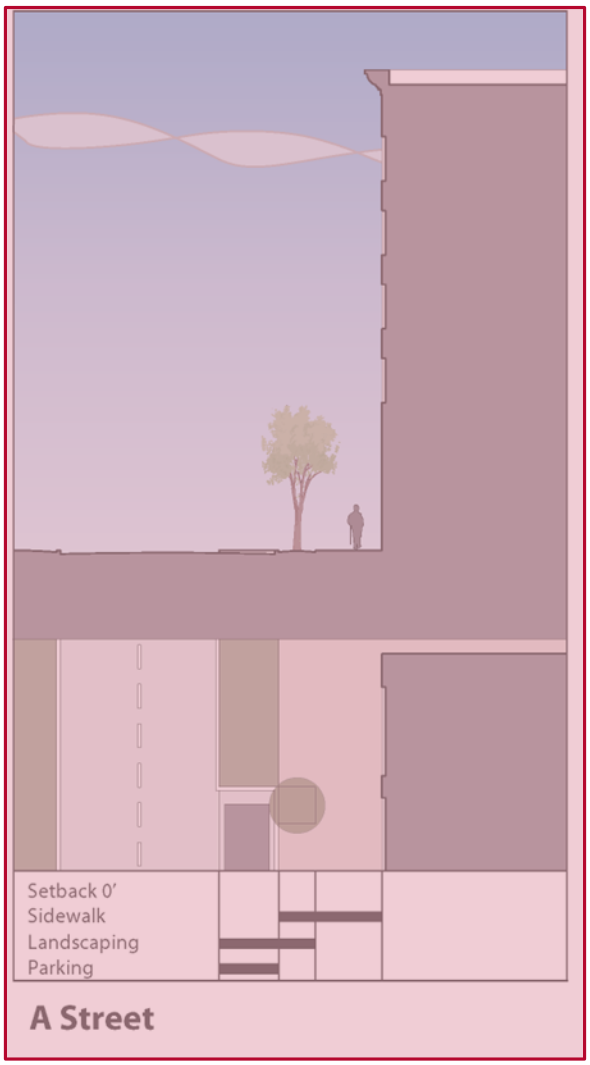
4. GN (General Neighborhood) - Generally, medium- to low-density residential properties fronting on a designated 'C' Street as defined in **4.09.03.E. STREET TYPES** below.

E. STREET TYPES

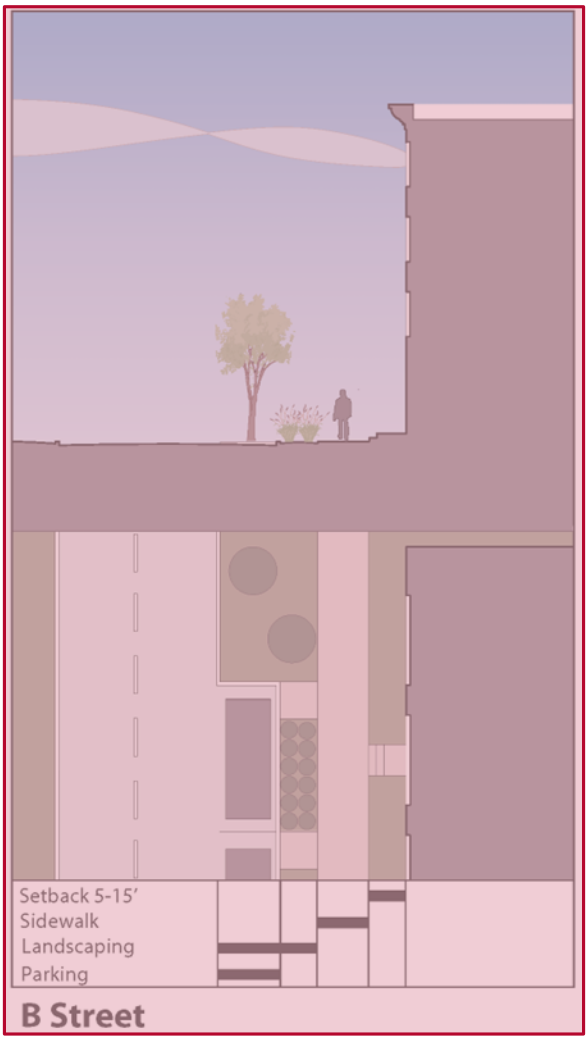
This Code recognizes that many of the key unifying and character-defining features of a neighborhood or urban area are determined by the design and function of the streets. In order to simplify what could easily be an unlimited number of variations, this Code classifies STREET TYPE according to the characteristics of the zone between the curb and the building face. Thus, an 'A' Street, for example, would always have the fundamental

characteristics described below, but may vary in numbers of lanes, right-of-way width, presence of center median, etc. Refer to **4.09.06.D. Street Design Standards**.

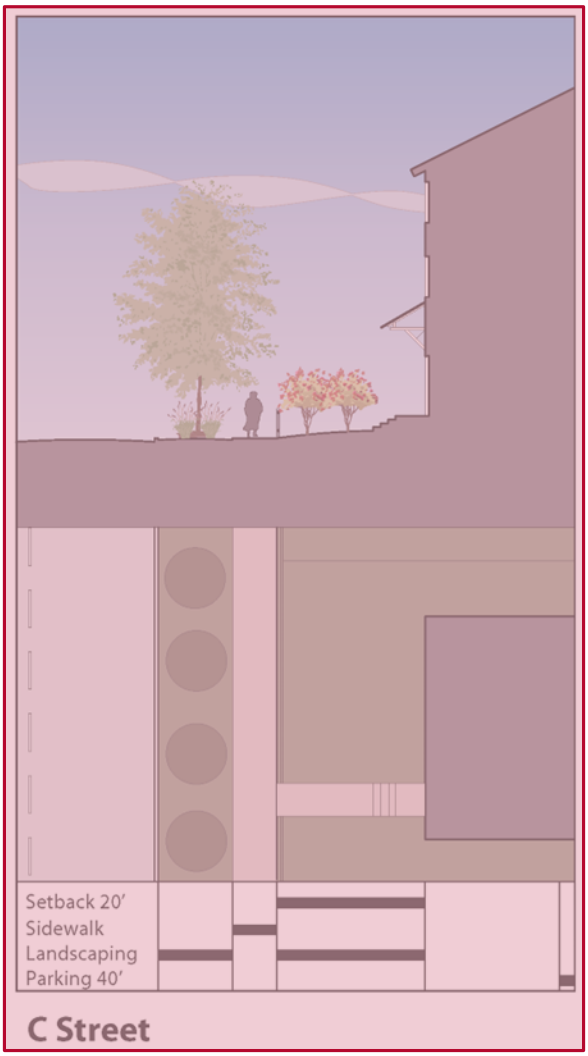
The following STREET TYPES are defined:



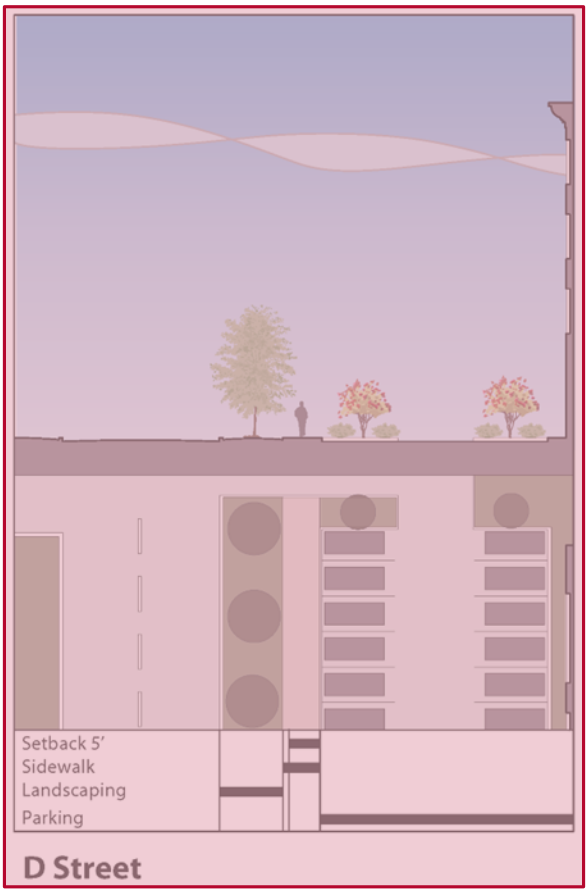
1. A Streets generally correspond to Collector or Local roadways, as defined by the City's Future Mobility Plan. They are urban, pedestrian friendly, mixed-use streets characterized by:
    a. Wide sidewalks, at least eight feet wide, and even exceeding 15 feet in more urban, walkable areas.
    b. Building faces placed at the right-of-way line.
    c. Primarily commercial uses (i.e., at least 75 percent of linear frontage) at the street level, with a high degree of access, visibility, and permeability.
    d. On-street parking is highly recommended, either in angled or parallel form.
    e. Driveway cuts are highly restricted.
    f. Landscaping is generally limited to evenly spaced, contained tree wells.



2. ~~B Streets generally correspond to Collector or Local roadways, as defined by the City's Future Mobility Plan. They are also urban and pedestrian-friendly, but are more residential in nature, characterized by:~~
   a. ~~Wide sidewalks, ranging from six to eight feet.~~
   b. ~~Building faces placed between five and 15 feet of the right-of-way line.~~
   c. ~~The building frontage zone consists of a combination of entry stoops, landscaped yards, and patio areas.~~
   d. ~~On-street parallel parking is recommended.~~
   e. ~~Driveway cuts are highly restricted.~~
   f. ~~Landscaping shall occur between the curb and sidewalk and should consist of either evenly spaced tree wells or a continuous planting strip.~~



3. ~~C Streets are typical residential neighborhood streets, generally corresponding to Local streets, as defined by the City's Future Mobility Plan They are characterized by:~~
   a. ~~Sidewalks in the range of five to six feet wide.~~
   b. ~~Building faces at a consistent setback of 20 feet.~~
   c. ~~A consistent front yard condition, which may be fenced in certain neighborhoods.~~
   d. ~~On-street parallel parking is recommended.~~
   e. ~~Driveway cuts are permitted only where prevailing lot widths are over 50 feet. When lot widths are equal to or less than 50 feet the lot Shall be accessed from an alley.~~
   f. ~~A continuous planting strip between the curb and sidewalk.~~



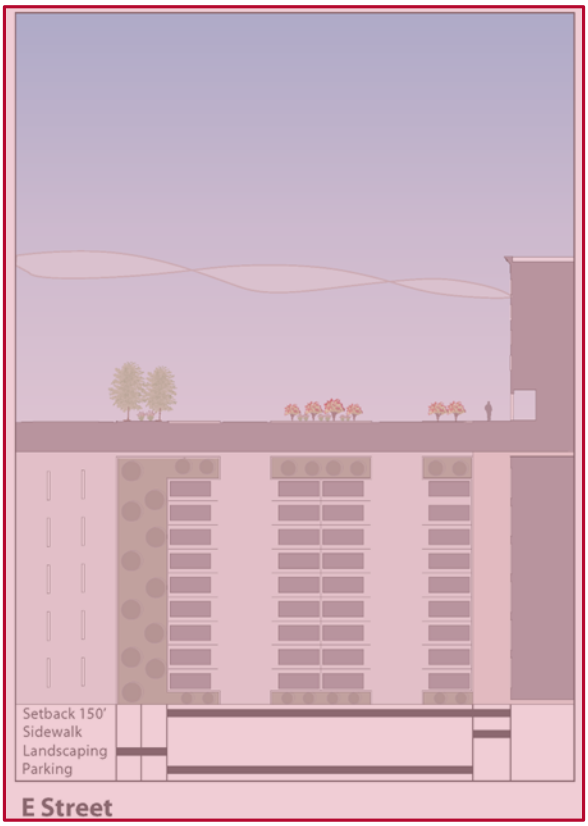
~~4. D Streets are the back, or service streets that serve more intensive urban areas, and are characterized by:~~

~~a. May only occur within one block of an A or B Street.~~

~~b. Minimal requirements for setbacks or parking disposition.~~

~~c. Are intended primarily for vehicular and service access and have a minimum curb cuts distance of 50 feet from street intersection.~~

~~d. May have on-street parking to contribute to overall parking supply.~~



5. ~~E Streets generally correspond to Major or Minor Arterial roadways, as defined by the City's Future Mobility Plan. They are characterized by:~~
   a. ~~Relatively high traffic volume at higher speeds, although they may have a slower service road adjacent to the parcel frontages.~~
   b. ~~Buildings set back behind parking, although a consistent building line is established in order to facilitate pedestrian cross-access among buildings.~~
   c. ~~Few driveway cuts, with required cross access of parking areas.~~
6. ~~Alleys, though strongly encouraged, are not considered a STREET TYPE in the sense that they do not define a parcel frontage. They will always occur parallel to a classified street, except as provided in c below. Figures 4.10.032-4.10.033.~~

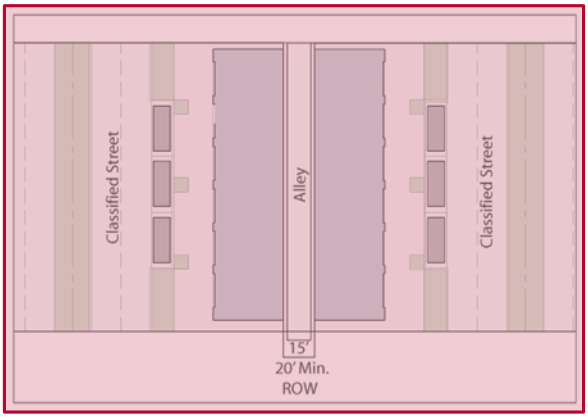


Figure 4.10.032

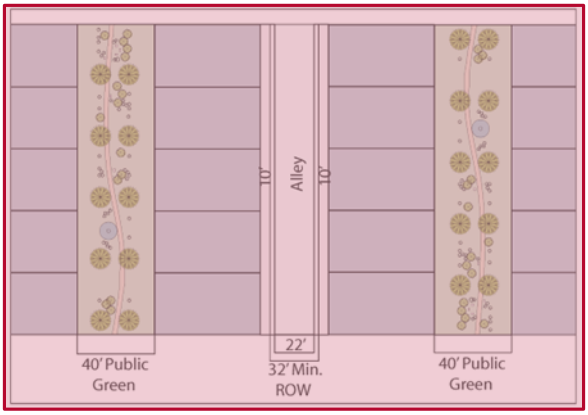


Figure 4.10.033

a. Alleys shall have a minimum right-of-way width of 20 feet, with a minimum 15 feet of pavement width.

b. Alleys may remain private, in which case they shall be platted as permanent easements and shall be maintained by a homeowners' association.

c. An alley may serve as the only vehicular access to a residential lot provided that:

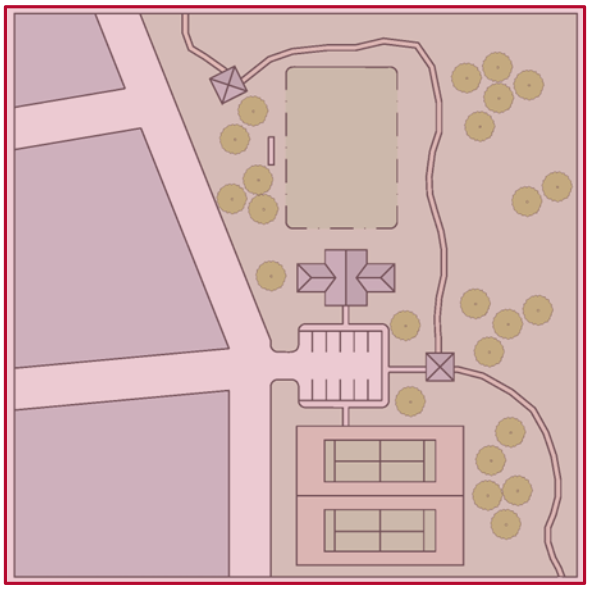
(i) The lot fronts on a public green or pedestrian mews of at least 40 feet in width, measured between building faces.

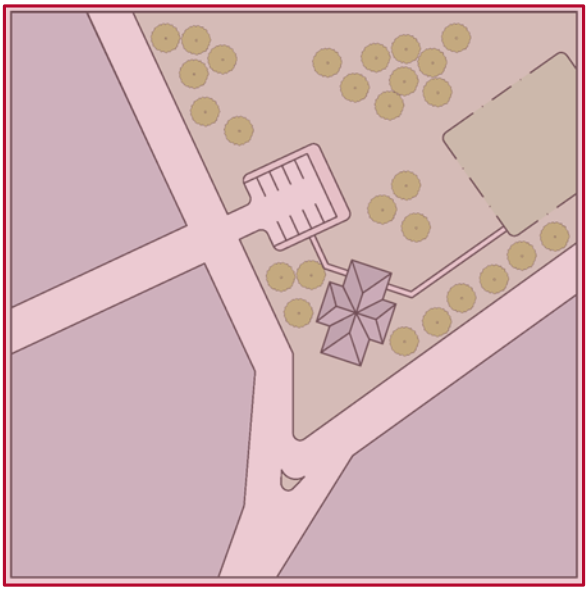
(ii) The alley shall have a minimum right-or-way width of 32 feet, with a minimum pavement width of 22 feet. All structures shall set back a minimum of ten feet from the alley right-of-way.

(iii) The alley shall be a public right-of-way and shall not allow parking on the pavement.

F. PUBLIC OPEN SPACE

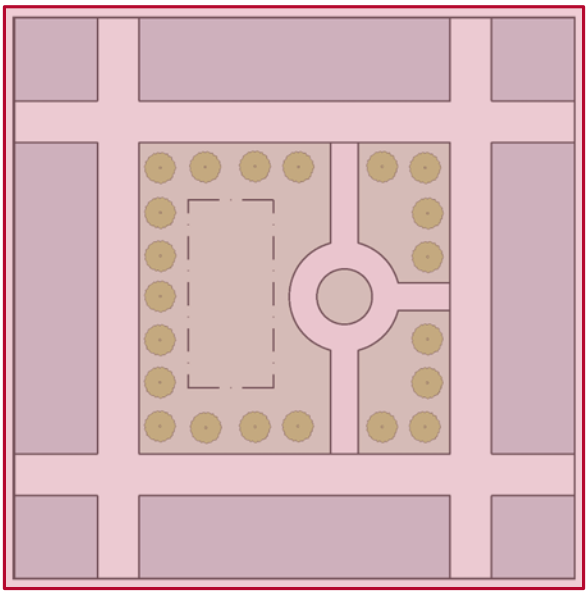
A neighborhood or urban district requires a certain amount of PUBLIC OPEN SPACE in order to function properly and provide the full range of human amenities. This Code classifies PUBLIC OPEN SPACE into the following types:





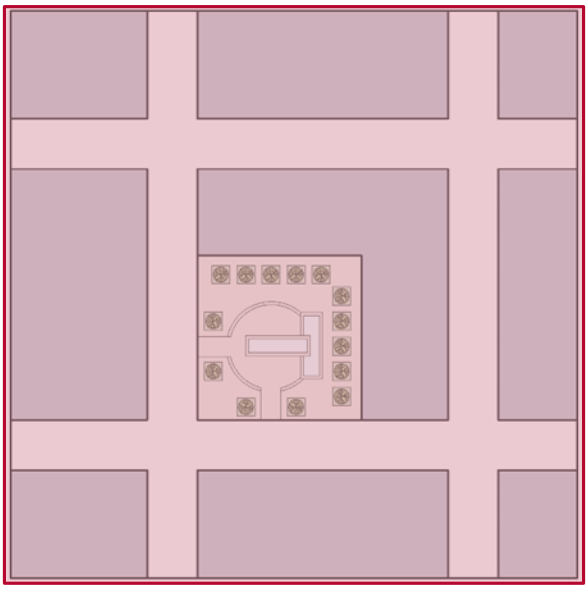
Neighborhood Park

1. Neighborhood Park. A defined open space used primarily for passive recreation, although it may include some recreational facilities. Usually located within a predominantly residential neighborhood. Generally ranges from one to five acres in size, although it may be larger in special circumstances.



Square

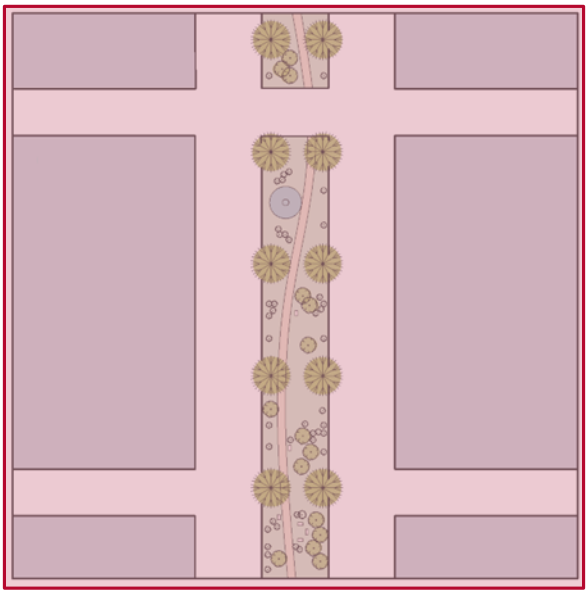
2. Square. A well-defined open space used for passive recreation and civic purposes. Generally located in denser areas of development and should be defined by building frontages on all sides. Should occur near the center of the urban activity and adjacent to at least one of the principal A or B Streets. Most of the area is landscaped, although it should contain a network of footpaths, benches, and other pedestrian amenities. Generally of a formal design. Ranges in size from one-half acre to about three acres, although it may be larger if designed as a major civic focal point.



Plaza

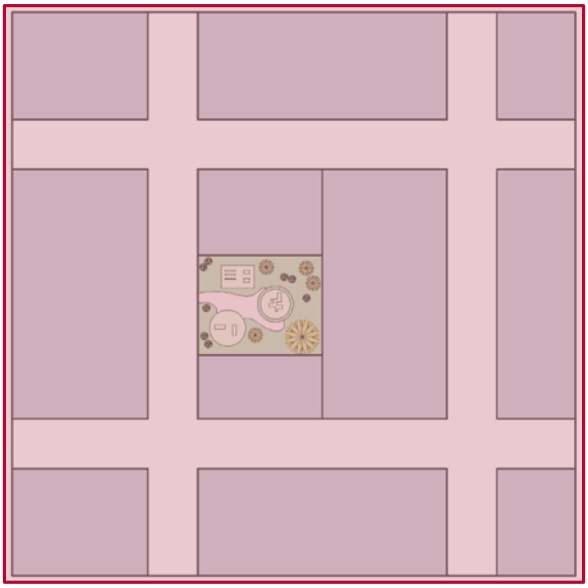
3. Plaza. A relatively small, well-defined open space used for civic purposes. Occurs in areas of dense development. Defined by building frontages, which should address the plaza as if it were an A Street. Predominantly hardscaped, although it may contain formal planting beds and regularly

spaced tree wells. Minimum of 10,000 square feet in area, and generally no larger than one full block of the prevailing block size.



Esplanade

4. Esplanade. A linear open space used to define a focal spine or primary avenue within a street network. Should be lined with evenly spaced rows of trees, with a footpath through the middle. May contain benches, gazebos, and other pedestrian amenities. Minimum width of 50 feet and minimum length of three blocks.



Playground

5. Playground. An open space deigned and equipped for recreation and exercise that should seek to accommodate all ages and abilities. Should occur primarily in residential areas. May occupy part of a block or be included in a Neighborhood or Regional Park. No minimum or maximum size.

G. Changes in SUB-DISTRICT

1. Individual Parcels may apply for a change in SUB-DISTRICT in accordance with the Map Amendment process outlined in Section 4.10.020.B.

2. The corresponding STREET TYPE shall be compatible with the proposed SUB-DISTRICT. The developer may request to upgrade the street frontage along the entire blockface, at their own expense, in order to achieve a compatible SUB-DISTRICT/STREET TYPE combination as defined in Figure 4.10.031.

4.09.04. The Regulating Plan

A. The REGULATING PLAN

All property within a designated MIXED USE DISTRICT shall be developed in accordance with a REGULATING PLAN meeting the requirements of this Section and adopted by the City of Georgetown.

B. Key Elements of the REGULATING PLAN

The REGULATING PLAN shall provide for the type of dense, pedestrian and transit friendly mixed use development intended by this Code. Some of the specific elements are as follows:

1. It recognizes all known conditions, including floodplains and all existing or proposed thoroughfare alignments. By its nature, a conforming MIXED USE DISTRICT will be located along a thoroughfare, frequently at an intersection of thoroughfares, and may also include a mass transit stop.

2. It establishes a network of streets where the A and B streets serve as the principal streets that accommodate the densest development, with other streets accommodating less intensive development. The street network allows for relatively small blocks and a high degree of connectivity.

3. It provides for a gradual transition in development intensity and scale as one moves from a neighborhood center to the edge.

4. It provides for a variety of commercial and residential land uses that are well integrated and interconnected within a compact and walkable area, and defines locations for PUBLIC OPEN SPACE.

5. It accommodates stormwater detention and water quality on a District-wide basis, within the area designated as PUBLIC OPEN SPACE. Accordingly, individual development parcels within the District do not need to make any provisions for detention or water quality.

Developers should note that, while this may be the City's intent, that design or improvements for the regional detention system may not be complete at the time of initial development, in which case temporary detention provisions need to be made.

C. REGULATING PLAN Examples

Several examples of REGULATING PLANS are depicted in Figures 4.10.041 through 4.10.044. Each example is accompanied by a brief narrative explaining the design rationale and key features. These are intended as a general guideline for planning, as well as to demonstrate the range of possibilities. More detailed planning standards are established later in **4.09.04.D. Planning Standards**.

In each case, the REGULATING PLAN identifies the Sub-Districts, the Street Types, open space, the limits of the pedestrian shed, and is planned in a manner that complies with the Planning Standards in Part D of this Section.

1. Figures 4.10.041 and 4.10.042 depict a generic quadrant at an intersection of a major thoroughfare and a collector or minor thoroughfare. One quadrant is shown, since the thoroughfares tend to act as barriers, and each quadrant could develop independently. For the sake of simplicity, the streets are straight and orthogonal, defining rectangular blocks. The grain of the street grid is established by the nature of the thoroughfares; the posted speed of the thoroughfare requires a minimum spacing between intersecting streets or driveways. Thus, this example is characterized by the following:

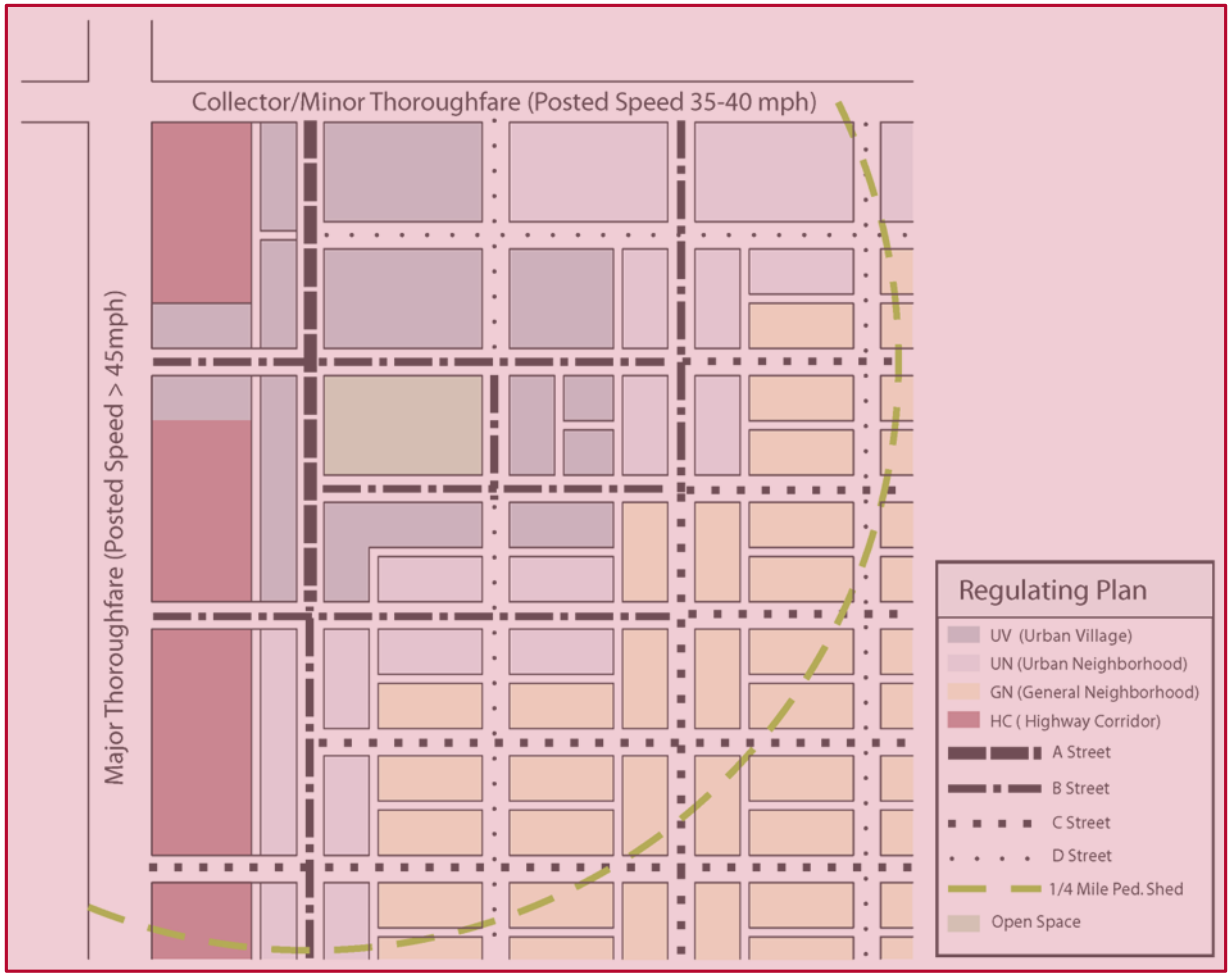


Fig. 4.10.041

a. The parcels fronting on the minor thoroughfare could be more pedestrian-friendly in nature, and could be replicated on the opposite side, defining the thoroughfare as a neighborhood Main Street.

b. The more intensive Sub-Districts are concentrated near the intersection, and are focused around an open square. The scale transitions to less intensity and more residential in nature as one moves further from the intersection.

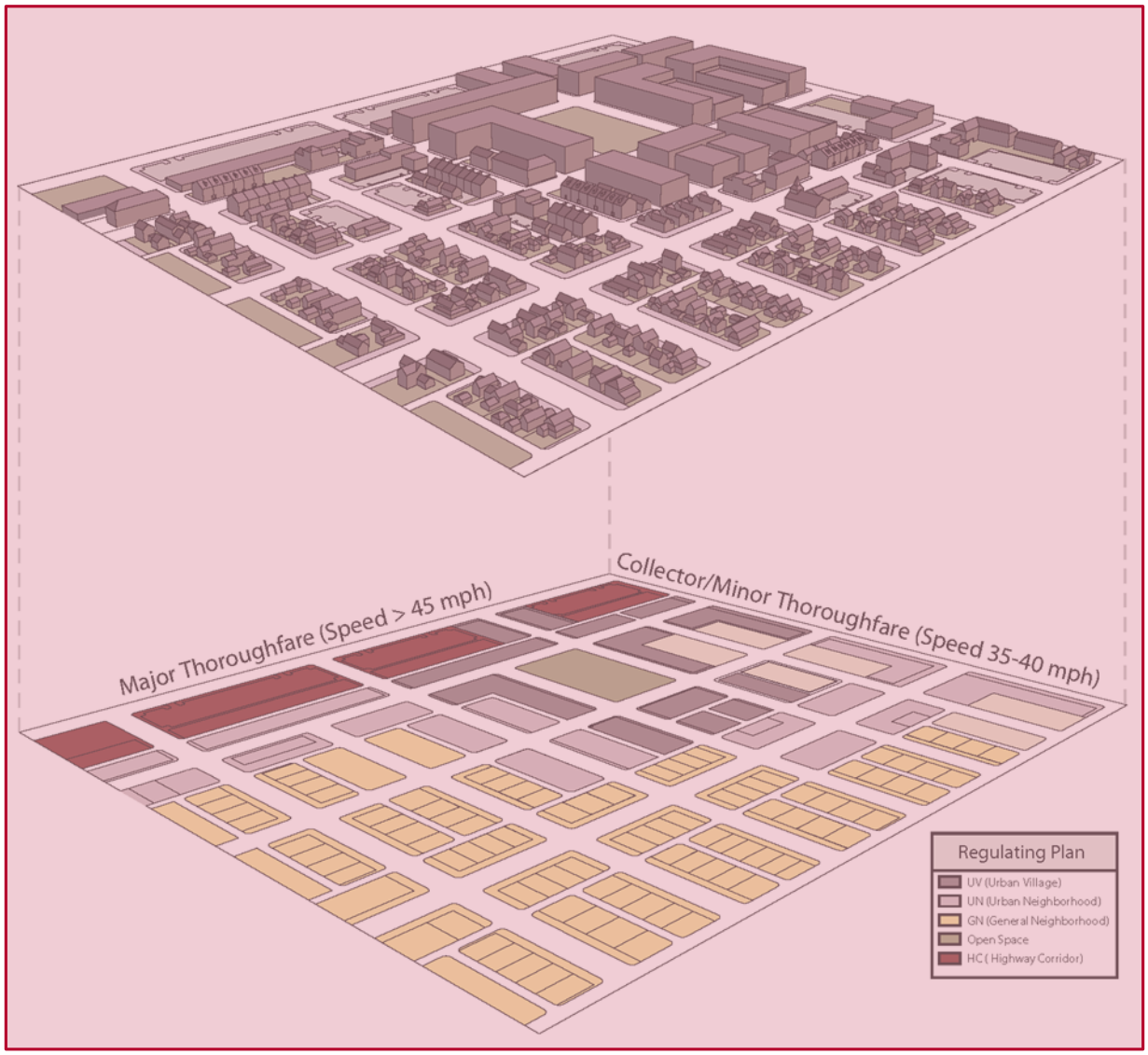


Fig. 4.10.042 A generic quadrant of a Regulating Plan, shown with a possible development scenario above.

2. Figure 4.10.043 demonstrates how a less rigid and rectilinear grid of streets could be incorporated. In this case, the intersection is of two major thoroughfares, so the development is more internalized within the quadrant, and focuses on a diagonal boulevard with a landscaped esplanade. The uses are more mixed near the intersection, then transition gradually to townhomes and small commercial uses before becoming predominantly residential in the lower right corner.

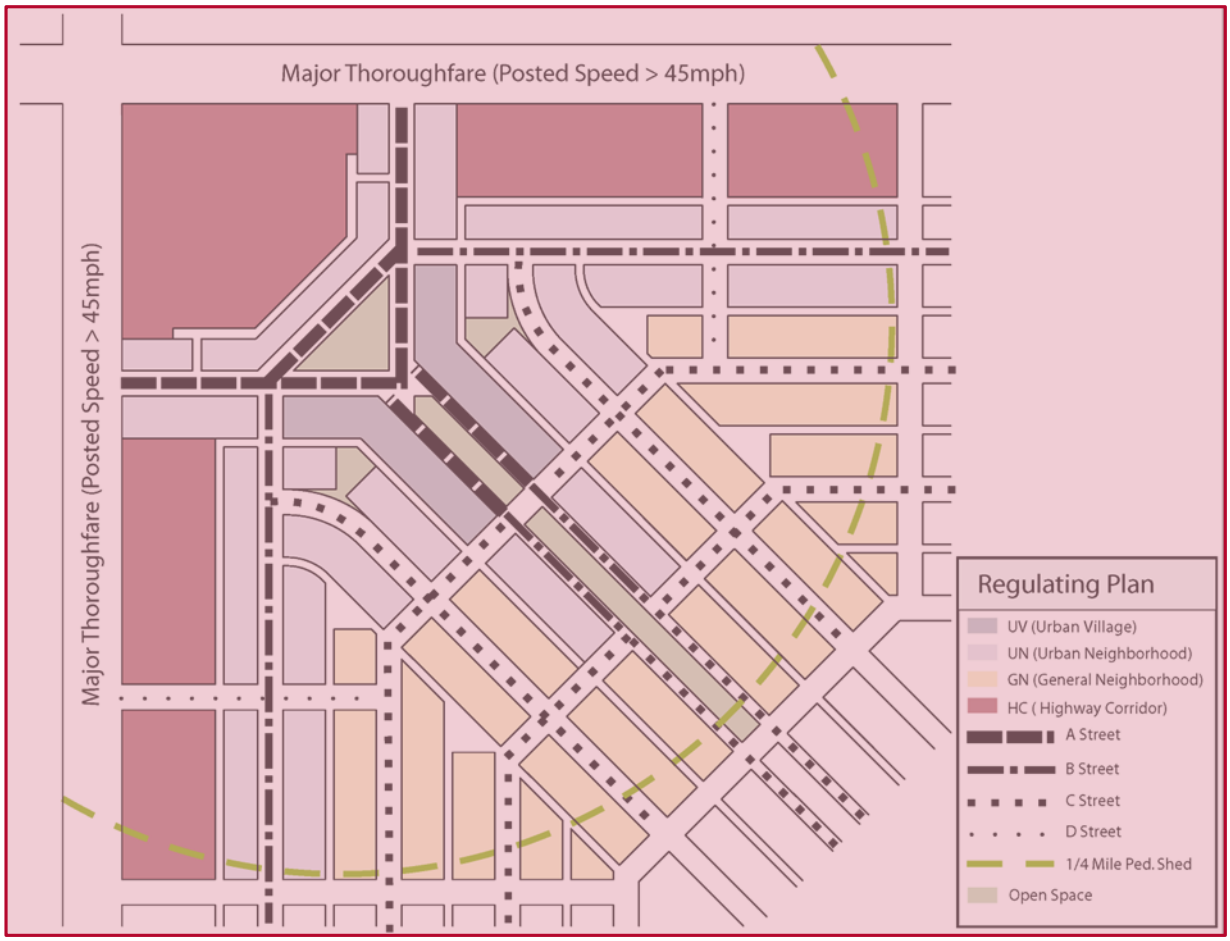


Fig. 4.10.043

3. Figure 4.10.044 shows a less idealized situation, and one that will more likely reflect real-world conditions. This neighborhood centers on a UV - Urban Village area along a principal axis punctuated by a roundabout. A cross-axis of lesser intensity runs along an esplanade and terminates with civic uses at either end. Residential is distributed throughout, but is always within an easy walk of the mixed use center. All of the internal streets will have relatively light traffic, with the more auto-intensive uses located along the major thoroughfare.

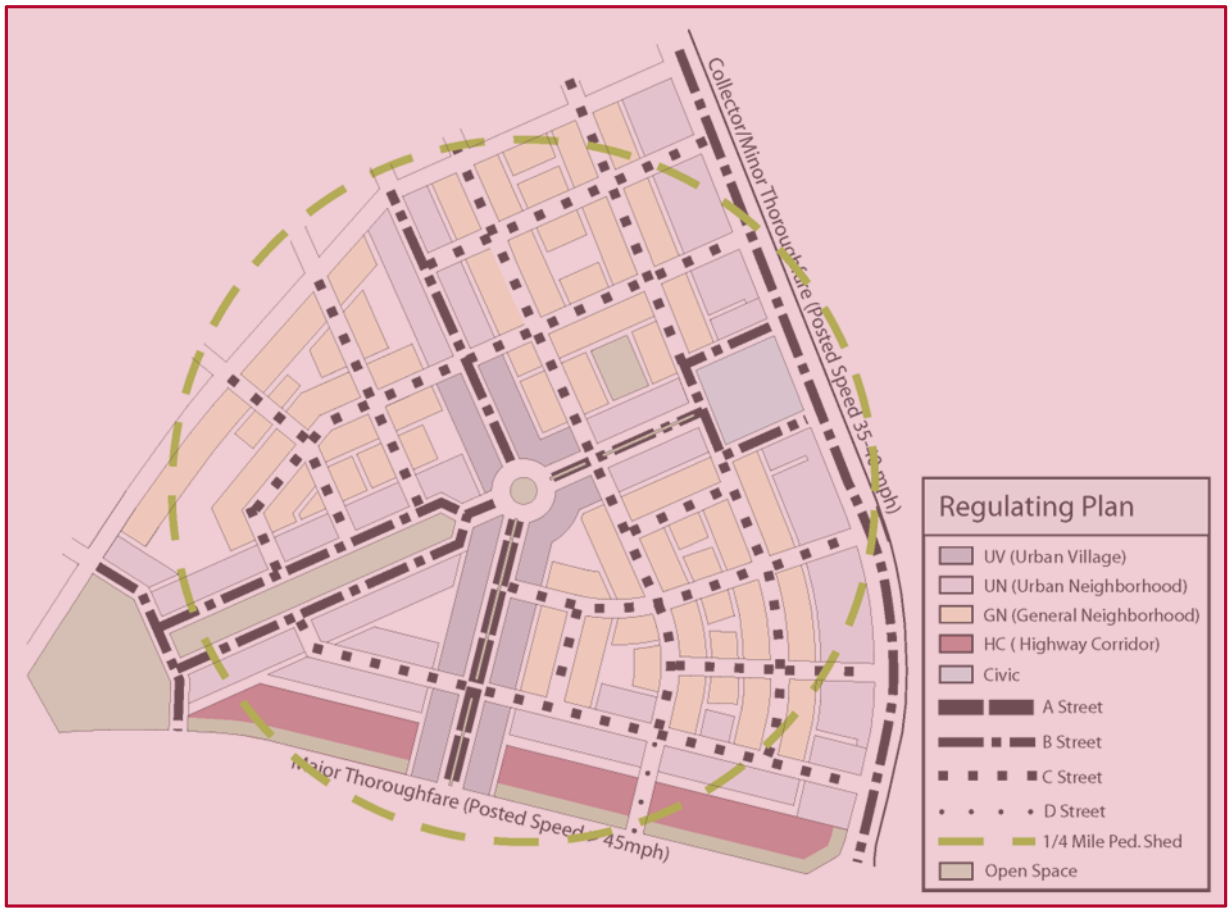
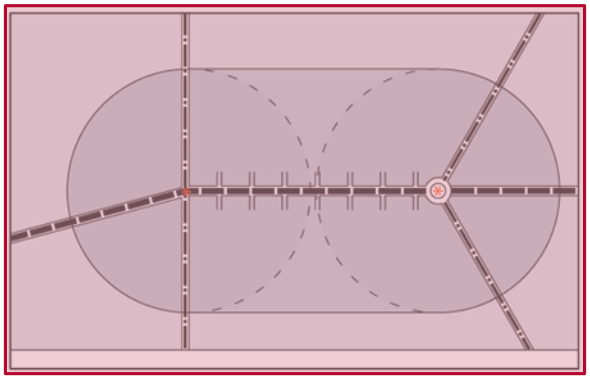


Fig. 4.10.044

D. Planning Standards

The REGULATING PLAN shall meet the following minimum requirements:



Pedestrian Shed Fig. 4.10.045

1. Extent. A REGULATING PLAN shall apply to an entire District and shall be designed in a comprehensive and coordinated manner.

2. Street Network. A REGULATING PLAN shall define a street network and classify all proposed streets in accordance with the classification system defined in **4.09.03. Organizing Framework**.

   a. D Streets shall only be located within one block of an A or B Street. They are intended only as the service street for an A or B Street, and will generally be parallel to the street they serve.

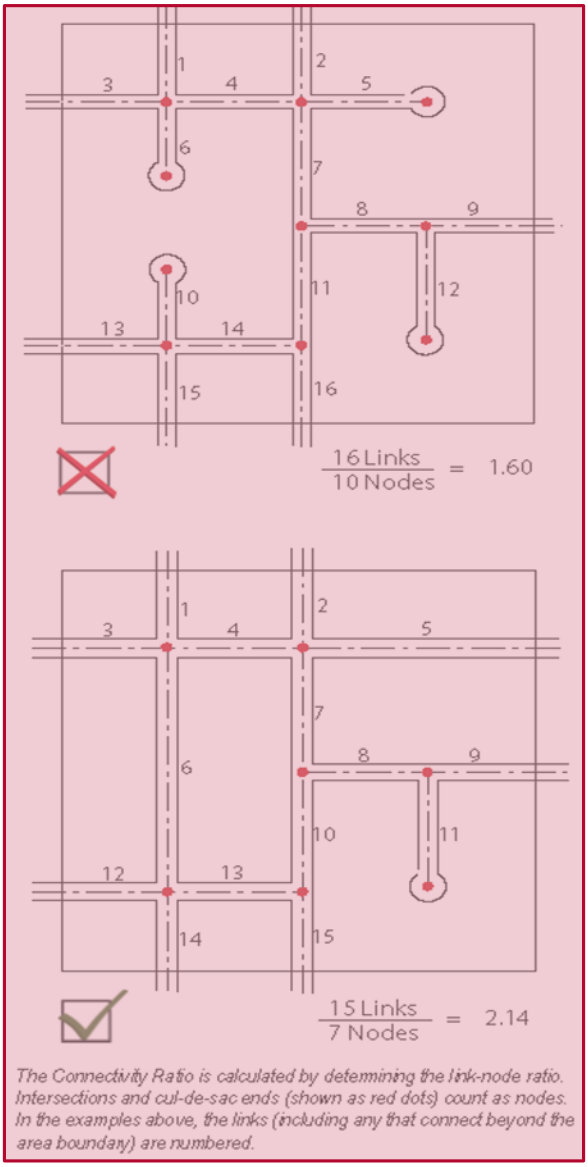


Figure XX Connectivity Ratio

   b. Streets should form a network that allows for multiple routes between points. Cul-de-sacs are highly discouraged, and shall not occur along an A or B Street. The overall street network within a District shall have a Connectivity Ratio, as defined in Section 12.03.030 of the UDC, of at least 1.8.

   c. If a cul-de-sac provides a pedestrian/bicycle path connection to an adjacent street or another cul-de-sac, then that connection shall be counted as 0.5 link.

   d. Block Dimensions shall not exceed 600 feet along any one blockface.

e. Blocks that are larger than the prevailing block in a neighborhood shall interrupt no more than one street in the network. The interrupted street shall not be an A or B Street.

f. Alleys are required when any lot width on a block is less than 50 feet.

g. Alleys are required on any block fronting an A or B Street, unless occupied by a single, full block development.

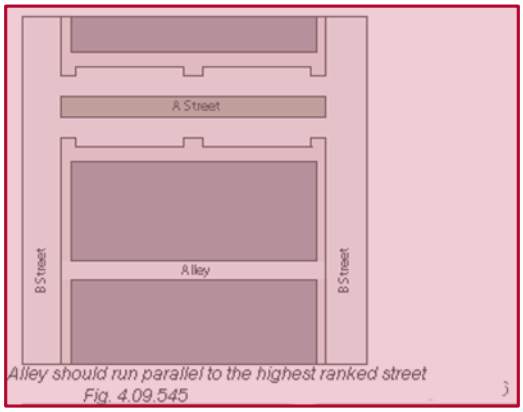


Figure 4.10.545

(i) Alleys shall be placed parallel to the highest ranked street. See Figure 4.10.046. Alley standards must comply with Section 12.03.020 of the UDC.

3. Special Conditions. Figure 4.10.047 depicts an example of a Special Conditions Plan, showing elements such as:

a. Transit stations.

b. Parks and public open space.

c. Civic sites.

d. Easements and detention areas.

e. Special urban design features such as terminated vistas and arcade frontages.

f. A parking reserve is indicated adjacent to the transit stop. This is intended for surface parking in the short term, but can be redeveloped with buildings and structured parking.

Fig. 4.10.047

4. SUB-DISTRICTS. The blocks of developable tracts defined by the street network shall be classified into the various SUB-DISTRICTS as defined in Section 4.10.030. The allocation of SUB-DISTRICTS shall comply with the following criteria:

   a. The SUB-DISTRICT must be compatible with the enfronting STREET TYPE, as indicated in the Organizing Framework, Figure 4.10.031.

   b. All PEDESTRIAN SHEDS must contain a minimum of two different SUB-DISTRICTS.

   c. SUB-DISTRICTS shall be located relative to PEDESTRIAN SHEDS in accordance with the following criteria:

      (i) TC and UV parcels shall be located entirely within a PEDESTRIAN SHED. TC parcels shall only be located within three blocks of a transit station.

      (ii) A minimum of 70 percent (70%) of all UN parcels shall be located within a PEDESTRIAN SHED.

      (iii) No more than 50 percent (50%) of the area within a PEDESTRIAN SHED shall be designated as GN.

   d. The following criteria apply to the distribution and adjacencies of SUB-DISTRICTS.

      (i) In general, a higher intensity of SUB-DISTRICT adjacencies shall be located near the center of the PEDESTRIAN SHED, and step down gradually toward the edges.

      (ii) Blocks across the street from each other shall preferably be of similar SUB-DISTRICTS, or shall differ by no more than one degree.

      (iii) Where possible or practical, a change in SUB-DISTRICT shall occur across an alley rather than across a street.

5. PUBLIC OPEN SPACE. A minimum of five percent (5%) of the total area within a District shall be set aside as PUBLIC OPEN SPACE and disposed according to the following criteria:
   a. PUBLIC OPEN SPACE shall be classified and located according to the various types defined in Section 4.10.030.F.
   b. Each Pedestrian Shed shall contain at least one PUBLIC OPEN SPACE of the appropriate type, located within 500 feet of the center.
   c. At least 50 percent (50%) of the perimeter of any neighborhood park, square, or plaza shall be bounded by public streets.
   d. A Playground shall be located within one-fourth mile (1,320 feet) of every residential lot.
   e. A District need not allocate any area for a Regional Park, provided that the overall standards for recreational space defined in the City's current Comprehensive Plan can be otherwise satisfied.
   f. Provided that all of the above criteria are satisfied, the requirements for parkland dedication defined in Section 13.05 of the UDC may be waived.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

4.09.05. Sub-District Standards

A. Intent

A MIXED USE DISTRICT is intended to be an area that provides a range of uses capable of sustaining ordinary daily human activities within a compact and walkable neighborhood. Mixed use that integrates several categories of use within one building is encouraged. In particular, residential options beyond the conventional single-family detached house are highly encouraged.

B. SUB-DISTRICTS

All development parcels within a District shall be divided into SUB-DISTRICTS as defined in **4.09.03.D. SUB-DISTRICTS** determine the following development parameters:

1. Use.
2. Intensity and/or density of use.
3. Lot coverage.
4. Building height.

C. Use Regulations by SUB-DISTRICTS.

Permitted uses within each SUB-DISTRICT are indicated in Figure 4.10.051. The list of Uses is based on the list included in Chapter 5 of the UDC, but has several modifications, as discussed below.

1. In some cases, the categories of uses are expanded to distinguish the specific use according to size, scale, or intensity. Thus, small scale retail uses may be permitted within a SUB-DISTRICT, but a big-box use would not be appropriate within the same SUB-DISTRICT.
2. For specific uses within a given SUB-DISTRICT:
   a. P means the use is permitted
   b. L means it is permitted on a Limited basis, in accordance with the note referenced in the Notes column.
   c. — means the use is not permitted

Figure 4.10.051

Permitted Uses By Sub-District

Use	TC	UV	UN	GN
RESIDENTIAL	-	-	-	-
Household Living	-	-	-	-
Cottage Court	-	-	P	P
Duplex	-	P	P	-
Fourplex	-	P	P	-
Live-Work Dwelling	-	P	P	L
Manufactured House	-	-	-	-
Manufactured House Park	-	-	-	-
Mixed Use Building	P	P	L	-
Mobile Home	-	-	-	-
Modular Home	-	-	P	P
Single Unit Housing Park	-	-	-	-
Multi-Family, High-Intensity	P	P	L	-
Multi-Family, Low-Intensity	P	P	L	-
Single-Family, Attached	-	P	P	-
Single-Family, Detached	-	-	P	P
Triplex	-	P	P	-
Group Living	-	-	-	-
Assisted Living	P	P	L	-
Group Home	-	-	P	P
Group Home (Unlicensed)	-	-	-	-
Halfway House	P	P	L	-
Rooming or Boarding House	P	P	L	-
Student Housing	P	P	L	-
Permanent Homeless Shelter	P	P	L	-
CIVIC & INSTITUTIONAL	-	-	-	-
Educational Facilities	-	-	-	-
College or University	P	P	P	P
Religious Land Use	P	P	P	-
School, Primary	P	P	P	P
School, Secondary	P	P	P	P
School, Technical	P	P	P	P
Day Care Facilities	-	-	-	-
Daycare, Commercial	P	P	-	-
Daycare, Family Home	-	-	P	P
Daycare, Group	-	P	P	-
Government and Community Facilities	-	-	-	-
Activity Center	S	S	S	S
Correctional Facility	-	-	-	-
Governmental and Public Safety Services	-	-	-	-
Library or Museum	P	P	P	P
Medical Facilities and Health Services	-	-	-	-
Hospital	P	-	-	-

Use	TC	UV	UN	GN
Mental Health, Social Services, and Substance Abuse Facility	P	P	L	-
Medical or Dental Office	P	P	L	-
Parks and Open Spaces	-	-	-	-
Community Garden	P	P	P	P
Golf Course	-	-	-	-
Nature Preserve	-	P	P	P
Neighborhood Amenity Center	S	S	S	S
Park	-	P	P	P
COMMERCIAL	-	-	-	-
Lodging	-	-	-	-
Bed and Breakfast	-	-	P	P
RV Park	-	-	-	-
Hotel	P	P	-	-
Hotel, Boutique	P	P	P	-
Hotel, Full-Service	P	P	-	-
Hotel, Limited-Service	-	-	-	-
Hotel, Extended Stay	P	P	-	-
Motel	-	-	-	-
Food and Beverage Establishments	-	-	-	-
Bar	L	L	-	-
Food Catering Services	S	-	-	-
Food Truck Park	S	S	-	-
Micro Brewery, Micro Winery, or Micro Distillery	L	L	-	-
Restaurant	L	L	L	-
Entertainment and Recreation	-	-	-	-
Amphitheater	P	-	-	-
Athletic Facility	S	S	S	S
Commercial Amusement, Indoor	P	P	-	-
Commercial Amusement, Outdoor	P	-	-	-
Event Facility, Major	S	S	S	S
Event Facility, Minor	S	S	S	S
Membership Club or Lodge	L	L	-	-
Nightclub	L	L	-	-
Sexually Oriented Business	-	-	-	-
Sport Shooting Range	-	-	-	-
Theater	P	P	-	-
Office	-	-	-	-
Professional Office	P	P	L	-
Consumer Retail Sales	-	-	-	-
Artisan Studio and Gallery	P	P	-	-
Farmer's Market	S	S	-	-
Flea Market	-	-	-	-
Fitness Center	P	P	-	-
Personal Services, Intensive	P	P	L	-
Personal Services	P	P	L	-

Use	TC	UV	UN	GN
Printing, Mailing and Reproduction Services	P	P	L	-
Retail, General	P	P	L	-
Retail, Local	P	P	L	-
Financial Services	-	-	-	-
Alternative Financial Institutions	S	-	-	-
Banks and Financial Institutions	P	P	-	-
Credit Access Business	S	-	-	-
Pawnshop	S	-	-	-
Animal Services	-	-	-	-
Animal Shelter	-	-	-	-
Kennel	-	-	-	-
Veterinary Clinic, Large Animal	-	-	-	-
Veterinary Clinic, Small Animal	P	P	L	-
Zoo	-	-	-	-
Afterlife Services	-	-	-	-
Cemetery	-	-	-	-
Funeral Services	-	-	-	-
Commercial Sales and Services	-	-	-	-
Building and Landscaping Supply Sales	-	-	-	-
Flex Office	S	S	-	-
Heavy Equipment Sales and Repair	-	-	-	-
Repair and Maintenance Services	-	L	L	-
Wholesale Showrooms	-	-	-	-
Automotive Sales and Services	-	-	-	-
Automotive Parts and Accessories Sales	-	-	-	-
Automotive Repair and Service, Intensive	-	-	-	-
Automotive Repair and Service, Light	-	-	-	-
Car Wash	-	-	-	-
Commercial Vehicle Dealership and Rental Services	-	-	-	-
Vehicle Dealership and Rental Services	-	-	-	-
TRANSPORTATION & UTILITY	-	-	-	-
Airport	-	-	-	-
Fleet Facility	-	-	-	-
Heliport	-	-	-	-
Parking Lot, Commercial	S	S	-	-
Public Transit Stop	P	-	-	-
Truck Terminal	-	-	-	-
Utility Services, Major	-	-	-	-
Utility Services, Minor	P	P	P	P
Wireless Transmission Facility	-	-	-	-
INDUSTRIAL	-	-	-	-
General	-	-	-	-
Batch Plant	-	-	-	-
Contractor Services	-	-	-	-
Industrial, Intensive	-	-	-	-
Industrial, Light	-	-	-	-

Use	TC	UV	UN	GN
Self Storage	L	L	-	-
Storage Yard	-	-	-	-
Warehousing and Distribution	-	-	-	-
Natural Resources	-	-	-	-
Oil Refinery and Distribution	-	-	-	-
Resource Extraction	-	-	-	-
Waste Related Uses	-	-	-	-
Recycling Collection Center	-	-	-	-
Salvage Yard	-	-	-	-
Waste Management	-	-	-	-
AGRICULTURAL	-	-	-	-
Feed Store	-	-	-	-
Agriculture	-	-	-	-
Agritainment	-	-	-	-
Feed Lot	-	-	-	-
Riding Academy	-	-	-	-
Winery	-	-	-	-
ACCESSORY	-	-	-	-
Accessory Building	-	-	L	L
Accessory Dwelling Unit	-	-	L	L
Drive-through	-	-	-	-
Fuel Pump	S	S	-	-
Home-Based Business	P	P	P	P
Outdoor Display	S	S	-	-
Outdoor Storage	-	-	-	-
Service Bay	-	-	-	-
Wind Energy Conversion System	-	-	L	L
TEMPORARY	-	-	-	-
Construction Field Office	S	S	S	S
Construction Staging, Off-site	-	-	-	-
Farm Stand	S	S	-	-
Farmer's Market, Temporary	S	S	-	-
Food Truck	S	S	-	-
Portable Classrooms	P	P	P	P
Residential Sales Office or Model Home	-	-	L	L
Seasonal Product Sales	S	S	-	-
Batch Plant, Temporary	S	S	S	S

b.

c. At least one off-street parking space shall be dedicated for the unit.

4. Eating establishments shall not be freestanding establishments, but shall be located only within a multi-tenant structure or mixed use building. Drive-through lanes are not permitted. Eating establishments with liquor sales occurring in TC or UV are not subject to distance requirements noted in 5.02.120 of the UDC.

The location requirements listed here, however, shall not override provisions of the City Charter and Chapter 6 of the Code of Ordinances.

5. Bars or lounges that are not an accessory use to a restaurant are permitted, provided that:

a. The maximum floor area is 3,000 square feet.

b. Preparation and service of at least some hot food items is required during all hours of operation.

c. In TC and UV, the total floor area dedicated to a stage and dance floor shall not exceed ten percent (10%) of the total floor area.

d. There shall be no appreciable sound transmission at any point outside the establishment.

e. In TC and UV, any bar or lounge located within 300 feet of a church or school requires a Special Use Permit.

The location requirements listed here, however, shall not override provisions of the City Charter and Chapter 6 of the Code of Ordinances.

6. Repair oriented businesses shall not occupy any ground floor frontage along A, B, or C Streets.

7. Vehicle service uses shall comply with the following requirements:

a. The facility shall not front on an A or B Street.

b. All work shall take place within enclosed service bays.

c. Free-standing facilities of a standardized prototype are not permitted.

d. Parking and storage of cars scheduled for service shall be in a parking lot or garage visually screened from adjacent uses.

e. The facility must be staffed during all hours of operation. Automated, self-service facilities are not permitted.

f. Exterior storage of inventory, parts, and supplies is not permitted.

g. The Director may add additional provisions as a condition for approval.

8. Sales of new automobiles is permitted, subject to the following requirements:

a. This is not intended to allow for a full-service dealership, rather, it will allow for a dealership to establish a small satellite presence within a traditional retail environment. The facility shall function essentially as an in-line retail tenant.

b. The facility is limited to an enclosed showroom. All vehicles on display shall be limited to the showroom floor. No other inventory may be housed on site.

c. Sales offices and supporting uses such as restrooms and break rooms shall occupy no more than 25 percent (25%) of the overall floor area of the facility.

d. The showroom may front on an A or B Street, subject to meeting the glazing/fenestration and public access requirements for such frontages and presenting an attractive display environment.

e. The facility must be staffed and open to the public during reasonable daytime hours of operation.

f. No service work, test drives, vehicle make ready, or delivery may occur at the facility.

g. The Director may add additional provisions as a condition for approval.

9. Heliports are permitted as an accessory use in HC, subject to obtaining a Special Use Permit as described in Chapter 3 of the UDC.

10. Self-Storage may be integrated into a multi-story building, but may have no more than an entry lobby limited to a maximum of 40 feet along a street frontage. Said lobby shall, to the greatest practical extent, be configured as a storefront retail operation.

11. Sales of pre-owned vehicles are permitted only as an accessory use in a new vehicle dealership.

12. Vehicle rental or leasing in TC or UV is permitted subject to the following requirements:

a. This is intended to allow for small scale convenience rental facilities rather than a normal "rental lot."

b. Only the enclosed office/counter facility may front on an A or B street.

c. Vehicle inventory may be housed within a parking garage, and may be remotely located from the office.

d. The Director may add other provisions as a condition for approval.

E. Development Standards

The standards indicated in Figure 4.10.052 shall apply to all development within the District.

Figure 4.10.052

Sub-District Development Standards

Parameter	**Limits**	**Sub-District**				
		TC	**UV**	**UN**	**GN**	
Density	Units per acre Min./Max. (1)	20/(2)	16/(2)	10/20	6/12	
Lot Coverage	Percent of Site Area maximum	90	80	70	60 (3)	
Building Height (4)	Feet above Grade maximum	100 (5)	65 (5)	45	40	
Ground Floor Use	Commercial Use	Required (6)	On a Required (7)	Optional	-	

Numbers indicated in parentheses, e.g. (1), refer to a specific note as enumerated below:

1. Note that SUB-DISTRICTS have minimum density requirements (the first number) as well as a maximum.
2. Residential density in the TC and UV SUB-DISTRICTS is limited only by the combination of lot coverage and building height. However, residential projects in these districts must include publicly accessible commercial uses along the principal street frontage.
3. Parcels in GN may increase lot coverage to 65 percent (65%) by complying with the approved criteria listed in Section 11.02.020 of the UDC.
4. For purposes of the height calculation, any minor appurtenances set back at least 20 feet from the edge of the main building mass, e.g., elevator penthouses or roof-mounted equipment, need not be counted. Such minor appurtenances may not project more than 15 feet above the principal roof line.
5. Buildings in the TC or UV shall have a minimum of two stories.
6. Ground floor commercial use is required in TC.
7. Ground floor commercial use is required on A Street frontage in UV, optional otherwise.

F. Subdivision of Lots

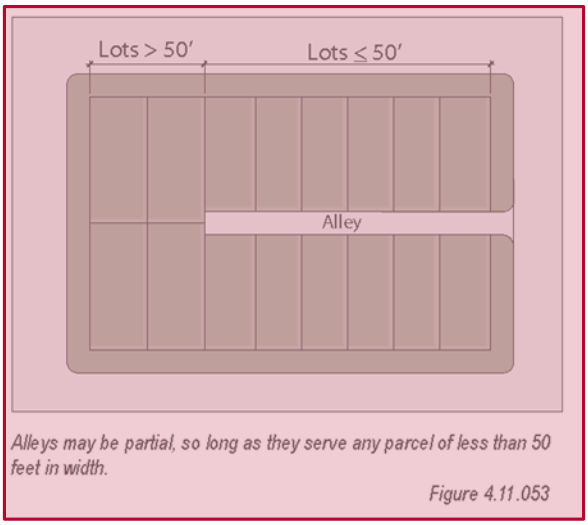


Figure 4.10.053

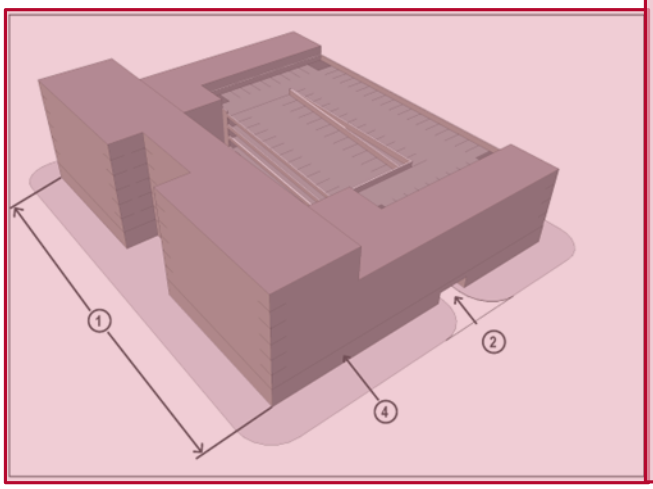
1. Full-block developments are permitted in TC and UV SUB-DISTRICTS.
2. There is no minimum or maximum required lot size, provided that:
   a. All Lots shall have a minimum 20 feet of frontage on a street or public green. The minimum street frontage is waived for residential lots fronting on a pedestrian mews or green, provided that each lot is served by an enhanced alley meeting the requirements of **4.09.03.E.6**.
   b. Any block with a parcel having less than 50 feet of frontage shall have an alley extending at least to serve the rear of the parcel. See Figure 4.10.053.
3. A diversity of lot sizes on a block is encouraged in all SUB-DISTRICTS.

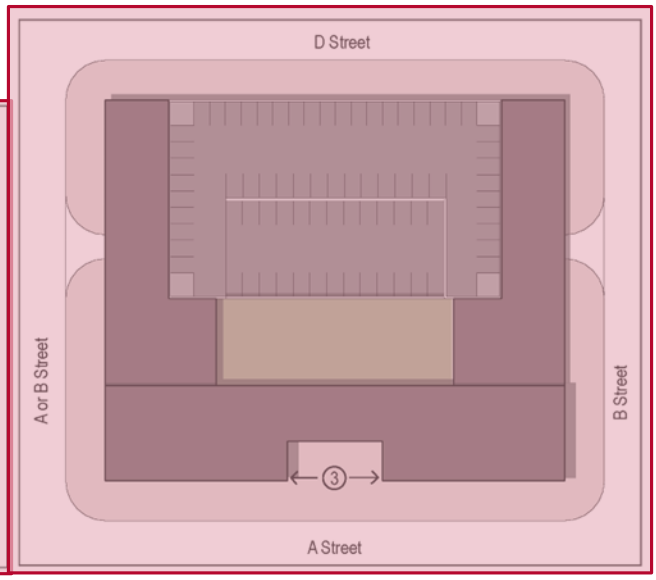
G. Summary of Regulations and Examples

The following pages depict prototype development for each SUB-DISTRICT. They show, in perspective view and plan view, a typical block built out in accordance with the intent of this Code.

The Column on the right side of the page summarizes the key provisions of this Code, as well as identifying some special conditions. These pages should be used as a guideline to help the user visualize the intent of this Code, as well as to direct the user to specific references in the regulations.

TC - Town Center Example

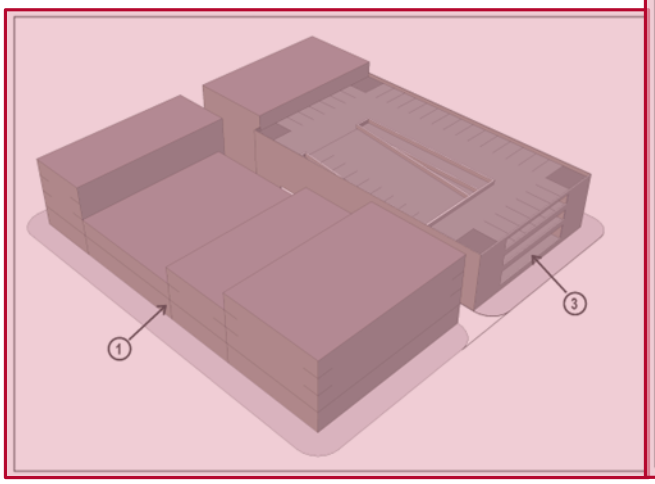


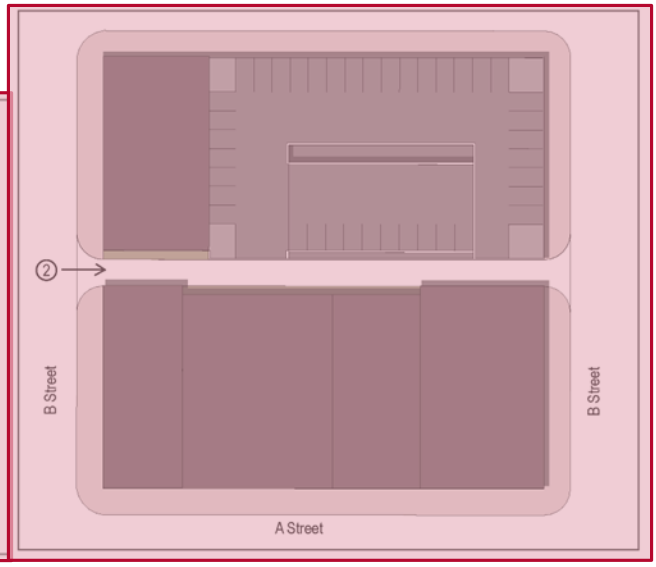


Code Summary	
Permitted Uses: (Figure 4.10.051)	
Density: (Figure 4.10.052)	
Min.20/max. Limited only by lot coverage and building height	
Lot Coverage: (Figure 4.10.052)	
90% max.	
Building Height: (4.10.052)	
100' Max/ 2 Story Min.	
Front Build-To Line: (Figure 4.10.061)	
0' for A Street 5'-15' for B Street	
Side and Rear Setbacks: (Figure 4.10.061)	
Side:	0' for A Street 0' Interior/5'/15' Corner lot for B Street
Rear:	0' for A Street 5' for B Street
Parking Setback: (Figure 4.10.061)	
60' on A Street 40' on B Street	
Curb Cuts: (Figure 4.10.061)	
0 on A street 0 on B Street	
Special Conditions:	
1. Building frontage on A Street must be a min. 80% of Lot frontage. (Fig. 4.10.061)	

~~2. Curb cuts may provide access to garage on a B Street. (Fig. 4.10.061)~~
~~3. Courtyard setbacks permitted. (4.10.060.C.4)~~
~~4. Ground floor frontage along A and B Streets shall be architecturally distinguished from upper floors. (4.10.080.B)~~

~~UV- Urban Village Example~~

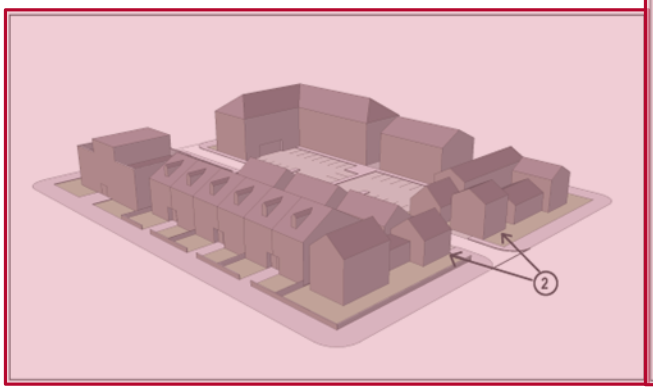


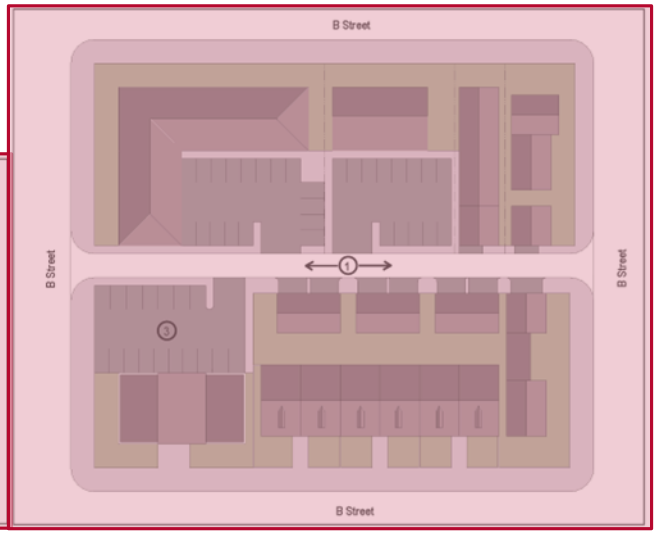


~~Code Summary~~	
~~Permitted Uses: (Figure 4.10.051)~~	
~~Density: (Figure 4.10.052)~~	
~~Min.16/max. Limited only by lot coverage and building height~~	
~~Lot Coverage: (Figure 4.10.052)~~	
~~80% max.~~	
~~Building Height: (4.10.052)~~	
~~65' Max/ 2 Story Min.~~	
~~Front Build-To Line: (Figure 4.10.061)~~	
~~0' for A Street~~ ~~5'-15' for B Street~~	
~~Side and Rear Setbacks: (Figure 4.10.061)~~	
~~Side:~~	~~0' for A Street~~ ~~0' Interior/5'/15'~~ ~~Corner lot for B Street~~
~~Rear:~~	~~0' for A Street~~ ~~5' for B Street~~
~~Parking Setback: (Figure 4.10.061)~~	
~~60' on A Street~~ ~~40' on B Street~~	
~~Curb Cuts: (Figure 4.10.061)~~	
~~0 on A street~~	

0 on B Street
Special Conditions:
1. Ground floor frontage along A and B Streets shall be architecturally distinguished from upper stories. (4.10.080.B) 2. Alleys are required for anything other than full-block developments. (4.10.040.D.3) 3. Parking structures may encroach on parking setback on B Streets. (4.10.060.C)

UN- Urban Neighborhood Example

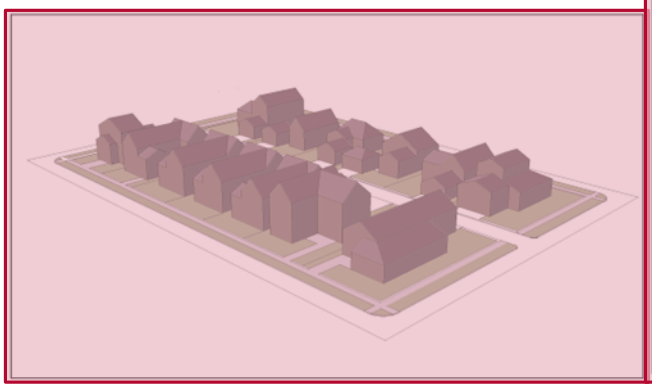


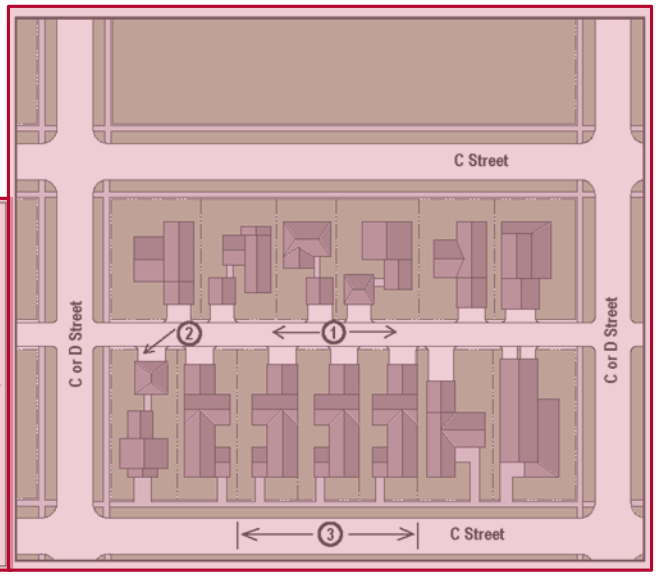


Code Summary	
Permitted Uses: (Figure 4.10.051)	
Density: (Figure 4.10.052)	
Min.10/max. 20 Units per acre	
Lot Coverage: (Figure 4.10.052)	
70% max.	
Building Height: (4.10.052)	
45' Max.	
Front Build-To Line: (Figure 4.10.061)	
5'-15' for B Street 20' for C Street	
Side and Rear Setbacks: (Figure 4.10.061)	
Side:	0' Interior/5'-15' corner lot for B Street 5' Interior/20' corner lot for C Street
Rear:	5' for B Street 10' for C Street/5' for detached garage.

Parking Setback: (Figure 4.10.061)
40' on B Street 40' on C Street
Curb Cuts: (Figure 4.10.061)
0 on B street 1/50' on C Street
Special Conditions:
1. Alley is required if any lot is narrower than 50'. (4.10.040.D.3) 2. Garage Apartments are permitted; do not count toward density. (Fig. 4.10.051 (3)) 3. Surface parking less than 40' from the street lot line only on D or E Streets. (Fig. 4.10.061)

GN- General Neighborhood (Alley Loaded) Example

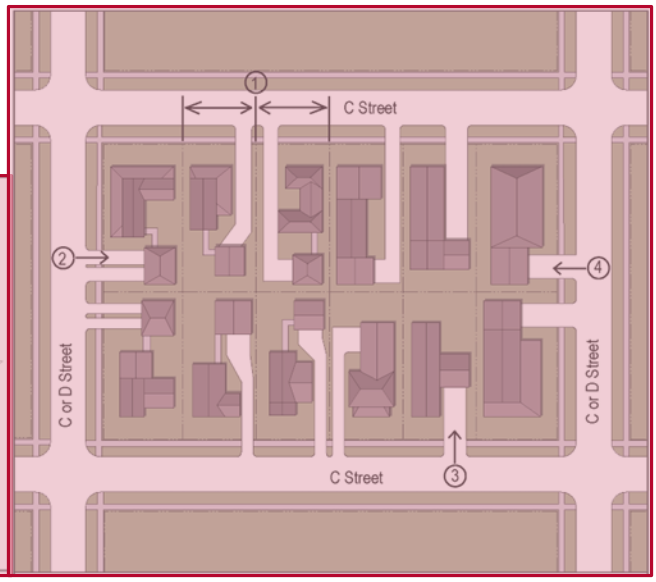




Code Summary	
Permitted Uses: (Figure 4.10.051)	
Density: (Figure 4.10.052)	
Min. 6/12 max.	
Lot Coverage: (Figure 4.10.052)	
60% max.	
Building Height: (4.10.052)	
40' Max.	
Front Build-To Line: (Figure 4.10.061)	
20' for C Street	
Side and Rear Setbacks: (Figure 4.10.061)	
Side:	5' Interior/20' corner lot for C Street

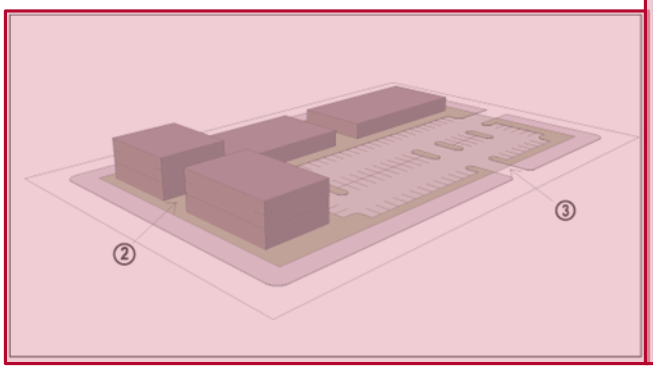
~~Rear:~~	~~10' for C Street~~
~~Parking Setback: (Figure 4.10.061)~~	
~~40' on C Street~~	
~~Curb Cuts: (Figure 4.10.061)~~	
~~0 on C street~~	
~~**Special Conditions:**~~	
~~1. Alley is required if any lot is narrower than 50'. (4.10.040.D.3)~~ ~~2. Garage Apartments are permitted; do not count toward density. (Fig. 4.10.051 (3))~~ ~~3. Surface parking less than 40' from the street lot line only on D or E Streets. (Fig. 4.10.061)~~	

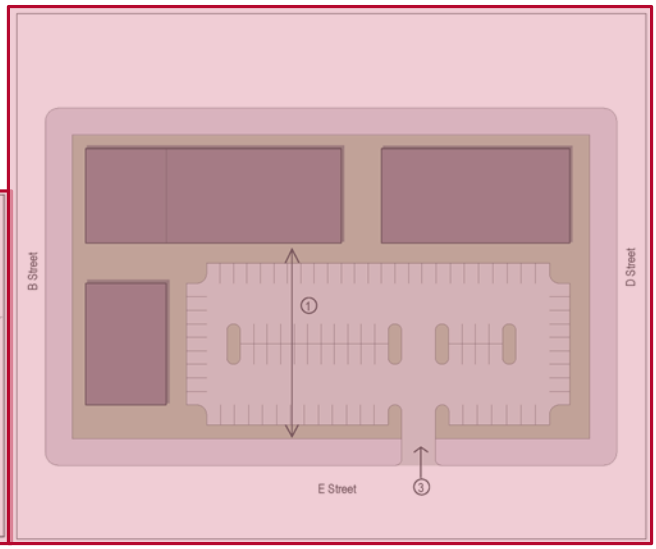
~~GN- General Neighborhood (Street Loaded) Example~~



~~Code Summary~~	
~~Permitted Uses: (Figure 4.10.051)~~	
~~Density: (Figure 4.10.052)~~	
~~Min. 6/12 max.~~	
~~Lot Coverage: (Figure 4.10.052)~~	
~~60% max.~~	
~~Building Height: (4.10.052)~~	
~~40' Max.~~	
~~Front Build-To Line: (Figure 4.10.061)~~	
~~20' for C Street~~	
~~Side and Rear Setbacks: (Figure 4.10.061)~~	
~~Side:~~	~~5' Interior/20' corner lot for C Street~~
~~Rear:~~	~~10' for C Street~~
~~Parking Setback: (Figure 4.10.061)~~	
~~40' on C Street~~	
~~Curb Cuts: (Figure 4.10.061)~~	
~~1/50' on C street~~	
~~**Special Conditions:**~~	
~~1. Alley is required if any lot is less than 50 feet wide. (4.10.040.D.3)~~ ~~2. Corner lots shall have driveway access from the side street.~~ ~~3. Garages shall be set back 20' farther from the street frontage than the house. (Fig. 4.10.061)~~ ~~4. Parking setbacks may be reduced to 20' on side streets for corner lots. (Fig. 4.10.061 (4))~~	

HC- Highway Commercial Example





Code Summary	
Permitted Uses: (Figure 4.10.051)	
Density: (Figure 4.10.052)	
Lot Coverage: (Figure 4.10.052)	
50% max.	
Building Height: (4.10.052)	
35' Max.	
Front Build-To Line: (Figure 4.10.061)	
150' for E Street	
Side and Rear Setbacks: (Figure 4.10.061)	
Side:	0 for C Street
Rear:	0 for C Street
Parking Setback: (Figure 4.10.061)	
10'	
Curb Cuts: (Figure 4.10.061)	
1/450'	
Special Conditions:	
1. Front build-to line on E Street is 150' to allow for 2 bays of front parking. (Fig 4.10.061) 2. Front build-to line on intersecting A and B Streets takes precedence. (4.10.060. C.1) 3. Curb cut spacing is 1/450'; parking is encouraged to be interconnected, with consolidated access points. (Fig. 4.10.061)	

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

4.09.06. Streets and Blocks

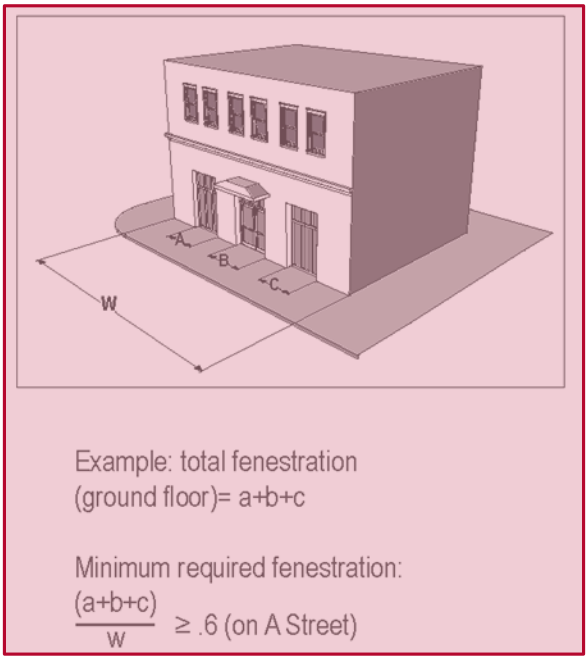
A. Intent

This Code classifies the streets in the District according to various qualitative characteristics that determine suitability for denser, mixed use development that promotes a human-scaled, pedestrian-friendly street life. Some development parameters are determined by the enfronting street classification in order to integrate the function of the street and the buildings; this also encourages the development of both sides of the street in a consistent manner.

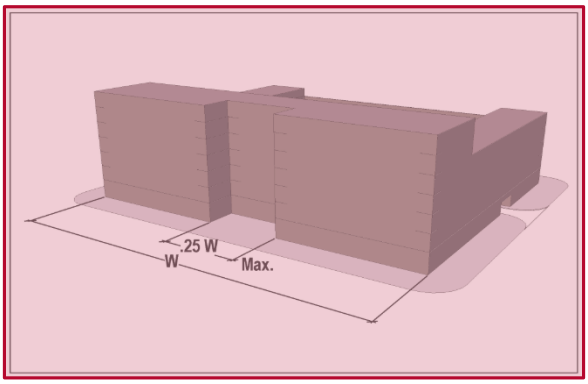
B. Development Standards

The standards indicated in Table 4.10.061 shall apply to all development within the District.

1. Corner lots shall consider their highest ranked street frontage (A is ranked higher than B, etc.) as their primary frontage. The side street frontage shall be developed according to the standards in Figure 4.10.061, based on the classification of the side street.
2. For parcels with multiple street frontages of differing classification, the highest ranking street frontage takes precedence in cases where it can be shown to be impractical to simultaneously meet the standards of each street frontage.



3. Street Level Fenestration. A minimum percentage of the lineal width of the street frontage on all streets shall be open or glazed. Reflective or strongly tinted glazing is not permitted. The minimum aggregate width of openings is as follows:
   a. A Streets: Minimum 60 percent (60%) of building frontage.
   b. B Streets: Minimum 50 percent (50%) of building frontage for commercial uses; minimum 35 percent (35%) of building frontage for residential uses.
   c. C Streets: Minimum 35 percent (35%) of building frontage.
   d. Upper level fenestration shall be a minimum of 20 percent (20%) of the building frontage.



Permissible Courtyard Setbacks

4. Courtyard Setbacks. A maximum of 25 percent (25%) of the required frontage on A and B Streets may be set back to form an open courtyard or plaza space. Such spaces shall comply with the following criteria:
   a. Space shall be a minimum of 25 feet wide and 10 feet deep.
   b. Space shall be continuously open to the public.
   c. Building faces defining the court space shall be considered as street frontage for purposes of the minimum opening requirements stipulated above.
   d. The concentration of glazing on the courtyard elevations does not reduce the minimum glazing requirements for the street elevations.

C. Street Classification

All streets within the District shall be classified according to an A, B, C, D, or E designation, as defined in **4.09.03.E. STREET TYPES**.

Figure 4.10.061

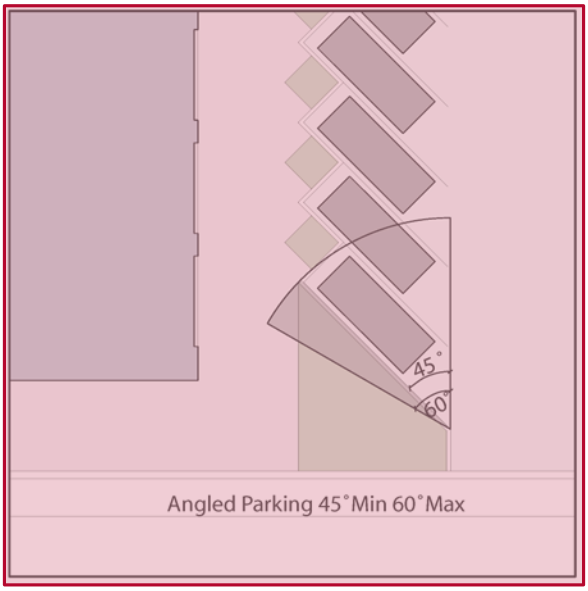
Street Type Development Standards

Parameter	**Limit**	**Street Type**				
		A	**B**	**C**	**D**	**E**
Front Build-to Line	Feet	0	5-15	20	5 (1)	150
Building Width at Front	% of Lot Width minimum	80	75	65	-	-
Street Level Fenestration	% of Building Width minimum	60	50/30 (2)	35	-	-

Parameter	Limit	Street Type				
		A	B	C	D	E
Parking Setback	Feet from ROW minimum	60	40 (3)	40 (4)	5	10
Curb Cuts (5)	Spacing along Frontage minimum	None (6)	None (6)	1/50'	-	1/450'
Side Setback (Interior/ Corner)	Feet minimum	0	05-10	5/20 (7)	5	0
Rear Setback (8)	Feet minimum	0	5	10 (9)	5	0

Notes to Figure 4.10.061:

1. For D Streets, this distance is a minimum setback.
2. Minimum fenestration on B street frontages is 50 percent (50%) for commercial uses, 30 percent (30%) for residential uses.
3. Parking Structures may encroach on the parking setback up to the front build-to line, provided that the design of the garage complies with **4.09.07.D.2**.
4. Parking setback on C Street may be reduced to 20 feet for corner lots if the parking and driveway addresses the side street.
5. If a parcel has alley access, no front curb cut is permitted.
6. One alley cut per block face is permitted; no more than three per block, total. Full-block developments may have one curb cut per block face to allow access to a parking lot or garage, no more than three per block, total.
7. Interior lot line may be reduced to zero feet on one side only for zero-lot-line homes.
8. For full-block developments, or parcels that extend through an entire block, there is no rear setback; the build-to line for the appropriate street type shall be observed.
9. Rear setback may be reduced to five feet for a detached accessory building with a height of no more than 25 feet, provided that the garage, if present, is accessed from the front or the side.



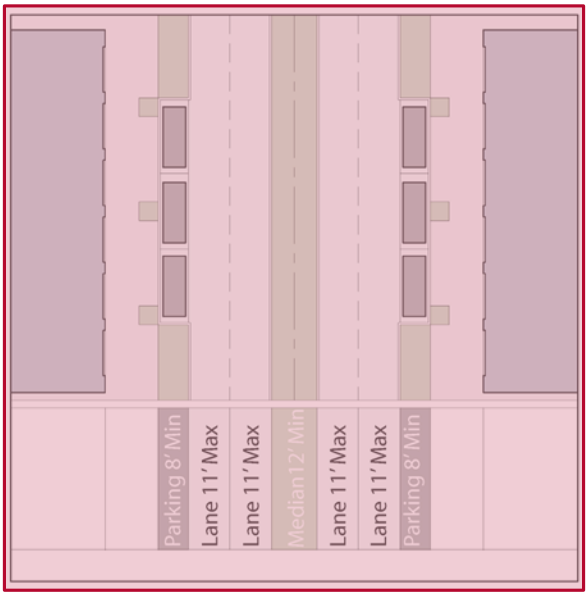
~~Fig. 4.10.063~~

~~D. Street Design Standards~~

~~The following design standards apply to all streets within the District, except for E Streets. These standards are not meant to be exhaustive; rather, they are intended to establish minimum requirements to achieve an overall design consistency.~~

~~Dimensions are measured to the back of curb or to the centerline of lane, as appropriate.~~

1. ~~Roadways. The following standards apply to all streets except E Streets:~~
   a. ~~Posted speed shall be a maximum of 30 miles per hour.~~
   b. ~~Maximum width of any vehicular moving or turning lane shall be 11 feet.~~



~~Fig. 4.10.064~~

c. Minimum width of any curbside parallel parking lane shall be eight feet.

d. Angled head-in parking may be used where sufficient width of right-of-way exists to allow parking dimensions in accordance with generally accepted engineering standards. Parking angle may vary from 45 to 60 degrees. Ninety-degree parking shall not be used within a street right-of-way. Figure 4.10.063

e. Where bicycle lanes are desired, they should occur between the curb and the right-of-way line in a manner that allocates sufficient space for pedestrians, landscaping, and bicycles with minimal conflicts.

f. Center medians, where provided, shall be a minimum of 12 feet wide. Center medians are encouraged when feasible.

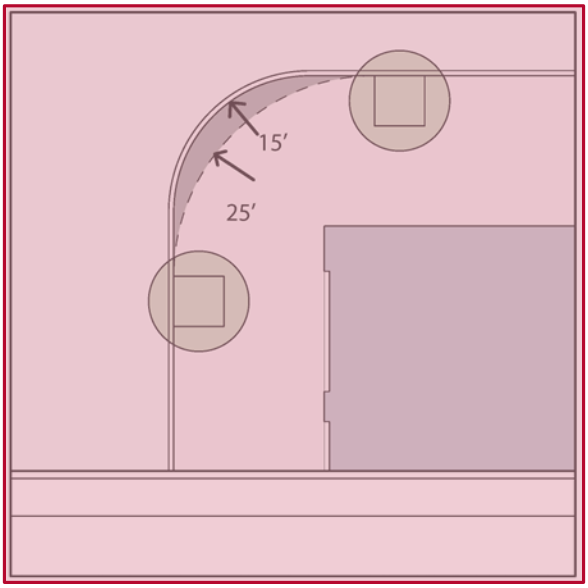


Fig. 4.10.065

g. Pavement radii shall be a maximum of 15 feet at street intersections and 10 feet at driveway connections. Designs may exceed these maximums (for example, at the intersection of major thoroughfares) but should endeavor not to exceed these maximums without cause. Figure 4.10.065. (Curb radiuses of less than 25 feet shall be provided with a rollover curb.)

h. No above ground obstructions, i.e., trees, lampposts, fire hydrants, etc., shall be permitted street side of a 25-foot radius at street intersections and a 15-foot radius at driveway connections.

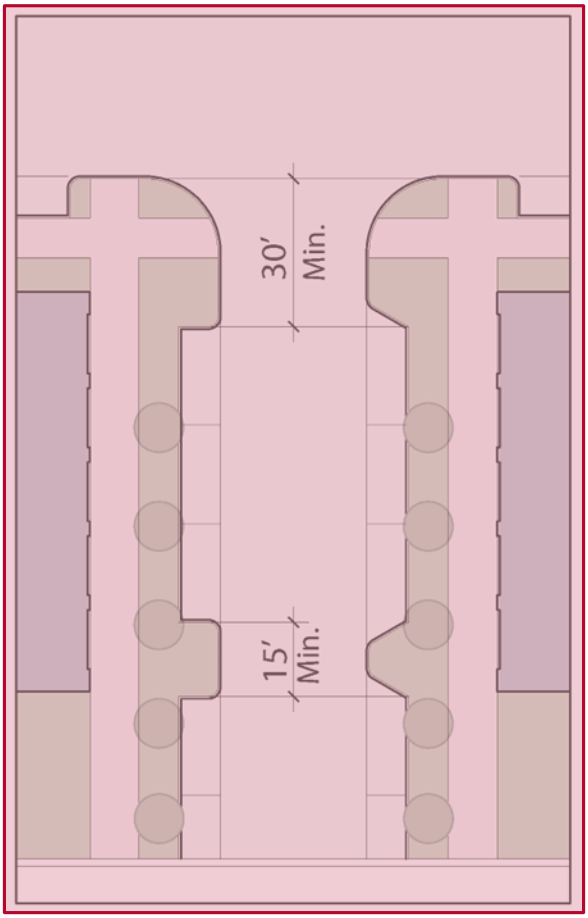


Fig. 4.10.066

2. Sidewalks. Sidewalks shall be provided at all lot frontages.
   a. Minimum sidewalk width shall be five feet. For A Streets, minimum sidewalk width shall be eight feet where possible. When a sidewalk is intended as a multi-use path, the minimum width shall be 12 feet.
   b. On A and B Street frontages with predominantly retail uses at the ground level, the sidewalk width should increase as needed to abut the building face directly.
3. Curbside Parking. Curbside parking should be provided wherever possible on A and B Streets.
   a. Curbside parking lane should be designated as a dedicated use zone by the use of bulb-outs that clearly distinguish the parking from the moving lanes.
   b. Minimum length of any bulb-out, measured parallel to the right-of-way line, shall be 15 feet when occurring at mid-block, or 30 feet at street intersections. The measured length of a bulb-out may include any angled curb segments, if provided. Figure 4.10.066
   c. Parallel parking spaces shall be grouped together between bulb-outs. There shall be a minimum of two and a maximum of six spaces in any one group. Angled parking shall be grouped a minimum of three and a maximum of eight spaces between bulb-outs.
   d. Grouping of spaces should be based on achieving a deliberate rhythm along the block face, so that, for example, bulb-outs occur at mid block, or at the third points, or some other discernable rationale. Where a rhythm has already been established on the opposite side of the

street, the parking pattern, shall, to the greatest practical extent, mirror the established rhythm.

4. Right-of-Way Landscaping. The area between the curb and the sidewalk shall be landscaped in accordance with the following guidelines:

   a. The type of landscaping shall be appropriate to the width available between the curb and the edge of sidewalk:

      (i) Less than six feet: Low ground cover, may be augmented by small scale trees. In general, landscape strips of less than five feet in width are discouraged.

      (ii) Over six feet: Low ground cover, augmented by larger scale trees.

      (iii) Placement of any landscape materials shall maintain all required sight distances and comply with the appropriate visibility standards.

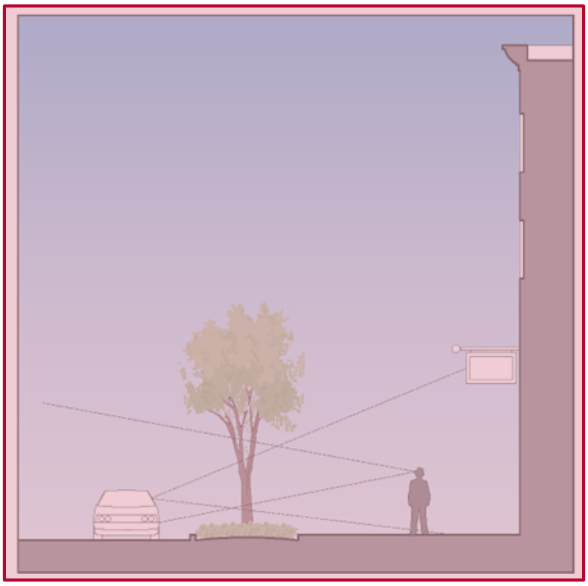


Fig. 4.10.067

   b. In general, landscaping along A and B Streets, or along other principal pedestrian walks, shall leave a relatively unobstructed horizontal view from normal vantage points. Dense ground covers shall remain low, and tree canopies should be well above head height. Figure 4.10.067

   c. Linear landscape elements along all streets should exhibit regular spacing and consistent size. Trees should be selected for their ability to shade the sidewalk.

   d. The amount of landscape elements should relate to the development context. Along A and B Streets in a fairly urban commercial setting with minimal setbacks, a predominance of paving with regularly spaced trees is appropriate, while along C Streets with larger setbacks, larger landscape beds with more planting would be called for.

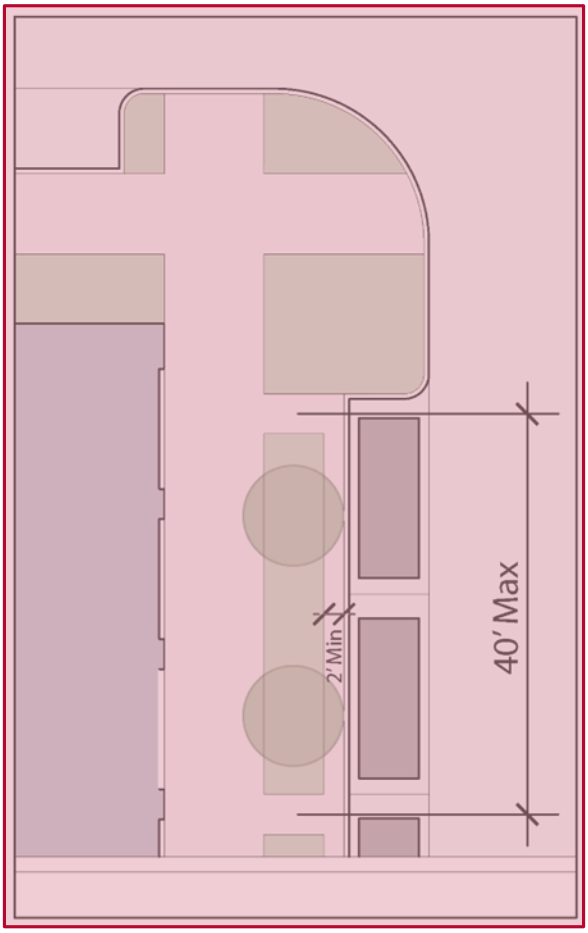


Fig. 4.10.068

e. The linear elements should be augmented by accent landscaping at special features such as street intersections, entry courts, bulb-outs between parking lanes, and other such areas where opportunities for larger landscaped areas present themselves. These areas may incorporate a number of enhancements, including beds for seasonal color, benches, fountains, or public art.

f. Where curbside parking abuts a landscape strip, the following should be provided:

(i) A continuous paving strip abutting the back of curb, minimum two feet wide, for the convenience of persons exiting the passenger side of a parked vehicle. Figure 4.10.068

(ii) Regularly spaced paved crossovers connecting the curb and the sidewalk. Spacing should be coordinated with the specific streetscape design, but should generally not exceed 40 feet.

5. Hardscape and Street Furniture. A District may establish design standards for such elements as brick pavers, light fixtures, waste receptacles, benches, etc. Any such elements to be provided as part of a development shall conform to the applicable standard specification.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

4.09.07. Parking

A. Required On-Site Parking

All new development in a District shall provide on-site parking in accordance with the provisions of Chapter 9 of the UDC. When calculating the required parking, fractional spaces shall be rounded up or down to the nearest whole number.

B. Allowable Reductions in Required On-Site Parking

The required amount of on-site parking, as calculated in Subsection A above, may be reduced in accordance with any of the following provisions. These provisions may be applied cumulatively.

1. Curbside Parking. The developer may provide curbside parallel parking spaces for any A or B Street frontage abutting the site. This parking will count towards the required amount of on-site parking in a 1 to 1 ratio, e.g., ten curbside parking spaces would reduce the on-site parking requirement by ten spaces. A minimum of four curbside parking spaces must be provided to be eligible for this reduction.

2. Parking Ratio Buy-Down. In certain Districts, the City may choose to establish a parking management area. In such cases, the developer may buy down the required amount of parking by paying a stipulated sum per reduced space into a district parking fund. The parking may only be bought down to a required minimum ratio as specified in Figure 4.10.071 in the column marked "MU District."

   a. District Parking Fund. The City may establish a district parking fund for the purposes of managing and providing parking solutions for the District as a whole. Buy-down payments shall be allocated to this fund, which can only be used within the District for the intended purposes.

   b. Payment Per Space Reduced: Amount will be established upon the creation of a parking management area.

   c. The City may, from time to time, but no more frequently than annually, adjust the buy-down payment as needed.

Figure 4.10.071

Allowable Parking Ratios

Use	Parking Ratio		Notes
	UDC	MU Dist.	
Residential – Efficiency	1.5 per unit+ 5%	1 per unit	Multi-family
Residential – 1 Bedroom	1.5 per unit + 5%	1.33 per unit	Multi-family
Residential - 2 Bedroom, or 1 Bedroom plus den	2 per unit + 5%	1.66 per unit	Multi-family
Residential – 2+ Bedroom	2.5 per unit- 5%	2 per unit	Multi-family
Residential – SFD, SFA	2 per unit	2 per unit	In garage
Live/work unit – same as residential			

Use	Parking Ratio		Notes
	UDC	MU Dist.	
Hotel	1 per room + 1.5 per 2 employees	1 per room	
Office	1 per 250 SF	1 per 350 SF	
Office- Medical	1 per 200 SF	1 per 250 SF	
Retail	1 per 250 SF	1 per 300 SF	
Restaurant, Bar	1 per 75 SF	1 per 100 SF	
All other uses per Chapter 9 of the UDC			

Example: A 10,000 square foot office building would require 40 (10,000/250) parking spaces under the UDC. The total required parking for this building in the District could be "bought-down" to 29 spaces [(10,000/350)-(or any number between 29 and 40)] by paying the specified amount for each space reduced.

Figure 4.10.072

Shared Parking Divisors

	Residential	Office	Retail	Lodging	Recreational	Institutional	Example: A mixed use development combines residential and retail uses on one site. Calculated separately, the residential requires 120 spaces and the retail requires 40 spaces. The permissible minimum parking for both uses combined is 133 spaces ((120+40)/1.2).
Residential	1.0						
Office	4.1	1.0					
Retail	1.2	1.2	1.0				
Lodging	1.1	1.6	1.3	1.0			
Civic (Recreational)	1.1	1.5	1.2	1.2	1.0		
Civic (Institutional)	1.3	1.1	1.2	1.4	1.4	1.0	

3. Shared Parking. For mixed uses on the same site, the parking may be shared among the uses in accordance with the following provisions:
   a. Calculate parking required for each use separately
   b. Refer to Table 4.10.072 for the permissible shared parking divisor for any two uses. The minimum shared parking requirement is determined by dividing the sum of the parking

required for each use independently by the divisor indicated for that particular combination of uses.

c. For developments that mix three or more uses on a site, a shared parking reduction shall only be permitted for one combination of uses. The developer may use whichever combination yields the largest reduction in required parking, and then add the parking required for the other uses.

d. The shared parking benefit is intended for uses that are well integrated and in close proximity. For larger sites with different uses physically and geographically separated, the Director may reduce or deny the allowable shared parking benefit.

e. Regardless of the result of the shared parking calculation, the total parking on a site shall not be reduced to an amount less than that required for any use by itself.

4. Connections to Adjacent Parking

Parking areas of adjacent properties are encouraged to interconnect to facilitate cross access and traffic flow through parking lots. Parking areas designed to connect to adjoining or future adjoining lots shall be granted a five percent (5%) reduction in the amount of required parking. This five percent (5%) reduction shall be deducted from the final calculated parking requirement, after all other eligible reductions are taken into consideration.

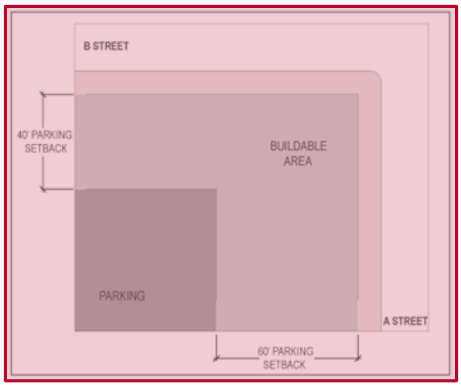
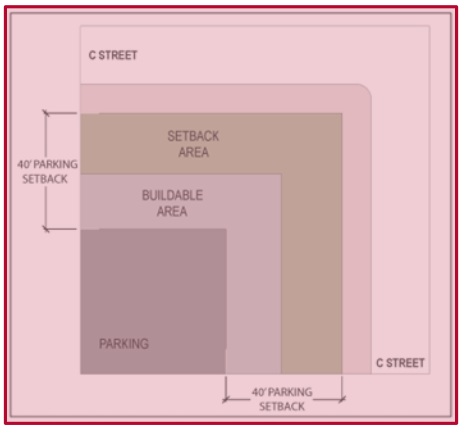


Figure 4.10.072

C. Design of Surface Parking Areas

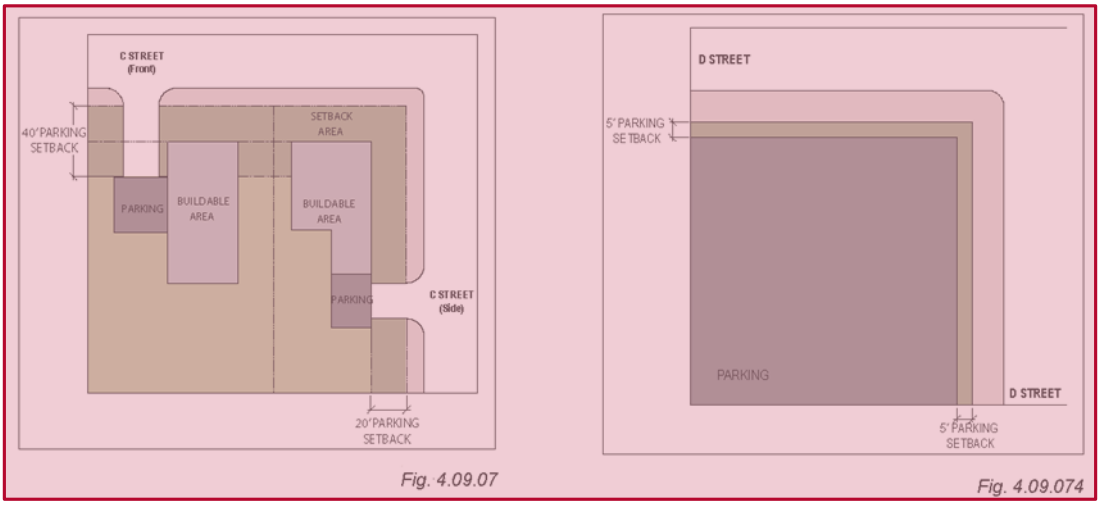
1. Surface parking areas shall be set back a minimum of 60 feet from any A or B Street frontage, and a minimum of five feet from any C or D Street frontage, and shall, to the greatest extent practicable, be located behind the principal building face. In cases where the build-to requirements for a secondary frontage are waived (refer to Section 4.10.060 C,) the parking setback on a B Street may be reduced to a ten-foot landscape buffer. Figures 4.10.072 - 4.10.075



~~Fig. 4.10.073~~

2. ~~Surface parking areas shall be separated from public rights-of-way by landscape buffers and shall have internal landscaping in accordance with the provisions of **4.09.09. Landscaping** of this Code.~~
3. ~~Surface parking areas shall, to the greatest extent practicable, interconnect with parking areas on adjacent sites. The coordinated design and placement of parking areas, including the consolidation of driveway cuts, is highly encouraged.~~
4. ~~Requirements for other elements such as paving materials, lighting, drainage, etc. shall be as required by the UDC. sp~~

~~Temporary parking areas may have relaxed requirements for paving, landscaping, etc. to be evaluated and approved on a case by case basis.~~



~~Figure 4.10.07 and 4.10.074~~

D. Design of Parking Structures

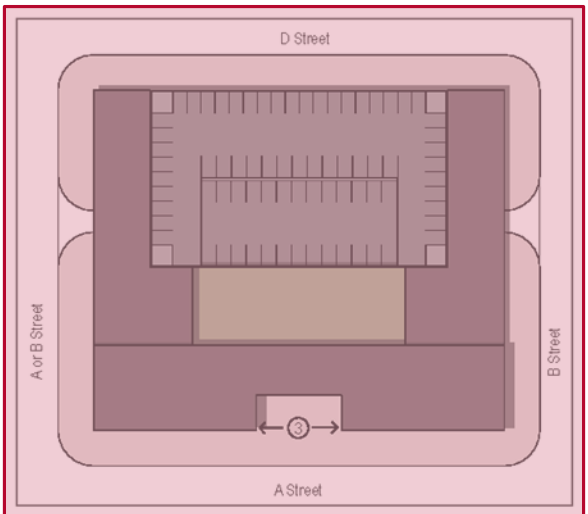


Fig. 4.09.076 Parking garages are preferably located on the interior of the blocks.

Figure 4.10.076

1. Parking garages are required to be located at the interiors of blocks by complying with the required parking setbacks noted in Figure 4.10.061. Parking structures should be screened from view from the street rights-of way by being placed behind or within the principal building form. Figure 4.10.076
2. B Streets shall have no parking structure frontage on the ground floor. For any parking garage fronting on a B Street, the ground floor street frontage must be enclosed and occupied by some commercial use other than parking for a minimum depth of 20 feet. A parking access drive may be located along such frontages, but is limited to a width not to exceed 30 feet, including any associated attendant booths, ticket pedestals, etc., and may occur only once per blockface.

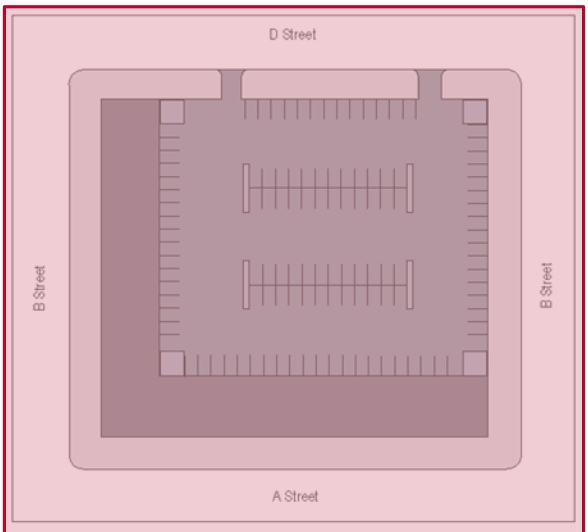


Fig. 4.09.077 Parking garages shall not front on an A street. Garages may front on a B street provided that the ground floor frontage is not parking. Ideally, they should access from a D street.

Figure 4.10.077

3. Elevated buildings i(.e., buildings where the occupied space is located above a ground floor parking area) shall have occupied ground floor space on A and B Street frontages as described in Item 2)above.
4. Upper floor elevations of parking garages fronting on B Streets shall be treated with a high-quality architectural design and finish intended to mitigate the appearance of an open parking garage. No sloping ramps, spandrel elements, etc., shall be visible at such frontages.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

4.09.08. Architectural Requirements

A. Intent

Buildings shall be of substantial design and construction using high quality materials and workmanship, be site responsive, recognize local character, and have architectural features and patterns that provide visual interest from the perspective of the pedestrian.

This section augments the requirements of Chapter 7, Site Design Standards, of the UDC, which apply to any construction within a District.

B. Street Frontage

1. A minimum percentage of the lineal frontage shall be open or glazed according to the STREET TYPE classification. Glazing shall be clear or lightly tinted. Reflective glass is not permitted. Refer to Figure 4.10.061.

Fig. 4.10.081

2. Storefronts and display windows are encouraged along A Street frontages. There should be at least one entrance accessible to the public for every 60 feet of frontage.
3. Building entrances should be architecturally emphasized.
4. The ground floor along A and B street frontages shall be architecturally distinguished from the upper floors by such means as a change in material, scale of openings, change of plane, string courses, etc.

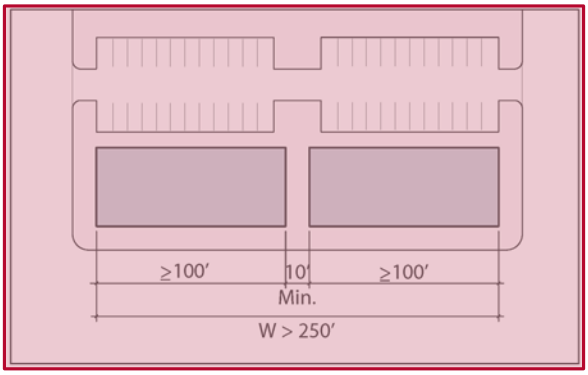


Fig. 4.10.082

5. Residential uses at street level shall have front porches or stoops. Units containing ground floor space shall have an entrance facing the street. Figure 4.10.081
6. A continuous building frontage in excess of 250 feet long shall include a public pedestrian passageway between the street frontage and the rear of the building, a minimum of ten feet wide, ten feet high, and located no closer than 100 feet to either end of the building. Figure 4.10.082. The passageway should be designed with storefront fenestration, entrances, etc. to minimize the "corridor" effect.

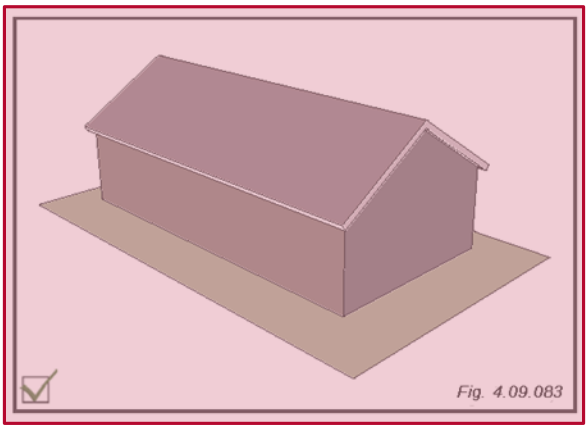


Figure 4.10.083

C. Massing and Composition

1. Buildings should be composed of simple rectilinear forms. Overly complex or fragmented volumes should be avoided. Elements such as side wings, porticos, etc., should be clearly expressed as subordinate to the main building volume. Figures 4.10.083 - 4.10.085.

2. Roofs may be composed of a variety of pitched roof designs, or may be flat. Flat roofs shall be screened by parapets at all street elevations. Variations in roof form and profile are encouraged for large roof areas.

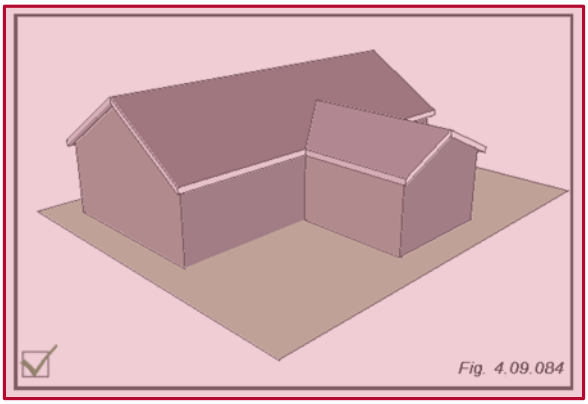


Figure 4.10.084

3. Large, blank, undifferentiated wall surfaces should be avoided. At least 25 percent (25%) of the overall wall area should contain openings or some other means of architectural embellishment.

4. Overly repetitive or monotonous facade design is discouraged. No horizontal length or uninterrupted curve of a facade should exceed 100 feet without a change in plane, material, rhythm, or scale. Elements intended to add scale and rhythm, such as balconies, awnings, dormers, etc., are encouraged.

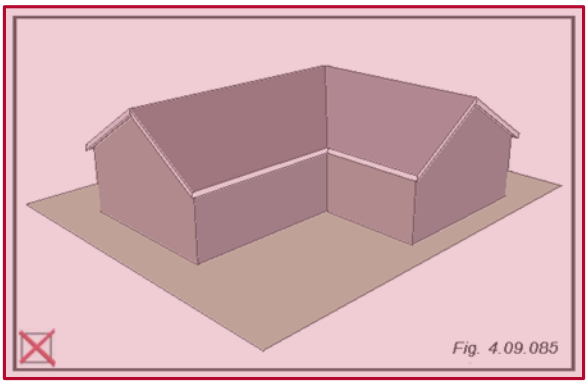


Figure 4.10.085

5. Unsightly service and support elements such as loading docks, mechanical equipment, waste containers, etc., shall be located at the sides or rear of the buildings and shall be screened from public view by appropriate means. Refer to Section 8.09 of the UDC for additional standards for screening.
6. In special situations, architectural requirements may be waived for artistic merit, subject to the review of an independent peer group. A request for such a waiver must be made in writing to the Director, stating the reasons for the request.

D. Building and Site Design

1. Roofs may be constructed of any of the following materials:
   a. Clay or cement tile in a variety of patterns: barrel, s-shaped, mission, etc.
   b. Galvanized metal and pre-finished metal panels in standing seam, batten seam, or Bermuda pattern.
   c. Dimensional composition shingles (smaller scale residential buildings)
   d. Flat roofs may be of any built-up or membrane roofing system.
2. Windows and doors in a wide variety of materials and styles are permitted.
   a. Mirrored and reflective glass is not permitted.
   b. Residential sliding glass doors are not permitted on street facades.
   c. Glass block may be used for architectural accents only.
3. Paving and Sidewalks. Sidewalks on A and B street frontages shall consist of enhanced paving materials to be selected from the following list:
   a. Concrete with integral color tone.
   b. Stamped patterned concrete.
   c. Brick or concrete pavers.
   d. Clay tile.
   e. Cut stone with an appropriately abrasive finish.
   f. Washed terrazzo.
   g. Plain concrete is acceptable when arranged in panels framed by other materials such as brick.
4. Accessory Buildings

a. Buildings that are subordinate to the principal use on the site shall not be placed on the primary (highest ranked) frontage.

b. Accessory buildings shall be architecturally compatible with the principal building.

c. Accessory buildings shall only occur on residential lots. Subordinate buildings on commercial or mixed use parcels are considered as any other building.

Fig. 4.10.086

5. Fencing. Fencing may be used to define yard areas subject to the following provisions:

a. Fencing on A frontages is limited to courtyards, parking entrances, and other special conditions. In general, no fencing is permitted between the building face and the sidewalk, except ground floor residential occupancies may be fenced.

b. Fencing on B frontages is permitted at ground floor residential occupancies. These fences may not be opaque.

Fig. 4.10.087

c. Opaque fencing is permitted only to screen unsightly elements such as mechanical equipment or dumpsters and shall occur only on side or rear exposures.

d. Street frontage fencing for all residential uses shall not exceed 48 inches in height. All other fencing shall not exceed six feet in height.

e. Preferred fencing material is painted metal picket fencing. Wood picket fencing may be used on C Street frontages only. Ornamental wrought iron panels and accents are also permissible. Fence panels may be separated by solid piers of brick, stone, or stucco spaced at regular intervals. Figures 4.10.086 - 4.10.087

f. Prohibited fence materials include chain link, wire mesh, barbed wire, plastic, and corrugated metal panels.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

4.09.09. Landscaping

A. Intent

Landscaping should be appropriate for an urban context, emphasizing the built environment rather than camouflaging it. Landscaping does play an important supporting role, however, in providing shade, visual and textural relief, and recreational opportunities. Landscape design should adhere to the following principles:

1. Landscaping at A Street frontages is intended primarily to enhance the pedestrian experience and should consist of regularly spaced shade trees and low ground cover plantings. For retail frontages, minimal or no landscaping should occur between the sidewalk and the building face. In general, pedestrians should have a clear line of sight at eye level between building faces on either side of the street.
2. On A and B Streets, landscaping should play a supporting role, and help to accent and enhance the architecture. In general, the screening of the building face with planting is neither appropriate nor desirable, with the exception of parking garages.
3. For D and E Streets, or for unsightly service and support functions, landscaping may be used as buffer and screen elements.
4. Open space should be consolidated into usable park and green spaces.

B. Design Standards

These design standards are to be used in conjunction with the requirements of Chapter 8, Landscaping and Buffering, of the UDC. For example, detailed requirements for primary landscaping of open space and the recommended plant list remain applicable. In general, this Code provides for an alternative standard that may be used in lieu of the existing standard, as noted below.

1. Landscaping Principles. The components of a landscape plan, as described in Section 8.02.020, are generally affirmed, with the following qualifiers:
   a. Primary landscape areas, particularly in the denser areas of a District, will necessarily be limited by the higher degree of impervious area permitted in this Code.
   b. The landscaping of parking lots is less important than placing the parking lots in discrete and unobtrusive locations. In denser, more urban areas, certain landscaping requirements are waived, as noted below.
   c. Bufferyards are not required between adjacent SUB-DISTRICTS. In general, these transitions are treated as a back-to-back condition that mitigates any incompatibilities.
2. PUBLIC OPEN SPACE. This Code is designed to place buildings close to public streets, rather than to surround buildings with yard areas. This will allow for the consolidation of the required open space into usable areas. General requirements for the allocation and placement of PUBLIC OPEN SPACE are described in **4.09.03.F. PUBLIC OPEN SPACE**. The following standards apply:

a. Access. The space must be for general public use at all times, with no restrictions to access. At least two sides shall front on a public way.

b. Size. Surface area shall be in accordance with the standards of **4.09.03.F. PUBLIC OPEN SPACE**, with a minimum dimension of 50 feet along any side. The area classified as open space must be open from the ground to the sky, except that up to ten percent (10%) of the area may be covered by shade structures or service buildings.

c. Location. Open space is most effective when contrasted against an urban context, and when defined by buildings on several sides. Open space should not be located near other open spaces. Open spaces should also be used to mark significant intersections or as forecourts for civic buildings or other buildings with a high degree of public access.

d. Frontage. Any building face that fronts on a Square or a Plaza shall be treated as if it is fronted on an A or B Street, as appropriate for the particular situation.

e. Design. Wide latitude is afforded the designer, but the design should be sensitive to local conditions and context. Whatever the design, the open space should be usable, people-friendly, and responsive to the local climate. Large, undifferentiated expanses of pavement or landscaped areas intended primarily for ornamental use should be avoided.

3. Buffers. Landscape buffers shall be provided as described below:

a. The minimum width of the landscaped buffer strip between surface parking areas and an abutting public right-of-way shall be five feet. These buffer strips shall be planted as low hedges or screens. Where they occur adjacent to a public sidewalk, they should also include regularly spaced trees to provide shade.

b. The width of the landscaped strip of land located between parking areas and abutting private property shall be three feet. Depending on the abutting use, this buffer may be planted as a hedge, lawn, or bed.

c. The area between the building face and the sidewalk shall be landscaped in a manner appropriate for its use. In general, a combination of lawns and beds should be used, accented by trees, if space permits. Hardscape may also be used.

4. Landscaping of Parking Lots

a. Parking lots that have no side exposed to any street other than a D Street may waive all landscaped islands within the lot, as well as any edge buffers.

b. Parking lots fronting on E Streets shall have a landscaped setback zone. Parking lots on E Streets and occurring in front of the primary building shall comply with all requirements for Parking Lot Landscape as described in Section 8.06 of the UDC.

5. Street Trees. Street tree planting shall comply with Section 8.05, Street Trees, of the UDC.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

4.09.10. Signage and Graphics

A. Intent

Signage in a District shall direct people's attention to the businesses and amenities of the area, particularly from a pedestrian's perspective, and to assist in creating a lively urban environment. Elements such as banners and flags are encouraged, subject to compliance with an adopted design standard.

B. Commercial Sign Types

This Code permits a number of functional sign types to be located on the various STREET TYPES as indicated in Figure 4.10.101.

1. All signs permitted under this Code require a sign permit.
2. This Section defines standards for the specific sign types permitted within the various SUB-DISTRICTS. Certain provisions of Chapter 10, Sign Standards, of the UDC remain in effect, including the following:
   a. Section 10.01, General.
   b. Section 10.03, Signs Exempt from Regulations.
   c. Section 10.04, Signs Prohibited Under this Code.
   d. Section 10.05, Sign Lighting Standards.
   e. Section 10.07, Temporary Signs

Figure 4.10.101

Signage and Graphics Use

Sign Type	Street Type				
	A	B	C	D	E
Building Sign					
Sign Band					
Bracket or Blade Sign					
Post Sign					
Monument Sign					
Window Sign					
Sidewalk Sign					
Pole Sign					

C. Commercial Sign Standards

Fig. 4.10.102

1. Building Sign. The developer of a building may give the building a name, or the major tenant of a building may place his name on the building, according to the following specifications: Figure 4.10.102

   a. Placement: near the top of building, above the top floor windows, but below the eaves, if any. Sign shall be directly on the wall surface, and the background shall be the building wall. Signs may be placed on a maximum of two building sides, and shall face a public street.

   b. Dimensions: a maximum of 50 square feet for each sign permitted, and lettering shall be a maximum of 30 inches in height. The sign may include a logo, which will be counted toward the allowable area.

   c. Metal, stone, plaster, or durable synthetic materials.

   d. Lighting: Signs may be front lit, back lit, or internally lit. No neon lighting is permitted.

   e. Design: sign should be consistent with the building architecture. No moving message signs are permitted.

Fig. 4.10.103

2. Sign Band. This type of sign is intended primarily for retail uses at street level to draw the attention of pedestrians and drivers. Figure 4.10.103
   a. Placement: On the primary building face between first and second floor window openings. The sign band shall be an integral part of the facade composition; the building wall may serve as the sign background. The bottom of the sign band shall be a minimum of ten feet above grade.
   b. Dimensions: Limited to two square feet per linear foot of street facade. Individual elements or letters are limited to 18 inches in height.
   c. Materials: Metal, stone, wood, paint, carved, plaster, or durable synthetic materials.
   d. Lighting: Front lit, back lit, or internally lit. Neon is not permissible.
   e. Design: Sign band shall be considered as an integral element of the building facade and be consistent with the building's architecture. Consistency of the sign band in a single building is required.

Fig. 4.10.104

3. Bracket or Blade Sign. These may be used in place of a sign band or in addition, if located in an arcade or if not in conflict with the sign band. Figure 4.10.104
   a. Placement: Perpendicular to the primary building facade, may be held by brackets, cantilevered, or suspended under a soffit, must allow a minimum clearance above the sidewalk of ten feet.
   b. Dimensions: Maximum of six square feet, may project a maximum of four feet from the building face, letters may have a maximum height of 12 inches, logos or artwork may be a maximum of 18 inches in any dimension.
   c. Materials: Metal, wood, or durable synthetic materials.
   d. Lighting: Externally or internally lit.
   e. Design: May be double faced, may include symbols such as barber poles, but shall otherwise be essentially two-dimensional

Fig. 4.10.105

4. Post Sign. These are generally used in more residential areas for small scale retail or office uses. Figure 4.10.105
    a. Placement: Within front yard areas, close to the property line and the main building approach. Perpendicular to the ground, may be parallel or perpendicular to the primary building facade.
    b. Dimensions: Sign panel is limited to a maximum of six square feet; overall height is limited to four feet above grade.
    c. Materials: Metal, wood.
    d. Lighting: Externally lit, on ground or projecting from top of sign. Internal lighting is not permitted.
    e. Design: Sign shall be essentially two dimensional, and may be double faced. Sign panel may feature artwork or logos in a two dimensional graphic layout.
    f. Configuration: Double post with framed panel or offset single post with bracketed or suspended panel. Single post with centered panel is not permitted.

Fig. 4.10.107

5. Window Sign. These signs are intended for the pedestrian. They include applied graphics such as name, hours of operation, telephone numbers, and street numbers. Figure 4.10.107

a. Placement: On storefront windows and doors, may be applied to interior surface of glass only. Shall not substantially obscure visibility through the window.

b. Dimensions: Graphics are limited to a maximum of 15 percent (15%) of the total glass area, letters may have a maximum height of six inches.

c. Materials: Stick on vinyl or plastic.

d. Lighting is not permitted.

e. Design: Simple and understated, limited to conveying the necessary information.

Fig. 4.10.108

6. Sidewalk Sign. This type of sign includes movable sandwich boards and menu cases, and is intended to accent a lively, pedestrian streetscape. Figure 4.10.108

   a. Placement: An the sidewalk, provided it does not interfere with pedestrian movement. Must be removed when business is not open.

   b. Dimensions: Sandwich boards shall not exceed eight square feet per face, be no taller than four feet and no wider than two and one-half feet. Menu cases shall not exceed two square feet in area.

   c. Materials: Sandwich boards may be made of wood, chalkboard, or finished metal. Menu cases must be shallow glass fronted cases.

   d. Lighting: Menu cases may be externally lit.

7. Pole Sign. This type of sign is only permitted on IH-35 frontage in accordance with the requirements of Section 10.17 of the UDC.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)

See **Chapter 5** for regulations and standards applicable to Historic Overlay Districts.

Section 4.09. ~~Section 4.10.~~Courthouse View Protection Overlay District

4.09.010. ~~4.10.01.~~Purpose and Intent

The Williamson County Courthouse provides a cultural, symbolic, and historic resource unique to the City. Residents, visitors, and the traveling public currently enjoy broad views of the Courthouse Dome from several corridors. The purpose of this section is to ensure that future development along the identified view corridors does not lead to the loss of the views of the Courthouse Dome. It is the intent that these broad views be protected, to the extent feasible, by means of careful siting of buildings and with consideration given to how the overall height of buildings impact those views. Compliance with the requirements of this section will be verified during the Site Plan process.

4.09.020. ~~4.10.02.~~Applicability

Where Site Plan review is required in accordance with ~~Section 3.09~~Section 4.09, the Courthouse View Protection Overlay shall be applied to all properties within the view corridors listed below. The areas within the corridors listed below are not exact and are depicted graphically on the Courthouse View Protection Overlay District Map. The Planning ~~and Development~~ Department shall confirm applicability at a parcel level.

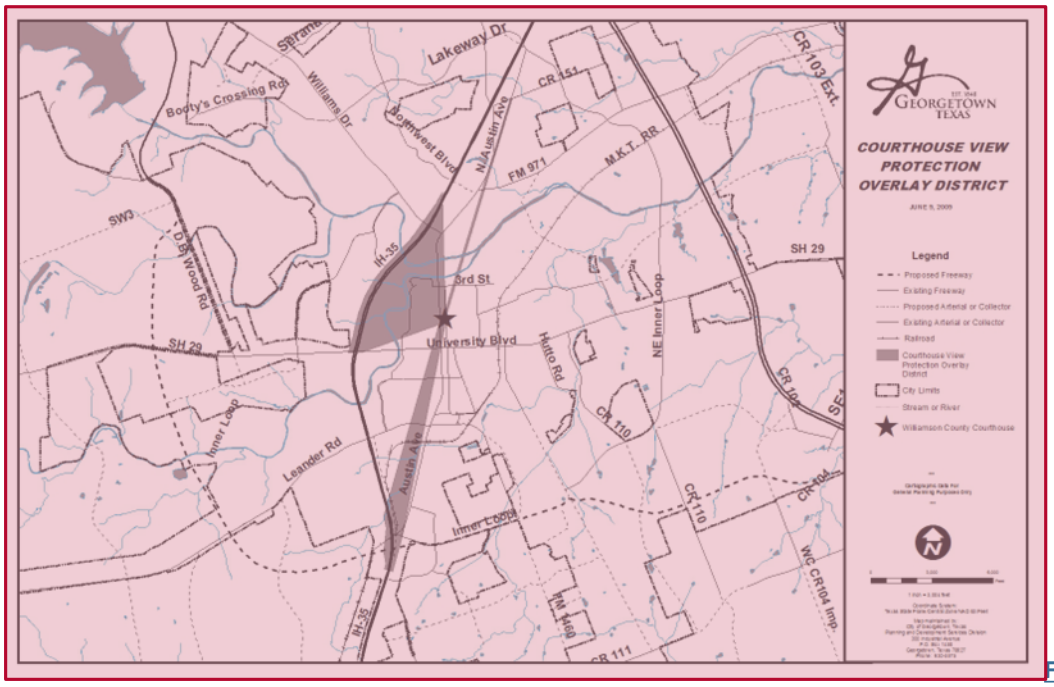


Figure 4.09.020-4.09.02-1. Courthouse View Protection Overlay District Map

This map is available for viewing at the Planning ~~and Development~~ Department or as a downloadable map at ~~http://www.georgetown.org/maps.overview.php.~~https://gis-georgetowntx.hub.arcgis.com/pages/interactivemaps

A. I-35 View Corridor

1. Properties located in the shaded areas between the Williamson County Courthouse, the western (southbound) lanes of I-35 south of Northwest Boulevard beginning at 393 North I.H. 35 to the intersection at State Highway 29 (University Avenue), and
2. Properties lying within the protected view corridor along I.H.-35 from the State Spur 26 (Austin Avenue) Overpass to the Courthouse Dome.

B. Austin Avenue View Corridor

1. Properties within the protected view corridor projecting north from the Williamson County Courthouse to State Spur 158 (Austin Avenue) at F.M. 971 and continuing north to County Road 151 the width of the State Spur 158 (Austin Avenue) right-of-way, and

4.09.030. 4.10.03.Maximum Height Determination Required

All properties are permitted to build a structure of a single story, which is designed to minimize the impact on the protected view. All other structures proposed within the view corridors may not exceed the height of the plane delineating the corridor as determined by the height calculation formula in **Section 4.11.034.09.030.C.3.** below. The maximum height permitted is the lesser of either the bBase zZoning dDistrict maximum height or the maximum height permitted in this section.

A. Application for Height Determination

Prior to Site Plan application, properties within the Courthouse View Protection Overlay District proposing to build a new structure or expand an existing structure shall submit an application for height determination to establish the requirements of this dDistrict as they may relate to a specific property.

An application form shall be submitted including the required calculations showing the elevations of the review site, view-point, proposed height of building, and distances from view-point to review site to the Courthouse, which establishes the allowable height according to the height calculation formula. An aerial map of the proposed site and Courthouse and view-point elevations may be obtained from the City. For specific definitions of the terms of this section, refer to Chapter 16**Chapter 18** of this Code.

B. Elevation Study Required

-As part of the height determination review, sites that lie within the Courthouse View Protection Overlay District shall be required to submit an elevation study illustrating the potential impact of all buildings in the project on the protected view of the Williamson County Courthouse Dome.

C. Review Elements

-Review of the application for height determination and associated elevation study shall consider the following elements:

1. Height

Within the Courthouse View Protection Overlay District, structure height shall be limited to avoid blocking the view to the Williamson County Courthouse Dome. Examples of design techniques to meet this requirement include:

a. Overall reduction of height; and
b. Stepping back the building height.

2. Location

Within the Courthouse View Protection Overlay District, structures shall be located to minimize the possible impact on the view to the Williamson County Courthouse Dome. Location of parking as it relates to the

building shall be designed to best preserve the view of the Courthouse. Examples of techniques to avoid location impacts include:

a. Relocation of building on the site outside the view corridor; and

b. Cutting off building corners.

3. Height Calculation Formula

   The height calculation formula is used to determine structure height for projects within the Courthouse View Protection Overlay District. An example of the formula can be found in the Development Manual. The height calculation formula is as follows:

   - Tan of angle = A/B = E/F (TAN Deg = A/B = E/F)
   - Tan of angle x F=E (TAN Deg x F=E)
   - E - D = G.
   - Combined formula (A/B x F) - D = G (allowable height)

4.09.040. ~~4.10.04.~~Courthouse View Determination

Upon completion of the administrative review and height determination the Director shall make a final determination. The applicant may request an Administrative Exception, using the procedures of ~~Section 3.16~~Section 3.14, if strict application of the provisions of this section would not be consistent with the ~~P~~purpose of the Overlay District due to unique topographical or physical characteristics of the subject site. In consideration of an Administrative Exception, the burden of proof shall be on the applicant to demonstrate that the proposed exception is consistent with the criteria contained in this section. The Director shall consider the following criteria in determining the Administrative Exception:

A. Granting the Administrative Exception would not adversely affect any identified public view corridor; and

B. Granting the Administrative Exception would be in the public interest and consistent with the ~~P~~purpose of the Overlay District.

4.09.050. ~~4.10.05.~~Courthouse View Corridor Waiver

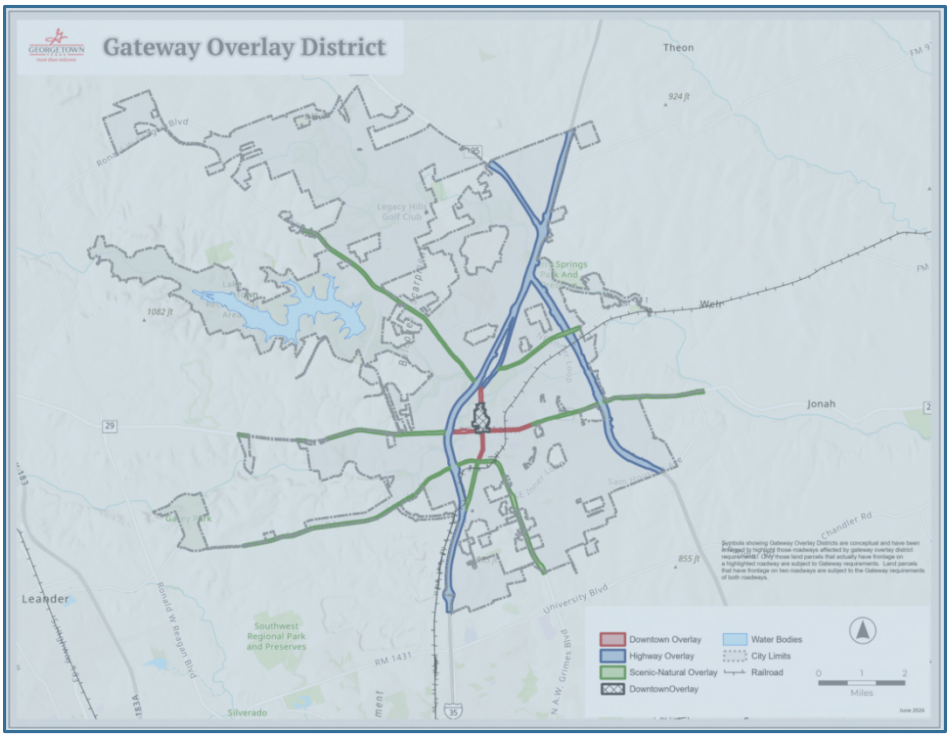
Upon completion of the administrative review and height determination the Director shall make a final determination. The applicant may request relief from the requirements of the Courthouse View Corridor using the procedures of ~~3.27~~Section 3.27.

Section 4.10. ~~Section 4.11.~~Gateway Overlay District

4.10.010. Purpose and Intent

This section establishes that certain roadways within the ~~C~~city limits shall be considered gateways into Georgetown and properties fronting such roadways shall be subject to special landscaping and design standards.

Figure 4.10.010-4.10.01-1. Gateway Overlay Districts Map



This map is available for viewing at the office of the Planning Department or as a downloadable map at ~~http://maps.georgetown.org~~http://www.georgetowntexas.gov/maps. The map is simply a graphical depiction of each corridor; it does not infer boundaries or a hierarchy of roadways for determining the gateway classification.

A. Purpose and Intent

The purpose of the Gateway Overlay ~~d~~Districts (Gateways) is to protect and enhance the entrance corridors to the City and ~~D~~downtown with landscaping, setbacks, and special design standards. The intent of the Gateways is to establish entrance corridors that herald the approach to the City, define the arrival to a destination, and link common elements together.

~~(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2021-62 , § 2(Exh. B), 9-14-2021)~~

4.10.020. ~~4.11.02.~~Applicability

The Gateway Overlay ~~d~~Districts shall be designated on both sides of the specific corridors listed in **Section ~~4.12.03~~4.10.030**, and shall have a width of 100 feet measured from the edge of the right-of-way. Properties within the Gateway Overlay ~~districts~~District shall follow the design standards in **Section ~~4.12.04~~4.10.040** and landscaping provisions set forth in ~~Section 8.04.050~~**9.03.060** at the time of development. Gateway planting requirements may be credited toward the landscape requirements in accordance with ~~Chapter 8~~**Chapter 9**. Where the requirements of this section and the underlying ~~z~~Zoning ~~d~~District conflict, the standards of this section shall apply. If another ~~z~~Zoning ~~o~~Overlay ~~d~~District exists on the property, the more stringent standards shall apply.

~~(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2021-62 , § 2(Exh. B), 9-14-2021)~~

4.10.030. ~~4.11.03.~~Gateway Corridors

The following corridors include roadways that are considered ~~g~~Gateways into the community. Each Gateway category represents different roadways in ~~town~~the City and may contain differing landscape buffer sizes and landscaping/design requirements. The relevant Gateway landscape buffer shall be shown on a plat and/or Site Development Plan as a landscape easement. The landscape buffer shall be considered to begin at the right-of-way line of each applicable roadway, regardless of the distance from the actual road. When Gateway corridors intersect or abut each other, the centerline of the roadway shall be used to determine the division of the corridor.

A. Highway Gateways—25-Foot Landscape Buffer

The purpose of the Highway Gateway is to positively reflect the image of the City by enhancing development with well-designed Site Plans and landscaping while maintaining a safe and effective interstate highway. Site design proposals along the ~~h~~Highway ~~g~~Gateways shall break up large masses of parking and pavement with well-planned open space components~~.~~ Additionally, careful analysis is required of view corridors from the highway. Strategically placed tree groupings should be located to frame desired views while screening parking areas. Highway Gateways include both the highway's main lanes and designated frontage roads.

1. Interstate Highway 35.
2. State Highway 195.
3. State Spur 158 (North Austin Avenue).
4. State Highway 130.

B. Scenic/Natural Gateways—25-Foot Landscape Buffer

The purpose of the Scenic/Natural Gateway is to reflect the natural characteristics of the land. These Georgetown roadways are prominent arterials and growth zones leading into the City. The purpose of the design standards for the Scenic/Natural Gateway corridors is to maintain the existing informal character as they develop. For developments that occur along the Scenic/Natural Gateways, designers shall integrate the natural characteristics of the land into the landscape design. Informal tree massings, planting of under story trees, incorporation of native stones and boulders, and use of native grasses and wildflowers are examples of how to blend required plantings with native plantings.

1. F.M. 2243 (Leander Road).

2. State Highway 29 (University Avenue), west of the intersection of I.H. -35 and east of the intersection of Southwestern Boulevard.
3. State Spur 26 (South Austin Avenue).
4. F.M. 2338 (Williams Drive).
5. F.M. 971.
6. F.M. 1460.

C. Downtown Gateways—Ten10-Foot Landscape Buffer

The purpose of the Downtown Gateway standards is to enhance and unify the appearance of the major roadways adjacent to, and directly leading into downtown Georgetown. Because of the close proximity to the Downtown District, the appearance of the Downtown Gateway shall reflect a relatively formal, urban extension of the downtown and visually enhance its aesthetic appearance. In order to establish the formal appearance, trees shall be evenly spaced and located equal distance behind the property line. Although the intent for the Downtown Gateway corridors is to establish a consistent, formal landscape appearance, the design standards are not intended to adversely affect existing trees along the roadways. Variations to these standards are allowed to provide for the preservation of existing trees.

All non-residential properties in Downtown Gateways are subject to special setback design requirements, denoted in **Subsection 4.12.044.10.040.B**.

1. South Austin Avenue, beginning north of the intersection of F.M. 1460/F.M. 2243 (Leander Road) and ending at the southern boundary of the Downtown Overlay District.
2. North Austin Avenue, beginning at the northern boundary of the Downtown Overlay District and ending at the intersection of F.M. 2338 (Williams Drive).
3. State Highway 29 (University Avenue), beginning at the western boundary of the Downtown Overlay District and ending at the intersection of I.H. -35.
4. State Highway 29 (University Avenue), beginning at the eastern boundary of the Downtown Overlay District and ending at the intersection of Southwestern Boulevard.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2021-62 , § 2(Exh. B), 9-14-2021)

4.10.040. 4.11.04.Gateway Design Standards

A. Landscaping Standards

Calculation of required landscaping must comply with Section 8.04.050, Gateway Overlay District landscape**9.03.060. Gateway Overlay District LLandscaping**. Where regulations and requirements for Gateways and the another zZoning dDistrict conflict, the more restrictive regulations shall apply.

B. Special Setbacks in the Downtown Gateway

1. For all non-residential properties in the Downtown Gateway, regardless of zZoning dDistrict, the front setback is zero. For purposes of this setback, the property line will be replaced with the edge of the gateway landscape buffer.
2. Parking is prohibited between the front building line and edge of the Gateway landscape buffer.
3. The front building line shall comprise of a minimum of forty percent (40%) of the primary facade of the primary building.
4. Features allowed between the front building line and the landscape buffer shall be limited to those allowed in **Subsections** 7.02.030 C.4**7.03.020.D** and **8.03.030.D**.

5. Fencing shall meet the requirements in Section 8.07.0309.05.070.7.

C. Sidewalks

Sidewalks shall be required in accordance with Table 12.03.020**Table 14.03.030-1. Local and Neighborhood Street Standards**. All sidewalks shall be constructed and designed to coordinate the location of any new sidewalks and to tie into existing sidewalks. If the sidewalk lies within the Gateway landscape buffer, some portion of the site's required landscaping shall be located between the sidewalk and the designated right-of-way. Properties in the Downtown Gateway require construction of a minimum six6-foot sidewalk. Scenic and Highway Gateways require sidewalks, where applicable, in accordance with Section 12.02**Section 14.02**.

D. Parking

No parking will be allowed within a Gateway landscape buffer, and all screening of adjacent parking will be in accordance with **Subsection** 8.04.0709.03.080.

E. Site Limitations

1. Drainage facilities are not allowed within a Gateway landscape buffer except those that are necessary to convey drainage in the shortest possible route to or from the street right-of-way, if determined to be required by the Development Engineer. If determined to be necessary in such instances, the drainage facilities shall follow the design requirements in Section 11.04**Section 13.04**. Drainage facilities include all detention ponds, water quality ponds, outlet structures, drainage berms, improved channels or other improvements associated with the drainage improvements.
2. Dumpsters and mechanical equipment are not allowed in the front, side, or rear setback if the setback is directly adjacent to a Gateway roadway.
3. All utilities installed for the development shall be located underground. The developer shall not have to retrofit existing utilities.
4. No service areas or service drives shall be permitted to front a Gateway roadway.

F. Boundary Walls

Residential boundary walls may be required, as described in **Subsection** 8.07.060.9.06.060.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2021-62 , § 2(Exh. B), 9-14-2021)

G. The gGateway landscape buffer shall be situated on a platted lot that is owned and maintained by the owner, developer, neighborhood or homeowner association, or other entity acceptable to the Director.

Chapter 5. Downtown and Old Town Code ~~(New Chapter)~~

Section 5.01. Purpose

The City of Georgetown's Downtown and Old-Town Overlay Districts are unique development areas. The purpose of this ~~c~~Code is as follows:

A. Serves as a one-stop ~~c~~Code for development regulations that are applicable to these two ~~o~~Overlay ~~d~~Districts.

B. Provides standards that continue the orderly growth of Downtown and Old Town ~~d~~Districts.

C. Implements the goals and policies adopted as part of the Downtown Master Plan.

D. Ensures new development is human scale, pedestrian oriented and has compatibility between different types of development and land use area~~.~~s.

~~Section 5.02. Applicability of Historic Overlay District Standards~~

~~A. Each designated Historic Overlay District may have unique standards that are described in the adopting ordinance for that district.~~

~~B. The development and design standards contained within this Section are intended to supplement any development and design standards of an underlying base zoning district. The standards of the underlying base zoning district, as well as those of any other applicable overlay district, shall remain in effect unless superseded by specific standards of the applicable historic overlay district.~~

~~C. In the event of a conflict between the development regulations of the underlying zoning district and the provisions of this Section, the provisions of this Section shall apply.~~

~~D. Any regulations for a specific Historic Overlay District shall apply to all properties or structures wholly contained within that district and to those portions of any property or district located within the district. All uses permitted or conditionally permitted in the underlying zoning districts shall continue to be permitted or conditionally permitted, respectively, unless otherwise specified in the specific standard for the overlay district. HARC shall not have the authority to approve the specific use of a site.~~

~~E. All uses permitted or conditionally permitted in the underlying zoning districts shall continue to be permitted or conditionally permitted, respectively, unless otherwise specified in the specific standard for the overlay district.~~

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)*~~

Section 5.02. ~~Section 5.03.~~Components of the Code

A. This ~~C~~chapter provides applicable regulations from this UDC for the Downtown and Old Town Areas and other Historic Overlay areas including the following:

1. ~~A.~~Established Historic Overlay Districts (~~Section 4.09.02~~**Section 5.03**)
2. ~~B.~~General Development Standards for Historic Overlay Districts (**Section 5.04**)
3. ~~C.~~Downtown Overlay - As a whole and by subdistrict (~~Section 4.09.07~~**Section 5.05**)
4. ~~D.~~Old Town Overlay (~~Section 4.09.08)~~**Section 5.06**)
5. Standards Specific to Designated Historic Districts (**Section 5.07**)
6. Standards Specific to Historic Landmark Designation (**Section 5.08**)

7. E.Development Process (Section 5.10)
8. F.Certificate of Appropriateness (Section 3.26)Section 5.11)

B. Other Applicable Regulations and Guidelines
1. Historic District Design Guidelines apply to all properties within the Downtown Overlay District and Old Town Overlay District, as well as improvements to Historic Landmarks anywhere within the city limits.

Section 5.03. Section 5.04.Established Historic Overlay Districts

5.03.010. 5.04.01. Historic Overlay Districts Established

The Historic Overlay Districts are established as follows. Each Historic Overlay District includes all the land within the boundary of the dDistrict shown on the Official Zoning Map.

A. Downtown Overlay District

The Downtown Overlay District was established by the City Council as part of adoption of Ordinance No. 2001-48 on August 28, 2001, and expanded with the adoption of Ordinance No. 2014-86, adopted on October 28, 2014. The dDistrict is divided into two distinct zones, designated as Area 1 (the Town Square Historic District) and Area 2 (the remainder of the Downtown Overlay District). The Downtown Overlay District is generally bounded by the river to the north, the lots fronting the south side of University Avenue to the south, Martin Luther King, TrJr., Street to the west, and Myrtle Street to the east. The Downtown Overlay District abuts, but does not include, the Old Town Overlay District. The precise boundaries are depicted on the map incorporated below.

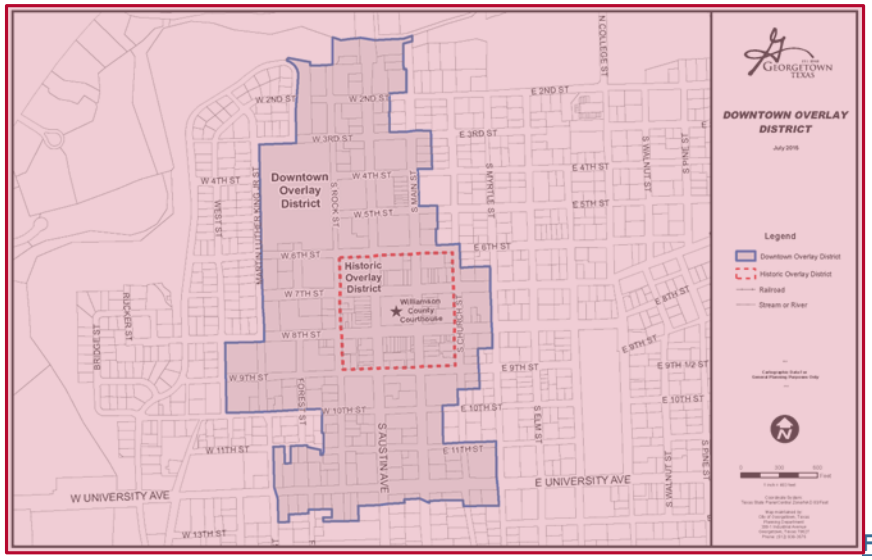
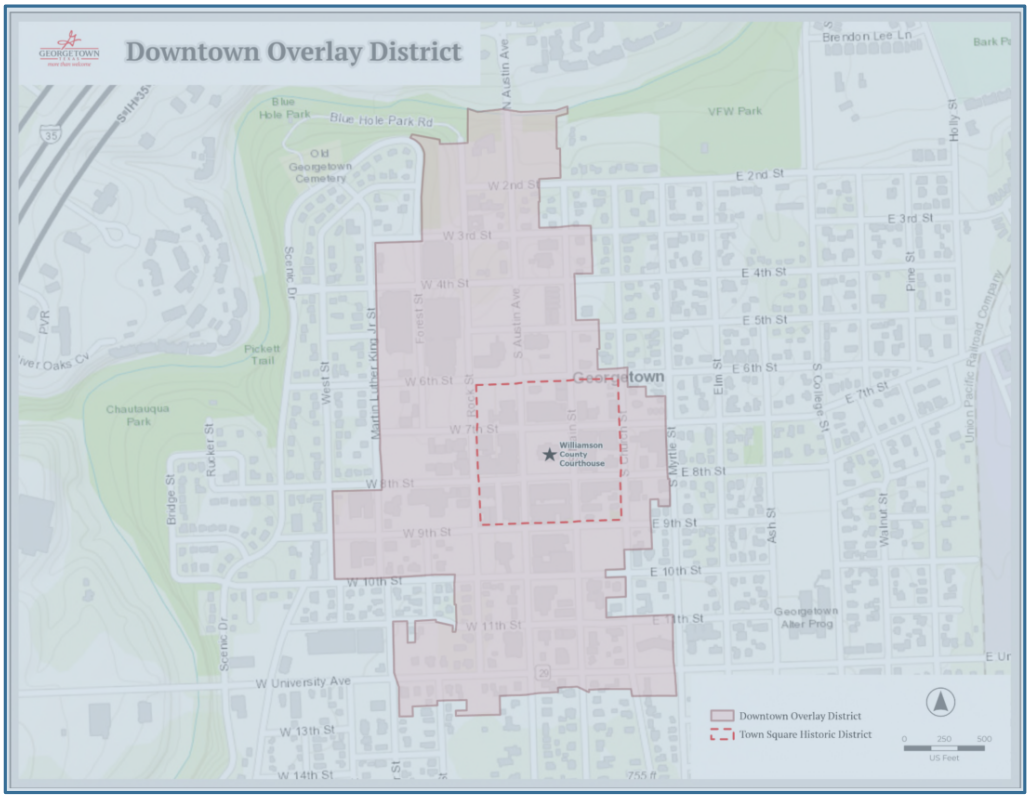


Figure 5.03.010-5.03.01-1. Downtown Overlay District Map



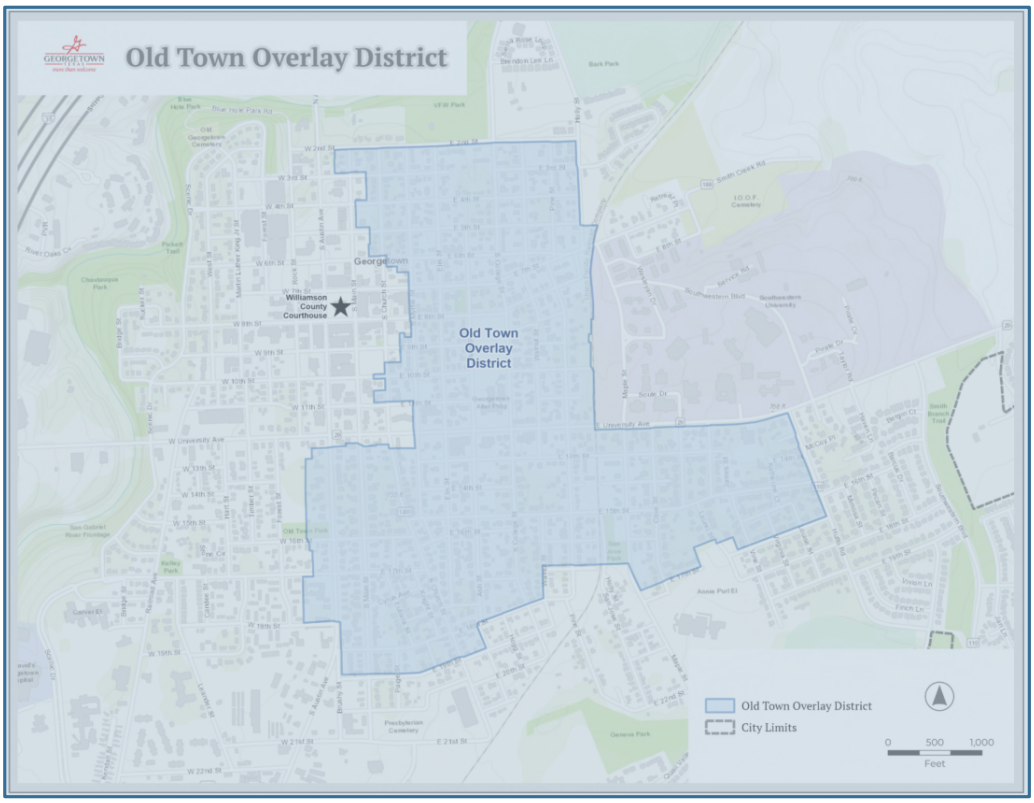
This map is available for viewing at the Planning Department office or as a downloadable map at ~~http://maps.georgetown.org~~.http://www.georgetowntexas.gov/maps.

B. Old Town Overlay District

The Old Town Overlay District was established by the City Council as part of adoption of Ordinance No. 2004-22 on April 13, 2004. The Old Town Overlay District is generally bounded on the north by 2nd Street; on the east by Holly Street, the railroad tracks, University Avenue, and Hutto Road; on the south by 17th, 18th, and 19th Streets; and on the west by the properties on the western side of Austin Avenue and the boundaries of the

Downtown Overlay District. The Old Town Overlay District abuts~~,~~ but does not include the Downtown Overlay District. The precise boundaries are depicted on the map incorporated below.

Figure 5.03.010-5.03.01-2. Old Town Overlay District Map



This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

C. Designated Historic Districts

Designation of a Historic District shall be established and governed in accordance with this Code. This subsection contains all designated Historic Districts under this Code. Designated Historic Districts are as follows:

1. ~~B.~~Town Square Historic District~~.~~

The City Council designated the Town Square Historic District by the adoption of Ordinance No. 2001-48, the confines of which are defined as follows: All lots in Blocks 37, 38, 39, 40, 41, 50, 51, and 52 of the City of Georgetown, Texas, according to the map or plat thereof of record and which lots are all of those properties on the nine blocks surrounding and including the property that may commonly be referred to as the Public Square or Court House Square of the City of Georgetown, Williamson County, Texas. The precise boundaries are depicted on the map incorporated below.

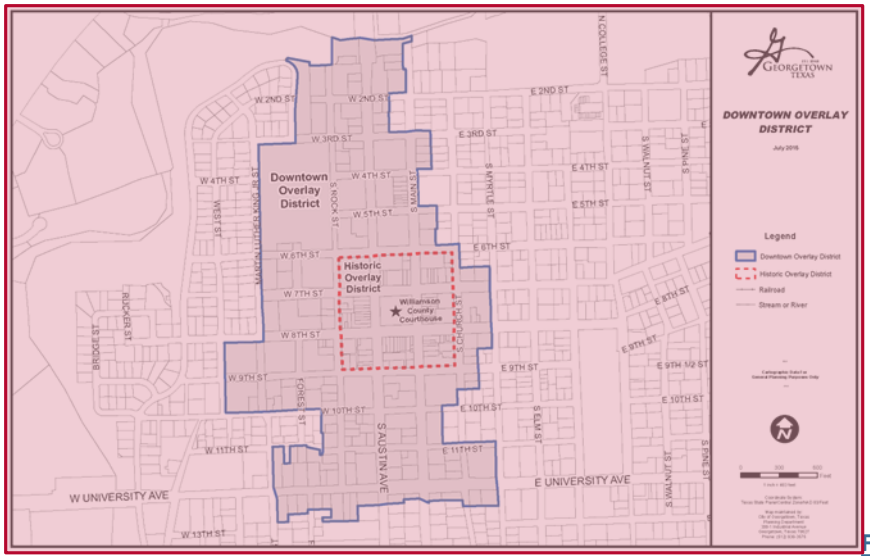
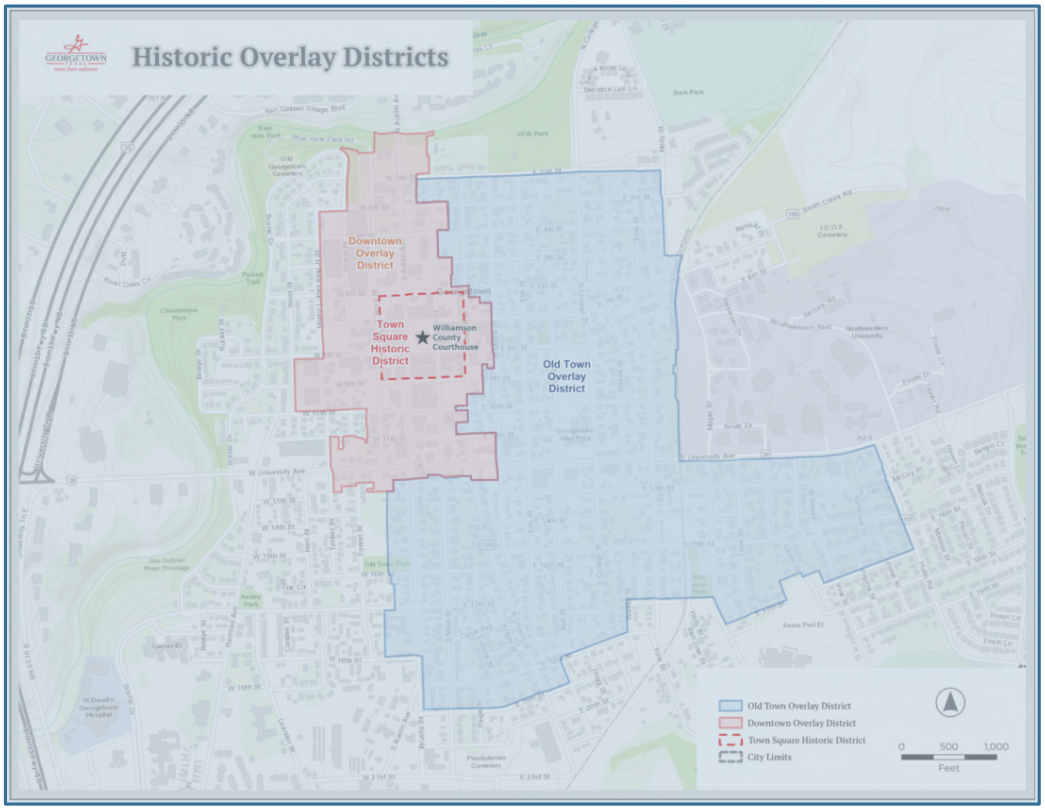


Figure 5.03.010-5.03.01-3. Historic Overlay Districts Map

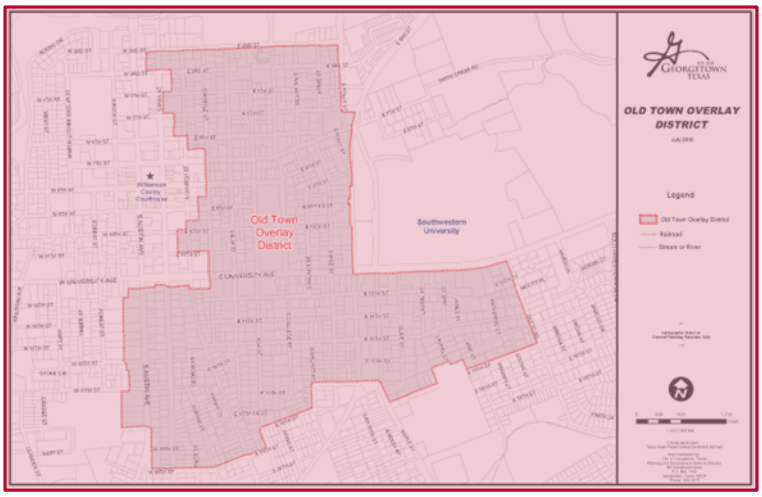


This map is available for viewing at the Planning Department office or as a downloadable map at ~~http://maps.georgetown.org~~.**http://www.georgetowntexas.gov/maps**.

D. ~~C.Old Town Overlay District~~Historic Landmark Designation

~~The Old Town Overlay District was established by the City Council as part of adoption of Ordinance No. 2004-22 on April 13, 2004. The Old Town Overlay District is generally bounded on the north by 2nd Street; on the east by Holly Street, the railroad tracks, University Avenue, and Hutto Road; on the south by 17th, 18th, and 19th Streets; and on the west by the properties on the western side of Austin Avenue and the boundaries of the~~

~~Downtown Overlay District. The Old Town Overlay District abuts, but does not include the Downtown Overlay District. The precise boundaries are depicted on the map incorporated below.~~



~~This map is available for viewing at the Planning Department office or as a downloadable map at http://maps.georgetown.org.~~

Designation of a Historic Landmark shall be established and governed in accordance with this Code. Buildings or structures to be protected, preserved, restored, and enhanced as a historic resource and in the interest of the culture, prosperity, education, and welfare of the City of Georgetown may be designated as a Historic Landmark by ordinance of the City Council. Upon designation of a building or structure as a Historic Landmark, the City Council shall cause this designation to be recorded in the official public record of real property of Williamson County and the City of Georgetown's ~~o~~Official~~'~~s ~~z~~Zoning ~~m~~Map. All zoning maps shall reflect historic landmarks by inclusion of the words "Historic Landmark" (HL) as a prefix to its use designation in accordance with this Code.

Section 5.04. ~~Section 5.05.~~General Development Standards for Historic Overlay Districts

~~5.05.01. Use of Historic District Design Guidelines.~~

~~The Historic District Design Guidelines adopted on July 27, 2021 and on file with the City Secretary are hereby incorporated into this Code by reference, as if set forth in full. The Historic District Design Guidelines establish policies to guide improvements to properties and work within the Downtown Overlay District and Old Town Overlay District, as well as improvements to Historic Landmarks anywhere within the city limits.~~

5.04.010. ~~5.05.02.~~Certificate of Appropriateness Required

All new buildings and changes to existing buildings located in a Historic Overlay District, designated as a Historic Landmark, or located in a National Register of Historic Places of the US National Park Service are subject to the Certificate of Appropriateness provisions of ~~Section 3.26~~Section 5.11 of this Code. Any activity requiring review of a Certificate of Appropriateness per ~~Section 3.26~~Section 5.11 of this Code will be subject to this ~~S~~section and the Historic District Design Guidelines adopted by the City of Georgetown.

5.04.020. Applicability of Historic Overlay District Standards

A. Each designated Historic Overlay District may have unique standards that are described in the adopting ordinance for that ~~d~~District.

B. The development and design standards contained within this ~~S~~section are intended to supplement any development and design standards of an underlying ~~b~~Base ~~z~~Zoning ~~d~~District. The standards of the underlying ~~b~~Base ~~z~~Zoning ~~d~~District, as well as those of any other applicable overlay ~~d~~District, shall remain in effect unless superseded by specific standards of the applicable ~~h~~Historic ~~o~~Overlay ~~d~~District.

C. In the event of a conflict between the development regulations of the underlying ~~z~~Zoning ~~d~~District and the provisions of this ~~S~~section, the provisions of this ~~S~~section shall apply.

D. Any regulations for a specific Historic Overlay District shall apply to all properties or structures wholly contained within that ~~d~~District and to only those portions of any property or ~~d~~District located within the ~~d~~District.

E. All uses permitted or conditionally permitted in the underlying ~~z~~Zoning ~~d~~Districts shall continue to be permitted or conditionally permitted, respectively, unless otherwise specified in the specific standard for the overlay ~~d~~District. The Historic and Architectural Review Commission (HARC) shall not have the authority to approve the specific use of a site.

5.04.030. ~~5.05.03.~~General Guidelines Applicable to All Historic Overlay Districts

A. The historic character of a building or structure should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a building or structure should be avoided.

B. Each building or structure should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other structures, should not be undertaken.

C. Most buildings or structures change over time; those changes that have acquired historical significance in their own right should be retained and preserved.

D. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a building or structure should be preserved.

E. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires the replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

F. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.

G. Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures should be undertaken.

H. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the building or structure. The new work should be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the building or structure and its environment.

I. New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

J. Maintaining and repairing features is preferred over replacing features as to maintain the high-quality materials, character, and embodied energy of historic buildings and to reduce the amount of waste that goes to a landfill.

However, if features are deteriorated beyond repair in-kind replacement using new components that match the original in form, finish, and materials is favored. Substitute materials should be used only on a limited basis and only when they ~~will~~ match the appearance and general properties of the historic material and will not damage the historic resource.

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)*~~

5.04.040. Demolition by Neglect

A. An owner of a building or structure designated as a historic landmark or located in a historic overlay district, or person with interest in the real property, shall not allow such structure to fall into a serious state of disrepair so as to result in deterioration which would, in the judgment of the Historic Preservation Officer and the Building Official, produce a detrimental effect upon the life and character of the structure itself.

B. The Building Official and Historic Preservation Officer of the City of Georgetown shall determine the "serious state of disrepair" in accordance with the most current form of the International Property Maintenance Code. Examples of such deterioration include, but are not limited to, the following:

1. Deterioration of walls or other vertical supports;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors;
6. Deterioration of exterior walls, doors, windows, or other means of interior access, so as to create a danger of trespassing;
7. Deterioration of plumbing and electrical systems affecting the exterior of the structure; or
8. A hazardous condition resulting from the deterioration of any exterior feature, which might indicate that demolition is necessary for the public safety.

C. A property owner, or person with interest in the real property, who is in violation of this ~~S~~section shall be subject to enforcement measures under **Chapter 17**.

D. Should compliance with this this section require more than ordinary maintenance and repair, the provisions of **Section 5.11**, Certificate of Appropriateness, shall be applicable.

Section 5.05. ~~Section 5.06.~~Downtown Overlay District Development Standards

5.05.010. ~~5.06.01.~~Base Zoning District

A. General

Chapter 4 of the UDC establishes ~~z~~Zoning ~~d~~Districts that may be used within the City of Georgetown as authorized by the City Charter and the Texas Local Government Code. The zoning of a property can be found on the ~~o~~Official ~~z~~Zoning Map as outlined within this Code. While the majority of the Downtown Overlay District is located within the Mixed-~~-~~Use Downtown District (MU-DT) it is important to consult the ~~o~~Official ~~z~~Zoning ~~m~~Map for the specific zoning designation of your property.

B. Mixed Use Downtown District (MU-DT)

The Mixed-Use Downtown District (MU-DT) is intended to provide a location for a mix of land uses including general commercial and retail activities, office as well as single-family and multi-family in the downtown area. Developments in the MU-DT District are typically smaller in size and scope although there may be occasionally heavy traffic. The Mixed Use DowntownMU-DT District is only appropriate in the traditional downtown area of Georgetown. Properties in MU-DT shall meet the design requirements of the Downtown Overlay District and the Historic District Design Guidelines.

5.05.020. 5.06.02.Use

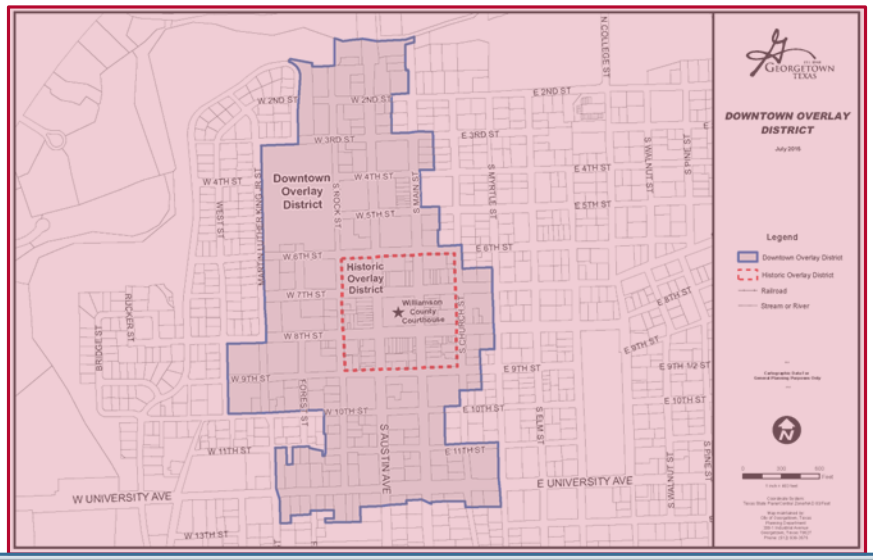
For uses allowed per zZoning dDistrict, see Chapter 5**Chapter 6**.

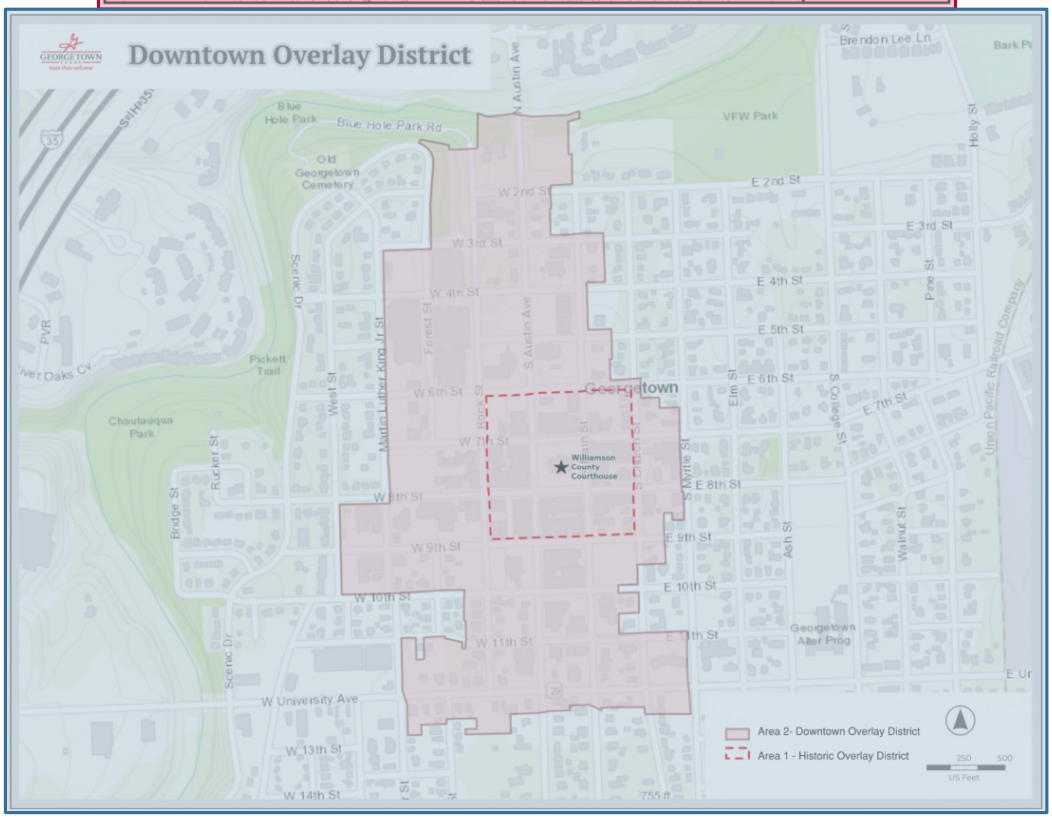
5.05.030. 5.06.03.Parking

A. Off-Street Parking Requirements in the Downtown Overlay District

The following table lists minimum off-street parking requirements for the Downtown Overlay District. The boundaries for Area 1 and Area 2 are depicted on the map incorporated below.

Figure 5.05.030-5.05.03-1. Downtown Overlay Districts Map





This map is available for viewing at the Planning Department office or as a downloadable map at ~~http://maps.georgetown.org~~http://www.georgetowntexas.gov/maps.

Table ~~5.06.A:~~5.05.030-1. Downtown Overlay District Off-Street Parking Requirements

Downtown Overlay District		
Downtown Overlay District	Retail buildings greater than 20,000 square feet in Area 1 †	1 per 1,500 sq ft GFA
	All other uses in Area 1	No off-street parking requirement
	Residential Uses in Area 2	See the Household Living parking requirements **Table 11.02.040-1**
	Non-Residential Uses in Area 2†	1 per 500 sq ft GFA

~~Downtown Overlay District~~		
~~Downtown Overlay District~~	~~Retail buildings greater than 20,000 square feet in Area 1 †~~	~~1 per 1,500 sq ft GFA~~
	~~All other uses in Area 1~~	~~No off-street parking requirement~~
	~~Residential Uses in Area 2~~	~~See the Household Living parking requirements of this table~~
	~~Non-Residential Uses in Area 2†~~	~~1 per 500 sq ft GFA~~

† Retail and restaurant ~~U~~uses do not require off-street parking when a shared public parking lot is within 2 blocks of the proposed use.

A. Alternative Parking Plans

Alternative parking plans, as described in **Section 5.09** of this Code, may be considered.

5.05.040. Lot Size and Coverage

A. Lot and Dimensional Standards

1. Building setbacks adjacent to public rights-of-way in the Downtown Overlay District shall generally be assumed to be zero feet or "built to" the right-of-way line.
2. For lot dimensional standards, see **Section 8.02**.

5.05.050. Building Design

Design Goals for Area 1 and Area 2 are outlined in detail in the Historic District Design Guidelines. Guidelines for alterations to existing buildings and design goals for new infill construction will be used by City staff in evaluating the appropriateness of the proposed development.

A. Building Height

1. In the Downtown Overlay District, building height shall not exceed the ~~max~~maximum height permitted per subdistrict, unless a Certificate of Appropriateness is approved by HARC in accordance with the procedures set forth in **Section 5.11** of this Code.

2. Buildings located along the portion of Austin Avenue that lies within the boundaries of the Downtown Overlay District shall be at least two usable stories in height with an overall building height of not less than 20 feet.

5.05.060. ~~Subdistricts - Downtown Overlay District~~Building Height

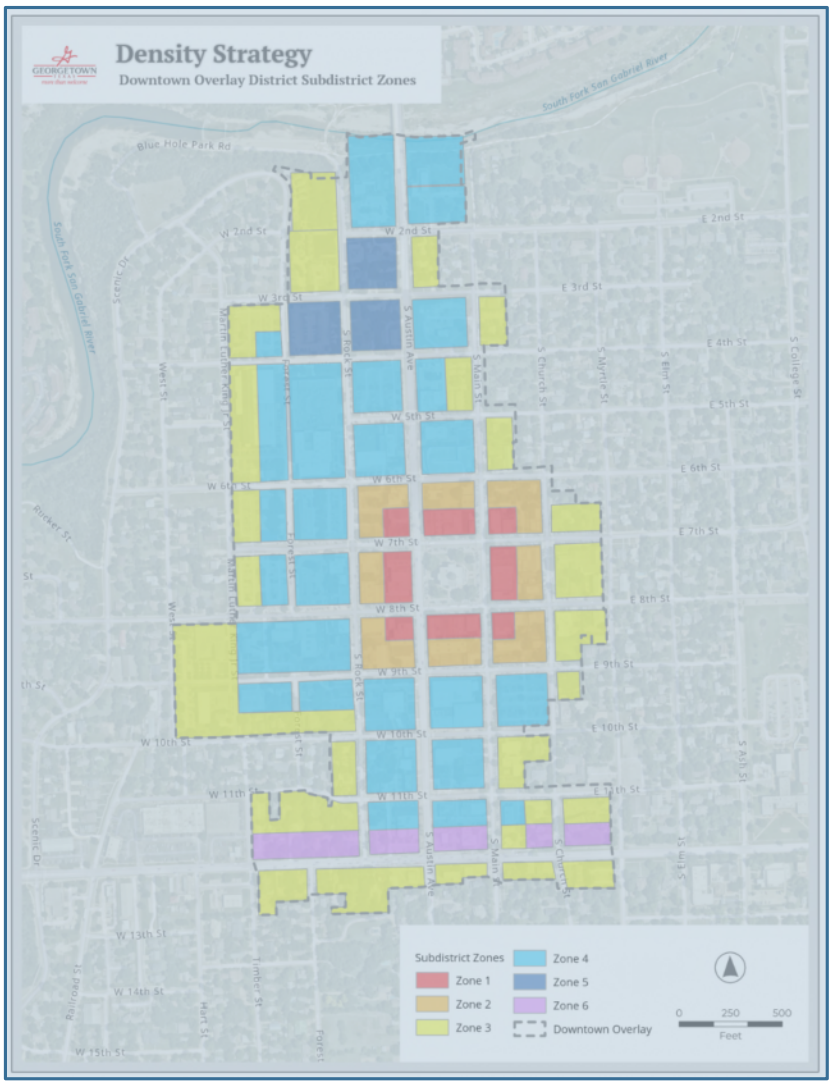
A. Purpose

The purpose of this section is to implement the mass and scale goals of the Downtown Master Plan.

B. Subdistricts

The following subdistricts of the Downtown Overlay District are graphically shown on the map below and are defined as follows:

Figure 5.05.060-5.05.06-1. Downtown Overlay District Subdistrict Zones



1. Zone 1 - The inner half- block within the Nine Block Square facing the County Courthouse.
2. Zone 2 - The outer half-block within the Nine Block Square ~~does not face~~not facing the County Courthouse.

3. Zone 3 - Transition zones between areas of Historic District Overlay and adjacent residential land use.
4. Zone 4 - Areas of increased height outside of the Nine Block Square.
5. Zone 5 - Properties north of the Nine Block ~~s~~Square where topography allows for additional building height
6. Zone 6 - Properties along University Avenue between MLK JR Street and Myrtle Street.

Table 5.05.060-1. Downtown Overlay District Building Height Maximum Requirements

Downtown Zone	Maximum Vertical Stories Allowed	Maximum Vertical Height Allowed*
Zone 1	2	35 feet
Zone 2	N/A	50 feet
Zone 3	N/A	35 feet
Zone 4	N/A	52 feet
Zone 5	N/A	64 feet
Zone 6	N/A	40 feet

*~~m~~Maximum building height shall not exceed the height of the bottom of the balustrade of the County Courthouse

5.05.070. Signs

The sign standards shall be those contained within the Historic District Design Guidelines. In the event that no standards exist, the standards in this ~~Code~~UDC shall apply, and may be modified in order to more accurately reflect the express language or the intent of the design guidelines in regard to signs.

5.05.080. Streets and Sidewalks

Streets and sidewalks adjacent to a property located within the Downtown Overlay District that is required to prepare a Site Development Plan shall be brought into compliance with the design standards in Section 14.04 of this Code and the Downtown Master Plan, as amended.

5.05.090. Tree Preservation, Landscaping, and Fencing

A. Please see **Chapter 9** and **Chapter 10** for applicable standards.
B. Street tree standards shall follow the requirements of **Section 9.05.070**.

5.05.100. Specific Exemptions to Development Standards

A. Development within the Downtown Overlay District are exempt from the following requirements:
   1. **Subsection 14.06.040** on design and technical standards related to intersection visibility and sight triangles requires a 25-foot right-of-way flare.
   2. **Section 15.03** on utility easement requirements for a 10-foot public utility easement (PUE) adjacent to all streets and a 15-foot PUE along major collector roadway classification and higher.

Section 5.06. Old Town Overlay District Development Standards

This section contains specific development and design standards applicable to properties located in the Old Town Overlay District of the City of Georgetown.

5.06.010. Base Zoning Districts

Chapter 4 establishes ~~z~~Zoning ~~d~~Districts that may be used within the City of Georgetown as authorized by the City Charter and the Texas Local Government Code. The zoning of a property can be found on the ~~o~~Official ~~z~~Zoning Map as outlined within this Code.

5.06.020. Use

For uses allowed per Zoning District, see **Chapter 6**.

5.06.030. Parking

The parking standards of **Table 11.02.040-1** shall apply. Alternative parking plans, as described in **Section 5.09** of this Code, may be considered.

5.06.040. Building Design

Design ~~G~~goals for the Old Town ~~o~~Overlay District are outlined in detail in the Historic District Design Guidelines. Guidelines for alterations to existing buildings and design goals for new infill construction will be used by City staff in evaluating the appropriateness of the proposed development.

5.06.050. Building Height~~.~~

Buildings within the Old Town Overlay District shall not exceed 30 feet in height. However, a Certificate of Appropriateness may be approved in accordance with **Section 5.11** of this Code to allow utilization of the height limitation of the underlying Zoning District.

5.06.060. Signs

The sign standards contained within the Historic District Design Guidelines shall apply. In the event that no standards exist, the standards of this ~~Code~~UDC shall apply and may be modified in order to more accurately reflect the express language or the intent of the design guidelines with regard to signs.

5.06.070. Setbacks~~.~~

Setbacks shall be that of the underlying ~~b~~Base ~~z~~Zoning ~~d~~District. However, for residential structures in the Old Town Overlay District, a Certificate of Appropriateness may be approved in accordance with **Section 5.11** of this Code to allow a residential structure to encroach into a required setback.

5.06.080. Floor-to-Area Ratio

The floor-to-area-ratio (FAR) within the Old Town Overlay District shall not exceed 0.45, unless a Certificate of Appropriateness is approved in accordance with **Section 5.11**.

5.06.090. Tree Preservation, Landscaping, and Fencing

See **Chapter 9** and **Chapter 10** for applicable standards.

Section 5.07. Standards Specific to Designated Historic Districts

A. Town Square Designated Historic District

The Town Square Historic District shall follow the standards set forth for the Downtown Overlay District.

Section 5.08. Standards Specific to Historic Landmark Designation

A. Design, alterations, additions, and maintenance of a building or structure designated as a Historic Landmark shall be in keeping with applicable guidelines of the Historic District Design Guidelines as adopted by the City Council.

B. Buildings, structures, or sites designated as a Historic Landmark shall follow the standards set forth by the applicable underlying and ~~o~~Overlay ~~z~~Zoning ~~d~~Districts.

Section 5.09. ~~5.06.04.~~Alternative Parking Plans in a Historic Overlay District

A. General

Within any Historic Overlay District, the Planning Director~~,~~ shall be authorized to approve alternatives to providing the number of off-street parking spaces required in accordance with this ~~S~~section.

B. Procedure

Alternative Parking Plans shall be reviewed and approved by the Planning Director following the procedures of the Administrative Exception process established in ~~Section 3.16~~**Section 3.14** of this Code.

C. Recording of Approved Plans

Where an Alternative Parking Plan requires use of property other than the subject property, an attested copy of an approved Alternative Parking Plan must be recorded with the County Clerk on forms made available in the Planning Department. An Alternative Parking Plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the Certificate of Occupancy.

D. On-Street Parking

The Planning Director may approve counting on-street parking spaces to satisfy the requirements for off-street parking. Such on-street parking shall be located on public right-of-way ~~immediately~~directly abutting the subject property and shall be reviewed by the Development Engineer for compliance with City's standards for use of rights-of-way.

E. Off-Site Parking

The Planning Director~~,~~ may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

1. Location

No off-site parking space may be located more than 900 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote parking shuttle service is provided. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more

than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or remote parking shuttle service is provided.

2. Zoning Classification

   Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

3. Agreement for Off-Site Parking

   In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must be for a specified time~~,~~ and guarantee the use of the off-site parking area for a minimum of five years. An attested copy of the agreement between the owners of record must be submitted to the Historic Preservation Officer, or designee, for recording in form established by the City Attorney. Recording of the agreement must take place before issuance of a Building Permit or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be terminated only if all required off-street parking spaces ~~will be~~are provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided, and the Historic Preservation Officer, or designee, shall be notified at least 60 days prior to the termination of a lease for off-site parking.

F. Shared Parking

The Planning Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

1. Location

   Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2. Zoning Classification

   Shared parking areas require the same or a more intensive zoning classification than required for the use served.

3. Shared Parking Study

   Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the City that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the City and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. Agreement for Shared Parking

   A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the City for recording in a form established by the City Attorney. Recording of the agreement must take place before issuance of a Building Permit for any use to be served by the off-site parking area. A shared parking agreement may be terminated only if all required off-street parking spaces ~~will be~~are provided.

G. Fee-In Lieu of Parking

The Planning Director may approve the acceptance of a fee-in-lieu of required parking in extreme cases where none of the alternatives above, alone or in combination, provide for the requisite number of spaces. Such fee shall be established by the City Council as part of the adopted fee schedule.

H. Other Eligible Alternatives

The Planning Director~~,~~ may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the City that the proposed plan will function equally well in protecting surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design than would strict compliance with otherwise applicable off-street parking standards. Such alternatives may include, but are not limited to, the use of tandem parking spaces.

Section 5.10. ~~5.06.05.Lot Size and Coverage~~

~~A. Lot and Dimensional Standards~~

~~1. Building setbacks adjacent to public rights-of-way in the Downtown Overlay District shall generally be assumed to be zero feet or "built to" the right-of-way line.~~

~~2. For lot dimensional standards, see Section 7.02.~~

~~5.06.06. Building Design~~

~~Design Goals for Area 1 and Area 2 are outlined in detail in the Historic District Design Guidelines. Guidelines for alterations to existing buildings and design goals for new infill construction will be used by City staff in evaluating the appropriateness of the proposed development.~~

~~A. Building Height~~

~~1. In the Downtown Overlay District shall not exceed the max height permitted per subdistrict, unless a Certificate of Appropriateness is approved by HARC in accordance with the procedures set forth in Section 3.13 of this Code.~~

~~2. Buildings located along the portion of Austin Avenue that lies within the boundaries of the Downtown Overlay District shall be at least two usable stories in height with an overall building height of not less than 20 feet.~~

~~5.06.07. Subdistricts - Downtown Overlay District~~

~~A. Purpose~~

~~The purpose of this section is to implement the mass and scale goals of the Downtown Master Plan.~~

~~B. Subdistricts~~

~~The following subdistricts of the Downtown Overlay District are graphically shown on the map below and are defined as follows:~~

1. ~~Zone 1 - The inner half- block within the Nine Block Square facing the County Courthouse.~~
2. ~~Zone 2 - The outer half-block within the Nine Block Square does not face the County Courthouse.~~
3. ~~Zone 3 - Transition zones between areas of Historic District Overlay and adjacent residential land use.~~
4. ~~Zone 4 - Areas of increased height outside of the Nine Block Square~~
5. ~~Zone 5 - Properties north of the Nine Block square where topography allows for additional building height~~
6. ~~Zone 6 - Properties along University Avenue between MLK JR Street and Myrtle Street.~~

~~Table 5.06.B: Downtown Overlay District Building Height Maximum Requirements~~

~~Downtown Zone~~	~~Maximum Vertical Stories Allowed~~	~~Maximum Vertical Height Allowed*~~
~~Zone 1~~	~~2~~	~~35 feet~~
~~Zone 2~~	~~N/A~~	~~50 feet~~
~~Zone 3~~	~~N/A~~	~~35 feet~~
~~Zone 4~~	~~N/A~~	~~52 feet~~
~~Zone 5~~	~~N/A~~	~~64 feet~~
~~Zone 6~~	~~N/A~~	~~40 feet~~

~~*maximum building height shall not exceed the height of the bottom of the balustrade of the County Courthouse~~

5.06.08. Signs

The sign standards shall be those contained within the Historic District Design Guidelines. In the event that no standards exist, the standards in this Code shall apply, and may be modified in order to more accurately reflect the express language or the intent of the design guidelines in regard to signs.

5.06.09. Streets and Sidewalks

Streets and sidewalks located within the Downtown Overlay District shall comply with the design standards in **Section 12.04** of this Code and the Downtown Master Plan, as amended.

5.06.10. Tree Preservation, Landscaping, and Fencing

A. Please see Chapter 8 for applicable standards.

B. Street tree standards shall follow the requirements of Chapter 12.

5.06.11. Specific Exemptions to Development Standards

A. Development within the downtown overlay district are exempt from the following requirements:

1. Section 12.06.D.1 on design and technical standards as it relates to intersection visibility and sight triangles requires a 25-foot right-of-way flare.
2. UDC Section 13.03 on utility easements requires a 10' PUE adjacent to all streets and a 15' PUE along major collector roadway classification and higher

Section 5.07. Old Town Overlay District

This Section contains specific development and design standards applicable to properties located in the Old Town Overlay District of the City of Georgetown.

5.07.01. Base Zoning Districts

Chapter 4 of the UDC establishes zoning districts that may be used within the City of Georgetown as authorized by the City Charter and the Texas Local Government Code. The zoning of a property can be found on the official zoning Map as outlined within this Code. While the majority of the Downtown Overlay District is located within the Mixed Use Downtown District (MU-DT) it is important to consult the official zoning map for the specific zoning designation of your property.

5.07.02. Use

For uses allowed per zoning district, see Chapter 5.

5.07.03. Parking

The parking standards of Table 9.02.030.A shall apply. Alternative parking plans, as described in Section 9.02.060 of this Code, may be considered.

~~5.07.04. Signs~~

~~The sign standards contained within the Historic District Design Guidelines shall apply. In the event that no standards exist, the standards of this Code shall apply and may be modified in order to more accurately reflect the express language or the intent of the design guidelines with regard to signs.~~

~~5.07.05. Building Design~~

~~Design Goals for the Old Town overlay are outlined in detail in the Historic District Design Guidelines. Guidelines for alterations to existing buildings and design goals for new infill construction will be used by City staff in evaluating the appropriateness of the proposed development.~~

~~5.07.06. Building Height.~~

~~Buildings within the Old Town Overlay District shall not exceed 30 feet in height. However, a Certificate of Appropriateness may be approved in accordance with Section 3.26 of this Code to allow utilization of the height limitation of the underlying zoning district.~~

~~5.07.07. Setbacks.~~

~~Setbacks shall be that of the underlying base zoning district. However, for residential structures in the Old Town Overlay District, a Certificate of Appropriateness may be approved in accordance with Section 3.26 of this Code to allow a residential structure to encroach into a required setback.~~

~~5.07.08. Tree Preservation, Landscaping, and Fencing~~

~~See Chapter 8 for applicable standards.~~

~~Section 5.08.~~ Development Review ~~Development~~ Process

A. Purpose

The purpose of this section is to provide an overview of the development review process that projects within the Downtown and Old Town Overlay District need to take.

B. Simultaneous Submission of Related Applications

1. Policy Applications
   a. Zoning – see ~~Section 3.07~~Section 3.07
   b. Preliminary Plat – see **Subsection** ~~3.15.07~~3.15.070

      Exception: A Preliminary Plat shall not be submitted until final approval of a Planned Unit Development (PUD) zoning request.
   c. Construction Plans – see **Subsection** ~~3.15.10~~3.15.100
2. Development Applications~~.~~
   a. Final Plat – see **Subsection** ~~3.15.08~~3.15.080.B
   b. Certificate of Appropriateness – see ~~Section 3.26~~Section 5.11
   c. Site Development Plan – see ~~Section 3.17~~Section 3.17

3. Building Permits

An application for a Building Permit shall not be submitted to the City until review of the first submittal of the corresponding Site Development Plan has been completed by staff, and the comments have been forwarded to the applicant.

C. Pursuant to the authority granted to the City by Texas Local Government Code Chapter 211 and the City Charter, a Certificate of Appropriateness is required in accordance with **Table 5.11.010-1** below. Activities that include more than one project (scope of work) shall be subject to the review process and criteria for approval for each specific project as identified in **Table 5.11.010-1**.

Section 5.11. ~~Section 5.09.~~Certificate of Appropriateness

5.11.010. ~~5.09.01.~~Applicability

A. Pursuant to the authority granted to the City by Texas Local Government Code ~~c~~Chapter 211 and the City Charter, a Certificate of Appropriateness is required in accordance with ~~Table 3.13.010~~**Table 5.11.010-1** below. Activities that include more than one project (scope of work) shall be subject to the review process and criteria for approval for each specific project as identified in ~~Table 3.13.01~~**Table 5.11.010-1**.

Table ~~3.13.01:~~5.11.010-1. Certificate of Appropriateness Required

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
New Construction (Infill Development)		
New building construction	All Historic Overlay Districts	HARC
Additions		
Addition that creates a new, or adds to an existing, street-facing fa~~c~~cade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)	HARC
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)	HPO
	Non-Contributing Historic Structure	HPO
Addition of a non-street-facing ~~facades~~façade	Historic Landmark	HARC
	Contributing Historic Structure	HPO
	Non-Contributing Historic Structure	NR
New addition does not comply with the ~~zoning~~development standards of the ~~h~~Historic ~~o~~Overlay ~~d~~District	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Awning or canopy	Historic Landmark	HARC

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Porch, patio, ~~or~~ deck, pergola, or sail sunshade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Reconstruction, Alterations, Changes		
Restoring historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Replacing a non-historic architectural feature with a non-historic architectural feature±	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Replacing a historic non-architectural feature with a non-historic architectural feature~~±~~	Historic Landmark ~~HARC~~	HPO
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
	Non-Contributing Historic Structure	NR
Replacing roof materials with different roof materials±	Historic Landmark	HARC
	Contributing Historic Structure	HPO
	Non-Contributing Historic Structure	NR
Modifications to exterior steps, stairways, and ramps using in-kind material	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Modifications to exterior steps, stairways, and ramps	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Paint removal from historic and significant architectural features (back to original condition; does not include repainting)	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Changes to paint color on previously painted surfaces (includes repainting or new paint on previously painted surface)	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
New paint on unpainted historic and other significant architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Changes in color to awning fabric	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Exterior lighting that is attached to the building or structure	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Rooftop HVAC, mechanical, or communication equipment that result in no modifications to the building fa~~c~~çade	Historic Landmark*	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
	Historic Landmark	HARC

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
Rooftop HVAC, mechanical, or communication equipment that result in modifications to the building fa~~c~~çade	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structure as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Removal, Demolition, or Relocation		
Awnings or canopies	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structure as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Exterior non-historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Exterior siding to unencapsulate historic siding materials	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Removal, stripping, concealing, or destruction of any historic and architectural feature that is integral to the historic character of the building or structure~~,~~ or ~~h~~Historic ~~o~~Overlay ~~d~~District	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)	HPO
	Non-Contributing Historic Structure*	HPO
Non-historic additions that are made of non-historic materials	Historic Landmark	HPO
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
Attached carport, porch, patio, or deck	Historic Landmark	~~HARC‡~~HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Attached carport, porch, patio, or deck made of non-historic materials	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Reopen enclosed porch, patio, or deck to original condition	Historic Landmark	HPO‡
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Street facing fa~~c~~cade	Historic Landmark	HARC~~‡~~
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Demolition that results in the reduction or loss in the total square footage of the existing structure	Historic Landmark	HARC
	Contributing Historic Structure	
	High Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District	HARC
	Medium Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District	HPO
Relocation of a building or structure on the same lot	Historic Landmark	HPO
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Relocation of a building or structure to a ~~h~~Historic ~~o~~Overlay ~~d~~District (includes relocation of buildings or structures within the same ~~h~~Historic ~~o~~Overlay ~~d~~Districts)	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Relocation of a building or structure outside of the ~~h~~Historic ~~o~~Overlay ~~d~~District	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Signage		
Master Sign Plan	All Historic Overlay Districts	HPO
New signage, to include new signage that is consistent with an approved Master Sign Plan		HPO
New signage that is inconsistent with an approved Master Sign Plan or applicable guidelines		HARC

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting, or total sign area		HPO
Amending an approved Master Sign Plan		HPO
Fences		
New fence, railing, or wall that is inconsistent with the overlay ~~d~~District's characteristics and applicable guidelines	All Historic Overlay Districts†	HARC
Relief from **9.06.040. Residential Fences** for new fence that is enclosing a rear yard, set back at least 10 feet, and meets the material standards (see **9.06.080**)	All Historic Overlay Districts	HPO
Miscellaneous		
Exceptions on building height, setbacks, and FAR alternative standards pursuant to ~~Section 4.08~~**Section 4.08** of this Code	All Historic Overlay District	HARC
Renewal of an expired Certificate of Appropriateness (where no additional changes are proposed)	All Historic Overlay Districts	HPO
	Historic Landmark	

* Only applicable to a street-facing fa~~c~~çade.

† Only applicable to fences along a street lot line or located in a street yard

‡ CLG demo delay period and Demolition Subcommittee review not applicable

± Material that is intended to replace a historic material or feature that is either the same or a similar material, and the result will match all visual aspects, including form, color, and workmanship in order to retain the original design of the structure, may be permitted by the identified decision maker for medium and low priority resources.

B. Exemptions

A Certificate of Appropriateness shall not be required for the following:

1. Ordinary maintenance and repair, as this term is defined in ~~Chapter 16~~**Chapter 18** of this Code.
2. Interior construction or alterations provided the alterations do not alter the exterior wall of the building.
3. New additions to existing single-family and two-family structures provided the addition does not create or add to a street-facing fa~~c~~çade, and the addition, in combination with the existing building, is in compliance with the zoning standards of the ~~h~~Historic ~~o~~Overlay ~~d~~District.
4. New, modifications to, or removal of existing awnings (to include changes in color), canopies, exterior paint color, or exterior lighting attached to a single-family or two-family residential structure, provided the alterations do not alter the exterior wall of a building designated as a ~~h~~Historic ~~l~~Landmark.
5. Demolition of a building or structure that the Building Official has declared a dangerous structure in accordance with Chapter 15.40 of the City Code, as amended, or determined that demolition is necessary for the preservation of the public health, safety, and welfare.
   a. Should the Building Official declare a building a dangerous structure or determine that demolition is necessary for the preservation of public health, safety, and welfare, the Building Official shall coordinate with the Historic Preservation Officer and property owner to identify historic and significant

architectural features that are unique to the building or structure, era or dDistrict and that may be salvaged.

b. The Historic Preservation Officer shall create a record of the building or structure to be demolished through archival-quality photo-documentation, drawings, and other information similar to those required by the Historic American Buildings Survey. The list of identified historic and significant architectural features to be salvaged shall also be made part of this record.

6. New fence, railing or wall that is consistent with the overlay dDistrict's characteristics and applicable guidelines.

7. Site alterations and other hardscape features provided that these do not alter a building or structure designated as a Historic Landmark or that is a contributing historic structure to the Historic Overlay District.

8. New or modifications to mechanical equipment on residential structures.

C. No Building Permit shall be issued by the Building Official for any building or structure designated as a Historic Landmark or that is located in a Historic Overlay District until the application for such permit has been reviewed and approved by the Historic and Architectural Review Commission or the Historic Preservation Officer, as applicable, and the project, as proposed, is in compliance with all other applicable regulations of this Code.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)

5.11.020. 5.09.02.Certificate of Appropriateness—Administrative Approval

A. Review Process

1. Initiation

Initiation of a cCertificate of aAppropriateness to the Historic Preservation Officer may be made upon application by the property owner of the affected property or their authorized agent following the established application processes and requirements of this Cchapter.

2. Application Completeness

a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable cCertificate of aAppropriateness checklist.

b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material necessary to review -conformance with applicable criteria for approval in accordance with this Code.

3. Staff Review

Once a Certificate of Appropriateness has been initiated and the application deemed complete, the Historic Preservation Officer shall review the application for consistency with any applicable criteria for approval.

4. Responsibility for Final Action

a. The Historic Preservation Officer is responsible for final action on a Certificate of Appropriateness for certain projects as specified in Section 3.26.015.11.010**. Applicability**.

b. The Historic Preservation Officer shall approve, approve with conditions, or deny the request.

c. b.Should the Historic Preservation Officer be unable to approve the request, the Historic Preservation Officer may forward the request to the Historic and Architectural Review Commission (HARC) for review and final action at the next available meeting following public notification in accordance with **Section 3.03. Public Hearing and Notice**-.

B. Criteria for Approval

The Historic Preservation Officer shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;
2. Compliance with applicable design and development standards of this Code;
3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable;
4. Compliance with the adopted Historic District Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District; ~~and~~
5. The overall character of the applicable Historic Overlay District and the building or structure is preserved, and the design is compatible with the Historic Overlay; ~~District.~~and
6. The ~~sign~~request is in keeping with the adopted Historic District Design Guidelines and character of the Historic Overlay District.

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019; Ord. No. 2021-53 , § 6(Exh. E), 7-27-2021)*~~

5.11.030. ~~5.09.03.~~Certificate of Appropriateness—HARC Approval

A. Review Process

1. Initiation

   Initiation of a Certificate of Appropriateness to the Historic and Architectural Review Commission may be made upon application by the property owner of the affected property or their authorized agent following the established application processes and requirements of this ~~C~~chapter.

2. Application Completeness

   a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable Certificate of Appropriateness checklist.

   b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material~~s~~ necessary to review conformance with applicable criteria for approval in accordance with this Code.

3. Staff Review

   a. Once a Certificate of Appropriateness has been initiated and the application deemed complete, the Historic Preservation Officer shall review the application for consistency with any applicable criteria for approval.

   b. The Historic Preservation Officer shall prepare a report to the Historic and Architectural Review Commission.

   c. The Historic Preservation Officer's report shall include a recommendation for final action.

4. Responsibility for Final Action

   a. The Historic and Architectural Review Commission shall review the application, the Historic Preservation Officer's report, conduct a hearing in accordance with the Historic and Architectural Review Commission's established procedures and ~~S~~state law, and take final action on the application within 35 days of the application hearing unless the applicant agrees to extend the time.

b. An application before the Historic and Architectural Review Commission shall be considered approved by a majority vote of all members of the Historic and Architectural Review Commission.

B. Criteria for Approval

The Historic and Architectural Review Commission shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;
2. Compliance with applicable design standards of this Code;
3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable;
4. Compliance with the adopted Historic District Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District;
5. The general historic, cultural, and architectural integrity of the building, structure, or site is preserved;
6. New buildings or additions are designed to be compatible with surrounding properties in the applicable hHistoric oOverlay dDistrict;
7. The overall character of the applicable historic overlay district is protected; and
8. The Master Sign Plan is in keeping with the adopted Historic District Design Guidelines and character of the hHistoric oOverlay dDistrict.

C. Additional Criteria for Approval for Building Height Modification

1. Applicants requesting exceptions to the building height standards set forth in Section 4.08.020.A5.05.050.A must submit documentation to HARC that the following standards will be met if the requested exception to the height standards is approved:
   a. The proposed building or addition shall not obscure views to and from the Courthouse or overwhelm or detract from views of the Town Square Historic District;
   b. The proposed building or addition shall be compatible with the height, scale, massing, and volume reflected in the Downtown Overlay District, and the historic character of the District; and
   c. The proposed building shall be an extraordinary contribution to the aesthetic and economic goals of the Downtown Master Plan.
2. The documentation required by **Section 3.26.035.11.030.C.1** must include, at a minimum, the following information:
   a. A visual analysis that identifies:
      (i) The extent to which the building would impact views to and from the Courthouse, and to what extent the building will be visible from four directions; and
      (ii) How the building will relate to the context of the surrounding structures and the character of the dDistrict.
   b. A summary of the conclusions of the visual analysis as to how the proposed building will impact the District, specifically the immediate surroundings.
3. HARC may grant a request for a variation in height from the standards set forth in **Section** 4.08.020.A**5.05.060** or **5.06.050** only if it determines that the following goals or purposes will still be achieved:

a. Views to and from the Courthouse and to and from the Town Square Historic District will be protected; and

b. The character of the Downtown Overlay District and the Town Square Historic District will be defined, reinforced, and preserved; and

c. The relationship of the proposed project to the existing structures in the immediate vicinity remains consistent; and

d. The proposed project allows for the best utilization of redevelopment in the Downtown Overlay District and the Town Square Historic District; and

e. The proposed project protects the historic buildings in the Downtown Overlay District.

D. Additional Criteria for Approval of a Setback Modification

1. The Historic and Architectural Review Commission may grant a Certificate of Appropriateness, per Section 4.08.080.D of this CodeSection 5.11, to modify the setback standards of the underlying bBase zZoning dDistrict for residential properties located within the Old Town Overlay District.

2. HARC may consider the following in determining whether to approve a Certificate of Appropriateness for a setback exception:

a. Whether the proposed setback encroachment is solely a matter of convenience;

b. Whether there is adequate room on the site to allow the proposed addition or new structure without encroaching into the setback;

c. Whether the proposed setback is compatible and in context within the block in which the subject property is located;

d. Whether the proposed addition or new structure will be set closer to the street than other units within the block;

e. Whether the proposed structure is replacing a structure removed within the past year;

f. Whether the proposed structure will replace a structure that previously existed with relatively the same footprint and encroachment as proposed;

g. If the proposed encroachment is for a structure that is replacing another structure, whether the proposed structure is significantly larger than the original;

h. If the proposed encroachment is for an addition, the scale of the addition compared to the original house;

i. The size of the proposed structure compared to similar structures within the same block;

j. Whether the proposed addition or new structure will negatively impact adjoining properties, including limiting their ability to maintain existing buildings;

k. Whether there is adequate space for maintenance of the proposed addition or new structure and/or any adjacent structures; and/or

l. Whether the encroachment would enable existing large trees or significant features of the lot to be preserved.

E. Additional Requirements for Relocation, Removal, or Demolition of a Historic Landmark or Contributing Historic Structure.

In addition to the staff review process established in **Section 3.26.035.11.030.A. Review Process**, applications for a Certificate of Appropriateness for the relocation, removal, or demolition of a building or structure designated as a Historic Landmark or contributing historic structure shall be subject to the following additional review:

1. Demolition Delay Period Certified Local Government (CLG) Program
   a. Upon deeming the application complete, requests for a Certificate of Appropriateness for demolition of a Historic Landmark or contributing historic structure shall be subject to a 60-day demolition delay period. The Historic and Architectural Review Commission shall not take action on a request for demolition until the 60-day demolition delay period is complete.
   b. During this 60-day delay period, the applicant shall coordinate with the Historic Preservation Officer to reach a satisfactory resolution that preserves the building or structure~~,~~ or that preserves historic and significant architectural features unique to the building or structure, era, or ~~d~~District.
   c. The Historic Preservation Officer shall coordinate with local, county, and other historical organizations to explore possibilities for preserving, to include the possible relocation of the structure.
   d. The Historic Preservation Officer shall present the findings and resolution, if applicable, to the Historic and Architectural Review Commission with the request.
2. Demolition Subcommittee Review
   a. No later than the 30th day from deeming the application complete, the Historic and Architectural Review Commission's Demolition Subcommittee shall complete a walk-through of the building or structure proposed to be demolished or relocated with the Historic Preservation Officer and the applicant.
   b. The Demolition Subcommittee shall review the application and analyze the building or structure to determine possibility of preservation and restoration, and appropriateness for demolition or relocation. In the event of demolition, the Demolition Subcommittee shall also create a list of historic salvageable materials identified during the walk-through.
   c. The Demolition Subcommittee's report shall include a recommendation for final action.
3. Responsibility of Final Action
   a. In addition to the application, and the Historic Preservation Officer's report, the Historic and Architectural Review Commission shall review the recommendation by the Demolition Subcommittee, conduct a hearing in accordance with the HARC's established procedures and state law, and take final action on the application within 35 days of the application hearing unless the applicant agrees to extend the time.
   b. As conditions of approval, the Historic and Architectural Review Commission may require historical materials to be salvaged, archival-quality photo-documentation, and/or architectural drawings of the building or structure proposed to be demolished or relocated similar to those required by the Historic American Buildings Survey to be submitted to the Historic Preservation Officer.

F. Criteria for Approval for Relocation, Removal, or Demolition of a Historic Landmark or Contributing Historic Structure.
   1. The Historic and Architectural Review Commission shall use circumstances or items unique to the building or structure proposed to be relocated, removed, or demolished when reviewing the application.
   2. The Historic and Architectural Review Commission shall make the following findings when considering a request for demolition or relocation of a structure:
      a. Loss of Significance
         (i) The applicant has provided information that the building or structure is no longer historically, culturally, or architecturally significant, or is no longer contributing to the ~~h~~Historic ~~o~~Overlay ~~d~~District; and

(ii) The applicant has established that the building or structure has undergone significant and irreversible changes, which have caused the building or structure to lose the historical, cultural, or architectural significance, qualities, or features that qualified the building or structure for such designation; and

(iii) The applicant has demonstrated that any changes to the building or structure were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction, or lack of maintenance rising to the level of a demolition by neglect; and

(iv) Demolition or relocation of the building or structure will not cause significant adverse effects on the ~~h~~Historic ~~o~~Overlay ~~d~~District or the City's historic resources; or

b. Unreasonable Economic Hardship

(i) The applicant has demonstrated that the property owner cannot take reasonable, practical or viable measures to adaptively use, rehabilitate or restore the building or structure, or make reasonable beneficial use of, or realize a reasonable rate of return on a building or structure unless the building or structure may be demolished or relocated; and

(ii) The applicant must prove that the structure cannot be reasonably adapted for any other feasible use, which would result in a reasonable rate of return; or

c. There is a compelling public interest that justifies relocation, removal, or demolition of the structure.

3. Relocation of a Structure to a Historic Overlay District

In the event the building or structure is proposed to be relocated to a property in a Historic Overlay District, in addition to the above, the applicant must demonstrate the following with the application:

a. The architectural compatibility of the relocated building or structure with adjacent buildings according to the applicable Historic District Design Guidelines and UDC standards for new construction; and

b. The proposed siting, ~~42~~setback, and other applicable site-specific treatments according to pertinent Historic District Design Guidelines and UDC standards of the applicable historic overlay district; and

c. Relocation will not damage existing contributing historical buildings or structures, or the character of the Historic Overlay District.

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019; Ord. No. 2021-53 , § 6(Exh. E), 7-27-2021)*~~

G. Additional Criteria for Approval of a Floor-to-Area Ratio Modification

1. The Historic and Architectural Review Commission may grant a Certificate of Appropriateness, per **Section 5.11** of this Code, to increase the Floor-to-Area Ratio (FAR) for properties located within the Old Town Overlay District.

2. HARC may consider the following in determining whether to approve a Certificate of Appropriateness for a FAR exception:

a. Whether the proposed FAR increase is solely a matter of convenience;

b. Whether the proposed FAR and resulting design is compatible and in context/scale within the block in which the subject property is located;

c. Whether the proposed addition or new structure will be set behind existing structures in order to maintain appropriate scale and preserve/emphasize character elements of contributing historic resources on the subject property and other units within the block;

d. Whether the proposed structure is replacing a structure removed within the past year;

e. Whether the proposed structure will replace a structure that previously existed with relatively the same footprint and ~~encroachment~~FAR as proposed;

f. If the proposed ~~encroachment~~FAR increase is for a structure that is replacing another structure, whether the proposed structure is significantly larger than the original;

g. If the proposed ~~encroachment~~FAR increase is for an addition, the scale of the addition compared to the original house; ~~The size of~~

h. Whether the proposed addition or new structure will negatively impact adjoining properties, including limiting their ability to maintain existing buildings; and/or

i. Whether there is adequate space for maintenance of the proposed addition or new structure and/or any adjacent structures.

5.11.040. ~~5.09.04.~~Relocation, Removal or Demolition Prior ~~To~~to Approval of a Certificate of Appropriateness

A. Demolition, including demolition by neglect, of a building or structure prior to approval of a Certificate of Appropriateness by the Historic and Architectural Review Commission, when required, shall be subject to an automatic hold on all permits. No permit may be granted until this period is complete, and the Historic and Architectural Review Commission has granted a Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable.

B. The permit delay period shall be determined by the Historic and Architectural Review Commission, but in no case shall it exceed 365 days.

C. The Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable, shall be reviewed and final action taken by the Historic and Architectural Review Commission concurrently with the determination of the longevity of the permit hold period.

D. During this delay period, the applicant shall provide the following information to the Historic Preservation Officer:

1. Documentation regarding the original and existing condition of the building or structure, to include structural integrity and the extent of work necessary to stabilize the building or structure.
2. Site development plan (or plot plan) identifying proposed development on-site following demolition of the building or structure.
3. List of any salvageable materials, and a plan offering donation or sale of the remaining building or structure and any salvageable materials identified.

E. In the event of demolition by neglect, the applicant shall complete any work required to stabilize and arrest further deterioration of the building or structure.

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)*~~

5.11.050. ~~5.09.05.~~Certificate and Compliance Inspections

A. It shall be the responsibility of the Historic Preservation Officer to issue the actual Certificate of Appropriateness following approval by the Historic Preservation Officer or the HARC, with any designated conditions, and to maintain a copy of the Certificate of Appropriateness, together with the proposed plans. The certificate shall be forwarded to the Building Official. These shall be public documents for all purposes.

B. Work performed pursuant to the issuance of a ~~c~~Certificate of ~~a~~Appropriateness shall conform to the requirements of the certificate. In the event that work is not in compliance, the Building Official shall issue a stop work order and/or citation as prescribed by ordinance.

~~(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)~~

5.11.060. ~~5.09.06.~~Limits on Resubmission

No application for the same project shall be considered within 180 days of the rejection or disapproval by the Historic and Architectural Review Commission or Historic Preservation Officer, as applicable, of an application. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the Historic and Architectural Review Commission or Historic Preservation Officer, as applicable, at any time.

~~(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-21 , § 2(Exh. A), 4-9-2019)~~

5.11.070. ~~5.09.07.~~Expiration

A. A Certificate of Appropriateness, except as noted below, expires if the work authorized by the Certificate of Appropriateness ~~is~~does not commence~~d~~ within 24 months from the date of the final action to approve the request. In the case of a phased project, after the initial phase is complete or a Certificate of Occupancy has been issued, each subsequent phase shall commence within 24 months of the completion or Certificate of Occupancy of the prior phase. The Historic Preservation Officer may extend the time for commencement of work upon written request by the applicant~~.~~ prior to the expiration date of the Certificate of Appropriateness. The applicant may request an extension a maximum of two times, up to 90 days for each request.

B. A Certificate of Appropriateness for relocation, removal, or demolition expires if a permit for relocation or demolition has not been issued within 180 days or, if a permit is not required, the work authorized by the Certificate of Appropriateness ~~is~~does not commence~~d~~ within 180 days from the date of the final decision to approve the request. The Historic Preservation Officer may extend the time for commencement of work upon written request of the applicant~~.~~ prior to the expiration date of the Certificate of Appropriateness. The applicant may request an extension a maximum of two times, up to 90 days for each request.

~~(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)~~

5.11.080. ~~5.09.08.~~Appeals

A person aggrieved by a final action of the Historic and Architectural Review Commission on a Certificate of Appropriateness may appeal to the City Council, pursuant to the procedures set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the final action.

Appeals from an administratively issued Certificate of Appropriateness will be processed through the Historic and Architectural Review Commission, subject to the procedures established for new applications and set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the administrative action.

A. Appeal Hearing

The hearing shall be set for the next available City Council or HARC meeting, subject to the provision of public notification. Notification shall be provided in the same manner as the initial ~~c~~Certificate of ~~a~~Appropriateness.

B. Burden of Proof in Appeals

When an appeal is considered by the City Council or HARC, the final action by the original reviewing authority is presumed to be valid. The person filing the appeal shall present sufficient evidence and have the burden to justify a reversal of the action being appealed.

C. Findings and Conclusions

All findings and conclusions necessary to the appeal decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) will be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed. In exercising its authority, as an appellate body, the City Council or HARC may reverse or affirm, in whole or in part, the original order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the City Council or HARC, as an appellate body, has the same authority as the original reviewing authority.

D. Decision on Appeal

As an appellate body, the City Council or HARC shall review the application, the staff report, and meeting minutes, conduct a hearing in accordance with established procedures and state law, and take final action on the appeal by a majority vote of City Councilmembers or members of HARC. In the event of a tie ~~of~~among the City Councilmembers, the Mayor shall vote as permitted in the City Charter.

Chapter 6. Zoning Use Regulations (Chapter 5)

Section 6.01. Zoning Uses

6.01.010. 6.01.01.General

A. Authority

The provisions of this Cchapter are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

B. Purpose

Section 56.02 is intended to provide a list of uses allowed within each of the City's zZoning dDistricts. Approval of a use listed in this Cchapter, and compliance with the applicable use-specific standards for that use, authorize that use only.

C. Compliance with Code of Ordinances

Other sections of the City of Georgetown Code of Ordinances, andalong with other City regulations that, may also apply to or be relevant to affect a proposed use in addition to the standards ofin this **Chapter 56**. **Zoning Use Regulations.**

6.01.020. 6.01.02.Zoning Use Classifications

A. Use Categories

A primary use is assigned to the Use Category that most closely corresponds to its nature as described in the characteristics of each Use Category. Use Categories classify land uses and activities based on similar functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

B. Use Tables

The Use Table (**Section 56.02** below) depicts the specific zoning uses allowed by zZoning dDistrict. The table may be further divided by use category, for example "Residential Uses" that contains specific listed uses and their corresponding zZoning dDistricts. All of the uses listed in the Use Tables found in this Cchapter are defined in the Use Table**Chapter 18. Definitions** . Below is a key to the Use Table indicating how each use is treated by dDistrict.

1. Uses Permitted Byby Right

   A "P" indicates that a use is allowed by right. Such uses are subject to all other applicable regulations of this UDC and the City Code of Ordinances.

2. Uses with Limitations

   An "L" indicates that a use is permitted, provided that it meets additional standards or limitations referenced in the far right "Note" column of each Use Table. These standards can be found in **Section 5.03**following each use table. Such uses are subject to all other applicable regulations of this UDC and the City Code of Ordinances.

3. Uses with Special Use Permit

   An "S" indicates that a use is allowed only if granted a Special Use Permit by the City Council in accordance with the procedures in **Chapter 7Section 3.10** and the conditions in **Section 5.03**limitations following each use table. Uses that require a Special Use Permit are required to meet all other applicable regulations of this

UDC and the City Code of Ordinances, including the additional standards contained in the limitation section of each use category.

4. Uses Not Allowed

   A cell left blank indicates that a use is not allowed.

C. Multiple Primary Uses

Multiple primary uses on one lot shall be allowed only if each individual use is allowed in the underlying District, unless otherwise specified by this UDC or the City Code of Ordinances. Limitations or Special Use Permits required of any of the primary uses shall be met or obtained before commencement of any use. In the event of a conflict between limitations ~~listed in **Section 5.03**~~following each use table, the stricter provision shall apply.

D. General Construction of the Use Table

The Use Table organizes uses alphabetically according to one of the following categories:

1. Residential Uses

   Encompasses uses intended for residential dwellings and related accessory uses. These uses include single-family and multi-family residential structures and accommodate groups of people that may exceed the definition of household.

2. Civic Uses & Institutional Uses

   Encompasses uses that provide community services to or for the general public. Civic uses are typically found in ~~n~~Non-~~r~~Residential ~~z~~Zoning ~~d~~Districts but may be allowed in ~~r~~Residential ~~d~~Districts, often with limitations or Special Use Permits. These uses are generally public or non-profit but also include for-profit entities that provide a service to the general public. Civic uses include, but are not limited to, facilities for education, daycare, government, social services, institutions, places of worship, and parks and open spaces.

3. Commercial Uses

   Encompasses uses that include businesses that facilitate the buying and selling of manufactured goods or provide consumer and professional sales and services. These uses may include, but are not limited to, overnight accommodations, establishments for food and beverage preparation and consumption, entertainment or recreation-oriented activities, out-patient or home-care health and medical services, and professional and business offices. A commercial use also encompasses retail sales and service uses for personal improvement, self-storage, heavy commercial and wholesale sales and services, and automobile sales, repair, and service.

4. Transportation & Utility Uses

   Encompasses uses that are intended for public or private utilities and large-scale communication transmission facilities. These uses may serve small or large-scale areas with various intensity and nuisance. Transportation uses include, but are not limited to, electrical transmission lines, water and sewer infrastructure and treatment. Utility uses typically contain light traffic and minimal personnel although some larger uses, which serve the general community, may not be compatible in residential areas.

5. Industrial Uses

   Encompasses uses that range from light manufacturing and assembly, equipment servicing, storage/freight management to waste~~-~~-related services. Public traffic and on-site sales are very limited. Industrial uses and facilities are typically incompatible near residential ~~d~~Districts~~.~~

6. Agricultural Uses

   Encompasses uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

7. Accessory Uses

   Encompasses uses that are ancillary or secondary to a primary use established elsewhere by this Cchapter.

8. Temporary Uses

   Encompasses uses with a fixed, usually short-term, period of time with the intent to discontinue the use upon the expiration of the time. Temporary uses have characteristics that require certain restrictions in order to ensure compatibility with other uses in the zZoning dDistrict in which they are proposed.

E. Specific Use Terms and Definitions

1. The names of the specific uses listed in each Use Table are defined in the "Definitions" column of the Use TableChapter 18 of this Code.
2. The definition given in the Use Table is intended to provide a general description of the use, in addition to any standards or conditions appearing in this UDC that are directly related to the use that the Director may rely upon when identifying and defining a use.
3. The Use Table and associated definitions are intended to provide a technical reference to each use, and as such the terms used take precedence over any non-technical, lay, common, or shorthand usage of particular terms, or other housing types not meeting the strict definition of those housing types). The applicant for approval of any use is responsible for determining the applicable use and its correct term and definition prior to commencing construction or preparation of plans.

F. Accessory Uses

1. Accessory uses are those activities that are incidental and subordinate to a primary use, but are customarily associated with the particular primary use. The following are two examples of primary uses and some of their possible accessory uses:
   a. A high school may typically include, but may not be limited to, accessory uses such as a cafeteria, library, maintenance facility, meeting rooms, auditorium, laboratories, indoor recreation courts, outdoor recreational fields, and concession stands.
   b. A hospital may include, but may not be limited to, a cafeteria and a small retail operation.
2. An accessory use may be determined to be an allowed accessory use to a primary use if:
   a. It is listed as an accessory use to the primary use in the definition of such primary use in Chapter 16Chapter 18 of this Code; or
   b. It is determined to be customarily associated with the primary use. If a proposed Accessory Use is not specifically defined, the Director shall have the authority to determine if an accessory use is customarily associated with a primary use following the criteria in this **Subsection 5.01.026.01.020.F**.
3. An allowed accessory use shall be consistent with the following:
   a. The accessory use shall be subordinate to and dependent upon an authorized primary use;
   b. The accessory use shall be smaller in floor area than the primary use;
   c. The accessory use shall be subject to the same regulations as the primary use, unless otherwise specified by this UDC;
   d. The accessory use must be a permitted use within the same zZoning dDistrict as the primary use. In addition, if an accessory use is subject to limitations as a primary use then those same limitations shall apply to the accessory use, unless otherwise specified by this UDC

6.01.030. 6.01.03.Determination of Unlisted Uses

A. Determination by Director

1. Determination of the appropriate Zoning dDistrict for a use not listed in the Use Table shall be made by the Director in accordance with the provisions of **Subsection 5.01.036.01.030.B** below.
2. When considering appropriate Districts for a use not listed in the Use Table, the District Purpose Statements in **Chapters 6 and 7Chapter 7** and **Chapter 8**, the descriptive characteristics of each use category, and definitions of similar uses shall be considered.
3. Upon receiving an application for an unlisted use, the Director may make a determination, based on these considerations, that such a use:
   a. Be allowed by right as an authorized use under one or more listed uses in the current Use Table; or
   b. Not be allowed under this UDC, therefore requiring approval of a Text Amendment to this UDC prior to receiving approval of the use.

B. The following criteria shall be used to determine 1) the appropriate use for an activity not specifically listed in the Use Tables, and 2) whether a use is considered primary or accessory.

1. The definitions of similar primary uses;
2. The descriptions of the use categories that include similar uses;
3. The actual or projected characteristics of the activity in relationship to the characteristics proposed by the applicant for the use;
4. The intensity or relative impact of the use upon the site and surrounding properties;
5. The traffic impact generated by the use based on vehicle trips generated and types of vehicles used;
6. The relative number of employees for each activity associated with the proposed use;
7. Hours of operation of the proposed use;
8. Parking requirements for the proposed use. In making a use determination, the Director is authorized to apply a required parking ratio that is appropriate to the use, based on the required parking ratio for similar uses found in the Use Table;
9. Noise levels generated by activities associated with the proposed use;
10. Lighting required for activities associated with the proposed use; and
11. Whether the activity is likely to be found independent of the other activities on the site.

C. The Director's determination shall be made public on the City's website for 30 days following the decision and shall be considered final if no appeal is filed during that time frame.

D. Appeal of Unlisted Use Determination. The Zoning Board of Adjustment may hear and decide an appeal that alleges error in a determination made by the Director in the enforcement of this Cchapter. In exercising its authority under this Ssubsection, the Board may reverse or affirm, in whole or in part, or modify the Director's determination and make the correct determination, and for that purpose the Board has the same authority as the Director. The appeal process is pursuant to **Chapter 3Chapter 3** of this UDC.

Section 6.02. Use Tables

6.02.010. 6.02.01.Residential Uses and Standards

A. Residential Uses

Specific Use	AG	RE	TRRT	RS	RM	RM	MF1	MF2	MH	CN	C1	C2	CN	I1	I2	PF	MUDT	MU	Standards
Household Living																			
Single-Family, Detached	P	P	P	P	P	—	—	—	—	—	—	—	—	—	—	—	P	See Section 4.09	
Single-Family, Attached	—	—	—	L	P	P	—	—	—	—	—	—	—	—	—	—	—		5.03.01.A
Two-Family	—	—	—	—	P		—	—	—	—	—	—	—	—	—	—	—		
Townhouse	—	—	—	—	—	P		—	—	—	—	—	—	—	—	—	S		
Accessory Dwelling Unit	—L	—L	—L	—L	—	—L	P—	—	—	—	—	—	—	—	—	—	S		5.03.01.BB.4
Multifamily, Attached Dwelling UnitsHome-Based Business	—L	—L	—L	—L	—	—L	PL	PL	—L	—L	SL	SL	—	L	—L	—L	SL		5.03.01.CB.7
Manufactured Housing	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—		
Manufactured Housing Park	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—		
Multifamily, Attached Dwelling Units	—	—	—	—		—	P	P	—	—	S	S			—	—	S		B.3
AccessoryMultifamily, Detached Dwelling Units	L—	L—	L—	L—	L	—	—S	—	—	—	—	—	—	—	—	—	S		5.03.01.DB.2
Second Dwelling Unit	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		5.03.01.EB.5
Single-Family, Attached	—	—	—	L		P	—	—	—	—	—	—		—	—	—	—		B.1
Single-Family, Detached	P	P	P	P		P	—	—	—	—	—	—		—	—	—	P		
Townhouse	—	—	—	—		P		—	—	—	—	—		—	—	—	S		
Two-Family	—	—	—	—		P	—	—	—	—	—	—		—	—	—	—		

Specific Use	AG	RE	TRRT	RS	RM	RM	MF1	MF2	MH	CN	C1	C2	CN	I1	I2	PF	MUDT	MU	Standards
Upper-Story Residential	—	—	—	—	—	—	—	—	—	L	L	L	L	L	—	—	L		5.03.01.FB.6
Home-Based Business	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		5.03.01.G
Group Living																			
Assisted Living	—	—	—	—		—	S	P	—	P	P	P		—	—	—	S		
Group Home (16 residents or more)	—	—	—	—		—	S	S	—	P	P	—		—	—	S	—		
Group Home (6 residents or less)	P	P	P	P	P	P		—	—	—	—	—	—	—	—	—	P		
Group Home (7 to 15 residents)	—	—	—	—	—	—	P	P	—	P	P	—	P	—	—	—	S		
GroupHalfway Homuse (16 residents or more)	—S	—S	—S	—S	—	—S	S	S	—S	P—	P—	—	P	—	—	S—	—		
Assisted LivingHospice Facility	—S	—S	—S	—S	—	—S	S	P	—	P	P	P	P	—	—	—	S		
Nursing or Convalescent Home	—	—	—	—	—	—	S	P	—	P	P	P	P	—	—	—	—		
Hospice Facility	S	S	S	S	S	S	S	P	—	P	P	P	P	—	—	—	S		
Orphanage	P	—	—	—	—	—	S	P	—	—	—	—	—	—	—	S	—		
	—	—	—	—	—	—	S	S	—	—	S	—	—	—	—	—	—		
Rooming or Boarding House	—	—	—	S	—	—	P	P	—	—	P	—	—	—	—	—	S		
Halfway House	S	S	S	S	S	S	S	S	S	—	—	—	—	—	—	—	—		

6.02.02. Civic Uses

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C3	CN	I1	I2	PF	MUDT	MU	Standards
Educational and Day Care Facilities																			
School, Elementary	L	L	L	L	L	L	L	L	—	L	L	L	L	—	—	L	—		5.03.02.A
School, Middle	L	S	S	S	S	S	S	S	—	L	L	L	L	—	—	L	—		5.03.02.A

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C3	CN	I1	I2	PF	MUDT	MU	Standards
School, High	L	—	—	—	—	—	—	—	—	—	L	L	—	—	—	L	—		5.03.02.A
School, College or University	L	—	—	—	—	—	—	—	—	—	L	L	—	—	—	L	L		5.03.02.A
School, Boarding	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	L	—		5.03.02.A
School, Business or Trade	L	—	—	—	—	—	—	—	—	L	L	L	L	L	L	L	S		5.03.02.A
Day Care, Residential Home	L	L	L	L	L	L	L	L	L	—	—	—	—	—	—	—	L		5.03.02.B
Day Care, Group	S	S	S	S	S	S	L	L	L	L	L	L	L	L	—	—	L		5.03.02.B
Day Care, Commercial	—	—	—	—	—	—	L	L	—	L	L	L	L	L	—	—	S		5.03.02.B
Government and Community Facilities																			
Activity Center, Youth or Senior	S	S	S	S	S	S	S	S	—	L	L	L	L	—	—	L	S		5.03.02.A
Animal Shelter	L	—	—	—	—	—	—	—	—	—	—	—	—	—	L	L	—		5.03.02.A
Community Center	—	—	—	S	—	—	—	—	—	S	L	L	S	—	—	L	S		5.03.02.A
Correctional Facility	S	—	—	—	—	—	—	—	—	—	—	S	—	—	S	S	S		
Emergency Services Station	S	S	S	S	S	S	S	S	—	P	P	P	P	P	P	P	P		5.03.02.A
Government or Postal Office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P		
Library or Museum	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P		
Social Service Facility	—	—	—	—	—	—	—	—	—	S	P	P	S	—	—	P	S		
Medical and Institutional Facilities																			
Hospital	—	—	—	—	—	—	—	—	—	—		P	—	—	S	P	S		
Hospital, Psychiatric	—	—	—	—	—	—	—	—	—	—	—	S	—	—	S	S	-		
Substance Abuse Treatment Facility	—	—	—	—	—	—	—	—	—	—	—	S	—	—	S	S	—		
Blood or Plasma Center	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—	-		
Places of Worship																			
Religious Assembly Facilities	L	L	L	L	L	L	L	L	—	L	L	L	L	L	—	L	L		5.03.02.A

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C3	CN	I1	I2	PF	MUDT	MU	Standards
Religious Assembly Facilities with Columbaria	L	L	L	L	L	L	L	L	—	L	L	L	L	L	—	L	L		5.03.02.A, 5.03.02.D
Parks and Open Spaces																			
Nature Preserve or Community Garden	P	L	L	L	L	L	L	L	—	P	P	P	P	P	P	P	P		
Neighborhood Amenity, Activity, or Recreation Center	L	L	L	L	L	L	L	L	L	—	L	L	—	—	—	—	—		5.03.02.A
Public Park, Neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		5.03.02.A
Public Park, Regional	L	—	—	—	—	—		—	—	—	L	L	—	—	—	L	—		5.03.02.A
Golf Course	L	L	L	L	L	L	L	L	—	—	—	—	—	—	—	L	—		5.03.02.A
Cemetery, Columbaria, Mausoleum or Memorial Park	S	—	—	S	—	—	—	—	—	—	—	S	—	—	S	S	—		

6.02.03. Transportation and Utility Uses

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C2	CN	I1	I2	PF	MUDT	MU	Standards
Airport	S	—	—	—	—	—	—	—	—	—	—	—	—	—	S	S	—		
Heliport	—S	—	—	—	—	—	—	—	—	—	—	L		L	L	L	L		5.03.03.A
Bus Barn	—	—	—	—	—	—	—	—	—	—	—	S	—	—	P	P	—		
Parking Lot, Off-Site	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P		
Parking Lot, Commercial	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	—	P		
Park-n-Ride Facility	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P		
Private Transport Service Dispatch Facility	—	—	—	—	—	—	—	—	—	—	S	P	—	—	P	—	S		
Rail or Transit Yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—		
Transit Passenger Terminal	—	—	—	—	—	—	—	—	—	—	—	P	—	—	P	P			
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Utility Services, Intermediate	L	L	L	L	L	L	L	L	L	L	P	P	L	P	P	P	L		5.03.03.B

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C2	CN	I1	I2	PF	MUDT	MU	Standards
Utility Services, Major	—	—	—	—	—	—	—	—	—	—	P	P		P	P	P	—		
Wireless Transmission Facility, 40' or less	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		5.03.03.C
Wireless Transmission Facility, over 40'	—S	—	—	—	—	—	—	—	—	—	—	S	—	—	S	S	—		5.03.03.C

6.02.04. Commercial Uses

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C3	CN	I1	I2	PF	MUDT	MU	Standards
Overnight Accommodations																			
Bed and Breakfast	S	S	S	S	S	S	S	S	—	L	S	—	L	—	—	—	L		5.03.04.B
Bed and Breakfast with Events	S	S	S	S	S	S	S	S	—	L	S	—	L	—	—	—	L		5.03.04.B, 5.03.04.C
	—	—	—	—	—	—	—	—	—	S	P	P	S	S	—	—	P		
Hotel	—S	—	—	—	—	—	—	—	—	—S	P	P	—	P	—	—	P		
	—	—	—	—	—	—	—	—	—	—	P	P	—	P	—	—	—S		
Hotel, Extended Stay	—	—	—	—	—	—	—	—	—	—	—	P	—	P	—	—	—		
Motel	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	—		
Campground or RV Park	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		
Food and Beverage Establishments																			
Restaurant, General	—	—	—	—	—	—	—	—	—	P	L	P	L	P	S	L	P		5.03.04.A
Restaurant, Drive-Through	—	—	—	—	—	—	—	—	—	S	L	P	S	L	S	—	S		5.03.04.A, 5.03.04.D
Bar	—	—	—	—	—	—	—	—	—	S	L	L	S	—L	—	—	S		5.03.04.A, 5.03.04.E
Micro Brewery, Micro Winery, or Micro Distillery	—	—	—	—	—	—	—	—	—	L	L	L	L	—L	—	—	L		5.03.04.A, 5.03.04.F

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C3	CN	I1	I2	PF	MUDT	MU	Standards
Food Catering Services	—	—	—	—	—	—	—	—	—	S	P	P	S	P	P	—	P		
Permanent Mobile or Outdoor Food Vendor	—	—	—	—	—	—	—	—	—	S	S	L	S	L	L	—	S	L	5.03.04.G
Entertainment and Recreation																			
Live Music /Entertainment	—	—	—	—	—	—	—	—	—	—	L	L	—	L	—	—	L		5.03.04.H
Dance Hall or Nightclub	—	—	—	—	—	—	—	—	—	—	L	L	—	L	—	—	S		5.03.04.A, 5.03.04.E
Theater, Movie or Live	—	—	—	—	—	—	—	—	—	—	L	P	—	—	—	—	S		5.03.04.I
Membership Club or Lodge	—	—	—	—	—	—	—	—	—	—	L	P	—	—	—	—	S		5.03.04.A
Sexually Oriented Business	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—		
Major Event Entertainment	S	—	—	—	—	—	—	—	—	—	—	S	—	—	S	S	—		
Event Facility	S	—	—	—	—	—	—	—	—	S	S	L	S	L	—	L	L		W
Athletic Facility, Indoor or Outdoor	—	—	—	—	—	—	—	—	—	—	L	L	—	—	P	L	—		5.03.04.J
Commercial Recreation	—	—	—	—	—	—	—	—	—	—	L	L	—	—	—	—	S		5.03.04.A, 5.03.04.J
Driving Range	L	—	—	—	—	—	—	—	—	—	—	L	—	—	P	—	—		5.03.04.J
Firing Range, Indoor	S	—	—	—	—	—	—	—	—	—	—	S	—	S	S	S	—		
Firing Range, Outdoor	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		
Health Services																			
Home Health Care Services	—	—	—	—	—	—	—	—	—	L	L	P	L	P	—	—	P		5.03.04.A
Medical or Dental Office	—	—	—	—	—	—	—	—	—	L	L	P	L	—	P	—	P		5.03.04.A
Medical or Dental Clinic	—	—	—	—	—	—	—	—	—	L	L	P	L	—	P	—	S		5.03.04.A
Urgent Care Facility	—	—	—	—	—	—	—	—	—	—	L	P	—	—	—	—	S		5.03.04.A
Professional and Business Offices																			
General Office	—	—	—	S	—	—	—	—	—	P	L	P	P	P	P	—	L		5.03.04.A, 5.03.04.K
Integrated Office Center	—	—	—	—	—	—	—	—	—	S	L	P	S	P	P	—	P		5.03.04.A, 5.03.04.K

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C3	CN	I1	I2	PF	MUDT	MU	Standards
Data Center	—	—	—	—	—	—	—	—	—	L	—	L	L	P	P	—	—		5.03.04.L
Consumer Retail Sales and Services																			
General Retail	—	—	—	—	—	—	—	—	—	L	L	P	L	P	—	—	L		5.03.04.A, 5.03.04.M
Landscape Supply Sales/Garden Center	P	—	—	—	—	—	—	—	—	—	L	P	—	P	—	—	—		5.03.04.A
Farmer's Market	P	—	—	—	—	—	—	—	—			P	—	—	—	—	P		
Flea Market	S	—	—	—	—	—	—	—	—	—	—	S	—	—	—	—	—		
Artisan Studio and Gallery	P	—	—	—	—	—	—	—	—	—	L	P	—	P	P	—	P		5.03.04.A
Personal Services	—	—	—	—	—	—	—	—	—	L	L	P	L	P	—	—	P		5.03.04.A
Personal Services, Restricted	—	—	—	—	—	—	—	—	—	—	S	S	—	S	—	—	S		
Dry Cleaning Service, Drop-off Only	—	—	—	—	—	—	—	—	—	L	L	P	L	L	—	—	P		5.03.04.A
Laundromat	—	—	—	—	—	—	—	—	—	L	L	P	L	—	—	—	P		5.03.04.A
Printing, Mailing and Reproduction Services	—	—	—	—	—	—	—	—	—	L	L	P	L	L	—	—	P		5.03.04.A
Fitness Center	—	—	—	—	—	—	—	—	—	L	L	P	L	L	—	—	P		5.03.04.A
Banking and Financial Services	—	—	—	—	—	—	—	—	—	—	L	P		—	—	—	P		5.03.04.A, 5.03.04.D
Small Engine Repair	—	—	—	—	—	—	—	—	—	—	—	P	—	P	P	—	—		
Funeral Home	—	—	—	—	—	—	—	—	—	—	L	P	—	—	—	—	—		5.03.04.A
Kennel	L	—	—	—	—	—	—	—	—	—	—	L	—	L		—	—		5.03.04.N
Veterinary Clinic, Indoor Pens Only	P	—	—	—	—	—	—	—	—	—	L	P	—	—	—	—	P		5.03.04.A
Veterinary Clinic, Indoor or Outdoor Pens	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		
Self Storage, Indoor	—	—	—	—	—	—	—	—	—	—	S	S	—	—	P	—	—		5.03.04.O
Self Storage, Outdoor	—	—	—	—	—	—	—	—	—	—	—	S	—	—	L	—	—		5.03.04.O

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C3	CN	I1	I2	PF	MUDT	MU	Standards
Commercial Sales and Services																			
Commercial Document Storage	—	—	—	—	—	—	—	—	—	—	P	—		P	P	—	—		
Event Catering and Equipment Rental Services	—	—	—	—	—	—	—	—	—	—	—	P	—	P	P	—	—		
Furniture Repair and Upholstery	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—		
Heavy Equipment Sales and Repair	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—		
Pest Control or Janitorial Services	—	—	—	—	—	—	—	—	—	—	L	L	—	P	P	—	—		5.03.04.A, 5.03.04.P
Office/Showroom	—	—	—	—	—	—	—	—	—	—	L	L	—	P	P	—	—		5.03.04.Q
Wholesale Showrooms	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—		
Greenhouse, Wholesale	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		
Stone, Mulch or Dirt Sales Yards	P	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—		
Manufactured Housing Sales	—	—	—	—	—	—	—	—	—	—	—	-	—	—	P	—	—		
Automotive Sales and Services																			
Automobile Sales, Rental or Leasing Facility	—	—	—	—	—	—	—	—	—	—	—	S	—	—	P	—	—		5.03.04.R
Commercial Vehicle Sales, Rental or Leasing Facility	—	—	—	—	—	—	—	—	—	—	—	S	—	—	P	—	—		5.03.04.S
Automobile Parts and Accessories Sales, Indoor	—	—	—	—	—	—	—	—	—	—	S	P	—	—	—	—	—		5.03.04.A
Automobile Parts and Accessories Sales, Outdoor	—	—	—	—	—	—	—	—	—	—	—		—	—	P	—	—		
Automobile Repair and Service, Limited	—	—	—	—	—	—	—	—	—	—	—	P	—	P	P	—	—		
Automobile Repair and Service, General	—	—	—	—	—	—	—	—	—	—	—	S	—	S	P	—	—		5.03.04.T

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C3	CN	I1	I2	PF	MUDT	MU	Standards
Fuel Sales	—	—	—	—	—	—	—	—	—	—	S	S	—	S	S	—	—		5.03.04.U
Fuel Sales with more than ten multi-fuel dispensers	—	—	—	—	—	—	—	—	—	—	—	S	—	—	S	—	—		5.03.04.V
Car Wash	—	—	—	—	—	—	—	—	—	—	S	S	—	S	S	—	—		5.03.04.W
Recreational Vehicle Sales, Rental or Service	—	—	—	—	—	—	—	—	—	—	—	S	—	—	P	—	—		
Towing Services and Impound Lots	—	—	—	—	—	—	—	—	—	—	—	—	—	—	L	—	—		5.03.04.X

6.02.05. Industrial Uses

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C2	CN	I1	I2	PF	MUDT	MU	Standards
Contractor Services, General	—	—	—	—	—	—	—	—	—	—	—	—	—	S	P	—	—		5.03.05.B
Movie Production	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—		
Office/Warehouse	—	—	—	—	—	—	—	—	—	—	—	L	—	P	P	—	—		5.03.05.C
Research, Testing and Development Lab	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—		
Manufacturing, Processing and Assembly, Limited	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—		
Manufacturing, Processing and Assembly, General	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—		
Warehousing and Distribution, Limited	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—		
Warehousing and Distribution, General	—	—	—	—	—	—	—	—	—	—	—	—	—	S	P	—	—		
Truck Terminal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—		
Lumber Yard	—	—	—	—	—	—	—	—	—	—	—	S	—	—	P	—	—		
Dry Cleaning or Laundry Plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—		
Asphalt or Concrete Batch Plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—		

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C2	CN	I1	I2	PF	MUD T	MU	Standards
Resource Extraction	S	—	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—		
Oil Refinery and Distribution	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—		
Recycling Collection Center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—		
Waste Related Uses	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—		
Wrecking, Scrap or Salvage Yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—		
Storage Yard															L				5.03.05.D

6.02.06. Agricultural and Related Uses

Specific Use	AG	RE	TR	RS	RM	RM	MF1	MF2	MH	CN	C1	C2	CN	I1	I2	PF	MUD T	MU	Standards
Agricultural Operation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.03.06.A
Farm Stand	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		5.03.06.B
Petting Zoo	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		5.03.06.B
Commercial Feed Lot	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		5.03.06.B
Meat Market	L	—	—	—	—	—	—	—	—	—	S	S	—	—L	L	—	—S		5.03.06.B
Taxidermist	L	—	—	—	—	—	—	—	—	—	—	—	—	—S	L	—	—		5.03.06.B
Riding Academy	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		5.03.06.B

~~Section 6.03. Limited Use Standards~~

B. ~~6.03.01.~~Residential Use Standards

1. ~~A.~~Single-Family, Attached

An Attached Single-family dwelling is permitted in accordance with A above, **Section** ~~**Section 5.02**~~**6.02.010.A** and subject to the following standards and limitations:

a. ~~1.~~Both dwelling units shall be situated on separate legally platted lots.

b. ~~2.~~Attached single-family dwellings are not allowed in the Old Town Overlay District (established in ~~Section 4.08~~**Chapter 5**).

2. ~~B.~~Multifamily, Detached Dwelling Units

a. ~~1.~~Detached multifamily dwelling units are permitted in accordance with **Section** ~~**5**~~**6.02**.

b. Detached multifamily dwelling units require a Condominium Plat. No more than one main building is allowed per lot. Each lot must have access to a public street.

c. Parking must be located behind a main building and not be visible from the street.

d. First floor units must be accessed only by indoor entry within the building.

e. ~~2.~~A Special Use Permit, pursuant to ~~Section 3.07~~**Section 3.07**, is required for detached multifamily dwelling units as designated in the ~~T~~table ~~5.02.010~~in **Section 6.02.010.A** and is subject to the following conditions:

(i) ~~a.~~The location and context of the detached multifamily development shall be secondary and supportive to established surrounding commercial uses, helping to facilitate an active, pedestrian friendly environment where the mixture of uses enables people to live, work, play, and shop.

(ii) Connections within the development must be provided to ensure vehicular and pedestrian connectivity.

(iii) ~~b.~~Setbacks shall be in conformance with the setbacks of the ~~d~~District in which the detached multifamily development is proposed.

(iv) ~~c.~~Building height shall be in conformance with the building height of the ~~d~~District in which the detached multifamily development is proposed.

(v) ~~d.~~Detached multifamily development in all ~~d~~Districts shall also meet the building design standards of ~~Section 7.03~~**Section 8.04**, the lighting design standards of ~~Section 7.04~~**Section 8.05**, and the non-residential landscape requirements of ~~Section 8.04~~**Section 9.02**.

(vi) ~~e.~~Detached multifamily development in all ~~d~~Districts must also meet the common amenity area requirements of ~~Section 6.06.020~~**Section 7.05** and the parkland dedication requirements of ~~Section 13.08~~**Section 15.08**.

f. ~~3.~~In addition to the requirements of **Section** ~~5.02.020.G.2~~**6.02.010.B.2.e**, when reviewing the conceptual site layout required per ~~Section 3.07~~**Section 3.07**, the City Council may consider and add conditions, provided the requirements of the ~~z~~Zoning ~~d~~District are not exceeded, to the Special Use Permit~~,~~ including, but not limited to, the following:

(i) ~~a.~~Location of the development;

(ii) ~~b.~~Amount of lot frontage along a commercial corridor;

(iii) ~~c.~~Dwelling units per acre (maximum 24);

(iv) ~~d.~~Maximum building heights;

(v) ~~e.~~Dwelling units per structure;

(vi) ~~f.~~Type and number of amenities;

(vii) ~~g.~~Accessory structures;

(viii) ~~h.~~Ingress and egress locations; and

(ix) ~~i.~~Landscape buffers.

3. ~~C.~~Multifamily, Attached Dwelling Units

a. ~~1.~~Attached multifamily dwelling units are permitted in accordance with **Section ~~5~~6.02**.

b. No more than one main building is allowed per lot. Each lot must have access to a public street.

c. Each building must front along a public street or regional trail, except as permitted in **Section 11.03.040.C**.

d. Parking must be located behind a main building and not be visible from the street.

e. First floor units must be accessed only by indoor entry within the building.

f. ~~2.~~A Special Use Permit, pursuant to ~~Section 3.07~~**Section 3.10**, is required for attached multifamily dwelling units as designated in ~~Table 5.02.010~~**6.02.010** and is subject to the following conditions:

(i) ~~a.~~The location and context of the attached multifamily development shall be secondary and supportive to established surrounding commercial uses, helping to facilitate an active, pedestrian friendly environment where the mixture of uses enables people to live, work, play, and shop.

(ii) Connections within the development must be provided to ensure vehicular and pedestrian connectivity.

(iii) ~~b.~~Impervious coverage for attached multifamily developments in a C-1, C-~~3~~2 or ~~BP~~I-1 ~~d~~District shall be limited to ~~fifty percent (~~50%~~)~~.

(iv) ~~c.~~Front setbacks shall be in conformance with the front setback of the ~~d~~District in which the attached multifamily development is proposed. Side and rear setbacks for attached multifamily developments in a C-1, C-~~3~~2 or ~~BP~~I-1 ~~d~~District shall be 15 feet, except where located adjacent to a ~~r~~Residential ~~z~~Zoning ~~d~~District the side and rear setbacks shall increase to 30 feet.

(v) ~~d.~~Building height shall be in conformance with the building height of the ~~d~~District in which the attached multifamily development is proposed.

(vi) ~~e.~~A minimum building separation of 15 feet shall be provided between all buildings on the site.

(vii) ~~f.~~Attached multifamily development in all ~~d~~Districts must also meet the building design standards of ~~Section 7.03~~**Section 8.04**, the lighting design standards of ~~Section 7.04~~**Section 8.05**, and the non-residential landscape requirements of ~~Section 8.04~~**Section 9.03**.

(viii) ~~g.~~Attached multifamily development in all ~~d~~Districts must also meet the common amenity area requirements of ~~Section 6.06.020~~**Section 7.05** and the parkland dedication requirements of ~~Section 13.08~~**Section 15.08**.

(ix) ~~h.~~Multifamily development existing prior to May 27, 2014, or depicted on a Site Plan approved prior to May 27, 2014, shall be exempt from the requirements of the limitations of this ~~S~~section, except that any expansion to that development shall require Special Use Permit approval in accordance with this ~~S~~section.

g. ~~3.~~In addition to the requirements of ~~Section 5.02.020.E.2~~f above, when reviewing the conceptual site layout required per ~~Section 3.07~~**Section 3.10**, the City Council may consider and add conditions provided the requirements of the ~~z~~Zoning ~~d~~District are not exceeded, to the Special Use Permit~~,~~ including, but not limited to, the following:

(i) ~~a.~~Location of the development;

(ii) ~~b.~~Amount of lot frontage along a commercial corridor;

(iii) ~~c.~~Dwelling units per acre (maximum 24);

(iv) ~~d.~~Maximum building heights;

(v) ~~e.~~Dwelling units per structure;

(vi) ~~f.~~Type and number of amenities;

(vii) ~~g.~~Accessory structures;

(viii) ~~h.~~Ingress and egress locations; and

(ix) ~~i.~~Landscape buffers.

4. ~~D.~~Accessory Dwelling Unit

An accessory dwelling unit is permitted in accordance with **Section ~~5~~6.02 and Section 7.04,** and subject to the following standards and limitations:

a. ~~1.~~No more than one accessory dwelling unit per primary residence is permitted per lot.

b. ~~2.~~An accessory dwelling unit is permitted as a subordinate use, provided that it is limited to ~~25 percent (25~~50%~~)~~ of the primary dwelling unit, and not to exceed 1,000 square feet.

c. ~~3.~~A minimum of three parking spaces shall be available on-site providing the minimum two spaces required for the primary residence with one additional parking space provided for the accessory dwelling unit.

d. ~~4.~~The accessory dwelling unit must remain on the same electric and water meters as the primary residence.

~~5. Rental of an accessory dwelling unit should be limited to owner occupied properties.~~

~~6. An accessory dwelling unit may be permitted by right as part of a Housing Diversity Development, as detailed in Section 6.08.020.~~

5. ~~E.~~Second Dwelling Unit

Within the AG, Agriculture District, in accordance with **Section ~~5~~6.02** , one additional primary dwelling unit may be constructed upon a lot or parcel for every 30 acres or portion thereof (i.e., one dwelling unit allowed for 30 acres or less, two dwelling units allowed for 31 acres or more, three dwelling units allowed for 61 acres or more, etc.). The additional dwelling unit(s) is limited to use by an agricultural employee, a caretaker, family members, or guests of the property owner and must comply with all setback and design standards of the AG District.

6. ~~F.~~Upper-Story Residential

Upper-story residential dwellings are permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~The first floor shall not include the living space of any residential dwelling.

b. ~~2.~~Separate designated parking spaces for the residential dwellings are required pursuant to ~~Section 9.02~~**Section 11.02**.

c. ~~3.~~Upper-story residential dwellings in the CN, ~~,~~ I-1 Districts shall meet the following provisions in addition to Subsections ~~1~~a and ~~2~~b above:

(i) ~~a.~~The residential dwelling shall be secondary to the primary use.

(ii) ~~b.~~The gross floor area of the entire building shall not include more than 50 ~~percent (50~~%~~)~~ residential uses.

7. ~~G.~~Home-Based Business

Home-Based Businesses are permitted in accordance with **Section ~~5~~6.02** and subject to the standards and limitations:

a. ~~1.All Home-Based Businesses must be~~Nothing in this section shall be applied or enforced to prohibit the operation of, or to require a license, permit, or other approval for, a no-impact ~~h~~Home-~~based~~Base ~~b~~Business~~.~~ as defined by Section ~~In accordance with Sec.~~ 229.902 of the Texas Local Government Code~~, a "no-impact home-based business" means a home-based business that:~~. The limitations in this section apply to a Home-Based Business only to the extent consistent with that section.

b. The Home-Based Business shall be conducted entirely within a dwelling unit or attached garage.

c. Neither the interior, nor the exterior of the dwelling unit shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the Home-Based Business. This provision shall not prohibit the construction of an accessory building as permitted by a residential zoning district.

d. The Home-Based Business shall not interfere with the use of the garage as a required parking space under this code.

e. No equipment, goods, supplies, or materials associated with the Home-Based Business shall be displayed or stored where visible from an abutting right-of-way or at the property line of an abutting property at a point six (6) feet above the finished grade.

f. ~~a.Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;~~

~~b.~~ ~~Does not~~ The sale of merchandise directly to a customer on the premises is permitted; provided, however, the business does not generate on-street parking ~~or~~, a substantial increase in traffic ~~through the area;~~

~~c.~~ ~~Operates in a manner in which none of its~~, or activit~~ies~~y ~~are~~ visible from ~~a~~the street~~; and~~, and otherwise complies with the section.

~~d. Does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule.~~

~~2. All Home-Based Businesses must comply with federal, state, and local law, including:~~

~~a. The municipal fire and building code; and~~

~~b. Municipal regulations related to:~~

~~(i) Health and sanitation;~~

~~(ii) Transportation or traffic control;~~

(iii) Solid or hazardous waste; or

(iv) Pollution and noise control;

3. All Home-Based Businesses must be compatible with the residential use of the property where the business is located.

a. The Director will determine whether the Home-Based Business is compatible with the residential use of the property. The Director's decision may be appealed to the Planning & Zoning Commission. The Commission's decision may be appealed to the City Council.

g. The Home-Based Business shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit.

h. 4.AllA Home-Based Businesses must be secondary to the use of the property as a residential dwelling.shall not generate more than 16 single directional vehicle trips each day of customer-related vehicular traffic, except that this limit shall not be applied to prohibit a no-impact Home-Based Business.

5. The City reserves the right to limit or prohibit the operation of a Home-Based Business that:

a. Sells alcohol or illegal drugs;

b. Is a structured sober living home; or

i. The total number of employees and customers on the premise at one time shall not exceed the applicable occupancy limits.

j. c.Is a sexually oriented business as defined by Sec. 243.002 of the Texas Local Government Signs shall meet the requirements of this Ccode.

6.02.020. ~~6.03.02.~~Civic Uses and Standards

A. Civic Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C3	I1	I2	PF	MU DT	Standards
Educational and Day Care Facilities																
Day Care, Commercial	—	—	—	—	—	L	L	—	L	L	L	L	—	—	S	B.2
Day Care, Group	S	S	S	S	S	L	L	L	L	L	L	L	—	—	L	B.2
Day Care, Residential Home	L	L	L	L	L	L	L	L	—	—	—	—	—	—	L	B.2
School, Boarding	L	—	—	—	—	—	—	—	—	—	—	—	—	L	—	B.1
School, Business or Trade	L	—	—	—	—	—	—	—	L	L	L	L	L	L	S	B.1
School, College or University	L	—	—	—	—	—	—	—	—	L	L	—	—	L	L	B.1
School, Elementary	L	L	L	L	L	L	L	—	L	L	L	—	—	L	—	B.1
School, High	L	—	—	—	—	—	—	—	—	L	L	—	—	L	—	B.1
School, Middle	L	S	S	S	S	S	S	—	L	L	L	—	—	L	—	B.1
Government and Community Facilities																
Activity Center, Youth or Senior	S	S	S	S	S	S	S	—	L	L	L	—	—	L	S	B.1
Animal Shelter	L	—	—	—	—	—	—	—	—	—	—	—	L	L	—	B.1
Community Center	—	—	—	S	—	—	—	—	S	L	L	—	—	L	S	B.1
Correctional Facility	S	—	—	—	—	—	—	—	—	—	S	—	S	S	S	
Emergency Services Station	S	S	S	S	S	S	S	—	P	P	P	P	P	P	P	B.1
Government or Postal Office	—	—	—	—	—	—	—	—	~~—~~ P	P	P	P	P	P	P	
~~P~~ Library or Museum	—	—	—	—	—	—	—	—	~~—~~ P	P	P	~~P~~ —	—	P	P	
Social Service Facility	—	—	—	—	—	—	—	—	~~—~~ S	P	P	~~S~~ —	—	P	S	
Medical and Institutional Facilities																
Blood or Plasma Center	—	—	—	—	—	—	—	—	—	P	P	—	—	—	-	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C3	I1	I2	PF	MU DT	Standards
Hospital	—	—	—	—	—	—	—	—	—		P	—	~~—~~S	P	S	
Hospital, Psychiatric	—	—	—	—	—	—	—	—	—	—	~~—~~S	—	~~—~~S	S	-	
Substance Abuse Treatment Facility	—	—	—	—	—	—	—	—	—	—	~~—~~S	—	~~—~~S	S	—	
Places of Worship																
Religious Assembly Facilities	L	L	L	L	L	L	L	—	L	L	L	L	—	L	L	**B.1**
Religious Assembly Facilities with Columbaria	L	L	L	L	L	L	L	—	L	L	L	L	—	L	L	**B.1, B.4**
Parks and Open Spaces																
Cemetery, Columbaria, Mausoleum or Memorial Park	S	—	—	S	—	—	—	—	—	—	S	—	S	S	—	
Golf Course	L	L	L	L	L	L	L	—	—	—	—	—	—	L	—	**B.1**
Nature Preserve or Community Garden	P	L	L	L	L	L	L	—	P	P	P	P	P	P	P	
Neighborhood Amenity, Activity, or Recreation Center	L	L	L	L	L	L	L	L	—	L	L	—	—	—	—	**B.1**
Public Park, Neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.1**
Public Park, Regional	L	—	—	—	—		—	—	—	L	L	—	—	L	—	**B.1**

B. Civic Use Standards

1. ~~A.~~All Civic Uses

All Civic Uses as noted above, except Day Care, shall meet the following provisions, where applicable per **Section ~~5~~6.02**~~.~~. Uses that require a Special Use Permit, in accordance with **Section ~~5~~6.02**, shall meet the following criteria in addition to securing said permit.

a. ~~1.~~Any outdoor recreational playing field shall be set back 50 feet from any property line.

b. ~~2.~~The principal vehicular entrance and exit shall be located on a collector-level street or higher, except as otherwise approved by the Development Engineer.

2. ~~B.~~Day Care

Day care facilities are permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~All day care facilities shall be licensed by the ~~S~~state and meet the minimum requirements for such facilities.

b. ~~2.~~Outdoor play or instruction areas, playground equipment, and pools shall be located in the side or rear yards and screened from adjacent property by an opaque fence no less than ~~six~~6 feet in height.

c. ~~3.~~Day care facilities in ~~r~~Residential ~~z~~Zoning ~~d~~Districts may only operate between the hours of 6:00 a.m. and 7:00 p.m. Day care facilities in CN ~~z~~Zoning ~~d~~Districts may only operate between the hours of 6:00 a.m. and 10:00 p.m. Hours of operation are not limited for day care facilities in other Non-Residential Zoning Districts.

d. ~~4.~~A family home day care shall employ only residents of the premises, including all paid and unpaid care providers.

e. ~~5.~~A family home day care is allowed only one non-illuminated identification sign, provided the sign is mounted on the exterior wall of the dwelling and has an area no greater than ~~two~~2 square feet.

3. ~~C.~~Animal Shelter

An animal shelter is permitted in accordance with **Section ~~5~~6.02** and limited to a required separation of at least 300 feet from the shelter to a residential structure that is located on any property in separate ownership.

4. ~~D.~~Religious Assembly Facilities with Columbaria

A columbaria, consistent with the definition of Texas Health and Safety Code § 711.008(b)(2), is permitted in accordance with **Section ~~5~~6.02** as an accessory use, subordinate and incidental to, a Religious Assembly Facility, subject to the following standards and limitations.

~~1.~~

a. ~~2.~~A columbaria located outdoors shall be subject to the following standards:

(i) ~~a.~~The columbaria shall be set back a minimum of 25 feet from the property line.

(ii) ~~b.~~The columbaria shall not exceed ~~eight~~8 feet in height.

(iii) ~~c.~~Landscaping shall be provided at a ratio of ~~two~~2 square feet of landscaping for each square foot of columbaria area, in addition to the minimum requirements of ~~Chapter 8 of this Code~~**Chapter 9**. Said landscaping shall be incorporated into the overall design and placement of the columbaria.

b. ~~3.~~The establishment of a columbaria shall be subject to Site Plan review pursuant to ~~Section 3.09 of this Code~~**Section 3.17**.

c. ~~4.~~Upon discontinuance of the Religious Assembly Facility, the columbaria shall be relocated in compliance with all applicable ~~S~~state laws.

6.02.030. ~~6.03.03.~~Transportation and Utility Uses and Standards

A. Transportation and Utility Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Airport	S	—	—	—	—	—	—	—	—	—	—	—	S	S	—	
Bus Barn	—	—	—	—	—	—	—	—	—	—	S	—	P	P	—	
Heliport	—S	—	—	—	—	—	—	—	—	—	L	L	L	L	L	**B.1**
Parking Lot, Commercial	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	
Parking Lot, Off-Site	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	
Park-n-Ride Facility	—	—	—	—	—	—	—	—	—P	P	P	P	P	P	P	
~~P~~ Private Transport Service Dispatch Facility	—	—	—	—	—	—	—	—	—	—S	P	—	—P	—	S	
Rail or Transit Yard	—	—	—	—	—	—	—	—	—	—	—	—	—P	—	—	
Transit Passenger Terminal	—	—	—	—	—	—	—	—	—	—	—P	—	—P	P		
Utility Services, Intermediate	L	L	L	L	L	L	L	L	L	P	P	P	P	P	L	**B.2**
Utility Services, Major	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wireless Transmission Facility, 40' or less	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.3**
Wireless Transmission Facility, over 40'	—S	—	—	—	—	—	—	—	—	—	S	—	S	S	—	**B.3**

B. Transportation and Utility Use Standards

1. ~~A.~~Heliports

Heliports are permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~A heliport may be utilized without a Special Use Permit only as an accessory use to a hospital or government facility.

b. ~~2.~~A heliport may be utilized with a Special Use Permit in the following situations:

(i) ~~a.~~An accessory use to a full-service hotel, office building, or convention center if the structure is over 100 feet in height and the heliport landing pad is located on the rooftop of such a structure; or

(ii) ~~b.~~An accessory use to a business park that is a minimum of 40 total acres.

2. ~~B.~~Utilities Services, Intermediate

Intermediate Utility Services are permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~Any structure associated with the use shall be set back 25 feet from the property line of a residentially-zoned property.

b. ~~2.~~An enclosed fence or wall at least ~~six~~6 feet in height shall be constructed at the boundaries of any structure or apparatus associated with the use.

c. ~~3.~~The intermediate utility use shall be screened with large evergreen shrubs planted ~~four~~4 feet on center and staggered 30 to 36 inches, located exterior to any required fencing.

d. ~~4.~~The facility shall be secured.

3. ~~C.~~Wireless Transmission Facility

See **Section ~~5.04~~6.03**.

6.02.040. ~~6.03.04.~~Commercial Uses and Standards

A. Commercial Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Overnight Accommodations																
Bed and Breakfast	S	S	S	S	S	S	S	—	L	S	—	—	—	—	L	**B.2**
Bed and Breakfast with Events	S	S	S	S	S	S	S	—	L	S	—	—	—	—	L	**B.2, B.3**
Campground or RV Park	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Hotel, Extended Stay	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	
Hotel	S	—	—	—	—	—	—	—	S	P	P	P	—	—	P	**B.4**
Motel	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	
Food and Beverage Establishments																
Bar	—	—	—	—	—	—	—	—	S	L	L	L	—	—	S	**B.1, B.6**
Food Catering Services	—	—	—	—	—	—	—	—	S	P	P	P	P	—	P	
Micro Brewery, Micro Winery, or Micro Distillery	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	**B.1, B.7**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Permanent Mobile or Outdoor Food Vendor	—	—	—	—	—	—	—	—	S	S	L	L	L	—	S	B.8
Restaurant, Drive-Through	—	—	—	—	—	—	—	—	S	L	P	L	S	—	S	B.1, B.5
Restaurant, General	—	—	—	—	—	—	—	—	P	L	P	P	S	L	P	B.1
Entertainment and Recreation																
Athletic Facility, Indoor or Outdoor	—	—	—	—	—	—	—	—	—	L	L	—	P	L	—	B.11
Commercial Recreation	—	—	—	—	—	—	—	—	—	L	L	—	—	—	S	B.1, B.11
Dance Hall or Nightclub	—	—	—	—	—	—	—	—	—	L	L	L	—	—	S	B.1, B.6
Driving Range	L	—	—	—	—	—	—	—	—	—	L	—	P	—	—	B.11
Firing Range, Indoor	S	—	—	—	—	—	—	—	—	—	S	S	S	S	—	
Firing Range, Outdoor	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Live Music/ Entertainment/ Event Facility	—	—	—	—	—	—	—	—	—	L	L	L	—	L	L	B.9
Major Event Entertainment	S	—	—	—	—	—	—	—	—	—	S	—	S	S	—	
Membership Club or Lodge	—	—	—	—	—	—	—	—	—	L	P	—	—	—	S	B.1
Sexually Oriented Business	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Theater, Movie or Live	—	—	—	—	—	—	—	—	—	L	P	—	—	—	S	B.10
Health Services																
Home Health Care Services	—	—	—	—	—	—	—	—	L	L	P	P	—	—	L	B.1
Medical or Dental Clinic	—	—	—	—	—	—	—	—	L	L	P	P	P	—	S	B.1
Medical or Dental Office	—	—	—	—	—	—	—	—	L	L	P	P	P	—	L	B.1
Urgent Care Facility	—	—	—	—	—	—	—	—	—	L	P	—	—	—	S	B.1
Professional and Business Offices																

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Data Center	—	—	—	—	—	—	—	—	-	—	L	P	P	—	—	**B.13**
General Office	—	—	—	S	—	—	—	—	P	L	P	P	P	—	L	**B.1, B.12**
Integrated Office Center	—	—	—	—	—	—	—	—	S	L	P	P	P	—	P	**B.1, B.12**
Consumer Retail Sales and Services																
Artisan Studio and Gallery	P	—	—	—	—	—	—	—	—	L	P	P	P	—	P	**B.1**
Banking and Financial Services	—	—	—	—	—	—	—	—	—	L	P	—	—	—	P	**B.1, B.5**
Dry Cleaning Service, Drop-off Only	—	—	—	—	—	—	—	—	L	L	P	L	—	—	P	**B.1**
Farmer's Market	P	—	—	—	—	—	—	—			P	—	—	—	P	
Fitness Center	—	—	—	—	—	—	—	—	L	L	P	L	—	—	P	**B.1**
Flea Market	S	—	—	—	—	—	—	—	—	—	S	—	—	—	—	
Funeral Home	—	—	—	—	—	—	—	—	—	L	P	—	—	—	—	**B.1**
General Retail	—	—	—	—	—	—	—	—	L	L	P	P	—	—	L	**B.1, B.14**
Kennel	L	—	—	—	—	—	—	—	—	—	L	L		—	—	**B.15**
Landscape Supply Sales/Garden Center	P	—	—	—	—	—	—	—	—	L	P	P	—	—	—	**B.1**
Laundromat	—	—	—	—	—	—	—	—	L	L	P	—	—	—	P	**B.1**
Personal Services	—	—	—	—	—	—	—	—	L	L	P	P	—	—	P	**B.1**
Personal Services, Restricted	—	—	—	—	—	—	—	—	—	S	S	S	—	—	S	
Printing, Mailing and Reproduction Services	—	—	—	—	—	—	—	—	L	L	P	L	—	—	P	**B.1**
Self-Storage, Indoor	—	—	—	—	—	—	—	—	—	S	S	—	P	—	—	**B.16**
Self-Storage, Outdoor	—	—	—	—	—	—	—	—	—	—	S	—	L	—	—	**B.16**
Small Engine Repair	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Veterinary Clinic, Indoor or Outdoor Pens	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Veterinary Clinic, Indoor Pens Only	P	—	—	—	—	—	—	—	—	L	P	—	—	—	P	**B.1**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Commercial Sales and Services																
Commercial Document Storage	—	—	—	—	—	—	—	—	—	—P	—	-P	P	—	—	
Event Catering and Equipment Rental Services	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Furniture Repair and Upholstery	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Greenhouse, Wholesale	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Heavy Equipment Sales and Repair	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Manufactured Housing Sales	—	—	—	—	—	—	—	—	—	—	-	—	P	—	—	
Office/Showroom	—	—	—	—	—	—	—	—	—	L	L	P	P	—	—	**B.18**
Pest Control or Janitorial Services	—	—	—	—	—	—	—	—	—	L	L	P	P	—	—	**B.1, B.17**
Stone, Mulch or Dirt Sales Yards	P	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Wholesale Showrooms	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Automotive Sales and Services																
Automobile Parts and Accessories Sales, Indoor	—	—	—	—	—	—	—	—	—	S	P	—	—	—	—	**B.1**
Automobile Parts and Accessories Sales, Outdoor	—	—	—	—	—	—	—	—	—	—		—	P	—	—	
Automobile Repair and Service, General	—	—	—	—	—	—	—	—	—	—	S	S	P	—	—	**B.21**
Automobile Repair and Service, Limited	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Automobile Sales, Rental or Leasing Facility	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	**B.19**
Car Wash	—	—	—	—	—	—	—	—	—	S	S	S	S	—	—	**B.24**
Commercial Vehicle Sales,	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	**B.19.e(vii)(a)**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Rental or Leasing Facility																
Fuel Sales	—	—	—	—	—	—	—	—	—	S	S	S	S	—	—	**B.22**
Fuel Sales with more than ten multi-fuel dispensers	—	—	—	—	—	—	—	—	—	—	S	—	S	—	—	**B.23**
Recreational Vehicle Sales, Rental or Service	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	
Towing Services and Impound Lots	—	—	—	—	—	—	—	—	—	—	—	—	L	—	—	**B.25**

B. Commercial Use Standards

1. ~~A.~~Building Size Limitation

   a. ~~1.~~In the CN District, the floor-to-area ratio shall not exceed 0.3. The maximum building size of each building on an individual lot or parcel shall be 7,500 square feet.

   b. ~~2.~~In the C-1 District, the floor-to-area ratio shall not exceed 0.5.

2. ~~B.~~Bed and Breakfast

   A Bed and Breakfast establishment is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

   a. ~~1.~~All Districts

      (i) ~~a.~~No more than eight guestrooms per property shall be allowed, and if more than one building is located on a Bed and Breakfast property, no more than six guestrooms shall be allowed in any one building.

      (ii) ~~b.~~No food preparation, except beverages, is allowed within individual guestrooms. No stove, range, hot plate, toaster oven, or microwave shall be allowed in any guestrooms; however, a small microwave is permitted in outbuilding guest rooms.

      (iii) ~~c.~~Preparation and service of food shall conform to all applicable regulations of the State of Texas and Williamson County.

      (iv) ~~d.~~The owner shall keep a current guest register including names, contact information, and dates of occupancy for all guests.

      (v) ~~e.~~On-site parking (except driveways) shall not be located in the front yard and shall be screened from the view of adjacent residences to a height of ~~six~~6 feet by a solid screening fence or dense shrubs and vegetation. Temporary fences shall not be permitted.

      (vi) ~~f.~~Guestroom rentals shall not be allowed for more than 15 consecutive days.

   b. ~~2.~~Residential Districts

      Bed and Breakfast ~~E~~establishments in any residential ~~d~~District shall be subject to all of the standards and limitations of Subsection ~~1~~a above. In addition, a Special Use Permit, pursuant to ~~Section 3.07~~**Section 3.10**, is required for a Bed and Breakfast establishment in any designated residential ~~d~~District and is subject to the following conditions:

(i) ~~a.~~The operator of the Bed and Breakfast must be a full-time resident of the main dwelling on the property in which the Bed and Breakfast establishment is located.

(ii) ~~b.~~Signage shall be restricted to one sign attached to the wall of the main dwelling that is a maximum of 12 square feet, and one monument sign no larger than ~~six~~6 square feet. However, the total signage on the site shall not exceed 15 square feet. No additional advertising of any kind is allowed on site.

(iii) ~~c.~~Carriage houses, garage apartments, secondary free-standing houses, or similar dwellings that contain a full service kitchen and are proposed to be used for Bed and Breakfast operations shall remove the food preparation facilities prior to commencement of operation as a Bed and Breakfast.

3. ~~C.~~Bed and Breakfast with Events

A Bed and Breakfast with ~~e~~Events is permitted in accordance with **Section ~~5~~6.02** and subject to the standards and limitations noted below. A Bed and Breakfast with Events applies only to properties on which a Bed and Breakfast is located, and events (such as parties, receptions, fund raisers, and other similar functions) are held. The event shall be a subordinate use to a Bed and Breakfast and shall not include an event center, meeting facility, or other form of entertainment operation.

a. ~~1.~~All Districts

(i) ~~a.~~All provisions of Subsection ~~B~~2 above shall also apply to Bed and Breakfasts with Events.

(ii) ~~b.~~The following additional conditions and limitations shall apply to Bed and Breakfasts with Events in all permitted Districts:

(a) ~~(i)~~The Bed and Breakfast owner shall attend all events held on the property.

(b) ~~(ii)~~The event hours, including set up and take down, shall be limited to the following:

- ~~(a)~~Sunday through Thursday, 9:00 a.m. to 9:00 p.m.
- ~~(b)~~Friday and Saturday (and Sunday if it is a holiday weekend), 9:00 a.m. to 11:00 p.m.

(c) ~~(iii)~~Outdoor event areas shall not be located in the front yard and shall be screened from the view of adjacent properties to a height of ~~six~~6 feet by a solid screening fence or dense shrubs and vegetation. Temporary fencing is not permitted.

b. ~~2.~~Residential Districts

Special Use Permit for Bed and Breakfast with Events shall be required in all residential ~~d~~Districts pursuant to Section 3.07, subject to Subsections ~~B~~2 and ~~1~~a above, in addition to the following standards and limitations:

(i) ~~a.~~The Special Use Permit application for a Bed and Breakfast with Events shall include a description of the proposed operation; the maximum number of events per year, month, and week; the approximate number of attendees per event; hours of events and duration; location of the events (indoor or outdoor); parking plans; security measures; traffic control plans; and sanitation provisions.

(ii) ~~b.~~The City Council may add other conditions or limitations to the permit as it deems necessary in order to manage the scale and scope of the proposed events, minimize the negative impacts of the event(s) on the neighboring property owners, and protect the public health, safety, and welfare.

4. Hotel

a. A Special Use Permit for a hotel with more than 75 rooms shall be required in the Mixed-Use Downtown (MU-DT) Zoning District pursuant to **Section 3.10**.

5. ~~D.~~Drive-Through

   The speaker boxes of any drive-through shall meet one of the following location criteria:

   a. ~~1.~~Located more than 150 feet of the nearest property line of a residentially zoned property or residentially used property in the ETJ; or

   b. ~~2.~~Positioned such that no speaker or microphone is facing toward a property line of a residentially zoned property or residentially used property in the ETJ.

   c. ~~3.~~The below elements shall be completely screened from view at an adjoining property line of a residentially zoned property or, in the ETJ, a residentially used property. Screening shall be provided by a wall or other screening mechanism, not less than ~~eight~~8 feet in height, that has a similar finish to the primary structure. Screening shall be required for the following elements of Drive-Throughs:

      (i) ~~a.~~Queuing spaces

      (ii) ~~b.~~Order boxes

      (iii) ~~c.~~Order window

      (iv) ~~d.~~Drive-through pick up windows

6. ~~E.~~Bar, Tavern or Pub, Dance Hall or Nightclub

   A bar, tavern, pub, dance hall, or nightclub is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

   a. ~~1.~~The establishment shall be located no less than 300 feet from a church, public or private school or public hospital, subject to the measurements of the City Code of Ordinances.

   b. ~~2.~~The establishment is subject to the provisions of Chapter 6.40, Alcoholic Beverages, of the City Code of Ordinances.

7. ~~F.~~Micro Brewery, Micro Winery or Micro Distillery

   A micro brewery, micro winery, or micro distillery is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

   a. ~~1.~~A micro brewery, micro winery, or micro distillery shall be located no less than 300 feet from a church, public or private school or public hospital subject to the measurements of the City Code of Ordinances.

   b. ~~2.~~A micro brewery, micro winery, or micro distillery is subject to the provisions of Chapter 6.40, Alcoholic Beverages, of the City Code of Ordinances.

8. ~~G.~~Permanent Mobile or Outdoor Food Vendor

   Permanent Mobile or Outdoor Food Vendor is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

   a. ~~1.~~The Mobile or Outdoor Food Vendor(s) shall be a primary use on the property.

   b. ~~2.~~Each Mobile or Outdoor Food Vendor ~~shall have a City approved connection to City approved electric, water and wastewater services~~must comply with applicable building, fire, plumbing, electrical, and health regulations related to utility service, consistent with state law.

   c. ~~3.~~A Mobile Food Park Manager shall be designated for the property.

(i) ~~a.~~The Mobile Food Park Manager shall be available by phone while the vendor(s) is open for business. A telephone number and email address for the Mobile Food Park Manager shall be posted on a sign no larger than ~~one~~1 square foot. The sign shall be posted on a location visible to the patrons.

(ii) ~~b.~~The Mobile Food Park Manager shall be responsible for the general management of the park~~,~~ including, but not limited to addressing inquiries, questions, and concerns, ensuring property maintenance, enforcing hours of operation, and other operational matters.

d. ~~4.~~Parking shall be provided in accordance with ~~Chapter 9~~**Chapter 11** of this Code.

e. ~~5.~~Toilet facilities and trash receptacles shall be provided on the property in compliance with all applicable City regulations.

f. ~~6.~~Amenities including but not limited to tables, chairs and shade structures may be permitted on the property subject to compliance with this Code.

g. ~~7.~~All vendors, amenities and other site improvements shall be identified on ~~the Special Use Permit Concept Plan and Site Development Plan in accordance with~~any development plans otherwise required for the property under this Code.

9. ~~H.~~Live Music ~~or~~, Entertainment, or Event Facility

~~:~~

a. ~~1.~~The entertainment use must be secondary to the primary use in the C-1 and MU-DT Districts.

b. ~~2.~~Any live music, event facility and/or entertainment venue ~~is~~must maintain a minimum ~~100'~~ set-back of 100 feet from any residential use.

c. ~~3.~~Live music, event facility or entertainment uses are subject to the provisions of Chapter 8.16, Noise, of the Georgetown Municipal Code.

10. ~~I.~~Theater, Movie or Live

A movie theater or live theater is permitted in accordance with **Section ~~5~~6.02** provided that the theater may not have more than eight screens.

11. ~~J.~~Athletic Facilities, Commercial Recreation and Driving Ranges

a. ~~1.~~Athletic facilities, commercial recreation facilities, and driving ranges are permitted in accordance with **Section ~~5~~6.02** provided that any outdoor playing fields or associated structures shall be set back 50 feet from the property line of a residentially-zoned property.

b. ~~2.~~In the C-1 ~~d~~District, uses may only occur indoors.

12. ~~K.~~General Office, Integrated Office Center, and Health Services

~~1. General Office, Integrated Office Center, and Health Services in the MU-DT District.~~

~~A general office, integrated office center, or any health service use is permitted in the MU-DT District in accordance with Table 5.04.010, subject to the following standards and limitations:~~

~~a. Each building is limited to a maximum of 40,000 square feet.~~

~~b. Parking for a building over 20,000 square feet in Area 1 of the Downtown Overlay District shall meet a parking ratio of one to 1,500 square feet of gross floor area (GFA).~~

a. ~~2.~~General Office in the RS District

A general office use is permitted in the RS District in accordance with **Section ~~5~~6.02** and is subject to the following standards and limitations, which allow for an orderly transition of land use from residential to small~~-~~-scale office while maintaining residential appearance and building scale:

(i) ~~a.~~Only a house meeting the following criteria is eligible to apply for a Special Use Permit, pursuant to ~~Section 3.07~~**Section 3.10**, for an office use in the RS District:

(a) ~~(i)~~The house is located in the RS District;

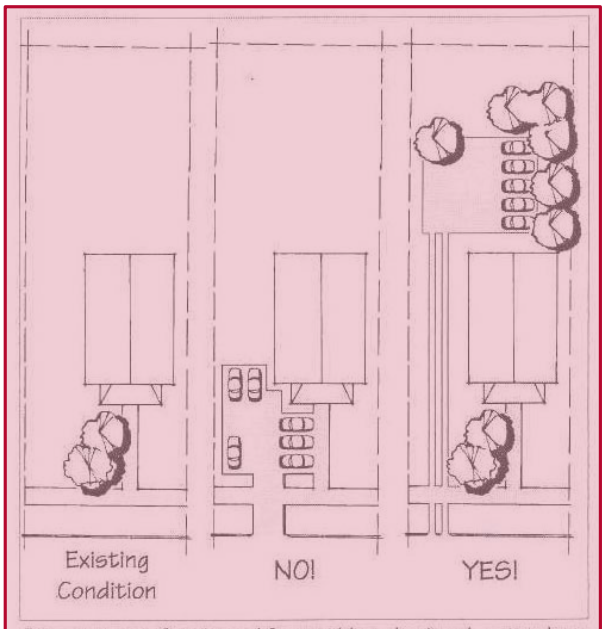
(b) ~~(ii)~~The house existed on or before February 26, 2008 (the date adopting the ordinance); and

(c) ~~(iii)~~The house has a side lot line immediately adjacent to property zoned as C-1, C-3 or I-1 District that is used for commercial or industrial uses and developed without a bufferyard.

(d) ~~(iv)~~A residential side lot line of less than 30~~ percent (30~~%~~)~~ shall not qualify as a side lot line for the above adjacency requirement.

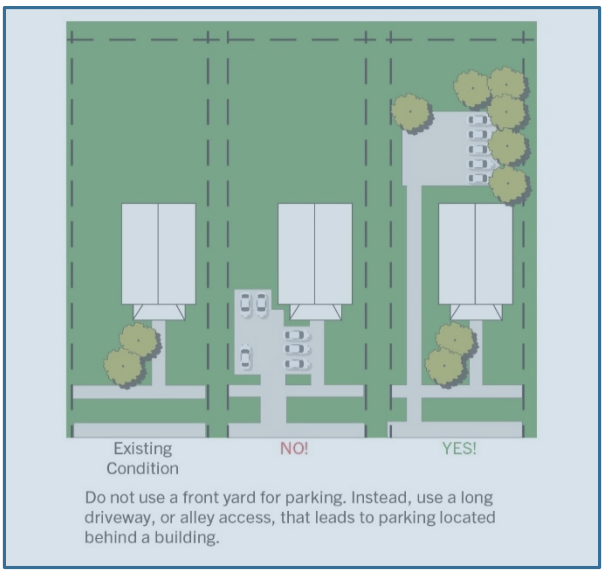
(ii) ~~b.~~In addition to the requirements for Special Use Permits set forth in Section 3.07, an applicant for a Special Use Permit under this section shall also submit a Site Plan pursuant to the requirements of Section 3.09. Further, an interior layout of the building shall be submitted with the Special Use Permit application.

(iii) ~~c.~~Off-street parking shall be provided at one~~-~~-and~~-~~-one-half spaces per habitable room. For the purposes of this section, a habitable room includes foyers and lofts if used for reception areas, work stations, offices, conference rooms, etc., but excludes restrooms, kitchens, porches (enclosed or open), and utility rooms. This parking requirement is in place of the parking requirement in ~~Table 9.02.030~~**Table 11.02.040-1. Off-Street Parking Requirements***. All parking shall be paved and approaches shall be concrete.



Do not use a front yard for parking. Instead, use a long driveway, or alley access, that leads to parking located behind a building.

Figure 6.02.040-6.02.04-1. Parking Location



Do not use a front yard for parking. Instead, use a long driveway, or alley access, that leads to parking located behind a building.

(iv) ~~d.~~Parking shall not be permitted in the front yard. An exception to this provision may be considered with the Special Use Permit related to preserving Protected and Heritage Trees or to recognize existing garages or parking areas. Parking shall be screened from view of the right-of-way in accordance with the requirements set forth in ~~Chapter 8~~Chapter 9.

(v) ~~e.~~A solid screening wall or fence or dense shrubs and vegetation at least ~~six~~6 feet in height shall be required along the side and rear property lines adjacent to property zoned RS, Residential. However, the wall or fence may be reduced in height if buildings on-site reduce the impact of the office use, including parking, and as the fence approaches the right-of-way.

(vi) ~~f.~~A Building Permit may be required prior to issuance of a Certificate of Occupancy.

(vii) ~~g.~~The use of the property for medical offices providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by doctors or similar practitioners of medical and healing arts for humans, licensed for such practice by the state shall be considered on a case-by-case basis with the Special Use Permit. Dental offices, out-patient clinics, and outpatient emergency centers are not permitted uses.

(viii) ~~h.~~The use of the property for counseling in an office setting by a psychologist or psychiatrist is a permitted office use.

(ix) ~~i.~~The City Council may consider approval of a lesser office use that would occupy only a portion of a house. If only a portion of the structure is used, reduced standards may be applied, especially for a "live/work" use of a house.

(x) ~~j.~~A Special Use Permit issued under this section shall contain the following special conditions, at a minimum. The City Council may include other special conditions of the permit on a case-by-case basis.

(a) ~~(i)~~The office use shall be conducted entirely within the main structure or integral part thereof and have no outdoor storage of any kind.

(b) ~~(ii)~~Office uses are not permitted in any accessory building.

(c) ~~(iii)~~Uses accessory to office uses are prohibited, except a conference room may be established for an on-site office.

(d) ~~(iv)~~On-site sales are prohibited.

(e) ~~(v)~~Outdoor storage is prohibited; however, the interior of any accessory structures may be used for storage related to the office uses.

(f) ~~(vi)~~The number of workers shall be limited to the number of habitable rooms (excluding restrooms, kitchens, porches (enclosed or open), and utility rooms) within the house. Foyers and lofts shall be counted as habitable rooms if used for reception areas, work stations, conference rooms, etc.

(g) ~~(vii)~~No exterior evidence of the office use shall be allowed, except for one non-internally illuminated sign attached to the principal structure that is no larger than ~~two~~2 square feet. No additional advertising of any kind is allowed on~~-~~-site.

(h) ~~(viii)~~Business hours and regular deliveries by commercial vehicle (excluding 18 wheeled vehicles, which are prohibited) shall be limited to 8:00 a.m. to 6:00 p.m.

(i) ~~(ix)~~A Temporary Use Permit in accordance with ~~Section 3.11~~**Section 3.10** is required for any party, reception, event, or similar function that is anticipated to draw more than 15 total guests to the ~~O~~office (including tenants). Parties, receptions, events or similar functions, subject to the Temporary Use Permit provision, shall be limited to a total of six such functions per calendar year. Such events shall be limited to the interior of the structure.

(j) ~~(x)~~The Special Use Permit shall be null and void if the structure is damaged by natural or accidental causes to the extent of more than 50~~ percent (50~~%~~)~~ of the value of the structure on the date of the damage, and if it is not rebuilt in~~-~~-kind within 14 months or the use of the structure for ~~O~~office uses has been discontinued for a period of 12 months or more. The 14-month period does not include the period of time necessary to conclude any litigation related to such calamity.

(k) ~~(xi)~~Increased run-off resulting from conversion to office use shall be detained on-site or shall be diverted from adjacent property in conformance with the stormwater drainage requirements of this Code.

(l) ~~(xii)~~The total impervious cover shall not exceed the requirements of the RS District.

13. ~~L.~~Data Center

a. Where Permitted.

(i) A data center is permitted in accordance with Section 6.02 in the C-2, Regional Commercial Zoning District provided that the total floor area of all building(s) does not exceed 5,000 square feet, and subject to the specific development standards in subsection b. below except for (b)(iv).

(ii) A data center is permitted in accordance with Section 6.02 in the I-1, Flex Industrial Zoning District and I-2, Intensive Industrial Zoning District, subject to the specific development standards in subsection b. below.

b. Data Center Standards. The following standards shall apply to all data centers where such are allowed and approved:

(i) Setbacks. All buildings, including accessory structures and outdoor equipment used for data centers, shall be a minimum of 250 feet from the nearest residential zoning district or use, whether inside the City Limits or the ETJ.

(ii) Bufferyards. Notwithstanding Section 9.03.070 of this UDC, a high level bufferyard shall always be required, except that a minimum 8-foot tall screening wall constructed of brick, stone, reinforced concrete or other similar two-sided masonry materials shall be required, and as a minimum, the required shade trees in Section 9.03.070 shall first be placed along the lot line(s) facing any residential use or zoning district at a minimum of one (1) tree for every 40 linear feet. Any additional trees required beyond this amount may be placed anywhere in the bufferyard.

(iii) Parking. Data centers shall provide a minimum of one (1) parking space per 400 square feet of office area. Data center storage and computing areas not occupied by employees shall be exempt from any parking requirements.

(iv) Noise. The applicant shall submit a noise attenuation study prepared by a licensed professional engineer specializing in noise acoustics and/or certified by the International Institute of Noise Control Engineering that addresses maximum sound levels including low frequency noise levels.

(a) Data centers must comply with noise limits as outlined in Section 8.16.030 of the City Code of Ordinances. In the C2 district, a data center is permitted in accordance with **Section ~~5~~6.02** provided that the building size does not exceed 5,000 square feet.

14. ~~M.~~General Retail

General retail is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

~~1. In the BP District.~~

~~a. The gross floor area shall not exceed 2,500 square feet.~~

~~b. The retail use shall clearly be secondary and supportive to the primary use.~~

~~c. The retail use shall not be located in a building which contains no other uses; however, a Special Use Permit may be considered if it is determined that a free standing retail operation would be beneficial to a planned business park development.~~

a. ~~2.~~In the MU-DT District.

(i) ~~a.~~A Special Use Permit is required for any retail building exceeding 40,000 square feet.

~~b. Parking for a building over 20,000 square feet in Area 1 of the Downtown shall meet a parking ratio of one to 1,500 square feet of gross floor area (GFA).~~

15. ~~N.~~Kennel

A kennel is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~The kennel operation, including all structures, is required to be at least 100 feet from the property line of a residentially zoned property.

b. ~~2.~~Outdoor kennels are prohibited in the C-~~3~~2 District.

16. ~~O.~~Self-Storage, Indoor and Outdoor

An indoor or outdoor self-storage establishment is permitted in accordance with ~~**Section 5.02**~~**6.02.080** and ~~the requirements of Section 5.09 and~~ subject to the following standards and limitations:

a. ~~1.~~Self-storage facilities shall be limited to the storage use only, with the exception of an accessory leasing office, accessory retail sales, and/or single living quarters for security purposes, and shall not be used for operating any other business. In no instance shall individual storage units be used as a business storefront or used as a residence or overnight accommodation.

b. ~~2.~~Indoor self-storage facilities shall operate completely within a building or structure.

c. ~~3.~~Indoor self-storage facilities ~~District~~ shall be limited to climate-controlled facilities accessed solely from shared interior hallways.

d. ~~4.~~Storage bay doors shall not face a public right-of-way unless set back a minimum of 40 feet from the property line.

e. ~~5.~~Each individual outdoor storage unit shall be directly accessible from an apron consisting of an approved paved surface.

f. ~~6.~~Where gated, a minimum of 60 feet of driveway shall be provided between the public right-of-way and the front gate of the self-storage facility.

g. ~~7.~~Outdoor storage shall not include the storage of wrecked or inoperable vehicles.

h. ~~8.~~No outdoor self-storage shall be permitted within a required setback.

i. ~~9.~~No outdoor self-storage shall be allowed in required off-street parking areas. Areas intended for outdoor self-storage shall be paved and painted to distinguish them from required off-street parking areas.

j. ~~10.~~Outdoor self-storage shall be screened from any public right-of-way by an ~~eight~~8-foot-tall screening wall.

17. ~~P.~~Pest Control or Janitorial Services

A pest control or janitorial services facility is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~No mixing of chemicals or pesticides is allowed on-site.

b. ~~2.~~Storage of chemicals or pesticides is limited to ~~ten percent (~~10%~~)~~ of the total square footage of the primary facility.

c. ~~3.~~No overnight vehicle or outdoor storage is allowed.

18. ~~Q.~~Office/Showroom

An Office/Showroom is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~Warehousing facilities shall be incidental to the primary use and shall not exceed 10~~ percent (10~~%~~)~~ of the total floor area.

b. ~~2.~~Outdoor storage may be permitted in accordance with **Section** ~~5.09 of this Code~~**6.02.080**.

19. ~~R.~~Automobile Sales, Rental or Leasing Facility

An automobile sales, rental or leasing facility is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~Lighting

Fixed lighting shall be shielded or have cut-off fixtures to prevent direct glare of beams onto any adjacent public or private property or street. Light poles shall be placed no closer than 45 feet apart.

b. ~~2.~~Auto Repair and Service

Automobile Repair and Service, Limited and General, shall be an allowed accessory use with an Automobile Sales Facility. Automobile Repair and Service, General shall not be permitted on the premises of a Rental Vehicle Facility and any allowed limited repairs shall be performed only within the principal building.

c. ~~3.~~Screening from Residential

Screening~~,~~ that meet~~ing~~s the ~~guidelines of a~~ High Level Bufferyard~~,~~ standards shall be ~~provided~~installed along all lot lines ~~abutting~~that abut or are adjacent to a Residential District, ~~or when adjacent to~~ an existing single~~-~~-family home in the AG District, or ~~when adjacent to~~ an existing single~~-~~-family home in the ETJ that is platted and ~~planned~~designated for residential use on the Future Land Use Map~~,~~. ~~to~~The screening must block ~~any~~ views of the use, its operations, and any stored or displayed vehicles, materials, ~~and~~or equipment from all ground-level vantage points on ~~such~~the adjacent residential property. ~~when viewed from ground level.~~

d. ~~4.~~Outdoor Display and Storage

(i) ~~a.~~Display and storage areas shall be clearly shown on the Site Plan and identified on the site.

(ii) ~~b.~~Outdoor display of vehicles shall be set back a minimum of 25 feet from all lot lines abutting residentially zoned or developed property.

(iii) ~~c.~~Temporary overflow vehicle storage is allowed on paved surfaces only. This temporary storage shall not impede the traffic flow of the site or eliminate required parking spaces.

(iv) ~~d.~~Permanent and temporary tent canopies may be erected over areas used for automobile sales display and shall not be considered buildings, but may not encroach into building setbacks, required parking spaces or drive aisles. All necessary ~~b~~Building ~~p~~Permits shall be required, but a revision to an existing Site Plan shall not be required if the tent canopy is located over an existing display area. All safety issues regarding fire and building codes shall be addressed.

e. ~~5.~~Signage for Automobile Sales Facilities

The following additional signage applies only to automobile sales facilities along the I.H. 35 northbound frontage road, from the southernmost boundary of the City up to, and including, the one lot north of Fox Drive.

(i) ~~a.~~High profile monument signs are encouraged for sites with multiple corporate tenants consistent with Subsection ~~10.06.030.G~~**12.05.060**. Auto dealerships may have an increased height for a high profile monument sign located along the I~~.H.~~ -35 frontage road of up to 35 feet. No more than one sign shall be permitted at the 35-foot height. No additional height shall be permitted. The structure of high profile monument signs shall be constructed of stone or brick materials and be colors compatible with those utilized on the primary building's fa~~c~~çade.

(ii) ~~b.~~Additional high profile monument signage shall be allowed for those sites with multiple corporate tenants. The maximum amount of additional signage shall be limited to an increase of ~~ten percent (~~10%~~)~~ of the total pole sign square footage permitted in ~~Chapter 10~~**Chapter 12**. The maximum high profile monument sign height that utilizes the increased size shall be limited to 28 feet. The minimum road frontage of 600 feet for a high profile monument sign is reduced to 250 feet for this section and the spacing of 600 feet between high profile monument signs shall be reduced to 250 feet for this section.

(iii) ~~c.~~A maximum of two high profile monument or pole signs per site are permitted for sites with multiple corporate tenants with the maximum sign height of 25 feet and a maximum of 100 square feet per sign.

(iv) ~~d.~~For those sites with multiple corporate tenants the allowed wall signage may be increased ~~ten percent (~~10%~~)~~ to accommodate the additional tenant.

(v) ~~e.~~In accordance with ~~Section 10.03~~**Section 12.03**, entrance and interior directional signs that comply with the provisions of ~~Chapter 10 of this Code~~**Chapter 12** shall not be counted toward the total allowed signage for the site.

(vi) ~~f.~~No signs, balloons, banners, etc. shall be located within the public right-of-way.

(vii) ~~g.~~Balloons.

(a) ~~(i)~~For the purposes of this section, balloons shall not be deemed as fluttering/undulating/moving signs pursuant to ~~Section 10.04~~**Section 12.04**.

(b) ~~(ii)~~Balloons shall be tethered, attached, or anchored so as not to create any safety hazards by blowing into signs, utility lines, lights, etc.

(c) ~~(iii)~~Balloons and their tethering mechanism shall not exceed 35 feet in height.

(d) ~~(iv)~~Balloons for vehicle sales facilities shall not exceed a total of 50 balloons per 100 feet of I~~.H.~~ -35 road frontage.

~~.~~

20. ~~S.~~Commercial Vehicle Sales, Rental or Leasing Facility

Commercial Vehicle ~~s~~Sales, ~~r~~Rental or ~~l~~Leasing ~~f~~Facility is permitted ~~in accordance~~ with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~Lighting

Fixed lighting shall be shielded or have cut-off fixtures to prevent direct glare of beams onto any adjacent public or private property or street. Light poles shall be placed no closer than 45 feet apart.

b. ~~2.~~Screening from Residential

Screening~~,~~ that meet~~ings~~s the ~~guidelines of a~~ High Level Bufferyard~~,~~ standards shall be provided along all lot lines ~~abutting~~that abut or are adjacent to a Residential District, ~~or when adjacent to~~ an existing single~~-~~-family home in the AG District, or ~~when adjacent to~~ an existing single~~-~~-family home in the ETJ that is platted and planned for residential use on the Future Land Use Map.

c. ~~3.~~Outdoor Display and Storage

(i) ~~a.~~Display and storage areas shall be clearly shown on the Site Plan and identified on the site.

(ii) ~~b.~~Outdoor display of commercial vehicles shall be set back a minimum of 25 feet from all lot lines abutting residentially zoned or developed property.

(iii) ~~c.~~Outdoor storage shall be located behind the front building fa~~c~~cade of the primary structure.

(iv) ~~d.~~Permanent and temporary tent canopies may be erected over areas used for automobile sales display and shall not be considered buildings, but may not encroach into building setbacks, required parking spaces, drive aisles or bufferyards. All necessary ~~b~~Building ~~p~~Permits shall be required, but a revision to an existing Site Plan shall not be required if the tent canopy is located over an existing display area. All safety issues regarding fire and building codes shall be addressed.

d. ~~4.~~Accessory Uses

Automobile Repair and Service, Limited and General, and Automobile Parts and Accessory Sales, Indoor, shall be allowed accessory uses with a Commercial Vehicle Sales Facility. Automobile Repair and Service, General shall not be permitted on the premises of a Rental Facility and any allowed limited repairs shall be performed only within the principal building.

21. ~~T.~~Automobile Repair and Service, General

a. ~~1.~~In the General Commercial (C-~~3~~2) District, temporary outdoor storage of automobiles awaiting service or pick-up is permitted within the guidelines specified in Subsection ~~5.09.030~~**6.02.080**. No other outdoor storage is allowed in the C-~~3~~2 District.

b. ~~2.~~In the ~~-~~I-2 District, all outdoor storage, except as limited in Subsection ~~5.09.030~~**6.02.080**, is permitted.

22. ~~U.~~Fuel Sales

A fuel sales establishment is permitted in accordance with **Section ~~5~~6.02** , subject to the standards of ~~Section 3.07 - Special Use Permit~~**Section 3.10**, and subject to the following standards and limitations:

a. ~~1.~~The use shall generally not abut a single~~-~~-family residential zoned or used property without attention to the impact of screening, buffering, and lighting to the adjacent residential uses.

b. ~~2.~~Proximity to other developed or entitled fuel sales facilities shall be examined as part of the Special Use Permit process to avoid clustering of uses along a corridor, intersection, or neighborhood. No more than two fuel sales facilities shall be permitted at any intersection and only when located diagonally on opposite corners

c. ~~3.~~No more than four multi-fuel dispensers (eight fuel positions) shall be permitted except where one of the following conditions is met:

(i) ~~a.~~The property is located on a corner of a major arterial roadway and a ~~major~~ collector or higher level roadway as classified in the Future Mobility Plan (FMP); or

(ii) ~~b.~~The proposed fuel sales establishment is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more; or

(iii) ~~c.~~The property is adjacent to the SH 130 Toll or ~~IH~~I-35 roadways.

d. ~~4.~~When one of the conditions outlined in **Subsection ~~3~~c** above is met, in no case shall a fuel sales establishment be permitted more than ~~ten~~10 multi-fuel dispensers or 20 fuel positions.

e. ~~5.~~Proximity to Residential:

(i) ~~a.~~Fuel Sales canopies and fuel pumps of a fuel sales use may not be located within 200 feet of a residentially zoned property, or an existing residential property located in the ETJ.

f. ~~6.~~An ~~eight~~8-foot wall shall be required at the property line of residentially~~-~~ zoned property or residentially used property located in the ETJ, in addition to the required bufferyards in ~~Chapter 8~~**Subsection 9.03.070**.

g. ~~7.~~Fuel positions, vacuum, air, and water stations as well as other similar equipment are prohibited between the principal structure and the property line of a residentially-zoned property or a residentially used property within the ETJ and shall comply with the building setbacks in all other circumstances.

h. ~~8.~~The bottom of the canopy shall be a minimum of 13 feet ~~six~~6 inches in height.

i. ~~9.~~In addition to the requirements in ~~Section 7.04~~**Section 8.05**, any freestanding light fixtures shall be reduced in height to 15 feet if the use is adjacent to a residential ~~d~~District.

j. ~~10.~~No full-service or self-service car wash is allowed with the fuel sales use. Only an accessory one-bay automatic car wash is allowed.

23. ~~V.~~Fuel Sales with More than 10 Multi-Fuel Dispensers

A Special Use Permit for a fuel sales establishment with more than 10 multi-fuel dispensers (20 fuel positions) shall be required in the General Commercial (C-~~3~~2) and I-2 ~~z~~Zoning ~~d~~District pursuant to ~~Section 3.07~~**Section 3.10**, and subject to the standards in Subsections ~~**U.1**~~**22.a** through ~~**U.9**~~**22.i** above.

24. ~~W.~~Car Wash

The consideration of a car wash is permitted in accordance with **Section ~~5~~6.02**~~.~~, subject to the standards of Section 3.07 - Special Use Permit, and following standards and limitations:

a. ~~1.~~A self-service car wash facility may contain a maximum of four self-service bays.

b. ~~2.~~A fuel sales use is not allowed with either a full-service or self-service car wash.

c. ~~3.~~The use shall not abut a single~~-~~-family residential zoned or used property.

d. ~~4.~~Proximity to other developed or entitled car wash facilities shall be examined as part of the Special Use Permit process to avoid clustering of uses along a corridor, intersection, or neighborhood.

e. ~~5.~~ The order boxes of any drive-through shall meet one of the following location criteria:

(i) ~~a.~~Located more than 150 feet of the nearest property line of a residentially zoned property or residentially used property in the ETJ; or

(ii) ~~b.~~Positioned such that no speaker or microphone is facing toward a property line of a residentially zoned property or residentially used property in the ETJ.

f. ~~6.~~The below elements shall be completely screened from view at an adjoining property line of a residentially zoned property or, in the ETJ, a residentially used property. Screening shall be provided by a wall or other screening mechanism, not less than ~~eight~~8 feet in height, that has a similar finish to the primary structure. Screening shall be required for the following elements of Drive~~-~~-Throughs:

(i) ~~a.~~Queuing spaces

(ii) ~~b.~~Order boxes

(iii) ~~c.~~Order window

(iv) ~~d.~~Drive-through pick up windows

25. ~~X.~~Towing Services and Impound Lots

A Towing Services and Impound Lot use may be permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~All motorized vehicles, to include operable or repairable motor vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, shall be on an approved paved surface.

b. ~~2.~~Any other outdoor storage may be permitted in accordance with ~~Section 5.09 of this Code~~**6.02.080**.

6.02.050. ~~6.03.05.~~Industrial Uses and Standards

A. Industrial Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Asphalt or Concrete Batch Plant	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Contractor Services, General	—	—	—	—	—	—	—	—	—	—	—	S	P	—	—	**B.2**
Dry Cleaning or Laundry Plant	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Lumber Yard	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	
Manufacturing, Processing and Assembly, General	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Manufacturing, Processing and Assembly, Limited	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Movie Production	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Office/Warehouse	—	—	—	—	—	—	—	—	—	—	L	P	P	—	—	**B.3**
Oil Refinery and Distribution	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Recycling Collection Center	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Research, Testing and Development Lab	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Resource Extraction	S	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Storage Yard													L			**B.4**
Truck Terminal	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Warehousing and Distribution, General	—	—	—	—	—	—	—	—	—	—	—	S	P	—	—	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Warehousing and Distribution, Limited	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Waste Related Uses	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Wrecking, Scrap or Salvage Yard	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	

B. Industrial Use Standards

1. ~~A.~~Contractor Services, Limited

Contractor Services, Limited is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~Parking spaces shall be provided for fleet vehicles in addition to the minimum number of parking spaces required per ~~Chapter 9~~**Chapter 11** of this Code.

b. ~~2.~~Parking of fleet vehicles shall comply with the Outdoor Storage, Limited requirements of **Subsection ~~5.09 of this Code~~6.02.080.B.2**.

c. ~~3.~~When the outdoor storage area is gated, a minimum of two vehicle stacking spaces from the key code box shall be provided. Vehicle stacking spaces shall comply with ~~Section 9.04.020 of this Code~~**Section 11.05**.

2. ~~B.~~Contractor Services, General

Contractor Services, General is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~Outdoor storage shall be incidental to the primary use and may be permitted in accordance with **Section ~~5.09 of this Code~~6.02.080**.

b. ~~2.~~Outdoor storage may be increased to 50~~ percent (50~~%~~)~~ of the total site area provided the outdoor storage area is not located adjacent to a public street, residential zoned property, an existing single-family home in the ETJ that is platted or designated for residential use on the Future Land Use Map, or a public park.

c. ~~3.~~When outdoor storage is proposed to be located adjacent to a public street, residential zoned property, an existing single-family home in the ETJ that is platted or designated for residential use on the Future Land Use Map, or a public park, articulation shall be provided for the screening wall or fence by one of the following:

(i) ~~a.~~Columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart; or

(ii) ~~b.~~Variations in depth achieved either through offsets of at least ~~five~~5 feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet.

d. ~~4.~~Fleet vehicles shall be parked in the same area as the designated outdoor storage to be screened from the public.

e. ~~5.~~When the outdoor storage area is gated, a minimum of two vehicle stacking spaces from the key code box shall be provided. Vehicle stacking spaces shall comply with ~~Section 9.04.020 of this Code~~**Section 11.05**.

3. ~~C.~~Office/Warehouse

Office/Warehouse is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~The primary entrance shall be located in the office portion of the building.

b. ~~2.~~The warehouse portion may not exceed more than 50~~ percent (50~~%~~)~~ of the front building fa~~c~~cade.

c. ~~3.~~Access to the loading and storage areas shall be limited to the side or rear of the building.

d. The use is limited to a single loading dock/door.

4. ~~D.~~Storage Yard

Storage Yard is permitted in accordance with **Section ~~5~~6.02** and subject to the following standards and limitations:

a. ~~1.~~All equipment, material and any other outdoor storage shall be located on an approved paved surface.

b. ~~2.~~All equipment, material and any other outdoor storage shall comply with the setback requirements of the ~~d~~District, and the landscape standards of ~~Section 8.04 of this Code~~**Chapter 9**.

(i) ~~a.~~For purposes of this subsection, street yard trees shall be provided between the screen wall and the street lot line.

c. ~~3.~~When outdoor storage is proposed to be located adjacent to a public street, residential zoned property, an existing single-family home in the ETI that is platted or designated for residential use on the Future Land Use Map, or a public park, articulation shall be provided for the screening wall or fence by one of the following:

(i) ~~a.~~Masonry columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart; or

(ii) ~~b.~~Variations in depth achieved either through offsets of at least ~~five~~5 feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet.

d. ~~4.~~When outdoor storage areas are gated, a minimum of two vehicle stacking spaces from the key code box shall be provided. Vehicle stacking spaces shall comply with ~~Section 9.04.020 of this Code~~**Section 11.05**.

e. ~~5.~~Outdoor storage shall comply with the requirements of **Section** ~~5.09 of this Code~~**6.02.080**.

6.02.060. ~~6.03.06.~~Agricultural and Related Uses and Standards

A. Agricultural and Related Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Agricultural Operation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	—	**B.1**
Commercial Feed Lot	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.2**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Farm Stand	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	B.2
Meat Market	L	—	—	—	—	—	—	—	—	S	S	L	L	—	S	B.2
Petting Zoo	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	B.2
Riding Academy	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	B.2
Taxidermist	L	—	—	—	—	—	—	—	—	—	—	—	L	—	—	B.2

B. Agricultural and Related Use Standards

1. ~~A.~~Agricultural Operations

In accordance with the Texas Agricultural Code Sec. 251.0055, Agricultural Operations must not create imminent danger of any of the following impacts to people or property within the immediate vicinity:

a. ~~1.~~Explosion;

b. ~~2.~~Flooding;

c. ~~3.~~An infestation of vermin or insects;

d. ~~4.~~Physical injury;

e. ~~5.~~The spread of an identified contagious disease that is directly attributable to the agricultural operation;

f. ~~6.~~The removal of lateral or subjacent support;

g. ~~7.~~An identified source of contamination of water supplies;

h. ~~8.~~Radiation;

i. ~~9.~~Improper storage of toxic materials;

j. ~~10.~~Crops planted or vegetation grown in a manner that will cause traffic hazards; or

k. ~~11.~~Discharge of firearms or other weapons, subject to the restrictions in Section 229.002, Local Government Code.

2. ~~B.~~Agricultural-Related Uses~~.~~

All agricultural-related uses shall meet any applicable provisions of the City Code of Ordinances. Outdoor display and storage requirements, if applicable, shall be met in accordance with ~~Section 5.09~~ **6.02.080**.

6.02.070. Temporary Uses and Standards

A. Temporary Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Seasonal Product Sales	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.1**
Farmer's Market, Temporary	L	—	—	—	—	L	L	L	L	L	L	L	L	L	L	**B.1**
Temporary Mobile or Outdoor Food Vendor	—	—	—	—	—	—	—	—	—	L	L	L	L	L	L	**B.1**
Transient Mobile or Outdoor Food Vendor	—	—	—	—	L	L	—	L	L	L	—	L	L	L	L	**B.10**
Business Offices, Temporary	—	—	—	—	—	L	L	L	L	L	L	L	L	L	L	**B.2**
Concrete Products, Temporary	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.3**
Construction Field Office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.4**
Construction Staging, Off-site	L	L	L	L	L	L	L	L	L	L	L	L	L	L	—	**B.5**
Parking Lot, Temporary	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.6**
Portable Classrooms	L	L	L	L	L	L	L	—	L	L	L	—	—	L	—	**B.7**
Residential Sales Offices/Model Homes	L	L	L	L	L	—	—	—	—	—	—	—	—	—	—	**B.8**
All Other Uses as Determined by the Director	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.9**

B. Temporary Use Standards

1. Seasonal Product Sales, Temporary Farmer's Market, and Temporary Mobile or Outdoor Food Vendor.

   a. Seasonal Product Sales, Temporary Farmer's Markets, and Temporary Mobile or Outdoor Food Vendors shall meet the requirements and follow the procedures of **Section 3.09**.

   b. Temporary Mobile or Outdoor Food Vendor is permitted in accordance with **Section 6.02.070** and subject to the following additional standards and limitations:

      (i) The Mobile or Outdoor Food Vendor shall be secondary to an existing primary use on the property.

      (ii) No more than three Mobile or Outdoor Food Vendors shall be permitted on the property.

      (iii) Mobile or Outdoor Food Vendor(s) shall be in operation and opened to the public during the primary use's hours of operation.

      (iv) Mobile or Outdoor Food Vendor(s) may connect to City-approved electric. Connection to water or wastewater services shall not be permitted.

      (v) Amenities including but not limited to restrooms, tables, chairs and shade structures may be permitted on the property subject to compliance with this Code.

(vi) Parking shall be provided in accordance with **Chapter 11**.

(vii) No Mobile or Outdoor Food Vendor shall be located on a required parking space or loading area.

(viii) All Mobile or Outdoor Food Vendors, amenities and other site improvements shall be identified on the Temporary Use Permit in accordance with this Code.

(ix) The Temporary Use Permit for the property may be valid for a period not to exceed one year. Renewal of the Temporary Use Permit shall not be permitted.

2. Business Offices, Temporary.

A temporary building for use as a business office is permitted on a 90-day basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. All temporary business offices shall be shown on the Site Plan for approval of the permanent facility. Any temporary parking associated with the temporary business office shall follow the standards and procedures of **Subsection 6** below.

3. Concrete Products, Temporary.

A temporary facility for manufacturing concrete or concrete products may be located where it is directly associated with construction in the area, provided that such facilities are at least 1,000 feet from existing residential development. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. Hours of operation shall meet adopted Building Code requirements. The production site must be returned to its pre-construction state following completion of the associated project. All buildings, driveway access, curb and gutter, debris, and product must be removed and the area must be sodded, seeded, or hydromulched with grass within 45 days of removal.

4. Construction Field Offices

A temporary building for use as a construction field office is permitted on a 12-month basis unless it is renewed by the respective business. An unlimited number of renewals may be applied for and considered. When the construction field office is associated with a residential subdivision, one temporary building is allowed for each builder in the residential subdivision in which that builder has the authority to construct structures. For commercial construction, one temporary building per site is allowed. All temporary offices allowed under this provision shall receive Site Plan, Stormwater Permit Construction Plan approval, as applicable, following the procedures outlined in **Chapter 3. Applications and Permits**. Any temporary parking associated with the construction field office shall follow the standards and procedures of **Subsection 6** below.

5. Construction Staging, Off-Site

This section applies to the temporary use of property outside of the right-of-way for activities related to the construction of public improvements. Temporary facilities allowed in conjunction with a staging site may include a construction field office, portable restroom facilities, vehicle or equipment storage, layout yards, storage of construction materials or product, and other uses as determined by the Building Official, but the temporary manufacturing of concrete or concrete products is not included as part of this use and is subject to the restrictions of Subsection **3** above. Off-site construction staging facilities may be located in all Zoning Districts where they are directly associated with construction of public improvements in the area, subject to the following requirements and limitations:

a. Off-site construction staging facilities are permitted on a 12-month basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. An unlimited number of renewals may be applied for and considered.

b. Such facilities shall be located within 1,500 feet of the boundary of the construction project and shall not be located within 500 feet of existing residential development. Existing residential development shall be deemed any existing structure that is currently used as a residence and shall not include undeveloped property.

c. Notification of all property owners within 200 feet of the subject site shall be required 15 days prior to any action by the Building Official.

d. Stormwater and Driveway Permits must be obtained from the Development Engineer. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

e. Total impervious coverage shall be limited to 50% of the site.

f. An undisturbed natural buffer of 15 feet shall remain along lot lines adjacent to other properties.

g. Hours of operation shall meet adopted Building Code requirements.

h. Any temporary parking or construction field offices associated with the construction staging area shall follow the respective standards of both, as specified in this section.

i. Following completion of the associated project, the site must be returned to its pre-construction state. All buildings, driveway access, curb and gutter, debris, and product must be removed and the area must be sodded, seeded, or hydromulched with grass within 45 days of removal.

6. Parking Lot, Temporary

A temporary parking lot may be approved, for a period not to exceed 12 months, when parking in excess of what was installed when a facility first opened is necessary to accommodate business or unanticipated patronage. A temporary parking lot required as part of another Temporary Use Permit may be approved in accordance with the period of time established for such temporary use. All temporary parking lots are subject to the following requirements and limitations:

a. Site Plan approval shall be obtained pursuant to **Section 3.17**.

b. Stormwater and Driveway Permits shall be obtained from the Development Engineer.

c. The surface material of the parking lot shall be approved by the Development Engineer;

d. Curbs, gutters, or other improvements may be required where necessary to comply with drainage regulations as approved by the Development Engineer;

e. Entrance to the lot from any public right-of-way shall be pursuant to the driveway separation requirements of **Section 14.08**;

f. When entrance is allowed to the lot from a public right-of-way, that portion of the entrance located in the right-of-way shall be a paved surface approved by the Development Engineer; and

g. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

h. At the end of the permit approval period, the area shall meet the following:

(i) The area shall no longer be used for the parking of vehicles, except as permitted below. All paving material, driveway access, and curb and gutter must be removed, and the area must be sodded, seeded, or hydromulched with grass within 10 days of removal.

(ii) A temporary parking lot approved for the purposes of accommodating unanticipated patronage may be retained if brought up to full compliance with all standards of this Code. If no Site Plan is

approved within two months of the expiration of the temporary approval, the temporary parking lot shall be removed in accordance with the standards above.

7. Portable Classrooms

Portable classrooms are permitted in accordance with **Section 6.02.070**, subject to the following standards and limitations and the requirements of **Section 3.09**.

a. Portable classrooms are allowed as part of a site-built public school facility.

b. A site-built school building and required site improvements must be in place prior to any placement of portable classrooms.

c. The square footage of portable classrooms shall not exceed 20% of the total square footage of the principal, site-built school buildings.

d. The portable classrooms shall be shown on an approved Site Plan and may be added to an existing Site Plan as part of an amendment process.

e. Required parking for the entire school facility shall be maintained per **Chapter 11**, including any increases needed to accommodate the portable classrooms.

8. Residential Sales Offices and Model Homes

A temporary residential sales office or model home must be located within the legal subdivision for which lots are being sold. In addition, the following standards and limitations shall be met:

a. A Temporary Use Permit with a conditional Certificate of Occupancy to operate the model home will expire after 12 months unless it is renewed by the builder, upon which the burden shall fall to demonstrate to the Building Official that the conditions of approval still exist. An unlimited number of applications to renew the Temporary Use Permit may be applied for and considered.

b. The builder of a model home that has been constructed to market a phase of a phased development may request extension of the Temporary Use Permit in order to market new phases of the same development, but only if there is no increase in the total number of model homes within all of the phases.

c. A permitted model home in one legal subdivision where a builder is actively marketing lots may be used to market lots in another legal subdivision if the builder has no model home in the second subdivision and when such sales are clearly secondary, as demonstrated through signs and advertisements, to the marketing of lots within the subdivision in which the model is located.

d. The builder of a model home constructed to market one legal subdivision may be granted a Temporary Use Permit to market a new legal subdivision for the period during which a new model home is being constructed in the new legal subdivision. Such Permit shall be valid for a period not to exceed six months, with no renewal.

e. The design and construction of the model home must be consistent with the character of the subject neighborhood. A model home or temporary sales office may construct a monument sign no larger than 16 square feet and no taller than 4 feet in height, subject to the requirements of **Chapter 12**.

f. The model home shall be constructed in such a manner that it can be converted, without structural changes, to a single-family or two-family residence (as allowed by the Zoning District). Such conversion shall occur no later than after the issuance of Certificates of Occupancy to 80% of the associated residential units or when use as a sales office or model home has ceased.

g. A conditional ~~c~~Construction ~~p~~Permit for ~~a~~the model home may be issued once the streets to the subdivision have been constructed to sub-grade and water service and a fire hydrant are located within

500 feet of the lot on which the model home is located. The Building Official shall note on the permit that the property owner accepts all responsibility for commencing construction prior to completion of the public improvements and City acceptance of the subdivision. The Certificate of Occupancy for the model home will not be issued until the subdivision and all public improvements have been accepted by the City, a Final Plat has been filed and recorded with the County, and all utilities are connected to the home.

h. No permits for a model home will be issued until roads serving the model lots are paved and accepted and all utilities serving the model lots are constructed (water, wastewater, electric, fire hydrant, drainage infrastructure).

i. Model homes are limited to one per floorplan.

j. A temporary building for use as a sales office is permitted on a six-month basis only if a model home has not been constructed. The temporary sales office is subject to the renewal policy outlined for model homes but shall be removed once the model home has been constructed.

9. All Other Temporary Uses

Other temporary uses deemed appropriate and compatible with the District and surrounding land uses may be permitted at the discretion of the Director.

10. Transient Mobile or Outdoor Food Vendor

Transient Mobile or Outdoor Food Vendor is permitted in accordance with **Section 6.02.070** without approval of a permit and subject to the following standards and limitations:

a. The Mobile or Outdoor Food Vendor shall be accessory to an existing primary use on the property and may only be placed on the property Thursday through Sunday. No Mobile or Outdoor Food Vendor shall be permitted on the property Monday through Wednesday.

b. No more than two Mobile or Outdoor Food Vendors shall be permitted on the property.

c. Mobile or Outdoor Food Vendor(s) shall be in operation and opened to the public during the primary use's hours of operation.

d. Connection to electric, water and wastewater services shall be prohibited.

e. Amenities including but not limited to restrooms, tables, chairs and shade structures shall be prohibited.

f. Parking shall be provided in accordance with **Chapter 11**.

g. No Mobile or Outdoor Food Vendor shall be located on a required parking space or loading area.

h. Mobile or Outdoor Food Vendor shall meet the lot and dimensional standards of the Zoning District.

6.02.080. Outdoor Display and Storage Uses and Standards

A. Outdoor Display and Storage Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MUDT	Standards
Outdoor Display, Limited	—	—	—	—	—	—	—	—	L	L	L	L	L	—	L	**B.1, B.2**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MUDT	Standards
Outdoor Display, General	—	—	—	—	—	—	—	—	—	—	L	L	L	—	—	**B.1, B.3**
Outdoor Display, Off-Site Vehicles	—	—	—	—	—	—	—	—	—	—	L	L	L	—	—	**B.1, B.4**
Outdoor Storage, Limited	—	—	—	—	—	—	—	—	—	—	L	L	L	L	—	**B.1, B.3.b**
Outdoor Storage, General	—	—	—	—	—	—	—	—	—	—	—	L	L	—	—	**B.1, B.6**

B. Outdoor Display and Storage Use Standards

1. Requirements for All Outdoor Display and Storage

a. All outdoor display and storage areas shall be clearly shown on the Site Plan for the property or, where no Site Plan of record exists, all required information shall be shown on a scaled drawing or property survey.

b. All outdoor display and storage areas shall not be located in the following:

(i) A required setback;

(ii) A required bufferyard; or

(iii) Required off-street parking spaces or stacking areas.

c. All outdoor storage, notwithstanding **Subsection b** above, shall be set back at least 15 feet from the back edge of an adjacent curb or street pavement.

2. Outdoor Display, Limited

a. Limited outdoor display of merchandise, goods or materials actively for sale or samples thereof are allowed only in association with the primary use of the site on which displayed.

b. Limited outdoor display is allowed only in a front yard or street yard, in addition to the following limitations:

(i) The display shall not extend a distance greater than 5 feet from the wall of the principal building;

(ii) The display shall not extend to a height above 10 feet;

(iii) The display shall not occupy more than 30% of the linear distance along the wall; and

(iv) The display shall not be permitted to block windows, entrances or exits, nor impair the ability of pedestrians to use the building.

3. Outdoor Display, General

a. General outdoor display of merchandise, goods or materials actively for sale or samples thereof are allowed only in association with the primary use of the site on which displayed.

b. General outdoor display shall not exceed 1,000 square feet or 10% of the total site area (whichever is greater).

c. General outdoor display that is located adjacent to a wall of the principal building, in a front yard or street yard, shall comply with the following limitations:

(i) The display shall not extend a distance greater than 5 feet from the wall;

(ii) The display shall not extend to a height above 10 feet;

(iii) The display shall not occupy more than 30% of the linear distance along the wall; and

(iv) The display shall not be permitted to block windows, entrances or exits, nor impair the ability of pedestrians to use the building.

4. Outdoor Display, Off-Site Vehicles

a. Off-site outdoor display of vehicles is allowed only if it is associated with an auto dealership whose principal establishment lies within the corporate limits of the City.

b. The vehicles displayed at the off-site property shall not be offered for sale.

c. A maximum of six vehicles may be displayed at the same time at an off-site property.

d. The vehicles display area shall be located on an approved paved surface, subject to approval by the Development Engineer.

e. The vehicle display area shall require the approval of the Director, which shall be noted on the Site Plan or, where no Site Plan of record exists, all required information shall be shown on a scaled drawing or property survey.

f. Vehicle window signage for display vehicles will be allowed in accordance with all other signage limitations for the District in which it is located.

5. Outdoor Storage, Limited

a. Limited outdoor storage is the storage of merchandise, goods or materials that are not actively for sale, are in individual packaging, and are not located within storage containers. Examples of limited outdoor storage include materials organic or otherwise stored on pallets or shelves.

b. Limited outdoor storage shall not be allowed in a front yard or street yard.

c. Limited outdoor storage shall not exceed 1,000 square feet or 20% of the total site area (whichever is greater).

d. Limited outdoor storage shall be completely screened from view by a solid opaque wall or fence at least 6 feet in height 1 foot above the height of the stored materials, whichever is greater. The wall or fence shall be constructed of materials that include, but are not limited to, brick, stone, reinforced concrete or other similar masonry materials; redwood, cedar or preservative pressure-treated wood; or other materials as approved by the Director.

e. Limited outdoor storage areas shall be paved and painted to distinguish them from required off-street parking areas.

6. Outdoor Storage, General

a. General outdoor storage is the storage of merchandise, goods or materials that are not actively for sale that include all forms of outdoor storage, including limited outdoor storage. Examples of general outdoor storage include items stacked on pallets and shelves, stored in shipping containers or convexes, and semi-trailers not attached to a truck.

b. General outdoor storage shall not be allowed in a front yard or street yard.

c. General outdoor storage shall be completely screened from view by a solid opaque wall or fence at least 8 feet in height or 1 foot above the height of the stored materials, whichever is greater. The wall or fence shall be constructed of materials that include, but are not limited to, brick, stone, reinforced

concrete or other similar masonry materials; redwood, cedar or preservative pressure-treated wood; or other materials as approved by the Director.

d. General outdoor storage areas shall be paved and painted to distinguish them from required off-street parking areas.

Section 6.03. ~~Section 6.04.~~Wireless Transmission Facilities

~~**Note to Staff:**~~

~~No significant changes to Section 5.04.~~

A Wireless Transmission Facility (WTF) is permitted in accordance with the Use Table in **Section ~~5~~6.02** and subject to the following standards:

6.03.010. ~~6.04.01.~~Locational Regulations

A. In order to protect the City's natural beauty and historic character no WTF tower shall be located in the following areas:

1. Within a one-half mile or 2,640-foot radius measured from the property line of the Williamson County Courthouse located at 710 Main Street at the center of Georgetown's historic square.
2. Within a 500-foot radius of any District, structure, or site designated as ~~H~~historic by any other lawfully authorized local, state, or federal historic preservation agency or entity by law, including the City.
3. Within 500 feet of the centerline of the San Gabriel River.
4. Within 500 feet of the ~~Interstate Highway~~ I-35 right-of-way. The restrictions of this section apply to all areas within the ~~C~~city limits except for properties and structures owned by the City. Location of a WTF on a municipally owned property or facility is subject to approval by the City Council.

B. No newly constructed WTF with or without a tower shall be located on existing structures designated as historic. Pre-existing wireless transmission facilities shall meet the requirements set forth in **Section ~~5.04.03~~6.03.030**.

C. Wireless transmission facilities are allowed, without a Special Use Permit, on existing towers or tanks, utility, lighting standard, sign support, or other appropriate structures provided that the antennas or related equipment or structures do not exceed, by ~~ten~~10 feet, the lesser of the height of the structure or the height limits of the highest permitted structure in the District in which it is located.

D. Wireless transmission facilities with towers are allowed within any electric substation, within any Zoning District, provided that the antennas or related equipment or structures do not exceed, by ~~ten~~10 feet, the lesser of the height of the structure or the height limits of the highest permitted structure in the ~~d~~District in which it is located.

6.03.020. ~~6.04.02.~~Mounting Standards

A. Wireless transmission facilities may locate, without a Special Use Permit, on the roof of any Non-Residential and non-historic building, within any Zoning District, provided the WTF does not exceed, by ~~ten~~10 feet, the lesser of the height of the building or structure or the height limits of the District in which it is located.

B. Wireless transmission facilities may mount, without a Special Use Permit, on the exterior of any Non-Residential and non-historic building, within any Zoning District, provided the antenna or antenna support structure or equipment:

1. Is mounted flush with the exterior of the building or that it projects no more than 24 inches from the surface of the building to which it is attached and does not exceed height restrictions established in this part of the Code and that said projection is at least 15 feet above grade; and
2. Is textured and colored so as to blend with the surrounding surface of the building.

C. Wireless transmission facilities, with or without towers, are allowed on municipally owned properties and structures subject to approval of a lease by the City Council specifying WTF location, design, and other restrictions.

D. Wireless transmission facilities may locate in the areas set forth in Subsections **A** and **B** above, provided they comply with all other standards regarding height requirements; collocation; historic ~~D~~districts, structures or sites; residential structures; residentially zoned property; setbacks and site development, and submittal requirements of this Code. To locate within or on an area related to Subsection **C** above, the applicant must first receive approval from the City Council.

6.03.030. ~~6.04.03.~~Collocation

A. To minimize the number of WTFs to be sited, applicants should cooperate with other service providers in collocating additional antennas on existing towers and/or structures to the extent that collocation is reasonably economical and technically feasible. An applicant should exercise good faith in collocating with other providers and sharing the permitted site. Such good faith shall include sharing technical information to evaluate the feasibility of collocation.

B. Service providers should, to the maximum extent feasible, promote collocation of antennas by multiple providers through the use of nonexclusive agreements for antenna sites, relocation and reconfiguration of antennas to accommodate additional users, utilization of current technology to maximize antenna separation and minimize antenna/tower height and obtrusiveness, and ensure building support structures are of sufficient strength.

C. The City encourages that each WTF tower be constructed in such a way that the structure can support additional antenna systems having the same or similar wind and weight loading characteristics as those that are proposed by applicant. Tower space on existing WTF towers should be provided on a reasonable, proportioned cost basis to other service providers who seek use of the structure, unless it would result in the creation of a level of radio frequency interference that would degrade applicant's services.

6.03.040. ~~6.04.04.~~Setback Requirements

No permit for a ~~T~~tower shall be approved or issued unless the proposed WTF is in compliance with the applicable provisions governing setback distance requirements, which are as follows:

A. Monopole Towers~~.~~

The distance between the base of a single monopole, and all Residential Districts or uses must not be less than:

1. The height of the WTF tower for towers under 60 feet;
2. One-and-one-half times the height of the WTF tower if the height of that tower is over 60 feet~~,~~ but not over 90 feet;
3. Two times the height of the WTF tower if the height of that tower is over 90 feet~~,~~ but not over 105 feet;
4. Two-and-one-half times the height of the WTF tower if the height of that tower is over 105 feet~~,~~ but not over 120 feet; or
5. Three times the height of the WTF tower if the height of that WTF tower is over 120 feet.

B. All distance measurements referred to in this section shall be the distance of a straight horizontal line from the center of the base of the WTF to the center of the residential lot minus 50 feet or the closest residential property line, whichever results in the greatest distance from the WTF and the nearest outer wall of a residential structure or line.

C. Safety issues will be fully addressed by applicants for a WTF siting. Wireless Transmission Facilities should be located in such a manner that if the structure should fall along its longest dimension it will remain within the owned or leased property boundaries of the service provider and will avoid structures, public streets, and utility lines. If a proposed WTF has a potential for affecting a nearby property or structure upon collapse or scattering of equipment debris, the situation must be addressed by applicant.

D. Property uses and distances referred to in this section shall be determined as of the date and time that the completed WTF permit application is filed.

E. Equipment enclosures shall be set back from the property line according to the applicable regulations.

6.03.050. ~~6.04.05.~~Fencing Requirements

A. The base of a WTF with a tower, including all mechanical equipment and accessory structures, must be completely enclosed by a fence, wall, or barrier that limits climbing access to such WTF and any supporting systems, lines, wires, buildings, or other structures. The base must be fully screened from view of residential structures, residentially zoned properties or public roadways by a substantially opaque screening fence designed and built to provide privacy.

B. The fence shall be a minimum height of ~~eight~~8 feet and consistent in color and character to surrounding structures and properties.

C. The fencing shall have no openings, holes or gaps larger than ~~four~~4 inches measured in any direction.

D. The fencing may contain gates or doors allowing access to the WTF and accessory structures for maintenance purposes; such gates or doors shall be kept completely closed and locked except for maintenance purposes and shall be located so that all gates and doors do not intrude into the public right-of-way.

E. The requirements of this section do not apply to:

1. Wireless Transmission Facilities located on buildings or structures that are not designed or built primarily to support WTFs, provided that the general public has no physical access to the WTFs and adequate safety measures are taken to prevent access by unauthorized people;
2. Legally existing WTFs having security fences at least ~~six~~6 feet in height; and
3. WTFs with towers that are sufficiently camouflaged or disguised such that the City determines that a security fence is unnecessary and/or would cause the tower to be unnecessarily more obtrusive.

6.03.060. ~~6.04.06.~~Maintenance and Inspection

A. The owner or operator of a WTF shall be responsible for the maintenance of the WTF and shall maintain all buildings, structures, supporting structures, wires, fences or ground areas used in connection with a WTF in a safe condition and in good working order, as required by ~~c~~City building, fire or any other applicable codes, regulations or ordinances or to standards that may be imposed by the City at the time of the granting of a permit. Such maintenance shall include, but shall not be limited to, maintenance of the paint, landscaping, fencing, equipment enclosure, and structural integrity. If the City finds that the WTF is not being properly maintained, the ~~c~~City will notify the owner of the WTF of the problem. If the applicant fails to correct the problem within 30 days after being notified, the City may undertake maintenance at the expense of the applicant or revoke the permit, at its sole option.

B. By applying for a WTF permit under this article, the applicant specifically grants permission to the City, its duly authorized agents, officials, and employees, to enter upon the property for which a permit is sought, after first providing a reasonable attempt to notify a person designated by the applicant, except in the event of an

emergency, for the purpose of making all inspections required or authorized to be made under this part of the Development Code. The City may require periodic inspections of WTFs to ensure structural integrity and other Code compliance. Based upon the result of an inspection, the City may require repair or removal of a WTF.

6.03.070. ~~6.04.07.~~Radio Frequency Standards

A. The applicant shall comply with federal standards for radio frequency emissions and must submit a signed statement that the proposed site fully complies with federal standards for radio frequency emissions. The City reserves the right to request that the applicant submit a sealed report from a registered radio frequency engineer which provides the estimated cumulative field measurements of radio frequency emissions of all antennas installed at the subject site and compares the results with established federal standards. Said report shall be subject to review and approval by the City for consistency with federal standards. If on review the City finds that the proposed or established WTF does not meet federal standards, the City may deny or revoke the permit, whichever is applicable at the time.

B. The applicant shall ensure that the WTF will not cause localized interference with the reception of area television or radio broadcasts or other legally existing WTFs. If on review the City finds that the WTF will interfere with such reception, it may deny the permit. If such interference occurs after the permit is issued and the problem is not corrected within 60 days, the City may revoke or modify the permit.

6.03.080. ~~6.04.08.~~Specific Development Standards

Wireless transmission facilities shall conform to the following site development standards:

A. All towers must be of monopole construction and be as ~~least~~ unobtrusive as possible. At a minimum, antennas must be flush with the tower;

B. To minimize potential safety hazards, WTFs with towers shall be setback from residential structures or residentially zoned property lines as required in **Section ~~5.04.04~~6.03.040**;

C. All lots on which WTFs are located must have access to a public right-of-way accepted by the appropriate governmental agency.

D. Wireless transmission facilities shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to:

   1. Use existing site features to screen as much of the total WTF as possible from public view;
   2. Use existing site features as a background so that the total WTF blends into the background with increased sight distances; and
   3. To the degree technically feasible, locate on a portion of the site that is effectively isolated from view of residential areas by structures or terrain features unless the WTFs are integrated or act as an architectural element of the structure such as a flag-pole or parking lot light or are effectively screened through installed landscaping or other acceptable screening.

E. Wireless transmission facilities having towers viewable from a residential structure, residentially zoned property or public roadway shall be landscaped along the perimeter of the WTF fencing. Further, the use of existing vegetation shall be preserved to the maximum extent practical and may be used as a substitute for or in supplement toward~~s~~ meeting landscaping requirements. The installed landscaping requirements include:

   1. A row of shade trees a minimum of ~~one~~1-inch caliper shall be planted around the perimeter of the fence with a maximum spacing of ~~ten~~10 feet;

2. A continuous hedge of ~~one~~1-gallon-sized (minimal) evergreens shall be planted along the perimeter of the WTF; and
3. All landscaping shall be drought-resistant or irrigated and properly maintained to ensure good health and viability.

F. The City may waive landscaping requirements if the design of the WTF tower is such that landscaping would cause the tower to be more obtrusive, if the ~~T~~tower is integrated or acts as an architectural element of a structure such as a flag-pole, parking lot light, bell tower or other similar structure, and/or the City determines landscaping to be unnecessary.

G. Wireless transmission facilities with towers shall conform to the fence standards established in **Section ~~5.04.05~~6.03.050**.

H. Equipment enclosures of a WTF that may be seen from a residential structure, residentially zoned property or public roadway, are encouraged to be located underground, if site conditions permit. If the equipment enclosure is not put underground, then it must be within the building in which the antenna is mounted or in a separate equipment enclosure that matches the existing building or surrounding structures in character and building materials.

I. All signs, flags, lights, and attachments other than those required for communications operations, structural stability or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited on any WTF;

J. Applicant shall identify to the City any structures in the vicinity which the applicant investigated for possible use that have not been addressed otherwise in the application.

6.03.090. ~~6.04.09.~~Submittal Requirements

A. All service providers wishing to operate a WTF shall ensure and submit documentation demonstrating:

1. That the tower will be erected and operated in compliance with current FCC and FAA rules and regulations and other applicable federal, state, and local standards particularly as apply to the Georgetown Municipal Airport;
2. That all back haul providers are identified and have all the necessary approvals to operate as such, including holding necessary franchises, permits, and certificates;
3. A notarized statement signed by the WTF tower operator, the tower owner and the landowner that indicates:
   a. The extent to which all agree to allow collocation of additional WTF equipment by other service providers on the applicant's structure or within the same site location on a reasonable and non-discriminatory basis;
   b. An understanding of **Section ~~5.04.06~~6.03.060** relating to maintenance and inspections;
   c. An understanding that if the service provider fails to remove the WTF upon 60 days of its discontinued use, the responsibility for removal falls upon the landowner, and in the event the WTF is not removed within another 60 days, the City may remove the WTF and recover the costs associated with such removal from the landowner and place a lien on the property until such costs are paid.
4. Service providers shall submit updated notarized statements as required above whenever ownership or operators change.

5. A certification and sealed report from a registered professional engineer stating that all structural components of the WTF comply with all applicable codes and regulations. In the case of WTF towers, the report should further note the extent to which the tower is designed and/or built to accommodate co-location.

B. Service providers wishing to establish a WTF shall:

1. Secure all necessary approvals and permits needed to operate or construct a WTF within the City;
2. Fully and accurately complete a questionnaire supplied by the City;
3. Comply with all ordinances of the City;
4. Pay all related development and permit application fees;
5. Reimburse the City for actual costs incurred by the City for radio frequency evaluations, structural engineering reviews and/or any other services that the City may deem necessary to review and process the application; and
6. Provide the City with:
   a. A master antenna plan, including detailed maps:
      (i) Showing the precise locations and characteristics of the proposed and all existing WTFs in the City and in its extraterritorial jurisdiction (ETJ);
      (ii) Indicating coverage areas of the proposed and existing sites within the City and its ETJ; and
      (iii) Showing topography of proposed site.
   b. Updates of the above documents shall be filed with the City as they become available;
   c. Photo simulations of the proposed WTF from varying points and distances, including affected residential properties and public rights-of-way. The photo simulation shall also include a diagram or map indicating points from where the photo simulations are taken; and
   d. Site and landscaping plans indicating:
      (i) The specific placement of the WTF and all related structures on the site;
      (ii) The location of existing trees, and other significant site features;
      (iii) The type and location of landscaping proposed for screening;
      (iv) The color(s) for the WTF; and
      (v) Architectural and structural drawings for the proposed site.

6.03.100. ~~6.04.10.~~Notice Requirements

The notice requirements of this section apply only to applications for which a ~~P~~public ~~H~~hearing is required and if the proposed WTF ~~T~~tower is within 200 ~~[~~feet~~]~~ or a distance equal to twice the height of the proposed WTF, whichever is greater, of a residential structure or a residential ~~d~~District.

A. Notice Sign Placement and Information.

1. The applicant for a WTF permit must post and use reasonable efforts to maintain a sign on the subject WTF site for a minimum of 30 calendar days beginning no later than the sixth calendar day following the date of the filing of the required completed application with the City. The sign shall be posted no less than 15 feet from the public right-of-way that is used as access to the WTF site. The sign shall face and be legible from the public right-of-way. The sign shall contain at a minimum the following items of information:

a. That this is the proposed site of a WTF;

b. The proposed maximum Height Above Grade of the proposed WTF;

c. The WTF permit application number assigned to this project by the City; and

d. The telephone number of the City of Georgetown where additional information concerning this proposed WTF may be obtained.

2. The applicant shall remove the sign from the subject WTF site after the permit is obtained or the appeals process is complete.

3. Written notice of the filing of each application for a WTF permit shall be given to the owners, as is indicated by the most recently approved tax rolls, of all property within a distance of 200 feet or a distance that is equal to twice the height of the proposed WTF, whichever is greater, from the proposed WTF site. The required written notice, which will be mailed out by the City, shall be in a form prescribed by the Director and shall be mailed by depositing the same in the United States Mail. The required notice shall be mailed no later than the tenth calendar day following the filing of the required fully completed application.

4. Written notice shall be published by the City at least once in a local newspaper of general circulation within the City not later than the seventh calendar day following the date of filing of the required completed application. Such notice shall be published in the ~~S~~section of such newspaper in which other legal notices are commonly published.

5. The "written notice" required in Subsection **3** above shall include, at a minimum, the following:

a. The name, signature, address, and telephone number of the person or entity representative that will own the proposed WTF structure;

b. The name, address, and telephone number of the applicant if different from the owner of the proposed WTF;

c. The approximate proposed location of the WTF structure, including the street address (or nearest street intersection) and the name of the subdivision or survey if there is no recorded subdivision;

d. The proposed use of the WTF structure and site;

e. The proposed maximum height above grade of the proposed WTF structure; and

f. That additional information may be obtained by writing or telephoning the office of the Director, including the telephone number.

6.03.110. ~~6.04.11.~~Permitted Hours for Construction

Construction, placement, removal or alterations to a WTF shall not be performed except between the hours of 7:00 a.m. and 9:00 p.m. of any day, except in a bona fide emergency.

6.03.120. ~~6.04.12.~~Permit Limitations

A. Any City permit, including the Special Use Permit, shall become null, void and non-renewable if the permitted WTF is not constructed within one year of the date of issuance, provided that the Special Use Permit may be extended one time for six months if construction has commenced before expiration of the initial year.

B. The applicant/permittee of a WTF shall expressly indemnify, protect, and hold the City harmless to the maximum extent allowed by law. No exceptions to this requirement shall be allowed.

C. Any City permit, including a Special Use Permit, for a WTF shall expire and the applicant must remove the WTF if it is not put into use within 120 days after construction or if use is discontinued for a period in excess of 120 days. If the WTF is not so removed, the City may cause the WTF to be removed and all expenses of removal shall be paid by the owner of the land where the WTF is located.

D. The applicant shall notify the Director of all changes in ownership or operation of the WTF ~~T~~tower within 30 days of actual knowledge of the change.

6.03.130. ~~6.04.13.~~Effective Date and Effect on Pre-Existing and Permitted WTFs

A. The requirements of this part of the Code apply to all new WTFs after the date of adoption and the expansion and/or alteration of any existing WTFs; provided that an in-kind or smaller replacement of transmission equipment will require only a written notification to the City.

B. A WTF which was in existence on the date of final passage of this part of the Development Code shall not be required to be removed or relocated in order to meet the minimum distance requirements of this Code due to subsequent platting of a residential lot nearer to the WTF than the distance requirements of this section. However, any alteration to existing WTFs shall require compliance with the applicable provisions of this Code.

Chapter 7. Residential Development Standards ~~(Chapter 6)~~

Section 7.01. ~~-~~General

7.01.010. ~~7.01.01.~~Authority

The provisions of this ~~C~~chapter are adopted pursuant to Texas Local Government Code ~~c~~Chapters 211 and 212 and the City Charter.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

7.01.020. ~~7.01.02.~~Purpose and Intent

This ~~C~~chapter establishes development standards for residential properties within the ~~C~~city limits and ETJ of the City of Georgetown.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

7.01.030. ~~7.01.03.~~Applicability

A. Within the Extraterritorial Jurisdiction (ETJ)

All residential development within the City's ETJ is subject to the provisions of **Section ~~6.02.01~~7.02.010. General**.

B. Within the City Limits

1. All residential development within a Residential Zoning District shall be subject to the provisions of this Chapter.
2. All residential development within a Non-~~r~~Residential Zoning District shall be subject to the provisions of **Section ~~6.05~~7.04. Accessory Structures, Garages and Carports** and **Section ~~6.06~~7.05. Common Amenity Area** in addition to the development standards of the Non-Residential ~~z~~Zoning ~~d~~District in which it is located.
3. All non-residential development within a Residential Zoning District or the Agriculture District shall be subject to the Building Design Standards set forth in ~~Section 7.03~~**Section 8.04** and the Lighting Standards set forth in ~~Section 7.04~~**Section 8.05** in addition to the development standards of the Residential ~~z~~Zoning ~~d~~District in which it is located.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~Note to City Staff: References to Sections 7.03 (Building Design Standards) and 7.04 (Lighting Standards) have been updated to match the associated sections in the Draft Chapter 7. References to 7.04 (Building Design Standards) are now 7.03 and references to 7.05 (Lighting Standards) are now 7.04.~~

Section 7.02. Development Standards

7.02.010. ~~7.02.01.~~General

A. All new development shall be located on a lot or tract meeting the requirements of ~~Section 3.08 of this Code~~**Section 3.15**.

B. All new lots or tracts shall have a minimum lot width and street frontage ~~along~~abutting a public street, or a private street that meets City of Georgetown public street construction requirements, as follows:

1. Within the city limits the minimum lot width and street frontage shall be in accordance with the ~~z~~Zoning ~~d~~District in which it is located.

2. Within the ETJ the minimum lot width and street frontage shall be 25 feet unless the frontage is on a collector or higher, then the minimum shall be 70 feet.
3. A Subdivision Waiver varying or waiving these requirements may be requested pursuant to ~~Section 3.22 of this Code~~**Section 3.16**.

C. All development within the city limits and areas of the ETJ where the City provides fire protection services shall comply with the applicable standards contained in the International Fire Code, as adopted in the **City of Georgetown Code of Ordinances, Chapter 8.04**. When such standards conflict with any lot, dimensional, and design standards of this Code, the International Fire Code standards shall apply.

D. Allowed Uses

1. Uses allowed in each ~~z~~Zoning ~~d~~District shall be:
   a. Those residential uses identified in ~~the Use Tables in Chapter 5 of this Code~~**Section 6.02. Use Tables**.
   b. Those non-residential uses identified in ~~the Use Tables in Chapter 5 of this Code~~**Section 6.02. Use Tables**.
   c. Those accessory uses identified in **Subsection** ~~5.01.020.E of this Code~~**6.01.020.F** that may be compatible with the primary uses.

~~Note to City Staff: Duplicative content in each zoning district (Allowed uses, Non-Residential and Accessory Design Standards, and Other Requirements) been moved to Section. 6.02.01 General.~~

E. Non-Residential and Accessory Design Standards

1. Non-residential structures shall meet the lot and dimensional standards of the applicable District, in addition to the requirements of ~~Section 7.03 and Section 7.04.~~**Section 7.03** and **Section 7.04**.
2. Residential accessory structures shall meet the requirements of **Section** ~~**6.05.01**~~**7.04.010**.
3. Residential accessory structures shall not exceed the height of the principal residential structure.

~~Note to City Staff: The reference in 6.02.01.E.2. has been updated from 6.06.01 to 6.05.01 that references accessory structures.~~

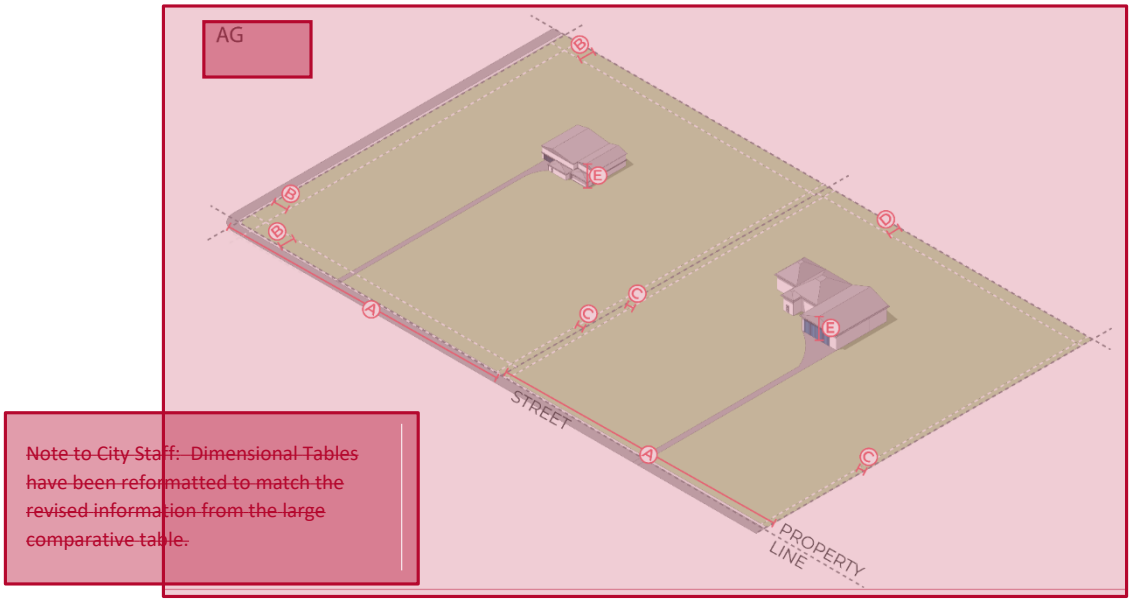
F. Other Requirements of this Chapter that Apply to all Residential Districts

1. Dimensional Interpretations and Exceptions, **Section** ~~**6.04**~~**7.03**.
2. Accessory Structures, Garages and Carports, **Section** ~~**6.05**~~**7.04**.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

7.02.020. ~~7.02.02.~~AG Agriculture District

The AG Agriculture District provides for large lot, low-density~~.~~ rural residential development, ranching, farming and other agricultural uses. This area may also include lands that are relatively undeveloped and natural areas. This ~~d~~District incorporates supporting, small-scale, non-residential uses located along major thoroughfares with buffering between residential and nonresidential uses. The AG District is also appropriate for land newly annexed into the City.



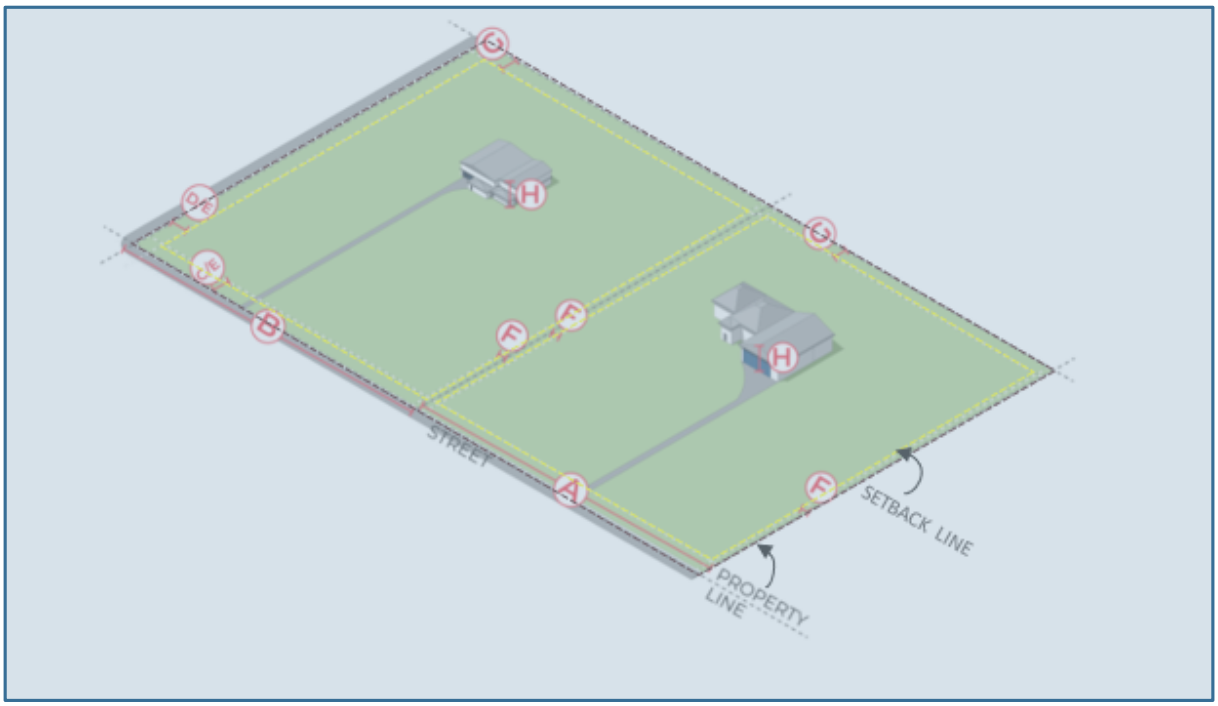
~~Note to City Staff: Dimensional Tables have been reformatted to match the revised information from the large comparative table.~~

A. Lot and Dimensional Standards

AG Agriculture District		
	Lot size, minimum square feet	217,800 (5 acres)
A	Lot width, minimum feet	100
B	Corner/~~E~~end ~~L~~lot ~~W~~width, minimum feet~~2~~[1]	100
C	Front/~~Side/Rear/Unloaded~~primary street setback ~~(Corner)~~, minimum feet	25
D	Corner side/secondary street setback, minimum feet	25
E	Street-facing garage setback, minimum feet	25
F	Side setback, minimum feet	10
G	Rear setback, minimum feet	20
H	Building height, maximum feet	45
	~~-~~Maximum ~~I~~impervious cover	See **Section 13.02**
[1] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.		

~~AG Agriculture District~~		
~~-~~	~~Lot size, minimum square feet~~	~~5 acres~~
~~A~~	~~Lot width, minimum feet~~	~~Per street class[1]~~
~~-~~	~~Corner/End Lot Width, minimum feet[2]~~	~~-~~

	~~AG Agriculture District~~	
~~B~~	~~Front/Side/Rear/Unloaded street setback (Corner), minimum feet~~	~~25~~
~~-~~	~~Street Facing Garage Setback, minimum feet~~	~~-~~
~~C~~	~~Side setback, minimum feet~~	~~10~~
~~D~~	~~Rear setback, minimum feet~~	~~20~~
~~E~~	~~Building height, maximum feet~~	~~45~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~20%~~
~~[1]Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed.~~ ~~[2]The spacing of driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~		



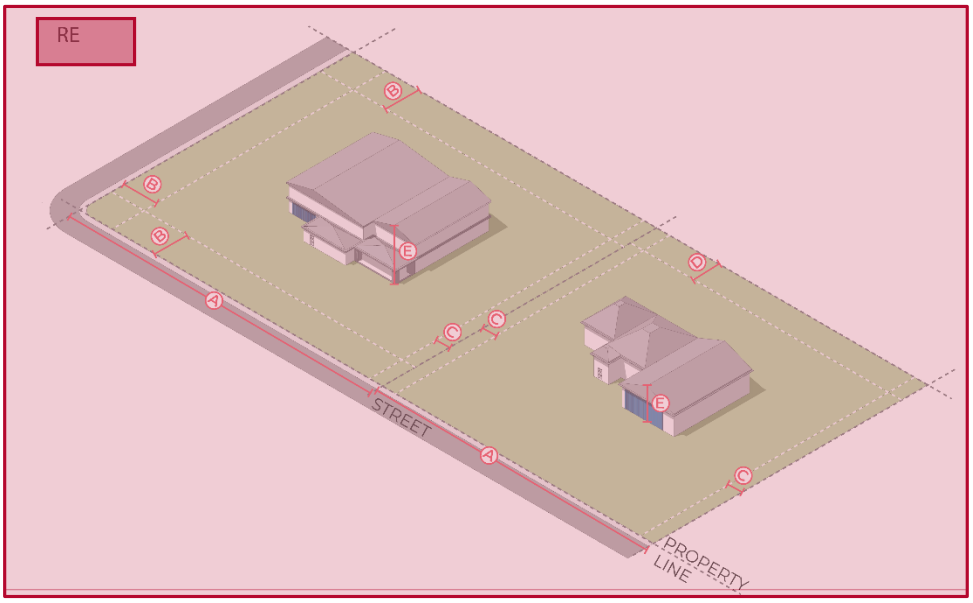
B. Non-Residential and Accessory Design Standards

1. Accessory structures associated with a Non-~~r~~Residential Use allowed in ~~Table 5.07.010 (Agricultural Uses)~~**Section 6.02.060.A. Agricultural and Related Uses** may exceed the height of the principal structure provided the maximum building heights of the ~~d~~District are not exceeded.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

7.02.030. ~~7.02.03.~~RE Residential Estate District

The RE Residential Estate District provides for large-lot, low-density residential development and associated uses and services. This ~~d~~District is appropriate where steep topography, presence of environmentally~~-~~ sensitive features or lack of public utilities and services may necessitate a low density.



A. Lot and Dimensional Standards

RE Residential Estate District		
	Lot size, minimum square feet	43,560 (1 acre)
A	Lot width, minimum feet[1]	100
B	Corner/end lot width, minimum feet[2]	100
C	Front/primary street setback, minimum feet	25
D	Corner side/secondary street setback, minimum feet	25
E	Street-facing garage setback, minimum feet	25
F	Side setback, minimum feet	10
G	Rear setback, minimum feet	20
H	Building height, maximum feet	35
	Maximum impervious cover	See **Section 13.02**

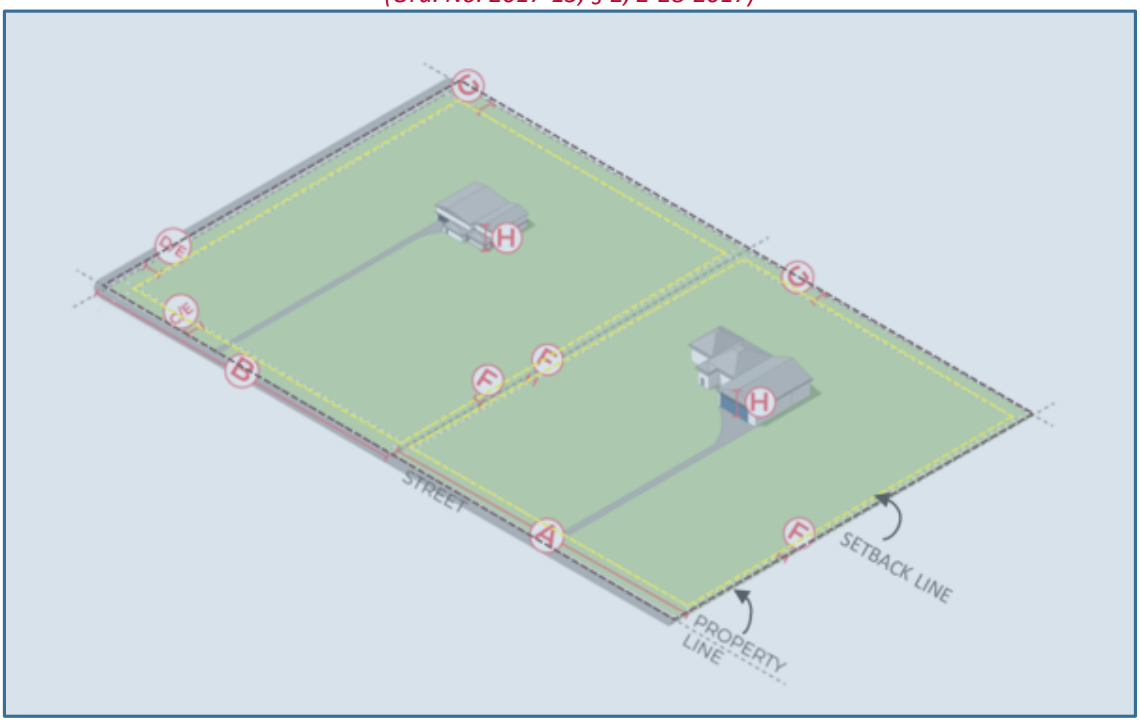
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

~~RE Residential Estate District~~		
~~-~~	~~Lot size, minimum square feet~~	~~1 acre~~
~~A~~	~~Lot width, minimum feet~~	~~100~~
~~-~~	~~Corner/End Lot Width[1]~~	~~-~~

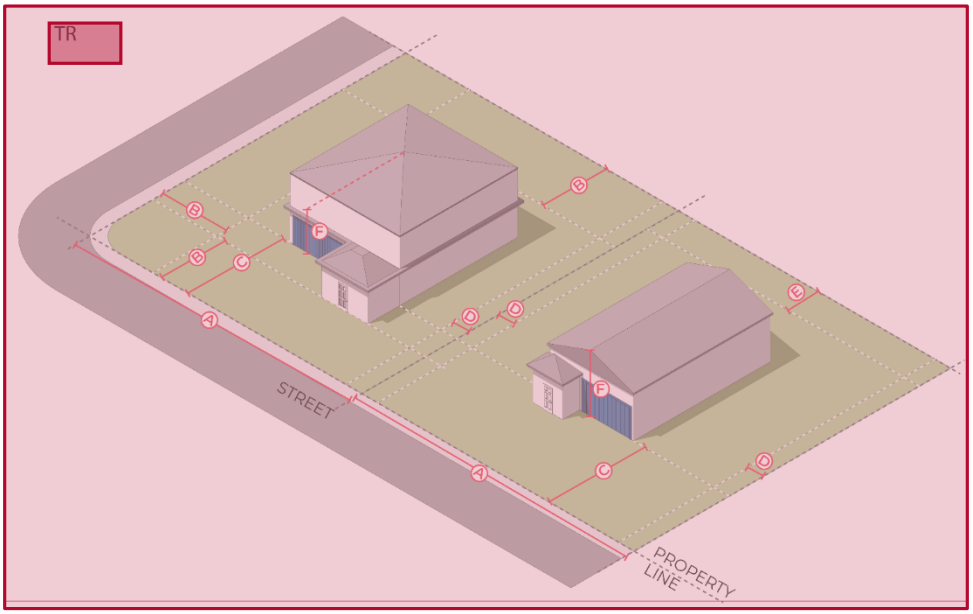
	~~RE Residential Estate District~~	
~~B~~	~~Front/Side/Rear/Unloaded street setback (Corner), minimum feet~~	~~25~~
~~-~~	~~Street Facing Garage Setback, minimum feet~~	~~-~~
~~C~~	~~Side setback, minimum feet~~	~~10~~
~~D~~	~~Rear setback, minimum feet~~	~~20~~
~~E~~	~~Building height, maximum feet~~	~~35~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~40%~~
~~[1]The spacing of driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~		

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~



7.02.040. ~~7.02.04.~~RT Residential Traditional District

The RT Residential Traditional District provides for large-lot residential development and associated uses and services that do not have topographic challenges or environmentally- sensitive features, and are served by public utilities and services. This ~~d~~District is appropriate as a rural-to-urban transition to provide incremental changes in intensity. While the district is appropriate in rural or urban areas where larger lots comprised of single-family detached housing are desired, the pattern of residential development closely matches that of the residential RS District.



A. Lot and Dimensional Standards

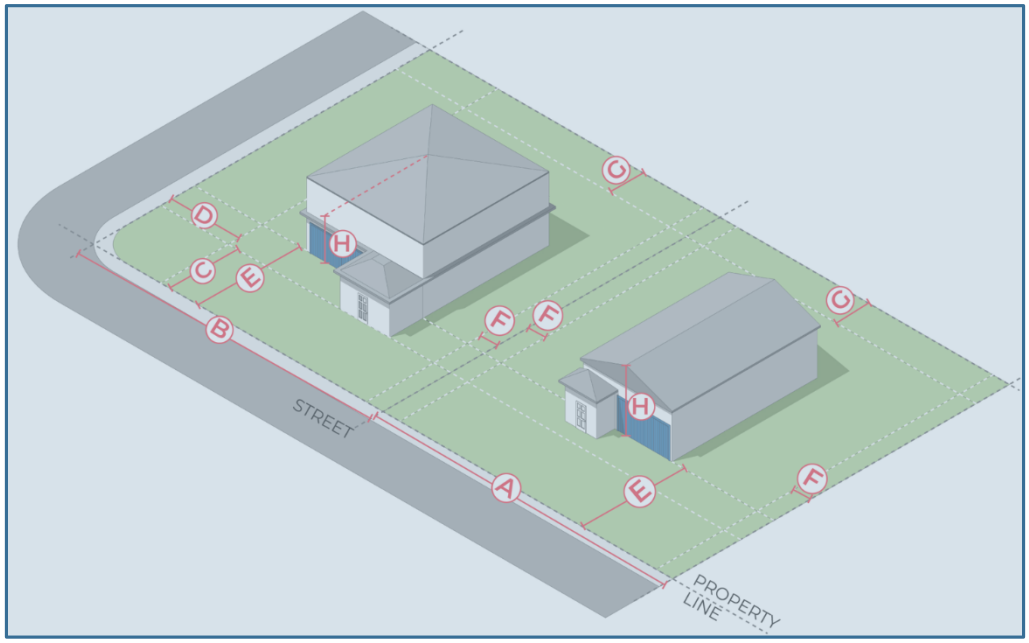
RT Residential Traditional District		
	Lot size, minimum square feet	7,500
A	Lot width, minimum feet[1]~~00~~	70
B	Corner/~~E~~end ~~L~~lot width, minimum feet[2]	70
C	Front/primary street setback, minimum feet	20
D	Corner side/secondary street setback, minimum feet	20
E	Street-facing garage setback, minimum feet	30
F	Side setback, minimum feet	5
G	Rear setback, minimum feet	10
H	Building height, maximum feet	35
	-Maximum ~~I~~impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

	~~RT Residential Traditional~~	
~~-~~	~~Lot size, minimum square feet~~	~~7,500~~
~~A~~	~~Lot width, minimum feet~~	~~70~~
~~-~~	~~Corner/End Lot Width[1]~~	~~-~~
~~B~~	~~Front/Side/Rear/Unloaded street setback (Corner), minimum feet~~	~~20~~
~~C~~	~~Street Facing Garage Setback, minimum feet~~	~~30~~
~~D~~	~~Side setback, minimum feet~~	~~5~~
~~E~~	~~Rear setback, minimum feet~~	~~10~~
~~F~~	~~Building height, maximum feet~~	~~35~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~40%~~
~~[1]The spacing of residential driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~		

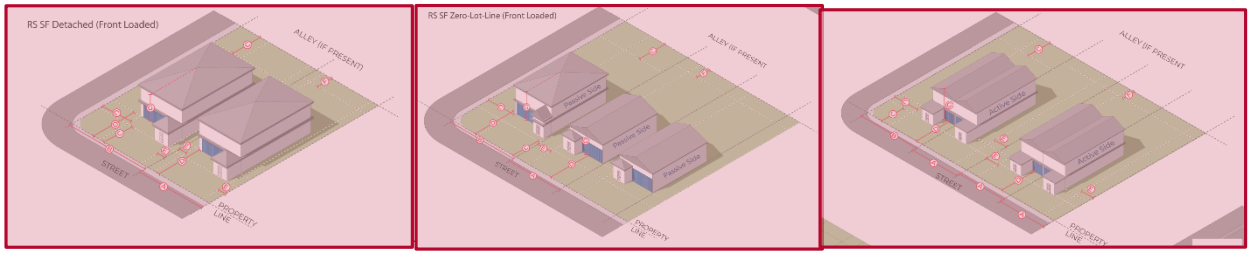
~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~



7.02.050. ~~7.02.05.~~RS Residential Suburban District

The RS Residential Suburban District is a ~~d~~District that provides for smaller-lot residential development and associated uses and services, and allows both single-family detached homes, single-family attached homes, and zero lot line homes. Residential development in this ~~d~~District is ~~intended~~ to maintain single-family neighborhood characteristics, such as curve~~d~~linear streets of homes separated from other uses. The District may be located adjacent to small-scale commercial and public services likely to serve residents of the neighborhood, and protected from incompatible non-residential uses, such as large-scale commercial retail, office parks, manufacturing, and warehousing.

~~Note to City Staff: Lot dimensions for Single Family Attached (Twin house) have been increased to better meet the minimum for a 5,500 sf lots in the RS district.~~



A. Lot and Dimensional Standards

	Lot Type	Single-Family, Detached		Single-Family, Attached	
	Garage/Parking Access	Front	Alley	Front	Alley
	Lot size, minimum square feet	~~7~~5,500	4,000	3,100	2,700
A	Lot width, minimum feet[1]	45	35	35	30
B	Corner/~~E~~end ~~L~~lot width, minimum feet[2]	55	45	45	35

	Lot Type	Single-Family, Detached		Single-Family, Attached	
	Garage/Parking Access	Front	Alley	Front	Alley
C	Front/primary street setback, minimum feet	20	15	20	15
D	Corner side/secondary street setback, minimum feet	15	15	15	15
E	Street-facing garage setback, minimum feet	25	N/A	25	N/A
F	Side setback, minimum feet	5	5	N/A	N/A
G	Shared/Passive wall side setback, minimum feet	N/A	N/A	0	0
H	Non-shared/Active wall side setback, minimum feet	N/A	N/A	5	5
I	Rear setback, minimum feet	10	10	10	10
J	Building height, maximum feet	35	35	35	35
	Maximum ~~i~~impervious cover	See **Section 13.02**			

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of ~~residential~~ driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

~~**RS Residential Suburban District**~~						
~~**Lot type**~~	~~**Single-Family, Detached**~~		~~**Single-Family, Zero-Lot-Line[2]**~~		~~**Single-Family, Attached**~~	
~~**Garage/Parking Placement**~~	~~**Front Loaded**~~	~~**Alley Loaded**~~	~~**Front Loaded**~~	~~**Alley Loaded**~~	~~**Front Loaded**~~	~~**Alley Loaded**~~
~~Lot Size, minimum square feet~~	~~5,500 SF~~	~~4,000 SF~~	~~5,500 SF~~	~~4,000 SF~~	~~5,500 SF~~	~~4,000 SF~~
~~Dwellings per Structure, Maximum~~	~~—~~	~~—~~	~~—~~	~~—~~	~~2~~	~~2~~
~~Lot Width, minimum feet~~	~~45~~	~~35[3]~~	~~40~~	~~30~~	~~40~~	~~30~~
~~Corner/End Lot Width, minimum feet[5]~~	~~55~~	~~45~~	~~50~~	~~40~~	~~50~~	~~40~~
~~Front/Side/Rear/Unloaded Street Facing Setback (Corner), minimum feet~~	~~20~~	~~15~~	~~20~~	~~15~~	~~20~~	~~15~~
~~Street Facing Garage Setback, minimum feet~~	~~30[4]~~	~~—~~	~~30~~	~~—~~	~~30~~	~~—~~
~~Side Setback, minimum feet~~	~~5~~	~~5~~	~~—~~	~~—~~	~~—~~	~~—~~

~~Shared/Passive Wall Setback, minimum feet~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~
~~Non-shared/Active Wall Side setback, minimum feet~~	~~—~~	~~—~~	~~10~~	~~10~~	~~10~~	~~5~~
~~Rear Setback, minimum feet~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~
~~Building Height, maximum feet~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~
~~Maximum Impervious Coverage[1]~~	~~60%~~	~~60%~~	~~60%~~	~~60%~~	~~70%~~	~~70%~~

~~[1]Refer to Section 11.02 for additional requirements~~

~~[2] Single-Family, Zero-Lot-Line is permissible only by Special Use Permit.~~

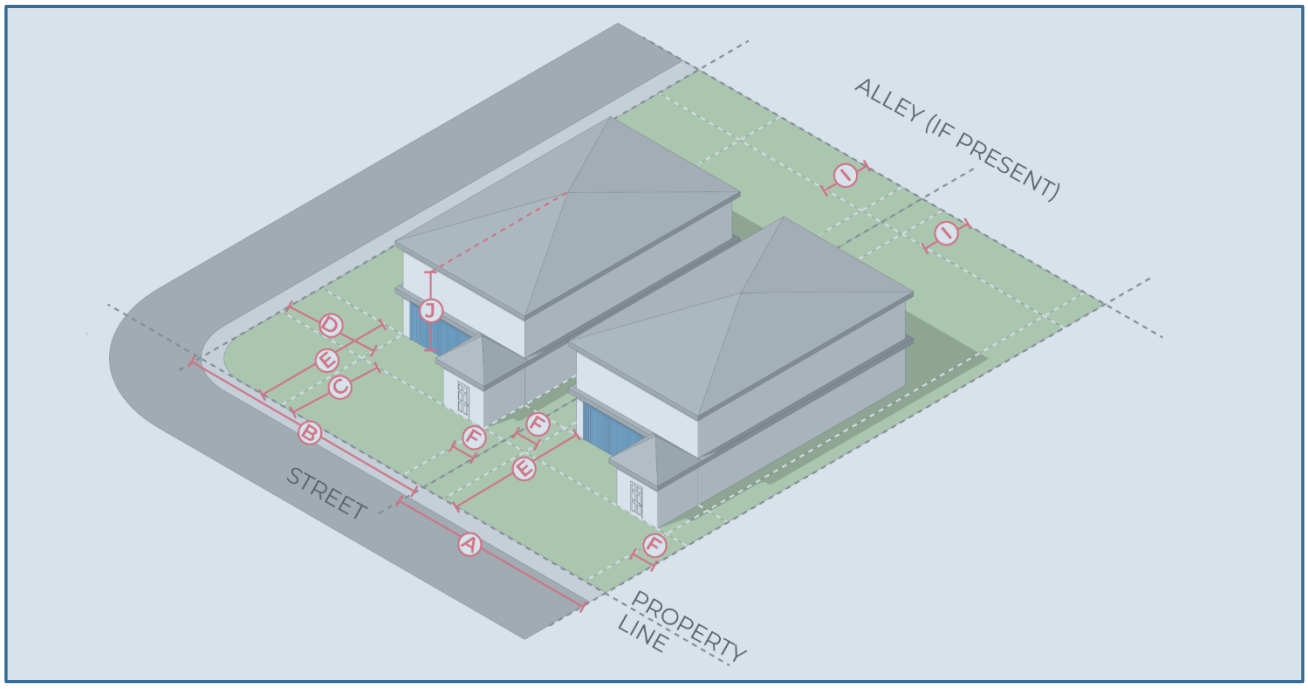
~~[3]To provide adequate spacing for planting of shade trees and installation of utility lines, no more than two lots of less than 40' width shall be platted adjacent to each another.~~

~~[4]Existing Platted Lots or new lots in Old Town may utilize a 25 foot garage setback.~~

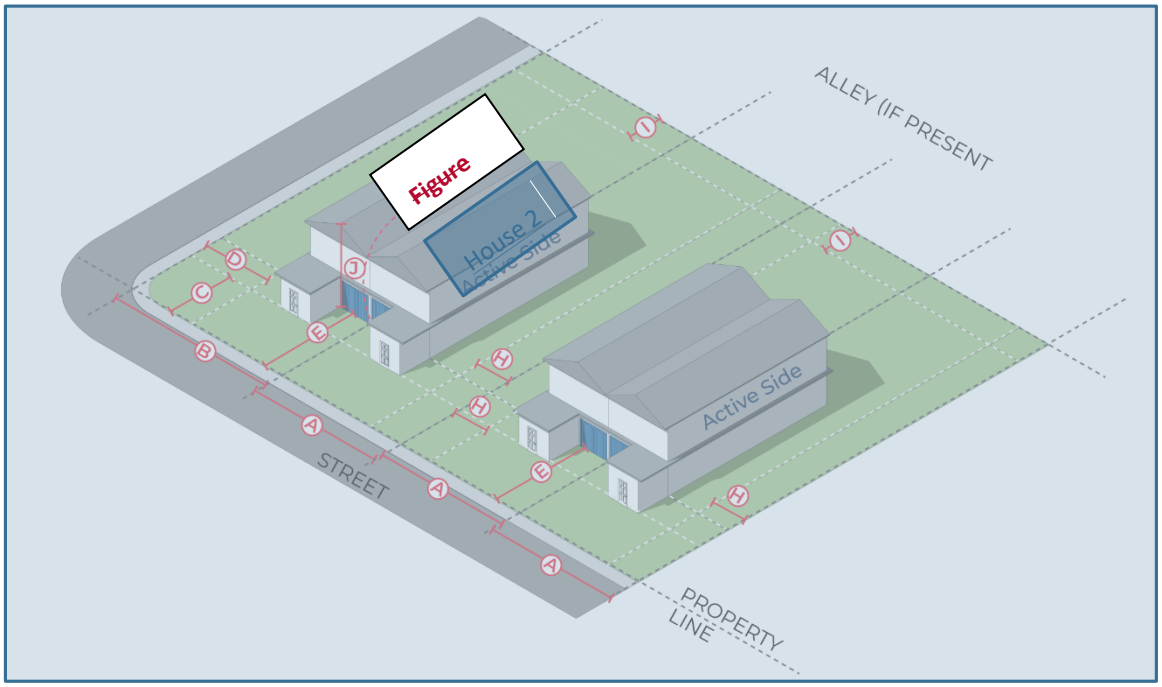
~~[5] The spacing of residential driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~

~~**B.**~~

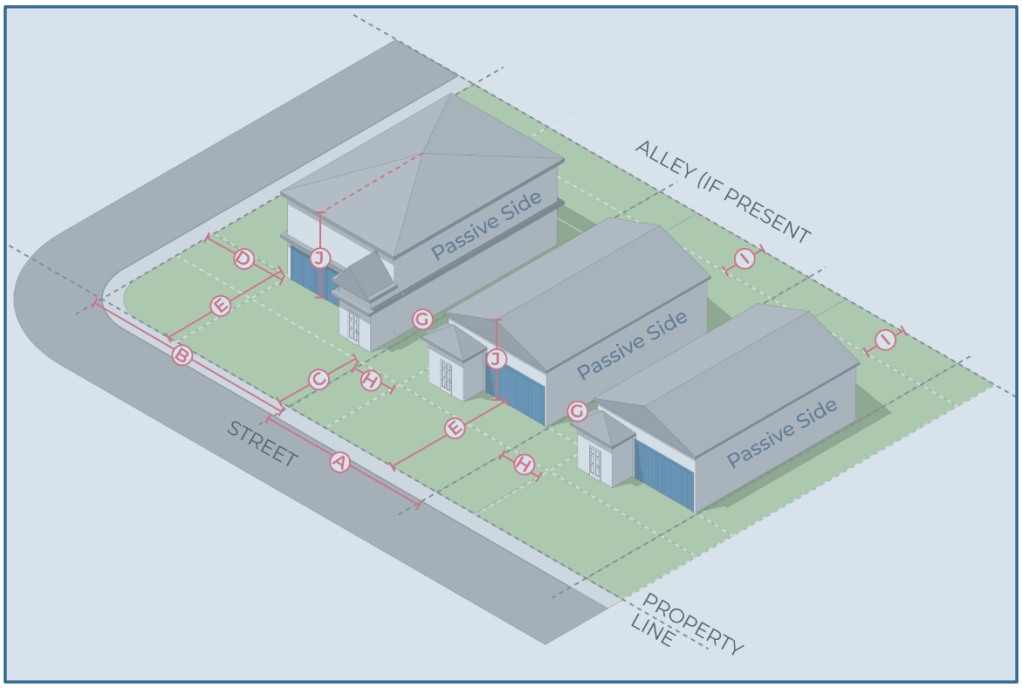
Single-Family, Detached Dimensional Graphic



Single-Family, Attached Dimensional Graphic



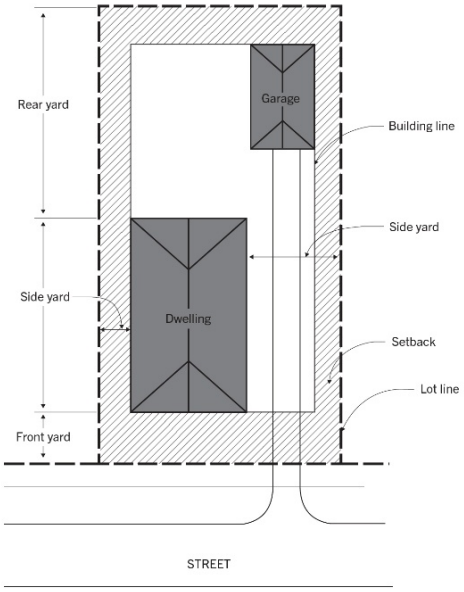
Single-Family, Zero-Lot-Line Dimensional Graphic



B. Residential Design Standards

The design standards below apply to all development in the RS District in addition to the site design standards in **Section ~~6.06~~7.05**.

Figure ~~6.05.05.B.2:~~7.02.050-7.02.05-~~2~~1. Lot ~~Differentiation~~Dimensions



1. Similarity Restrictions

   Except as provided in Subsection **a**. below, no new dwelling that is similar in appearance to a neighboring dwelling is permitted. The standards to determine such similarity are set forth below and shown by example in the illustrations contained in this section.

   a. Exemptions~~.~~

      ~~-~~The following shall be exempt from these provisions:

      (i) Dwellings for which a Building Permit was approved before March 11, 2003.

      ~~(ii) Dwellings within a housing diversity development, where a unified plan containing similarity of architectural form and style among dwellings is integral to such a plan.~~

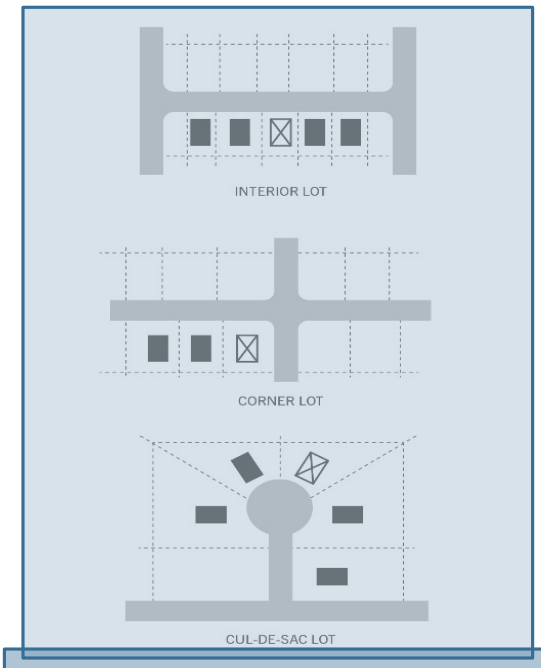
   b. Differences in Appearance

      (i) Differences in bulk and massing shall be reviewed for the lots on either side of the proposed dwelling on the same side of the street, as shown in the following illustrations.

      (ii) Where lots are interrupted by an intervening street, public parkland, or similar feature of at least 50 feet in width, no review shall be necessary.

      (iii) The proposed building shall be considered different from any vacant lot as defined in (c) below, for which no building permit has been issued without requiring further documentation.

Figure 7.02.050-7.02.05-2. Lot



The lot designated with an 'X' must be different from the lots on either side of the proposed dwelling.

   c. Differentiation~~.~~

      ~~-~~The proposed dwelling shall differ from other applicable dwellings in at least two of the three criteria listed below.

      (i) The dwelling is a different housing type.

         (a) Single-family detached;

         (b) Single-family attached; or

         (c) Single-family, zero lot line.

      (ii) The dwelling differs in the number of full stories.

         (a) Single-story; or

         (b) Two-story.

      (iii) The dwelling incorporates a variety of roof pitches.

   d. All dwelling units shall include variation in the front façade using at least four of the following:

(i) One or more bay windows;

(ii) One or more water collection devices or methods approved in this UDC;

(iii) One or more open, box, or hipped gables;

(iv) Two or more columns measuring at least the full plate height of the ground floor, unless situated upon a knee wall or architectural base or pedestal, and being fully boxed, turned, or utilizing a similar method. Columns shall measure at least ~~three~~3 inches in average width from the column center;

~~(v) Tree preservation, landscaping provided at time of construction, or some combination of each, is at least double the minimum requirements found in Chapter 8;~~

(v) ~~(vi)~~No more than one façade material is the same as a neighboring dwelling with regard to composition, color, finish, or pattern. Where a material is provided that is the same as a neighboring dwelling, it shall cover no more than 10% of the façade for the remaining differentiated materials to achieve credit. Materials that are exempt from this requirement include roofing materials, windows and window trim, doors, eave and facia board;

(vi) ~~(vii)~~One or more awnings;

(vii) ~~(viii)~~One or more arches spanning at least 25% of the façade width either individually or collectively, and having an offset of at least 5% of the arch width from both tangents;

(viii) ~~(ix)~~The garage is set back a minimum of ~~four~~4 feet from the front fa~~c~~çade;

(ix) ~~(x)~~A covered, open-walled porch at least ~~eight~~8 feet in depth extends a minimum of ~~thirty-three percent (~~33%~~)~~ of the width of the front fa~~c~~çade;

(x) ~~(xi)~~Other articulation of the front fa~~c~~çade at least ~~four~~4 feet in depth extends at least ~~thirty-three percent (~~33%~~)~~ of the width of the front fa~~c~~çade.

e. The Planning Director may approve other methods as alternatives to those listed in ~~c~~**Subsection c** above on a case by case basis if the Director determines that an alternative method will achieve a similar level of quality and differentiation from neighboring dwellings.

f. If any four of the minimum feature numbers or the feature dimensions listed under ~~d above~~**Subsection d** above are doubled, the differentiation requirement under ~~c .~~**Subsection c** above shall be satisfied regardless of whether the features listed in ~~(i)~~**Subsections c(i)** through ~~(iii)~~**c(iii)** are provided.

g. Application Review

(i) Acceptable documentation may include photographs of the other structures in question (no building elevations are required).

(ii) A subdivision or phase thereof may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat. Such documentation is not required to be recorded as part of the plat.

2. Single-Family, Attached

A single-family, attached dwelling is allowed using the lot and design standards of the RS District, in addition to the following criteria:

a. Both dwellings shall be located on separate legal lots; and

b. The side setback between two single-family attached lots may be reduced to zero feet.

3. Single-Family, Zero-Lot-~~-~~Line

A single-family, zero-lot~~-~~-line dwelling is allowed using the lot and design standards of the RS District, in addition to the following criteria:

a. The zero-lot~~-~~-line shall not be the lot line adjacent to:

   (i) A lot not containing or planned for zero-lot~~-~~-line dwellings;

   (ii) A highway frontage road; or

   (iii) A garage or carport taking access from a side street.

b. The eaves on the side of a house with no side setback may project no more than 18 inches over the adjacent property line and a perpetual easement or deed restriction for the eave projection is recorded for the lot where the projection occurs.

c. No structure extends into a public easement.

d. Any rain gutters are positioned to drain only onto the lot of the house to which they are attached.

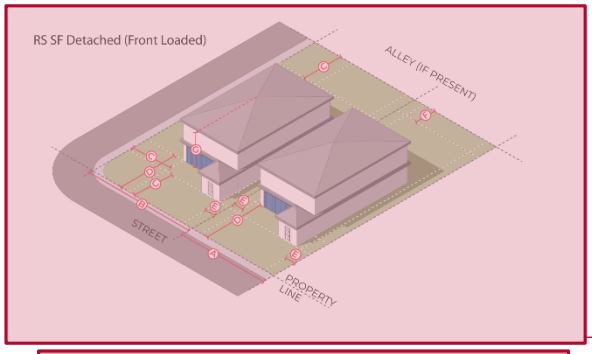
e. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within ~~four~~4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least ~~five~~5 feet of unobstructed space between the furthermost projection of the structure(s) and the edge of the easement.

f. No windows or other openings on the side of the structure on or within ~~three~~3 feet of the lot line with no setback are allowed, except for windows that do not allow or restrict visibility of the adjacent lot, such as clerestory or translucent windows.

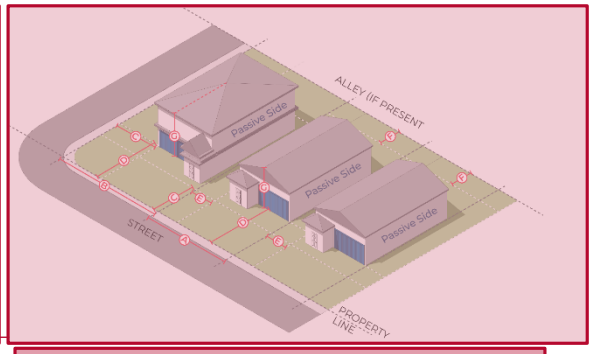
~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

7.02.060. ~~7.02.06.~~RM Residential Mix District

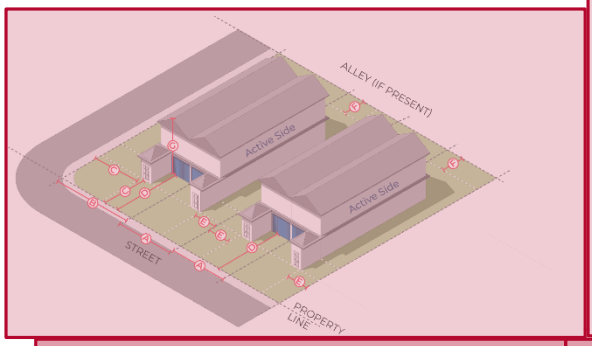
The RM Residential Mix District provides for an assortment of residential densities, housing types, and associated uses and services compatible with surrounding neighborhoods, incrementally more intense than the RS District. This ~~d~~District may include housing types such as dense single-family residential, two-family residential, duplexes, single-family attached and townhouses. This ~~d~~District is appropriate in areas of 20 acres or less for infill development in urban areas as well as a transition from residential areas to nonresidential uses such as commercial retail, offices, and non-industrial commercial uses. Development should feature elements that support access from those residents to nearby commercial retail and offices by walking or bicycling. A key difference between the RM District and RS District is the accessing of service elements of the residential use like parking via alleys, and increased use of gridded street patterns. The RM District should be protected from incompatible non-residential uses, such as large-scale commercial retail, office parks, manufacturing, and warehousing.



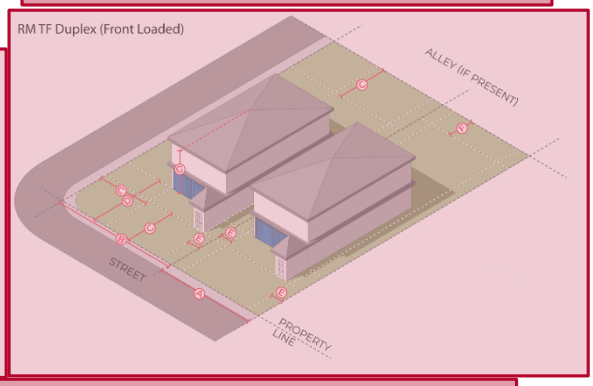
~~Single-Family, Detached~~



~~Single-Family, Zero-Lot-Line~~



~~Single-Family, Attached~~



~~Two-Family, Duplex~~

A. Lot and Dimensional Standards

	Lot Type	Single-Family, Detached		Single-Family, Attached		Two-Family, Duplex		Townhouse	
	Garage/Parking Access	Front	Alley	Front	Alley	Front	Alley	Front	Alley
	Lot size, minimum square feet	4,400	4,000	2,700	2,200	6,000	5,000	1,500	1,300
A	Lot width, minimum feet[1]	45	35	30	25	55	50	22	18
B	Corner/end lot width, minimum feet[2]	50	40	35	30	65	60	32	28

	Lot Type	Single-Family, Detached		Single-Family, Attached		Two-Family, Duplex		Townhouse	
	Garage/Parking Access	Front	Alley	Front	Alley	Front	Alley	Front	Alley
C	Front/primary street setback, minimum feet	15	15	15	15	15	15	15	10
D	Corner side/secondary street setback, minimum feet	15	15	15	15	15	15	15	10
E	Street-facing garage setback, minimum feet[3]	20	N/A	30	N/A	20	N/A	20	N/A
F	Side setback, minimum feet	5	5	N/A	N/A	5	5	N/A	N/A
G	Shared/Passive ~~W~~wall side ~~S~~setback, minimum feet	N/A	N/A	0	0	N/A	N/A	0	0
H	Non-shared/Active ~~W~~wall ~~S~~side setback, minimum feet	N/A	N/A	5	5	N/A	N/A	5	5
I	Rear ~~S~~setback, minimum feet	10	10	10	10	10	10	10	10
J	Building ~~H~~height, maximum feet	35	35	35	35	35	35	35	35
	Maximum ~~i~~impervious cover	See **Section 13.02**							

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

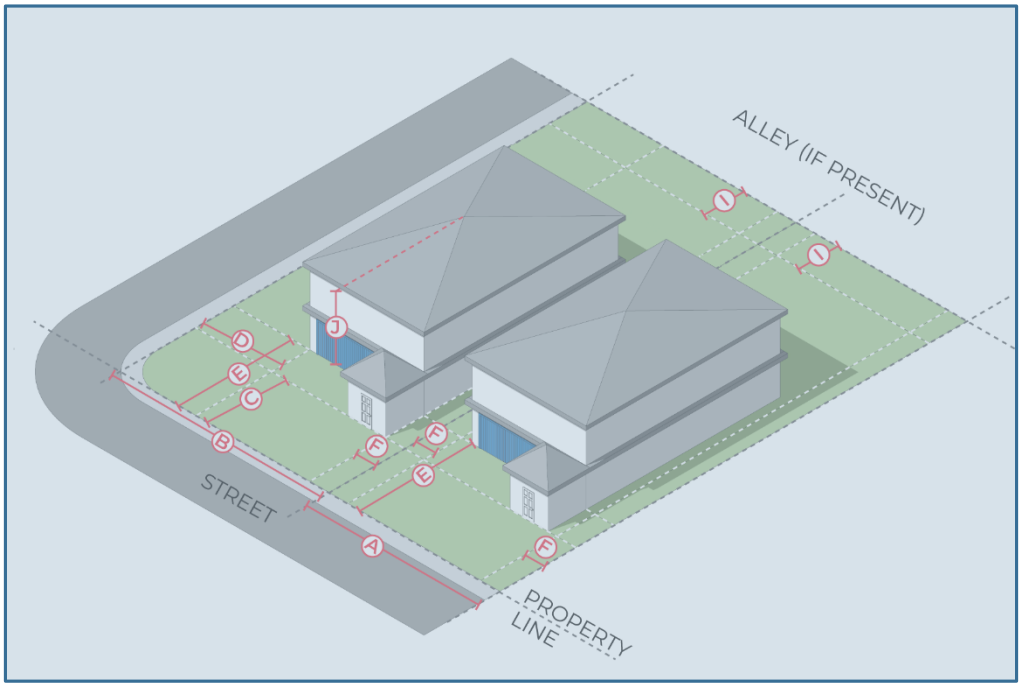
[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

~~RM Residential Mix District~~										
~~Lot type~~	~~Single-Family, Detached~~		~~Single-Family, Zero-Lot-Line[1]~~		~~Single-Family, Attached (Twin House or Townhouse)~~		~~Two-Family, Duplex~~		~~Cottage Court Apartments~~	
~~Garage/Parking Placement~~	~~Front Loaded~~	~~Alley Loaded~~	~~Front Loaded~~	~~Alley Loaded~~	~~Front Loaded~~	~~Alley Loaded~~	~~Front Loaded~~	~~Alley Loaded~~	~~Front Loaded~~	~~Alley Loaded~~
~~Lot Size, minimum square feet~~	~~5,000 SF~~	~~4,000 SF~~	~~4,000 SF~~	~~3,500 SF~~	~~2,500 SF~~	~~2,000 SF~~	~~5,000 SF~~	~~4,000 SF~~	~~10,000 SF~~	~~9,000 SF~~
~~Dwellings per Structure, Maximum~~	~~—~~	~~—~~	~~—~~	~~—~~	~~4~~	~~4~~	~~2~~	~~2~~	~~2~~	~~2~~
~~Maximum Density[5]~~										
~~Lot Width, minimum feet~~	~~45~~	~~35~~	~~45~~	~~30~~	~~45[2]~~	~~20[2]~~	~~45[2]~~	~~30[2]~~	~~100~~	~~90~~
~~Corner/End Lot Width, minimum feet[4]~~	~~55~~	~~45~~	~~50~~	~~40~~	~~35~~	~~30~~	~~50~~	~~40~~	~~110~~	~~100~~
~~Front/Side/Rear/Unloaded Street Facing Setback (Corner), minimum feet~~	~~20~~	~~15~~	~~20~~	~~15~~	~~20~~	~~15~~	~~20~~	~~15~~	~~20~~	~~15~~

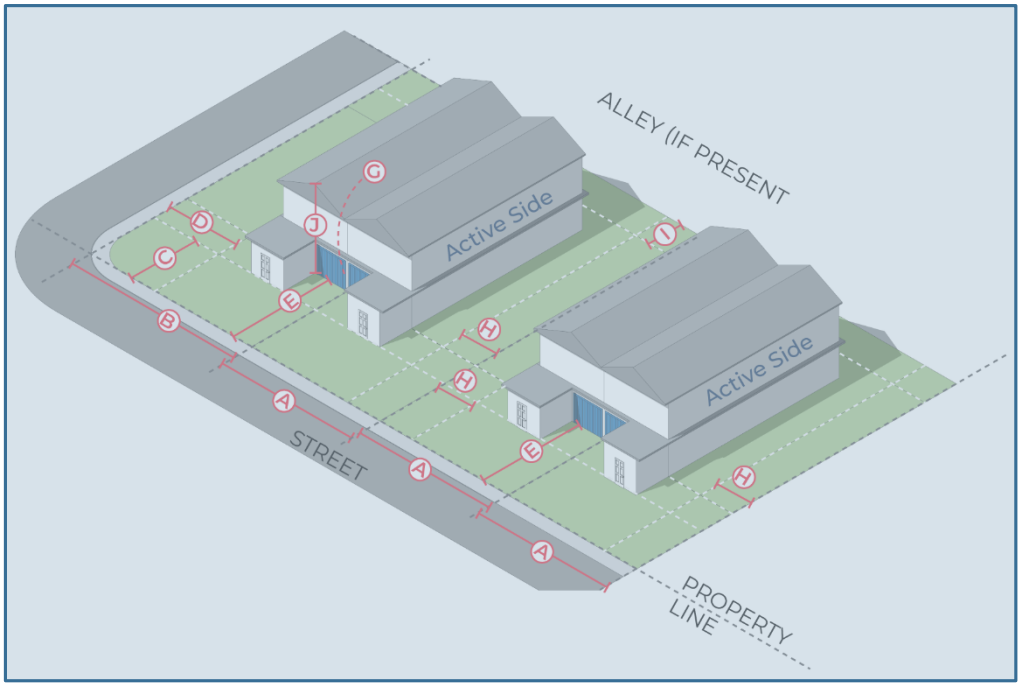
~~Street Facing Garage Setback, minimum feet~~	~~30~~	~~—~~	~~30~~	~~—~~	~~30~~	~~—~~	~~30~~	~~—~~	~~30~~	~~—~~
~~Side Setback, minimum feet~~	~~5~~	~~5~~	~~—~~	~~—~~	~~—~~	~~—~~	~~5~~	~~5~~	~~5~~	~~5~~
~~Shared/Passive Wall Setback, minimum feet~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~
~~Non-shared/Active Wall Side setback, min. feet~~	~~—~~	~~—~~	~~10~~	~~10~~	~~10~~	~~5~~	~~—~~	~~—~~	~~5~~	~~5~~
~~Rear Setback, minimum feet~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~
~~Building Height, maximum feet~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~
~~Maximum Impervious Coverage[3]~~	~~50%~~	~~50%~~	~~50%~~	~~50%~~	~~70%~~	~~70%~~	~~50%~~	~~50%~~	~~60%~~	~~60%~~

~~[1]Single-Family Zero-Lot-Line requires approval of a Special Use Permit~~
~~[2]Width per dwelling unit~~
~~[3]Refer to Section 11.02 for additional requirements~~
~~[4]The spacing of driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~
~~[5] The overall density of the development may not exceed 16 units per acre.~~

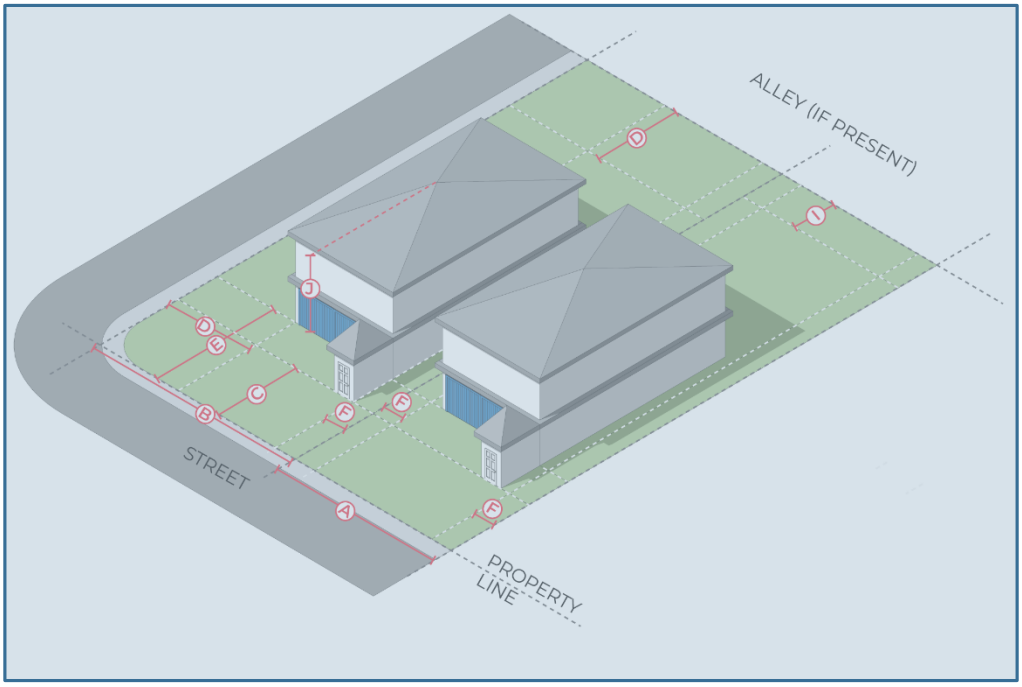
Single-Family, Detached Dimensional Graphic



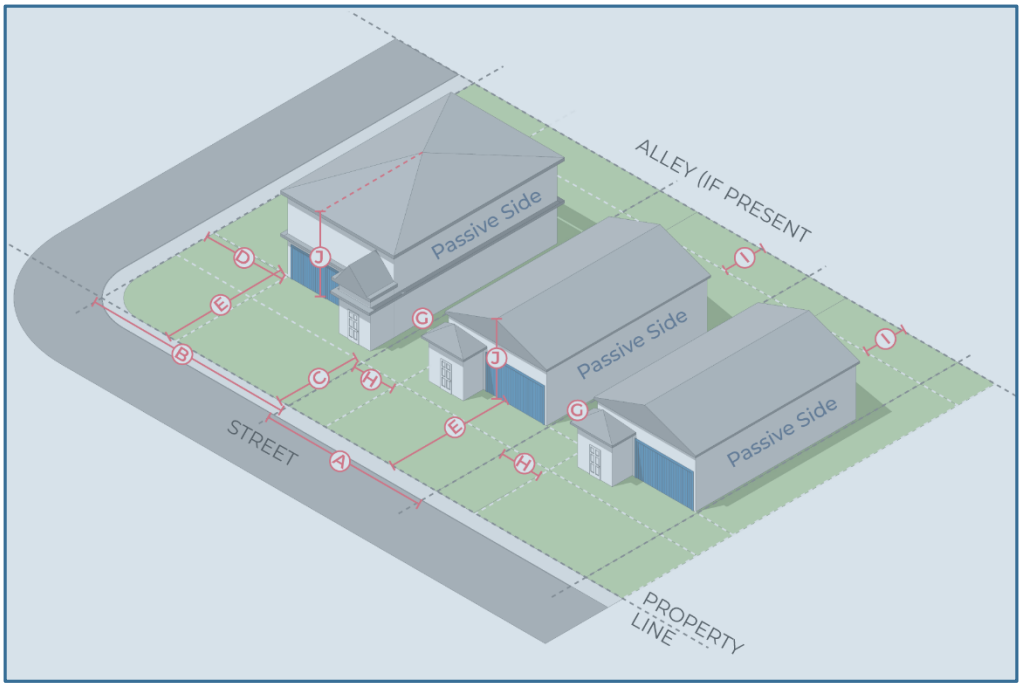
Single-Family, Attached Dimensional Graphic



Two-Family, Duplex Dimensional Graphic



Single-Family, Zero-Lot-Line



B. Diversity Required

Acreage	Minimum Lot Types
Less than 5	1
5-10	2
More than 10	3

C. ~~B.~~Residential Design Standards

The design standards below apply to all dwellings in the RM District in addition to all site design standards in **Section ~~6.06~~7.05**.

1. Similarity Restrictions
   a. All development shall meet the similarity restrictions provided in **Section ~~6.02.05~~7.02.050.B.1.**
2. Single-Family, Attached

   A single-family, attached dwelling is allowed using the lot and design standards of the RM District, in addition to the following criteria:

   a. Both dwellings shall be situated on separate legal lots;

b. Single-family, attached dwellings are not allowed in the Old Town Overlay District.

c. Townhouse development shall comply with the building materials requirement in Section ~~7.04.040~~8.04.040 and contain variation through articulation of the front fa~~c~~çade, using at least one of the following:

(i) A garage that is set back at least ~~four~~4 feet from the front fa~~c~~çade;

(ii) A covered, open-walled porch of at least ~~six~~6 feet in depth extends at least ~~fifty percent (~~50%~~)~~ of the width of the front fa~~c~~çade;

(iii) Other articulation of the front fa~~c~~çade at least ~~four~~4 feet in depth that extends at least ~~fifty percent (~~50%~~)~~ of the width of the front fa~~c~~çade;

(iv) One or more bay windows;

(v) One or more water collection devices or methods approved in this UDC;

(vi) One or more open, box, or hipped gables;

(vii) Two or more columns measuring at least the full plate height of the ground floor, unless situated upon a knee wall or architectural base or pedestal, and being fully boxed, turned, or utilizing a similar method. Columns shall measure at least ~~three~~3 inches in average width from the column center;

(viii) Tree preservation, landscaping provided at time of construction, or some combination of each, is at least double the minimum requirements found in ~~Chapter 8~~Chapter 9;

(ix) No more than one façade material is the same as a neighboring dwelling with regard to composition, color, finish, or pattern. Where a material is provided that is the same as a neighboring dwelling, it shall cover no more than 10% of the façade for the remaining differentiated materials to achieve credit. Materials that are exempt from this requirement include roofing materials, windows and window trim, doors, eave and facia board;

(x) One or more awnings;

(xi) One or more arches spanning at least 25% of the façade width either individually or collectively, and having an offset of at least 5% of the arch width from both tangents;

(xii) The garage is set back a minimum of ~~four~~4 feet from the front fa~~c~~çade;

(xiii) A covered, open-walled porch at least ~~six~~6 feet in depth extends a minimum of ~~thirty-three percent (~~33%~~)~~ of the width of the front fa~~c~~çade; or

(xiv) Other articulation of the ~~front~~ fa~~c~~çade at least ~~four~~4 feet in depth extends at least ~~thirty-three percent (~~33%~~)~~ of the width of the front fa~~c~~çade.

d. The Planning Director may approve other methods as alternatives to those listed in **Section ~~6.02.06.B.2.c~~7.02.060.C.2.c** on a case by case basis if the Director determines that an alternative method will achieve a similar level of quality.

3. Single-Family, Zero-Lot~~-~~-Line

A single-family, zero-lot~~-~~-line dwelling is allowed using the lot and design standards of the RM District, in addition to the following criteria:

a. The zero-lot~~-~~-line shall not be the lot line adjacent to:

(i) A lot not containing or planned for zero-lot~~-~~-line dwellings;

(ii) A highway frontage road; or

(iii) A garage or carport taking access from a side street.

b. The eaves on the side of a house with no side setback may project no more than 18 inches over the adjacent property line and a perpetual easement or deed restriction for the eave projection is recorded for the lot where the projection occurs.

c. No structure extends into a public easement.

d. Any rain gutters are positioned to drain only onto the lot of the house to which they are attached.

e. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within ~~four~~4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least ~~five~~5 feet of unobstructed space between the furthermost projection of the structure(s) and the edge of the easement.

f. No windows or other openings on the side of the structure on or within ~~three~~3 feet of the lot line with no setback are allowed, except for windows that do not allow or restrict visibility of the adjacent lot, such as clerestory or translucent windows.

4. Private Open Space

a. For townhouse development, each townhouse dwelling unit shall be provided with a private yard or open space of not less than 150 square feet, which shall be immediately accessible and functional to the dwelling that it serves. Such open space may be at the front, rear or side of the dwelling unit and shall be in addition to the required setbacks or common recreation area requirements.

b. As an alternative to ~~a above~~**Subsection a** above, the Planning Director may approve a plan or subdivision with equivalent private open space in a common area lot, provided the open space is platted with and accessible to all units in the same development that are not provided with a private yard or open space as described in ~~a above~~**Subsection a** above.

5. Common Amenity Area

a. Common amenity areas are required for townhouse development and Cottage Courts in accordance with **Section ~~6.06.02~~7.05.020**.

b. In no case shall the primary egress door of any unit be further than 750 feet from an amenity.

6. Tree Preservation for Triplex and Quadplex Development

Tree Preservation for Triplex and Quadplex developments shall be applicable consistent with multifamily development (non-residential) under **Chapter 10**.

D. Cottage Court Alternative Development Standards

1. Purpose and Intent

The purpose and intent of this section is to establish standards for small-scale residential developments arranged around a shared courtyard. These standards are intended to:

a. Encourage diverse housing options and compact development patterns that provide usable communal open space;

b. Ensure compatibility with surrounding neighborhoods; and

c. Provide clear access, fire safety and utility provisions for shared residential environments.

2. Applicability

a. A Cottage Court Development is permitted in the RM and MF-1 Zoning Districts.

b. A Cottage Court Development is permitted in the RS Zoning District by Specific Use Permit (SUP).

3. General Requirements

a. A Cottage Court Development must:

(i) Be platted as a unified development including all lots, reserves, easements and access drives;

(ii) Not have any portion of site more than 150 feet from a public street, unless dwellings are equipped with fire sprinklers, in which case the depth may be increased to 200 feet.

b. All public utilities must be located within the public right-of-way. Private utility lines may extend from taps to individual lots.

c. Common areas and courtyards must:

(i) Be designated as common space on the plat, as a separate lot;

(ii) Be owned and maintained through a recorded agreement among all lot owners; and

(iii) Not be replatted for other uses.

d. The table below replaces the table in **Subsection A** above.

RM District Cottage Court Standards							
Development Site and Courtyard Standards							
Graphic Key	**Standard**	**Measures**					
A	Development site width on public street, minimum	150					
	Development size, minimum square feet	22,000					
	Dwelling units per site, minimum	4					
	Dwelling units per site, maximum	12					
B	Courtyard lot width, minimum feet	30					
	Courtyard lot area, minimum square feet	3,000+600 per dwelling beyond 5 dwellings within development site					
Individual Lot Standards							
Graphic Key	**Standard**	**Measures**					
	Lot Type	**Single Family, Detached**	**Single-Family, Zero-Lot-Line**	**Single-Family, Attached**	**Two-Family, Duplex**	**Triplex and Quadplex**	
	Lot size, minimum square feet	1,500	1,500	1,500	3,000	6,000	
	Dwellings per structure, maximum	1	1	1	1	4	
	Connected structures in a row, maximum	1	1	1	1	N/A	

RM District Cottage Court Standards							
	Structures on a lot containing primary residential units, maximum	1	1	1	1	1	
C	Lot width, minimum feet[1]	30	30	30	30	30	
D	Primary and secondary street setback, minimum feet	15	15	15	15	15	
E	Internal courtyard setback, minimum feet	0	0	0	0	0	
F	Internal courtyard setback, maximum feet	10	10	10	10	10	
G	Internal side setbacks between residential lots, minimum feet[6]	5	5	N/A	N/A	N/A	
H	Shared/Passive wall internal side setbacks between residential lots, minimum feet[4]	N/A	N/A	0	0	0	
I	Non-shared/Active wall internal side setback between residential lots, minimum feet[6]	N/A	N/A	10	10	5	
J	Rear setback, minimum feet[6]	5	5	5	5	5	
K	Building height, maximum feet	35	35	35	35	35	
	Maximum impervious cover[5]	See **Section 13.02**					

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**, and sufficient to support the primary and secondary street setbacks. Width shall be measured along the lot frontage with the courtyard. For lots fronting both the primary street and the courtyard, the lot width can be measured along the primary street provided that the minimum width adjacent to the courtyard shall be at least 10 feet.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[4] Shared/passive walls are prohibited from facing courtyard or street.

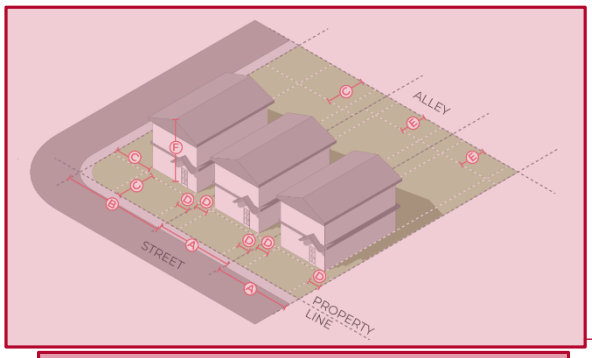
[5] Maximum impervious cover shall be calculated for the entire site. See **Section 13.02**.

[6] Building separation of 10 feet shall be maintained.

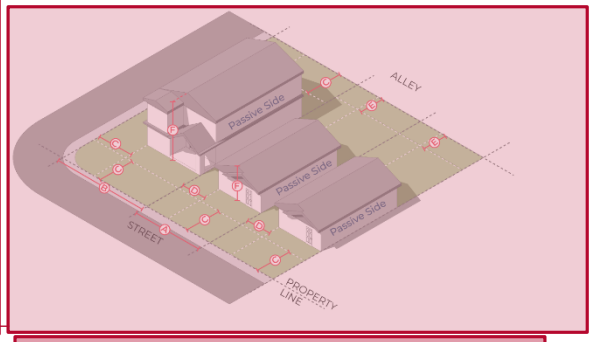
4. Design Requirements
   a. The courtyard must include a mix of pervious and impervious surfaces and may contain patios, seating, landscaping, lighting and pedestrian walkways.
   b. Courtyards shall not be parked or driven upon, except for emergency access.
   c. Fences adjacent to the main courtyard must not exceed 4 feet in height and must be at least 50% transparent. Chain link fences are prohibited. Each dwelling fronting the courtyard must provide pedestrian access to the shared space.
5. Parking Standards
   a. Parking must comply with **Chapter 11**, except as modified below:
      (i) Units under 1,000 square feet require 1.5 parking spaces per unit; and
      (ii) One additional guest parking space is required for every six dwelling units, or fraction thereof within a Cottage Court Development
   b. Parking may be consolidated in one or more locations to the side or rear of the site, as a separate lot or accomplished via shared access and maintenance easements.
   c. Parking shall not be located between a street or courtyard and the building fronting the subject street or courtyard and shall also be set back a minimum of 30 feet from such street or courtyard.
   d. Parking shall be connected to each dwelling by a minimum 4-foot-wide accessible walkway, placed in a shared pedestrian access easement as needed.
6. Alley-Loaded Cottage Court Development
   a. The lot, setback and dimensional standards of the Base Zoning District apply unless modified herein.
   b. The courtyard must have a minimum width of 25 feet.
   c. The maximum block length between public streets is 300 feet unless alleys are constructed to meet fire access requirements.
   d. Alleys must provide a minimum 26-foot clear width or 20 feet with an additional 6 feet of clearance at fire hydrants. Hydrants must be spaced such that every dwelling is within 150 feet of a hydrant.
   e. All vehicular access must be provided from alleys meeting these standards.
7. Access and Easements
   a. Recorded access easements must provide vehicular and pedestrian access for all lots within the development.
   b. Easements must specify responsibilities for maintenance, utilities, and access in perpetuity.

7.02.070. ~~7.02.07.~~MF-1 Medium Density Multifamily Residential District

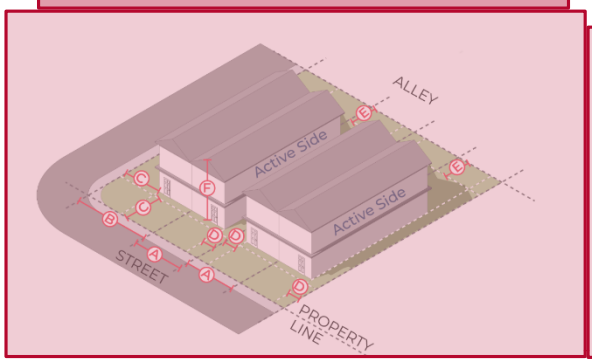
The MF-1 Medium Density Multifamily Residential District provides for an increased assortment of residential densities, housing types, and associated uses and services compatible with surrounding neighborhoods.~~–~~ This ~~d~~District can be appropriate for infill development in urban areas, particularly corridors with higher levels of pedestrian or vehicular traffic and high degrees of connectivity to local destinations. The District is also an appropriate transition from residential areas to non-residential uses such as commercial retail, offices, and non-industrial commercial uses, and should feature elements that support easy, welcoming access from those residents by walking or bicycling.~~-~~ MF-1 is differentiated from MF-2 by having a smaller form and scale compatible with residential neighborhoods~~,~~ and contrasted from RM and RS in allowing a greater number of units on a single lot and in any single building or on a parcel. Properties zoned MF-1 should have convenient access to major thoroughfares and arterial streets and should not route traffic through lower density residential neighborhoods. The District is appropriate in commercial and mixed~~-~~-use areas and adjacent to residential and non-residential ~~d~~Districts. This ~~d~~District also serves as a transition between low density residential, medium density, and more intense commercial ~~d~~Districts.



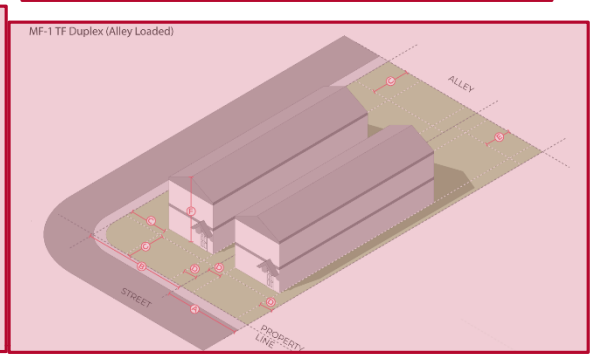
~~Single-Family, Detached~~



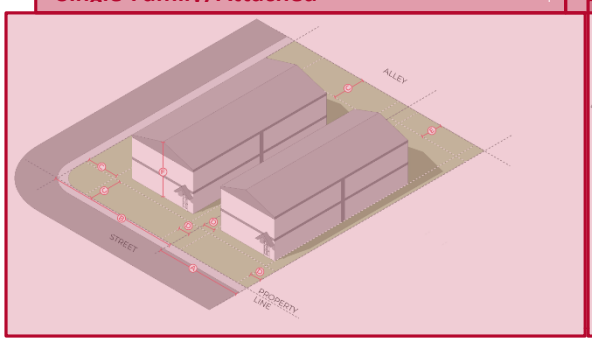
~~Single-Family, Zero-Lot-Line~~



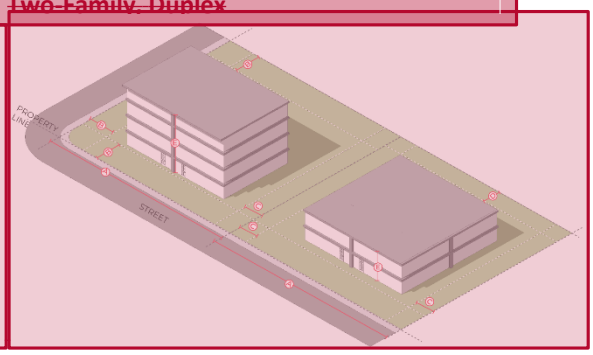
~~Single-Family, Attached~~



~~Two-Family, Duplex~~



~~Triplex and Quadplex~~



~~Multifamily Attached Apartments~~

A. Lot and Dimensional Standards

MF-1 Medium Density Multifamily Residential District							
	Lot Type	Two-Family, Duplex		Triplex and Quadplex		Multifamily Attached Apartments [4]	
	Garage/Parking Access	Front	Alley	Front	Alley	Front	Alley
	Lot size, minimum square feet	5,500	4,000	11,000	8,000	11,000	8,000
	Dwellings per structure, maximum	2	2	4	4	12	12
	Connected structures in a row, maximum	2	2	N/A	N/A	N/A	N/A
	Structures on lot containing primary residential units, maximum	2	2	2	2	1	1
A	Lot ~~W~~width, minimum feet[1]	45	35	90	70	105	85
B	Corner/~~E~~end ~~L~~lot ~~W~~width, minimum feet[2]	55	45	100	80	115	95
C	Front/primary street setback, minimum feet	20	15	20	15	20	15
D	Corner side/secondary street setback, minimum feet	20	15	20	15	20	15
E	Street-facing garage setback, minimum feet[3]	30	N/A	30	N/A	30	N/A
F	Side setback, minimum feet	5	5	5	5	5	5
G	Rear ~~S~~setback, minimum feet	10	10	10	10	10	10[3]

MF-1 Medium Density Multifamily Residential District							
	Lot Type	Two-Family, Duplex		Triplex and Quadplex		Multifamily Attached Apartments [4]	
	Garage/Parking Access	Front	Alley	Front	Alley	Front	Alley
H	Building ~~H~~height, maximum feet	35	35	35	35	35	35
	Maximum impervious cover	See **Section 13.02**					

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[4] Multifamily Detached Apartments utilize the standards provided for Multifamily Attached Apartments except for the maximum number of structures on a lot containing primary residential units but may be subject to approval of a Special Use Permit and impacted by additional conditions.

~~MF-1 Medium Density Multifamily Residential District~~						
~~Lot Type~~	~~Single-Family, Detached~~	~~Single-Family, Zero-Lot-Line~~	~~Single-Family, Attached (Twin House or Townhouse)~~	~~Two-Family, Duplex~~	~~Triplex and Quadplex~~	~~Multifamily Attached Apartments~~
~~Lot Size, minimum square feet~~	~~3,000~~	~~3,000~~	~~2,000~~	~~4,000~~	~~5,000~~	~~12,000~~
~~Lot Size, maximum square feet~~						~~16,000~~
~~Dwellings per Structure, Maximum~~	~~—~~	~~—~~	~~4~~	~~2~~	~~4~~	~~12~~
~~Number of Structures containing Dwellings on Lot, Maximum~~						~~1~~
~~Lot Width, minimum feet~~	~~30~~	~~30~~	~~20~~	~~30~~	~~40~~	~~40~~
~~Corner/End Lot Width, minimum feet[2]~~	~~40~~	~~40~~	~~30~~	~~40~~	~~60~~	~~—~~
~~Front/Side/Rear/Unloaded Street Facing Setback (Corner), minimum feet~~	~~15~~	~~15~~	~~15~~	~~15~~	~~15~~	~~15~~
~~Street Facing Garage Setback, minimum feet~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~
~~Side Setback, minimum feet~~	~~5~~	~~—~~	~~—~~	~~5~~	~~5~~	~~5[3]~~
~~Shared/Passive Wall Setback, minimum feet~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~
~~Non-shared/Active Wall Side setback, min. feet~~	~~—~~	~~10~~	~~5~~	~~—~~	~~—~~	~~—~~
~~Rear Setback, minimum feet~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10[3]~~
~~Building Height, maximum feet~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~

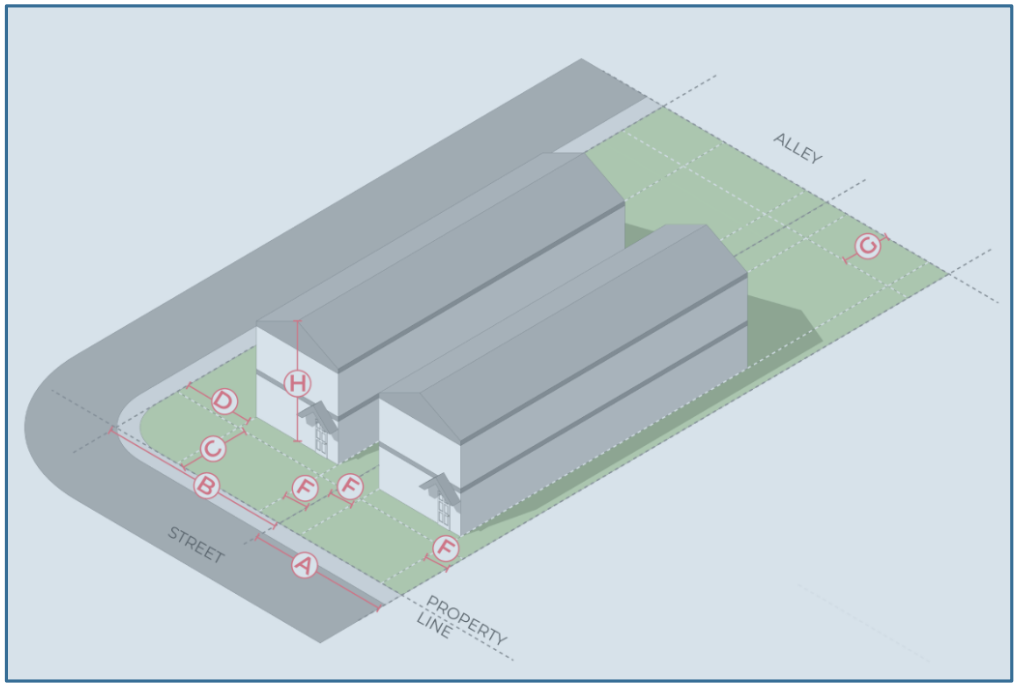
MF-1 Medium Density Multifamily Residential District							
	Lot Type	Two-Family, Duplex		Triplex and Quadplex		Multifamily Attached Apartments [4]	
	Garage/Parking Access	Front	Alley	Front	Alley	Front	Alley
~~Maximum Impervious Coverage[1]~~		~~50%~~	~~50%~~	~~70%~~	~~50%~~	~~50%~~	~~70%~~

~~[1]Refer to Section 11.02 for additional requirements~~

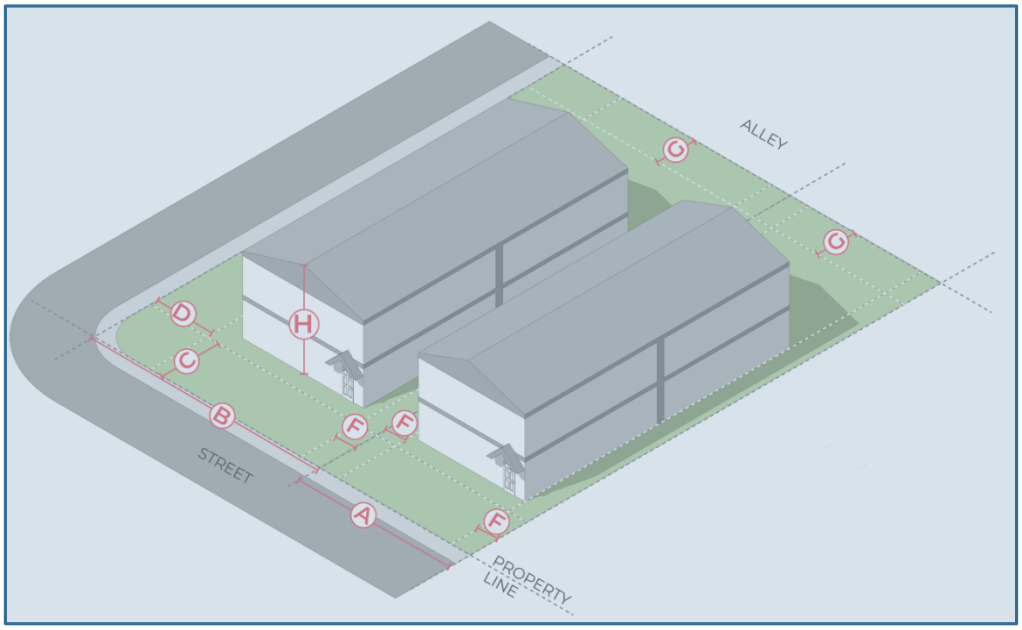
~~[2]The spacing of driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~

~~[3]Increased setback may be required to promote compatibility adjacent to residential areas. See **7.04.05. Building Articulation and Architectural Features**.~~

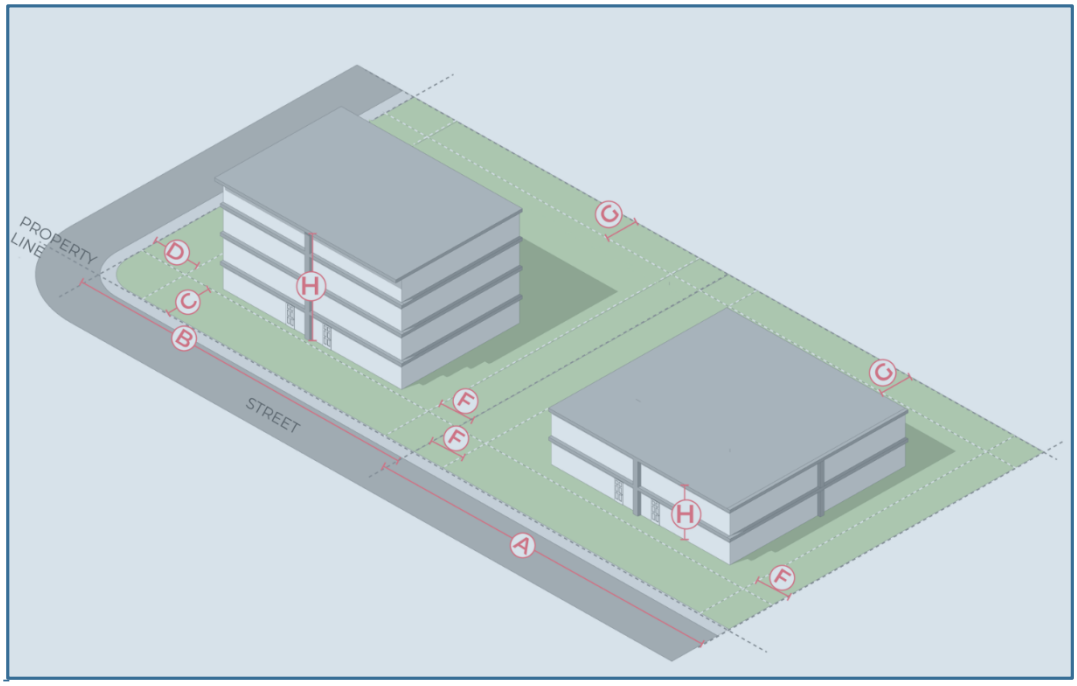
Two-Family, Duplex



Triplex and Quadplex



Multifamily Attached Apartments



B. Residential Design Standards.

The design standards below apply to residential development in the MF-1 District in addition to the provisions of **Section ~~6.05~~7.04** and **Section ~~6.06~~7.05** of this ~~C~~chapter.

1. Other than townhouse, all development within the MF-1 District consisting of more than five (5) units shall also comply with the building design standards of ~~Section 7.03~~Section 8.04 and the lighting design standards of ~~Section 7.04 of this Code~~Section 8.05.
2. Development in the MF-1 District consisting of four ~~(4)~~ or fewer units shall comply with the building design standards of **Section ~~6.02.06.B~~7.02.060.B**, unless otherwise provided by this **Section ~~6.02.07.B~~7.02.070.B**.
3. Similarity Restrictions
   a. All residential development permitted in the MF-1 Medium Density Multifamily Residential District shall meet the similarity restrictions provided in **Section ~~6.02.05.C.1~~7.02.050.B.1.**
4. Single-Family, Attached

   A single-family, attached dwelling is allowed using the lot and design standards of the MF-1 District, in addition to the following criteria:

   a. Both dwellings shall be situated on separate legal lots;
   b. Single-family, attached dwellings are not allowed in the Old Town Overlay District.
   c. Townhouse development shall comply with the building materials requirement in Section ~~7.04.040~~8.04.040 and contain variation through articulation of the front fa~~c~~çade, using at least one of the following:
      (i) A garage that is set back at least ~~four~~4 feet from the front fa~~c~~çade;

~~Question for City Staff: Do you want to consider permitting Attached Single Family in the Old Town Overlay?~~

(ii) A covered, open-walled porch of at least ~~six~~6 feet in depth extends at least ~~fifty percent (~~50%~~)~~ of the width of the front fa~~c~~çade; or

d. ~~(iii)~~Other articulation of the front fa~~c~~çade at least four feet in depth that extends at least ~~fifty percent (~~50%~~)~~ of the width of the front fa~~c~~çade.

5. Single-Family, Zero-Lot~~-~~-Line

A single-family, zero-lot~~-~~-line dwelling is allowed using the lot and design standards of the MF-1 District, in addition to the following criteria:

a. The zero-lot~~-~~-line shall not be the lot line adjacent to:

(i) A lot not containing or planned for zero-lot~~-~~-line dwellings;

(ii) A highway frontage road; or

(iii) A garage or carport taking access from a side street.

b. A minimum building separation of 12 feet is provided between all zero-lot~~-~~-line dwellings.

c. The eaves on the side of a house with no side setback may project no more than 18 inches over the adjacent property line and a perpetual easement or deed restriction for the eave projection is recorded for the lot where the projection occurs.

d. No structure extends into a public easement.

e. Any rain gutters are positioned to drain only onto the lot of the house to which they are attached.

f. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within ~~four~~4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least ~~five~~5 feet of unobstructed space between the furthermost projection of the structure(s) and the edge of the easement.

g. No windows or other openings on the side of the structure on or within ~~three~~3 feet of the lot line with no setback are allowed, except for windows that do not allow or restrict visibility of the adjacent lot, such as clerestory or translucent windows.

6. Multifamily Attached Apartments

a. A minimum building separation of 12 feet is required between all buildings on the site.

7. Private Open Space

For townhouse development, each dwelling unit shall be provided with a private yard or open space of not less than 150 square feet, which shall be immediately accessible and functional to the dwelling that it serves. Such open space may be at the front, rear or side of the dwelling unit and shall be in addition to the required setbacks or common recreation area requirements.

8. Landscape Bufferyards

a. Landscape bufferyards are required between multifamily development in the MF-1 District and adjacent AG, RE, RT, RM and RS Districts. See Section ~~8.04.060~~**9.03.070** for bufferyard requirements.

9. Common Amenity Areas

a. Common amenity areas are required for development in the MF-1 District in accordance with **Section ~~6.06.02~~7.05.020**.

C. Other Requirements of this Code.

1. Common Amenity Area, **Section ~~6.06~~7.05**~~.~~

2. ~~Chapter 8, Tree Preservation, Landscaping, and Fencing.~~ **Chapter 8. Non-Residential Development Standards**
3. ~~Chapter 9, Off-Street Parking and Loading.~~ **Chapter 9. Landscaping and Fencing**
4. ~~*(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2019-37 , § 2(Exh. B), 6-11-2019)*~~**Chapter 10. Tree Preservation**
5. **Chapter 11. Off-Street Parking, Circulation, and Loading**

D. Cottage Court Alternative Development Standards

1. Purpose and Intent

The purpose and intent of this section is to establish standards for small-scale residential developments arranged around a shared courtyard. These standards are intended to:

a. Encourage diverse housing options and compact development patterns that provide usable communal open space;

b. Ensure compatibility with surrounding neighborhoods; and

c. Provide clear access, fire safety and utility provisions for shared residential environments.

2. Applicability

a. A Cottage Court Development is permitted in the RM and MF-1 Zoning Districts.

b. A Cottage Court Development is permitted in the RS Zoning District by Specific Use Permit (SUP).

3. General Requirements

a. A Cottage Court Development must:

(i) Be platted as a unified development including all lots, reserves, easements and access drives;

(ii) Not have any portion of site more than 150 feet from a public street, unless dwellings are equipped with fire sprinklers, in which case the depth may be increased to 200 feet.

b. All public utilities must be located within the public right-of-way. Private utility lines may extend from taps to individual lots.

c. Common areas and courtyards must:

(i) Be designated as common space on the plat, as a separate lot;

(ii) Be owned and maintained through a recorded agreement among all lot owners; and

(iii) Not be replatted for other uses.

d. The table below replaces the table in **Subsection 7.02.070.A** above.

MF-1 District Cottage Court Standards		
Development Site and Courtyard Standards		
Graphic Key	**Standard**	**Measures**
A	Development site width on public street, minimum	120
	Development size, minimum square feet	16,000

MF-1 District Cottage Court Standards							
	Dwelling units per site, minimum	4					
	Dwelling units per site, maximum	24					
B	Courtyard lot width, minimum feet	30					
	Courtyard lot area, minimum square feet	3,000+600 per dwelling beyond 5 dwellings within development site					
Individual Lot Standards							
Graphic Key	**Standard**	**Measures**					
	Lot Type	**Single Family, Detached**	**Single-Family, Zero-Lot-Line**	**Single-Family, Attached**	**Two-Family, Duplex**	**Triplex and Quadplex**	**Multifamily Attached Apartments (Courtyard Apartments)**
	Lot size, minimum square feet	1,500	1,500	1,500	3,000	6,000	9,000
	Dwellings per structure, maximum	1	1	1	1	4	12
	Connected structures in a row, maximum	1	1	1	1	N/A	N/A
	Structures on a lot containing primary residential units, maximum	1	1	1	1	1	1
C	Lot width, minimum feet[1]	30	30	30	30	30	30
D	Primary and secondary street setback, minimum feet	15	15	15	15	15	15
E	Internal courtyard setback, minimum feet	0	0	0	0	0	0
F	Internal courtyard setback, maximum feet	10	10	10	10	10	10
G	Internal side setbacks between residential lots, minimum feet[6]	5	5	N/A	N/A	N/A	N/A
H	Shared/Passive wall internal side setbacks between residential lots, minimum feet[4]	N/A	N/A	0	0	0	0

MF-1 District Cottage Court Standards							
I	Non-shared/Active wall internal side setback between residential lots, minimum feet[6]	N/A	N/A	10	10	5	5
J	Rear setback, minimum feet[6]	5	5	5	5	5	5
K	Building height, maximum feet	35	35	35	35	35	35
	Maximum impervious cover[5]	See **Section 13.02**					

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**, and sufficient to support the primary and secondary street setbacks. Width shall be measured along the lot frontage with the courtyard. For lots fronting both the primary street and the courtyard, the lot width can be measured along the primary street provided that the minimum width adjacent to the courtyard shall be at least 10 feet.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[4] Shared/passive walls are prohibited from facing courtyard or street.

[5] Maximum impervious cover shall be calculated for the entire site. See **Section 13.02**.

[6] Building separation of 10 feet shall be maintained.

4. Design Requirements
   a. The courtyard must include a mix of pervious and impervious surfaces and may contain patios, seating, landscaping, lighting and pedestrian walkways.
   b. Courtyards shall not be parked or driven upon, except for emergency access.
   c. Fences adjacent to the main courtyard must not exceed 4 feet in height and must be at least 50% transparent. Chain link fences are prohibited. Each dwelling fronting the courtyard must provide pedestrian access to the shared space.
5. Parking Standards
   a. Parking must comply with **Chapter 11**, except as modified below:
      (i) Units under 1,000 square feet require 1.5 parking spaces per unit; and
      (ii) One additional guest parking space is required for every six dwelling units, or fraction thereof within a Cottage Court Development.
   b. Parking may be consolidated in one or more locations to the side or rear of the site, as a separate lot or accomplished via shared access and maintenance easements.
   c. Parking shall not be located between a street or courtyard and the building fronting the subject street or courtyard and shall also be setback a minimum of 30 feet from such street or courtyard.

d. Parking shall be connected to each dwelling by a minimum 4-foot-wide accessible walkway, placed in a shared pedestrian access easement as needed.

6. Alley-Loaded Cottage Court Development

a. The lot, setback and dimensional standards of the Base Zoning District apply unless modified herein.

b. The courtyard must have a minimum width of 25 feet.

c. The maximum block length between public streets is 300 feet unless alleys are constructed to meet fire access requirements.

d. Alleys must provide a minimum 26-foot clear width or 20 feet with an additional 6 feet of clearance at fire hydrants. Hydrants must be spaced such that every dwelling is within 150 feet of a hydrant.

e. All vehicular access must be provided from alleys meeting these standards.

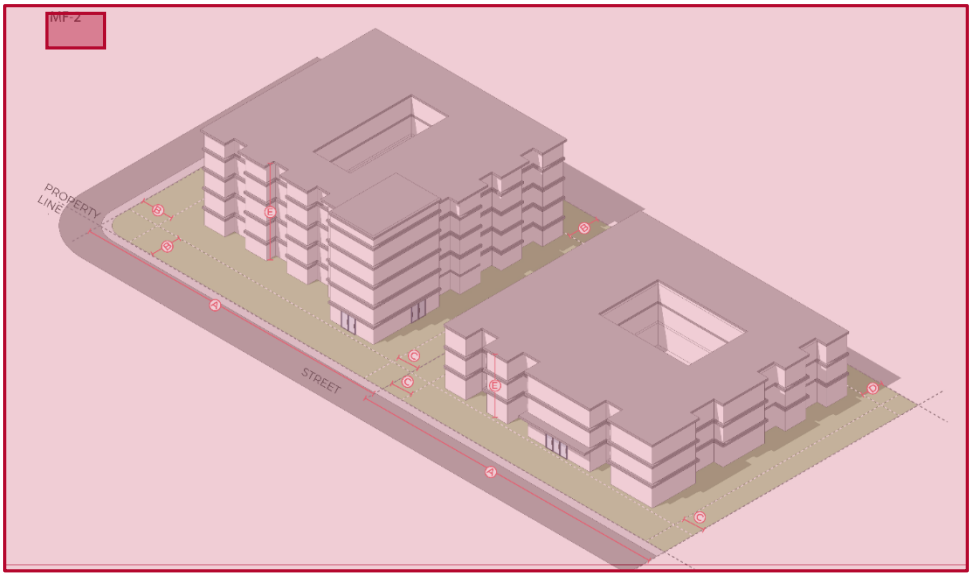
7. Access and Easements

a. Recorded access easements must provide vehicular and pedestrian access for all lots within the development.

b. Easements must specify responsibilities for maintenance, utilities, and access in perpetuity.

7.02.080. ~~7.02.08.~~MF-2 High Density Multifamily Residential District

The MF-2 High Density Multifamily Residential District provides for standalone multi-family residential developments, often as single or multiple buildings within a site, and associated uses and services. The District is appropriate in commercial and mixed-use areas and adjacent to ~~r~~Residential and ~~n~~Non-~~r~~Residential ~~d~~Districts. This ~~d~~District also serves as a transition between medium density, and more intense commercial ~~d~~Districts. The MF-2 ~~d~~District is best suited for locations with high access to amenities, services, education, employment and similar opportunities, allowing such dense development to have greater mobility choices in accessing goods and services. Building placement in this ~~d~~District should be prioritized with a shallow street setback and oriented to the street.



A. Lot and Dimensional Standards

	~~MF-2 High Density Multifamily Residential District~~	
~~-~~	~~Lot Size, minimum square fee~~	~~20,000~~
~~A~~	~~Lot width, minimum feet~~	~~50~~
~~-~~	~~Corner/End Lot Width, minimum feet[3]~~	~~-~~
~~B~~	~~Front/Side/Rear/Unloaded street setback (Corner), minimum feet~~	~~15~~
~~-~~	~~Street Facing Garage Setback, minimum feet~~	~~-~~
~~C~~	~~Side setback, minimum feet[1]~~	~~15[2]~~
~~D~~	~~Rear setback, minimum feet [1]~~	~~10[2]~~
~~E~~	~~Building Height, max. feet~~	~~60~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~70%~~

~~[1]The minimum side or rear setback shall increase to 30 feet where MF-2 is adjacent to a Residential District, excluding a multifamily development, or an existing single-family home in the ETJ that is platted and planned for residential use on the Future Land Use Map.~~

~~[2]Increased setback may be required to promote compatibility adjacent to residential areas. See **7.04.05. Building Articulation and Architectural Features**.~~

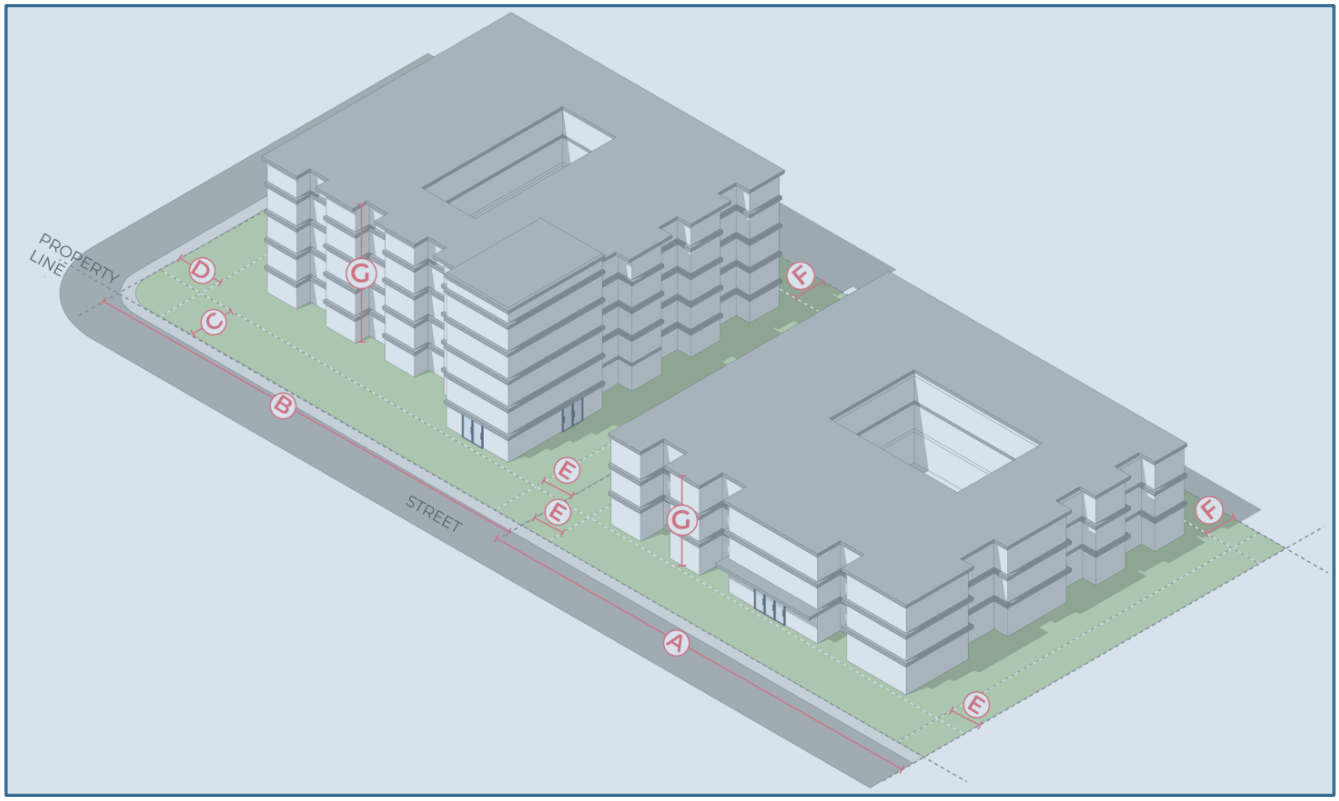
~~[3]The spacing of driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~

MF-2 High Density Multifamily Residential District		
	Lot size, minimum square feet	20,000
	Dwellings per structure, maximum	N/A
	Structures on lot containing primary residential units, maximum	1
A	Lot width, minimum feet[1]	105
B	Corner/end lot width, minimum feet[2]	115
C	Front/primary street setback, minimum feet	15
D	Corner side/secondary street setback, minimum feet	15
E	Side setback, minimum feet[3]	15
F	Rear setback, minimum feet[3]	15
G	Building height, maximum feet	60
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.



B. Residential Design Standards

The design standards below apply to residential development in the MF-2 District in addition to the provisions of **Section ~~6.05~~7.04** and **Section ~~6.06~~7.05** of ~~this C~~chapter.

1. All development within the MF-2 District shall also comply with the building design standards of ~~**Section 7.03**~~**Section 8.04. Building Design Standards** and the lighting design standards of ~~**Section 7.04** of this Code~~**Section 8.05. Lighting Standards**.
2. A minimum building separation of 15 feet is required between all buildings on the site.
3. Landscape bufferyards are required between the MF-2 District and adjacent AG, RE, RT, RS and RM Districts. See **Section** ~~8.04.060 for bufferyard~~ **9.03.070. Bufferyards** for requirements.
4. Common amenity areas are required for development in the MF-2 District in accordance with **Section ~~6.06.02~~7.05.020**.
5. No building fa~~c~~çade/wall shall exceed 240 feet in length.
   a. Building fa~~c~~çade/wall exceeding 240 feet in length may be permitted when:
      (a) The building façade/wall does not face a public street right-of-way, ~~r~~Residential ~~z~~Zoning ~~d~~District, or public park; or
      (b) The building is part of a non-rectangular building that has a shape similar to a "C", "U", "T", "L" or other shape as approved by the Planning Director. In this event, the length of any building façade/wall shall extend a minimum of one-third of the primary building façade/wall.
6. Parking shall not be permitted between the building and the right-of-way and shall be fully screened from the right-of-way.

7. A minimum of ~~seventy-five percent (~~75%~~)~~ of required parking shall be covered by an enclosed garage, structured parking garage, or carport. The design and material used for carports shall coordinate with those used for the residential buildings.
   a. Where a parking garage is used for on-site parking, no more than 20% of the ground floor building façade may be used for parking garage façade.
8. Stairwells between floors and corridors providing access to units shall be placed in the interior of the building and shall not be visible with the exception of the exit doors and may or may not be conditioned.
9. A minimum of 75% of all units must provide balconies or patios containing at least ~~fifty (~~50~~)~~ square feet in size and shall be a minimum of ~~five~~5 feet in depth.
10. Units with an exterior wall that faces a street with a classification of ~~C~~collector or ~~A~~arterial shall provide double-pane glass windows, sound-deadening material, or other measures that prevent~~s~~ sound levels from exceeding the ambient decibel level in units that do not face such a street.

C. Other Requirements of this Code~~.~~
   1. Common Amenity Area, **Section ~~6.06~~7.05~~.~~**
      ~~2. Chapter 8, Tree Preservation, Landscaping, and Fencing.~~
      ~~3. Chapter 9, Off-Street Parking and Loading.~~

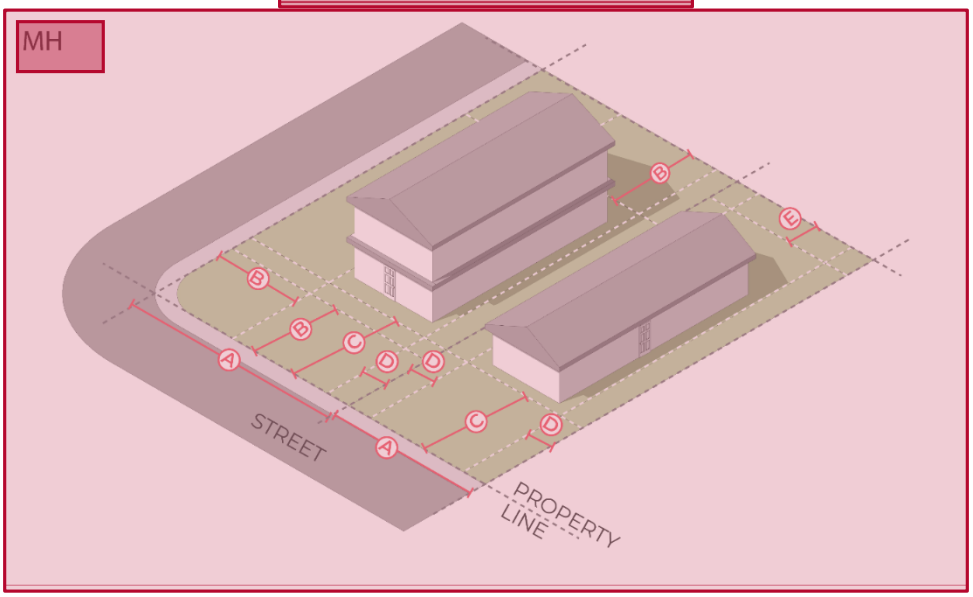
~~*(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2019-37 , § 2(Exh. B), 6-11-2019)*~~

2. **Chapter 8. Non-Residential Development Standards**
3. **Chapter 9. Landscaping and Fencing**
4. **Chapter 10. Tree Preservation**
5. **Chapter 11. Off-Street Parking, Circulation, and Loading**

7.02.090. ~~7.02.09.~~MH Manufactured Housing District

The MH Manufactured Housing District is intended for the development of manufactured, HUD-code mobile home parks and subdivisions. Manufactured housing subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured housing. The District also includes manufactured housing parks, as defined in this Code. The Manufactured Housing District establishes special area and design requirements for both parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units contained.

~~Note to City Staff: Added Dimensional Table to MH and Removed applicable dimensional standards from the texts to reduce duplication.~~



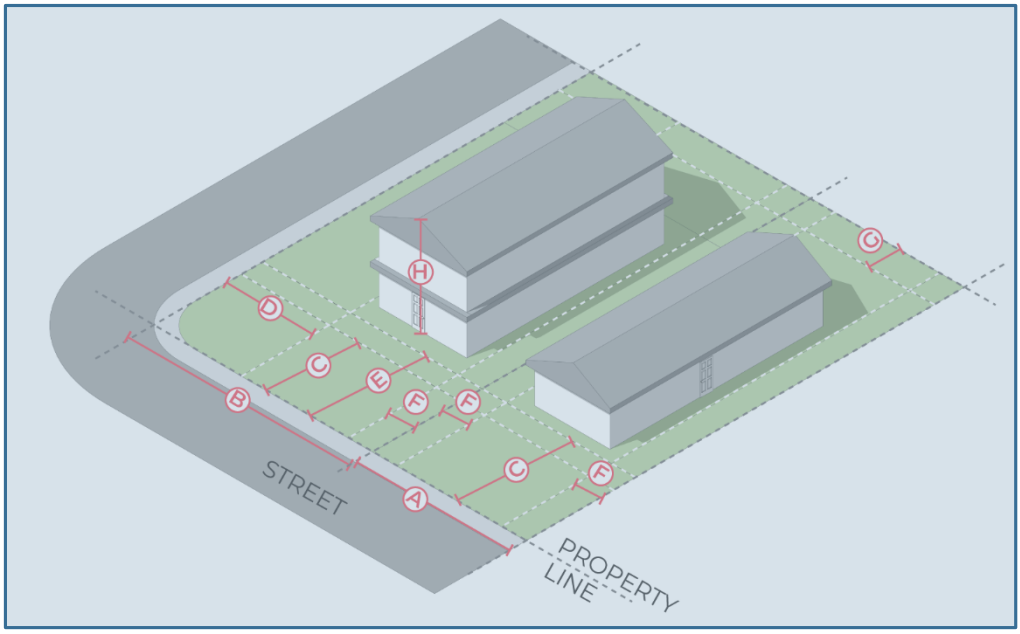
A. Lot and Dimensional Standards

	~~MH Manufactured Housing District~~	
~~-~~	~~Lot size, minimum square feet~~	~~3,500 sf per unit~~
~~A~~	~~Lot width, minimum feet~~	~~35~~
~~-~~	~~Corner/End Lot Width[1]~~	~~-~~
~~B~~	~~Front/Side/Rear/Unloaded street setback (Corner), minimum feet~~	~~20~~
~~C~~	~~Street Facing Garage Setback, minimum feet~~	~~25~~
~~D~~	~~Side setback, minimum feet~~	~~5.5~~
~~E~~	~~Rear setback, minimum feet~~	~~7~~
~~-~~	~~Building height, maximum feet~~	~~35~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~50%~~
~~[1]The spacing of driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~		

MH Manufactured Housing District		
	Lot size, minimum square feet	3,500 per unit
A	Lot width, minimum feet[1]	35
B	Corner/end lot width, minimum feet[2]	45
C	Front/primary street setback, minimum feet	20
D	Corner side/secondary street setback, minimum feet	20
E	Street-facing garage setback, minimum feet	25
F	Side setback, minimum feet	5.5
G	Rear setback, minimum feet	7
H	Building height, maximum feet	35
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.



B. General

1. More than one structure housing a permitted principal use may be erected on a single lot or building plot, but setback and other requirements of this Code must be met for each structure as though each were on an individual lot.
2. The Manufactured Housing District includes mobile-home parks and manufactured housing on individual lots. Specific site design and development standards for MH are described in this section.

C. Design Standards for Housing Manufactured Off-Site

All single-family or two-family housing manufactured off-site, including manufactured and modular housing, are subject to the following standards and requirements.

1. The unit shall be the only habitable structure upon the lot on which it is placed.
2. The unit shall have a label or documents certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974.
3. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the unit.
4. The unit shall be placed on a permanent foundation consisting of masonry or concrete and constructed to the standards of the applicable building codes adopted by the City.
5. Crawl space shall be provided under each unit with access and ventilation as required by the building code adopted by the City.
6. The unit shall be located so that its longer dimension is parallel to the street on which the lot fronts.
7. Steps to the ground level with handrails and a permanent landing shall be provided at each outside doorway in compliance with the requirements of the applicable building code adopted by the City.
8. All electrical service equipment shall be mounted on the structure in compliance with the conditions imposed by Exceptions No. 1 and No. 2 under Section 550-23(a) of the National Electric Code (NEC), latest edition, as adopted by the City.
9. The exterior finish cannot have a high-gloss finish. The exterior walls shall look like wood or masonry, regardless of the actual composition.
10. Height~~.~~
    a. All accessory buildings shall be limited to one story in height.
    b. The roof shall be pitched with a minimum vertical rise of ~~two and one-half~~2.5 feet for every 12 feet of horizontal run.
    c. The roof shall have eaves that project a minimum of 12 inches from the exterior wall.
11. Size of Setback~~.~~
    a. Minimum Front Setback—20 feet from a dedicated street; 15 feet from any private street or drive~~;~~.
    b. Minimum Interior Side Setback—~~Five and one-half~~5.5 feet; 20 feet between units; 20 feet from ~~z~~Zoning ~~d~~District line~~;~~.
    c. Minimum Exterior Side Setback—25 feet from a dedicated street; 15 feet from any private street or drive~~;~~.
    d. Minimum Rear Setback—~~Seven~~7 feet; 20 feet from any ~~z~~Zoning ~~d~~District line~~;~~.
12. Minimum Dwelling Size—900 square feet.
13. Minimum Parking Requirement—Two spaces per unit.
14. Minimum Area for Manufactured Housing Subdivision (one unit on one platted lot)—5,500 square feet.

15. Minimum Area for Manufactured Housing Park—~~Two~~2 acres.

D. Design Standards for Manufactured Housing Park~~.~~

1. Tenant Parking~~.~~

   ~~-~~Each parking space shall be concrete in accordance with City standards and located to eliminate interference with access to parking areas provided for other manufactured/mobile homes and for public parking in the park.

2. Visitor and Supplemental Parking~~.~~

   ~~-~~In addition to parking spaces required for each manufactured/mobile home unit there shall be parking provided for the manufactured/mobile home community in general:

   a. One visitor parking for every three manufactured home spaces;

   b. One supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every six manufactured/mobile home spaces;

   c. Supplemental spaces may be located anywhere within the manufactured/mobile home community provided that no manufactured/mobile home space shall be situated further than 150 feet from a visitor space;

   d. No parking space shall be less than ~~nine~~9 feet by 18 feet, which is not to be included in the lot size.

3. Access~~.~~

   ~~-~~Each manufactured/mobile home community shall have direct access from a public street or an internal street. Where an internal private street provides access, the same shall be concrete in accordance with City standards dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used for the purpose of providing emergency health or public safety services. Each emergency access easement shall have a clear unobstructed width of 24 feet, shall connect to a dedicated public street, and shall have a turning area and radii a minimum of 50 feet to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed 500 feet in length. Fire lane easements shall be maintained by the manufactured/mobile home park.

4. Walkways~~.~~

   ~~-~~Designated concrete walkways a minimum of ~~five~~5 feet in width shall be provided on both sides of roadways or streets.

5. Street Names and Signs~~.~~

   ~~-~~Within each manufactured/mobile home park, all streets shall be named, and manufactured/mobile homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

6. Other Signs~~.~~

   ~~-~~Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking.

7. Intersections~~.~~

   ~~-~~Internal streets shall intersect adjoining public street at approximately 90 degrees and at locations which will eliminate or minimize interference with traffic on those public streets.

8. Street Lighting~~.~~

-Street lighting within the manufactured/mobile home park shall be provided and maintained by the owners of the manufactured/mobile home park.

9. Drainage and Soil Protection~~.~~

-The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured/mobile home space shall provide adequate drainage for the placement of a manufactured/mobile home. Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved and/or covered with stone, brick paving or other similar solid material or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

10. Anchorage~~.~~

-To insure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each manufactured/mobile home shall be provided at the time of installation, according to the building code.

11. Skirting~~.~~

-Skirting or a curtain wall, unpierced except for required ventilation and access door, shall be installed and maintained so that it encloses the area under the structure. The skirting or foundation must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawl space under the unit. The foundation skirting or curtain wall shall be of brick or stucco only. Material used for the skirting shall be erected so as not to create a fire hazard and maintained in a good state of repair.

12. Usable Open Space Requirements~~.~~

-Each parcel of land, developed under the MH standards, shall provide 280 square feet of usable open space per unit.

13. Single-family dwellings constructed in this ~~d~~District shall conform to the standards as set forth in the RS Residential Suburban District.

14. Open storage is prohibited.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~Section 7.03. Mixed Use~~

~~The Mixed Use District (MU), established in Section 4.11, is intended for residential and non-residential development to promote a dense and active mixed use urban environment. As established in the MU guidelines, a project zoned or proposed to be zoned MU may be completely residential and contain varying housing types and densities in a well-planned setting. Incentives available for developments in this district, along with guidelines, development standards and process for using the MU District can be found in Section 4.11 of this Code, attached as a separate document found at the City of Georgetown Planning and Development Department office or at http://udc.georgetown.org.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 7.03. ~~Section 7.04.~~Dimensional Interpretations and Exceptions

7.03.010. ~~7.04.01.~~Lot Exceptions

A. Minimum Lot Size

No Building Permit or development approval may be issued for a lot that does not meet the minimum lot size requirements of this chapter except as specified in the following cases:

1. Nonconforming lots may be used in accordance with the provisions set forth in ~~Chapter 14~~**Chapter 16. Nonconformities**.
2. Utilities using land or an unoccupiable building less than 1,000 square feet of site area shall be exempt from the minimum lot size requirements.
3. The following types of lots, as defined in ~~Section 16.02~~**Section 18.02**, are exempt from the minimum lot size requirements in all Residential Zoning Districts:
   a. Open Space Lots;
   b. Landscape Lots;
   c. Drainage Lots;
   d. Median Lots; and
   e. Access Lots.

B. Minimum Lot Width

1. The minimum lot width for lots fronting a cul-de-sac, bulb out, or knuckle turn may be reduced to a minimum of 30 feet at the front property line provided that the minimum required lot width is provided at the front setback line.
2. The minimum lot width may be reduced to 40 feet with approved rear access for any ~~d~~District.
3. The following types of lots, as defined in ~~Section 16.02~~**Section 18.02**, are exempt from the minimum lot width requirements in all Residential Zoning Districts:
   a. Open Space Lots;
   b. Landscape Lots;
   c. Drainage Lots;
   d. Median Lots; and
   e. Access Lots.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

7.03.020. ~~7.04.02.~~Setbacks

A. General

1. No building, structure, parking, or other development feature shall be located within a required setback ~~or yard~~ unless otherwise specified in this **Section ~~6.04~~7.03**.
2. No part of a setback or other open space required in connection with any building, lot or use for the purpose of complying with this Code shall be included for any other building, lot, or use as part of a setback or open space.
3. When determining the setbacks for corner lots, the front line shall be adjacent to the shortest street dimension of the lot. In instances where the lot is relatively square or otherwise unusually shaped, a request may be made to the Director for a determination of the front lot line.

4. When determining the setback for lots with more than one street frontage, other than corner lots, the Planning Director shall determine the front lot line based on street classification, lot dimensions, building orientation, access, traffic flow, proximity of building to the street, and other best planning practices.

B. Setback Reductions and Exceptions

1. Alleys

   a. When residential driveway access is taken from an alley, the garage setback to the alley may be reduced to ~~ten~~10 feet.

   b. On lots where driveway access is only permitted via an alley, the minimum front setback may be reduced to 15 feet.

   c. On lots with an approved private rear access easement, rear setbacks shall be measured from the nearest boundary of the easement.

2. Porches in Certain Zoning Districts

   a. Within the RS, RM, and MF-1 ~~d~~Districts, a porch may encroach into a front setback if the porch is no less than ~~six~~6 feet ~~(6')~~ in depth, extends into the setback no more than ~~eight~~8 feet ~~(8')~~, is structurally and architecturally ~~integral~~consistent with the house, and extends across no less than 40% of the front façade.

3. Where the lot setbacks reduce the buildable width or depth of an existing lot to less than 40 feet, the Director is authorized to reduce the required setback to provide a minimum buildable width or depth of 40 feet.

4. When an existing setback is reduced because of a conveyance to a federal, state or local government for a public purpose and the remaining setback is at least ~~fifty percent (~~50%~~)~~ of the required minimum setback for the District in which it is located, then that remaining setback will be deemed to satisfy the minimum setback requirements of this Code.

5. Properties in the Old Town Overlay District may request a Certificate of Appropriateness for setback exception in accordance with ~~Section 3.13 of this Code~~**Section 5.11. Certificate of Appropriateness**.

6. Adjacent lots with a building or other permanent structure built across the shared lot line on or before March 11, 2003, shall be treated as a single lot, with the shared lot line not considered for measurement of all dimensional standards.

C. Front Setback Reduction for Enhanced Design

1. A ~~b~~Building ~~p~~Permit may be issued for a single-family, two-family, zero-lot-line, or townhouse dwelling within the minimum front setback if the dwelling is alley-loaded and provides at least three of the following features on the front façade:

   a. An area of living, native plants across the entire front façade of the home other than the front walk or stoop~~,~~ and having sufficient area to support mature plants consistent with the requirements of ~~Chapter 8~~**Chapter 9. Landscaping and Fencing**;

   b. An open front porch extending across no less than 40% of the front façade of the house, at an average depth of at least ~~eight~~8 feet ~~(8')~~ but no less than ~~five~~5 feet ~~(5')~~;

   c. Utilization of kiln-fired brick, natural stone, cement fiber panel, or similar masonry material on 100% of the front façade, excluding windows, doors, awnings, and roof~~.~~;

   d. Utilization of traditional architectural elements, including at least two ~~(2)~~ of the following:

      (i) One or more dormers joined to and accessible from a finished room on the second story;

(ii) Half-timber facia trim on at least one forward-facing gable;

(iii) Multiple exposed rafters or rafter tails or eave brackets on at least one forward-facing gable, which may be decorative but must be designed to mimic a rafter or bracket that is load-supporting;

(iv) One or more boxed or open gables that are forward facing and are finished with siding that contrasts in shape, pattern, or material from the siding below the eave line;

(v) A front door at least ~~eight~~8 feet ~~(8')~~ in height or a double front door;

(vi) One or more transom or clerestory windows;

(vii) Decorative window trim on all primary windows, such as contrasting border, contrasting muntins, full-width shutters, arches, planter boxes, or similar features approved by the Planning Director.

2. The minimum front setback that shall be provided on a lot under this ~~s~~**Subsection ~~C~~C** is ~~five~~5 feet ~~(5')~~.

D. Features Allowed ~~W~~within Required Setbacks

The following features may be located within a required setback:

1. Landscape features (as defined in ~~Chapter 16~~**Chapter 18**).
2. Driveways located:
   a. In a front setback;
   b. In a side setback, if serving a side-loaded or detached rear garage or other parking area; or
   c. In a rear setback, if accessed by a rear alley or public street.
3. Sidewalks, fences, and walls, meeting the requirements of ~~Section 8.07~~**Section 9.06. Fence Standards**.
4. Uncovered patios provided that:
   a. The patio is located entirely within the side and/or rear yard, except that an uncovered patio may be located within a front yard if:
      (i) The surface area of the uncovered patio within the front yard does not exceed ~~ten percent (~~10%~~)~~ of the total calculated area within the front setback;
      (ii) The uncovered patio is set back at least 15 feet from all street property lines;
      (iii) No built-in structures, such as grills or fire pits, are included in any portion of the uncovered patio within the front yard; and
      (iv) The patio is screened from street view by a knee-wall or short seating bench not exceeding 30 inches in height and made of materials consistent with the architecture/materials of the home, a natural berm, a solid shrub wall, or a combination thereof; and
   b. The patio is set back at least ~~three~~3 feet from side and rear property lines, except as otherwise provided for in this ~~S~~section.
5. Uncovered outdoor kitchens located entirely within the side and/or rear yard and setback at least ~~three~~3 feet from side and rear property lines.
6. Pergolas provided that the pergola is:
   a. Located entirely within the side and/or rear yard, including structural supports and overhangs;
   b. Set back at least ~~three~~3 feet from side and rear property lines;
   c. Maintained with at least ~~fifty percent (~~50%~~)~~ open roof elements;
   d. Not enclosed with ground to roof walls other than that of the primary structure, except that a shading system with at least ~~fifty percent (~~50%~~)~~ transparency is permitted on up to two sides; and

e. No more than ~~eight~~8 feet in height.

7. Pools located entirely within the side and/or rear yard and set back at least ~~three~~3 feet from side and rear property lines.
8. Minor utilities.
9. Mechanical equipment such as air conditioning units, pool pumps, and similar equipment, but such equipment is not allowed in the front setback and is allowed in the side and rear setbacks only if such equipment cannot be reasonably located behind the structure.
10. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features provided that such features do not extend further than 18 inches into any required setback.
11. Stormwater ponds, pursuant to the setback limitations and design criteria in ~~Section 11.04 of this Code~~**Section 13.04. Stormwater Management System Requirements**.
12. None of the features above (except plant material and public sidewalks) shall extend into a public easement without approval of a License to Encroach.

7.03.030. ~~7.04.03.~~Conflicts

~~A.~~ Any plat that has development standards (to include but not limited to impervious cover or setbacks), that are in conflict with the standards of this Code, shall be subject to the development standards noted on the plat and none other shall apply.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

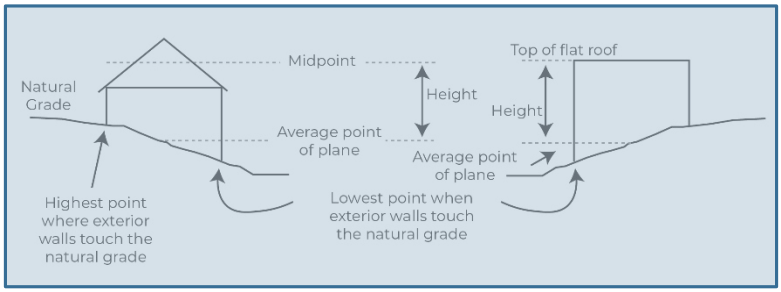
7.03.040. ~~7.04.04.~~Building Height

A. Measurement

Building height refers to the vertical distance between lowest finished grade at the edge of the building or the base flood elevation where applicable, and:

1. The average height level between the eaves and ridge line of a gable, shed, hip, or gambrel roof;
2. The highest point of a mansard roof;
3. The highest point of the coping of a flat roof; and
4. Roof parapets, as described in ~~Section 7.04.040.D~~**8.04.040.C. Roof Treatments**, may exceed the height limitations of this Code by no more than ~~ten~~10 feet.

Figure 7.03.040-1. Height Measurement



B. Exceptions to Height Limits

Except within the Courthouse View Protection Overlay District or as otherwise expressly stated in this Code, the height limitations of this Code shall not apply to any of the following:

1. Electrical power transmission and distribution lines;
2. Belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas, or chimney flues; or
3. Bulkhead, elevator, water tank or any other similar structure or necessary mechanical appurtenance extending above the roof of any building where such structure does not occupy more than ~~thirty-three percent (~~33%~~)~~ of the area of the roof.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 7.04. ~~7.04.05.~~Accessory Structures, Garages and Carports

7.04.010. Accessory Structures, Garages and Carports

A. Accessory structures and buildings shall meet the dimensional standards of the ~~b~~Base ~~z~~Zoning ~~d~~District, except as specified in this ~~S~~section. However, properties in the Old Town Overlay District may request a Certificate of Appropriateness for setback exception in accordance with ~~Section 3.13~~**Section 5.11** of this Code.

B. The accessory structure shall only be located on a lot with a principal structure, unless two adjacent lots have common ownership, in which case the structures may be located on different lots. In such instance, the accessory structure shall be located in the rear yard as determined by the lot with the principal structure on it.

C. The square footage of an accessory structure shall not exceed 25% of the square footage of the principal structure or 600 square feet, whichever is greater. For the purposes of this calculation, the square footage of an attached garage shall not be considered part of the principal structure.

D. ~~C.~~Accessory structures measuring ~~eight~~8 feet or less in height are allowed in the setbacks in the rear yard up to ~~three~~3 feet from the property line, but may not extend into any P.U.E.

E. ~~D.~~No more than ~~thirty percent (~~30%~~)~~ of the rear yard may be covered with accessory buildings or structures. ~~However, the maximum coverage may be extended to fifty percent (50%) of the rear yard to allow for the construction of a detached two-car garage, not to exceed 600 square feet.~~ All impervious cover requirements in ~~Section 11.02~~**Section 13.02** shall be met.

F. ~~E.~~Accessory dwelling units located in accessory structures in the AG, RE, RT, RS, and RM Districts are allowed subject to the limitations provided for in ~~Subsection 5.02.020.B or within a housing diversity development without limitations (as detailed in~~ **Section ~~6.07.02~~6.02.010.B.4~~)~~. Accessory Dwelling Unit.**

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 7.05. Common Amenity Area

7.05.010. ~~7.05.01.~~Applicability

The provisions of this ~~S~~section apply to:

A. Attached multifamily development;

B. Manufactured housing parks; and

C. Any development type where three or more dwelling units are located on a single lot or parcel, with each dwelling unit located in a structure with three or more dwelling units.

~~(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2019-37 , § 2(Exh. C), 6-11-2019)~~

7.05.020. ~~7.05.02.~~Common Amenity Area Requirements

A. Common amenity area shall be provided by the developer. This amenity area is in addition to any required parkland dedication or private open space requirement.

B. The amenity area shall be privately constructed, maintained and operated by the developer, residents of the subdivision through an incorporated homeowners association or property owners association, or the owner of the manufactured home lease community, and the person or entity responsible for ownership and maintenance. Operational responsibilities shall be noted on the plat and/or on a separate instrument recorded in the Official Records of Williamson County.

C. Common amenity area(s), accessible to all residents, shall be provided at the following rate:

Table 7.05.020-1. Minimum Number of Common Amenities Required by Dwelling Units

Number of Dwelling Units	Minimum Number of Amenities
0-12	0
13-49	1
50-99	2
100-149	3
150-199	4
200 or more	5

D. The required amenity area(s) shall be selected from those listed below. Director approval shall be required for any amenity types not listed. When more than one amenity is required, they shall differ from one another.

1. Playground equipment—Manufacturer must certify that it meets all commercial recreational safety standards.
2. Picnic areas—Minimum of two tables and two cooking grills per 100 dwelling units.
3. Trails (walkways or bike trails)—At least the distance of the perimeter of the property.
4. Landscaped sitting areas—Minimum of one bench per building either in an organized grouping or dispersed throughout development.
5. Fenced dog park—Minimum size of 2,500 square feet with 25-foot minimum depth.
6. Private fitness facility.
7. Business center.
8. Sport courts.
9. Clubhouse—To include kitchen and social room for resident use.
10. Swimming pool.
11. Laundry facility.
12. After school center for children.
13. Community garden—Minimum 200 square feet.

E. The common amenity area shall be designed to adequately serve the number of dwellings within the development, according to accepted City standards set by the Parks and Recreation Department. All equipment and other improvements must be of commercial quality and approved by the Director of Parks and Recreation.

F. Amenities shall be located in such a manner that no primary egress door of a unit is more than five times further from an amenity than the primary egress door of the unit closest to the same amenity. In no case shall the primary egress door of any unit be further than 1,000 feet from an amenity. Multistory buildings or multifamily buildings with internal corridors may use the primary egress door of the entire building when measuring distance under this requirement.

G. At least ~~fifty percent (~~50%~~)~~ of the common amenity area must be located outside of the 100-year floodplain.

H. Where possible, amenities should provide connections to nearby public amenities including, but not limited to, plazas, public parks, community centers, public libraries, trails, or similar community amenities as determined by the Director.

1. An off-site amenity may count toward~~s~~ one of the required amenity areas if:

a. The development is a horizontal or vertical mixed-~~-~~use development;

b. At least ~~3~~three public amenities are required;

c. A public amenity is located within a quarter mile of the lot; and

d. Enhanced pedestrian facilities of 10 feet or more are provided to connect pedestrians to the amenity.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 7.06. Special Development Types

~~Note to City Staff: Conservation Subdivision text to be addressed with revisions to chapter 11.~~

7.06.010. ~~7.06.01.~~Conservation Subdivision Development

To encourage Conservation Subdivision development, this Code allows flexibility to development standards in all Zoning Districts for residential developments that use conservation development practices in order to: protect natural resources, conserve valuable open space, reduce erosion and sedimentation, preserve riparian corridors, provide for walking trails, protect the community water supplies, reduce infrastructure, preserve prime agricultural land, provide smaller streets with less environmental disturbance, and plan for overall watershed protection. Attempting to achieve these objectives using the process established in ~~Section 11.06~~**Section 13.05. Open Space Subdivisions** of this Code qualifies a development as a conservation subdivision eligible for the incentives and alternative development standards.

Conservation Subdivision lot and dimensional standards can be found in ~~Section 11.06.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~7.06.02. Housing Diversity Development~~

~~A. Purpose~~

~~To encourage Housing Diversity developments, this Code allows flexibility to the development standards and allowable housing types for developments that foster housing diversity. Housing Diversity developments may be located in the TR, RS, RM, MF-1, and MF-2Districts and shall include at least three types of housing identified in Table 6.08.020, although a greater variety is encouraged. In addition, the Director is authorized to consider alternative standards that would result in projects that meet the intent, if not the letter, of the provisions of this Code in order to attain housing diversity.~~

~~B. Housing Types~~

~~The following table shows the types of housing permitted in a Housing Diversity Development. At least three of the following housing types in any of the following Districts shall be included to qualify as a Housing Diversity Development.~~

~~**Table 6.07.020.B: Permitted Housing Types by Residential District**~~

~~Housing Type~~	~~Minimum Lot Size~~	~~RT~~	~~RS~~	~~RM~~	~~MF-1~~	~~MF-2~~
~~Single-Family, Detached~~	~~7,500 SF~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Single-Family, Detached~~	~~5,500 SF~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Single-Family, Detached~~	~~5,000 SF~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Single Family, Zero Lot Line~~	~~5,500~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Single Family, Zero Lot Line~~	~~4,000~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Single Family, Attached~~	~~5,500 SF~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Single-Family, Attached~~	~~2,500 SF~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Two-family~~	~~5,000 SF~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Apartment~~	~~12,000 SF~~	~~-~~	~~-~~	~~-~~	~~X~~	~~-~~
~~Apartment~~	~~20,000 SF~~	~~-~~	~~-~~	~~-~~	~~-~~	~~X~~

~~C. Dimensional Standards~~

~~The development shall identify the intended development types for the Housing Diversity Development and meet the minimum standards of the applicable development type.~~

~~D. Perimeter Buffer~~

~~The perimeter buffer applies to the subdivision edge or contiguous area of a Housing Diversity Development, and not to specific Zoning Districts within the development. The perimeter buffer may be counted towards required landscaping if it is within the lot.~~

~~Note to City Staff: Removed the alternative dimensional standards because the base standards permit an even smaller lot size and standards to encourage a mix of housing.~~

~~E. Alternative Sidewalk Design~~

~~Refer to Section 12.02.040 Alternative Design and Financing for sidewalk options in Housing Diversity Developments.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~7.06.03. Multi-Lot Unified Development~~

~~A. Multi-Lot Unified developments may be located in any residential zoning district, save and except the RE Residential Estate District~~Section 13.05 ~~and~~. ~~RT Residential Traditional District~~Open Space Subdivisions.

~~B. Abutting properties with similar residential zoning districts and that are part of a Multi-Lot Unified Development pursuant to Section 4.05.030 of this Code may be developed in accordance with the development standards in Section 7.02.03.E of this Code.~~

~~C. To encourage Multi-Lot Unified Development, this Code allows flexibility in certain setback development standards for proposed unified developments across multiple abutting properties with similar and compatible uses and zoning districts. Properties of a Multi-Lot Unified Development may be developed in accordance with the following provisions:~~

~~1. Multi-Lot Unified Developments may be located in any residential zoning district, save and except the RE Residential Estate District, and RT Residential Traditional District as provided in Section 6.07.03. Neighborhood Commercial (CN), Local Commercial (C-1), General Commercial (C-3) Office (OF), Industrial (IN), Agriculture (AG), Business Park (BP), and Public Facilities (PF).~~

~~2. A Multi-Lot Unified Development shall be documented under a single development application, either a Subdivision Plat, a Site Development Plan and/or Construction Plans, as established in this Code. The development application must clearly identify the boundaries of each individual lot or parcel, and overall boundary of the property subject to the Multi-Lot Unified Development application.~~

~~3. All lots or parcels within the boundaries of the Multi-Lot Unified Development must be developed in accordance with the approved plat, Site Development Plan, or Construction Plan. Any deviations will result in the submittal, review, and approval of a new development application.~~

~~4. The City may require a private ingress, egress, cross-access, and parking easement over and across the parking areas and roadways within the boundaries of the Multi-Lot Unified Development to ensure adequate off-street parking, as well as safe vehicle, emergency, and pedestrian access for the properties.~~

~~D. Multi-Lot Unified Development lot and dimensional standards can be found in Sections 6.07.03 and Section 7.03.04.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

7.06.020. ~~7.06.04.~~Workforce Housing Development

A. Purpose

To encourage affordable housing for the workforce, this Code allows flexibility to the development standards and allowable housing types for projects that foster housing affordability.

B. Dimensional Standards

Workforce housing developments may be located in the RS Residential Suburban District, RM Residential Mix District, and MF-1 Medium Density Multifamily Residential District, and MF-2 High Density Multifamily Residential District. Developments shall meet the dimensional standards for the applicable ~~d~~District in **Section ~~6~~7.02**.

~~C. Alternative Sidewalk Design~~

~~Refer to Section 12.02.040 Alternative Design and Financing for sidewalk options in Workforce Housing Developments.~~

~~Note to City Staff: The revised Dimensional Standards for the base districts are smaller than the previous alternative Standards. Revised language to reference the base districts for Workforce housing.~~

C. ~~D.~~Workforce Housing

1. Workforce Housing Developments in the RS Residential Suburban District and RM Residential Mix District that include ~~twenty percent (~~20%~~)~~ of the housing units available for those whose incomes are less than or equal to ~~eighty percent (~~80%~~)~~ of the area median family income (as set by the Department of Housing and Urban Development) are eligible to use the standards of this Section **~~6.07.04~~7.06.020**. The deed restrictions, approved by the City Attorney, must include language that requires all workforce housing lots be restricted for ~~ten~~10 years from the date of the original home sale to the qualifying buyer any resale shall be to a party whose income is less than or equal to ~~eighty percent (~~80%~~)~~ of the area median family income or, absent that, shall require a payment to the City of their proportionate and prorated share of fees that were waived for their lot.
2. Workforce Housing Developments in MF-1 Medium Density Multifamily Residential District and MF-2 High Density Multifamily Residential District are eligible to use the provisions of the following workforce housing units.
   a. Front setback can be reduced by ~~five~~5 feet for every ~~ten percent (~~10%~~)~~ of total development set as workforce units, to the minimum.
   b. Impervious cover can be increased by ~~ten percent (~~10%~~)~~ for every ~~ten percent (~~10%~~)~~ of the total development set as workforce units, to the maximum of ~~seventy percent (~~70%~~)~~, with required water quality improvements as required in ~~Section 11.02~~**Section 13.02**.

D. ~~E.~~Fee Waivers

Workforce Housing Developments are eligible for administrative fee waivers, as adopted and published by the City of Georgetown.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Chapter 8. Non-Residential Development Standards ~~(Chapter 7)~~

Section 8.01. General

8.01.010. ~~8.01.01.~~Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code ~~c~~Chapters 211 and 212 and the City Charter.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

8.01.020. ~~8.01.02.~~Purpose and Intent

A. This ~~C~~chapter establishes development standards for non-residential properties within the ~~C~~city limits and ETJ of the City of Georgetown.

B. The provisions of this chapter allow for a variety of development while maintaining the overall character of neighborhoods and commercial areas of Georgetown. The standards are established to regulate the manner in which land is developed, minimize adverse effects on surrounding properties and the general public, and ensure that high quality development is maintained throughout the community.

C. The approach to development standards has several public benefits:

1. It allows for development that is more sensitive to the environment.
2. It allows for the preservation of open and natural areas.
3. It promotes better site layout and opportunities for recreational areas.
4. It promotes energy-efficient development.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

D. In addition to the provisions of this chapter, non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.

8.01.030. ~~8.01.03.~~Applicability

A. Within the Extraterritorial Jurisdiction (ETJ).

All non-residential development within the City's ETJ is subject to the provisions of **Subsection ~~7.02.01~~8.02.010. General**.

B. Within the City Limits.

1. All non-residential development within a Non-Residential Zoning District shall be subject to the provisions of this ~~C~~chapter.
2. All non-residential development within a Residential Zoning District shall be subject to **Section ~~7~~8.04. Building Design Standards** and **Section ~~7~~8.05. Lighting Standards** in addition to the development standards of the ~~z~~Zoning ~~d~~District in which it is located.
3. All residential development within a Non-Residential Zoning District shall be subject to the provisions of ~~Section 6.05.~~**Section 7.04.** ~~Accessory Structures, Garages and Carports and Section 6.06.~~**Accessory Structures, Garages and Carports** and **Section 7.05. Common Amenity Area** ~~Common Amenity Area~~ in addition to the development standards of the ~~z~~Zoning ~~d~~District in which it is located.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

Section 8.02. Development Standards

8.02.010. ~~8.02.01.~~General

A. The lot and dimensional standards provided in the following sections are in addition to the interpretations and exceptions in Section ~~7.03.01~~8.03.010. **Minimum Lot Size and Width Exceptions**. The standards contain~~s~~ cross-references and notes to specific sections or chapters of this Code when additional requirements or explanations may apply.

1. For properties located in an Overlay Zoning District, additional or alternative provisions may apply. See ~~Chapter 4~~4.05.050 for all applicable Overlay Districts.
2. For Non-Residential development in a Conservation Subdivision, see ~~Section 11.06~~Section 13.05 for alternative development standards.
3. Additional design limitations may be required for specific uses in ~~Chapter 5~~Chapter 6 of this Code. When in conflict, the stricter provision shall apply.

B. All new development shall be located on a lot or tract meeting the requirements of ~~Section 3.08~~Section 3.15 of this Code.

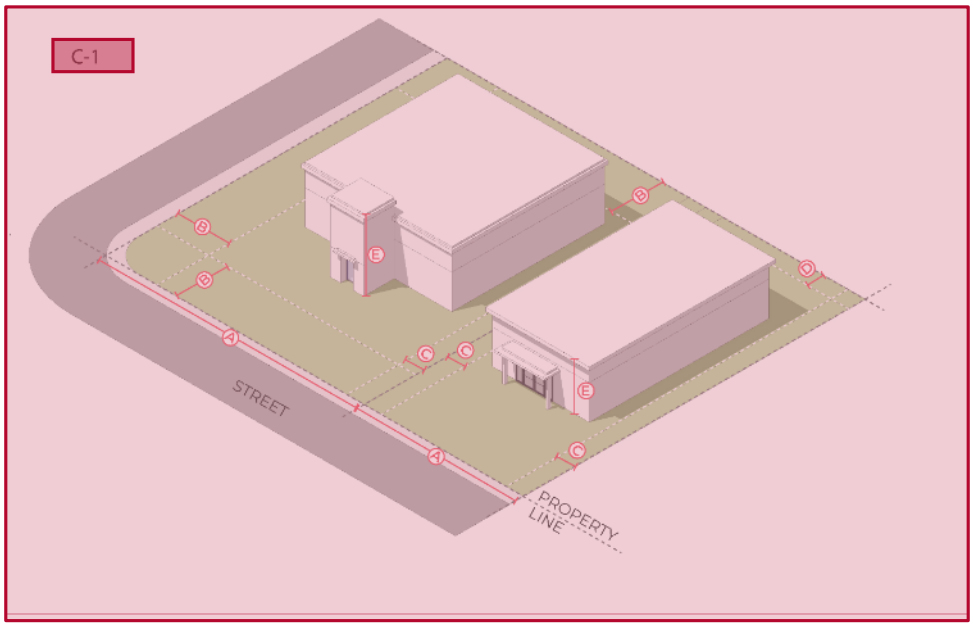
C. All new lots or tracts shall have a minimum lot width or street frontage along a public street as follows:

1. Within the ~~C~~city limits, the minimum lot width or street frontage shall be in accordance with the ~~z~~Zoning ~~d~~District in which it is located.
2. Within the ETJ, the minimum lot width or street frontage shall be 25 feet.
3. Private streets in compliance with Section 14.03.020 may be utilized to meet the minimum requirements when providing frontage to a ~~n~~Non-~~r~~Residential Multi-lot Unified Development meeting the requirements of Section ~~7.03.04~~8.03.050. **Multi-Lot Unified Development**.
4. A Subdivision Waiver varying or waiving these requirements may be requested pursuant to ~~Section 3.22~~Section 3.16 of this Code.

D. All development within the ~~C~~city limits and areas of the ETJ where the City provides fire protection services shall comply with the applicable standards contained in the International Fire Code, as adopted in the City of Georgetown Code of Ordinances, Chapter 8.04. When such standards conflict with any lot, dimensional, and design standards of this Code, the International Fire Code standards shall apply. ~~*(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2017-66, § 2(Exh. A), 10-10-2017; Ord. No. 2018-11, § 2(Exh. A), 4-24-2018; Ord. No. 2019-37 , § 2(Exh. D), 6-11-2019)*~~

8.02.020. ~~8.02.02.~~CN Neighborhood Commercial District

The CN Neighborhood Commercial District provides for areas for small-scale office and commercial activities such as the sale of convenience goods and personal service businesses that primarily serve adjacent residential areas. This ~~d~~District offers a transition between residential neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this ~~d~~District is primarily pedestrian-scaled to help improve vehicular circulation, support beneficial interaction with adjacent residential uses, and safely accommodate residents and pedestrians. No uses that adversely affect the health, safety, welfare, or residential character of neighborhoods are allowed. Neighborhood commercial areas are generally located within neighborhoods and have pedestrian access to adjacent residential areas.



A. Lot and Dimensional Standards

	~~CN Neighborhood Commercial District~~	
~~-~~	~~District size, minimum acreage~~	~~—~~
~~-~~	~~Lot size, minimum square feet~~	~~—~~
~~A~~	~~Lot width, minimum feet~~	~~40~~
~~B~~	~~Front/street-facing setback, minimum feet~~	~~15[1]~~
~~B~~	~~Front setback, Downtown Gateway Overlay (Refer to Section 4.11.040)~~	~~0~~
~~C~~	~~Side setback, minimum feet~~	~~5[2]~~
~~D~~	~~Rear setback, minimum feet~~	~~5[2]~~
~~E~~	~~Building height, maximum feet~~	~~35~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~75%~~
~~[1] Reduced setback with build-to line alternative available. See **7.03.03.A. Front Setback, Build-to Option**.~~ ~~[2] Increased setback may be required to promote compatibility adjacent to residential areas. See **7.04.05. Building Articulation and Architectural Features**.~~		

CN Neighborhood Commercial District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A

A	Lot width, minimum feet[1]	40
B	Corner/~~E~~end ~~L~~lot ~~W~~width, minimum feet~~3~~[2]	50
C	Front/~~Side/Rear/Unloaded~~primary street setback ~~(Corner)~~, minimum feet[3]	15
D	~~Street Facing Garage~~ Corner side/secondary street ~~s~~setback, minimum feet[3]	15
E	Side setback, minimum feet~~1~~[4]	0
F	Rear setback, minimum feet[4] ~~1~~	0
G	Building ~~H~~height, ~~max.~~maximum feet	35
	Maximum ~~i~~impervious cover[5]	See **Section 13.02**

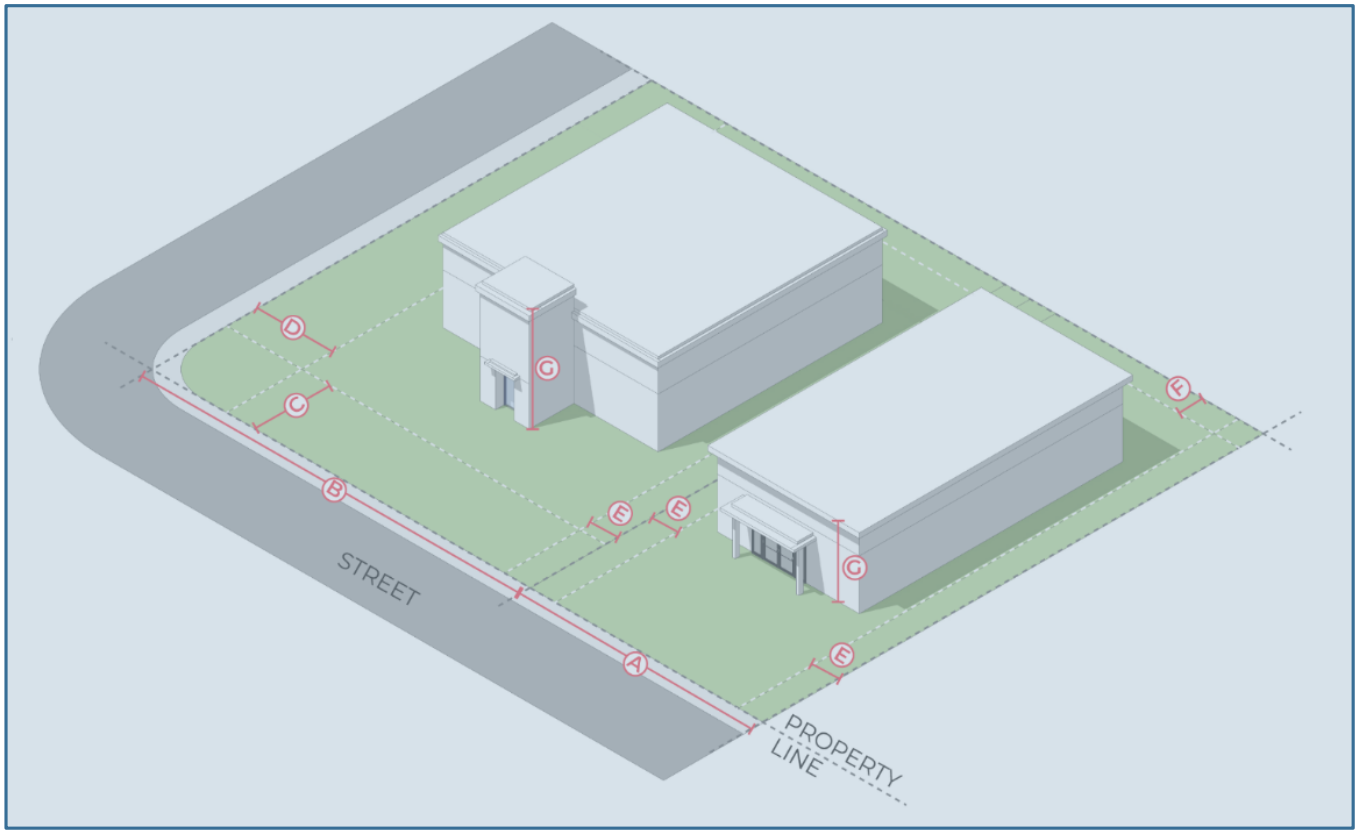
[1] Lot width shall be sufficient to allow for the minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

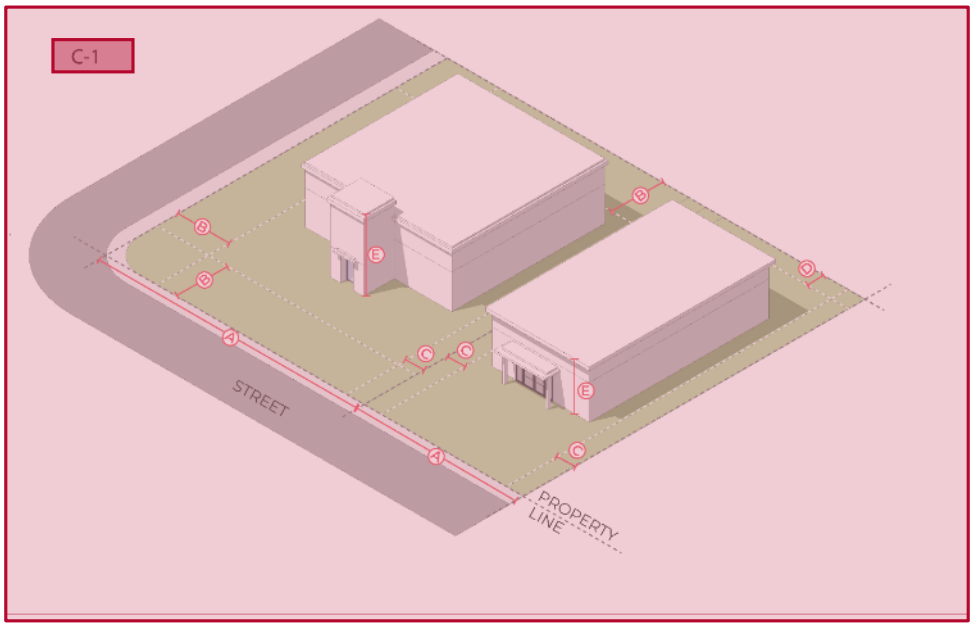
[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.



8.02.030. ~~8.02.03.~~C-1 Local Commercial District

The C-1 Local Commercial District provides for a range of commercial activities, including the development of small-scale neighborhood offices, low-intensity retail and service-oriented businesses, restaurants, and public spaces and facilities. This ~~d~~District offers a transition between residential neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this ~~d~~District is primarily pedestrian-scaled to help improve vehicular circulation, support beneficial interaction with adjacent residential uses, and safely accommodate residents and pedestrians. The C-1 District can be applied in corridor, node, and area development patterns, but is most appropriate for node and area development.



A. Lot and Dimensional Standards

	~~C-1 Local Commercial District~~	
~~-~~	~~District size, minimum acreage~~	~~—~~
~~-~~	~~Lot size, minimum square feet~~	~~—~~
~~A~~	~~Lot width, minimum feet~~	~~40~~
~~B~~	~~Front/street-facing setback, minimum feet~~	~~15[1]~~
~~B~~	~~Front setback, Downtown Gateway Overlay (Refer to Section 4.11.040)~~	~~0~~
~~C~~	~~Side setback, minimum feet~~	~~5[2]~~
~~D~~	~~Rear setback, minimum feet~~	~~5[2]~~
~~E~~	~~Building height, maximum feet~~	~~35~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~75%~~

~~[1] Reduced setback with build-to line alternative available. See **7.03.03.A. Front Setback, Build-to Option**.~~

~~[2] Increased setback may be required to promote compatibility adjacent to residential areas. See **7.04.05. Building Articulation and Architectural Features**.~~

C-1 Local Commercial District		
	District size, minimum ~~acreage—~~ square feet	N/A
	Lot size, minimum square feet~~—A~~	N/A
A	Lot width, minimum feet[1]	40

B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	15
D	Corner side/secondary street setback, minimum feet[3]	15
E	Side setback, minimum feet~~5[2]D~~[4]	0
F	Rear setback, minimum feet~~5[2]E~~[4]	0
G	Building height, maximum feet	35
	Maximum ~~i~~impervious ~~c~~cover[5]	See **Section 13.02**

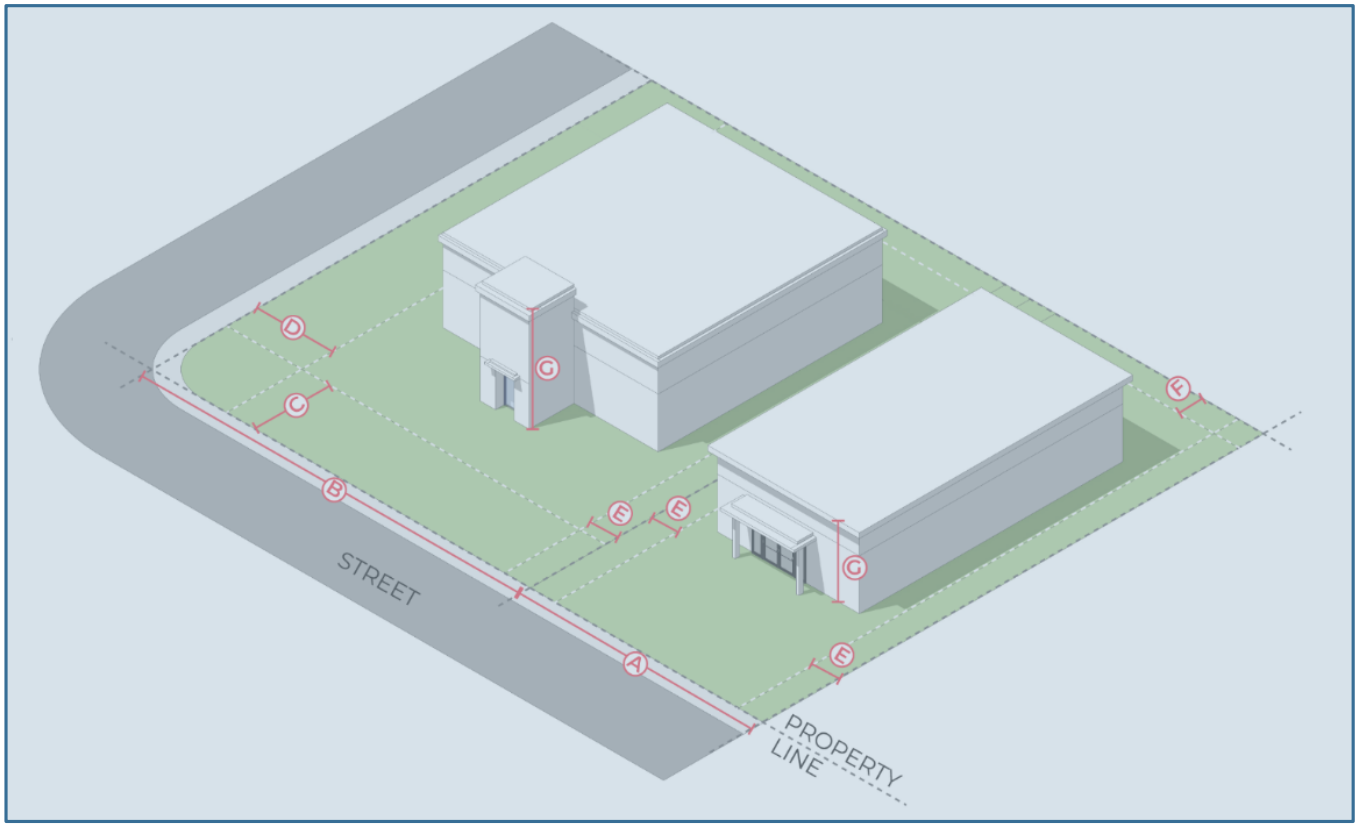
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas~~.~~ in **Section 9.03.070**.

[5] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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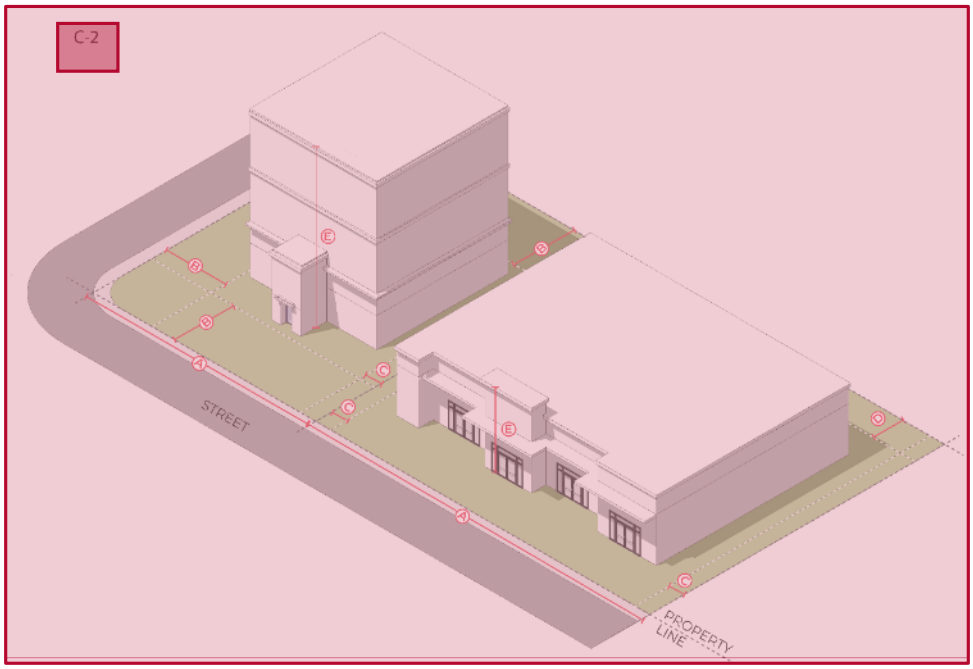
8.02.040. ~~8.02.04.~~C-2 Regional Commercial District

The C-2 Regional Commercial District provides for medium to large-scale development of retail, service, restaurant, entertainment, and office uses, necessary for a regional market. This ~~d~~District primarily facilitates commercial development, like big box and anchor retailers in or near intensive shopping centers, which are automobile-oriented and generate high traffic counts. The C-2 District can be applied in corridor, node, and area development patterns, though it is most appropriate for corridor and node development. The ~~d~~District is appropriate along freeways, tollways and major arterials; placement of the ~~d~~District should consider potential negative transportation impacts to residential uses.



A. Lot and Dimensional Standards

	~~C-2 Regional Commercial District~~	
~~-~~	~~District size, minimum acreage~~	~~—~~
~~-~~	~~Lot size, minimum square feet~~	~~—~~
~~A~~	~~Lot width, minimum feet~~	~~50~~
~~B~~	~~Front/street setback, minimum feet~~	~~20[1]~~
~~B~~	~~Front setback, Downtown Gateway Overlay (Refer to Section 4.13.040)~~	~~0~~
~~C~~	~~Side setback, minimum feet~~	~~5[2]~~
~~D~~	~~Rear setback, minimum feet~~	~~10[2]~~
~~E~~	~~Building height, maximum feet~~	~~60~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~70%~~
~~[1] Reduced setback with build-to line alternative available. See **7.03.03.A. Front Setback, Build-to Option**.~~ ~~[2] Increased setback may be required to promote compatibility adjacent to residential areas. See **7.04.05. Building Articulation and Architectural Features**.~~		

C-2 Regional Commercial District		
	District size, minimum square feet	N/A

	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	40
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	20
D	Corner side/secondary street setback, minimum feet[3]	20
E	Side setback, minimum feet[4,5]	5
F	Rear setback, minimum feet[4]	10
G	Building height, maximum feet	60
	Maximum impervious cover[6]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

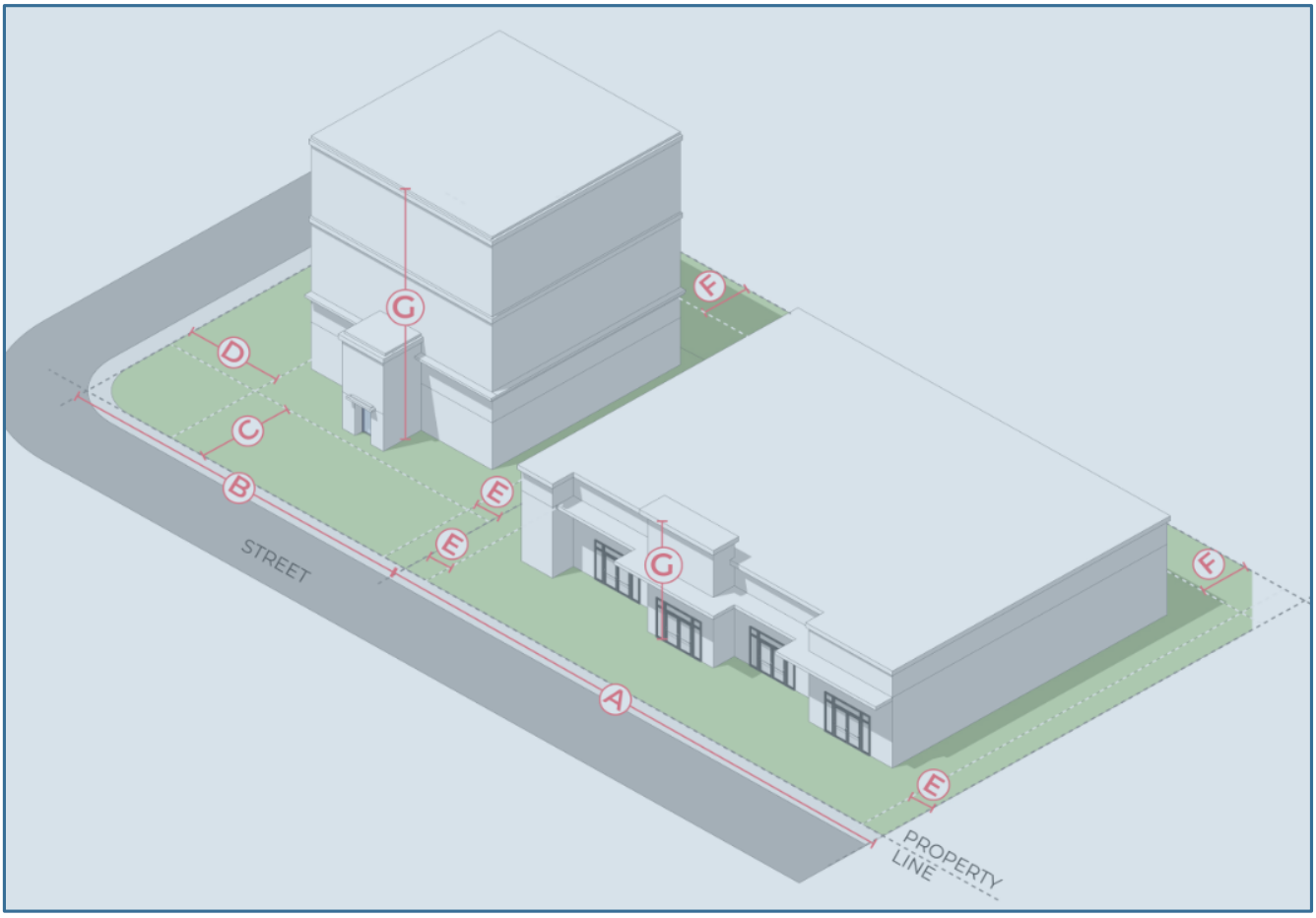
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas~~.~~ in **Section 9.03.070**.

[5] Side setback may be reduced to 0' for party wall construction between lots that are part of the same development, subdivision and zoning.

[6]Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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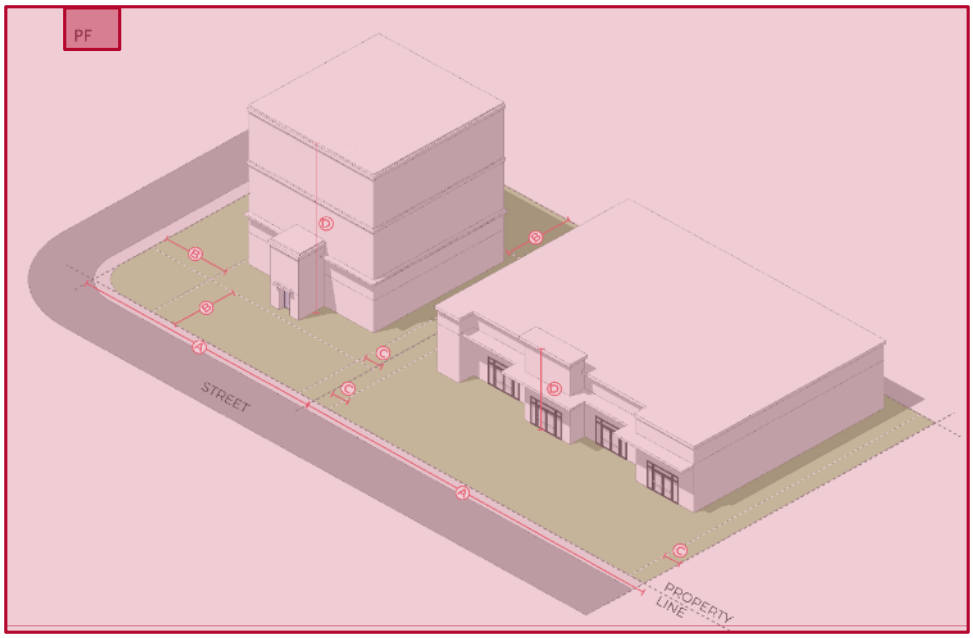
8.02.050. ~~8.02.05.~~PF Public Facilities District

The PF Public Facilities District is intended to provide a location for government and other public or quasi-public facility operations. These may include schools, public parks, hospitals, airports, government offices, churches and other related uses, but would not include industrial facilities or storage yards. Some uses allowed in this ~~d~~District might generate heavy traffic volumes and high-intensity operations, consistent with their government and public functions.



A. Lot and Dimensional Standards

PF Public Facilities District	~~PF Public Facilities District~~	
-	District size, minimum ~~acreage~~square feet	~~—~~N/A
-	Lot size, minimum square feet	~~—~~N/A
A	Lot width, minimum feet[1]	~~50~~40
B	Corner/end lot width, minimum feet[2]	50
~~B~~C	Front/primary street setback, minimum feet[3]	20~~1~~
~~B~~D	~~Front setback, Downtown Gateway Overlay (Refer to Section 4.11.040)~~Corner side/secondary street setback, minimum feet[3]	~~0~~20
~~C~~E	Side setback, minimum feet[4,5]	~~5~~~~2~~5
~~-~~F	Rear setback, minimum feet[4]	~~0~~~~2~~0
~~D~~G	Building height, maximum feet[6]	60~~3~~
-	Maximum ~~i~~impervious ~~Coverage (Refer to Section 11.02 for additional requirements)~~cover[7]	~~70%~~See **Section 13.02**

[1] ~~Reduced setback with~~Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

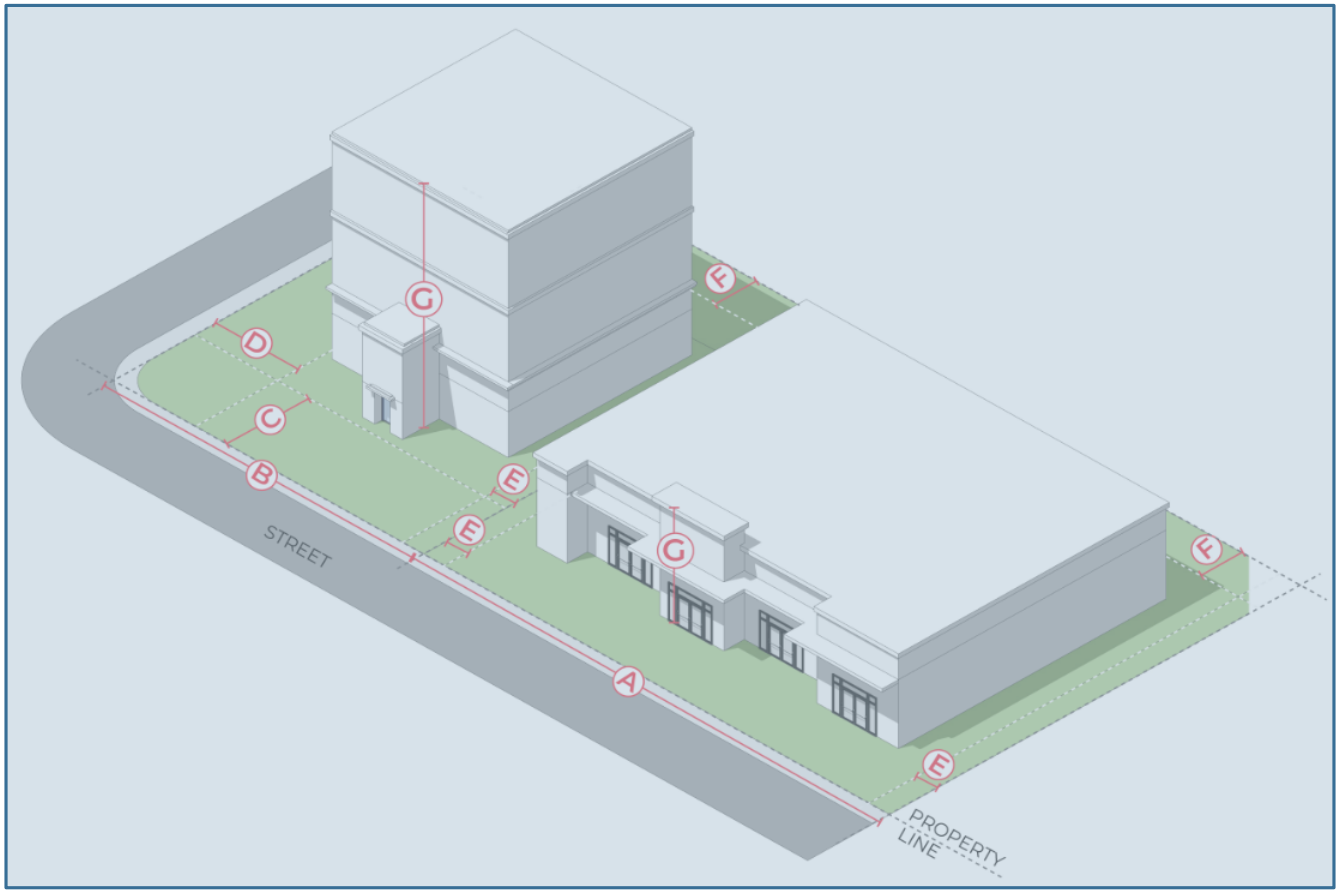
[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available~~.~~ in **Section** ~~See **7.03.03.A. Front Setback, Build-to Option**~~**8.03.020.D**.

~~2~~[4] Increased setbacks may be required to promote compatibility adjacent to residential areas~~.~~ in **Section** ~~See **7.04.05. Building Articulation and Architectural Features**~~**9.03.070**.

[5] Side setback may be reduced to 0' for party wall construction between lots that are part of the same development, subdivision and zoning.

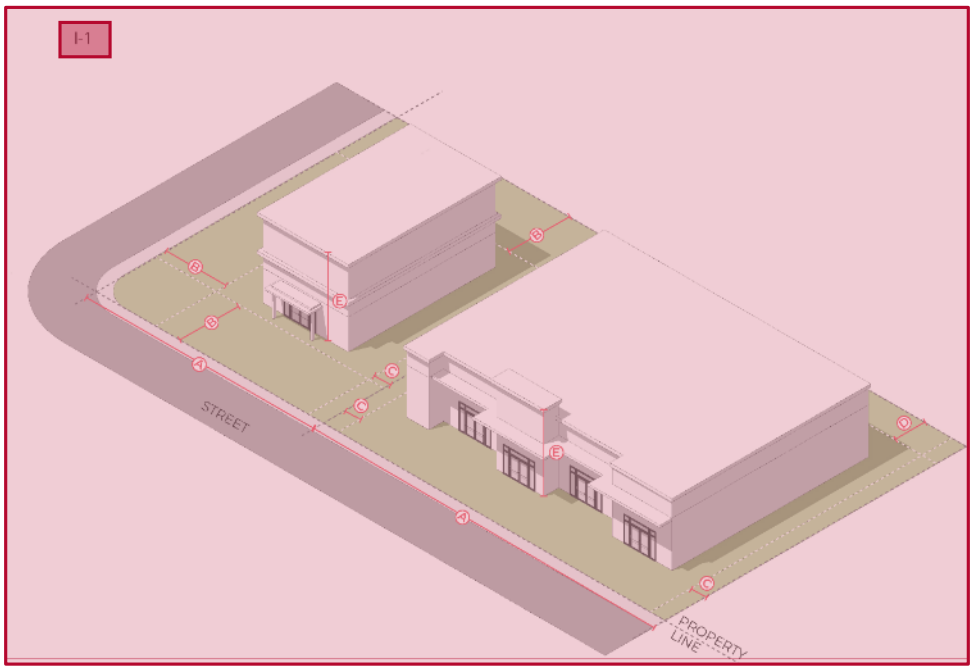
~~3~~[6] Structures, lighting, scoreboards, and other elements of a stadium are exempted, but shall be set back a minimum of 120 feet.

[7] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.



8.02.060. ~~8.02.06.~~I-1 Flex Industrial District

The I-1 Flex Industrial District provides for research and development facilities, large employment generating uses, light manufacturing operations, sprawling office and business parks, and general industrial uses that are typically free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Service-oriented, retail, and restaurant uses may support development in the I-1 ~~d~~District. This ~~d~~District provides a transition between heavy industrial uses and less intensive commercial areas and residential neighborhoods.



A. Lot and Dimensional Standards

	~~I-1 Flex Industrial District~~	
~~-~~	~~District size, minimum acreage~~	~~—~~
~~-~~	~~Lot size, minimum square feet~~	~~—~~
~~A~~	~~Lot width, minimum feet~~	~~50~~
~~B~~	~~Front/street setback, minimum feet~~	~~20[1]~~
~~B~~	~~Front setback, Downtown Gateway Overlay (Refer to Section 4.11.040)~~	~~0~~
~~C~~	~~Side setback, minimum feet~~	~~5[2]~~
~~D~~	~~Rear setback, minimum feet~~	~~10[2]~~
~~E~~	~~Building height, maximum feet~~	~~60~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~80%~~

~~[1]Setback shall be increased to 50 feet when adjacent to a roadway with a classification of Arterial or higher, or when facing a park or residential zoning district.~~

~~[2]Increased setback may be required to promote compatibility adjacent to residential areas. See **7.04.05. Building Articulation and Architectural Features**.~~

I-1 Flex Industrial District		
	District size, minimum ~~acreage—~~ square feet	N/A
	Lot size, minimum square feet~~—A~~	N/A

A	Lot width, minimum feet[1]	50
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	20
D	Corner side/secondary street setback, minimum feet[3]	20
E	Side setback, minimum feet~~5[2]D~~[4,5]	5
F	Rear setback, minimum feet[4]	10~~[2]E~~
G	Building height, maximum feet	60~~-~~
	Maximum ~~i~~impervious ~~c~~cover[6]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

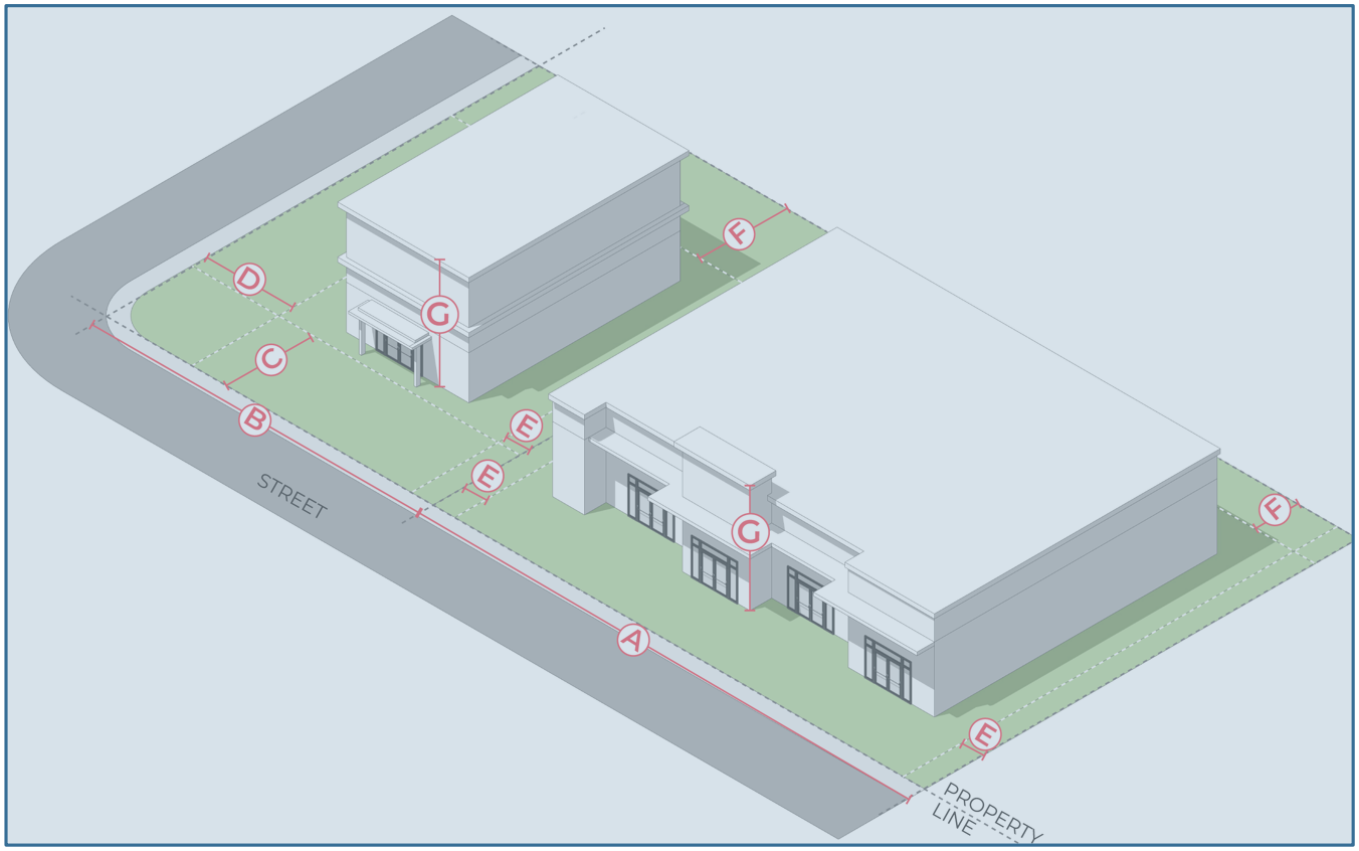
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas~~.~~ in **Section 9.03.070**.

[5] Side setback may be reduced to 0' for party wall construction between lots that are part of the same development, subdivision and zoning.

[6]Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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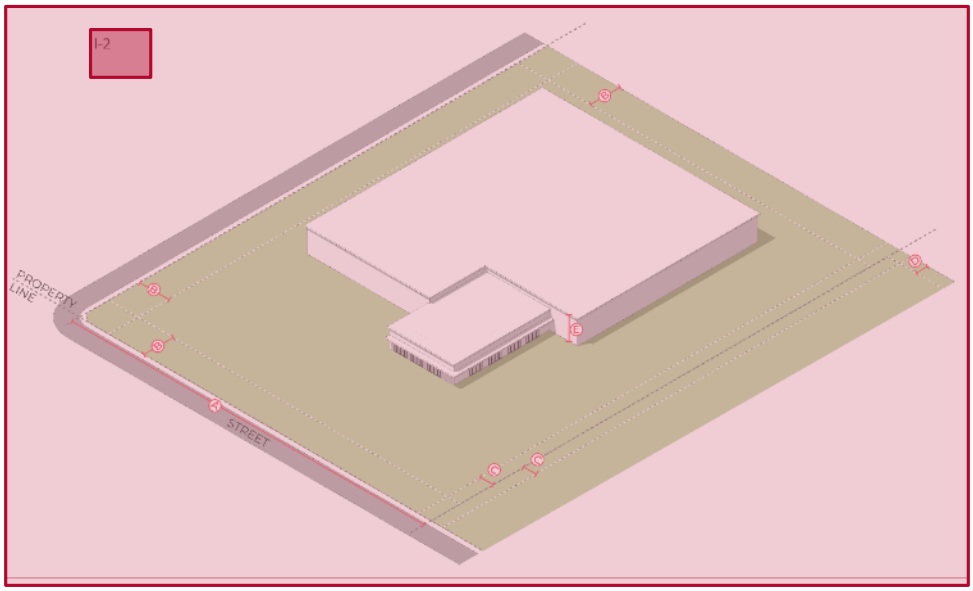
8.02.070. ~~8.02.07.~~I-2 Intensive Industrial District

The I-2 Intensive Industrial District provides areas for heavy manufacturing, processing, assembling, storing, testing, drilling, mining, and industrial uses that are extensive and intensive in character, and require large sites, open storage and service areas, extensive services and facilities, and access to major transportation networks. Development in this ~~d~~District is sometimes incompatible with less intensive uses because of traffic, noise, vibration, dust, glare, or emissions, and ~~are~~is intrusive to commercial activity and residential areas. Any development in this ~~d~~District should be sufficiently buffered and distantly located from commercial nodes and all residential uses.



A. Lot and Dimensional Standards

~~I-2 Intensive Industrial District~~		
~~-~~	~~District size, minimum acreage~~	~~2~~
~~-~~	~~Lot size, minimum square feet~~	~~87,120 sq. ft. / 2 acres~~
~~A~~	~~Lot width, minimum feet~~	~~50~~
~~B~~	~~Front/street setback, minimum feet~~	~~25[1]~~
~~B~~	~~Front setback, Downtown Gateway Overlay (Refer to Section 4.13.040)~~	~~0~~
~~C~~	~~Side setback, minimum feet~~	~~10[2]~~
~~D~~	~~Rear setback, minimum feet~~	~~10[2]~~
~~E~~	~~Building height, maximum feet~~	~~60~~
~~-~~	~~Maximum Impervious Coverage (Refer to Section 11.02 for additional requirements)~~	~~80%~~
~~[1]Setback shall be increased to 50 feet when adjacent to a roadway with a classification of Arterial or higher, or when facing a park or residential zoning district. Buildings over 50,000 sq. ft. shall add 10 feet in setback for each additional 50,000 sq. ft. in gross floor area up to a maximum of 200 feet.~~		
~~[2]Increased setback may be required to promote compatibility adjacent to residential areas. See **7.04.05. Building Articulation and Architectural Features**.~~		

I-2 Intensive Industrial District		
	District size, minimum ~~acreage2~~ square feet	87,120 (2 acres)

	Lot size, minimum square feet	87,120 ~~sq. ft. /~~ (2 acres)
A	Lot width, minimum feet[1]	50
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	25
D	Corner side/secondary street setback, minimum feet[3]	25
E	Side setback, minimum feet~~10[2]D~~[4,5]	10
F	Rear setback, minimum feet[4]	10[2]~~E~~
G	Building height, maximum feet	60-
	Maximum ~~i~~impervious ~~c~~cover[6]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

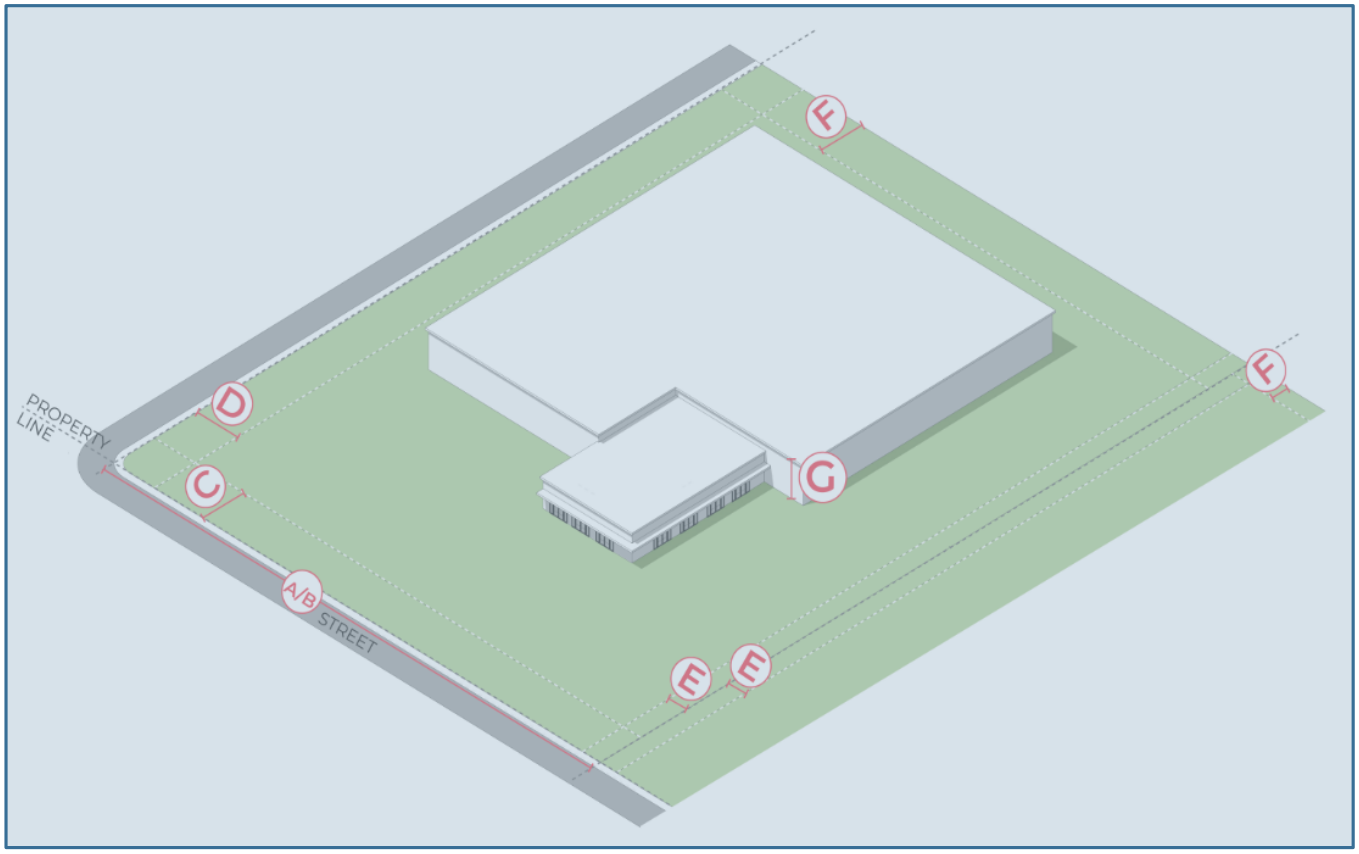
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas~~.~~ in **Section 9.03.070**.

[5] Side setback may be reduced to 0' for party wall construction between lots that are part of the same development, subdivision and zoning.

[6] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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Section 8.03. Dimensional Interpretations and Exceptions

8.03.010. ~~8.03.01.~~Minimum Lot Size and Width Exceptions

No ~~b~~Building ~~p~~Permit or development approval shall be issued for a lot that does not meet the minimum lot size and width requirements of this Code except in the following cases:

A. Nonconforming lots shall be used in accordance with the provisions set forth in ~~Chapter 14~~Chapter 16**.**

B. Utilities using land or an unoccupiable building covering less than 1,000 square feet of site area shall be exempt from minimum lot size standards.

C. The following types of lots, as defined in ~~Section 16.02~~Section 18.02, are exempt from the minimum lot size and width standards of this chapter:

1. Open Space Lots;
2. Landscape Lots;
3. Drainage Lots;
4. Median Lots; and
5. Access Lots.

8.03.020. ~~8.03.02.~~Setbacks Generally

A. No building, structure, parking or other development feature shall be located within a required setback or yard unless otherwise specified in this **Section ~~7~~8.03**. ~~or **Section 7.06.02**.~~

B. When determining the setbacks for corner lots, the front lot line shall be adjacent to the shortest street dimension of the lot. In instances where the lot is relatively square or otherwise unusually shaped, a request may be made to the Director for a determination of the front lot line.

C. When determining the setback for lots with more than one street frontage, other than corner lots, the Planning Director shall determine the front lot line based on street classification, lot dimensions, building orientation, access, traffic flow, proximity of building to the street, and other best planning practices.

D. Any setback to a public street shall be considered a street setback and meet the required front setback for lot lines adjacent to the street. The Planning Director may reduce the street setback to be consistent with the side setback of the ~~d~~District on a case-by-case basis based on lot configuration, building orientation, access, proximity of buildings to the street on lots on the same block and on either side of the street, and existing character of the ~~d~~District.

8.03.030. ~~8.03.03.~~Setback Reductions and Exceptions

A. Front Setback, Build-to Option

1. For properties in the CN, C-1 and PF Districts, the front setback may be reduced to zero feet from the right-of-way line or any applicable public easement, if at least ~~fifty percent (~~50%~~)~~ of the street-facing building wall of the principal structure is built within ~~five~~5 feet of the right-of-way line or applicable public easement or landscape buffer on the primary street.

2. Notwithstanding the foregoing provision in **Subsection 1** above, parking shall be set back at least ~~ten~~10 feet from the right-of-way line and shall not be located in a public easement or landscape buffer.

B. Front Setback, Downtown Gateway Overlay District

All non-residential uses located in the Downtown Gateway Overlay District, regardless of the underlying Zoning District, have special setback requirements. For these properties, the front setback of the underlying Zoning District is reduced to zero feet from the right-of-way line or any applicable public or landscape easement. Additional requirements for properties in the Downtown Gateway Overlay District can be found in **Section** ~~4.11.040~~**4.10.040**.

~~Note for City Staff: Consider whether overlay standards should instead be consolidated into the overlay section(s).~~

C. Side Setback, MU-DT District

Development in the MU-DT District may have no side setback if access to the rear of the building is provided on the site or by a dedicated public alley.

D. Features Allowed ~~W~~within Required Setbacks

1. The following features may be located within a required setback:
   a. Landscape features (as defined in ~~Chapter 16~~**Chapter 18**).
   b. Fences and walls.
   c. Driveways.
   d. Sidewalks.
   e. Minor utilities.
   f. Mechanical equipment such as air conditioning units, pool pumps and similar equipment, but such equipment is not allowed in the front setback and is allowed in the side and rear setbacks only if such equipment cannot be reasonably located behind the structure.
   g. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features that extend less than 18 inches into the setback.
   h. Parking may be located within a side or rear setback if:
      (i) It is located in the MU-DT District.
      (ii) In all other Districts:
         (a) ~~(i)~~Such parking is located no closer than ~~five~~5 feet from the lot line; and
         (b) ~~(ii)~~The lot complies with the applicable bufferyard requirements in **Section** ~~8.03~~**9.03.070. Bufferyards** of this Code.
   i. Waste containers, recycling containers and compactors screened in accordance with ~~Sec.~~**Section 9.03.080** ~~8.03.080~~ when adjacent to same-zoned commercial sites with cross-access~~,~~ and not abutting a residential use or ~~z~~Zoning ~~d~~District.
   j. Stormwater ponds, pursuant to the setback limitations and design criteria in ~~Section 11.04~~**Section 13.04** of this Code.
2. None of the features above (except plant material and public sidewalks) shall extend into a public easement without approval of a License to Encroach.

~~Question for City Staff: Is off-street parking currently allowed in the front setback? It appears maybe not based on how this is written, so we added it in "B. Setbacks Generally" above to clarify.~~

E. Adjacent lots with a building or other permanent structure built across the shared lot line on or before March 11, 2003, shall be treated as a single lot, with the shared lot line not considered for measurement of all dimensional standards.

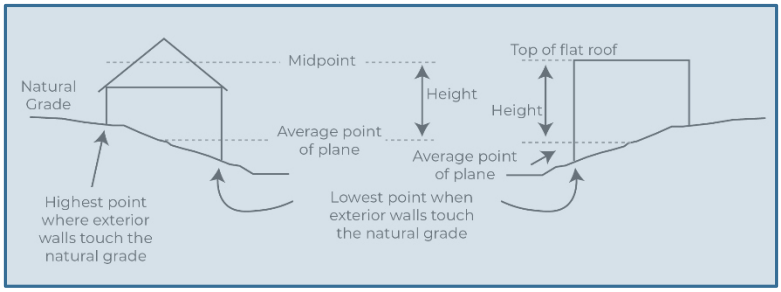
8.03.040. ~~8.03.04.~~Building Height

A. Measurement

Building height refers to the vertical distance between the lowest finished grade at the edge of the building or the base flood elevation, where applicable, and:

1. The average height level between the eaves and ridge line of a gable, shed, hip, or gambrel roof;
2. The highest point of a mansard roof; or
3. The highest point of the coping of a flat roof.

~~4. Exceptions to Height Limits~~Figure 8.03.040-1. Height Measurement



B. Exceptions to Height Limits

Except within the Courthouse View Protection Overlay District or as otherwise expressly stated in this Code, building height limitations shall not apply to any of the following:

1. Electrical power transmission and distribution lines;
2. Belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas, or chimney flues;
3. Bulkhead, elevator, water tank or any other similar structure extending above the roof of any building where such structure does not occupy more than ~~thirty-three percent (~~33%~~)~~ of the area of the roof; and
4. Roof parapets, as described in Section ~~7.04.04~~8.04.040.C below, may exceed the height limitations of this Code by no more than ~~ten~~10 feet.

8.03.050. ~~8.03.05.~~Multi-Lot Unified Development

~~A.~~ To encourage Multi-Lot Unified Development, this Code allows flexibility in certain setback development standards for proposed unified developments across multiple ~~A~~abutting properties with similar and compatible uses and zoning districts. Properties of a Multi-Lot Unified Development may be developed in accordance with the following provisions:

A. Multi-Lot Unified Developments may be located in the following zoning districts: Neighborhood Commercial (CN), Local Commercial (C-1), Regional Commercial (C-2), Public Facilities (PF), Flex Industrial (I-1), and Intensive Industrial (I-2). Multi-Lot Unified developments shall not be permitted in any residential zoning districts.

B. A Multi-Lot Unified Development shall be documented under a single development application, either a Subdivision Plat and/or a Site Development Plan, as established in this Code. The development application must clearly identify the boundaries of each individual lot or parcel, and overall boundary of the property subject to the Multi-Lot Unified Development application.

C. ~~-~~All lots or parcels within the boundaries of the Multi-Lot Unified Development must be developed in accordance with the approved plat~~,~~ or Site Development Plan~~, or Construction Plan~~. Any deviations will result in the submittal, review~~,~~ and approval of a new development application.

D. ~~-~~The City may require a private ingress, egress, cross-access~~,~~ and parking easement over and across the parking areas and roadways within the boundaries of the Multi-Lot Unified Development to ensure adequate off-street parking, as well as safe vehicle, emergency~~,~~ and pedestrian access for the properties.

E. Abutting properties with similar Zoning Districts and that are part of a Multi-Lot Unified Development ~~pursuant to Section 4.05.030 of this Code~~ may be developed in accordance with the following standards:

1. Landscape and hardscape improvements may be located within the required setback of an interior lot line and cross interior lot lines of a Multi-Lot Unified Development.
2. Buildings and structures may be located within the required setback along an interior lot line of a Multi-Lot Unified Development. However, in no case shall a building or structure be constructed across an interior lot line in accordance with **Section ~~7.02.01~~8.02.010. General**.
3. The exceptions allowing development within a required setback or across lot lines shall only apply to the interior lot lines of a Multi-Lot Unified Development~~,~~ and shall only be permitted when no bufferyard is required per ~~Table 8.04.060 of this Code~~**Table 9.03.070-1. Bufferyard Level Required**. All setback and bufferyard requirements shall apply along the outer perimeter lot lines of the Multi-Lot Unified Development.

F. ~~B.~~This subsection does not waive specific setbacks required per any applicable Planned Unit Development District (PUD) or ~~o~~Overlay ~~z~~Zoning ~~d~~Districts as identified in ~~Chapter~~**Table 9.03.070-1. Bufferyard Level Required** ~~4~~ of this Code, or specific setbacks and/or spacing requirements for specific uses as identified in ~~Chapter 5~~**Chapter 6** of this Code.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

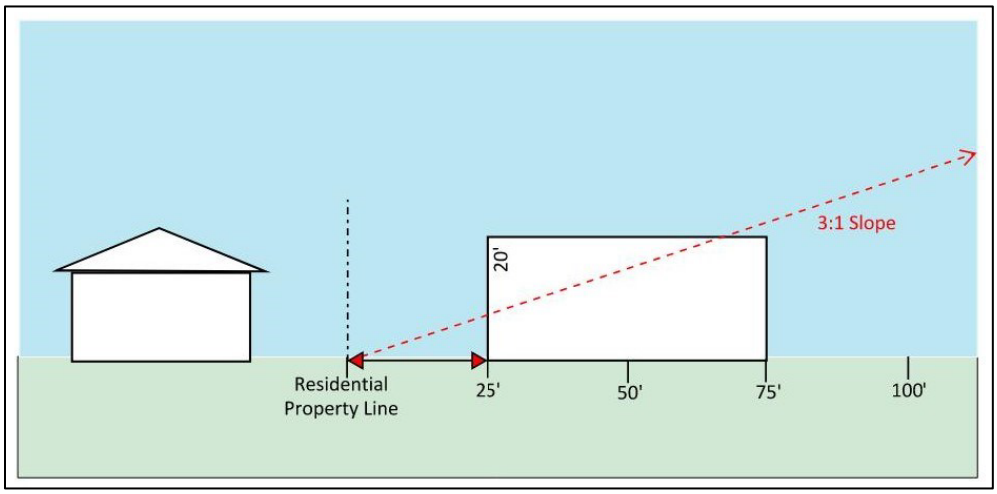
8.03.060. ~~8.03.06.~~Height Limitation for Residential Adjacency

A. ~~Structures set back at least twenty-five feet (25') from the property line may be up to thirty-five feet (35') in height.~~Non-residential structures adjacent to an RE, RT, RS, or RM District may be up to the maximum height established for the adjacent Residential District at the setback line adjacent to that District.

~~B. Structures may increase in height from twenty feet (20') to their maximum allowable height at a rate of three feet (3') in height for every additional foot of setback starting from the required twenty-five feet (25') residential adjacency setback line (**see Figure 7.03.05.C**). Building facades may be stepped.~~

1. For every additional 1 foot of setback provided, the height may exceed the adjacent Residential District maximum by 3 feet. (**see Figure 8.03.060-8.03.06-1. Residential Adjacency Setback Diagram**). Building fa~~c~~cades may be stepped.

Figure ~~7.03.05.C~~8.03.060-8.03.06-1. Residential Adjacency Setback Diagram



8.03.070. ~~8.03.07.~~Conflicts

~~A.~~ Any plat that has development standards (to include, but not limited to, impervious cover or setbacks)~~,~~ that are in conflict with the standards of this Code, shall be subject to the development standards noted on the plat and none other shall apply.

~~8.03.08.~~

Section 8.04. Building Design Standards

8.04.010. ~~8.04.01.~~General

In order to ensure a high quality, safe and sustainable built environment throughout the community, building design standards apply to all new buildings and expansions to existing buildings subject to this ~~C~~chapter, except as specifically stated herein.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

8.04.020. ~~8.04.02.~~Structures Exempt from Building Design Standards

A. New buildings of less than 250 square feet and 15 feet in height are exempt from all requirements of **Section ~~7~~8.04**. **Building Design Standards**.

B. Buildings associated with an agricultural use as defined in ~~Section 5.02.~~**Section 6.02. Use Tables**~~ Use Table~~ or permitted buildings in the AG ~~d~~District that are set back at least ~~seventy-five~~75 feet ~~(75')~~ from any property line or right-of-way are exempt from the requirements of **Section ~~7~~8.04. Building Design Standards**.

C. Temporary buildings used for Temporary Uses, as identified in ~~Section 5.02.~~**Section 6.02. Use Tables**~~ Use Table~~, are exempt from the requirements of **Section ~~7~~8.04. Building Design Standards**.

D. New buildings and expansions to existing buildings located in an Industrial (I-1 or I-2) District shall comply with **Section 7.04.08. Industrial Design Standards**, except that all requirements of **Section** ~~**Section 7.04**~~**8.04.040**~~**.04 Building Elements**~~ **Building Elements** shall be applicable when those buildings are adjacent to a public park, Residential District, or arterial or freeway level roadway as identified in the Thoroughfare Plan.

E. Where building expansions are less than ~~twenty percent (~~20%~~)~~ of the original structure's square footage, an applicant may request an Administrative Exception to those requirements of **Section ~~7~~8.04. Building Design Standards** that are not met by the original structure, using the process established in **Section** ~~**7.04.07**~~**8.04.070. Alternative Building Design** and ~~3.16~~**Section 3.14**.

F. All buildings and structures on sites for which the designated use is minor, intermediate, or major utility where the following apply:

~~1.~~ where the building contains less than ~~sf~~200 square feet of office space;

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

8.04.030. ~~8.04.03.~~Foundation Requirements

All Non-Residential buildings shall be placed on a poured-in-place permanent slab foundation, an approved engineered pier and beam foundation or other type of approved engineered foundation. Foundation requirements apply only to enclosed covered buildings and do not apply to outdoor structures, open porches or buildings less than 250 square feet and 15 feet in height.

~~Question for City Staff: Is this provision needed in the UDC? Typically covered by Building Code. If kept here, should it be expanded to include residential buildings?~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

8.04.040. ~~8.04.04.~~Building Elements

A. Color

1. Side and rear walls shall be finished in a similar color as the front of the building. For sites with multiple buildings, outparcels/pad sites, secondary or accessory buildings, see Section ~~7.04.06~~8.04.060. **Architectural Compatibility**.
2. Any use of color such as bands, stripes, patterns, outlines or delineations displayed for the purpose of commercial identification (corporate colors) shall not comprise more than ~~twenty percent (~~20%~~)~~ of any wall or visible roof face, per the Code definition of "sign" in ~~Chapter 16~~Chapter 18.

B. Roof Styles

The following types of roof styles are prohibited:

1. Mansard roofs and canopies without a minimum vertical distance of ~~eight~~8 feet and at an angle not less than 25 degrees and not greater than 70 degrees;
2. Roofs less than or equal to a 2-to-12 pitch unless full parapet coverage is utilized; and
3. Back-lit awnings used as a mansard or canopy roof.

C. Roof Treatments

1. Parapets shall be used on all flat roofs and meet the following minimum requirements:
   a. Parapets shall extend a minimum of ~~two~~2 feet above the roof line;
   b. Parapets shall conceal all roof top equipment located on a flat roof from the view of adjacent properties and rights-of-way;

~~Note for City Staff: Graphic to be added.~~

   c. Parapets shall adhere to the vertical and horizontal requirements for the relevant building wall as described in Subsection **B. Roof Styles**;
   d. Parapets shall require cornice detailing (see **Figure ~~7.04.1.~~8.04.040-8.04.04-1 ~~Examples of Appropriate Parapet Cornice Detailing~~**);
   e. Parapets shall consist of similar materials and colors as the building walls;

Figure ~~7.04~~8.04.04~~.~~0-8.04.04-1. Examples of Appropriate Parapet Cornice Detailing

2. Where overhanging eaves are used, overhangs shall be no less than ~~two~~2 feet beyond the supporting walls.
3. All roof-mounted mechanical equipment shall be screened from view on four sides in accordance with **Section** ~~8.04.070~~9.03.080.C.
4. Roof-mounted photovoltaic solar panels are not considered roof-mounted mechanical equipment for the purposes of this section, but any form of

~~Note for City Staff: Consider whether #2 regarding overhangs is preferable here (requiring 2' where used) vs. in the Incentives section (requiring 2' on all roof lines).~~

electrical conveyance equipment (e.g., inverters, electric panel) shall be screened.

5. Roof lighting shall comply with Section ~~7.05.01~~8.05.010.**C. Roof Lighting Standards**.

D. Entryways and Entrance Treatments

1. Single-use or multi-tenant buildings over 60,000 square feet in size shall provide clearly defined, highly visible customer entrances that include an outdoor patio area that is a minimum of 200 square feet in area and incorporates the following:
   a. Shaded or otherwise covered entrances;
   b. Benches or other seating components;
   c. Decorative landscape planters or wing walls that incorporate landscaped areas; and
   d. Structural or vegetative shading.
2. An internal pedestrian route must be provided from the perimeter public sidewalk to the primary public entrance.
   a. Such routes must be:
      (i) At least six (6) feet wide;
      (ii) ADA accessible; and
      (iii) Separated from vehicular areas by raised curbs and similar features except where necessary to cross drive aisles.
   b. Where pedestrian routes cross drive aisles, pedestrian routes must be distinguished from driving surfaces by textured pavement or painted pavement and lighting.~~.~~

~~Note to City Staff: Consider whether traffic calming measures (e.g., raised crosswalks) would be appropriate for these crossings.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

8.04.050. ~~8.04.05.~~Building Articulation and Architectural Features

A. Purpose

In order to provide attention in design and human scale and to avoid the massive appearance of large walls and structures, articulation techniques, and architectural features shall be incorporated into the building design.

B. Applicability

Articulation shall apply to all building walls facing a public street, public park or adjacent Residential Zoning District. However, a wall facing an adjacent Residential District or public park is not required to meet the articulation provisions for such a wall meeting the following criteria:

1. The wall is on a building that is less than 20 feet in height;
2. The wall is set back at least 30 feet from the lot line; and
3. The wall is screened by a High Level Bufferyard that includes a solid screening wall.

~~Note: Bufferyard standards to be reviewed in future section to ensure appropriateness and thoughtful integration of mixed use/connectivity.~~

C. Building Articulation

1. Horizontal Articulation (Footprint)
   a. No building wall shall extend laterally for a distance greater than three times the building's average height without a perpendicular offset of at least ~~twenty-five percent (~~25%~~)~~ of such height.
   b. Where the length of the wall is less than 60 feet, articulation is not required.

c. The perpendicular offset shall extend laterally for a distance equal to at least ~~seventy-five percent (~~75%~~)~~ of the building's average height.

d. The perpendicular and lateral offset(s) may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Director, that the intent of this section has been met.

2. Vertical Articulation (Elevation)

a. No building wall adjacent to or visible from a public right-of-way shall extend laterally for a distance greater than three times the building's average height without a change in vertical elevation of at least ~~twenty-five percent (~~25%~~)~~ of such height.

b. The change in elevation shall extend laterally for a distance equal to at least ~~seventy-five percent (~~75%~~)~~ of the building's average height.

c. The vertical change(s) in elevation may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Director, that the intent of this section has been met.

d. Alternatively, vertical articulation requirements may be met with an enhanced decorative cornice along the entire length of the façade if the applicant demonstrates, to the satisfaction of the Director, that the intent of this section has been met.

~~Figure 7.04.2. Articulation Types~~

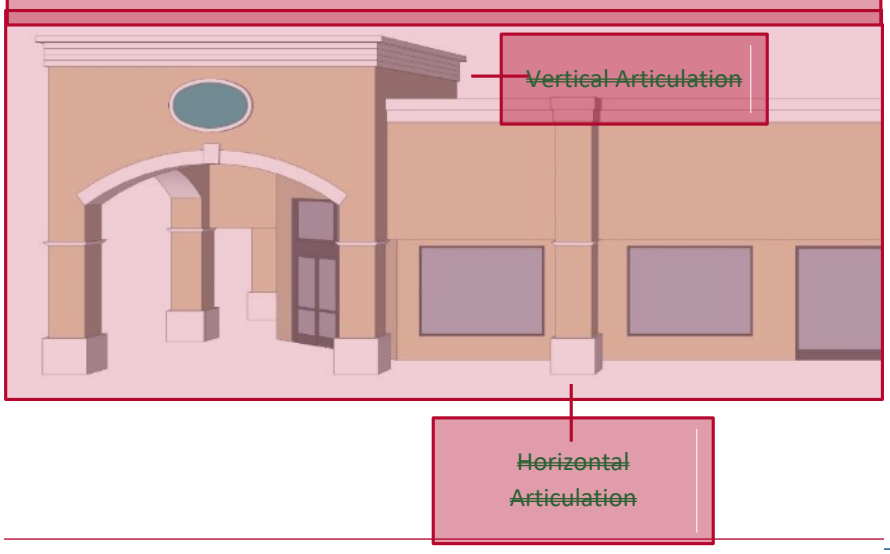
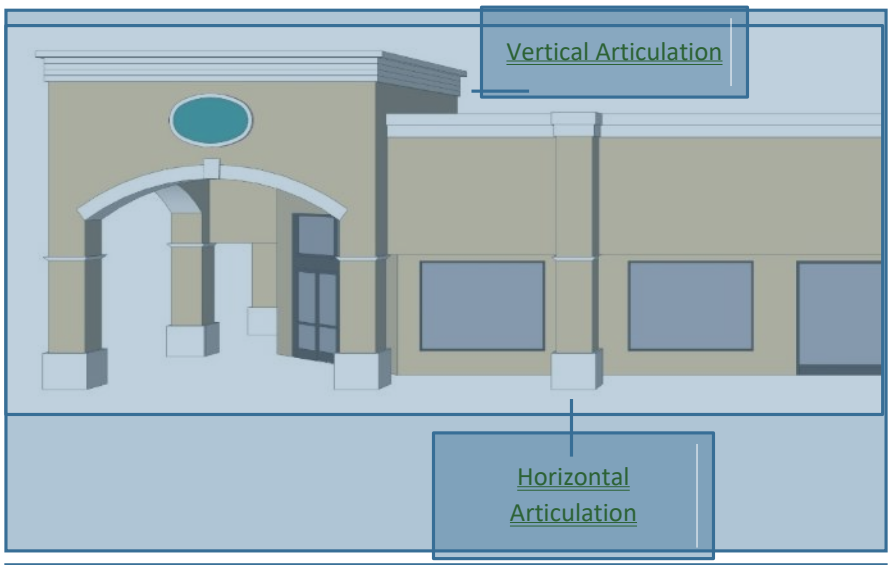


Figure 8.04.050-8.04.05-1. Articulation Types



D. Architectural Features

In addition to the horizontal and vertical articulation requirements, all building walls shall incorporate at least three of the architectural features listed in **Subsections 1** and **2** below. Building walls greater than 100 feet in length or buildings greater than 30 feet in height shall incorporate an additional two items from **Subsection 2** below.

1. Awnings, canopies, arcades, alcoves, windows, projections, recessed entries ornamental cornices, pillar posts, decorative light features, variation in building wall materials, integrated planters or water features or other similar building element features as approved by the Director.
2. Offsets, covered porches, stepped-back heights, porticos, varied wall surfaces, or other similar building elements as approved by the Director.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

8.04.060. ~~8.04.06.~~Architectural Compatibility

A. Building Walls

All building walls facing a public street, public park, or adjacent Residential District shall be designed with consistent architectural style, detail, and trim features as required by the provisions of **Section ~~7~~8.04. Building Design Standards**. The building materials, color, window and entrance door details, and other similar architectural elements on these walls shall continue onto and be compatible with the architectural elements on the adjoining walls for the length of the adjoining walls.

B. Buildings

Sites with multiple buildings, outparcels/pad sites, secondary, and accessory buildings shall be designed to employ architectural elements that are integrated with and common to those used on the primary structure of the site. Architectural elements shall be deemed compatible if consistent in, but not limited to: building materials, color, roof style and pitch, and architectural design and detail. For structures on outparcels/pad sites, all exterior walls shall meet the highest level of treatment outlined in **Subsection A. Building Walls** and the preceding sections.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

8.04.070. ~~8.04.07.~~Alternative Building Design

To provide flexibility in the attainment of harmonious building design, an applicant may request an Alternative Building Design using the Administrative Exception process detailed in ~~Section 3.16~~**Section 3.14** of this Code. An Alternative Building Design may be proposed to the provisions for the Building Articulation and Architectural Features, Building Elements, and Architectural Compatibility ~~S~~sections of this chapter. The Director shall consider the following criteria and standards in determining whether to grant an Administrative Exception for an Alternative Building Design:

A. Whether, if the Administrative Exception is granted:

1. The design would meet the intent, if not the letter, of the design standards set forth in this chapter;
2. The design would produce an aesthetically pleasing building(s) that is comparable to buildings meeting the minimum design standards of **Section ~~7~~8.04. Building Design Standards**;

B. Alternative materials such as wood, metal, and glass if they are incorporated into an overall architectural design in an appropriate manner;

C. The locations of building walls in relation to an interior public street or an exterior public street in regard~~s~~ to a Business Park or Industrial Park;

D. If building walls are significantly screened from view by other buildings on site, natural features, or fencing; and

E. A variety of building elements or design techniques, additional screening or landscaping or other site design features are used.

8.04.080. ~~8.04.08.~~Industrial Design Standards

~~Note: Added New Industrial Design Standards as an alternative for Industrial Development.~~

A. Purpose

These standards are provided for the purpose of integrating large industrial buildings to their surrounding developed and natural environment and lessening the visual impact of long, concrete walls, truck bays, outside storage, bulky building profiles, and other characteristics common to the use and function of such buildings.

B. Applicability

1. All new buildings or additions permitted within the I-1 and I-2 ~~z~~Zoning ~~d~~Districts that are not otherwise exempted by this chapter shall comply with this subsection.
2. Buildings or walls of buildings in the I-1 and I-2 ~~d~~Districts that comply with stricter standards in ~~**Section 7.04**~~**Section 8.04** shall be exempt from the requirements of **Subsection ~~D~~D** below.

C. Required Elements

1. Buildings within the I-1 and I-2 ~~d~~District shall be constructed with the following on any fa~~c~~çade visible from a right-of-way or property not zoned I-1 or I-2:
   a. Multiple horizontal and vertical changes in surface texture, color, or pattern of architectural joints or seams;
   b. Decorative reveals along all joints between concrete tilt-wall panels;
   c. Windows or glazing comprising at least 7% of the gross area of the façade;
   d. Truck bays, loading areas, and outdoor storage areas that are oriented to the sides and rear of the building and are fully screened from view of any right-of-way or property not zoned I-1 or I-2 by an opaque screen.

D. Building Elements

1. In addition to the required elements in ~~C~~**Subsection C** above and site elements in ~~D~~**Subsection E** below, buildings in the I-1 and I-2 ~~d~~Districts shall be constructed with at least three ~~(3)~~ of the following on any fa~~c~~çade visible from a right-of-way or property not zoned I-1 or I-2:
   a. Exterior surface painted in a neutral color;
   b. Wall articulation meeting the minimum standards of **Subsection ~~7.04.05.C~~8.04.050.C;**
   c. Architectural features meeting the minimum standards of **Subsection ~~7.04.05.D~~8.04.050.D**;
   d. Windows or glazing comprising at least 20% of the gross area of the façade;
   e. Change in surface finish material comprising at least 20% of the gross area of the façade;
   f. Decorative cornices extending a minimum of ~~three~~3 feet ~~(3')~~ from the vertical surface of the façade;
   g. Decorative recessed lighting extending the full height or at least 30% of the length of a façade;

E. Site Elements

1. In addition to the required elements in ~~C~~**Subsection C** and the ~~B~~building ~~E~~elements in ~~**D above**~~**Subsection D** above, buildings in the I-1 and I-2 ~~d~~Districts shall be constructed with at least two ~~(2)~~ of the following in the area between any fa~~c~~çade visible from a right-of-way or property not zoned I-1 or I-2:
   (i) Enhanced landscaping consisting of a continuous planting area of trees and shrubs reaching an average mature height of at least ~~ten~~10 feet ~~(10')~~ at mature height and planted near enough to the façade of the building so that the façade surface is not visible behind the landscaping from any parking area or sidewalk;
   (ii) Continuous berms extending an average height of ~~five~~5 feet ~~(5')~~ between the fa~~c~~çade;
   (iii) A decorative water feature measuring at least half the width of the façade that maintains a constant water surface and incorporates a fountain, aeration, or other similar active feature and which may also function as a stormwater management facility;
   (iv) Landscaping is provided for the site and parking areas that is at least double the requirements of ~~Chapter 8~~**Chapter 9**;
   (v) A continuous decorative wall or fencing between ~~four (4') and six (6')~~4 and 6 feet in height that is not a screening device required under ~~Chapter 8~~**Chapter 9**;

(vi) The entire façade is set back at a distance that is at least double the required building setback.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 8.05. Lighting Standards

8.05.010. ~~8.05.01.~~Lighting

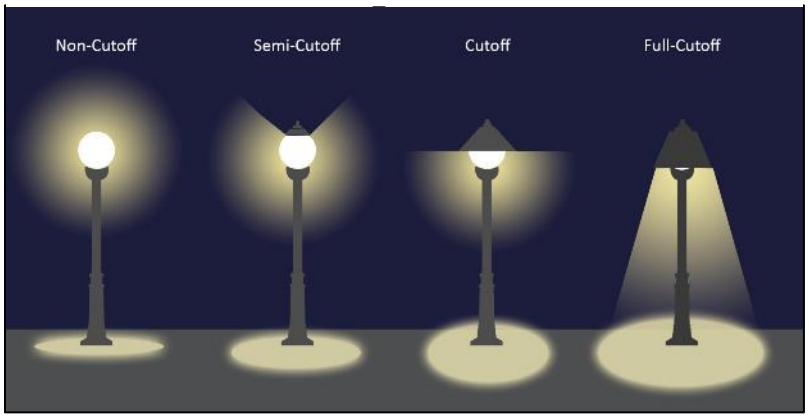
All lighting fixtures designed or placed so as to illuminate any portion of a site shall be shown on a detailed lighting plan and meet the following requirements:

A. Outdoor Lighting

1. Fixture (Luminaire)

   All lighting fixtures shall be restricted to full cutoff types so that no light is emitted above the lowest light emitting part of the fixture. Light sources shall be of a down-light, indirect, diffused, or shield type or so installed and maintained as to reduce glare effect and consequent interference with the use of adjacent properties and boundary streets. In no case shall the illumination level standards exceed those in Subsection **D. Excessive Illumination**.

Figure ~~7.05~~8.05.01.0-8.05.01-1. Example of Various Lighting Fixture



2. Light Source (Lamp)

   Only incandescent, fluorescent, light-emitting diode (LED), color-corrected high-pressure sodium or metal halide may be used. The same type must be used for the same or similar types of lighting on any one site throughout any master-planned development.

3. Mounting

   Fixtures must be designed and mounted in such a manner that the cone of light does not cross any adjacent property lines of neighboring sites.

4. Illumination Levels

   All site lighting must be designed and installed so that the level of illumination as measured in foot candles at a height of ~~three~~3 feet at the property line does not exceed ~~two~~2 foot candles.

5. Exemptions

   The following outdoor lighting applications are exempt from the requirements of Subsection **A. Outdoor Lighting**:

   a. Lighting required by the City or other governmental entity in addition to those regulated by the standards herein;

   b. Temporary lighting used for holiday or seasonal decoration (i.e., displayed less than four months a year);

   c. Portable temporary lighting used for maintenance or repair that does not create a nuisance or hazard;

   d. Lighting for City-approved special events (e.g., festivals, civic events); and

   e. Athletic field lighting located on public property.

B. Lighting Requirements for Specific Uses

1. Roads, Driveways, Sidewalks, and Parking Lots

   All roads, driveways, sidewalks, and parking lots shall be sufficiently illuminated to ensure the security of property and safety of persons using such areas and facilities. Where roads, driveways, sidewalks, or parking lots fall on private property, the responsibility for lighting such areas shall fall upon the developer.

2. Entrances and Exits in Non-Residential and Multif~~-F~~amily Buildings

   Buildings with a Non-Residential or Multif~~-F~~amily primary use that are open to the general public, shall have adequately lighted entrances and exits to ensure the safety of persons and the security of the building.

3. Commercial Parking Lot Lighting

   All commercial parking lots shall be lit during nighttime hours of operation. Lighting fixtures affixed to poles shall be reduced in height to 15 feet if the use adjoins a Residential District.

4. Canopy Lighting

   All development that incorporates a canopy area over fuel sales, automated bank machines or similar installations shall be required to provide lighting for the canopy area. For the purposes of this section, the canopy area shall be defined as that area immediately below the canopy. Canopy light fixtures shall be full cut-off/walled lighting fixtures or recessed into the canopy so that the bottom of each lighting fixture is flush with the ceiling of the canopy.

C. Roof Lighting Standards

1. All bulbs or tubing shall be encased so that the bulb is not naked and that direct glare is prevented.

2. Lights shall not run along the highest peak of a roof line, except that perimeter lighting around the top of a flat roof is allowed.

3. Roof lighting that qualifies as a sign under this Code is prohibited.

D. Excessive Illumination

~~Question for City Staff: Would the City prefer a more in-depth lighting section or does the current section meet needs/expectations? For example, many cities have standards for maximum illumination levels (total lumens), lighting temperature (maximum Kelvin), etc. Likewise, many incorporate BUG ratings for fixtures as a better means of measure. If drafted consistent with IDA, lighting software used by most lighting providers can verify compliance with a single-click certification within the program. Some cities also establish lighting zones, either as standalone or connected to specific zoning districts.~~

~~Bee Cave's UDC is a good example of a more detailed lighting standard, which also got them certified as an~~

Lighting within a property that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another property if it clearly exceeds the requirements of this section or if the standard could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~Section 8.06. Non-Residential Enhanced Quality Incentives~~

~~8.06.01. General~~

~~Question for City Staff: Is this section incentivizing enhanced design desirable? Draft includes placeholders for now, but specific numbers and provisions can be added if you like this approach. Also, are there other bonuses or elements that would be appropriate to include?~~

~~A. Purpose~~

~~In order to encourage quality development beyond minimum standards, thus providing a high-quality, safe and sustainable built environment throughout the community, the following Non-Residential Enhanced Quality Incentives are available to all new buildings and expansions to existing buildings subject to this Chapter, except as specifically stated herein.~~

~~B. Calculation and Cumulative Impact~~

~~1. The incentive bonus options provided in this section shall be calculated based on the by-right measures allowable in the applicable district per _____.~~

~~2. Incentive bonuses may be applied cumulatively to a development.~~

~~8.06.02. Non-Residential High-Quality Design Elements~~

~~A. Structured Parking Incentive~~

~~A development that provides structured parking for a minimum of sixty percent (60%) of the required off-street parking may request ___ of the following incentives to be applied at the Site Plan phase:~~

~~1. Reduce the required minimum parking ratio by ___%.~~

~~2. Increase the maximum height by ___ feet in ___ District and ___ feet in _____ District.~~

~~3. Increase the maximum impervious cover by ___ percentage points, subject to compliance with _____.~~

~~B. Design-Based Incentives~~

~~1. Level One Enhancement Incentive~~

~~A development that provides _____ (#) additional High-Quality Design features from **each** of subsections **3. Amenities and Building Design High-Quality Design Eligible Features**, **4. Site-Based High-Quality Design Eligible Features** below, may request ___ of the following incentives to be applied at the Site Plan phase:~~

~~a. Reduce required covered parking by ___%.~~

~~b. Increase the maximum height by _____ feet in ___ District and _____ feet in _____ District.~~

~~c. Increase the maximum impervious cover by ___ percentage points, subject to compliance with _____.~~

~~2. Level Two Enhancement Incentive~~

~~A development that provides _____ (#) additional High-Quality Design features from **each** of subsections **3. Amenities and Building Design High-Quality Design Eligible Features**, **4. Site-Based High-Quality Design Eligible Features**, and **5. Sustainability-Based High-Quality Design Eligible Features** below, may request ___ of the following incentives to be applied at the Site Plan phase:~~

~~a. Reduce required covered parking by ___%.~~

~~b. Increase the maximum height by _____ feet in ___ District and _____ feet in _____ District.~~

~~c. Increase the maximum impervious cover by ____ percentage points, subject to compliance with _____.~~

~~3. Amenities and Building Design High-Quality Design Eligible Features~~

~~a. _____ percent (____%) masonry on all facades of all buildings visible from a public or private street, and interior driveways that function as a private street, driveway, or fire lane and provide direct access to individual units.~~

~~b. Awnings or canopies on at least fifty percent (50%) of windows. Windows recessed into patios and balconies may count towards this option.~~

~~c. Use of Mansory Alternatives on no more than twenty percent (20%) of any facades; provided that all buildings visible from a public or private street, including interior driveways, have a consistent appearance and use of such materials.~~

~~d. Corner treatments on all buildings consisting of at least one (1) change in slope (for hipped or gabled roof) or non-horizontal element (for flat roof) per corner, a horizontal cornice projection of at least eight (8) inches, bracketed eaves, or similar treatment. The corner treatment must extend at least ten percent (10%) of the length of building elevation.~~

~~e. Corner or wraparound balconies on each floor of each building.~~

~~f. At least seventy-five percent (75%) of windows include decorative features such as multi-pane or mullioned glass, arched forms, painted or treated cedar or cementitious fiber shutters, brick soldier course, or similar.~~

~~g. Use of standing seam metal roof or terra cotta tile material on hipped or gabled roof.~~

~~h. Use of a muted, earth-toned color palette for all building materials.~~

~~i. Roof overhangs, cornice projections, or eaves, a minimum of 2 feet, on all roof lines.~~

~~j. Additional wall insets or projections above the minimum required.~~

~~k. Arcade or colonnade, minimum 8 feet in height and spanning at least fifty percent of the length of a street-facing façade.~~

~~l. Arched forms (prominent or repeating)~~

~~m. Outdoor patios at least 250 square feet and exclusive of sidewalks~~

~~n. Artistic architectural details such as friezes, tile work, murals, 3D brick patterns, or moldings.~~

~~o. Integrated planters or knee walls with landscape and sitting areas.~~

~~p. Offsets, reveals, pilasters, projecting ribs, or other 3D features incorporating or suggesting architectural or structural members.~~

~~q. Other contrasting detailing such as banding along fifty percent (50%) or more of the building exterior or mottled brick on fifty percent (50%) or more of the masonry surface.~~

~~r. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, non-directional or indirect light strips, or decorative pedestal lights in conformance with _____.~~

~~s. Prominent three-dimensional building features, such as belfries, clock towers, domes, spires, steeples, or other tower elements extending at least 20% higher than the average of the abutting roof line up to ten feet (10') over the maximum building height.~~

~~t. Curved, concave, or convex wall, roof or corner forms on one or more facades or building corners.~~

4. ~~Site-Based High-Quality Design Eligible Features~~

   a. ~~In a district other than MU, MU-DT, and Downtown Overlay District, placement of at least fifty percent (50%) of the parking area on the same lot to the side or rear of all buildings or have no more than one double-loaded row of parking between the building and the street.~~

   b. ~~Arrange parking so that at least fifty percent (50%) of street frontage that does not abut a building face (i.e., a portion of the building with no parking between it and the public or private right-of-way line) abuts open space.~~

   c. ~~Useable Open Space. Designate ten percent (10%) or more of the site or total development as shared access usable open space with at least one street frontage, and with a minimum dimension of fifty (50) feet and containing items such as seating, playgrounds, water features, seasonal plantings in decorative planters, decorative bollards, textured paving, living wall, mural, decorative lighting, trash receptacles, USB charging stations, available public water for people and for pets, electrical hook-ups to allow programming, or a comparable amenity proposed by the developer. Useable Open Space shall not include any paving designed to convey motor vehicles, parking lot tree islands, the building footprint, areas containing above-ground utilities, required landscaping, gated or private open space not accessible to the general public.~~

   d. ~~Complementing or "mirroring" a feature of an adjacent development through framing, connected open space, landscaping patterns, street design, pavement, sidewalks, building layout, or other substantial feature beyond the minimum City requirements.~~

   e. ~~Provide patios for outdoor dining equivalent to five percent (5%) of the site or thirty percent (30%) of planned restaurant dining area.~~

   f. ~~Provide a Parking Reclamation Plan to convert future unneeded parking into value-add space such as buildings or parks. At a minimum, the plan must address circulation, pedestrian connections, utilities, and drainage.~~

   g. ~~Extra-wide sidewalks (15 feet or more) along the front facade of each building.~~

   h. ~~Arrange Useable Open Space so that no boundary of the open space faces an off-street parking area.~~

   i. ~~Provide public art equivalent to one percent (1%) or more of overall project cost.~~

   j. ~~Utilize decorative pavement for twenty-five percent (25%) or more of Hardscape, including stamped concrete or pavers. Applied patterns are not acceptable except for use as public art.~~

   k. ~~Provide at least one entryway feature such as a monument or archway that is not used for advertising any tenants, but which may display the name of the development or the City.~~

   l. ~~Provide landmark feature such as a roundabout, strazza (a curbless street section that can be closed to vehicle traffic and utilizes a free mixture of vehicles and pedestrians through pavement design and traffic calming), clock tower, fountain or aerated pond, or promenade.~~

   m. ~~Designate a feature building on a view axis framed by additional buildings or trees (must provide at least 20% vertical building articulation to complete framing effect).~~

   n. ~~Locate all drive-thru lanes and windows behind or to the sides of all buildings and not between the public or private right-of-way and the front of the building or an open space.~~

   o. ~~Increase provision of shrubs by at least twenty-five percent (25%) over minimum requirements, including native plantings and flowers with seasonal color and locate within beds or permanent~~

~~metal or clay-fired planters either: within 20 feet of the front building facade; or clustered in gardens accessible to the public.~~

~~p. Use of one or more decorative bridges, which may include bridge culverts, that are integrated with a water feature which may be a detention/retention pond. The bridge should conform to and be a coordinated element of an established design motif used throughout the development's common areas by employing natural stone or brick veneer, wrought iron railings, downward-directed lighting, and decorative insets. The development should be laid out such that decorative bridges can be seen from multiple viewing angles and are designed for convenient pedestrian access.~~

~~5. Sustainability-Based High-Quality Design Eligible Features~~

~~a. Altering the topography and elevation of the site by no more than four (4) feet across eighty percent (80%) of the site.~~

~~b. Design the development to achieve at least one net zero certification following construction from the following: carbon emissions, energy-use, water-use, or waste. Provide third-party certification that the design qualifies to receive certification.~~

~~c. Preserving at least thirty-five percent (35%) of the site in its natural, unaltered, state.~~

~~d. Provide at least four (4) square feet of residential space for each one (1) square foot of retail within the development.~~

~~e. Use of at least fifty percent (50%) of the site according to Texas Parks and Wildlife Management Recommendations for Native Insect Pollinators in Texas, as a certified Texas Wildscape, Monarch Waystation, or similar third-party designation approved by the Planning Director as indicating consistency with City environmental conservation goals.~~

~~f. Provide additional large trees every thirty to fifty (30 to 50) feet along south and west facing building facades.~~

~~g. On-site alternative energy system producing at least twenty-five percent (25%) of the average energy consumed by the development.~~

~~h. Incorporation of a rainwater harvesting system capable of capturing a one (1) inch rainfall event for twenty-five percent (25%) of the roof area.~~

~~i. Stormwater or grey water reclamation for on-site reuse equivalent to one hundred percent (100%) of design irrigation volume.~~

~~j. Protect at least one (1) Heritage Tree or two (2) Protected Trees within a Useable Open Space or entryway feature.~~

~~k. Incorporation of stormwater management practices that disperse drainage and minimize the velocity of concentrated water flows through the use of check dams or landscaping, and direct sheet flow to areas of vegetation throughout the site, subject to approval by Planning Director and City Engineer.~~

~~l. Use of at least two permanent natural filtration methods to treat and filter runoff: multi-layered plantings, planter boxes, bioswales, bioretention ponds, tree box filters and constructed wetlands.~~

~~m. Use of high-albedo materials to reduce heat island effect, defined as use of roof products that reflect at least seventy-eight percent (78%) of sunlight (solar reflectivity index of at least 78) on~~

~~roofs with a pitch of less than or equal to 2:12 or twenty-nine percent (29%) of sunlight (solar reflectivity index of at least 29) on a roof pitch greater than 2:12.~~

~~n. Preserve all 100-year floodplain (based on best available data) in a natural condition.~~

~~o. Use of vegetative green roof to reduce heat island effects for at least fifty percent (50%) of the entire roof surface.~~

~~p. Reclamation of a site that was at least fifty percent (50%) paved as an existing parking lot for building or open space construction.~~

~~q. Landscaping plan that makes use of native, drought-tolerant plants that do not require in-ground irrigation. In lieu of sod or turf, drought-resistant plantings may be combined with coordinated Hardscapes sealed by a landscape architect for the purpose of fulfilling this option.~~

Chapter 9. Landscaping and Fencing ~~(Chapter 8)~~

Section 9.01. General

9.01.010. ~~9.01.01.~~Purpose

This chapter establishes requirements for the ~~preservation and protection of native trees and the~~ provision of landscaping, buffering, and screening to provide for the orderly, attractive, and healthful development of land and promote the health, safety, and general welfare of the community.

A. The regulations contained herein are necessary to protect the character and enhance the ecological, environmental, and aesthetic qualities of the community.

B. The use of landscape elements can contribute to air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement indicating that the use of landscape elements is of benefit to the health, welfare, and general wellbeing of the community and, therefore, it is proper that the use of such elements be required.

C. The City experiences frequent droughts; therefore, it is a purpose of this chapter to encourage the use of low-water, drought-tolerant plants and trees and the grouping of vegetation by water requirements.

D. The City recognizes the growing challenge of water supply locally and regionally, and the unique role summer peak water use typically related to higher irrigation use impacts utility system design and the need for additional water supply that can ultimately impact the cost of utilities for all water customers.

~~E. The City values its indigenous and historic natural features; therefore, the placement of proposed buildings and improvements should be oriented in a manner that allows for the preservation of existing trees and native landscape. In addition, natural areas to be preserved should be integrated within the design of open space, screening, and landscaped areas.~~

9.01.020. ~~9.01.02.~~Authority

A. The provisions of this chapter are adopted pursuant to Texas Local Government Code ~~c~~Chapters 211 and 212 and the City Charter.

B. The provisions of this chapter are administered by the Director~~.~~. For this chapter, appeals of the Director's decisions shall be made to the City Council utilizing the procedures set forth in **~~Section 3.14~~**~~, Appeal of an administrative decision~~**Section 3.12. Appeal of an ~~a~~Administrative ~~d~~Decision–Zoning Regulations**.

9.01.030. ~~9.01.03.~~Applicability

This chapter applies to all properties located within the corporate limits and the extra-territorial jurisdiction (ETJ) of the City; however, each section applies differently depending on the specific use and location. Further clarification of the applicability of individual sections of this chapter can be found described within each section.

9.01.040. ~~9.01.04.~~Essential Terms Defined

A. ~~For the purposes of this chapter, the term "residential" shall include Single-family (all types) and Two-family development and "non-residential" shall include all other uses, including and Multi-family.~~ Construction

~~B. For the purposes of this chapter, the term "exempt properties" shall mean all Single-family and Two-family lots platted prior to February 13, 2007.~~

Any manmade change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations, grading, clearing, or removing the vegetative cover. Exclusions from this definition include maintenance of lawns, gardens, and trees; minimal clearing of vegetation for surveying; and bona fide agricultural activities.

B. Critical Root Zone (CRZ)

A circular region measured outward from the tree trunk representing the essential root area that must be protected for the tree's survival and is calculated as ~~one~~1 foot of radial distance for every ~~one~~1 inch of DBH.

C. Diameter Breast Height (DBH)

The diameter of a tree measured at ~~four and one-half~~4.5 feet above ground, as further defined in ~~Chapter 16.~~**Chapter 18**.

D. Disturbance to a Tree

Cut or fill that is greater than 4 inches in depth, the severing of major roots, the placement of debris or fill, the cleaning, parking, storage, or active use of equipment or materials, or the disposal of any waste material harmful to tree growth and health, such as, but not limited to, paint, oil, solvents, asphalt, concrete, or mortar.

E. Existing Tree

Existing trees with a DBH of least 3 inches that remain on a site subject to the above health and CRZ protection requirements of this code, excluding trees located within the right-of-way and excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite.

F. Heritage Tree

Any of the following tree species that has a DBH of 26 inches or larger: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia. The Heritage Tree classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit.

G. Multi-Stem Tree Measurement~~:~~

The DBH of a tree with more than one trunk shall be calculated as the sum of the DBH of the largest trunk and one-half the sum of the remaining trunks. Trees over ½~~"~~ inch shall be rounded up to the nearest whole tree. Trees under ½~~"~~ inch shall be rounded down to the nearest whole tree. For example, a tree measuring 12.2 inches in diameter at breast height (DBH) would be recorded as 12 inches and a tree measuring 12.7 inches in DBH would be recorded as 13 inches.~~.~~

H. ~~D.Critical Root Zone (CRZ)~~Non-Residential

~~A circular region measured outward from the tree trunk representing the essential root area that must be protected for the tree's survival and is calculated as one foot of radial distance for every one inch of DBH.~~

All other uses, not specified as Residential, including Multifamily

I. Protected Tree

Any tree, excluding Hackberry, Chinaberry, Ashe Juniper (~~c~~Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite, that has a diameter at breast height (DBH) of 12 inches or larger, excluding Heritage Trees. ~~Heritage TreeAny of t~~

J. Removed Tree

The following trees shall be considered a removed tree requiring mitigation:

1. The proposed or actual protection of the CRZ of a tree does not meet the requirements of this section.

2. Topping or excessively pruning more than 30% of the viable portion of a Protected (non-residential only) or Heritage Tree crown.
3. Removing the tree from its physical location or dismantling tree in sections including any tree which is uprooted, cut down, toppled, poisoned, or burned.

K. Residential

Single-family, Two-family, and Townhouse development

L. Tree Inventory

Prepared by an arborist licensed by the International Society of Arboriculture (ISA) and containing the tree survey and additional information describing the health of the trees being surveyed. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Inventories shall be valid for a period of ~~ten~~10 years with recertification of any trees shown on the survey to have a DBH of ~~ten~~10 to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long-term projects that extend longer than ~~ten~~10 years.

M. Tree Preservation Plan

A plan that graphically represents the Tree Schedule and identifies all Protected, Heritage and Credit Trees, indicating those being preserved and those being proposed for removal.

N. Tree Survey

A drawing showing the size, location, species and critical root zone of all existing Protected Trees, Heritage Trees, and any trees to be used as credit. A table summarizing the total number of inches, in accordance with generally accepted methods of International Society of Arboriculture (ISA) shall be provided. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Surveys shall be valid for a period of 10 years with recertification of any trees shown on the survey to have a DBH of 24-25 inches or 10-11 inches after five years.

O. ~~E.~~The definitions in ~~Chapter 16~~**Chapter 18** of this Code shall apply to these and other terms within this chapter.

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

9.01.050. ~~9.01.05.~~Unified Development Code Development Manual

The Unified Development Code Development Manual is a companion document to this Code, containing templates for Tree Surveys, Tree Preservation Plans, landscape and tree calculations, and other relevant information for completing a Site Plan or other required process. The Development Manual also contains the City's plant lists, including the preferred, prohibited, and controlled plant lists, and the landscape and tree technical standards (Technical Standards) which provide technical guidance for the selection, planting, and maintenance of plants required by this Code.

Section 9.02. Residential Landscaping

9.02.010. ~~9.02.01.~~Applicability

The provisions of this section shall be considered minimum standards and shall apply to residential properties within the ~~C~~city limits, as defined in **Section ~~8.01.04~~9.01.040** of this chapter. Also refer to **Section ~~8.05~~9.04** for the residential review process and **Section ~~8.06~~9.05** for plant selection, installation, and maintenance requirements.

9.02.020. ~~9.02.02.~~Shade Tree Requirement

A. At time of home construction, all new single-family (all types) or duplex homebuilders shall provide shade trees from the preferred plant list within each lot at a ratio of one tree per each 50 feet of street frontage or portion thereof, exclusive of driveway width measured at the ~~ROW~~right-of-way line.

B. Existing trees preserved within the street yard may count toward the shade tree requirement using the ratios provided for in **Subsection ~~8.04.02~~9.03.020.B**. If existing trees are to remain, the tree protection measures of ~~**Subsection 8.02.03.C**~~**Section 10.02** shall be followed.

9.02.030. ~~9.02.03.~~Residential Groundcover

A. ~~1.~~Residential property shall be fully revegetated, including soil amendments as needed, in accordance with City of Georgetown Code of Ordinances Section 13.15.060.

1. See exceptions for synthetic and artificial turf in **9.05.020.C.4** below.

B. ~~2.~~Residential property shall be fully revegetated in conformance with **Subsection ~~8.06.02.C~~9.05.020**. ~~**Subsection 8.06.02.C.**~~

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

Section 9.03. Non-Residential and Multi-~~F~~family Landscape Requirements

9.03.010. ~~9.03.01.~~Applicability

A. Except for those uses covered by **Section ~~8.03~~9.02**. **Residential Landscaping**, ~~T~~the provisions of this section shall be considered minimum standards and shall apply to the development of all non-residential properties within the ~~C~~city limits, as defined in **Section ~~8.01.04~~9.01.040** of this chapter, regardless of ~~z~~Zoning ~~d~~District~~,~~. Additional plantings in excess of the minimum requirements are encouraged. Also refer to **Section 9.04** for the review and appeal process and **Section 9.05** for plant selection, installation, ~~and~~ maintenance requirements, and irrigation requirements. ~~with the exception of~~

B. Exceptions

These requirements do not apply to the following:

1. ~~t~~The construction of accessory structures necessary for or directly related to the ownership or raising of livestock for agricultural purposes~~,~~ including, but not limited to, barns, shelters, sheds or other structures. ~~Additional plantings in excess of the minimum requirements are encouraged. Also refer to **Section 8.05** for the review and appeal process and **Section 8.06** for plant selection, installation, and maintenance requirements.~~

2. Development in the Downtown Overlay District; however, landscaping is encouraged when possible.

9.03.020. ~~9.03.02.~~Landscape Tree Credits

A. A tree credited toward~~s~~ a landscape requirement must meet the locational requirements of the provision for which credit is awarded (i.e., within the specified bufferyard) and, unless otherwise noted, may not be credited toward~~s~~ more than one landscape requirement.

B. In order to maximize the preservation of existing trees, surveyed trees in good health that have a DBH of at least ~~six~~6 inches and are listed in the City preferred plant list may provide credit toward~~s~~ the landscaping requirements of the following sections. Each existing tree preserved may provide landscape tree credits as indicated in the following table.

Table ~~8.03.020.B:~~9.03.020-1. Landscape Credits for Existing Trees

DBH in Inches	Credit
6 to 11	1 tree
12-17	2 trees
18-23	3 trees
24 or greater	4 trees

C. Additionally, trees planted to meet the mitigation requirements of **Subsection ~~8.02.04.C~~10.02.040.A.1** may provide credit toward~~s~~ the landscaping requirements of the following sections.

D. Credit shall not be awarded unless protection of the CRZ of the credited tree is carried out as required for ~~p~~Protected and Heritage Trees in **Subsection ~~8.02.03~~10.02.040.A.1.** Credit may be withheld~~,~~ during review or inspection of the project, based on the assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree.

9.03.030. ~~9.03.03.~~Alternative Exception

A. Minor Reductions of ~~the Perimeter~~Street Yard Landscaping and Bufferyards~~.~~

1. Minor changes to the width of the required ~~Perimeter~~street yard ~~L~~landscaping and bufferyards, which are considered to be up to ~~fifty (50) percent~~50% of the required width, may be requested if, along a street frontage where the adjacent properties on both sides (at side property lines) have a smaller or no landscape buffer strip, in order to maintain consistency between existing parking lot and drive aisle alignments.

2. If an alternative ~~Perimeter~~street yard ~~L~~landscaping or bufferyard is granted, an equal amount of landscaped area and trees shall be provided elsewhere on the site as may be deemed appropriate by the decision-maker.

B. Grouping of All Required Landscaping~~.~~

1. In order to provide flexibility in site design, an Applicant may request Alternative Compliance to group all required landscaping (e.g., the landscape buffer and parking lot landscaping) into fewer but larger, consolidated areas.

2. In order to offset the movement of landscaping from its original required location, an additional ~~twenty-five (25) percent~~25% of the total landscaped area will be required. For example, if 1,000 square feet of total landscaping ~~was~~were required, then 1,250 square feet would be required to meet the grouping option.

3. In addition to the ~~twenty-five (25) percent~~25% increase in total landscape area, the grouped landscaping shall be located either between the building line and ~~ROW,~~right-of-way or area visible from the street.

9.03.040. ~~9.03.04.~~Street Yard Landscaping

Each non-residential property shall provide pervious landscaped area and plantings within the street yard. These requirements are based on the size of the street yard as indicated below. Plantings provided to meet required

parking lot and Gateway Overlay District landscaping requirements may be used to meet this provision, provided they are located within the street yard.

A. Street yards less than 10,000 square feet shall provide:

1. Landscape area totaling 20~~ percent (20~~%~~)~~ of the street yard; and
2. One shade tree and three shrubs per 2,500 square feet of street yard.

B. Street yards between 10,000 and 100,000 square feet shall provide:

1. Landscape area totaling 20~~ percent (20~~%~~)~~ of the street yard; and
2. Four shade trees and 12 shrubs per the first 10,000 square feet of street yard, plus one~~-~~-and~~-~~-one-half shade trees and four shrubs per every additional 10,000 square feet of street yard thereafter.

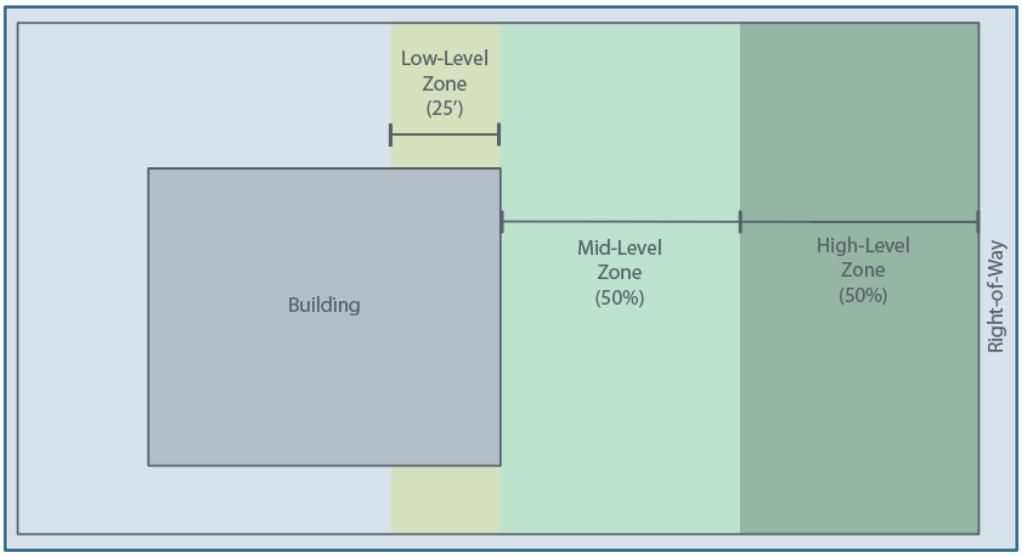
C. Street yards larger than 100,000 square feet shall provide:

1. Landscape area totaling 20~~ percent (20~~%~~)~~ of the street yard; and
2. Eighteen shade trees and 48 shrubs per the first 100,000 square feet of street yard, plus two shade trees and five shrubs per every additional 20,000 square feet of street yard thereafter.

D. Plantings within a required street yard may be planted in zones to distribute the plantings throughout the street yard and focus the largest percentage of plantings along the right(s)-of-way.

1. When this option is used, required street yard plantings shall be distributed as follows:
   a. Low~~-~~-Level Zone. ~~Ten percent (~~10%~~)~~ of the required plantings shall be planted within ~~28~~25 feet of the building fa~~c~~cade.
   b. Mid~~-~~-Level Zone. ~~Thirty percent (~~30%~~)~~ of the required plantings shall be planted ~~within the Low Level and High Level zones~~between the façade and the midpoint between the façade and right-of-way.
   c. High~~-~~-Level Zone. ~~Sixty percent (~~60%~~)~~ of the required plantings shall be planted between the right-of-way and ~~Mid Level zone~~the midpoint between the façade and right-of-way.
2. The distribution of plantings within a required street yard shall be required for all phased development. All plantings required at ultimate buildout in the High~~-~~-Level Zone shall be installed as a part of ~~p~~Phase 1.

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~**Figure 9.03.040-9.03.04-1. Planting Zone Levels**



9.03.050. ~~9.03.05.~~Parking Lot Landscaping

All non-residential surface parking areas or lots shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians and shall contain shade trees to reduce the thermal impact of parking lots. Landscaping provided to meet this section shall consist of landscaped areas and shade trees as outlined below and may also be credited toward~~s~~ the street yard landscaping requirements, if they are located within the street yard.

A. Landscape Area

1. Twenty square feet of pervious landscape area shall be provided within the parking lot for each parking stall located between the building line and the street right-of-way.
2. Ten square feet of pervious landscape area shall be provided within the parking lot for each parking stall not located between the building line and the street right-of-way.

B. Shade Trees

1. A minimum of one shade tree is required per every 12 parking stalls provided.
2. Each parking stall in excess of the required shall be calculated as one~~-~~ and~~-~~ one-half stalls for purposes of required shade trees.
3. In order to maximize the distribution of shade, shade trees shall be planted throughout the interior of the parking lot so that ~~no~~some portion of every parking stall is ~~located further than~~within 50 feet from the trunk of a tree unless otherwise approved by the Director.
4. Planting areas for each tree shall have a minimum undisturbed pervious area of at least 100 square feet and have a minimum interior dimension of ~~eight~~8 feet wide, exclusive of the curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-compacted or excavated and filled with quality soil in accordance with the Technical Standards. These areas shall also be free of other structures such as lighting or utility poles.

C. Stormwater Drainage

1. All landscaped areas shall be protected by a raised ~~six (6)~~ 6-inch concrete curb with openings to allow for the drainage of stormwater into the landscaped areas~~.~~ or other barrier as approved by the Director. ~~Such~~Approved curbs shall not be placed within the Critical Root Zone.
2. None of the above shall be compacted in a manner that alters the runoff coefficient for drainage. In circumstances where compaction does occur to alter runoff performance, the compacted area shall be treated as impervious cover.
3. Weed barrier used in any capacity shall allow percolation to maintain the runoff coefficient for drainage. In circumstances where the weed barrier used does alter runoff performance, the area of the weed barrier shall be treated as impervious cover.

D. Exemptions

Enclosed parking structures and vehicle display and sales areas, as defined in this Code, are exempt from the parking lot landscaping requirements.

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

9.03.060. ~~9.03.06.~~Gateway Overlay District Landscaping

The landscaping requirements in this section are associated with the Gateway Overlay Districts established and detailed in ~~**Section 4.11**~~**Section 4.10**. The following standards are required for all non-residential properties located along the corridors listed in **Section** ~~**4.11.020**~~**4.10.030. Gateway Corridors**, unless otherwise specified.

A. General

1. The Gateway Overlay District landscape area shall be calculated by multiplying the lot width (measured in feet) along the gateway roadway right-of-way times the depth (in feet) of the landscape buffer. This square footage divided by 1,000 determines the landscape units for calculation.
2. All tree and plant species shall be from the City preferred plant list or the downtown gateway tree list, as included in the Development Manual.
3. Plantings provided to meet the requirements for ~~g~~Gateway ~~o~~Overlay ~~d~~District landscaping may also be credited toward~~s~~ the street yard landscaping requirements.

B. Scenic and Highway Gateway Overlay Districts

1. The landscape area shall contain at least 80~~ percent (80~~%~~)~~ live vegetative coverage excluding the area required for driveways, sidewalks, bicycle paths, and drainage features, as allowed with limitations in **Section** ~~**4.11.030**~~**4.10.040. Gateway Design Standards**. Fencing is not allowed within the landscape area.
2. Within the landscape area, plantings are required at a minimum ratio of two shade trees and five ~~five~~5-gallon shrubs for every 1,000 square feet of land. Existing trees that are preserved within the landscape area may count toward the required tree plantings, pursuant to **Section** ~~**8.04.02**~~**9.03.020**.

C. Downtown Gateway Overlay District

1. Landscape Buffer

   A ~~ten~~10-foot~~-~~-deep landscape buffer is required adjacent to the designated gateway roadway and will be measured from the property line.

2. Landscape Area

   a. The landscape area shall be landscaped and maintained with at least 80~~ percent (80~~%~~)~~ live vegetative coverage excluding the area required for driveways, sidewalks, bicycle paths, as allowed with limitations in **Section** ~~**4.11.030**~~**4.10.040. Gateway Design Standards**. Fencing is not allowed within the landscape area.

   b. Within the landscape area, plantings are required at a minimum ratio of two shade trees and two ~~five~~5-gallon shrubs for every 1,000 square feet of land. Existing trees that are preserved within the landscape area may count toward the required tree plantings, pursuant to **Section** ~~**8.04.02**~~**9.03.020**.

   c. Downtown trees shall be spaced in a formal manner and shall meet the location requirements of **Subsection** ~~**8.06.03.D**~~**9.05.030.E**. Only specific tree species are allowed in the Downtown Gateway Overlay, based on their height and size, which can be found in the plant list in the Development Manual.

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

9.03.070. ~~9.03.07.~~Bufferyards

A. General

1. Bufferyards are required between certain land uses to prevent or minimize potential nuisances such as noise or light and to provide a transition between uses that may not be compatible with each other.
2. Landscaping required within bufferyards shall be provided in addition to the landscaping required in other sections of this chapter.
3. All open space within a bufferyard shall be planted with grass or other vegetative ground cover.
4. A bufferyard may be designed with clusters of plantings to create a more desirable design.
5. No light fixtures, parking, dumpsters, storage, recreation facilities, accessory buildings, ~~or~~ alleys, or any other improvements not explicitly allowed shall be permitted within a required bufferyard.
6. A bufferyard may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels.
7. Detention or ~~r~~Retention ~~p~~Ponds
   a. Detention or retention ponds may be placed adjacent to the bufferyard.
   b. Detention or retention ponds may be permitted to extend into a required bufferyard, but only if the Development Engineer determines that there is no other feasible option for the detention of stormwater. If the pond is located within the required bufferyard, the requirements of this section shall be met in full within the remaining buffer area and additional screening or aesthetic treatment of the pond may be required depending on the location and circumstances of the site.
8. Where buffer requirements are in conflict with other requirements of this Code, the most restrictive standards shall apply.
9. Required fencing shall be located along property lines unless physical constraints exist that would prohibit such placement, as determined by the Director.

B. Bufferyard Level Required

1. ~~Table 8.04.060~~**Table 9.03.070-1. Bufferyard Level Required** indicates the level of bufferyard required between each ~~z~~Zoning ~~d~~District or land use. "L" refers to a low level bufferyard. “M” refers to a medium level bufferyard. “H” refers to a high level bufferyard. A box with a "—" indicates that a bufferyard is not required between those development types. The planting requirements of each type of bufferyard can be found in **Subsection ~~C.~~ ~~below~~C** below.

Table ~~8.04.060:~~9.03.070-1. Bufferyard Level Required

		Adjacent District															ETJ *
		AG	RE	~~TR~~ RT	RS	RM	MH	MF-1	MF-2	CN	C-1	C-2	PF	I-1	I-2	MU-DT	
Bufferyard Required ~~Bufferyard~~	~~AG~~	M	M	M	M	M	M	M	M	—	—	—	—	—	—	—	M

			Adjacent District															ETJ *
			AG	RE	~~TR~~ RT	RS	RM	MH	MF-1	MF-2	CN	C-1	C-2	PF	I-1	I-2	MU-DT	
	~~Required~~ AG																	
	MH	~~MH~~	L	L	L	L	L	—	—	—	—	—	—	—	—	—	—	L
	RM	~~RM~~	L	L	L	—	—	—	—	—	—	—	—	—	—	—	—	L
	MF-1	~~MF-1~~	M	M	M	L	—	—	—	—	—	—	—	—	—	—	—	M
	MF-2	~~MF-2~~	L	M	M	M	L	L	—	—	—	—	—	—	—	—	—	M
	CN		L	L	L	L	L	L	—	—	—	—	—	—	—	—	—	L
	C-1	~~C-1~~	M	M	M	M	L	L	—	—	—	—	—	—	—	—	—	M
	C-2	~~C-2~~	M	H	H	H	M	M	M	M	—	—	—	—	—	—	—	M
	PF	~~PF~~	M	M	M	M	M	M	M	M	—	—	—	—	—	—	—	M
	I-1	~~I-1~~	H	H	H	H	H	H	H	H	M	M	M	M	—	—	M	H
	I-2	~~I-2~~	H	H	H	H	H	H	H	H	M	M	M	M	—	—	M	H
	MU-DT	~~MU-DT~~	L	L	L	L	L	L	—	—	—	—	—	—	—	—	—	L
	* Shall only apply in the case of one or more single-family homes that are platted or planned for residential use on the Future Land Use Map in the ETJ.																	

1. ~~2.~~A non-residential use developed in a ~~r~~Residential ~~z~~Zoning ~~d~~District will be required to provide a low level bufferyard adjacent to residential development.

   ~~3. No bufferyards are required internal to a housing diversity development.~~

2. ~~4.~~No bufferyards are required internal to a multi-site unified development that is platted or site planned as such.

3. ~~5.~~An Administrative Exception to the requirement of a bufferyard may be approved by the Director per ~~Section 3.16~~Section 3.14 of this Code if it is determined that the application of a bufferyard is not necessary and does not meet the intent of this section.

C. Specific Bufferyard Requirements

1. A low level bufferyard shall consist of the following:

   a. A ~~ten~~10-foot-wide planting area;

   b. Two evergreen ornamental trees and four evergreen shrubs per each 500 square feet of bufferyard or fraction thereof, distributed in a manner to make the bufferyard most effective in addressing potential sources for nuisance emanating from the subject property.

2. A medium level bufferyard shall consist of the following:

   a. A 15-foot-wide planting area;

b. One shade tree, two evergreen ornamental trees and eight evergreen shrubs per each 500 square feet of bufferyard or fraction thereof, distributed in a manner to make the bufferyard most effective in addressing potential sources for nuisance emanating from the subject property.

3. A high level bufferyard shall consist of the following:

a. A 30-foot-wide planting area;

b. A solid ~~six~~6-foot~~-~~-high screening wall constructed of brick, stone, reinforced concrete or other similar two-sided masonry materials; and

c. Two shade trees and four evergreen ornamental trees per each 500 square feet of bufferyard or fraction thereof, distributed in a manner to make the bufferyard most effective in addressing potential sources for nuisance emanating from the subject property.

~~*(Ord. No. 2014-30, § 2(Exh. A), 5-27-2014; Ord. No. 2019-37 , § 2(Exh. F), 6-11-2019)*~~

9.03.080. ~~9.03.08.~~ Screening

A. General

1. All planting materials used for screening purposes shall be of an evergreen species. Screening is required in order to minimize visual , noise, air quality and other impacts from surrounding properties and rights-of-way. Unless otherwise provided, screening requirements are in addition to all other landscape requirements and may not be credited or counted toward meeting other requirements.

2. All mechanical equipment and screening must be shown on the Landscape Plan.

B. Parking Lot Screening~~.~~

1. Vehicular parking areas shall be screened from street view and adjacent properties using methods ~~as~~ described below.

a. All parking lot screening shall be achieved through one of the following methods:

(i) A planting screen (hedge);

(ii) A berm;

(iii) A wall; or

(iv) A combination of any of the above.

b. Live screening shall be a minimum of ~~two~~2 feet tall at time of planting, with predominately a mature height of ~~three~~3 to ~~four~~4 feet within two years, as determined by a landscape architect or other licensed professional.

c. Live screening shall be planted in a prepared bed at least ~~three~~3 feet in width.

d. Plantings, fences, or walls shall be set back a minimum of ~~three~~3 feet from the curb or wheel stop to allow for the overhang of the vehicle.

e. A change in grade or elevation that provides an equivalent level of screening for the parking lot as the vegetative screen may be substituted for the requirements above, as determined by the Director.

2. Screening shall not be required between properties for parking spaces provided in conjunction with shared access and/or shared parking between those properties.

C. Screening of Mechanical Equipment~~.~~

1. All mechanical equipment ~~(e.g. air handling equipment, compressors, duct work, transformers, and elevator equipment),~~ including roof-mounted equipment, shall be screened from view from all public rights-of-way and adjoining properties.
2. Screening shall result in the mechanical equipment blending in with the primary building~~,~~ and not appearing separate from the building.
3. Screening shall consist or be constructed of the following materials, depending on the location of the equipment to be screened. When possible, materials should be consistent with the primary building materials.
   a. Planting screens;
   b. Brick, stone, reinforced concrete, or other similar masonry materials;
   c. Redwood, cedar, preservative pressure treated wood, or other similar materials; or
   d. Metal screening or louvers painted to blend with the primary building.
4. All fence posts shall be rust-protected metal, concrete-based masonry, or concrete pillars.

D. Placement and Screening of Waste Containers, Recycling Containers and Compactors~~.~~

1. All waste containers, recycling containers and compactors~~,~~ shall be completely screened from public view at any adjoining street or property line.
2. All enclosures are to be at least ~~one~~1 foot above the height of the waste, recycling containers and compactors.
3. All enclosures and screening shall be of sufficient size to accommodate all waste containers, recycling containers and compactors located on the site.
4. Waste containers, recycling containers and compactors screening shall be maintained by the owner at all times.
5. Waste containers, recycling containers and compactors shall be located at least 15 feet from shade trees, whether existing or installed with landscaping.
6. Waste containers, recycling containers and compactors shall be placed in a manner to ensure service provider approach needs and clearances are met to access the enclosures. ~~.~~
7. Waste containers, recycling containers and compactors
   a. Waste containers, recycling containers and compactors shall be located a minimum of 50 feet from the property line of any of the following:
      (i) RE, RT, RS, RM zoned property; or
      (ii) A property in the ETJ with an existing single-family home ~~in the ETJ which home is~~ located within~~g~~ 100 feet of the property line; or
      (iii) A ~~P~~property in the ETJ which is platted or planned for residential use on the Future Land Use Map.
   b. Waste containers, recycling containers and compactors shall be no closer to any street than the principal structure.
8. Waste containers, recycling containers and compactors shall be placed on reinforced concrete pads that are a minimum of ~~six~~6 inches in thickness and sloped to drain.
9. Screening shall be provided on four sides and be comprised of:
   a. Brick, stone, reinforced concrete or other similar masonry materials that have a similar finish to the primary finish;

b. Redwood, cedar, preservative pressure treated wood or other similar materials; or

c. Alternative screening, which may be proposed as an alternative if the Director determines it meets the intent of the screening requirement and performs as effectively.

10. All fence posts shall be made of rust-protected metal, concrete based masonry, or concrete pillars.

11. Waste containers, recycling containers and compactors enclosures shall have steel-framed gates with spring-loaded hinges or the equivalent. The enclosure shall have fasteners to keep the gate closed and tiebacks to secure the gate in the open position when accessed.

12. Six-inch diameter concrete filled steel pipes shall be located in corners and possible impact areas to protect the enclosure from truck operations.

13. Location of ~~W~~waste containers, recycling containers and compactors shall also comply with the standards of the waste collection service provider. When the standards of this section and the service provider conflict, the standards of this section shall apply.

E. Screening of Loading Docks

1. Loading and service areas shall be located at the side or rear of buildings and be completely screened from public view at any adjoining street or property line.

2. Screening shall be provided on three sides of the area by a wall or other screening mechanism, not less than ~~eight~~8 feet in height, comprised of a wall that has a similar finish to the primary structure.

3. Loading areas shall not be located closer than 50 feet to the property line of a single-family or duplex residence, unless located completely within an enclosed building.

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

Section 9.04. Review and Approval Process

~~9.04.01. Residential Review~~

~~A. Tree Preservation Plan~~

~~A Tree Preservation Plan shall be required with each residential application for subdivision. No grading, excavation, trenching, or tree removal shall occur until the Tree Preservation Plan has been approved and tree protection fencing is in place. The plan shall consist of the following elements to ensure that each lot is buildable without the removal of Heritage Trees, documents protected and heritage trees, and identifies removal and mitigation.~~

~~1. Tree Survey and/or Tree Inventory~~

~~a. A Tree Survey shall graphically identify the location, size, and species of all Protected Trees, Heritage Trees and other existing trees to be credited toward mitigation requirements.~~

~~b. A Tree Schedule shall accompany a Tree Survey and shall list each Protected Tree and Heritage Tree shown on the survey and indicate the status of each tree.~~

~~c. Tree Surveys shall be valid for a period of ten years with recertification of any trees shown on the survey to have a DBH of 24 inches or larger after five years. A new Tree Survey shall be required for separate phases of long term projects that extend longer than ten years.~~

~~d. In order to promote the preservation of quality trees, reduce the mitigation owed for contribute value to the built environment, and to identify opportunities to increase the value and accessibility of impressive trees, a Tree Inventory shall be required when:~~

~~(i) A Tree Preservation Plan proposes to satisfy, in any part, the mitigation requirements of **Section 8.02.04** with the preservation of On-Site Credit Trees,~~

~~(ii) A residential subdivision is to be planned and developed in three or more phases, or~~

~~(iii) Alternative tree preservation and mitigation standards, or exemption on the basis of tree health, are being requested through a Planned Unit Development (PUD), a Development Agreement, a Request for the Creation of a Municipal Utility District (MUD), or a Subdivision Waiver.~~

~~e. A Tree Inventory shall be prepared by an arborist licensed by the International Society of Arboriculture (ISA) and contain the following information.~~

~~(i) The same information provided in a Tree Survey and a Tree Schedule;~~

~~(ii) A determination on the health of each tree - i.e. Dead, Poor, Good, Excellent;~~

~~(iii) A Detailed Tree Condition Report, as described below, for trees classified as dead, dying or diseased;~~

~~(iv) Proposed measures to be taken to prevent spread of disease through the project site;~~

~~(v) Existing canopy cover (as a percentage of the project area); and~~

~~(vi) A description of a tree's aesthetic value (i.e. size, evaluation as a specimen of the species, size and quality of the canopy, etc.).~~

~~f. Tree Inventories shall be valid for a period of ten years with recertification of any trees shown on the survey to have a DBH of ten to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long term projects that extend longer than ten years.~~

~~g. Tree inventories shall be conducted during the preliminary plat and provided with the preliminary plat submittal. If the survey and inventory is still valid, the same information may be provided with subsequent applications established in this Code. If the survey and inventory has expired, a new or updated survey and inventory must be provided with subsequent applications.~~

~~2. Critical Root Zone (CRZ) Protection Plan, If Applicable~~

~~A CRZ protection plan is required for subdivision Construction Plans where Protected Trees or Heritage Trees are present and are planned to remain showing where tree protection fencing will be located. City tree protection details from the Technical Standards shall be included with the plan.~~

~~3. Detailed Tree Condition Report, if applicable~~

~~A Detailed Tree Condition report is required when any trees on the tree survey and tree inventory is categorized as seeking exemption from mitigation on the basis of being dead, diseased or dying. The report shall include photographs and detailed condition assessment of each tree categorized as being dead, diseased or dying, specify any diseases present, and provide a description and explanation of the basis for such determination.~~

~~4. Mitigation Plan, If Applicable~~

~~A Mitigation Plan shall include the mitigation required by this chapter any time Protected Trees or Heritage Trees are proposed to be removed. The plan shall list each Protected Tree and Heritage Tree species and DBH to be removed, as identified on the Tree Preservation Plan, and provide calculations for both mitigation by tree replacement and/or by payment and identify which mitigation option is proposed to be used. The Director shall have the final decision on the selected mitigation option subject to appeal under **Section**~~

~~**8.01.02**. If mitigation is to be met by the on-site planting of trees, a mitigation tree planting plan shall be included depicting the location, size, species of the trees, and timing of installation.~~

~~B. Landscape Plan~~

~~A Landscape Plan, in the form of required plantings shown on the plot plan for the building permit or a drawing showing requirements prepared by the owner or the owner's representative, shall be submitted for all new single-family or duplex development at time of building permit review. The plan shall show the proposed location and species of required trees to be planted and any heritage or landscape credit trees proposed to be preserved. Trees identified on this plan to be preserved require fenced protection during construction per **Subsection 8.02.03.C.** and the Technical Standards.~~

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

9.04.010. ~~9.04.02.~~Non-Residential Landscape Review

~~A. Tree Preservation Plan~~

~~A Tree Preservation Plan is required for every application for non-residential development required by and subject to the provisions of this Code. No grading, excavation, trenching, or tree removal shall occur until the Tree Preservation Plan has been approved. The plan shall consist of the following elements:~~

~~1. Tree Survey and/or Tree Inventory~~

~~a. The Tree Survey shall graphically identify the location (including if the tree is located in the floodplain or an area of right-of-way dedication), size and species of all Protected and Heritage trees with a DBH of 12 inches or greater.~~

~~b. Tree Surveys shall be valid for a period of ten years with recertification of any trees shown on the survey to have a DBH of ten to 11 inches or DBH of 24 inches or larger after five years. A new Tree Survey shall be required for separate phases of long term projects that extend longer than ten years.~~

~~c. In order to promote the preservation of quality trees, reduce the mitigation owed, and contribute value to the built environment, and to identify opportunities to increase the value and accessibility of impressive trees, a Tree Inventory shall be required when:~~

~~(i) A Tree Preservation Plan proposes to satisfy, in any part, the mitigation requirements of **Section 8.02.04** with the preservation of On-Site Credit Trees;~~

~~(ii) A Site Development Plan is to be developed in three or more phases; or~~

~~(iii) Alternative tree preservation and mitigation standards are being requested through a Planned Unit Development (PUD), a Development Agreement, a Request for the Creation of a Municipal Utility District (MUD), or a Subdivision Variance.~~

~~d. A Tree Inventory shall be prepared by an arborist licensed by the International Society of Arboriculture (ISA) and contain the following information.~~

~~(i) The same information provided in a Tree Survey and a Tree Schedule;~~

~~(ii) A determination on the health of each tree (i.e. Dead, Poor, Good, Excellent;~~

~~(iii) Description of any diseases present on trees of "Dead" or "Poor" health;~~

~~(iv) Proposed measures to be taken to prevent spread of disease through the project site;~~

~~(v) Existing canopy cover (as a percentage of the project area); and~~

~~(vi) A description of a tree's aesthetic value (i.e. size, evaluation as a specimen of the species, size and quality of the canopy, etc.)~~

~~e. Tree Inventories shall be valid for a period of ten years with recertification of any trees shown on the survey to have a DBH of ten to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long term projects that extend longer than ten years.~~

~~f. Tree inventories shall be conducted during the preliminary plat and provided with the preliminary plat submittal.~~

~~2. Tree Schedule, If Applicable~~

~~A tree schedule shall accompany a Tree Survey and shall indicate the status of all surveyed trees on site.~~

~~3. Critical Root Zone (CRZ) Protection Plan, If Applicable~~

~~A CRZ protection plan is required for every application required by and subject to the provisions of this Code where Protected or Heritage Trees are present and are planned to remain showing where tree protection fencing will be located. City tree protection details from the Technical Standards shall be included with the plan.~~

~~4. Mitigation Plan, If Applicable~~

~~A Mitigation Plan shall include the mitigation required by this chapter any time protected or Heritage Trees are proposed to be removed. The Mitigation Plan shall identify each tree to be removed (as indicated on the Tree Preservation Plan), label the DBH and status (Protected or Heritage Tree), and provide calculations each mitigation option available and identify which mitigation option is proposed to be used. If mitigation is to be met by the on-site planting of trees, a mitigation tree planting plan shall be included depicting the location, size, species of the trees, and timing of installation. If Heritage Tree mitigation is required, a separate line item from the Protected Tree mitigation shall be required.~~

A. ~~B.~~Landscape Plan

A Landscape Plan, prepared by a landscape architect licensed in the State of Texas, is required to be submitted and approved as part of a Site Plan application prior to issuance of a ~~b~~Building ~~p~~Permit for such development. Projects or limits of construction less than 5,000 square feet in size do not require preparation by a landscape architect. A Landscape Plan shall include the following:

1. Planting Plan

   The planting plan is a dimensioned and labeled drawing demonstrating compliance with all applicable requirements of this chapter. The plan shall include all dimensions, types and quantity of materials, width of bufferyards and ~~o~~Overlay ~~d~~Districts, and size and spacing of vegetative materials. Existing trees to be used as landscape credit shall also be shown with the size indicated. All proposed mechanical equipment shall be depicted. Plans for projects involving additions to existing sites shall locate and identify any existing landscaping.

2. Landscape Summary Table

   The landscape summary table delineates all requirements of this chapter as they apply to the project as well as how those requirements are addressed on the planting plan. The landscape summary table shall list each planting requirement and indicate the number of plants required as well as the number proposed. The summary table shall list any landscape tree credits to be utilized and identify those plantings that are low water users. The landscape summary table may be located on the planting plan. The template for the landscape summary table can be found in the UDC Development Manual.

3. Irrigation Statement

The landscape architect shall identify on the planting plan the type of irrigation to be installed for the landscaping design.

4. Preparer's Seal and Statement of Compliance

The Landscape Plan shall be signed and sealed by the designer and include a statement of compliance certifying that the plans submitted for approval comply with the requirements of this chapter. The seal and statement shall be shown on the planting plan.

B. ~~C.~~Changes to Approved Plans

Adjustments to approved plans during construction that affect trees or landscaping must be reviewed and approved by the ~~Director and/or the~~ Planning Department.

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

9.04.020. ~~9.04.03.~~Inspection and Approval of Installation

A. Residential Installation

Installation of required landscaping for all new single-family or duplex development shall be inspected at time of final building inspection. The owner or owner's representative may certify in writing that landscaping has been installed according to the approved plan.

B. Non-Residential Installation

1. Certification of Landscape Compliance

Prior to final inspection for ~~c~~Certificate of ~~o~~Occupancy and once all landscaping has been installed, the original sealer of the Landscape Plan shall submit a letter certifying the installed landscaping is in compliance with the requirements of this chapter and the approved Landscape Plan. If the installed landscaping is not in compliance with the approved Landscape Plan, a final "as-built" Landscape Plan indicating actual planting shall be submitted to the Planning Department for review and inspection.

2. Irrigation Inspection Letter

At time of final inspection for ~~c~~Certificate of ~~o~~Occupancy, the landscape architect shall provide a letter to the City indicating that the irrigation system has been installed in accordance with the requirements for irrigation per the approved Landscape Plan.

3. Inspection

The Planning Department and the Director shall, at time of final inspection, inspect all projects to ensure compliance with the approved Landscape Plan prior to issuance of a ~~c~~Certificate of ~~o~~Occupancy. With this inspection, the Director may reject any tree or vegetation that does not reflect the approved plans or does not meet the requirements of this chapter and require replacement plantings.

Upon the installation of trees, the owner or landscape architect shall notify the Director that the work is ready for final inspection. If faulty work or substandard plant material is found, the owner shall be notified of the necessary changes.

9.04.030. ~~9.04.04.~~Postponement of Installation of Required Landscaping

In the case of weather restrictions, seasonal or inclement, the owner of a residential or non-residential property may post fiscal surety for the full cost of the materials and installation of any remaining landscaping. The owner will then have 30 days from either 1) the date of the start of the next planting season, or 2) the last day of the inclement weather situation to complete the installation. The City may draw on the fiscal surety and pay to complete the planting if it is determined that the owner has breached the obligations secured by the fiscal surety. A conditional

~~c~~Certificate of ~~o~~Occupancy shall be issued until such time that all landscaping is installed. See procedures for filing fiscal surety for new development in the UDC Development Manual.

9.04.040. ~~9.04.05.~~Alternative Landscape Standards

Alternative landscape standards, certified by a landscape architect, may be proposed and submitted to the Director for approval of an Administrative Exception per ~~Section 3.16~~Section 3.14 of this Code, provided the aesthetic, buffering, and environmental intent of the requirements of this chapter are met. The Director may approve alternatives including, but not limited to, site design, spacing, locations, numbers, and species. The use of above-ground architectural planters may contribute toward up to ~~ten percent (~~10%~~)~~ of the fulfillment of landscape requirements, as approved by the Director.

Section 9.05. Plant Selection, Installation, and Maintenance

9.05.010. ~~9.05.01.~~General

A. Unless otherwise noted, the plant selection, installation, and maintenance requirements of this section shall apply to the required plantings for both residential and non-residential development. The standards herein do not apply to those plantings voluntarily planted and not otherwise required by this chapter.

B. Plant materials required by this chapter shall conform to the American Standard for Nursery Stock.

C. Consideration shall be given to the selection of trees, plants, and planting locations to avoid problems such as clogged sewers, cracked sidewalks or foundations, and power service interruptions.

D. All planting shall be designed to consider the level of expected maintenance and provide a neat and clean appearance.

E. All required landscape areas shall consist of at least 50~~ percent (50~~%~~)~~ plant material coverage at the time of planting.

F. The installation of fountains, public spaces, exterior furniture, bicycle racks, and other outdoor pedestrian amenities, located within or adjacent to landscaping, is encouraged; however, hardscape features shall not predominate the use of living plant materials. These components do not count toward~~s~~ the requirements of the landscaping square footage calculations

9.05.020. ~~9.05.02.~~Plant Materials and Size Requirements

A. Species

1. All required plant materials shall be selected from the City preferred plant list. Other plant materials may be used if determined by the Director to be equivalent in quality, adaptability, and low-water use as those listed therein.
2. When more than five trees or ~~ten~~10 shrubs are to be planted to meet the requirements of this chapter, a mix of species shall be provided wherein no more than ~~twenty-five percent (~~25%~~)~~ of plantings may be from the same species within the same plant category.
3. Of the required plant materials being used to meet landscaping requirements of this ~~C~~chapter, all must be classified as low-water users as identified on the preferred plant list.
4. Prohibited plant species, as identified on the prohibited plant species list in the UDC Development Manual, are required to be removed at time of site development, unless they are located in an area designated on the Landscape Plan as an approved natural area. If located in an area to be approved as a natural area, the applicant shall include a natural area restoration plan within the landscape plan providing for the

documentation of existing trees and plants, the removal of any invasive species and necessary supplemental replacement of invasive species with native species to achieve the same coverage established in **Section** ~~8.05.01.E~~,**9.05.010.E**. The retention of any of these species must be based on the health and welfare of surrounding Protected and Heritage Trees and must be approved by the Director. No new plants identified on the prohibited plant species list shall be installed, and existing plants determined by a landscape architect to meet the minimum size requirements of ~~<B, below>~~**Subsection B** below and coverage requirements of **Section** ~~8.05.01.E~~**9.05.010.E** may be included in the landscape plan to contribute to meeting any planting requirements. The City may require a restrictive covenant based on the specific circumstances to ensure the natural area is maintained properly in perpetuity.

5. Controlled plant species, as identified on the controlled plant species list in the UDC Development Manual, are excluded from meeting any planting requirements. No new plants identified on the controlled plant species list shall be planted, unless approved by the Director. Controlled plant species do not have to be removed from a site.

B. Minimum Size Requirements for Plants and Trees

Unless otherwise specified in this chapter, plants and trees required by this chapter shall be of the following minimum sizes at the time of planting.

1. Landscape Trees and Mitigation Trees

   a. Shade trees and mitigation trees (as required by **Section 10.02.050**. ~~**8.02.04**~~**Tree Mitigation**) planted to meet the requirements of this chapter shall be a minimum of 12 feet in height and ~~four~~4 caliper inches measured at ~~six~~6 inches above finished grade or have a ~~three~~3-inch DBH.

   b. Ornamental trees planted to meet the requirements of this chapter shall be at least 6 feet in height and 15-gallon container~~-~~-grown nursery stock. Ornamental trees shall not be used as mitigation trees to satisfy the provisions of **Section** ~~**8.02.04**~~**10.02.050**. **Tree Mitigation**.

2. Shrubs

   Shrubs planted to meet the requirements of this chapter shall be at least ~~one~~1-gallon container~~-~~-grown nursery stock~~,~~ unless otherwise specified by this Code.

3. Vines, Ornamental Grasses and Ground Cover

   a. Vines planted to meet the requirements of this chapter shall be at least ~~one~~1-gallon container-grown nursery stock.

   b. Groundcover planted to meet the requirements of this chapter shall be at least ~~four~~4-inch container-grown nursery stock.

   c. Ornamental grasses planted to meet the requirements of this chapter shall be at least ~~one~~1-gallon container-grown nursery stock.

C. Lawn or Turf Grasses

1. Grassed areas shall be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, Buffalo, or any other variety as approved by the Director, and limited to 50~~ percent~~% of the property remaining pervious. Heavily shaded properties that receive less than six hours of sun may be planted with ~~Saint Augustine or~~ other shade grass.

   a. See exceptions for synthetic and artificial turf in **9.05.020.C.4** below.

2. Grassed areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales on 3:1 or greater slopes or other areas subject to erosion.

   a. For all other areas where sod is not required:

(i) ~~t~~The use of sod shall be limited to 25% of the remaining balance of the percentage of plant materials not classified as low~~-~~-water users. The amount of sodded area may be increased if the remaining sodded areas utilize native grasses ~~(for example, if fifty percent~~ (e.g., if 50%~~)~~ of plant materials used are classified as low~~-~~-water users, sodded areas shall be limited to ~~twelve and one-half (~~12.5%~~)~~ of all landscape area).

(ii) The use of sod shall not be less than ~~six (~~6~~)~~ feet in any dimension within the property.

b. The restriction to the use of sod does not apply to areas designated as dog parks, open recreation/common amenity areas or parks.

3. Winter Rye shall be considered only as a temporary measure to reduce soil erosion through the winter season and shall be completely replaced with permanent turf grass during the following planting season.

4. ~~3.~~Synthetic or artificial lawns may be allowed provided the following standards are met:

a. Permitted Locations and Coverage

(i) ~~a.~~Synthetic or artificial lawns may be used in playscapes, sports fields, and other similar recreational fields, and ~~areas~~on portions of a site that are screened from public streets and adjacent properties.

(ii) On residential properties, synthetic or artificial lawns shall be limited to a maximum of ~~fifty (50) percent~~50% of the non-impervious area.

b. General Installation and Environmental Standards

(i) ~~b.~~Synthetic or artificial lawns shall meet the following ~~technical specifications~~standards, regardless of visibility:

(a) ~~(i)~~Synthetic or artificial lawns shall be certified by a ~~P~~professional ~~E~~engineer that it will allow rainwater to infiltrate at the same rate as natural turf. The backing shall be 100~~ percent~~% permeable, rather than hole-punched.

(b) Synthetic or artificial lawns and the materials used in installation shall not contain any Per- and polyfluoroalkyl substances (PFAS).

(c) Synthetic or artificial lawns shall not be installed on slopes greater than ~~ten (10) percent~~10% without approval by the ~~City~~Development Engineer.

(d) Synthetic or artificial lawns shall be prohibited within required bufferyards and ~~g~~Gateway ~~o~~Overlay ~~d~~District landscape areas.

(e) Synthetic or artificial lawns shall utilize heat blocking or other dissipating features to limit heat gain.

(ii) Additional standards for synthetic or artificial lawns visible from a public right-of-way or adjacent property (i.e., recreational uses):

(a) ~~(ii)~~Synthetic or artificial lawns shall be a four-tone color or higher, with a primarily color in a realistic natural green tone.

(b) ~~(iii)~~Synthetic or artificial lawns shall have a minimum pile or blade height of 1½ inches, except when used for playscapes, sports fields or other similar recreational facilities.

(c) ~~(iv)~~Synthetic or artificial lawns shall have a face weight of ~~eighty (~~80~~)~~ ounces.

~~(v) Synthetic or artificial lawns and the materials used in installation shall not contain any Per- and polyfluoroalkyl substances (PFAS).~~

(d) ~~(vi)~~Synthetic or artificial lawns shall be anchored at all edges and seams not less than every ~~one (~~1~~)~~ foot.

(e) ~~(vii)~~Synthetic or artificial lawn seams shall be glued and not sewn.

(f) ~~(viii)~~Synthetic or artificial lawns shall use an infill medium consisting of clean sand or other approved mixture brushed into the fi~~v~~bers to ~~i~~ensure that the fi~~v~~bers remain in an upright position and to provide ballast that will help hold the turf in place. Crumb rubber is prohibited.

~~c. Synthetic or artificial lawn shall have a buffer when adjacent to any property line of:~~

~~(i) Living groundcover and plants (as permitted by the approved plant list),~~

~~(ii) Organic materials such as mulch or wood chips, constituting no more than 50 percent (50%) of the remaining property not used for impervious cover, or~~

~~(iii) Inorganic materials such as decorative gravel or rocks using aggregates meeting requirements to maintain permeability performance as established in the Development Manual, constituting no more than 50 percent (50%) of the remaining property not used for impervious cover, non-grass groundcover,~~

~~d. Synthetic or artificial lawns shall not be installed on slopes greater than ten (10) percent without approval by the City Engineer.~~

~~e. Synthetic or artificial lawns shall be prohibited within required bufferyards and gateway overlay district landscape areas.~~

~~f. Synthetic or artificial lawns shall be made of polyethylene or polypropylene. Residential properties may use a nylon material. Other similar materials may be considered by the Director, or designee.~~

~~g. Synthetic or artificial lawns shall utilize heat blocking or other dissipating features to limit heat gain.~~

~~h. Synthetic or artificial lawns shall be a two-tone color or better.~~

~~4. Winter Rye shall be considered only as a temporary measure to reduce soil erosion through the winter season and shall be completely replaced with permanent turf grass during the following planting season.~~

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

9.05.030. ~~9.05.03.~~Installation Requirements

A. All required landscape materials shall be installed according to American Association of Nurserymen (AAN) ~~s~~Standards and as per the Technical Standards.

B. All trees should be planted to the ANSI A300 Tree ~~p~~Planting and ~~t~~Transplantation ~~s~~Standards and as per the Technical Standards.

C. In order to conserve water, reduce maintenance, and promote plant health, plant species shall be placed as necessary based on their water and light needs, hydrozone, and growth rate and size.

D. Landscaping shall be designed to meet the City's traffic safety standards as adopted in the Code of Ordinances and must maintain safe and unobstructed visibility along and at intersections of roadways, driveways, drive aisles, access easements, recreational paths, and sidewalks.

E. Location

1. Required landscaping shall be placed upon that portion of a tract or lot that is being developed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the Director.

2. All new shade trees shall be planted so they have a minimum undisturbed pervious area of ~~four~~100 square feet, ~~from the trunk~~with such pervious area having a dimension no smaller than 8 feet in ~~all~~any direction~~s~~ exclusive of any curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-compacted or excavated and filled with quality soil in accordance with the Technical Standards. These areas shall also be free of other structures such as lighting or utility poles.
3. All new ornamental trees shall be planted so they have a minimum undisturbed pervious area of ~~three~~100 square feet, ~~from the trunk~~with such pervious area having a dimension no smaller than 8 feet in ~~all~~any direction~~s~~ exclusive of any curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-compacted or excavated and filled with quality soil in accordance with the Technical Standards.
4. Trees or plants shall not be placed in locations within easements that may interfere with site drainage, and shall be of species approved for placement in easements. The City maintains the right to trim for overhead lines or removal all obstacles in an easement or compel the property owner to do so. The property owner is responsible for replacement of any landscaping or features used to meet requirements of this chapter.
5. Trees may be located within a dedicated trail easement provided no tree is located less than ~~four~~4 feet from the edge of the trail path.
6. Ground cover shall be planted to provide for quick coverage and to discourage erosion and weed growth.
7. Tree and Utility and Signage Conflicts~~.~~
   a. Special attention shall be given to the use of appropriate species located under or adjacent to overhead power lines or near underground utility lines, or near existing and proposed signage. Plans proposing species that do not address this provision will not be approved.
   b. Overhead power lines require the planting of low growing trees, maturing to a height and spread not encroaching within ~~five~~5 feet of the lines.
   c. When there is a conflict between the location of required trees and overhead or underground utility lines, or signage, one or more of the following options may be used to satisfy the minimum number of trees required:
      (i) Required trees may be planted so that no more than ~~twenty-five percent (~~25%~~)~~ of the mature tree canopy size encroaches onto a utility easement, sign, or other point of conflict; or
      (ii) When applicable, the required gateway landscape area may be extended a minimum of ~~ten~~10 feet beyond any conflicting utility easement; or
      (iii) Additional ornamental trees may be used to meet required shade trees at a ratio of two ornamental trees for every shade tree.
8. Landscaping in the Right-of-Way
   a. The placement of shrubs, trees, irrigation, or hardscape features in the right-of-way shall require approval of a License to Encroach. Turf grasses and native seed mixes shall not require a License to Encroach. See the UDC Development Manual for more information.
   b. The City may at any time require such landscaping to be removed, without responsibility or liability to the City, and require replacement of any required plantings at the owner's expense.
   c. No landscaping, excluding grass and native seed mixes, shall be placed in an area of right-of-way where a roadway improvement has been funded for such location, unless and until such project has been completed.

F. Landscape berms installed to meet the provisions of this chapter shall have a maximum side slope of ~~three~~3 feet to ~~one~~1 foot and shall be stabilized with vegetation, including groundcover, to prevent washout. Planting beds are allowed on landscape berms.

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

9.05.040. ~~9.05.04.~~Maintenance Requirements

A. Maintenance Responsibility

The current property owner or the manager or agent of the owner~~,~~ shall be responsible for the maintenance of all required trees, plant materials and landscape areas. A homeowners association, property owners association or condominium association, as appropriate, shall assume responsibility for the maintenance of designated common areas.

B. Health and Viability of Plant Materials

1. Landscaping shall be sufficiently fertilized and watered as necessary to maintain the plant material in a healthy condition.
2. Landscape areas shall be maintained so as to present a healthy, neat, and orderly appearance at all times and shall be kept free of refuse and debris.

C. Dead Trees, Plants, or Materials

1. Maintenance will include the replacement of all dead plant material, including mitigation trees, if that material was used to meet any of the requirements of this chapter.
2. Dead trees or plants shall be replaced with the same amount, type, and size of landscape material originally required or an approved substitute. For dead trees planted for mitigation, the total inches of replacement of the dead tree shall equal the DBH of the mitigation tree at time of death.
3. Existing trees that were required to be preserved during site construction must survive for at least a two-year period after the ~~c~~Certificate of ~~o~~Occupancy is issued or shall be replaced according to the current mitigation requirements of this chapter.
4. Dead trees or plants shall be replaced within six months of notification in writing or by the beginning of the next planting season, whichever comes first.

D. Protected or Heritage Tree Damage

No act shall be allowed, accidentally or otherwise, that may reasonably be expected to cause a Protected or Heritage Tree to die or be damaged or to otherwise harm the aesthetic value, including, but not limited to, topping or excessively pruning more than 30 ~~percent (30~~%~~)~~ of the viable portion of a Protected (non-residential only) or Heritage Tree crown; inappropriate shaping (i.e., topiary); damaging the root system; compacting the soil; changing the natural grade (such as addition of soil over the critical root zone in violation of Section ~~8.02.03.C.~~**10.02.040.A**) or paving. The remedies for such act shall be determined as follows:

1. If the Director determines the tree has been damaged, the property owner shall be required to take action to assure the future vitality of the tree, including but not limited to prescriptive care treatments such as deep root invigoration and fertilization, construction of protective barriers, or any other methods as may be required by the Director.
2. If the Director determines that the damage is so great that the tree is no longer reasonably sustainable, the tree shall be required to be removed at the expense of the property owner, in addition to the mitigation provisions in ~~Section 10.02.04~~**Section 10.02** and possible penalties pursuant to ~~Chapter 15~~**Chapter 17. Enforcement**. Mitigation for projects without active tree removal permits or approval shall be based on the mitigation provisions at the time of the violation, not the standards at the time of platting or other approval.

E. Heritage Tree Pruning Permit

Pursuant to **~~Section 3.23~~** ~~of this Code~~**Section 3.24**, it shall be unlawful to prune a Heritage Tree without an approved Heritage Tree ~~p~~Pruning ~~p~~Permit. All approved pruning must be performed by an International Society of Arboriculture (ISA) Certified Arborist or under the supervision of an ISA Certified Arborist~~,~~ and must follow the American National Standards Institute (ANSI) A300 standards. Heritage Tree ~~p~~Pruning ~~p~~Permits do not apply to lots containing ~~constructed~~ single-family and duplex dwellings for which a final inspection has been approved.

F. Synthetic or Artificial Lawn

Synthetic or artificial lawn shall be maintained so as to maintain its pervious surface condition.

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

9.05.050. ~~9.05.05.~~Irrigation Requirements

A. All non-residential development shall use ~~one of the following~~ irrigation ~~methods~~ to ensure survival of the required plant material in landscaped areas. One of the following irrigation methods may be used:

1. Conventional System

   An automatic or manual underground irrigation system that may be a conventional spray or bubbler type heads.

2. Drip Irrigation System

   An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or micro irrigation system.

3. Temporary and Above-Ground Watering

   Landscape areas utilizing low-water usage plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above-ground system providing irrigation necessary to establish the areas. Temporary and above-ground systems shall not be used for longer than 90 days.

B. Trees shall have at least one bubbler installed per newly installed tree, with appropriate hydrozoning as required by TCEQ.

C. Irrigation lines shall be arranged so as to not require trenching in violation of the provisions of this ~~C~~chapter.

D. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees, as approved by the Director. Tree wells and islands count as disturbance when containing existing trees and will require irrigation.

E. Irrigation systems shall be programmed to meet the watering restrictions of the water provider and to not water during rain events.

F. The Director may authorize temporary and above-ground watering based on written justification for the purpose, need, justification and duration from a licensed landscape architect and licensed irrigator.

9.05.060. ~~9.05.06.~~Removal of Required Landscape Trees, Shrubs and Turf

If a property owner of a non-residential development wishes to remove healthy trees, shrubs, or turf that were part of a previous approval, a request may be made to the City using the procedures in the Development Manual. Based on the information submitted, the City will decide if the request will be granted on a case-by-case basis. Justifiable reasons for such requests include, but are not limited to:

1. Tree canopies have become crowded and are hindering growth of other trees;

2. Trees are blocking existing signage, provided that the minimum necessary trimming would result in removal of more than ~~thirty (30) percent~~30% of the crown as determined in writing by an ISA Certified Arborist;
3. Trees are causing a potential line-of-sight hazard; and
4. The overall health of the tree.

For any tree approved for removal, mitigation is required using the calculations in **S~~ubs~~ection ~~8.02.04.C~~10.02.040.A.1** based on the size of the tree at the time of removal, regardless of whether it was planted as a mitigation tree or in fulfillment of a landscaping requirement, and regardless of whether it has reached a size to be considered a protected tree. The total inches of replacement of the tree shall equal the DBG of the tree at time of removal. Mitigation trees must be planted along the same side of the building or same area of the parking lot. In the instance that the removed tree was planted to satisfy a landscape requirement under **Section ~~8.04~~9.03**, the replacement tree must be planted in the same landscape area (i.e., gateway landscape area, street yard, etc.) and reach a similar size as the removed tree(s), unless an alternative location or species is approved by the Director. Other conditions of approval may be required by the Director.

~~*(Ord. No. 2021-62 , § 2(Exh. C), 9-14-2021)*~~

9.05.070. ~~9.05.07.~~Street Trees

Trees are an important part of the streetscape and, when desired, should be planted according to the context of a street. Shade trees required by this Code or desired by the homeowner shall typically be planted outside of the right-of-way in the front yard except where otherwise restricted in this Code. Shade trees planted within the right-of-way in the optional Local Street—Tree Option cross section shall be considered a public improvement for construction purposes and be planted between a vertical curb and sidewalk in accordance with the following criteria:

1. Six-foot minimum separation from both the curb and the sidewalk with a modular suspended pavement framing system;
2. Eight-foot minimum separation with plastic root barriers; or
3. Ten-foot minimum separation between back of curb and sidewalk with no root barrier.
4. Approved Ornamental Trees shall not require root barrier treatments.
5. Approved ~~T~~tree species shall be spaced approximately 40 feet apart, unless otherwise approved by the Urban Forester on the Construction Plans.
6. All street trees shall be irrigated and maintained by the adjacent property owner, property owner association, or special ~~d~~District, as designated in a plat note.
7. A maintenance agreement, license agreement and plat notes shall be established prior to recordation of the ~~f~~Final ~~p~~Plat for the subdivision. The maintenance agreement shall dictate that repair to curbs or sidewalks attributed to street tree root damage shall be the responsibility of the adjacent property owner, property owner associated, or special ~~d~~District, as designated.

Section 9.06. Fence Standards

9.06.010. ~~9.06.01.~~Purpose

Standards governing fences are established to allow for privacy, access to light and air, the protection of property, assurance of safety and security, and an aesthetic appearance consistent with the quality of life standards of

Georgetown. For the purposes of this section, fences shall include all barrier structures meant to provide security or block views of property, and include walls, fences, or similar structures.

9.06.020. ~~9.06.02.~~Permit Required

A fence permit is required to erect any fence on property within the ~~C~~city limits, unless otherwise specified below.

A. A permit is not required for agricultural uses.

B. A permit is not required for pet or livestock, garden, or similar fencing if such fence is located interior to a property that contains a perimeter fence.

C. A permit is not required for minimal alterations, such as replacements of pickets, panels, posts, or other materials as long the changes do not exceed one-third of the facing of the fence. Such alterations shall be in compliance with the original permit and/or the provisions of this Code. Any vertical or linear additions shall require a new permit.

9.06.030. ~~9.06.03.~~General Requirements

The following apply to all fences within the ~~C~~city limits, regardless of use or ~~z~~Zoning ~~d~~District. Fences located in the Historic Overlay Districts may be subject to additional requirements of ~~Section 4.08~~Chapter 5.

A. Structural Integrity

All fences shall be constructed to perpetually maintain structural integrity against natural forces such as wind, rain, and temperature variations. Fences constructed of chain link, welded wire, picket or similar materials shall require a minimum of two support rails spaced at least one-half of the total height of the fence apart.

B. Maintenance

Fences shall be kept in good repair and in a safe and attractive condition, consistent with the design established with the fence permit.

C. Fence Materials

1. Allowed

Wood, stone, rock, brick, precast concrete fences, decorative wrought iron, chain link, welded wire or other similar materials of comparable aesthetic and durability. The Director or Building Official may consider other durable rot/heat resistant alternatives. Allowed materials may be restricted in certain circumstances, per the provisions of this ~~S~~section, and are allowed by right in all other instances. Materials such as barbed wire, razor wire and electric fencing are only allowed with the limitations specified in this ~~S~~section.

2. Prohibited

Products manufactured for other uses and not originally intended to be permanent fencing are prohibited. Some examples of prohibited material include but are not limited to: ~~P~~plywood, paper, plastic, fiberglass panels, chicken wire, fabric, or sheet, roll or corrugated metals.

D. Height Measurement

Fence height shall be measured from ground level on the higher side of the fence or wall.

E. Finished Side of Fence

For all fences, the finished "face" side of the fence (opposite the structural supports) shall face all public streets and public parkland.

F. Sight Triangle

In accordance with the "sight triangle" requirements in **Section ~~12.06.04~~14.06.040** of this Code, no fence or wall more than 25~~ percent (25~~%~~)~~ solid or more than ~~three~~3 feet tall shall be located within 25 feet of the right-of-way at the intersection of two streets or within ~~eight~~8 feet of the intersection of a street and an alley.

G. Messages and Signs

All messages or advertising on fences or walls shall be considered signage and are not allowed on fencing unless permitted in accordance with the sign provisions of **~~Chapter 10~~Chapter 12** of this Code.

H. Temporary Fences

Temporary fences are allowed without a fence permit, but only for a site with an active ~~b~~Building ~~p~~Permit, Stormwater Permit, or part of a roadway construction project. The temporary fence shall be removed at the expiration of such a Permit or the conclusion of construction, whichever occurs first. Temporary fences needed for any other purposes are permitted and shall receive a fence permit from the Building Official.

I. Electric Fences

Electric fences are allowed without a fence permit, subject to the following:

1. Electric fences shall not be permitted within ~~ten~~10 feet of any public rights-of-way or sidewalk.
2. Electric fences shall be placed a minimum of ~~two~~2 feet from all private property lines.
3. A "Warning: Electric Fence in Operation" sign at least 12" x 12" in size shall be posted at intervals of not more than 50 feet apart and located not more than ~~one~~1 foot away from the fence.
4. Unless otherwise specified in this ~~S~~section, electric fences must be installed in conformance with the specifications set forth in the City's electrical code and the International Electroctechnical Commission Standard No. 60335-2-76. In addition, the electric fence controller must meet the requirements of Underwriters Laboratories Standard UL69, Electric-Fence Controller, and labeled as such.
5. The electric fence controller and emergency entry key safe for the electric fence must be located in a single accessible location for the entire fence.

J. Drainage and Utility Conflicts

All fencing that will cause a diversion of water runoff or otherwise prevent the natural flow of stormwater shall require review by the Development Engineer prior to approval. Walls or other fencing proposed to be located near a public utility easement or buried or above-ground utility equipment that are made up of masonry or a similar product and containing a poured foundation shall require review by the Development Engineer prior to approval, and may require a License to Encroach pursuant to **~~Section 3.21~~Section 3.23**.

K. Health and Safety

All fences and fencing locations shall be in compliance with the requirements of the adopted building code, fire code, or any other health and safety provision adopted by the City. In the event that a building code or fire code requirement supersedes any provision in this section or would make such provision unworkable, those codes shall govern.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)*~~

9.06.040. ~~9.06.04.~~Residential Fences

Fences for single-family (all types), and two-family ~~a~~ uses are allowed in accordance with the following provisions:

A. Front ~~Y~~yard ~~F~~fences and ~~F~~fences abutting a ~~S~~street in the side and rear setbacks - ~~O~~outside of a Historic Overlay District.

1. Fences located in a front yard are allowed with the following limitations:

a. Fences shall be limited to ~~four~~4 feet in height.

b. Fences shall be at least 50~~ percent (50~~%~~)~~ transparent. For example, a wrought iron fence or picket fence that has openings the width of the picket.

c. Chain link fences are prohibited in these locations.

2. Fences located in a street side setback or rear setback abutting a local or collector-level street are allowed with the limitations of **Subsection ~~C.~~C** below, but shall be set back a minimum of ~~ten~~10 feet.

B. Front ~~Y~~yard ~~F~~fences and ~~F~~fences abutting a ~~S~~street in the side and rear setbacks - ~~W~~within a Historic Overlay District.

1. Fences located in a front yard or a street side setback abutting a local or collector-level street are allowed with the following limitations:

a. Fences shall be limited to ~~four~~4 feet in height.

b. Fences shall be at least 50~~ percent (50~~%~~)~~ transparent. For example, a wrought iron fence or picket fence that has openings the width of the picket.

2. Fences located in the rear yard abutting a street. Fences located in the rear yard abutting a local or collector-level street are allowed with the limitations in ~~S~~**Subsection ~~C.~~C** below, but shall be set back a minimum of ~~ten~~10 feet.

3. For fences that do not meet the above circumstances, the property owner may request an alternative fence be considered by requesting a Certificate of Appropriateness as described in ~~8.07.080~~**Section 9.06.080**.

C. Fences in all other locations are allowed with the following limitations:

1. Fences shall be limited to ~~six~~6 feet in height, but may be increased to a maximum of ~~eight~~8 feet in height in the following circumstances:

a. If the adjacent use is non-residential, in which case only a fence on the property line abutting the non-residential use may be allowed the increase in height.

b. If the fence is located in the rear yard not adjacent to a street right-of-way and has the consent of both property owners.

c. If the fence is more than ~~fifty percent (~~50%~~)~~ transparent overall.

d. If the fence is in a location where the topography of the land dictates the need for additional height for privacy, at the discretion of the Director or Building Official.

e. If the fence is adjacent to a roadway where the right-of-way width is greater than 120 feet.

2. Fences directly abutting public alleys shall be limited to ~~five~~5 feet in height.

D. Replacement of a Fence. If seeking to replace an existing fence that would not comply with the setbacks, opacity and height of this code, the new fence may be constructed in the existing location with the same opacity and height, unless located in a right-of-way or in conflict with utilities, sight triangle, etc.

E. Barbed wire fences are not allowed on lots of less than ~~two~~2 acres.

F. Sports fencing is allowed only in rear yards and set back from all property lines at a distance that is multiplied by one~~-~~and~~-~~one-half times the height of the sports fence. The sports fence shall be a maximum height of 15 feet.

G. For fences that are outside of a ~~h~~Historic ~~o~~Overlay ~~d~~District and would not meet the above circumstances, the Director or Building Official may consider a request for an Administrative Exception, as described in **Section ~~8.06.08~~9.06.080.**

H. Fences that do not meet the above circumstances and are located in the Historic Overlay District shall adhere to the processes for approval in those circumstances, as established in **Section ~~8.06.08~~9.06.080**.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)*~~

9.06.050. ~~9.06.05.~~Apartment Fences

Fences for apartments are allowed in accordance with the following provisions. The following shall not preclude compliance with any required screening or bufferyard provisions of this Code:

A. Wrought iron or similar material is allowed within the front and side setbacks abutting a local or collector-level street at a maximum height of ~~six~~6 feet. No other fence materials are allowed in such setbacks.

B. Wood fencing is allowed on property lines abutting private property~~,~~ but not allowed in any street setback.

C. Residential boundary wall requirements in Section **~~8.07.06~~9.06.060** shall be met.

9.06.060. ~~9.06.06.~~Residential Boundary Walls

In order to provide a cohesive aesthetic appearance in a manner planned and constructed by the developer, all single-family (all types)~~,~~ and duplex~~, and~~ ~~multi-family~~ development that is bounded on any side by a major collector (excluding multi~~-~~family development, see ~~8.07.05.A.~~**Section 9.06.050** above), arterial or freeway, as classified in ~~**Section 12.03**~~**Section 14.03**, shall provide a boundary wall or similar perimeter buffer along that roadway using the following criteria. Assumption of responsibility for the maintenance and integrity of the boundary wall or portions thereof shall fall to the home~~-~~owner~~'~~s association or, in the case there is not an HOA, the property owner on whose lot line the wall is situated.

A. An opaque masonry wall shall be constructed along the right-of-way line at least ~~five~~5 feet in height, but no taller than ~~six~~6 feet in height. No additional fencing may be added to the wall.

B. Development located in a ~~g~~Gateway ~~o~~Overlay ~~d~~District, established in ~~**Section 4.12**~~**Section 4.10**, shall meet all requirements of the ~~d~~District. In such instances, the boundary wall shall be located along the innermost boundary of the required gateway landscape buffer. ~~The gateway landscape buffer shall be situated on a platted lot that is owned and maintained by the owner, developer, neighborhood or homeowner association, or other entity acceptable to the Director.~~

C. Articulation is required for boundary walls and shall be achieved either by:

1. Masonry columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart;

2. Variations in depth achieved either through offsets of at least ~~five~~5 feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet; or

3. An alternative articulation design approved by the Director per ~~D~~**9.06.060.D** below that meets the intent of this section.

D. Exceptions to the preceding requirements may be considered by the Director in the following circumstances and approved if the Director determines that the intent of this section has been met. Exceptions shall be processed as an Administrative Exception, using the procedures described in ~~**Section 3.16**~~**Section 3.14**.

1. If the land adjacent to the applicable roadway is occupied by a park or open space, unusual topographic conditions, local street, residential front setback, or other similar space not occupied by a residence, the Director may consider a request for a combination of open space, berms, landscape features, plant material, and/or alternative screening wall material, another boundary wall location, or a release from the requirement.

2. If a developer chooses to prohibit fencing or offer a planned alternative that is ~~codified on the plat,~~ documented in Construction Plans, and deeds and covenants, the Director may consider a request for a combination of open space, berms, landscape features, plant material, and/or alternative screening wall material, another boundary wall location, or a release from the requirement.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)*~~

9.06.070. ~~9.06.07.~~Non-Residential Fences

Fences for non-residential uses are allowed in accordance with the following limitations. Non-residential fences shall be constructed of materials that are architecturally compatible with the principal structure.

A. Fences located in the front and side setbacks abutting a local or collector-level street are allowed only with the following limitations:

1. Fences shall be limited to ~~four~~4 feet in height.
2. Fences shall be at least 50~~ percent (50~~%~~)~~ transparent. For example, a wrought iron fence or a picket fence with openings the width of the picket.
3. Chain link fences are prohibited within these locations.

B. Fences located in a required setback adjacent to a public right-of-way shall not be located in a public or landscape easement.

C. Fences located along a lot line shall not exceed ~~eight~~8 feet in height, unless otherwise specified in the Code.

D. The finished side of all fences built to comply with any provision of this Code shall face outward toward each adjoining property.

E. Sports fencing is allowed only with a setback from all property lines at a distance that is two times the height of the sports fence.

F. Exceptions

1. Fences for industrial uses may be located in any street setback, but no closer than ~~ten~~10 feet from the right-of-way line. Such fences may not exceed ~~six~~6 feet in height.
2. Fences for industrial and utility uses may use barbed wire above any conventional ~~six~~6-foot fence as long as the total height does not exceed ~~eight~~8 feet. Arms carrying barbed wire must extend inward or straight up. Such fences shall be located a minimum of 20 feet from a public right-of-way.
3. Fences using razor ribbon or razor tape are allowed only in conjunction with a jail or other public detention or correctional facility. Such fences shall be located a minimum of 40 feet from a public right-of-way.
4. Fences using materials required by another governmental entity for a stated safety or security purpose may be allowed using appropriate height, materials and locations determined by the Director.

9.06.080. ~~9.06.08.~~Alternative Fences

A. Outside of a Historic Overlay District

Through the Administrative Exception process detailed in ~~Section 3.16~~Section 3.14 of this Code, the Director or Building Official may consider alternatives to the provisions of this ~~S~~section except where super~~c~~seded by processes and restrictions of other areas of code including, ~~by~~but not limited to, Historic Overlay District requirements found in ~~Section 3.26~~Section 5.11. Justifiable reasons to consider an alternative include, but are not limited to, the protection of trees, the location of existing structures on a site, location and materials of existing fences, unique topographical or other physical constraints. In addition, the Director or Building Official is authorized to determine whether direct application of this ~~S~~section would create an unsightly effect and could be

better achieved with an alternative design. The Administrative Exception may be granted if the Director or Building Official determines that the proposed alternative clearly meets or exceeds the quality of design that this ~~S~~section seeks to promote and that the following assurances listed below are met.

The following may be proposed to the Director or Building Official for an alternative:

1. Fence location, as long as the alternative location does not affect health and safety standards and can be proven to be seamlessly integrated with the surrounding neighbors and design of the neighborhood.

2. Fence height, as long as evident safety concern arises from the height standards provided for in this section, notwithstanding the allowances in **Subsection 8.07.030.B.4.**
3. An Administrative Exception is not required for any health and safety determination, hazardous material security, or any other exceptions explicitly stated in this section. ~~\~~

~~**Note for Staff:** The reference to Subsection 8.07.030.B.4 do not appear to be correct and we do not see what section it is intending to reference. Does staff know what section is supposed to be referenced?~~

B. Within a Historic Overlay District

Through an administratively granted Certificate of Appropriateness, a property owner may request relief from the standards of ~~UDC~~ **Section** ~~8.07.040~~**9.06.040. Residential Fences** in the following circumstances:

1. The proposed fence is enclosing a rear yard
2. The proposed fence is setback from the edge of pavement a minimum of 10~~'~~ feet
3. The proposed fence meets the material standards of the design guidelines

For relief that does not meet the above the circumstances, a Certificate of Appropriateness may be requested for HARC review.

9.06.090. ~~9.06.09.~~Fences Required by Particular Zoning Uses

Chapter 6. Zoning Use Regulations~~**Chapter 5** of this Code~~ contains provisions for fencing materials, heights, and locations associated with particular uses that are allowed with limitations in certain ~~z~~Zoning ~~d~~Districts. Below are references to each such provision with the corresponding section number.

A. Day care—Subsection ~~**5.030.020.B.**~~**6.02.020.B.2**
B. Bed and breakfast—Subsections ~~**5.03.03.**~~**6.02.040.B.2** and **6.02.040.B.3** ~~**A**~~
C. Self-storage—Subsection ~~**5.03.05.B**~~**6.02.040.B.16**
D. Fuel sales—Subsection ~~**5.03.06E**~~ **6.02.040.B.22**
E. Intermediate ~~U~~utility ~~S~~services~~, Major~~—Subsection ~~**5.03.04.B**~~**6.02.030.B.2**
F. Outdoor storage—Subsection ~~**5.03.06.F**~~ **6.02.080**

Chapter 10. Tree Preservation ~~(New Chapter)~~

Section 10.01. General

10.01.010. ~~10.01.01.~~Purpose

~~-~~This chapter establishes requirements for the preservation and protection of native trees and ~~the provision of landscaping, buffering, and screening to provide for the orderly, attractive, and healthful development of land and~~ promote the health, safety, and general welfare of the community.

~~A. The regulations contained herein are necessary to protect the character and enhance the ecological, environmental, and aesthetic qualities of the community.~~

~~B. The use of landscape elements can contribute to air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement indicating that the use of landscape elements is of benefit to the health, welfare, and general wellbeing of the community and, therefore, it is proper that the use of such elements be required.~~

~~C. The City experiences frequent droughts; therefore, it is a purpose of this chapter to encourage the use of low-water, drought-tolerant plants and trees and the grouping of vegetation by water requirements.~~

~~D. The City recognizes the growing challenge of water supply locally and regionally, and the unique role summer peak water use typically related to higher irrigation use impacts utility system design and the need for additional water supply that can ultimately impact the cost of utilities for all water customers.~~

A. ~~E.~~The City values its indigenous and historic natural features; therefore, the placement of proposed buildings and improvements should be oriented in a manner that allows for the preservation of existing trees and native landscape. In addition, natural areas to be preserved should be integrated within the design of open space, screening, and landscaped areas.

B. ~~F.~~The purpose of the Tree Preservation regulations is to conserve, protect and enhance existing trees and natural landscapes that are healthy and contribute to the character, safety and health of the City and ETJ of Georgetown. It is recognized that the presence of trees contributes to the overall quality of life and environment of the community. Trees are an integral part of air quality, water absorption, water purification, and noise and heat abatement.

10.01.020. Authority

A. The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212 and the City Charter.

B. The provisions of this chapter are administered by the Director. For this chapter, appeals of the Director's decisions shall be made to the City Council utilizing the procedures set forth in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

10.01.030. ~~10.01.02.~~Applicability

This chapter applies to all properties located within the corporate limits and the extra-territorial jurisdiction (ETJ) of the City; however, each section applies differently depending on the specific use and location. Further clarification of the applicability of individual sections of this chapter can be found described within each section. ~~The provisions of this **Section 8.02** shall apply to all non-exempt property located within the city limits and extraterritorial jurisdiction (ETJ) of the City.~~

~~10.01.03. Exceptions~~

~~A. Exempt Properties~~

~~For the purposes of this chapter, the term "Exempt Properties" shall mean all Single-family and Two-family lots platted prior to February 13, 2007.~~

~~B. Hazardous Trees~~

~~1. Natural Disasters and Other Emergencies~~

~~If a Protected Tree or Heritage Tree is determined to be causing a danger or to be in a hazardous condition due to a natural disaster such as a tornado, fire, storm, flood, or other similar events that endangers public health, welfare, or safety, the requirements of this section may be waived as deemed necessary by the Planning Director. The Planning Director shall publish a standard for identifying a method of documenting the removal to qualify for this standard.~~

~~2. Airport Clear Zone~~

~~Protected and Heritage Trees located in the Airport Clear Zone are exempt from the requirements of this section. Map of airport clear zone can be found within the adopted Airport Master Plan.~~

~~3. Sight Triangles~~

~~If the Director determines a protected or Heritage Tree is interfering with the safe visibility at a sight triangle of an existing public street, the tree may be pruned in a manner consistent with this Chapter. If pruning is not sufficient to address the interference, the tree may be removed following approval of the Director without fulfilling the mitigation requirements of this chapter. Pruning shall be performed under the supervision of an International Society of Arboriculture (ISA) Certified Arborist.~~

~~4. Dead Trees~~

~~The provisions of the mitigation requirements do not apply to a Protected or Heritage Tree that is already dead, dying or fatally diseased prior to starting a project. The property owner must submit a report from a ISA certified arborist making such determination in writing, providing technical documentation for the determination. The Director may perform a site inspection to verify the accuracy of the determination.~~

~~5. Tree Nurseries~~

~~All licensed plant or tree nurseries only in relation to those trees planted and growing on the premises of said licensee, that are planted and growing for the sale or intended sale to the general public in the ordinary course of business.~~

~~C. Agriculture Exemptions~~

~~Property used agriculturally as defined by this Code shall be exempt from the requirements specified herein.~~

~~D. City of Georgetown Capital Improvement Projects~~

~~City of Georgetown utility and transportation capital improvement projects shall be exempt from the requirements of this section.~~

~~E. Public Utilities~~

~~Pruning the canopy of Protected Trees and Heritage Trees may be carried out by public utility providers in the City's right-of-way or public utility easement without prior approval by the Planning Director, if performed by or under the supervision of an International Society of Arboriculture (ISA) Certified Arborist. Removal of a Protected or Heritage Tree requested by any utility provider in the City's right-of-way or public utility easement must be submitted to the Planning Director for review and approval or through a right-of-way permit in accordance with Chapter 12.08 of the City Code of Ordinances.~~

10.01.040. ~~10.01.04.~~Essential Terms Defined

~~A. Protected Tree~~

~~Any tree, excluding Hackberry, Chinaberry, Ashe Juniper (cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite, that has a diameter at breast height (DBH) of 12 inches or larger, excluding Heritage Trees.~~

~~B. Heritage Tree~~

~~Any of the following tree species that has a DBH of 26 inches or larger: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia. The Heritage Tree classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit.~~

~~C. Diameter Breast Height (DBH)~~

~~The diameter of a tree measured at four and one-half feet above ground, as further defined in Chapter 16. Multi-Stem Tree Measurement: The DBH of a tree with more than one trunk shall be calculated as the sum of the DBH of the largest trunk and one-half the sum of the remaining trunks. Trees over ½" shall be rounded up to the nearest whole tree. Trees under ½" shall be rounded down to the nearest whole tree. For example, a tree measuring 12.2 inches in diameter at breast height (DBH) would be recorded as 12 inches and a tree measuring 12.7 inches in DBH would be recorded as 13 inches.~~

A. ~~D.~~Construction

Any manmade change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations, grading, clearing, or removing the vegetative cover. Exclusions from this definition include maintenance of lawns, gardens, and trees; minimal clearing of vegetation for surveying; and bona fide agricultural activities.

~~E. Critical Root Zone (CRZ)~~

~~A circular region measured outward from the tree trunk representing the essential root area that must be protected for the tree's survival and is calculated as one foot of radial distance for every one inch of DBH.~~

~~F. Critical Root Zone Protection Zone~~

~~An area that constitutes at least 50 percent (50%) of the total CRZ and includes one-half the radial distance of the CRZ for each tree being preserved~~

~~G.Critical Root Protection Plan~~

~~A plan that graphically identifies Protected Trees and Heritage Trees and clearly delineates the Critical Root Zone to be protected for each tree scheduled to remain on site.~~

~~H.Mitigation Inches~~

~~The inches used to calculate owed mitigation and calculated by applying any prescribed mitigation ratios to DBH inches of removed Heritage and Protected trees.~~

B. ~~I.~~Credit Inches

The inches used to calculate credit toward mitigation and calculated by applying any prescribed credit ratios to DBH or caliper inches of onsite credit trees or replacement trees as applicable. Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite Trees shall not be considered towards credit inches. Excludes inches of any tree which is located within a public right-of-way dedicated to:

1. The City of Georgetown
2. Williamson County
3. State of Texas

C. Critical Root Zone (CRZ)

A circular region measured outward from the tree trunk representing the essential root area that must be protected for the tree's survival and is calculated as ~~one~~1 foot of radial distance for every ~~one~~1 inch of DBH.

D. Critical Root ~~Zone~~ Protection Plan

A plan that graphically identifies Protected Trees and Heritage Trees and clearly delineates the Critical Root Zone to be protected for each tree scheduled to remain on site.

E. Critical Root Zone Protection Zone

An area that constitutes at least 50~~ percent (50~~%~~)~~ of the total CRZ and includes one-half the radial distance of the CRZ for each tree being preserved.

F. Diameter Breast Height (DBH)

The diameter of a tree measured at ~~four and one-half~~4.5 feet above ground, as further defined in **Chapter 18**.

G. ~~J.~~Disturbance to a Tree

Cut or fill that is greater than ~~four~~4 inches in depth, the severing of major roots, the placement of debris or fill, the cleaning, parking, storage, or active use of equipment or materials, or the disposal of any waste material harmful to tree growth and~~-~~ health, such as, but not limited to, paint, oil, solvents, asphalt, concrete, or mortar.

H. Existing Tree

Existing trees with a DBH of at least ~~three~~3 inches that remain on a site subject to the above health and CRZ protection requirements of this code, excluding trees located within the ~~ROW~~right-of-way and excluding Hackberry, Chinaberry, Ashe Juniper (~~c~~Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite.

I. Heritage Tree

Any of the following tree species that has a DBH of 26 inches or larger: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia. The Heritage Tree classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit.

J. Mitigation Inches

The inches used to calculate owed mitigation and calculated by applying any prescribed mitigation ratios to DBH inches of removed Heritage and Protected ~~t~~Trees.

K. Multi-Stem Tree Measurement~~:~~

The DBH of a tree with more than one trunk shall be calculated as the ~~sum of the DBH of the~~ largest trunk ~~and~~plus one-half the sum of the remaining trunks. Trees over ½" shall be rounded up to the nearest whole ~~tree~~inch. Trees under ½" shall be rounded down to the nearest whole tree. For example, a tree measuring 12.2 inches in diameter at breast height (DBH) would be recorded as 12 inches and a tree measuring 12.7 inches in DBH would be recorded as 13 inches.

L. Non-Residential

All other uses, not specified as Residential, including Multifamily

M. Protected Tree

Any tree, excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite, that has a diameter at breast height (DBH) of 12 inches or larger, excluding Heritage Trees.

N. ~~K.~~Removed Tree

Any of the following actions shall constitute a removed tree requiring mitigation:

1. ~~If~~ The proposed or actual protection of the CRZ of a tree does not meet the requirements of this section~~, then the tree shall be considered removed and shall require mitigation~~.
2. Topping or excessively pruning more than 30 ~~percent (30~~%~~)~~ of the viable portion of a Protected (non-residential only) or Heritage Tree crown.
3. Removing the tree from its physical location or dismantling tree in sections including any tree which is uprooted, cut down, toppled, poisoned, or burned.

~~L. Existing Tree~~For 1. and 2. above, mitigation shall only be required where one or both of these maximums are exceeded.

~~Existing trees with a DBH of least three inches that remain on a site subject to the above health and CRZ protection requirements of this code, excluding trees located within the ROW and excluding Hackberry, Chinaberry, Ashe Juniper (cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite.~~

~~M. Tree Survey:~~

~~A drawing showing the size, location, species and critical root zone of all existing Protected Trees, Heritage *Trees*, and any trees to be used as credit. A table summarizing the total number of inches, in accordance with generally accepted methods of International Society of Arboriculture (ISA) shall be provided. See the UDC Development Manual and the Landscape and *Tree* Technical Standards for more information on the submission requirements *Tree* Surveys shall be valid for a period of ten years with recertification of any *trees* shown on the survey to have a DBH of 24-25 inches or 10-11 inches after five years.~~

O. Residential

Single-family, Two-family, and Townhouse development.

P. ~~N.~~Tree Inventory

Prepared by an arborist ~~licensed~~certified by the International Society of Arboriculture (ISA) and containing the tree survey and additional information describing the health of the trees being surveyed. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Inventories shall be valid for a period of ~~ten~~10 years with recertification of any trees shown on the survey to have a DBH of ~~ten~~10 to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long term projects that extend longer than ~~ten~~10 years.

Q. ~~O.~~Tree Preservation Plan

A plan that graphically represents the Tree Schedule and identifies all protected, heritage and credit trees, indicating those being preserved and those being proposed for removal.

R. Tree Survey~~:~~

A drawing showing the size, location, species and critical root zone of all existing Protected Trees, Heritage Trees, and any trees to be used as credit. A table summarizing the total number of inches, in accordance with generally

accepted methods of International Society of Arboriculture (ISA) shall be provided. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Surveys shall be valid for a period of ~~ten~~10 years with recertification of any trees shown on the survey to have a DBH of 24-25 inches or 10-11 inches after five years.

S. The definitions in **Chapter 18** of this Code shall apply to these and other terms within this chapter.

10.01.050. ~~Section 10.02.~~Unified Development Code Development Manual

The Unified Development Code Development Manual is a companion document to this Code, containing templates for Tree Surveys, Tree Preservation ~~Standards~~ Plans, landscape and tree calculations, and other relevant information for completing a Site Plan or other required process. The Development Manual also contains the City plant lists, including the preferred, prohibited, and controlled plant lists, and the landscape and tree technical standards (Technical Standards) which provides technical guidance for the selection, planting. and maintenance of plants required by this Code.

Section 10.02. Tree Preservation

10.02.010. ~~10.02.01.~~Applicability

The provisions of this ~~Section 8.02~~**Section 10.02** shall apply to all non-exempt property located within the city limits and extraterritorial jurisdiction (ETJ) of the City.

10.02.020. ~~10.02.02.General Standards~~Tree Preservation Incentives and Priorities

A. The City values its trees, and therefore, Protected and Heritage Tree protection may be considered for priority over conflicting UDC development requirements including, but not limited to, setbacks, lot design standards, building heights, sidewalks, lighting, signage, parking design and numbers, drainage criteria, connectivity, driveway separation, and utility extension and location.

B. If there is a conflict between a Protected or Heritage Tree protection and other provisions of this Code, the applicant may request an alternative standard or design, provided that public health and safety shall be maintained with all proposed designs. An alternative standard or design that gives priority to Protected or Heritage Tree protection may be approved by the Director through an application for an Administrative Exception under the provisions of UDC ~~Section 3.16~~**Section 3.14**.

C. All preserved trees may also be credited toward~~s~~ the landscape requirements of this ~~c~~Code as applicable.

D. The Director may increase the amount of permitted impervious cover up to ~~five percent (~~5%~~)~~ for the preservation of Protected Trees beyond the amount required by **Subsection** ~~8.02.030.E. A one-percent (~~**10.02.030.B**. A 1%~~)~~ increase in impervious cover may be granted for each ~~one percent (~~1%~~)~~ of Protected Trees preserved beyond the minimum required per ~~Table 8.02.030~~**Subsection 10.02.030.B**. For example, a site required to preserve a minimum of 30~~ percent (30~~%~~)~~ of total Protected Trees may receive a ~~three percent (~~3%~~)~~ impervious cover bonus by preserving 33~~ percent (33~~%~~)~~ of the Protected Trees on a site. The maximum impervious cover shall not exceed that specified in **Section** ~~11.02.010.~~**13.02.010**.

E. The Parkland dedication requirement may be reduced if a Heritage Tree is saved and 100% of the CRZ is protected within the dedicated Parkland lot in accordance with **Section** ~~13.08.030.D~~**15.08.030.D. Credit for Heritage Tree Preservation** of this Code, subject to approval by the Parks and Recreation Director.

F. The Director may approve a reduction in the number of parking spaces required by ~~ten percent (~~10%~~)~~ for the preservation of each Heritage Tree~~,~~ or each Protected Tree. A maximum of a 30~~ percent (30~~%~~)~~ total reduction may be granted under this provision. Any reduction shall only be granted upon demonstration that the reduction is responsible for the preservation of the applicable trees~~-~~.

10.02.030. Heritage and Protected Tree Removal

A. Heritage Trees

Heritage Trees on any property located within the city limits and its ETJ may be removed only with either (1) the approval of a Tree Removal Permit pursuant to **Chapter 3** of the UDC or (2) the approval of a development permit authorizing the removal. Heritage Trees shall not be removed or damaged in rights-of-way or easements, unless specifically approved by the Planning Director.

B. Protected Trees

Protected Trees on non-residential property located within the city limits and its ETJ may be removed with either (1) the approval of a Tree Removal Permit pursuant to **Chapter 3** of the UDC or (2) the approval a development permit authorizing the removal. For removal of a Protected Tree as part of development of the property the following preservation requirements will apply:

1. The minimum percentage of Protected Tree inches required to be preserved on site shall be 20%. For multi-site unified developments, the tree preservation percentages may be averaged over the entire development provided it is identified as such on the Subdivision Plat or Site Development Plan for the development. Mitigation shall be required for trees approved for removal, using the calculations detailed in **Subsection 10.02.040.A.1**.

2. An applicant may preserve less than the minimum percentage~~s~~ ~~in Table 8.02.030~~of 20% provided that the inches of trees removed beyond the minimum required to be preserved be mitigated at a rate of one~~-~~-and~~-~~-one-half times the calculations required in **Section 9.03.020.**

C. Unless otherwise allowed by this chapter, no property shall be clear-cut or selectively cleared, nor shall a Protected Tree or Heritage Tree be removed, without first securing the necessary approval from the City.

D. Exceptions

Removal of a Heritage or Protected Tree, that otherwise requires City approval, will not require a permit or other approval from the City in the following situations:

1. Hazardous Trees

a. Natural Disasters and Other Emergencies

If a Protected Tree or Heritage Tree is determined to be causing a danger or to be in a hazardous condition due to a natural disaster such as a tornado, fire, storm, flood, or other similar events that endangers public health, welfare, or safety, the requirements of this section may be waived as deemed necessary by the Planning Director.~~-~~ The Planning Director shall publish requirements for documenting the removal to qualify for this standard.

b. Airport Clear Zone

Protected and Heritage Trees located in the Runway Protection Zone, the Airport Clear Zone, or any other area on the Airport in which trees must be removed based upon the rules and regulations of the Federal Aviation Administration are exempt from the requirements of this section.

c. Sight Triangles

If the Development Engineer determines a protected or Heritage Tree is interfering with the safe visibility at a sight triangle of an existing public street, the tree may be removed without fulfilling the mitigation requirements of this chapter.

d. Dead Trees

The provisions of the mitigation requirements do not apply to a Protected or Heritage Tree that is already dead or fatally diseased prior to starting a project. Determination shall be made by a Certified Arborist to execute this exemption.

2. Agriculture Exemptions

Property used agriculturally as defined by this Code shall be exempt from the requirements specified herein.

3. City of Georgetown Capital Improvement Projects

City of Georgetown utility and transportation capital improvement projects shall be exempt from the requirements of this section.

4. Public Utilities

Pruning the canopy of Protected Trees and Heritage Trees may be carried out by public utility providers in the City's right-of-way or public utility easement without prior approval by the Planning Director, if performed by or under the supervision of an International Society of Arboriculture (ISA) Certified Arborist. Removal of a Protected or Heritage Tree requested by any utility provider in the City's right-of-way or public utility easement must be submitted to the Planning Director for review and approval or through a right-of-way permit in accordance with Chapter 12.08 of the City Code of Ordinances.

5. Platted Residential Exemption

All Residential lots as defined by this chapter platted prior to February 13, 2007.

10.02.040. Tree Retention Standards

A. ~~G.~~Critical Root Zones

1. All construction or disturbance shall occur outside of the Critical Root Zone Protection Zone unless specifically approved.
2. The Planning Director may approve construction or disturbance closer to the trunk than one-half the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation, if acceptable ~~supplemental nutrients and/or soil aeration~~mitigative efforts through an approved care plan from an ISA Certified Arborist are provided and the probable survival rate of the tree is high. In such circumstances, the Director may require the property owner provide a written report from an ISA ~~c~~Certified ~~a~~Arborist documenting additional tree care prescriptions.
3. Trees grow their root systems in response to the conditions and limitations of their particular location. Root systems may not reflect the standard Critical Root Zone configuration described in this chapter. When previous development or existing conditions have prevented root growth within some portion of the CRZ, the Planning Director will consider proposals for a modified CRZ. A standard CRZ may include areas where roots are not present, such as beneath streets or under foundations. The modified CRZ provides design flexibility in these scenarios. The Planning Director may require an ISA ~~c~~Certified ~~a~~Arborist to demonstrate the location of roots prior to approving a modification to the CRZ.

B. ~~H.~~Any person who removes a Protected or Heritage Tree in violation of this chapter, accidentally or otherwise, shall be required to comply with the mitigation provisions of this section, and, if the act is intentional, to pay a fine for each tree that is removed, as allowed by law, in addition to any penalties pursuant to ~~Chapter 15~~**Chapter**

17. Enforcement. Mitigation for projects without active permits shall be based on the mitigation provisions applicable at the time of the violation, not those at the time of platting or other approval.

C. ~~I.~~Protected and Heritage Trees may be transplanted to a suitable location either on the same property or off-site, as approved by the Planning Director.

D. ~~J.~~Trees to be retained for mitigation or credit shall be encircled with protective fencing in advance of construction in accordance with the standards as adopted in sections within this UDC and ~~t~~Technical ~~s~~Specifications.

~~10.02.03. Heritage Trees~~

~~A. Applicability~~

~~The requirements of this chapter as they relate to Heritage Trees shall be applicable to all development within the City's jurisdiction including both residential and non-residential development, unless otherwise exempted by chapter.~~

~~B. Removal~~

~~Heritage Trees may be removed only with the approval of a Heritage Tree removal permit, per Section 3.23 of this Code, and after the required mitigation has been provided. Heritage Trees shall not be removed or damaged in rights-of-way or easements, unless specifically approved by the Planning Director.~~

~~10.02.04. Protected Trees~~

~~A. Applicability~~

~~The requirements of this chapter as they relate to Protected Trees shall be applicable to all non-residential development within the City's jurisdiction.~~

~~B. Preservation Requirements~~

~~1. The minimum percentage of Protected Tree inches required to be preserved on site shall be based on the average density of all Protected Trees on the site. For multi-site unified developments, the tree preservation percentages may be averaged over the entire development provided it is identified as such on the Subdivision Plat or Site Development Plan for the development. Densities shall be determined based on the Tree Survey. Mitigation shall be required for trees approved for removal, using the calculations detailed in Subsection 8.02.040.C.~~

~~Table 8.02.030 Required Protected Tree Preservation~~

~~Average Tree Density~~	~~Minimum Percentage of Protected Tree Inches Required to be Preserved~~
~~1—10 trees per acre~~	~~30%~~
~~11+ trees per acre~~	~~20%~~

~~2. An applicant may preserve less than the minimum percentages in Table 8.02.030 provided that the inches of trees removed beyond the minimum required to be preserved be mitigated at a rate of one and one-half times the calculations required in Section 8.04.020.~~

10.02.050. ~~Section 10.03.~~Tree Mitigation

The following tree mitigation requirements ~~shall be applied when~~apply to the removal of a ~~p~~Protected ~~tree, including heritage trees, for which a Tree Permit or Development Permit is required, is critically altered or removed~~or Heritage Tree requiring approval pursuant to **Section 10.02.020.C.**

A. ~~10.03.01.~~General Standards

1. ~~A.~~Options for Mitigation

Mitigation may be achieved through the following ways:

a. ~~1.c~~Credit of existing trees on~~-~~-site,

b. ~~2.r~~Replacement trees planted either on- or off-site,

c. ~~3.~~Soil Aeration and ~~s~~Supplemental ~~nutrition and aeration~~Nutrients or Other Supplemental Treatment,

d. ~~4.c~~Cost of tree infrastructure,

e. ~~5.p~~Payment-in-lieu of replacement trees, or

f. ~~6. a~~A combination thereof.

2. ~~B.~~Mitigation Ratios

The tree mitigation inch-to-inch ratio applies to the DBH of the trees to be removed.

a. ~~1.~~Protected Trees

(i) Mitigation shall be provided at a 1:1 inch basis for the total diameter inches of Protected Trees removed with a DBH of less than 26 inches.

~~2. Heritage Trees~~

~~Mitigation shall be provided at a 3:1 inch basis for the total diameter inches of Heritage Trees removed~~

~~3. Other Trees~~

(ii) Mitigation shall be provided at a 2:1 inch basis for the total diameter inches of ~~any~~ Protected Trees removed with a DBH of 26 inches or greater that ~~is~~are not ~~a~~ Heritage Tree species.

b. Heritage Trees

Mitigation shall be provided at a 3:1 inch basis for the total diameter inches of Heritage Trees removed.

3. ~~C.~~Mitigation for ~~ROW~~Right-of-Way ~~d~~Dedication

Where ~~ROW~~right-of-way dedication is required, but no ~~public improvements are required to be constructed as a part of the scope of work~~tree removals are authorized through the permit or process by which the right-of-way is dedicated, mitigation is not owed. At the time that ~~those public improvements are constructed~~a permit authorizes the removal of trees within the right-of-way, mitigation shall be due from the party ~~constructing the public improvements~~seeking the permit.

B. ~~10.03.02.~~ Mitigation by On-Site Credit Trees

Table ~~9.03.02~~10.02.050-1. Mitigation by On-site Credit Tree Summary

Size of Tree	Credit Inches (Residential)	Credit Inches (Non-Residential)
3-11" DBH	1:1 Credit Inches	1:1 Credit Inches
Protected Trees	1:1 Credit Inches	---
Heritage Trees	---	3:1 Credit Inches for Heritage tree inches preserved in excess of 50% and only

Size of Tree	Credit Inches (Residential)	Credit Inches (Non-Residential)
		when more than 50% of Heritage tree inches are preserved

1. ~~A.~~Mitigation Credit

   Credit Inches may apply toward~~s~~ 100 ~~percent~~% of the required mitigation inches.

2. ~~B.~~Documentation

   Credit trees shall be indicated on a Tree Survey, Tree Inventory, and Mitigation Plan.

3. ~~C.~~Location Requirements

   Trees shall meet the following locational requirements. Trees shall not be located in areas that:

   a. ~~1.~~Have been graded, cleared of vegetation, or used for construction access or staging during development.

   b. ~~2.~~Have been set aside and planned for future development (parking, proposed building footprint, or any other areas to be disturbed by future development).

   c. ~~3.~~Are located within a Public Utility Easement.

   d. ~~4.~~Might impact the sight visibility zones of adjacent or future streets.

   e. ~~5.~~Are determined by the Director to be unsuitable based on specific site conditions.

4. ~~D.~~Tree Health

   Determination of credit shall be based on the following: assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree. Trees found to be in poor health, in decline, or presence of disease shall not be used as credit.

5. ~~E.~~Critical Root Zone Protection

   a. ~~1.~~**3~~–~~ to 6-inch DBH:** Existing shade trees that remain on a site shall protect the full Critical Root Zone from construction and disturbance.

   b. ~~2.~~**All other preserved trees:** Subject to the general standard for Critical Root Zone protection as described by ~~*Tree Preservation Standards A. 7.*~~**Subsection 10.02.040.A** for each tree being preserved, including Protected Trees, Heritage Trees, and any other trees for which credit for preservation is to be assigned per this chapter. This defined area shall be flagged and encircled with protective fencing during construction.

6. ~~F.~~Tree Credit by Development Type and Tree Size

   Trees shall be credited for mitigation based on the development types listed below. Subject to the above health and location requirements.

   a. ~~1.~~**Non-residential:**

   (i) ~~a.~~**3**~~-11"~~ **to 11-inch DBH:** Existing trees classified as shade trees by the Preferred Plant List adopted through the Development Manual that remain and meet the health, location, and protection requirement outlined above shall be credited at a mitigation ratio of 1:1 ratio credit as inches.

(ii) ~~b.~~**Heritage Trees:** Non-residential developments preserving more than 50% of Heritage tree inches, may be used for credit at a 3:1 ratio as credit inches. All health, location, and protection requirements outlined above shall be met.

(iii) **Ornamental Trees:** Existing trees classified as Ornamental Trees by the Preferred Plant List adopted through the Development Manual may be considered on-site credit trees and shall be credited at a 1:1 ratio as credit inches.

b. ~~2.~~**Residential:**

(i) ~~a.~~**3"-inch DBH ~~Protected~~or Larger non-Heritage Trees:** Existing trees classified as shade trees by the Preferred Plant List adopted through the Development Manual, excluding Heritage Trees, that remain and meet the health, location, and protection requirement outlined above shall be credited at a 1:1 ratio as credit inches.

(ii) ~~G.~~**Ornamental Trees:** Existing

~~T~~trees classified as Ornamental Trees by the Preferred Plant List adopted through the Development Manual may be considered on-site credit trees and shall be credited at a 1:1 ratio as credit inches.

C. ~~10.03.03.~~Mitigation by ~~Planting On-Site~~ Replacement Trees Planted on Site

Table ~~9.03.03~~10.02.050-2. Mitigation by ~~Planting On-Site~~ Replacement Trees Planted on Site Summary

~~Size~~Location of Tree	Credit Inches
Trees planted on the western or southern exposures of a residential structure~~s~~	~~a~~A credit of 1.5-:1 the total inches planted shall be applied
Trees planted in public street ROW, median lots, or public parks/public amenities, common recreation areas	~~a~~A credit of 2:1 the total inches planted shall be applied~~.~~
On-site replacement trees planted on residential lots shall be credited toward the mitigation requirements of a residential development	~~a~~A credit of 1:1 the total inches planted shall be applied.
Trees planted on residential lots for residential landscaping requirements shall be credited toward the mitigation requirements of a residential development	~~a~~A credit of 1:1 the total inches planted shall be applied.

1. ~~A.~~Type of ~~t~~Trees

   All replacement trees used for mitigation shall be from the preferred plant list and generally reach the same size at maturity as the tree(s) removed.

2. ~~B.~~Landscaping Credit

   Trees planted for mitigation may be used as credit towards the landscaping -requirements for residential and non-residential development as applicable.

3. ~~C.~~Location of Trees Planted

   a. ~~1.~~Planted on the western or southern exposures of a habitable building for credit must be located a minimum of ~~ten (~~10~~)~~ feet but a maximum of ~~thirty (~~30~~)~~ feet in distance from the building.

   b. ~~2.~~Trees planted along dedicated public street right-of-way, median lots, or parks/public amenities for credit must meet the clear zone and other applicable requirements of this code.

c. ~~3.~~Spacing of trees to allow for full growth of the tree must be maintained at the time of planting; See **Section 9.05.030. Installation Requirements** for detailed installation requirements.

D. ~~10.03.04.~~Mitigation by Soil Aeration and Supplemental Nutrients or Other Supplemental Treatment

An applicant may spend up to 75 ~~percent (75~~%~~)~~ of the total cost of required mitigation (based on fee-in-lieu calculation) for soil aeration, supplemental nutrients, removal of harmful vegetation and/or other supplemental treatment for on-site trees within the limits of construction, per the Technical Standards. The materials and methods for soil aeration, supplemental nutrition, removal of harmful vegetation, or other supplemental treatment mitigation shall be approved by the Director prior to final application approval. Soil aeration treatment shall commence after the completion of all site construction and prior to any landscape installation. All treated areas shall be mulched and remain un-compacted.

1. ~~10.03.05.~~Costs estimates shall be provided to the City for review and approval prior to approval of any Plans. Prior to final acceptance, the total cost of actual installation as evidenced by paid receipts shall be submitted to the City for review and approval with any Record Drawing changes, and Total Fee Due amended and paid or refunded, accordingly.

E. Mitigation by Cost of Tree Infrastructure

An applicant may spend up to ~~seventy-five percent (~~75%~~)~~ of total costs of required mitigation (based on fee-in-lieu calculation) for costs of tree infrastructure for newly planted trees, or tree preservation.~~-~~ For purposes of this ~~S~~section, tree infrastructure includes the installation of root barriers and modular suspended pavement framing systems which are required and approved for use by the Director and Development Engineer for any trees which are located within a dedicated public street right~~-~~-of~~-~~-way or City of Georgetown Easement, or which are installed within portions of the Critical Root Zone within a public right of way of City of Georgetown Easement.

1. ~~A.~~ Trees eligible for this reduction must be provided a minimum square footage of pervious cover surrounding the tree as approved by the City.

2. ~~B.~~Costs estimates shall be provided to the City for review and approval prior to approval of any Plans.~~-~~ Prior to final acceptance, the total cost of actual installation as evidenced by paid receipts shall be submitted to the City for review and approval with any Record Drawing changes, and Total Fee Due amended and paid or refunded, accordingly.

3. ~~C.~~Trees planted within any public street rights~~-~~-of~~-~~-way dedicated to the City shall require a ~~l~~License to ~~e~~Encroach, including a commitment to maintain the trees.

F. ~~10.03.06.~~Mitigation by Payment~~-~~-in-lieu of Replacement Trees

While the primary goal is to retain and replant trees on a development site, when some or all of the required mitigation trees cannot feasibly be planted in any area of the development site or in a nearby park or other public property, the applicant shall pay a fee-in-lieu of planting mitigation trees. Payment is due per Mitigation Inch at a rate set by City Council resolution. ~~The funds shall be dedicated solely to tree planting and care and other tree preservation activities.~~ Refer to the fee schedule on the City's Development Manual for the current rates.

The funds shall be dedicated solely to tree planting, ~~and~~tree care, and ~~other~~public tree education and preservation activities. The payment(s) shall be made prior to final approval of the development application authorizing the removal of the tree(s). Upon request to the Planning Director, a reimbursement of mitigation payment may be issued due to deviations from the approved Tree Mitigation Plan during construction of a project. At the approval of the Planning Director, a reimbursement of mitigation fees paid may be requested for ~~the preservation of any tree identified on~~changes to the Tree Preservation Plan ~~as "removed"~~ at time of final inspection.

Section 10.03. Review and Approval Process

10.03.010. ~~Section 10.04.~~Tree Preservation Permitting

~~Table 9.04 Tree Preservation Summary of Permitting~~

	~~Tree Preservation Plan/ Tree Inventory~~	~~CRZ Plan~~	~~Mitigation Plan~~	~~Payment or Plantings Due Before Approval~~	~~Residential Landscaping Plan~~
~~PUD/Special District~~	~~X~~				
~~Preliminary Plat~~	~~X~~		~~X~~		
~~Stormwater Permit (SWP)~~	~~X (if not submitted when property was platted)~~		~~X~~	~~X~~	
~~Construction Plans (CON)~~	~~X~~	~~X~~	~~X~~	~~X~~	
~~Final Plat (FP)~~	~~X~~	~~X~~	~~X~~	~~X~~ ~~(if not part of CON or SWP)~~	
~~Site Development Permit (SDP)~~	~~X~~	~~X~~	~~X~~	~~X~~ ~~(if not part of final plat)~~	
~~Residential Building Permit~~					~~X~~ ~~(part of plot plan showing preservation of trees noted on final plat)~~

A. ~~10.04.01.~~General

1. ~~A.~~Heritage Trees shall be graphically identified on ~~**Subdivision Plats**~~certain plats identified in the Development Manual, and ~~**the**~~all plats shall contain a note stating that such trees cannot be removed without prior consent from the City.
2. ~~B.~~Each plat shall contain certification, with a plat note, that all individual lots containing Heritage Trees are configured and designed so that the lot is developable for the intended purpose without requiring removal of the Heritage Tree or exceeding the percentage of allowable disturbance within the Heritage Tree CRZ~~-~~.
3. ~~C.~~A pruning permit shall be required pursuant to **Chapter 3** of the UDC for pruning of Heritage Trees. All approved pruning must be performed by an International Society of Arboriculture (ISA) Certified Arborist or

under the supervision of an ISA Certified Arborist, and must follow the American National Standards Institute (ANSI) A300 standards. Heritage Tree pruning permits do not apply to lots containing constructed single-family and two-family dwellings.

B. ~~10.04.02.~~Tree Survey and Preservation Plan

~~A.~~ Tree Survey and Preservation Plan shall be provided with each residential subdivision application and with each non-residential development application, unless otherwise noted. Requirements for a tree survey and preservation plan are outlined within the Development Manual.

1. No grading, excavation, trenching, or tree removal shall occur until the Tree Preservation Plan has been approved and tree protection fencing is in place.
2. Each residential lot shall demonstrate an ability to meet all setbacks without the removal of Heritage Trees and encroachment into the Critical Root Zone Protection Zone.
3. Development within a public park may request tree survey and preservation plan be limited to limits of construction.

C. ~~10.04.03.~~Tree Inventory

~~A.~~ A Tree Inventory shall be prepared by an arborist licensed by the International Society of Arboriculture (ISA). Requirements for a tree inventory are outlined within the Development Manual.~~-~~ A Tree Inventory shall be required when:

1. A Tree Preservation Plan proposes to satisfy, in any part, the mitigation requirements with on-site credit trees~~,~~;
2. A residential subdivision or Site Development Plan is to be planned and developed in three or more phases~~,~~; or
3. Alternative tree preservation and mitigation standards are being requested through a Planned Unit Development (PUD), a Development Agreement, a Request for the Creation of a Municipal Utility District (MUD), or a Subdivision ~~Variance~~Waiver.

D. ~~10.04.04.~~Tree Schedule

A tree schedule shall accompany a Tree Survey and shall indicate the status of all surveyed trees on site.

E. ~~10.04.05.~~Critical Root Zone (CRZ) Protection Plan, If Applicable

A CRZ protection plan is required for residential subdivision Construction Plans or any non-residential development application required by and subject to the provisions of this Code where Heritage Trees, Protected Trees, or Credit Trees are present and are planned to remain showing where tree protection fencing will be located. City tree protection details from the Technical Standards shall be included with the plan.

F. ~~10.04.06.~~Mitigation Plan

A Mitigation Plan shall include the mitigation required by this chapter any time trees requiring mitigation are proposed to be removed. The Mitigation Plan shall identify each tree to be removed (as indicated on the Tree Preservation Plan), label the DBH and status (Protected or Heritage Tree), and identify which mitigation option is proposed to be used. If mitigation is to be met by the ~~on~~On-Site Development Planting of trees, a mitigation tree planting plan shall be included depicting the location, size, species of the trees, and timing of installation. If Heritage Tree mitigation is required, a separate line item from the Protected Tree mitigation shall be required.

~~10.04.07. Residential Building Permit Review- Landscape Plan~~

~~A.~~ A Landscape Plan shall be submitted for all new residential development at the time of building permit review. The plan shall show the following:

1. Proposed location and species of required trees to be planted.
2. Any heritage or landscape credit trees proposed to be preserved shall also include location of the preserved tree and the following:
   a. Compliance with protection of the critical root protection zone.
   b. Fenced protection during construction per this chapter and the Technical Standards.

Chapter 11. Off-Street Parking, Circulation, and Loading ~~(Chapter 9)~~

Section 11.01. General

11.01.010. ~~11.01.01.~~ Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

11.01.020. ~~11.01.02.~~Purpose

Off-street parking and loading requirements are established to ensure that all developments within the City provide adequate and reasonable parking necessary to serve the development or use.

11.01.030. ~~11.01.03.~~Applicability

Off-street parking and loading standards required by this chapter apply within Georgetown's city limits in the following circumstances, in addition to any additional standards or requirements provided for this Code:

A. New Development

The off-street parking and loading standards apply to any new building constructed and to any new use established.

B. Expansions and Alterations

The off-street parking and loading standards may be required for compliance when an existing structure or use is expanded or enlarged, as provided in ~~Chapter 14~~Chapter 16 of this Code.

C. Change in Use

The off-street parking and loading standards may be required for compliance if a use changes, as provided in ~~Chapter 14~~Chapter 16 of this Code.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

11.01.040. ~~11.01.04.~~Timing of Installation

Required parking spaces and drives will be ready for use and approved by the Director prior to issuance of a Certificate of Occupancy.

Section 11.02. Parking Requirements

11.02.010. ~~11.02.01.~~Minimum Requirements

Existing parking and loading spaces may not be reduced below the requirements established in this section without approval of an Alternative Parking Plan by the Director. Any change in use that increases applicable off-street parking or loading requirements shall use the provisions in ~~Chapter 14~~Chapter 16. **Nonconformities** to determine the necessary improvements.

11.02.020. ~~11.02.02.~~Parking Surface

All off-street parking spaces shall be constructed of a Paved Surface, as defined in this Code, whether meeting or exceeding the minimum requirements, unless otherwise approved by the Planning Director.

11.02.030. ~~11.02.03.~~Parking Exceeding Minimum Requirements

~~A. Maximum Requirements~~

~~1. For development that requires 20 spaces or less, new development shall not provide more than 50% more than the minimum number of off-street vehicular parking spaces in Table 9.02.030 based on the proposed uses(s).~~

~~2. For development that requires more than 20 spaces, new development shall not provide more than 10% percent more than the minimum number of off-street vehicular parking spaces in Table 9.02.030 based on the proposed uses(s).~~

A. ~~B.~~Pursuant to **Subsection** ~~8.04.040.B.2~~9.03.050.B.2, each parking stall in excess of the required shall be calculated as one-and- ~~one~~ half stalls for purposes of the required shade trees.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

11.02.040. ~~11.02.04.~~Off-Street Parking Requirements

A. Off-Street Parking Requirements Table

The following table lists minimum off-street parking requirements by land use category.

Table 11.02.040-1.~~Table 9.02.030.A:~~ Off-Street Parking Requirements*

~~#~~	Use Category	Specific Use	General Requirement
	Residential Uses		
~~1~~	Household Living	Multi-family - Senior	1 per dwelling unit + additional 5% of total spaces for visitor use
~~2~~		Multi-family	1.5 per 1-bedroom unit 2 per 2-bedroom unit 2.5 per 3-bedroom unit + additional 5% of total spaces for visitor use
~~3~~		~~Workforce Housing~~	~~1 per dwelling unit + additional 5% of total spaces for visitor use~~
~~4~~		All other household dwellings	2 per dwelling unit
~~5~~	Group Living	Nursing Home/Hospice/Assisted Living	1 per bedroom
~~6~~		All other Group Living	1 per bedroom
	Civic Uses		
~~7~~	Educational and Day Care Facilities	Family Home Day Care	2 per home
~~8~~		Group Day Care	6 per home
~~9~~		Commercial Day Care	1 per 400 ft^2 GFA

~~Note to City Staff: Consider reducing the number of required parking spaces to one for all residential or only in the overlays where the lot sizes are smaller.~~

~~#~~	Use Category	Specific Use	General Requirement
~~10~~		Elementary or Middle Schools	1.5 per classroom + 1 per 2.5 seats capacity for auditoriums and flexible space
~~11~~		All other Educational Facilities	10 per classroom + 1 per 2.5 seats capacity for auditoriums and flexible space
~~12~~	~~Government and Community Facilities~~		
	Government and Community Facilities	All Government/Post Office/Community Facilities	1 per 300 ft^2 GFA + 1 per fleet vehicle
~~13~~	Medical and Institutional Facilities	Hospitals	1 per 2 patient beds
~~14~~		All other Institutions	1 per 300 ft^2 GFA
~~15~~	Parks and Open Areas	Golf Courses and Country Clubs	3 per hole + 1.5 per 300 ft^2 GFA of clubhouse and other structures including pools and tennis courts
~~16~~		Neighborhood Amenity Center	1 per 300 ft^2 GFA + 1 additional for every 300 ft^2 GFA over 1,800 ft^2 GFA including pools
~~17~~		All other Parks and Open Spaces	Determined by Director
~~18~~	Places of Worship	Religious Assembly	1 per 100 ft^2 GFA of sanctuary, classrooms, flexible seating areas
	Commercial Uses		
~~19~~	Mixed-Use Retail Center*(optional)	Commercial Centers less than 10,000 ft^2 including all Commercial Uses (except Self-Storage, Agriculture or Landscape Supply, Funeral, Repair and Commercial Sales and Service)	1 per 200 ft^2 GFA
~~20~~	Automotive Sales and Services	Car Wash	1 per 300 ft^2 GFA (does not include self-service facility) + 2 spaces
~~21~~		All other Automotive Sales and Services (except Fuel)	1 per 400 ft^2 GFA (indoor only) + 1 additional per 1,000 ft^2 GFA of outdoor lot, storage or repair bay area
~~22~~	Overnight Accommodation	Bed and Breakfast/Inn	1 per guest room + 2 additional spaces
~~23~~		All other Overnight Accommodations	1 per guest room + 1 per 300 ft^2 GFA of office/conference space
~~24~~	Food and Beverage Establishments	All Restaurants/Bar/Brewery/ Winery	1 per 100 ft^2 of designated seating area/entertainment area + 4 additional spaces
~~25~~		Food Catering Services	1 per 400 ft^2 GFA
~~26~~	Entertainment and Recreation	Theaters and Stadiums	1 per 250 ft^2 GFA + 1 additional per 500 ft^2 GFA up to 50,000 ft^2 GFA
~~27~~		All other Entertainment and Recreation	1 per 400 ft^2 GFA + 1 additional per 4 capacity seating
~~28~~	Health Services	Home Health Care	1 per 400 ft^2 GFA
~~29~~		All other Health Services	1 per 300 ft^2 GFA
~~30~~	~~Professional and Business Offices~~		

#	Use Category	Specific Use	General Requirement
	Professional and Business Offices	Professional Office and Other Offices and Services	1 per 400 ft^2 GFA
~~31~~	Consumer Retail Sales and Services	Funeral Home	1 per 150 ft^2 GFA
~~32~~		Self-Storage (all)	1 per 300 ft^2 GFA office space
~~33~~		Small Engine Repair	1 per 400 ft^2 GFA
~~34~~		Farmers Market, Agricultural and Landscape Supply Sales	1 per 400 ft^2 GFA +1 additional per 2,500 ft^2 indoor and outdoor storage or staging area
		Grocery Store with Departments	1 per 200 ft^2 GFA for first 20,000 ft^2 GFA, 1 per 300 ft^2 GFA from 20,000 ft^2 GFA up to 100,000 ft^2 GFA
~~35~~		All other Consumer Retail	1 per 250 ft^2 GFA for first 20,000 ft^2 GFA, 1 per 500 ft^2 GFA from 20,000 ft^2 GFA up to 100,000 ft^2 GFA
~~36~~	Commercial Sales and Service	All Commercial Sales and Service	1 per 300 ft^2 GFA of office/showroom area + 1 additional per 2,500 ft^2 indoor and outdoor storage or staging area
	All Other Uses		
~~37~~	Transportation, Utilities and Communication	All Transportation Terminal or Dispatch Facilities	1 per 300 ft^2 GFA of office; 1 per 400 ft^2 GFA of terminal area + additional spaces as determined by the Director
~~38~~		Major Utilities	1 per 500 ft^2 GFA - minimum of 2
~~39~~	Industrial Manufacturing and Warehousing Uses	Batch Plant/Oil Refinery/Resource Extraction/Waste	1 per 300 ft^2 GFA of office/showroom area + 1 additional per 2,500 ft^2 indoor and outdoor storage area
~~40~~		All other Industrial Manufacturing and Warehousing	1 per 500 ft^2 GFA of indoor facility + 1 additional per 2,500 ft^2 indoor and outdoor storage area
~~41~~	~~Agriculture~~		
	Agriculture	Kennel	1 per 300 ft^2 GFA of office
~~42~~		Farming or Ranching Use (including Farm Stands)	No off-street parking requirement
	Downtown Overlay District		
~~43~~	Downtown Overlay District	~~Retail buildings greater than 20,000 square feet in Area 1~~[±] See **Chapter 5** for parking requirements specific to the Downtown Overlay District.	~~1 per 1,500 ft^2GFA~~
~~44~~		~~All other uses in Area 1~~	~~No off-street parking requirement~~
~~45~~		~~Residential Uses in Area 2~~	~~See the Household Living parking requirements of this table~~
~~46~~		~~Non-Residential Uses in Area 2~~[±]	~~1 per 500 ft^2GFA~~

* The required number of parking spaces for uses not listed in the above table will be determined by the Director. Alternative parking plans may be requested in accordance with **Section ~~9.06~~11.07**.

~~†Retail and Restaurant Uses do not require off-street parking when a shared parking lot is within 2 blocks of the proposed use.~~

11.02.050. ~~11.02.05.~~Rules for Computing Requirements

The following rules apply when computing off-street parking and loading requirements:

A. Multiple Uses

Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

B. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half ~~or less~~ will be rounded down to the next lower whole number and any fraction of ~~more than~~ one-half or more will be rounded up to the next higher whole number.

C. Area Measurements

Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area, which for purposes of computing off-street parking requirements, shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

1. The area of each floor of the structure.
2. All attic space used for active commercial space.

D. Occupancy-Based Standards

For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable, and whichever results in the greater number of spaces.

E. Unlisted Uses

Upon receiving a development permit application for a use not specifically listed in the Off-Street Parking Requirements Table, the Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with an Alternative Parking Plan (see **Section ~~9.08~~11.04. Alternative Parking Plans**).

~~Sections 9.02.050, 9.02.060. Reserved~~

~~*Editor's note(s)—The provisions of the former Sections 9.02.050 and 9.02.060 have been redesignated as Section 9.06, §§ 9.06.010 and 9.06.020.*~~

Section 11.03. Parking Space and Parking Lot Design

11.03.010. ~~11.03.01.~~Location of Required Parking

A. ~~Except as expressly stated in this UDC, or in an approved Alternative Parking Plan, all~~All required off-street parking spaces must be located on the same lot as the principal use, except as stated below.

1. ~~A.~~Exceptions

~~1. In Housing Diversity Developments, where two spaces or more are required per unit, one space shall be located on the same lot and the remaining spaces within 200 feet of the lot measured by the shortest accessible pedestrian route of travel.~~

~~2. In Cottage Court Developments or Multi Lot Unified Developments, all parking may be located on a separate lot from the principal use within 200 feet of the lot measured by the shortest accessible pedestrian route of travel.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

a. An Alternative Parking Plan~~,~~ may be used for the City to approve off-site, off-street parking.

b. For Cottage Court Developments, see **Section 7.02**.

B. For "Multifamily, Attached Dwelling Units", see **Subsection 6.02.010.B.3**.

11.03.020. ~~11.03.02.~~Parking Space and Parking Lot Design

A. Parking Space Dimensions

1. Parking spaces shall have minimum dimensions of ~~nine~~9 feet in width by 18 feet in length, unless otherwise indicated within this ~~S~~section. When located adjacent to a sidewalk, off-street or on-street head-in or angled parking shall require curb stops so as not to impede the pedestrian walkway.

2. Subject to approval by the Director, parking areas with 20 or more parking spaces, may allocate up to ~~ten percent (~~10%~~)~~ of the minimum number of required parking spaces to reduced size vehicles, including compact cars and motorcycles, if designed to the following standards:

   a. A compact car space shall not be less than ~~eight~~8 feet in width and 16 feet in length;

   b. A motorcycle space shall not be less than ~~four and one-half~~4.5 feet in width and ~~eight~~8 feet in length;

   c. Reduced size spaces shall be laid out in a group and appropriately identified as intended for exclusive use by the specified vehicle;

   d. Tandem Parking Spaces

      Tandem parking spaces may be utilized only ~~for~~in the following cases:

      (i) For multi-family~~, not to exceed ten percent~~developments, tandem spaces may be used for up to ~~(~~10%~~)~~ of the required total off-street parking spaces. ~~and only~~ For the purposes of this calculation, "tandem spaces" refers only to the space with limited access (i.e., only the space blocked in by another vehicle). Tandem spaces may only be located within an enclosed garage structure. ~~Tandem spaces shall not count towards the required off-street parking spaces for single- and two-family dwellings.~~

      (ii) For all other residential development, tandem spaces may only be used if the development is a fee-simple development.

      (iii) In the Downtown Overlay, tandem spaces for any use may be considered with an Alternative Parking Plan, per **Section ~~9.06~~11.07**.

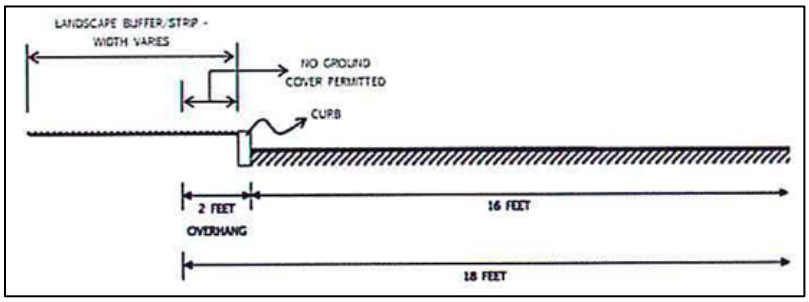
   e. Other parking space designs may be considered and shall be submitted to the Director for review.

3. Parallel parking spaces shall not be less than ~~eight and one-half~~8.5 feet in width and 22 feet in length.

4. Parking spaces designated as Handicapped shall comply with the design and location requirements of the American National Standards Institute (A117.1) and the Texas Department of Licensing and Regulation.

5. Parking spaces internal to the site may be reduced to 16 feet in length with a ~~two~~2-foot overhang onto grass or other flat surface. This reduction shall not apply to a bufferyard, screening area or sidewalk.

Figure 11.03.020-11.03.02-1. Reduced Parking Lot Space Dimensions



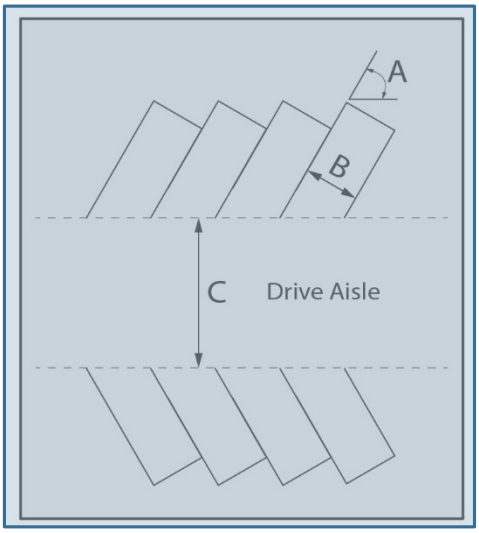
B. Aisle Widths

The minimum two-way drive aisle width shall be 24 feet when there is no~~t~~ parking on either side of the drive aisle. One-way and two-way drive aisle widths adjoining off-street parking spaces must comply with the following standards:

Table ~~9.03.020.B:~~11.03.020-1. Minimum Aisle Width for Specified Parking

A	B	C	
Parking Angle	**Stall Width (ft)**	**Aisle Width**	
		One-Way	**Two-Way**
Parallel	8.5	13	26
45° or less	9	13	26
45° or less	10	12	24
60°	9	16	26
60°	10	15	24
75°	9	23	26
75°	10	22	24
90°	9	Not Permitted-	26
90°	10	Not Permitted	24

Figure 11.03.02-2. Parking Dimensions Graphic



C. Markings

1. Each required off-street parking space and off-street parking area shall be identified by surface markings at least ~~four~~4 inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles.
2. One-way and two-way access~~es~~ points into required parking facilities shall be identified by directional arrows on the pavement.

D. Surfacing and Maintenance

1. All parking, driveways, drive aisles, and driveway approaches shall be constructed and maintained with a Paved Surface, as defined in this Code. Exceptions to the Paved Surface material requirements may be considered administratively by the Director and Development Engineer in order to protect critical root zone for Heritage Trees.
2. All designated fire lanes shall be paved according to the typical street cross sections for local street design in the City of Georgetown Construction Specifications and Details~~,~~ and kept in a dust-free condition at all times.
3. In a Residential Estate subdivision or rural lot, residential driveways may be constructed of a non-Paved Surface material if outside of the right-of-way and not in an area designated for required off-street parking.

E. Access

Required off-street parking spaces shall not have direct access to a public street, with access provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way. In unique circumstances on local streets, the Director may consider, through an Alternative Parking Plan, parking spaces with direct access from the street if there is determined to be little or no negative impact on surrounding properties or the function of the public street.

F. Planting Areas and Pedestrian Areas

1. Wheel stops are required when parking spaces are located adjacent to planting areas
2. Bollards are required when parking spaces are located adjacent to pedestrian walk-ways that are at the same grade.

~~Note to City Staff: Added 9.03.03 and .04 to improve pedestrian facilities in parking areas.~~

11.03.030. ~~11.03.03.~~Sub-Lots and Pedestrian~~ways~~ Accessways

A. Parking lots with more than 50 parking spaces shall be visually and functionally segmented into smaller sub-lots by landscaped areas. Each sub-lot ~~shall~~may contain a maximum of 50 parking spaces. ~~An additional 50 parking spaces are allowed per sub-lot if the landscaped area exceeds the minimum established in Section 8.03.06 by at least 20 percent.~~

1. Exception: A sub-lot may contain up to 100 parking spaces if the site provides an additional 20% of landscape area required by **Section 9.03.050.A**.

B. For every parking sub-lot, a landscaped median/divider at least 15 feet wide shall be installed to break up the sub-lots. These medians shall contain pedestrian accessways consisting of a ~~five~~ 5-foot-wide sidewalk to offer safe, marked routes between parking spaces and building entries.

11.03.040. ~~11.03.04.~~Pedestrian Circulation

A. Purpose

The purpose of this section is to promote safe, connected, and walkable development by providing clear standards for pedestrian circulation. These provisions are intended to ensure that sidewalks, accessways, and pedestrian routes are accessible, comfortable, and visually appealing, supporting an active and pedestrian-friendly community.

B. ~~A.~~All Development

An internal pedestrian accessway~~, at least six feet in~~ compliant wi~~d~~th ~~and~~ ADA ~~accessible~~accessibility requirements, must be provided from the perimeter sidewalk to the primary public entrance. Internal pedestrian walkways must be distinguished from driving surfaces by textured, painted, and/or raised surface.

C. ~~B.~~Multifamily Development

Where multifamily buildings are not able to front along a public street or regional trail, the following design standards for pedestrian circulation shall apply.

1. Pedestrian-Oriented Drive Aisle Standards
   a. Pedestrian-Oriented Drive Aisles (PODA) should consist of the following:
      (i) A two-way drive aisle that meets the minimum standards of the fire code;
      (ii) A 6-foot or wider sidewalk that meets the minimum standards of ADA, etc.; and
      (iii) Street trees between the back of curb of the drive aisle and the sidewalk meeting the requirements of UDC **Section** ~~8.04~~**9.05.070** or between the edge of the sidewalk and the building. The trees must be spaced every 30 feet and be from Georgetown's approved list of shade trees.
   b. Parallel Parking spaces along one or both sides of the drive aisle is allowed but not required.
   c. PODAs must have a minimum intersection spacing of 50 feet and maximum spacing of 500 feet. An intersection means where a PODA intersects a public/private road, a driveway to a parking lot or another PODA.
   d. No 90-degree or any other angled parking is allowed along pedestrian-oriented drive aisles.
   e. Parking lots must be setback at least 20 feet from a PODA and must be screened by either a multifamily building, or a medium-level bufferyard ~~(Staff is not set on a specific level of plantings yet)~~ and a 6-foot screening wall.
2. Pedestrian Promenade Standards

a. Pedestrian Promenades are at least 30 feet wide and should consist of the following:

(i) A 10-foot or wider sidewalk/shared-use path (SUP); and

(ii) A 10-foot or wider landscaping strip consisting of grass or other vegetation on each side of the sidewalk/SUP. One shade tree every 30 feet should be planted along each landscaping strip, except when a common amenity is placed between the sidewalk and the multifamily buildings.

(a) Seating Areas such as benches, picnic tables, or other amenities can be located within the 10~~'~~-foot or wider landscaping strip.

b. Parking lots must be set back ~~at least~~a minimum of 20 feet from a Pedestrian Promenade ~~(this is to encourage hiding them behind buildings) and must be~~ and screened by either a multifamily building~~,~~ or a medium-level bufferyard ~~(Staff is not set on a specific level of plantings yet) and~~with a 6-foot screening wall~~.~~ to minimize the visual impact of parking areas along pedestrian corridors.

~~*(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~Section 11.04. Vehicle Stacking Areas~~

~~11.04.01. Minimum Number of Spaces~~

~~1. Off-street stacking spaces shall be provided as indicated in the following table. Off-street stacking spaces shall be in addition to any required parking and loading spaces.~~

~~**Table 9.04.010: Minimum Off-Street Stacking Spaces**~~

~~Activity Type~~	~~Minimum Spaces~~	~~Measured From~~
~~Bank teller lane~~	~~4~~	~~Teller or Window~~
~~Automated teller machine~~	~~3~~	~~Teller~~
~~Restaurant drive through~~	~~Determined by Utility Engineer~~	
~~Car lubrication stall~~	~~2~~	~~Entrance to stall~~
~~Car wash stall, automatic~~	~~4~~	~~Entrance to wash bay~~
~~Car wash stall, self-service~~	~~3~~	~~Entrance to wash bay~~
~~Day Care drop off~~	~~3~~	~~Facility passenger loading area~~
~~Gasoline pump island~~	~~2~~	~~Pump Island~~
~~Parking lot, controlled entrance~~	~~4~~	~~Key Code Box~~
~~Apartment gated entrance~~	~~4~~	~~Key Code Box~~
~~School (Public and Private)~~	~~Determined by Utility Engineer~~	
~~Other~~	~~Determined by Utility Engineer~~	

~~2. Where the minimum number of stacking spaces is determined by the Utility Engineer, the applicant shall provide exhibits and calculations for the proposed minimum number of stacking spaces required based on the proposed use on the site. The Utility Engineer may approve the submitted minimum requested or provide an alternate requirement.~~

~~3. The Utility Engineer may approve an alternate minimum stacking requirement for any of the minimums in Table 9.04.01 when the applicant submits exhibits and calculations to support an alternate minimum.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~11.04.02. Design and Layout~~

~~Required stacking spaces are subject to the following design and layout standards:~~

~~A. Size~~

~~Stacking spaces must be a minimum of ten feet by 20 feet in size.~~

~~B. Location~~

~~1. Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.~~

~~2. Stacking spaces may not occupy any portion of a public right-of-way.~~

~~3. Stacking spaces shall not interfere with parking spaces, parking aisles, loading areas, internal circulation, driveways, or pedestrian crosswalks.~~

~~C. Design~~

~~Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director for traffic movement and safety. Turnaround space shall be provided between the Key Code Box and gate for any gate-restricted entrance to safely allow a vehicle to exit the entrance queue.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~Section 11.05. Off-Street Loading~~

~~A. No Use of Public Right-of-Way~~

~~At no time shall goods be loaded or unloaded from the right-of-way of a collector or arterial street. No part of any vehicle shall be allowed to extend into the right-of-way of a collector or arterial street while being loaded or unloaded.~~

~~B. Location~~

~~Plans for location, design, and layout of all loading spaces shall be indicated on required Site Plans.~~

~~C. Space Size~~

~~Off-street loading spaces, excluding maneuvering areas, shall be at least 12 feet wide and 20 feet long unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case the minimum size of a space shall be 12 feet by 54 feet.~~

~~Section 11.06. Bicycle Parking~~

~~A. Purpose~~

~~The purpose of this section is to provide sufficient safe and convenient bicycle parking, encourage bicycling as a form of transportation, and reduce traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.~~

~~**Table 9.06.A Required Number of Bicycle Spaces by Use**~~

~~Use~~	~~Minimum Number of Bicycle Parking Spaces~~
~~Retail Sales~~	~~1 per 10 required vehicular spaces~~
~~Food and Beverage Services~~	~~1 per 20 required vehicular spaces~~
~~Civic and Cultural Facilities~~	~~1 per 10 required vehicular spaces~~
~~Business, Professional and Technical Services and Financial and Real Estate Services~~	~~1 per 15 required vehicular spaces~~
~~Lodging Facilities~~	~~1 per 20 guest rooms~~
~~Other Commercial Uses not listed above~~	~~1 per 20 required vehicular spaces (0 for Agricultural Uses and Animal Production and Ranching if fewer than 20 spaces)~~
~~Park~~	~~5, plus 5 per acre of land~~
~~Educational Service Establishments (Public and Private)~~	~~(K-12): 1 per 50 employees and 1 per 25 students (grades 6-12)~~ ~~(Colleges and Universities): 1 per 40 employees and 1 per 15 students at planned capacity~~
~~Industrial Uses~~	~~1 per 20 required vehicular spaces~~
~~Residential Uses with four (4) or more units~~	~~1 per 10 required vehicular spaces (without garage or equivalent)~~ ~~None (with garage or equivalent)~~

~~B. Bicycle Facilities – Minimum Requirements~~

~~1. Bicycle parking facilities shall consist of racks or lockers anchored in concrete or anchored to a building or structure to prevent movement or theft and withstand severe weather and exposure.~~

~~2. Each space designated for bicycle parking shall be designed to accommodate at least the minimum number of bicycles identified by **Table 9.06.A**.~~

~~3. No bicycle parking is required when the Director determines there is no safe route for bicycle access to a site. Bicycle parking will be required at a later date if safe bicycle access is provided.~~

~~4. In no case shall the minimum number of required bicycle parking spaces exceed 25% of the minimum number of required vehicle parking spaces. Applicants may opt to provide more than the minimum number of bicycle parking spaces if desired.~~

~~5. Each bicycle parking facility shall, at minimum, consist of a bike rack with a height of thirty-six (36) inches and provide a user the ability to lock one wheel and the frame to the rack, with the user providing the lock and chain.~~

~~C. Location Requirements~~

~~1. All required bicycle parking spaces and facilities shall be placed according to the following criteria:~~

~~a. On the ground floor of the building or facility associated with the use, unless site factors, access, or licensing restrictions prohibit locating bicycle parking on the ground floor;~~

~~b. In a location that is conveniently and safely accessed by bicycle and by foot and in a way that minimizes conflicts with motor vehicles and pedestrians;~~

~~c. Within 50 feet of the primary building entrance, in a well lit location that maximizes visibility to users and the public, and is not isolated or remote from building entrances, sidewalks, and vehicular parking facilities.~~

(i) If a parking facility has multiple entrances, the required bicycle parking spaces may be spread out among the multiple entrances.

2. Bicycle parking spaces shall be accessible without climbing more than one step or going up or down a slope in excess of 12%.

Section 11.07. Pedestrian and Bicycle Mobility

11.07.01. General

All sidewalks and trails identified in this Code, the City's Sidewalk Master Plan, Future Mobility Plan, Parks Recreation and Open Space Master Plan, Trails Master Plan, Downtown Master Plan, and any other relevant plan shall be constructed in accordance with this Code. Public sidewalks and trails do not count against the maximum impervious cover percentage required in Section 11.02 of this Code.

A. Public Sidewalks

1. Sidewalks shall be constructed on both sides of all streets, including frontage roads, at the minimum widths described in **Tables 12.03.03** and **12.04.02** of this Code. Sidewalks shall be constructed consistent with the Construction Manual and in conformance with the requirements of the Americans with Disabilities Act (ADA).

2. Sidewalks may be located within the street's public utility easement or right-of-way and may meander in and out of either as approved by the Development Engineer. If located within the PUE, a public access easement shall be granted by either the recording of a plat or separate instrument, and shall be identified on any subsequent plans.

3. Sidewalks shall be installed and meet clear zone requirements per the TxDOT Roadway Design Manual and shall be separated a minimum of six feet from the back of a ribbon curb.

4. Construction of public sidewalks on single-family and two-family lots may be deferred to the building permit, built to the standards and specifications at the time of the permit. Sidewalks located in common areas, parks and along Neighborhood Collectors shall be constructed at the time of street improvements.

5. Pedestrian accessways shall be provided from the public sidewalk to the main entrance of each building or to a sidewalk leading to the main entrance.

6. Sidewalks located within the Downtown Overlay District shall comply with the design standards in **Section 12.04** of this Code and the Downtown Master Plan, as amended.

7. Sidewalks constructed as infill, retrofitted, or rehabilitation projects should follow the standards of this Chapter where practical to do so, but consideration shall be given to the existing conditions of the built and natural environment when locating such sidewalks.

B. Public Trails

Regional Trails depicted on the Trails Master Plan shall be dedicated and constructed at the time of development as a public improvement in the general locations and alignments depicted therein.

1. If the trail is not located on public property, a minimum of 20 feet of right-of-way or public access easement, shall be dedicated as approved by the Director of Parks and Recreation.

2. The trail shall be a minimum of ten feet in width, constructed to the standards depicted in the Trails Master Plan, or otherwise approved by the Director of Parks and Recreation.

~~3. A trail constructed to the City's trail standards may be constructed within the right-of-way or public utility easement as a substitute for a street sidewalk if the Trails Master Plan designates a trail along the street.~~

~~C. Sidewalk Fund~~

~~A designated City fund, entitled "Sidewalk Fund," shall hold any financial contributions paid in accordance with the provisions in this Code. Funds shall be held in trust by the City to be used exclusively for the purpose of purchasing and/or equipping public streets for sidewalks.~~

~~D. Alternative Pedestrian Improvements~~

~~1. Alternative locations or design variation(s) of sidewalks, pedestrian access facilities, or hike and bike trails to a standard that deviates from the Construction Manual can be requested to the Development Engineer. If approved, ownership and maintenance shall be transferred to the property owner or property/homeowner association and recorded by separate instrument, along with a public access agreement.~~

~~2. When an administrative alternative cannot be achieved, a Subdivision Waiver pursuant to Section 3.22 may be requested for either fees-in-lieu of construction, delay of construction, or waiver. Justifications for the waiver include, but are not limited to, the location of the facility in relation to the existing or planned pedestrian network, the need for the facility, and/or topography/natural features. Prior to approval of the Final Plat, Site Development Plan, or other applicable approval stage, payment of any required fees shall be provided for deposit into the Sidewalk Fund at a cost not to exceed one hundred twenty-five percent (125%) of the estimated construction plan costs, as approved by the Development Engineer. A request may be made to City Council for City participation in any pedestrian improvements required by this Chapter.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 11.04. ~~Section 11.08.~~Alternative Parking Plans

11.04.010. ~~11.08.01.~~Alternative Plans

An Alternative Parking Plan, processed through an Administrative Exception in accordance with ~~Section 3.16~~**Section 3.14** of this Code, may be considered by the Director for alternatives to the parking, stacking, paving, or loading standards of this chapter, including for vehicle and bicycle parking. An alternative plan also may be approved by the Director for specific developments or uses that are deemed to require a different amount of parking than the standards shown in ~~**Table 9.02.030.A**, Off-Street Parking Requirements Table~~**Table ~~9.02.030.A~~,11.02.040-1. Off-Street Parking Requirements***. The Director shall establish conditions necessary to ensure the adequacy of future on-site parking when approving an alternate standard. Potential alternative parking plan approaches and specific regulations are described below.

A. Parking Study Option

Parking studies may be required for specific uses that have characteristics that reduce the accuracy of standard requirements. Additionally, as an alternative, applicants for uses that appear on the requirements ~~T~~table may choose to conduct a parking study to determine appropriate parking requirements. Many uses have widely varying parking demand characteristics, making it impossible to specify a single off-street parking standard. This option is intended to allow development to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established above.

1. Parking Study

   Anyone proposing to develop or expand a use based on this parking study option must submit a parking study that provides justification for the number of off-street parking spaces proposed. A parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, location, and access to transportation alternatives. The study must document the source of data used to develop the recommendations.

2. Eligible Alternatives

   A number of specific parking and access alternatives may be considered, including off-site, shared, or valet parking. The Director shall be authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Director that the proposed plan shall result in a better situation with respect to surrounding neighborhoods, City-wide traffic circulation, or urban design than would strict compliance with otherwise applicable off-street parking standards.

3. Review by Director

   The Director shall review the parking study and any other traffic engineering and planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use. After reviewing the parking study, the Director shall establish a minimum off-street parking standard for the proposed use.

B. Off-Site Parking

In addition to the instances provided in **Section 11.03.010. Location of Required Parking**, ~~O~~off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if approved by the Director and if the off-site parking complies with all of the following standards.

1. Ineligible Activities

   Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking and Cottage Courts [see **Subsection 7.02.060.D**]), restaurants (except in the Downtown Overlay District), convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off-site.

2. Location

   No off-site parking space may be located more than 600 feet from the primary entrance of the use served, measured by the shortest accessible pedestrian route of travel, unless shuttle bus service is provided to the remote parking area. Off-site parking spaces may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or shuttle bus service is provided to the remote parking area.

3. Zoning Classification

   Off-site parking areas serving uses located in Non-Residential Zoning Districts must be located in Non-Residential Zoning Districts. Off-site parking areas serving uses located in Residential Zoning Districts may be located in Residential or Non-Residential Zoning Districts.

4. Agreement for Off-Site Parking

   In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation on forms made available by the Director. Recordation of the agreement with the County Clerk must take place before issuance of the ~~s~~Site ~~development permit~~Plan for

any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this section.

C. Shared Parking

It is the City's stated intention to encourage efficient use of land and resources by allowing users to share off-street parking facilities whenever feasible. Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved by the Director and if the shared parking complies with all of the following standards.

1. Location

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided. The distance between the shared parking and the served uses shall be measured by the shortest accessible pedestrian route of travel to an accessible entrance. The applicant shall provide an exhibit demonstrating that the location of shared parking meets the requirements.

2. Zoning Classification

Shared parking areas serving uses located in Non-Residential Zoning Districts must be located in Non-Residential Zoning Districts. Shared parking areas serving uses located in Residential Zoning Districts may be located in Residential or Non-Residential Zoning Districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

3. Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

a. Shared Parking Calculation

(i) A shared parking calculation, using the format provided ~~in **Table 9.06.01.C.3.a**,~~by the Development Manual shall be required to determine the minimum number of spaces.

(ii) The minimum parking required shall be the highest adjusted total parking for any time period.

(iii) The percentage of parking used during each time period shall be provided by the applicant and subject to approval by the Director.

(iv) Accessible spaces required by ADA shall be calculated by individual use and not be shared.

~~(v) **Table 9.06.01.C.3.a** provides an example of shared parking calculations. This example includes shared parking for two uses – Example Use 1 with a minimum parking requirement of 100 spaces, and Example Use 2 with a minimum parking requirement of 220 spaces. In this example, the minimum parking requirement would be 225 spaces.~~

~~**Table 9.06.01.C.3.a: Example of Shared Parking Calculations**~~

~~Time Period~~	~~Example Use 1~~			~~Example Use 2~~			~~Adjusted Total Parking Required~~
	~~Required Spaces~~	~~% of Parking Used During Each Time Period~~	~~Adjusted Parking Requirement~~	~~Required Spaces~~	~~% of Parking Used During Each Time Period~~	~~Adjusted Parking Requirement~~	
~~Mon-Fri (6am to 6pm)~~	~~100~~	~~100%~~	~~100~~	~~220~~	~~25%~~	~~55~~	~~155~~

~~Sun-Thurs (6pm to 2am)~~	~~100~~	~~20%~~	~~20~~	~~220~~	~~50%~~	~~110~~	~~130~~
~~Sat-Sun (6am to 6pm)~~	~~100~~	~~10%~~	~~10~~	~~220~~	~~50%~~	~~110~~	~~120~~
~~Fri-Sat (6pm to 2am)~~	~~100~~	~~5%~~	~~5~~	~~220~~	~~100%~~	~~220~~	~~225~~
~~Everyday (2am to 6am)~~	~~100~~	~~5%~~	~~5~~	~~220~~	~~10%~~	~~22~~	~~27~~

4. Agreement for Shared Parking

   A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation on forms made available by the Director. Recordation of the agreement with the Recorder of Deeds must take place before issuance of a Site Plan for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this section.

5. Revocation of Permits

   Failure to comply with the shared parking provisions of this section shall constitute a violation of this Code and shall specifically be cause for revocation of a Certificate Of Occupancy and/or Building Permit.

D. Transportation Management Plan

The Director may authorize a reduction in the number of required off-street parking spaces for developments or uses that institute and commit to maintain a transportation management program, in accordance with the standards of this section.

1. Required Study

   The applicant shall submit a study to the Director that clearly indicates the types of transportation management activities and measures proposed. The study shall be provided in a form established by the Director and made available to the public.

2. Transportation Management Activities

   There shall be no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures shall serve as a guide to eligible transportation management activities.

3. Transportation Coordinator

   The occupant of the development or use may appoint an employee to act as Transportation Coordinator with responsibility for disseminating information on ride-sharing. Other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons, Transportation Coordinators must be available to attend meetings and training sessions with the City or transit providers.

4. Off-Peak Work Hours

   Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as 7:00—9:00 a.m.

5. Preferential Parking

   The provision of specially marked spaces for each registered car-pool and van-pool may be cause for a reduction in otherwise applicable off-street parking requirements.

6. Financial Incentives

   The provision of cash or in-kind financial incentives for employees commuting by car-pool, van-pool, and transit may be cause for a reduction in otherwise applicable parking requirements.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~*Note(s)—Former Section 9.02.050.*~~

11.04.020. ~~11.08.02.~~Alternative Parking Plans in a Historic Overlay District

~~A. General~~

~~Within any Historic Overlay District, the Historic Preservation Officer, or designee, shall be authorized to approve alternatives to providing the number of off-street parking spaces required in accordance with this Section.~~

~~B. Procedure~~

~~Alternative Parking Plans shall be reviewed and approved by the Historic Preservation Officer, or designee following the procedures of the Administrative Exception process established in Section 3.16 of this Code.~~

~~C. Recording of Approved Plans~~

~~Where an Alternative Parking Plan requires use of property other than the subject property, an attested copy of an approved Alternative Parking Plan must be recorded with the County Clerk on forms made available in the Planning Department. An Alternative Parking Plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the Certificate of Occupancy.~~

~~D. On-Street Parking~~

~~The Historic Preservation Officer, or designee, may approve counting on-street parking spaces to satisfy the requirements for off-street parking. Such on-street parking shall be located on public right-of-way immediately abutting the subject property and shall be reviewed by the Development Engineer for compliance with City's standards for use of rights-of-way.~~

~~E. Off-Site Parking~~

~~The Historic Preservation Officer, or designee, may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.~~

See **Chapter 5** for requirements for Alternative Parking Plans in a Historic District.

Section 11.05. Vehicle Stacking Areas

11.05.010. Minimum Number of Spaces

1. Off-street stacking spaces shall be provided as indicated in the following table. Off-street stacking spaces shall be in addition to any required parking and loading spaces.

Table 11.05.010-1. Minimum Off-Street Stacking Spaces

Activity Type	Minimum Spaces	Measured From
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	Determined by ~~Utility~~Development Engineer	
Car lubrication stall	2	Entrance to stall
Car wash stall, automatic	4	Entrance to wash bay
Car wash stall, self-service	3	Entrance to wash bay
Day Care drop-off	3	Facility passenger loading area
Gasoline pump island	2	Pump Island
Parking lot, controlled entrance	4	Key Code Box
Apartment gated entrance	4	Key Code Box
School (Public and Private)	Determined by Development Engineer	
Other	Determined by Development Engineer	

2. For uses where stacking is determined by the Development Engineer, the applicant shall submit a queuing analysis based on peak demand at the proposed use, consistent with the most current ITE Manual, including exhibits and calculations demonstrating that the proposed stacking spaces prevent queues from extending into the right-of-way or blocking parking and internal circulation. The Development Engineer will approve or modify the requirement based on the submitted information.

3. The Development Engineer may approve an alternate minimum stacking requirement for any of the minimums in **Table 11.05.010-1. Minimum Off-Street Stacking Spaces** when the applicant submits exhibits and calculations to support an alternate minimum.

11.05.020. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

A. Size

Stacking spaces must be a minimum of 10 feet by 20 feet in size.

B. ~~1.~~Location

~~No off-site parking space may be located more than 900 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote parking shuttle service is provided. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or remote parking shuttle service is provided.~~

~~2. Zoning Classification~~

~~Off-site parking areas require the same or a more intensive zoning classification than required for the use served.~~

~~3. Agreement for Off-Site Parking~~

~~In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must be for a specified time, and guarantee the use of the off-site parking area for a minimum of five years. An attested copy of the agreement between the owners of record must be submitted to the Historic Preservation Officer, or designee, for recording in form established by the City Attorney. Recording of the agreement must take place before issuance of a Building Permit or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be terminated only if all required off-street parking spaces will be provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided, and the Historic Preservation Officer, or designee, shall be notified at least 60 days prior to the termination of a lease for off-site parking.~~

~~F. Shared Parking~~

~~The Historic Preservation Officer, or designee, may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.~~

1. Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.
2. Stacking spaces may not occupy any portion of a public right-of-way.
3. Stacking spaces shall not interfere with parking spaces, parking aisles, loading areas, internal circulation, driveways, or pedestrian crosswalks.

C. Design

Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director for traffic movement and safety. Turnaround space shall be provided between the Key Code Box and gate for any gate-restricted entrance to safely allow a vehicle to exit the entrance queue. ~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 11.06. Off-Street Loading

11.06.010. No Use of Public Right-of-Way

At no time shall goods be loaded or unloaded from the right-of-way of a collector or arterial street. No part of any vehicle shall be allowed to extend into the right-of-way of a collector or arterial street while being loaded or unloaded.

11.06.020. Location

Plans for location, design, and layout of all loading spaces shall be indicated on required Site Plans.

11.06.030. Space Size

Off-street loading spaces, excluding maneuvering areas, shall be at least 12 feet wide and 20 feet long unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case the minimum size of a space shall be 12 feet by 54 feet.

Section 11.07. Bicycle Parking

11.07.010. Purpose

The purpose of this section is to ~~provide~~encourage sufficient safe and convenient bicycle parking, encourage bicycling as a form of transportation, and reduce traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

Table 11.07.010-1. Recommended Number of Bicycle Spaces by Use

Use	Minimum Number of Bicycle Parking Spaces
Retail Sales	1 per 10 required vehicular spaces
Food and Beverage Services	1 per 20 required vehicular spaces
Civic and Cultural Facilities	1 per 10 required vehicular spaces
Business, Professional and Technical Services and Financial and Real Estate Services	1 per 15 required vehicular spaces
Lodging Facilities	1 per 20 guest rooms
Other Commercial Uses not listed above	1 per 20 required vehicular spaces (0 for Agricultural Uses and Animal Production and Ranching if fewer than 20 spaces)
Park	5, plus 5 per acre of land
Educational Service Establishments (Public and Private)	(K-12): 1 per 50 employees and 1 per 25 students (grades 6-12) (Colleges and Universities): 1 per 40 employees and 1 per 15 students at planned capacity
Industrial Uses	1 per 20 required vehicular spaces
Residential Uses with four ~~(4)~~ or more units	1 per 10 required vehicular spaces (without garage or equivalent) None (with garage or equivalent)

11.07.020. Vehicular Parking Substitution

In the Downtown Overlay Area 2, Williams Drive plan study area, or the Austin Avenue plan study area, up to 10% of required vehicle parking spaces may be substituted with bicycle parking facilities.

11.07.030. Bicycle Parking Facilities – Minimum Requirements

A. Bicycle facilities must be designed to accommodate at least the minimum number of bicycles identified by **Table 11.07.010-1. Recommended Number of Bicycle Spaces by Use**.

B. Bicycle parking facilities shall consist of racks or lockers anchored in concrete or anchored to a building or structure to prevent movement or theft and withstand severe weather and exposure. Facilities must be at least 36 inches in height and provide a user with the ability to lock one wheel and the frame to the rack, with the user providing the lock and chain.

11.07.040. ~~1.~~Location Requirements

A. ~~Shared~~All bicycle parking spaces ~~must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.~~and facilities shall be placed according to the following criteria:

~~2. Zoning Classification~~

~~Shared parking areas require the same or a more intensive zoning classification than required for the use served.~~

~~3. Shared Parking Study~~

~~Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the City that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the City and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.~~

~~a. Shared Parking Calculation~~

~~(i) A shared parking calculation, using the format provided in **Table 9.06.01.C.3.a**, shall be required to determine the minimum number of spaces.~~

~~4. Agreement for Shared Parking~~

~~A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the City for recording in a form established by the City Attorney. Recording of the agreement must take place before issuance of a Building Permit for any use to be served by the off-site parking area. A shared parking agreement may be terminated only if all required off-street parking spaces will be provided.~~

~~G. Fee-In Lieu of Parking~~

~~The Historic Preservation Officer, or designee, may approve the acceptance of a fee-in-lieu of required parking in extreme cases where none of the alternatives above, alone or in combination, provide for the requisite number of spaces. Such fee shall be based on the cost of land acquisition, construction (including landscaping and lighting), and the estimated cost of maintenance for a period of ten years. Such fee shall be placed in a dedicated fund to provide parking solutions in the affected portion of the Downtown area or other affected project area where the project is not within the Downtown.~~

~~H. Other Eligible Alternatives~~

~~The Historic Preservation Officer, or designee, may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the City that the proposed plan will function equally well in protecting surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design than would strict compliance with otherwise applicable off-street parking standards. Such alternatives may include, but are not limited to, the use of tandem parking spaces.~~

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~*Note(s)—Former Section 9.02.060.*~~

1. On the ground floor of the building or facility associated with the use, unless site factors, access, or licensing restrictions prohibit locating bicycle parking on the ground floor;
2. In a location that is conveniently and safely accessed by bicycle and by foot and in a way that minimizes conflicts with motor vehicles and pedestrians;
3. Within 50 feet of the primary building entrance, in a well-lit location that maximizes visibility to users and the public, and is not isolated or remote from building entrances, sidewalks, and vehicular parking facilities.
   a. If a parking facility has multiple entrances, the ~~required~~ bicycle parking spaces may be spread out among the multiple entrances.

B. Bicycle parking spaces shall be accessible without climbing more than one step or going up or down a slope in excess of 12%.

Chapter 12. Sign Standards[1] ~~(Chapter 10)~~

Section 12.01. General

12.01.010. ~~12.01.01.~~Authority

The provisions of this ~~C~~chapter are adopted pursuant to Texas Local Government Code ~~c~~Chapters 51, 54, 211, 216 and the City Charter.

12.01.020. ~~12.01.02.~~Purpose and Objectives

The purpose of this ~~C~~chapter is to provide clear regulations for the permitting, design, location, construction, modification, use, maintenance, and removal of signs in the City's corporate limits and its extraterritorial jurisdiction (ETJ). The objectives are~~:~~ to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the community's overall aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

12.01.030. ~~12.01.03.~~Applicability and Effect

A. In accordance with Texas Local Government Code §§ 216.901 and 216.902, these regulations apply to all areas within the corporate limits of the City and those areas within its extraterritorial jurisdiction and supersede the regulations adopted under Chapter 394 of the Texas Transportation Code.

B. A sign may be erected, placed, established, painted, created, or maintained in the jurisdiction only in conformance with the standards, procedures, exemptions, and other requirements of this Code. These regulations apply to both commercial and non-commercial messages.

C. All signs not expressly permitted by this ~~C~~chapter are prohibited, except as approved through the appeals process established by this Code. In particular, the following signs are expressly prohibited within the City's corporate limits and ETJ:

   1. Signs within public rights-of-way;
   2. Signs affixed to a tree or utility pole; and
   3. Signs located within the restricted area defined in Section 12.44.010 of the Code of Ordinances ("sight triangle").

12.01.040. ~~12.01.04.~~Applicable Regulations in Extraterritorial Jurisdiction

For signs not prohibited by this code, the maximum sign area and height shall not exceed the following for properties in the ETJ~~: The following~~. In overlapping areas, the most restrictive sign regulations apply.

~~Note: City Staff reviewing.~~

[1] ~~Editor's note(s)—Ord. No. 2020-75 , § 3(Exh. A), adopted November 10, 2020, amended Chapter 10 in its entirety to read as herein set out. Formerly, Chapter 10, Sections 10.01—10.07 pertained to similar subject matter, and derived from original codification.~~

A. Any area within 200 feet of a residential lane, residential street, or rural subdivision street right-of-way must

~~Note: Link to districts~~

meet all sign regulations that apply within the Residential Single-Family (RS) Zoning District.

B. Any area within 200 feet of a residential collector street right-of-way must meet all sign regulations that apply within the High Density Multi-Family (MF-2) and Low Density Multi-Family (MF-1) Zoning Districts.

C. Any area within 200 feet of a major collector street right-of-way must meet all sign regulations that apply within the Local Commercial (C-1) Zoning District.

D. Any area within 250 feet of an arterial (major or minor) or a freeway right-of-way must meet all sign regulations that apply within the Regional Commercial (C-2) Zoning District.

E. Any other area within the ETJ must meet all sign regulations that apply within the Agriculture (AG) Zoning District.

12.01.050. ~~12.01.05.~~Master Sign Plan

Pursuant to the procedures and provisions outlined in ~~Section 3.12~~Section 3.19 ("Master Sign Plan") a Master Sign Plan shall be required for all ~~multiple-tenant buildings,~~ Planned Unit Developments~~,~~ and all multi-building or multi-occupant commercial developments when required by the Building Official before any signs for such development may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved Master Sign Plan.

12.01.060. ~~12.01.06.~~Nonconforming Sign Standards

The standards for nonconforming signs are set forth in ~~Section~~ (**1~~4~~6.06**), Nonconforming Signs.

12.01.070. ~~12.01.07.~~Abandoned and Unsafe Signs

A. All signs in the City's corporate limits and ETJ shall be properly maintained to the satisfaction of the Building Official. Abandoned ~~S~~signs, or signs that are illegal, unsafe, or insecure, are declared a public nuisance. Failure to maintain or remove a sign in violation of this ~~S~~section may be subject to penalties as set forth in **Section ~~15.03.03~~17.03.030**.

B. Pursuant to Section 216.003(e) of the Texas Local Government Code, if the Building Official ~~-~~determines a sign is an Abandoned Sign, the owner, agent, or person having the beneficial use of the land, building, or structure upon which the sign is located shall remove the Abandoned Sign within 30 days of the determination.

~~Definition (in response to Skye's comment):~~

~~Sign, Abandoned. A sign attached to a building or space which has been vacant for at least two years. Any sign on a vacant lot or parcel, other than a legally-permitted Off-Premise Sign, is also considered an Abandoned Sign.~~

C. Pursuant to Chapter 54 of the Texas Local Government Code, if the Building Official ~~-~~determines a sign is~~,~~ unsafe, insecure, or presents a hazard to the public in any way, they shall provide notice to the owner, agent, or person having the beneficial use of the land, building, or structure upon which the sign is located. If within 15 days of the day of the notice the sign is not repaired, made conforming, or removed, or an appeal has not been filed in accordance with this ~~S~~section, the Building Official is authorized to cause the removal of that sign, and any expense incident hereto shall be paid by the permit applicant, owner of the land, building, or structure to which that sign is attached or upon which it is erected. The Building Official may cause any sign, which is determined to be an immediate hazard to the general public, to be removed summarily and without notice.

D. The owner, agent, or person having the beneficial use of the land, building, or structure upon which the sign is located may appeal the determination of the Building Official ~~-~~that a sign is unsafe, insecure, or presents a hazard to the public by filing an appeal with the Building Standards Commission within 15 days of that notice, under the procedure for appeal of a decision of the Building Official under Chapter 2.64 of the Code of Ordinances. Upon

receipt of an appeal, the Building Standards Commission shall schedule a hearing for the next available meeting, where the Building Official and the appellant shall each have an opportunity to speak to the status of the sign. The Building Standards Commission shall have the power to affirm or reverse the determination of the Building Official, and the decision of the Building Standards Commission shall be final.

12.01.080. ~~12.01.08.~~Alternative Sign Plan

To provide flexibility in the attainment of sign code compliance, an applicant may request an Alternative Sign Plan when a Master Sign Plan is either not applicable or practical under the circumstances. The Building Official is the decision-making authority for an Alternative Sign Plan using the Administrative Exception process detailed in ~~Section 3.16~~Section 3.14, **Administrative Exception**~~,~~ of this Code.

Section 12.02. Summary of Permitted Signs

The following Table establishes permitted signs within the City's corporate limits and those areas within the ETJ based on underlying Zoning District. ~~Table 10.05.010~~Table 12.05.010-1 details permitted signs with specific dimensional standards per ~~z~~Zoning ~~d~~District, ~~o~~Overlay ~~d~~District, or street corridor. All sign types not listed in ~~Table 10.02 or 10.05.010~~Table 12.01.080-1 or Table 12.05.010-1 are prohibited, unless otherwise specified in this ~~C~~chapter.

Table ~~10.02:~~12.01.080-1. Permitted Sign Types by District

Sign Info	RS, RE, ~~TR~~RT & MH Districts	AG, RM, MF-1 & MF-2 Districts		PF Districts	C-1,C-2, ~~BP~~I-1 & ~~IN~~I-2 Districts	~~MU District~~	Downtown and Old Town Overlay Districts*
Sign Type							
Banner	-	-		-	P	~~See Section 4.09.100~~	C
Incidental	A	A		A	A		A
~~**Residential**~~	~~A~~	~~A~~		~~A~~	~~A~~		~~A~~
Subdivision Entry	P	P		-	-		-
Temporary	P	P		P	P		P
Sandwich Board	-	-		A	A		A
Sign Feature							
Changeable Copy	-	-		-	P		C
External Illumination	-	-		P	P		C
Internal Illumination	-	-		-	P		C
Key	**A** = Allowed without Permit **P** = Sign Permit required						

	C = Certificate of Appropriateness required; Sign Permit Required *For signs in the Downtown Historic District, see the Historic District Design Guidelines

Section 12.03. Exempt Signs

This ~~C~~chapter exempts the following signs:

A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

B. Any sign inside a building, not attached to a window or door, that is not ~~legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located~~intended to be viewed from outside such as a sign on a clothing rack intended to sell clothes to patrons already inside the store;

C. Traffic control, service entrance, and directional signs on private property, such as "Stop," "Yield," "Enter," and similar signs, that do not exceed ~~four~~4 feet in height or ~~four~~4 square feet in area or meet ~~S~~state or City standards or conform to the *Manual of Uniform Traffic Control Devices*, as published by the U.S. Department of Transportation, Federal Highway Administration;

D. Address and postbox numerals conforming to the requirements of Chapter 15.36, Street Naming and Street Addressing, of the Code of Ordinances, as amended;

E. Government signs, including flags, erected by or for the ~~c~~City, county, state or federal government in furtherance of their governmental responsibility;

F. Legal notices; and

G. Signs prepared by or for the local, state, or federal government marking sites or buildings of historical significance that do not exceed ~~seven~~7 feet in height or ~~eight~~8 square feet in area.

Section 12.04. Prohibited Sign Types

All signs not expressly permitted under this Code or exempt from regulation in the previous section are prohibited within the City's corporate limits and those areas within the ETJ. Prohibited signs include, but are not limited to:

A. Beacons (i.e. light beams);

B. Portable Signs;

C. Roof signs above the lesser of the height of the structure or allowable freestanding sign height within the District in which it is located;

D. Inflatable signs and tethered balloons greater than 18 inches in diameter;

E. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs;

F. Off-premise signs;

G. Streamers;

H. Signs that emit an odor or produce an audible message; and

I. Unshielded neon.

Section 12.05. Sign Design and Area Regulations

12.05.010. ~~12.05.01.~~Sign Dimensional Standards

Table ~~10.05.010:~~12.05.010-1. Sign Dimensions by District

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
Downtown Overlay and Old Town Overlay ~~d~~Districts (see also ~~b~~Base ~~z~~Zoning ~~d~~District requirements below)	For additional detailed guidelines related to signs in these Districts, see Chapter 5: Signs and Colors in the City's Historic District Design Guidelines. Monument signs shall be no greater than 5 feet in height and pole signs shall not be permitted.					
~~MU~~	~~See Section 4.09.100~~					
AG RE RT RS RM MH	Freestanding Monument Sign	2	5	2	1	~~10.05.03~~12.05.030.A
	Flag	40	25	5	—	~~10.05.03~~12.05.030.E
	~~Building Wall~~Incidental Sign	~~.5 per lin ft of primary facade~~4	~~—~~2	~~—~~5	~~—~~2 per lot. Additional signs may be approved with Sign Permit	~~10.05.03~~12.05.030.C
C-1 PF MF-1 MF-2 (For properties fronting Williams Dr/FM 2338, ~~IH~~ I-35, SH-195, SH 130, see below)	Freestanding Monument Sign	32	5	5	1 per 500' of frontage or fraction thereof	~~10.05.03~~12.05.030.A
	Low Profile Pole Sign	20	6	5	1 per 500' of frontage or fraction thereof	~~10.05.03~~12.05.030.A
	Flag	40	25	5	—	~~10.05.03~~12.05.030.E
	Building Wall	1 per linear foot of primary fa~~c~~çade	—	—	—	~~10.05.03~~12.05.030.C
	Incidental Sign	4	2	5	Two ~~(2)~~ per acre per lot. Additional signs may be	—

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
					approved through a Sign Master Plan per ~~Section 10.01.050~~12.01.050	
C-1 C-2 ~~BP~~ ~~IN~~I-1 I-2 MU-DT (for properties in the MU-DT District, see also Historic District Design Guidelines. For properties fronting ~~Williams Dr/FM 2338, IH-35, SH-195, SH 130, see below)~~v	Freestanding Monument Sign	1 per ~~lin~~linear ft of primary fa~~c~~çade not to exceed a max of 48 sq ft per sign face	6	5 (10 in IN District)	1 per 500' of frontage or fraction thereof	~~10.05.03~~12.05.030.A ~~10.05.03.F~~12.05.030.E.2
	Low-Profile Pole Sign	20	10	5 (10 in IN District)	1 per 500' of frontage or fraction thereof	~~10.05.03~~12.05.030.A
	Flag	40	25	5	—	~~10.05.03~~12.05.030.E
	Building Wall	1 per linear foot of primary fa~~c~~çade	—	—	—	~~10.05.03~~12.05.030.C ~~10.05.03.F~~12.05.030.E.2
	Incidental Sign	4	2	5 (10 in the IN District)	Two ~~(2)~~ per acre per lot~~.~~ Additional signs may be approved through a Sign Master Plan per ~~Section 10.01.050~~12.01.050	—
All properties fronting Williams Drive/FM 2338	Freestanding Monument Sign	48	5	5	1	~~10.05.03~~12.05.030.A ~~10.05.03.F~~12.05.030.E.2
	Flag	40	25	5	—	~~10.05.03~~12.05.030.E
	Building Wall	1 per linear foot of primary fa~~c~~çade	—	—	—	~~10.05.03~~12.05.030.C ~~10.05.03.F~~12.05.030.E.2
	Incidental Sign	4	2	5	Two (2) per acre per lot. Additional	—

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
					signs may be approved through a Sign Master Plan per ~~Section 10.01.050~~12.01.050	
All properties fronting: ~~IH~~I-35 SH-195 SH-130	Freestanding Monument Sign	60	8	5	1 per 200' frontage or fraction thereof	~~10.05.03~~12.05.030.A
	High Profile Monument Signs on SH-195 and SH-130	225	28	5	1 per 600' of frontage or fraction thereof	~~10.05.03.F~~12.05.030.E.2
	High Profile Monument Signs on ~~IH~~I-35	225	28	5	1 per 600' of frontage or fraction thereof, but not less than 400' separation	~~10.05.03.F~~12.05.030.E.2
	Pole Signs on ~~IH~~I-35	225	28	—	1 per 600' of frontage or fraction thereof, but not less than 100' separation, w/ 200' from Monument Sign	~~10.05.03~~12.05.030.D
	Flag	40	25	5	—	~~10.05.03~~12.05.030.E
	Building Wall	1 per linear foot of primary fa~~c~~cade	—	—	—	~~10.05.03~~12.05.030.C
	Incidental Sign	4	2	5	Two ~~(2)~~ per acre per lot. Additional signs may be approved through a Sign Master Plan per ~~Section~~	—

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
					~~10.01.05~~12.01.050	
Multi-tenant Signs	Multi-tenant Signs are allowed per the provisions of ~~10.05.05~~12.05.060. **Multi-Tenant Signs**					
Residential Model Homes	Model Home Signs are allowed per the provisions of ~~Section 5.08.020.H~~6.02.070.B.8					
Bed and Breakfast	Bed and Breakfast Signs are allowed per the provisions of ~~Section 5.04.020.B~~6.02.040.B.2 and 6.02.040.B.3					
Office in the RS District	Office uses in RS District with a SUP are allowed one sign per the provisions of ~~Section 5.04.020.K~~6.02.040.B.12.a					
Automobile Sales, Rental or Leasing Facility	Automobile Sales, Rental or Leasing Facility uses are allowed signs as per the provisions of ~~Section 5.04.020S~~6.02.040.B.19					
** The setback requirements above apply to all parts of the sign, as well as all parts of its pole, foundation, or other appurtenances. Please also refer to ~~10.05.03~~12.05.030.**H. Signs Along Streets, Public Ways, or Railroads** for additional setback requirements applicable to signs adjacent to public rights-of-way.*						

~~Note for Staff: FNI and City Staff to discuss any potential neutrality/legality concerns regarding sign regulations for Residential Model Homes, B&Bs, and Auto Sales, Rental, or Leasing Facility. FNI's hesitation is the rationale for treating certain uses differently than others in the same district (but we will defer to City Attorney direction).~~

~~This is an alternative table, in response to the request for a recommendation to align with the Comp Plan's corridor types. We would probably need to retain the standards for the specific districts in the table above (AG, RE, RT, RS, RM, MH, PF, MF-1, MF-2, C-1, C-2, BP, IN) for areas that don't front the corridors though.~~

~~Corridor Type~~	~~Sign Classification~~	~~Maximum Area Per Sign (sq. ft.)~~	~~Maximum Height (feet)~~	~~Minimum Setback (feet)*~~	~~Maximum Number per Lot~~	~~Conditions~~
~~Downtown~~	~~For additional detailed guidelines related to signs in these Districts, see Chapter 5: Signs and Colors in the City's Historic District Design Guidelines.~~ ~~Monument signs shall be no greater than 5 feet in height and pole signs shall not be permitted.~~					
~~Scenic~~	~~Freestanding Monument Sign~~	~~2~~	~~6~~	~~10~~	~~1~~	~~10.05.03.A~~
	~~Flag~~	~~40~~	~~25~~	~~10~~	~~—~~	~~10.05.03.E~~
	~~Building Wall~~	~~0.5 per lin ft of primary facade~~	~~—~~	~~—~~	~~—~~	~~10.05.03.C~~
	~~Incidental Sign~~	~~4~~	~~2~~	~~5~~	~~Two (2) per acre per lot. Additional signs may be approved through a Sign Master Plan per Section 10.01.050~~	~~—~~
~~Urban~~	~~Freestanding Monument Sign~~	~~1 per lin ft of primary facade not to exceed a max of 48 sq ft per sign face~~	~~5~~	~~5~~	~~1 per 500' of frontage or fraction thereof~~	~~10.05.03.A~~ ~~10.05.03.F~~
	~~Flag~~	~~40~~	~~25~~	~~5~~	~~—~~	~~10.05.03.E~~
	~~Building Wall~~	~~1 per linear foot of primary facade~~	~~—~~	~~—~~	~~—~~	~~10.05.03.C~~ ~~10.05.03.F~~
	~~Incidental Sign~~	~~4~~	~~2~~	~~5~~	~~Two (2) per acre per lot. Additional signs may be approved through a Sign Master Plan per Section 10.01.050~~	~~—~~
~~Williams Drive (For MU, see Section 4.09.100)~~	~~Freestanding Monument Sign~~	~~48~~	~~5~~	~~5~~	~~1~~	~~10.05.03.A~~ ~~10.05.03.F~~
	~~Flag~~	~~40~~	~~25~~	~~5~~	~~—~~	~~10.05.03.E~~
	~~Building Wall~~	~~1 per linear foot of primary facade~~	~~—~~	~~—~~	~~—~~	~~10.05.03.C~~ ~~10.05.03.F~~
	~~Incidental Sign~~	~~4~~	~~2~~	~~5~~	~~Two (2) per acre per lot. Additional signs may be approved through a Sign Master Plan per Section 10.01.050~~	~~—~~
~~Highway~~	~~Freestanding Monument Sign~~	~~60~~	~~8~~	~~5~~	~~1 per 200' frontage or fraction thereof~~	~~10.05.03.A~~
	~~High Profile Monument Signs on SH-195 and SH-130~~	~~225~~	~~28~~	~~5~~	~~1 per 600' of frontage or fraction thereof~~	~~10.05.03.F~~
	~~High Profile Monument Signs on IH-35~~	~~225~~	~~28~~	~~5~~	~~1 per 600' of frontage or fraction thereof, but not less than 400' separation~~	~~10.05.03.F~~
	~~Pole Signs on IH-35~~	~~225~~	~~28~~	~~—~~	~~1 per 600' of frontage or fraction thereof, but not~~	~~10.05.03.D~~

~~Pole signs not recommended by comp plan; kept here based on existing~~

~~Corridor Type~~	~~Sign Classification~~	~~Maximum Area Per Sign (sq. ft.)~~	~~Maximum Height (feet)~~	~~Minimum Setback (feet)*~~	~~Maximum Number per Lot~~	~~Conditions~~
					~~less than 100' separation, w/ 200' from Monument Sign~~	
	~~Flag~~	~~40~~	~~25~~	~~5~~	~~—~~	~~10.05.03.E~~
	~~Building Wall~~	~~1 per linear foot of primary facade~~	~~—~~	~~—~~	~~—~~	~~10.05.03.C~~
	~~Incidental Sign~~	~~4~~	~~2~~	~~5~~	~~Two (2) per acre per lot. Additional signs may be approved through a Sign Master Plan per Section 10.01.05~~	~~—~~
~~Multi-tenant Signs~~	~~Multi-tenant Signs are allowed per the provisions of **10.05.05. Multi-Tenant Signs**~~					
~~** The setback requirements above apply to all parts of the sign, as well as all parts of its pole, foundation, or other appurtenances. Please also refer to **10.05.03.H. Signs Along Streets, Public Ways, or Railroads** for additional setback requirements applicable to signs adjacent to public rights-of-way.*~~						

12.05.020. ~~12.05.02.~~Sign Area Computation

The following describes the computation of sign area and sign height.

A. Computation of Area of Individual Signs

1. The permitted area for all signs pursuant to Section 1~~0~~2**.05.010. Sign Dimensional Standards**, shall be inclusive of the sign base and sign cabinet. The sign cabinet is the structure or border used to differentiate a sign face from the structure against which a sign face is placed. In no case shall the overall sign structure, including the base, exceed the maximum allowed height nor the maximum allowed sign area.

2. Where a sign consists of individual letters, words, or symbols attached to a surface, building, canopy, awning, or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words, or symbols and any accompanying background of a color different than the natural color of the wall. For signs including multiple words, each word located in the same plane shall be computed separately.

B. Computation of Area of Multi-Faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back~~-~~-to~~-~~-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are substantially similar, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

C. Computation of Height

The height of a sign shall be computed as the average distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

D. Computation of Maximum Total Permitted Sign Area

The permitted sum of the area of all individual signs shall be computed by applying the Zoning District formulae contained in Section ~~10.05.01~~12.05.010**. Sign Dimensional Standards** to the lot frontage, building frontage or wall area, as appropriate. Lots fronting on two or more streets are allowed to calculate the longest street frontage into the allowable allocation to be identified by the Master Signage Plan.

E. Computation of Maximum Number of Signs

Pursuant to ~~Table 10.05.010~~Table 12.05.010-1. Sign Dimensions by District, each lot is allocated the maximum number of signs allowed per Zoning District. Where indicated, additional signs beyond the identified allowance shall be determined by the lineal frontage of the lot.

12.05.030. ~~12.05.03.~~Design Requirements

A. Monument Signs and Low-Profile Pole Signs

Monument signs or low-profile pole signs are the only permanent freestanding sign allowed, except on properties with ~~IH~~ I-35, SH 130, or SH 195 frontage, where pole signs are also permitted.

1. Monument Signs

a. Monument signs shall not have more than two sign faces.

b. The structure of monument signs shall be constructed of the same or similar materials ~~compatible with~~as those utilized on the primary building's fa~~c~~cade.

~~City Attorney reviewing sign materials.~~

c. Monument signs located on the same property must be spaced a minimum of 80 feet apart from other freestanding signs for which a permit is required.

d. A shared monument sign is encouraged. Such a monument sign must be located on one of the properties included in the sign text.

~~Question for Staff: FNI to recreation graphic. Are any changes~~

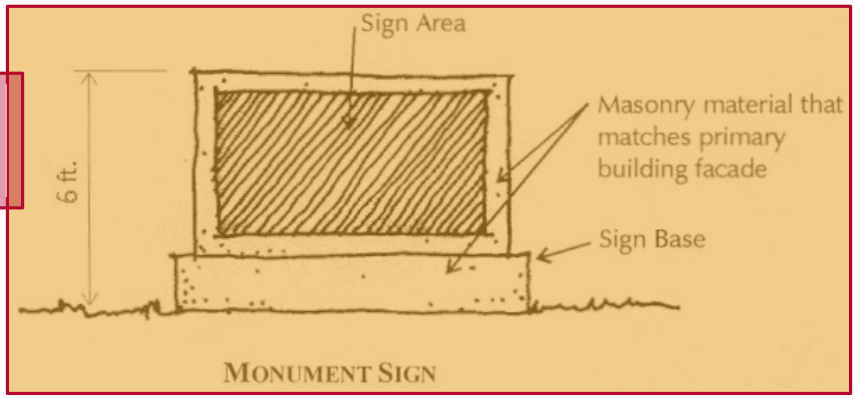
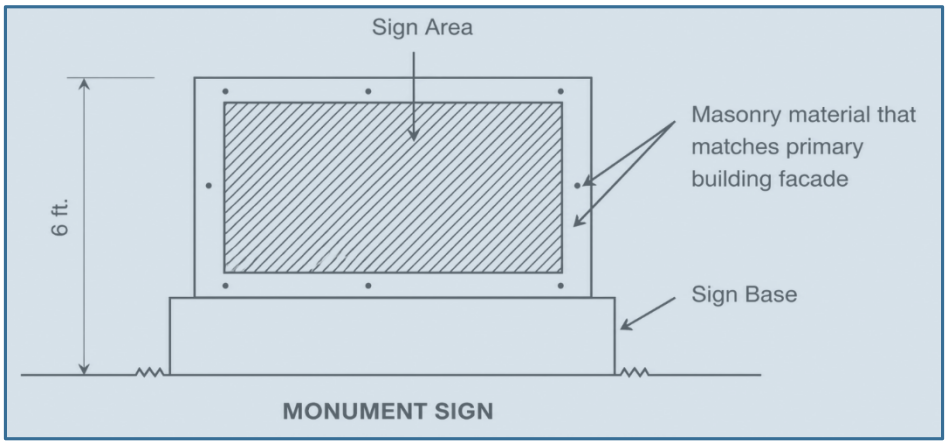


Figure 12.05.030-12.05.03-1. Monument Sign Example



2. Low-Profile Pole Signs

a. Low-profile pole signs are permitted on any property as an alternative to permitted pole or monument signs.

b. Low-profile pole signs shall not have more than two sign faces.

c. Low-profile pole signs located on the same property must be spaced a minimum of 80 feet apart from other freestanding signs for which a permit is required.

EXAMPLES OF LOW PROFILE SIGNS

~~TRAVIS BAIRD – Not sure that this example gives accurate depiction of scale we would want. What makes these signs "low profile"? Is that even defined in here?~~

~~Are low-profile pole signs a needed specific sign type, vs. allowing any pole signs up to a certain height? These low-profile pole signs are uncommon to see. Plus, if these examples aren't desirable, is this a desirable sign type to explicitly allow?~~

d. A shared low-profile sign is encouraged. Such a sign must be located on one of the properties included in the sign text.

e. In the C-1, C-2, MU-DT, ~~BP~~I-1 and ~~IN~~I-2 Districts:

(i) Landscaping

(a) The use of low-profile pole signs requires the installation of a landscaped area equal to twice the area of one face of the pole sign.

(b) The required landscaping shall consist of four healthy, nursery stock shrubs, ~~five~~5-gallon container size, and ground cover as permitted in **Section ~~8.06~~9.05.020**.

(c) The required landscaping shall be located at the base of the pole sign.

(d) The owner and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.

(ii) Additional Sign Allowances

(a) For properties in excess of 500 feet of frontage, additional sign square footage is allowed as determined in **~~Table 10.56.010~~Table 12.05.010-1. Sign Dimensions by District**.

(b) The cumulative square footage of allowed signs may be distributed between the maximum number of allowed signs with no one sign exceeding 90 square feet in size.

3. RE, ~~TR~~RT, RS and MH Districts

In the RE, ~~TR~~RT, RS and MH Districts externally illuminated free standing signs shall only be located adjacent to arterial roadways.

B. Landmark Signs

To be recognized and designated as landmark signs, an individual sign must be approved by the procedures adopted by the Historic and Architectural Review Commission. To be considered for designation, these signs shall exhibit such a unique character, design or historical significance to be recognized by the community.

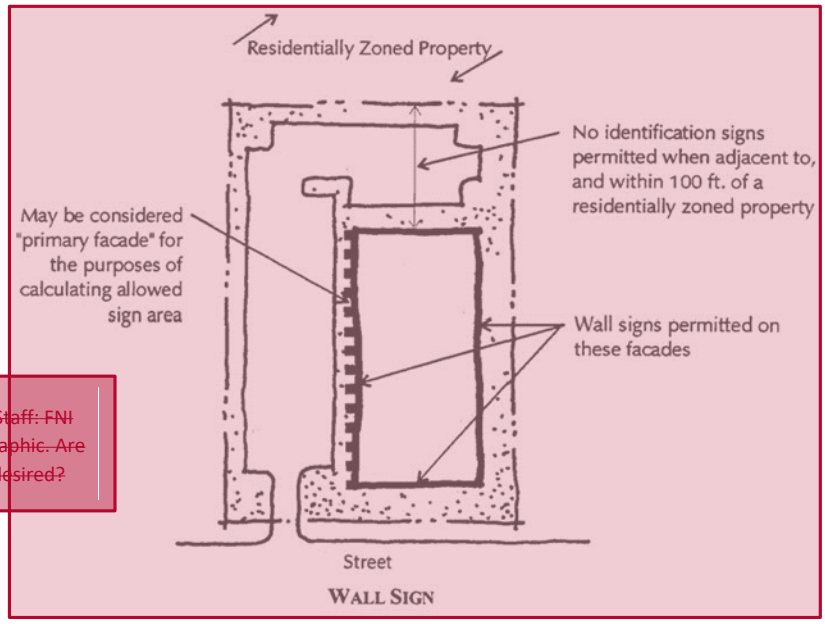
C. Building Wall Signs

1. The calculation of building wall signage shall be based upon a building's primary entrance and building fa~~c~~çade as defined in **~~Section 16.02~~Section 18.02**.

2. Wall signs will be allowed for the maximum area per square foot as allowed in the Zoning District as provided in **~~Table 10.05.010~~Table 12.05.010-1. Sign Dimensions by District** and the conditions of **Subsection ~~10.05.03~~12.05.030.C**.

3. Building wall signs may be placed on any portion of the building wall~~,~~ but shall not exceed the height of the wall. Wall signs shall not project more than ~~eight~~8 inches from the building or structure, shall have only one sign face, and shall be affixed to the wall.
4. Building wall signs may be placed on any face of the building, except those directly adjacent to, and within 100 feet of a residential property line within a Residential Zoning District. If the residential zoned property is developed as a Non-Residential use then this restriction shall not apply.
5. Posters, signs, or announcements located in window areas not exceeding 50 ~~percent (50~~%~~)~~ of an individual window area shall not be calculated as an element of total allowable site signage. Any sign area in excess of the 50 ~~percent (50~~%~~)~~ will cause the entire area of the poster, sign, or announcements to be calculated as an element of total allowable building wall signage.

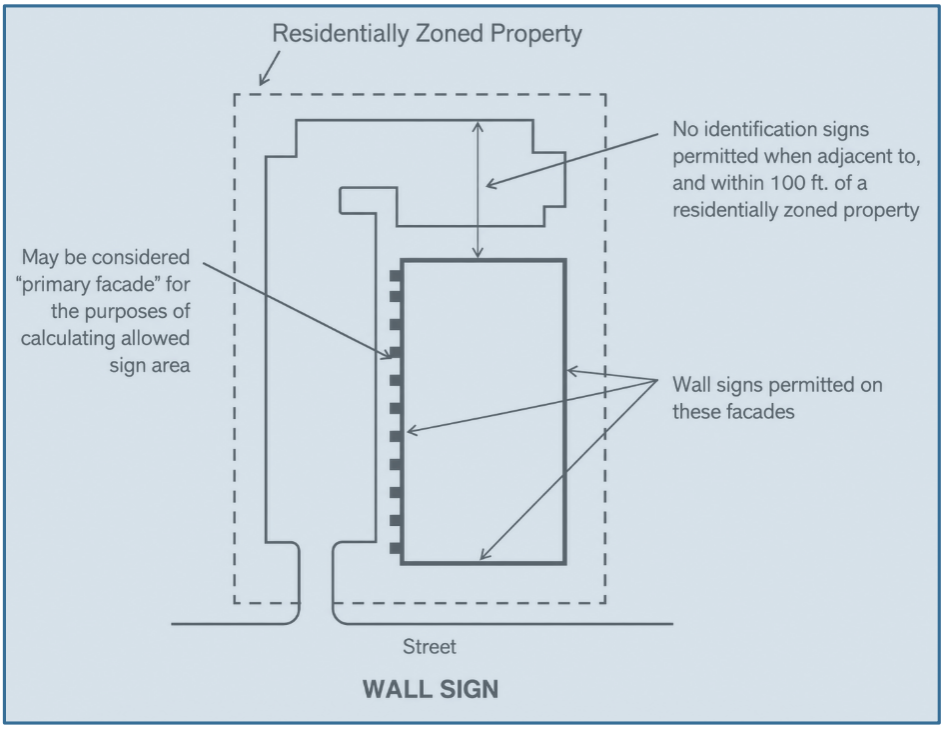
~~6. In the RS, TR, and RE Districts externally illuminated building wall signs shall only be located on properties fronting arterial roadways.~~



WALL SIGN

~~Question for Staff: FNI to recreate graphic. Are any changes desired?~~

Figure 12.05.030-12.05.03-2. Wall Sign Location Diagram



D. Pole Signs on Properties with IH 35 Frontage

Pole signs are permitted on properties with ~~IH~~ I-35 frontage, which are zoned C-1, C-2, ~~BP~~I-1, or ~~IN~~I-2, provided they meet the following requirements:

1. Height limit shall be 28 feet, but additional height may be allowed using the following as determining factors:
   a. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of ~~IH~~ I-35.
   b. Determination of the elevational difference shall be measured by projecting a perpendicular line from the center-line of the proposed location of the sign to the main ~~IH~~ I-35 roadway section nearest the sign.
   c. The allowance will only apply for properties and sign locations that are determined to be lower in elevation than ~~IH~~ I-35, as determined by **Subsection b** above.
2. The maximum area shall be 225 square feet per face.
3. Pole signs shall not have more than two sign faces.
4. Properties with ~~IH~~ I-35 frontage may have only one pole sign for each 600 feet of frontage or fraction thereof. Pole signs shall be spaced a minimum of 100 feet apart.
5. Pole Signs shall be spaced a minimum of 200 feet from a High Profile Monument Sign.
6. If a Pole Sign is used along the ~~IH~~ I-35 frontage, a Marquee Sign cannot also be used.
7. All signs shall maintain a minimum clearance from electric power lines of ~~ten~~10 feet horizontally and 15 feet

~~Note to Staff: Added #6 to help clarify the pole sign/marquee sign issue. Is this an accurate interpretation of the existing regulations? This expands beyond just movie, performing art theaters, or athletic complexes, but are there other uses commonly using marquees, and why would it apply~~

vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner.

8. Electronic Messaging Center signs with I-35 frontage are subject to the standards in **Subsection 12.05.050** below.

E. Flags

Flags are permitted in all Zoning Districts provided that they meet the following requirements:

1. Flags shall not exceed the Maximum Height and Size as provided for in **~~Table 10.05.010~~Table 12.05.010-1. Sign Dimensions by District** of **Section 1~~0~~2.05~~,~~.** ~~Sign Design and Area Regulations~~**Sign Design and Area Regulations**. The overall measurement of the flagpole shall not exceed 25 feet in height as measured from the base of the pole to the top regardless of where the flagpole is located.
2. When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the Building Code for wind and structural loading requirements. The plan design criteria shall provide the proposed location, attachment method to the structure and wind load resistance. A ~~b~~Building ~~p~~Permit shall be required for this type of installation.
3. Within Zoning Districts C-1, C-2, MU-DT, ~~BP~~I-1, and ~~IN~~I-2, ground-mounted flag-poles can exceed the 25-foot height limit but shall not exceed the maximum building height as allowed in that Zoning District.

F. Marquee Sign

The following sign design standards shall be used in addition to **~~Table 10.05.010~~Table 12.05.010-1. Sign Dimensions by District** for a marquee sign as defined in **~~Section 16.02~~Section 18.02**. The definition of a sign in **~~Section 16.02~~Section 18.02** shall also apply for all types of signs used within this ~~S~~section.

1. Marquee signs will be allowed for the maximum area per square foot as allowed for wall signs in the District as provided in **~~Table 10.056.010~~Table 12.05.010-1. Sign Dimensions by District** and the conditions of **Subsection ~~10.05.03~~12.05.030.C**.
2. If a pole sign is used along the ~~IH~~ I-35 frontage, a marquee sign cannot also be used.~~.~~
3. A marquee sign shall only be located on the building's primary fa~~c~~çade and over the main entrance.
4. The calculation for the total square foot area of a marquee sign shall be based solely upon the number of movie screens or stages provided in the building. In addition to the maximum area per square foot sign allowance, an additional one square foot per linear foot of primary fa~~c~~çade for marquee signs can be allowed. For the purpose of this ~~S~~section a marquee sign is considered to be a maximum 6~~' x 24'~~-foot-by-24-foot panel. The ratio would equal three movies or stage titles to one panel. The maximum area of ~~two~~2 square feet per linear foot of primary fa~~c~~çade shall not be exceeded. The maximum height shall not exceed 20 feet.
5. Posters or announcements shall be located directly under the marquee sign and shall not exceed 50~~ percent (50~~%~~)~~ of the area contained within the overall maximum width of the marquee sign. In this case, these types of signs shall not be calculated as an element toward~~s~~ the total maximum sign area. When located outside, these types of signs shall be located in protective cases. An excess of the 50~~ percent (50~~%~~)~~ will cause the entire area to be calculated as an element of total allowable site signage.

~~Note from Sofia to check the definition of Marquee:~~

~~***Marquee**: Any permanent roof-like structure projecting beyond a building or extending from a facade, along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather including a mansard roof.*~~

~~***Marquee Sign**: Any sign attached to, in any manner or made a part of a marquee.*~~

~~The definitions look pretty typical, other than the "including a mansard roof" portion – not sure what that would look like.~~

~~We un-deleted #1 and #2, and tried to reword a bit to clarify the applicability to marquee signs. Is this an accurate interpretation of the existing (and desired) regulations?~~

G. High Profile Monument Signs

High profile monument signs are permitted on properties with SH 130, SH 195, and IH-35 frontage, which are zoned C-1, C-2, ~~BP~~I-1, or ~~IN~~I-2, provided they meet the following requirements:

1. The maximum height limit shall be 28 feet, but additional height may be allowed using the following as determining factors:

Figure 12.05.030-12.05.03-3. High Profile Monument Sign

   a. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of the main lanes.

   b. Determination of the elevation difference shall be measured by projecting a perpendicular line from the center line of the proposed location of the sign to the center line of the main lanes nearest the sign.

   c. The allowance applies only to properties and sign locations that are determined to be lower in elevation than the main lanes, as measured by **Subsection b** above.

2. The maximum area shall be 225 square feet per face.

3. High profile monument signs shall not have more than two sign faces.

4. Properties with SH 130 or SH 195 frontage may have only one high profile monument sign for each 600 feet of frontage. High profile monument signs shall be spaced a minimum of 600 feet apart. If a property has less than 600 feet of frontage on SH 130 or SH 195 a high profile monument sign is not allowed.

5. Properties with IH-35 frontage may have only one high profile monument sign for each 600 feet of frontage or fraction thereof. High profile monument signs shall be spaced a minimum of 400 feet apart.

6. High profile monument signs shall be spaced a minimum of 200 feet from a pole sign.

7. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner.

H. Signs Along Streets, Public Ways, or Railroads

1. Except as set forth below, no sign may be placed on or over the area located unless authorized by a license agreement with the City:

   a. Within ~~ten~~10 feet of the back of the street curb for City or ~~C~~county rights-of-way or the actual right-of-way, whichever is greater;

b. Within 25 feet for ~~S~~state rights-of-way or the actual right-of-way, whichever is greater;

c. If no curb exists, within the impervious surface of the street;

d. If unpaved, within ~~ten~~10 feet of the portion of the City ordinarily used for vehicular travel;

e. Within the median of a street;

f. Across the public right-of-way line;

g. Across a railroad right-of-way; or

h. In the restricted areas at street intersections designated by Section 12.44.010 of the City of Georgetown Municipal Code ("sight triangles").

2. The following may be placed on or over the areas listed in **Subsection ~~10.05.03~~12.05.030.H.1**:

a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

b. Bus stop signs erected by a public transit company.

12.05.040. ~~12.05.04.~~Sign Lighting Standards

~~Moved Sign Lighting from a standalone section; no text changes (except deleting space in footcandles, as indicated).~~

A. No illuminated sign which has a sign area of 150 square feet or less shall have luminance greater than 300 footcandles, nor shall it have luminance greater than 300 footcandles for any portion of the sign within a circle ~~two~~2 feet in diameter.

B. No illuminated sign which has a sign area greater than 150 square feet shall have a luminance greater than 200 footcandles for any portion of the sign within a circle of ~~two~~2 feet in diameter.

C. No unshielded light source shall be visible from the edge of the public right-of-way at a height of ~~three~~3 feet.

12.05.050. ~~12.05.05.~~Electronic Message Centers

A. Electronic Message Centers shall not exceed ~~fifty (50) percent~~50% of the sign area for any one sign, and shall not exceed more than ~~thirty (30) percent~~30% of the total area for all signs permitted on a property.

B. No scrolling, flashing, rotating, or animated displays are allowed.

C. Electronic Message Centers shall be equipped with an automatic dimmer device and shall be programmed to automatically dim the electronic sign to a maximum illumination of no more than 0.3 footcandles above ambient light conditions as measured at any point along the property line.

D. Displays shall remain static for at least 15-second periods. Transitions must occur within a one-second period.

E. The display shall be configured to turn off or return to a static, default design if a malfunction occurs.

12.05.060. ~~12.05.06.~~Multi-Tenant Signs

Developments containing two or more businesses, whether in a single building or multiple buildings, shall share a sign structure located within the development. This provision is applicable to businesses located on the same lot upon which the sign is located as well as to businesses located upon different lots within the development. Such signs shall comply with the following:

A. The lot or lots involved must be contiguous with one another, and constitute a single cohesive development;

B. The sign(s) must be located on a lot that the building occupies;

C. The sign shall be designed in the overall architectural style and with the same or similar exterior materials of the buildings within the development;

D. The signs may be any sign type that is otherwise allowed by this ~~C~~chapter;

E. Private streets within the boundaries of the development are treated as public rights-of-way for purposes of determining allowable signage;

F. Individual pad or lease sites, defined in the approved Site Plan, are treated as separate lots for purposes of determining allowable signage;

1. Businesses shall not be allowed advertising on both the multiple tenant (shared) sign and another free standing business identification sign;
2. Multi-tenant monument signs with four or more tenants may have an allowable sign area not to exceed 64 square feet.

G. In addition to signage that would otherwise be allowed on a lot, one additional monument sign not exceeding five feet in height and 32 square feet in area may be located at each intersection of public roadways and/or private roadways.

H. All other provisions of this ordinance shall be applicable to this sign category, including but not limited to, allowed number based on road frontage (multiple lot developments are treated as a single lot for this purpose), allowable size as a function of Zoning District, spacing, illumination, materials, etc.

12.05.070. ~~12.05.07.~~Subdivision Entry Signs

Subdivision entry signs are allowed at primary subdivision entrances, subject to the following standards:

A. Subdivision entry signs are allowed at one primary entrance unless the subdivision has entrances on two different major arterials, in such case an entrance sign may be placed on each of the major arterial roadways.

B. Subdivision entry signs must be monument signs, subject to the definition of this Code and may contain a maximum of 40 square feet per sign face with a maximum height of ~~six~~6 feet.

C. Subdivision entry signs must be constructed of stone, brick, or other masonry material(s) compatible with surrounding development.

D. Subdivision entry signs must be set back a minimum of ~~five~~5 feet from the property line outside of the required sight triangle (**Subsection ~~12.03.050.E.1~~14.06.040**) and located outside of any utility easement, unless authorized by a license agreement with the City.

E. Subdivision entry signs must provide a landscaped area equal to twice the area of the sign face, providing one ~~five~~5-gallon shrub for every ~~ten~~10 square feet of landscaped area.

1. Irrigation must be provided consistent with the standards of **Section ~~8.06.050~~9.05.050. Irrigation Requirements**.
2. The owners and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.

Section 12.06. Temporary Signs

12.06.010. ~~12.06.01.~~General

All temporary signs require a Temporary Sign Permit, following the procedures of ~~**Section 3.18** of this Code~~**Section 3.20. Sign Permit**. Temporary signs may be allowed for permanent uses, temporary uses or for ~~S~~special ~~E~~events, all of

which may be addressed separately in this ~~S~~section. All temporary signs shall be designed, constructed, and maintained in accordance with the following standards:

A. All signs shall always comply with applicable provisions of the City Code.

B. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be securely attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. All signs shall always be maintained in good structural condition, in compliance with all building and electrical ~~C~~codes, and in conformance with this Code .

D. All signs shall maintain a minimum clearance from electric power lines of ~~ten~~10 feet horizontally and 15 feet vertically or as may otherwise be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner or as otherwise required by the electrical utility.

~~E.~~ Any spotlights allowed to illuminate signs or sign illumination shall be shielded such that their light source cannot be seen from abutting roads or properties~~,~~ and shall meet the lighting regulations in ~~Chapter ***~~ **Section 12.05.040. Sign Lighting Standards.**

12.06.020. ~~12.06.02.~~Temporary Signs on Private Property

A. Temporary signs on private property shall be subject to the following requirements, unless otherwise set forth in this ~~S~~section:

1. Term

   A temporary sign permit allows the use of a temporary sign for no more than 45 days from the date of issuance.

2. Number

   Only two temporary signs are allowed per lot.

3. Other Conditions

   A temporary sign is allowed only in designated Zoning Districts as set forth in this ~~S~~section and shall be subject to all other requirements of that Zoning District.

4. Restrictions

   a. Temporary signs on private property are limited to banners, window signs, or yard signs measuring no more than four square feet in area, unless otherwise set forth in this ~~S~~section.

   b. Temporary signs on private property shall comply with the setback and height limitations of ~~**Table 10.05.010**~~**Table 12.05.010-1. Sign Dimensions by District** for the Zoning District in which the property is located.

   c. Attachments to the signs, such as balloons or streamers, are not allowed.

B. Temporary signs on private property by a holder of a Special Event Permit shall be subject to the following requirements:

1. Applicability

   This ~~S~~section applies only to signs placed by a holder of a Special Event Permit under Chapter 12.24 of the Georgetown Code of Ordinances. Specific events, activities or sign regulations that are expressly addressed elsewhere in this Code shall apply and nothing in this ~~S~~section shall modify those other provisions or standards.

2. Location, Size, and Height Restrictions

Temporary signs placed on private property under this ~~S~~section must be approved by the property owner. Signs placed on private property must meet design regulations relating to setbacks, size, height, and other location requirements of the particular Zoning District of the property, as outlined in ~~Table 10.05.010~~Table 12.05.010-1. Sign Dimensions by District**.**

3. Term

   Temporary signs placed on private property under this ~~S~~section shall be erected no more than 15 days prior to the permitted event and must be removed within three days following the last day of the event. No special event signage shall be in place longer than 30 days.

C. Temporary signs on private property at a Construction Site shall be subject to the following requirements:

1. Applicability

   This ~~S~~subsection applies to Construction Site Signs, as defined in ~~Chapter 16~~Chapter 18.

2. Size Restrictions

   These signs shall not exceed a total of 100 square feet or the total area permitted under Section ~~10.05.01~~12.05.010**. Sign Dimensional Standards** of this ~~C~~chapter.

3. Term

   Temporary signs shall be removed within one week following Final Inspection or Acceptance by the City, as applicable.

   ~~Note: City Staff is checking with Inspections to see if anyone confirms removal.~~

4. Other Requirements

   The ~~S~~state, City, ~~C~~county, or other governmental entity permitting the work may impose additional requirements on the Construction Site sign as a condition of its approval.

D. Temporary signs placed by a registered homeowner's or neighborhood organization, which consists solely of the homeowners of a subdivision or neighborhood, provided the following provisions are met:

1. Signs shall be placed only within the boundaries of the applicable subdivision or neighborhood~~,~~ in locations permitted by this ~~C~~chapter.
2. Signs shall not be posted more than 48 hours prior to the beginning of an event or item requiring notice. All such signs shall be removed by the homeowner/neighborhood association no later than 24 hours following the event.
3. Temporary signs shall not exceed ~~four~~4 square feet in size.

12.06.030. ~~12.06.03.~~Temporary Signs on Public Property and Right-of-Way

Temporary signs on public property shall not require a permit if installed by the City, the ~~C~~county, the ~~S~~state, the federal government, or another political subdivision of the state who owns or controls the property.

Section 12.07. Directional Signs in Residential Zoning Districts

~~Note: Sofia and Skye are reviewing Sec. 10.07.~~

12.07.010. ~~12.07.01.~~Erection and Maintenance of Directional Signs

A. The City shall contract with an individual, firm, group, association, or entity in this state to erect and maintain Directional Signs at appropriate locations along eligible City roadways.

B. A contract under this ~~S~~section shall provide for:

1. The assessment of fees to be paid to a contractor by an entity eligible for display of the Directional Sign; and
2. Remittance to the City of at least 10~~ percent (10~~%~~)~~ of the fees collected by the contractor.

C. The City shall make a written award of a contract to the offeror whose proposal offers the best value for the City. In determining the best value for the City, the City may consider:

1. Revenue provided to the City by the contractor;
2. Fees to be charged for inclusion of the signs;
3. The quality of services offered;
4. The contractor's financial resources and ability to perform; and
5. Any other factor the City considers relevant.

D. To the extent of any conflict, this ~~S~~section prevails over any other ordinance relating to the method of the purchasing of goods and services by the City.

12.07.020. ~~12.07.02.~~Regulation of Directional Signs

A. The City Manager shall:

1. Regulate the composition, placement, erection, and maintenance of Directional Signs and supports on an eligible roadway right-of-way; and
2. Adopt rules necessary to administer and enforce this ~~S~~section.

B. A Directional Sign shall not:

1. Mimic an official traffic-control device; or
2. Be located within the restricted area defined in ~~**Section 12.44.010** of the Code of Ordinances~~Section 12.44.010 of the Code of Ordinances ("sight triangle"); or
3. Be divided into more than six panels.

C. The City Manager shall adopt rules, in accordance with applicable federal law, regulations, and guidelines, for determining eligible roadways along which Directional Signs may be located.

12.07.030. ~~12.07.03.~~Disposition of Funds

Funds received under this ~~S~~section shall be deposited in the general fund.

Chapter 13. Drainage and Environmental Protection ~~(Chapter 11)~~

Section 13.01. General

13.01.010. ~~13.01.01.~~Purpose

A. This chapter is adopted to provide environmental protection within the City's jurisdiction and protect the natural and ecological resources that are essential elements of the City's health and community character by reducing negative impacts from the following concerns:

1. Paved surfaces, automobiles, buildings, and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade.
2. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion, and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern.
3. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well~~-~~-being of the community and, therefore, it is proper that the use of such elements be required.
4. In addition to the requirements of this chapter, environmental preservation is directly or indirectly addressed in other chapters of this Unified Development Code, including but not limited to ~~**Chapter 8,** Tree preservation, landscaping, and fencing; and **Section 13.05**, Parkland~~**Chapter 9. Landscaping and Fencing**; **Chapter 10. Tree Preservation**; and **Section 15.08. Parkland**.

13.01.020. ~~13.01.02.~~Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code ~~c~~Chapters 211 and 212, Texas Water Code, Texas Health and Safety Code, the rules and regulations of the Texas Commission on Environmental Quality, the United States Environmental Protection Agency, and the City Charter.

13.01.030. ~~13.01.03.~~Applicability

All development in the City and extraterritorial jurisdiction shall comply with the impervious cover limitations and stormwater control requirements and tree/natural resource preservation requirements of this section ~~and **Chapter 8**~~, **Chapter 9** and **Chapter 10**.

13.01.040. ~~13.01.04.~~Compliance

A. Within City

Compliance with the requirements of this chapter will be achieved in the City through Site Plan review and Stormwater Permit approval for any new development project, and by requiring any compliance during Subdivision Plat review.

B. Within Extraterritorial Jurisdiction

Compliance with the requirements of this chapter will be achieved in the extraterritorial jurisdiction of Georgetown through Stormwater Permit approval for a development project and by requiring any compliance during Subdivision Plat review.

Section 13.02. Impervious Cover

These impervious cover limitations are adopted to minimize negative flooding effects from stormwater runoff and to control, minimize, and abate water pollution resulting from urban runoff of rainwater or other non-point specific sources, pursuant to Texas Water Code § 26.177.

13.02.010. ~~13.02.01.~~Impervious Cover Limitation

Impervious cover limitations apply to all properties in the city limits and the ~~c~~City's extraterritorial jurisdiction (ETJ). For phased development projects, overall compliance with impervious cover limitations ~~apply to each phase.~~ must be maintained throughout the duration of the multi-phase project.

A. Within the City Limits

1. ~~A.~~Non-Residential Development ~~Within the City Limits~~

Non-residential development in the ~~C~~city limits shall follow the provisions below. All development in the ETJ shall follow the provisions in **Section ~~11.02.01.C~~13.02.010.A.2.c(ii)** below.

a. ~~1.~~Over the Edwards Aquifer

If the property is located over the Edwards Aquifer Recharge or Contributing Zones, the maximum impervious coverage for the subdivision must follow the calculation described in **Subsections ~~a~~(i)**., **~~b~~(ii)**., and **~~c~~(iii)**. below. Once the maximum percentage for the gross subdivision has been determined, the plat shall denote the maximum per lot within the subdivision. Within a subdivision, impervious cover percentages per lot may vary, provided that the subdivision maximum, per the following calculation, is not exceeded.

(i) ~~a.~~Subdivisions Less ~~T~~than or Equal to ~~Five~~5 Acres: The impervious cover maximum allowance is as established in ~~Section 6.02~~**Section 7.02** and this ~~Chapter 11~~**Chapter 13** for the respective ~~d~~District, not to exceed 70~~ percent (70~~%~~)~~.

(ii) ~~b.~~Subdivisions Greater ~~T~~than ~~Five~~5 Acres: For subdivisions greater than ~~five~~5 acres, the impervious cover maximum allowance changes with the total acreage of the subdivision. The impervious cover maximum is as established in ~~Section 6.02, Section 7.02~~**Section 7.02, Section 8.02** and this ~~Chapter 11~~**Chapter 13** for the respective ~~d~~District, not to exceed 70~~ percent (70~~%~~)~~ of the first ~~five~~5 acres, and 55~~ percent (55~~%~~)~~ of the remaining acreage, as shown below (using the 70~~ percent~~%t assumption for the first ~~five~~5 acres):

Impervious Cover % = [0.70 × 5 acres] + [0.55 × (Total Acreage - 5 acres)] / Total Acreage × 100

(iii) ~~c.~~For properties over the Edwards Aquifer Recharge or Contributing Zones, waivers to the 55 ~~percent (55~~%~~)~~ limit described in **Subsection ~~b~~(ii)**, above, may be granted in accordance with **Section ~~11.02.02~~13.02.020**, but in no case shall the gross impervious cover exceed 70~~ percent (70~~%~~)~~ including all waivers.

(iv) ~~d.~~For properties ~~in~~that fall within the Downtown ~~Overlay District,~~ Water Quality Master Plan's contributing area, the impervious cover may be increased to 95% ~~percent (95%) if~~per the 2005 approved ~~by the Development Engineer based on capacity in the downtown regional stormwater ponds.~~WPAP. Stormwater conveyance to the regional water quality ponds from each site must be shown to meet the *COG Drainage Criteria Manual* criteria. ~~The developer may be required to~~

~~provide a study, or other information, to support the increase in impervious cover to 95 percent (95%) at the discretion of the Development Engineer~~For properties within the Downtown Overlay District that do not fall within the water quality drainage basin established in 2005 WPAP must provide their own water quality treatment.

b. ~~2.~~Not Over the Edwards Aquifer

If the property is not located over the recharge or contributing zones, the maximum allowable impervious cover percentages in **~~Section 6.02~~**, **~~Section 7.02~~Section 7.02, Section 8.02** and the provisions of this ~~Chapter 11~~**Chapter 13,** including **Table 13.02.010-1** shall apply. All maximum percentages are established by ~~d~~District, regardless of use.

~~3.~~ **Table 13.02.010-1. Impervious Cover (Max.~~Exceptions to~~ %) for Non-Residential~~ Limitations~~**

~~a. Impervious cover credits are established for all properties, regardless of size and location, in **Section 11.02.01.D**. below.~~

~~B.~~ **~~For properties in MU, the standards established Section 4.07.040 and Section 4.11 shall govern.~~ Zoning Districts**

Zoning District	Impervious Cover
CN Neighborhood Commercial	75%
C-1 Local Commercial	75%
C-2 Regional Commercial	70%
PF Public Facilities	70%
I-1 Flex Industrial	80%
I-2 Intensive Industrial	80%

2. Residential Development~~ Within the City Limits~~

a. Residential development in the ~~C~~city limits shall follow the provisions below. All development in the ETJ shall follow the provisions in **Section ~~11.02.01.C~~13.02.010.A.2.c(ii)**. below.

b. ~~1.~~Except as provided in **Subsection ~~2.b~~c(ii)** below, impervious cover for development located in ~~r~~Residential ~~z~~Zoning ~~d~~Districts shall be calculated on a per subdivision basis and shall not exceed the limits set forth in ~~Section 6.02, Section 7.02~~**Section 7.02, Section 8.02** and the provisions of this ~~Chapter 11~~**Chapter 13**, including **Table 13.02.010-2**. All maximum percentages are established by ~~d~~District, regardless of use.

Table 13.02.010-2. Impervious Cover (Max. %) for Residential Zoning Districts

Zoning District	Lot Type (When Applicable)	Impervious Cover
AG Agriculture		20%
RE Residential Estate		40%
RT Residential Transition		40%
RS Residential Suburban	All types, front-access	60%

	All types, alley-access	70%
RM Residential Mix	All types, front-access	60%
	All types, alley-access	70%
MF-1 Medium Density Multifamily Residential	All types, front-access	60%
	All types, alley-access	70%
MF-2 High Density Multifamily Residential		75%

c. ~~2.~~Exceptions for Residential Zoning Districts

(i) ~~a.~~Impervious cover credits are established for all properties, regardless of size and location, in **Subsection ~~11.02.01.D~~13.02.010.C**. below.

(ii) ~~b.~~For Workforce Housing Development in MF-1 or MF-2 Districts, a bonus of up to ~~twenty percent (~~20%~~)~~ per site is granted with the provision of ~~twenty percent (~~20%~~)~~ of the units restricted as Workforce Housing.

B. ~~C.~~Within the ~~ETJ~~Extraterritorial Jurisdiction

Properties located in the ETJ must comply with the following provisions:

1. Over Edwards Aquifer

If the property is located over the Edwards Aquifer Recharge or Contributing Zones, the following shall apply:

a. Single-family residential development without public wastewater service shall not exceed 40~~ percent (40%)~~ impervious cover. Single-family and two-family residential development with public wastewater service shall not exceed 45~~ percent (45%)~~ impervious coverage.

b. Non-residential development shall follow the subdivision calculation described in **subsections ~~i., ii., and iii.~~(i), (ii),** and **(iii)** below. Once the maximum percentage for the gross subdivision has been determined, the plat shall denote the maximum per lot within the subdivision. Within a subdivision, impervious cover percentages per lot may vary, provided that the subdivision maximum, per the following calculation, is not exceeded.

(i) Subdivisions Less ~~T~~than or Equal to ~~Five~~5 Acres: The impervious cover maximum allowance is 70~~ percent (70%)~~.

(ii) Subdivisions Greater ~~T~~than ~~Five~~5 Acres: For subdivisions greater than ~~five~~5 acres, the impervious cover maximum allowance changes with the total acreage of the subdivision. The impervious cover maximum is 70~~ percent (70%)~~ of the first ~~five~~5 acres and 55~~ percent (55%)~~ of the remaining acreage, as shown below:

Impervious Cover % = [0.70 × 5 acres] + [0.55 × (Total Acreage - 5 acres)] / Total Acreage × 100

(iii) For properties over the Edwards Aquifer Recharge or Contributing Zones, waivers to the 55~~ percent (55%)~~ limit may be granted in accordance with **Section ~~11.02.02~~13.02.020**, but in no case shall the gross impervious cover exceed 70~~ percent (70%)~~, including all waivers.

2. Not Over Edwards Aquifer

a. Single-family residential development without public wastewater service shall not exceed 40~~ percent (40%)~~ impervious cover. Single-family and two-family residential development with public wastewater service shall not exceed 45~~ percent (45%)~~ impervious coverage.

b. All other development shall not exceed 70~~ percent (70~~%~~)~~ impervious coverage.

C. ~~D.~~Impervious Cover Credits

The impervious cover credits listed below apply to all residential development in the city limits and ETJ.

1. Credit for Parkland

   Parkland to be dedicated shall be counted toward pervious area.

2. Credit for ~~Arterial and Major Collector~~Public Streets

   The area of ~~arterial and major collector~~all public streets shown on the thoroughfare plan ~~and~~or located within the residential subdivision shall be ~~deleted~~omitted from the calculation of gross area and impervious cover~~,~~ but shall be accounted for in stormwater calculations.

3. Credit for Residential Swimming Pools

   For RE, RT and RS Districts, 100~~ percent (100~~%~~)~~ of the square footage of the water surface area of a residential swimming pool shall be counted as a pervious surface. This does not include the apron of the pool, surrounding patio, or decking, all of which will count toward~~s~~ the impervious cover total.

4. Credit for Public Trails and Sidewalks

   Public trails, sidewalks, and sidepaths do not count against the maximum impervious cover percentage but shall be accounted for in stormwater calculations.

~~*(Ord. No. 2014-30, § 2(Exh. A), 5-27-2014; Ord. No. 2016-17, § 2(Exh. A), 3-8-2016; Ord. No. 2017-15, § 2, 2-28-2017)*~~

13.02.020. ~~13.02.02.~~Waiver of Impervious Cover Limitations

Waivers in this section only apply to commercial and industrial uses in the Edwards Aquifer Recharge and Contributing Zones. These waivers do not apply to a Multifamily use or any use not in the Edwards Aquifer Recharge and Contributing Zones. The Director ~~shall~~may increase the amount of impervious cover as specifically listed below, upon verification by the Development Engineer that the development meets the waiver criteria. No combination of waivers may allow impervious cover to exceed ~~the maximum provided~~70% when located over the Edwards Aquifer Recharge or Contributing Zone (see **Section** ~~11.02.01~~**13.02.010**, above)~~, and cannot exceed the maximum impervious cover established for the zoning district in Section 6.02 and Section 7.02 by more than fifteen additional percent (15%)~~. The increased impervious cover shall be accounted for in stormwater calculations. Partial credit of each of the following waivers may be granted. The Director may require maintenance agreements for elements used to increase impervious cover that are not permanent constructed improvements, such as increased landscaping, tree preservation or plant content necessary for low impact site design elements to function.

A. Approvable~~d~~ Waivers

1. Low Impact Site Design (Five Percent (5%))

   a. The Director ~~shall~~may increase the amount of permitted impervious cover ~~by five percent~~up to ~~(~~5%~~)~~ if the development provides low impact development site design features such as any combination of those listed below. Partial-to-full credit for this waiver is assessed based on the percentage of the volume of stormwater runoff for water quality control ~~for the first one-half inch (0.5") of runoff plus an additional one-tenth inch (0.1") for each ten percentage point increase of the gross impervious cover over twenty percent (20%) of the contributing drainage area to the water quality control that is treated by the low impact site design methods~~captured.

      (i) Dry wells or infiltration trenches to capture rooftop and driveway runoff;

      (ii) Rainwater harvesting with an automatic irrigation system for captured water to water on-site landscaping per TCEQ requirements;

(iii) Preserving stream buffers and riparian corridors; This applies to stream buffers established for drainage areas less than 64 acres or for stream buffers established wider than the 100-year floodplain;

(iv) Bio-retention facilities ~~placed around the perimeter of parking lots; and~~; and

(v) ~~Using grassed filter strips and vegetated swales in place of traditional curb-and-gutter type drainage systems.~~Vegetated filter strips and ~~vegetated~~grassy swales.

b. The low impact site design features above must meet the following provisions:

(i) Accepted low impact development designs must be utilized, following the guidelines and standards adopted by the Texas Commission on Environmental Quality.

(ii) Accepted low impact development designs must not conflict with or take the place of landscape or tree preservation requirements of Chapter 10.

(iii) ~~(ii)~~The applicant is responsible for providing sufficient design information for the Development Engineer to examine and verify the improvement.

(iv) ~~(iii)~~The applicant must provide a binding maintenance agreement~~.~~, any easements and integrated pest management plans as required by TCEQ. Landscape maintenance agreements may be required.

2. Parking Lot Design ~~(Five Percent~~ (5%)

The Director ~~shall~~may increase the amount of permitted impervious cover ~~by five percent~~up to ~~(~~5%~~)~~ if the development provides a parking lot design that breaks up the parking area into areas separated by planted or natural landscaping features~~,~~ and provides saw-tooth curbs and other methods that support stormwater infiltration into planted or natural landscaping features within the parking lot. ~~The applicant must provide an alternative parking plan as described in **Section 9.07.01** if seeking a reduction of required off-street parking requirements, subject to approval by the Director~~Credit will be given based on percentage of contributing parking area to total parking area.

3. Preservation of Natural Areas and Enhanced Tree Preservation ~~Ten Percent (10~~(5%)~~)~~

The Director ~~shall~~may increase the amount of permitted impervious cover by up to (5% ~~to ten percent (10%~~) if:

a. The development retains all of its buffer areas in natural preserve areas~~,~~ and provides an agreement that such areas shall not be irrigated, fertilized, or insecticide or herbicide applied to such areas. Where additional landscaping in buffer or other common areas is required, such landscaping shall meet ~~xeriscaping standards~~best practices for low~~-~~-water use. Buffer areas will prevent erosion, trap sediment, filter runoff and function as a floodplain in high water periods and where adjacent to creeks or rivers. A ~~one percent (~~1%~~)~~ increase in impervious cover may be granted for each percentage of the subject property land area that is preserved as a natural area, excluding the first 2,000 square feet of natural area. For example, a 50,000 square foot site would receive ~~five percent (~~5%~~)~~ additional impervious cover by providing 4,500 square feet of natural area.

1% of 50,000 s.f. = 500 s.f.

4,500 s.f. – 2,000 s.f. = 2,500 s.f. eligible for credit

2,500 s.f. / 500 s.f. = 5% credit

b. The development preserves protected trees beyond the minimum required by ~~Chapter 8.~~**Chapter 10**. ~~A one percent (~~A 1%~~)~~ increase in impervious cover may be granted for each percentage of protected trees preserved beyond the minimum required. For example, a site required to preserve a minimum of ~~30 percent (30~~20%~~)~~ of total protected trees may receive a ~~three percent (~~3%~~)~~ impervious cover bonus by

preserving ~~33 percent (33~~23%~~)~~ of the protected trees on a site. Preserved trees meeting the definition of this waiver shall be included and identified in the tree preservation plan and shall meet all other applicable provisions of ~~Chapter 8~~**Chapter 10**.

4. Over-Provision of Landscaping ~~(Five Percent~~ (5%)~~)~~

   The Director may consider an increase to the amount of permitted impervious cover ~~by five percent~~up to (5%) if the development exceeds the total amount of landscaping plants and trees required by ~~**Section 8.04** by 50 percent (50%).~~**Section 9.03** by 50%. ~~A one percent (~~A 1%~~)~~ increase in impervious cover may be granted for each 10 ~~percent (10~~%~~)~~ increase in the total amount of landscaping plants and trees beyond the amount required by ~~**Section 8.04**~~**Section 9.03**. The types of plants and trees shall be a mix of ~~annuals and~~ perennials, evergreen and deciduous and may be planted anywhere on the site. Demonstrate 30% more planting (#/Count) in each planting category (trees, ornamental trees, shrubs, ground cover) and each landscape requirement (parking lot, buffer, street, gateway). Not to include increasing turf. Must still meet 50% or more low-water use. Examples include a wider bufferyard for staggering screening shrub instead of single row for more density without overcrowding. Must provide enough space for mature size.

5. Landscaping in the Extraterritorial Jurisdiction ~~(Five Percent~~ (5%)

   The Director may consider an increase to the amount of permitted impervious cover ~~by five percent~~up to ~~(~~5%~~)~~ for development in the extraterritorial jurisdiction that shows full compliance with the landscaping requirements of ~~**Section 8.04**.~~ **Section 9.03**, **Section 9.04**, and **Section 9.05**.

~~*(Ord. No. 2021-62 , § 2(Exh. D), 9-14-2021)*~~

Section 13.03. Pollutant Attenuation Plans

13.03.010. ~~13.03.01.~~Industrial Uses

A. The on-site manufacture of hazardous materials over the Edwards Aquifer Recharge Zone is prohibited. For the purposes of this section, the term "hazardous materials" is defined to include the following:

   1. "Hazardous substances," as that term is defined in the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. Sec. 9601(14), and the related regulations; and
   2. Gasoline or any other petroleum product or by-product;
   3. "Toxic substances," as that term is defined in the Toxic Substances Control Act ("TSCA") 15 U.S.C. Secs. 2601, et seq., and the related regulations; and
   4. "Insecticides," "fungicides," or "rodenticides" as those terms are defined in the Federal Insecticide, Fungicide or Rodenticide Act ("FIFRA") 7 U.S.C. Sec. 136 et seq., and the related regulations.

B. An applicant proposing any Industrial use, which is not completely enclosed within a building or buildings, must provide a pollutant attenuation plan which:

   1. Proposes methods to capture all surface water run-off from developed areas to contain and filter pollutants generated on-site.
   2. Controls dust and other particulate matter generated on-site to meet Texas Commission on Environmental Quality standards.

C. The design of storage facilities for hydrocarbon or hazardous substances, including leak detection systems, spill containment areas or other control measures shall meet the following requirements:

   1. Underground Storage Facilities

Facilities for the underground storage of static hydrocarbon or hazardous substances shall be of double walled construction or of an equivalent method approved by the Utilities Director. Methods for detecting leaks in the wall of the storage facility shall be included in the facility's design and reviewed prior to issuance of appropriate permits for construction.

2. Above~~-~~-Ground Storage Facilities~~.~~

   All above~~-~~-ground storage facilities shall meet the requirements of Section 8.04.91055, Georgetown Code of Ordinances.

D. All transport facilities for hydrocarbons and hazardous substances shall be approved by the Utilities Director.

Section 13.04. Stormwater Management System Requirements

No Site Plan, ~~p~~Plat, ~~s~~Subdivision, or Stormwater Permit may be approved unless the project meets the minimum requirements of this Code in making adequate provision for control of the quantity of stormwater runoff to the benefit of both future owners of property within the subdivision and other lands within the watershed.

13.04.010. ~~13.04.01.~~General Requirements

It shall be the responsibility of the subdivider to design and construct a system for the collection and conveyance of all stormwater run-off flowing onto and generated within the subdivision in accordance with:

A. Any specific or general requirements of these regulations;

B. The City of Georgetown Drainage Criteria Manual;

C. Chapter 15.44, Flood damage prevention, of the Georgetown Municipal Code;

D. Chapter 13.30, Illicit Discharges of Pollutants into the MS4 or Conveyances, of the Georgetown Municipal Code;

E. Good engineering practices;

F. City-approved plans, including any regional stormwater plans; and

G. The principles of stormwater law established by the Texas Water Code.

H. The preservation of existing trees.

13.04.020. ~~13.04.02.~~Basic Design Objectives

In general, the stormwater management system shall be designed and constructed in a manner which promotes the development of a network of both natural and built drainage ways throughout the community and so as to:

A. Retain natural flood plains in a condition that minimizes interference with flood water conveyance, floodwater storage, aquatic and terrestrial ecosystems, and ground and surface water.

B. Reduce exposure of people and property to the flood hazard and nuisance associated with inadequate control of run-off.

C. Systematically reduce the existing level of flood damages.

D. Ensure that corrective works are consistent with the overall goals of the City.

E. Minimize erosion and sedimentation problems and enhance water quality.

F. Protect environmental quality, social well~~-~~-being, and economic stability.

G. Plan for both the large flooding events and the smaller, more frequent flooding by providing both major and minor drainage systems.

H. Minimize future operational and maintenance expenses.

I. Reduce exposure of public investment in utilities, streets, and other public facilities (infrastructure).

J. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public.

K. Acquire and maintain a combination of recreational and open space systems utilizing flood plain lands.

L. Preserve natural drainage patterns and limit the amount of impervious cover so as to prevent erosion, maintain infiltration and recharge of local seeps and springs, protect existing trees and plantings in the area, and attenuate the harm of contaminants collected and transported by stormwater. Overland sheet flow shall be maintained whenever possible and the dispersion of run-off back to sheet flow shall be a primary objective of drainage design for the subdivision as opposed to concentration of flows in storm sewers and drainage ditches.

M. Comply with the National Flood Insurance Program (NFIP) for eligibility for FEMA funds.

13.04.030. ~~13.04.03.~~General Design Requirements

A. The storm drainage system shall be separate and independent of any sanitary sewer system and its use shall not interfere with the operation and maintenance of road networks or utility systems.

B. Each lot, site, and block within the subdivision shall be adequately drained as prescribed in the City's Drainage Criteria Manual and the City's Construction Standards and Specifications for Roads, Streets, Structures, and Utilities, using best available data. Any use of retaining walls or similar construction shall be indicated on the ~~Preliminary Plat and the Utilities Director may require~~ Construction Plans for such structure.

C. Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain stormwater, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public, using best available data.

D. Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of stormwater runoff drainage onto, through, and originating within the Subdivision and Development, using best available data.

E. Stormwater discharge must not have an adverse impact downstream and upstream; must be released in a manner that does not alter existing drainage patterns onto neighboring properties; and shall not endanger human life or public or private property, using best available data.

F. No approval shall be issued which would permit building within a regulatory floodway of any stream or watercourse. The City may, when it deems necessary for the protection of the health, safety, or welfare of the present and future population, prohibit the subdivision or development of any property, which lies within a designated regulatory floodway of any stream or watercourse.

G. No lot or building site shall derive sole access to a public street across a waterway unless such access shall be constructed to remain open under design storm conditions as prescribed in the City's Drainage Criteria Manual.

H. Areas ~~subject~~adjacent to inundation ~~under design storm conditions~~of the 100-year floodplain, using best available data, shall be indicated with the minimum floor elevation of each lot so affected on a certified copy of the ~~Preliminary~~ Plat submitted for filing. The appropriate final action authority for plat approval may, when it deems necessary for the protection of the health, safety, or welfare of the present and future populations, place restrictions on the subdivision, regarding the design and use of areas within a drainageway. The final action authority shall not approve any subdivision of land within any stream or watercourse unless the applicant demonstrates that the subdivision and all development anticipated therein will comply with the requirements of this Code.

I. Maintenance Responsibility~~.~~

1. The property owner or ~~P~~property ~~O~~owners~~'~~ ~~A~~association, as applicable, shall be responsible for maintaining detention and ~~retention ponds~~water quality treatment devices. The property owner shall be responsible for

associated pond maintenance costs, which the City may approve through an Improvement Agreement if deemed appropriate by the City. For any facility serving commercial or multifamily development, or multiple lots, a management company or ~~P~~property ~~O~~owners~~'~~ ~~A~~association capable of funding operation and maintenance shall maintain such facilities.

2. It is a violation for a detention/~~retention pond~~water quality treatment device or a structural control to be unable to operate for its intended purpose due to lack of maintenance.

J. Design of all drainage facilities, including detention and water quality ponds, streets, inlets, storm sewers, outfall, drainage berms, culverts, ditches, and other associated improvements shall conform to the City's Drainage Criteria Manual, the City's Construction Specifications and Standards Manual, TCEQ requirements, and the following general design standards, using best available data.

1. Setbacks

a. ~~Except for bioretention facilities, raingardens and other Low Impact Design facilities, de~~Detention and water quality ponds shall be setback a minimum of 10 feet from any public street right-of-way for a planting buffer area, the requirements of which are provided in **Subsection ~~2~~2**. Detention and water quality ponds within a street setback shall be designed to the greatest extent possible to conform to the natural terrain of the land and, if possible, in curvilinear, non-rectangular shapes.

b. Except for bioretention facilities, raingardens and other Low Impact Design facilities, detention and water quality ponds shall not be located within any Gateway Overlay District landscape setback/buffer at the Director's discretion.

c. All ponds shall be set back at least 20 feet from a platted residential lot.

d. Detention and water quality ponds located within any setback shall be designed with a vegetated slope not to exceed 3:1 and shall not include structural walls.

2. Walls, Trees, and Fencing

a. Structural walls of detention and water quality ponds that are located within 125 feet of a street or residential lot and visible from either at a ~~six~~6-foot-tall vantage point shall be either constructed or faced with stone, brick or similar masonry product.

b. Shade Trees shall be planted within the street setback buffer area, spaced a minimum of 30 feet apart, installed with at least ~~five~~5 feet of pervious area in all directions, shall be irrigated, and depicted on the Construction Plans. When the tree planting area conflicts with utilities, the buffer area and pond(s) shall be pushed back in order to accommodate.

~~c. Fencing is allowed around detention and water quality ponds only if the fencing is constructed of wrought iron or tubular steel or other similar product, not to include chain link fencing. Detention and water quality ponds shall be buffered from a public street with Shade Trees.~~

c. ~~d.~~All detention ponds shall be designed as an integral part of the landscape~~,~~. ~~including~~Earthen pond walls shall have a slope no greater than 3:1~~, no concrete except at the outlet and inlet, and no requirement for or installation of barrier fencing.~~ (H:V) ~~All detention ponds shall be designed to have minimal amount of land disturbance (based on commercially reasonable standards) as a part of its construction~~. All ponds shall meet all requirements of the City Drainage Manual.

d. ~~e.~~If ~~barrier~~pond fencing is required, such fencing shall be wrought iron or other decorative fencing ~~and shall be buffered from the street view by planting shrubs and vines that will, at maturity, screen at least 60 percent (60%) of the view of the fence~~. All pond walls with a slope greater than ~~of~~ 3:1 (H:V) require fencing. Additional fencing may be required at the discretion of the Director.

~~3. Separate ponds for each lot within a subdivision may be utilized if they are designed with a curvilinear contoured shape, do not require fencing, utilize vegetated slope not to exceed 3:1, and do not use structural walls.~~

~~4. The Subdivider shall incur the cost of all drainage improvements connected with development of the Subdivision and acceptance of current upstream flows necessary to safely and adequately drain the Subdivision, including any necessary off-site channels or storm sewers and acquisition of any required easements.~~

~~a. The 100-year storm must be contained within the street Right-of-Way or the drainage easement boundaries.~~

~~b. Any necessary off-site channel or storm sewers which are required to be within easements must have a separate instrument easement filed with Williamson County and a filed copy shall be submitted to the City before Subdivision Construction Plans will be approved.~~

~~5. Residential grading and drainage.~~

~~a. Lot-to-lot drainage standards.~~

~~(i) Lot design and grading for individual lots within a Subdivision are required to conform to this Section ### prior to occupancy of a structure.~~

~~(ii) Surface runoff from residential lots shall cross no more than one additional lot before being directed toward the street or a dedicated drainage system.~~

~~(iii) When the flow reaches the second lot, an easement will be required to convey the water from the original lot to the street or to a dedicated City drainage system.~~

~~(iv) Where lot-to-lot drainage occurs, the City Engineer may require a drainage easement between the lots.~~

~~b. See the Drainage Criteria Manual for requirements for detailed standards and policies.~~

~~6. Nonresidential grading and drainage.~~

~~a. Lot-to-lot grading and drainage standards.~~

~~(i) Grading and drainage plans shall ensure that surface runoff from nonresidential individual lots cross no more than one (1) additional lot before being directed toward a private regional stormwater system or a dedicated City drainage system.~~

~~(ii) When the flow reaches the second lot, side lot swales may be utilized to direct the flows to private enclosed systems or to a dedicated City drainage system within a dedicated easement or in street right-of-way.~~

~~(iii) Concentrations of stormwater shall not be discharged to City Streets through driveways or flumes but shall be collected into an enclosed system, either private or public, prior to reaching the curb line of the roadway.~~

~~(iv) Specific deviations from these guidelines may be approved by the City Engineer on an individual basis.~~

~~b. See the Drainage Criteria Manual for requirements for detailed standards and practices.~~

3. ~~7.~~A Subdivision Waiver to these requirements may be requested pursuant to ~~**Section 3.22**~~**Section 3.16** of this Code.

K. Projected runoff rates for the design of drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area. Said ultimate developed state shall be based on the maximum intensity allowable under the UDC, the Comprehensive Plan, and approved plans within the contributing area.

L. Design of major drainage ways through a subdivision and major structures such as box culverts or bridges across a major drainage channel shall be coordinated with the requirements of the Williamson County ~~Health District~~and TxDOT when any portion of the subdivision lies outside the ~~C~~city limits or within TxDOT right-of-way, and when applicable, a letter requesting a local floodplain map amendment from the Federal Emergency Management Agency (FEMA) shall be provided prior to final Construction Plan approval.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

13.04.040. ~~13.04.04.~~Building Permits and Utility Connections

A. Plans submitted for ~~b~~Building ~~p~~Permits and/or utility connections shall include the necessary drainage related facilities designed and provided for in compliance with this Code and the City's Drainage Criteria Manual. The following types of construction are exempt from this requirement:

1. Single-family and two-family residential construction with an approved Stormwater Permit or Construction Plan Permit;
2. Permanent new buildings or additions less than 144 square feet;
3. Any other project that does not increase the total amount of impervious cover; and
4. Those projects already in compliance with this Code.

B. Plans and design calculations for all drainage facilities shall be submitted to the Development Engineer prior to issuance of any permit within the development or subdivision.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

13.04.050. ~~13.04.05.~~Drainage Easements

The requirements set forth herein are not intended to be exhaustive and wherever it is necessary to make additional requirements in order to maximize the effectiveness of the drainage plan in question, such requirements shall be made by the Commission.

A. General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel, storm drain, or stream or where a detention/filtration facility is required, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse or facility, and of such width and construction to contain the design storm and required freeboard. When parking lots or other approved use areas serve a dual function, including detention, those areas shall be designated on the plat as detention areas. The drainage must, at a minimum, be maintained by an open channel with landscaped banks having adequate width to contain the volume of flow generated by the design storm under ultimate development conditions.

B. Design Requirements

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the road right-of-way, as determined by the Development Engineer, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be recorded by separate instrument and indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
2. When a proposed drainage system will carry water across private land outside the subdivision, drainage easements shall be secured and recorded by separate instrument in the property records of Williamson County and drawn on the Construction Plans.

3. Low lying lands along watercourses subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways except where modification can be shown to benefit the community and as approved by the City Council. All development activity within the regulatory floodplain must comply with City and Federal Emergency Management Agency (FEMA) floodplain management regulations.
4. All sedimentation, filtration, detention, and/or retention basins and related appurtenances shall be situated within a drainage easement that is recorded by separate instrument in the property records of Williamson County. The owners of the tracts upon which are located such easements, appurtenances, and detention facilities shall maintain same and be responsible for their upkeep. Notice of such duty to maintain shall be shown on the plats.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

~~13.04.06.Steep Slopes and Cuts and Fills~~

~~A. Steep Slopes~~

~~1. Nonresidential construction shall be limited to those areas with predevelopment natural grades of less than twenty-five percent (25%) unless approved by the City Engineer.~~

~~2. Erosion control, terracing, and water quality control BMPs shall be designed in accordance with the Drainage Criteria Manual.~~

~~B. Cuts and Fills~~

~~1. A cut or fill with a finished gradient steeper than thirty-three percent (33%) shall be stabilized with a permanent structure.~~

~~2. Cuts or fills on a tract of land may not exceed four feet of depth, except:~~

~~a. In a roadway right-of-way;~~

~~b. For construction of a building foundation or swimming pool;~~

~~c. For construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:~~

~~(i) The design and location of the facility within the site minimize the amount of cut over four feet;~~

~~(ii) The cut is the minimum necessary for the appropriate functioning of the facility; and~~

~~(iii) The cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;~~

~~d. For utility construction or a wastewater drain field, if the area is restored to natural grade.~~

~~C. Relief~~

~~1. The City Engineer may grant a waiver to exceed four (4) feet, to allow up to eight (8) feet, using the procedures and criteria of **Section 3.16**~~

~~2. Relief of eight (8) feet or more shall require approval by the Planning and Zoning Commission, with appeal to City Council, using the procedures and criteria of **Section 3.16.**~~

~~Section 13.05. Reserved~~

Section 13.05. ~~Section 13.06.~~Open Space Subdivisions

This section is intended to encourage and incentivize subdivisions within the ~~C~~city limits and the City's ETJ that provide greater amounts of open space preservation in perpetuity in order to protect natural resources, conserve valuable open space, reduce erosion and sedimentation, preserve riparian corridors, provide for walking trails, protect the community water supplies, reduce infrastructure, preserve prime agricultural land, provide smaller streets with less environmental disturbance, and plan for overall watershed protection. In an effort to achieve these goals and desired project performance, the City has provided the design standards outlined below.

13.05.010. ~~13.06.01.~~Applicability

A. General Requirements

The provisions of this **Section** ~~11.06~~13.05 apply to any property in the city limits and the ETJ that will be developed as conservation subdivisions with centralized wastewater collection and treatment services (i.e., wastewater service provided by the City or another qualified regional service provider).

B. Incentives

Properties developing under the provisions of this **Section** ~~11.06~~13.05 will be eligible for development incentives as described in this Section.

C. Properties in ETJ Served by Septic Systems

Property located outside of the ~~C~~city limits that will not be developed with collectivized wastewater systems are not eligible for the incentives or provisions associated with this ~~S~~section.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

13.05.020. ~~13.06.02.~~Open Space Requirements

A. Size, Location and Dimensional Standards

Open space dedicated or placed in easement in fulfillment of this Section shall meet the following size, location and dimensional standards:

1. At least 30~~ percent (30~~%~~)~~ of the total project site shall be preserved as open space consistent with this ~~S~~section, in addition to parkland dedication requirements established in ~~**Section 13.08**~~**Section 15.08. Parkland**.
2. At least 25~~ percent (25~~%~~)~~ of the conservation open space shall be in a contiguous tract.
3. Any parcel being credited as open space under this ~~S~~section shall meet the minimum site for dedicated parkland as established in ~~**Section 13.08**~~**Section 15.08**.
4. The conservation open space should adjoin any neighboring areas of open space, other protected areas or non-protected natural areas that could be candidates for protected open space in the future.

5. A buffer of at least 100 feet shall be required between residential structures and agricultural uses unless that use is a tree farm, community garden, orchard, or other compatible agricultural use, as determined by the Director. This buffer should consist of trees, native grasses, shrubs, and/or a windbreak and can be included in the designated open space. Roads or other types of buffers can be substituted if deemed sufficient by the Director.

B. Inclusion of Significant Features

Open space dedicated or placed in easement in fulfillment of this ~~S~~section shall include the following when present on the site:

1. FEMA floodplain; and
2. Additional streams, rivers, lakes, wetlands; and
3. Any other hydrological features; and
4. Karst features and any associated required buffers; and
5. Heritage trees and significant clusters of protected trees; and
6. Historical or archeological sites; and
7. Potential connections with existing or future green spaces, parks and trails.

C. Provision for Open Space in Perpetuity

Open space dedicated or placed in easement in fulfillment of this ~~S~~section shall do so in a manner that ensures their conservation in perpetuity, using one or a combination of the following methods, recording with or prior to the recordation of the Final Plat with appropriate note referencing the appropriate instrument or dedication:

1. Dedication to the City as parkland; or
2. A permanent open space or conservation easement in a form acceptable to the City, in favor of:
   a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions;
   b. A homeowner's association, provided that membership is mandatory; or
   c. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement.

D. The open space areas shall be depicted on the Preliminary and Final Plats.

E. Restricted Uses of Conservation Open Space

The following are prohibited and restricted uses of the primary and secondary conservation areas, unless the applicant demonstrates that these provisions would constitute an unusual hardship and be counter to the purposes of this section, as determined by the Director.

1. Prohibited Uses in Conservation Open Space
   a. Golf courses;
   b. Roads, parking lots and impervious surfaces, unless allowed by another provision within **Section ~~11.06~~13.05** or for the specific use of maintaining street connectivity;
   c. Wastewater disposal, except for irrigation use in public parks or roadways; and
   d. Agricultural activities not conducted according to acceptable management practices.

Figure 13.05.020-13.05.02-1. **Conventional Lot Diagram**

F. Green Design Bonus

An impervious cover bonus to 60 ~~percent (60~~%~~)~~ gross property acreage may be received for "green design" if the development achieves "certified" or higher status under the U.S. Green Building Council's LEED for Neighborhood Development (LEED ND)~~,~~ or achieves "bronze" or higher status under the ICC 700 National Green Building Standard (NGBS) or its companion NGBS Green Land Development Certification. Applications seeking certification for green design shall so state. A green design requirement shall be memorialized in a plat note on the Preliminary and Final Plats~~,~~ and shall be a condition in the conservation open space management plan.

13.05.030. ~~13.06.03.~~Conservation Lot Development Standards

Conservation lot development standards establish lot sizes and certain restrictions for all residential and non-residential conservation development within the City. The tables below replace tables in ~~**Section 6.02** in **Chapter 6** and **Section 7.02** in **Chapter 7**~~**Section 7.02** in **Chapter 6** and **Section 8.02** in **Chapter 8**, respectively. All other language and sections of ~~**Chapter 6** and **Chapter 7**~~**Chapter 6** and **Chapter 8** apply here. All properties must comply with the impervious cover limitations established in **Section ~~1~~13.02**, except those stated in the table below.

Table ~~11.06.070:~~13.05.030-1. Housing Lot Type Dimensional Standards

Lot Type	Single-Family, Detached (RE District)	Single-Family, Detached (Other Districts)	Single-Family, Attached (Twin House or Townhouse)	Single-Family, Zero-Lot-Line	Two-Family, Duplex		Triplex and Quadplex	Multifamily Attached Apartments
Lot Size, minimum square feet	0.5 acre	3,000	2,000	3,000	4,000		5,000	12,000
Dwellings per Structure, Maximum	—	—	—	—	2		4	24
Lot Width, minimum feet*	50	30	20	30	30		40	50
Corner/End Lot Width, minimum feet	-	-	-	-	-		-	-
Front/Side/Rear/Unloaded Street Facing Setback (Corner), minimum feet	25	15	15	15	15		15	15
Street Facing Garage Setback, minimum feet	-	-	-	-	-	-	-	-
Side Setback, minimum feet	5	5	-		5		5	10
Shared/Passive Wall Setback, minimum feet	-	-	-	-	-	-	-	-
Non-shared/Active Wall Side setback, min. feet	-	-	5	10	-	-	-	-
Rear Setback, minimum feet	10	10	10	10	10		10	10
Building Height, maximum feet	35	35	35	35	35	~~35~~	35	60
Maximum Impervious Coverage**	70	70	70	70	70		70	70

Lot Type	Single-Family, Detached (RE District)	Single-Family, Detached (Other Districts)	Single-Family, Attached (Twin House or Townhouse)	Single-Family, Zero-Lot-Line	Two-Family, Duplex		Triplex and Quadplex	Multifamily Attached Apartments
~~** Minimum lot widths on cul-de-sac lots may be reduced at the front property line provided that the minimum required lot width is provided at the front setback line.~~ ~~*** Maximum impervious cover for the subdivision must still meet the provisions of Section 11.02.01.~~								

Table ~~11.06.071:~~13.05.030-2. Non-Residential Lot and Dimensional Standards

Standard		C-1	C-2	PF	I-1	~~MU~~	I-2
District size, minimum acreage							
Lot size, minimum acreage	~~—~~	—	—	—	—		—
Lot width, minimum feet		—	—	—	—		—
Front/street setback, minimum feet		—	—	20	20		20
Side setback, minimum feet		4	10	10	10	~~n/a~~	10
Rear setback, minimum feet		0	10	10	10		10
~~Building height, maximum feet~~							
~~Maximum~~ Impervious coverage*		80	~~85~~	85	~~85~~		95

Standard		C-1	C-2	PF	I-1	~~MU~~	I-2
Building height, max. feet		45	60	60	60		60
~~*~~ ~~*For projects over the Edwards Aquifer please refer to* **Section 11.02. Maximum impervious cover for the subdivision must still meet the provisions of Section 11.02.01.**~~							

Section 13.06. ~~Section 13.07.Edwards Aquifer~~ Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone[2]

13.06.010. ~~13.07.01.~~Applicability

A. The regulations of this ~~S~~section apply to all property within the corporate limits of the City and its extraterritorial jurisdiction (~~"~~ETJ~~"~~), to the extent allowable by ~~S~~state law, located within the recharge zone of the Edwards Aquifer, as that term is defined in Title 30, Texas Administrative Code § 213.3 and § 213.22, except as noted below. Property within the Edwards Aquifer Recharge Zone ("EARZ") is determined by the most current official map of the relevant zone located in the Texas Commission on Environmental Quality office for Region 11.

B. **Section** ~~11.07.03~~13.06.030, as described herein, does not apply to ~~o~~Occupied ~~s~~Sites as this term is defined in ~~Chapter 16~~this section. Property with an ~~o~~Occupied ~~s~~Site should be in accordance with the ~~F~~federal standards as referenced in this ~~Section.~~section.

13.06.020. ~~*(Ord. No. 2015-14, § 3(Exh. A), 2-24-2015)*~~Definitions

The following words and phrases, when used in this Section, shall have the meanings respectively ascribed to them in this subsection, except when the context otherwise requires:

Bank (of a stream). The ordinary high water mark of a stream, not the floodplain boundaries, as determined by the appropriate authority.

Best Management Practices (BMPs). For this section only, BMPs has that meaning ascribed to it in Title 30, Texas Administrative Code § 213.3(5), as may be amended and as further defined herein.

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[2] Editor's note(s)—Ord. No. 2015-14, § 3(Exh. A), adopted February 24, 2015, repealed and reenacted **Section 11.07** in its entirety to read as herein set out. Formerly, **Section 11.07** pertained to similar subject matter, and derived from Ord. No. 2014-103, § 3(Exh. A), adopted December 9, 2014.

To preserve the style of this Unified Development Code, and at the discretion of the editor, the provisions originally enacted by Ord. No. 2015-14 as Sections 11.07.001—11.07.008 have been redesignated as ~~Sections 11.07.010—11.07.080~~**13.06.010—13.06.080**.

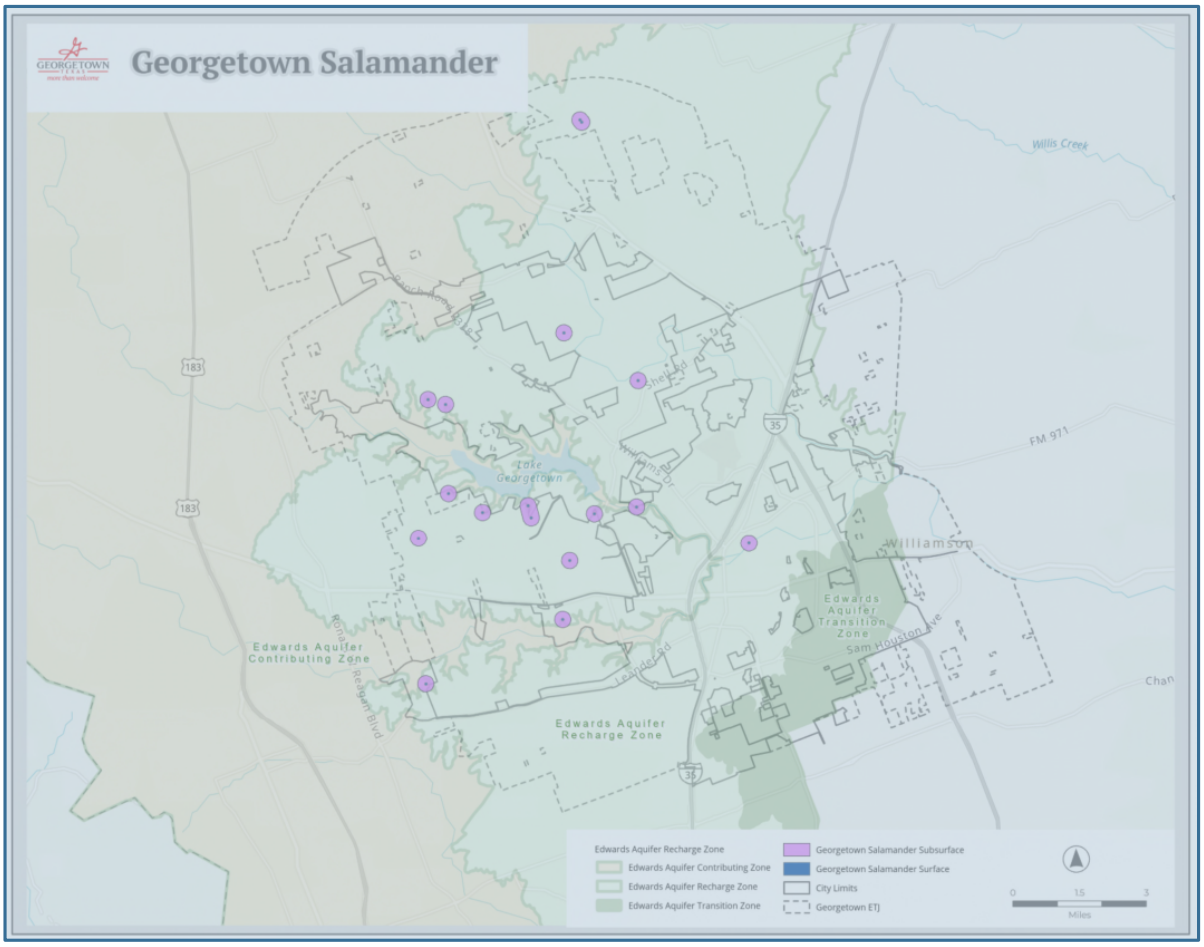
Development Engineer. A professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

Geologic Assessment. A report prepared by a geologist pursuant to Title 30, Texas Administrative Code § 213.5 and containing the additional information required by this section .

Geologist. A licensed professional geoscientist who has training and experience in ground water hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features, such as springs and streams.

Licensed Professional Geoscientist. A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

Occupied Site. Any spring identified as a critical habitat unit by the United States Fish and Wildlife Service for the Georgetown Salamander (Eurycea naufragia), and include the following: Cobb Well, Cobb Springs, Cowen Creek Spring, Bat Well Cave, Walnut Spring, Twin Spring, Hogg Hollow Spring, Cedar Hollow Spring, Knight (Crockett Garden) Spring, Cedar Breaks Hiking Trail Spring, Water Tank Cave, Avant's (Capitol Aggregates), Buford Hollow Springs, Swinbank Spring, Shadow Canyon, San Gabriel Spring, and Garey Ranch Springs. The locations of the Occupied Sites are shown on the map incorporated below. Occupied Sites can be found on the City's interactive maps.



Recharge Zone. That portion of the City and its ETJ that overlays the EARZ as defined in Title 30, Texas Administrative Code § 213.3, as may be amended.

Regulated Activity. Shall have that meaning ascribed to it by Title 30, Texas Administrative Code § 213.3(28), as may be amended.

Spring. Any natural setting or location where ground water flows to the surface of the earth from underground frequently enough to support spring associated vegetation such as ferns, watercress and Texas sedge.

Stream. A natural area that conveys flows from rainfalls, springs, snowmelt, or groundwater, and is defined by a contributing drainage area of 64 acres or more.

13.06.030. ~~13.07.02.~~Spring Buffer and Stream Buffer Protection

A. Spring Buffer

1. A spring buffer is established within 164 feet (or 50 meters) of the approximate center of a spring outlet in the EARZ that is identified in a geologic assessment. The spring buffer shall not include pre-existing development.
2. No regulated activities may be conducted within the spring buffer except for the following and subject to the stated restrictions:
   a. Properly permitted maintenance of existing improvements;
   b. Scientific monitoring of water quality;
   c. Fences above the normal high water mark of a stream if such fences comply with applicable floodplain regulations;
   d. Subject to stream buffer limitations, ~~of Section 11.04.06~~below, parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a stream and shall be limited to trails for walking, jogging and non-motorized biking; and
   e. Wastewater infrastructure installed roughly parallel to a stream provided that such infrastructure is installed on the side of the stream opposite the spring and is installed no closer than 25 feet from the bank of the stream; provided that wastewater infrastructure shall not cross a stream associated with a spring within the spring buffer.

B. Stream Buffer

1. A stream buffer is established for all portions of streams with a contributing drainage area of 64 acres or more in the EARZ that is identified in a geologic assessment. The boundaries of the stream buffer are as follows:
   a. For streams draining more than 64 acres and less than 320 acres, the boundaries of the stream buffer coincide with the boundaries of the FEMA ~~one percent (~~1%~~)~~ floodplain or a calculated ~~one percent (~~1%~~)~~ floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (a) shall be a minimum of 200 feet wide with at least 75 feet from the centerline of the stream.

      If a property owner only controls one side of a stream, then the minimum buffer shall be 100 feet from the centerline of a stream, or along the FEMA ~~one percent (~~1%~~)~~ floodplain or a calculated ~~one percent (~~1%~~)~~ floodplain, if available.

b. For streams draining more than 320 acres but less than 640 acres, the boundaries of the stream buffer coincide with the boundaries of the FEMA ~~one percent (~~1%~~)~~ floodplain or a calculated ~~one percent (~~1%~~)~~ floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (b) shall be a minimum of 300 feet wide with at least 100 feet from the centerline of the stream.

If a property owner only controls one side of a stream, then the minimum buffer shall be 150 feet from the centerline of a stream, or along the FEMA ~~one percent (~~1%~~)~~ floodplain or a calculated ~~one percent (~~1%~~)~~ floodplain, if available.

c. For streams draining 640 acres or more, the boundaries of the stream buffer coincide with the boundaries of the FEMA ~~one percent (~~1%~~)~~ floodplain or a calculated ~~one percent (~~1%~~)~~ floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (c) shall be a minimum of 500 feet wide with at least 200 feet from the centerline of the stream.

If a property owner only controls one side of a stream, then the minimum buffer shall be 250 feet from the centerline of a stream, or along the FEMA ~~one percent (~~1%~~)~~ floodplain or a calculated ~~one percent (~~1%~~)~~ floodplain, if available.

2. No regulated activity may be conducted within the stream buffer other than:

a. Properly permitted maintenance of existing improvements;

b. Scientific monitoring of water quality;

c. Fences above the normal high water mark of a stream if such fences comply with applicable floodplain regulations; and

d. The construction of the following improvements, subject to the stated restrictions:

(i) Wastewater facilities, provided that wastewater utilities shall not be located below the normal high water elevation within the channel of a stream except at crossings of a stream;

(ii) Underground utilities other than wastewater facilities provided that such underground utilities may only be installed at stream crossings, or at intervals no closer than 400 feet apart;

(iii) Parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a stream and shall be limited to trails for walking, jogging and non-motorized biking.

(iv) Water quality or flood control systems, provided that measures are taken in the construction of such water quality or flood control systems to minimize the impact to the stream buffer;

(v) Public projects that enhance or recharge the Edwards Aquifer, provide flood prevention, and similar capital improvements;

(vi) Remediation of altered floodplain to its natural limits;

(vii) Arterial, collector and local residential streets crossing a Stream provided that:

(a) A floodplain with a drainage area greater than 640 acres may only be crossed by arterial streets;

(b) A floodplain with a drainage area between 320 acres and 640 acres may only be crossed by arterial and collector streets;

(c) A floodplain with a drainage area up to 320 acres may be crossed by arterial, collector, or local residential streets; and

(d) A street required for a secondary access, or as required by the currently adopted fire code regulations, is exempt from this subsection.

C. All spring and stream buffers, as described herein, shall be shown on all plats, Site Plan and infrastructure Construction Plans, to include Stormwater Permits and ~~b~~Building ~~p~~Permits when applicable.

D. Exemptions

1. The spring buffer and stream buffer requirements of **Section ~~11.07.03~~13.06.030** do not apply to an occupied site as this term is defined in this ~~S~~section. Regulated activity on a tract of land with an occupied site, or within 984 feet (or 300 meters) of an occupied site, should be in accordance with the standards outline in UDC Appendix A.
2. In the event that the owner of property opts to request a variance from the standards outlined in UDC Appendix A to the Adaptive Management Working Group, it shall be the responsibility of the owner of property to submit to the City of Georgetown revised plans in accordance with the results of the variance request.

E. Variances

1. An owner of property of a tract of land with a spring or stream may request a variance from the spring and/or stream buffer requirements of this subsection to the Planning and Zoning Commission.
2. The Planning and Zoning Commission may consider and take final action on a variance request in accordance with the powers and duties in **Section ~~2.05.010.A.6~~2.05.010.A** of this Code.

F. Appeal

Any person aggrieved by an administrative decision pertaining to this subsection may appeal to the Planning and Zoning Commission in accordance with **~~Section 3.14~~Section 3.12** of this Code.

~~*(Ord. No. 2015-14, § 3(Exh. A), 2-24-2015)*~~

13.06.040. ~~13.07.03.~~Water Quality Best Management Practices

A. For all regulated activities within the Recharge Zone, the following regulations apply:

1. Permanent structural water quality controls for a project shall remove ~~eighty-five percent (~~85%~~)~~ of total suspended solids for the entire project and shall be certified by a licensed professional engineer.
2. No regulated activity shall cause any increase in the developed flow rate for the two-year~~, three-hour~~ storm event.
3. All development projects, including, but not limited to, individual home sites, shall implement temporary BMPs to minimize sediment runoff.
4. New roadways or expansions to existing roadways that provide a capacity of 25,000 vehicles per day that are located on the Recharge Zone shall provide for spill containment as described in the optional enhanced measures of the Edwards Aquifer Protection Program.
5. All permanent BMPs with an overt physical presence shall have signage that clearly identifies the purpose of the permanent BMP and the party responsible for maintenance.
6. Maintenance plans for permanent BMPs shall be recorded in the Official Records of Williamson County.

~~*(Ord. No. 2015-14, § 3(Exh. A), 2-24-2015)*~~

13.06.050. ~~13.07.04.~~Geologic Assessment

A. The owner of property who submits a development application for a regulated activity on a tract of land located over the EARZ shall submit a geologic assessment with the plat application.

B. In the event that the subject property was platted prior to December 9, 2014, or meets the plat exceptions of this Code, a geologic assessment shall be submitted with the first required development application for the regulated activity. Development applications include Construction Plans, Site/Construction Plans, Stormwater Permits, and ~~b~~Building ~~p~~Permits (only single-family and two-family residential on a tract of land that meets the plat exceptions of this Code).

C. No development application for property located over the EARZ may be approved until a geologic assessment has been accepted by the Development Engineer or his designee.

D. The geologic assessment must contain all of that information required by Title 30, Texas Administrative Code § 213.5. Additionally, the geologic assessment must:

1. Identify all springs and streams on the subject property, or certify that no springs or streams exist on the subject property;
2. Describe any spring and stream on the subject property, including determining the location of any spring outlet or stream;

E. Subsequent applications required to develop the subject property will not require a new geologic assessment provided the regulated activity, as submitted in the application, is consistent with the accepted geologic assessment. Any deviations will result in the need to submit an updated geologic assessment prior to final approval of the application.

F. Exemptions

1. A geologic assessment shall not be required for regulated activity that meets all of the following criteria:
   a. Proposed development is single-family residential or two-family residential; and
   b. Subject property is located on an individual lot that is less than ~~five~~5 acres; and
   c. Subdivision (to include Replat) is five lots or less, and no more than ~~five~~5 gross acres; and
   d. Subject property is located within a drainage area that is less than 64 acres.
2. Regulated activity that meets all of the criteria above must submit with the required development application a letter signed by a professional engineer certifying the drainage area and identifying any springs on the subject property. In the event that springs exist, the project engineer must identify applicable buffers on the plans.

~~*(Ord. No. 2015-14, § 3(Exh. A), 2-24-2015)*~~

13.06.060. ~~13.07.05.~~Acknowledgement Form

A. The owner of property who submits a development application for a regulated activity on a tract of land located over the EARZ shall submit an acknowledgement form in accordance with the provisions of this subsection.

B. The owner of property shall through a completed acknowledgement form, acknowledge and certify the following:

1. The regulated activity, as proposed, complies with the water quality best management practices regulations of this ~~S~~section; and

2. The subject property has an occupied site, is located within 984 feet of an occupied site, or has a springs or stream located more than 984 feet from an occupied site; and
3. The regulated activity, as submitted, complies with the rules and regulations of this ~~S~~section.

C. A completed, signed and notarized acknowledgement form shall be submitted with the plat, Construction Plan, Site/Construction Plan, Stormwater Permit, and ~~b~~Building ~~p~~Permit (single-family and two-family residential on a tract of land that is exempt from the plat requirements of this Code) applications.

D. The development application to the City of Georgetown shall be deemed incomplete if the acknowledgement form is not completed, signed and notarized.

E. After the completeness review **(Section ~~3.02.040~~3.02.040)** of a development application subject to subparagraph (A) above, the director or his/her designee shall provide a copy of the acknowledgement form to the Williamson County Conservation Foundation Adaptive Management Working Group.

~~*(Ord. No. 2015-14, § 3(Exh. A), 2-24-2015)*~~

13.06.070. ~~13.07.06.~~Water Quality Management Plan

A. The City shall adopt a water quality management plan for all areas within the Recharge Zone. Such management practices will include, but not be limited to, public education and outreach, hazardous waste education, integrated pest management, illicit discharge detection and elimination, construction-site storm~~-~~water runoff control, post-construction storm~~-~~water management, and pollution prevention for municipal operations including City and ~~C~~county maintenance activities in the ETJ.

B. The City's adopted storm~~-~~water management plan, as amended, shall serve as the water quality management plan for purposes of this ~~S~~section, unless stated otherwise.

~~*(Ord. No. 2015-14, § 3(Exh. A), 2-24-2015)*~~

13.06.080. ~~13.07.07.~~Williamson County Conservation Foundation Adaptive Management Working Group

An Adaptive Management Working Group has been established by the Williamson County Conservation Foundation to review data on a regular basis and make recommendations for specific changes in management directions related to the ~~F~~federal standards for occupied sites. The Adaptive Management Working Group duties include, but are not limited to, development of an annual report regarding the preservation of the Georgetown Salamander, continuous monitoring of the Georgetown Salamander, assessment of research priorities, adaptive management of preservation of the Georgetown Salamander and the effectiveness of achieving the above objectives. The City Manager will appoint two City employees with appropriate technical expertise in the fields of planning and development and system engineering as members to the Adaptive Management Working Group. The efforts of the Adaptive Management Working Group will be led by the Williamson County Conservation Foundation staff.

~~*(Ord. No. 2015-14, § 3(Exh. A), 2-24-2015)*~~

Chapter 14. Pedestrian and Vehicle Circulation ~~(Chapter 12)~~

Section 14.01. General

14.01.010. ~~14.01.01.~~Purpose

An integrated and interconnected vehicle, pedestrian, and bicycle transportation network is essential for the effective and reliable movement of people and goods. The standards in this ~~C~~chapter ensure that streets function in an interdependent manner, provide for accessibility and walkability, plan for emergency services, and provide continuous and logical transportation routes. Streets shall be planned and constructed so that their arrangement, size, character, and design are considered in relation to streets, topography, public safety and convenience, and an appropriate relationship with the built environment. The City's Future Mobility Plan shall guide the location, cross section, and functionality of the transportation network.

14.01.020. ~~14.01.02.~~Authority

The provisions of ~~this C~~chapter are adopted pursuant to Texas Local Government Code ~~c~~Chapters 211 and 212, and the City Charter.

14.01.030. ~~14.01.03.~~Applicability

A. The standards of ~~this C~~chapter apply to development within the corporate limits and Extraterritorial Jurisdiction (ETJ) of the City of Georgetown.

B. No subdivision, Site Development Plan or Stormwater Permit shall be approved until conformance to the standards of this Code is demonstrated.

C. All required transportation improvements shall be designed in accordance with this Code and as detailed in the adopted Construction Specifications and Standards Manual ("Construction Manual"), as amended, or any other adopted construction standards provided by the Development Engineer. When the standards of this Code and the Construction Manual conflict, the more stringent provision shall apply.

14.01.040. ~~14.01.04.~~Subdivision Waiver

A Subdivision Waiver, pursuant to ~~Section 3.16~~Section 3.16 of this Code, may be requested to the provisions of this ~~C~~chapter except **Section 1~~2~~4.06**, Design and Technical Standards, **Section 14.07,** Pedestrian and Bicycle Mobility, and **Section 1~~2~~4.09**, Traffic Impact Analysis.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 14.02. Future Mobility Plan Thoroughfares

14.02.010. Future Mobility Plan Goals

Regional thoroughfares provide linkages within the community and throughout the region. The City's Comprehensive Plan includes a Future Mobility Plan that is developed in conjunction with the Capital Area Metropolitan Planning Organization's (CAMPO) long-range plan. Goals from the Future Mobility Plan include:

A. Improve the local street system, including new thoroughfare linkages to enhance connectivity, improved and coordinated traffic signalization, and access management standards.

B. Provide a functional, integrated, multi-modal transportation system with a variety of choices.

C. Reduce reliance on single-occupant automobile traffic and enhance bicycle and pedestrian mobility and accessibility by encouraging compact land use development.

D. Provide for a high degree of safety for motorists, transit users, pedestrians and bicyclists.

E. Discourage primary traffic routing through local streets.

F. Preserve right-of-way for roadway development and expansion.

14.02.020. ~~14.02.01.~~General

The precise alignment of thoroughfares included in the Future Mobility Plan may be varied to allow for locational adjustments that would increase the compatibility of the right-of-way with natural or constructed features such as steep slopes, waterways, wildlife habitats, historic structures, existing development, or existing streets. In unique circumstances, at the discretion of the Director, the amount of right-of-way expansion may be reduced to accommodate natural or constructed features such as steep slopes, waterways, wildlife habitats, historic structures, or existing development. Thoroughfares located in the Downtown Overlay District and constrained by historical patterns of development may be considered on a case-by-case basis by the Director and may not conform to the ultimate street sections identified in ~~Table 12.02.03~~Table 14.02.040-1. Reduction in right-of-way expansion or changes to the ultimate street sections identified in ~~Table 12.02.03~~Table 14.02.040-1 shall not be construed to reduce any Transportation Impact Fees dues, as required in **Chapter 12.46** of the Code of Ordinances

14.02.030. ~~14.02.02.~~Developer Responsibilities

It is necessary and desirable to obtain right-of-way for the public street network to support the needs of the community. Developers share the responsibility of providing adequate streets through compliance with the minimum standards governing internal and perimeter streets, and the requirement of the Transportation Impact Fee in **Chapter 12.46** of the Code of Ordinances if within the service area boundaries pursuant to **Section 12.46.060** of the Code of Ordinances. The developer shall be responsible for the dedication and improvement of internal and adjacent Future Mobility Plan thoroughfares in accordance with the standards of the street classifications described in this Section. The requirement for dedication and improvement of internal and adjacent thoroughfares does not reduce the requirement for payment of a Transportation Impact Fee, except for when such improvements qualify for and are recorded as a credit in a credit agreement pursuant to the requirements of Section 12.46.120 of the Code of Ordinances. The developer is responsible for all costs of materials, design, and construction of the public improvements required by this Code.

A. The continuation of all existing streets and those included in the Future Mobility Plan, approved plat, concept plan, or other City-approved document depicting a planned street shall be provided by the developer.

B. Minimum right-of-way standards shall be in accordance with ~~Table 12.02.03~~Table 14.02.040-1. If the thoroughfare is a boundary street, one-half of the balance between the street's existing right-of-way and the street/intersection right-of way required shall be required per ~~Table 12.02.03~~Table 14.02.040-1. Where the thoroughfare is internal to the property, the full section of right-of-way shall be required.

C. Improvements to Future Mobility Plan streets, in accordance with **Subsection** ~~12.06.09~~14.06.100., shall be the responsibility of the developer unless otherwise provided. A developer is not responsible for construction of any bridge structure at the boundary of the subdivision if the bridging of such a street does not immediately connect to the network. A contribution towards the future construction of the bridge may be required, as determined by a Traffic Impact Analysis, if the cumulative requirement to build the bridge and other transportation requirements of this Code exceed the approximation of the roughly proportionate impact of the development..

D. There must be a rough proportionality between the traffic impacts created by a new development and the associated mitigation requirements. The cumulative transportation requirements of a development as a condition of development approval may not exceed the roughly proportionate impact of the development. The approximation of the roughly proportionate impact of a development are established as the "maximum assessable transportation impact fee" per Section 12.46.040 of the Code of Ordinances. When a development is phased, the proportionality of requirements shall be assessed on the cumulative impacts of all phases of development.

14.02.040. ~~14.02.03.~~Future Mobility Plan

The following table provides general standards for typical regional transportation facilities. All rights-of-way listed in the table are minimum dimensions, and additional right-of-way and/or easements may be required by the Development Engineer due to drainage, utilities, or construction necessity. Street width dimensions are measured from back-of-curb to back-of-curb and include travel lanes, bicycle lanes, and curb and gutter. Landscape lots and commercial signage are prohibited within any part of the right-of-way of a Future Mobility Plan street or trail. Full dimensional cross-sections for each street classification and corridor-specific alternatives can be found in the Future Mobility Plan. Utility assignments can be found within the Construction Manual.

Table ~~12.02.03~~14.02.040-1. Future Mobility Plan Street and Trail Standards

	Regional Trail	Major Collector	Minor Arterial	Major Arterial	Freeway
Average Daily Trip (ADT) Projected Range	—	2,501 - 12,500	12,501 - 24,000	24,001+	2,000*
Design Speed (mph)[1]	—	35	40	45	75
Right-of-way (min. feet)	20	94	110	135	350
Right-of-way at intersections (min. feet)[2]	—	94	134	159	350
Travel Lanes (number of)	—	4	4	6	10
Travel Lane Width (feet)[4]	—	11	11	11	12
Bicycle Lanes (feet)[3]	—	3	3	3	3
Street Width total (feet)[5]	10	60	66	90	164
Median Width (min. feet)[4]	—	12	14	16	16
Parking	—	Prohibited	Prohibited	Prohibited	Prohibited
Shared~~-~~Use Path/Sidepaths (min. feet)	10	10	10	10	10
Sidepath clear zone (min. feet)	TxDOT Design Manual	TxDOT Design Manual	TxDOT Design Manual	TxDOT Design Manual	TxDOT Design Manual

	Regional Trail	Major Collector	Minor Arterial	Major Arterial	Freeway
Public Utility Easement (min. feet)	—	15	15	15	15

Table Notes

1. Design and geometry of all streets, including speed adjustments, can be found in **Section 1~~2~~4.06**.

2. Right-of-way at intersections for Arterial streets is increased according to the table for a distance of 200 feet from the right-of-way of the intersecting street, or as required based on the findings of turn lane requirements in a Traffic Impact Analysis or driveway analysis to serve development.

3. Bicycle lanes are to be combined with sidewalks into a sidepath. The Clear Zone shall meet the TxDOT Design Manual.

4. The City may consider alternative striping on all comprehensive plan roadways to allow for narrower lane widths, etc., whether in an interim or permanent situation. In the event that the City adopts a specific street corridor design or overlay that differs from the design standards in **Section 1~~2~~4.02** and **Section 1~~2~~4.03**, any approved cross-section(s) associated with that street can be found in the Future Mobility Plan.

5. Street width does not include median width.

*2,000 passenger cars per hour per lane

~~*(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 5(Exh. C), 8-22-2023)*~~

~~Question for City Staff: Where is Appendix 12 Found? It is not on Municode or on the website, but referenced here.~~

~~Update 5/6/2025 – staff noted that everything in appendix 12 should be in the report or elsewhere.~~

~~Update 6/30/2025 – References to the appendix have been changed to the FMP.~~

Section 14.03. Local and Neighborhood Streets

The neighborhood street network shall form an organized, connected pattern that defines the community both functionally and visually. When possible, streets should be designed to respect natural features and topography to reduce grading, promote pedestrian movement, and minimize crossing of open space. In addition, streets should generally be short in length, include cross-street access, and incorporate traffic-calming design elements to promote safety and discourage speeding. Local and neighborhood streets serve both residential and non-residential uses.

14.03.010. ~~14.03.01.~~Developer Responsibilities

The developer shall be responsible for the dedication and improvement of all local and neighborhood streets in accordance with the standards of the street classifications described in the following section. Where existing right-of-way does not meet the minimum standards, right-of-way shall be dedicated to meet the minimum requirement. The developer shall provide for the continuation of all existing streets and those included in the Future Mobility Plan, approved plat, concept plan, or other City-approved document depicting a planned street. The developer is responsible for all costs of materials, design, and construction of the public improvements required by this Code. Improvements that do not meet the definition of "system facility" as defined in Section 12.46.040 of the Code of Ordinances shall not be eligible for credits toward Transportation Impact Fees.

14.03.020. ~~14.03.02.~~Public and Private Streets

All newly created streets shall be constructed to local street standards. Private streets shall include a street maintenance agreement, in a form acceptable to the City, tied to the approved ~~f~~Final ~~p~~Plat. Alleys shall be privately owned and maintained. All subdivisions, regardless of the use of a public or private street, shall meet the street network requirements of **Section** ~~12.05.01~~14.05.010~~.~~.

14.03.030. ~~14.03.03.~~Local and Neighborhood Streets

The following table provides general standards for local and neighborhood streets. Average Daily Trips (ADT) are utilized as a planning tool for a projected development, while Level of Service (LOS) is used as a measurement of functioning roadway adequacy once the street is in operation. The minimum standard of design for any street is LOS (C) at peak hour. All rights-of-way listed in the table are minimum dimensions and additional right-of-way and/or easements may be required by the Development Engineer due to drainage, utilities, or construction necessity. Street width dimensions are measured from back-of-curb to back-of-curb and include travel lanes, parking lanes, and curb and gutter. Full dimensional cross-sections for each street classification can be found in the Future Mobility Plan and utility assignments can be found within the Construction Manual.

Table ~~12.03.03~~14.03.030-1. Local and Neighborhood Street Standards

	Alley	Residential Lane	Local Street	Local Street—Tree (alt.)	Local Street—Rural/ Estate	Local Street—Downtown	Residential Collector	Neighbor-hood Collector
Average Daily Trip (ADT) Projected Range	—-	1—800	1—800	1—800	1—800	N/A	801—1,400	801—2,500
Design Speed (mph)	—-	30	30	30	25	30	30	35
Right-of-way (min. feet)	20 (private)	40	50	52-62	50	60	68	68
Street Width Total (feet)	15	22	36[1]	~~32~~36	26	38	38	38
Parking	Prohibited	Limited[2]	2 Sides	2 Sides	1 Side	2 Sides	2 Sides	Prohibited
Sidewalks and Sidepaths (min. feet)	—	5	5	5	—	6—10[3]	10	10
Sidewalk and Sidepath clear zone (min. feet)	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]
Driveways Permitted	Yes	No	Yes	Yes	Yes	Yes	Limited[5]	No[6]
Intersection Spacing (max. feet)	1,500	1,320	1,320	1,320	1,320	N/A	1,320	2,000
Public Utility Easement (min. feet)	—-	10	10	10	10	10	10	10

Table Notes

1. Local Streets require curb type, in accordance with **Subsection ~~12.06.05~~14.06.040.B**.

2. Residential Lanes require companion alleys to provide access to the lots fronting on the lane. Cut-out parallel parking for temporary loading and visitor parking is allowed with additional right-of-way.

3. Sidewalks in the Downtown Overlay shall follow width, materials, and standards in **Subsection ~~12.04.03~~14.04.030.B**.

4. Sidewalk clear zone (separation from curb) varies by the size of tree wells described in ~~Chapter 8~~Chapter 8. Sidepath clear minimum 5 feet from face of curb.

5. Residential Collectors are subject to the driveway separation requirements pursuant to **Section 1~~2~~4.08**.

6. Neighborhood Collectors shall not have residential lots fronting on the street, nor permitted access to residential lots. Only access to parkland, amenity centers, or common areas is permitted.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 14.04. Alternative Streets

Alternative street designs may be warranted at times when streets are located in areas that call for contextual solutions based on density, land use, and pedestrian environment.

14.04.010. ~~14.04.01.~~Residential Rural Estate Streets

Local Streets within a Residential Rural/Estate subdivision may be constructed to a 26-foot street width. Within the City's designated fire service area, on-street parking is restricted in accordance with the adopted fire code. Rural/Estate streets located in the ETJ may be designed to 25 mph speeds and constructed with a ribbon curb to allow for sheet flow or open-ditch stormwater drainage. Rural/Estate Streets in the ETJ require a stop condition every 1,500 feet, which includes, but is not limited to, a stop or yield sign, roundabout, or other approved traffic-calming measure.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

14.04.020. ~~14.04.02.~~Local Street—Street Tree Alternative

Street trees are permitted in a street right-of-way only when planted in a street right-of-way approved for street trees. All other trees planted along streets shall be located in the front yard of the lot. Trees approved for designated street rights-of-way shall be planted within a parkway strip that is sized and equipped with designated root barrier treatments in accordance with **Section 1~~2~~4.06**. The required right-of-way and street width will not be reduced for Street Tree Alternatives.

14.04.030. ~~14.04.03.~~Downtown Overlay District Streets

All streets and sidewalks located within the Downtown Overlay District shall comply with the Downtown Master Plan, as amended. Within the Downtown Overlay District, the developer shall be responsible for the dedication of one-half of the remaining right-of-way and construction of landscaping, sidewalks, lighting and other features of the Downtown Master Plan, where such improvements are non-existent or in need of re-construction. If a development is approved for parking to be located within the right-of-way, the developer shall be responsible for any necessary paving and/or intersection improvements to conform to the standards of **Subsection A**. below.

The Director may consider a lesser right-of-way and/or street design when existing structures, trees, or other objects preclude the expansion to the minimum right-of-way. In such instance, the Director may consider reduced lanes, alternative on-street parking configurations, or other alternative design.

A. Street Standards

1. All local streets located within the Downtown Overlay District shall meet the minimum right-of-way and pavement widths in ~~Table 12.03.03~~Table 14.03.030-1. Downtown Local Streets shall be designed with parallel parking inset by intersection bulb-outs on each side of the street and one travel lane in each direction.
2. Streets uniquely identified within the Downtown Master Plan shall be dedicated and constructed according to the cross-section in the Downtown Master Plan.
3. Intersection crosswalks shall be constructed, at a minimum, as Type B crosswalks, as depicted in the Future Mobility Plan. Street lighting shall be in accordance with **Section 1~~2~~4.06** of this Code.

B. Sidewalks and Trees

1. Sidewalks located within the Downtown Overlay District shall be at least ~~six~~6 feet wide and constructed according to the design standards of a Level III Sidewalk, as described in the Downtown Master Plan and

depicted in the Construction Manual. Level III sidewalks shall include a ~~four~~4-foot vegetated strip between the curb and sidewalk when not adjacent to head-in or angled street parking. If a sidewalk is identified in the Downtown Master Plan as a Level I or II sidewalk, it shall be constructed accordingly.

2. Street Trees shall be required at a general spacing of 40 feet for Shade Trees and 20 feet for Ornamental Trees. The Director may consider alternative spacing, species, and location based on existing conditions. Shade Trees shall be planted in a parkway strip or tree well that is sized and equipped with underground root barrier treatments in accordance with **Section 1~~2~~4.06**. Approved Ornamental Trees shall not require root barrier treatments.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 14.05. Subdivision and Street Design

To further the goals of the Future Mobility Plan of an interconnected street network, new streets shall be integrated into existing and planned streets. New subdivisions shall account for primary and secondary entry points into a subdivision, connect to streets stubbed from adjacent properties, and provide for a neighborhood street layout focused on the safety of vehicles, bicycles, and pedestrians. Street network connections shall be made based on the number of proposed residential or commercial lots/units, the size and configuration of the land, and the type of streets constructed. Connection locations shall be depicted on the Preliminary Plat, concept plan, if applicable, and any associated phasing plans, and shall conform to the standards detailed below.

14.05.010. ~~14.05.01.~~Street Network Connections

~~Note to City Staff: Fire made a comment that this section should better align with Fire Code. This currently aligns with the requirements.~~

A. Connections to Major Streets

All non-residential and residential lots and multi-family complexes shall have direct or indirect access to an existing major street, defined as a Major Collector, Minor Arterial and Major Arterial. ~~Table 12.05.01~~Table 14.05.010-1 is used to determine how many connections to an existing major street(s) are required, based on the number of lots or units. For the purposes of this ~~S~~section, lots and multi-family units are interchangeable for determining connections to existing major streets.

Table ~~12.05.01~~14.05.010-1. Required Connections to Existing Major Streets

Minimum Lots/Units	Connections to Existing Major Streets
1-29	1
30-99	1+ Fire Code access
100-499	2
500+	3

If a subdivision or multi-family development does not directly connect to an existing major street, the number of connections can be satisfied through existing local streets as long as there are enough distinct, continuous routes to a major street through adjacent development to meet the requirements. In that situation, the number of lots in the table shall encompass the total accumulated number of lots or units sharing the street connections to the major street(s), regardless of subdivision boundary.

B. Street Network Connections Required

A proposed subdivision or development shall provide connections to the public street network in accordance with ~~Table 12.05.020~~Table 14.05.010-2, through either existing streets or by future street stubs to an adjacent

property. The minimum connections in ~~Table 12.05.020~~Table 14.05.010-2 may be increased by further requirements in this ~~S~~section, such as intersection spacing and street connectivity ratio. For the purposes of this ~~S~~section, lots and multi-family units are interchangeable for determining connections to existing major streets.

Table ~~12.05.02~~14.05.010-2. Required Connections to Existing or Future Streets

Minimum Lots/Units	Minimum Connections to Existing or Future Streets
5	2
80	3
150	4
200	5
300	6
500	7

C. Additional Street Connection Requirements

1. All existing streets in adjoining areas shall be connected and continued into the new subdivision in alignment therewith, regardless of the number of street connections required. Practical downsizing or upsizing of street widths, speeds, and design will be reviewed and permitted at the discretion of the Development Engineer based on volumes in Tables 14.02.040-1 and 14.03.030-1.
2. Whenever existing or future street connections are required, the right-of-way shall be extended and all public improvements constructed to the property line boundary.
3. The Director can require that a proposed future street connection be shifted to a more suitable location in order to minimize block length, discourage cut-through traffic, align compatible uses, preserve trees, prevent reserve strips, and increase the likelihood of ultimate connection.
4. All Major Collector-designated streets and higher classifications shall connect or stub on both ends to an existing or planned collector or higher-level street. All other collectors should generally connect to another collector although, on a case-by-case basis, exceptions can be considered through an Administrative Exception.
5. A street stub cannot be used as the basis of lot frontage and/or access for an adjoining lot. Street stubs are intended only to continue through such property.
6. Streets that are planned to extend in the future shall be constructed with temporary turn-arounds when the street stub exceeds 150 feet in length and shall be depicted on the plat as a temporary easement. The following note shall be placed on the plat: "Crosshatched area is a temporary easement for turn-around until street is extended." Temporary dead-end streets shall not exceed 500 feet. Reserve strips at the end of streets are prohibited.
7. All street network connections shall be provided prior to the final phase of development.
8. A platted residential lot or portion thereof may not be used as a means to connect a proposed street to an existing street or cul-de-sac in order to satisfy the requirements of this ~~S~~section if the existing street was not intended to connect to the adjacent land.
9. In addition to the minimum street network connection requirements, intersection spacing and connectivity provisions in **Section ~~12.05.02~~14.05.020** may increase the total connections required.

D. Street Connection Credits

Credits toward the minimum number of street connections are applicable only after the second existing street connection has been satisfied. A Neighborhood Collector counts as two local street connections and a Major Collector or higher-classification street counts as three local street connections, whether they are constructed as either an existing or future street connection.

14.05.020. ~~14.05.02.~~Streets and Blocks

A. Intersection Spacing

Intersection spacing shall not exceed the lengths specified in ~~Table 12.03.03~~Table 14.03.030-1 and adhere to the following measurement and calculation standards:

1. Intersection spacing shall apply independently to each side of a street and shall be measured independently on each side of a street along the right of way boundary to the centerlines of two through-streets, both on the same side of the street segment to be measured.
2. Cul-de-sac and other non-through-streets do not apply as an intersection when measuring length of spacing. Measurement will continue along the right-of-way boundary inclusive of non-through-street right-of-way.
3. Intersection spacing shall apply beyond each individual subdivision and measurements shall be continued into the adjacent subdivision.
4. Intersection spacing requirements do not apply to Major Collector and higher-classification streets.

~~Graphic to be inserted for intersection spacing (Placeholder graphic below)~~

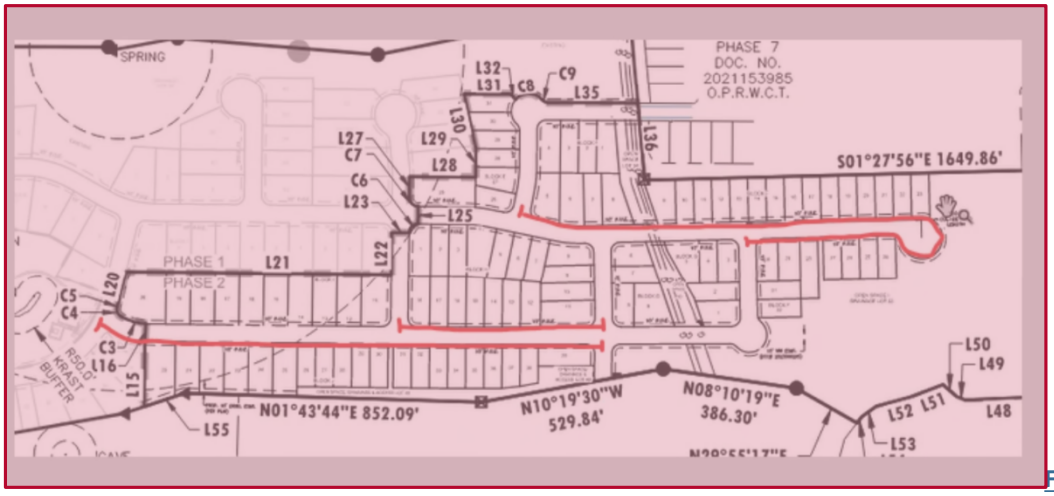
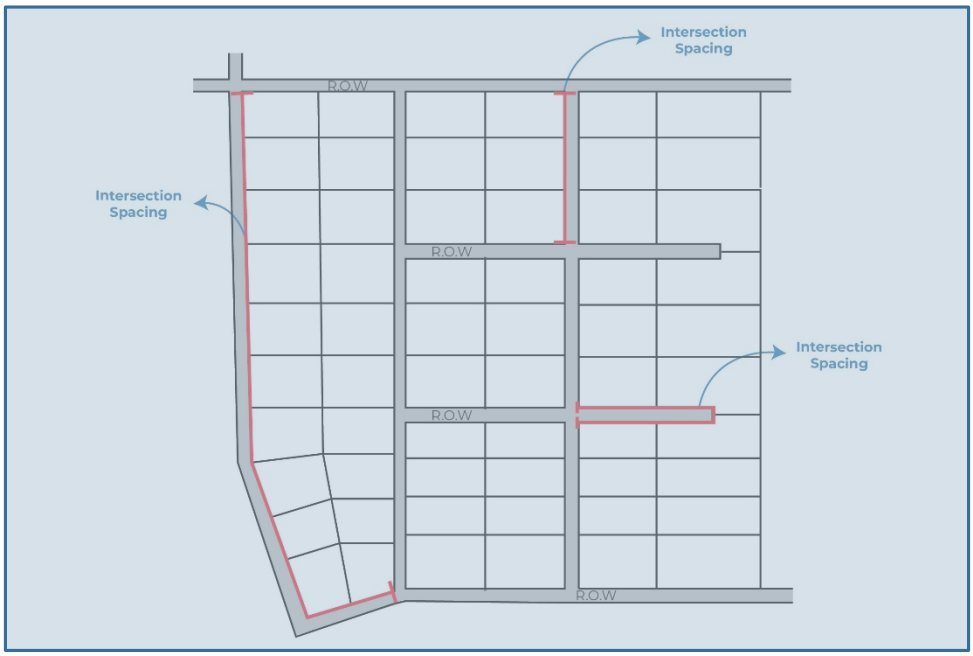


Figure 14.05.020-14.05.02-1. Intersection Spacing Measurement Diagram



B. Mid-Block Pedestrian Connection

~~C.~~ Where intersection spacing is 1,000 feet or greater in length, a minimum 15-foot-wide pass-through lot shall be required near the mid-point of the block. The length between each pass through lot or intersection shall be one-half ~~(1/2)~~ to one-fourth ~~(1/4)~~ of the maximum intersection spacing length shown in ~~Table 12.03.03~~Table 14.03.030-1. The pass-through lot shall connect on both ends to a public street and shall be owned and maintained by a designated property owner's association or similar entity. Within the lot, a minimum ~~six~~6-foot-wide sidewalk shall be constructed in an access easement and connect on either end to public sidewalks. The Director may approve an Administrative Exception, pursuant to ~~Section 3.16~~Section 3.14 of this Code, if it is determined that the pass-through lot would tie into an existing development where a pedestrian connection would not be possible.

C. Culs-de-sac

A residential cul-de-sac shall not exceed 20 total lots or 500 feet in length, whichever is less. A cul-de-sac exceeding 15 lots shall provide pedestrian access from the end of the cul-de-sac through to the nearest public

street, public school, sidewalk or trail, provided that such connection is located within the same subdivision. A pass-through lot containing a minimum ~~six~~6-foot sidewalk in a public access easement shall connect on both ends to a public street and shall be owned and maintained by a property owner's association. A residential cul-de-sac is permitted only within a subdivision that has more than one public street connection and shall not take access off of an arterial street.

D. Street Connectivity

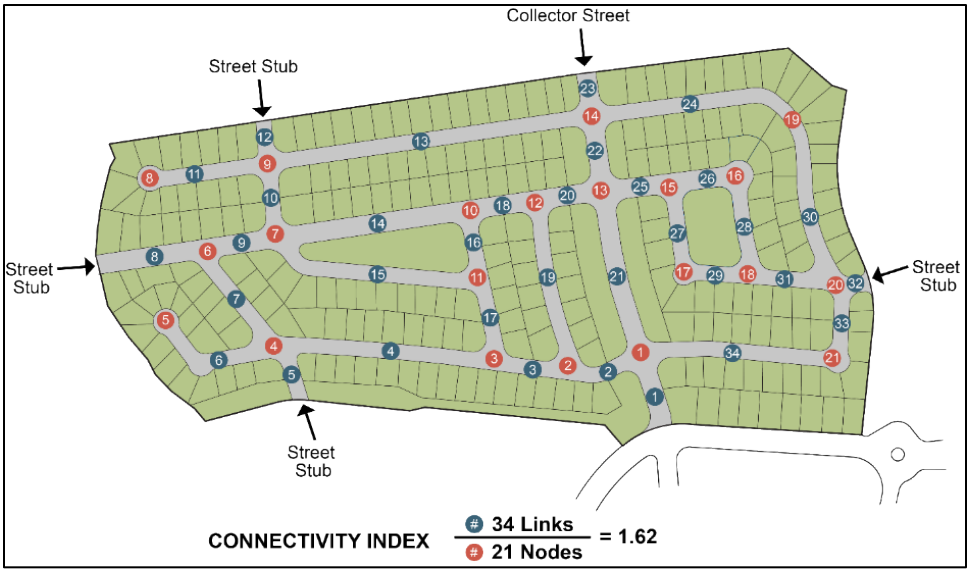
~~Note to City Staff: Inserted example of revised Connectivity Index Graphic.~~

~~Consider increasing the Connectivity index to be higher, suggestion 1.6.~~

The street network for any new subdivision with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.20. A Connectivity Ratio is achieved by taking the number of street links divided by the number of nodes or end links, including cul-de-sac heads. A node is the terminus of a street or the intersection of two or more streets. A link is any portion of a street defined by a node at each end or at one end. Streets intersecting to an external collector or arterial street are not considered nodes~~,~~ but are considered links. Street stubs to an adjacent property are considered links, but alley intersections are not.

The adjacent graphic and sample calculation shows how the street connectivity ratio for a subdivision shall be calculated.

Figure 14.05.020-14.05.02-2. Street Connectivity Index



~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

14.05.030. ~~14.05.03.~~Inter-Parcel Connectivity

All new non-residential development, regardless of ~~z~~Zoning ~~d~~District, that requires a Site Development Plan~~s~~ and/or Stormwater Permit~~s~~ that require off-street parking and driveways shall provide driveway connections to adjacent non-residential zoned or developed properties or properties within the ETJ with a non-residential Future Land Use designation, parallel to any street fronting the development, whether such property is developed or undeveloped. Access Easements shall be provided where necessary to achieve such a connection. The Director may consider the following through an ~~a~~Administrative ~~e~~Exception:

A. Adjust connection locations and consider alternative connections where practical.

B. Remove the requirement for inter-parcel connectivity when determined by the Director connectivity is not feasible or desirable from a community perspective.

C. If denied by the Director, the applicant may apply for a ~~s~~Subdivision ~~w~~Waiver.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

14.05.040. ~~14.05.04.~~Exceptions

Exceptions to the requirements of **Section 1~~2~~4.05** may be considered by Administrative Exception, Subdivision Waiver, or by the abandonment of a right-of-way, in compliance with this Code and the City's Municipal Code.

A. Administrative Exception

The Director may consider an Administrative Exception during subdivision plat or site plan review for the following situations only: If a natural or constructed barrier such as a highway, railroad, floodplain, or severe topography would hinder the possibility of connection. The administrative exception shall not apply to meeting the minimum connections to an existing major street, as specified in ~~**Table 12.05.01**~~**Table 14.05.010-1**. All other exceptions shall be processed as a Subdivision Waiver or Street Abandonment.

B. Subdivision Waiver

A Subdivision Waiver pursuant to ~~Section 3.22~~**Section 3.16** can be considered for proposed and required street connections. The applicant shall demonstrate that all other administrative options have been exhausted. The following are eligible for Subdivision Waiver consideration:

1. Number of required connections, type of street connection, land use compatibility, or location.
2. A local street that would connect a commercial/industrial development to a residential development. In such instance, the applicant that is required or is proposing to make such a connection is eligible to apply for the Subdivision Waiver and must ensure that removal of such a connection does not cause detrimental effects to the streets in the adjacent subdivision.
3. A connection that would cause an existing local street to exceed the Average Daily Trip (ADT) projection specified in ~~**Table 12.03.03**~~**Table 14.03.030-1** and cause the Level of Service (LOS) on the existing street to fall to Level "D" or worse, as determined through a Traffic Impact Analysis (TIA). The variance should be considered when efforts to re-route traffic, alter street classifications, or consider alternative connections have been exhausted.
4. When the director has denied an administrative exception for interparcel connectivity.

C. Street Abandonment

If not otherwise eligible for a Subdivision Waiver or exception provided for in this ~~S~~section, a City-approved public street or street stub that is proposed by any party to be closed, disconnected or never connected to another public street shall be submitted to the City Council for consideration of abandonment, following the procedures in the City's Municipal Code. No public street, right-of-way, or street approved by a plat shall be abandoned by the City or ~~C~~county if not in accordance with this Code. The City and ~~C~~county will collectively determine whether to abandon the portion of a public street that exists or is planned to be in both jurisdictions.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 14.06. Design and Technical Standards

~~Note to City Staff: Diagnostic Recommendation to remove technical standards like those in Sec. 12.06 from the UDC, relocate them to the City's Engineering Design Manual, and provide Engineering Design Manual cross-references in the UDC.~~

Streets shall be designed in accordance with the design speed standards established in this ~~C~~chapter in conjunction with the *American Association of State Highway and Transportation Officials (AASHTO) Manual*, as amended. When listed in this ~~S~~section, the published standard shall apply. When this ~~S~~section is silent, the *AASHTO* standard shall apply.

14.06.010. ~~14.06.01.~~Street Curves and Geometry

A. Vertical curves shall be designed in accordance with AASHTO standards.

B. Horizontal curves shall be separated by a minimum tangent of 100 feet for Future Mobility Plan Streets and 50 feet for all other streets.

C. Reverse curves shall be separated by a minimum tangent of 100 feet. Super-elevated curves shall not be allowed.

D. Horizontal tangents approaching an intersection shall be a minimum of 50 feet in depth.

E. Street landings shall be a minimum of 30 feet in depth with a grade of less than ~~two percent (~~2%~~)~~ approaching an intersection.

F. Grade breaks shall not exceed ~~one percent (~~1%~~)~~ without a vertical curve.

G. Longitudinal grade shall be a minimum of ~~one-half percent (~~0.5%~~)~~ for streets using a curb and gutter drainage system. Maximum grade shall conform to *AASHTO* criteria for all Future Mobility Plan Streets and shall not exceed ~~fifteen percent (~~15%~~)~~ for all other streets.

H. Roundabouts and traffic circles shall be designed to accommodate emergency service vehicles and buses. Encouraged on local streets, roundabouts shall require approval by the Development Engineer for a collector-level street or higher classification. The Development Engineer ~~may~~shall require a license agreement from the developer to establish the developer's responsibility for the maintenance of landscaping or any art that is installed in the roundabout.

I. ~~Local Streets~~Traffic calming measures shall be implemented at each intersection along local and ~~N~~neighborhood ~~C~~collector streets ~~shall have bulb-outs at least every 500 ft and at each intersection~~, measuring ~~24~~22 feet from curb-face to curb-face, consistent with the Engineering Design Manual. ~~Additional~~For local streets with block lengths exceeding 500 feet, a minimum of one traffic calming ~~elements may be required for each block at the discretion of the City Engineer.~~device shall be installed within each block, with placement at intervals not exceeding 500 feet from the nearest intersection. The Development Engineer reserves the authority to approve deviations from the 500-foot spacing requirement based on site-specific conditions. ~~For blocks greater than 500 feet in length, 1 traffic calming element must be added for every additional 500 feet in length. A traffic calming element may not be located greater than 500 feet from another element on the same block. Traffic calming elements may include but are not limited to Curb Extensions / Bulb-Outs, Chicanes, Traffic Circles, Roundabouts.~~

   1. Horizontally deflecting traffic calming measures include~~:~~ curb extensions/~~-~~bulb-outs/~~-~~chokers, chicanes, raised median islands, traffic circles, and roundabouts.

   2. Culs~~-de-sac – Cul~~-de-sac or streets that will not be extended within future development may be considered as qualifying traffic calming elements.

   3. ~~–~~Ninety-degree ~~(90°)~~ knuckles may be considered as qualifying traffic calming elements.

J. Collectors shall generally follow a direct path and shall not turn in a perpendicular manner after a stop or 90 degree bend, nor shall a collector end in a cul-de-sac or other permanent turn-around.

K. ~~J.~~Exceptions to these standards, in addition to the design speeds for streets may be considered by the Development Engineer on a case-by-case basis. Approved design speeds differing from the statutory prima facie speed limits shall require signage in accordance with the Texas Manual on Uniform Control Devices.

14.06.020. ~~14.06.02.~~Intersection Alignment

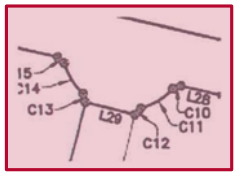
A. All streets shall intersect at a 90-degree angle. Deviations up to 10 degrees may be considered by the Development Engineer on a case-by-case basis where existing conditions will not permit.

B. New streets and driveways intersecting a street across from existing street or driveway shall be aligned with the existing street or driveway on center line with dimensions and bearings to show relationship. In unique circumstances where the Development Engineer determines that precise alignment of driveways, Local Streets, or Residential Collectors is impossible due to natural features or other unique elements of the land, such off-sets may be included provided the distance between center lines is not less than 125 feet.

14.06.030. ~~14.06.03.~~Turning Radius

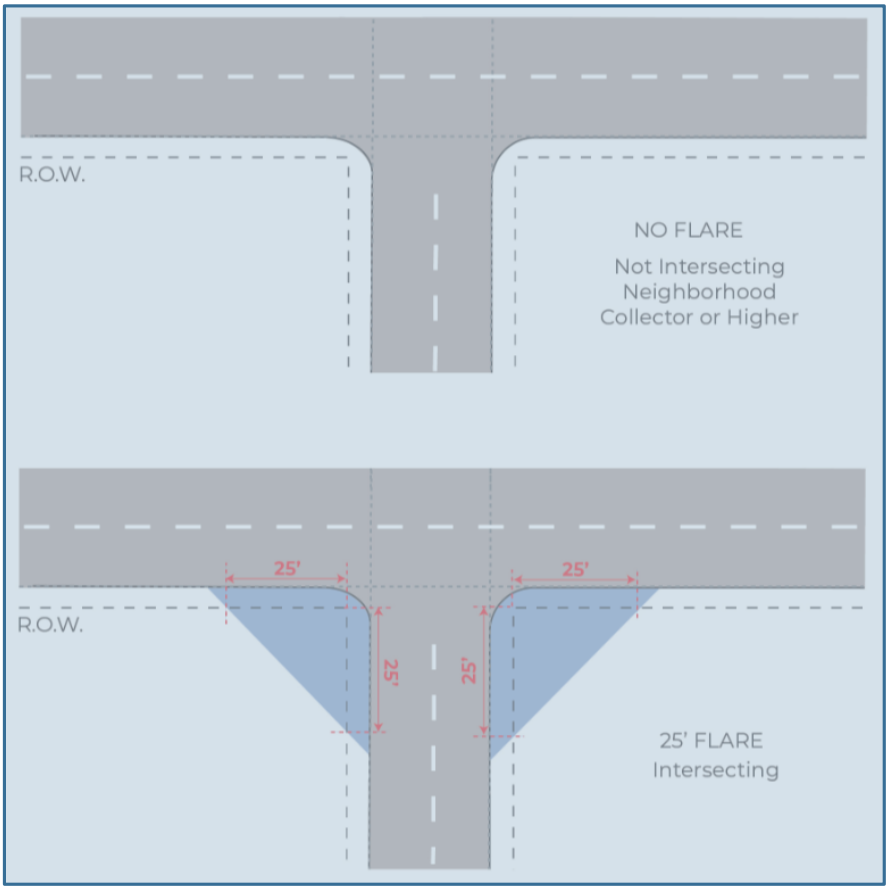
A. Local street intersections with another local street shall include a minimum curb radius of ~~15~~25 feet. All collector street intersections with both local streets and other collectors shall include a minimum curb radius of 25 feet. All arterial street intersections with any type of street shall include a minimum curb radius of 30 feet.

B. Cul-de-sac streets shall have a minimum 60-foot right-of-way and a 50-foot paved radius for single- and two-family uses, and 70-foot right-of-way and 60-foot paved radius for all other uses. Culs-de-sac shall include a 25-foot inside, 50-foot outside turning radius. Culs-de-sac, ~~H~~hammerheads, and all other turn-around alternatives shall meet the standards provided in the adopted Fire Code.



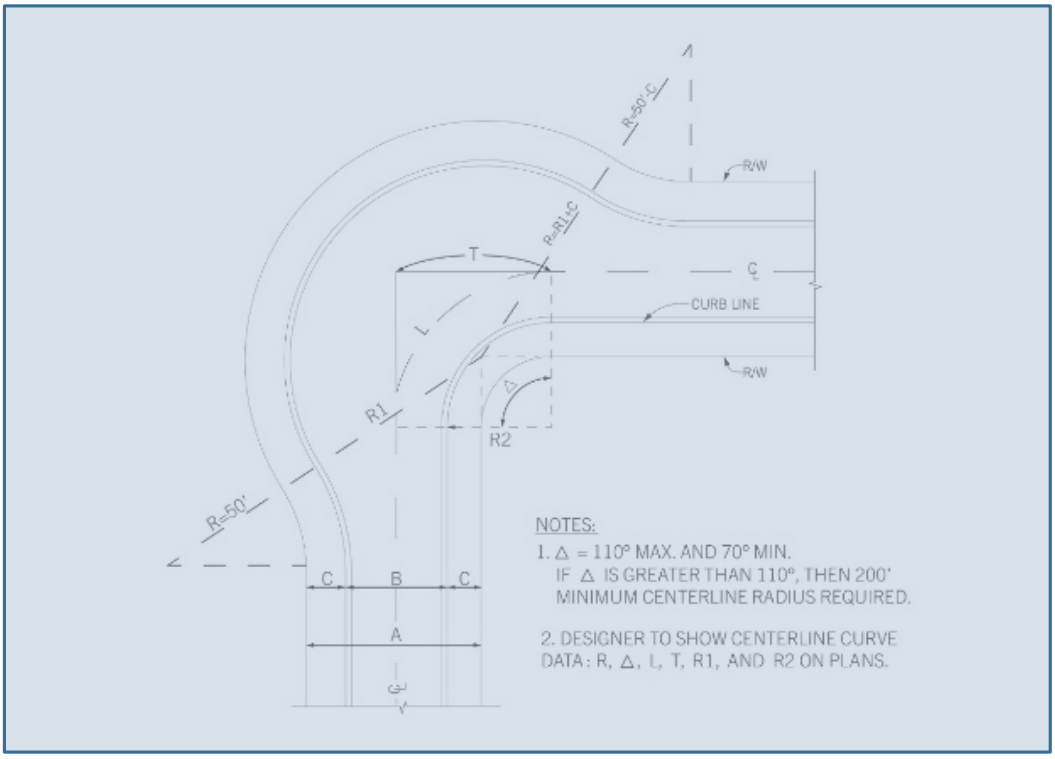
C. Street intersections containing one or more Neighborhood Collector and higher-classification streets shall include 25-foot right-of-way flares, as shown in **Figure 14.06.030-14.06.03-1. Street Intersection Right-of-Way Flares**. The 25 feet is measured along the tangents from the point of intersection of the two right-of-way lines.

Figure 14.06.030-14.06.03-1. Street Intersection Right-of-Way Flares



D. Knuckles shall have a minimum of minimum 60-foot right-of-way and a 50-foot paved radius for single- and two-family uses, and 70-foot right-of-way and 60-foot paved radius for all other uses. Knuckles shall include a 25-foot inside, 50-foot outside turning radius.

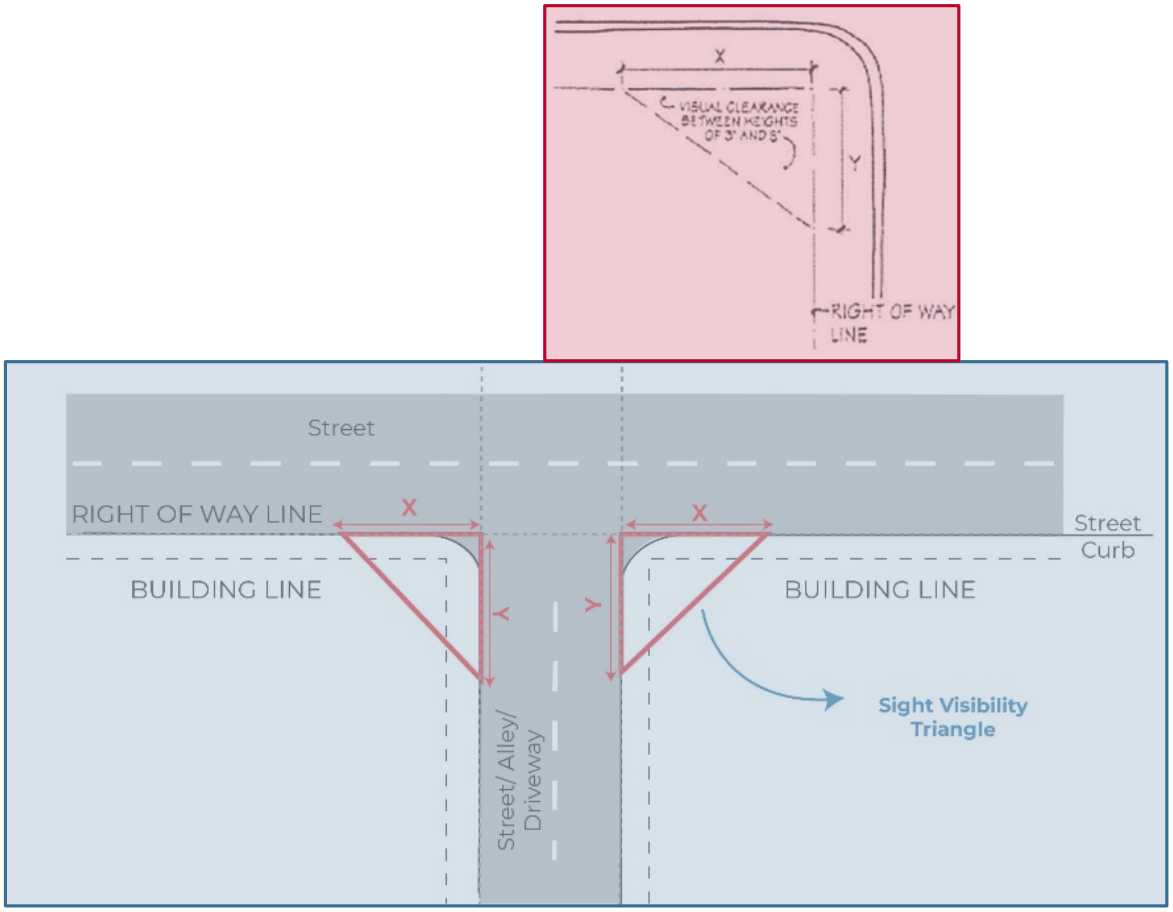
~~Graphic for D to be inserted.~~Figure 14.06.030-14.06.03-2. Knuckles



14.06.040. ~~14.06.04.~~Intersection Visibility and Sight Triangle

~~Note to City Staff: Graphics to be updated.~~

Figure 14.06.040-14.06.04-1. **Sight Triangle**



1. Intersection Visibility and Sight Triangles shall be provided and maintained per AASHTO design standards.
2. For a street not containing the 25-foot right-of-way flare, a sight triangle visibility easement shall be established at all street intersections to ensure street visibility. This area shall measure 25 feet along the right-of-way in each direction from the projected intersection (shown as "x" and "y" in the graphic). At the intersection of two local streets, however, the sight triangle can be measured from the back of the curb or, where no curbs are in existence, the edge of the pavement. Where the right-of-way/curb curves at the intersection, the tangents at the points of beginning for the corner curve shall be projected to determine the origination of the sides of the sight triangle. The Development Engineer may require a larger easement if required by AASHTO or to provide adequate visibility due to unique site constraints.
3. Within the sight triangle, no construction, planting, grading or other natural or manmade object, including signs and human advertising, that interferes with street visibility shall be permitted between the heights of ~~three~~3 and ~~eight~~8 feet, measured from the crown of the street, except as approved by the Development Engineer.
4. The Development Engineer has the authority to extend the sight triangle based on speeds, pedestrian facilities, and location of the painted stop bar at the intersecting street.

   Furthermore, the Development Engineer may make a determination that objects interfering with street visibility shall be removed or otherwise altered to restore visibility.

B. Street Curbs

1. Approved street curb types are vertical ~~curbs.~~, mountable, and ribbon curbs. Each curb type shall be appropriate for the street classification, speed, drainage collection and meet the requirements of this chapter. All curbs, gutters, and inlets shall be designed and constructed in accordance with the Construction Manual.
2. Comprehensive Plan Streets, Neighborhood Collectors, and ~~A~~any street within a Residential Rural/Estate Subdivision may include ribbon curbs with approved drainage plans. All other streets shall be constructed with mountable or vertical curbs~~.~~ unless approved by the Development Engineer.
3. Local Streets and Residential Collectors ~~shall~~may be constructed with ~~a~~ either a mountable curb or vertical curb. Local Street cross-sections shall be in accordance with ~~**Table 12.03.03.**~~**Table 14.03.030-1**.
4. Mountable and ~~R~~ribbon curbs require a clear zone safety separation between sidewalks and sidepaths, ~~per the TxDOT Design Manual~~in accordance with **Section 14.07**.
5. Curb ~~b~~Basis for all streets shall be a minimum of ~~nine~~9 feet, measured from the back-of-curb to the right-of-way line, to ensure that utilities, grading and drainage can be adequately provided. Unless otherwise specified, the adjacent property owner is responsible for maintenance of all pervious surface within this area, including grass, landscaping, trees, etc. per City Code ~~Section 8.20.100~~Section 8.20.100. Encroachments into the right-of-way such as trees, landscaping, signage, and irrigation shall require a License to Encroach unless specified by plat or maintenance agreement.

C. Street Lights

1. Street lights shall be provided and installed by the subdivider on all public and private streets located at intervals not exceeding 300 feet, at all street intersections, and at the terminus of a cul-de-sac, except as otherwise specified herein. Subdivision of lots that do not require new streets shall also provide street lights along existing streets if street lights are non-existent. The lighting type, size of luminaire, mounting poles, location, and installation procedures shall be determined by the City's Electrical Engineer or designee, in accordance with the standards in the Construction Manual.
2. In a Residential Rural/Estate Subdivision, installation of street lights shall only be required at the entrances to the subdivision. The subdivider shall be responsible for the installation and capping of electrical conduits at all street intersections and cul-de-sacs within the subdivision so as to allow for future installation of street lights. Elevated metering transmission structures may be required within the subdivision to transmit utility meter readings.
3. In the Downtown Overlay District, street lights shall be provided using either the antique lighting or standard light poles, powder-coated and painted "~~Dark~~Georgetown Green" in accordance with the Downtown Master Plan and the Construction Manual.

14.06.050. ~~14.06.05.~~Mailbox Kiosks

A. Communal mailbox kiosks facing a public street shall be provided direct pedestrian access from the public sidewalk or sidepath, be set back from the public sidewalk or sidepath so as not to impede the walkway, and provide either two parallel parking spaces or a temporary loading zone that adequately accommodates two vehicles.

B. For residential developments, ~~T~~the mailbox kiosk shall be set back at least 500 ~~ft~~feet from the right-of-way of a Major Street. For nonresidential and mixed-use developments, the mailbox kiosk must be located to avoid impairing visibility or safety of vehicular or pedestrian traffic.

C. The right-of-way for the adjacent public street shall be sized appropriately for such features.

14.06.060. ~~14.06.06.~~Construction Entrances

Construction entrance/exit locations must be specified for all subdivision development. Construction traffic for subdivision public improvements shall not be routed through adjacent neighborhood streets except on rare occasions at the approval of the Development Engineer.

14.06.070. ~~14.06.07.~~Street Naming

A. Streets shall be named according to the City's Addressing and Naming Policy.

B. Streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names within the county.

C. Driveways or approved private streets serving more than one internal lot that connect to an Arterial street shall be named and signed according to the City's Addressing and Street Naming Policy.

~~14.06.08. Traffic Calming~~

~~A. Traffic calming measures shall be implemented at each intersection along local streets. For local streets with block lengths exceeding 500 feet, a minimum of one traffic calming device shall be installed within each block, with placement at intervals not exceeding 500 feet from the nearest intersection. The Development Engineer reserves the authority to approve deviations from the 500-foot spacing requirement based on site-specific conditions.~~

~~1. Horizontally deflecting traffic calming measures include: curb extensions/ bulb-outs/ chokers, chicanes, raised median islands, traffic circles, and roundabouts.~~

~~2. Cul-de-sac – Cul-de-sac or streets that will not be extended with future development may be considered as qualifying traffic calming elements.~~

~~3. Ninety-degree (90°) knuckles may be considered as qualifying traffic calming elements.~~

~~4. Horizontally deflecting traffic calming measures include: curb extensions/ bulb-outs/ chokers, chicanes, raised median islands, traffic circles, and roundabouts.~~

14.06.080. ~~14.06.09.~~Deceleration and Left-Turn Lanes

A. Any development proposing a new driveway or street connection to a major roadway within the ~~C~~city limits, as listed in **Section ~~12.02.03~~14.02.040** shall be required to construct a deceleration and left-turn lane at the point of connection. In cases where the proposed development does not directly connect to a major roadway listed in **Section ~~12.02.03~~14.02.040**, and the added trips is 50 or greater during peak hour, a deceleration lane and a left-turn lane shall be required at the nearest intersection with the major roadway.

1. For developments not connecting to ~~C~~city limits or right-of-way, the requirement, design, and installation shall conform to the requirements outlined in the *TxDOT Access Management Manual* and *TxDOT Roadway Design Manual (TxDOT Standards)*. In cases where the proposed development does not directly connect to a major roadway listed in **Section ~~12.02.03~~14.02.040**, and the added trips are 50 or greater during peak hour within the ~~C~~city limits or right-of-way, a deceleration lane and a left-turn lane shall be required at the intersection with the nearest major roadway within the City.

B. Deceleration and left-turn lanes shall meet *TxDOT Roadway Design Manual* requirements.

C. The Development Engineer may modify length for deceleration lane that cannot meet TxDOT standards due to site constraints.

14.06.090. ~~14.06.10.~~School Zone

A. Any development that includes a public or private school shall be required to design and construct a designated school zone to ensure the safety of students, pedestrians, and other roadway users.

B. The school zone shall include, at a minimum:

1. School zone signage consistent with the *Texas Manual on Uniform Traffic Control Devices (TMUTCD)*;
2. Flashing beacons, if warranted by a traffic engineering study;
3. Reduced speed limits during designated school hours, subject to approval by the City;
4. High-visibility crosswalks and ADA-compliant curb ramps;
5. Continuous sidewalk connectivity to adjacent street networks;
6. Advance warning signs and school zone pavement markings;
7. Pedestrian and bicycle infrastructure appropriate to the context, including but not limited to bike racks, crossing guards, and protected crossings.

C. The applicant shall coordinate the design of the school zone with the Development Engineer, the Transportation Manager and the applicable school district.

D. A School Access and Circulation Plan shall be required to determine specific traffic control measures and internal circulation needs.

E. All school zone infrastructure shall be constructed and fully operational prior to the opening of the school or as otherwise approved by the City.

14.06.100. ~~14.06.11.~~Minimum Road Standards

All applications for plat approval, Site Plan approval, or PUD rezoning shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal streets and adjacent thoroughfares. For purposes of this ~~S~~section "adjacent thoroughfares" shall include thoroughfares abutting the proposed subdivision, whether located within the boundaries of the subdivision or within public rights-of-way.

1. Standards and Specifications

   The property owner shall dedicate and improve all required rights-of-way for internal streets and adjacent thoroughfares required by these regulations in accordance with the classification of streets contained in the Comprehensive Plan.

2. Dedication and Improvement of Internal Roadways and Adjacent Thoroughfares

   a. The property owner shall dedicate and improve one-half of the right-of-way necessary to meet the specifications in the Future Mobility Plan and this Code. If the property adjacent to both sides of the right-of-way has the same ownership, the property owner shall dedicate and improve the full right-of-way.

   b. The City shall require additional land and improvements for rights-of-way for adjacent thoroughfares where necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed development, depending on factors such as the impact of the development on the adjacent thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

c. In the case of adjacent frontage or service roads for ~~S~~state and ~~F~~federally designated highways, the property owner shall dedicate sufficient right-of-way and make authorized improvements in order to provide an adequate road network to serve the development.

3. Substandard Street Improvements

Where an existing thoroughfare that does not meet the City's right-of-way or design standards abuts a proposed new development, the City may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in the Future Mobility Plan or **Section 1~~2~~4.02** and **Section 1~~2~~4.03** of this Code, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

4. Capital Improvements Plan for Roads

A road improvement may be considered adequate for an application if the required improvement is included, funded, and approved in the City's, ~~C~~county's, or ~~S~~state's two-year capital improvements plan for roads or if the improvement is included, funded, and approved in the City's, ~~C~~county's, or ~~S~~state's three- to five-year capital improvements plan for roads, provided that the applicant agrees to phase development to conform to such scheduled improvement. This ~~S~~section shall not be construed to prevent the City from requiring dedication of rights-of-way for such roads or from assigning trips to such roads in a traffic impact study in order to determine a development project's impacts.

5. Participation in Costs of Improvements

The City may participate in the costs of improvements required by this ~~S~~section in order to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate streets. In such cases, the property owner shall be responsible for the entire initial costs of road improvements, including design costs. Reimbursement of the City's agreed share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the City shall be included in a subdivision improvement agreement.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 14.07. Pedestrian and Bicycle Mobility

14.07.010. ~~14.07.01.~~General

All sidewalks, sidepaths, shared~~-~~-use paths and trails identified in this Code, the City's Sidewalk Master Plan, Future Mobility Plan, Parks Recreation and Open Space Master Plan, Trails Master Plan, Downtown Master Plan, and any other relevant plan shall be constructed in accordance with this Code. Public sidewalks, sidepaths, shared~~-~~-use paths and trails do not count against the maximum impervious cover percentage required in ~~Section 11.02~~**Section 13.02** of this Code.

A. Public Sidewalks and Sidepaths

1. Sidewalks and sidepaths shall be constructed on both sides of all streets, including frontage roads, at the minimum widths described in ~~**Tables 12.03.03** and **12.04.02**~~**Table 14.03.030-1** and **Table 14.02.040-1** of this Code. Sidewalks shall be constructed consistent with the Construction Manual and in conformance with the requirements of the Americans with Disabilities Act (ADA) and PROWAG.

2. Sidewalks and sidepaths may be located within the street's public utility easement or right-of-way and may meander in and out of either as approved by the Development Engineer. If located within the PUE, a

~~public~~sidewalk maintenance and access easement shall be granted by either the recording of a plat or separate instrument~~,~~ and shall be identified on any subsequent plans.

3. Sidewalks and sidepaths shall be installed and meet clear zone requirements per the *TxDOT Roadway Design Manual* and shall be separated a minimum of ~~six~~6 feet from the back of a ribbon curb.
4. ~~-~~Construction of public sidewalks on single-family and two-family lots may be deferred to the ~~b~~Building ~~p~~Permit, built to the standards and specifications at the time of the permit. Sidewalks and sidepaths located in common areas, parks and along Neighborhood Collectors and Major Streets shall be constructed at the time of street improvements.
5. Pedestrian accessways shall be provided from the public sidewalk and sidepaths to the main entrance of each building or to a sidewalk leading to the main entrance.
6. Sidewalks and sidepaths located within the Downtown Overlay District shall comply with the design standards in **Section 1~~2~~4.04** of this Code and the Downtown Master Plan, as amended.
7. Sidewalks and sidepaths constructed as infill, retrofitted, or rehabilitation projects should follow the standards of this Chapter where practical to do so, but consideration shall be given to the existing conditions of the built and natural environment when locating such sidewalks and sidepaths.

B. Public Trails

Regional Trails depicted as proposed Shared~~-~~-Use Paths on the Trails Master Plan shall be dedicated and constructed at the time of development as a public improvement in the general locations and alignments depicted therein. Public Trails do not satisfy Parkland Dedication requirement ~~perSection 13.08~~per **Section 15.08. Parkland**.

1. If the trail is not located on public property, a minimum of 20 feet of right-of-way or public access easement, shall be dedicated as approved by the Director of Parks and Recreation.
2. The trail shall be a minimum of ~~ten~~10 feet in width, constructed to the standards depicted in the Trails Master Plan, or otherwise approved by the Director of Parks and Recreation.
3. A trail constructed to the City's trail standards may be constructed within the right-of-way or public utility easement as a substitute for a sidepath if the Trails Master Plan designates a trail along the street.

C. Sidewalk Fund

A designated City fund, entitled "Sidewalk Fund," shall hold any financial contributions paid in accordance with the provisions in this Code. Funds shall be held in trust by the City to be used exclusively for the purpose of purchasing and/or equipping public streets for sidewalks or sidepaths.

D. Alternative Pedestrian Improvements

1. Alternative locations or design variation(s) of sidewalks, sidepaths, pedestrian access facilities, or hike and bike trails to a standard that deviates from the Construction Manual can be requested to the Development Engineer. If approved, ownership and maintenance shall be transferred to the property owner or property/homeowner association and recorded by separate instrument, along with a public access agreement.
2. When an administrative alternative cannot be achieved, a Subdivision Waiver pursuant to ~~Section 3.16~~**Section 3.16** may be requested for either fees-in-lieu of construction, delay of construction, or waiver. Justifications for the waiver include, but are not limited to, the location of the facility in relation to the existing or planned pedestrian network, the need for the facility, and/or topography/natural features. Prior to approval of the Final Plat, Site Development Plan, or other applicable approval stage, payment of any required fees shall be provided for deposit into the Sidewalk Fund at a cost not to exceed ~~one hundred twenty-five percent (~~125%~~)~~ of the estimated construction plan costs, as approved by the Development

Engineer. A request may be made to City Council for City participation in any pedestrian improvements required by this ~~C~~chapter.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 14.08. Driveway Standards

All driveways accessing a street shall require a permit through either a Building Permit, Stormwater Permit, Site Development Plan, or Driveway Access Permit, in accordance with this Code. The Development Engineer may use discretion on exact driveway spacing distance and location, where warranted. A lot approved in accordance with this Code has the right to at least one driveway access point, which may or may not be full-access depending on conditions. A driveway may provide access to no more than four lots before a street is required.

14.08.010. ~~14.08.01.*(Ord. No. 2017-15, § 2, 2-28-2017)*~~Residential Driveways

A. Single-family and two-family platted lots shall only take access from an alley, local street, residential lane, or residential collector and shall not take access from a road that contains a ~~C~~county number (~~Ex.~~e.g., CR 425), arterial, or highway.

B. Residential driveways on a local street serving single-family or two-family lots shall be separated from a street intersection by a minimum of 50 feet, measured from the curb point of curvat~~ion~~ure (PC) to the center of the driveway. Residential lots with frontage on more than one non-intersecting street shall take access from the street with the lower classification, if applicable.

C. Residential driveways on a Residential Collector serving single-family or two-family lots shall be spaced a minimum of 70 feet on center and shared driveways are not permitted.

Exceptions to this provision include:

1. Does not apply to alley-loaded only lots fronting on Residential Collectors.
2. Does not apply if less than ~~twenty-five percent (~~25%~~)~~ of the linear street frontage contains front-loaded lots.
3. Distance separation may be reduced to 55 feet if only one side of the street is front-loaded or if the street is divided by a median.

~~4. A platted lot that is 90 feet or greater in width located on a collector-level or higher street may be allowed a second driveway access point irrespective of the 70-foot separation provision, in full accordance with all setback provisions.~~

4. ~~5.~~Slip roads that provide public access along a private driveway serving multiple residential lots, provided that the slip road access to the collector meets the separation.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

14.08.020. ~~14.08.02.~~Non-Residential Driveways

A. Non-residential driveways shall be no wider than 30 feet, except where a median is present within the driveway. When a median is desired or required, the driveway width shall not exceed 45 feet, and the median shall be constructed with a mountable curb. On streets operated by the Texas Department of Transportation (TxDOT), the Development Engineer may defer to TxDOT in circumstances where these standards are not practical.

B. Non-residential full-access driveways shall be separated from a street intersection and from other driveways in accordance with ~~Table 12.08.02~~Table 14.08.020-1, measured on center or from the right-of-way to the center of the driveway. Minimum separation for right-in, right-out-only driveways shall be determined by the

Development Engineer on a case-by-case basis, but in no case be spaced less than 200 feet from a street or driveway.

C. Where multiple access points to a site are desired, the Development Engineer shall have the authority to require the consolidation, closure, or relocation of an existing or planned driveway, even if consistent with the minimum spacing in ~~Table 12.08.02~~Table 14.08.020-1.

D. Non-residential driveways on double-frontage lots located in a Residential Zoning District shall have off-setting access points from opposing streets to inhibit cut-through traffic.

E. A Driveway Access Permit may require an engineering study or a Traffic Impact Analysis in accordance with ~~Section 3.19~~Section 3.22 of this Code.

~~F. Driveway spacing in the Downtown Overlay District shall be based on sight distance.~~

F. Driveway spacing in the Downtown Overlay District shall be based on sight distance.

Table 14.08.020-1.~~Table 12.08.02~~ Driveway Spacing

Non-Residential Driveway Spacing	
Posted Speed (MPH)	**Driveway Spacing (Feet)**
≤30	200
35	250
40	305
45	360
50	425
55	495
60	570
65	645
70	730

Table 14.08.020-2. Minimum Connection Spacing Criteria for Highway Frontage Roads

Minimum Connection Spacing ~~Criteria for Highway Frontage Roads~~(feet)		
~~Minimum Connection Spacing (feet)~~		
Posted Speed (MPH)	**One-Way Frontage Roads**	**Two-Way Frontage Roads**
≤30	200	200
35	250	300
40	305	360
45	360	435
>50	425	510

Table 14.08.020-3. Desirable Spacing between Highway Exit Ramps and Driveways

~~Desirable Spacing between Highway Exit Ramps and Driveways~~				
Total Volume (Frontage Road + Ramp) (vph)	Driveway or Side Street Volume (vph)	Spacing (feet)		
		Number of Weaving Lanes		
		2	3	4
< 2,500	< 250	460	460	560
	> 250	520	460	560
	> 750	790	460	560
	> 1000	1000	460	560
>2,500	< 250	920	460	560
	> 250	950	460	560
	> 750	1,000	600	690
	> 1,000	1,000	1,000	1,000

* The standards in this table are derived from the City of Georgetown Driveway Spacing Study, adopted July 2001 and based on *AASHTO* sight distance standards; and the City of Georgetown Access Management Policy, adopted December 2003.

~~*(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 5(Exh. C), 8-22-2023)*~~

Section 14.09. Traffic Impact Analysis

14.09.010. ~~14.09.01.~~Purpose

To ensure that development impacts are mitigated through specified constructed public improvements and/or financial contributions thereto and that such requirements are proportional to the traffic demands created by a new development. There must be a rough proportionality between the traffic impacts created by a new development and the associated impact requirements placed on the property owner.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

14.09.020. ~~14.09.02.~~Applicability

The road adequacy regulations in this ~~S~~section apply to land development activities within the ~~C~~city limits and within the City's extraterritorial jurisdiction, as specified in this ~~S~~section. In addition to these road adequacy regulations, Transportation Impact Fees, as required in **Chapter 12.46** of the Code of Ordinances, shall be required for land within the transportation service areas as defined in **Section 12.46.060** of the Code of Ordinances.

~~*(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 5(Exh. C), 8-22-2023)*~~

14.09.030. ~~14.09.03.~~Traffic Impact Analysis

A. When Required

1. A Traffic Impact Analysis shall be required with any application for a subdivision, Site Plan, Stormwater Permit, or Driveway Permit, for which the proposed development generates traffic in excess of 1,000 average daily trips, based upon the latest edition of the *Institute of Transportation Engineers (ITE) Trip*

Generation Manual. When a development is within the transportation service areas as defined in Section 12.46.060 of the Code of Ordinances, a Traffic Impact Analysis shall only be required when the proposed development generates traffic in excess of 5,000 daily trips. In the event that specific land uses for the development are not specified at the time of subdivision or plat application, the daily trip generation rate for the most intensive land use from the *ITE Manual* for the land use classification of the application shall be used to compute the estimated average daily trips.

2. The Traffic Impact Analysis shall be prepared by a licensed professional in accordance with standard transportation engineering practices for purposes of determining the adequacy of the road network to serve the proposed development, and whether off-site road dedication and improvements should be made to mitigate the effects of the development proposed in the application.
3. An initial Traffic Impact Analysis shall be submitted with the first application for the development that triggers the requirement. An updated Traffic Impact Analysis shall be submitted with each Final Plat submitted for approval and shall be generally consistent with the initial Traffic Impact Analysis. The initial Traffic Impact Analysis shall be updated whenever a subdivision plat or Site Plan is submitted or modified to authorize more intensive development.
4. A Traffic Impact Analysis ~~(TIA)~~ will expire ~~if~~after three years or when the preliminary plat, stormwater permit, or site development permit expires, whichever occurs first.
   a. For in-City developments that have an expired TIA, the development shall update and conform to the current Transportation Impact Fee (TIF) requirements.

B. Study Scope

When a Traffic Impact Analysis is required, the scope of the analysis shall be determined during a scoping meeting with the Development Engineer. ~~The scoping meeting may occur during any required pre-application meeting, but may also be scheduled after an initial pre-application meeting.~~ No application requiring a Traffic Impact Analysis may be made until the scope of the required analysis has been determined. The Development Engineer may involve representatives of or request assessments from other agencies and departments. The elements to be determined during the scoping session shall include the following.

1. Definition of Impact Area

   The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall be determined.

2. Period of Analysis

   Periods of analysis shall include~~:~~ average daily traffic, peak AM and PM, or weekend peak hour.

3. Analysis Scenarios

   Scenarios for analysis include~~:~~ existing conditions, opening year conditions with and without development, and ten years after opening with and without development.

4. Process

   Process for determining trip generation and distribution including~~:~~ trip generation category, diversion assumptions, distribution assumptions, and capacity analysis.

5. Growth Rate Assumption

   The rate of growth assumed in background traffic assumptions.

6. Future Development

Planned developments in the area that have been approved or are under review.

C. Traffic Study Elements

A letter report or special report shall only include those elements agreed upon in the scoping meeting. A full Traffic Impact Study shall include the following elements.

1. Existing Condition Survey

   a. Street System Description~~.~~

      The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances, and adjacent uses and curb cuts.

   b. Traffic Volumes~~.~~

      Existing traffic volumes shall be provided for the impact area including both ADT (Average Daily Traffic) and "Design" peak hour volumes. ADT shall be derived from the latest available counts taken by the City or Texas Department of Transportation. Peak hour volumes shall be obtained from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.

   c. Capacity Analysis

      Existing capacity of signalized and unsignalized intersections.

   d. Other

      Other items may be required at the discretion of the Director depending upon the type and scale of the project. These may include but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.

2. Future ~~W~~without Development

   Capacity analysis is to be provided for opening year and plus ~~ten~~10-year for key intersections (and street segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the *Highway Capacity Manual* or other methodologies approved in advance by the Director.

3. Future ~~W~~with Development

   a. Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the *ITE Trip Generation Manual* unless the Director determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from *ITE*.

   b. The projected trips shall be distributed onto the road network as agreed in the scoping meeting.

   c. Capacity analysis for opening year and plus ten-year for key intersections (and street segments where appropriate).

   d. Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations, or similar requirements.

4. Mitigation Plan

   Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Development Engineer and, where appropriate, the Texas Department of Transportation. The mitigation plan shall also include any dedications necessary to comply with the Minimum Road Standards described below. Where the final approval authority for any procedure

determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the permit or subdivision plat. Mitigation plans shall identify improvements that are eligible for TIF credits per **Chapter 12.46** of the Code of Ordinance. All improvements identified shall be required, subject to the roughly proportionate impact of development.

D. Consultants

The City may require that an independent licensed professional traffic engineer be hired by the applicant to perform the required Traffic Impact Analysis or to review all or part of a study prepared by the applicant's consultants.

E. City Evaluation and Action

The City shall evaluate the adequacy of the Traffic Impact Analysis prepared by the applicant. Based upon such evaluation, the City shall determine (1) whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare, and (2) the extent of the applicant's obligations to make such dedications or improvements. The City shall condition the approval of the subdivision application on one or more of the following performances by the applicant:

1. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
2. A reduction in the density or intensity of the proposed development sufficient to ensure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;
3. The dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development.

F. Annexation

Any development that is annexed into the City, the applicant or property owner shall pay applicable Traffic Impact Fees in accordance with Section 12.46 of the Code of Ordinances.

G. Deferral of Obligation

Upon request of the applicant or property owner, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on an application may be deferred to a later stage of the development process.

As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, which deferral shall be in the sole discretion of the City, the City shall require the developer to execute a subdivision improvement agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares.

H. Cash Contributions

In lieu of the obligation to dedicate or improve thoroughfares or make traffic control improvements to achieve road adequacy, the applicant may propose to make equivalent cash contributions. Any funds accepted by the City shall be earmarked for either transportation impact fees due at ~~b~~Building ~~p~~Permit, per Chapter 12.46 of the Code of Ordinances, or as a separate contribution tracked in a separate account earmarked for construction of the improvements for which the contribution was made. Any contributions intended for the payment of transportation impact fees must be placed in the appropriate transportation service area impact fee account in which the development is located and be spent on eligible projects within the transportation service area as required in Chapter 12.46 of the Code of Ordinances.

I. Options

Whenever the proposed development's share of the costs of a thoroughfare or traffic control improvement needed to mitigate traffic generated by the development is less than ~~one hundred percent (~~100%~~)~~, the City, in its sole discretion, may do the following:

1. Participate in the excess costs; or
2. Aggregate the costs of improving multiple thoroughfares or intersections identified in the Traffic Impact Analysis~~,~~ and require improvements to only some of the thoroughfares or intersections affected by the development.

J. Appeal of Traffic Impact Analysis Conditions

Any appeal of a disapproved or denied final action resulting, in full or in part, from a determination that the Mitigation Plan was insufficient shall include the following:

1. The appeal shall allege that recommended conditions requiring dedication or construction of thoroughfares or traffic control improvements are not roughly proportional to the nature and extent of the traffic impacts on the road network created by the development being proposed.
2. The appeal may also allege that the imposition of the conditions deprives the owner of the economically viable use of the land or of a vested property right.
3. The applicant shall provide a study in support of the appeal.
4. The City Council~~,~~ shall consider the appeal and determine whether the street or traffic control dedication and construction requirements are roughly proportional to the nature and extent of the impacts on the road network created by the development proposed. If the petition also alleges that the proposed dedication or construction requirements constitute a deprivation of economically viable use or of a vested property right, the ~~H~~hearing body also shall consider such issues. Following such determinations, the appeal ~~H~~hearing body may take any of the following actions regarding the road adequacy portion of the appeal only:
   a. Deny the appeal, upon determining that the required dedications of rights-of-way for or improvements to thoroughfares or traffic control improvements are roughly proportional to the nature and extent of the impacts created by the development, and order that such dedication or improvements be made as a condition of approval of the subdivision application.
   b. Deny the appeal, finding that the dedication or improvement requirements are inadequate to achieve road adequacy, and either deny the subdivision application or require that additional dedications of rights-of-way dedication for or improvements to thoroughfares or traffic control improvements, be made as a condition of approval of the application.
   c. Grant the appeal and waive in whole or in part any dedication or construction requirement that is not roughly proportional; or
   d. Grant the appeal and direct that the City participate in the costs of acquiring rights-of-way or constructing improvements sufficient to achieve proportionality.

~~*(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2023-44 , § 5(Exh. C), 8-22-2023)*~~

Chapter 15. Infrastructure and Public Improvements[3] ~~(Chapter 13)~~

Section 15.01. General

The purpose of this ~~C~~chapter is to ensure the orderly continuation of public improvements for development in Georgetown, through the planning, design, and construction thereof. The intent of this ~~C~~chapter is to ensure, as part of the development process, the construction of adequate public improvements in a safe, equitable, and efficient manner.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

15.01.010. ~~15.01.01.~~Applicability

The provisions of this ~~C~~chapter are adopted pursuant to Texas Local Government Code ~~c~~Chapters 211 and 212, and the City Charter.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

15.01.020. ~~15.01.02.~~Public Improvements

A. Land proposed for development in the City's corporate limits and extraterritorial jurisdiction (ETJ) shall be adequately served by essential public facilities and services~~,~~ including, but not limited to, water distribution, wastewater collection and treatment, roadways, pedestrian circulation, storm drainage conveyance, and park and recreational facilities. Development seeking or requiring connection to a public utility system shall design and install public improvements in accordance with the Comprehensive Plan~~,~~ and shall meet the minimum requirements established by this Code, the City's Construction Standards and Specification Manual (~~"~~Construction Manual~~"~~) and any other adopted City design or technical criteria.

Public improvements required for development under the provisions of this Code include, but are not limited to:

1. Stormwater drainage system~~,~~ including, but not limited to, drainage easements, channels, storm sewer lines and inlets, in accordance with the provisions of ~~Chapter 11~~**Chapter 13** of this Code.
2. Streets, including but not limited to sidewalks, sidepaths, shared-~~-~~use paths, trails, alleys, bridges, and street lighting, in accordance with the provisions of ~~Chapter 12~~**Chapter 14** of this Code.
3. Utility systems~~,~~ including, but not limited to, water, wastewater, and electric infrastructure, in accordance with the provisions of this ~~C~~chapter.
4. Utility services for communications, gas, other electric providers, or other approved service shall be installed in accordance with the approved utility assignment locations and associated franchise agreements.

B. Extension of Water and Wastewater Utilities

1. ~~The extension of water and wastewater utility lines is required where the utility lines are not extended through capital improvement programs or other City-initiated projects.~~Minimum 8-inch water and wastewater extensions and current masterplan line extensions will be required during the subdivision of properties.

~~2. For a site that is undeveloped, utility extension is required during the site development plan, platting, or stormwater permit.~~

~~[3] *Editor's note(s)—Ord. No. 2017-15, § 2, adopted February 28, 2017, amended Chapter 13 in its entirety to read as herein set out. Formerly, Chapter 13 pertained to similar subject matter, and derived from original codification and Ord. No. 2015-48, § 2(Exh. A), adopted September 22, 2015.*~~

~~3. Utility extension is required without a tie-in in the ETJ.~~

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

2. For an unplatted site, current masterplan line extensions will be required.
3. Site plan applications must extend a minimum 8-inch water and wastewater line, as required.

15.01.030. ~~15.01.03.~~Public Improvement Exemptions

A. ~~Eighty Percent (~~80%~~)~~ Rule

Residential subdivisions processed as a Resubdivision where four or fewer new lots are being created may provide certain public improvements to the same or similar level, as determined by the Development Engineer, as the existing improvements serving ~~eighty percent (~~80%~~)~~ of adjacent properties that contain a residential or agricultural use. For purposes of this ~~S~~section, "adjacent properties" include properties directly across a street right-of-way from the subject property.

The ~~Eighty Percent (~~80%~~)~~ Rule exemption applies to the public improvements required in this Code, except as follows:

1. ~~Chapter 11~~**Chapter 13**, Stormwater;
2. ~~Section 12.02~~**Section 14.02**, Comprehensive Plan roadway right-of-way dedication;
3. ~~Section 12.08~~**Section 14.07**, Sidewalks, in the city limits only. Sidewalks in the ETJ are exempt;
4. **Section 1~~3~~5.03**, Public Utility Easements;
5. **Section 1~~3~~5.04**, Fire Flow, unless granted an exception as authorized by Sections B.103 and B.105 of the International Fire Code, considering density, on-site storage, sprinkler system, and any other authorized modifications; and
6. **Section 1~~3~~5.07**, Utility Master Plan infrastructure.

B. Residential Rural/Estate Subdivisions

Single-family development within the Agriculture (AG) and Residential Estate (RE) Districts, or in the City's extraterritorial jurisdiction (~~"~~Residential Rural/Estate Subdivisions~~"~~) qualify for certain modified standards throughout this ~~C~~chapter and other chapters of this Code, where specified. It is the intent that these modified standards be used to create a rural-type atmosphere for a development without sacrificing the integrity of current or future infrastructure systems. The resubdivision of a Residential Rural/Estate Subdivision to a density that does not meet the rural exemption shall be upgraded in conformance with this Code.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 15.02. Public Improvement Requirements

15.02.010. ~~15.02.01.~~Developer Responsibilities

The developer is responsible for payment of all costs of materials and installation of all infrastructure and public improvements required by this Code, unless otherwise specified.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

15.02.020. ~~15.02.02.~~Continuity of Improvements

All public improvements shall be designed and installed to provide for a logical system of utilities, drainage and streets, and to create continuity of improvements for the development of adjacent properties. All required public improvements shall be extended along the boundary and/or through the subject property to the perimeter of the subject property. Utility assignments are depicted in the Construction Manual.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

15.02.030. ~~15.02.03.~~Inspection of Improvements

A. During the course of installation and construction of the required improvements, the Development Engineer or designee shall make periodic inspections of the construction to ensure that all improvements comply with the provisions of this Code. Construction that fails to comply with the standards and specifications contained or referred to herein shall not be accepted.

B. The City will charge engineering inspection fees during construction and for final inspection. The City will not provide layout work or daily inspection.

C. Compaction tests on embankments and flexible bases, depth tests on flexible bases and pavement, and pressure tests on piping systems are required prior to final approval.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

15.02.040. ~~15.02.04.~~Acceptance and Maintenance of Improvements

A. Upon completion of all required public improvements, the City may consider acceptance of the constructed public improvements only after record as-built drawings have been submitted to the City, which shall include a statement signed by a registered ~~P~~professional ~~E~~engineer that all improvements have been installed and constructed in accordance with this Code.

B. A written guarantee that all workmanship and materials associated with public improvements shall be free of defects for a period of two years from the date of acceptance by the Development Engineer shall be provided to the City. A two-year maintenance bond in the amount of ~~ten percent (~~10%~~)~~ of the total construction cost of all workmanship and materials shall be submitted to the City per the approved City form.

C. The City shall not repair, maintain, install, or provide any streets, public utilities or services in any subdivision for which a Final Plat has not been approved and recorded, nor in which the standards contained herein or referred to herein have not been complied with in full.

D. Public improvements constructed to a standard varying from City specifications but approved by the City shall be accompanied by a maintenance agreement with a Property Owner's Association (or similar organization) for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreement(s) providing for such shall be presented to the Development Engineer and approved as to form by the City Attorney prior to recordation of a Final Plat and shall be filed of record with the plat thereof.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

15.02.050. ~~15.02.05.~~Provision of Utilities

A. The City shall not supply water, wastewater, or electricity according to the standards of this ~~C~~chapter for any tract of land that is not a legal lot, nor shall the City have any obligation to extend utility service to any parcel created in violation of the requirements of this Code.

B. A connection to or tap into the City water system, electric system, or wastewater system shall not be made without a permit or express prior written approval. The developer or builder shall make available all necessary materials to make the final tap or connection.

C. Temporary utility service may be provided according to the standards and procedures of the utility provider and are not subject to the requirements of this ~~C~~chapter.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

Section 15.03. Utility Easements

A. Uniform and continuous public utility easements (P.U.E.) shall be provided along all street lot lines at a minimum of ~~ten~~10 feet. If not dedicated by plat, the easement shall be granted at the time of Site Development Plan or by separate instrument, at the discretion of the Development Engineer. The City may consider approval of an alternative easement location other than along the street lot line.

B. Alongside major collectors, arterials, and highways, the P.U.E. shall be a minimum of 15 feet. Shade Trees shall not be planted within these easements, unless approved by the Development Engineer. In any P.U.E. with existing overhead electric lines, Shade Trees are prohibited. Ornamental Trees are allowed within all P.U.E.s.

C. Utility easements may be required across parts of lots other than as described above, at the discretion of the Development Engineer. If situated between lots, easements for water, wastewater and storm sewer lines shall be at least 20 feet in width. Where the proposed development adjoins an unplatted area, up to a 20-foot easement may be required along the rear of lots adjoining the unplatted area.

D. Where utility easements are not straight due to curved streets, a larger easement shall be provided where needed for overhead electric, at the discretion of the Development Engineer.

E. Utility easements may be fenced if unlocked gates are provided to allow free movement of excavating machines, maintenance equipment, and personnel throughout the full length of the easement.

F. Utility Easements are not required within the Downtown Overlay District.

~~(Ord. No. 2017-15, § 2, 2-28-2017)~~

Section 15.04. Public Water Standards

All development shall be served with an adequate water supply and distribution systems for fire protection and domestic use, unless otherwise specified. The developer shall be responsible for providing infrastructure to an approved public water supply system, including, but not limited to, water distribution lines, fire hydrants, valves, elevated metering transmission structures, and water towers, consistent with the City's Comprehensive Plan. All improvements shall be designed and constructed according to the City's Construction Manual.

A. Where an approved public water collection main or outfall line is less than one-half mile from the property boundary, connection to the public water system shall be required and public water shall be installed throughout the development.

B. Extension of water utilities shall conform to the City's adopted Utility Extension and Improvement Policy, as amended.

C. The developer shall be responsible for the cost of extension and connection to the existing public water system.

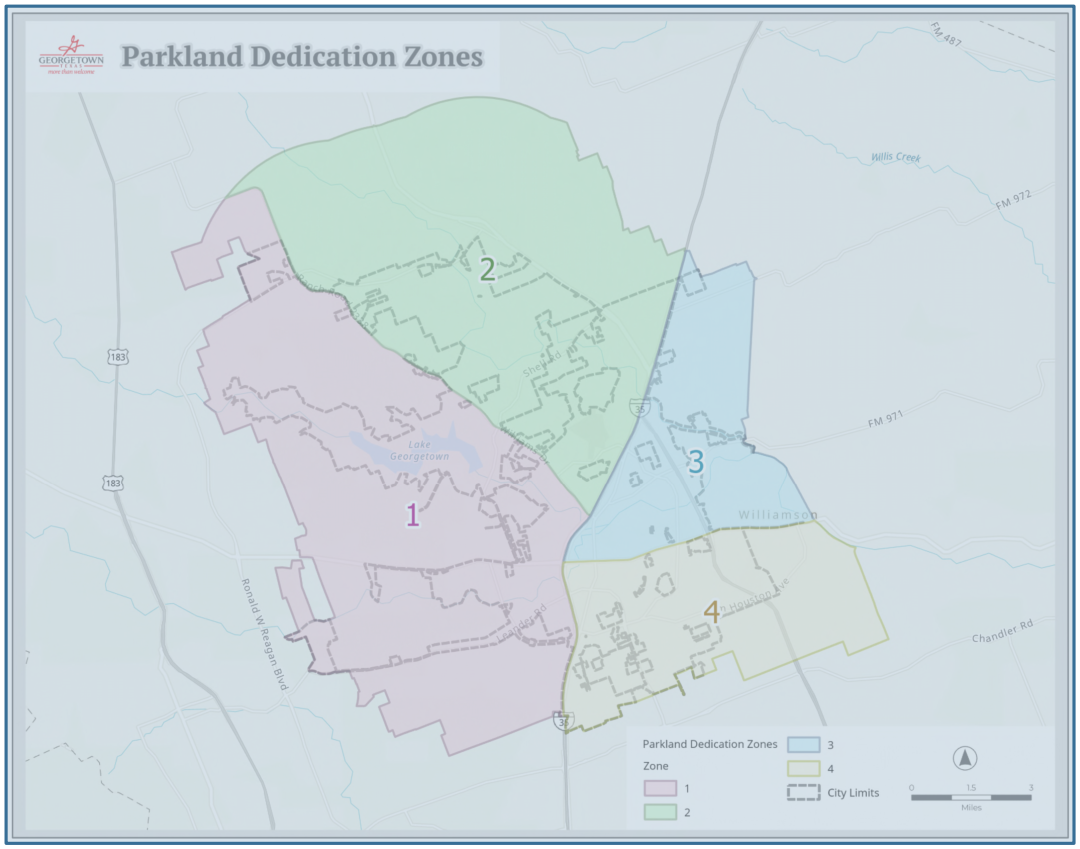
D. The water main pipe size for water distribution system improvements and extensions shall be a minimum diameter of ~~eight~~8 inches. Water infrastructure shall be of sufficient size to furnish adequate domestic water supply for fire protection in conformance with the City's adopted Fire Code, as amended. Fire hydrants shall be provided in accordance with the Construction Manual.

E. The design and construction of the components of the public water system shall comply with regulations covering extension of public water systems adopted by the Texas Commission on Environmental Quality (TCEQ). For development that is not served by a public water supply, proof of a safe and adequate water supply shall be provided to the Development Engineer.

F. Where an approved public water collection main or outfall line is more than one-half mile away from the property boundary, on-site wells may be utilized; however, if the City's Water Master Plan has scheduled the extension of a water collection main or outfall line to be completed to a location point within one-half mile away from the property boundary within five years from the date of the Preliminary Plat submittal, connection to the public water system is required. In such instance, the subdivider shall be required to install a public water system and shall bear the cost of connecting the subdivision to such existing water system. A subdivider may request an exception or alternative to this requirement, which shall be considered by the Development Engineer or their designee. An appeal of the decision made by the Development Engineer in this regard shall be heard by the Planning and Zoning Commission.

G. Improvements required through the Water Services Master Plan shall be designed and installed in accordance with the Water and Wastewater Criteria Manual.

H. ~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~All water lines that will be owned or maintained by the City of Georgetown and are located within the City's ETJ (Extraterritorial Jurisdiction) will require a City of Georgetown easement. This easement must be dedicated by separate instrument, unless outlined within the Utility Extension Policy



Section 15.05. Public Wastewater Standards

All development, where desired or required, shall be served with an approved public wastewater system, including but not limited to, wastewater lines, manholes, force mains, and lift stations, consistent with the Comprehensive Plan.

Properties in the ETJ that desire or require wastewater service from the City of Georgetown shall first submit a petition for voluntary annexation, in accordance with ~~Section 3.06~~Section 3.06 of this Code. All improvements shall be designed and constructed according to the City's Construction Manual.

A. Where an approved public wastewater collection main or outfall line is less than one-half mile from the boundary of a property within the city limits, connection to the public wastewater system shall be required and a public wastewater collection system shall be installed throughout the development.

B. Extension of wastewater utilities shall conform to the City's adopted Utility Extension and Improvement Policy, as amended.

C. The developer shall be responsible for the cost of extension and connection to the existing wastewater collection system.

D. The wastewater gravity main pipe size for wastewater improvements shall be a minimum diameter of ~~eight~~8 inches.

E. The design and construction of all wastewater systems shall comply with regulations covering extension of public sanitary wastewater systems adopted by the Texas Commission on Environmental Quality.

F. All wastewater systems shall be designed and constructed to operate on a gravity flow basis. In extraordinary circumstances and with the approval of the Development Engineer, lots ~~one~~1 acre and greater may design a low-pressure, vacuum, or gravity flow system to minimize the need for lift stations.

   1. A subdivision waiver request for a lift station may be approved if:

      a. The depth is not shallower than 40 feet, ~~or~~and

      b. The request is not due to financial hardship.

G. Where an approved wastewater collection main or outfall line is more than one-half mile away from the property boundary, on-site septic system(s) may be utilized; however, if the City's Wastewater Master Plan has scheduled the extension of a wastewater collection main or outfall line to be completed to a location point within one-half mile away from the property boundary within five years from the date of the Preliminary Plat submittal, connection to the public wastewater system is required. In such instances, the subdivider shall be required to install a public wastewater collection system and shall bear the cost of connecting to such existing wastewater collection system. A subdivider may request an exception or alternative to this requirement, which shall be considered by the Development Engineer or their designee. An appeal of the decision made by the Development Engineer in this regard shall be heard by the Planning and Zoning Commission.

H. Improvements required through the Water Services Master Plan shall be designed and installed in accordance with Section 15.07 of this Code.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 15.06. Electric And Communication Standards

The City's Electrical Engineer shall design the electrical system for all development, unless otherwise authorized. Where permanent electric service is desired and/or improvements required, the electric improvements shall be installed and maintained in accordance with the following standards:

A. For residential subdivisions, all electric distribution lines and individual service lines shall be installed underground. If overhead lines existed prior to underground installation, such poles, guy wires, and related structures shall be removed following construction of the underground infrastructure.

B. For non-residential and multi-family development where no existing overhead infrastructure exists, underground electric utility lines shall be required along the street and within the site. Where existing overhead infrastructure

is to be relocated, it shall be re-installed underground~~ and the existing facilities shall be removed at the discretion of the Development Engineer~~. Development occurring in the Downtown Overlay District should be highly encouraged to relocate overhead electric underground with the site work.

C. Underground electric and communication service lines shall be located and installed according to the Construction Manual.

D. Electric transformers and related equipment shall be mounted on pads at ground level. For non-residential development, such equipment shall be located outside of the street yard where practical and preferably located behind the front façade of the primary building structure. Such equipment shall be reasonably separated from pedestrian or vehicular access ways, shall have approved driveway or all-weather vehicular accessibility, shall not conflict with roadway sight visibility, and shall be located outside of future right-of-way.

E. Screening of pad-mounted transformers for non-residential development shall consist of barrier fencing or shrub plantings located no closer than ~~three~~3 feet from the transformer, except for the entry side of the transformer, which shall have a minimum of ~~ten~~10 feet of unobstructed clearance. The entry side of the transformer shall not face a public street unless located behind the front façade of the primary building structure. The transformer pad shall be located with adequate room for the required landscape screening to be installed consistent with these provisions. Transformers in the Downtown Overlay District are exempt from these requirements.

F. Once utility service lines have been installed underground, the installation of new above-ground lines in that location is prohibited.

G. The installation of public street lights, and connection of electric service thereto, shall be the responsibility of the developer as provided in ~~Chapter 12~~**Chapter 14** of this Code.

H. Installed overhead and underground electric service shall take into account Heritage and Protected Trees when locating new service lines.

I. Exceptions or alternatives to the requirements of this ~~S~~section may be considered by the Development Engineer or their designee. An appeal of the decision made by the Development Engineer in this regard shall be heard by the City Council.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 15.07. Master Plan Infrastructure

The City's Comprehensive Plan includes utility master plans for the water distribution, wastewater collection and electric utility. Each master plan identifies future system improvements that are necessary to meet or exceed treatment and transport requirements for the specific utility. The planning horizon for the plan is up to 20 years in the future.

A. Construction of Master Plan Infrastructure

When a master plan requires the installation of regional infrastructure on a property, the developer shall extend and construct such facilities at their own expense. When these facilities exceed the utility needs for the specific development beyond the utility minimum size, the facility shall be considered oversized. All necessary easements and/or rights-of-way for such infrastructure shall be dedicated at no cost to the City.

B. Oversizing Cost Participation

1. The City may, at its sole discretion, participate with a developer in the cost of oversized facilities based upon, but not limited to the following factors:

   a. The approved utility budget for the current year;

   b. The ability of the specific utility to fund any future costs;

   c. The degree to which the project conforms to and accomplishes the five-year CIP priorities;

d. The degree to which the project accomplishes the utility Master Plan; and

e. The impact to system operations. Any cost participation contract shall be approved by the City Council prior to approval of the Final Plat.

2. Cost participation shall be based upon the cost differential between the master plan line size and the minimum line size required to serve the development, for eligible construction costs.

3. When a line extension is included in the current five-year CIP, the approved cost participation contract shall provide for the payment to be scheduled during the same fiscal year as the CIP project that would have accomplished the line extension, and after the date of notice of acceptance by the City.

4. The fees shall be calculated by the City based on information from the developer's engineer, using a methodology that apportions the development's projected usage (based upon the minimum pipe size) to the available usage due to oversizing. The developer's engineer shall use the City's approved water or wastewater master plan as a basis for calculating residential flow per dwelling unit. Calculations for non-residential units shall be calculated using the latest edition of the "Design Criteria for Sewage Systems," as produced by the Texas Commission on Environmental Quality.

5. The calculation of cost participation shall be based on construction costs in effect at the time the connection to the system (the "tap") is made. All calculations shall be submitted to the City for appropriate review, verification, and approval.

6. A cost participation contract is not a guarantee of capacity. Guarantee of capacity is achieved through payment of impact fees.

C. Impact Fee Credits

When a line extension is included in the ~~ten~~10-year Capital Improvement Plan (CIP), an Impact Fee credit may be eligible on the fee assessment for each lot in the subdivision. Impact Fee credit shall be calculated based upon the number and size of service connections and the allocation of costs in the Impact Fee calculation, as amended.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 15.08. Parkland[4]

15.08.010. ~~15.08.01.~~Purpose

The purpose of this ~~S~~section is to provide parks, open spaces, and trails that implement the Georgetown Parks, Recreation and Trails Master Plan. The Georgetown City Council has determined that parks, open spaces and trails are necessary and in the public welfare, and that the adequate procedure to provide for same is by integrating standards into the procedures for planning and developing property.

~~*(Ord. No. 2019-37 , § 2(Exh. G), 6-11-2019)*~~

15.08.020. ~~15.08.02.~~Applicability

The provisions of this ~~S~~section shall apply to the development of a tract of land for any residential use of five or more lots or dwelling units within the ~~C~~city limits and the extraterritorial jurisdiction (ETJ). For the purposes of this ~~S~~section, lots and dwelling units are interchangeable for determining the Parkland dedication requirements.

~~*[4] Editor's note(s)—Ord. No. 2019-37 , § 2(Exh. G), adopted June 11, 2019, amended Section 13.08 in its entirety to read as herein set out. Formerly, Section 13.08, §§ 13.08.010—13.08.040 pertained to similar subject matter, and derived from Ord. No. 2017-15, § 2, adopted February 28, 2017.*~~

~~*(Ord. No. 2019-37 , § 2(Exh. G), 6-11-2019)*~~

15.08.030. ~~15.08.03.~~Requirements for Parkland Dedication

A. Dedication of Public Parkland Required

1. A developer of a tract of land for residential use of five or more lots shall set aside and dedicate to the public sufficient and suitable land for the purpose of public Parkland.
2. The minimum acreage of Public Parkland required shall be as follows:
   a. For development with one or two dwelling units on a lot: ~~one~~1 acre for each 80 dwelling units, or fraction thereof.
   b. For development with three or more dwelling units on a lot: ~~one~~1 acre for each 110 dwelling units, or fraction thereof.
3. The land to be dedicated shall form a single lot with a minimum area of ~~three~~3 acres.
4. Exemptions
   a. When ~~two~~2 or more, but less than ~~three~~3, acres of land would be required to satisfy the Public Parkland dedication requirements, the Parks and Recreation Director may approve parkland less than ~~three~~3 acres if it is determined that it would be in the public interest, and/or accept a financial contribution in lieu of dedication of ~~p~~Public Parkland to meet the dedication requirements of this ~~S~~section.
   b. A developer shall make a financial contribution in lieu of dedication of ~~p~~Public Parkland when:
      (i) No portion of the tract of land is located within the ~~C~~city limits.
      (ii) A developer proposes to develop 100 or fewer lots and where no future phasing is proposed.
      (iii) Less than ~~two~~2 acres of land would be required to satisfy the Parkland dedication requirements.
   c. The rate required for the financial contribution shall be in accordance with the adopted fee schedule. The fee shall be reviewed on annual basis to ensure accuracy and value.

B. Park Development Fee

1. In addition to the dedication of Public Parkland or fee-in-lieu, a developer shall pay a Park Development Fee to ensure that the ~~p~~Public Parkland will be sufficiently developed for park use.
2. The amount for the Park Development Fee shall be in accordance with the adopted fee schedule and based on the level of service for the ~~p~~Public Parkland.
3. Alternative Standards
   a. When ~~two~~2 or more acres of land are proposed to satisfy the Parkland dedication requirements, the Parks and Recreation Director may consider a proposal from an applicant to construct park improvements on Public Parkland in lieu of paying, in whole or in part, the Park Development Fee.
   b. Park improvements shall include the minimum number of facilities listed in ~~**Table 13.08.030.C.3.b**~~**Table 15.08.030-1. Minimum Number of Facilities by Parkland Acreage**:

Table ~~13.08.030.C.3.b~~15.08.030-1. Minimum Number of Facilities by Parkland Acreage

Parkland Acreage	Minimum Number of Facilities
3 or less	4
4-6	5
7-9	6

Parkland Acreage	Minimum Number of Facilities
10 or more	7

c. Park improvement facilities shall be selected from those listed below:

(i) Age appropriate playground equipment with adequate safety surfacing around the playground.

(ii) Unlighted practice fields for baseball, softball, soccer, and football.

(iii) Unlighted tennis courts.

(iv) Lighted or unlighted multi-purpose courts for basketball and volleyball.

(v) Improved multiuse green space.

(vi) Picnic areas with benches, picnic tables and cooking grills.

(vii) Shaded pavilions and gazebos.

(viii) Jogging and exercise trails.

(ix) Other facilities as approved by the Parks and Recreation Director.

d. When construction of park improvements is proposed, all park improvements shall comply with the Parks Master Plan, **Section ~~13.08.04~~15.08.040** of this Code, and applicable City regulations.

C. Credit for Private Parks

1. Where privately-owned and maintained parks or other recreational facilities with non-exclusive private amenities are proposed for a single-family, two-family, townho~~m~~use, or detached multi-family residential development, the Parks and Recreation Director, after recommendation from the Parks and Recreation Board, may grant a credit of up to ~~fifty percent (~~50%~~)~~ of the required Public Parkland dedication and Park Development Fee.

2. Privately~~-~~ owned and maintained parks or other recreational facilities shall meet the following minimum standards:

a. The park or recreational facility shall have a minimum lot area of ~~two~~2 acres; and

b. The park or recreational facility shall include the minimum number and type of facilities outlined in **Subsection ~~13.08.03~~15.08.030.B.3**; and

c. The park or recreational facility shall comply with the Parks Master Plan, **Section ~~13.08.04~~15.08.040**, and other applicable City regulations.

3. Privately-owned and maintained parks or other recreational facilities for a single-family, two-family, townho~~m~~use, or detached multi-family subdivision shall be identified on the Subdivision Plat as a private open space lot.

4. Privately-owned and maintained parks or other recreational facilities shall be owned and managed by a mandatory Homeowners Association (HOA), or similar permanent agency, and subject to restrictive covenants that state the following:

a. The land shall be utilized for Parkland or open space in perpetuity.

b. Each property owner within the subdivision encumbered by the restrictive covenants shall be required to pay dues and/or special assessments for the maintenance of the private park or recreational facility.

c. If the responsible agency dissolves, cannot fulfill its obligations or elects to sell, transfer or otherwise divest itself of the land, the City shall have the right of first refusal on acquiring the property. If the City elects to acquire the land, said land shall be transferred at no cost to the City and in accordance with **Section ~~13.08.05~~15.08.050**, Method of Dedicating Parkland.

d. The cessation of the privately-owned and maintained park or other recreational facility shall be prohibited until such time as the declarant cedes control of the responsible agency to purchasers of properties within the subdivision, and then only upon amendment to the restrictive covenants approved by three-fourths of the members of the responsible agency.

D. Credit for Heritage Tree Preservation

1. The parkland dedication requirement may be reduced if a Heritage Tree is saved within the dedicated Parkland lot; however, the required Parkland lot shall not be less than ~~three~~3 acres, unless the Parks and Recreation Director determines it to be in the public interest.
2. The Parkland dedication credit shall be a 15-dwelling unit reduction in the number of units used to calculate the Parkland dedication requirement for each Heritage Tree preserved within the Parkland lot.
3. Heritage ~~t~~Trees counted toward~~s~~ this credit shall have their entire critical root zone (CRZ) located within the Parkland lot.
4. Heritage ~~t~~Trees within the 100-year FEMA or calculated floodplain shall not count toward~~s~~ this credit.

~~*(Ord. No. 2019-37 , § 2(Exh. G), 6-11-2019)*~~

15.08.040. ~~15.08.04.~~Location, Site and Development Standards for Public Parkland

A. Any land to be dedicated to meet the requirements of this ~~S~~section shall be suitable for public parks and recreational activities as determined by the Parks and Recreation Director~~,~~ and comply with the following standards and requirements:

1. The Parkland lot shall be centrally located within the development, when practicable. Where existing or accepted public Parkland is located adjacent to the development, the Parkland lot may abut the existing or accepted public Parkland provided it results in the creation of a larger park as approved by the Parks and Recreation Director.
2. In unique circumstances, as approved by the Parks and Recreation Director, a developer may propose dedication of land located outside the development boundary to meet the provisions of this ~~S~~section. In this event, the land proposed to be dedicated shall be located within the same Benefit Zone as the development, and the value of the land shall be equal to the land or fee-in-lieu of land that would be dedicated within the development.
3. Where a residential subdivision is proposed to be developed in phases, the Parkland lot shall be located within the first phase of the development. If the required public Parkland is proposed to be outside of the first phase, the first phase may be approved provided that fee-in-lieu of dedication is paid for the number of lots within that phase. In this event, the fee paid may be credited towards the required Park Development Fee for the subsequent phase(s) of the development.
4. The Parkland lot shall have a minimum lot width and street frontage of 200 feet. When practicable, the Parkland lot shall be a corner or multi-frontage lot with a minimum street frontage of 200 feet on two streets.
5. The Parkland lot shall only be located along street(s) where on-street parking may be accommodated on both sides of the street.
6. A minimum of ~~fifty percent (~~50%~~)~~ of the Parkland lot shall not exceed a ~~twenty percent (~~20%~~)~~ grade. A slope analysis exhibit shall be provided to the Parks and Recreation Director.
7. Areas within the FEMA or calculated 100-year floodplain may be dedicated in partial fulfillment of the dedication requirement not to exceed ~~fifty percent (~~50%~~)~~. When area within the floodplain is proposed to be

dedicated, a minimum of ~~two~~2 acres of land, with a minimum width of 100 feet, shall be located outside the floodplain to satisfy the Parkland dedication requirements.

8. Parkland lots with the following conditions shall not be accepted unless approved by the Parks and Recreation Board:
   a. The lot is primarily accessed by a cul-de-sac.
   b. The lot is hindered by utility easements or similar encumbrances that make development of the land unfeasible. This does not include required public utility easements pursuant to **Section 1~~3~~5.03** of this Code.
   c. The lot is encumbered by sensitive environmental species or habitat areas.
   d. The lot contains stormwater facilities. Where stormwater facilities are proposed, stormwater facilities must be designed as a park amenity.
9. A minimum of ~~two~~2-inch water service line, ~~six~~6-inch gravity wastewater service line, and access to electric lines shall be provided at one of the property lines in a location approved by the Parks and Recreation Director.
10. Sidewalks and sidepaths in accordance with ~~Section 12.07~~**Section 14.07** of this Code shall be provided along all street frontages. Sidewalks and sidepaths do not count toward the required parkland dedication.

B. Alternative Site and Development Standards
   1. Alternative design standards for ~~p~~Public Parkland may be proposed and submitted to the Parks and Recreation Director, provided the intent of the requirements of this ~~S~~section are met.
   2. Prior to submitting an application for development, the ~~A~~applicant shall complete the following:
      a. Provide a letter to the Parks and Recreation Director that details the alternative design for Parkland dedication and why it is equal to or better than the minimum standards; and
      b. Conduct a site visit with the Parks and Recreation Director to review the proposal.
   3. The Parks and Recreation Director shall review the alternative design based on **Section ~~13.08.03~~15.08.030**, Requirements for Parkland Dedication, and **Section ~~13.08.04~~15.08.040**, Design Standards for Parkland, of this Code and present the proposed alternative design to the Parks and Recreation Board for a recommendation to the Parks and Recreation Director.
   4. The Parks and Recreation Director shall approve, approve with conditions, or disapprove the request.

~~*(Ord. No. 2019-37 , § 2(Exh. G), 6-11-2019)*~~

15.08.050. ~~15.08.05.~~Method of Dedicating Parkland

A. Land to be dedicated for ~~p~~Public Parkland shall be identified on the Preliminary Plat, Final Plat, and Site Development Plan. When construction of park improvements and/or private parks is proposed, all amenities shall be identified on the Subdivision Construction Plan or Site Development Plan, as applicable. Fiscal surety in the amount equal to the Park Improvement Fee shall be provided prior to approval of Subdivision Construction Plan or Site Development Plan, as applicable, for the park improvements on ~~p~~Public Parkland.

B. Prior to acceptance of the ~~p~~Public Parkland, the following conditions shall be met:
   1. Land shall be in good condition, including the removal of all debris and dead plant materials, and utility services, sidewalks and other public improvements installed. Any land disturbed by activities not related to park development shall be restored and the soil stabilized in a method approved by the Parks and Recreation Director in accordance with the requirements of this Code.

2. Parkland Development Fee shall be paid. When construction of improvements on the public parkland is approved, park improvements shall be constructed and accepted by the City at the time of acceptance of all other public improvements, when required, or final site inspection.

C. Prior to recordation of the Final Plat, the following conditions shall be met:

1. Land accepted for dedication under the requirements of this Section shall be conveyed by warranty deed, transferring the property in fee simple to the City of Georgetown, Texas, and shall be free and clear of any mortgages or liens at the time of such conveyance.
2. A copy of the warranty deed and other Parkland dedication documents as outlined in the Development Manual shall be provided to the Parks and Recreation Director.

D. When financial contribution in lieu of dedication of public Parkland is approved as meeting the requirements of this ~~S~~section, no Final Plat may be recorded or Site Development Plan approved, as applicable, until payment has been accepted by the City.

~~*(Ord. No. 2019-37 , § 2(Exh. G), 6-11-2019)*~~

15.08.060. ~~15.08.06.~~Park Fund Established

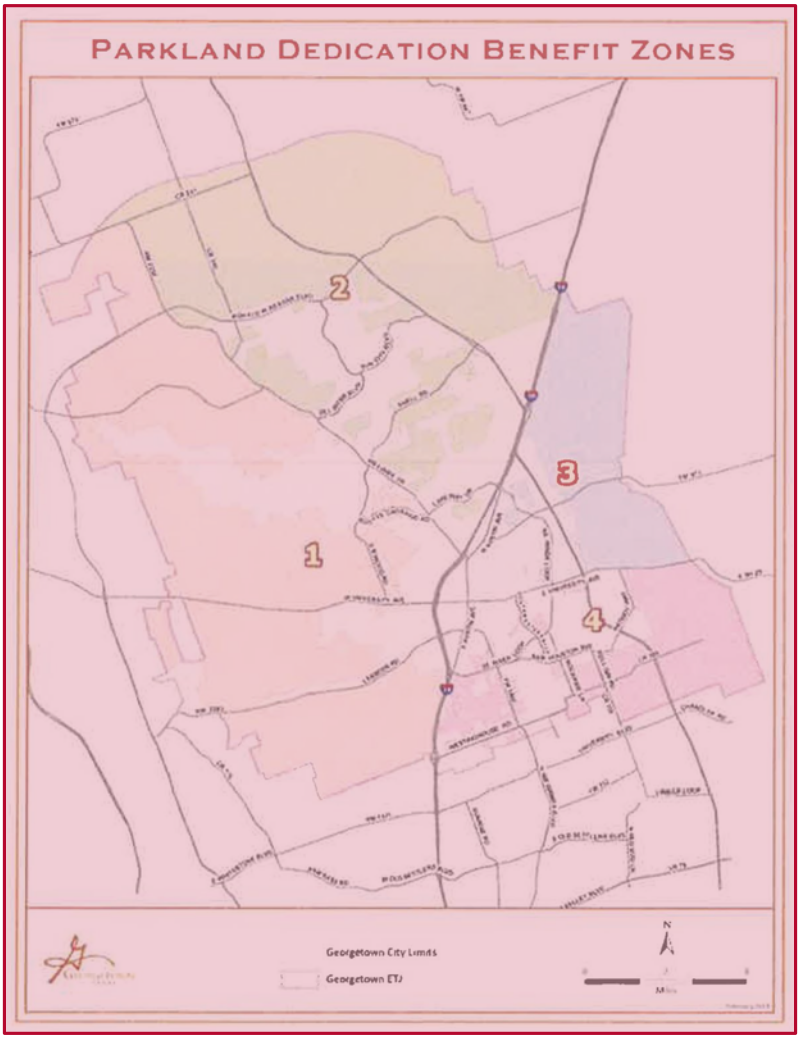
A. A separate fund entitled "Park Fund" has been created to hold in trust money paid to be used solely and exclusively for the purpose of purchasing and/or improving public parks and recreational lands~~,~~ and shall not be used for maintaining or operating park facilities or for any other purpose.

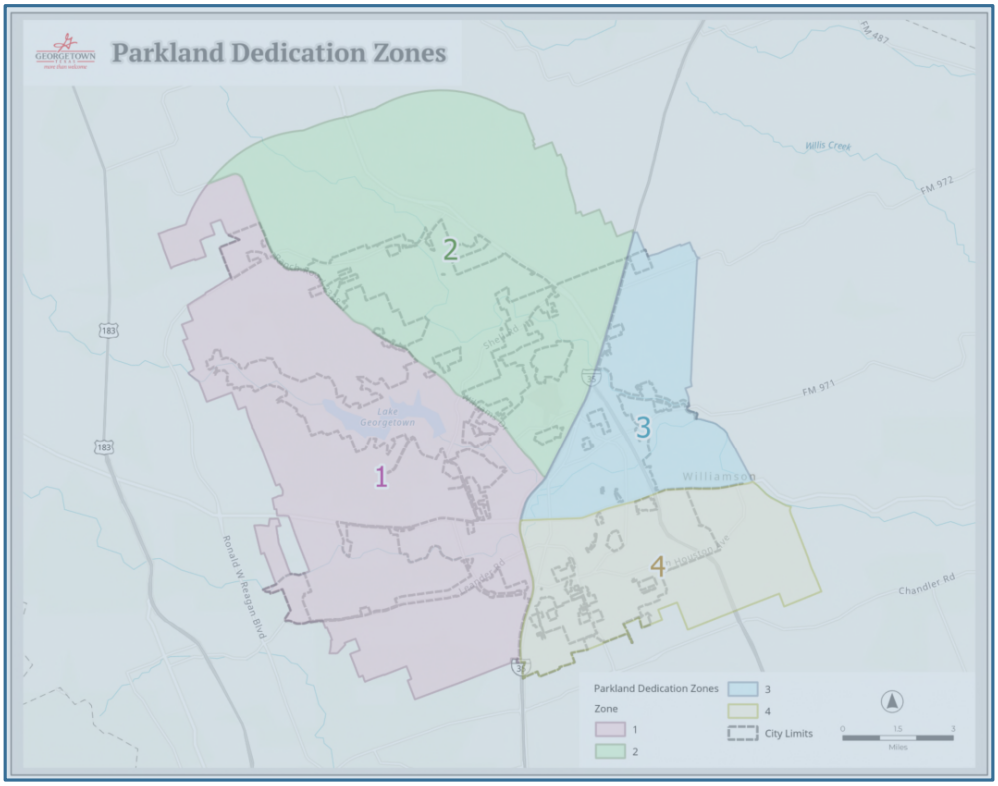
B. Where financial contribution is received in lieu of land dedication, the financial contribution and Park Development Fee shall be expended on a neighborhood park located in the Benefit Zone where the development is located. In the event there is not a suitable neighborhood park within the benefit zone, the amount collected shall be expended on the closest community park or regional park.

C. The City Council, based upon the recommendations of the Parks and Recreation Board, shall determine whether there are sufficient funds to acquire ~~p~~Public Parkland and/or construct improvements. In making a determination for the acquisition of land, the conditions of **Section ~~13.08.04~~15.08.040** shall be taken into consideration.

D. Benefit Zones. Funds shall be expended within the eligible Benefit Zones as shown in ~~**Figure 13.08.060.D.**~~**Figure 15.08.060-15.08.06-1. Parkland Dedication Benefit Zones**.

~~Figure 13.08.060.D~~Figure 15.08.060-15.08.06-1. Parkland Dedication Benefit Zones


PARKLAND DEDICATION BENEFIT ZONES
1
2
3
4
Georgetown City Limits
Georgetown ETJ
N



E. Any financial contribution paid in-lieu of the Parkland dedication requirements must be expended by the City within ~~ten~~10 years from the date received. If the City does not expend the financial contribution by the required deadline, the owners of the property may request a refund in the following manner:

1. The owners of such property must request in writing to the City such refund within one year of the entitlement or such right shall be waived. Refunds shall be paid by the City within 90 days of the filing of the request.
2. A refund may only be provided for the unbuilt lots for which a fee-in-lieu of dedication was paid.

~~*(Ord. No. 2019-37 , § 2(Exh. G), 6-11-2019)*~~

Section 15.09. Subdivision Improvement Guarantee

In lieu of full construction of all public improvements prior to Final Plat recordation, a plat may be recorded without acceptance of the required public improvements through the posting of fiscal surety. Fiscal surety shall be provided in an amount of at least ~~one hundred twenty-five percent (~~125%~~)~~ of the cost of the required public improvements, as estimated by a licensed engineer and approved by the Development Engineer. The Development Engineer has the discretion to reduce the percentage of the fiscal surety instrument based on the amount of the construction completed.

The financial instrument shall state the name of the development or subdivision~~,~~ and shall list the required improvements and estimate costs thereof. A plat shall not be recorded until financial security is delivered to the City in a form provided by the City and approved as to form and legality by the City Attorney. No release of any security shall occur until the City has formally accepted the improvement that is the subject of such security.

~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

Section 15.10. Creation of Special Purpose Districts[5]

15.10.010. ~~15.10.01.~~Municipal Utility District (MUD), Water Control and Improvement District (WCID) or Fresh Water Supply District (FWSD)

A. Purpose

To provide for the prudent use of a Municipal Utility District ("MUD"), Water Control and Improvement District ("WCID"), Fresh Water Supply District ("FWSD"), or similar political subdivision created pursuant to Article III, Section 52, and/or Article XVI, Section 59, of the Texas Constitution and that are authorized by law to provide water, wastewater, stormwater, and other services ("Districts"), in order to allow development within the City's corporate boundaries and extraterritorial jurisdiction that is generally consistent with the City's Comprehensive Plan.

The standards established in this this ~~S~~section are intended to carry out the following purposes:

1. Encourage quality development;
2. Protect the water quality within all watersheds of the City;
3. Protect the water quality of the City's drinking water sources;
4. Allow the City to enforce land use and development regulations consistent with the City's comprehensive plan;
5. Promote enhanced parks, trails, and recreational amenities for the enjoyment of public;
6. Provide for construction of infrastructure consistent with City standards and City inspection of such infrastructure;
7. Provide notice to residents of the District that the City may annex the District at some future time;
8. Facilitate cost-effective construction of infrastructure to serve the area within the District, including police and fire stations, that is consistent with City standards and plans, so that the potential financial burden on the citizens of Georgetown will be reduced, in the event of annexation of such land by the City;
9. Provide for extension of water and wastewater lines that will serve future growth in the City and its extraterritorial jurisdiction consistent with the City's regional utility planning;
10. Establish guidelines for reasonable conditions to be placed on;
11. Issuance of bonds by the District;
12. The City's consent to creation of the District, including conditions consistent with the City's water and wastewater bond ordinances regarding creation of Districts that might otherwise detrimentally compete with the City's utility systems;
13. Establish guidelines for other mutually beneficial agreements by the City and the District;
14. Provide a procedural framework for responding to an application seeking the City's consent to the creation of a District; and
15. Assist in closing the financial gap when a unique development is seeking to exceed minimum standards, provide a robust program of amenities, and where substantial off-site infrastructure improvements are required that would serve the proposed District and surrounding properties.

~~[5] Editor's note(s)—Ord. No. 2019-01 , § 2(Exh. A), adopted January 8, 2019, amended Section 13.10 in its entirety to read as herein set out. Formerly, Section 13.10, §§ 13.10.010—13.10.060 pertained to the creation of special districts, and derived from Ord. No. 2017-15, § 2, adopted February 28, 2017.~~

B. Applicability

This this ~~S~~section is to be equitably applied to the creation of, inclusion of land within, and operation of all proposed Districts, while allowing flexibility necessary to address unique factors that may arise with respect to each proposed District.

Prior to considering whether to consent to or support the creation of a District, the City will consider whether the City is able to provide water and/or wastewater service to the area proposed to be included in the District.

C. Conditions to City's Consent to Creation of a District

If the City Council elects to consent to the creation of or inclusion of land within a District, then it shall impose the following requirements as conditions of the City's consent, and such requirements shall be stipulated in the consent resolution and/or other ancillary agreement, unless the City Council determines that requirements are not appropriate with regard to a specific District.

1. All parks, trails, recreation amenities, water, wastewater, drainage, and road infrastructure and facilities as well as any other infrastructure or facilities to be reimbursed or paid for by the issuance of District bonds, shall be designed and constructed to City standards, including without limitation fire flow standards and utility and road design, construction and installation standards, in accordance with plans and specifications that have been approved by the City. In the event of a conflict between City water and wastewater standards and standards imposed by the Certificate of Convenience and Necessity (CCN) holder for the proposed District, City standards shall prevail, unless otherwise agreed by the City.
2. The City shall be the exclusive provider of water, wastewater, and electric utilities where it is located within the City's single or municipal certificated service area. Further, the District or applicant shall agree that the City is the exclusive provider of solid waste when in the City.
3. The City shall have the right to inspect all facilities being constructed by or on behalf of the District and to charge inspection fees consistent with the City's inspection fee schedule, as amended from time to time.
4. Bonds, including refunding bonds issued by the District, shall, unless otherwise agreed to by the City, comply with the following requirements, provided such requirements do not generally render the bonds unmarketable:
   a. Interest rate that does not exceed ~~two percent (~~2%~~)~~ above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period preceding the date notice of the sale of such bonds is given;
   b. The bonds shall expressly provide that the District shall reserve the right to redeem bonds at any time subsequent to the ~~tenth (~~10th~~)~~ anniversary of the date of issuance, without premium. No variable rate bonds shall be issued by a District without City Council approval; and
   c. Any refunding bonds of the District must provide for a minimum of ~~three percent (~~3%~~)~~ present value savings and that the latest maturity of the refunding bonds may not extend beyond the latest maturity of the refunded bonds unless approved by the City Council.
5. The City shall require the following information with respect to bond issuance:
   a. At least 60 days before issuance of bonds, except refunding bonds, the District's financial advisor shall certify in writing that the bonds are being issued within the existing water, wastewater, or drainage facilities in the county in which the District is located and shall deliver the certification to the City Secretary, and the City.
   b. At least 60 days before the issuance of bonds, the District shall deliver to the City Secretary, and the City Manager notice as to:
      (i) The amount of bonds being proposed for issuance;

(ii) The projects to be funded by such bonds; and

(iii) The proposed debt service tax rate after issuance of the bonds.

(iv) If the District is not required to obtain TCEQ approval of the issuance of the bonds (other than refunding bonds), the District shall deliver such notice to the City Secretary, and the City Manager at least 60 days prior to issuing such bonds. Within 30 days after the District closes the sale of a series of bonds, the District shall deliver to the City Secretary and the City Manager a copy of the final official statement for such series of bonds. If the City requests additional information regarding such issuance of bonds, the District shall promptly provide such information at no cost to City.

6. The purposes for which a District may issue bonds shall be restricted to the construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to:
   a. Provide a water supply for the District for municipal uses, domestic uses, and commercial purposes;
   b. Collect, transport, process, dispose of and control all domestic, industrial or communal wastes from the District whether in fluid, solid, or composite state;
   c. Gather, conduct, divert, and control local stormwater or other local harmful excesses of water in the District; and
   d. Pay organization and administrative expenses, operation expenses during construction, cost of issuance, interest during construction, and capitalized interest.
   e. If appropriate in a particular District, the City may consent to issuance of bonds for construction, acquisition, repair, extension, or improvement of fire stations, roads, parks, trails, recreational amenities, and/or other capital improvements that are mutually agreed upon by the City Council and the applicant.
7. The District shall contain sufficient acreage to assure the economic viability of the District but no more acreage than can feasibly be annexed at one time.
8. Development within the District shall be consistent with the City's Comprehensive Plan.
9. No District shall include land in more than one City's Extraterritorial Jurisdiction.
10. The City and the owners of all land in the proposed District shall reach agreement on the terms of a development agreement pursuant to Texas Local Government Code §§ 212.171 et seq. to extend the City's planning authority over land included in the District by providing for approval of a development plan, authorizing enforcement by the City of land use and development regulations, and including other lawful terms and considerations the parties consider appropriate. The development agreement shall include provisions relating to the following matters:
    a. Land use plan reflecting all approved land uses and residential densities;
    b. Compliance with City construction Codes, including permit requirements;
    c. Compliance with City and other applicable stormwater and water quality regulations;
    d. Development standards comparable to City zoning regulations; and
    e. Dedication and development of park land, open space, and trails.
    f. The above list is not intended to be exhaustive. It is expected that the parties will cooperate to identify those matters unique to the District that may be addressed in a consent or development agreement.
11. At least 60 days before issuance of bonds, the District shall certify in writing that the District is in full compliance with the consent resolution approved by the City Council and, to the extent such agreements impose requirements on the District, with the consent agreement, strategic partnership agreement and all

other agreements executed by the City and the District, and shall deliver the certification to the City Secretary, and the City Manager.

12. No land within the District shall be allowed, at any time in the future, to incorporate, join in an incorporation, or be annexed into any incorporated city other than the City of Georgetown.
13. No land shall be annexed by the District without prior City Council approval.
14. The District shall not construct or install infrastructure or facilities to serve areas outside the District or sell or deliver services to areas outside the District without prior City Council approval.
15. After creation of the District, and unless otherwise expressly authorized by the consent agreement or development agreement, no District shall be converted into another type of District, consolidated with another District, divided into two or more new Districts or seek additional governmental powers that were beyond its statutory authority at the time the District was created, without prior City Council approval.
16. If allowed by law, the City may annex any commercial development within the District for limited purposes pursuant to Texas Local Government Code § 43.0751, and may impose a sales and use tax within the area annexed for limited purposes. If limited purpose annexation is not allowed by law, then the City may not consent to inclusion of commercial retail areas within the District. The City may consider sharing tax receipts with the District, provided the District's share is used to finance infrastructure, retire bond debt or for other purposes acceptable to the City.
17. The District shall not issue any bonds other than those authorized by the consent agreement without City Council approval.
18. The District shall file a notice in the real property records of all counties in which the District is located stating that the City has authority to annex the District. The parties may attach a form of such notice to the consent agreement or development agreement.
19. The District shall send a copy of the order or other action setting an ad valorem tax rate to the City Secretary, and the City Manager within 30 days after District adoption of the rate.
20. The District shall~~,~~ send a copy of its annual audit to the City Secretary, and the City Manager within 30 days after approval.
21. The District shall maintain a debt service structure that will ensure that the District's taxes are maintained at a rate at least equal to the City's tax rate, to the extent feasible.
22. The District shall provide copies of any material event notices filed under applicable federal securities laws or regulations to the City Secretary, and the City Manager within 30 days after filing such notices with the applicable federal agency.
23. Construction of capital improvements or fee-in-lieu for facilities such as fire stations and recreational amenities shall be provided.
24. Sharing of fire stations, recreational amenities, and other capital improvements by the City and the District shall be provided. Land shall be dedicated, when deemed necessary, to enhance public safety and optimize locations for service delivery.
25. If construction or expansion of a wastewater treatment facility is proposed to serve the District, the plant design shall conform to all applicable state and federal permitting and design standards. In addition, any wastewater discharge shall be permitted to meet effluent limitations no less stringent than 5-5-2-1 (five parts per million ("ppm") biochemical oxygen demand; five ppm total suspended solids; two ppm nitrogen; and one ppm phosphorus) or the current limits in permit(s) held by the City, whichever is strictest. The City reserves the right to protest any wastewater treatment facility permit application or amendment.

26. The board of directors of the District and landowners within the District shall assist the City in annexing one or more areas as reasonably necessary for the City to connect areas to the City that are outside the District and that the City intends to annex in the foreseeable future.
27. Upon the recommendation of the Development Engineer or designee the City may require the District to complete a traffic impact analysis pursuant to ~~Section 12.09~~**Section 14.09** of this Code.
28. The City may agree not to annex and dissolve the District any earlier than the first to occur of: (i) extension of water, wastewater, and drainage facilities to serve ninety percent (90%) of the land within the District; or (ii) 15 years after creation of the District. The contract between the City and the District may provide that the City may set rates for water and/or wastewater services for property that was within the District that vary from those for other properties within the City in order to compensate the City for assumption of District obligations upon annexation, in compliance with any statutory requirements applicable to such an agreement.
29. The consent agreement and ancillary documents shall include terms providing for the District to be fully developed and ready for full purpose annexation by the City within a reasonable time period.
30. The applicant shall reimburse the City for expenses incurred by the City in connection with the City's consent to formation of the District, including but not limited to professional fees incurred in connection with negotiation and preparation of the consent resolution, consent agreement, development agreement, strategic partnership agreement, and related documents.

D. City Operations Compensation Fee

A fee shall be assessed for each residential unit within the District equal to the proportion of City operations attributed to serving residents of an ETJ District. The fee shall be calculated as outlined in the Municipal Utility District (MUD) Policy.

~~*(Ord. No. 2019-01 , § 2(Exh. A), 1-8-2019)*~~

~~15.10.02. Public Improvement District (PID)—Reserved~~

~~*(Ord. No. 2019-01 , § 2(Exh. A), 1-8-2019)*~~

Chapter 16. Nonconformities ~~(Chapter 14)~~

Section 16.01. General

16.01.010. ~~16.01.01.~~Purpose

The purpose of this chapter is to regulate the continuation, maintenance, modification, replacement and termination of legally established uses, lots, structures, signs and sites that no longer conform to the provisions of this Code.

16.01.020. ~~16.01.02.~~Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code ~~c~~Chapters 43, 211 and 212 and the City Charter.

16.01.030. ~~16.01.03.~~Applicability

The provisions of this chapter shall be applicable to all nonconforming situations within the City's incorporated limits and extraterritorial jurisdiction (ETJ).

16.01.040. ~~16.01.04.~~Nonconforming Status

A. Determination of Nonconforming Status

Determination of nonconforming status shall be made by the Director ~~as provided for in **Section 3.29**~~, subject to appeal to the Zoning Board of Adjustment as outlined in ~~**Section 3.13**~~Section 3.12 of this Code.

B. Legal Nonconforming Status

~~1.~~ A structure, lot, site, sign, or use which was lawfully in existence, constructed, and located on the effective date or applicability of this Code or any amendment thereto or was legally constructed to meet previous requirements of this Code and has been in regular and continuous use, but which does not conform to the current requirements of this Unified Development Code, shall be granted legal nonconforming status, except as specifically exempted or prohibited by other sections of this chapter. A legal nonconforming structure, lot, site, sign, or use may remain or continue, subsequent to the effective date of this Code and any amendments thereto, provided that such continuance is in accordance with the provisions of this chapter and all other applicable codes of the City.

~~2. The burden of demonstrating that any nonconformity as a legal non-conformity as defined by this Chapter shall be the responsibility of the property owner.~~

~~3. If a nonconforming structure, lot, site, sign, or use is found to be in violation of any of the provisions listed in Subsections **a** through **f** below, corrective action is required to maintain the legal right to operate.~~

~~a. The Director shall provide written notice of the violation and allow the owner or operator an opportunity to correct the violation within a specified timeframe not to exceed three (3) months. The Director may approve a compliance plan if the violation can reasonably be corrected within that period.~~

~~b. The Director may initiate termination of the legal right to operate, subject to appeal to the Zoning Board of Adjustment in accordance with **Section 3.13** of this UDC if the violation:~~

~~(i) Is not corrected within the approved timeframe, or~~

~~(ii) Poses a significant threat to public health, safety, or welfare, or~~

~~(iii) Results in an unlawful expansion or intensification of the nonconformity.~~

~~c. If the Director determines that compliance will require more than three (3) months or that the nonconforming condition cannot be feasibly brought into full compliance, the matter shall be referred to the Zoning Board of Adjustment for consideration of reinstatement under Subsection **D** below.~~

~~d. Violations include, but are not limited to:~~

~~(i) Constructing, maintaining, or operating a use conducted in or associated with a building or structure erected without a permit from the City;~~

~~(ii) Operating a use or occupying a building or structure without a valid Certificate of Occupancy from the City;~~

~~(iii) Operating a use in violation of a valid Certificate of Occupancy;~~

~~(iv) Unlawful expansion of a nonconforming use, site, or structure;~~

~~(v) Unlawful outside display or storage in required parking spaces; or~~

~~(vi) Any other violation of this Code as determined by the Director.~~

C. Illegal Nonconforming Status

A structure, lot, site, sign, or use that is in violation of the requirements of this Code and was constructed or established since the adoption of this Code without the necessary approvals, permits, or authorizations from the City is considered illegal nonconforming. The owner and/or operator of an illegal nonconforming structure, lot, site, sign, or use shall be subject to actions and penalties allowed by this Code and all other applicable City ordinances and shall be required to correct the nonconforming situation to come into conformance with all applicable standards and regulations of this Code. Conformance with the applicable standards and regulations of this Code includes, but is not limited to, submittal of applicable permits, rezoning, and possibly redevelopment of a site/structure to comply with the applicable requirements of this UDC.

~~D. Reinstatement of Legal Nonconforming Status~~

~~1. In limited cases, the Zoning Board of Adjustment may authorize a Special Exception to reinstate the legal nonconforming status of a structure, lot, site, sign, or use that has become illegally nonconforming due to unpermitted modifications, a lapse in use, or loss of documentation.~~

~~2. The applicant must submit:~~

~~a. A sworn affidavit explaining the lapse or violation;~~

~~b. A site plan showing current conditions;~~

~~c. A compliance plan, if applicable, describing proposed improvements or partial upgrades.~~

~~3. The Board may approve reinstatement only if it finds that:~~

~~a. The lapse was unintentional or resulted from actions of a prior owner without the current applicant's knowledge;~~

~~b. The nonconformity was legally established prior to the lapse;~~

~~c. The structure, lot, site, sign, or use is not abandoned;~~

~~d. The continued nonconformity will not pose a risk to public health or safety; and~~

~~e. The applicant agrees to bring the site into partial or phased compliance with current standards, as practicable.~~

D. ~~E.~~Types of Nonconforming Situations

The following are types of nonconforming situations for which nonconforming status shall be determined:

1. Nonconforming uses;
2. Nonconforming lots;
3. Nonconforming structures;
4. Nonconforming sites; and
5. Nonconforming signs.

E. ~~F.~~Ownership

The lawful change of ownership of a nonconforming situation without any change in land use shall not cause the loss of legal nonconforming status.

F. ~~G.~~Reversal Prohibited

Once a nonconforming use, structure, site, lot, or sign has been changed to conform or more ~~closely~~nearly conform with the provisions of this Code, the use, structure, site, lot, or sign shall not thereafter be changed so as to be nonconforming again.

G. ~~H.~~Legal Nonconforming Status for Newly Annexed Territory

After Annexation of an area, a person may continue to use the land in the newly annexed area in the same manner in which the land was used on the date Annexation proceedings were instituted if the land use was legal at the time. This includes any beginning use of land in the newly annexed area in the manner that was planned for the land before the 90th day before the effective date of Annexation if:

1. One or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned use; and
2. A completed application for the initial authorization was filed with the governmental entity before the date the Annexation proceedings were instituted, as described in Texas Local Government Code § 43.002~~(a)(2)~~.

H. ~~I.~~Change in Status of Adjacent Property

A structure, site, or use that complies with the development regulations of this Code does not become nonconforming as the result of a change in the use, zoning, or development of adjacent property.

I. ~~16.01.05.Exemptions~~The burden of establishing that any nonconformity is a legal nonconformity as defined by this Chapter shall be the responsibility of the property owner.

~~A. Residential Structures~~

~~Any single-family or duplex structure lawfully existing on the effective date of this Code shall be deemed a lawful structure and the provisions of this chapter shall not apply until the use is abandoned, as defined by this Chapter. If, at any point, such residential structure is converted to another use, it may not revert to a residential use except upon a rezoning.~~

~~Prior Approval GrantedStructures, lots, sites, and signs that are nonconforming due to prior Variance, Special Exception, Administrative Exception, or other approval shall not be subject to the provisions of this chapter, but shall conform to the terms and processes of their approval.~~

~~1. Prior Construction Plans~~

~~Nothing contained herein shall require any change in the plans, construction, or designated use of a building legally under construction or for which a permit for construction has been issued at the time of passage of this Code or amendments. Construction may be completed in accordance with the terms of the permits, so long as those permits were validly issued and remain unrevoked and unexpired.~~

~~2. Prior Undeveloped Site Plans~~

~~Nothing contained herein shall require any change in the plans and subsequent construction of a site subject to an approved and valid, but undeveloped, Site Plan at the time of passage of this Code or amendments. Construction may commence in accordance with the terms of the Site Plan and any required permits, so long as those permits were validly issued and remain unrevoked and unexpired. If a Site Plan has expired or, in the case of a phased Site Plan, the construction of subsequent phases has not commenced prior to expiration, this exemption shall not be applicable.~~

16.01.050. Effect of Acquisition of Right-of-Way

A. ~~B.~~Governmental Acquisition of Right-of-Way

A lawful structure, lot, site, sign, or use that is made noncompliant regarding any requirement of this Code due to the acquisition of right-of-way by eminent domain, dedication, or purchase by a city, county, state, or federal agency shall be deemed legal nonconforming. Such exemption shall apply only to noncompliance that is a direct result of the acquisition of right-of-way.

~~C. Portable Classrooms~~

~~For purposes of this chapter, the addition of portable classrooms, pursuant to **Subsection 5.08.020.G** of this Code, shall not be considered an expansion of a legal nonconforming use, structure, or site.~~

~~D. Accessory Structures for Livestock~~

~~The provisions of this chapter shall not prevent the repair, restoration, replacement, or construction of accessory structures necessary for or directly related to the ownership or raising of livestock for agricultural purposes, including, but not limited to, barns, shelters, sheds, or other structures. A second dwelling unit in an Agriculture District shall not be considered an accessory structure for the purposes of this provision.~~

16.01.060. ~~16.01.06.~~Abandonment of a Nonconforming Situation

A. Effect of Abandonment

Abandonment of a legal nonconforming situation shall result in the loss of the existing legal nonconforming status previously granted. All use of the premises shall cease and any future use of the premises may only occur as provided for in this chapter.

~~B. Determination of Abandonment~~

~~1. A legal nonconforming use shall be considered abandoned after the nonconforming use has vacated the building or site for a period of 12 months.~~

~~2. A legal nonconforming structure shall be considered abandoned after the structure has been vacant for a period of 18 months.~~

~~3. A legal nonconforming site shall be considered abandoned after the site has been vacant for a period of 18 months.~~

~~4. Any nonconforming use that does not involve a permanent type of structure or operation, and that is entirely moved from the site shall be considered to have been discontinued, regardless of intent.~~

~~5. A legal nonconforming sign shall be considered abandoned after the site on which it is located has been vacant for a period of 90 days.~~

B. ~~6.~~Vacancy

Occurrence of a combination of one or more of the following situations shall indicate vacancy or lack of occupancy for the purposes of determining abandonment:

1. ~~a.~~The building, structure, activity or land has been unoccupied or out of use~~;~~, and no permits are actively being pursued;
2. There is not an active Certificate of Occupancy;
3. ~~b.~~The intention of the owner to discontinue the use is apparent (e.g., posted notice of going out of business);
4. ~~c.~~One or more utility accounts have ~~been~~ discontinued service as described by the City of Georgetown's utilities' policies;
5. ~~d.~~Utility meters are removed;
6. ~~e.~~The occupant or owner has allowed any taxes to not be paid thereon;
7. ~~f.~~The site or structure has not been maintained in accordance with the requirements of this UDC, the Property Maintenance Code, or Building Code (e.g., accumulation of trash; broken windows; overgrown or dead landscaping; damaged parking surface; unsafe entrances or structures);
8. ~~g.~~The unit has not been made available for occupancy;
9. ~~h.~~The characteristic equipment and furnishings of a nonconforming use have been removed from the premises; or
10. ~~i.~~A nonconforming use has been replaced by a conforming use.

C. Determination of Abandonment

1. Abandonment of a legal nonconforming use.
   a. A legal nonconforming use shall be considered abandoned after the nonconforming use has vacated the building or site for a period of ~~18~~12 months.
   b. Any nonconforming use that does not involve a permanent type of structure or operation, and that is entirely moved from the site shall be considered to have been discontinued, regardless of intent.
2. Abandonment of a legal nonconforming structure.
   a. A legal nonconforming structure shall be considered abandoned after the structure has been vacant for a period of 18 months.
   b. ~~7.~~The time period for determining abandonment of a legal nonconforming ~~site or structure~~ or structure may be extended to a maximum of three years if the property has been consistently maintained and the owner of the structure can prove to the satisfaction of the Director that they have been actively and continuously marketing the structure for sale or lease or have otherwise engaged in activities that would affirmatively prove there was no intent to abandon. This provision excludes the exemption of any nonconforming signage on the site.
3. Abandonment of a legal nonconforming site.
   a. A legal nonconforming site shall be considered abandoned after the site has been vacant for a period of 18 months.
   b. The time period for determining abandonment of a legal nonconforming site may be extended to a maximum of three years if the property has been consistently maintained and the owner of the land or structure can prove to the satisfaction of the Director that they have been actively and continuously marketing the land or structure for sale or lease or have otherwise engaged in activities that would affirmatively prove there was no intent to abandon. This provision excludes the exemption of any nonconforming signage on the site.

4. Abandonment of a legal nonconforming sign.

   A legal nonconforming sign shall be considered abandoned after the site on which it is located has been vacant for a period of 90 days

5. ~~a.~~The time period for determining abandonment shall exclude any period of discontinuance of use caused by government actions impeding access to the premises without any contributing cause by the owner of the legal nonconforming use, site, or structure.

6. ~~8.~~An owner of a legal nonconforming use located in a structure specifically constructed or modified to suit only such use may request a Special Exception from the Zoning Board of Adjustment, pursuant to ~~Section 3.13~~Section 3.13 of this Code, to extend the time period for determining abandonment to a maximum of four years, provided~~.~~:

   a. the property has been consistently maintained;

   b. the structure has not been intentionally altered to serve other uses, used to house a permitted use, or used to house another nonconforming use;

   c. and the owner can prove to the satisfaction of the Board that they have been actively and continuously marketing the structure for sale or lease to such a use.

   d. This provision excludes the exemption of any nonconforming signage on the site.

7. ~~9.~~All of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole for the purposes of determining abandonment. A multi-tenant site, building or shopping center shall be considered occupied for the purposes of this chapter, provided it remains at least 30 percent (30%) occupied. The failure to rent one space in a nonconforming building or on a nonconforming site shall not result in a loss of the right to rent space thereafter so long as the building or site as a whole is continuously maintained and at least 30 percent (30%) of the units remain rented.

8. ~~10.~~The Director shall be the official responsible ~~official~~ for determining abandonment of a use, structure, site, or sign. Administrative appeals may be processed in accordance with ~~Section 3.12~~Section 3.12.

16.01.070. Variance Not Precluded

Nothing within this chapter precludes the application for and approval of a Variance meeting the standards for such under ~~Section 3.13~~Section 3.13 of this Code.

~~16.01.07. Termination of Nonconforming Situation~~

~~The right to operate or maintain a nonconforming situation may be terminated by the Zoning Board of Adjustment in accordance with the provisions of this chapter. Any Appeal of the termination of nonconforming rights under this chapter shall be made to District Court within 30 days of receipt of written notice of the termination by the Zoning Board of Adjustment.~~

Section 16.02. Nonconforming Uses

16.02.010. ~~16.02.01.~~Nonconforming Uses Generally

A Nonconforming Use is one that is not permitted within the Zoning District assigned to the property upon which the use is located. In addition, a use located in a Zoning District in which it could lawfully locate with the approval of a Special Use Permit but lacking such a permit or a use allowed as a limited use that does not conform to such limitations shall also be considered nonconforming. Those Nonconforming Uses lawfully existing and located on the

effective date or applicability of this Code or subsequent amendments thereto shall be considered Legal Nonconforming Uses.

16.02.020. ~~16.02.02.~~Elimination of Nonconforming Use Status

The owner of a Nonconforming Use may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Replacing the Nonconforming Use with a ~~C~~conforming ~~U~~use;

B. Rezoning to a district where the use is permitted by right;

C. Obtaining a Special Use Permit, provided the use is listed as one that would be allowed in the zoning district with a Special Use Permit;

D. Complying with the applicable limitations for such use, provided that the use is listed as one that is allowed in the Zoning District subject to limitations set forth in ~~Chapter 5~~Chapter 6; or

E. Obtaining a Special Exception from the Zoning Board of Adjustments, pursuant to ~~Section 3.13~~Section 3.13 of this Code, if the Special Exception is allowed by this Code and would make the use conforming.

16.02.030. ~~16.02.03.~~Change of Use

A. A Legal Nonconforming Use may be ~~replaced by the same specific use, as listed in the Use Tables in Chapter 5~~continued under a different owner or operator, provided that use has not been abandoned or changed.

B. A change of use occurs when the current use of a site or structure is replaced with a use that is not listed as the same specific use in the Use Tables in ~~Chapter 5.~~ Chapter 6.

~~C. The Director may approve an Administrative Exception, pursuant to Section 3.14 of this Code, to allow a change from one Nonconforming Use to another Nonconforming Use if it is determined that the new Nonconforming Use will clearly have a lesser impact on the surrounding area than the existing Nonconforming Use. Any appeal of the Director's determination shall be made to the ZBA. The following criteria may be considered when determining the impact on the surrounding area.~~

~~1. Hours of operation;~~

~~2. Number of employees;~~

~~3. Square footage occupied;~~

~~4. Amount of parking required;~~

~~5. The type of customer targeted;~~

~~6. Traffic generation;~~

~~7. Number of daily deliveries;~~

~~8. Noise;~~

~~9. Lighting;~~

~~10. Similarity to surrounding land uses;~~

~~11. Benefit to the surrounding area; and~~

~~12. Compatibility with the existing and future use or make up of the area.~~

C. ~~D.~~In no event may a change of use occur that would allow a use that would increase the degree or intensity of nonconformity or result in the expansion of any existing nonconforming situation or the creation of any new nonconforming situation.

16.02.040. ~~16.02.04.~~Abandonment of Nonconforming Use

In the event a Nonconforming ~~U~~use is determined to be abandoned, the structure or site shall thereafter only be occupied in accordance with the provisions of this Code. See **Section ~~14.01.06~~16.01.060** of this chapter for the time frame for the determination of abandonment.

16.02.050. ~~16.02.05.~~Expansion of a Nonconforming Use

A. A Legal Nonconforming Use may be expanded or enlarged only upon approval of a Special Exception by the Zoning Board of Adjustment, pursuant to ~~**Section 3.13**~~Section 3.13 of this Code, except as follows:

   1. The Director may approve an Administrative Exception, pursuant to ~~**Section 3.14**~~Section 3.14 of this Code, if it is determined that the expansion or enlargement of the use or an accessory use or site modifications (for example parking) would make the use more conforming to the current standards of this Code; or
   2. Expansion or enlargement is required by City ordinance, State law, or federal law.

B. A Legal Nonconforming Use shall be considered enlarged, expanded, or increased by the following:

   1. Increasing the square footage of the building housing the Nonconforming Use;
   2. Expanding the square footage occupied by a Nonconforming Use within an existing building;
   3. Occupying a greater portion of the tract on which the use is located;
   4. Construction of additional buildings associated with the nonconforming use; or
   5. Increasing the scope, volume, or intensity of the use in a significant way.

C. For purposes of this provision, the addition or alteration of signage shall not be considered expansion of a legal nonconforming use that is made so due to lack of an approved Special Use Permit or limitation.

D. An expansion of a Legal Nonconforming Use may not create any new nonconformity.

16.02.060. ~~16.02.06.~~Destruction or Damage of Structure Housing Nonconforming Use

~~A. Natural or Accidental Causes~~

~~1. Whenever the structure in which a Legal Nonconforming Use is housed, operated, or maintained is damaged or destroyed by natural or accidental causes to the extent of more than 50 percent (50%) of the market value of the structure on the date of the damage, the right to operate such nonconforming use shall cease unless a Special Exception is granted by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code.~~

~~2.~~ In the event that a structure in which a Legal Nonconforming Use is housed, operated, or maintained is partially damaged or destroyed, ~~such that the damage does not exceed 50 percent (50%) of the market value of the structure on the date of the damage,~~ the Nonconforming Use shall be allowed to continue ~~and~~under the ~~structure may be rebuilt upon issuance of a Building Permit by the Building Official~~following conditions.

A. ~~3.~~Permitting for any allowed ~~re~~construction ~~of the structure~~to support the Legal Nonconforming Use must thereafter commence within six months of the damaging event and reconstruction shall be completed, as determined by issuance of a Certificate of Occupancy, within one year of the event. The timeframes herein may be extended for good cause as proven to the Director, provided there is no adverse ~~a~~effect on the community.

~~4. A structure restored under **Section 14.02.06** must be restored or reconstructed so as to have no greater gross floor area, building footprint or height as the damaged or destroyed structure. The property owner~~

~~has the burden of proof to establish the dimensions of the structure immediately prior to the damage or destruction.~~

~~5. The value of the structure and the percent value lost due to any destruction shall be determined by an appraisal submitted to the Building Official.~~

~~B. Intentional Destruction~~

~~A Legal Nonconforming Use terminates when the structure housing the Nonconforming Use is destroyed by the intentional act of the owner or his agent.~~

B. A structure ~~restored~~constructed under **Section 16.02.060** must be ~~restored or~~ permitted and ~~re~~constructed in conformance with all applicable regulations of this code unless otherwise outlined in **Section 16.04.090**.

16.02.070. ~~16.02.07.~~Nonconforming Telecommunications Towers

Additional telecommunications antennae and necessary equipment may be attached to a preexisting nonconforming telecommunications tower provided the addition causes no expansion of the footprint of the tower and meets the requirements of ~~**Subsection 5.04.01.C**~~**Section 6.03** of this Code.

Section 16.03. Nonconforming Lots

16.03.010. ~~16.03.01.~~Nonconforming Lots Generally

A Nonconforming Lot is a lot of record that does not meet the minimum area or dimensional requirements of the zoning district in which the lot is located. Those nonconforming lots lawfully existing on the effective date or applicability of this Code or subsequent amendments thereto shall be considered Legal Nonconforming Lots.

16.03.020. ~~16.03.02.~~Use of a Nonconforming Lot

A Legal Nonconforming Lot may continue to exist indefinitely and may be developed and used as if it were a conforming lot, provided the proposed use is permitted and all development standards of the applicable Zoning District of this Code are met. If dimensional or development standards are unable to be met due to the size or configuration of the lot, the Zoning Board of Adjustment shall be authorized to grant a Special Exception (see ~~**Section 3.13**~~**Section 3.13**) to reduce or otherwise modify standards as needed to accommodate the reasonable development of the property.

16.03.030. ~~16.03.03.~~Elimination of Nonconforming Lot Status

The owner of a Nonconforming Lot may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Combine the lot with an adjacent property to conform to current standards;

B. Apply for a ~~Variance~~Special Exception, pursuant to ~~**Section 3.13**~~**Section 3.13** of this Code, to allow a reduction or modification of the current standards to allow reasonable development of the lot; or

C. Rezone to a District where the lot would conform.

16.03.040. ~~16.03.04.~~New Division

No new division of any lot or parcel shall be made which increases the level of existing nonconformity, leaves any lot, parcel, or remnant with width or area below the requirements stated in this Code or creates any new nonconforming situation.

Section 16.04. Nonconforming Structures

16.04.010. ~~16.04.01.~~Nonconforming Structures Generally

A. A Nonconforming Structure is one that does not meet the setbacks, height limitations, or articulation as required by this Code. Those Nonconforming Structures lawfully constructed and existing on the effective date or applicability of this Code or any amendment thereto shall be considered Legal Nonconforming Structures. For the purposes of this section, the term structure means anything constructed or erected on the ground or which is attached to something located on the ground, except signs, and includes, but is not limited to, buildings, telecommunications towers, utility improvements and sheds. These provisions shall be applicable to all structures regardless of whether they are deemed principal or accessory.

16.04.020. ~~16.04.02.~~Elimination of Nonconforming Structure Status

The owner of a Nonconforming Structure may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Modify the structure to conform to current standards;

B. Apply for a ~~Variance~~Special Exception, pursuant to ~~Section 3.13~~Section 3.13 of this Code, to allow the structure as built; or

C. Rezone to a district where the structure would conform.

16.04.030. ~~16.04.03.~~Repair and Maintenance

A Legally Nonconforming Structure shall be maintained in accordance with the codes in effect when the building was constructed or as deemed necessary by the Building Official for the general safety and welfare of the occupant and the public. The repairs required by the Building Official shall not be construed as to allow an addition to or expansion of a Nonconforming Structure. Except as otherwise provided for in this chapter, no repair or maintenance may result in the expansion of any existing nonconformity or the creation of any new nonconformity.

16.04.040. ~~16.04.04.~~Unsafe Situations

A. Nothing in this chapter shall be construed to prohibit the strengthening or repair of any part of any nonconforming structure declared unsafe by the Building Official, unless such repairs exceed ~~50~~fifty percent (50%) of the value of the structure. In such case the right to operate, occupy or maintain such structure may be terminated by action of the Zoning Board of Adjustment and such structure shall be demolished. The value of the structure and the percent value lost due to any destruction shall be determined by an appraisal submitted to the Building Official.

B. Nothing in this chapter shall be construed to permit the continued use of a building or structure found to be in violation of building, basic life safety, or health codes of the City. The right to continue any nonconformity shall be subject to all applicable housing, building, health, and other applicable life safety codes.

16.04.050. ~~16.04.05.~~Abandonment of a Nonconforming Structure

In the event a Nonconforming Structure is determined to be abandoned, the structure shall be modified to conform to all applicable requirements of this Code. However, a Special Exception may be granted by the Zoning Board of Adjustment, pursuant to ~~Section 3.13~~Section 3.13 of this Code, if it is determined that conformance with all requirements of this Code will cause the expansion or creation of another nonconformity or where it is determined

that all provisions of this Code cannot be reasonably met. See **Section ~~14.01.06~~16.01.060** of this chapter for the time frame for the determination of abandonment.

16.04.060. ~~16.04.06.~~Interior Alterations to a Nonconforming Structure

Interior remodeling of a Legally Nonconforming Structure is permitted and will not result in loss of legal nonconforming status regardless of the cost or extent of the interior remodel, as long as no exterior remodeling is involved. If exterior alteration in conjunction with interior remodeling is involved, loss of legal nonconforming status will be determined pursuant to the provisions set forth in this chapter related to such alteration.

16.04.070. ~~16.04.07.~~Movement of a Nonconforming Structure

A Nonconforming Structure shall not be moved to another location on the same lot or any other lot unless the entire structure is thereafter made to conform to all requirements of this Code for the district to which the structure is being moved.

16.04.080. ~~16.04.08.~~Expansion of a Nonconforming Structure

A. A Legal Nonconforming Structure may be expanded or enlarged up to ~~50~~fifty percent (50%) of its size without approval of the Zoning Board of Adjustment~~ as long as the expansion does not create or expand a nonconformity~~.

B. A Legal Nonconforming Structure may be expanded or enlarged in excess of ~~50~~fifty percent (50%) of its size only upon approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **~~Section 3.13~~Section 3.13** of this Code.

C. If such expansion or enlargement is in excess of ~~100~~hundred percent (100%) of the size of the existing structure, all provisions of this Code shall be applicable to the existing structure or structures as well as any new construction on the lot or parcel. For the existing structure, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **~~Section 3.13~~Section 3.13** of this Code.

D. For purposes of determining the expansion or enlargement of a Nonconforming Structure, the square footage of all previous expansions under this subsection shall be cumulative and the square footage of the original structure shall be the initial size for purposes of the calculation.

E. All expansion or enlargement of structures under this subsection shall be in compliance with all applicable regulations of the zoning district in which such structure is located. In no event may the expansion or enlargement result in the increase of any existing nonconformity or the creation of any new nonconformity.

16.04.090. ~~16.04.09.~~Destruction or Damage of a Nonconforming Structure

A. Natural or Accidental Causes

1. A Legal Nonconforming Structure, which is damaged or destroyed by natural or accidental causes, may only be reconstructed as it was before such happening within the timelines herein.
2. Permitting for reconstruction of such structure must thereafter commence within six months of the damaging event and reconstruction shall be completed, as determined by issuance of a Certificate of Occupancy, within one year of the event. The timeframes herein may be extended for good cause as proven to the Director, provided there is no adverse effect on the community.

3. A structure restored under this Subsection must be restored or reconstructed so as to have no greater gross floor area, building footprint, or height as the damaged or destroyed structure.

B. Historic Structures

1. A nonconforming structure designated as historic at the state or national level or identified as a Medium or High Priority Structure in the Georgetown Historic Resource Survey shall be allowed to be restored in the same location, design, and configuration immediately preceding any damage or destruction that is caused by a fire or natural disaster. Permitting for such reconstruction shall commence within 18 months of the damaging event and be completed, as determined by issuance of a Certificate of Occupancy, within three years of the event.
2. Reconstruction of a structure under this section that will not restore the structure in the same location, design, and configuration as it was immediately preceding damage, may be granted the timelines herein if the Historic and Architectural Review Commission, after a conceptual review of the proposed addition or alteration pursuant to ~~**Subsection 3.26.020.B**~~**Section 5.11**, determines the addition or alteration appropriate and the timelines herein applicable.
3. The timeframes herein may be extended for good cause as proven to the Director, provided there is no adverse affect on the community.
4. The property owner has the burden of proof to establish the details of the structure immediately prior to the damage or destruction.

C. Intentional Destruction

A Nonconforming Structure which is damaged or destroyed by the intentional act of the owner or his agent may not be restored or reconstructed as it was before such happening.

Section 16.05. Nonconforming Sites

16.05.010. ~~16.05.01.~~Nonconforming Sites Generally

A Nonconforming Site is one where one or more existing site improvements, including but not limited to parking areas, storm drainage facilities, sidewalks and landscaping, do not conform to one or more of the regulations of this Code applicable to the property. Those Nonconforming Sites lawfully existing on the effective date or applicability of this Code or any amendment thereto shall be considered Legal Nonconforming Sites.

16.05.020. ~~16.05.02.~~Elimination of Nonconforming Site Status

The owner of a Nonconforming Site may employ the following mechanisms in an attempt to eliminate the nonconformity.

A. Modify the site to conform to current standards;

B. Apply for a ~~Variance~~Special Exception, pursuant to ~~**Section 3.13**~~**Section 3.13** of this Code, to allow the site as built; or

C. Rezone to a District where the site would conform.

16.05.030. ~~16.05.03.~~Repair and Maintenance

A Legally Nonconforming Site shall be maintained in accordance with the codes in effect when the site was constructed or as deemed necessary by the Director for the general safety and welfare of the occupant and the public. Any repairs or maintenance required by the Director shall not be construed as to allow an addition to or

expansion of a Nonconforming Site. Except as otherwise provided for in this chapter; no repair or maintenance may result in the expansion of any existing nonconformity or the creation of any new nonconformity. Maintenance of a site may include, but is not limited to, maintenance of landscaping, pavement, lighting, or detention ponds.

16.05.040. ~~16.05.04.~~Change in Tenant of a Legal Nonconforming Site

A change in the tenant of a Legal Nonconforming Site shall not cause the site to lose its legal nonconforming status. Nonconforming uses are subject to the provisions of **Section 1~~4~~6.02** of this chapter. Tenant changes are categorized into the following situations.

A. Tenant with Same Use

A change in tenant of a Legal Nonconforming Site to a tenant with the same specific use, as listed in the use tables in ~~Chapter 5~~Chapter 6, is permitted without any required changes to the Nonconforming Site.

B. Tenant with Similar or Less Intense Use

A change in tenant of a legal nonconforming site to a tenant with a similar or less intense use as the previous tenant may be allowed without any required changes to a nonconforming site; provided the restrictions below are met.

1. The new use shall have a parking requirement less than or equal to the previous use.
2. The new use shall not increase the amount of outside storage or activities previously existing.
3. The average daily vehicle trips generated by the new use shall be less than or equal to the previous use.
4. The new use shall not produce more noise, vibration, dust, odor, fumes, glare, or smoke than the previous use.
5. The site shall be maintained and in conformance with any Site Plan or regulations in effect when the site was established or last improved. This includes, but is not limited to, the replacement of any dead plants or trees, the re-striping of parking spaces, and the repaving of deteriorated pavement.
6. The new use shall meet all limitations or requirements of Chapter ~~5~~6 for such use without alteration to the site.

C. Tenant with Different Use

Any change in tenant that does not meet the provisions of the preceding categories shall be determined to be a change to a different use. A change in tenant of a Legal Nonconforming Site to a tenant with a different use as the previous tenant shall require the following alterations to the Nonconforming Site.

1. Any increase in parking spaces between those required for the previous use and those required for the new use shall be provided. If the previous use was deficient in the number of required parking spaces, the new use may carry over the deficiency. Construction of additional required parking spaces shall be in conformance with **Section ~~14.01.06~~16.01.060**. If the additional spaces required cannot be met on site, the applicant may request the requirement be met off-site pursuant to **Section ~~9.02.050~~11.04.010.B** of this Code.
2. The site shall be maintained in conformance with any Site Plan or regulations in effect when the site was established or last improved. This includes, but is not limited to, the replacement of any dead plants or trees, the re-striping of parking spaces and the repaving of deteriorated pavement as determined by the Development Engineer.
3. Those parking spaces that are accessed via public right-of-way shall be removed and those spaces replaced elsewhere on the site if those spaces are necessary to meet the minimum parking requirements. This provision does not apply to any on-street parking spaces otherwise approved by the Development Engineer.

4. The new use shall meet all limitations or requirements of ~~**Chapter 5**~~**Chapter 6** for such use, including, but not limited to, setback requirements, buffers and screening.

16.05.050. ~~16.05.05.~~Abandonment of a Nonconforming Site

In the event a Nonconforming Site is determined to be abandoned, the site shall be altered to conform to ~~as the~~all applicable requirements ~~outlined below~~of this Code upon re-occupancy, except as outlined below or as provided for in **Section ~~14.05.07~~16.05.070.** ~~See **Section 14.01.06** for the time frame for the determination of abandonment.~~However, a ~~A~~ Special Exception may be granted by the Zoning Board of Adjustment, pursuant to ~~**Section 3.13**~~**Section 3.13** of this Code, if it is determined that conformance with ~~the~~all requirements ~~listed below)~~of this Code will cause the expansion or creation of another nonconformity or where it is determined that ~~such~~all provisions of this Code cannot be reasonably met. See **Section 16.01.060** for the time frame for the determination of abandonment.

~~**Parking and Parking Lot Design** An abandoned site shall be altered to provide parking numbers and parking lot design in conformance with the following:~~

~~1. All required parking spaces for the subject use must be provided. Construction of additional required parking spaces shall be in conformance with **Section 14.01.06**. If the additional spaces required cannot be met on site, the applicant may request the requirement be met off-site pursuant to **Section 9.08.010** of this Code.~~

~~2. All deteriorated pavement, as determined by the Development Engineer, must be repaved in accordance with this Code.~~

~~3. All existing parking spaces and maneuvering areas shall be re-striped to be in conformance with the dimensional requirements of **Chapter 9**.~~

~~4. Those parking spaces that are accessed via public right-of-way shall be removed and those spaces replaced elsewhere on the site if those spaces are necessary to meet the minimum parking requirements. This provision does not apply to any on-street parking spaces otherwise approved by the Development Engineer.~~

~~B. Driveways~~

~~An abandoned site containing driveways not conforming to the number, spacing, or width requirements of this Code shall be altered to be in conformance with such. Nothing herein shall be construed as to require the removal of all driveway access to a property. An abandoned site shall also be required to meet the inter-parcel connectivity requirements of **Section 12.05** to provide driveway connections to adjacent nonresidential properties.~~

A. ~~C.~~Landscaping

An abandoned site shall be altered to conform to all applicable landscaping requirements of ~~**Chapter 8**~~**Chapter 9** of this Code. Any area on site that is available for landscaping shall be so utilized to meet these requirements. When the City grants permission, the owner or operator of the site may also use areas within the public right-of-way to satisfy landscaping requirements. Where landscaping in accordance with the provisions of ~~**Chapter 8**~~**Chapter 9** cannot be reasonably met, the applicant may request the Director consider an alternative plan that meets the intent of the requirements.

~~D. Setbacks~~

~~An abandoned site shall be altered to conform to all applicable setback requirements of **Chapters 4, 6, and 7** of this Code. However, a Special Exception may be granted by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, if it is determined that conformance with all setback requirements will cause the expansion or creation of another nonconformity or where it is determined that all provisions of this Code cannot be reasonably met.~~

~~E. Requirements of **Chapter 5**~~

~~The abandoned site shall be altered to conform to all applicable limitations or requirements of **Chapter 5** for the new use, including, but not limited to, setback requirements, buffers, and screening. Any designated outdoor display or storage areas shall be altered to conform to the provisions of **Section 5.09** of this Code.~~

~~F. Sidewalks~~

~~An abandoned site that does not have sidewalks in conformance with Chapter 12 shall be altered to include such. See **Section 12.07.01.D** - Alternative Pedestrian Improvements for alternatives to constructing a sidewalk.~~

B. ~~G.~~Impervious Coverage

Impervious coverage that exceeds the allowance for the zoning district and lot size identified in ~~**Chapter 11**~~**Chapter 13** is not required to be removed in order to meet the impervious coverage requirements of this Code. However, in no case shall the impervious coverage of the tract be increased unless done so in compliance with the provisions of ~~**Chapter 11**~~**Chapter 13**.

C. ~~H.~~Incidental Site Features

All incidental site features including, but not limited to, fences, dumpsters, lighting and mechanical equipment must be altered to conform to the provisions of this Code. Where the provisions of the code cannot be reasonably met, the Director may approve an Administrative Exception pursuant to **Section 3.14**.

16.05.060. ~~16.05.06.~~Process for Review of Required Improvements

Site improvements that are required to meet the provisions of this chapter shall be reviewed pursuant to the process detailed in ~~**Chapter 3**~~**Chapter 3** of this Code.

16.05.070. ~~16.05.07.~~Postponement of Required Improvements

Required site improvements must be made as part of the event that triggers the improvements. However, the applicant may request an Administrative Exception from the Director to phase construction of and post bond for up to half of the improvements required. Any required parking that is triggered may not be bonded and must be constructed as part of the first phase. A Conditional Certificate of Occupancy (CO) may be issued for any occupant, pending construction of these and all other required improvements of this Code. Improvements postponed under this provision shall be constructed within one year of the issuance of the Conditional CO. It is the responsibility of the applicant to document the value of the required improvements for the purposes of bonding.

16.05.080. ~~16.05.08.~~Expansion of a Nonconforming Site

A. A Legal Nonconforming Site may be expanded or enlarged up to ~~25~~twenty-five percent (25%) of its size without approval of the Zoning Board of Adjustment, ~~as long as the~~provided that such expansion ~~does not~~cannot create ~~or expand a~~a new nonconformity.

B. A Legal Nonconforming Site may be expanded or enlarged in excess of ~~25~~twenty-five percent (25%) of its size only upon approval of a Special Exception by the Zoning Board of Adjustment, pursuant to ~~**Section 3.13**~~**Section 3.13** of this Code, except as follows:

1. The Director may approve an Administrative Exception, pursuant to ~~**Section 3.14**~~**Section 3.14** of this Code, if it is determined that the expansion or enlargement of the site would make the site more conforming to the current standards of this Code; or
2. Expansion or enlargement is required by City ordinance, State law or federal law.

C. If such expansion or enlargement is in excess of ~~50~~fifty percent (50%) of the size of the existing site, all provisions of this Code shall be applicable to the existing site as well as any new construction on the lot or parcel. For the existing site, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request approval of a Special Exception by the Zoning Board of Adjustment, pursuant to ~~Section 3.13~~Section 3.13 of this Code.

D. A Legal Nonconforming Site shall be considered enlarged or expanded by the following:

1. Occupying a greater portion of the tract;
2. Construction of additional buildings; or
3. Construction of any additional improvements on a portion of the tract that was not previously developed.

E. For purposes of determining the expansion or enlargement of a nonconforming site, the square footage of all previous expansions under this subsection shall be cumulative and the square footage of the original site shall be the initial size for purposes of the calculation.

F. All expansion or enlargement of sites under **Section** ~~14.05.08~~16.05.080 must be in compliance with all applicable regulations of this Code. In no event may the expansion or enlargement result in the increase of any existing nonconformity or the creation of any new nonconformity.

Section 16.06. Nonconforming Signs

16.06.010. ~~16.06.01.~~Nonconforming Signs Generally

A Nonconforming Sign is one that does not comply with the standards of this Code. Those Nonconforming Signs lawfully existing and located on the effective date or applicability of this Code or any amendments thereto shall be considered Legal Nonconforming Signs.

16.06.020. ~~16.06.02.~~Elimination of Nonconforming Sign Status

The owner of a Nonconforming Sign may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Modify the sign to conform;

B. Apply for a Variance, pursuant to ~~Section 3.13~~Section 3.13 (height and location only), to allow the sign as built, if such variance is allowed by the provisions of ~~Chapter 10~~Chapter 12; or

C. Rezone to a Zoning District where the sign would conform.

16.06.030. ~~16.06.03.~~Repair and Maintenance

Repairs and maintenance may be made to a Legal Nonconforming Sign, provided that no structural alteration shall be made except those required by the Building Official in order to comply with the provisions of the Code of Ordinances or this Code. In no event may any repair or maintenance result in the expansion of any existing nonconformity or the creation of any new nonconformity.

16.06.040. ~~16.06.04.~~Abandonment of a Nonconforming Sign

In the event a Legal Nonconforming Sign is determined to be abandoned, the sign shall be eliminated or modified to conform to all requirements of this Code. See **Section** ~~14.01.06~~16.01.060 of this chapter for the time frame for the determination of abandonment.

16.06.050. ~~16.06.05.~~Alterations to a Nonconforming Sign

A change in the information on the sign face of a Legal Nonconforming Sign is allowed; provided the change of information does not increase the area of the sign face. However, a Nonconforming Sign shall either be eliminated or made to conform to the provisions of this Code, when any alteration, modification, or improvement is more than 60 percent (60%) of the appraised value of erecting a new sign of the same type at the same location.

16.06.060. ~~16.06.06.~~Destruction or Damage of a Nonconforming Sign

A. Natural or Accidental Causes

1. A Legal Nonconforming Sign, which is damaged or destroyed by natural or accidental causes, may only be reconstructed as it was before such cause within six months of the damaging event. The timeframes herein shall exclude any delay in commencement due to insurance or litigation.
2. A sign restored under **Section ~~14.01.06~~16.02.060** must be restored or reconstructed so as to have a height and sign face area less than or equal to that of the damaged or destroyed sign. The property owner has the burden of proof to establish the height and sign face area immediately prior to the damage or destruction.
3. The value of the sign and the percent value lost due to any destruction shall be determined by an appraisal submitted to the Building Official.

B. Intentional Destruction

A right to retain a Legal Nonconforming Sign terminates when the Nonconforming Sign is destroyed by the intentional act of the owner or his agent.

16.06.070. ~~16.06.07.~~Immediate Termination of Nonconforming Signs

Except as otherwise provided by this Code, the Building Official shall cause the immediate removal of any sign constructed, erected, or placed in violation of the provisions of this Code or expressly prohibited and any sign that represents a clear and present danger to the health or safety of the public due to its structural condition.

Chapter 17. Enforcement ~~(Chapter 15)~~

Section 17.01. Administration

17.01.010. ~~17.01.01.~~ General

A. Except as otherwise provided elsewhere in this Code or in this Chapter, the Director or designee shall administer and enforce the provisions of this Code, including the receiving of applications, the inspection of premises, and the issuing of building permits and certificates of occupancy.

B. The ~~Director~~ Building Official or designee shall have the power to issue, suspend or revoke building permits, certificates of occupancy, sign permits, floodplain permits, or development permits.

C. The City's Code Enforcement Officers shall also have the authority to enforce the provisions of this Code and all currently adopted City Codes or other building or construction codes.

Section 17.02. Compliance Required

17.02.010. ~~17.02.01.~~General

A. No person may use, occupy or develop land, buildings or other structures or authorize or permit the use, occupancy or development of land, buildings or other structures under the control of the person except in ~~accordance~~compliance with all applicable provisions of this Code. Except as otherwise allowed by this Code or other law, non-compliance is prohibited. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in that land, building, sign, or structure.

B. The owner of any building or land or part thereof, where anything in violation of this Code is placed or used, and any architect, builder, contractor, agent or any other person employed in connection therewith, who may have assisted or contributed to the commission of any such violation, is an offense and shall each be deemed guilty of a violation of this Code.

C. The ~~Director~~Building Official shall not issue a building permit or certificate of occupancy required by this Code for any land located within the jurisdiction of the City to which this Code applies, until and unless there is full compliance with this Code and all other ordinances of the City.

D. Permits presuming to give authority to violate or cancel the provisions of this Code or other City ordinances shall not be valid. The ~~Director~~Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code if the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information or in violation of any ordinance, regulation, or provision of this Code. Appeals related to the decision of the ~~Director~~Building Official can be made in accordance with ~~Section 3.12~~Section 3.12 of this Code.

E. The City shall not connect City water, sewer, or electricity to any property to which the provisions of this Code apply, unless and until there is compliance with the provisions of this Code.

17.02.020. ~~17.02.02.~~Certificates of Occupancy

A. No person shall proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, repair, convert, extend or demolish any building or structure or cause the same to be done in any zoning district in the city limits without first applying for and obtaining a building permit therefore from the ~~Director~~Building Official. All applications for such permits shall be in accordance with the requirements of this chapter and the City's adopted building code unless upon written order of the Zoning Board of Adjustment. No

such building permit or Certificate of Occupancy shall be issued for any building where such construction, addition, alteration or use thereof would be in violation of any of the provisions of this chapter.

B. No building or structure hereafter erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the ~~Director~~Building Official stating that the building or structure and/or proposed use thereof complies with the provisions of this Code and all other applicable ordinances and codes of the City, including payment of fees, fines, and penalties and final resolution of any outstanding complaints.

C. No nonconforming use or structure shall be renewed, changed, or extended without a Certificate of Occupancy having first been issued by the ~~Director.~~Building Official.

D. ~~The Director~~The Building Official shall maintain a record of all Certificates of Occupancy. A Certificate of Occupancy shall be considered evidence of the legal existence of a legal use or a legal nonconforming use, as contrasted to an illegal use and violation of this chapter.

E. No permanent water, sewer, electrical, or gas utility connections shall be made to the land, building or structure until and after a Certificate of Occupancy has been issued by the ~~Director.~~Building Official.

F. ~~The Director~~The Building Official may issue a temporary Certificate of Occupancy for the temporary use and occupancy of all of a building or a portion of a building prior to the completion and occupancy of the building, provided such temporary occupancy or use will not in any way or manner jeopardize life or property. Such temporary Certificate may be issued for a period not exceeding six months. Such temporary Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners relating to the use or occupancy of the premises or in any other matter covered by this chapter, and such temporary Certificate shall not be issued except under such restrictions and provisions.

G. The ~~Director~~Building Official may issue a conditional Certificate of Occupancy for the conditional use and occupancy of all of a building or a portion of a building prior to the final completion of all site improvements to the property as provided for in this Code, provided such conditional occupancy or use will not in any way or manner jeopardize life or property. Such conditional Certificate may be issued for a period not exceeding 12 months and requires the posting of a bond for any or all outstanding site improvements. Such conditional Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners relating to the use or occupancy of the premises or in any other matter covered by this chapter, and such temporary Certificate shall not be issued except under such restrictions and provisions.

H. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances.

17.02.030. ~~17.02.03.~~Demolition by Neglect

A. Upon identification of any property in possible violation of **Section ~~4.098.060~~5.04.040** of this Code, the ~~Director~~Building Official shall notify the property owner or person with interest in the real property, of the possible violation. Such notification shall be in writing and be mailed by certified mail, return receipt requested. The notification shall state the nature of the possible violation with sufficient specificity to enable the owner or person with an interest in the real property to bring the property into compliance with this Section. The notification shall also state that the owner or person with an interest in the real property shall have 90 days to bring the property into compliance with this Code.

B. The ~~Director~~Building Official and Historic Preservation Officer will work with the property owner to develop a rehabilitation plan. Upon completion of the 90-day grace period, the ~~Director~~Building Official and Historic Preservation Officer will reinspect the property to determine compliance with this Code. Should the property owner or person with an interest in the real property fail to bring the property into compliance with the 90-day

grace period, the City shall seek enforcement of this Code under **Section 157.03** of this Code and any applicable provisions of the Georgetown Municipal Code.

~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)*~~

Section 17.03. Enforcement

17.03.010. ~~17.03.01.~~Stop Work Orders

A. Whenever any building or site development work is being done contrary to the provisions of this Code, the ~~Director~~ Building Official or designee may order the work stopped and also revoke the building permit theretofore issued by notice in writing served on any person owning such property or their agent or on any person engaged in the doing or causing of such work to be done. Such person shall forthwith stop and cause to be stopped such work until authorized by the ~~Director~~ Building Official or designee to recommence and proceed with the work or upon issuance of a building permit in those cases in which the building permit has been revoked. Such stop work order and revocation of permit shall be posted on work being done in violation of this Code.

B. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Official or designee or the Community Development Director or designee may order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued. Such person shall vacate such building or portion thereof within ten days after receipt of such notice or make the building or portion thereof comply with the requirements of this Code.

C. Whenever a posted stop work order due to a violation of any provisions of this Code is removed, penalties shall be enforced pursuant to ~~subs~~**Section ~~15.03.02~~17.03.020**.

17.03.020. ~~17.03.02.~~Notice of Intent to Suspend or Revoke

A. Before suspension or revocation pursuant to this division, the ~~Director~~Building Official may give notice of intent to suspend or revoke, which notice may specify a reasonable time for compliance with this Code.

B. If notice of intent is given, suspension or revocation shall not occur before the time for compliance has expired.

C. The ~~Director~~Building Official shall not be required to provide notice of intent to suspend or revoke for violations of this Code that cause imminent destruction of property or injury to persons.

17.03.030. ~~17.03.03.~~Penalties

A. Any person or other legal entity who shall violate any of the provisions of this Code or who shall fail to comply with any provisions hereof within the corporate limits of the City or the extraterritorial jurisdiction of the City, outside the corporate limits shall be guilty of a misdemeanor and upon conviction shall be fined with the maximum fine in the amount of $2,000.00 for a violation of any provision governing the public health, safety, and welfare and shall be fined with the maximum fine in the amount of $500.00 for any other violation. Each day any violation of noncompliance continues shall constitute a separate and distinct offense.

B. ~~Repeat and Habitual Offenders~~Penalties for Repeat Offenses

1. ~~If it is shown that~~ If a person or entity has previously ~~committed two or more of the same~~been convicted of a violation ~~under~~of this Code, ~~on the third violation,~~ the person or entity shall be punished by a minimum fine of: ~~not less than one thousand dollars ($1,000.00).~~

   a. $250 for a second conviction; or

b. $500 for a third or subsequent conviction.

2. This subsection for repeat ~~and habitual offenders~~offenses applies only to a person ~~issued a violation~~or entity convicted of a second or subsequent offense within three (3) years of the date on which the most recent preceding offense was committed.

17.03.040. ~~17.03.04.~~Other Remedies

A. The City shall have the right to withhold approval of ~~or revoke~~ any Certificate of Occupancy, permit, plat, or any other authorization or approval until the applicant pays all fees, fines, and penalties that have been assessed and are due and owing to the City. The withholding of the Certificate of Occupancy shall carry forward with the land to any future assessors and assigns until all penalties have been addressed.

B. Unless otherwise prohibited by law, the City may disconnect utility services for violations of this Code.

~~C. The City may seek an injunction or other equitable relief in court to stop any violation of this UDC or of a permit, certificate, or other form of authorization granted.~~

~~D. The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.~~

~~E. The City may enforce provisions of this UDC through:~~

~~1. Civil action, as per state law; and~~

~~2. Administrative adjudication under Municipal Court Chapter, Article IC, as amended, and Texas Local Government Code Chapter 54, Subchapter C, as amended~~

~~F. Withholding of Public Services.~~

~~1. The City may withhold any public services until all rules, regulations, and requirements of the UDC have been met.~~

~~2. Unless a permit, plan, plat, or replat is approved in the manner and by the authorities provided for in this UDC, it is unlawful within the area covered by the plan, plat, or replat for any officials representing the City to serve or connect that land to any public utility owned, controlled, or distributed by the City for the use of the owners or purchasers of the plat, plan, or replat.~~

C. ~~G.~~The penalties and other remedies set forth herein shall be cumulative of other remedies ~~and powers~~ provided by State law and the power of injunction may be exercised in enforcing this Code whether or not there has been a criminal complaint filed.

~~17.03.05. Cumulative Remedies~~

~~The remedies and enforcement powers established in this chapter are cumulative, and the City may exercise them in any order or combination at any time.~~

Chapter 18. Definitions ~~(Chapter 16)~~

Section 18.01. General

~~**Note to City Staff:** Some terms have been deleted because they are not needed or consolidated into another term. This is a first draft of Definitions. Additional terms will be added or removed as needed as the chapters are finalized for the final draft. Once all chapters have been consolidated into one document, FNI will word-search and remove any unused terms.~~

18.01.010. ~~18.01.01.~~ Purpose

The purpose of this ~~C~~chapter is to define words, terms, and phrases contained within this Unified Development Code, unless otherwise specifically defined elsewhere herein.

18.01.020. ~~18.01.02.~~Word Usage

A. In the interpretation of provisions in this Code, the rules of this ~~C~~chapter shall be observed and applied, except when the context clearly indicates or requires otherwise. In case of a conflict between this chapter and the text of this Code, an interpretation shall be made by the Director.

B. For the purpose of this Code, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with adopted building codes, the City Code of Ordinances or their customary usage and meaning.

C. ~~Random House~~ Merriam-rWebster's Unabridged Dictionary may be referenced to determine the meaning of terms not otherwise defined within this chapter, subject to approval of interpretation by the Director.

D. Terms found in this Code may be defined in this ~~C~~chapter in alternate order. For example, "Accessory Use" may be listed here as "Use, Accessory."

Section 18.02. General Definitions

The following definitions describe terms found in this Code.

18.02.010. ~~18.02.01.~~Terms Defined: A-D

1. AASHTO

American Association of State Highway and Transportation Officials.

2. Abutting

Sharing a property line or common border or a portion of a property line or common border.

3. Access

A means of vehicular entry to or exit from a property.

4. Accessory Building

See "Structure, Accessory".

5. Accessory Dwelling Unit

A small separate dwelling unit, either detached or attached to the principal dwelling unit, which includes full kitchen facilities and living quarters as a fully contained dwelling unit. Often referred to as "guest homes", "granny flats", "garage apartments", or "mother-in-law units", accessory dwelling units are intended to be integrated into primarily single family neighborhoods to provide housing alternatives for a variety of age groups and income levels with minimal impact on the character of the neighborhood.

6. ~~5.~~**Accessory Use**

See "Use, Accessory".

7. **Activity Center, Senior**

Senior centers of a public, nonprofit or charitable nature providing fraternal, social, and/or recreational programs generally open to the public and generally designed to accommodate and serve the retired or elderly segment of the community. Accessory uses may include offices, meeting areas, food preparation areas, and day care uses.

8. **Activity Center, Youth**

Youth club facilities of a public, nonprofit or charitable nature providing social and/or recreational programs generally open to the public and designed to accommodate and serve the adolescent segments of the community. Accessory uses may include offices, meeting areas, food preparation areas, day care uses, and athletic facilities.

9. ~~6.~~**ADT (Average Daily Trips)**

The average number of vehicles or pedestrians passing a specific point in a 24-hour period; normally measured through a year. ADT is the standard measurement for vehicle traffic load on a section of road and the basis for most decisions regarding transportation planning.

10. ~~7.~~**Adjacent**

Abutting and directly connected to or bordering.

11. ~~8.~~**Adjoining Property**

Property that touches abuts or is adjacent to the subject property.

12. ~~9.~~**Administrative Official**

A City staff member who has been appointed or assigned the positions listed in ~~Section 2.02~~**Section 2.02** of this Code.

13. ~~10.~~**Advertise**

To make something known or to draw attention to.

14. **Agricultural Operations**

An agricultural operation that includes cultivating the soil, producing crops or growing food, floriculture, viticulture, horticulture, silviculture, wildlife management, raising or keeping livestock or poultry, planting crops, the commercial sale of animals, or aquaculture.

15. **Airport**

A facility or area of land reserved, designed and improved for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including all necessary facilities for the housing, maintenance, safety, and security of aircraft, such as hangars, facilities for refueling and repair, and other related accessory structures, as well as various accommodations for passengers, baggage, or freight.

16. ~~11.~~**All Weather Driving Surface**

See "Driving Surface, All Weather".

17. ~~12.~~**Alley**

See “Street, Alley”.

18. ~~13.~~**Alteration**

Any exterior change or modification in the architectural appearance and design, other than cosmetic or decorative, or in supporting members of a building, such as bearing walls or partitions, columns, beams, or

girders, or a complete rebuilding of the roof or the exterior walls. Alteration also includes the removal, stripping, or concealing of any significant exterior architectural feature that is integral to the historic character of a building or structure that is designated as a local historic landmark or contributing to the historic district. "Alteration" does not include modifications that qualify as "ordinance maintenance and repair," as this term is defined in this Code.

19. ~~14.~~**Alternative Parking Plan**

A plan approved by the Director that allows for alternatives to the vehicular parking, stacking, and loading requirements in ~~Chapter 9~~**Chapter 11** of this Code.

20. **Animal Shelter**

A public, nonprofit or not-for-profit facility at which stray, lost, homeless, abandoned, or unwanted dogs, cats, or other domesticated animals are kept for purposes of distribution to the general public.

21. ~~15.~~**Antenna**

Any device used to collect or radiate radio waves, microwaves, or electromagnetic waves. An antenna could include directional or panel antennas, ancillary antenna, parabolic or panel dishes, omni-directional antennas such as whips, and other similar transmitting or receiving equipment intended for commercial use.

22. ~~16.~~**Apartment**

A structure that contains three or more dwelling units that share common walls, floors or ceilings with one or more dwelling units. The land underneath the apartment structure is not divided into separate lots. See also "Multi~~-F~~family, ~~High-Intensity~~Attached Dwelling Units ~~or Multi-Family, Low-Intensity" in subsection **Section 16.03.**~~" ~~**Land Use Definitions**~~.

23. ~~17.~~**Appeal**

A process by which an aggrieved person may request for review of a decision made during the application of a provision of this Code.

24. ~~18.~~**Applicant**

A person applying for development-related approval of any type under this Unified Development Code.

25. ~~19.~~**Aquifer**

An underground bed or layer of permeable rock that retains groundwater. An aquifer often releases water to the surface through the form of springs or artesian wells.

26. ~~20.~~**Arborist, Certified**

A specialist certified by the International Society of Arboriculture (ISA) in the care and maintenance of trees.

27. ~~21.~~**Architectural Feature**

An architectural element attached to, contiguous to or otherwise related to a building, structure, or property including, but not limited to, awnings, pillars, posts, windows, doors, lights, overlays, moldings and other fixtures.

28. ~~22.~~**Articulation**

An interruption/differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane by a measurable distance or a differentiation in the height of the wall surface.

29. **Artisan Studio and Gallery**

An establishment for the creation, preparation, display, and sale of individually-crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles, and related items that are either made to order or which involve considerable handwork. Artisans shall include sculptors, painters, sketch artists, potters, wood

and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers. On-site sale of the product is required, and accessory uses may include instruction of the particular skill to groups not exceeding five persons and sale of supplies directly related to the trade. This use excludes cabinet making or assembly shops and the use of mechanized assembly line production.

30. ~~23.~~**As-Builts**

Plans and specifications that clearly denote all final construction.

31. **Asphalt or Concrete Batch Plant**

A permanent manufacturing facility engaged in the storing and mixing of raw materials to produce concrete or asphalt, including trucks that transport the product to job sites.

32. **Assisted Living**

A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen, and organized social activities. An assisted living facility may include an adult daycare as an accessory use.

33. **Athletic Facility, Indoor or Outdoor**

An area, field, building or combination thereof, which is constructed and equipped for use in participatory and/or spectator-oriented sports and athletics. This use includes, but is not limited to, facilities intended for the instruction, practice, and competitive events associated with basketball, volleyball, soccer, tennis, gymnastics, swimming, baseball or football. Accessory uses may include offices, snack bars, limited sales, locker rooms and incidental child care. This term excludes racetracks for dirt bikes or motorized vehicles, amusement parks, sports arenas, and any other facility otherwise categorized as Major Event Entertainment.

34. ~~24.~~**Automobile**

A self-propelled passenger vehicle that usually has four wheels and an internal-combustion engine, used for land transport. Also includes vehicle or motor vehicle.

35. **Automobile Parts and Accessories Sales**

Retail sales of automobile related parts and accessories. The outdoor storage or display of merchandise shall only be allowed in those ~~d~~Districts where Automobile Parts and Accessory Sales, Outdoor is permitted.

36. **Automobile Sales, Rental or Leasing Facility**

A facility engaged in the sale, rental, or leasing of automobiles, noncommercial trucks, or motorcycles, including incidental storage, limited maintenance, and limited servicing. Typical uses include new or used automobile dealerships, motorcycle dealerships, and automobile or motorcycle rental agencies.

37. **Automobile Repair and Service, General**

General repair or replacement services for any vehicles, including commercial. In addition to those services provided under limited automobile repair and service, general automobile repair and services includes rebuilding, reconditioning or replacement of engines, transmissions or power trains; collision services such as body, frame, or fender replacement, straightening or repair; steam cleaning, undercoating and rust proofing; major painting; or similar servicing, rebuilding or repairs that normally require significant disassembly or overnight on-site storage of vehicles, excluding dismantling, wrecking, or salvage. Outdoor storage of materials such as tires, auto parts, etc. is allowed.

38. **Automobile Repair and Service, Limited**

Minor repair or replacement services for automobiles, light trucks, motorcycles, trailers, recreational vehicles, and similar non-commercial motor vehicles not exceeding one and one-half ton capacity. Services include engine tune-ups, oil changes and lubrication, wheel alignment or balancing, sales and installation of batteries or tires, transmission, drive train, radiator, fuel, electrical or muffler repairs, servicing of brakes, air conditioning or exhaust systems, incidental upholstering or similar servicing or repairs not part of collision repair and normally not requiring any significant disassembly. No outdoor storage of materials such as tires, auto parts, etc. is allowed.

39. ~~25.~~**Average Daily Trip (ADT)**

The projected or counted amount of traffic traversing a street. Used often as a modeled or calculated measurement of expected traffic generation for a development or neighborhood in order to determine roadway adequacy.

40. ~~26.~~**Awning**

An architectural projection, which provides weather protection, identity or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached which may be of fabric or other materials.

41. ~~27.~~**Back-of-Curb**

The outside edge of an approved curb type not adjacent to a travel way. The basis of measurement for paved width and curb basis within this Code.

42. ~~28.~~**Balloon**

A helium-filled device, not to exceed 18 inches each, which cannot be fashioned into shapes or letters.

43. ~~29.~~**Bank (of a stream)~~.~~ (Edwards Aquifer Water Quality Regulations)**

The ordinary high water mark of a stream, not the floodplain boundaries, as determined by the appropriate authority.

44. **Banking and Financial Services**

An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions and similar services. This term does not include "check cashing" or "payday loan" establishments.

45. ~~30.~~**Banner**

Any sign or attention-getting device made of fabric, plastic, or other non-rigid material designed to hang from rope or wire or suspended from a pole and not mounted in a permanent, rigid frame.

46. ~~31.~~**Banner, Light Pole Mounted**

Any flexible material mounted between two horizontal supports projecting at a perpendicular from a light standard in flag fashion. The term includes any rigid or semi-rigid sign face or lens mounted in a frame attached to the side of a light standard in a way to achieve the same effect.

47. ~~32.~~**Banner, Street**

Any banner hung over or across a city street or other public right-of-way.

48. **Bar**

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, pubs, cocktail lounges, and similar uses other than a Restaurant.

49. **~~33.~~Base Flood**

The flood having ~~a one percent (~~1%~~)~~ chance of being equaled or exceeded in any given year. This would include a 100-year flood event and may often be referred to as the 100-year floodplain.

50. **~~34.~~Bay Window**

A window forming a bay and projecting outward from the wall.

51. **~~35.~~Beacon**

Any light, either permanent or portable and either stationary or moving, with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move, whose purpose is to attract attention.

52. **Bed and Breakfast (B&B)**

A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated ~~z~~Zoning ~~d~~Districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. This use does not allow for events associated with the Bed and Breakfast.

53. **Bed and Breakfast with Events**

A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated ~~z~~Zoning ~~d~~Districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. This use allows for events associated with the Bed and Breakfast that subordinate to the Bed and Breakfast.

54. **~~36.~~Best Management Practices**

Schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of water in the state from point and non-point sources, to the maximum extent practicable. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

55. **~~37.~~Best Management Practices (BMPs)~~. (~~[Edwards Aquifer Water Quality Regulations~~)~~]**

For ~~Chapter 13~~**Chapter 13. Drainage and Environmental Protection**, BMPs has that meaning ascribed to it in Title 30, Texas Administrative Code § 213.3(5), as may be amended and as further defined herein.

56. **~~38.~~Bicycle Lane**

An on-street defined travel lane for the exclusive use of bicycles.

57. **~~39.~~Block**

One or more parcels together forming a unit of land bounded by through-streets, railroad rights-of-way, watercourses, public parks, cemeteries, rural land, or any other barrier to the continuity of development or any combination thereof. In cases where the platting is incomplete or disconnected, the Planning Director shall determine the outline of the block.

58. **Blood or Plasma Center**

A facility that obtains blood or blood plasma from voluntary donors.

59. **~~40.~~Board of Adjustment**

See "Zoning Board of Adjustment (ZBA)".

60. **Boarding House**

See "Rooming House".

61. ~~41.~~**Bond**

A sealed instrument under which a person or entity is obligated to pay an agreed-upon amount of money on or before a specified expiration date or action. Binding security; firm assurance.

62. ~~42.~~**Branch (Tree)**

A part of a tree that extends from the trunk and forms a part of the canopy.

63. ~~43.~~**Bufferyard**

A combination of physical spaces and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

64. ~~44.~~**Build-to-Line**

An invisible line located a precise distance from a right-of-way that a portion of a building must be built to, as established by certain ~~z~~Zoning ~~d~~Districts.

65. ~~45.~~**Buildable Area**

The area of a lot available to be constructed upon after accounting for the required setbacks.

66. ~~46.~~**Building**

A structure constructed, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind.

67. ~~47.~~**Building, Enclosed**

A roofed building surrounded on all sides by walls.

68. ~~48.~~**Building Envelope**

An area within the property boundaries of a lot or space within which a permitted structure can be placed.

69. ~~49.~~**Building Floor or Story**

The part of a building from one floor to the next floor above or to the ceiling if there is no floor above.

70. ~~50.~~**Building Height**

See "Height, Building".

71. ~~51.~~**Building Line**

An invisible line parallel to any lot line that is established by the portion of a building that is closest to that lot line for the purposes of establishing the yard boundaries of a lot.

72. ~~52.~~**Building Official**

The individual designated by the City Manager to insure compliance with the adopted Building Codes of the City of Georgetown or the Building Official's designee.

73. ~~53.~~**Building Permit**

An official document or certificate signed by the Building Official or designated employee authorizing performance of a specified activity.

74. ~~54.~~**Building, Principal or Primary**

A building in which the primary use of the lot is conducted.

75. ~~55.~~**Building Wall**

Any vertical partition under the roof of a dwelling unit or accessory structure.

76. Bus Barn

A facility where buses or other passenger transporting fleet vehicles are housed, stored, maintained or repaired. Accessory uses may include offices or maintenance, fueling, or washing facilities.

77. ~~56.~~Caliper

The American Association of Nurserymen standard for trunk measurement for nursery stock. Caliper of the trunk shall be taken ~~six~~6 inches above the ground for up to and including ~~four~~4-inch caliper size, and 12 inches above the ground for larger sizes.

78. Campground

Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes. The maximum length of stay at a camping and recreational vehicle park shall be 30 days.

79. ~~57.~~Canopy

An awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, fuel pumps, or outdoor area.

80. Car Wash

A facility for the washing, waxing, or cleaning of automobiles, recreational vehicles, or light duty trucks. Services may be provided either by employees of the facility, where the vehicle owner leaves the vehicle or waits in a designated area while the vehicle is vacuumed, washed, dried, waxed, and/or detailed for a fee, or by the vehicle owner, through automated self-service (drive-through/rollover) wash bays or wand-type self-service (open) wash bays.

81. Cemetery

A place or ground used or intended to be used for the burial or entombment of the dead, whether human or animal, including a mausoleum or columbarium.

82. ~~58.~~Certificate of Appropriateness (CoA)

A certificate documenting approval by the Historic and Architectural Review Commission (HARC) or the Historic Preservation Officer (HPO) to construct, reconstruct, alter, restore, remove, relocate, or demolish a building or structure that is designated as a historic landmark, non-contributing historic structure or contributing historic structure, or located in a ~~h~~Historic ~~o~~Overlay ~~d~~District, including specific site features such as signage and fences, as applicable.

83. ~~59.~~Certificate of Occupancy

The written approval of the Building Official certifying that a newly constructed structure, addition to an existing structure, or an existing structure undergoing a change in use is in full compliance with the provisions of this ordinance and that such structure is habitable and in conformance with this Code and all applicable Municipal building codes, fire code, and other adopted City regulations.

84. ~~60.~~City

The City of Georgetown, Texas.

85. ~~61.~~City Council

The City Council of the City of Georgetown, Texas.

86. ~~62.~~City Limits

The official corporate limits of the City of Georgetown, Texas.

87. ~~63.~~**City Manager**

The chief administrative officer of the City, as appointed by the City Council or their designated representative.

88. ~~64.~~**City Secretary**

That person holding the office of City Secretary, Georgetown, Texas, as appointed by the City Council or their designated representative.

89. ~~65.~~**Classroom**

Any room, including laboratories, in which classes are conducted at a school, church, or other educational facility, but excluding hallways and other common areas, auditoriums, sanctuaries, gymnasiums, cafeterias, libraries, storage and maintenance areas, and administrative offices.

90. ~~66.~~**Code Enforcement**

Duties designated by the City Manager to cause property owners and others responsible for buildings and related land uses to bring their properties up to standards of this Code and other required building codes.

91. ~~67.~~**Collocation**

Locating wireless communications equipment from more than one provider on a single mount, tower, or support structure.

92. **Columbarium**

A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person.

93. **Commercial Document Storage**

A business providing off-site document or record storage, management, and retrieval services in a secure, temperature-controlled facility for commercial businesses or government entities.

94. **Commercial Feed Lot**

A lot, yard, corral, building, or other area in which livestock or other animals for food or fur are housed and confined, primarily for the purposes of feeding and growth prior to slaughter and which is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure and substantial amounts of manure or other related wastes may originate by reason of such feeding of animals. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

95. **Commercial Recreation**

A privately established and operated facility that provides indoor or outdoor recreational opportunities for a fee, including batting cages, bowling alleys, miniature golf courses, roller and ice skating rinks, game courts, video arcades, pool halls, laser tag, skate parks, rock climbing walls, go kart tracks, and similar uses. Accessory uses may include snack bars, limited sales, and locker rooms. This use excludes outdoor firing ranges, stadiums, amphitheaters, amusement parks, country clubs, golf courses, camping and recreational vehicle parks, fairgrounds, and swim/tennis clubs.

96. ~~68.~~**Commercial Vehicle**

A vehicle or combination of vehicles used to transport passengers or property that:

- Has a manufacturer's rated carrying weight equal to or greater than one and one-half tons;
- Is designed to transport 16 or more passengers, including the driver;
- Is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F, as amended;

- Is a "road tractor" as that term is defined in Chapter 541 of the Texas Transportation Code;
- Is a "truck tractor" as that term is defined in Chapter 541 of the Texas Transportation Code;
- Is a "pole trailer" as that term is defined in Chapter 541 of the Texas Transportation Code; or
- Is a "semitrailer" as that term is defined in Chapter 541 of the Texas Transportation Code.

97. **~~69.Commission~~Commercial Vehicle Sales, Rental or Leasing Facility**

A facility engaged in the sale, rental, or leasing of commercial vehicles, including incidental storage, limited maintenance, and limited servicing. Typical uses include commercial truck dealerships, bus sales facilities, and commercial vehicle rental agencies.

98. **~~See "Planning and Zoning~~ Commission**

See "Planning and Zoning Commission".

99. **~~70.~~Communication Tower**

Any fixed, free standing, uninhabitable structure, not a shelter, built primarily to support antennas or other associated hardware. Communication towers include, but are not limited to the following:

- Lattice towers which are self-supporting structures consisting of a network of crossed metal braces, forming a tower which is usually triangular or square in cross section; or
- Monopoles which are self-supporting structures consisting of a single pole sunk into the ground and/or attached to a permanent foundation.
- Towers that are supported, in whole or in part, by guy wires and ground anchors are not allowed in the City.

100. **~~71.Future Transportation Plan Roadway or Thoroughfare~~Community Center**

~~A street or trail identified in the City's Future Transportation Plan as an existing or future roadway needed to accommodate the current and future transportation needs of the community. Includes Major Collector, Minor Arterial, Major Arterial, and any identified public trail or railway.~~

A building or complex of buildings typically consisting of one or more meeting or multi-purpose rooms and kitchen and/or outdoor barbecue facilities, owned and/ or operated by a governmental agency or private non-profit agency and used for and providing religious, fraternal, social, cultural, educational, athletic, recreational, or entertainment activities generally open to the public and designed to accommodate and serve significant segments of the community. Community centers may be available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

101. **Community Garden**

A site used for growing plants for food, fiber, herbs, and/or flowers, which is shared and maintained by community residents.

102. **~~72.~~Comprehensive Plan**

The long-range development plan for the community approved by the City Council.

103. **Condominium Development**

A form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of

these portions. For the purposes of these Regulations, Condominiums shall include all developments created under Chapter 82 of the Texas Property Code, also known as the Uniform Condominium Act.

104. ~~73.~~**Connectivity Ratio**

A numerical calculation determined by the number and linkage characteristics of streets within a subdivision.

105. ~~74.~~**Consent Agreement**

An agreement between the City and owners and developers of land in a proposed ~~d~~District which, if agreed to, shall be attached to the consent resolution adopted by the City Council.

106. ~~75.~~**Consent Resolution**

A resolution approved by the City Council setting forth terms of its consent to creation of a ~~d~~District .

107. ~~76.~~**Conservation Area, Primary**

Open space areas that contain features which are required to be part of the Conservation Open Space, such as wetlands, endangered species habitat, etc.

108. ~~77.~~**Conservation Area, Secondary**

Open space areas that contain features which are encouraged but optional for inclusion into the Conservation Open Space.

109. ~~78.~~**Conservation Development**

A development where new structures are clustered onto a portion of the development parcel, so that the remainder can be preserved as open space.

110. ~~79.~~**Conservation Open Space**

Open space within a conservation development that has been set aside for permanent protection.

111. ~~80.~~**Conservation Subdivision**

See "Conservation Development".

112. ~~81.~~**Construction Plans**

The maps, drawings, and specifications indicating the proposed location and design of improvements to be installed in a subdivision or a site.

113. ~~82.~~**Construction Specifications and Standards Manual**

Referred to often in this Code as the "Construction Manual," this City of Georgetown document includes standard details and specifications for the construction of public improvements.

114. **Consumer Repair**

An establishment primarily engaged in the provision of repair services to individuals and households rather than firms. Typical uses include appliance repair, locksmiths, watch or jewelry repair, or musical instrument repair. This use excludes automotive and large equipment servicing or repair.

115. **Consumer Retail Sales and Services**

Group of commercial uses providing retail sales and services primarily to individuals, typically for frequently or recurrently needed services of a personal nature.

116. ~~83.~~**Contiguous**

Adjacent property whose property lines are shared or are separated by only a property line, street, alley, easement, or right-of-way.

117. Contractor Services, General

An establishment primarily engaged in construction or related activities off-premises. This use includes offices associated with the business and the maintenance and indoor or outdoor storage of supplies, equipment, machinery, and vehicles.

118. Correctional Facility

A facility providing judicially required detention or incarceration of individuals convicted of crimes where these individuals are housed until such time as they have completed their sentences. Such facilities include minimum and maximum security prisons for adults as well as juvenile detention centers for minors.

119. Cottage Court

A series of small, detached structures located on individual lots, arranged to define a shared court that is typically perpendicular to the street. May also include common parking areas.

120. ~~84.~~Council

See "City Council".

121. ~~85.~~County

Williamson County, Texas.

122. ~~86.~~Courthouse

The County Courthouse of Williamson County, Texas.

123. ~~87.~~Courthouse Dome Protected View

A view of the dome of the Courthouse from the top of the cornice to the top of the statue.

124. ~~88.~~Courthouse View Overlay, Allowable Height

The maximum height allowed for any building, fa~~e~~cade, decorative feature, sign, or rooftop mechanical equipment screening.

125. ~~89.~~Courthouse View Overlay, Distance

The distance from the View Point to either the Review Site or the Courthouse.

126. ~~90.~~Courthouse View Overlay, Review Site

Proposed location of development.

127. ~~91.~~Courthouse View Overlay, Sightline

A line drawn from the View Point to the lowest protected point on the Courthouse.

128. ~~92.~~Courthouse View Overlay, View Corridor

That area projecting from the Courthouse to the farthest point of the View Point as reflected in the map in UDC ~~Section 4.12~~**Section 4.09** or any point in between from which there is a view within public right-of-way of the protected view of the Courthouse dome.

129. ~~93.~~Courthouse View Overlay, View Point

The point from which the Sightline establishes a maximum height which may not be exceeded by any structure. The elevation at the view point is established from four feet above the lowest elevation of any lane within the right-of-way of a View Corridor from which the protected view of the Courthouse dome is visible. A view triangle encompassing the full range of view for the complete site shall be included in the view point.

~~**94. Courtyard**~~

~~A residential structure consisting of multiple side-by-side and/or stacked dwelling units oriented around a courtyard or series of courtyards. Each unit is accessed from the courtyard and shared stairs each provide access to up to 3 units.~~

130. ~~**95.**~~**Creek**

A stream of surface water sufficient to produce a defined channel or bed.

131. ~~**96.**~~**Critical Root Zone (CRZ)**

A circular region measured outward from the trunk representing the essential area of roots that must be maintained or protected for the tree's survival. CRZ is calculated as ~~one~~1 foot of radial distance for every inch of tree DBH.

132. ~~**97.**~~**Critical Root Zone Protection Plan**

A plan that graphically identifies Protected Trees and Heritage Trees and clearly delineates the Critical Root Zone to be protected for each tree scheduled to remain on site.

133. ~~**98.**~~**Crosswalk**

A strip of land dedicated for public use and which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

134. ~~**99.**~~**Cul-de-Sac**

See "Street, Cul-de-Sac".

135. ~~**100.**~~**Curb**

A defined concrete edge of a street, which may or may not include a stormwater gutter.

136. ~~**101.**~~**Curb, Mountable**

Also described as a rollover or roll-up curb, a Mountable Curb is a street border that has sloping faces that allow vehicles to easily encroach upon ~~on~~ them and is not considered a vehicular barrier curb. Mountable Curbs are considered a combined curb type that is the primary component of a stormwater conveyance system that carries alongside a roadway.

137. ~~**102.**~~**Curb, Ribbon**

Also described as a lay-down curb, a Ribbon Curb is a street border that is generally flat and is not considered a vehicular barrier curb. Typically associated with sheet-flow or open ditch stormwater conveyance and does not carry stormwater laterally alongside a roadway.

138. ~~**103.**~~**Curb, Vertical**

Also described as a stand-up curb or barrier curb, a Vertical Curb is a street border that is generally accepted as a safety barrier separating vehicular traffic from a building, sidewalk, or other area where vehicles are not desired. Typically paired with a defined stormwater conveyance gutter that carries stormwater laterally alongside a roadway.

139. ~~**104.**~~**Curb Basis**

The dimensional area between the back of a street curb and the outside of the right-of-way.

140. ~~**105.**~~**Curb Stop**

A concrete barrier secured to a parking stall to stop the tire of a moving vehicle.

141. ~~106.~~**Cut-Out Parking**

A designated street parking lane with defining characteristics separating it from the primary travel way of the street. Cut-out areas are typically seen in residential neighborhoods and in the downtown area. Graphical design of cut-out parking can be found in the ~~Chapter 12 Technical Appendix~~Future Mobility Plan.

142. ~~107.~~**Dam**

All obstructions, wall embankments or barriers constructed for the purpose of storing or diverting water or creating a pool.

143. **Dance Hall**

An establishment open to the general public for entertainment, in particular, dancing, but excluding any entertainment otherwise included in the definition of "Sexually-Oriented Business".

144. **Data Center**

A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site. Data Centers will typically require large amounts of electricity, strict temperature control and high security and will generally have few employees on-site at any given time. May also be referred to as a server farm.

145. **Day Care, Commercial**

A day care facility that provides less than 24-hour care and supervision for 12 or more individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees. This term shall include commercial daycare for children, adults or handicapped persons. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

146. **Day Care Facilities**

A group of uses providing care and supervision for children or adults.

147. **Day Care, Group**

A day care facility that provides less than 24-hour care and supervision for seven to ~~twelve~~12 children under 14 years of age at any one time, including those under the legal custody of the day care provider or employees.

148. **Day Care, Residential Home**

A home occupation in which an individual provides less than 24-hour care and supervision for six or fewer children under the age of 14, plus no more than six additional elementary school-aged children (age five to ~~thirteen~~13). The total number of children, including those under the legal custody of the day care provider, is no more than 12 at any time. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

149. ~~108.~~**Debt Instrument**

An instrument, including a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments due to be paid by an issuer or other type of obligation that: (1) is issued or incurred by an issuer under the issuer's borrowing power; without regard to whether it is subject to annual appropriation; and (2) is represented by an instrument issued in bearer or registered form or is not represented by an instrument but the transfer of which is registered on books maintained for that purpose by or on behalf of the issuer.

150. ~~109.~~**Deciduous**

A plant or tree with foliage that sheds annually.

151. ~~110.~~**Decision-Making Body or Authority**

The entity that is authorized to finally approve or deny an application or permit required under this Code.

152. ~~111.~~**Dedication**

The commitment of property interests from a private entity to a public entity for a public purpose.

153. ~~112.~~**Demolition**

The intentional destruction, razing, dismantling or removal in whole or in part of a building or structure or any dismantling, intentional destruction or removal of sites, surfaces, utilities or other improvements.

154. ~~113.~~**Demolition by Neglect**

Demolition of a building that is in a serious state of disrepair and deterioration due to lack of proper maintenance, and for which certain measures must be taken in order to preserve the public health, safety and welfare.

155. ~~114.~~**Density**

The overall average number of units located on the gross ~~or net~~ acreage.

156. ~~115.~~**Developed Area**

That portion of a lot, easement, or parcel upon which a building, structure, pavement, or other improvements have been placed.

157. ~~116.~~**Developer**

A person or entity partaking in an activity governed by this Unified Development Code including, but not limited to, division of land, erection or modification of buildings, construction of public improvements, or any other alteration of land or property subject to this Code. The term "developer" may include the terms "property owner", "subdivider", "applicant", and/or "builder" as the parties responsible for successive stages of a development project may vary.

158. ~~117.~~**Development**

Initiation of any activity governed by this Unified Development Code related to land or property modification whether for imminent or future construction activities including, but not limited to, division of a parcel of land into two or more parcels; alteration of the surface or subsurface of the land including grading, filling, or excavating; mining or drilling operations; clearing or removal of natural vegetation and/or trees; installation of public infrastructure including utilities, roadways, and drainage facilities; and construction or enlargement of any building, structure, or impervious surface. Exclusions from this definition include maintenance of lawns, gardens, and trees; repairs to existing utilities; minimal clearing of vegetation for surveying and testing; and bona fide agricultural activities.

159. ~~118.~~**Development Agreement**

An agreement approved by the City Council for a development that could not otherwise be accomplished under this Code or the Code of Ordinances. A Development Agreement may modify or delay certain requirements of this Code (including any Manuals adopted by reference in the Code) and/or any other provisions of the City Code of Ordinances.

160. ~~119.~~**Development Engineer**

A professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

161. ~~120.~~**Diameter at Breast Height (DBH)**

The diameter of a tree's trunk measured at a height ~~four and one-half~~4.5 feet above natural grade.

162. ~~121.~~Director

The person or persons designed by the City Manager of the City of Georgetown, and their designated representatives, to administer and enforce this Unified Development Code.

163. ~~122.~~Director of Georgetown Utility Systems

This term shall include the Director of Georgetown Utility Systems, the Director's designee or other City personnel assigned the responsibilities referenced in these regulations.

164. ~~123.~~District Size, Minimum

The minimum amount of total land required to establish a particular ~~z~~Zoning ~~d~~District. A minimum ~~d~~District size is separate and distinctive from a minimum lot size and can be the collection of more than one lot or parcel.

165. ~~124.~~Downtown Master Plan

A local ordinance that, in conjunction with the Historic District Design Guidelines, guides Downtown street, building, and land use projects towards an economic and visual goal, as envisioned by City Council, staff, citizens, and local preservation groups.

166. ~~125.~~Drainage Engineer

A professional engineer licensed by the State of Texas~~,~~ and designated to perform duties specified in this Code.

167. ~~126.~~Drainageway or Waterway

Any natural or man-made channel conducting storm water.

168. ~~127.~~Drive Aisle

The vehicular travel ways within a development that provide access to buildings, parking spaces, loading spaces and other areas of the property. A drive aisle does not constitute nor equal a public or private street.

169. ~~128.~~Driveway

A private travel way providing vehicular access from a street to the adjacent property.

170. ~~129.~~Driveway, Non-Residential

A driveway serving typically non-residential development, including multi-family and townhouse uses.

171. ~~130.~~Driveway, Residential

A driveway serving single- and two-family uses.

172. Driving Range

An outdoor area equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.

173. ~~131.~~Driving Surface, All Weather

An impervious surface of ~~chip seal~~ asphalt or concrete applied to a compacted subgrade and compacted flexible base materials which forms a roadway. The impervious surface is applied to protect the base material against any weather conditions and provide stability for vehicular loading and weight carrying capabilities. ~~Pervious concrete, grasscrete, or pavers, as approved by the Development Engineer, can be considered an All Weather Driving Surface.~~ (Refer to the Construction Standards Manual)

174. Dry Cleaning or Laundry Plant

A commercial facility at which clothes are brought to be dry cleaned, and/or laundered from individual dry cleaning service outlets. Such a facility may be a freestanding use or may be combined with a dry cleaning service outlet.

175. **Dry Cleaning Service**

An establishment engaged in providing laundry, dry cleaning and other related services on a pick-up and drop--off basis to individual customers. The actual laundering and/or dry cleaning of clothes may take place at that facility. If laundering and/or dry cleaning of clothes from other service outlets take place, it shall be considered a "Dry Cleaning or Laundry Plant."

176. ~~132.~~**Dwelling or Dwelling Unit**

A building or portion thereof that includes sleeping, cooking, eating, and sanitation facilities, designed and used for residential occupancy by a single household. Dwelling units do not include overnight accommodations.

177. ~~133.~~**Dwelling or Dwelling Unit, Accessory**

See "~~Accessory Dwelling Unit" in subsection **Section 16.03**~~Accessory Dwelling Unit". ~~**Land Use Definitions**.~~

178. ~~134.~~**Dwelling or Dwelling Unit, Principal**

The main residential structure or part thereof on a lot or parcel.

18.02.020. ~~18.02.02.~~Terms Defined: E-K

179. ~~135.~~**Easement**

A dedication by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction and maintenance of utilities, drainageways, driveways, and roadways.

180. ~~136.~~**Easement, Public Utility (P.U.E.)**

An easement located on private property and dedicated for the construction and maintenance of a public utility purpose, including drainage easements, utility easements, roadway easements, and access easements. These easements shall be free of improvements such as, but not limited to, structures, signs, parking lots, etc. unless a License to Encroach is obtained per the provisions of ~~Section 3.21~~**Section 3.23** of this Code.

181. **Educational Facilities**

A group of uses including public and private schools at the primary elementary, middle, junior high, or high school level that provides basic academic education and colleges and other institutions of higher learning that offer courses of general or specialized study.

182. ~~137.~~**Edwards Aquifer**

Aquifer formation in Central Texas consisting of a Recharge Zone, Contributing Zone, and Transition Zone, all of which are often preceded in name by "Edwards Aquifer". The boundaries of the Edwards Aquifer and its divisions are determined by the Texas Commission on Environmental Quality (TCEQ). If not specifically singled out by individual zone, "Edwards Aquifer" shall be determined to encompass all three zones collectively. Also see "~~Aquifer~~Aquifer".

183. ~~138.~~**Electric Utility Services Availability Letter**

A letter issued by the appropriate electric distribution utility certifying the availability of electric utility service and electric distribution infrastructure to a property, together with a cover letter from the applicant or owner of the property to be served that commits that the electric service will be installed in conformance to the requirements for design and construction of electric utilities of this Code.

184. ~~139.~~**Electrical Engineer**

The person designated by the City's electric utility to make decisions regarding placement, design, procedures, and other authorized determinations regarding electrical public improvements.

185. ~~140.~~**Electronic Message Center**

Any sign which contains an illuminated, programmable message or graphic, whether fixed in place or moving/changing ("traveling").

186. **Emergency Services Station**

Facilities for the conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

187. ~~141.~~**Endangered or Threatened Species**

Species that are "in danger of extinction within the foreseeable future throughout all or a significant portion of its range", while threatened refers to "those animals and plants likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges", as defined in the Endangered Species Act of 1973.

188. ~~142.~~**Engineer's Report**

A signed and sealed report by a registered professional engineer licensed by the State of Texas.

189. **Event Catering and Equipment Rental Services**

An establishment providing large scale food catering services and the storage, rental, and supply of party, banquet, or event equipment, furnishings, or fixtures.

190. **Event Facility**

A building, structure, or site available for rental by the public for the primary intended purpose of hosting parties, wedding receptions, banquets, corporate meetings or similar group events. Event Facility does not include an event room available for rental in a structure housing another primary use where the event room rental is an accessory use to the primary use (i.e., General Restaurant) or a Community Center as it is defined in this Code.

191. ~~143.~~**Existing Street Connection**

A public street connection to an existing public street that ultimately connects ~~in~~ two or more locations to a Major Street.

192. ~~144.~~**Extraterritorial Jurisdiction (ETJ)**

The unincorporated area, not part of any other municipality, which is outside of and contiguous to the corporate limits of the City of Georgetown, as defined and established in accordance with Texas Local Government Code Chapter 42.

193. **Farm Stand**

An accessory building or structure erected for the seasonal display and retail sale of fresh fruits, vegetables, flowers, herbs or plants produced on the property or neighboring property where the stand is erected. No commercially packed handicrafts or commercially processed or packaged foodstuffs shall be sold at a farm stand.~~Meat~~

194. **Farmer's Market**

A permanent indoor or outdoor market where individual vendors offer produce and related items for retail sale directly to the consumer. The products are typically locally and regionally grown and may include items such as fresh fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and processed food products such as jams, honey, pickled foods, and sauces. Baked goods, handmade crafts, art, clothing, jewelry, and produce items not native to this region may also be sold but may not constitute a majority of total sales. Sale of new and used household goods, personal effects, tools, small household appliances, and similar merchandise are not included in this definition.

195. ~~145.~~**Federal Aviation Administration (FAA)**

The governmental agency responsible for regulating airways in the United States.

196. ~~146.~~**Federal Communications Commission (FCC)**

The government agency responsible for regulating telecommunications in the United States.

197. ~~147.~~**Fence**

A constructed barrier typically designed for screening, enclosure, or prevention of entry.

198. **Firing Range**

Any rifle, pistol, silhouette, skeet, trap, black powder, or other similar range used for discharging firearms in a sporting event or for practice or instruction in the use of the firearm or for the testing of a firearm.

199. **Fitness Center**

An establishment providing exercise equipment, facilities and instruction designed to maintain or improve the physical fitness of participants. Facilities may include childcare centers, swimming pools, sports courts and similar amenities and may also include incidental food sales, retail sales, and personal care services. May also be referred to as a gym or a health club.

200. ~~148.~~**Flag**

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used for the purpose of conveying a message. A flag shall be considered a sign for purposes of this Code.

201. ~~149.~~**Flag, Governmental**

Flags of the United States, the state, the city, or foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.

202. **Flea Market**

A permanent indoor or outdoor market where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation. A flea market is different from a "Farmers Market" in that the majority of goods sold at a flea market are non-edible.

203. ~~150.~~**Flood**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

204. ~~151.~~**Floodplain or Flood-Prone Area**

Any land area susceptible to being inundated by water from any source, including, but not limited to flooding (see "~~Flood~~Flood").

205. ~~152.~~**Floodway or Floodplain, Regulatory**

The channel of a river or other watercourse river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

206. ~~153.~~**Floor-to-Area Ratio (FAR)**

The FAR is the ratio of total building floor area to the area of the lot on which it is located. When the allowed FAR is multiplied by the lot area it results in the maximum amount of floor area allowable in a building on that lot. For

example, a 10,000 square foot lot with a maximum FAR of 0.65, the floor area of a building cannot exceed 6,500 square feet.

207. ~~154.~~Foo~~t~~d ~~Candle~~and Beverage Establishments

A group of uses including businesses that store, prepare, package, serve or otherwise provide food and beverages for human consumption. Examples include restaurants, bars, and food catering services.

208. Footcandle

A measure of light intensity, measured in lumens per square foot, which is the amount of light received by ~~one~~1 square foot of a surface that is ~~one~~1 foot from a point source of light equivalent to one candle of a certain type.

209. Food Catering Services

A commercial facility providing services consisting of the on-site preparation and storage of food and food utensils to be delivered and served to and consumed by customers off the premises. This term does not include the storage, rental, or supplying of party, banquet or event equipment, furnishings, or fixtures.

210. ~~155.~~Frontage

The portion of a lot, parcel, or tract of land abutting a street right-of-way.

211. Fuel Sales

The on-site retail sales of motor vehicle fuel, including gasoline, diesel fuel, and alternative fuels.

212. Funeral Home

An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses also include mortuaries.

213. Furniture Repair and Upholstery

Establishments engaged in the repair or re-upholstering of used or antique furniture.

214. ~~156.~~Future Street Connection

A public street stub to an adjacent property that will not immediately connect to a public street, and the ultimate connection is dependent upon the development of the adjacent property.

215. Future Transportation Plan Roadway or Thoroughfare

A street or trail identified in the City's Future Transportation Plan as an existing or future roadway needed to accommodate the current and future transportation needs of the community. Includes Major Collector, Minor Arterial, Major Arterial, and any identified public trail or railway.

216. ~~157.~~Garage

A building or structure or part thereof, designed, used, or intended for the parking and storage of automobiles.

217. ~~158.~~Garage, Private

An enclosed accessory building, whether attached or detached from the principal structure, housing vehicles owned and used by occupants of the building(s) on a site.

218. ~~159.~~Garage Sale

(1) The sale of tangible personal property that is held in a garage, carport, porch, patio, driveway, sidewalk, or yard of the seller's dwelling; or (2) the sale of tangible personal property that is held in a parking lot, driveway, sidewalk, or yard of a non-residential property other than one zoned therefore and for which a current valid commercial store license has been issued by the ~~S~~state. The term "Garage Sale" includes the terms "yard sale," "estate sale," "occasional sale," and similar phrases.

219. Garden Center

See "Landscape Supply Sales/Garden Center".

220. ~~160.~~Geologic Assessment (Edwards Aquifer Water Quality Regulations)

A report prepared by a geologist pursuant to Title 30, Texas Administrative Code § 213.5 and containing the additional information required by ~~Chapter 13~~**Chapter 11**.

221. ~~161.~~Geologist (Edwards Aquifer Water Quality Regulations)

A licensed professional geoscientist who has training and experience in ground water hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features, such as springs and streams.

222. Golf Course

A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, a driving range, putting greens, and shelters as accessory uses. This term excludes stand alone driving ranges or miniature golf facilities.

223. ~~162.~~Good Repair

That level of maintenance and repair that clearly furthers the continued availability of buildings and structures for lawful reasonable uses and prevents deterioration, dilapidation, and decay of buildings and structures.

224. Government and Community Facilities

A group of uses focused on the provision of a public or cultural service. Typically these facilities are public or non-profit and serve a wide range of needs and patrons.

225. Government Office

Federal, ~~S~~state, ~~C~~county, or ~~C~~city offices containing administrative, clerical, or public contact services and may include incidental storage and maintenance of necessary vehicles.

226. ~~163.~~Grade

The level of the finished surface of the ground or improvements.

227. ~~164.~~Grade Plane

A reference plane representing the average of finished ground level.

228. ~~165.~~Grass, Lawn or Turf

A type of herbaceous plant with jointed stems and slender sheathing leaves that is maintained at a uniform, low height and is typically composed of Bermuda, Zoysia, Buffalo, or St. Augustine varieties.

229. ~~166.~~Grass, Ornamental

A type of perennial that grows individually, valued for its texture and color in the landscape as it is often used for a creative effect in landscape design.

230. ~~167.~~Greenbelt

Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

231. Greenhouse, Wholesale

A large-scale commercial greenhouse used to grow flowers, shrubs, trees, or other plants for the wholesale trade to restaurants, farmer's markets, grocery stores. and other off-site markets. The business may have incidental retail sales in conjunction with the wholesale sales.

232. **~~168.~~Gross Floor Area**

The square feet of floor space within all exterior walls and including all floors of a building. Gross Floor Area (often referred to as GFA) does not include porches, garages or space in a basement or cellar not used for dwelling purposes.

233. **~~169.~~Ground Cover**

A dense, extensive growth of low-growing plant, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.

234. **Group Home**

A residence for not more than six ~~(6)~~ persons with disabilities and two ~~(2)~~ supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has: 1) An orthopedic, visual, speech, or hearing impairment; 2) Alzheimer's disease; 3) Pre-senile dementia; 4) Cerebral palsy; 5) Epilepsy; 6) Muscular dystrophy; 7) Multiple sclerosis; 8) Cancer; 9) Heart disease; 10) Diabetes; 11) Autism; or 12) Mental illness. Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any ~~d~~District zoned as residential".

235. **Group Living**

A group of uses characterized by the residential use of a site for occupancy by groups of persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, boarding houses or fraternal orders.

236. **Halfway House**

Pursuant to Texas Human Resources Code § 42.002, a halfway house is a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

237. **~~170.~~Hardscape**

The non-living elements used in landscape~~,~~ (i.e., decorative walls, ledges, fountains, sculpture, or stone paths).

238. **~~171.~~Hardship**

Deprivation; suffering; state of misfortune or affliction. For the purposes of this Code, hardship does not include economic hardship when in reference to a Variance to a Zoning provision, as such term is defined in this Code.

239. **~~172.~~Hazardous Material**

Any substance that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.

240. **Health Services**

A group of uses intended for the treatment and care of injured or ill patients, including doctor's offices and clinics, urgent care facilities, and home health care services, but excludes hospitals.

241. **Heavy Equipment Sales and Repair**

A facility providing retail sales, leasing, and repair of heavy or commercial vehicles or equipment such as those used in construction, farming, or manufacturing.

242. ~~173.~~Height, Antenna Support Structure

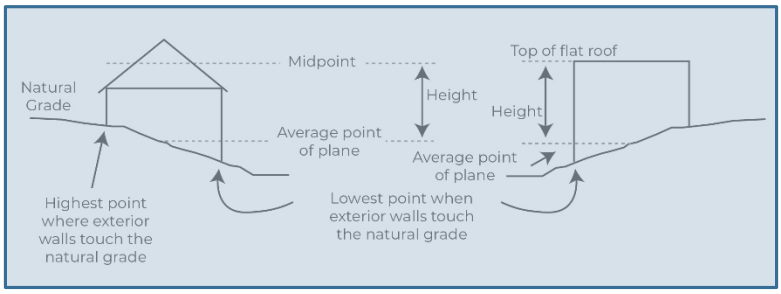
The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height of the antenna support structure. Such height measurement shall also not include lightning arresters 12 feet or less in length.

243. ~~174.~~Height, Building

The vertical distance from the average between the highest and lowest ~~finished~~natural grade (pre-construction/cut and fill) at the edge of the building or the base flood elevation where applicable and:

- The average height level between the eaves and ridge line of a gable, shed, hip, or gambrel roof;
- The highest point of a mansard roof;
- The highest point of the coping of a flat roof; and
- Roof parapets, as described in **Section ~~7.04.040.D~~8.04.040.C**, may exceed the height limitations of this Code by no more than ~~ten~~10 feet.

Figure 18.02.020-18.02.02-1. Height Measurement



244. ~~175.~~Height, Wireless Communication Facility

The vertical distance from grade plane or from the lowest point of attachment of the structure to any building, to the highest point of the structure, including antennas.

245. Heliport

Any landing or takeoff area intended for use by helicopters or other rotary wing type aircraft capable of vertical takeoff and landing profiles.

246. ~~176.~~Historic and Architectural Review Commission (HARC)

A City Council-appointed board, consisting of seven members, who have decision-making authority regarding Certificates of Appropriateness, and make recommendations to the City Council on the designation of Historic Districts, in addition to other duties as identified in ~~Section 2.03~~**Section 2.03** of this Code.

247. ~~177.~~Historic Architectural Features

Architectural features that are unique to the design, style and period of the historic structure.

248. ~~178.~~Historic District, Designated

Any site, ~~d~~District, or area of historical, archeological, or cultural importance or value which the City Council determines by action shall be protected, preserved, or enhanced in the interest of the culture, prosperity, education, and welfare of the people.

249. ~~179.~~Historic District Design Guidelines

A Council-adopted ordinance that provides guidance and approval criteria for the Historic and Architectural Review Commission, along with the Historic Preservation Officer, when reviewing design compliance and proper preservation practices for proposed projects in the Downtown Overlay District and Old Town Overlay District, or at Historic Landmarks.

250. ~~180.~~Historic Integrity

The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period. Not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance.

251. ~~181.~~Historic Landmark

A building, structure or site of historical, architectural, or cultural importance or value to the City of Georgetown that has been designated as a "landmark" by ordinance of the City Council and that is to be protected, preserved, restored, and enhanced in the interest of the culture, prosperity, education, and welfare of the people.

252. ~~182.~~Historic Places, National Register

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. The City of Georgetown, Texas, contains four ~~h~~Historic ~~d~~Districts that have been listed on the National Register of Historic Places ("National Register"):

- Williamson County Courthouse Historic District, designated in 1977, includes a period of significance ending in 1923. Its boundaries were increased in 1986.
- University Avenue-Elm Street Historic District, designated in 1979, includes a period of significance ending in 1900.
- Belford Historic District, designated in 1986, includes resources constructed prior to 1935.
- Olive Street Historic District, designated in 2013.

253. ~~183.~~Historic Preservation Officer (HPO)

A person designated to review development applications in a ~~h~~Historic ~~o~~Overlay ~~d~~District. The HPO presents findings and recommendations to the Historic and Architectural Review Commission and any other duties granted by this Code.

254. ~~184.~~Historic Structure

A building or structure that is a) 50 years or more, and b) associated with significant people or events, or c) conveys a character of building and design found during the City's period of significance. Historic structure also includes a building that has been designated as a local Historic Landmark, or that is contributing to the ~~h~~Historic ~~o~~Overlay ~~d~~District.

255. ~~185.~~Historic Structure, Contributing

A building in a designated ~~h~~Historic ~~o~~Overlay ~~d~~District and/or National Register District that supports the ~~d~~District's historical significance through location, design, setting, materials, workmanship, feeling and association. Buildings identified as low, medium, and high-priority structures in the currently adopted Historic Resources Survey of Georgetown, Texas, and properties categorized as contributing resources in National Register Districts shall be considered contributing Historic Structures for purposes of this Code. For the purpose

of demolition only, buildings or structures assigned a high or medium priority in this survey and located outside of a ~~h~~Historic ~~o~~Overlay ~~d~~District shall be considered contributing historic structures.

256. ~~**186.**~~**Historic Structure, Non-Contributing**

A building in a designated ~~h~~Historic ~~o~~Overlay ~~d~~District that does not support the district's historical significance through location, design, setting, materials, workmanship, feeling, and association. Buildings that are not identified on the currently adopted Historic Resources Survey of Georgetown, Texas, shall be considered non-contributing historic structures for purposes of this Code.

257. **Home-Based Business**

An occupation or business activity which results in a product or service for financial gain and is conducted in whole or part in the dwelling unit or accessory building and is clearly an accessory or incidental use and subordinate to the residential use of the dwelling unit. Telecommuting from a person's regular place of employment is not a home-based business. Home-based businesses may also be called home occupations. Home-based businesses exclude uses that are otherwise addressed in **Section 6.02. Use Tables**, such as Bed and Breakfasts.

258. ~~**187.**~~**Home Builder**

A Home Builder is an individual or company that builds single-family or two-family homes or condominiums for residential occupancy.

259. **Home Health Care Services**

A facility primarily engaged in providing skilled nursing services in the home along with a range of additional services to help patients live independently by taking care of activities that are essential to daily living. In addition to traditional nursing (such as changing wound dressings, checking vital signs, and providing tube feedings), these care giving services may include personal care (such as bathing, dressing, eating, and walking), homemaker and companion services (such as shopping and paying bills), physical therapy, medical social services, medications, medical equipment and supplies, 24-hour home care, counseling, dietary and nutritional services, speech therapy and audiology.

260. ~~**188.**~~**Homeowner Acting as Own Realtor**

A Homeowner acting as their own realtor is a person who owns an existing single-family or two-family home or condominium within the corporate limits of City, or its extraterritorial jurisdiction (ETJ) which is for sale directly to the public.

261. ~~**189.**~~**Homeowners Association (HOA)**

An incorporated non-profit organization operating under-recorded land agreements through which lot owners pays annual dues and may be subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

262. **Hospice Facility**

A facility licensed through the State of Texas to provide 24-hour palliative care to terminally ill persons.

263. **Hospital**

An institution providing primary health services and medical or surgical care, primarily on an in-patient basis, to persons suffering from illness, disease, injury, and/or other abnormal physical conditions. Services may include out-patient and emergency treatment, diagnostic services, laboratories, rehabilitation services, training or teaching facilities, medical offices, hospital administration, meeting areas, maintenance facilities, staff dormitories, and supportive services for patients, employees, and visitors such as cafeterias and ancillary retail sales.

264. Hospital, Psychiatric

Hospitals that are primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness. The treatment often requires an extended stay in the hospital.~~LibraryA public~~

265. Hotel

A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. All rooms are accessed via the main lobby of the building or entryways individually equipped with some form of security controlled access system. More than 75 rooms in MUDT will require an SUP.

266. Hotel, Extended Stay

A hotel offering for rent individual guest rooms or suites intended to be used for stays which may exceed 30 consecutive days. Meeting rooms, a clubhouse, and recreational facilities for the use of residents and their guests are permitted and suites may contain complete kitchen facilities.

267. ~~190.~~House

See "Dwelling or Dwelling Unit".

268. ~~191.~~Household

Any of the following: (1) one or more persons related by blood, marriage, adoption or legal guardianship, including foster children, living together in a dwelling; (2) up to four unrelated persons; or (3) two unrelated persons and their children living together in a dwelling.

269. ~~192.~~Household Living

A group of uses characterized by one or more persons living together in a single dwelling as a household.

~~193. Housing Diversity Development~~

~~A unified development that provides a minimum of 20 percent (20%) of three or more housing types as identified in Chapter 6 of this Code.~~

20% of

270. ~~194.~~Illuminated

Using an artificial or a reflective light source.

271. ~~195.~~Illumination, External

See "Sign, External Illumination".

272. ~~196.~~Illumination, Internal

See "Sign, Internal Illumination".

273. ~~197.~~Impact Fee

A user fee charged for connection to the public utility system.

274. ~~198.~~Impervious Cover

Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, pavement, graveled areas, sidewalks, and paved recreation areas. Impervious Cover is subject to the determination of the Development Engineer. Includes and may be referred to as the term "Impervious Surface".

275. ~~199.~~Improvement

Any constructed physical feature which is not a natural feature. For example, a structure, building, fence, gate, landscaping, tree, wall, parking facility, etc.

276. ~~200.~~**Infrastructure**

Any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, irrigation system, water line system, sewer system, storm drainage network, electric system, telecommunications, public parkland, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

277. **Inn**

A property, often a former single-family residence, offering up to 15 guestrooms for rent to tourists, vacationers, and similar transients, for a period of time not to exceed 30 consecutive days. Guest quarters are typically accessible by hallways through a main entrance and do not include cooking facilities. An inn may consist of more than one building and may include a single kitchen facility to offer on-site meal service.

278. **Integrated Office Center**

A building, buildings, or site designed to be primarily occupied by a mixture of offices of a similar field, service, industry, or profession (i.e., medical) with ancillary establishments for workers such as a restaurant or personal services. Retail uses related to the primary field or profession and serving the general public may also be located in such structures but shall not constitute a majority of the building's gross leasable area.

279. ~~201.~~**Intermittent Stream**

A stream that has a period of zero flow for at least one week during most years. Where flow records are available, a stream with a flow of less than 0.1 ft.3 /s (cubic feet per second) is considered intermittent.

280. ~~202.~~**Internal Roadway**

A street that is entirely within a subdivision but not located along the boundary. Does not constitute or equal a Perimeter Street.

281. ~~203.~~**Intersection Spacing**

The length of a segment of street as measured between the centerlines of two through streets (both on the same side of the street segment to be measured).

282. ~~204.~~**Irrigation Plan**

The graphic depiction of a proposed mechanical watering system that illustrates the method and means of conveying appropriate water levels to the selected plantings.

283. ~~205.~~**Irrigation System**

A system of pipes or other conduits that is designed to transport and distribute water to plant material based on its moisture needs for healthy and vigorous growth. An Irrigation System may be automatic, manual, or temporary as permitted by Code.

284. **Janitorial Services**

An establishment providing cleaning services for the interior or exterior of buildings, structures or dwellings, whether or not industrial, commercial, or income-producing real property or the contents thereof. Such services are rendered either on a scheduled, periodic basis or only on a single occasion.

285. ~~206.~~**Jurisdiction, City of Georgetown**

The City's corporate limits and/or extra-territorial jurisdiction (ETJ).

286. ~~207.~~**Karst**

A type of topography that is formed over limestone, dolomite, or gypsum by solution of the rock and is characterized by closed depressions or sinkholes, caves, and underground drainage.

287. **Kennel**

A commercial establishment in which two or more dogs, cats, or other domesticated (pet) animals not owned by the owner or occupant of the premises are temporarily housed for boarding, training or breeding purposes. Typical uses include boarding kennels, pet motels, and dog training centers. Outdoor facilities associated with this use are subject to the limitations in **Section 6.02** of this Code.

288. ~~208.~~**Kitchen**

Any room or space used or designed to be used for the preparation or cooking of food and including or designed to include a cooking appliance, refrigerator, and sink. Installation of a kitchen shall constitute a dwelling unit. Does not include and is distinct from Outdoor Kitchen, as that term is defined in this Code.

289. ~~209.~~**Kitchen, Outdoor**

An accessory kitchen located in the rear or side yard. The kitchen may include all of the following: stove, grill, pizza oven, sink, storage areas, refrigerator, dish washer, and/or other appliances normally found in a kitchen. The kitchen may be either open to the air or included in a covered patio area. Under no circumstances shall an outdoor kitchen area be fully enclosed.

18.02.030. ~~18.02.03.~~Terms Defined: L-O

290. ~~210.~~**Land Disturbance**

The construction or placement of buildings, roads and other structures; excavation, mining, dredging, grading, filling, clearing, or removing vegetation; and the deposit of refuse, waste, or fill. Utility, drainage, and street repair, and any construction maintenance that does not disturb land or result in additional impervious cover shall not constitute land disturbance.

291. ~~211.~~**Landscape or Landscaping**

The soil, water, landscape materials and hardscape that affect the aesthetics and/or function of the land.

292. ~~212.~~**Landscape Architect**

An individual currently registered and licensed by the State of Texas to practice landscape architecture, the profession which applies artistic and scientific principles to the research, planning, design, and management of both natural and built environments.

293. ~~213.~~**Landscape Area**

Any area of ground that can support plant materials and that has been set aside for the preservation, installation, and maintenance of plant materials. Sidewalks and other impervious surfaces are not considered landscaped area, unless they are otherwise allowed by Code within a landscaped area.

294. ~~214.~~**Landscape Berm**

An earthen mound designed to promote visual interest and topographic variety, as well as screening undesirable views and aid in noise reduction. Berms shall not encroach upon the critical root zones of existing vegetation.

295. ~~215.~~**Landscape Buffer**

An area planted and maintained to promote visual aesthetics and/or reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

296. ~~216.~~**Landscape Features**

Landscaping items that include a combination and placement of plant material (trees, shrubs, vines, groundcover, turf, or flowers), natural elements (berms, rocks, stones, boulders, or water) and/or structural features (not limited to walkways, fountains, pools, outdoor art~~-~~work, or benches).

297. **~~217.~~Landscape Material**

Plants such as grass, ground cover, shrubs, vines, hedges, trees and nonliving material such as rocks, pebbles, mulch, or pervious decorative paving materials.

298. **~~218.~~Landscape Plan**

The graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings (existing and new), ground and water forms, circulation, walks, irrigation, landscape lighting, erosion control, on-site drainage, and other features.

299. **~~219.~~Landscape Planner**

The individual designated by the Director ~~of Planning and Development Department~~ to ~~i~~ensure compliance with the tree provisions of this Code. This term may also include the term "Urban Forester."

300. **Landscape Supply Sales/Garden Center**

An establishment primarily engaged in the retail sale of feed, grain, trees, shrubs, seeds, fertilizers, pesticides, plants, pots, and other indoor or outdoor planting or gardening materials to the general public. Such establishments typically sell products purchased from others~~,~~ but may sell some material which they grow themselves. Typical uses include feed stores, plant nurseries, greenhouses, plant stores, and lawn and garden centers.

301. **Laundromat**

A facility where patrons wash and/or dry clothing, linens, and other fabric items in machines operated by the patron.

302. **~~220.~~Legal Lot**

Either a lot recorded in the Williamson County Plat Records under the applicable subdivision regulations at the time of its creation or an unplatted tract of land having existed in its present configuration prior to May 10, 1977.

303. **~~221.~~Level of Service (LOS)**

A qualitative assessment of a road's operating conditions, indicating capacity per unit of demand a street based on and related to the operational characteristics of the facility.

304. **Library**

A public facility or other place containing books for reading, study, and research.

305. **~~222.~~License to Encroach**

A revocable license granted by the City for all improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, right-of-way, or public easement, including, but not limited to, buildings, piers, pools, fences, walls, patios, decks, basements, etc.

306. **~~223.~~Licensed Professional Geoscientist ~~(~~[Edwards Aquifer Water Quality Regulations~~)~~]**

A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

307. **~~224.~~Limits of Construction**

Delineation on a Site Plan or Construction Plans, which shows the boundary of the area within which all construction activity will occur.

308. **Live Music**

A designated area suitable for the conduction of a live concert of vocal or musical instrument performance, which can often be heard beyond the property line of the premises.

309. ~~225.~~**Loading Space**

An off-street space for the parking of a vehicle while loading or unloading merchandise or materials.

310. ~~226.~~**Lot**

A single parcel of land intended as a unit for transfer of ownership or for development, which may be occupied by at least one building or use and the accessory buildings or uses customarily incidental thereto, and having frontage on a dedicated street. Lot includes the word "plot" or "parcel".

311. ~~227.~~**Lot Area**

The area contained within the boundary lines of a lot, excluding any street, street easement, or street right-of-way.

312. ~~228.~~**Lot Line, Front**

The lot line abutting an existing or dedicated street. For corner lots, the front lot line shall be adjacent to the shortest street dimension of the lot.

313. ~~229.~~**Lot Line, Rear**

The lot line which is most distant and relatively parallel (within 45 degrees of being parallel) to the front lot line.

314. ~~230.~~**Lot Line**

A legal boundary that divides one lot from another lot or from a dedicated right-of-way. (Same as "Property Line")

315. ~~231.~~**Lot, Access**

A lot established only for the use of access.

316. ~~232.~~**Lot, Corner**

A lot abutting two or more streets at their intersection.

317. ~~233.~~**Lot, Double-Frontage**

A lot, other than a corner lot, that has frontage on two non-intersecting streets.

318. ~~234.~~**Lot, Flag**

A lot containing a narrow portion of the lot fronting a public roadway. May also be referred to as a panhandle or pipe stem lot.

319. ~~235.~~**Lot, Interior**

Any lot other than a corner lot.

320. ~~236.~~**Lot, Landscape**

A lot generally used for landscaped open space or entry features, which are often smaller than minimum lot size requirements.

321. ~~237.~~**Lot Line, Side**

Any lot line that is not a front lot line or a rear lot line.

322. ~~238.~~**Lot Line, Street**

Any lot line abutting an existing or dedicated street right-of-way.

323. ~~239.~~**Lot, Median**

A lot within the right-of-way.

324. ~~240.~~**Lot, Open Space**

A lot that may provide space only for green belts, landscape, recreational uses, or signage.

325. **~~241.~~Lot, Platted**

A parcel of land identified as an individual lot on a subdivision plat recorded in the Williamson County Plat Records.

326. **~~242.~~Lot, Utility**

A lot primarily providing for the installation of utilities and utility facilities.

327. **~~243.~~Lot Width**

The width of a lot from one side lot line to another at the street frontage.

328. **~~244.~~Low Impact Development (LID)**

LID is an integrated site design approach for maintaining or replicating the pre-development hydrologic regime through the use of design techniques. LID practices include grading minimization, impervious area disconnections, preservation of existing landscaping and topography, increasing flow lengths, lengthening the time of concentration, and increasing opportunities to mimic pre-existing hydrology.

329. **Lumber Yard**

An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

330. **Major Event Entertainment**

A public or privately owned structure or area with a capacity of greater than 1,000 persons for the purposes of public performances, sporting events, or similar attractions that may generate heavy traffic. Major event entertainment facilities include concert halls, stadiums, sports arenas, commercial water parks, racetracks, rodeo arenas, zoos, coliseums, amusement parks, and convention centers. Accessory uses may include food preparation facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.

331. **~~245.~~Major Street**

~~See "Street, Arterial". Clarify Definitions For~~A major street~~. This~~ is any ~~addition from chapter 12.~~street designated as ~~Ask staff which are included in this definition. "~~a Major Collector, Minor Arterial, ~~and~~or Major Arterial~~"~~ on the Thoroughfare Plan.

332. **Manufactured Housing**

A residential structure constructed on or after June 15, 1976, in compliance with the rules and definitions of the United States Department of Housing and Urban Development, that is transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

333. **Manufactured Housing Park**

A parcel of land under single entity ownership which has been planned and improved for the placement of two or more manufactured homes and their accessory uses.

334. **Manufactured Housing Sales**

An establishment engaged in the sales or leasing of new or used manufactured housing.

335. **Manufacturing, Processing and Assembly, General**

The general mass producing, processing or manufacturing of goods, materials, or products, predominately from extracted or raw materials, using mechanical power and machinery, and usually for sale to wholesalers or other

industrial or manufacturing uses. This use includes procedures such as milling of grain; manufacturing, processing or assembly of wood products including cabinet and furniture production; processing of animals and animal products including slaughtering, meat packing and hide tanning; production of animal food; production of large durable goods such as motorcycles, cars, manufactured homes, or airplanes; canning or bottling of food or beverage for human consumption including brewery and distillery plants; manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; production or fabrication of metals or metal products including enameling, plating, galvanizing, and use of a foundry, welding or machining; processing of recyclable materials, production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials; clothing or textile manufacturing; tire recapping or retreading; and the production of items by means of the chemical processing of materials.

336. Manufacturing, Processing and Assembly, Limited

The assembly, processing or manufacturing of objects or items that are made from standard parts or components predominantly from previously prepared parts or materials without the use of any of the processes described within the definition of general manufacturing, processing, and assembly. This use is conducted within an enclosed building and includes the finishing, fabrication, treatment, or packaging and the incidental storage, sales, and distribution of products such as software, electronics, communication products, precision scientific and technical equipment, medical equipment and devices, and small appliances and instruments.

337. ~~246.~~Marquee

Any permanent roof-like structure projecting beyond a building or extending from a fa~~e~~cade, along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather including a mansard roof.

338. ~~247.~~Master Sign Plan

A coordinated program for one or more signs on a property, identifying the size, height, location and color scheme of all signage proposed for the location, based upon total signage allocation established through this ordinance.

339. Mausoleum

An external free-standing structure constructed as a monument enclosing the interment space or burial chamber of a deceased person or persons.

340. Meat Market

An establishment that offers to the general public the sale of meat, poultry or fish and the service of processing and packaging such meats, provided the facility complies with all state, federal, and local health regulations. All processing is conducted indoors with no emission of noxious odors or noise. This definition does not include the slaughtering or boarding of live animals.

341. ~~248.~~Mechanical Equipment

All equipment or devices installed for a primary or accessory use or structure, including, but not limited to, heating and air conditioning equipment, parabolic antennas, disc antenna, radio or TV receiving or transmitting antennas, utility huts, power generating devices, condensers, air ducts, meters, etc., that are located on the site or attached to the exterior (walls or roof) of the building.

342. ~~249.~~Median

A raised or depressed curbed division of travel lanes. Does not include a "flush" median, which acts only as a painted division of travel lanes. May be of a pervious or impervious surface but is typically covered with grass, landscaping, trees and may contain pedestrian facilities.

343. Medical and Institutional Facilities

A group of uses designed for the treatment and care of physically or mentally ill patients, patients seeking treatment for dependency abuse, and also including centers for the receiving of blood, plasma, or other bodily fluids.

344. Medical or Dental Clinic

A facility housing the offices of more than three medical practitioners including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional services on an outpatient basis. In addition to the services offered at a "Medical or Dental Office", a clinic may include facilities providing minor outpatient surgical services requiring a stay of less than 24 hours, dialysis or cancer centers, or similar treatment facilities. Overnight stays of patients at such facilities shall not be allowed.

345. Medical or Dental Office

A facility housing the offices of no more than three medical practitioners, including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist, or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional services on an outpatient basis. Facilities may include patient waiting rooms, treatment areas, and laboratory space. Overnight stays of patients at such facilities shall not be allowed.

346. Membership Club or Lodge

An establishment providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

347. Memorial Park

See "Cemetery".

348. Micro brewery

A retail establishment where beer is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro brewery typically produces less than 15,000 barrels annually.

349. Micro distillery

A retail establishment where alcohol is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro-distillery typically produces less than 15,000 barrels annually.

350. Micro Winery

A retail establishment where wine is produced on premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro winery is typically a small wine producer that generates up to 15,000 gallons of wine annually

351. ~~250.~~Mitigation Calculation

The mathematical calculation of the amount of required tree or monetary compensation for removal of Protected or Heritage Trees.

352. ~~251.~~Mitigation Plan

A plan, which may be included with the Tree Protection Plan, illustrating the trees that will serve as compensation for removed trees.

353. ~~252.~~**Mixed-Use Development**

A single development that combines two or more mutually supporting land uses on a single parcel or site or within a general development plan, ~~o~~Overlay ~~d~~District, or cohesive zoning plan. Land uses may be mixed vertically within the same physical structure or horizontally with a physical and functional integration of buildings, project components, and pedestrian connections on the same lot and/or under unified control.

354. **Motel**

A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. Rooms are generally directly accessible from an exterior parking area. Customary hotel services and amenities, such as linen and maid service, are included.

355. ~~253.~~**Motor Vehicle**

See "Automobile".

356. **Movie Production**

An establishment engaged in or facility used for the development, production, and creation of a film or video, including graphic design, set construction, sound and film recording, editing, etc. and storage of any equipment required thereof.

357. ~~254.~~**Multi-Lot Unified Development**

A cohesive development planned for construction under a single development application on separate lots with similar zoning designations.

358. ~~255.~~**Mulch**

Organic materials customarily used in landscape design to retard erosion, retard weed infestation, and retain moisture. For use in planting areas.

359. ~~256.~~**Multi-Modal**

The availability of multiple modes of transportation within a system or corridor, which may include but not be limited to, vehicles, pedestrians, cyclists, and transit.

360. ~~257.~~**Multiple Corporate Tenants**

More than one independent manufacturer. Does not include multiple brands produced by the same manufacturer or parent company.

361. ~~258.~~**Multifamily**

The use of a single lot or parcel for three or more dwelling units regardless of whether those dwelling units are attached within one structure or detached in multiple structures. Does not constitute nor equal a ~~m~~Multifamily ~~z~~Zoning ~~d~~District or uses allowed therein.

362. **Multifamily, Attached Dwelling Units**

Three or more dwelling units located on a single lot or parcel, with each dwelling unit located in a structure containing three or more dwelling units. This term includes, but is not limited to, triplexes, quadraplexes, and apartments.

363. **Multifamily, Detached Dwelling Units**

Three or more dwelling units located on a single lot or parcel, with each dwelling unit located within a structure containing no more than two dwelling units.~~Nursing Home~~

364. **Museum**

A facility or area devoted to the acquisition, preservation, study and exhibition of works of artistic, historical, or scientific value.

365. ~~259.~~**Native Plant**

Any plant species that is indigenous to Central Texas.

366. ~~260.~~**Natural Area**

An area where the naturally grown landscape is left primarily undisturbed, except for the removal of poison ivy, greenbriar and similar vegetation and allowing for maintenance of the trees to maintain vigorous growth.

367. ~~261.~~**Natural Drainage**

A stormwater runoff conveyance system not altered by development.

368. ~~262.~~**Natural State**

Substantially the same conditions of the land which existed prior to its development, including but not limited to, the same type, quality, quantity, and distribution of soils, drainage, ground cover, vegetation, and topographic features.

369. **Nature Preserve**

An area of land that is protected and managed in order to preserve a particular type of habitat and its flora and fauna, which are often rare or endangered.

370. **Neighborhood Amenity, Activity or Recreation Center.**

A private facility associated with a specific residential development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of the development.

371. **Nightclub**

An establishment open to the general public for the purposes of entertainment, characterized by either dancing; performances by magicians, musicians, or comedians; or a combination of the two. The term "nightclub" does not include theaters or auditoriums with fixed row seating or establishments defined in this Code as a "Sexually-Oriented Business".

372. ~~263.~~**Nonconforming**

A use, lot, building, site, sign or other situation which does not conform to one or more of the regulations of this Code.

373. ~~264.~~**Non-Residential District**

A ~~z~~Zoning ~~d~~District established by this Code to be used for primarily nonresidential uses and purposes where non-residential uses apply.

374. ~~265.~~**Non-Residential Future Land Use**

A future land use designation of Community Commercial, Regional Center, Employment Center, Special Area, Mixed Density Residential when located along a Future Mobility Plan roadway, Neighborhood when located along an arterial roadway.

375. ~~266.~~**Numbered County Road**

A public roadway within the jurisdiction of a county which contains a numbered designation. ~~For example:~~ (e.g., CR 140).

376. **Nursing Home**

A facility housing and providing care for persons who are aged, chronically ill, or incurable who are unable to care for themselves, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. Services typically include custodial or attendant care and meals~~,~~ but may or may not provide for routine and regular medical and nursing services. Nursing home includes homes for the aged, convalescent and rest homes, but does not include assisted living or senior apartments or hospitals or similar medical facilities.

377. **~~267.~~Occupied Site ~~(~~[Edwards Aquifer Water Quality Regulations~~)~~]**

Any spring identified as a critical habitat unit by the United States Fish and Wildlife Service for the Georgetown Salamander (Eurycea naufragia), and include the following: Cobb Well, Cobb Springs, Cowen Creek Spring, Bat Well Cave, Walnut Spring, Twin Spring, Hogg Hollow Spring, Cedar Hollow Spring, Knight (Crockett Garden) Spring, Cedar Breaks Hiking Trail Spring, Water Tank Cave, Avant's (Capitol Aggregates), Buford Hollow Springs, Swinbank Spring, Shadow Canyon, San Gabriel Spring, and Garey Ranch Springs. The locations of the Occupied Sites are shown on the map incorporated below. This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

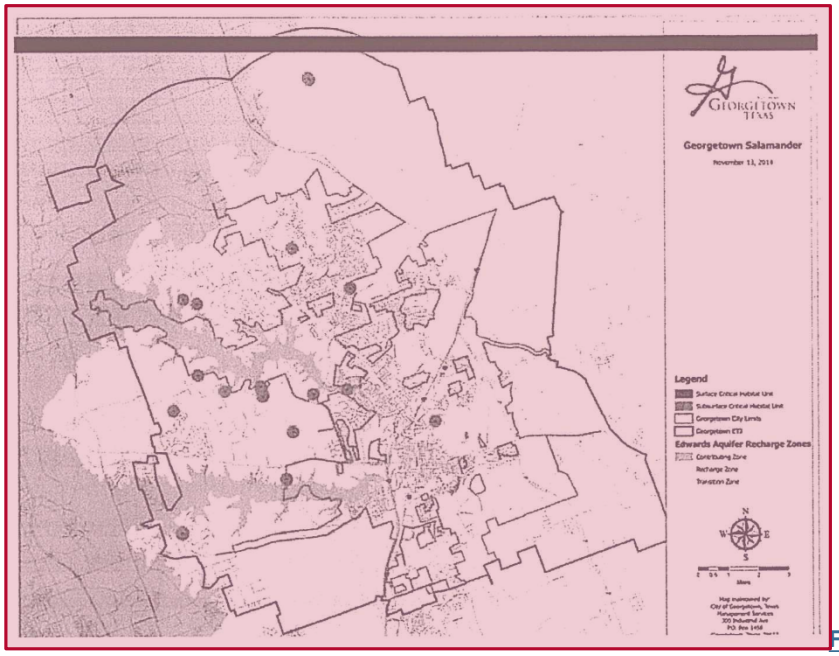
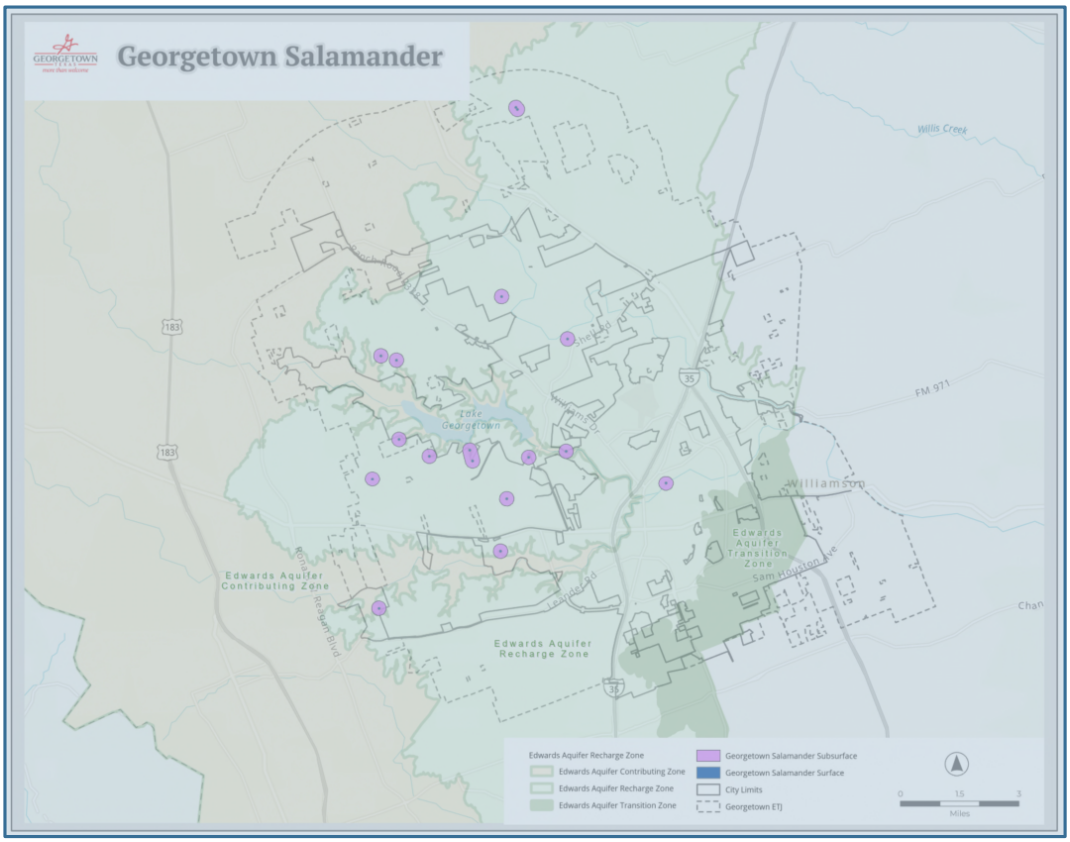


Figure 18.02.030-18.02.03-1. Salamander Critical Habitat Occupied Sites Map



378. **~~268.~~Off-Site Improvement**

Any required improvement which lies outside of the area being platted or developed.

379. ~~269.~~Off-Street Parking Space

An area reserved exclusively for the parking of motor vehicles that is located outside of the public right-of-way.

380. ~~270.~~Official Zoning Map

The most recent printed copy of the City's zoning map signed by the Mayor, attested by the City Secretary and bearing the Seal of City of Georgetown, in accordance with ~~S~~state law. The Official Zoning Map depicts the zoning status of land and water bodies, buildings and other structures throughout the city and is updated periodically using digital mapping software.

381. Office, General

The provision of executive, management or administrative services; including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices. This term excludes medical offices and the sale or storage of merchandise on the premises.

382. Offices, Professional and Business

A group of uses that includes facilities where business offices, administrative services, or data management services are provided.

383. Office/Showroom

An establishment with both a business office and associated showroom for display of sample goods or services to be delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services ~~is~~are permitted. This designation does not include contractor's shop or storage yard.

384. Office/Warehouse

A business office with an associated small-scale warehouse typically located at the rear of the space for the purposes of storing materials needed to supply services off-site. Limited distribution, limited contractor services, such as offices and indoor storage of supplies for construction or related activities, and indoor assembly and maintenance of equipment may be incidental to the office/warehouse use. This use can accommodate trades such as plumbers or electricians, as long as there is no processing, manufacturing, fabrication or outside storage of materials on site.

385. Oil Refinery and Distribution

An industrial plant used for the purifying and distribution of crude petroleum.

386. ~~271.~~On-Site Wastewater System (OSS)

All systems and methods used for the disposal of sewage, other than organized sewage disposal systems. On-site wastewater facilities are usually composed of three units: the generating unit (the residence, institution, etc.), treatment unit and the disposal unit (the drainfield that may be an absorption trench or bed or an evapo-transpiration bed). Including a septic tank, seepage tile sewage disposal system or any other on lot sewage treatment device approved and installed in accordance with all local, state and federal laws and regulations. Also see "Septic System".

387. ~~272.~~Open House/Model Home Sign (Open House Sign)

As it relates to Section ~~10.07.040~~12.06 of this Code, an Open House/Model Home Sign is a sign that contains only the following information: 1) the words "Open House," 2) the words "Model Home", 3) the words "For Sale by Owner" or the Realtor's or Builder's name or logo, 4) the address of the Open House or Model Home, and 5) a directional arrow.

~~**Note to City Staff:** Revisit Open House Sign w/Chapter 10 Signs – content neutrality issue.~~

388. ~~273.~~**Open Space**

Land within or related to a development, not individually owned or dedicated for public use that is designed and intended for the common use or enjoyment of the residents, patrons, or users of the development.

389. ~~274.~~**Ordinary Maintenance and Repair**

Any work, the sole purpose and effect of which is to correct deterioration, decay, or damage, including repair of damage caused by fire or other disaster and which does not result in a change in the existing appearance and materials of a property.

390. **Orphanage**

A public or nonprofit institution that houses children who are orphaned, abandoned, or whose parents are unable to care for them. A school may be an accessory use to an orphanage.

391. ~~275.~~**Outparcel**

An individual parcel of land associated with a non-residential group development, such as a retail mall or shopping center, planned for or including a free-standing building. May also be referred to as a pad site.

392. **Overnight Accommodations**

A group of uses providing facilities used for the renting of rooms or other areas intended for overnight guests.

393. ~~276.~~**Oversized Utility Line**

A utility facility that is described in the City's water or electric master plan, necessary to accommodate current and future users. May be constructed by various parties with potential cost-sharing partnership opportunities.

18.02.040. ~~18.02.04.~~Terms Defined: P-S

394. ~~277.~~**Pad Site**

See "Outparcel".

395. ~~278.~~**Parcel**

Continuous land area owned by or controlled by the same person or entity.

396. ~~279.~~**Parent Tract**

The original tract of land as described by deed from which one or more lots are to be subdivided from.

397. ~~280.~~**Park, Community**

Parks of 16 to 99 acres, serving several neighborhoods.

398. ~~281.~~**Park, Neighborhood Public**

A park of ~~one~~1 to 15 acres, serving one neighborhood or a ¼- to ⅕-mile radius.

399. ~~282.~~**Park, Regional Public**

A park consisting of 100 or more acres, serving several communities typically within one hour driving time.

400. ~~283.~~**Park Fund**

A special fund established by the City to retain monies paid by developers in accordance with the payment-in-lieu of parkland dedication provisions of this Code and to be used for the purchase of parkland or improvements in the vicinity of the subdivided property for which funds have been collected.

401. **Parking Lot, Commercial**

An off-street facility for the parking of automobiles on a temporary basis that may be operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

402. **Parking Lot, Off-Site**

An off-street facility for the parking of automobiles on a temporary basis that serves an adjacent or nearby principal use.

403. ~~284.~~**Parkland Dedication**

The transfer of property from private to public ownership for public parkland. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

404. ~~285.~~**Parks and Open Spaces**

Private and public areas intended for the outdoor usage of its patrons, including associated structures, playscapes, and other facilities.

405. ~~286.~~**Parks and Recreation Board**

Board appointed by the City Council to advise the City on matters concerning parks and recreation activities.

406. **Park-n-Ride Facility**

A facility designed for parking automobiles, the occupants of which transfer to public transit, carpools, van-pools, or bus-pools to continue their trips.

407. ~~287.~~**Patio**

A level surfaced area directly adjacent to a principal building no more than ~~three~~3 feet above finished grade and not above the first floor level, without a permanent roof intended for outdoor entertainment. A free-standing patio (not adjacent to the principal structure) is a level surface that may be no more than ~~one~~1 foot above the finished grade, without a permanent roof, intended for outdoor entertainment.

408. ~~288.~~**Paved Surface**

An area surfaced with single or multiple-course surface treatment, asphalt, concrete, pervious concrete, or grasscrete pavement constructed on a base course or similar all-weather surface. Does not include gravel, grass, stones, decomposed granite, or similar unpaved materials. Also does not include existing concrete strip driveways allowed for residential parking areas called "Approved Surfaces" in Section 10.16.010 of the City Code.

409. ~~289.~~**Paved Width**

The dimensional width between the back of a street curb to the back of a curb across travel lanes. Does not include a median.

410. ~~290.~~**Pedestrian Accessway**

Pedestrian Accessways are strips or sections of concrete or stone not typically located adjacent to vehicle roadways, which provide pedestrian access to or through property. This area must be kept free of obstructions, both temporary and permanent.

411. ~~291.~~**Pergola**

A landscape feature consisting of vertical posts or pillars supporting an open roof of cross-beam girders and lattice system.

412. ~~292.~~**Permanent Foundation**

Construction at or below the ground, including exterior walls and necessary support columns or piers, designed to support and distribute the load of any building, structure or mobile home for the usable life of that structure.

413. Permanent Mobile or Outdoor Food Vendor

The operation of one or more state-licensed mobile or outdoor food vendors where food and/or beverages are prepared and sold to the public from a motorized vehicle, trailer, pushcart, or other mobile food unit. Typical uses include food trucks, trailers, or carts that operate from a designated site and may include site amenities or improvements, subject to compliance with this Code and applicable state law.

414. ~~293.~~Personal Communications Services (PCS)

Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Also known as personal communications network (PCN).

415. Personal Services

An establishment providing frequently or recurrently needed non-medical services of a personal nature to individuals as a primary use. This term includes barber and beauty shops, permanent makeup services, tanning salons, nail salons, day spas (including incidental massage), weight reduction centers, seamstresses, tailors, shoe repair shops, photography studios, pet grooming (no overnight stay), and services of an informational or instructional nature including driving schools, dance studios, and handicraft or hobby instruction. These uses may also include accessory retail sales of products related to the services provided. This term does not include any uses that are otherwise defined in the term "Restricted Personal Services".

416. Personal Services, Restricted

An establishment providing personal services that are generally less desirable adjacent to residential areas including, but not limited to, vape/e-cigarette shops, tattoo parlors, body piercing studios, check cashing facilities, bail bond agent, pawnshops, and palm and card readers.

417. ~~294.~~Personal Wireless Service

Wireless communications technology that provides consumers with the ability to communicate using portable devices not physically interconnected by equipment such as wire or cable. Technologies include, but are not limited to, commercial mobile radio services (CMRS) such as personal communication systems (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (RSMR), and paging services; or any other local, regional, or global service using functionally equivalent technology.

418. ~~295.~~Pervious Surface

Any surface that allows water to permeate through such surface. Determination of a pervious surface is made by the Development Engineer. For comparison, see "Impervious Cover".

419. Pest Control Services

An establishment primarily engaged in the off-site eradication, extermination or control of rodents, birds, mosquitoes, termites, ants, and other insects and pests (except for crop production and forestry production). Establishments providing fumigation services are included in this definition.

420. Petting Zoo

A facility where members of the public, typically for an admission fee, may view, interact with, and feed domesticated animals in a controlled environment. Typical uses include seasonal attractions, farm-based operations, and children's educational or recreational facilities.

421. Places of Worship

A group of uses providing facilities for religious assembly.

422. ~~296.~~Planned Unit Development (PUD)

A customizable ~~z~~Zoning ~~d~~District, represented through an adopted development plan, per the regulations of this Code, which may provide for one or more main uses or structures on a single parcel or contiguous parcels of land

controlled by a single landowner or development group, and which permits flexibility from specific Code provisions related to land uses, dimensional requirements, landscaping, design, and other similar regulations in return for assurances of a comprehensive plan for overall innovation and/or quality of development.

423. **~~297.~~Planning ~~and Development~~ Department**

The City Department designated by the City Council to coordinate and manage the City's land development policies and regulations.

424. **~~298.~~Planning and Zoning Commission**

The Planning and Zoning Commission of the City of Georgetown, whose duties are assigned by the City Code of Ordinances and Chapter 2 of this Code. Also referred to as the Commission or P&Z.

425. **~~299.~~Plant List, Preferred**

Those plant species listed in the Development Manual, which are proven to thrive in this region with fewer problems and requiring less care to remain healthy.

426. **~~300.~~Plant Materials**

Living trees, shrubs, vines, ground covers, sod, and flowering annuals, biennials and perennials adapted to the Georgetown soils and climate. Plastic, fibrous, silk or other non-live materials are not considered plant materials.

427. **~~301.~~Plant Species, Controlled**

Those plant species listed in the Development Manual which tend to become nuisances because of their ability to invade proximal native plant communities or native habitats, but which, if located and cultivated properly may be useful or functional as elements of landscape design.

428. **~~302.~~Plant Species, Prohibited**

Those plant species listed in the Development Manual, which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety, and welfare.

429. **~~303.~~Planting Season**

Generally, a time period when the physical conditions are conducive for the installation of plant materials to help insure their survival. In the Central Texas area, the seasons are generally March through June and October through December for general plant material and October through May for trees.

430. **~~304.~~Plat, Administrative**

A plat that is approved administratively by the Director if it meets all approval criteria, as established by this Code and the Texas Local Government Code. Administrative Plats include Amending Plats and Final Plats.

~~**Note to City Staff:** Revisit plat definitions with plat approval authority discussion and administrative approvals.~~

431. **~~305.~~Plat, Amending**

A plat that amends a preceding plat for minor changes or corrections, according to the specific criteria established by the Texas Local Government Code.

432. **~~306.~~Plat, Final**

The final map of all or a portion of a subdivision previously approved by the proper decision-making body. A Final Plat shall be prepared in accordance with the provisions of this Code and those of any other applicable local regulation, with the purpose of being prepared to be placed on record in the office of the County Clerk.

433. **~~307.~~Plat, Preliminary**

A document prepared in compliance with this Code, that delineates certain features required by ~~S~~state ~~L~~law and this Code~~,~~ including, but not limited to, property lines, lot and block dimensions, geometric layout, streets, monuments, and other landmarks for the purpose of identifying property.

434. **~~308.~~Playscape**

Any structure permanently anchored to the ground that is designed for recreational purposes such as jungle gyms, swing sets, etc. Sports courts such as basketball or tennis courts are not considered playscapes.

435. **Postal Office**

A facility for processing and sorting mail or bulk mail operated by either the United States Postal Service or a private mail shipping and delivery service.

436. **~~309.~~Premises**

A site or area including the improvements, buildings, or structures occupying it.

437. **~~310.~~Primary**

The basic, fundamental or most important use, activity or development of a building or site. Usually, the first activity in order of time or development. The first in rank, importance, or value. For the purposes of this Code, "Primary" is equal to, identical to, and often used interchangeably with "Principal".

438. **~~311.~~Primary Entrance and Building Fa~~c~~çade**

The face or wall of a building that serves as the primary entrance for customers of a business, or residents within the building. This building face shall not include service areas, trash collection, loading dock, or other similar functions. The primary face of a building shall receive the highest level of architectural treatment on the building. Pursuant to this definition, a building may have no more than two primary fa~~c~~çades.

439. **~~312.~~Primary Structure**

See "Structure, Principal".

440. **~~313.~~Principal**

See "Primary". For the purposes of this Code, "Principal" is equal to, identical to, and often used interchangeably with "Primary".

441. **~~314.~~Principal Building**

See "Building, Principal or Primary".

442. **~~315.~~Principal Use**

See "Use, Primary".

443. **~~316.Property~~Printing, Mailing and Reproduction Services**

~~As it relates to Section 10.07.050 of this Code, Property means the City's right-of-way along all streets in the City other than those noted in Section 10.07.050.~~

A commercial establishment open to the general public that is primarily involved in the electronic duplication of graphic and printed materials for personal or business use, and which also provides other products and services including, but not limited to, photocopying, electrostatic printing, laser printing, blueprint, word processing services, computer generated graphics, computer aided design services and video imaging, and reproduction services. This use may also include limited commercial printing or publishing activities on a small scale, but off-set printing, large-scale bulk printing, or similar processes intended for mass distribution or sale shall not be permitted. These facilities may also be referred to as copy shops.

444. Private Transport Service Dispatch Facility

A facility where private passenger transport services, such as taxicabs, limousines, rideshare vehicles, or similar services, are dispatched to customers. Such facilities may include administrative offices and limited vehicle storage, but do not include the general repair, fueling, or sale of vehicles.

445. ~~317.~~Property Line

See "Lot Line".

446. ~~318.~~Property Owner's Association

An entity established to represent the interests of property owners within a defined area and may include maintenance and enforcement responsibilities.

447. ~~319.~~Prune or Pruning

Removal of dead, dying, diseased, crossed, crowned, or weakly attached limbs from a tree. The diameter and amount of wood removed is appropriate to size, species, and age.

448. ~~320.~~Public Improvement

Any improvement, facility, or service together with its associated public site, right-of-way, or easement necessary to provide transportation, drainage, public or private utilities, parks, energy, or similar essential public services and facilities, for which a governmental entity may ultimately assume ownership and the responsibility for operation and maintenance.

449. Public Park, Neighborhood

A park of one to 15 acres, serving one neighborhood or a ¼- to ⅕-mile radius.

450. Public Park, Regional

A park consisting of 100 or more acres, serving several communities typically within one hour driving time.

451. Rail or Transit Yard

A facility or area for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

452. ~~321.~~Realtor

A Realtor is a person who is licensed to sell real estate in the State of Texas.

453. ~~322.~~Recharge Feature

Geological features, such as springs, bluffs, caves, fractures, crevices, and sinkholes; which tend to have a high degree of connectivity with the Edwards Aquifer. A recharge feature shall be considered significant if it lies within an area subject to inundation from the 100-year storm event or rapid infiltration to the subsurface may occur.

454. ~~323.~~Recharge Zone (Edwards Aquifer Water Quality Regulations)

That portion of the City and its ETJ that overlays the EARZ as defined in Title 30, Texas Administrative Code § 213.3, as may be amended. Also s~~,~~ee "Edwards Aquifer".

455. ~~324.~~Reconstruction

Rehabilitation or replacement of a building or structure which has been damaged, altered, or removed, or is proposed to be altered or removed.

456. ~~325.~~Recreational Vehicle (RV)

A unit designed as temporary living quarters for recreational, camping, or travel use that may be self-propelled or towed by an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the Director. A recreational vehicle may or may not include individual toilet and bath.

457. Recreational Vehicle (RV) Park

A parcel upon which two or more recreational vehicles are parked or any parcel upon which space for the parking of recreational vehicles is rented or offered. The term does not include premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

458. Recreational Vehicle (RV) Sales, Rental, or Service

An establishment engaged in the sales or leasing of new or used recreational vehicles.

459. Recycling Collection Center

A facility engaged in the collection, sorting, bundling, temporary storage, and/or transfer of recyclable materials. For purposes of this Code, recyclable materials include glass, paper, plastic, aluminum, clothing, or other source-separated, non-putrescible materials and do not include motor oil, chemicals, household appliances, tires, automobiles, or automobile parts. This use generally does not include incidental collection boxes or containers located at establishments with an unrelated primary use.

460. ~~326.~~Registered Landscape Architect

An individual currently registered and licensed by the ~~S~~state to practice landscape architecture.

461. ~~327.~~Regulated Activity (Edwards Aquifer Water Quality Regulations)

Shall have that meaning ascribed to it by Title 30, Texas Administrative Code § 213.3(28), as may be amended.

462. ~~328.~~Regulatory Floodway or Floodplain

The channel of a river or other watercourse river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

463. ~~329.~~Rehabilitation

The act or process of returning a building or structure to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of an historic resource which are significant to its historical, architectural, and cultural value.

464. Religious Assembly Facility

A facility providing regular organized religious worship and religious study. This term includes churches, synagogues, temples, mosques, and other types of religious assembly halls. Accessory uses may include community recreational facilities, classrooms, administrative offices, and similar facilities that are directly associated with and supported by the membership assembly on site. Private primary or secondary educational facilities and day care facilities are subject to the standards of **Section 6.02. Use Tables** for such uses.

465. ~~330.~~Relocation

The act or process of moving a building or structure from one site to another site or to a different location on the same site.

466. ~~331.~~Renovation

The act or process of returning a building or structure to a state of utility through repair or alteration which makes possible a contemporary use.

467. Research, Testing and Development Lab

An indoor facility where scientific research and development, including biotechnology and nanotechnology, is conducted and analyses performed. These uses are typically characterized by controlled uniformity of conditions (constant temperature, humidity, cleanliness).

468. ~~332.~~**Reserve Strip**

A narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth, will not support development and may prevent~~s~~ access to a roadway or utility easement from adjacent property.

469. ~~333.~~**Reservoir**

An impoundment of surface water designed to provide water to the public.

470. ~~334.~~**Residential District**

A ~~d~~District established by this Code to be used for primarily residential uses and purposes where existing residential uses apply.

471. ~~335.~~**Residential Rural/Estate Subdivision**

A subdivision that is zoned either AG (Agriculture) or RE (Residential Estate) if within the ~~C~~city ~~L~~limits or a subdivision in the extraterritorial jurisdiction (ETJ) that is platted for single-family residential development with lots of at least ~~one~~1 acre in size.

472. ~~336.~~**Residential Structure**

A structure used or intended to be used for residential purposes.

473. ~~337.~~**Residentially Zoned Property**

Any lot or parcel located in a Residential District.

474. **Resource Extraction**

The extraction of surface or sub-surface mineral products or natural resources including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations and may include milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity.

475. **Restaurant, Drive-Through**

An establishment engaged in the preparation and retail sale of food and beverages in a ready-to-consume state, through a pass-through window accessed by a vehicle via a drive-through lane. This term also includes drive-in restaurants. For restaurants licensed to serve alcoholic beverages the gross receipts for alcoholic beverages shall not exceed 50 ~~percent (50~~%~~)~~ of the total gross receipts.

476. **Restaurant, General**

An establishment engaged in the preparation and retail sale of food and beverages for on-premise consumption. This term includes facilities typically referred to as diners, cafes, cafeterias, dinner-houses, coffee shops, bakeries, and ice cream parlors, but does not include fast food restaurants or drive-through services. For restaurants licensed to serve alcoholic beverages, the gross receipts for alcoholic beverages shall not exceed 50 ~~percent (50~~%~~)~~ of the total gross receipts.

477. ~~338.~~**Restoration**

The act or process of accurately recovering the form and details of a building or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

478. Retail, General

An establishment engaged in the retail sale of goods and merchandise to the general public for direct consumption, usually in small quantities and not for wholesale, and not including retail facilities otherwise specifically listed in **Section 6.02. Use Tables**.

479. ~~339.~~Review Body or Authority

Any entity that is authorized to either recommend approval or denial or be the decision-making authority of an application or permit required under this Code.

480. Riding Academy

A facility used to house equine, which may or may not be owned by the owner of the property, for the purpose of riding lessons or pleasure.

481. ~~340.~~Right-of-Way

Land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line or oil or gas pipe line, water main, sanitary or storm sewer main, or for other special use. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use.

482. ~~341.~~Right-of-Way Flare

A diagonal cut-back between two public street rights-of-way specified in ~~Chapter 12~~**Chapter 14**.

483. ~~342.~~Riparian Zone

Generally includes the area of the stream bank and out onto the floodplain that is periodically inundated by the flood waters from the stream. The limit of the zone depends on many factors including native plant community make up, soil moisture levels, and distance from the stream (or the limit of interaction between land and stream processes). It is periodically inundated by the flood waters from the stream. Interaction between the terrestrial zone and the stream is vital for the health of the stream.

484. ~~343.~~Roadway

See "Street".

485. ~~344.~~Roof

The top covering of a building. For the purposes of this ordinance, a roof shall be defined as having a slope of less than 65 degrees. A roof having a slope of greater than ~~six~~6 degrees, including mansard roofs, shall be treated as a wall surface for the placement of signs. (See for comparison "Wall Surface Area".)

486. Rooming House

A residential building other than a hotel or apartment where lodging and possibly meals are provided by pre-arrangement for definite periods for compensation. No cooking facilities are provided in individual living units.

487. ~~345.~~Root (Tree)

The part of a tree or plant typically underground which absorbs nutrients and moisture, stores food, and as an anchor and supports the tree or plant.

488. ~~346.~~Rural Residential Subdivision

A subdivision that is zoned either AG (Agriculture) or RE (Residential Estate) if within the ~~C~~city ~~L~~limits or a subdivision in the extraterritorial jurisdiction (ETJ) that is platted for single-family residential development.

489. School, Boarding

Any building or group of buildings with dormitories, dining rooms, and other accessory uses for the boarding of students, the use of which meets state requirements for primary, secondary, or higher education.

490. School, Business or Trade

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, university, or public or private educational facility.

491. School, College or University

An educational institution or other institutions of higher learning that offer~~s~~ courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Accessory uses include offices, student housing, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

492. School, Elementary

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools.

493. School, High

A public, private, or parochial school offering instruction at the senior high school level in the branches of learning and study required to be taught in the public schools.

494. School, Middle

A public, private, or parochial school offering instruction at the middle (junior) school level in the branches of learning and study required to be taught in the public schools.

495. ~~347.~~Screening

A method of visually obscuring structures or land uses (i.e. parking or outdoor storage) from another with the use of one or combination of fencing, walls, dense vegetation, or berms or other acceptable screening material.

496. Second Dwelling Unit

A primary dwelling that is located on a lot already developed with one primary dwelling, resulting in two separate and independent primary dwellings on the same lot. A second dwelling unit is distinct from an accessory dwelling unit, as it is equivalent in use and function to a standard single-family dwelling.

497. ~~348.~~Secondary

For the purposes of this Code, "Secondary" is equal to, identical to, and often used interchangeably with "Accessory".

498. ~~349.~~Secretary of the Interior's Standards for the Treatment of Historic Properties

The standards established by the Secretary of the Interior for providing guidance on the preservation, rehabilitation, restoration and reconstruction of historic properties.

499. ~~350.~~Sedimentation and Filtration Basin

A basin that provides water quality benefits through the sedimentation or filtration of runoff.

500. Self-Storage, Indoor

A building or group of buildings in a controlled access and fenced area containing individual storage compartments of varying sizes that are leased for the storage of business and household goods. There is no conduct of sales, business or any other activity allowed within the individual storage units. May also be referred to as mini-storage or mini-warehouse.

501. Self-Storage, Outdoor

A fenced area with controlled access providing individual storage spaces, not within a fully enclosed structure, that are leased for the storage of motor vehicles, trailers, boats, and similar items. There is no conduct of sales, business or any other activity allowed within the individual storage units.

502. ~~351.~~Septic System

See "On-Site Wastewater System (OSS)".

503. ~~352.~~Setback

A measurable distance, dictated by ~~z~~Zoning ~~d~~District, from any property line to an invisible parallel plane, within which certain buildings and structures are prohibited. A setback is separate and distinct from, but is usually included within, a yard, as that term ~~in~~is defined in this Code.

504. ~~353.~~Setback, Garage

A setback located along and generally parallel to a street right-of-way indicating the minimum distance required between front facing garage or carport access and the street right-of-way.

505. ~~354.~~Setback, Front

The setback located along, and generally parallel to, the front lot line, extending the full width of a lot.

506. ~~355.~~Setback, Rear

The setback located along, and generally parallel to, the rear lot line, extending the full width of a lot.

507. ~~356.~~Setback, Side

The setback located along, and generally parallel to, any side lot line, extending the full depth of a lot.

508. ~~357.~~Setback, Street

Any setback located along, and generally parallel to, a street right-of-way and street lot line.

509. Sexually Oriented Business

Any building, structure, or facility including, but not limited to, an arcade, bar, bookstore, cabaret, overnight accommodation, theater (including movie), bath house, massage parlor, nude modeling studio, video store, love parlor, or similar facility used entirely or partially for commercial entertainment, exchange of merchandise, or offer of a service of a sexually-explicit nature. These activities are predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to sexual activities and include the sales, rental, exhibition, or presentation of a device or other item intended to provide sexual stimulation or sexual gratification to the customer.

510. ~~358.~~Shared-Use Path

A paved pathway accommodating pedestrians and bicyclists, meeting accessibility standards. Differentiated from a "hike-and-bike trail" which may be a pervious material and not accessible.

511. ~~359.~~Shrub

Any self-supporting woody perennial evergreen and/or deciduous species normally growing to a height of 24 inches or greater, characterized by multiple stems and branches continuous from the base.

512. ~~360.~~Sidepath

A Shared~~-~~-Use Path adjacent to roadways that are located within a roadway corridor following the roadway alignment and that are physically separated from motorized vehicular traffic by a landscaped buffer or a barrier. Sidepaths are generally designed for two-way travel.

513. ~~361.~~**Sidewalk**

A strip or section of concrete or stone a minimum of five feet in width, typically located adjacent to vehicle roadways, intended for use as a pedestrian facility. This area must be kept free of obstructions, both temporary and permanent.

514. ~~362.~~**Sidewalk Clear Zone**

The dimensional area between the curb or edge of pavement (where no curb exists) and a pedestrian facility such as a sidewalk, trail or pedestrian accessway. The clear zone is established to protect pedestrians from vehicular movements, as determined by speed and street classification.

515. ~~363.~~**Sidewalk Fund**

A fund established to accept and distribute revenue in accordance with the provisions of this Code for the purpose of constructing public sidewalks and/or trails.

516. ~~364.~~**Sight Triangle**

The triangular area formed by an invisible diagonal line at the corner of either two intersecting street right-of-way lines, the edge of street lines, the edge of a driveway, or a combination of two thereof, as specified in ~~Chapter 12~~**Chapter 14**. The Sight Triangle exists to prevent sight obstruction for motor vehicles, pedestrians, etc. May also be referred to as "street visibility triangle" or "sight distance triangle."

517. ~~365.~~**Sign**

Any device that uses letters, numerals, emblems, pictures, outlines, characters, spectacle delineation, announcement, trademark, logo, illustrations, designs, figures, or symbols to convey a message. The term "sign" shall also include any use of color such as bands, stripes, patterns, outlines or delineations displayed for the purpose of conveying a message, including commercial identification (corporate colors), that comprises more than 20~~ percent (20%)~~ of any fa~~c~~çade or visible roof face. This term shall also include all flags.

518. ~~366.~~**Sign, Abandoned**

A sign attached to a building or space which has been vacant for at least two years. Any sign on a vacant lot or parcel other than a legally permitted Off-Premise Sign is also considered an Abandoned Sign.

519. ~~367.~~**Sign Area**

The area of a sign inclusive of the sign face, sign base and sign cabinet.

520. ~~368.~~**Sign Base**

The structure supporting a sign. The sign base is a part of the sign, unless otherwise specified in ~~Chapter 10 of this Code~~**Chapter 12. Sign Standards**.

521. ~~369.~~**Sign, Off-Premise**

A sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic shall be considered a single premises.

522. ~~370.~~**Sign Cabinet**

The sign cabinet is the structure or border used to differentiate a sign face from the structure on or against which a sign face is placed.

523. ~~371.~~**Sign, Canopy**

Any type of sign attached to in any manner or made a part of a canopy.

524. ~~372.~~**Sign, Changeable Copy**

A sign designed to allow the manipulation of messages through manual or mechanical means.

525. ~~373.~~**Sign, Construction Site**

A temporary sign containing graphics, symbols, text or images securely attached to, or printed directly onto the screening fabric of, a temporary fence or barrier, or on an active construction site authorized by a City or County permit, as applicable.

526. ~~374.~~**Sign, External Illumination**

A sign utilizing an artificial or reflective light source mounted or operated from the outside of the frame of the sign, for the purpose of lighting the sign.

527. ~~375.~~**Sign Face**

The area of a sign where the message is displayed and the background on which it is placed. Does not include the sign cabinet or frame.

528. ~~376.~~**Sign, Homebuilder Wayfinding**

A sign installed by, on behalf of, the City of Georgetown that directs motorists to a model home or model homes of a participating homebuilder(s).

~~**Note to City Staff:** Revisit Wayfinding and Identification Signs w/Chapter 10 Signs – content neutrality issue.~~

529. ~~377.~~**Sign, Identification**

An incidental sign of identification or of informational nature.

530. ~~378.~~**Sign, Illuminated**

A sign utilizing an artificial or a reflective light source.

531. ~~379.~~**Sign, Incidental**

~~A sign that is secondary or incidental to the permitted use on the property on which it is located.~~

A sign that is subordinate to or associated with a permitted use on a property, rather than being the primary purpose of the structure or land itself.

532. ~~380.~~**Sign, Internal Illumination**

A sign utilizing an artificial or a reflective light source mounted or operated from the inside of the frame of the sign, for the purpose of lighting the sign.

533. ~~381.~~**Sign, Low Profile Pole**

A sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground. Signs shall be no higher than 10 ft.

534. ~~382.~~**Sign, Marquee**

Any sign attached to, in any manner or made a part of a marquee.

535. ~~383.~~**Sign, Monument**

A sign which is attached directly to the ground or is supported by a sign structure that is placed on or anchored in the ground and is independent from any building or other structure.

536. ~~384.~~**Sign, Multiple-Tenant**

A sign for more than one business at the same location.

537. ~~385.~~**Sign, Pole**

A sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

538. ~~386.~~**Sign, Portable**

Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

539. ~~387.~~**Sign, Projecting**

Any sign affixed to a wall of a building in a non~~-~~-parallel manner.

540. ~~388.~~**Sign, Sandwich Board**

An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Also known as A-Frame or T-Frame signs.

541. ~~389.~~**Sign, Suspended**

Any type of sign that is suspended from the underside of a predominantly horizontal plane surface, such as a porch or canopy, and is supported by such surface.

542. ~~390.~~**Sign, Temporary**

Any sign that is not intended to be permanent.

543. ~~391.~~**Sign, Wall**

A sign which is fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

544. ~~392.~~**Sign, Window**

Any sign that is placed inside a window or upon the window or upon the window panes or glass and is intended to be visible from the exterior of the window. Merchandise displays shall not be considered window signs.

545. ~~393.~~**Single-Family**

The use of a single lot or parcel for one principal dwelling unit in a single building, other than a mobile home. Does not constitute nor equal the RS, Residential Single-family Zoning District.

546. **Single-Family, Attached**

A single-family dwelling unit located on its own lot that shares one or more common walls with one other single-family dwelling unit on a separate lot.

547. **Single-Family, Detached**

A single-family dwelling unit, located on its own lot that is not attached to any other dwelling unit.

548. ~~394.~~**Single-Family, Zero~~-~~-Lot~~-~~-Line**

A single-family detached dwelling unit, located on its own lot, that is set on or relatively close to one interior side lot line to create additional side yard area on the opposite side of the unit. Zero~~-~~-Lot~~ Line ~~-units must maintain the required separation from units on adjacent properties.

549. ~~395.~~**Sinkhole**

A depression formed in soluble rock by the action of subterranean or surface water which is a point of recharge.

550. **~~396.~~Site**

A parcel of land for which a permit or development approval is issued or considered pursuant to this Code.

551. **~~397.~~Site Plan, Conceptual**

A concept site layout plan containing general information about a site for review of related documents, in order to provide an overview of a development plan. Is typically not binding unless adopted as an exhibit or otherwise specified.

552. **~~398.~~Site Development Plan**

A detailed site layout plan containing sufficient information to evaluate the land use, construction plans, and architectural harmony of the proposed development including compatibility of the development with nearby areas. A Site Development Plan shall follow the requirements and approval procedures of ~~Section 3.09~~**Section 3.17** of this Code and the Development Manual.

553. **~~399.~~Slope**

The vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

554. **Small Area Plan**

A targeted planning document that provides a highly detailed, localized vision for a specific neighborhood or district.

555. **Small Engine Repair**

A business that repairs, adjusts, tunes, or modifies gasoline engines of a small horsepower commonly used to power grass trimmers, riding or push lawn mowers, chain saws, and similar service equipment. This repair service may also conduct work on electric motors commonly used in power tools, lawn maintenance equipment, and small household appliances. This term does not include work all-terrain vehicles (ATV), jet skis, or similar vehicles and does not include storage or repair work conducted outside of a building.

556. **Social Service Facility**

A multi-functional facility that provides assistance, advocacy, case management, guidance, counseling, or similar services on a daytime care basis to persons requiring rehabilitation assistance or those with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning, or physical disabilities, and child support issues, but does not include a rescue mission, homeless shelter, or day care.

557. **~~400.~~Soil Aeration**

The introduction of air into the soil to alleviate soil compaction and improve its structure.

558. **~~401.~~Special District**

A ~~m~~Municipal ~~u~~Utility ~~d~~District (~~"~~MUD~~"~~), ~~w~~Water ~~c~~Control ~~a~~And ~~i~~Improvement ~~d~~District (~~"~~WCID~~"~~), ~~f~~Fresh ~~w~~Water ~~s~~Supply ~~d~~District (~~"~~FWSD~~"~~), or similar political subdivision created to provide water, sewer or drainage utility services, roads, or other services allowed by law to a specified area, pursuant to Article III, Section 52, and/or Article XVI, Section 59, of the Texas Constitution.

559. **~~402.~~Special Exception**

An exception to certain provisions of this Code, granted by the Zoning Board of Adjustment (ZBA), for specifically defined situations and standards, pursuant to ~~Section 3.15~~**Section 3.13**. Such exception does not constitute a Variance or Waiver, as those terms are defined in this Code.

560. ~~403.~~**Special Use Permit (SUP)**

A permit that allows a use not automatically permitted by right to be located within a ~~z~~Zoning ~~d~~District, upon approval by the City Council. A Special Use Permit may be subject to specific provisions contained in this Code and/or other conditions imposed by the City Council as a condition of approval.

561. ~~404.~~**Spring**

A point or zone of natural groundwater discharge having measurable flow and/or a pool.

562. ~~405.~~**Spring (Edwards Aquifer Water Quality Regulations)**

Any natural setting or location where ground water flows to the surface of the earth from underground frequently enough to support spring associated vegetation such as ferns, watercress and Texas sedge.

563. ~~406.~~**State**

The State of Texas.

564. **Stone, Mulch or Dirt Sales Yard**

A typically outdoor facility that stores and conducts retail sales of dirt, mulch, stone, or other material commonly sold to an individual or contractor.

565. ~~407.~~**Stoop**

Steps leading to the entrance of a building. Typically for residential dwellings found on the first floor of townho~~m~~uses, multifamily, or mixed-use structures.

566. **Storage Yard**

A facility primarily used for outdoor storage of equipment and materials.

567. ~~408.~~**Storm Sewer**

An approved means of conveyance that carries storm, surface, and ground water drainage, but excludes sewage and residential, commercial, and industrial wastes.

568. ~~409.~~**Stormwater Management, Nonstructural**

Any natural or planted vegetation or other nonstructural components of the stormwater management plan that included no excavation and provides or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space, overland flow filtration areas, natural depression, and vegetated channels.

569. ~~410.~~**Stormwater Runoff**

Surplus surface water generated by rainfall that does not seep into the earth but flows into storm drains or overland to flowing or stagnant bodies of water.

570. ~~411.~~**Story**

See "Building Floor or Story".

571. ~~412.~~**Strategic Partnership Agreement**

An agreement between the City and a special ~~d~~District addressing the relationship between the City and the ~~d~~District, including limited purpose annexation of commercial areas and other matters pursuant to Section 43.0751 of the Local Government Code.

572. ~~413.~~**Stream (Edwards Aquifer Water Quality Regulations)**

A flow of surface water sufficient to produce a defined natural channel or bed. A defined natural channel or bed is an area that demonstrates clear evidence of the passage of water.

573. **~~414.~~Streamer**

Any lightweight plastic, fabric, or other material, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

574. **~~415.~~Street**

An improved surface used for the transport of automobiles and other motor vehicles from one location to another. Includes the term "road" and "roadway"

575. **~~416.~~Street, Alley**

An alley is a passageway designed primarily to provide access to or from the rear or side of property otherwise abutting on a public street.

576. **~~417.~~Street, Arterial**

A street designed to carry large volumes of local and regional traffic into or out of the City which provides for efficient vehicular movement between distant locations, decreasing traffic on local and collector streets. Separated in this Code by Minor and Major classifications, the specific characteristics and average daily trip ranges of each can be found in ~~Chapter 12~~Chapter 14 of this Code.

577. **~~418.~~Street Banner**

See "Banner, Street".

578. **~~419.~~Street Centerline**

A line bisecting a street that is parallel to the edge of pavement.

579. **~~420.~~Street, Collector**

A street that connects and distributes traffic between Arterial Streets and Local Streets providing access and movement between neighborhoods, parks, schools, retail areas and the arterial street system. A collector street may serve both residential and commercial development, depending on the type of collector and average daily traffic volume. Separated in this Code by Residential, Neighborhood and Major classifications, the specific characteristics and average daily trip ranges of each can be found in ~~Chapter 12~~Chapter 14 of this Code.

580. **~~421.~~Street, Cul-de-Sac**

A street or series of connected streets that has a single approved vehicular access point.

581. **~~422.~~Street Facing Fa~~c~~çade**

The building fa~~c~~çade or wall that is parallel to a street lot line.

582. **~~423.~~Street Frontage**

The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

583. **~~424.~~Street, Highway**

A controlled-access divided street or highway that is intended to move high traffic volumes over long distances and serve as primary routes throughout the region. Includes the term "freeway" and "expressway."

584. **~~425.~~Street Landing**

The area of an intersection where the grades of the respective streets need to be sufficiently flat to accommodate an accessible crosswalk.

585. **~~426.~~Street, Loaded**

A street that allows for vehicular access driveways.

586. ~~427.~~**Street, Local**

A street that provides access to residential and commercial properties with short trip lengths, low speeds, and typically serves local traffic only. Local Streets may also encompass streets classified by this Code as an Alley, Residential Lane, or Residential Local Street, the specific characteristics and average daily trip ranges of which can be found in ~~Section 12.03~~**Section 14.03** of this Code.

587. ~~428.~~**Street, Local—Downtown**

A street located within the Downtown Overlay District that carries a Local Street cross-section design. The characteristics of this street can be found in ~~Chapter 12~~**Chapter 14** of this Code and in the Downtown Master Plan, May be designated as a collector or arterial in functionality.

588. ~~429.~~**Street, Local (Tree Alternative)**

A Local Street designed to the alternative cross-section identified in this Code that accommodates Street Trees within the right-of-way.

589. ~~430.~~**Street, Major Collector**

A street that connects and distributes traffic between Arterial Streets, other Collector Streets or Local Streets, but primarily serving commercial development. The specific characteristics and average daily trip ranges of Major Collectors can be found in ~~Section 12.03~~**Section 14.03** of this Code.

590. ~~431.~~**Street, Neighborhood**

A street that primarily serves the local traffic needs a subdivision, neighborhood or development, with relatively low traffic counts and lower speeds. Street types include Residential Lanes, Local Streets, Residential Collectors and Neighborhood Collectors.

591. ~~432.~~**Street, Perimeter**

A street directly abutting a development or subdivision, whether the street is external to, partially or wholly within the boundary.

592. ~~433.~~**Street, Private**

An improved roadway for which no public entity has jurisdiction or maintenance responsibilities. A private street may be used as the principal means of access to a lot if such lot meets the minimum required lot frontage on a public roadway, as specified in this Code.

593. ~~434.~~**Street, Public**

An improved roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property and maintained by a public entity.

594. ~~435.~~**Street, Residential Collector**

A residential street that connects and distributes residential traffic between Local Streets and Major Collectors and Arterials. May directly serve residential development, with limited spacing between access points. The specific characteristics and average daily trip ranges of Residential Collectors can be found in ~~Section 12.03~~**Section 14.03** of this Code.

595. ~~436.~~**Street, Residential Lane**

A local street serving a very limited ~~amount~~number of residential dwelling units, the specific characteristics and average daily trip ranges of which can be found in **Section 12.03**. An alley is required to be included with a residential lane to provide access to the lot.

596. ~~437.~~**Street Right-of-Way**

See "Right-of-Way".

597. ~~438.~~**Street, Residential Rural/Estate**

A street serving Residential Rural/Estate Subdivisions that may include roadside ditches in lieu of curb and gutter and other generally rural roadway features.

598. ~~439.~~**Street Stub**

A non-permanent, dead-end street intended to be extended in conjunction with the subdivision and development of adjacent land.

599. ~~440.~~**Street, Through**

A street having two distinct points of ingress and egress from two other through-streets. Alleys, culs-de-sac, and loop streets shall not be considered through-streets.

600. ~~441.~~**Street Tree**

See "Tree, Street".

601. ~~442.~~**Street Yard**

See "Yard, Street".

602. ~~443.~~**Structural Integrity**

Ability of a structure to maintain stability against natural forces experienced by said structure.

603. ~~444.~~**Structure**

Anything constructed or erected on the ground or attached to something located on the ground. Examples of structures include, but are not limited to, buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel, and permanent signs. Sidewalks and paved surfaces shall not be considered structures unless located within a public easement.

604. ~~445.~~**Structure, Accessory**

A structure that is subordinate to, incidental to, and is detached from, a principal building or a principal use of a lot. Also, may be referred to as "Secondary Structure".

605. ~~446.~~**Structure, Principal**

A structure in which the primary use of the lot is conducted. For example, for single-family residential lots, the house is the principal structure. Also, may be referred to as "Primary Structure".

606. ~~447.~~**Subdivider**

Any person, firm, partnership, corporation, or other entity, acting as a unit subdividing or proposing to subdivide land as herein defined.

607. ~~448.~~**Subdivision**

The division of a tract of land where the resulting lots or parcels differ from the existing configuration for the purpose of transfer of ownership; dedication of streets, alleys, or easements; or development, as that term is defined in this Code. For example, the division of one lot into two or more lots or the division of more than two lots into a lesser number of lots. Subdivision includes "re-subdivision".

608. ~~449.~~**Subdivision Improvement Utility Agreement**

A written agreement between the property owner and the City concerning the construction of improvements and cost participation to comply with the requirements of this Code.

609. **Substance Abuse Treatment Facility**

A facility providing 24-hour supervision, counseling, and treatment for persons not needing regular medical attention, but requiring rehabilitation services for alcohol or chemical dependency or similar disorders, including those ordered as a condition of probation.

610. ~~450.~~**Substantial Improvement**

Defined as one of the following: (1) Means any construction of public improvements amounting to at least 50 ~~percent (50~~%~~)~~ of the total cost of public improvements required under the provisions of this ordinance, including engineering fees; or (2) Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 ~~percent (50~~%~~)~~ of the market value of the structure either, (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

611. ~~451.~~**Supplemental Nutrients**

A mixture of beneficial tree growth chemicals and naturally occurring elements that improve the overall health and vigor of a tree. Typically injected into the soil.

18.02.050. ~~18.02.05.~~Terms Defined: T-Z

612. ~~452.~~**Tandem Parking Space**

A paired parking space accommodating two or more vehicles that are parked directly behind each other that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.

613. **Taxidermist**

An establishment engaged in the art of preparing, stuffing, mounting, or processing the skins, feathers, or horns of animals.

614. ~~453.~~**Telecommunications**

The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

615. ~~454.~~**Telecommuting**

A work arrangement in which employees enjoy flexibility in working location, where the daily commute to a central place of work is replaced by telecommunication links that may be from home or other location off-site from the primary work location.

616. ~~455.~~**Temporary Event**

An "Event" as that term is defined in Section 12.24.010 of the Georgetown Code of Ordinances or a public gathering held on public or private property (~~for example~~e.g., gem and mineral shows, quilt shows, etc.)

617. ~~456.~~**Temporary Use**

See "Use, Temporary".

618. **Theater, Live**

An indoor facility that provides fixed seating for customers to view dramatic, musical, or live performances, including accessory snack and/or food and beverage services.

619. **Theater, Movie**

An indoor facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.

620. ~~457.~~**Thoroughfare**

Any roadway classified on the ~~Overall Transportation~~Future Mobility Plan as a Collector, Arterial, or Highway, which functions as generally high-volume corridors throughout the city and the surrounding areas.

621. ~~458.~~**Topographic Map**

A map showing all principal physical features of an area, including elevations.

622. ~~459.~~**Total Street Connections**

The total number of street connections to the ultimate street network, including connections to existing public streets and future stubs to adjacent properties.

623. ~~460.~~**Tower**

Any structure that is designed and constructed primarily to support one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term shall include, but will not be limited to radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

624. ~~461.~~**Tower or Antenna, Commercial**

A telecommunications structure or facility operated for financial gain by a person, corporation, or business.

625. ~~462.~~**Tower, Amateur Radio or Non-Commercial**

A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances for the private use and enjoyment of an individual holding a valid amateur radio (HAM) license issued by the Federal Communications Communication and not used for any commercial or industrial use. This shall also include a structure or facility operated by a utility company or governmental entity for its own use (such as an electricity or natural gas provider, water ~~d~~District, or other company which is licensed or regulated by the state or the federal government).

626. **Towing Service and Impound Lot**

A facility in which tow trucks are utilized in the hauling of motorized vehicles and for the temporary storage or impoundment of primarily operable or repairable motor vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.

627. **Townhouse**

A dwelling unit on an individual lot that is part of a series of three or more dwelling units having common side walls with one or more adjoining dwelling units in a townhouse row.

628. ~~463.~~**Townhouse Lot**

A lot being a portion of a townhouse development that is intended for separate ownership. A townhouse lot consists of the townhouse and associated required private open space. Townhouse lots are only applicable when three or more townhouses are grouped in a townhouse row and cannot stand alone as a single lot.

629. ~~464.~~**Townhouse Row**

A series of three or more connected townhouses.

630. ~~465.~~**Traffic Impact Analysis (TIA)**

An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

631. **~~466.~~Trailer**

A non-motorized apparatus intended to be towed by an automobile that is used for the carrying of materials, goods, livestock, or other objects and licensed by the ~~S~~state for use on public roadways. For the purposes of this Code a Trailer "does not equal a Recreational Vehicle".

632. **Transient Service Facility**

A facility where the principal function involves providing on-site food, clothing, shelter, or other related services primarily intended for those needing transient temporary assistance. The term includes homeless shelters, emergency lodging, charity dining facilities (soup kitchens), rescue missions, day labor hiring centers, and similar facilities and shall include the principal assistance or service facility and all appurtenant or related establishments intended for use by the patrons of the principal facility.

633. **Transit Passenger Terminal**

A facility for the loading and discharging of train or bus passengers and the transient parking of personal or transit vehicles.

634. **~~467.~~Transportation Improvement Program (TIP)**

Staged, multi-year program of transportation projects consistent with the ~~Overall Transportation~~Future Mobility Plan.

635. **~~468.~~Tree**

Any self-supporting woody perennial plant species usually having a single trunk diameter of no less than two inches at maturity, measured ~~one~~1 foot above grade, and which normally grows in Central Texas to an overall minimum height of 12 feet.

636. **~~469.~~Tree Canopy**

The horizontal extension of a tree's branches in all directions from its trunk.

637. **~~470.~~Tree, Credit**

Existing trees on a site with a DBH between ~~six~~6 and 11 inches that may be used toward the required mitigation or landscape trees.

638. **~~471.~~Tree Damage**

Excavation or disturbance within the CRZ such as by cutting roots, grading, pouring impervious material such as concrete or asphalt, installing utilities or installing irrigation that is not related to irrigating that specific Protected or Heritage Tree; chemical poisoning; utilizing the area within the tree protection fence for storage of equipment or vehicular traffic and other activities; removing bark greater than three inches; breaking or splitting of the main trunk; or any act compromising the health or structural integrity of the tree.

639. **~~472.~~Tree, Dead**

Any tree in which the canopy has died back 80~~ percent (80%)~~ or greater as determined by the Urban Forester.

640. **~~473.~~Tree, Diseased**

A tree with a condition that impairs the performance of one or more vital functions; usually associated with infectious conditions.

641. **~~474.~~Tree, Heritage**

Any of the following trees that has a 26-inch diameter when measured at ~~four and one-half~~4.5 feet above grade: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia.

Any tree or stand of trees designated by Resolution of the City Council to be of historical value or of significant community benefit.

The term "Heritage Trees" does not include Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, or Mesquite.

642. **~~475.~~Tree Mitigation**

The process to address the removal of Protected or Heritage Trees either through crediting existing trees, planting new replacement trees or paying fees-in-lieu.

643. **~~476.~~Tree, Multi-Trunk**

A tree with more than one trunk. These trees are measured according to the method established in this Code.

644. **~~477.~~Tree, Ornamental**

Smaller tree species, reaching a height of approximately ~~ten~~10 to 25 feet at maturity. Such trees provide screening and accent elements.

645. **~~478.~~Tree Preservation Plan**

A plan that graphically represents the Tree Schedule and identifies Protected Trees and Heritage Trees, indicating those being preserved and those being proposed for removal. The Tree Preservation Plan may be shown on the Tree Survey.

646. **~~479.~~Tree, Protected**

For purposes of this Code, a "protected" tree is any tree with a DBH of 12 inches or greater. The following species of trees are excluded from protected tree status Chinaberry, Hackberry, Ashe Juniper (Cedar), Chinese Tallow, and Mesquite.

647. **~~480.~~Tree Removal**

As it applies to protected trees means, the uprooting, severing the main trunk of a tree, or any activity which causes, or may reasonably be expected to cause a tree to die. Activities such as, but not limited to, damage inflicted upon the root system by machinery, storage of materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete or asphalt within the CRZ or impervious materials in a manner which may reasonably be expected to kill the tree.

648. **~~481.~~Tree Schedule**

A list indicating the status of all trees on site; Protected Trees preserved, Protected Trees removal, dead, Heritage Trees preserved, proposed Heritage Tree removal, not a protected species, or Credit Tree, along with species name and tree diameter in one table. Typically, a Tree Schedule is included on the Tree Survey.

649. **~~482.~~Tree, Shade**

The largest plants in the landscape that provide the overhead structure needed for shading and under which other plants live and grow. They spread and give overhead structure when they reach maturity.

650. **~~483.~~Tree Stand**

A contiguous grouping or cluster of trees which can exhibit characteristics similar to one another including, but not limited to, size, species, health, and age.

651. **~~484.~~Tree, Street**

An approved Shade Tree planted within the right-of-way in accordance with this Code.

652. **~~485.~~Tree Survey**

A drawing showing the size, location, species and critical root zone of all existing Protected and Heritage Trees~~,~~ and includes a table summarizing the total number of inches, in accordance with generally accepted methods of

International Society of Arboriculture (ISA). See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements.

653. **Truck Terminal**

A facility where commercial trucks, including tractors and trailer units, are housed, stored, maintained or repaired. Accessory uses may include offices, fueling or washing and the temporary storage of loads prior to shipment.

654. ~~486.~~**Trunk (Tree)**

The primary structural support of a tree, or the primary stem of a tree, as dist~~r~~inct from the branches and roots.

655. **Two-Family**

The use of a single lot or parcel for two dwelling units contained within a single building. See also "Duplex."

656. ~~487.~~**TxDOT**

Texas Department of Transportation.

657. ~~488.~~**Unified Development Code Advisory Committee**

Committee appointed by the City Council to advise the Planning and Zoning Commission and City Council on amendments to the Unified Development Code.

658. ~~489.~~**Unloaded Street**

A street where vehicular access driveways are outright prohibited or provisionally allowed. Includes Neighborhood Collectors, Major Collectors, Arterials and Highways.

659. **Upper-Story Residential**

Dwelling units located on the second or higher floor in a building with predominately Non-Residential uses on the ground floor.

660. ~~490.~~**Urban Forester**

The individual designated by the Parks and Recreation Director to ensure compliance with the tree provisions of this Code.

661. **Urgent Care Facility**

A medical facility where ambulatory patients can be treated on a walk-in basis, without an appointment, and receive immediate non-emergent care.

662. ~~491.~~**Use**

The purpose or activity for which land or any structure thereon~~,~~ is designed, arranged or intended or for which it is occupied or maintained.

663. ~~492.~~**Use, Accessory**

A use that is subordinate and incidental to the primary use.

664. ~~493.~~**Use, Primary**

The use which is conducted as the primary activity upon the lot on which it is located. Also, may be referred to as "Principal Use".

665. ~~494.~~**Use, Secondary**

See "Use, Accessory".

666. ~~495.~~**Use, Temporary**

A use established for a fixed, usually short-term, period of time with the intent to discontinue the use upon the expiration of the time. Temporary uses have characteristics that require certain restrictions in order to insure compatibility with other uses in the ~~z~~Zoning ~~d~~District in which they are proposed.

667. **Utility Service, Intermediate**

Publicly or privately owned facilities or systems including elevated water storage tanks, lift stations, telephone switching facilities (over 100 square feet gross floor area), electric substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities; and towers erected by a public authority for public safety or emergency services communication purposes.

668. **Utility Service, Major**

Publicly or privately owned facilities or systems including generation, production, or treatment facilities such as power plants, water treatment plants, wastewater treatment plants (including package treatment plants), or similar utilities; and~~,~~ radio and television transmission towers.

669. **Utility Services, Minor**

Publicly or privately owned facilities or systems that are necessary to support principal development. Minor utilities include transmission lines (whether~~,~~ subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; and telephone switching facilities (up to 100 square feet gross floor area).

670. ~~496.~~**Vacation**

The termination of (1) an interest in an easement, right-of-way or public dedication of land; or (2) a legally recorded Subdivision Plat or portion thereof.

671. ~~497.~~**Variance, Zoning**

A grant of relief to a person from the Zoning requirements of this Code when specific application thereof would result in unnecessary hardship, as determined by the Zoning Board of Adjustment. A Zoning Variance, therefore, permits construction or development in a manner otherwise prohibited by this Code. Does not constitute nor equal a Subdivision ~~Variance~~Waiver.

672. ~~498.~~**Vehicle**

See "Automobile".

673. ~~499.~~**Vehicle Storage**

Long-term storage (over 72 hours) of operable or inoperable vehicles. Typically includes storage of tow-aways or impound yards, but this term excludes dismantling or salvage.

674. ~~500.~~**Verification Letter, Legal Lot**

A letter confirming whether or not a tract of land is a Legal Lot, as that term is defined in this Code.

675. ~~501.~~**Verification Letter, Zoning**

A letter that indicates that a specified use is permitted within a particular ~~z~~Zoning ~~d~~District or confirming the established ~~z~~Zoning ~~d~~District on a particular property. A Zoning Verification Letter does not authorize the property owner to proceed with a development; the letter does not specify requirements that must be met for future development; nor does the letter include a determination that a tract of land may be developed.

676. **Veterinarian Clinic**

A facility, operated under the supervision of a licensed veterinarian, where domestic animals and pets are admitted for examination, observation, diagnosis, and medical treatment. This term includes those facilities with and without outdoor pens as permitted in **Section 6.02. Use Tables**.

677. ~~502.~~**Vines**

A plant whose stem requires support and which climbs by tendrils or twining.

678. ~~503.~~**Wall Surface Area**

The total vertical wall area, including windows, of a building when seen in an elevation view of the building. Roofs, including mansard roofs, having a slope of greater than 65 degrees shall be considered part of a wall surface for the purposes of this ordinance. See for comparison "Roof".

679. ~~504.~~**Wall, Boundary**

A masonry wall bounding residential development along large roadways to present a cohesive, durable fencing enclosure, as described fully in ~~Section 8.07~~**9.05.070.7.**

680. ~~505.~~**Wall, Building**

See "Building Wall".

681. ~~506.~~**Wall, Fencing**

An opaque masonry wall used for fencing and screening, not considered part of a building not used for retaining purposes.

682. ~~507.~~**Wall, Retaining**

A wall not laterally supported at the top that resists lateral soil loads and other imposed loads.

683. **Warehousing and Distribution, General**

An establishment engaged in the open-air storage, distribution, or movement of materials, equipment, or goods for themselves or other firms. Typical uses include household moving, general freight storage where the goods are stored in containers, and grain terminals. This definition does not include truck terminals or rail yards, as herein defined.

684. **Warehousing and Distribution, Limited**

An establishment engaged in the storage, distribution, or movement of materials, equipment, or goods within an enclosed structure for themselves or other firms. Typical uses include separate warehouses used by retail stores such as furniture and appliance stores, household moving, and general freight storage where the goods are stored in a building, cold storage plants or frozen food lockers, major wholesale distribution centers, truck or air freight terminals, or parcel services.

685. **Waste Related Uses**

Uses that receive solid or liquid wastes from others for transfer to another location, collect sanitary wastes, or manufacture or produce goods or energy from the composting of organic material. Typical uses include solid or liquid waste transfer facilities, composting facilities, animal waste processing and recycling facilities.

686. ~~508.~~**Watershed**

The area from which stormwater drains into a storm sewer, basin, river, or creek.

687. ~~509.~~**Wetland**

Land that is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water.

688. **Wholesale Showroom**

An establishment engaged in selling merchandise primarily to retailers, contractors, industrial, commercial, or institutional professional business users; or to other wholesalers or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include agents, merchandise, or commodity brokers; commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; and stores primarily selling electrical, plumbing, heating and air conditioning supplies, and equipment. The facility may also include storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed wholesale showroom but rather shall be considered a retail sales operation.

689. ~~510.~~**Wireless Communication Service Provider (Service Providers)**

Any company, corporation, alliance, individual, or other legal entity that provides a wireless communication service directly to the public for a fee, or to such classes of users as to be effectively available directly to the public regardless of the facilities used. Services include, but not limited to, portable phones, car phones, pagers, digital data transmission or radio, or television communication.

690. **Wireless Transmission Facility (WTF)**

An unstaffed facility for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider. WTFs are composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower.

691. ~~511.~~**Workforce Housing**

As used in this Code, the residential dwelling units in Workforce Housing Developments are available for those whose incomes are less than or equal to eighty percent (80%) of the area median family income, as defined by the Department of Housing and Urban Development (HUD) for the Austin-Round Rock-San Marcos Metropolitan Statistical Area (MSA).

692. **Wrecking, Scrap, or Salvage Yard**

An establishment where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked automobiles, house wrecking and structural steel materials and equipment, and vehicles or appliances which are inoperable, but not including the interior purchase, sale, or storage of used furniture and household equipment. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

693. ~~512.~~**Yard**

The area that lies between an established building line and its parallel or semi-parallel lot line. A yard is separate and distinct from, but usually inclusive of, a required setback.

694. ~~513.~~**Yard, Front**

The area that lies between the established front building line of the principal building and the front lot line.

695. ~~514.~~**Yard, Rear**

The area that lies between the established rear building line of the principal building and the rear lot line.

696. ~~515.~~**Yard, Side**

The area that lies between the established side building line of the principal building and the side lot line.

697. ~~516.~~**Yard, Street**

The area of a lot that lies between any adjoining street right-of-way and any existing or proposed building, the portion of which is closest to the right-of-way line. Street Yard boundaries extend from the building the length of the lot, generally parallel to the right-of-way line of the street.

698. ~~517.~~**Xeriscape**

A method of landscaping and gardening which conserves water through the use of specific principles of design, plant selection, installation, and maintenance.

699. ~~518.~~**Zero Lot Line**

See "Single-Family, Zero~~-~~-Lot~~-~~-Line".

700. ~~519.~~**Zoning Board of Adjustment (ZBA)**

The board that has been created by the City Council to hear and determine Appeals of Administrative Decisions and Exceptions, Special Exceptions, Variances, and any other powers granted thereto by the ~~S~~state, City Charter, or this Code. May be referred to as the "Board" or "ZBA" throughout this Code.

701. ~~520.~~**Zoning Map**

See "Official Zoning Map".

~~Section 18.03. Land Use Definitions~~

~~18.03.01. Residential Uses~~

~~1.~~ ~~**Accessory Dwelling Unit**~~

~~A small separate dwelling unit, either detached or attached to the principal dwelling unit, which includes full kitchen facilities and living quarters. Often referred to as "guest homes", "granny flats", "garage apartments", or "mother-in-law units", accessory dwelling units are intended to be integrated into primarily single family neighborhoods to provide housing alternatives for a variety of age groups and income levels with minimal impact on the character of the neighborhood.~~

~~2.~~ ~~**Assisted Living**~~

~~A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen, and organized social activities. An assisted living facility may include an adult daycare as an accessory use.~~

~~3.~~ ~~**Boarding House**~~

~~See "Rooming House".~~

~~4.~~ ~~**Group Home**~~

~~A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has: 1) An orthopedic, visual, speech, or hearing impairment; 2) Alzheimer's disease; 3) Pre-senile dementia; 4) Cerebral palsy; 5) Epilepsy; 6) Muscular dystrophy; 7) Multiple sclerosis; 8) Cancer; 9) Heart disease; 10) Diabetes; 11) Autism; or 12) Mental illness. Per~~

~~Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential".~~

~~5.~~ ~~**Group Living**~~

~~A group of uses characterized by the residential use of a site for occupancy by groups of persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, boarding houses or fraternal orders.~~

~~6.~~ ~~**Halfway House**~~

~~Pursuant to Texas Human Resources Code § 42.002, a halfway house is a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.~~

~~7.~~ ~~**Home-Based Business**~~

~~An occupation or business activity which results in a product or service for financial gain and is conducted in whole or part in the dwelling unit or accessory building and is clearly an accessory or incidental use and subordinate to the residential use of the dwelling unit. Telecommuting from a person's regular place of employment is not a home-based business. Home-based businesses may also be called home occupations. Home-based businesses exclude uses that are otherwise addressed in Chapter 5, such as Bed and Breakfasts.~~

~~8.~~ ~~**Hospice Facility**~~

~~A facility licensed through the State of Texas to provide 24-hour palliative care to terminally ill persons.~~

~~9.~~ ~~**Household Living**~~

~~A group of uses characterized by one or more persons living together in a single dwelling as a household.~~

~~10.~~ ~~**Manufactured Housing**~~

~~A residential structure constructed on or after June 15, 1976, in compliance with the rules and definitions of the United States Department of Housing and Urban Development, that is transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.~~

~~11.~~ ~~**Manufactured Housing Park**~~

~~A parcel of land under single entity ownership which has been planned and improved for the placement of two or more manufactured homes and their accessory uses.~~

~~12.~~ ~~**Multifamily, Attached Dwelling Units**~~

~~Three or more dwelling units located on a single lot or parcel, with each dwelling unit located in a structure containing three or more dwelling units. This term includes, but is not limited to, triplexes, quadraplexes, and apartments.~~

~~13.~~ ~~**Multifamily, Detached Dwelling Units**~~

~~Three or more dwelling units located on a single lot or parcel, with each dwelling unit located within a structure containing no more than two dwelling units.~~

~~14.~~ ~~**Nursing Home**~~

~~A facility housing and providing care for persons who are aged, chronically ill, or incurable who are unable to care for themselves, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. Services typically include custodial or attendant care and meals, but may or may not provide for routine~~

~~and regular medical and nursing services. Nursing home includes homes for the aged, convalescent and rest homes, but does not include assisted living or senior apartments or hospitals or similar medical facilities.~~

~~15. Orphanage~~

~~A public or nonprofit institution that houses children who are orphaned, abandoned, or whose parents are unable to care for them. A school may be an accessory use to an orphanage.~~

~~16. Rooming House~~

~~A residential building other than a hotel or apartment where lodging and possibly meals are provided by pre-arrangement for definite periods for compensation. No cooking facilities are provided in individual living units.~~

~~17. Second Dwelling Unit~~

~~A primary dwelling that is located on a lot already developed with one primary dwelling, resulting in two separate and independent primary dwellings on the same lot. A second dwelling unit is distinct from an accessory dwelling unit, as it is equivalent in use and function to a standard single-family dwelling.~~

~~18. Single-Family, Attached~~

~~A single-family dwelling unit located on its own lot that shares one or more common walls with one other single-family dwelling unit on a separate lot.~~

~~19. Single-Family, Detached~~

~~A single-family dwelling unit, located on its own lot that is not attached to any other dwelling unit.~~

~~20. Townhouse~~

~~A dwelling unit on an individual lot that is part of a series of three or more dwelling units having common side walls with one or more adjoining dwelling units in a townhouse row.~~

~~21. Two-Family~~

~~The use of a single lot or parcel for two dwelling units contained within a single building. See also "Duplex."~~

~~22. Upper-Story Residential~~

~~Dwelling units located on the second or higher floor in a building with predominately Non-Residential uses on the ground floor.~~

~~18.03.02. Civic Uses~~

~~23. Activity Center, Senior~~

~~Senior centers of a public, nonprofit or charitable nature providing fraternal, social, and/or recreational programs generally open to the public and generally designed to accommodate and serve the retired or elderly segment of the community. Accessory uses may include offices, meeting areas, food preparation areas, and day care uses.~~

~~24. Activity Center, Youth~~

~~Youth club facilities of a public, nonprofit or charitable nature providing social and/or recreational programs generally open to the public and designed to accommodate and serve the adolescent segments of the community. Accessory uses may include offices, meeting areas, food preparation areas, day care uses, and athletic facilities.~~

~~25. Animal Shelter~~

~~A public, nonprofit or not-for-profit facility at which stray, lost, homeless, abandoned, or unwanted dogs, cats, or other domesticated animals are kept for purposes of distribution to the general public.~~

~~26. Blood or Plasma Center~~

~~A facility that obtains blood or blood plasma from voluntary donors.~~

~~27. Cemetery~~

~~A place or ground used or intended to be used for the burial or entombment of the dead, whether human or animal, including a mausoleum or columbarium.~~

~~28. Columbarium~~

~~A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person.~~

~~29. Community Center~~

~~A building or complex of buildings typically consisting of one or more meeting or multi-purpose rooms and kitchen and/or outdoor barbecue facilities, owned and/ or operated by a governmental agency or private non-profit agency and used for and providing religious, fraternal, social, cultural, educational, athletic, recreational, or entertainment activities generally open to the public and designed to accommodate and serve significant segments of the community. Community centers may be available for use by various groups for such activities as meetings, parties, receptions, dances, etc.~~

~~30. Community Garden~~

~~A site used for growing plants for food, fiber, herbs, and/or flowers, which is shared and maintained by community residents.~~

~~31. Correctional Facility~~

~~A facility providing judicially required detention or incarceration of individuals convicted of crimes where these individuals are housed until such time as they have completed their sentences. Such facilities include minimum and maximum security prisons for adults as well as juvenile detention centers for minors.~~

~~32. Day Care, Commercial~~

~~A day care facility that provides less than 24-hour care and supervision for 12 or more individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees. This term shall include commercial daycare for children, adults or handicapped persons. This use is subject to registration with the Texas Department of Protective and Regulatory Services.~~

~~33. Day Care Facilities~~

~~A group of uses providing care and supervision for children or adults.~~

~~34. Day Care, Residential Home~~

~~A home occupation in which an individual provides less than 24-hour care and supervision for six or fewer children under the age of 14, plus no more than six additional elementary school-age children (age five to thirteen). The total number of children, including those under the legal custody of the day care provider, is no more than 12 at any time. This use is subject to registration with the Texas Department of Protective and Regulatory Services.~~

~~35. Day Care, Group~~

~~A day care facility that provides less than 24-hour care and supervision for seven to twelve children under 14 years of age at any one time, including those under the legal custody of the day care provider or employees.~~

~~36. Educational Facilities~~

~~A group of uses including public and private schools at the primary elementary, middle, junior high, or high school level that provides basic academic education and colleges and other institutions of higher learning that offer courses of general or specialized study.~~

~~37. Emergency Services Station~~

~~Facilities for the conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.~~

~~38. Golf Course~~

~~A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, a driving range, putting greens, and shelters as accessory uses. This term excludes stand alone driving ranges or miniature golf facilities.~~

~~39. Government and Community Facilities~~

~~A group of uses focused on the provision of a public or cultural service. Typically these facilities are public or non-profit and serve a wide range of needs and patrons.~~

~~40. Government Office~~

~~Federal, State, County, or City offices containing administrative, clerical, or public contact services and may include incidental storage and maintenance of necessary vehicles.~~

~~41. Hospital~~

~~An institution providing primary health services and medical or surgical care, primarily on an in-patient basis, to persons suffering from illness, disease, injury, and/or other abnormal physical conditions. Services may include out-patient and emergency treatment, diagnostic services, laboratories, rehabilitation services, training or teaching facilities, medical offices, hospital administration, meeting areas, maintenance facilities, staff dormitories, and supportive services for patients, employees, and visitors such as cafeterias and ancillary retail sales.~~

~~42. Hospital, Psychiatric~~

~~Hospitals that are primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness. The treatment often requires an extended stay in the hospital.~~

~~43. Library~~

~~A public facility or other place containing books for reading, study, and research.~~

~~44. Mausoleum~~

~~An external free-standing structure constructed as a monument enclosing the interment space or burial chamber of a deceased person or persons.~~

~~45. Medical and Institutional Facilities~~

~~A group of uses designed for the treatment and care of physically or mentally ill patients, patients seeking treatment for dependency abuse, and also including centers for the receiving of blood, plasma, or other bodily fluids.~~

~~46. Memorial Park~~

~~See "Cemetery".~~

~~47. Museum~~

~~A facility or area devoted to the acquisition, preservation, study and exhibition of works of artistic, historical, or scientific value.~~

~~48. Nature Preserve~~

~~An area of land that is protected and managed in order to preserve a particular type of habitat and its flora and fauna, which are often rare or endangered.~~

~~49. **Neighborhood Amenity, Activity or Recreation Center.**~~

~~A private facility associated with a specific residential development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of the development.~~

~~50. **Parks and Open Spaces**~~

~~A group of uses providing private and public areas intended for the outdoor usage of its patrons, including associated structures, playscapes, and other facilities.~~

~~51. **Postal Office**~~

~~A facility for processing and sorting mail or bulk mail operated by either the United States Postal Service or a private mail shipping and delivery service.~~

~~52. **Places of Worship**~~

~~A group of uses providing facilities for religious assembly.~~

~~53. **Public Park, Neighborhood**~~

~~A park of one to 15 acres, serving one neighborhood or a ¼- to ½-mile radius.~~

~~54. **Public Park, Regional**~~

~~A park consisting of 100 or more acres, serving several communities typically within one hour driving time.~~

~~55. **Religious Assembly Facility**~~

~~A facility providing regular organized religious worship and religious study. This term includes churches, synagogues, temples, mosques, and other types of religious assembly halls. Accessory uses may include community recreational facilities, classrooms, administrative offices, and similar facilities that are directly associated with and supported by the membership assembly on site. Private primary or secondary educational facilities and day care facilities are subject to the standards of Chapter 5 for such uses.~~

~~56. **School, Boarding**~~

~~Any building or group of buildings with dormitories, dining rooms, and other accessory uses for the boarding of students, the use of which meets state requirements for primary, secondary, or higher education.~~

~~57. **School, Business or Trade**~~

~~A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, university, or public or private educational facility.~~

~~58. **School, College or University**~~

~~An educational institution or other institutions of higher learning that offers courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Accessory uses include offices, student housing, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.~~

~~59. **School, Elementary**~~

~~A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools.~~

~~60. **School, High**~~

~~A public, private, or parochial school offering instruction at the senior high school level in the branches of learning and study required to be taught in the public schools.~~

~~61.~~ ~~**School, Middle**~~

~~A public, private, or parochial school offering instruction at the middle (junior) school level in the branches of learning and study required to be taught in the public schools.~~

~~62.~~ ~~**Social Service Facility**~~

~~A multi-functional facility that provides assistance, advocacy, case management, guidance, counseling, or similar services on a daytime care basis to persons requiring rehabilitation assistance or those with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning, or physical disabilities, and child support issues, but does not include a rescue mission, homeless shelter, or day care.~~

~~63.~~ ~~**Substance Abuse Treatment Facility**~~

~~A facility providing 24-hour supervision, counseling, and treatment for persons not needing regular medical attention, but requiring rehabilitation services for alcohol or chemical dependency or similar disorders, including those ordered as a condition of probation.~~

~~18.03.03. Transportation and Utility Uses~~

~~64.~~ ~~**Airport**~~

~~A facility or area of land reserved, designed and improved for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including all necessary facilities for the housing, maintenance, safety, and security of aircraft, such as hangars, facilities for refueling and repair, and other related accessory structures, as well as various accommodations for passengers, baggage, or freight.~~

~~65.~~ ~~**Bus Barn**~~

~~A facility where buses or other passenger transporting fleet vehicles are housed, stored, maintained or repaired. Accessory uses may include offices or maintenance, fueling, or washing facilities.~~

~~66.~~ ~~**Heliport**~~

~~Any landing or takeoff area intended for use by helicopters or other rotary wing type aircraft capable of vertical takeoff and landing profiles.~~

~~67.~~ ~~**Parking Lot, Commercial**~~

~~An off-street facility for the parking of automobiles on a temporary basis that may be operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.~~

~~68.~~ ~~**Parking Lot, Off-Site**~~

~~An off-street facility for the parking of automobiles on a temporary basis that serves an adjacent or nearby principal use.~~

~~69.~~ ~~**Park-n-Ride Facility**~~

~~A facility designed for parking automobiles, the occupants of which transfer to public transit, carpools, van-pools, or bus-pools to continue their trips.~~

~~70.~~ ~~**Private Transport Service Dispatch Facility**~~

~~A facility where private passenger transport services, such as taxicabs, limousines, rideshare vehicles, or similar services, are dispatched to customers. Such facilities may include administrative offices and limited vehicle storage, but do not include the general repair, fueling, or sale of vehicles.~~

~~71.~~ ~~**Rail or Transit Yard**~~

~~A facility or area for the maintenance, repair, or storage of bus, rail, or other transit vehicles.~~

~~72. **Transit Passenger Terminal**~~

~~A facility for the loading and discharging of train or bus passengers and the transient parking of personal or transit vehicles.~~

~~73. **Utility Service, Intermediate**~~

~~Publicly or privately owned facilities or systems including elevated water storage tanks, lift stations, telephone switching facilities (over 100 square feet gross floor area), electric substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities; and towers erected by a public authority for public safety or emergency services communication purposes.~~

~~74. **Utility Service, Major**~~

~~Publicly or privately owned facilities or systems including generation, production, or treatment facilities such as power plants, water treatment plants, wastewater treatment plants (including package treatment plants), or similar utilities; and, radio and television transmission towers.~~

~~75. **Utility Services, Minor**~~

~~Publicly or privately owned facilities or systems that are necessary to support principal development. Minor utilities include transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; and telephone switching facilities (up to 100 square feet gross floor area).~~

~~76. **Wireless Transmission Facility (WTF)**~~

~~An unstaffed facility for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider. WTFs are composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower.~~

~~18.03.04.Commercial Uses~~

~~77. **Artisan Studio and Gallery**~~

~~An establishment for the creation, preparation, display, and sale of individually-crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles, and related items that are either made to order or which involve considerable handwork. Artisans shall include sculptors, painters, sketch artists, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers. On-site sale of the product is required and accessory uses may include instruction of the particular skill to groups not exceeding five persons and sale of supplies directly related to the trade. This use excludes cabinet making or assembly shops and the use of mechanized assembly line production.~~

~~78. **Athletic Facility, Indoor or Outdoor**~~

~~An area, field, building or combination thereof, which is constructed and equipped for use in participatory and/or spectator-oriented sports and athletics. This use includes, but is not limited to, facilities intended for the instruction, practice, and competitive events associated with basketball, volleyball, soccer, tennis, gymnastics, swimming, baseball or football. Accessory uses may include offices, snack bars, limited sales, locker rooms and incidental child care. This term excludes racetracks for dirt bikes or motorized vehicles, amusement parks, sports arenas, and any other facility otherwise categorized as Major Event Entertainment.~~

~~79. **Automobile Parts and Accessories Sales**~~

~~Retail sales of automobile related parts and accessories. The outdoor storage or display of merchandise shall only be allowed in those districts where Automobile Parts and Accessory Sales, Outdoor is permitted.~~

~~80.~~ ~~**Automobile Sales, Rental or Leasing Facility**~~

~~A facility engaged in the sale, rental, or leasing of automobiles, noncommercial trucks, or motorcycles, including incidental storage, limited maintenance, and limited servicing. Typical uses include new or used automobile dealerships, motorcycle dealerships, and automobile or motorcycle rental agencies.~~

~~81.~~ ~~**Automobile Repair and Service, General**~~

~~General repair or replacement services for any vehicles, including commercial. In addition to those services provided under limited automobile repair and service, general automobile repair and services includes rebuilding, reconditioning or replacement of engines, transmissions or power trains; collision services such as body, frame, or fender replacement, straightening or repair; steam cleaning, undercoating and rust proofing; major painting; or similar servicing, rebuilding or repairs that normally require significant disassembly or overnight on-site storage of vehicles, excluding dismantling, wrecking, or salvage. Outdoor storage of materials such as tires, auto parts, etc. is allowed.~~

~~82.~~ ~~**Automobile Repair and Service, Limited**~~

~~Minor repair or replacement services for automobiles, light trucks, motorcycles, trailers, recreational vehicles, and similar non-commercial motor vehicles not exceeding one and one-half ton capacity. Services include engine tune-ups, oil changes and lubrication, wheel alignment or balancing, sales and installation of batteries or tires, transmission, drive train, radiator, fuel, electrical or muffler repairs, servicing of brakes, air conditioning or exhaust systems, incidental upholstering or similar servicing or repairs not part of collision repair and normally not requiring any significant disassembly. No outdoor storage of materials such as tires, auto parts, etc. is allowed.~~

~~83.~~ ~~**Banking and Financial Services**~~

~~An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions and similar services. This term does not include "check cashing" or "payday loan" establishments.~~

~~84.~~ ~~**Bar**~~

~~A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, pubs, cocktail lounges, and similar uses other than a Restaurant.~~

~~85.~~ ~~**Bed and Breakfast (B&B)**~~

~~A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated zoning districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. This use does not allow for events associated with the Bed and Breakfast.~~

~~86.~~ ~~**Bed and Breakfast with Events**~~

~~A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated zoning districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. This use allows for events associated with the Bed and Breakfast that subordinate to the Bed and Breakfast.~~

~~87.~~ ~~**Campground**~~

~~Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes. The maximum length of stay at a camping and recreational vehicle park shall be 30 days.~~

~~88. Car Wash~~

~~A facility for the washing, waxing, or cleaning of automobiles, recreational vehicles, or light duty trucks. Services may be provided either by employees of the facility, where the vehicle owner leaves the vehicle or waits in a designated area while the vehicle is vacuumed, washed, dried, waxed, and/or detailed for a fee, or by the vehicle owner, through automated self-service (drive-through/rollover) wash bays or wand-type self-service (open) wash bays.~~

~~89. Commercial Document Storage~~

~~A business providing off-site document or record storage, management, and retrieval services in a secure, temperature-controlled facility for commercial businesses or government entities.~~

~~90. Commercial Recreation~~

~~A privately established and operated facility that provides indoor or outdoor recreational opportunities for a fee, including batting cages, bowling alleys, miniature golf courses, roller and ice skating rinks, game courts, video arcades, pool halls, laser tag, skate parks, rock climbing walls, go kart tracks, and similar uses. Accessory uses may include snack bars, limited sales, and locker rooms. This use excludes outdoor firing ranges, stadiums, amphitheaters, amusement parks, country clubs, golf courses, camping and recreational vehicle parks, fairgrounds, and swim/tennis clubs.~~

~~91. Commercial Vehicle Sales, Rental or Leasing Facility~~

~~A facility engaged in the sale, rental, or leasing of commercial vehicles, including incidental storage, limited maintenance, and limited servicing. Typical uses include commercial truck dealerships, bus sales facilities, and commercial vehicle rental agencies.~~

~~92. Consumer Repair~~

~~An establishment primarily engaged in the provision of repair services to individuals and households rather than firms. Typical uses include appliance repair, locksmiths, watch or jewelry repair, or musical instrument repair. This use excludes automotive and large equipment servicing or repair.~~

~~93. Consumer Retail Sales and Services~~

~~Group of commercial uses providing retail sales and services primarily to individuals, typically for frequently or recurrently needed services of a personal nature.~~

~~94. Dance Hall~~

~~An establishment open to the general public for entertainment, in particular, dancing, but excluding any entertainment otherwise included in the definition of "Sexually-Oriented Business".~~

~~95. Data Center~~

~~A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site. Data Centers will typically require large amounts of electricity, strict temperature control and high security and will generally have few employees on-site at any given time. May also be referred to as a server farm.~~

~~96. Driving Range~~

~~An outdoor area equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.~~

~~97. Dry Cleaning Service~~

~~An establishment engaged in providing laundry, dry cleaning and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may take place at that facility. If laundering and/or dry cleaning of clothes from other service outlets take place, it shall be considered a "Dry Cleaning or Laundry Plant."~~

~~98. Event Catering and Equipment Rental Services~~

~~An establishment providing large scale food catering services and the storage, rental, and supply of party, banquet, or event equipment, furnishings, or fixtures.~~

~~99. Event Facility~~

~~A building, structure, or site available for rental by the public for the primary intended purpose of hosting parties, wedding receptions, banquets, corporate meetings or similar group events. Event Facility does not include an event room available for rental in a structure housing another primary use where the event room rental is an accessory use to the primary use (i.e., General Restaurant) or a Community Center as it is defined in this Code.~~

~~100. Farmer's Market~~

~~A permanent indoor or outdoor market where individual vendors offer produce and related items for retail sale directly to the consumer. The products are typically locally and regionally grown and may include items such as fresh fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and processed food products such as jams, honey, pickled foods, and sauces. Baked goods, handmade crafts, art, clothing, jewelry, and produce items not native to this region may also be sold but may not constitute a majority of total sales. Sale of new and used household goods, personal effects, tools, small household appliances, and similar merchandise are not included in this definition.~~

~~101. Firing Range~~

~~Any rifle, pistol, silhouette, skeet, trap, black powder, or other similar range used for discharging firearms in a sporting event or for practice or instruction in the use of the firearm or for the testing of a firearm.~~

~~102. Fitness Center~~

~~An establishment providing exercise equipment, facilities and instruction designed to maintain or improve the physical fitness of participants. Facilities may include childcare centers, swimming pools, sports courts and similar amenities and may also include incidental food sales, retail sales, and personal care services. May also be referred to as a gym or a health club.~~

~~103. Flea Market~~

~~A permanent indoor or outdoor market where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation. A flea market is different from a "Farmers Market" in that the majority of goods sold at a flea market are non-edible.~~

~~104. Food and Beverage Establishments~~

~~A group of uses including businesses that store, prepare, package, serve or otherwise provide food and beverages for human consumption. Examples include restaurants, bars, and food catering services.~~

~~105. Food Catering Services~~

~~A commercial facility providing services consisting of the on-site preparation and storage of food and food utensils to be delivered and served to and consumed by customers off the premises. This term does not include the storage, rental, or supplying of party, banquet or event equipment, furnishings, or fixtures.~~

~~106. Fuel Sales~~

~~The on-site retail sales of motor vehicle fuel, including gasoline, diesel fuel, and alternative fuels.~~

~~107. Funeral Home~~

~~An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses also include mortuaries.~~

~~108. Furniture Repair and Upholstery~~

~~Establishments engaged in the repair or re-upholstering of used or antique furniture.~~

~~109. Garden Center~~

~~See "Landscape Supply Sales/Garden Center".~~

~~110. Greenhouse, Wholesale~~

~~A large-scale commercial greenhouse used to grow flowers, shrubs, trees, or other plants for the wholesale trade to restaurants, farmer's markets, grocery stores. and other off-site markets. The business may have incidental retail sales in conjunction with the wholesale sales.~~

~~111. Health Services~~

~~A group of uses intended for the treatment and care of injured or ill patients, including doctor's offices and clinics, urgent care facilities, and home health care services, but excludes hospitals.~~

~~112. Heavy Equipment Sales and Repair~~

~~A facility providing retail sales, leasing, and repair of heavy or commercial vehicles or equipment such as those used in construction, farming, or manufacturing.~~

~~113. Home Health Care Services~~

~~A facility primarily engaged in providing skilled nursing services in the home along with a range of additional services to help patients live independently by taking care of activities that are essential to daily living. In addition to traditional nursing (such as changing wound dressings, checking vital signs, and providing tube feedings), these care giving services may include personal care (such as bathing, dressing, eating, and walking), homemaker and companion services (such as shopping and paying bills), physical therapy, medical social services, medications, medical equipment and supplies, 24-hour home care, counseling, dietary and nutritional services, speech therapy and audiology.~~

~~114. Hotel, Extended Stay~~

~~A hotel offering for rent individual guest rooms or suites intended to be used for stays which may exceed 30 consecutive days. Meeting rooms, a clubhouse, and recreational facilities for the use of residents and their guests are permitted and suites may contain complete kitchen facilities.~~

~~115. Hotel~~

~~A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. All rooms are accessed via the main lobby of the building or entryways individually equipped with some form of security controlled access system. More than 75 rooms in MUDT will require an SUP.~~

~~116. Inn~~

~~A property, often a former single-family residence, offering up to 15 guestrooms for rent to tourists, vacationers, and similar transients, for a period of time not to exceed 30 consecutive days. Guest quarters are typically accessible by hallways through a main entrance and do not include cooking facilities. An inn may consist of more than one building and may include a single kitchen facility to offer on-site meal service.~~

~~117. Integrated Office Center~~

~~A building, buildings, or site designed to be primarily occupied by a mixture of offices of a similar field, service, industry, or profession (i.e., medical) with ancillary establishments for workers such as a restaurant or personal services. Retail uses related to the primary field or profession and serving the general public may also be located in such structures but shall not constitute a majority of the building's gross leasable area.~~

~~118. Janitorial Services~~

~~An establishment providing cleaning services for the interior or exterior of buildings, structures or dwellings, whether or not industrial, commercial, or income-producing real property or the contents thereof. Such services are rendered either on a scheduled, periodic basis or only on a single occasion.~~

~~119. Kennel~~

~~A commercial establishment in which two or more dogs, cats, or other domesticated (pet) animals not owned by the owner or occupant of the premises are temporarily housed for boarding, training or breeding purposes. Typical uses include boarding kennels, pet motels, and dog training centers. Outdoor facilities associated with this use are subject to the limitations in Section 5.04.020 of this Code.~~

~~120. Landscape Supply Sales/Garden Center~~

~~An establishment primarily engaged in the retail sale of feed, grain, trees, shrubs, seeds, fertilizers, pesticides, plants, pots, and other indoor or outdoor planting or gardening materials to the general public. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include feed stores, plant nurseries, greenhouses, plant stores, and lawn and garden centers.~~

~~121. Laundromat~~

~~A facility where patrons wash and/or dry clothing, linens, and other fabric items in machines operated by the patron.~~

~~122. Live Music~~

~~A designated area suitable for the conduction of a live concert of vocal or musical instrument performance, which can often be heard beyond the property line of the premises.~~

~~123. Major Event Entertainment~~

~~A public or privately owned structure or area with a capacity of greater than 1,000 persons for the purposes of public performances, sporting events, or similar attractions that may generate heavy traffic. Major event entertainment facilities include concert halls, stadiums, sports arenas, commercial water parks, racetracks, rodeo arenas, zoos, coliseums, amusement parks, and convention centers. Accessory uses may include food preparation facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.~~

~~124. Manufactured Housing Sales~~

~~An establishment engaged in the sales or leasing of new or used manufactured housing.~~

~~125. Medical or Dental Clinic~~

~~A facility housing the offices of more than three medical practitioners including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional services on an outpatient basis. In addition to the services offered at a "Medical or Dental Office", a clinic may include facilities providing minor outpatient surgical services requiring a stay of less than 24 hours, dialysis or cancer centers, or similar treatment facilities. Overnight stays of patients at such facilities shall not be allowed.~~

~~126. Medical or Dental Office~~

~~A facility housing the offices of no more than three medical practitioners, including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist, or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional~~

~~services on an outpatient basis. Facilities may include patient waiting rooms, treatment areas, and laboratory space. Overnight stays of patients at such facilities shall not be allowed.~~

~~127. Membership Club or Lodge~~

~~An establishment providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.~~

~~128. Micro brewery~~

~~A retail establishment where beer is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro brewery typically produces less than 15,000 barrels annually.~~

~~129. Micro distillery~~

~~A retail establishment where alcohol is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro-distillery typically produces less than 15,000 barrels annually.~~

~~130. Micro Winery~~

~~A retail establishment where wine is produced on premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro winery is typically a small wine producer that generates up to 15,000 gallons of wine annually~~

~~131. Motel~~

~~A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. Rooms are generally directly accessible from an exterior parking area. Customary hotel services and amenities, such as linen and maid service, are included.~~

~~132. Nightclub~~

~~An establishment open to the general public for the purposes of entertainment, characterized by either dancing; performances by magicians, musicians, or comedians; or a combination of the two. The term "nightclub" does not include theaters or auditoriums with fixed row seating or establishments defined in this Code as a "Sexually-Oriented Business".~~

~~133. Overnight Accommodations~~

~~A group of uses providing facilities used for the renting of rooms or other areas intended for overnight guests.~~

~~134. Office, General~~

~~The provision of executive, management or administrative services; including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices. This term excludes medical offices and the sale or storage of merchandise on the premises.~~

~~135. Offices, Professional and Business~~

~~A group of uses that include facilities where business offices, administrative services, or data management services are provided.~~

~~136. Office/Showroom~~

~~An establishment with both a business office and associated showroom for display of sample goods or services to be delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services is permitted. This designation does not include contractor's shop or storage yard.~~

~~**137. Permanent Mobile or Outdoor Food Vendor**~~

~~A facility where food and/or beverages are prepared and sold to the public from a motorized vehicle, trailer, pushcart, or other temporary or transportable structure that remains in a fixed location on a lot for an extended or indefinite period of time. Typical uses include food trucks, trailers, or carts that operate from a designated site with necessary utility connections or site improvements.~~

~~**138. Personal Services**~~

~~An establishment providing frequently or recurrently needed non-medical services of a personal nature to individuals as a primary use. This term includes barber and beauty shops, tanning salons, nail salons, day spas (including incidental massage), weight reduction centers, seamstresses, tailors, shoe repair shops, photography studios, pet grooming (no overnight stay), and services of an informational or instructional nature including driving schools, dance studios, and handicraft or hobby instruction. These uses may also include accessory retail sales of products related to the services provided. This term does not include any uses that are otherwise defined in the term "Restricted Personal Services".~~

~~**139. Personal Services, Restricted**~~

~~An establishment providing personal services that are generally less desirable adjacent to residential areas including, but not limited to, vape/e-cigarette shops, tattoo parlors, body piercing studios, check cashing facilities, bail bond agent, pawnshops, and palm and card readers.~~

~~**140. Pest Control Services**~~

~~An establishment primarily engaged in the off-site eradication, extermination or control of rodents, birds, mosquitoes, termites, ants, and other insects and pests (except for crop production and forestry production). Establishments providing fumigation services are included in this definition.~~

~~**141. Printing, Mailing and Reproduction Services**~~

~~A commercial establishment open to the general public that is primarily involved in the electronic duplication of graphic and printed materials for personal or business use, and which also provides other products and services including, but not limited to, photocopying, electrostatic printing, laser printing, blueprint, word processing services, computer generated graphics, computer aided design services and video imaging, and reproduction services. This use may also include limited commercial printing or publishing activities on a small scale, but off-set printing, large-scale bulk printing, or similar processes intended for mass distribution or sale shall not be permitted. These facilities may also be referred to as copy shops.~~

~~**142. Recreational Vehicle (RV)**~~

~~A unit designed as temporary living quarters for recreational, camping, or travel use that may be self-propelled or towed by an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the Director. A recreational vehicle may or may not include individual toilet and bath.~~

~~**143. Recreational Vehicle (RV) Park**~~

~~A parcel upon which two or more recreational vehicles are parked or any parcel upon which space for the parking of recreational vehicles is rented or offered. The term does not include premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.~~

~~**144. Recreational Vehicle (RV) Sales, Rental, or Service**~~

~~An establishment engaged in the sales or leasing of new or used recreational vehicles.~~

~~**145. Restaurant, Drive-Through**~~

~~An establishment engaged in the preparation and retail sale of food and beverages in a ready-to-consume state, through a pass-through window accessed by a vehicle via a drive-through lane. This term also includes drive-in~~

~~restaurants. For restaurants licensed to serve alcoholic beverages the gross receipts for alcoholic beverages shall not exceed 50 percent (50%) of the total gross receipts.~~

~~146. Restaurant, General~~

~~An establishment engaged in the preparation and retail sale of food and beverages for on-premise consumption. This term includes facilities typically referred to as diners, cafes, cafeterias, dinner-houses, coffee shops, bakeries, and ice cream parlors, but does not include fast food restaurants or drive-through services. For restaurants licensed to serve alcoholic beverages, the gross receipts for alcoholic beverages shall not exceed 50 percent (50%) of the total gross receipts.~~

~~147. Retail, General~~

~~An establishment engaged in the retail sale of goods and merchandise to the general public for direct consumption, usually in small quantities and not for wholesale, and not including retail facilities otherwise specifically listed in the Use Table in Section 5.04 of this Code.~~

~~148. Self-Storage, Indoor~~

~~A building or group of buildings in a controlled access and fenced area containing individual storage compartments of varying sizes that are leased for the storage of business and household goods. There is no conduct of sales, business or any other activity allowed within the individual storage units. May also be referred to as mini-storage or mini-warehouse.~~

~~149. Self-Storage, Outdoor~~

~~A fenced area with controlled access providing individual storage spaces, not within a fully enclosed structure, that are leased for the storage of motor vehicles, trailers, boats, and similar items. There is no conduct of sales, business or any other activity allowed within the individual storage units.~~

~~150. Sexually Oriented Business~~

~~Any building, structure, or facility including, but not limited to, an arcade, bar, bookstore, cabaret, overnight accommodation, theater (including movie), bath house, massage parlor, nude modeling studio, video store, love parlor, or similar facility used entirely or partially for commercial entertainment, exchange of merchandise, or offer of a service of a sexually-explicit nature. These activities are predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to sexual activities and include the sales, rental, exhibition, or presentation of a device or other item intended to provide sexual stimulation or sexual gratification to the customer.~~

~~151. Small Engine Repair~~

~~A business that repairs, adjusts, tunes, or modifies gasoline engines of a small horsepower commonly used to power grass trimmers, riding or push lawn mowers, chain saws, and similar service equipment. This repair service may also conduct work on electric motors commonly used in power tools, lawn maintenance equipment, and small household appliances. This term does not include work all-terrain vehicles (ATV), jet skis, or similar vehicles and does not include storage or repair work conducted outside of a building.~~

~~152. Stone, Mulch or Dirt Sales Yard~~

~~A typically outdoor facility that stores and conducts retail sales of dirt, mulch, stone, or other material commonly sold to an individual or contractor.~~

~~153. Theater, Live~~

~~An indoor facility that provides fixed seating for customers to view dramatic, musical, or live performances, including accessory snack and/or food and beverage services.~~

~~154. Theater, Movie~~

~~An indoor facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.~~

~~155. Towing Service and Impound Lot~~

~~A facility in which tow trucks are utilized in the hauling of motorized vehicles and for the temporary storage or impoundment of primarily operable or repairable motor vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.~~

~~156. Urgent Care Facility~~

~~A medical facility where ambulatory patients can be treated on a walk-in basis, without an appointment, and receive immediate non-emergent care.~~

~~157. Veterinarian Clinic~~

~~A facility, operated under the supervision of a licensed veterinarian, where domestic animals and pets are admitted for examination, observation, diagnosis, and medical treatment. This term includes those facilities with and without outdoor pens as permitted in the Use Table in Chapter 5 of this Code.~~

~~158. Wholesale Showroom~~

~~An establishment engaged in selling merchandise primarily to retailers, contractors, industrial, commercial, or institutional professional business users; or to other wholesalers or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include agents, merchandise, or commodity brokers; commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; and stores primarily selling electrical, plumbing, heating and air conditioning supplies, and equipment. The facility may also include storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed wholesale showroom but rather shall be considered a retail sales operation.~~

~~18.03.05. Industrial Uses~~

~~159. Asphalt or Concrete Batch Plant~~

~~A permanent manufacturing facility engaged in the storing and mixing of raw materials to produce concrete or asphalt, including trucks that transport the product to job sites.~~

~~160. Contractor Services, General~~

~~An establishment primarily engaged in construction or related activities off-premises. This use includes offices associated with the business and the maintenance and indoor or outdoor storage of supplies, equipment, machinery, and vehicles.~~

~~161. Dry Cleaning or Laundry Plant~~

~~A commercial facility at which clothes are brought to be dry cleaned, and/or laundered from individual dry cleaning service outlets. Such a facility may be a freestanding use or may be combined with a dry cleaning service outlet.~~

~~162. Lumber Yard~~

~~An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.~~

~~163. Manufacturing, Processing and Assembly, General~~

~~The general mass producing, processing or manufacturing of goods, materials, or products, predominately from extracted or raw materials, using mechanical power and machinery, and usually for sale to wholesalers or other industrial or manufacturing uses. This use includes procedures such as milling of grain; manufacturing, processing or assembly of wood products including cabinet and furniture production; processing of animals and animal products including slaughtering, meat packing and hide tanning; production of animal food; production of large durable goods such as motorcycles, cars, manufactured homes, or airplanes; canning or bottling of food or beverage for human consumption including brewery and distillery plants; manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; production or fabrication of metals or metal products including enameling, plating, galvanizing, and use of a foundry, welding or machining; processing of recyclable materials, production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials; clothing or textile manufacturing; tire recapping or retreading; and the production of items by means of the chemical processing of materials.~~

~~164. Manufacturing, Processing and Assembly, Limited~~

~~The assembly, processing or manufacturing of objects or items that are made from standard parts or components predominantly from previously prepared parts or materials without the use of any of the processes described within the definition of general manufacturing, processing, and assembly. This use is conducted within an enclosed building and includes the finishing, fabrication, treatment, or packaging and the incidental storage, sales, and distribution of products such as software, electronics, communication products, precision scientific and technical equipment, medical equipment and devices, and small appliances and instruments.~~

~~165. Movie Production~~

~~An establishment engaged in or facility used for the development, production, and creation of a film or video, including graphic design, set construction, sound and film recording, editing, etc. and storage of any equipment required thereof.~~

~~166. Office/Warehouse~~

~~A business office with an associated small-scale warehouse typically located at the rear of the space for the purposes of storing materials needed to supply services off-site. Limited distribution, limited contractor services, such as offices and indoor storage of supplies for construction or related activities, and indoor assembly and maintenance of equipment may be incidental to the office/warehouse use. This use can accommodate trades such as plumbers or electricians, as long as there is no processing, manufacturing, fabrication or outside storage of materials on site.~~

~~167. Oil Refinery and Distribution~~

~~An industrial plant used for the purifying and distribution of crude petroleum.~~

~~168. Recycling Collection Center~~

~~A facility engaged in the collection, sorting, bundling, temporary storage, and/or transfer of recyclable materials. For purposes of this Code, recyclable materials include glass, paper, plastic, aluminum, clothing, or other source-separated, non-putrescible materials and do not include motor oil, chemicals, household appliances, tires, automobiles, or automobile parts. This use generally does not include incidental collection boxes or containers located at establishments with an unrelated primary use.~~

~~169. Research, Testing and Development Lab~~

~~An indoor facility where scientific research and development, including biotechnology and nanotechnology, is conducted and analyses performed. These uses are typically characterized by controlled uniformity of conditions (constant temperature, humidity, cleanliness).~~

~~170. Resource Extraction~~

~~The extraction of surface or sub-surface mineral products or natural resources including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations and may include milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity.~~

~~171. Storage Yard~~

~~A facility primarily used for outdoor storage of equipment and materials.~~

~~172. Truck Terminal~~

~~A facility where commercial trucks, including tractors and trailer units, are housed, stored, maintained or repaired. Accessory uses may include offices, fueling or washing and the temporary storage of loads prior to shipment.~~

~~173. Warehousing and Distribution, General~~

~~An establishment engaged in the open-air storage, distribution, or movement of materials, equipment, or goods for themselves or other firms. Typical uses include household moving, general freight storage where the goods are stored in containers, and grain terminals. This definition does not include truck terminals or rail yards, as herein defined.~~

~~174. Warehousing and Distribution, Limited~~

~~An establishment engaged in the storage, distribution, or movement of materials, equipment, or goods within an enclosed structure for themselves or other firms. Typical uses include separate warehouses used by retail stores such as furniture and appliance stores, household moving, and general freight storage where the goods are stored in a building, cold storage plants or frozen food lockers, major wholesale distribution centers, truck or air freight terminals, or parcel services.~~

~~175. Waste Related Uses~~

~~Uses that receive solid or liquid wastes from others for transfer to another location, collect sanitary wastes, or manufacture or produce goods or energy from the composting of organic material. Typical uses include solid or liquid waste transfer facilities, composting facilities, animal waste processing and recycling facilities.~~

~~176. Wrecking, Scrap, or Salvage Yard~~

~~An establishment where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked automobiles, house wrecking and structural steel materials and equipment, and vehicles or appliances which are inoperable, but not including the interior purchase, sale, or storage of used furniture and household equipment. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.~~

~~18.03.06. Agricultural Uses~~

~~177. Agricultural Operations~~

~~An agricultural operation that includes cultivating the soil, producing crops or growing food, floriculture, viticulture, horticulture, silviculture, wildlife management, raising or keeping livestock or poultry, planting crops, the commercial sale of animals, or aquaculture.~~

~~178. Commercial Feed Lot~~

~~A lot, yard, corral, building, or other area in which livestock or other animals for food or fur are housed and confined, primarily for the purposes of feeding and growth prior to slaughter and which is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained~~

~~within the enclosure and substantial amounts of manure or other related wastes may originate by reason of such feeding of animals. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.~~

~~179. Farm Stand~~

~~An accessory building or structure erected for the seasonal display and retail sale of fresh fruits, vegetables, flowers, herbs or plants produced on the property or neighboring property where the stand is erected. No commercially packed handicrafts or commercially processed or packaged foodstuffs shall be sold at a farm stand.~~

~~180. Meat Market~~

~~An establishment that offers to the general public the sale of meat, poultry or fish and the service of processing and packaging such meats, provided the facility complies with all state, federal, and local health regulations. All processing is conducted indoors with no emission of noxious odors or noise. This definition does not include the slaughtering or boarding of live animals.~~

~~181. Petting Zoo~~

~~A facility where members of the public, typically for an admission fee, may view, interact with, and feed domesticated animals in a controlled environment. Typical uses include seasonal attractions, farm-based operations, and children's educational or recreational facilities.~~

~~182. Riding Academy~~

~~A facility used to house equine, which may or may not be owned by the owner of the property, for the purpose of riding lessons or pleasure.~~

~~183. Taxidermist~~

~~An establishment engaged in the art of preparing, stuffing, mounting, or processing the skins, feathers, or horns of animals.~~

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Unified Development Code

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Contents

Chapter 1. General Provisions 1
Section 1.01. Short Title 1
1.01.010. Usage of Terms 1
1.01.020. How to Use This Code 1
1.01.030. Purpose and Intent 2
Section 1.02. Authority 2
Section 1.03. Applicability 2
Section 1.04. Transitional Provisions 3
1.04.010. Applications Submitted Before the Effective Date 3
1.04.020. Violations Continue 3
1.04.030. Dormant Projects 3
1.04.040. Vested Rights Petition 3
Section 1.05. Jurisdiction 4
1.05.010. Within City Limits 4
1.05.020. Within the City's Extraterritorial Jurisdiction 4
Section 1.06. Definitions 4
Section 1.07. Minimum Requirements 4
Section 1.08. Comprehensive Plan 4
Section 1.09. Effective Date 4
Section 1.10. Severability 4
Section 1.11. UDC Development Manual 5
Section 1.12. City Construction Specifications and Standards Manual 5
Section 1.13. Drainage Criteria Manual 5
Section 1.14. Historic District Design Guidelines 5
Section 1.15. Traffic Calming Standards 5
Section 1.16. Utility Improvement and Extension Policy 5
Section 1.17. Access Management Policy 5
Section 1.18. Municipal Utility District Policy 6
Section 1.19. Parks Development Manual 6
Section 1.20. Real Estate Policies 6
Section 1.21. Water and Wastewater Master Plan 6
Section 1.22. Other Manuals or Regulations Adopted by the City 6

Chapter 2. Review Authority 7
Section 2.01. General 7
2.01.010. Purpose 7

2.01.020. Summary of Review Authority 7
2.01.030. Conformity with Development Regulations 9
Section 2.02. Administrative Officials 10
2.02.010. Director of Planning 10
2.02.020. Development Engineer 10
2.02.030. Building Official 11
2.02.040. Landscape Planner 11
2.02.050. Historic Preservation Officer 12
Section 2.03. Historic and Architectural Review Commission 12
2.03.010. Powers and Duties 12
2.03.020. Membership 13
Section 2.04. Zoning Board of Adjustment 13
2.04.010. Powers and Duties 13
2.04.020. Membership 13
2.04.030. General Rules for Zoning Board of Adjustment Matters 13
Section 2.05. Planning and Zoning Commission 13
2.05.010. Powers and Duties 13
2.05.020. Membership 14
Section 2.06. City Council 14
Section 2.07. Parks and Recreation Advisory Board 14
2.07.010. Powers and Duties 14
Section 2.08. Unified Development Code Advisory Committee 14
2.08.010. Powers and Duties 14
2.08.020. Membership 15

Chapter 3. Applications and Permits 16
Section 3.01. General 16
3.01.010. Purpose 16
3.01.020. Applicability of Case Types and Permits 16
3.01.030. Simultaneous Submission of Related Applications 17
Section 3.02. Common Review Elements 18
3.02.010. Application Forms and Fees 18
3.02.020. Application Deadline 18
3.02.030. Accurate Information Required 18
3.02.040. Determination of Application Completeness 19
3.02.050. Limit on Reapplication 19
3.02.060. Expiration of Application 20
Section 3.03. Public Hearing and Notice 20
3.03.010. Provision of Public Notice 20

3.03.020. Required Public Hearing 23
3.03.030. Conduct of Public Hearings 23
3.03.040. Postponement of Application 24
3.03.050. Administrative Review Process 24
Section 3.04. Comprehensive Plan Amendment 26
3.04.010. Applicability 26
3.04.020. Review Process 26
3.04.030. Approval Criteria 27
Section 3.05. Unified Development Code Text Amendment 27
3.05.010. General 27
3.05.020. Review Process 27
3.05.030. Approval Criteria 28
Section 3.06. Annexation 28
3.06.010. Applicability 28
3.06.020. Annexation Review Process 29
3.06.030. Zoning upon Annexation 29
3.06.040. Approval Criteria (Annexation) 29
Section 3.07. Zoning Map Amendment (Rezoning) 30
3.07.010. Applicability 30
3.07.020. Review Process 30
3.07.030. Approval Criteria (All Rezonings) 31
3.07.040. Approval Criteria (Historic Overlay Districts) 31
3.07.050. Approval Criteria (Historic Landmark Designation) 32
3.07.060. Interim Control during Historic Landmark or Historic Overlay District Consideration 32
Section 3.08. Zoning Verification Letter 33
3.08.010. Applicability 33
3.08.020. Zoning Verification Letter Defined 33
3.08.030. Nonconforming Status Determination 33
Section 3.09. Temporary Use Permit 33
3.09.010. Applicability 33
3.09.020. Review Process 34
3.09.030. Approval Criteria 34
3.09.040. Responsibility for Final Action 36
Section 3.10. Special Use Permit 37
3.10.010. Applicability 37
3.10.020. Review Process 37
3.10.030. Approval Criteria 38
3.10.040. Changes to Submitted Conceptual Site Layout 38
3.10.050. Expiration 38

3.10.060. Discontinuation 39

Section 3.11. Planned Unit Development 39

3.11.010. Applicability 39

3.11.020. Review Process 39

3.11.030. Approval Criteria 40

3.11.040. Changes to a Submitted PUD Concept Plan 41

3.11.050. Expiration 41

Section 3.12. Appeal of an Administrative Decision–Zoning Regulations 41

3.12.010. Effect of Appeal 41

3.12.020. Appeal Procedures 42

3.12.030. Review Criteria 42

3.12.040. Decision on Appeal 42

Section 3.13. Zoning Variance and Special Exception 43

3.13.010. Applicability 43

3.13.020. Zoning Variance and Special Exception Process 43

3.13.030. Criteria for Zoning Variance Review 44

3.13.040. Criteria for Special Exception Review 45

3.13.050. Expiration of Zoning Variance or Special Exception 45

Section 3.14. Administrative Exception 46

3.14.010. Applicability 46

3.14.020. Authority 46

3.14.030. Approval Criteria 47

3.14.040. Expiration of Administrative Exception 47

Section 3.15. Subdivision of Land 48

3.15.010. Plat Required 48

3.15.020. Exemptions from Required Plat 48

3.15.030. Certification regarding Compliance with Plat Requirements 49

3.15.040. Plat Types 49

3.15.050. Submission Requirements 50

3.15.060. Staff Review 51

3.15.070. Preliminary Plats 51

3.15.080. Recording Plats 53

3.15.090. Extension of Approved Subdivision Plats 58

3.15.100. Construction Plans 58

Section 3.16. Subdivision Waiver 59

3.16.010. Applicability 59

3.16.020. Initiation 60

3.16.030. Application and Completeness Determination 60

3.16.040. Staff Review 60

3.16.050. Planning and Zoning Final Action 60
3.16.060. Approval Criteria 60
3.16.070. Expiration of Subdivision Waiver 60
Section 3.17. Site Development Plan 61
3.17.010. Applicability 61
3.17.020. Review Process 61
3.17.030. Criteria for Approval 62
3.17.040. Components of a Site Development Plan 62
3.17.050. Site Development Plan Area of Development 63
3.17.060. Site Development Plan Phasing 63
3.17.070. Minor Site Development Plan 63
3.17.080. Revisions to Approved Site Development Plans 64
3.17.090. Expiration 65
Section 3.18. Development Agreement 65
3.18.010. Applicability 65
3.18.020. Review Process 66
3.18.030. Approval Criteria 67
Section 3.19. Master Sign Plan 67
3.19.010. Applicability 67
3.19.020. Review Process 67
3.19.030. Criteria for Approval 67
3.19.040. Responsibility for Final Action 67
3.19.050. Expiration 68
Section 3.20. Sign Permit 68
3.20.010. Applicability 68
3.20.020. Review Process 68
3.20.030. Criteria for Approval 68
3.20.040. Responsibility for Final Action 68
3.20.050. Expiration 68
Section 3.21. Stormwater Permit 69
3.21.010. Applicability 69
3.21.020. Review Process 69
3.21.030. Criteria for Approval 69
3.21.040. Responsibility for Final Action 69
3.21.050. Expiration 69
Section 3.22. Driveway Access Permit 70
3.22.010. Purpose 70
3.22.020. Applicability 70
3.22.030. Review Process 70

3.22.040. Criteria for Approval 70
3.22.050. Submission Requirements 71
3.22.060. Responsibility for Final Action 72
3.22.070. Expiration 72
Section 3.23. License to Encroach 72
3.23.010. Purpose 72
3.23.020. Applicability 72
3.23.030. Review Process 72
3.23.040. Criteria for Approval 72
3.23.050. Submission Requirements 73
3.23.060. Responsibility for Final Action 73
3.23.070. Expiration 73
Section 3.24. Tree Removal Permit 73
3.24.010. Purpose 73
3.24.020. Applicability 73
3.24.030. Review Process 74
3.24.040. Criteria for Approval 74
3.24.050. Submission Requirements 74
3.24.060. Responsibility for Final Action 74
3.24.070. Expiration 75
Section 3.25. Heritage Tree Pruning Permit 75
3.25.010. Purpose 75
3.25.020. Applicability 75
3.25.030. Review Process 75
3.25.040. Criteria for Approval 75
3.25.050. Submission Requirements 76
3.25.060. Responsibility for Final Action 76
3.25.070. Expiration 76
Section 3.26. Request for Creation of Certain Special Purpose Districts 76
3.26.010. Applicability 76
3.26.020. Review Process 76
3.26.030. Approval Criteria 77
Section 3.27. Courthouse View Waiver 78
3.27.010. Applicability 78
3.27.020. Initiation 78
3.27.030. Application and Completeness Determination 78
3.27.040. Staff Review 78
3.27.050. Final Action 78
3.27.060. Approval Criteria 78

Section 3.28. Historic Design Guidelines Procedures **79**
3.28.010. Request to Create or Amend Guidelines 79
3.28.020. Consideration by HARC 79
3.28.030. City Council Hearing & Action 79
3.28.040. Supplemental Policy Guides 80
Section 3.29. Historic Resource Survey Procedures **80**
3.29.010. Request to Create or Update a Historic Resource Survey 80
3.29.020. Preparation of Survey Materials 80
3.29.030. Consideration by HARC 81
3.29.040. City Council Review & Action 81
3.29.050. Use and Maintenance of Historic Resource Surveys 81

Chapter 4. Zoning Districts **82**
Section 4.01. Establishment of Zoning Districts **82**
4.01.010. Zoning Districts 82
Section 4.02. Zoning District Equivalency Table **83**
Section 4.03. Official Zoning Map **84**
4.03.010. Official Zoning Map 84
4.03.020. Digital Mapping 84
4.03.030. Replacement of Official Zoning Map 84
4.03.040. Rules for Interpretation of District Boundaries 85
4.03.050. Uniform Application of District Regulations 85
Section 4.04. Newly Annexed Territory **85**
4.04.010. Initial Default Zoning 85
Section 4.05. Zoning Districts and Special Districts **86**
4.05.010. Residential Districts 86
4.05.020. Non-Residential Districts 86
4.05.030. Special Purpose Zoning Districts 86
4.05.040. Mixed-Use Downtown (MU-DT) Zoning District 87
4.05.050. Overlay Zoning Districts 89
Section 4.06. Planned Unit Development District **90**
4.06.010. General Provisions 90
Section 4.07. Neighborhood Conservation Overlay Districts **91**
4.07.010. General Provisions 91
4.07.020. Established Overlay Districts 93
Section 4.08. Historic Overlay Districts **96**
4.08.010. Designation of a Historic Overlay District 96
4.08.020. Regulations for Historic Overlay Districts 96
Section 4.09. Courthouse View Protection Overlay District **97**

4.09.010. Purpose and Intent 97
4.09.020. Applicability 97
4.09.030. Maximum Height Determination Required 98
4.09.040. Courthouse View Determination 99
4.09.050. Courthouse View Corridor Waiver 99
Section 4.10. Gateway Overlay District 99
4.10.010. Purpose and Intent 99
4.10.020. Applicability 100
4.10.030. Gateway Corridors 100
4.10.040. Gateway Design Standards 102

Chapter 5. Downtown and Old Town Code 104
Section 5.01. Purpose 104
Section 5.02. Components of the Code 104
Section 5.03. Established Historic Overlay Districts 104
5.03.010. Historic Overlay Districts Established 104
Section 5.04. General Development Standards for Historic Overlay Districts 107
5.04.010. Certificate of Appropriateness Required 107
5.04.020. Applicability of Historic Overlay District Standards 108
5.04.030. General Guidelines Applicable to All Historic Overlay Districts 108
5.04.040. Demolition by Neglect 109
Section 5.05. Downtown Overlay District Development Standards 109
5.05.010. Base Zoning District 109
5.05.020. Use 110
5.05.030. Parking 110
5.05.040. Lot Size and Coverage 111
5.05.050. Building Design 111
5.05.060. Building Height 111
5.05.070. Signs 113
5.05.080. Streets and Sidewalks 113
5.05.090. Tree Preservation, Landscaping, and Fencing 113
5.05.100. Specific Exemptions to Development Standards 113
Section 5.06. Old Town Overlay District Development Standards 113
5.06.010. Base Zoning Districts 113
5.06.020. Use 114
5.06.030. Parking 114
5.06.040. Building Design 114
5.06.050. Building Height 114
5.06.060. Signs 114
5.06.070. Setbacks 114

5.06.080. Floor-to-Area Ratio 114
5.06.090. Tree Preservation, Landscaping, and Fencing 114
Section 5.07. Standards Specific to Designated Historic Districts 114
Section 5.08. Standards Specific to Historic Landmark Designation 115
Section 5.09. Alternative Parking Plans in a Historic Overlay District 115
Section 5.10. Development Review Process 116
Section 5.11. Certificate of Appropriateness 117
5.11.010. Applicability 117
5.11.020. Certificate of Appropriateness—Administrative Approval 123
5.11.030. Certificate of Appropriateness—HARC Approval 124
5.11.040. Relocation, Removal or Demolition Prior to Approval of a Certificate of Appropriateness 129
5.11.050. Certificate and Compliance Inspections 129
5.11.060. Limits on Resubmission 130
5.11.070. Expiration 130
5.11.080. Appeals 130

Chapter 6. Zoning Use Regulations 132
Section 6.01. Zoning Uses 132
6.01.010. General 132
6.01.020. Zoning Use Classifications 132
6.01.030. Determination of Unlisted Uses 134
Section 6.02. Use Tables 136
6.02.010. Residential Uses and Standards 136
6.02.020. Civic Uses and Standards 141
6.02.030. Transportation and Utility Uses and Standards 144
6.02.040. Commercial Uses and Standards 145
6.02.050. Industrial Uses and Standards 160
6.02.060. Agricultural and Related Uses and Standards 162
6.02.070. Temporary Uses and Standards 163
6.02.080. Outdoor Display and Storage Uses and Standards 168
Section 6.03. Wireless Transmission Facilities 171
6.03.010. Locational Regulations 171
6.03.020. Mounting Standards 171
6.03.030. Collocation 172
6.03.040. Setback Requirements 172
6.03.050. Fencing Requirements 173
6.03.060. Maintenance and Inspection 173
6.03.070. Radio Frequency Standards 173
6.03.080. Specific Development Standards 174

6.03.090. Submittal Requirements 175
6.03.100. Notice Requirements 176
6.03.110. Permitted Hours for Construction 177
6.03.120. Permit Limitations 177
6.03.130. Effective Date and Effect on Pre-Existing and Permitted WTFs 177

Chapter 7. Residential Development Standards 178

Section 7.01. General 178
7.01.010. Authority 178
7.01.020. Purpose and Intent 178
7.01.030. Applicability 178

Section 7.02. Development Standards 178
7.02.010. General 178
7.02.020. AG Agriculture District 180
7.02.030. RE Residential Estate District 182
7.02.040. RT Residential Traditional District 183
7.02.050. RS Residential Suburban District 184
7.02.060. RM Residential Mix District 189
7.02.070. MF-1 Medium Density Multifamily Residential District 198
7.02.080. MF-2 High Density Multifamily Residential District 207
7.02.090. MH Manufactured Housing District 210

Section 7.03. Dimensional Interpretations and Exceptions 214
7.03.010. Lot Exceptions 214
7.03.020. Setbacks 214
7.03.030. Conflicts 217
7.03.040. Building Height 217

Section 7.04. Accessory Structures, Garages and Carports 218
7.04.010. Accessory Structures, Garages and Carports 218

Section 7.05. Common Amenity Area 218
7.05.010. Applicability 218
7.05.020. Common Amenity Area Requirements 218

Section 7.06. Special Development Types 220
7.06.010. Conservation Subdivision Development 220
7.06.020. Workforce Housing Development 220

Chapter 8. Non-Residential Development Standards 222

Section 8.01. General 222
8.01.010. Authority 222
8.01.020. Purpose and Intent 222
8.01.030. Applicability 222

Section 8.02. Development Standards **223**
8.02.010. General 223
8.02.020. CN Neighborhood Commercial District 224
8.02.030. C-1 Local Commercial District 226
8.02.040. C-2 Regional Commercial District 228
8.02.050. PF Public Facilities District 230
8.02.060. I-1 Flex Industrial District 232
8.02.070. I-2 Intensive Industrial District 234
Section 8.03. Dimensional Interpretations and Exceptions **236**
8.03.010. Minimum Lot Size and Width Exceptions 236
8.03.020. Setbacks Generally 236
8.03.030. Setback Reductions and Exceptions 236
8.03.040. Building Height 237
8.03.050. Multi-Lot Unified Development 238
8.03.060. Height Limitation for Residential Adjacency 239
8.03.070. Conflicts 239
Section 8.04. Building Design Standards **240**
8.04.010. General 240
8.04.020. Structures Exempt from Building Design Standards 240
8.04.030. Foundation Requirements 240
8.04.040. Building Elements 240
8.04.050. Building Articulation and Architectural Features 242
8.04.060. Architectural Compatibility 243
8.04.070. Alternative Building Design 244
8.04.080. Industrial Design Standards 244
Section 8.05. Lighting Standards **246**
8.05.010. Lighting 246

Chapter 9. Landscaping and Fencing **248**
Section 9.01. General **248**
9.01.010. Purpose 248
9.01.020. Authority 248
9.01.030. Applicability 248
9.01.040. Essential Terms Defined 248
9.01.050. Unified Development Code Development Manual 250
Section 9.02. Residential Landscaping **250**
9.02.010. Applicability 250
9.02.020. Shade Tree Requirement 250
9.02.030. Residential Groundcover 250
Section 9.03. Non-Residential and Multi-family Landscape Requirements **251**

9.03.010. Applicability ... 251
9.03.020. Landscape Tree Credits ... 251
9.03.030. Alternative Exception ... 252
9.03.040. Street Yard Landscaping ... 252
9.03.050. Parking Lot Landscaping ... 253
9.03.060. Gateway Overlay District Landscaping ... 254
9.03.070. Bufferyards ... 255
9.03.080. Screening ... 257
Section 9.04. Review and Approval Process ... 259
9.04.010. Non-Residential Landscape Review ... 259
9.04.020. Inspection and Approval of Installation ... 260
9.04.030. Postponement of Installation of Required Landscaping ... 260
9.04.040. Alternative Landscape Standards ... 260
Section 9.05. Plant Selection, Installation, and Maintenance ... 261
9.05.010. General ... 261
9.05.020. Plant Materials and Size Requirements ... 261
9.05.030. Installation Requirements ... 263
9.05.040. Maintenance Requirements ... 265
9.05.050. Irrigation Requirements ... 266
9.05.060. Removal of Required Landscape Trees, Shrubs and Turf ... 266
9.05.070. Street Trees ... 267
Section 9.06. Fence Standards ... 267
9.06.010. Purpose ... 267
9.06.020. Permit Required ... 268
9.06.030. General Requirements ... 268
9.06.040. Residential Fences ... 269
9.06.050. Apartment Fences ... 270
9.06.060. Residential Boundary Walls ... 271
9.06.070. Non-Residential Fences ... 271
9.06.080. Alternative Fences ... 272
9.06.090. Fences Required by Particular Zoning Uses ... 273
Chapter 10. Tree Preservation ... 274
Section 10.01. General ... 274
10.01.010. Purpose ... 274
10.01.020. Authority ... 274
10.01.030. Applicability ... 274
10.01.040. Essential Terms Defined ... 274
10.01.050. Unified Development Code Development Manual ... 276
Section 10.02. Tree Preservation ... 277

10.02.010. Applicability 277
10.02.020. Tree Preservation Incentives and Priorities 277
10.02.030. Heritage and Protected Tree Removal 277
10.02.040. Tree Retention Standards 279
10.02.050. Tree Mitigation 279
Section 10.03. Review and Approval Process 283
10.03.010. Tree Preservation Permitting 283

Chapter 11. Off-Street Parking, Circulation, and Loading 285
Section 11.01. General 285
11.01.010. Authority 285
11.01.020. Purpose 285
11.01.030. Applicability 285
11.01.040. Timing of Installation 285
Section 11.02. Parking Requirements 285
11.02.010. Minimum Requirements 285
11.02.020. Parking Surface 285
11.02.030. Parking Exceeding Minimum Requirements 286
11.02.040. Off-Street Parking Requirements 286
11.02.050. Rules for Computing Requirements 288
Section 11.03. Parking Space and Parking Lot Design 289
11.03.010. Location of Required Parking 289
11.03.020. Parking Space and Parking Lot Design 289
11.03.030. Sub-Lots and Pedestrian Accessways 292
11.03.040. Pedestrian Circulation 292
Section 11.04. Alternative Parking Plans 293
11.04.010. Alternative Plans 293
11.04.020. Alternative Parking Plans in a Historic Overlay District 296
Section 11.05. Vehicle Stacking Areas 297
11.05.010. Minimum Number of Spaces 297
11.05.020. Design and Layout 297
Section 11.06. Off-Street Loading 298
11.06.010. No Use of Public Right-of-Way 298
11.06.020. Location 298
11.06.030. Space Size 298
Section 11.07. Bicycle Parking 298
11.07.010. Purpose 298
11.07.020. Vehicular Parking Substitution 299
11.07.030. Bicycle Parking Facilities – Minimum Requirements 299
11.07.040. Location Requirements 299

Chapter 12. Sign Standards **300**

Section 12.01. General **300**

12.01.010. Authority 300
12.01.020. Purpose and Objectives 300
12.01.030. Applicability and Effect 300
12.01.040. Applicable Regulations in Extraterritorial Jurisdiction 300
12.01.050. Master Sign Plan 301
12.01.060. Nonconforming Sign Standards 301
12.01.070. Abandoned and Unsafe Signs 301
12.01.080. Alternative Sign Plan 301

Section 12.02. Summary of Permitted Signs **302**

Section 12.03. Exempt Signs **302**

Section 12.04. Prohibited Sign Types **303**

Section 12.05. Sign Design and Area Regulations **303**

12.05.010. Sign Dimensional Standards 303
12.05.020. Sign Area Computation 307
12.05.030. Design Requirements 307
12.05.040. Sign Lighting Standards 313
12.05.050. Electronic Message Centers 313
12.05.060. Multi-Tenant Signs 313
12.05.070. Subdivision Entry Signs 314

Section 12.06. Temporary Signs **314**

12.06.010. General 314
12.06.020. Temporary Signs on Private Property 315
12.06.030. Temporary Signs on Public Property and Right-of-Way 316

Section 12.07. Directional Signs in Residential Zoning Districts **317**

12.07.010. Erection and Maintenance of Directional Signs 317
12.07.020. Regulation of Directional Signs 317
12.07.030. Disposition of Funds 317

Chapter 13. Drainage and Environmental Protection **318**

Section 13.01. General **318**

13.01.010. Purpose 318
13.01.020. Authority 318
13.01.030. Applicability 318
13.01.040. Compliance 318

Section 13.02. Impervious Cover **319**

13.02.010. Impervious Cover Limitation 319
13.02.020. Waiver of Impervious Cover Limitations 322

Section 13.03. Pollutant Attenuation Plans **323**
13.03.010. Industrial Uses 323
Section 13.04. Stormwater Management System Requirements **324**
13.04.010. General Requirements 324
13.04.020. Basic Design Objectives 324
13.04.030. General Design Requirements 325
13.04.040. Building Permits and Utility Connections 327
13.04.050. Drainage Easements 327
Section 13.05. Open Space Subdivisions **328**
13.05.010. Applicability 328
13.05.020. Open Space Requirements 328
13.05.030. Conservation Lot Development Standards 330
Section 13.06. Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone **332**
13.06.010. Applicability 332
13.06.020. Definitions 332
13.06.030. Spring Buffer and Stream Buffer Protection 334
13.06.040. Water Quality Best Management Practices 336
13.06.050. Geologic Assessment 336
13.06.060. Acknowledgement Form 337
13.06.070. Water Quality Management Plan 338
13.06.080. Williamson County Conservation Foundation Adaptive Management Working Group 338

Chapter 14. Pedestrian and Vehicle Circulation **339**
Section 14.01. General **339**
14.01.010. Purpose 339
14.01.020. Authority 339
14.01.030. Applicability 339
14.01.040. Subdivision Waiver 339
Section 14.02. Future Mobility Plan Thoroughfares **339**
14.02.010. Future Mobility Plan Goals 339
14.02.020. General 340
14.02.030. Developer Responsibilities 340
14.02.040. Future Mobility Plan 341
Section 14.03. Local and Neighborhood Streets **342**
14.03.010. Developer Responsibilities 342
14.03.020. Public and Private Streets 342
14.03.030. Local and Neighborhood Streets 342
Section 14.04. Alternative Streets **344**
14.04.010. Residential Rural Estate Streets 344

14.04.020. Local Street—Street Tree Alternative 344
14.04.030. Downtown Overlay District Streets 344
Section 14.05. Subdivision and Street Design 345
14.05.010. Street Network Connections 345
14.05.020. Streets and Blocks 347
14.05.030. Inter-Parcel Connectivity 348
14.05.040. Exceptions 349
Section 14.06. Design and Technical Standards 349
14.06.010. Street Curves and Geometry 349
14.06.020. Intersection Alignment 350
14.06.030. Turning Radius 350
14.06.040. Intersection Visibility and Sight Triangle 352
14.06.050. Mailbox Kiosks 354
14.06.060. Construction Entrances 354
14.06.070. Street Naming 354
14.06.080. Deceleration and Left-Turn Lanes 354
14.06.090. School Zone 355
14.06.100. Minimum Road Standards 355
Section 14.07. Pedestrian and Bicycle Mobility 356
14.07.010. General 356
Section 14.08. Driveway Standards 358
14.08.010. Residential Driveways 358
14.08.020. Non-Residential Driveways 358
Section 14.09. Traffic Impact Analysis 360
14.09.010. Purpose 360
14.09.020. Applicability 360
14.09.030. Traffic Impact Analysis 360
Chapter 15. Infrastructure and Public Improvements 365
Section 15.01. General 365
15.01.010. Applicability 365
15.01.020. Public Improvements 365
15.01.030. Public Improvement Exemptions 365
Section 15.02. Public Improvement Requirements 366
15.02.010. Developer Responsibilities 366
15.02.020. Continuity of Improvements 366
15.02.030. Inspection of Improvements 366
15.02.040. Acceptance and Maintenance of Improvements 367
15.02.050. Provision of Utilities 367

Section 15.03. Utility Easements **367**
Section 15.04. Public Water Standards **368**
Section 15.05. Public Wastewater Standards **369**
Section 15.06. Electric And Communication Standards **370**
Section 15.07. Master Plan Infrastructure **371**
Section 15.08. Parkland **372**
15.08.010. Purpose 372
15.08.020. Applicability 372
15.08.030. Requirements for Parkland Dedication 372
15.08.040. Location, Site and Development Standards for Public Parkland 374
15.08.050. Method of Dedicating Parkland 375
15.08.060. Park Fund Established 376
Section 15.09. Subdivision Improvement Guarantee **377**
Section 15.10. Creation of Special Purpose Districts **378**
15.10.010. Municipal Utility District (MUD), Water Control and Improvement District (WCID) or Fresh Water Supply District (FWSD) 378

Chapter 16. Nonconformities **383**
Section 16.01. General **383**
16.01.010. Purpose 383
16.01.020. Authority 383
16.01.030. Applicability 383
16.01.040. Nonconforming Status 383
16.01.050. Effect of Acquisition of Right-of-Way 384
16.01.060. Abandonment of a Nonconforming Situation 384
16.01.070. Variance Not Precluded 386
Section 16.02. Nonconforming Uses **386**
16.02.010. Nonconforming Uses Generally 386
16.02.020. Elimination of Nonconforming Use Status 386
16.02.030. Change of Use 387
16.02.040. Abandonment of Nonconforming Use 387
16.02.050. Expansion of a Nonconforming Use 387
16.02.060. Destruction or Damage of Structure Housing Nonconforming Use 388
16.02.070. Nonconforming Telecommunications Towers 388
Section 16.03. Nonconforming Lots **388**
16.03.010. Nonconforming Lots Generally 388
16.03.020. Use of a Nonconforming Lot 388
16.03.030. Elimination of Nonconforming Lot Status 388
16.03.040. New Division 388

Section 16.04. Nonconforming Structures **389**
16.04.010. Nonconforming Structures Generally 389
16.04.020. Elimination of Nonconforming Structure Status 389
16.04.030. Repair and Maintenance 389
16.04.040. Unsafe Situations 389
16.04.050. Abandonment of a Nonconforming Structure 389
16.04.060. Interior Alterations to a Nonconforming Structure 390
16.04.070. Movement of a Nonconforming Structure 390
16.04.080. Expansion of a Nonconforming Structure 390
16.04.090. Destruction or Damage of a Nonconforming Structure 390
Section 16.05. Nonconforming Sites **391**
16.05.010. Nonconforming Sites Generally 391
16.05.020. Elimination of Nonconforming Site Status 391
16.05.030. Repair and Maintenance 391
16.05.040. Change in Tenant of a Legal Nonconforming Site 392
16.05.050. Abandonment of a Nonconforming Site 393
16.05.060. Process for Review of Required Improvements 393
16.05.070. Postponement of Required Improvements 393
16.05.080. Expansion of a Nonconforming Site 393
Section 16.06. Nonconforming Signs **394**
16.06.010. Nonconforming Signs Generally 394
16.06.020. Elimination of Nonconforming Sign Status 394
16.06.030. Repair and Maintenance 394
16.06.040. Abandonment of a Nonconforming Sign 395
16.06.050. Alterations to a Nonconforming Sign 395
16.06.060. Destruction or Damage of a Nonconforming Sign 395
16.06.070. Immediate Termination of Nonconforming Signs 395

Chapter 17. Enforcement **396**
Section 17.01. Administration **396**
17.01.010. General 396
Section 17.02. Compliance Required **396**
17.02.010. General 396
17.02.020. Certificates of Occupancy 396
17.02.030. Demolition by Neglect 397
Section 17.03. Enforcement **398**
17.03.010. Stop Work Orders 398
17.03.020. Notice of Intent to Suspend or Revoke 398
17.03.030. Penalties 398
17.03.040. Other Remedies 399

Chapter 18. Definitions **400**

Section 18.01. General **400**

18.01.010. Purpose 400

18.01.020. Word Usage 400

Section 18.02. General Definitions **400**

18.02.010. Terms Defined: A-D 400

18.02.020. Terms Defined: E-K 416

18.02.030. Terms Defined: L-O 427

18.02.040. Terms Defined: P-S 437

18.02.050. Terms Defined: T-Z 455

Chapter 1. General Provisions

Section 1.01. Short Title

This Ordinance is hereby officially known and cited as the Unified Development Code of the City of Georgetown, Texas. References to "this Code," or "this UDC" shall be interpreted as references to this Unified Development Code. In the interpretation of provisions in this Code, certain terms and words are defined in **Chapter 18** or, if not, resort to their customary usage and meaning.

1.01.010. Usage of Terms

A. For the purposes of using this Code, words used or defined in one tense or form shall include other tenses and derivative forms, words in the singular number shall include the plural number and words in the plural number shall include the singular number.

B. The following terms contained in this Code shall be defined as follows:

1. The words “must,” “will,” "shall,” and “may not” are mandatory.
2. The words "may" and “should” are permissive, not mandatory or required.
3. The word “City” means the City of Georgetown, Texas.

C. In the case of any difference of meaning or implication between the text of this Code and any caption, number, illustration or table, the text shall control, unless otherwise specifically noted herein.

1.01.020. How to Use This Code

A. If you need to subdivide or plat your land:

Whether you live inside or outside the city limits, you may not develop or disturb your land (see **Section 18.02** for definition of "land disturbance") unless your land has legal lot status. If it is not, you will need to subdivide or plat your parcel. The procedures that you will need to follow are described in **Section 3.15**.

B. If you want to build or establish a particular use on your property:

1. **Step One:** You should first determine what kind of use you desire to establish. You can usually determine the use by referencing the use categories and specific uses found in **Chapter 6**. Refer to the definitions of the specific uses in **Chapter 18** to help you determine the use that best describes what you want to establish.
2. **Step Two:** You should next determine the Zoning District and any Overlay Districts that apply to your property. The Official Zoning Map, available at the Planning Department, depicts the zoning designation for every parcel of land in the city limits of Georgetown. If your property is not within the city limits, no zoning designations or zoning requirements apply, but some development standards and requirements do apply. Read **Section 3.01.020** to identify which applications or permits you must acquire before you build.
3. **Step Three:** For properties in the city limits, locate the use tables in **Chapter 6**. Find the row that lists the specific use you are interested in. Match this row to your Zoning District designation (across the top of the table) to determine whether the use you want to establish is permitted in the District.
4. **Step Four:** If your use is permitted, you must get the appropriate applications approved (see **Chapter 3**) and comply with the applicable development standards of this Code before building the structure or establishing the use.

These requirements are intended to help you and the City ensure that your project is legally established and that it matches the development vision that the City of Georgetown, as a community, desires.

C. If you own or lease property and want to know what rules apply:

Follow Steps Two through Four above to identify your Zoning District and the permitted uses. You can find the specific details for the uses in your Zoning District in **Chapter 6** and the definitions in **Chapter 18**. You can also find the various development standards that apply to your property in **Chapter 7** through **Chapter 14**.

D. If you want to change your Zoning District:

Only the City Council may rezone property following public notice and hearings at meetings of the Planning and Zoning Commission and the City Council. See **Section 3.03** for public notice requirements and **Section 3.07** for rezoning requirements.

1.01.030. Purpose and Intent

This Unified Development Code is adopted for the purpose of promoting the public health, safety, and general welfare of the present and future citizens of the City of Georgetown and promoting the safe, orderly, and healthful development of the City of Georgetown. The City of Georgetown's Comprehensive Plan is the fundamental guide to all decisions made under this Code. In order to implement the broad goals of the plan, this Code regulates land development in order to achieve objectives of the plan that include, but are not limited to, the following:

A. Lessen congestion in the streets;

B. Secure safety from fire, panic, and other dangers;

C. Promote health and general welfare;

D. Provide adequate light and air;

E. Prevent the overcrowding of land;

F. Avoid concentration of population;

G. Promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;

H. Protect the character and the established pattern of desirable development in each area;

I. Prevent or minimize land use incompatibilities and conflicts among different land uses;

J. Facilitate adequate provision of transportation, water, sewerage, parks, and other public requirements;

K. Facilitate erosion protection and water pollution management by reducing stormwater runoff;

L. Maintain property values by stabilizing expectations and ensuring predictability in development; and

M. Establish a process that effectively and fairly applies the regulations and standards of this Code and respects the rights of property owners and the interests of citizens.

Section 1.02. Authority

This Unified Development Code is adopted under authority of the constitution and laws of the State of Texas, including particularly Texas Local Government Code Chapters 211, 212, 216, and 242, and pursuant to the provisions of the Charter of the City of Georgetown, Texas.

Section 1.03. Applicability

A. So long as land or structures or any portion thereof continue to be used for the purpose and in the manner authorized by a permit or approval, no person, including a successor or assign of the person who obtained the

permit or approval, may use the land or structure except in accordance with all the terms, conditions, and requirements of the permit or approval.

B. If a new project is begun, the requirements of this Unified Development Code shall apply. The City shall determine whether a new project has begun using the principles set forth in Texas Local Government Code Chapter 245.

C. Any plat that has development standards (to include, but not limited to, impervious cover or setbacks), that are in conflict with the standards of this Code, shall be subject to the development standards noted on the plat and none other shall apply.

Section 1.04. Transitional Provisions

1.04.010. Applications Submitted Before the Effective Date

A. Complete applications that are pending approval before the effective date of this Unified Development Code may be reviewed and approved in accordance with the regulations in effect before this Code was adopted.

B. An applicant may elect to request a determination on a project's or permit's vested rights under **Section 1.04.040** to formalize the regulations that will apply to the project or permit.

1.04.020. Violations Continue

Any violation of the previous zoning, sign, or subdivision regulations of the City shall continue to be a violation under this Code and shall be subject to penalties and enforcement under **Chapter 17. Enforcement**, unless the use, development, construction, or other activity is consistent with the express terms of this Code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this Code.

1.04.030. Dormant Projects

Unless otherwise provided in the UDC, an individual permit (as that term is defined in the Texas Local Government Code Sec. 245.001) shall expire two years after the date the permit was issued if no progress has been made toward completion of the project, as determined under Texas Local Government Code Sec. 245.005(c). Any project (as defined in the Texas Local Government Code Sec. 245.001) shall expire five years after the date the first permit application was filed for the project if no progress has been made toward completion of the project, as determined under Texas Local Government Code Sec. 245.005(c).

1.04.040. Vested Rights Petition

A property owner, or the owner's duly authorized agent, who believes that a project is entitled to vested rights under Chapter 245 of the Texas Local Government Code may submit a written petition for a vested rights determination to the Director. The petition shall identify the property and the project, describe the permit application or plan for development that gives the City fair notice of the project, and specify each current regulation from which the petitioner seeks relief. The Director shall review the petition to determine whether approval of the permit is required to initiate, continue, or complete a project for which an original application was filed before the effective date of the regulation from which relief is sought. The Director shall issue a written determination granting the petition in whole or in part, or denying it, and stating the regulation that apply to the project. A determination under this section may not waive or modify a requirement except as authorized by Chapter 245 and is binding on the City and the petitioner for the direction of the project.

Section 1.05. Jurisdiction

1.05.010. Within City Limits

All provisions of this Unified Development Code shall apply to all land within the city limits.

1.05.020. Within the City's Extraterritorial Jurisdiction

As authorized by Texas Local Government Code Chapters 212 and 216, the City shall apply the applicable subdivision and sign provisions of this Code to the City's extraterritorial jurisdiction (ETJ).

Section 1.06. Definitions

All definitions located in **Chapter 18** of this Unified Development Code shall govern the interpretation of this Code. Any terms not defined shall be interpreted using Merriam-Webster's Unabridged Dictionary, subject to approval of interpretation by the Director of Planning.

Section 1.07. Minimum Requirements

A. In the interpretation and application, the provisions of this Code shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare.

B. Whenever the requirements of this Code are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards, as determined by the Director of Planning shall govern.

C. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Code shall not relieve the recipient of such permit, certificate, or approval from the responsibility of complying with all other applicable requirements of any other City, state, or federal agency having jurisdiction over the structures or land uses for which the permit, certificate, or approval was issued.

Section 1.08. Comprehensive Plan

It is intended that this Unified Development Code implements the City's planning policies as adopted as part of the City's Comprehensive Plan, as amended and periodically updated.

Section 1.09. Effective Date

This Code shall become effective November 1, 2026, and be in full force and effect in accordance with the City Charter.

Section 1.10. Severability

Should any section or provision of this Unified Development Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1.11. UDC Development Manual

The UDC Development Manual contains technical and procedural requirements for the submittal of development applications, as well as application forms, checklists, calendars, and other materials to aid applicants in the preparation and submittal of applications. The UDC Development Manual may be amended from time to time by the Director, following posting of the proposed changes on the City's website and a 15-day public comment period.

Section 1.12. City Construction Specifications and Standards Manual

The City Construction Specifications and Standards Manual contain specifications, standards, and requirements for the construction of public improvements. The City Construction Specifications and Standards Manual may be amended from time to time by the City's Development Engineer, following public notice and a 30-day public comment period.

Section 1.13. Drainage Criteria Manual

The Drainage Criteria Manual establishes drainage design procedures and standards for stormwater management systems within the jurisdiction of the City of Georgetown. The Drainage Criteria Manual may be amended from time to time by the City's Development Engineer, following public notice and a 30-day public comment period.

Section 1.14. Historic District Design Guidelines

The Historic District Design Guidelines adopted on July 27, 2021, and on file with the City Secretary, are hereby incorporated into this Code by reference, as if set forth in full. The Historic District Design Guidelines establish policies to guide improvements to properties and work within the Downtown Overlay District and Old Town Overlay District, as well as improvements to Historic Landmarks anywhere within the city limits.

Section 1.15. Traffic Calming Standards

The Traffic Calming Standards prepared by the Development Engineer are hereby adopted by reference as if set forth in full. The Traffic Calming Standards shall establish traffic calming requirements for new development applications, both within proposed development and any affected existing development within the City and ETJ. The Traffic Calming Standards may be amended from time to time by the Development Engineer, following public notice and a 30-day public comment period.

Section 1.16. Utility Improvement and Extension Policy

The Utility Improvement and Extension Policy contains specifications, standards, and requirements for projects that desire to connect to Georgetown infrastructure. The Utility Improvement and Extension Policy may be amended from time to time by ordinance.

Section 1.17. Access Management Policy

The Access Management Policy contains specifications, standards, and requirements for properties that desire to connect to public streets, roadways, or rights-of-way in the city limits or the ETJ. The Access Management Policy may be amended from time to time by the City's Development Engineer, following public notice and a 30-day public comment period.

Section 1.18. Municipal Utility District Policy

The Municipal Utility District Policy contains guidelines and requirements for properties that seek the City's consent to establish a municipal utility district within the city limits or the ETJ. The Municipal Utility District Policy may be amended from time to time by the City Manager, following public notice and a 30-day public comment period.

Section 1.19. Parks Development Manual

The Parks Development Manual establishes design standards for the parks system within the jurisdiction of the City of Georgetown. The Parks Development Manual may be amended from time to time by the City's Parks and Recreation Director.

Section 1.20. Real Estate Policies

A. The City of Georgetown Real Estate Services group ("Real Estate") is responsible for managing the City's real estate activities, including:
   1. The acquisition of real property rights for City infrastructure, such as roadways, utility lines, drainage improvements, trails, and sidewalks;
   2. The acquisition of real property for parks and City facilities;
   3. The abandonment, vacation, and sale of City rights-of-way and easements;
   4. The sale of City property; and
   5. The use of City property by others, including the City's license to encroach program.

B. The Real Estate Policies dated November 18, 2022, and on file with the City Secretary (the "Policies"), are hereby adopted. The Policies may be amended from time to time by resolution, or by the City Manager with written notice to the City Council.

Section 1.21. Water and Wastewater Master Plan

The Water and Wastewater Master Plan establishes best practices for public education and outreach, hazardous waste education, construction-site stormwater runoff control, and pollution prevention in Georgetown through its Water and Wastewater Design Criteria contained therein. The Water Quality Management Plan may be amended from time to time by the City Council.

Section 1.22. Other Manuals or Regulations Adopted by the City

The City may adopt other technical manuals or policies in the future that are not listed in this Unified Development Code and are applicable to development within the city limits and ETJ.

Chapter 2. Review Authority

Section 2.01. General

2.01.010. Purpose

This chapter establishes review authority under this Unified Development Code. Specific requirements for each type of application or permit are described in **Chapter 3**. The submittal contents of each application are set forth in the UDC Development Manual.

2.01.020. Summary of Review Authority

The following table summarizes the decision-making authority of each review body for the City. Each body or official responsible for final action on an item shall be considered the final action authority for the purposes of this Code.

Table 2.01.020-1. Summary of Review Authority

Application	Planning Director	Building Official	Development Engineer	Landscape Planner	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
R - Recommendation	**FA-Final Action Authority**		**A - Appeal Authority**		**< > - Public Hearing**				
Abandonment									FA
Administrative Exception	FA						A*		A*
Administrative Plat (minor or amend plat)	FA							A	
Annexation									<FA>
Appeal of Administrative Decision							<FA>		
Artificial Turf	FA								
Certificate of Appropriateness (Administrative Approval)					FA	A			
Certificate of Appropriateness (HARC approval)						<FA>			A
Comprehensive Plan Amendment								<R>	<FA>
Construction Plans			FA					A	

Application	Planning Director	Building Official	Development Engineer	Landscape Planner	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
R - Recommendation	**FA-Final Action Authority**		**A - Appeal Authority**		**< > - Public Hearing**				
Courthouse View Height Determination	FA						A		
Courthouse View Waiver									<FA>
Development Agreement									<FA>
Driveway Access Permit			FA					A	
Easements									FA
Final Plat	FA							A	
HARC Exception (Building Height/Setback variations pursuant to **Chapter 5**)						<FA>			A
Heritage Tree Protection Priority	FA								A
Heritage Tree Pruning Permit	A			FA					
Historic Landmark Designation						<R>			<FA>
Historic Overlay District Designation						<R>		<R>	<FA>
Historic Design Guidelines Amendments						<R>			<FA>
Historic Resource Survey Amendments						<R>			<FA>
License to Encroach			FA**						FA**
Master Sign Plan		FA					A		
Master Sign Plan in a Historic Overlay District					FA	A			
Preliminary Plat	FA							A	

Application	Planning Director	Building Official	Development Engineer	Landscape Planner	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
R - Recommendation	**FA-Final Action Authority**		**A - Appeal Authority**		**< > - Public Hearing**				
Rezoning (Zoning Map Amendment)								<R>	<FA>
Sign Permit		FA					A		
Site Development Plan	FA							A	
Special Exception							FA		
Special Use Permit								<R>	<FA>
Stormwater Permit			FA					A	
Subdivision Construction Plans			FA					A	
Subdivision Waiver								<FA>	A
Temporary Use Permit		FA					A		
Traffic Impact Analysis			FA						A
Tree Removal Permit				FA					A
UDC Text Amendment								<R>	<FA>
Zoning Variance							<FA>		

* Administrative Exceptions related to **Chapter 9** and **Chapter 10** items are sent to the City Council, all others are appealed to ZBA.

** Licenses to Encroach that involve encroachments into a public street, roadway, sidewalk, or right-of-way require final approval by the City Council; all other requests are approved by the Development Engineer.

2.01.030. Conformity with Development Regulations

Every official and employee with the City vested with the duty or authority to issue a permit, certificate, or license under this Code may not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Unified Development Code. Any permit, certificate, or license issued in conflict with the provisions of this Code is null and void.

Section 2.02. Administrative Officials

2.02.010. Director of Planning

A. Appointment

The City Manager shall appoint a Director of Planning (Director) to be the administrator of this Unified Development Code.

B. Powers and Duties

The Director has the following powers and duties:

1. Final Action

The Director is responsible for taking final action on the applications and procedures as noted in the table in **Section 2.01.020**, subject to the specific criteria for each procedure as described in the Code.

2. Review and Report

The Director shall review and make either a report or recommendation to the Zoning Board of Adjustment, Planning and Zoning Commission, or City Council on the applications as noted in the table in **Section 2.01.020** of this Code, subject to the terms and conditions set forth for such procedures in this Code.

3. Additional Duties

The Director shall have the following additional duties:

a. To comply with any other duty or responsibility clearly assigned to the Director elsewhere in this Code;

b. To ensure conformance with all provisions of this Code;

c. To meet with potential applicants; and

d. To act and serve as staff for each review body appointed by this Code.

4. Delegation

The Director may delegate any duties to members of the Planning Department staff. Such designation authorizes the staff member to act on the Director's behalf but does not relieve the Director of overall responsibility for any final action, report, recommendation, or additional duty described in this Code.

C. Compliance with Rules and Procedures

1. The Director shall comply with any specific procedures described in this Code.

2. The Director may develop a manual consisting of administrative rules, submittal requirements for all case types, or additional procedures to clarify implementation of this Code, providing that additional rules, requirements, or procedures do not violate any other provisions of this Code. The Director may include in the manual a submittal calendar specifying the dates on which the City will accept applications.

2.02.020. Development Engineer

A. Designation

The City Manager shall appoint a Development Engineer to function as described in this Code. The Development Engineer must be an engineer licensed by the State of Texas. For the purposes of this Code, the Development Engineer is also designated as the Drainage Engineer.

B. Powers and Duties

The Development Engineer shall review and make reports to the Director or other final action authorities on all Site Plans and plats, and shall have final authority for approving applications as noted in **Section 2.01.020** of this Code, and as may otherwise be authorized by this Code.

C. Compliance with Rules and Procedures

1. The Development Engineer shall comply with any specific procedures or technical criteria described in this Code.
2. The Development Engineer shall develop additional procedures or technical criteria to clarify implementation of this Code, providing that additional procedures do not violate any other provisions of this Code.

2.02.030. Building Official

A. Designation

In addition to the powers granted to the Building Official in Chapter 2.32 of the City Code of Ordinances, the City Manager shall designate the Building Official for the City of Georgetown to review and approve sign permits, certificates of occupancy, conditional certificates of occupancy, temporary certificates of occupancy, Temporary Use Permits, sign permits, and Master Sign Plans. This section does not restrict the powers and duties of the Building Official granted or assigned by other sections of the City's Code of Ordinances.

B. Powers and Duties

The Building Official shall be responsible for taking final action on certificates of occupancy, conditional certificates of occupancy, temporary certificates of occupancy, sign permits, Temporary Use Permits, and Master Sign Plans. See **Chapter 5** for additional regulations that apply to certain approvals in historic Districts.

C. Inspectors

The City's Building Inspectors are authorized designees of the Building Official.

D. Code Enforcement Officers

The City's Code Enforcement Officers are authorized designees of the Building Official.

2.02.040. Landscape Planner

A. Designation

The Director shall appoint a Landscape Planner to function as described in this Code. The Landscape Planner must be a Certified Arborist as recognized by the International Society of Arboriculture (ISA) or able to work toward the certification. Throughout this Code, any reference to an “Urban Forester” shall mean the Landscape Planner, and the powers and duties assigned to the Urban Forester shall apply to the Landscape Planner.

B. Powers and Duties

The duties of the Landscape Planner shall include, but are not limited to, the review and recommendation on Plats, Site Development Plans, and other development permits requiring compliance with applicable sections of **Chapter 9. Landscaping and Fencing** and **Chapter 10. Tree Preservation**, governing the placement, replacement, maintenance, and/or preservation of trees, and providing recommendations on such to the relevant Final Action Authority in accordance with **Section 2.01.020** of this Code.

2.02.050. Historic Preservation Officer

A. Designation

The Director may designate a Historic Preservation Officer to function as described in this Code.

B. Powers and Duties

The duties of the Historic Preservation Officer shall include, but are not limited to:

1. Providing review, report, and recommendation to the Historic and Architectural Review Commission (HARC) regarding Certificates of Appropriateness and any other provisions of this Code requiring action by HARC;
2. Reviewing and taking final action on Administrative Certificates of Appropriateness;
3. Reviewing and taking final action on Alternative Parking Plans in a Historic Overlay District; and
4. Coordinating local historic preservation efforts with the State Historic Preservation Office (SHPO), the National Park Service (NPS), and the Advisory Council on Historic Preservation (ACHP) in compliance with the National Historic Preservation Act of 1966, as amended, TAC Chapter 15.6, as amended, and any additional federal and state enabling legislation.

Section 2.03. Historic and Architectural Review Commission

2.03.010. Powers and Duties

The Historic and Architectural Review Commission (HARC) has the following powers and duties as described in this Code:

A. Final Action

The HARC shall be responsible for hearing and taking final action on the following procedures described in this Code:

1. Certificate of Appropriateness;
2. HARC Exceptions on building height, setback, and floor-to-area-ratio (FAR) variations pursuant to **Chapter 5** of this Code; and
3. Appeal of an administrative Certificate of Appropriateness.

B. Review and Recommendation

The HARC shall review and make recommendations to the City Council on the designation of Historic Overlay Districts, updating of the Historic Resource Survey, updating of the Historic District Design Guidelines and Historic Landmarks, subject to the terms and conditions set forth for the procedure in this Code.

C. Additional Duties

The HARC has the following additional duties:

1. To act and assist the City Council in formulating design guidelines and other supplemental materials relevant to historic preservation or design review; and
2. To render advice and guidance, upon request of the property owner or occupant, on new construction or the restoration, alteration, or maintenance of any building or structure within a Historic Overlay District or designated as a Historic Landmark.

2.03.020. Membership

The HARC shall be constituted and conduct all activities in accordance with Texas Local Government Code Chapter 214, the City Charter, and Chapter 2 of the City's Code of Ordinances.

Section 2.04. Zoning Board of Adjustment

2.04.010. Powers and Duties

Pursuant to Texas Local Government Code § 211.009, the Zoning Board of Adjustment (ZBA) may:

A. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an Administrative Official (see **Section 2.02**) in the enforcement of this Code;

B. Hear and decide Special Exceptions when this Code requires the Board to do so; and

C. Authorize in specific cases a variance from the zoning requirements of this Code if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

2.04.020. Membership

The Zoning Board of Adjustment shall be constituted and conduct all activities in accordance with the City Charter, and Chapter 2 of the City's Code of Ordinances.

2.04.030. General Rules for Zoning Board of Adjustment Matters

In exercising its authority under **Subsection 2.04.010.A**, the Board may reverse or affirm, in whole or in part or modify the Administrative Official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, as provided for by Texas Local Government Code Chapter 211.

Section 2.05. Planning and Zoning Commission

2.05.010. Powers and Duties

The Planning and Zoning Commission (P&Z or Commission) has the following powers and duties as described in this Code:

A. Final Action

The Planning and Zoning Commission shall be responsible for considering and taking final action on the applications and procedures as noted in the table in **Section 2.01.020**.

B. Review and Recommendation

The Commission shall review and make recommendations to the City Council on the following, subject to the terms and conditions set forth for the procedure in this Code:

1. Comprehensive Plan Amendment;
2. Development Agreement;
3. Rezoning (Zoning Map Amendment);

4. Special Use Permit; and
5. UDC Text Amendment.

C. Additional Duties

The Commission has the following additional duties:

1. Authorize a heritage tree protection priority determination pursuant to **Subsection 10.02.020**; and
2. Hear and decide an appeal of an administrative decision on the applications and procedures as noted in the table in **Section 2.01.020**.
3. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an Administrative Official in the enforcement of **Section 13.06. Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone**.

2.05.020. Membership

The Planning and Zoning Commission shall be constituted, have the powers and duties, and conduct all activities in accordance with state law, the City Charter, and the City's Code of Ordinances.

Section 2.06. City Council

The City Council shall be constituted, have the powers and duties, and conduct all activities in accordance with Texas Local Government Code Chapters 42, 43, 211, 212, and 216, the City Charter, and the City's Code of Ordinances. The City Council shall hear and decide appeals pursuant to **Table 2.01.020-1. Summary of Review Authority** and this Code.

Section 2.07. Parks and Recreation Advisory Board

2.07.010. Powers and Duties

The Parks and Recreation Advisory Board has the following powers and duties:

A. Review and Recommendation

The Parks and Recreation Advisory Board shall provide review and recommendation for projects requesting approval for alternative site and development standards, private parkland credit, and certain conditions set forth in **15.08.040.A.6**. The Parks and Recreation Director shall provide review and recommendation for projects which meet the code requirements. The Parks and Recreation Director may defer these projects to the Parks and Recreation Advisory Board for review and recommendation for any reason.

Section 2.08. Unified Development Code Advisory Committee

2.08.010. Powers and Duties

The Unified Development Code (UDC) Advisory Committee has the following powers and duties:

A. Review and Recommendation

The UDC Advisory Committee may be directed by City Council to review and make recommendations to the Planning and Zoning Commission and the City Council on the following subject to the terms and conditions set forth for the procedure in this Code:

1. Make recommendations and advise the Planning and Zoning Commission and the City Council on the proposed amendments to the UDC when requested by City Council;
2. Provide an additional forum for public participation and input regarding proposed amendments to the UDC; and
3. Assist the general public in understanding the proposed amendments to the UDC.

2.08.020. Membership

The UDC Advisory Committee shall be constituted and conduct all activities in accordance with the City Charter, and Chapter 2 of the City's Code of Ordinances.

Chapter 3. Applications and Permits

Section 3.01. General

3.01.010. Purpose

The purpose of this chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City.

3.01.020. Applicability of Case Types and Permits

The following table shows which review case types and permits apply in the City and its extraterritorial jurisdiction.

Table 3.01.020-1. Applicability of Case Types

Section	Application Type	City Limits	Extraterritorial Jurisdiction
General Applications			
Section 3.04	Comprehensive Plan Amendment	X	X
Section 3.05	Unified Development Code Text Amendment	X	X
Section 3.06	Annexation		X
Zoning Applications			
Section 3.07	Zoning Map Amendment (Rezoning)	X	
Section 3.08	Zoning Verification Letter	X	
Section 3.09	Temporary Use Permit	X	
Section 3.10	Special Use Permit	X	
Section 3.11	Planned Unit Development	X	
Section 3.12	Appeal of an Administrative Decision–Zoning Regulations	X	
Section 3.13	Zoning Variance and Special Exception	X	
Section 3.14	Administrative Exception	X	
Subdivision Applications			
3.15.070	Preliminary Plats	X	X
3.15.080	Recording Plats (Final Plats, Replats, Amending Plats, Vacation of Recorded Plat)	X	X
3.15.100	Construction Plans	X	X
Section 3.16	Subdivision Waiver	X	X
Site Development Applications			
Section 3.17	Site Development Plan	X	

Section	Application Type	City Limits	Extraterritorial Jurisdiction
Section 3.18	Development Agreement	X	X
Section 3.19	Master Sign Plan	X	X
Section 3.20	Sign Permit	X	X
Section 3.21	Stormwater Permit	X	X
Section 3.22	Driveway Access Permit	X	X
Section 3.23	License to Encroach	X	X
Section 3.24	Tree Removal Permit	X	X
Section 3.25	Heritage Tree Pruning Permit	X	X
Section 3.26	Request for Creation of Certain Special Purpose Districts	X	X
Section 3.27	Courthouse View Waiver	X	
Section 5.11	Certificate of Appropriateness	X	

3.01.030. Simultaneous Submission of Related Applications

A. Submission of different applications related to the same development may be made simultaneously within each application group listed below. Approval consideration of the different applications, however, shall occur in the sequence as listed.

1. Policy Applications
   a. Annexation (Voluntary)
   b. Development Agreement
   c. Comprehensive Plan Amendment
   d. Rezoning (Zoning Map Amendment)
   e. Special Use Permit
   f. Preliminary Plat
      (i) Exception: A Preliminary Plat shall not be submitted until final approval of a Planned Unit Development (PUD) zoning request.
2. Development Applications
   a. Construction Plans
      (i) Exception: Construction Plans for master planned infrastructure improvements may be submitted at any time for review.
   b. Final Plat
   c. Certificate of Appropriateness
   d. Site Development Plan
3. Building Permits

   An application for a Building Permit shall not be submitted to the City until review of the first submittal of the corresponding Site Development Plan has been completed by staff, and the comments have been forwarded to the applicant.

B. Any application submitted simultaneously is subject to approval of all other related applications. Denial, disapproval, or reconsideration of any concurrently submitted application shall stop consideration of any related applications.

Section 3.02. Common Review Elements

3.02.010. Application Forms and Fees

The following regulations shall apply to all applications under this chapter:

A. Forms

Application forms, submittal requirements, instructions, and fee schedule are set forth in the UDC Development Manual.

B. Fees

1. Application fees shall be established and revised from time to time by the City Council.
2. All required fees shall be made payable to "The City of Georgetown."
3. An applicant who has paid the appropriate fee with an application, but who chooses to withdraw such application prior to any notification of completeness, may be entitled to a refund of all or a portion of the amount paid at the discretion of the Director. The application fee required for UDC Text or Zoning Map Amendments shall not be refundable.
4. An application shall only be accepted for review if the applicant, agent, or property owner has no outstanding, undisputed fees owed to the City for the same property or other property under their control.

3.02.020. Application Deadline

All applications shall be completed and submitted to the Director in accordance with a schedule established annually by the Director. An application shall not be considered as officially submitted, accepted, or filed until it has been determined to be complete as specified in **Subsection 3.02.040. Determination of Application Completeness**.

3.02.030. Accurate Information Required

A. All required information and materials must contain accurate information. A finding of inaccurate information (e.g., incorrect easement locations, incorrect owner information) is grounds for application denial. Typos or grammatical errors alone do not constitute inaccurate information.

B. Each submission or resubmission of an application or plan set must contain accurate information within the entire application or plan set. If one element of the application or plan set is revised, all elements of the application or plan set must be updated to include the same information throughout the entire application or plan set and resubmitted.

C. If an approved application or an application currently under review is found to contain conflicting information, the applicant may be required to submit a revised application or an amendment to the original application to resolve the discrepancy.

3.02.040. Determination of Application Completeness

A. The Director or their designee shall review each submitted application to determine if the minimum items needed for proper review of such application are present.

B. A determination of whether an application is complete shall be made by the Director no more than five working days after submittal of the application.

C. If the application is determined not to be complete, the Director shall notify the applicant in writing. The notification shall attempt to list all missing or incomplete items and provide a specific period of time (not greater than five working days) for the applicant to resubmit the material. The applicant may request an additional meeting for explanation of the missing or incomplete items. If the application is not resubmitted within the period specified by the Director, the application shall be deemed rejected and shall not be accepted for filing. After an application has been rejected, the applicant shall resubmit within the time period prescribed by the Director, or the application will expire and a new application and fee shall be required.

D. The determination of completeness shall take into account the following:

1. Consistency with the Comprehensive Plan (for zoning applications, only);
2. Any required previous approvals; and
3. Required submission materials and compliance with the UDC Development Manual and the City's Construction Specifications and Standards Manual.

E. For the purposes of Texas Local Government Code § 212.009, an application for subdivision is considered filed once it is determined by the Director to be accepted for consideration per **Section 3.15.050. Submission Requirements**.

F. Determination that an application is complete does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria.

G. If the Director determines that any request for a Zoning Map Amendment (Rezoning) is not consistent with the Comprehensive Plan, the application shall be determined to be incomplete and shall not be filed unless it is submitted in conjunction with a comprehensive plan amendment. No action on the rezoning may occur until it is consistent with the Comprehensive Plan; however, both actions may occur during the same meeting. The City Council may approve amendments to the Comprehensive Plan in accordance with the procedure in **Section 3.04. Comprehensive Plan Amendment**.

1. An appeal of the Director’s determination can be made in accordance with the procedures in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

3.02.050. Limit on Reapplication

If any petition for a rezoning (zoning map amendment), plan amendment (such as to a future mobility plan, comprehensive plan, water master plan, etc.), or any petition for an amendment to this Unified Development Code is disapproved by the Final Action Authority, another application or petition for the same permit, approval or amendment for the same property or any portion thereof may not be filed within a period of 30 calendar days (or 12 months for zoning change applications) from the date of final disapproval, except with permission of the Planning and Zoning Commission or City Council. Such reapplication must demonstrate:

A. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;

B. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;

C. A new application is proposed to be submitted that is materially different (e.g., proposes new uses or a substantial decrease in proposed densities and intensities) from the prior application; or

D. The final decision on the application was based on a material mistake of fact.

3.02.060. Expiration of Application

An accepted application for which there has been no action taken by an applicant for a period of 180 days or more from the date of the last action shall be determined dormant and processed as withdrawn by the applicant, causing the file to be closed. The Director shall notify the applicant in writing 30 days in advance of the pending closure. The Director may consider extending the application if the applicant can show just cause for the delays or there is evidence of continued communication with staff.

Section 3.03. Public Hearing and Notice

3.03.010. Provision of Public Notice

A. Compliance with Texas Local Government Code

Public hearings and public notice shall be provided in accordance with Texas Local Government Code **Chapter 211 Municipal Zoning Authority** and **Chapter 212 Municipal Regulation of Subdivisions and Property Development**.

B. Summary of Notice Required

Notice shall be required for application review as shown in the following table.

Table 3.03.010-1. Summary of Notice Requirements

Procedure	Published	Mailed	Posted
Annexation (Voluntary)	X		
Appeal of Administrative Decision	X		
Certificate of Appropriateness			‡
Certificate of Appropriateness for relocation, removal, or demolition, or building height, setback, or floor-to-area ratio modification		‡	‡
Comprehensive Plan Amendment	X	X[1]	
Development Agreement	*	*	*
Historic Overlay District Designation	X	X	X
Historic Landmark Designation	X	X	X
Replat without Vacating (Texas Local Government Code § 212.0145)	X	X	
Rezoning (Zoning Map Amendment)	X	X[1]	X
Special Exception	X	X	X
Special Use Permit	X	X	X
Subdivision Waiver	X	X	X
UDC Text Amendment	X	X[1]	
Zoning Variance	X	X	X

Procedure	Published	Mailed	Posted
X = Notice required. * = Notice to be determined by Development Agreement Committee per **Section 3.18. Development Agreement.** ‡ = Only applicable to Certificate of Appropriateness applications that require consideration by the Historic and Architectural Review Commission. 1 = Mailed notice to be provided in compliance with Local Government Code 211.007			

C. Published Notice

1. A public notice shall be published at least once in a local newspaper of general circulation, as designated by the City Council, within the City prior to the meeting. The notice shall contain the time and place of such public meeting or hearing and a brief description of the agenda items that may be considered or reviewed.
2. A published notice shall be published at least 15 days in advance of the public meeting or hearing.

D. Mailed Notice

1. Generally
   a. A notice of public hearing shall be sent to owners of record of real property within 300 feet of the boundary of the property under consideration, as determined by the most recent municipal tax roll and central appraisal district tax roll information.
   b. A notice of public hearing shall be sent to homeowners' associations and other similar associations registered with the City and located within 300 feet of the boundary of property under consideration.
   c. A notice of public hearing shall be provided to each party in compliance with Local Government Code 211.007.
   d. Notice of public hearing shall be sent by United States mail. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in United States mail at least 15 days prior to the date set for the public hearing or as otherwise required by the Texas Local Government Code, as amended.
2. Special Mailed Notice Required for Certain Replats

   Replats containing any area or lot that, during the preceding five years, was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, require mailed notice to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted, in the same manner as prescribed in **Subsection 3.03.010** above and in accordance with Texas Local Government Code § 212.015, as amended.
3. Special Mailed Notice Required for PUD Modification
   a. For purposes of mailed notice, the boundary of a PUD modification shall be the boundary of any tract of land for which PUD standards or requirements are proposed to change due to the modification.
   b. A notice of public hearing shall be provided to each party required in compliance with Local Government Code 211.007.
   c. In addition to the requirements of **Subsection 3.03.010** above, mailed notice shall also be provided to all owners of property within the entire PUD boundary, not otherwise notified.

E. Posted Notice

1. Notice shall be posted in a format approved by the Director according to the following standards:
   a. One sign for tracts of less than 300 feet of right-of-way frontage;
   b. One sign at each interval of 1,000 feet; and
   c. The total number of signs shall not be required to exceed a total of four signs per right-of-way.
2. Notice of application shall be posted at the project site such that it is visible from the public right-of-way.
3. The City will provide the required sign; however, the applicant shall be responsible for posting and maintaining the sign in a format approved by the Director and for removing the sign within five days following the public hearing on the application.
4. Posted notice shall be posted not less than 15 days prior to the scheduled public hearing by the Review Authority and must remain posted until the City Council or other Final Action Authority has acted on the application.
5. The notice is considered served upon receipt by the developer of the posted notice(s) in a format approved by the Director.

F. Content of Notice

1. Published or mailed notices shall contain at least the following specific information:
   a. The general location of land that is the subject of the application, including a location map with the mailed notice only;
   b. The legal description or street address;
   c. The substance of the application, including the type of proposed development and the current Zoning District;
   d. The time, date, and location of the public hearing;
   e. A phone number to contact the City; and
   f. A statement that interested parties may appear at the public hearing.
2. Posted notices shall contain at least the following specific information:
   a. The type of request (i.e., rezoning, variance, etc.);
   b. The application number;
   c. A phone number to contact the City; and
   d. The time, date, and location of the public hearing.

G. Constructive Notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

H. Special Hearing Notice Required for Certain Replats

A Replat without vacation of the preceding plat must conform to the requirements of Texas Local Government Code §§ 212.014 and 212.015.

3.03.020. Required Public Hearing

The following table identifies the types of applications requiring a public hearing and the review body responsible for conducting the hearing.

Table 3.03.020-1. Summary of Required Public Hearing

Type of Application	HARC	Zoning Board of Adjustment	Planning & Zoning	City Council
Annexation			X[1]	X[2]
Appeal of Administrative Decision		X		
Certificate of Appropriateness	‡			
Comprehensive Plan Amendment			X	X
Development Agreement			*	X
Historic Overlay District Designation	X		X	X
Historic Landmark Designation	X			X
Replat (Resubdivision)			X	X
Rezoning (Zoning Map Amendment)			X	X
Special Exception		X		
Special Use Permit			X	X
Subdivision Waiver			X	
UDC Text Amendment			X	X
Zoning Variance		X		
Courthouse View Waiver				X

X = Public hearing required.
* = Public hearing to be determined by Development Agreement Committee per **Section 3.18. Development Agreement**.
‡ = Only applicable to certificate of appropriateness applications that require consideration by the Historic and Architectural Review Commission
1 = Only on cases when applicant is seeking initial zoning in lieu of the initial default zoning of AG.
2 = See **Section 3.06.020. Annexation Review Process** for specific requirements.

3.03.030. Conduct of Public Hearings

A. Modification of Application at Public Hearing

1. The applicant may agree to modify the application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the public hearing or to suggestions or recommendations by the recommending or decision-making body holding the public hearing.
2. Unless such modifications are so substantial that the recommending or decision-making body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials before it, the recommending or decision-making body may approve or recommend approval of the application with the condition that the approval or recommendation of approval will not be applicable until materials reflecting the agreed upon changes are submitted to the Director. No application may proceed until the revisions have been made.

3. Where deemed appropriate by the decision-making body, modifications to an application may be referred back to the recommending body for reconsideration prior to further action by the decision-making body.
4. Modification of an application that causes the consideration of that application to be substantially different than that which was provided in the public notice shall require a new public hearing by the recommending and decision-making bodies with new notice in accordance with **Section 3.03.010. Provision of Public Notice**. Such modifications shall include, but are not limited to, a change to a Zoning District that was not otherwise included in the public notice or any increase in the acreage of the area under consideration. Decreasing the acreage of the area under consideration shall not cause the application to require a new public hearing.

B. Evidence

All findings and conclusions necessary to the permit or decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

C. Record

1. An audio tape recording and/or written minutes shall be made of all required public hearings, and such audio recordings shall be kept for two years.
2. All documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record and shall be kept by the City for two years.

3.03.040. Postponement of Application

A. Postponement of Public Hearing after Public Notice

The applicant shall be required to pay for all re-notice fees for a scheduled and noticed public hearing that is postponed at the request of the applicant.

B. Postponement of Application after Recommendation

For applications where a recommendation is required by the Planning and Zoning Commission, an applicant may request the City Council Public Hearing to be postponed to the next regular meeting following the date of the scheduled City Council Public Hearing. The Director may approve, for good cause shown, a postponement of up to 30 days from the date of the scheduled City Council Public Hearing. Public notice of the new public hearing shall be required in accordance with **Section 3.03.010. Provision of Public Notice**.

3.03.050. Administrative Review Process

Administrative reviews occur when the Director or another City employee is responsible for final action on any application.

A. Applicability

An administrative review shall be required for any permit or application that requires final action from an Administrative Official, as described in **Table 2.01.020-1. Summary of Review Authority**.

B. Review Process

Administrative reviews shall occur within the standard review periods established by the Director. The Director or other authority responsible for final action may establish procedures necessary to ensure compliance with this Code and State statute.

1. Initiation

   Initiation of an administrative review may be made upon:

   a. Recommendation of the Director;

   b. Recommendation of other Administrative Official responsible for final action on the permit being initiated; or

   c. Submission of a complete application by the property owner or their authorized agent.

2. Application

   Application must be made in a format consistent with **Section 3.02.010. Application Forms and Fees**.

3. Completeness Determination

   Upon submission of an application for any administrative review, the Director shall determine whether the application is complete, as described in this Code.

4. Staff Review

   Once an application is determined complete, the Director or Final Action Authority shall review the application, considering any applicable criteria for approval. The Director or Final Action Authority may assign staff to review the application and make a report to the Director or Final Action Authority.

C. Administrative Final Action

Upon completion of the administrative review, the Director or other responsible Final Action Authority shall make a final determination and notify the applicant in writing. The Director or other Final Action Authority may take one of the following final actions:

1. Approve the application.
2. Approve the application with conditions.
3. Disapprove the application. Such disapproval must include specific reasons for disapproval.

D. Criteria for Approval—Generally

1. An application shall be approved administratively when all of the following criteria are met:

   a. A complete application and fee have been submitted.

   b. The application and content of the application are consistent with the provisions of this Unified Development Code, the Comprehensive Plan, and any other applicable City regulations.

   c. The application and content of the application are consistent with any administrative rules established by the Director, and any prior written interpretations of this Code.

2. Additional criteria for approval that apply to specific administrative procedures may be provided in the specific descriptions of those procedures in this **Chapter 3. Applications and Permits**. An administrative procedure that does not have specific criteria for approval shall be considered using the general criteria provided above. All such criteria shall be published as part of the Development Manual pursuant to UDC **Section 1.11.**

E. Appeals

1. If an applicant is appealing a final action of disapproval, only the basis for disapproval may be appealed to the Appeal Authority as identified in **Table 2.01.020-1. Summary of Review Authority**.
2. The Appeal Authority shall be the decisive body for any appeal request; no appeal of the Appeal Authority shall be considered, except where required by state Law.

3. A person may not appeal a denial for the purpose of continuance, an extension agreed to by the applicant and the Director, or a determination that an application is not complete.
4. An appeal of a denial of an application by a Final Action Authority shall be limited to one appeal per instance of denial of the relevant application.
5. All appeal requests of decisions on plat type applications shall be processed in accordance with Local Government Code 212.0093.
6. The Director shall identify and publish in the Development Manual requirements for submitting requests pursuant to this section.
7. The Director or Development Engineer may, at their discretion, forward any application for which they are the Final Action Authority to the Appeal Authority for Final Action.

Section 3.04. Comprehensive Plan Amendment

3.04.010. Applicability

A. For the purpose of establishing and maintaining sound, stable, and desirable development consistent with the goals and policies of the Comprehensive Plan, amendments to the Plan may be considered. Plan amendments are periodic, substantive changes that are necessary to accommodate changed or unforeseen circumstances in a manner consistent with the public interest and in accordance with the procedures established in the Plan and in this section. The provisions of the section are adopted pursuant to Texas Local Government Code Chapter 213 and the City Charter.

B. Plan amendments may be considered by City Council upon Director recommendation. Where the Plan Amendments shall commence upon a simple majority vote by City Council. Applications may be made at any time of year.

C. Amendments initiated by a property owner or their authorized agent may be considered at any time for amendments to the Future Land Use Plan Map or Future Mobility Plan Map.

3.04.020. Review Process

A. Initiation

Initiation of an amendment may be made upon:

1. Application of a property owner or their authorized agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning and Zoning Commission; or
4. Recommendation of the Director.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.

3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Planning and Zoning Commission Review

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a public hearing in accordance with its rules and state law and make a recommendation to the City Council.

E. City Council Final Action

1. The City Council shall hold a public hearing and may take final action on the proposed amendment.
2. The amendment shall become effective when approved by a super-majority vote of the City Council and in accordance with the City Charter.

3.04.030. Approval Criteria

A. The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-term effects.

1. The amendment promotes the health, safety or general welfare of the City and the safe, orderly, and healthful development of the City.

B. In considering amendments to the Plan, the City should be guided by the following:

1. The need for the proposed change;
2. The effect of the proposed change on the need for City services and facilities;
3. The compatibility of the proposed change with the existing uses and development patterns of nearby property and with the character of the neighborhood; and
4. The implications, if any, that the amendment may have for other parts of the Plan.

Section 3.05. Unified Development Code Text Amendment

3.05.010. General

Amendments to this Unified Development Code (UDC) may be made in order to establish and maintain sound, stable, and desirable development within the jurisdiction of the City, to correct errors in the text, or because of changed or changing conditions in the City. All text amendments shall be consistent with the Comprehensive Plan.

3.05.020. Review Process

A. Initiation

Initiation of an amendment may be made upon resolution of the City Council upon the recommendation of the:

1. City Council;
2. Planning and Zoning Commission; or
3. Director.

At the request of the City Council the amendment to be considered may be directed to the UDC Advisory Committee for review and recommendation in advance of the Planning and Zoning Commission review. The resolution from City Council shall specify the following: intent of the changes, whether a recommendation from UDC Advisory Committee or other city boards/commissions are desired in advance of Planning and Zoning Commission action, and any notice in addition to UDC requirements and state law is desired.

B. Staff Review

The Director shall prepare a report for the Planning and Zoning Commission review on the proposed amendment and consistency with the approval criteria outlined in the Code.

C. Planning and Zoning Commission Review

Following notice in accordance with Chapter 211 of the Texas Local Government Code, the Commission shall hold a public hearing in accordance with state law and make a recommendation to the City Council.

D. City Council Final Action

The City Council shall hold a public hearing and take final action on the proposed amendment.

3.05.030. Approval Criteria

The following lists of criteria are not all-inclusive. Review and recommendations on text amendments to this Unified Development Code should consider the following:

A. The proposed text amendment corrects an error or meets the challenge of some changing condition, trend or fact;

B. The proposed text amendment is in response to changes in state law;

C. The proposed text amendment is generally consistent with the Comprehensive Plan and other adopted plans and does not conflict with any specific policy or action item outlined in the comprehensive plan;

D. The proposed text amendment is generally consistent with the stated purpose and intent of the section it is amending;

E. The proposed text amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;

F. The proposed text amendment will maintain or advance the public health, safety, or general welfare, including but not limited to facilitating the adequate provision of transportation, water, sewers, schools, and parks.

Section 3.06. Annexation

3.06.010. Applicability

A. For the purpose of establishing and maintaining sound, stable, and desirable development consistent with the goals and policies of the Comprehensive Plan, the City may consider annexations of territory to the corporate limits or extraterritorial jurisdiction (ETJ). The provisions of the section are adopted pursuant to Texas Local Government Code Chapter 43 and the City Charter.

B. Annexation and disannexation of territory may be requested by landowners or their representatives through this process for real property within the City's corporate limits and the ETJ.

3.06.020. Annexation Review Process

A. Initiation

Initiation of an annexation or disannexation of territory may be made upon application of a property owner or their authorized agent. Another governmental authority may also request modification of ETJ or corporate limit boundaries through this process, or through the cooperative effort of the Georgetown City Council to initiate such proceedings.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval and prepare a report to the City Council.

Figure 3.06.020-3.06.02-1. Annexation Summary

2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Written Agreement Regarding Services

If required pursuant to Section 43.0672 of the Texas Local Government Code, the City Council shall approve a written agreement regarding services with the property owner prior to initiation of annexation.

E. City Council Public Hearings

City Council shall hold public hearings as required by applicable sections of Texas Local Government Code Chapter 43.

F. City Council Final Action

1. The City Council shall take final action on the proposed annexation or disannexation.
2. The annexation or disannexation shall become effective when approved by the City Council and in accordance with the City Charter.

3.06.030. Zoning upon Annexation

A. As indicated in **Subsection 4.04.010. Initial Default Zoning**, the City must take action to assign zoning to the newly annexed area.

B. While Planning and Zoning Commission approval is not required for an annexation, the Commission's recommendation is needed to assign zoning to the annexed area.

3.06.040. Approval Criteria (Annexation)

The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-term effects.

A. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action; and

B. The annexation promotes fiscally responsible, safe, orderly, and healthful development of the City; and

C. The City has the capacity and ability to serve the area with City utilities and services; and

D. The annexation is consistent with the City's adopted long-range plans and annexation policies.

Section 3.07. Zoning Map Amendment (Rezoning)

3.07.010. Applicability

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area, or in the City generally, or to rezone an area or extend the boundary of an existing Zoning District or Overlay District. All amendments must be consistent with the Comprehensive Plan. The provisions of the section related to rezoning are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

Figure 3.07.010-3.07.01-1. Rezoning Summary

3.07.020. Review Process

A. Initiation

Initiation of a map amendment may be made upon:

1. Application of a property owner or their designated agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning and Zoning Commission;
4. For a Historic Landmark or Historic Overlay District designation, recommendation of the Historic and Architectural Review Commission; or
5. Recommendation of the Director.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission, the Historic and Architectural Review Commission (where applicable), and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Historic and Architectural Review Commission

When a request is made for Historic Landmark or Historic Overlay District designation, the Commission shall hold a public hearing in accordance with its rules and state law, and make a recommendation to the City Council following notice in accordance with **Section 3.03. Public Hearing and Notice**.

E. Planning and Zoning Commission Review

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a public hearing in in accordance with its rules and state law and make a recommendation to the City Council. Designation of a Historic Landmark shall not require review and recommendation by the Planning and Zoning Commission.

F. City Council Final Action

1. The City Council shall hold a public hearing and may take final action on the proposed amendment.
2. The amendment shall become effective when approved by the City Council and in accordance with the City Charter. If a proposed amendment has been recommended for disapproval by the Planning and Zoning Commission and the Historic and Architectural Review Commission (where applicable), the amendment may not become effective except by a three-fourths vote of all members of the City Council.

3.07.030. Approval Criteria (All Rezonings)

The City Council shall consider the following approval criteria for zoning changes:

A. The zoning change is consistent with the density, primary and secondary uses, and target ratios outlined for Future Land Use Plan District;

B. The zoning change implements the policies of the Comprehensive Plan and any applicable Small Area Plans;

C. The zoning change will maintain or advance the public health, safety, orderly growth, or general welfare, such as facilitating the adequate provision of transportation, water, sewers, schools, and parks;

D. The zoning change is compatible with the present zoning and conforming uses and with the character of the surrounding properties;

E. The subject property has sufficient size, shape, and topography to accommodate for uses and development standards permitted by the proposed amendment.; and

F. The proposed amendment maintains or advances the goals of the Economic Development Strategic Plan.

3.07.040. Approval Criteria (Historic Overlay Districts)

In addition to the approval criteria for zoning changes in **Section 3.07.030. Approval Criteria (All Rezonings)**, the City Council shall find that one or more of the following criteria for approving a Historic Overlay District is met:

A. Character, interest, or value of the structures, sites, or area is significant because of their unique role in the development, heritage, or cultural characteristics of the City, county, state, or nation;

B. Occurrence of a notable historical event at the structures, sites, or area;

C. Identification of the structures, sites, or area with a person or persons who contributed notably to the culture and development of the City, county, state, or nation;

D. Embodiment in multiple buildings in a site or area under consideration of distinctive elements of architectural design, detail material, or craftsmanship related to a uniqueness to the area, or the related distinctiveness of a craftsman, master builder or architect, or a style or innovation, including but not limited to:

1. Scale of buildings and structures typical of the area;
2. Architectural style of the buildings and structures;
3. Architectural period of the buildings and structures;

4. Building materials typical of the area;
5. Colors and textures used in the buildings and structures typical of the area;
6. Typical relationships of buildings in the area to the street;
7. Setbacks and other physical patterns of buildings in the area;
8. Typical patterns of rooflines of buildings in the area; or
9. Typical patterns of porch and entrance treatments of buildings in the area; and

E. Archaeological value in the sense that the structures, sites, or area have produced or can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory.

3.07.050. Approval Criteria (Historic Landmark Designation)

The City Council shall find that one or more of the following criteria are met for designating a building, structure, or site within the city limits as a local Historic Landmark:

A. Character, interest, or value of the building, structure, or site is significant because of its unique role in the development, heritage, or cultural characteristics of the City, County, State, or Nation;

B. Occurrence of a notable historical event at the building, structure, or site;

C. Identification of the building, structure, or site with a person or persons who contributed notably to the culture and development of the City, county, state, nation, or society;

D. Distinctive elements of architectural design, detail material, or craftsmanship that make it an established or familiar visual feature, or the related distinctiveness of a craftsman, master builder, or architect, or a style or innovation, including but not limited to:

1. Architectural style of the building or structure;
2. Architectural period of the building or structure;
3. Textures and colors of materials used in the building or structure;
4. Shape of the building or structure;
5. Roofline of the building or structure;
6. Porch and entrance treatments of the building or structure;
7. Height and mass of the building or structure; or
8. Relative proportions of the building or structure (width to height, width to depth); and

E. Archaeological value in the sense that the building, structure or site can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory.

3.07.060. Interim Control during Historic Landmark or Historic Overlay District Consideration

A. Upon deeming an application for a Historic Landmark or Historic Overlay District designation complete, no Building Permit may be issued by the City for alteration, construction, demolition, or removal of any building or structure located within the area proposed for such designation.

B. This Building Permit hold period shall commence on the date the application for Historic Landmark or Historic Overlay District designation is deemed complete until its final disposition by the City Council. For City initiated requests, this Building Permit hold period shall commence on the date the resolution to initiate the request is adopted until final disposition by the City Council.

C. The Building Permit hold period shall not apply to alterations, removal, or demolition authorized by formal action of the Building Standards Board as necessary for preservation of the public health, welfare or safety as provided for dangerous buildings in Chapter 15 of the City Code of Ordinances.

Section 3.08. Zoning Verification Letter

3.08.010. Applicability

A Zoning Verification Letter, as defined in **Section 3.08.020** below, may be obtained upon written request as outlined in the Development Manual.

3.08.020. Zoning Verification Letter Defined

A Zoning Verification Letter is a letter that indicates to a property owner that a specified use, clearly identified in the application, is permitted within the zoning District. A Zoning Verification Letter does not authorize the property owner to proceed with a development; does not specify requirements that must be met for future development; and does not include a determination that a tract of land may be developed.

3.08.030. Nonconforming Status Determination

A. Applicability

A request for a determination of legal nonconforming status, as defined in **Section 16.01.040**, may be made to the Director to determine that a use, lot, structure, site, or sign is exempt from the requirements as provided in this Code.

B. Review Process

Review of a determination of legal nonconforming status shall follow the administrative review procedures set forth in **Section 3.03.050**. **Administrative Review Process**, subject to the criteria for approval set forth below.

C. Approval Criteria

A determination of legal nonconforming status may be made if the Director finds that the structure, lot, site, sign, or use was lawfully in existence, constructed, and located on the effective date or applicability of this Code or any amendment thereto or was legally constructed to meet previous requirements of this Code and has been in regular and continuous use, but which does not conform to the current requirements of this Unified Development Code, shall be granted legal nonconforming status, except as specifically exempted or prohibited by other sections of this chapter. A legal nonconforming structure, lot, site, sign, or use may remain or continue, subsequent to the effective date of this Code and any amendments thereto, provided that such continuance is in accordance with the provisions of this chapter and all other applicable codes of the City.

D. Responsibility for Final Action

The Director is responsible for final action on the determination of the final legal nonconforming status.

Section 3.09. Temporary Use Permit

3.09.010. Applicability

The following temporary uses may not be commenced until the applicant obtains a Temporary Use Permit from the Building Official. The permit specifies the specific use, the period of time for which it is approved, and any special

conditions attached to the approval. The provisions of this section relating to Temporary Use Permits are adopted in accordance with Texas Local Government Code chapter 211 and the City Charter.

The following uses may be permitted, subject to the issuance of a Temporary Use Permit:

A. Pumpkins, Christmas trees, and other seasonal product sales. No permit shall be required for such uses operated as part of a school or place of worship.

B. Sales offices and model homes, pursuant to the standards set forth in **Section 6.02.070**.

C. Temporary parking lots, pursuant to the standards set forth in **Section 6.02.070** and subject to **Section 3.09.020. Review Process**.

D. Business offices or sales facilities where construction of a permanent facility is being diligently completed, pursuant to the standards set forth in **Section 6.02.070**.

E. Construction field offices, pursuant to the standards set forth in **Section 6.02.070**.

F. Private farmer's markets, pursuant to the standards set forth in **Section 6.02.070**.

G. Temporary manufacturing of concrete products, pursuant to the standards set forth in **Section 6.02.070**.

H. Temporary mobile or outdoor food vendor, pursuant to City Code Section 8.12.

I. Offsite construction staging, pursuant to the standards set forth in **Section 6.02.070**.

J. Portable classrooms, pursuant to the standards set forth in **Section 6.02.070**.

K. Temporary storage facility located on a property affected by a natural disaster, pursuant to the standards set forth in **Section 6.02.070**.

L. Noise permits, pursuant to City Code Section 8.16.050.

M. Similar temporary uses which, in the opinion of the Director, are compatible with the district and surrounding land uses.

3.09.020. Review Process

A. Review of a Temporary Use application shall follow the procedure set forth in **Section 3.03.050. Administrative Review Process**.

B. The Director may determine if a Site Development Plan companion application is necessary for applications pursuant to **Subsection 3.09.010.E** above; and is authorized to waive the requirement for such a companion application.

3.09.030. Approval Criteria

In addition to the general criteria for consideration of administrative procedures in **Subsection 3.03.050.D. Criteria for Approval—Generally**, the Director shall consider whether the application complies with the following standards:

A. Land Use Compatibility

The temporary use must be compatible with the purpose and intent of this Unified Development Code and the zoning District in which it will be located. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

B. Compliance with Other Regulations

A Building Permit or Temporary Certificate of Occupancy may be required, as determined by the Building Official, before any structure used in conjunction with the temporary use is constructed or modified. All structures and

the site as a whole shall meet applicable Building and Fire Code standards as well as any provisions of this Code for such temporary use. Upon cessation of the temporary event or use, any structures associated with the temporary use shall be promptly removed and the site shall be returned to its previous condition (including the removal of all trash, debris, signage, or other evidence of the temporary use).

C. Duration

The duration of the temporary use shall be established by the Building Official at the time of approval of the Temporary Use Permit, pursuant to any provisions of **Chapter 6** applicable to the temporary use. In the event no time limit is established, the duration shall be a period not to exceed 90 days.

D. Traffic Circulation.

The temporary use shall not cause undue traffic congestion or accident potential, as determined by the Development Engineer, given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.

E. Off-Street Parking

Off-street parking shall be provided in accordance with **Table 11.02.040-1. Off-Street Parking Requirements*** for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site.

F. Public Conveniences and Litter Control

Adequate on-site restroom facilities may be required. Adequate on-site solid waste containers may also be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.

G. Appearance and Nuisances

The temporary use shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and it shall not unduly impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.

H. Signs

The Building Official shall review all signage in conjunction with the issuance of the permit. Such signage shall be in accordance with the requirements of this Code.

I. Other Conditions

The Building Official may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.

J. Revocation

The Building Official may revoke a Temporary Use Permit if it is determined that:

1. The applicant has misrepresented any material fact on his or her application or supporting materials.
2. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit.
3. The operation of the temporary use violates any statute, law, ordinance, or regulation.
4. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety, or welfare of the public.

3.09.040. Responsibility for Final Action

The Building Official is responsible for final action on all Temporary Use Permits.

Section 3.10. Special Use Permit

3.10.010. Applicability

Special Use Permits allow for City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Code. Special Use Permits may be issued only for uses that are generally compatible with other uses permitted in a zoning District, but that require individual review of their location, design, intensity, etc. These uses and the Districts where they may be located are listed in **Chapter 6. Zoning Use Regulations**. These uses may be located in Districts as indicated with conditions described in a Special Use Permit recommended by the Planning and Zoning Commission and approved by the City Council. No such use shall commence without prior approval of a Special Use Permit. A Special Use Permit includes a conceptual site layout that, after approval, serves as the conceptual site layout necessary for the basis of the final Site Development Plan, which, if necessary, shall be required prior to obtaining any additional permits. An approved Special Use Permit is maintained with the property, and not the property owner, renter, or lessee, and shall be valid per the terms of Section **3.10.050. Expiration**. The provisions of this section related to Special Use Permits are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

Figure 3.10.010-3.10.01-1. Special Use Permit Summary

3.10.020. Review Process

A. Initiation

Initiation of a Special Use Permit may be made upon application of a property owner or their designated agent, following the established application processes and requirements in this **Chapter 3. Applications and Permits**.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted, with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Planning and Zoning Commission Review

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a public hearing in accordance with its rules and State law and make a recommendation to the City Council.

E. City Council Final Action

1. The City Council shall hold a public hearing, in accordance with its rules and state law, and may take final action on the proposed Special Use Permit.
2. The Special Use Permit and any subject conditions shall become effective upon approval by the City Council and in accordance with the City Charter.

3.10.030. Approval Criteria

A. The City Council must approve the conceptual site layout before a Special Use Permit may be issued.

B. The conceptual site layout must be submitted with all material necessary for the City Council to render an informed decision and reviewed by the Director for compliance with this Code.

C. The City Council may approve an application for a Special Use Permit where it reasonably determines that there will be no significant negative impact on residents of surrounding property or upon the general public. The City Council shall consider the following criteria in its review:

1. The proposed special use is not detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants.
2. The proposed conceptual site layout, circulation plan, and design are compatible in terms of scale (building massing, form, orientation, and location), intensity, and operating characteristics with uses and structures on adjacent properties and properties in the vicinity of the proposed site.
3. The proposed use does not negatively impact existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection and the ability of existing infrastructure and services to adequately provide services.
4. The proposed use does not negatively impact existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact.
5. Whether there are any other special circumstances that may be unique to the subject property.

3.10.040. Changes to Submitted Conceptual Site Layout

An application submitted to modify an approved conceptual site layout that was filed as part of a Special Use Permit shall cause the Special Use Permit to be reviewed under Subsections **A** and **B** below. Modified conceptual site layouts must be resubmitted to the Director for consideration.

A. The Director may determine that the modification to the conceptual site layout does not change the basis for Special Use Permit approval and issue an approval of the modified Special Use Permit.

B. If the Director determines that the modifications to the conceptual site layout change the basis for the initial Special Use Permit approval, the modified permit shall follow the normal review process for a Special Use Permit.

3.10.050. Expiration

A. A Special Use Permit shall expire 24 months from the date of City Council approval, unless:

1. A Site Development Plan application, if necessary, has been submitted in accordance with **Section 3.17. Site Development Plan**.
2. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy has been issued.
3. In the case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 24 months from the date

conceptual site layout approval is granted. Each subsequent application must be submitted within 24 months from the date of issuance of a Certificate of Occupancy, or equivalent, by the Building Official for the previous phase of the development.

4. A lapse of a period greater than the periods set forth above causes the related approvals or permits to expire and be of no further force and effect. The Director has the authority to consider a six-month extension of the above deadlines based on extenuating circumstances. Any further action shall require a new application and approval.
5. The Council's approval of the Special Use Permit specified an alternative expiration date.

B. A Zoning Map Amendment (Rezoning), in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)**, is required to remove an approved but expired Special Use Permit.

3.10.060. Discontinuation

A Special Use Permit shall expire 12 months following the discontinuation of the use for which the Special Use Permit was approved.

Section 3.11. Planned Unit Development

3.11.010. Applicability

Planned Unit Developments (PUDs) may be used to permit a unique development that does not meet the use and/or development standards included within this UDC. PUDs are intended to promote innovative, unique development that is consistent with the Comprehensive Plan.

Figure 3.11.010-3.11.01-1. Planned Unit Development Summary

3.11.020. Review Process

A. General

A PUD is a zoning District change and requires a rezoning in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)**.

B. PUD Concept Plan

1. PUD Concept Plan Purpose

The PUD Concept Plan is intended to serve as a tool that can assist in identifying the appropriateness of a proposed development within the context of its surroundings. The PUD Concept Plan forms the basis for approval of the PUD.

2. PUD Concept Plan Application Submittal

a. Application for a PUD Concept Plan must comply with the UDC Development Manual. Applications must include all materials determined necessary by the Director.

b. The PUD Concept Plan and supplemental application material shall be submitted to the Director no later than 60 calendar days prior to the date of the regular meeting of the Planning & Zoning Commission.

c. The PUD Concept Plan must indicate whether a base zoning District will be used, or whether a customized PUD will be submitted that addresses all elements of this UDC (i.e., landscaping, parking, connectivity, etc.).

3. Director of Planning Recommendation

The Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the PUD Concept Plan. The report shall recommend that the PUD Concept Plan be approved, conditionally approved, disapproved, or postponed.

4. PUD Concept Plan Public Hearings and Approval

The Planning & Zoning Commission and City Council shall act on the PUD Concept Plan application in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)**. The decision-makers may impose additional conditions as part of the terms of approval.

5. PUD Shown on Zoning Map at PUD Concept Plan Approval

If the PUD Concept Plan is approved or conditionally approved by the City Council, the PUD shall be shown on the Zoning Map as a PUD replacing the existing zoning Districts.

C. Platting

If platting is required by **Section 3.15. Subdivision of Land**, all plats and plans must be submitted and approved following PUD Concept Plan approval and prior to Site Development Plan submittal.

D. Site Development Plan

Upon approval of the PUD Concept Plan and completion of any required platting process, the applicant may submit a Site Development Plan in accordance with **Section 3.17. Site Development Plan** for part or all of the land area covered by a PUD Concept Plan for Director consideration. The Director may defer the Site Development Plan to the Planning & Zoning Commission and City Council action for any reason.

3.11.030. Approval Criteria

In addition to the zoning change criteria in **Section 3.07. Zoning Map Amendment (Rezoning)**, the City Council shall consider the following specific objectives and criteria for approving the PUD:

A. The proposed PUD provides a greater level of public benefits than would otherwise be achieved if the property were developed under a standard District.

B. Specific Objectives

Rezoning to, and development under the PUD District, will be permitted only in accordance with the following specific objectives:

1. A variety of housing types, employment opportunities, or commercial services to achieve a balanced City;
2. An orderly and/or creative arrangement of all land uses with respect to each other and to the entire City;
3. A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as roadways, bicycle ways, and pedestrian walkways;
4. The location of general building envelopes to take maximum advantage of the natural and built environment; and
5. The staging of development in a manner that can be accommodated by the timely provision of public utilities, facilities, and services.

3.11.040. Changes to a Submitted PUD Concept Plan

Any substantial change proposed on a Site Development Plan that would affect the approved PUD Concept Plan shall require re-submittal of the PUD Concept Plan in its entirety. Minor changes are those changes that are not substantial and do not affect the overall intent of the PUD Concept Plan, which may be approved by the Director; however, the Director may determine that any proposed change should be heard at a public hearing before the Planning & Zoning Commission and City Council. Substantial changes to the PUD Concept Plan are subject to the same requirements as the original application. Substantial changes shall include but are not limited to:

A. Any change that would increase the intensity of the land uses;

B. A 15% cumulative increase or decrease in residential density;

C. A 15% cumulative increase or decrease in nonresidential square footage;

D. Any change in private incentives and public benefits;

E. Increase or decrease in size of property;

F. Any reduction in screening, screening buffers, and setbacks at the PUD property line;

G. A 15% cumulative increase in the buildable area for structures, including signs; and

H. A 15% cumulative reduction in open space.

3.11.050. Expiration

A. PUD Concept Plan Effective Period

1. The approved PUD Concept Plan shall be effective for a period of five years. If a Site Development Plan for all or part of the area has not been approved by the end of the five-year period, the Concept Plan shall expire, and a new Concept Plan will be required. If the property owner desires to revert the property to its previous zoning (or any other zoning designation besides the approved PUD), a rezoning in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)** is required.

2. Prior to the expiration date, the Director may approve a request for an extension of time of up to two years. After the first extension, the Planning & Zoning Commission shall consider any other time extension requests. When at least one Site Development Plan has been approved, the PUD Concept Plan shall remain effective until amended.

B. Site Development Plan Effective Period

See **Section 3.17. Site Development Plan.** If the property owner desires to revert the property to its previous zoning (or any other zoning designation besides the approved PUD), a rezoning in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)** is required.

Section 3.12. Appeal of an Administrative Decision–Zoning Regulations

3.12.010. Effect of Appeal

Pursuant to the authority granted to the City by Texas Local Government Chapter 211, the City Charter, the City Council and this Code, the Zoning Board of Adjustment may hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an Administrative Official in the enforcement of zoning regulations contained in this Code.

3.12.020. Appeal Procedures

A. Initiation

Within 30 days after the date of the administrative decision, any person specified by state law may appeal an administrative decision to the Zoning Board of Adjustment.

B. Content of Notice of Appeal

The notice of appeal must specifically set forth all grounds for appeal.

C. Effect of Appeal

An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board the facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record, after notice to the official and if due cause is shown.

3.12.030. Review Criteria

The Zoning Board of Adjustment shall consider whether the Director of Planning or other Administrative Official's action was appropriate considering the details of the case and the requirements contained in this Unified Development Code. The Board or Commission will make its decision based on this Unified Development Code and the information presented to the Board or Commission by the applicant and the Director or other Administrative Official's action

A. Appeal Hearing

The Zoning Board of Adjustment shall set a reasonable time for hearing the appeal and shall give notice to the parties and to the public. Each appeal must be heard by at least 75% of the members of the Board.

B. Burden of Proof in Appeals

When an appeal is taken to the Zoning Board of Adjustment, the Director's or other Administrative Official's action is presumed to be valid. The applicant shall present sufficient evidence and have the burden to justify a reversal of the action being appealed. The Director may present evidence and argument to the contrary.

C. Findings and Conclusions

All findings and conclusions necessary to the permit or appeal decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) will be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed. In exercising its authority, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and, for that purpose, the Board has the same authority as the Administrative Official.

3.12.040. Decision on Appeal

The Board shall review the application, the Director's report, conduct a hearing in accordance with the Board's established procedures and state law, and take final action on the application. It shall require a concurring vote of three-fourths vote of all members of the Zoning Board of Adjustment to overturn an administrative decision.

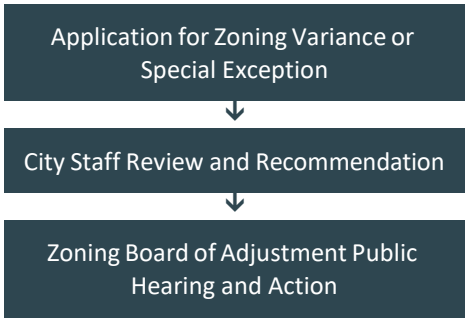
Section 3.13. Zoning Variance and Special Exception

3.13.010. Applicability

A. Zoning Variance

1. In accordance with the provisions of the Texas Local Government Code Chapters 211 and 216, the Zoning Board of Adjustment (Board) shall have the authority to hear and grant requests for a variance from the zoning provisions and sign regulations of this Unified Development Code. A Zoning Variance to the development standards of this Code shall be considered an exception to the regulations, rather than a right.
2. A Zoning Variance differs from a Subdivision Waiver, which applies to certain regulations pertaining to subdivision of land and must be requested from the Planning & Zoning Commission during the subdivision review process.

Figure 3.13.010-3.13.01-1. Zoning Variance and Special Exception Summary



B. Special Exceptions

In accordance with the provisions of Texas Local Government Code Chapter 211, the Zoning Board of Adjustment shall also have the authority to hear and decide Special Exceptions to the terms of this Code when the Code requires the Board to do so.

3.13.020. Zoning Variance and Special Exception Process

A. Initiation

Initiation of a request for a Zoning Variance or Special Exception may be made upon application by the property owner of the affected property or their authorized agent.

B. Application

Application for a Zoning Variance or Special Exception must comply with the UDC Development Manual. Applications must include all materials determined necessary by the Director.

C. Completeness Determination

Upon submission of an application, the Director shall determine whether the application is complete, as described in **Section 3.02.040. Determination of Application Completeness**.

D. Staff Review

1. Once an application for a Zoning Variance or Special Exception request has been received and the application deemed complete, the Director shall review the application, consider any applicable criteria for approval, and prepare a report to the Zoning Board of Adjustment.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statutes.
3. The Director may assign staff to review the application and make a preliminary report to the Director.
4. The Director's report may include a recommendation for final action.

E. Notice and Hearing

1. The Zoning Board of Adjustment shall hold a public hearing for consideration of the Zoning Variance or Special Exception request on the next available regular scheduled meeting after the date of the application is filed.
2. Written notice of the public hearing for a Zoning Variance or Special Exception shall be provided as set forth in **Section 3.03. Public Hearing and Notice**.
3. The applicant may appear at the hearing in person or by agent or attorney.

3.13.030. Criteria for Zoning Variance Review

A. Required Findings

The Zoning Board of Adjustment (ZBA) may authorize a Zoning Variance from the requirements of the zoning provisions and sign regulations of this Unified Development Code if the variance from the terms of the zoning provisions is not contrary to the public interest and, due to special conditions, a literal enforcement of the requirements would result in unnecessary hardship, so the spirit of this Code is preserved, and substantial justice done. No Zoning Variance shall be granted unless the ZBA finds all of the following:

1. Extraordinary Conditions

   That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Unified Development Code will deprive the applicant of the reasonable use of their land. For example, a Zoning Variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

2. No Substantial Detriment

   That the granting of the Zoning Variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area or to the City in administering this Code.

3. Other Property

   That the conditions that create the need for the Zoning Variance do not generally apply to other property in the vicinity.

4. Applicant's Actions

   That the conditions that create the need for the Zoning Variance are not the result of the applicant's own actions.

5. Comprehensive Plan

   That the granting of the Zoning Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.

6. Utilization

   That because of the conditions that create the need for the Zoning Variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

7. Insufficient Findings

   The following types of possible findings do not constitute sufficient grounds for granting a Zoning Variance:

   a. That the property cannot be used for its highest and best use.

b. That there is a financial or economic hardship, except as authorized in Local Government Code 211.009(b-1).

c. That there is a self-created hardship by the property owner or their agent.

d. That the development objectives of the property owner are or will be frustrated.

B. Limitations

The Zoning Board of Adjustment may not grant a Zoning Variance when the effect of which would be any of the following:

1. To allow the establishment of a use not otherwise permitted in the applicable zoning District.
2. To increase the density of a use above that permitted by the applicable District.
3. To extend physically a nonconforming use of land.
4. To change the zoning District boundaries shown on the Official Zoning Map.

C. Profitability Not to Be Considered

The fact that property may be utilized more profitably should a Zoning Variance be granted may not be considered grounds for a Zoning Variance.

D. Limitation on Variances for Signs

No variance application(s) shall be accepted for prohibited signs listed in **Section 12.04. Prohibited Sign Types**.

3.13.040. Criteria for Special Exception Review

If authorized by this Code, the Zoning Board of Adjustment may grant a Special Exception from the requirements of the certain provisions of this Unified Development Code, if the Special Exception is not contrary to the public interest and the spirit of this Code is preserved and substantial justice done. No Special Exception shall be granted unless the ZBA finds the specific criteria identified in this Code are met. The only Special Exceptions that may be granted by the Board are for the following:

A. Time extension for an abandoned nonconforming use, pursuant to **16.01.060.C.6.**

B. Expansion of nonconforming use, pursuant to **16.02.050.**

C. Reduce or modify standards of nonconforming lot, pursuant to **16.03.020.**

D. Abandonment of a nonconforming structure determination, pursuant to **16.04.050.**

E. Expansion of a nonconforming structure, pursuant to **16.04.080.**

F. Abandonment of a nonconforming site, pursuant to **16.05.050.**

G. A setback exception, pursuant to **16.05.050.**

H. Expansion of a nonconforming site, pursuant to **16.05.080.**

3.13.050. Expiration of Zoning Variance or Special Exception

A. Zoning Variance

Zoning Variance approval shall expire 24 months from the date of ZBA approval unless a Building Permit has been issued and construction commenced or, if no Building Permit is required, a Certificate of Occupancy has been issued.

B. Special Exception

A Special Exception shall expire 24 months from the date of Board approval, unless:

1. A Building Permit application has been issued and construction commenced, or, if no Building Permit is required, a Certificate of Occupancy has been issued.
2. The Board approval extended the 24-month expiration date and provided for an alternative expiration; however, in no case shall the expiration date exceed 36 months.

Section 3.14. Administrative Exception

3.14.010. Applicability

A. In order to provide an alternative method, to correct human error, allow for minor numerical adjustments, or consider alternative design schemes for particular development standards of this Code, Administrative Exceptions may be permitted. Administrative Exceptions are specified deviations from otherwise applicable development standards where development is proposed that would be:
   1. Compatible with surrounding land uses;
   2. Harmonious with the public interest; and
   3. Consistent with the purposes of this Code.

B. Administrative Exceptions shall comply with all other provisions of this Code not specifically relieved by the Administrative Exception. Administrative Exceptions expressly permitted in this section may be approved only if meeting the criteria provided in **Section 3.14.030. Approval Criteria**.

C. The Director or the Building Official is responsible for final action on Administrative Exceptions.

D. An appeal of an Administrative Exception may be made to the Zoning Board of Adjustment in accordance with the rules and authority granted thereto.

3.14.020. Authority

A. The Director or Building Official shall have the authority to determine whether the language or a particular development standard in this Code is incorrect, unclear, or otherwise in error and authorize an adjustment or interpretation to correct such error as necessary.

B. The Director or Building Official shall have the authority to consider and authorize an adjustment up to 10% of any numerical standard set forth in this Code, with the following exceptions:
   1. A request for an increase in the number of units permitted on a lot or parcel does not qualify for an Administrative Exception.
   2. Any numerical standard set forth in this Code that has been previously adjusted by way of a City board or commission, Special Exception, Special Use Permit, or other similar process may not be eligible for an Administrative Exception. Accordingly, any adjustment made in conformance with this section may not be allowed further adjustment by any other process allowed in this Code.
   3. Any consideration of a numerical adjustment greater than 10% shall require a request for a variance, per the terms of **Section 3.13. Zoning Variance and Special Exception**.

C. The Director or Building Official shall have authority to consider alternative design plan(s) or other uses or requirements for the following situations:
   1. Courthouse view overlay height exception (per **Section 3.27**).
   2. Alternative residential boundary wall (per **Section 9.06.060**).
   3. Alternative building design plan (per **Section 8.04.070**).

4. Alternative landscape standards (per **Section 9.04.040**).
5. Alternative parking plan (per **Section 11.04.010**).
6. Alternative sign plan (per **Section 12.01.080**).
7. Alternative fences (per **Section 9.06.080**).
8. Change of use (per **Section 16.02.030**).
9. Expansion of nonconforming uses (per **Section 16.02.050**).
10. Postponement of required improvements (per **Section 16.05.070**).
11. Heritage Tree or Protected Tree Preservation Priority (per Section **10.02.020**).

3.14.030. Approval Criteria

To approve an application for an Administrative Exception, the Director or Building Official must determine that the following criteria are met:

A. That granting the Administrative Exception serves an obvious and needed purpose.

B. That granting the Administrative Exception will ensure an equal or better level of design or land use compatibility than the otherwise applicable standards.

C. That granting the Administrative Exception will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development.

D. That granting the Administrative Exception will be consistent with the purposes and intent of this Unified Development Code.

3.14.040. Expiration of Administrative Exception

The Administrative Exception shall expire if the companion application expires, according to the specified expiration in this chapter. If the Administrative Exception is a stand-alone application, the approval will expire in 24 months if the exception is not utilized in a manner consistent with the approval.

Section 3.15. Subdivision of Land

3.15.010. Plat Required

A. Pursuant to the authority granted in Texas Local Government Code Chapter 212 and the City Charter, prior to the subdivision, resubdivision, assembly, or development of any land within the City or its extraterritorial jurisdiction, a subdivision plat and, where public improvements are proposed, construction plans must be approved in accordance with this Chapter. Exemptions to these situations are found in **Section 3.15.020. Exemptions from Required Plat**.

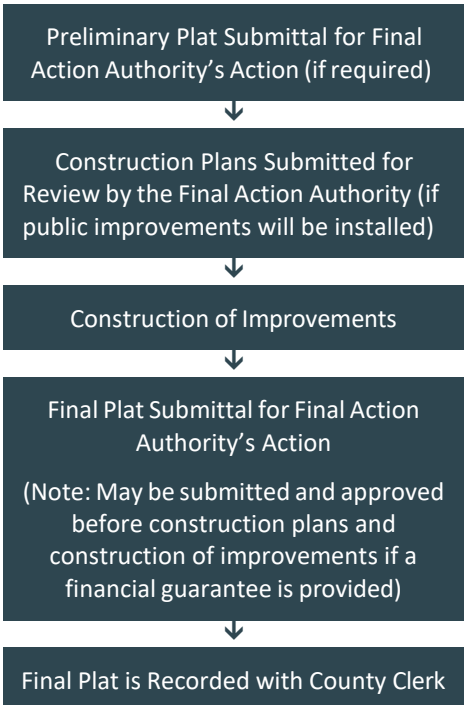
B. The owner of a tract of land located within the city limits or the extraterritorial jurisdiction who divides the tract into two or more parts to lay out a subdivision of the tract or to lay out streets, parks, or other parts of the tract intended by the owner to be dedicated to public use shall submit a plat of the subdivision in accordance with this chapter.

C. A division of a tract under this section includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, by using a condominium plat and declaration of condominium, or in a contract for a deed, by using a contract for sale or other executory contract to convey or by using any other method.

D. No Site Development Plan, Stormwater Permit, Building Permit, Certificate of Occupancy, or utility services may be approved or issued for the construction or development of any parcel or tract of land unless such property is in conformity with the provisions of this Code.

E. The division of any lot or any parcel of land by the use of metes and bounds description for the purpose of development is prohibited.

Figure 3.15.010-3.15.01-1. Subdivision Summary



3.15.020. Exemptions from Required Plat

The following situations shall not require review by the City under the subdivision provisions but may require a Certification Regarding Compliance with Plat Requirements per **Section 3.15.030. Certification regarding Compliance with Plat Requirements**. Williamson County may still require subdivision approval under its regulations for subdivisions located in the City's ETJ.

A. Previously Established or Large Tracts

1. Land constituting a single tract, lot, site, or parcel for which a legal deed of record describing the boundary of said tract, lot, site, or parcel was filed of record in the deed records of Williamson County, Texas, on or before May 10, 1977, provided that such parcel or tract of land has not thereafter been subdivided into two or more parcels or tracts of land.

2. A division of land into parts greater than 5 acres, where each part has at least 25 feet of frontage on a public street and no public improvement, including right-of-way, easement, or physical improvement of any kind intended for public use, is proposed.

B. Specific Situations Not Requiring a Plat

1. A division of land created by order of a court of competent jurisdiction, including the probate of an estate provided, however, that prior to construction of improvements, a plat may be required in accordance with this chapter.
2. Construction of additions or alterations to an existing building where no public utility extension or public improvement is required to meet the standards of this Code for such building addition or alterations.
3. Operation of existing cemeteries complying with all state and local laws and regulations.
4. Acquisition of land by the City, county, or state for public improvements, as defined in this Code, by dedication, condemnation, or easement.

3.15.030. Certification regarding Compliance with Plat Requirements

An application for certification of compliance with the platting requirements of this chapter may be submitted for an existing tract of land or proposed division of land within the City's jurisdiction, but shall be required for tracts of land created via the exemptions outlined in **Section 3.15.020.A** above. In compliance with Local Government Code § 212.0115, the Director, or their designee, shall provide written determination of the following:

A. Whether a plat is required under this chapter for the tract of land or the proposed division of land or whether an exemption to platting under **Section 3.15.020. Exemptions from Required Plat** applies; and
B. If a plat is required, whether a plat has been reviewed and approved by the applicable approving body.

3.15.040. Plat Types

The following table summarizes the types of plats required by this Code as well as their corresponding process. Also see the Summary of Review Authority table in **Section 2.01.020** of this Code for the decision-making authority for each plat type. When a proposed division is subject to more than one description within a plat type, the more restrictive process is applicable.

Table 3.15.040-1. Plat Summary

<table>
<tr><th colspan="2">Plat Type</th><th>Description</th><th>Public Hearing</th><th>Expiration</th></tr>
<tr><td colspan="2" rowspan="3">Preliminary Plat</td><td>Required when the extension of public infrastructure, including public utilities and roadways, is required or proposed</td><td>No</td><td rowspan="2">24 months from approval date unless Final Plat recorded within that time. Phased Preliminary Plats expire 24 months from date last Final Plat recorded.</td></tr>
<tr><td>Preliminary Plat that includes existing platted property</td><td>See Replat</td></tr>
<tr><td>Amendment to approved Preliminary Plat</td><td>No</td><td>Maintains expiration date of original Preliminary Plat being amended</td></tr>
<tr><td rowspan="2">Recording Plats</td><td rowspan="2">Final Plat</td><td>Final Plat of approved Preliminary Plat</td><td>No</td><td rowspan="2">Must be recorded within 24 months from approval date</td></tr>
<tr><td>Plat with more than 4 lots, but with no required or proposed public infrastructure</td><td>No</td></tr>
</table>

Plat Type		Description	Public Hearing	Expiration
		Combined Preliminary and Final Plat is available when plat that could qualify as Minor Plat requires land or utility dedication	No	
		Final Plat that proposes qualified Minor Deviations from the approved Preliminary Plat	No	
		Final Plat that proposes qualified Major Deviations from the approved Preliminary Plat	No	
		Final Plat processed concurrently with Subdivision Waiver	No	
	Minor Plat	Plat involving 4 or fewer lots that does not require or propose public infrastructure or land or utility dedication	No	Must be recorded within 24 months from approval date
		Minor Plat processed concurrently with Subdivision Waiver	No	
	Replat	A resubdivision of all or part of an existing plat, involving more than 4 lots	Yes	Must be recorded within 24 months from approval date
		A resubdivision of all or part of an existing plat, involving 4 lots or less (non-residential)	No	
		A Replat involving property that is or has been subject to single or two-family restrictions or zoning within last 5 years	Yes	
		A Replat that is processed concurrently with a Subdivision Waiver	No	
	Amending Plat	Plat meeting the standard qualifications of Amending Plat (i.e. corrections to previous plat, moving lot line, etc.)	No	Must be recorded within 24 months from approval date

3.15.050. Submission Requirements

The applicant shall submit the information required in the UDC Development Manual as specified in the corresponding plat application checklist. A plat application is considered filed for the purposes of Texas Local Government Code § 212.004(f) on the date the applicant submits the plat, along with a completed plat application

and the application fees and all required documentation prescribed by or under this UDC and Texas Local Government Code Chapter 212, subject to **Section 3.02.040. Determination of Application Completeness** within this Code. The final copy of Preliminary and Recording Plats shall be prepared and submitted by the applicant in conformance with the UDC Development Manual.

3.15.060. Staff Review

A. The Director may establish procedures for administrative review of plat applications necessary to ensure compliance with this Code and state law.

B. The Director may assign staff to review the plat application and make a report to the Director.

C. Once the Director determines the application has been filed, the Director shall either approve, conditionally approve, or disapprove the application.

D. If an application is disapproved or conditionally approved, the Director shall provide the applicant with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

3.15.070. Preliminary Plats

A. Applicability

1. Approval of a Preliminary Plat, showing the proposed layout of the subdivision, shall be required before approval of any division of land or platting activity that requires or proposes the extension of public infrastructure, including, but not limited to, public utilities and roadways.

2. Any Preliminary Plat that includes the further subdivision of all or part of a recorded plat that has not otherwise been vacated, must also follow the procedures set forth for Replats as outlined in **Subsection 3.15.070.D** below.

B. Unlawful to Record Preliminary Plat

It shall be unlawful to cause any Preliminary Plat of land within the city limits or extraterritorial jurisdiction of Georgetown to be recorded with the County Clerk except as otherwise established for a combined Preliminary and Final Plat.

C. Approval Criteria

1. No Preliminary Plat shall be approved without a determination that the plat conforms to the following:

a. The Plat meets or exceeds the requirements of this Code and any applicable local or state laws.

b. The Plat is consistent with the City's Comprehensive Plan and any other adopted plans as they relate to:

(i) The City's streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(ii) The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.

c. Any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002 or § 212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe orderly, and healthful development of the City.

d. The tract of land subject to the application is adequately served by public improvements and infrastructure or will be adequately served upon completion by the applicant of required improvements.

2. Phasing Plan

In lieu of recording the entirety of a proposed division of a property at one time, and therefore constructing all public improvements required by the division at once, an applicant may propose a plan for phasing the subdivision as follows:

a. The Phasing Plan shall indicate the boundaries and order of final platting and construction of associated improvements.

b. Phasing Plans shall not propose more than 10 phases. The Director may approve phasing in excess of this number if the applicant can provide justification for such. The number of phases herein is exclusive of any increase in phases due to the splitting of phases as allowed per **Subsection 3.15.080.B.1.c** below.

c. Each proposed phase of a Phasing Plan for a single-family residential development shall include at least four lots, except that lots shown on a Phasing Plan for nonresidential uses, such as lots for parkland, neighborhood amenity centers, or commercial out lots, or any similar uses as determined by the Director, may be shown as a single lot phase.

d. The proposed order of phasing shall follow a logical progression and, in the event subsequent phases are not built, meet the minimum requirements of this Code, including, but not limited to, public infrastructure, parkland dedication, connectivity, and dedication of adjacent street rights-of-way.

e. Changes to a Phasing Plan shall meet the requirements of this section and follow the procedures for such as permitted in **Subsection 3.15.070.F** and **Subsection 3.15.080.B.1.c** below.

D. Responsibility for Final Action

1. Final Action Authority, according to **Table 2.01.020-1. Summary of Review Authority**, shall consider the Preliminary Plat application, the Director's report, state law, and compliance with this Unified Development Code, and take final action.

2. The Final Action Authority shall either:

a. Approve the Preliminary Plat;

b. Conditionally approve the Preliminary Plat; or

c. Disapprove the Preliminary Plat.

E. Expiration of Preliminary Plat

1. A Preliminary Plat that is proposed to be developed in a single phase shall become null and void 24 months after its approval unless a Final Plat is recorded for the entire area included in the Preliminary Plat within that time.

2. A Preliminary Plat that includes an approved Phasing Plan shall become null and void 24 months after its approval unless a Final Plat for the first phase is recorded within that time. The recording of a Final Plat for the first phase of the project shall extend the expiration date for the remaining portion of the original Preliminary Plat for a period of 24 months after the date of recordation of the Final Plat. Recordation of each subsequent Final Plat within 24 months of the date of recordation of the preceding Final Plat shall extend the expiration date for the portion of the original Preliminary Plat for which no Final Plats have been approved for an additional 24 months from the date of recordation of such Final Plat.

a. Each 24-month extension period for the expiration of the original Preliminary Plat runs from the date of the latest Final Plat recordation. Extension periods are not cumulative.

b. If a Final Plat is not recorded during the 24-month extension period, the approval of the original portion of the Preliminary Plat that has not been recorded, together with any unrecorded Final Plat applications or Construction Plans, lapses.

F. Changes to Approved Preliminary Plats

Changes to an approved Preliminary Plat that do not otherwise qualify as a deviation to the approved Preliminary Plat as defined in **Subsection 3.15.080.B.1.c** below, shall be processed as either an amendment to the original Preliminary Plat or as a new Preliminary Plat application as follows:

1. Changes to a Preliminary Plat may be processed as an amendment to the original Preliminary Plat if:
   a. The proposed amendment does not alter the purpose and intent of the original Preliminary Plat (i.e., commercial subdivision, single-family residential large lot subdivision);
   b. The general design and layout of the original Preliminary Plat is maintained;
   c. The proposed development density does not substantially increase or decrease; and
   d. The amendment does not propose the removal or addition of an arterial-level roadway.
2. The Director shall review the proposed changes, including any changes to the Phasing Plan, in the same manner prescribed for the original Preliminary Plat approval.
3. The Final Action Authority shall consider and take final action on an amendment to a Preliminary Plat in the same manner prescribed for the original Preliminary Plat approval.
4. Approval of a Preliminary Plat amendment shall not cause the expiration date established with the original Preliminary Plat approval to be extended.
5. The development regulations in effect for the original Preliminary Plat approval shall be applicable to the Preliminary Plat amendments.
6. All other changes to an approved Preliminary Plat that do not meet the provisions of this section, as determined by the Director, shall require submittal and approval of a new Preliminary Plat application (including new fees, new review process, new approval dates, etc.).

3.15.080. Recording Plats

Recording Plats are those Subdivision Plats that are to be a document of legal record and include Final Plats, Minor Plats, Replats, and Amending Plats.

A. Approval of Recording Plats

Recording plats shall be processed in accordance with **3.03.050.C. Administrative Final Action**. Final Action Authority shall be as noted in **Table 2.01.020-1. Summary of Review Authority**.

B. Final Plats

1. Applicability

Final Plats are technically complete, recordable versions of an already approved Preliminary Plat. Except as otherwise noted within this section, no Final Plat may be considered or approved unless the Preliminary Plat for the same land has been approved and has not expired and the Final Plat is consistent with such Preliminary Plat or revision thereof. The Final Plat must incorporate all changes from the Preliminary Plat that were considered and approved by the Planning and Zoning Commission or the Director. Final Plat review is used to ensure that a final recorded plat application includes final engineering diagrams and descriptions that conform to the Preliminary Plat and the "as-built" infrastructure on the site. Exceptions to these requirements are allowed as follows:

   a. No Public Infrastructure Proposed. A Final Plat may be approved without approval of a Preliminary Plat for the same project if the division of land would otherwise qualify as a Minor Plat but proposes more than four lots. A Final Plat under this provision may not include the dedication of land or require or

propose the extension of any public infrastructure, including, but not limited to, public utilities or roadways.

b. Combined Preliminary and Final Plat Option.

(i) Any division of land or platting activity that requires any of the following, but would otherwise meet the definition of a Minor Plat, may be processed as a combined Preliminary and Final Plat, subject to the criteria of this section and **Section 3.15.070. Preliminary Plats**.

(a) Any utility dedication; or

(b) Any dedication of land.

(ii) The Director shall have the authority to determine if a plat meets the criteria to be processed as a combined Preliminary and Final Plat.

c. Deviations from the Approved Preliminary Plat.

(i) Minor Deviations. During review of the Final Plat, the Director may consider and approve minor deviations from what was proposed on the approved Preliminary Plat. Deviations that affect another proposed phase of the Preliminary Plat or that affect property off-site of the Preliminary Plat or any deviations that increase the density of development shall not be considered minor. The deviations shall meet any approval criteria applicable to the approved Preliminary Plat. A draft of the proposed changes to the Preliminary Plat shall be provided to the Planning Department as part of the application submission for the Final Plat. Approval by the Director of such Final Plat shall be considered approval of the amendments to the Preliminary Plat and shall cause an updated final copy of the Preliminary Plat to be provided to the Planning Department prior to recordation of the Final Plat. The Director may, at their discretion, choose to send proposed deviations to the Planning and Zoning Commission for their consideration and final action.

The following deviations from the Preliminary Plat may be considered minor:

(a) Adjustments in alley, local, or collector street alignments or widths that do not affect another proposed phase of the Preliminary Plat or adjacent property;

(b) Changes to the lot lines, sizes, or configuration provided that the total number of lots does not increase and the changes do not affect approved infrastructure;

(c) Decreases in the number of lots by up to 10% or one lot, whichever is greater, provided any minimum density requirements continue to be met, if applicable;

(d) The splitting of a proposed phase of the Preliminary Plat into two phases if the separation does not affect access or utilities to a later phase;

(e) The combining of adjacent proposed phases of the Preliminary Plat;

(f) A change in the order of adjacent phases of the Preliminary Plat, provided adequate public infrastructure is available and is maintained for subsequent phases; and

(g) Other similar changes as determined by the Director.

(ii) Major Deviations from the approved Preliminary Plat. The deviations shall meet any approval criteria applicable to the approved Preliminary Plat. A draft of the proposed changes to the Preliminary Plat shall be provided to the Planning Department as part of the application submission for the Final Plat. Approval of such Final Plat shall be considered approval of the amendments to the Preliminary Plat and shall cause an updated final copy of the Preliminary Plat to be provided to the Planning Department prior to recordation of the Final Plat.

The following deviations from the Preliminary Plat are considered major:

(a) Adjustments in arterial roadway alignments or widths that do not affect another proposed phase of the Preliminary Plat or property off-site;

(b) Adjustments to lot lines, sizes, or configurations that do not increase or decrease the total number of lots by more than 10% or one lot, whichever is greater;

(c) Modification to proposed parkland;

(d) Changes in the location of the boundary line of a phase of the Preliminary Plat to include part of another phase, provided no change in the layout of the streets and lots of adjacent phases is required;

(e) Reordering of proposed phases of the preliminary plan, provided adequate public infrastructure is maintained and the reordering does not affect planned infrastructure off-site; and

(f) Other similar changes as determined by the Director.

(iii) All Other Changes. All other changes that affect property off-site of the Preliminary Plat, or otherwise do not fall within the limitations herein, shall not be processed as deviations and shall follow the procedures of **Subsection 3.15.070.F. Changes to Approved Preliminary Plats**.

(iv) Determination. The Director shall determine whether proposed deviations are deemed to be minor or major.

2. Approval Criteria

A Final Plat shall not be considered for final action until the Director has determined the following:

a. The Final Plat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The Final Plat is consistent with an approved Preliminary Plat, except as provided for in **Subsection 3.15.080.B.1. Applicability**.

c. The Final Plat is consistent with any City-approved Construction Plans for any required or agreed improvements.

d. The Final Plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

e. The tract of land subject to the application is adequately served by public improvements and infrastructure, including water and wastewater, or will be adequately served upon completion by the applicant of required improvements.

C. Minor Plats

1. Applicability

a. A Minor Plat is a plat for four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities and not otherwise considered a Replat or Amending Plat.

b. Any plat that requires public improvements per this Code, any utility dedication or any dedication of land shall not be processed as a Minor Plat and shall be processed in accordance with **Section 3.15.070** or **3.15.080.B.1.b**, as applicable.

2. Approval Criteria

A Minor Plat shall not be considered for final action until the Director has determined the following:

a. The Minor Plat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The plat meets or exceeds the requirements of this Code and any applicable state or local laws.

c. The plat is consistent with the City's Comprehensive Plan and any other adopted plans as they relate to:

(i) The City's streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(ii) The extension, improvement, or widening of City roads, taking into account access to and extension of sewer and water mains and the instrumentality of public utilities.

d. The plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly and healthful development of the City.

e. The tract of land subject to the application is adequately served by public improvements and infrastructure.

f. A Subdivision Waiver may be requested as a companion application to the consideration of a Minor Plat, according to the provisions detailed in **Section 3.16. Subdivision Waiver** of this Code. The Subdivision Waiver shall be required to be approved by P&Z.

D. Replats

1. Applicability

A property owner who proposes to further subdivide all or part of a recorded plat, without first vacating that plat, must obtain approval for a Replat as outlined in the procedures prescribed for the resubdivision of land under these regulations and Texas Local Government Code Chapter 212.

2. Approval Criteria

A Replat shall not be considered for final action until the Director has determined the following:

a. The Replat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The plat meets or exceeds the requirements of this Unified Development Code and any applicable state or local laws.

c. The plat is consistent with the City's Comprehensive Plan and any other adopted plans as they relate to:

(i) The City's current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(ii) The extension, improvement, or widening of City roads, taking into account access to and extension of sewer and water mains and the instrumentality of public utilities.

d. The plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002 or § 212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

e. The tract of land subject to the application is adequately served by public improvements and infrastructure.

f. A Subdivision Waiver may be requested as a companion application to the consideration of a Replat, according to the provisions detailed in **Section 3.16. Subdivision Waiver**. The Subdivision Waiver shall be required to be approved by P&Z.

g. A Replat may not amend or remove any covenants or restrictions and is controlling over the preceding plat.

3. Responsibility for Final Action

Final Action Authority shall be as noted in **Table 2.01.020-1. Summary of Review Authority**.

4. Additional Requirements for Certain Replats

Replats containing any area or lot that, during the preceding five (5) years, was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot or in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, require compliance with Texas Local Government Code § 212.015 and shall meet the additional requirements outlined below.

a. Where a variance or exception is required, written notice of the Public Hearing required in Subsection **3.15.080.D.3** above shall be mailed, in accordance with Subsection **3.03.010.D. Mailed Notice**, no less than 15 days prior to the public hearing, to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted.

b. Where a variance or exception is not required, a public meeting is not required and written notice shall be provided no less than 15 days after the date the replat is approved, to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted. Such notice must include the zoning designation of the property after the replat, and a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

c. If the Replat application is accompanied by a Subdivision Waiver application, per **Section 3.16. Subdivision Waiver**, and is legally protested in accordance with this section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Planning and Zoning Commission present at the meeting. For purposes of this section, a protest is legal if it is made in writing and signed by the owners of at least 20% of the area of the lots or land (including streets and alleys) that was subject to the written notification required above and filed with the Commission prior to the close of the public hearing on the Replat.

E. Amending Plats

1. Applicability

An Amending Plat is any plat meeting the definition in Texas Local Government Code § 212.016.

2. Approval Criteria

An Amending Plat shall not be considered for final action until the Director has determined the following:

a. The Amending Plat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The plat meets the requirements of Texas Local Government Code § 212.016.

c. The plat meets or exceeds the requirements of this Code and any applicable state law.

d. The plat is consistent with the recorded subdivision it is amending.

F. Recordation Requirements for Recording Plats

1. The Recording Plat is the instrument to be recorded in the Office of the County Clerk when all requirements have been met. The plat is ready for recordation only after the following has occurred:
   a. The Director or the Planning and Zoning Commission has approved the plat;
   b. For Final Plats, the Development Engineer has approved the Construction Plans;
   c. For Final Plats, the subdivider has either filed a "financial guarantee of performance" or completed required construction of infrastructure and public improvements;
   d. The Director or the Chair and Secretary of the Planning and Zoning Commission have signed the plat; and
   e. Support documentation, as required by the County Clerk's office for plat recordation, has been provided to the Planning Department, including the filing fees.
2. The subdivider shall be responsible for paying all record filing fees

G. Expiration of Recording Plats

An approved Recording Plat that has not been filed in the appropriate records of Williamson County within 24 months of its approval shall expire and be considered null and void.

H. Vacation of Recorded Plat

In accordance with Texas Local Government Code § 212.013, after a plat has been recorded with the county, the plat or any portion of the plat may be vacated by application of all the owners of property within the original plat in the same manner as would be currently prescribed under this Code for approval of the original plat (i.e., Administrative, Public Hearing required, etc.).

3.15.090. Extension of Approved Subdivision Plats

A. Prior to expiration of an approved Subdivision Plat, including Preliminary Plats and Final Plats, an applicant may request a one-time extension of the Subdivision Plat approval for a period of six months if the Director determines such extension will have no negative impacts on the surrounding area and would not be contrary to the public interest. Approval of an extension for a Final Plat that is subject to the requirement for a Preliminary Plat may only be granted if the approval of the Preliminary Plat for such is also extended, if applicable.

B. The Director shall have the authority to determine if a Subdivision Plat extension meets the criteria for processing and approval.

3.15.100. Construction Plans

A. Applicability

Construction Plans conforming to the City's Construction Specifications and Standards Manual and this Code must be submitted to the Development Engineer for all existing or proposed streets, sidewalks, drainage, and utility improvements, and any other infrastructure or public improvements that are required or proposed to be constructed, reconstructed, improved or modified to serve the development. Where the Final Plat is for property being developed in phases, the required Construction Plans must include the improvements specified in the Preliminary Plat to serve the phase being platted. The Construction Plans are intended to provide detailed engineering drawings for all improvements required to serve the development. The Construction Plans shall be kept as a permanent record of the City.

B. Construction or Financing of Public Improvements

1. After approval of a Preliminary Plat or a Combined Preliminary and Final Plat Option, the subdivider shall notify the Development Engineer as to the construction procedure the subdivider proposes to follow. One of the following procedures shall be used:

   a. The subdivider may file Construction Plans, and, upon approval of the Construction Plans by the Development Engineer, proceed with construction of streets, alleys, sidewalks, and utilities that the subdivider is required to install.

   b. The subdivider may elect to file a "financial guarantee of performance" as provided in **Section 15.09**, in which case the guarantee of performance shall be filed with the City.

2. Upon completion of construction the subdivider shall deliver to the City a two-year Maintenance Bond for guarantee of workmanship and materials as provided in **Section 15.02.040**.

3. The construction documents, when duly signed by the Development Engineer, are authority to proceed with the construction of streets and utilities.

C. Responsibility of Subdivider's Engineer

The professional engineer representing the subdivider is responsible for the accuracy, completeness, and conformance to the City's Construction Specifications and Standards Manual, this Code, and all applicable City standards. The City has no project design or engineering responsibility.

D. Approval Criteria

The purpose of the Development Engineer's review is to ensure conformance to City policies and standards. However, the Development Engineer's review is limited to facts as presented on submitted plans.

1. The Development Engineer shall approve Construction Plans that are submitted and sufficiently show compliance with any City-approved or adopted design or construction criteria manuals or, in the absence of City-approved or adopted design requirements, standard engineering practices.

2. The City reserves the right to require corrections to actual conditions in the field that are found to be contrary to or omitted from submitted plans.

3. The Development Engineer shall not approve Construction Plans that do not adequately represent construction of the approved infrastructure and public improvements included in the approved Preliminary Plat or Final Plat.

4. Construction Plans shall not be approved until an Electric Utility Services Availability Letter, as defined in this Code, has been submitted to the City.

E. Responsibility for Final Action

Final Action Authority shall be as noted in **Section 2.01.020**.

Section 3.16. Subdivision Waiver

3.16.010. Applicability

A waiver of certain subdivision standards of this Code, as provided for within this Code, may be considered concurrently with a Preliminary Plat, Final Plat, Minor Plat, or Replat to address unforeseen circumstances or other difficulties in developing a property under the specific provisions of this Code. A Subdivision Waiver application may be filed without a companion plat application in very limited circumstances if the granting of the waiver would eliminate the requirement of the plat, as determined by the Director.

3.16.020. Initiation

Initiation of the Subdivision Waiver may be made upon submittal of a complete application by a property owner or their designated agent.

3.16.030. Application and Completeness Determination

The applicant shall submit all the information required in the UDC Development Manual. The Director is responsible for determining the completeness of an application submitted, pursuant to **Section 3.02.040. Determination of Application Completeness**.

3.16.040. Staff Review

A. The Director shall review the application, consider applicable criteria for approval, and prepare a report to the Planning and Zoning Commission.

B. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statute.

C. The Director may assign staff to review the application and make a report to the Director.

D. The Director's report may include a recommendation for final action.

3.16.050. Planning and Zoning Final Action

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a public hearing in accordance with its rules and state law and consider the Subdivision Waiver, Director's report, state law, and compliance with this Code, and take final action. Approval of a Subdivision Waiver shall require a super-majority vote of the members present. Any approved Subdivision Waiver shall be noted on all corresponding plats, if applicable.

3.16.060. Approval Criteria

A Subdivision Waiver may be approved, conditionally approved, or disapproved. At least four of the following factors are required for approval:

A. That the granting of the waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area or to the City in administering this Code.

B. That the granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Code.

C. That the conditions that create the need for the waiver do not generally apply to other property in the vicinity.

D. That application of a provision of this Code will render subdivision of the land impossible.

E. Where the literal enforcement of these regulations would result in an unnecessary hardship.

3.16.070. Expiration of Subdivision Waiver

The Subdivision Waiver shall expire if the corresponding plat expires, according to the timing specified in **Section 3.15. Subdivision of Land**.

Section 3.17. Site Development Plan

3.17.010. Applicability

A. An approved, valid Site Development Plan is required prior to the construction, expansion, or removal of any improvements to a property, as defined in **Section 18.02** of this Code and including driveways, sidewalks, drainage structures, and utility improvements, within the City's limits, except as follows:

1. Single-family and Two-family structures, including related accessory structures and fences on individually platted lots; and
2. Agricultural buildings for the purposes of farming, ranching, or sheltering of animals.
3. Improvements covered by a Temporary Use Permit that do not add impervious cover.

B. All improvements reflected on approved Site Development Plans must be constructed at the time of development. All terms and conditions of Site Development Plan approval must be met at the time of development.

C. The Site Development Plan may not be approved unless the lot on which the improvements are proposed is legally platted or the subject tract is determined to be exempt from the platting requirements of **Section 3.15. Subdivision of Land**.

D. Where Site Development Plan approval is required, no Building Permit approval shall be issued and no site construction shall be allowed until such property has received final Site Development Plan approval and is in conformity with the provision of this Code except through a Stormwater Permit. A Stormwater Permit, processed and reviewed with the Site Development Plan, may be considered by the Development Engineer for vegetation clearing and site grading. Such a permit may be issued at the discretion of the Development Engineer for specific activities such as understory removal and rough grading, and shall not include removal of protected trees, utility work, paving, or foundation. The Development Engineer may revoke the permit and issue a stop-work order if non-compliant.

E. The provisions of this section relating to Site Development Plans are adopted in accordance with the Texas Local Government Code Chapter 211 and the City Charter.

3.17.020. Review Process

Review of a Site Development Plan shall follow the procedures set forth in **Section 3.03.050. Administrative Review Process** for administrative review and shall be processed as follows:

A. Application Completeness

1. The applicant shall submit all of the information required in the UDC Development Manual as specified on the Site Development Plan application checklist.
2. The Director shall determine that a complete application has been submitted with all material necessary to review the Site Development Plan's conformance with applicable criteria for approval.

B. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval, and notify the applicant of any necessary corrections.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statutes.
3. The Director may assign staff to review the application.

C. Responsibility for Final Action

Final Action Authority shall be as noted in **Section 2.01.020** of this Code.

3.17.030. Criteria for Approval

A Site Development Plan shall be approved if it is in compliance with the following criteria:

A. A complete application and fee have been submitted.

B. The application and content of the application are consistent with the provisions of this Unified Development Code, the Comprehensive Plan, and any other applicable City regulations.

C. The application and content of the application are consistent with the UDC Development Manual, City's Construction Specifications and Standards Manual, this Code, and any written interpretations of this Code.

D. Site Development Plans may not be approved on any parcel of land not otherwise in conformance with **Section 3.15** of this chapter.

E. Compliance with any approved plat, Development Agreement, or other agreement or ordinance governing the parcel of land to which the Site Development Plan is related.

F. Compliance with any additional Site Development Plan approval criteria required for Overlay Districts or any Site Development Plan approval criteria adopted as part of a special area plan.

G. Prior to final approval of any plan within the city limits, the applicant must certify to the Drainage Engineer that all City Drainage Manual requirements for a Stormwater Permit are met by the Site Development Plan. Approval of the Site Development Plan constitutes approval of the Stormwater Permit.

H. The Site Development Plan shall conform to standard engineering practices and must be sealed by a professional engineer licensed in the State of Texas, except as otherwise provided for in this section.

I. The materials, embedment, and testing of all private main utility lines 6 inches and above in diameter shall meet the requirements of the City's Construction Specifications and Standards Manual and/or the approved City Building Codes.

J. An Electric Utility Services Availability Letter, as defined in this Code, has been submitted to the City.

3.17.040. Components of a Site Development Plan

All Site Development Plans shall include the following components demonstrating compliance with the provisions of this Code and the UDC Development Manual, unless otherwise provided for within this section:

A. Cover Sheet;

B. Dimensional Site Plan;

C. Architectural Plan;

D. Lighting Plan;

E. Landscape Plan;

F. Tree Preservation Plan;

G. Utility Plan;

H. Grading Plan; and

I. Drainage Plan.

3.17.050. Site Development Plan Area of Development

A Site Development Plan shall include the entire area within the legal boundaries of the tract for which it is proposed; however, the area included in a Site Development Plan may be reduced to reflect the actual area of development (i.e., the portion of the tract that is planned to experience construction, expansion, or removal of any improvements to a property) in the situations listed below. The new artificial boundary shall be the same used for all components of the Site Development Plan and shall be scaled such that all requirements applicable to the Site Development Plan can be met within that boundary.

A. The area of development is part of a much larger tract whereby the area encompasses less than 50% of the total tract;

B. The proposed improvements are part of a larger campus where the areas are designed to function relatively independent of each other;

C. The excluded area is to remain undeveloped and in its natural state;

D. The improvements are proposed to be added to an existing site, provided:

   1. No improvements are proposed to the excluded area;

   2. Review of the excluded area is not necessary for review of the area of development;

   3. The improvements proposed within the area of development are not dependent on improvements located within the excluded area; and

   4. No retrofitting of existing site improvements is required pursuant to the provisions applicable to the expansion of a nonconforming structure or site in **Chapter 16**; and

E. Other similar circumstances, as determined by the Director.

3.17.060. Site Development Plan Phasing

When development is proposed for a larger site with multiple buildings, an applicant may choose to partition the site and construct the improvements in a series of phases as follows:

A. The Site Development Plan submittal shall include a Phasing Plan indicating the boundaries of each phase and the order of construction of associated site improvements.

B. No Phasing Plan shall propose more than five phases or exceed a period of 10 years. The Director may approve phasing in excess of this number if the applicant can provide justification for such.

C. The proposed order of phasing shall follow a logical progression and, in the event subsequent phases are not built, must meet the minimum requirements of this Code including, but not limited to, parking, landscaping, tree mitigation, fire access, and stormwater management.

D. Changes to a Phasing Plan shall meet the requirements of this section and follow the procedures established for revisions of Site Development Plans.

3.17.070. Minor Site Development Plan

Where the scope of required or proposed site improvements is limited, as herein defined, a Minor Site Development Plan review process may be utilized subject to the provisions below.

A. Determination of Minor Site Development Plan Review

   1. A Minor Site Development Plan submittal may be considered when the extent, type, or size of the site improvements is such that review of all standard Site Development Plan components, as identified in **Section 3.17.040. Components of a Site Development Plan**, is not necessary, as determined by the Director. Typical

situations qualifying for Minor Site Development Plan review may include, but not be limited to, improvements required by **Chapter 16** due to a change in use, a small addition to a building over existing impervious coverage, installing parking lot striping on an existing parking lot, replacement of a site's landscaping, or where only one component of a Site Development Plan, as outlined in **Section 3.17.040. Components of a Site Development Plan**, is required.

2. A Minor Site Development Plan review shall not be utilized when:
   a. Site improvements are proposed to a property where no development has otherwise occurred, except in unique situations as determined by the Director;
   b. The proposed project requires preparation of a Traffic Impact Analysis (TIA);
   c. The proposed project requires preparation of a stormwater drainage study, although some drainage information may be reviewed as part of a Minor Site Plan;
   d. A new building(s) in excess of 1,000 square feet is proposed;
   e. A building addition that increases impervious coverage is proposed in excess of 1,000 square feet or 20% of the existing building's square footage, whichever is less;
   f. The intended project requires or proposes more than six parking spaces; or
   g. Similar situations are proposed as determined by the Director.

B. Components of a Minor Site Development Plan

The components required with a Minor Site Development Plan application shall be those determined by the Director to be applicable to the particular situation and necessary to verify the conformance of the proposed site improvements with the provisions of this Code. The Director may determine an engineer is not required to prepare the plans under the Minor Site Development Plan provisions if the proposed improvements do not warrant such.

3.17.080. Revisions to Approved Site Development Plans

Any modifications to an approved Site Development Plan must be resubmitted to the Director for consideration as follows:

A. Modifications to an approved Site Development Plan that do not substantially change the design or nature of the original Site Development Plan and have no significant adverse impact upon neighboring properties, the public, or persons who will occupy or use the proposed development may be processed as one of the following based upon the scope and impact of the change:
   1. A Record Change/Record Drawing; or,
   2. A Minor Revision to a Site Development Plan; or,
   3. A Site Development Plan Amendment.

   An application for modification of a Site Development Plan following the requirements of the UDC Development Manual shall be submitted to the Planning Department identifying the requested revisions and/or modifications.

B. The Director shall publish requirements within the Development Manual for all modifications to approved plans.

C. All other revisions or modifications to an existing Site Development Plan that do not meet the provisions of Subsections **A** or **B** above shall be processed as a new Site Development Plan application.

D. Approval of a new Site Development Plan or Site Development Plan Amendment application shall void the previously approved Site Development Plan. A Minor Revision to a Site Development Plan, or a Record Change/Record Drawing shall directly update and be applied to the original Site Development Plan.

3.17.090. Expiration

A. A Site Development Plan shall expire 24 months after the date that the Site Development Plan was approved, unless:

1. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy has been issued.
2. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 24 months from the date Site Development Plan approval is granted. Each subsequent application must be approved within 24 months from the date of issuance of a Certificate of Occupancy, conditional or otherwise, by the Building Official for the previous phase of the development.
3. Except as provided for within this section, a lapse of a period greater than those set forth above causes the related approvals or permits to expire and be of no further force and effect. Any further action shall require a new application and approval.

B. Site Development Plan Extension

Prior to expiration of an approved Site Development Plan, an applicant may request a one-time extension of the Site Development Plan approval for a period of 24 months if the Director determines such extension will have no negative impacts on the surrounding area and would not be contrary to the public interest. A request for Site Development Plan extension shall follow the procedures set forth for such in the UDC Development Manual.

C. Site Development Plan Reinstatement

In the event a Site Development Plan approval expires, an applicant may seek a one-time reinstatement of the approved Site Development Plan, without modification, subject to the provisions below. Such reinstatement may be granted by the Director for a period not to exceed 24 months. A request for Site Development Plan reinstatement shall follow the procedures set forth for such in the UDC Development Manual.

1. The reinstatement must be requested within 24 months of the expiration date of the approved Site Development Plan.
2. The regulations applicable to the project per the Code currently in effect may not be determined to be significantly different from those applied to the original approval of the Site Development Plan, such that a new application for the same plan would be substantially the same.
3. The circumstances of the adjacent properties, roadways, and subject property shall have remained the same, so as to not change the requirements applicable to the property. Such circumstances could include, but not be limited to, a change of zoning in the subject or adjacent properties, a change in the boundary of the subject property, a change in classification of the adjacent roadway, or neighboring construction affecting landscape buffers.

D. The Director shall have the authority to determine if a Site Development Plan Extension or Reinstatement meets the criteria for processing and approval.

Section 3.18. Development Agreement

3.18.010. Applicability

A. An application for a Development Agreement pursuant to Section 212.172 of the Texas Local Government Code seeking to modify or delay certain requirements of this Code (including any manuals adopted by reference by this Code) and/or any other provisions of the City Code of Ordinances in order to present an alternative plan for

development that could not otherwise be accomplished under this Code or the Code of Ordinances may be filed in accordance with the terms and conditions of this section.

B. This section shall apply to any new agreement and any amendments thereto, as well as to any amendments to an existing Development Agreement.

3.18.020. Review Process

A. Initiation

Initiation of a Development Agreement or an amendment may be made upon:

1. Application of a property owner or their authorized agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning and Zoning Commission or appropriate board or commission; or
4. Recommendation of the Director.

B. Application and Completeness Determination

1. Applications shall be reviewed by The Director who will route the application to City staff as needed to determine completeness.
2. City staff shall determine completeness of the application no more than 15 working days following submittal of the application. At that time, City staff shall also assign staff hourly rates, a payment schedule, and determine if the application is consistent with City policies and advances a legitimate City interest; otherwise, the application may be rejected based on such criteria.

C. Staff Review

1. The Director shall review the application, consider the approval criteria, and assign a project manager to lead the review and prepare a report to the Planning and Zoning Commission and/or appropriate board or commission and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statute.
3. The project manager's report may include a recommendation for final action.

D. Public Notice

Public notice, in the form of mailed, published, and posted notice, shall be required per the notice provisions of this Code, unless the agreement or amendment thereto is determined by the Director to be minor, inconsequential, or otherwise unnecessary for public notice and public hearings. If notice is required, the Director shall determine the location and the extent of the notice based on the type and effect of the proposed amendment.

E. Board or Commission Review

The Planning and Zoning Commission or other appropriate board or commission shall hold a public hearing, unless determined unnecessary by the Director, and make a recommendation to the City Council.

F. City Council Final Action

1. The City Council shall hold a public hearing, unless determined unnecessary by the Director, and may take final action on the proposed Development Agreement or amendment.
2. The Development Agreement or amendment shall become effective in the manner provided by the City Charter or state law.

3. All outstanding application, staff, and legal fees must be paid in full to the City prior to the adoption of the agreement or amendment.

3.18.030. Approval Criteria

In determining whether to approve, approve with modifications, or disapprove a proposed Development Agreement or amendment, the City Council shall consider the following matters:

A. The proposed agreement promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.

B. The proposed agreement is consistent with the Comprehensive Plan.

Section 3.19. Master Sign Plan

3.19.010. Applicability

A Master Sign Plan shall be required for all multiple-tenant buildings, Planned Unit Developments, and all multi-building or multi-occupant commercial developments before any signs for such development may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved Master Sign Plan.

3.19.020. Review Process

A. Review of a Master Sign Plan shall follow the procedure set forth in **Section 3.03.050. Administrative Review Process**, save and except a Master Sign Plan for property located in a Historic Overlay District.

B. Review of a Master Sign Plan for property in Historic Overlay District shall follow the procedure set forth in **Section 5.11. Certificate of Appropriateness**.

3.19.030. Criteria for Approval

In addition to the general review criteria in **Section 3.03.050.D. Criteria for Approval—Generally** or **Section 5.11. Certificate of Appropriateness** for property in a Historic Overlay District, , the Building Official or Historic Preservation Officer, as applicable, shall determine the following in order to approve the Master Sign Plan:

A. The plan provides that signs of a similar type and function within the development will have a consistent building material;

B. The plan provides for signs that meet the size limitations, location requirements, and other applicable requirements of this Unified Development Code; and

C. Plans for property located in Historic Overlay District shall be in keeping with the adopted Historic District Design Guidelines.

3.19.040. Responsibility for Final Action

A. The Building Official is responsible for final action on Master Sign Plans, save and except Master Sign Plans for property located in Historic Overlay District.

B. The Historic Preservation Officer is responsible for final action on Master Sign Plans for property located in a Historic Overlay District.

C. A Sign Permit for all signs in the Master Sign Plan shall also be required in accordance with **Section 3.20. Sign Permit**.

3.19.050. Expiration

A Master Sign Plan shall expire 24 months after the date that the Master Sign Plan was approved unless:

A. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy or equivalent has been issued.

B. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 12 months from the date Site Development Plan approval is granted. Each subsequent application must be submitted within 24 months from the date of issuance of a Certificate of Occupancy by the Building Official for the previous phase of the development.

Section 3.20. Sign Permit

3.20.010. Applicability

No sign may hereafter be erected, moved, added to, or structurally altered within the City or the extraterritorial jurisdiction without a permit issued by the Building Official in conformity with the provisions of this section. No Building Permit issued under the provisions of this Code for signs shall be considered valid unless signed by the Building Official. The provisions of this section relating to Sign Permits are adopted pursuant to Texas Local Government Code Chapters 211, 214, 216, and the City Charter.

3.20.020. Review Process

Review of a Sign Permit shall follow the procedures set forth in **Section 3.03.050. Administrative Review Process**.

3.20.030. Criteria for Approval

In addition to the general criteria for approval of administrative procedures in **Subsection 3.03.050.D. Criteria for Approval—Generally**, the Building Official shall base the final action on the following criteria:

A. Whether the intended sign conforms in all respects with all applicable regulations and standards of this Unified Development Code and any applicable construction or safety standards of the City's adopted Building Code.

B. If the subject property has a Master Sign Plan, Development Agreement, or ordinance governing it, whether the plans, specifications, and intended use of such building or structures or part thereof conform in all respects to the Development Agreement or ordinance.

3.20.040. Responsibility for Final Action

A. Final Action Authority shall be as noted in **Table 2.01.020-1. Summary of Review Authority**.

B. Appeals of Building Official actions regarding sign-related Building Permits are considered by the Zoning Board of Adjustment and must follow the standard appeal of an administrative decision procedure described in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

3.20.050. Expiration

A Sign Permit shall expire six months after issuance if the sign is not constructed in a manner consistent with the permit.

Section 3.21. Stormwater Permit

3.21.010. Applicability

To ensure conformance to the stormwater management provisions of this Code, a Stormwater Permit is required prior to any land disturbance, as defined in **Section 18.02**, except for a single or two-family structure on a legal lot 1 acre or greater in the City's extraterritorial jurisdiction (ETJ). Approval of a Site Development Plan or Subdivision Construction Plans constitutes approval of a Stormwater Permit. The provisions of this section related to Stormwater Permitting are adopted pursuant to the authority conferred by the U.S. Environmental Protection Agency, the Texas Commission on Environmental Quality, the Texas Local Government Code Chapters 211 and 212, and the City Charter.

3.21.020. Review Process

Review of a Stormwater Permit shall follow the procedure set forth in **Section 3.03.050. Administrative Review Process**.

3.21.030. Criteria for Approval

A. The applicant must ensure that the application for a Stormwater Permit is prepared or reviewed, approved, and sealed by a professional engineer licensed in the State of Texas prior to submission to the City, and that the application meets the requirements of the UDC Development Manual.

B. Stormwater Permit will be issued after the Development Engineer has determined that the development meets the stormwater and pollution management requirements of **Chapter 13**.

C. A Stormwater Permit is conditional upon all applicable related permits required from the Texas Commission on Environmental Quality, the U.S. Environmental Protection Agency, or any other state or federal agency being issued by that agency.

D. A grading permit, processed and reviewed as a Stormwater Permit, may be considered by the Development Engineer for vegetation clearing, and site grading. Such a permit may be issued at the discretion of the Development Engineer for specific activities such as understory removal and rough grading, and shall not include removal of protected trees, utility work, paving, or foundation. The Development Engineer may revoke the permit and issue a stop-work order if non-compliant.

E. A Stormwater Permit shall not be issued until an Electric Utility Services Availability Letter, as defined in this Code, has been submitted to the City.

3.21.040. Responsibility for Final Action

Final Action Authority shall be as noted in **Section 2.01.020** of this Code.

3.21.050. Expiration

A Stormwater Permit shall expire 24 months after the date that the permit was issued if the improvements identified in the permit are not constructed.

Section 3.22. Driveway Access Permit

3.22.010. Purpose

The purpose of a Driveway Access Permit is to determine the safety, mobility, and operational impacts that a proposed access connection will have on the roadway system.

3.22.020. Applicability

Driveway Permits are required for the following:

A. New driveway locations on roadways within the jurisdictional limits of the City.

B. Existing driveways on roadways within the jurisdictional limits of the City for those developments that represent a change in property usage or zoning.

C. For the purposes of this section, the jurisdictional limits of the City shall include properties within the municipal limits of the City as well as the extraterritorial jurisdiction (ETJ).

D. The alteration of a public street curb or drainage facility, if not associated with an approved Construction Plan or Building Permit. Such request shall comply with Chapter 12.08, Street Excavations, of the Georgetown Municipal Code.

3.22.030. Review Process

Review of a Driveway Access Permit shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

3.22.040. Criteria for Approval

The Development Engineer will make a determination to approve the permit or that the proposed location of the driveway will have an adverse effect on public safety. In making this determination, the following will be evaluated:

A. Existing driveways;

B. Land use (including but not limited to the intensity of development and trip attraction/generation potential, mix of vehicles, and turning movements);

C. Function of public street (including, but not limited to, the number of lanes, medians, median openings, vertical and horizontal curvature, sight distance, operating speeds, traffic volumes, entrance/exit ramps, and frontage roads);

D. The location of nearby streets and driveways;

E. The Site Plan (including but not limited to on-site circulation, delineation of the intended paths, parking stalls, location of buildings, location of loading areas);

F. Actual or anticipated excessive increase in vehicular traffic being routed onto streets occurring as a result of any such permit;

G. Physical constraints on the site, including topography and site distance(s);

H. Unusual lot configurations;

I. Potential traffic movements which are unsafe or have an adverse effect on traffic operations;

J. Joint access at the time of subdivision or Site Plan approval for abutting lots that have insufficient frontage to allow a driveway approach for each lot; and

K. That strict enforcement of the criteria for approval would result in a denial of access to the site.

3.22.050. Submission Requirements

The Development Engineer will determine if further studies will be required. Such studies may include, but shall not be limited to, the following:

A. Engineering Study

1. An Engineering Study may be required based on the determination of the Development Engineer. In all cases, the City will require only those elements of an Engineering Study that are necessary to answer the specific questions that arise during the review process. The Engineering Study shall conform to standard engineering practices and must be sealed by a professional engineer licensed in the State of Texas. The Development Engineer will review the following information in the determination to require an Engineering Study:
   a. Compliance with the minimum spacing requirements of this Code;
   b. Deceleration or acceleration lane required;
   c. Traffic volumes and classification of the intersecting street at the proposed driveway location;
   d. Sight distance or physical obstructions and/or constraints that will result in a safety problem;
   e. Environmental or hydraulic issues associated with the proposed driveway(s); and
   f. Lot configuration.
2. An Engineering Study shall contain the following information:
   a. Trip generation based on the latest edition of the ITE Trip Generation Manual unless there is acceptable data that supports the use of another trip generation source, as approved by the Development Engineer.
   b. Trip distribution, to be performed with input from the City.
   c. Traffic assignment to determine the forecasted turning movements attributable to the proposed development.
   d. Traffic volumes, if determined necessary by the Development Engineer and subject to the following criteria:
      (i) The existing traffic counts will be grown using an annual growth rate as agreed to by the City to the build-out year of the proposed development;
      (ii) The resulting traffic volumes will be used as background traffic volumes, and the assigned forecasted turning movements will be added to the background traffic volumes, resulting in the total traffic volumes; and
      (iii) The total traffic volumes will be used to determine the need for left-turn and right-turn lanes.

B. Traffic Impact Analysis (TIA)

1. A TIA may be required based on the determination of the Development Engineer. In all cases, the City will require only those elements of a TIA that are necessary to answer the specific questions that arise during the permitting process.
2. A TIA shall contain the following information:
   a. All of the information outlined in **Subsection 3.22.050.A.2** above.
   b. Operational analysis (level of service, capacity, etc.) for the determined study intersections.
   c. Recommendations for mitigation measures should the impact of the proposed access point(s) result in unacceptable levels of service.

3.22.060. Responsibility for Final Action

Final Action Authority shall be as noted in **Section 2.01.020**.

3.22.070. Expiration

A Driveway Access Permit will expire 18 months after issuance if the driveway is not constructed in a manner consistent with the permit. An application for a Driveway Access Permit will expire if it remains inactive for six months.

Section 3.23. License to Encroach

3.23.010. Purpose

The purpose of a License to Encroach is to determine the potential impacts of proposed improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, right-of-way, or easement in order to maintain their safety, mobility, and operational functionality.

3.23.020. Applicability

A. A License to Encroach, in the procedures provided for in this section, is required for the following:
   1. New improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, or right-of-way within the city limits and easements located within the city limits or the extraterritorial jurisdiction.
   2. Existing improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, or right-of-way within the city limits and easements located within the city limits or the extraterritorial jurisdiction.

B. Those improvements, as defined in Subsection **A** above, that encroach into a public street, roadway, or sidewalk shall obtain approval from the City Council, in addition to this license.

3.23.030. Review Process

Review of a License to Encroach shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

3.23.040. Criteria for Approval

No License to Encroach will be denied unless it is determined by the Development Engineer that the proposed location or type of improvement will negatively impact the function of the public street, roadway, sidewalk, right-of-way, utility easement or other easement or have an adverse effect upon the health, safety, or welfare of the general public. In making this determination, the following will be evaluated:

A. The proposed encroachment into a public street, roadway, sidewalk, right-of-way, or easement by any person shall not interfere with the lawful use thereof.

B. Any proposed construction within a public street, roadway, sidewalk, right-of-way, or easement shall be in accordance with this Code, the City's adopted construction standards, and any other applicable ordinances and regulations.

C. At any time during the construction of any structure within a public street, roadway, sidewalk right-of-way, or easement:

1. The applicable public street, roadway, or sidewalk shall be kept open for vehicular and pedestrian traffic in a reasonable manner, and sidewalks shall not be obstructed to prevent the use thereof by pedestrians;
2. Dirt and other material removed from the construction of any structure within a public street, roadway, sidewalk, right-of-way, or easement shall not be allowed to remain on the street or sidewalk and shall be removed immediately at the sole cost, risk, liability, and expense of the licensee;
3. All excavations and obstructions of any kind that take place during the period of the licensee's construction shall be properly barricaded and well-illuminated during the night, subject to the approval of the Building Official.

3.23.050. Submission Requirements

Staff may determine further studies will be required. Such studies may include, but are not limited to, an Engineering Study, which may be required at the determination of the Development Engineer. Only the elements of an engineering study that are necessary to answer specific questions that arise during the review process will be required for submittal.

3.23.060. Responsibility for Final Action

The Development Engineer is responsible for final action on Licenses to Encroach into a public easement. For those requests that encroach into a public street, roadway, sidewalk, or right-of-way, final approval shall be obtained from the City Council.

3.23.070. Expiration

The City shall provide written notice at least 180 days in advance to the licensee, its representatives, successors, or assigns to take possession of and use all or any part of the licensed area in the event that such use be reasonably desired or needed by the City for street, sewer, transportation, or any other public or municipal use or purpose. During such time, it is the responsibility of the licensee, its representatives, successors, or assigns to remove the encroachment(s). In such an event, the City shall have the right to cancel the revocable license as to that portion of the licensed area so designated and required by the City.

Section 3.24. Tree Removal Permit

3.24.010. Purpose

The purpose of a Tree Removal Permit is to determine whether such a tree should be removed based on its species, size, location, health, viability, and impact on the overall site design. Protected and heritage trees shall not be removed without first securing approval from the City.

3.24.020. Applicability

A. The provisions of this section shall apply to all property located within the corporate limits and in the extraterritorial jurisdiction (ETJ) of the City.
B. The provisions of this section apply to all development subject to this Code, except as noted below, whether or not there is an active permit for the project.
C. Single-family or two-family residential lots approved and platted prior to February 13, 2007, are exempt from the requirement of a Tree Removal Permit. However, single-family and two-family lots platted after February 13, 2007, are subject to the heritage tree protection provisions in **Chapter 10**, which shall apply to the developer,

home builder, and homeowner. Notwithstanding the preceding exemption, if a future change of use from a single-family or two-family home to any other use triggers a permit under this Code, then the provisions of the Tree Removal Permit will be required.

3.24.030. Review Process

Review of a Tree Removal Permit shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

3.24.040. Criteria for Approval

No Tree Removal Permit shall be approved unless it is determined by the Landscape Planner or their designee, that the proposed removal is justified, based on the tree species and site conditions of the tree. In making this determination, the following will be evaluated:

A. Tree species;

B. Tree size/number of trunks;

C. Tree health and viability;

D. Tree location;

E. Protected and heritage trees to remain on site; and

F. Whether the project can be developed without tree removal.

3.24.050. Submission Requirements

A. Statement of justification for tree removal.

B. Copy of companion plat, Site Development Plan or concept plan for the permit or authorization that required compliance with this section.

C. Copy of tree survey, if applicable. If no tree survey exists, location of tree identified, tree type, size, condition, etc.

D. A photo of the tree's canopy and trunk, labeled with the corresponding tree number on the companion tree survey, shall be submitted with the application for a heritage tree removal permit.

3.24.060. Responsibility for Final Action

A. Final Action Authority shall be as noted in **Table 2.01.020-1. Summary of Review Authority**.

B. Upon receipt of the application, the Landscape Planner shall inspect the subject tree and approve or deny the application in accordance with the provisions of this section within 10 working days of the date of the application. Upon written request from the owner or the owner(s)'s representative, said date for the Landscape Planner’s final decision may be extended for a period of up to 15 additional days.

C. An applicant may appeal a denial of a Tree Removal Permit to the City Council. Such appeal must be made in writing and received by the Director within 30 days of the date of the decision on the application by the Landscape Planner. The Director shall set the matter for public hearing before the City Council at the earliest possible regularly scheduled meeting of the City Council. The City Council shall review the request and render a decision affirming, affirming in part, conditionally affirming, or reversing the determination of the Landscape Planner. If a Tree Removal Permit is issued after appeal, pursuant to the provisions of this Code, the applicant must comply with all applicable provisions of this Code, including mitigation.

D. The applicant shall, prior to approval of the application, submit a mitigation or payment of fees-in-lieu calculation and a mitigation plan, pursuant to **Section 10.02**, showing the proposed species, location, and irrigation plan for the proposed mitigation trees.

E. The Director is authorized to identify and require such documents as are necessary to process this request. Said requirements and/or documents shall be published in the City's Development Manual.

3.24.070. Expiration

A Tree Removal Permit shall remain valid for the longer of:

A. The period of validity of the permit or authorization that required compliance with this section; or

B. One hundred eighty (180) days from the issuance of the Tree Removal Permit.

Section 3.25. Heritage Tree Pruning Permit

3.25.010. Purpose

The purpose of a Heritage Tree Pruning Permit is to determine whether such a tree should be pruned and how the pruning shall be performed. Heritage trees shall not be pruned without first securing approval from the City.

3.25.020. Applicability

A. The provisions of this section shall apply to all property located within the corporate limits and in the extraterritorial jurisdiction (ETJ) of the City.

B. A Heritage Tree Pruning Permit shall be required for any pruning of a heritage tree located on all properties, including single-family and two-family lots platted after February 13, 2007; however, a Heritage Tree Pruning Permit shall only be required during the original home construction. Notwithstanding the preceding exemption, if a future change of use from a single-family or two-family home to any other use triggers a permit under this Code then the provisions of the Heritage Tree Pruning Permit will be required.

3.25.030. Review Process

Review of a Heritage Tree Pruning Permit shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

3.25.040. Criteria for Approval

No Heritage Tree Pruning Permit will be approved unless it is determined by the Landscape Planner or their designee, that the proposed pruning is justified based on the health or viability of the tree and that the proposed pruning will not negatively impact the health and appearance of the tree. In making this determination the following will be evaluated:

A. Reason for pruning request;

B. Tree location;

C. Percent of canopy to be removed;

D. Tree health; and

E. Whether an ISA Certified Arborist is going to perform the pruning.

3.25.050. Submission Requirements

A. Statement of justification for tree pruning.

B. Copy of companion plat, Site Development Plan or concept plan for the permit or authorization that required compliance with this section.

C. A photo (digital or hardcopy) of the tree, labeled with the tree number on the tree survey, DBH, species, and contractor's ISA certification number, shall be submitted with the application for a Heritage Tree Pruning Permit.

3.25.060. Responsibility for Final Action

A. Final Action Authority shall be as noted in **Section 2.01.020** of this Code.

B. An applicant may appeal the denial of a Heritage Tree Pruning Permit to the Director. Such appeal must be made in writing and received by the Director within 30 days of the date of the decision on the application by the Landscape Planner. The request for appeal shall set forth the specific reasons for the appeal and state the specific reasons for disagreement with the decision of the Landscape Planner, including the basis for the applicant's position that the application should have been granted. Appeals shall be processed in accordance with **Section 2.01.020** and **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

3.25.070. Expiration

The Heritage Tree Pruning Permit shall remain valid for 180 days from date of issuance.

Section 3.26. Request for Creation of Certain Special Purpose Districts

3.26.010. Applicability

The review process in this section establishes the process and procedures for requesting a Municipal Utility District (MUD), Water Control and Improvement District (WCID), Fresh Water Supply District (FWSD), or similar political subdivision (District) in accordance with **Section 3.26.010** of this Code.

3.26.020. Review Process

A. Initiation

Initiation of a request for the creation of a District may be made upon application of a property owner or their authorized agent.

B. Application for Completeness Determination

The applicant shall provide a complete application with the material and supporting information outlined in the Development Manual. The Planning Director, or designee, is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. Upon receipt of a complete application, the cross-departmental "Special Purpose District Petition Review Team" shall analyze the proposed development and its potential impact on facilities and services. The Special

Purpose District Petition Review Team shall be comprised, at a minimum, of members of the Planning, Utility, Finance, Parks and Recreation, and Public Safety departments, and the City Attorney's Office.

2. The Special Purpose District Petition Review Team shall review the application, consider the approval criteria, and assign a Case Manager to lead the review and prepare a report to the Planning and Zoning Commission and/or appropriate board or commission, and City Council.
3. Review of a request for a District within the city limits shall be reviewed in conjunction with a zoning request for a Planned Unit Development District demonstrating enhanced development standards, and consistent with applicable City codes and policies adopted by the City Council.
4. Review of a request for a District within the extraterritorial jurisdiction (ETJ) shall be reviewed in conjunction with terms for enhanced development standards and consistency with applicable City policies adopted by the City Council.

D. Board or Commission Review

The Planning and Zoning Commission or other appropriate board or commission shall hold a public hearing and make a recommendation to the City Council.

E. City Council Final Action

1. The City Council shall hold a public hearing and render a final decision on the request for a District.
2. All outstanding application, staff, and legal fees shall be paid in full to the City prior to the approval of a District.

3.26.030. Approval Criteria

The City Council shall consider the following approval criteria when reviewing a request for the creation of a District:

A. The request is consistent with **Section 3.26.010**, of this Code;

B. The request is consistent with all applicable City policies as adopted by the City Council; and

C. The request supports the following objectives:

1. Quality Development

The development meets or exceeds the intent of the development and design standards of City codes;

2. Extraordinary Benefits

The development provides extraordinary public benefits that advance the vision and goals of the Comprehensive Plan, such as, but not limited to, extension, financial contribution, or enhancement of master planned infrastructure, diversity of housing, and enhanced parks and open space that are available to the public;

3. Enhance Public Service and Safety

The development enhances public services and optimizes service delivery through its design, dedication of sites, connectivity, and other features;

4. City Exclusive Provider

The development further promotes the City as the exclusive provider of water, wastewater, solid waste, and electric utilities;

5. Fiscally Responsible

The development is financially feasible and does not impair the City's ability to provide municipal services;

6. Finance Plan

The developer(s) contribute financially to cover a portion of infrastructure expenses without reimbursement by the Districts or the City; and

7. Annexation

   When applicable, the development will not impair the City's future annexation of the Districts or adjacent property, or impose costs not mutually agreed upon.

Section 3.27. Courthouse View Waiver

3.27.010. Applicability

A request for a waiver from the requirements of the Courthouse View Protection Overlay standards of this Code, as provided for within this Code, may be considered when a request does not meet the criteria for a Courthouse View Exception.

3.27.020. Initiation

Initiation of the Courthouse Waiver request may be made upon submittal of a complete application by a property owner or their designated agent.

3.27.030. Application and Completeness Determination

The applicant shall submit all of the information required in the UDC Development Manual. The Director is responsible for determining the completeness of an application submitted, pursuant to **Section 3.02.040. Determination of Application Completeness**.

3.27.040. Staff Review

A. The Director shall review the application, consider applicable criteria for approval, and prepare a report to the City Council.

B. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statute.

C. The Director's report may include a recommendation for final action.

3.27.050. Final Action

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the City Council shall hold a public hearing in accordance with its rules and state law, and consider the Courthouse View Waiver, Director's report, and compliance with this Code, and take final action.

A. Approval of a Courthouse View Waiver for property located within the Downtown Overlay District shall require a simple majority vote plus one additional vote of approval of the members present.

B. Approval of a Courthouse View Waiver for all other property located outside of the Downtown Overlay District shall require a simple majority vote of the members present.

3.27.060. Approval Criteria

A Courthouse View Waiver may be approved, conditionally approved, or disapproved. All of the following factors are required for approval:

A. The existence of specific site opportunities or constraints.

B. The proposed waiver furthers goals of the comprehensive plan, and any applicable Small Area Plans, specific to the location of the property and furthers a specific implementation step(s) of the Comprehensive Plan.

C. The waiver is not contrary to the public interest.

D. The request for a waiver creates a building height that is in scale with conforming uses of nearby property and with the character of the neighborhood. When properties are located in a Historic Overlay District the development has undergone a conceptual review by the Historic and Architectural Review Committee (HARC) with general support for the building massing and form.

Section 3.28. Historic Design Guidelines Procedures

3.28.010. Request to Create or Amend Guidelines

A. City Council or HARC may request amendments or updates to any adopted design guidelines or create new guidelines if none were adopted at the time of Historic Overlay designation by directing the HPO to submit recommendations to HARC for consideration.

B. The HPO may initiate the process of amending any adopted design guidelines, or for creating new guidelines if none were adopted at the time of the Historic Overlay designation.

3.28.020. Consideration by HARC

A. Scheduling the Hearing

Once the HPO has sent notice and prepared the proposed design guidelines, a hearing must be scheduled before the HARC for consideration. Notice of the hearing must be sent to all affected property owners.

B. HARC Recommendation

After the hearing, the HARC shall recommend approval, approval with revisions, denial or continuation of the request to a future date. Recommendations are forwarded to the City Council for final consideration.

3.28.030. City Council Hearing & Action

A. Submission to City Council

Following HARC's recommendation on the proposed amendments or creation of design guidelines, the request shall be submitted to City Council for review and consideration.

B. City Council Action

The City Council shall give notice and conduct a public hearing for the request.

C. Adopted Guidelines

Adopted design guidelines must be used by City staff in implementing the intent and purpose of the Historic Preservation Ordinance. Invalidation of any portion of the guidelines does not affect the validity of other provisions. Any existing design guidelines remain in effect until the City Council approved amendments or revisions.

3.28.040. Supplemental Policy Guides

A. Purpose

HARC may adopt supplemental policy guides that provide additional clarification, best practices, or detailed expectations for specific types of requests frequently reviewed by the Commission. These policy guides are intended to support consistent interpretation and application of the adopted design guidelines.

B. Consistency with Adopted Guidelines

Supplemental policy guides must be consistent with and subordinate to the City Council–adopted design guidelines and may not create new standards, modify existing standards, or conflict with adopted guidelines.

C. Review and Approval Process

The HPO may prepare draft supplemental policy guides or accept requests from HARC to develop them. Draft policy guides must be placed on a HARC agenda for review and may be adopted by majority vote following discussion in a public meeting.

D. Effect of Adoption

Upon adoption, supplemental policy guides may be used by staff and HARC to provide additional clarity and expectations for applicants but may not replace or supersede City Council-adopted design guidelines.

Section 3.29. Historic Resource Survey Procedures

3.29.010. Request to Create or Update a Historic Resource Survey

A. Initiation by City Council or HARC

City Council or HARC may request preparation of an updated or new Historic Resource Survey by directing the HPO to initiate the process and prepare recommendations for HARC consideration.

B. Initiation by the Historic Preservation Officer (HPO)

The HPO may initiate the creation of a new survey or updates to an existing survey based on newly identified resources, preservation priorities, updated research, or the need for improved documentation.

3.29.020. Preparation of Survey Materials

A. The HPO shall coordinate preparation of the survey, which must include:

1. Survey boundaries;
2. Photographic documentation;
3. Classification of resources (e.g., contributing, noncontributing, eligible, ineligible);
4. Statements of significance and period(s) of significance;
5. Historical context(s);
6. Maps and inventory forms; and
7. Summary findings and recommendations.

B. The HPO may conduct the survey directly or manage consultants undertaking the work.

C. Once completed in draft, the survey shall be posted for public review consistent with City notification procedures.

3.29.030. Consideration by HARC

A. Scheduling the Hearing

The draft Historic Resource Survey must be scheduled for a public meeting of HARC after the required notice has been provided.

B. HARC Recommendation

After receiving public input and reviewing the draft survey, HARC shall make a recommendation that is forwarded to City Council for final review.

3.29.040. City Council Review & Action

A. Submission to City Council

Following HARC's recommendation, the draft survey shall be submitted to City Council for review and consideration.

B. Adoption

Upon Council adoption, the Historic Resource Survey becomes an official planning document used by the City in evaluating historic significance, determining contributing status, guiding preservation priorities, and supporting designation of Historic Landmarks or Historic Overlay Districts.

3.29.050. Use and Maintenance of Historic Resource Surveys

A. The HPO shall maintain the adopted survey and update it periodically to reflect changes in conditions, new research, newly eligible resources, or resources lost to demolition or alteration.

B. Updates may be minor (administrative corrections or new photos) or major (reclassification of significance, boundary changes, new historic contexts).

C. Major updates require the full process outlined above. Minor updates may be approved administratively by the HPO and reported to HARC.

Chapter 4. Zoning Districts

Section 4.01. Establishment of Zoning Districts

The following zoning districts may be established for the City as authorized by the City Charter and Texas Local Government Code Chapter 211.

4.01.010. Zoning Districts

Table 4.01.010-1. Zoning Districts

Residential Zoning Districts	
AG	Agriculture
RE	Residential Estate
RT	Residential Traditional
RS	Residential Suburban
RM	Residential Mix
MF-1	Medium Density Multifamily Residential
MF-2	High Density Multifamily Residential
MH	Manufactured Housing
Non-Residential Zoning Districts	
CN	CN Neighborhood Commercial
C-1	Local Commercial
C-2	Regional Commercial
PF	Public Facilities
I-1	Flex Industrial
I-2	Intensive Industrial
Special Purpose Zoning Districts	
PUD	Planned Unit Development
Mixed-Use Zoning District	
MU-DT	Mixed-Use Downtown
Overlay Zoning Districts	
NC	Neighborhood Conservation Overlay District
D	Downtown Overlay
OT	Old Town Overlay
H	Historic Overlay
HL	Historic Landmark
CVP	Courthouse View Protection Overlay
G	Gateway Overlay

A. Zoning Districts

B. The Two-Family, Townhouse, Office, Business Park, and Industrial districts are declared legacy zoning districts upon adoption of this UDC as set forth on the Official Zoning Map.

C. No additional property will be rezoned to a legacy zoning district after the effective date of the UDC. Property located in a legacy zoning district shall continue to be subject to zoning regulations applicable at the time the property was rezoned to a legacy zoning district. All other provisions of this UDC shall apply to legacy zoning districts.

Section 4.02. Zoning District Equivalency Table

The following table identifies Zoning Districts, other than Legacy Zoning Districts, adopted in previous ordinances and the Zoning District regulations that now apply in this UDC to those Districts.

Table 4.01.010-1. Zoning District Equivalency Table

Previous UDC	Current UDC
Residential Zoning Districts	
AG Agriculture	AG Agriculture
RE Residential Estate	RE Residential Estate
RL Residential Low Density	RT Residential Traditional
RS Residential Single-family	RS Residential Suburban
TF Two-family	RM Residential Mix
TH Townhouse	
MF-1 Low Density Multifamily	MF-1 Medium Density Multifamily Residential
MF-2 High Density Multifamily	MF-2 High Density Multifamily Residential
MH Manufactured Housing	MH Manufactured Housing
Non-Residential Zoning Districts	
CN Neighborhood Commercial	CN Neighborhood Commercial
OF Office	
C-1 Local Commercial	C-1 Local Commercial
C-3 General Commercial	C-2 Regional Commercial
PF Public Facilities	PF Public Facilities
BP Business Park	I-1 Flex Industrial
IN Industrial	
-	I-2 Intensive Industrial
Special Purpose Zoning Districts	
PUD Planned Unit Development	PUD Planned Unit Development
Mixed-Use Zoning Districts	
MU-DT Mixed-Use Downtown	MU-DT Mixed-Use Downtown
Overlay Zoning Districts	
SP Special Area Plan Overlay	SP Special Area Plan Overlay

Previous UDC	Current UDC
-	NC Neighborhood Conservation Overlay District
D Downtown Overlay	D Downtown Overlay
OT Old Town Overlay	OT Old Town Overlay
H Historic Overlay	H Historic Overlay
HL Historic Landmark	HL Historic Landmark
CVP Courthouse View Protection Overlay	CVP Courthouse View Protection Overlay
G Gateway Overlay	G Gateway Overlay

Section 4.03. Official Zoning Map

4.03.010. Official Zoning Map

A. The City is hereby divided into the above Zoning Districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Unified Development Code (Code). The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of Georgetown under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section _____Ordinance No. _____of the City of Georgetown, Texas."

B. If, in accordance with the provisions of this Code and Texas Local Government Code § 211.006, as amended, changes are made in the District boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within five business days after the amendment has been approved by the City Council and signed by the Mayor.

C. Approved zoning changes shall be entered on the Official Zoning Map by the appropriate City department and the City shall maintain records identifying the ordinance number making such changes.

D. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this Unified Development Code. Any unauthorized change shall be null and void and have no force or effect.

E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Planning Department, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

4.03.020. Digital Mapping

Digital maps, created through the use of geographical information system technology, containing registration points recorded on the Texas State Plane Coordinate System, as amended, may be used in the administration and enforcement of this Unified Development Code. Digital mapping will not replace the paper originals of official maps but may represent the most accurate and up-to-date information in between printings.

4.03.030. Replacement of Official Zoning Map

A. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and/or number of changes and additions, the City Council shall, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct

drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City and date under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____of the City of Georgetown, Texas."

B. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

C. The City shall initiate the creation of a revised Official Zoning Map consistent with the provisions of this Code.

4.03.040. Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of Districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of a change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

F. Boundaries indicated as parallel to, or extensions of, features indicated above shall be so construed. Distances not specifically indicated in a classification amendment shall be determined by the scale of the map.

G. Where physical features, such as streets, railroad lines, rivers, streams, and such, existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered above, the Director shall make a written interpretation of the District boundaries.

4.03.050. Uniform Application of District Regulations

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the zoning regulations herein specified for the District in which it is located.

Section 4.04. Newly Annexed Territory

4.04.010. Initial Default Zoning

All new territory hereinafter annexed to the City shall have the initial zoning of Agriculture (AG) Zoning District classification unless another zoning classification that is consistent with the Future Land Use Plan is proposed by the property owner(s) or the Director. For a zoning to AG, there shall be no special action or hearing required to zone the property after or during the annexation process. For any zoning classification other than AG, the procedures of

Chapter 3.06 shall be followed (i.e., notice of zoning, hearing ordinance adoption). Newly annexed property may begin rezoning procedures to any Zoning District during or upon completion of annexation process but may not be approved until annexation is completed.

Section 4.05. Zoning Districts and Special Districts

This section describes the Zoning Districts established in **Section 4.01**. Each District is divided into unofficial categories intended to distinguish similar Districts.

4.05.010. Residential Districts

A. The purpose statements and development standards for the Residential Districts established in **Section 4.01** are located in **Chapter 7** of this UDC.

1. For uses allowed in each Zoning District, see **Section 6.02**.
2. For purpose statements and lot and development standards, see **Section 7.02**.

4.05.020. Non-Residential Districts

A. The purpose statements and development standards for the Non-Residential Districts established in **Section 4.01** are located in **Chapter 8** of this UDC.

1. For uses allowed in each Zoning District, see **Section 6.02**.
2. For purpose statements and lot and development standards, see **Section 8.02**.
3. For building design standards, see **Section 8.04**.

4.05.030. Special Purpose Zoning Districts

A. Planned Unit Development (PUD) District

The Planned Unit Development (PUD) District is intended to allow flexibility in planning and designing for unique or environmentally sensitive properties and that are to be developed in accordance with a common development scheme. PUD zoning is designed to accommodate various types of development, including multiple housing types, neighborhood and community retail, professional and administrative areas, industrial and business parks, and other uses or a combination thereof. A PUD may be used to permit new or innovative concepts in land use and standards not permitted by zoning or the standards of this Code. Although greater flexibility is given to allow development in a PUD that would not otherwise be allowed, procedures and standards are established in this Code that are intended to ensure against misuse.

1. For special requirements of a PUD District, see **Section 4.06**.

4.05.040. Mixed-Use Downtown (MU-DT) Zoning District

A. The Mixed-Use Downtown (MU-DT) District is intended to provide a location for a mix of land uses, including general commercial and retail activities, office, as well as single-family and multi-family in the downtown area. Developments in the MU-DT District are typically smaller in size and scope, although there may be occasionally heavy traffic. The MU-DT District is only appropriate in the traditional downtown area of Georgetown.MU-DT District properties shall fall within the Historic Overlay District or Old Town Overlay.

1. For uses allowed in the MU-DT District, see **Section 6.02**.
2. For dimensional interpretations and exceptions, see **Section 8.03**.
3. For building design standards, see **Section 8.04**.

B. Lot and Dimensional Standards

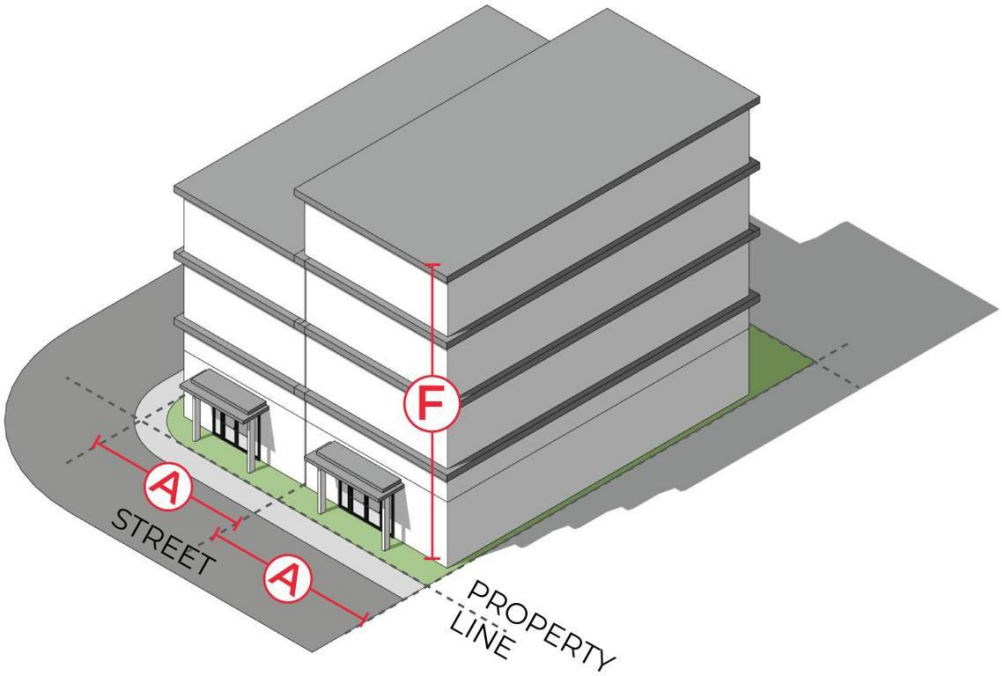
Mixed-Use Downtown (MU-DT) District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	25
B	Front/primary street setback, minimum feet	0
C	Front setback, build-to option	See **8.03.030.A**
	Front setback, Downtown Gateway Overlay	See **4.10.040.B**
D	Side setback, minimum feet[2]	0
E	Rear setback, minimum feet[2]	0
F	Building height, maximum feet[3]	40
	Maximum impervious cover[4]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[3] Structures, lighting, scoreboards, and other elements of a stadium are exempted, but shall be set back a minimum of 120 feet.

[4] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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A
A
STREET
PROPERTY
LINE

4.05.050. Overlay Zoning Districts

A. Neighborhood Conservation Overlay (NC) Districts

Within the City of Georgetown, there are unique and distinctive residential neighborhoods or commercial Districts which contribute to the overall character and identity of the City and are worthy of preservation and protection. The City aims to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods or commercial Districts by establishing Neighborhood Conservation (NC) Overlay Districts. The NC District is appropriate for establishing design standards to foster infill development of primarily residential and mixed-use areas while protecting the character of the existing neighborhood.

1. For specific standards of the NC District, see **Section 4.07**.

B. Historic Overlay Districts

1. Purpose

The City of Georgetown recognizes that, as a matter of public policy, the protection, enhancement, and perpetuation of landmarks and Districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. Historic Overlay Districts are created to:

a. Protect and enhance the landmarks and Districts that represent distinctive elements of Georgetown's historical, architectural, and cultural heritage;

b. Foster civic pride in the accomplishments of the past;

c. Protect and enhance Georgetown's attractiveness to visitors and the support and stimulus to the economy thereby provided;

d. Ensure the harmonious, orderly, and efficient growth and development of the City that is sensitive to its historic resources;

e. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the City; and

f. Encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation and preservation.

2. Downtown Overlay (D) District

The Downtown Overlay District is intended to protect the aesthetic and visual character of the Town Square and downtown Georgetown through the establishment of two distinct zones, designated as Area 1 (Town Square Historic District) and Area 2 (remainder of the Downtown Overlay District).

a. For specific standards of the Downtown Overlay District, see **Chapter 5**.

3. Old Town Overlay (OT) District

The Old Town Overlay District is intended to preserve and protect historic structures, maintain a residential appearance along South Austin and University Avenues, and maintain the integrity of the historic character in the area commonly referred to as Old Town.

a. For specific standards of the Old Town Overlay District, see **Chapter 5**.

4. Designated Historic (H) District

The Designated Historic District is intended to preserve areas, structures, and landmarks of historical or cultural significance. Each designated District may have specific standards unique to the District

a. For specific standards of the Town Square Designated Historic District (H-TS), see **Chapter 5**.

5. Historic Landmark (HL) Designation

   The purpose of the historic landmark designation is to protect, preserve, and enhance buildings or structures of historical, architectural, or cultural importance or value to the City of Georgetown.

   a. For specific standards of the Historic Overlay Districts, see **Chapter 5**.

C. Courthouse View Protection Overlay (CVP) District

The Courthouse View Protection Overlay District is intended to preserve views of the Williamson County Courthouse from various locations along corridors in Georgetown.

1. For specific standards of the Courthouse View Protection Overlay District, see **Section 4.09**.

D. Gateway Overlay (G) District

The Gateway Overlay District is intended to enhance the entry corridors to Georgetown. Various corridors into the City are designated for the purpose of applying additional landscaping and design standards.

1. For specific standards of the Gateway Overlay District, see **Section 4.10**.

Section 4.06. Planned Unit Development District

This section establishes procedures and requirements of a Planned Unit Development District. Planned Unit Developments may be established in any location and may include more than one Base Zoning District.

4.06.010. General Provisions

A. Compatibility with Base Zoning District

A PUD is designed to be used in conjunction with a designated Base Zoning District. An application for PUD zoning shall specify the base District(s) and the uses proposed. Any uses not permitted in the base District shall be specifically identified. The standards and requirements of the specified base District shall apply unless specifically superseded by the standards and requirements of the PUD Development Plan.

B. Compliance with Applicable City Codes

The granting of a PUD Zoning District shall not relieve the developer from complying with all other applicable sections of this Code, and other Codes and Ordinances of the City, unless such relief is specified in the approved Development Plan.

C. Development Plan Required

An application for the establishment of a PUD District shall be accompanied by a Development Plan that meets the requirements of this section. The Development Plan shall become a part of the PUD ordinance, if approved by the City Council.

D. Development Plan

1. Development requirements for the PUD District shall be set forth in the Development Plan and meet the approval criteria detailed in **Section 3.11.030.** The Development Plan is intended to capture how and why the particular project is of exceptional quality and cannot be met by Base Zoning District requirements. At a minimum, the Development Plan shall explain the purpose and intent of the PUD, detailed description of the project, and a specific development design plan, in addition to how the PUD may deviate from the minimum standards set forth in this Code.

2. The PUD zoning application shall include written justification as to why any such Code deviations listed in the Development Plan are necessary because of the unique characteristics of the site, outline how the deviations needed are consistent with the City's Comprehensive Plan or applicable Small Area Plans, the needs of the proposed project, or other exceptional circumstances. Such deviations should be intended to provide an unconventional, cohesive, and well-planned layout design scheme, and should not be proposed to simply avoid the requirements of this Code.
3. Developments with PUD zoning may vary in size and scope and the Development Plan should reflect the scale and detail desired in the District. A Development Plan should generally include allowed and/or prohibited land uses, parks/open space/natural features, density, traffic circulation/streets/access, building and site design standards and/or schematics, and other pertinent information. The Planning Director retains full discretion to require the necessary detail and information needed to justify the proposed PUD Development Plan.
4. Revisions to the adopted Development Plan shall require an amendment to the PUD ordinance to be processed pursuant to this Code. If the Director determines that a proposed revision is a minor revision, the Director may consider such a revision in connection with approval of a Plat or Site Plan pursuant to this Code.

Section 4.07. Neighborhood Conservation Overlay Districts

4.07.010. General Provisions

A. Purpose

1. The purposes of the Neighborhood Conservation Overlay District standards are as follows:
   a. To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;
   b. To protect and enhance the livability of the City;
   c. To reduce conflict caused by incompatible and insensitive development, and to promote new compatible development;
   d. To stabilize property values and protect property investments;
   e. To provide residents and property owners with a planning tool for future development;
   f. To promote and retain attainable housing options;
   g. To encourage and strengthen civic pride; and
   h. To ensure the harmonious, orderly, and efficient growth and redevelopment of the City.
2. The Neighborhood Conservation Overlay Districts implement the following policies of the Comprehensive Plan:
   a. Policy H.2 – Preserve existing neighborhoods in targeted areas.
   b. Policy H.4 – Maintain and promote neighborhood character and quality.

B. Designation

To be designated as a Neighborhood Conservation Overlay District, the area must meet the following criteria:

1. Be part of a neighborhood master plan adopted by the City of Georgetown;
2. Contain a minimum of one blockface (all the lots on one side of a block);
3. Possess one or more of the following distinctive features that create a cohesive, identifiable setting, character, or association:

a. Unique architectural style, building scale, or streetscape;

b. Distinct neighborhood character;

c. Special natural characteristics, such as creek beds, green belts or other natural features;

d. Land use patterns, including mixed or unique uses or activities; or

e. Links to designated landmarks or Districts.

C. Overlay District

1. Neighborhood Conservation Districts are designed as overlays to the underlying Zoning Districts. Property designated within these Districts must also be designated as being within one or more Base Zoning Districts.

2. Authorized uses must be permitted in both the Zoning District and the Overlay District. Property designated as a Neighborhood Conservation Overlay District may have additional designations. Such property shall comply with all applicable use restrictions.

3. The designation of property within a Neighborhood Conservation Overlay District will follow all procedures and requirements for zoning/rezoning.

4. In the event of a conflict between the provisions of a specific Neighborhood Conservation Overlay District ordinance and the underlying Zoning District regulations, the provisions of the Neighborhood Conservation Overlay District ordinance shall control.

D. Initiation Procedures

1. A zoning change application for designation as a Neighborhood Conservation Overlay District shall be initiated at the direction of the:

a. A request of owners representing 51% of the land area within the proposed District; or

b. A request of 51% of property owners within the proposed District; or

c. The Director, pursuant to a neighborhood, community, perimeter, sector, or sub-area plan adopted by the City Council.

2. Following initiation for designation of a Neighborhood Conservation Overlay District, the Director shall develop the boundaries and standards for the proposed District and include:

a. Maps indicating boundaries, and existing land use within the proposed District;

b. Maps and other graphic and written materials identifying and describing the distinct neighborhood and building characteristics of the proposed District;

c. A list of all property owners (with legal addresses), neighborhood associations and/or other organizations representing the interests of property owners in the proposed District; and

d. Design standards.

3. All property owners within the proposed District shall be afforded the opportunity to participate in drafting the boundaries and standards, which will be approved as part of the amending ordinance to this UDC creating the Neighborhood Conservation Overlay District.

E. Design Standards

1. A Neighborhood Conservation Overlay District shall include design standards for new construction of any building or structure, or the relocation or rehabilitation to a street-facing façade of an existing building or structure, but in accordance with state law, shall not include any standards or requirements relating to building materials or methods.

2. The Neighborhood Conservation Overlay District regulations shall not apply to those activities which constitute ordinary repair and maintenance (i.e., using the same or similar design).

3. The design standards for the Neighborhood Conservation Overlay District must include at least one or a combination of the following elements governing the physical characteristics and features of all property (public or private) within the proposed District:
    a. Building height, number of stories;
    b. Building size, massing;
    c. Principal elevation features;
    d. Lot size and setbacks;
    e. Off-street parking and loading requirements;
    f. Roof line and pitch; and
    g. Coverage, paving, hardscape covering.
4. In addition, the design standards may include, but shall not be limited to, the following elements:
    a. Building orientation;
    b. General site planning (primary, ancillary structures);
    c. Density;
    d. Floor area ratio;
    e. Signage;
    f. Architectural style and details;
    g. Garage entrance location;
    h. Window/dormer size and location;
    i. Landscaping;
    j. Fences and walls;
    k. Entrance lighting;
    l. Driveways, curbs and sidewalks;
    m. Utility boxes, trash receptacles;
    n. Street furniture;
    o. Building relocation; and/or
    p. Right-of-way (exceeding public works standards).

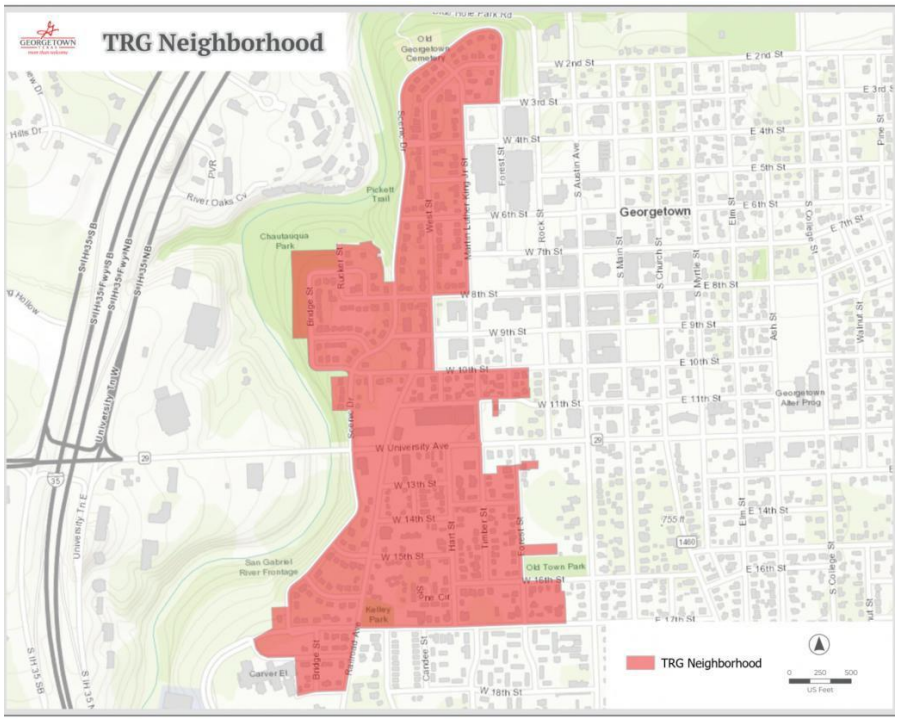
4.07.020. Established Overlay Districts

A. The Neighborhood Conservation Overlay Districts are established as follows. Each Neighborhood Conservation Overlay District includes all the land within the boundary of the district, as shown on the Official Zoning Map.

1. TRG Neighborhood Conservation Overlay District

    The TRG Neighborhood Conservation Overlay District is generally bounded by the San Gabriel River to the west, Leander Road to the south, and Austin Street and Forest Street to the east. The precise boundaries are depicted on the map incorporated below.

Figure 4.07.020-4.7.020-1. TRG Neighborhood Conservation Overlay District Map



a. Design standards for TRG Neighborhood Conservation Overlay District.

This section contains specific development and design standards applicable to new development occurring on properties located in the TRG Neighborhood Conservation Overlay District.

(i) Building Height.

(a) Residential zoned properties shall have a maximum building height: 25 feet.

(b) Non-Residential zoned properties shall have a maximum building height: 35 feet.

(c) Mixed Use and Multifamily zoned properties shall have a maximum building height: 40 feet.

At no point shall a structure exceed more than 12 feet than the tallest structure on an adjacent property.

(ii) Parking/Garages Placement.

(a) Multifamily and nonresidential surface parking shall not be located between the street and the front façade of the primary structure and must be located to the side or rear of the primary building.

(iii) Setbacks and Orientation.

(a) Where thirty (30) percent or more of the existing lots within the same block face are occupied by primary structures that do not meet the required setback for the designated use, the Director may approve and Administrative Exception to allow a reduced setback.

(b) The front yard setback line may fall within the range of the front yard setbacks of the two (2) nearest lots containing primary structures within the same block face.

(c) Residential front setback, minimum: 15 feet.

(d) Residential street facing garage setback, minimum: 20 feet.

(e) Non-Residential front setback, minimum: 15 feet.

(iv) Demolitions

Prior to the issuance of a demolition permit within the TRG Neighborhood Overlay District a Certificate of Appropriateness shall be issued by the Historic Preservation Office. Application standards for a Certificate of Appropriateness can be found **Chapter 3** of the UDC.

2. San Jose Neighborhood Conservation Overlay District

The San Jose Neighborhood Conservation Overlay District is generally bounded by the railroad to the west, West Fork Smith Branch of the San Gabriel River to the south, Maple Street to the east, and East 15th Street to the north. The precise boundaries are depicted on the map incorporated below.

Figure 4.07.020-4.7.020-2. San Jose Neighborhood Conservation Overlay District Map

a. Design standards for San Jose Neighborhood Conservation Overlay District.

This section contains specific development and design standards applicable to new development occurring on properties located in the San Jose Neighborhood Conservation Overlay District.

(i) Building Height.

(a) Residential zoned properties shall have a maximum building height: 20 feet.

(ii) Parking/Garages Placement.

(a) New driveways should be single width at the curb. Tandem parking is permitted. Carports are permitted to follow the front yard setback associated with the primary structure.

(iii) Setbacks and Orientation.

(a) Where thirty (30) percent or more of the existing lots within the same block face are occupied by primary structures that do not meet the required setback for the designated use, the Director may approve and Administrative Exception to allow a reduced setback.

(b) The front yard setback line may fall within the range of the front yard setbacks of the two (2) nearest lots containing primary structures within the same block face.

(c) A proposed building on an infill lot must be constructed within this established front setback range.

(iv) Minimum Lot Size.

Residential minimum lot size: 5,000 sq. ft.

Section 4.08. Historic Overlay Districts

4.08.010. Designation of a Historic Overlay District

A. A Historic Overlay District may be established over any Base Zoning District within the city limits and may be established over more than one Base Zoning District.

B. Creation or expansion of a Historic Overlay District requires approval by the City Council, following the procedures for a Zoning Map Amendment in **Section 3.07**.

C. Consideration of Standards for a Designated Historic District.

The following shall be considered when developing standards for a Designated Historic District:

1. The findings adopted by the City Council for a specific Designated Historic District shall define the scope of the City's interest in protecting the historic resource and shall provide the guidelines to be used, along with the applicable regulations, in considering whether to grant or deny a certificate of appropriateness.

2. HARC may develop and the City Council may approve supplemental guidelines as it may deem necessary to implement the regulations of a particular designated Historic District or the findings applicable to the designation of a particular designated Historic District. Such guidelines may include, but are not limited to, the following:

a. Charts or samples of acceptable materials for siding, foundations, roofs, or other parts of buildings;

b. Illustrations of appropriate architectural details;

c. Numerical specifications of appropriate rhythms or proportions;

d. Specifications of appropriate relationships to streets, sidewalks, other structures, and buildings;

e. Illustrations of appropriate porch treatments or entrances; or

f. Illustrations of appropriate signage or street furniture.

4.08.020. Regulations for Historic Overlay Districts

See **Chapter 5** for regulations and standards applicable to Historic Overlay Districts.

Section 4.09. Courthouse View Protection Overlay District

4.09.010. Purpose and Intent

The Williamson County Courthouse provides a cultural, symbolic, and historic resource unique to the City. Residents, visitors, and the traveling public currently enjoy broad views of the Courthouse Dome from several corridors. The purpose of this section is to ensure that future development along the identified view corridors does not lead to the loss of the views of the Courthouse Dome. It is the intent that these broad views be protected, to the extent feasible, by means of careful siting of buildings and with consideration given to how the overall height of buildings impact those views. Compliance with the requirements of this section will be verified during the Site Plan process.

4.09.020. Applicability

Where Site Plan review is required in accordance with **Section 4.09**, the Courthouse View Protection Overlay shall be applied to all properties within the view corridors listed below. The areas within the corridors listed below are not exact and are depicted graphically on the Courthouse View Protection Overlay District Map. The Planning Department shall confirm applicability at a parcel level.

Figure 4.09.020-4.09.02-1. Courthouse View Protection Overlay District Map

This map is available for viewing at the Planning Department or as a downloadable map at https://gis-georgetowntx.hub.arcgis.com/pages/interactivemaps

A. I-35 View Corridor

1. Properties located in the shaded areas between the Williamson County Courthouse, the western (southbound) lanes of I-35 south of Northwest Boulevard beginning at 393 North I.H. 35 to the intersection at State Highway 29 (University Avenue), and

2. Properties lying within the protected view corridor along I.H.-35 from the State Spur 26 (Austin Avenue) Overpass to the Courthouse Dome.

B. Austin Avenue View Corridor

1. Properties within the protected view corridor projecting north from the Williamson County Courthouse to State Spur 158 (Austin Avenue) at F.M. 971 and continuing north to County Road 151 the width of the State Spur 158 (Austin Avenue) right-of-way, and

4.09.030. Maximum Height Determination Required

All properties are permitted to build a structure of a single story, which is designed to minimize the impact on the protected view. All other structures proposed within the view corridors may not exceed the height of the plane delineating the corridor as determined by the height calculation formula in **Section 4.09.030.C.3** below. The maximum height permitted is the lesser of either the Base Zoning District maximum height permitted in this section.

A. Application for Height Determination

Prior to Site Plan application, properties within the Courthouse View Protection Overlay District proposing to build a new structure or expand an existing structure shall submit an application for height determination to establish the requirements of this District as they may relate to a specific property.

An application form shall be submitted including the required calculations showing the elevations of the review site, viewpoint, proposed height of building, and distances from viewpoint to review site to the Courthouse, which establishes the allowable height according to the height calculation formula. An aerial map of the proposed site and Courthouse and viewpoint elevations may be obtained from the City. For specific definitions of the terms of this section, refer to **Chapter 18** of this Code.

B. Elevation Study Required

As part of the height determination review, sites that lie within the Courthouse View Protection Overlay District shall be required to submit an elevation study illustrating the potential impact of all buildings in the project on the protected view of the Williamson County Courthouse Dome.

C. Review Elements

Review of the application for height determination and associated elevation study shall consider the following elements:

1. Height

Within the Courthouse View Protection Overlay District, structure height shall be limited to avoid blocking the view to the Williamson County Courthouse Dome. Examples of design techniques to meet this requirement include:

a. Overall reduction of height; and

b. Stepping back the building height.

2. Location

Within the Courthouse View Protection Overlay District, structures shall be located to minimize the possible impact on the view to the Williamson County Courthouse Dome. Location of parking as it relates to the building shall be designed to best preserve the view of the Courthouse. Examples of techniques to avoid location impacts include:

a. Relocation of building on the site outside the view corridor; and

b. Cutting off building corners.

3. Height Calculation Formula

   The height calculation formula is used to determine structure height for projects within the Courthouse View Protection Overlay District. An example of the formula can be found in the Development Manual. The height calculation formula is as follows:

   - Tan of angle = A/B = E/F (TAN Deg = A/B = E/F)
   - Tan of angle x F=E (TAN Deg x F=E)
   - E - D = G
   - Combined formula (A/B x F) - D = G (allowable height)

4.09.040. Courthouse View Determination

Upon completion of the administrative review and height determination the Director shall make a final determination. The applicant may request an Administrative Exception, using the procedures of **Section 3.14**, if strict application of the provisions of this section would not be consistent with the purpose of the Overlay District due to unique topographical or physical characteristics of the subject site. In consideration of an Administrative Exception, the burden of proof shall be on the applicant to demonstrate that the proposed exception is consistent with the criteria contained in this section. The Director shall consider the following criteria in determining the Administrative Exception:

A. Granting the Administrative Exception would not adversely affect any identified public view corridor; and

B. Granting the Administrative Exception would be in the public interest and consistent with the purpose of the Overlay District.

4.09.050. Courthouse View Corridor Waiver

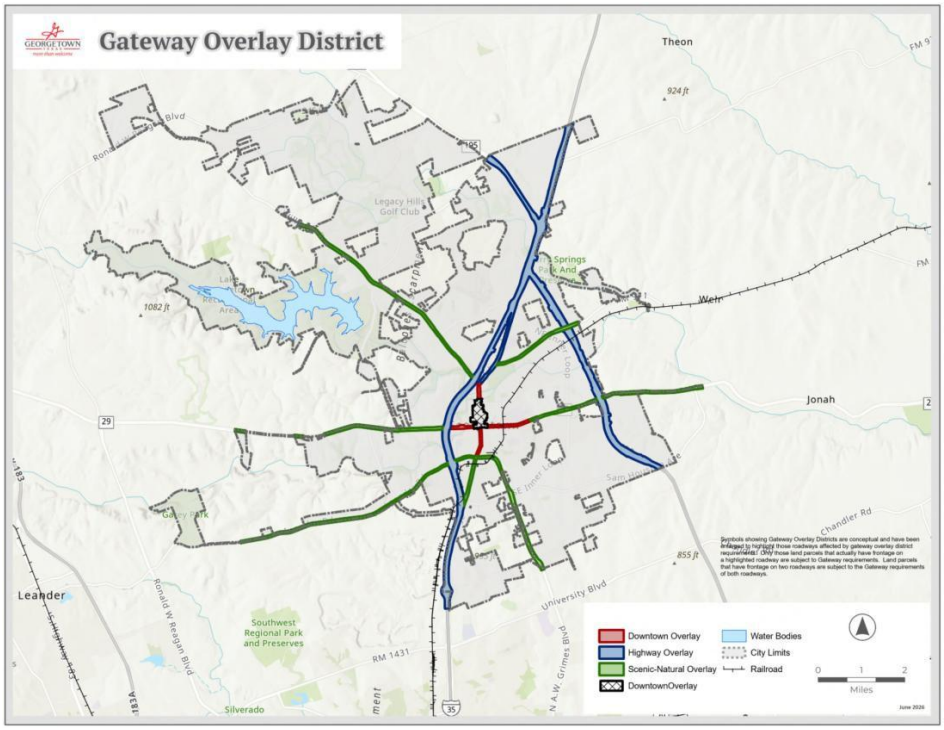
Upon completion of the administrative review and height determination the Director shall make a final determination. The applicant may request relief from the requirements of the Courthouse View Corridor using the procedures of **Section 3.27**.

Section 4.10. Gateway Overlay District

4.10.010. Purpose and Intent

This section establishes that certain roadways within the city limits shall be considered gateways into Georgetown and properties fronting such roadways shall be subject to special landscaping and design standards.

Figure 4.10.010-4.10.01-1. Gateway Overlay Districts Map



This map is available for viewing at the office of the Planning Department or as a downloadable map at **http://www.georgetowntexas.gov/maps**. The map is simply a graphical depiction of each corridor; it does not infer boundaries or a hierarchy of roadways for determining the gateway classification.

A. Purpose and Intent

The purpose of the Gateway Overlay Districts (Gateways) is to protect and enhance the entrance corridors to the City and downtown with landscaping, setbacks, and special design standards. The intent of the Gateways is to establish entrance corridors that herald the approach to the City, define the arrival to a destination, and link common elements together.

4.10.020. Applicability

The Gateway Overlay Districts shall be designated on both sides of the specific corridors listed in **Section 4.10.030**, and shall have a width of 100 feet measured from the edge of the right-of-way. Properties within the Gateway Overlay District shall follow the design standards in **Section 4.10.040** and landscaping provisions set forth in **9.03.060** at the time of development. Gateway planting requirements may be credited toward the landscape requirements in accordance with **Chapter 9**. Where the requirements of this section and the underlying Zoning District conflict, the standards of this section shall apply. If another Zoning Overlay District exists on the property, the more stringent standards shall apply.

4.10.030. Gateway Corridors

The following corridors include roadways that are considered Gateways into the community. Each Gateway category represents different roadways in the City and may contain differing landscape buffer sizes and landscaping/design requirements. The relevant Gateway landscape buffer shall be shown on a plat and/or Site Development Plan as a landscape easement. The landscape buffer shall be considered to begin at the right-of-way line of each applicable

roadway, regardless of the distance from the actual road. When Gateway corridors intersect or abut each other, the centerline of the roadway shall be used to determine the division of the corridor.

A. Highway Gateways—25-Foot Landscape Buffer

The purpose of the Highway Gateway is to positively reflect the image of the City by enhancing development with well-designed Site Plans and landscaping while maintaining a safe and effective interstate highway. Site design proposals along the Highway Gateways shall break up large masses of parking and pavement with well-planned open space components Additionally, careful analysis is required of view corridors from the highway. Strategically placed tree groupings should be located to frame desired views while screening parking areas. Highway Gateways include both the highway's main lanes and designated frontage roads.

1. Interstate Highway 35.
2. State Highway 195.
3. State Spur 158 (North Austin Avenue).
4. State Highway 130.

B. Scenic/Natural Gateways—25-Foot Landscape Buffer

The purpose of the Scenic/Natural Gateway is to reflect the natural characteristics of the land. These Georgetown roadways are prominent arterials and growth zones leading into the City. The purpose of the design standards for the Scenic/Natural Gateway corridors is to maintain the existing informal character as they develop. For developments that occur along the Scenic/Natural Gateways, designers shall integrate the natural characteristics of the land into the landscape design. Informal tree massings, planting of under story trees, incorporation of native stones and boulders, and use of native grasses and wildflowers are examples of how to blend required plantings with native plantings.

1. F.M. 2243 (Leander Road).
2. State Highway 29 (University Avenue), west of the intersection of I-35and east of the intersection of Southwestern Boulevard.
3. State Spur 26 (South Austin Avenue).
4. F.M. 2338 (Williams Drive).
5. F.M. 971.
6. F.M. 1460.

C. Downtown Gateways—10-Foot Landscape Buffer

The purpose of the Downtown Gateway standards is to enhance and unify the appearance of the major roadways adjacent to and directly leading into downtown Georgetown. Because of the close proximity to the Downtown District, the appearance of the Downtown Gateway shall reflect a relatively formal, urban extension of the downtown and visually enhance its aesthetic appearance. In order to establish the formal appearance, trees shall be evenly spaced and located equal distance behind the property line. Although the intent for the Downtown Gateway corridors is to establish a consistent, formal landscape appearance, the design standards are not intended to adversely affect existing trees along the roadways. Variations to these standards are allowed to provide for the preservation of existing trees.

All non-residential properties in Downtown Gateways are subject to special setback design requirements, denoted in **Subsection 4.10.040.B**.

1. South Austin Avenue, beginning north of the intersection of F.M. 1460/F.M. 2243 (Leander Road) and ending at the southern boundary of the Downtown Overlay District.

2. North Austin Avenue, beginning at the northern boundary of the Downtown Overlay District and ending at the intersection of F.M. 2338 (Williams Drive).
3. State Highway 29 (University Avenue), beginning at the western boundary of the Downtown Overlay District and ending at the intersection of I-35.
4. State Highway 29 (University Avenue), beginning at the eastern boundary of the Downtown Overlay District and ending at the intersection of Southwestern Boulevard.

4.10.040. Gateway Design Standards

A. Landscaping Standards

Calculation of required landscaping must comply with **9.03.060. Gateway Overlay District Landscaping**. Where regulations and requirements for Gateways and another Zoning District conflict, the more restrictive regulations shall apply.

B. Special Setbacks in the Downtown Gateway

1. For all non-residential properties in the Downtown Gateway, regardless of Zoning District, the front setback is zero. For purposes of this setback, the property line will be replaced with the edge of the gateway landscape buffer.
2. Parking is prohibited between the front building line and edge of the Gateway landscape buffer.
3. The front building line shall comprise of a minimum of 40% of the primary façade of the primary building.
4. Features allowed between the front building line and the landscape buffer shall be limited to those allowed in **Subsections 7.03.020.D** and **8.03.030.D**.
5. Fencing shall meet the requirements in **9.05.070.7**.

C. Sidewalks

Sidewalks shall be required in accordance with **Table 14.03.030-1. Local and Neighborhood Street Standards**. All sidewalks shall be constructed and designed to coordinate the location of any new sidewalks and to tie into existing sidewalks. If the sidewalk lies within the Gateway landscape buffer, some portion of the site's required landscaping shall be located between the sidewalk and the designated right-of-way. Properties in the Downtown Gateway require construction of a minimum 6-footsidewalk. Scenic and Highway Gateways require sidewalks, where applicable, in accordance with **Section 14.02**.

D. Parking

No parking will be allowed within a Gateway landscape buffer, and all screening of adjacent parking will be in accordance with **Subsection 9.03.080**.

E. Site Limitations

1. Drainage facilities are not allowed within a Gateway landscape buffer except those that are necessary to convey drainage in the shortest possible route to or from the street right-of-way, if determined to be required by the Development Engineer. If determined to be necessary in such instances, the drainage facilities shall follow the design requirements in **Section 13.04**. Drainage facilities include all detention ponds, water quality ponds, outlet structures, drainage berms, improved channels or other improvements associated with the drainage improvements.
2. Dumpsters and mechanical equipment are not allowed in the front, side, or rear setback if the setback is directly adjacent to a Gateway roadway.
3. All utilities installed for the development shall be located underground. The developer shall not have to retrofit existing utilities.

4. No service areas or service drives shall be permitted to front a Gateway roadway.

F. Boundary Walls

Residential boundary walls may be required, as described in **Subsection 9.06.060**.

G. The Gateway landscape buffer shall be situated on a platted lot that is owned and maintained by the owner, developer, neighborhood or homeowner association, or other entity acceptable to the Director.

Chapter 5. Downtown and Old Town Code

Section 5.01. Purpose

The City of Georgetown's Downtown and Old-Town Overlay Districts are unique development areas. The purpose of this Code is as follows:

A. Serves as a one-stop Code for development regulations that are applicable to these two Overlay Districts.

B. Provides standards that continue the orderly growth of Downtown and Old Town Districts.

C. Implements the goals and policies adopted as part of the Downtown Master Plan.

D. Ensures new development is human scale, pedestrian oriented and has compatibility between different types of development and land use areas.

Section 5.02. Components of the Code

A. This chapter provides applicable regulations from this UDC for the Downtown and Old Town Areas and other Historic Overlay areas including the following:

1. Established Historic Overlay Districts (**Section 5.03**)
2. General Development Standards for Historic Overlay Districts (**Section 5.04**)
3. Downtown Overlay - As a whole and by subdistrict (**Section 5.05**)
4. Old Town Overlay (**Section 5.06**)
5. Standards Specific to Designated Historic Districts (**Section 5.07**)
6. Standards Specific to Historic Landmark Designation (**Section 5.08**)
7. Development Process (**Section 5.10**)
8. Certificate of Appropriateness (**Section 5.11**)

B. Other Applicable Regulations and Guidelines

1. Historic District Design Guidelines apply to all properties within the Downtown Overlay District and Old Town Overlay District, as well as improvements to Historic Landmarks anywhere within the city limits.

Section 5.03. Established Historic Overlay Districts

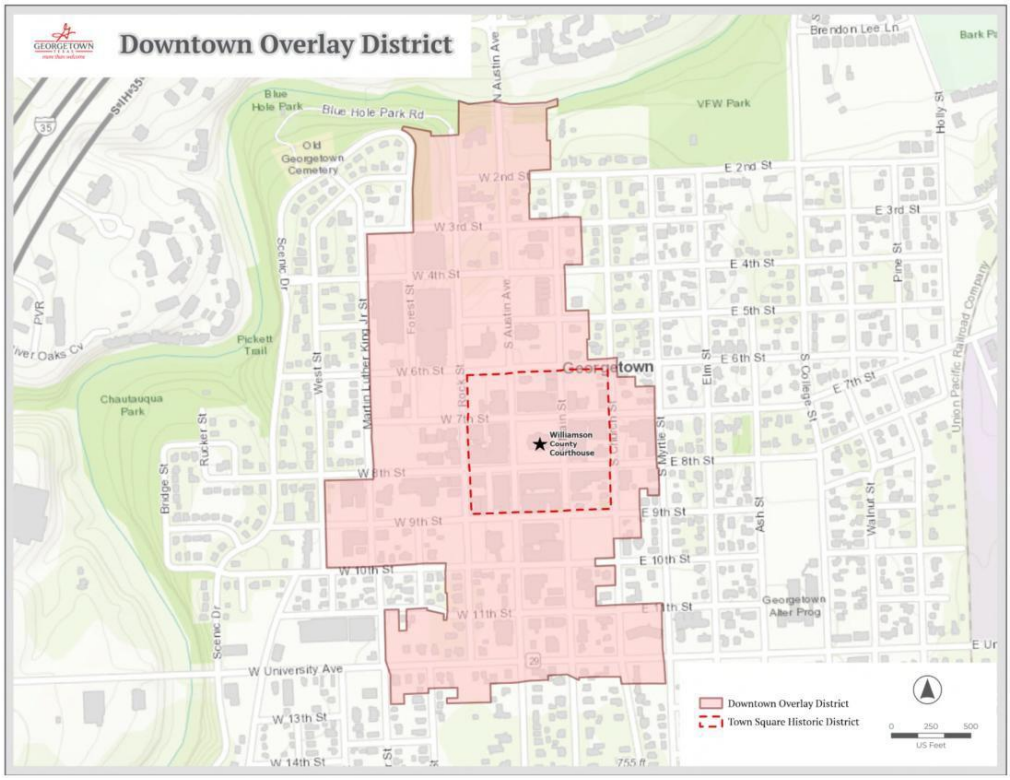
5.03.010. Historic Overlay Districts Established

The Historic Overlay Districts are established as follows. Each Historic Overlay District includes all the land within the boundary of the District shown on the Official Zoning Map.

A. Downtown Overlay District

The Downtown Overlay District was established by the City Council as part of adoption of Ordinance No. 2001-48 on August 28, 2001, and expanded with the adoption of Ordinance No. 2014-86, adopted on October 28, 2014. The District is divided into two distinct zones, designated as Area 1 (the Town Square Historic District) and Area 2 (the remainder of the Downtown Overlay District). The Downtown Overlay District is generally bounded by the river to the north, the lots fronting the south side of University Avenue to the south, Martin Luther King, Jr., Street to the west, and Myrtle Street to the east. The Downtown Overlay District abuts but does not include the Old Town Overlay District. The precise boundaries are depicted on the map incorporated below.

Figure 5.03.010-5.03.01-1. Downtown Overlay District Map

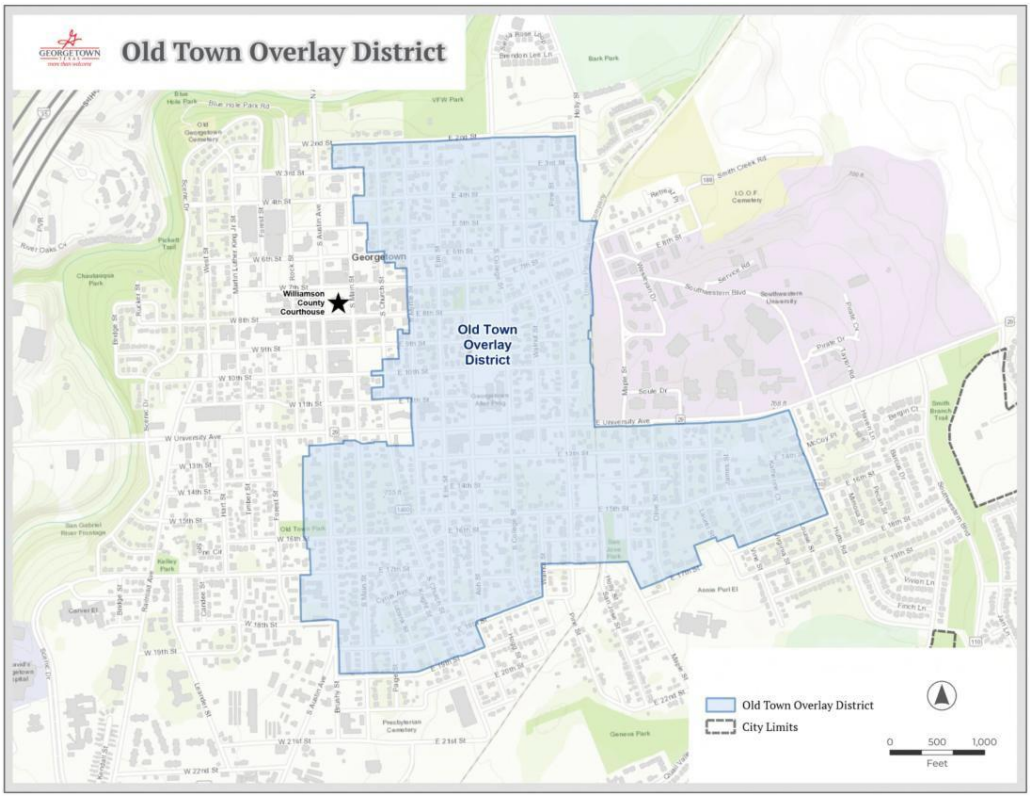


This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

B. Old Town Overlay District

The Old Town Overlay District was established by the City Council as part of adoption of Ordinance No. 2004-22 on April 13, 2004. The Old Town Overlay District is generally bounded on the north by 2nd Street; on the east by Holly Street, the railroad tracks, University Avenue, and Hutto Road; on the south by 17th, 18th, and 19th Streets; and on the west by the properties on the western side of Austin Avenue and the boundaries of the Downtown Overlay District. The Old Town Overlay District abuts but does not include the Downtown Overlay District. The precise boundaries are depicted on the map incorporated below.

Figure 5.03.010-5.03.01-2. Old Town Overlay District Map



This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

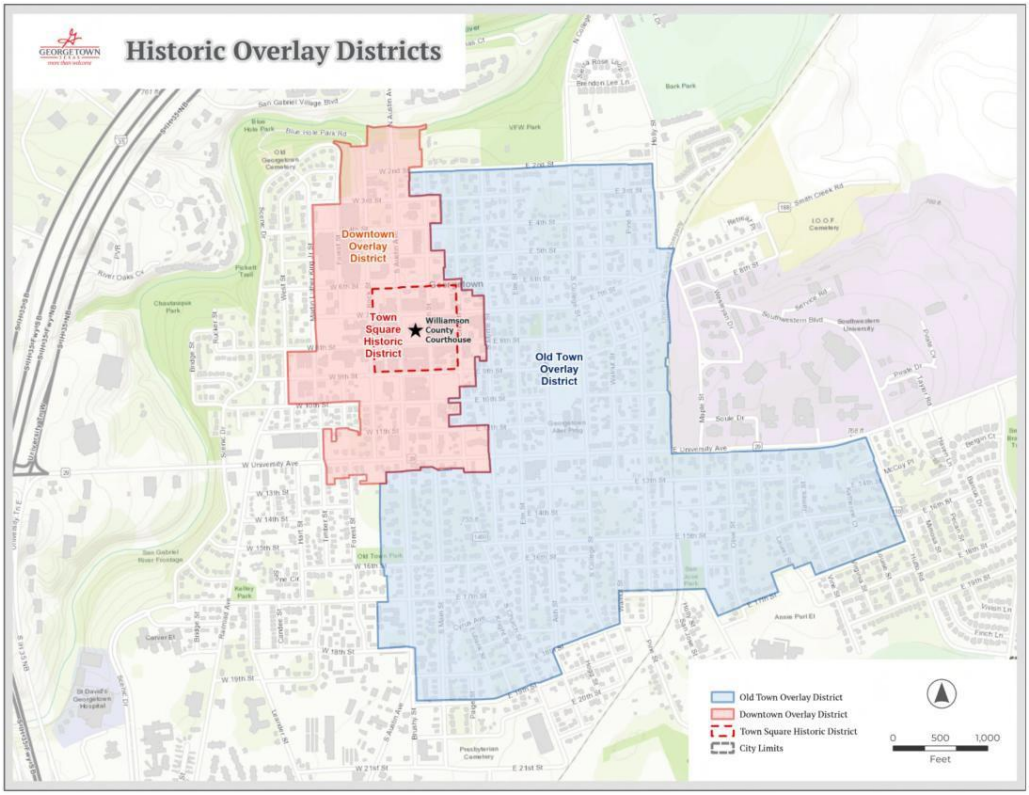
C. Designated Historic Districts

Designation of a Historic District shall be established and governed in accordance with this Code. This subsection contains all designated Historic Districts under this Code. Designated Historic Districts are as follows:

1. Town Square Historic District

The City Council designated the Town Square Historic District by the adoption of Ordinance No. 2001-48, the confines of which are defined as follows: All lots in Blocks 37, 38, 39, 40, 41, 50, 51, and 52 of the City of Georgetown, Texas, according to the map or plat thereof of record and which lots are all of those properties on the nine blocks surrounding and including the property that may commonly be referred to as the Public Square or Court House Square of the City of Georgetown, Williamson County, Texas. The precise boundaries are depicted on the map incorporated below.

Figure 5.03.010-5.03.01-3. Historic Overlay Districts Map



This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

D. Historic Landmark Designation

Designation of a Historic Landmark shall be established and governed in accordance with this Code. Buildings or structures to be protected, preserved, restored, and enhanced as a historic resource and in the interest of the culture, prosperity, education, and welfare of the City of Georgetown may be designated as a Historic Landmark by ordinance of the City Council. Upon designation of a building or structure as a Historic Landmark, the City Council shall cause this designation to be recorded in the official public record of real property of Williamson County and the City of Georgetown's Official Zoning Map. All zoning maps shall reflect historic landmarks by inclusion of the words "Historic Landmark" (HL) as a prefix to its use designation in accordance with this Code.

Section 5.04. General Development Standards for Historic Overlay Districts

5.04.010. Certificate of Appropriateness Required

All new buildings and changes to existing buildings located in a Historic Overlay District, designated as a Historic Landmark, or located in a National Register of Historic Places of the US National Park Service are subject to the Certificate of Appropriateness provisions of **Section 5.11** of this Code. Any activity requiring review of a Certificate of Appropriateness per **Section 5.11** of this Code will be subject to this section and the Historic District Design Guidelines adopted by the City of Georgetown.

5.04.020. Applicability of Historic Overlay District Standards

A. Each designated Historic Overlay District may have unique standards that are described in the adopting ordinance for that District.

B. The development and design standards contained within this section are intended to supplement any development and design standards of an underlying Base Zoning District. The standards of the underlying Base Zoning District, as well as those of any other applicable overlay District, shall remain in effect unless superseded by specific standards of the applicable Historic Overlay District.

C. In the event of a conflict between the development regulations of the underlying Zoning District and the provisions of this section, the provisions of this section shall apply.

D. Any regulations for a specific Historic Overlay District shall apply to all properties or structures wholly contained within that District and to only those portions of any property or District located within the District.

E. All uses permitted or conditionally permitted in the underlying Zoning Districts shall continue to be permitted or conditionally permitted, respectively, unless otherwise specified in the specific standard for the overlay District. The Historic and Architectural Review Commission (HARC) shall not have the authority to approve the specific use of a site.

5.04.030. General Guidelines Applicable to All Historic Overlay Districts

A. The historic character of a building or structure should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a building or structure should be avoided.

B. Each building or structure should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other structures, should not be undertaken.

C. Most buildings or structures change over time; those changes that have acquired historical significance in their own right should be retained and preserved.

D. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a building or structure should be preserved.

E. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires the replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

F. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.

G. Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures should be undertaken.

H. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the building or structure. The new work should be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the building or structure and its environment.

I. New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

J. Maintaining and repairing features is preferred over replacing features as to maintain the high-quality materials, character, and embodied energy of historic buildings and to reduce the amount of waste that goes to a landfill.

However, if features are deteriorated beyond repair in-kind replacement using new components that match the original in form, finish, and materials is favored. Substitute materials should be used only on a limited basis and only when they match the appearance and general properties of the historic material and will not damage the historic resource.

5.04.040. Demolition by Neglect

A. An owner of a building or structure designated as a historic landmark or located in a historic overlay district, or person with interest in the real property, shall not allow such structure to fall into a serious state of disrepair so as to result in deterioration which would, in the judgment of the Historic Preservation Officer and the Building Official, produce a detrimental effect upon the life and character of the structure itself.

B. The Building Official and Historic Preservation Officer of the City of Georgetown shall determine the "serious state of disrepair" in accordance with the most current form of the International Property Maintenance Code. Examples of such deterioration include, but are not limited to, the following:

1. Deterioration of walls or other vertical supports;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors;
6. Deterioration of exterior walls, doors, windows, or other means of interior access, so as to create a danger of trespassing;
7. Deterioration of plumbing and electrical systems affecting the exterior of the structure; or
8. A hazardous condition resulting from the deterioration of any exterior feature, which might indicate that demolition is necessary for the public safety.

C. A property owner, or person with interest in the real property, who is in violation of this section shall be subject to enforcement measures under **Chapter 17**.

D. Should compliance with this this section require more than ordinary maintenance and repair, the provisions of **Section 5.11**, Certificate of Appropriateness, shall be applicable.

Section 5.05. Downtown Overlay District Development Standards

5.05.010. Base Zoning District

A. General

Chapter 4 of the UDC establishes Zoning Districts that may be used within the City of Georgetown as authorized by the City Charter and the Texas Local Government Code. The zoning of a property can be found on the Official Zoning Map as outlined within this Code. While the majority of the Downtown Overlay District is located within the Mixed-Use Downtown District (MU-DT) it is important to consult the Official Zoning Map for the specific zoning designation of your property.

B. Mixed Use Downtown District (MU-DT)

The Mixed-Use Downtown District (MU-DT) is intended to provide a location for a mix of land uses including general commercial and retail activities, office as well as single-family and multifamily in the downtown area. Developments in the MU-DT District are typically smaller in size and scope although there may be occasionally heavy traffic. The MU-DT District is only appropriate in the traditional downtown area of Georgetown. Properties

in MU-DT shall meet the design requirements of the Downtown Overlay District and the Historic District Design Guidelines.

5.05.020. Use

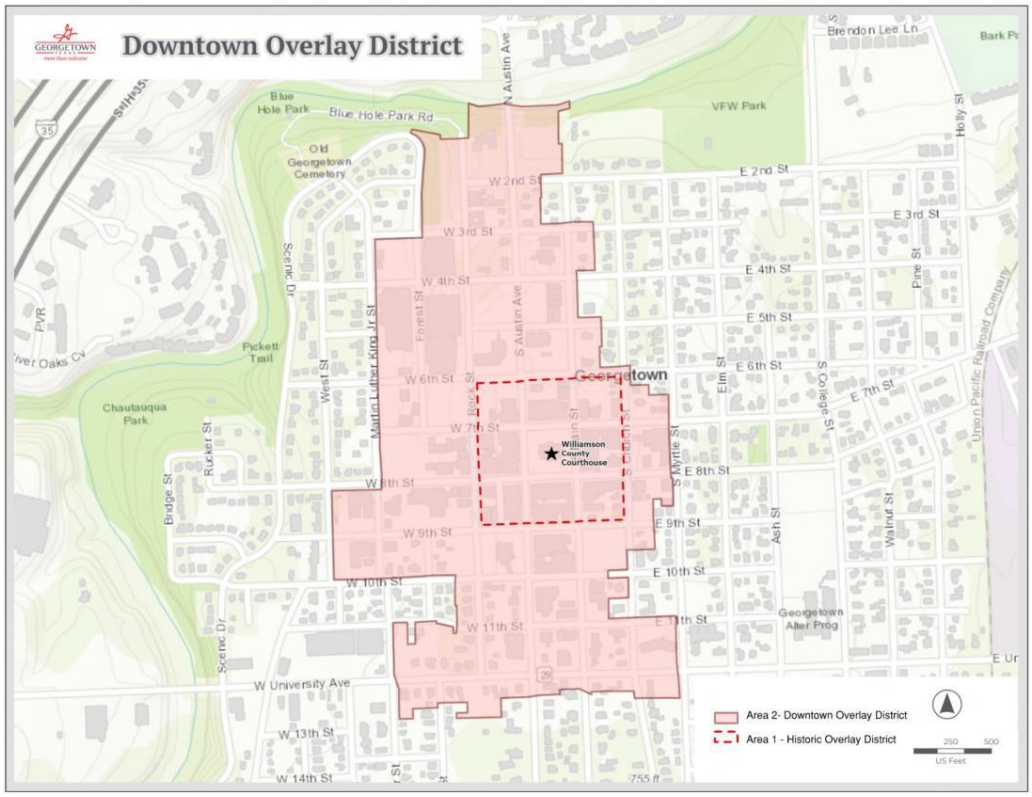
For uses allowed per Zoning District, see **Chapter 6**.

5.05.030. Parking

A. Off-Street Parking Requirements in the Downtown Overlay District

The following table lists minimum off-street parking requirements for the Downtown Overlay District. The boundaries for Area 1 and Area 2 are depicted on the map incorporated below.

Figure 5.05.030-5.05.03-1. Downtown Overlay Districts Map



This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

Table 5.05.030-1. Downtown Overlay District Off-Street Parking Requirements

Downtown Overlay District		
Downtown Overlay District	Retail buildings greater than 20,000 square feet in Area 1 †	1 per 1,500 sq ft GFA
	All other uses in Area 1	No off-street parking requirement

Downtown Overlay District		
	Residential Uses in Area 2	See the Household Living parking requirements **Table 11.02.040-1**
	Non-Residential Uses in Area 2†	1 per 500 sq ft GFA

† Retail and restaurant uses do not require off-street parking when a shared public parking lot is within 2 blocks of the proposed use.

A. Alternative Parking Plans

Alternative parking plans, as described in **Section 5.09** of this Code, may be considered.

5.05.040. Lot Size and Coverage

A. Lot and Dimensional Standards

1. Building setbacks adjacent to public rights-of-way in the Downtown Overlay District shall generally be assumed to be zero feet or "built to" the right-of-way line.
2. For lot dimensional standards, see **Section 8.02**.

5.05.050. Building Design

Design Goals for Area 1 and Area 2 are outlined in detail in the Historic District Design Guidelines. Guidelines for alterations to existing buildings and design goals for new infill construction will be used by City staff in evaluating the appropriateness of the proposed development.

A. Building Height

1. In the Downtown Overlay District, building height shall not exceed the maximum height permitted per subdistrict, unless a Certificate of Appropriateness is approved by HARC in accordance with the procedures set forth in **Section 5.11** of this Code.
2. Buildings located along the portion of Austin Avenue that lies within the boundaries of the Downtown Overlay District shall be at least two usable stories in height with an overall building height of not less than 20 feet.

5.05.060. Building Height

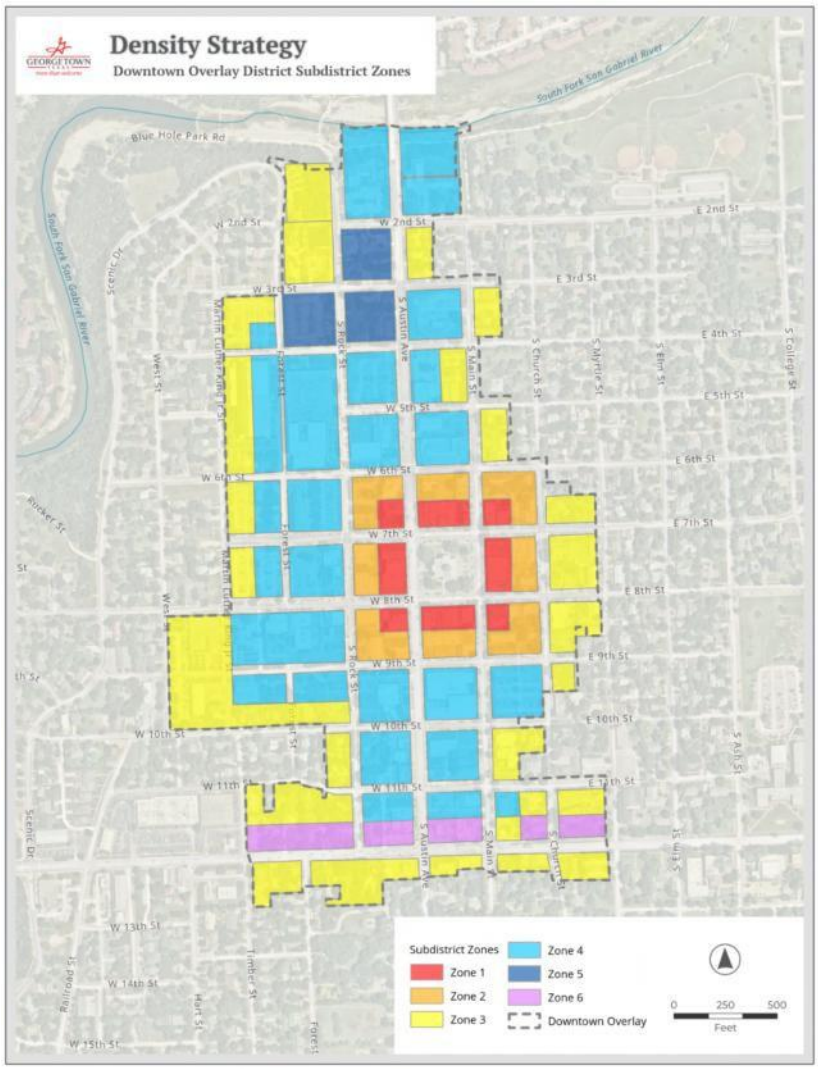
A. Purpose

The purpose of this section is to implement the mass and scale goals of the Downtown Master Plan.

B. Subdistricts

The following subdistricts of the Downtown Overlay District are graphically shown on the map below and are defined as follows:

Figure 5.05.060-5.05.06-1. Downtown Overlay District Subdistrict Zones



1. Zone 1 - The inner half- block within the Nine Block Square facing the County Courthouse.
2. Zone 2 - The outer half-block within the Nine Block Square not facing the County Courthouse.
3. Zone 3 - Transition zones between areas of Historic District Overlay and adjacent residential land use.
4. Zone 4 - Areas of increased height outside of the Nine Block Square.
5. Zone 5 - Properties north of the Nine Block Square where topography allows for additional building height
6. Zone 6 - Properties along University Avenue between MLK JR Street and Myrtle Street.

Table 5.05.060-1. Downtown Overlay District Building Height Maximum Requirements

Downtown Zone	Maximum Vertical Stories Allowed	Maximum Vertical Height Allowed*
Zone 1	2	35 feet
Zone 2	N/A	50 feet
Zone 3	N/A	35 feet
Zone 4	N/A	52 feet
Zone 5	N/A	64 feet
Zone 6	N/A	40 feet

*Maximum building height shall not exceed the height of the bottom of the balustrade of the County Courthouse

5.05.070. Signs

The sign standards shall be those contained within the Historic District Design Guidelines. In the event that no standards exist, the standards in this UDC shall apply, and may be modified in order to more accurately reflect the express language or the intent of the design guidelines in regard to signs.

5.05.080. Streets and Sidewalks

Streets and sidewalks adjacent to a property located within the Downtown Overlay District that is required to prepare a Site Development Plan shall be brought into compliance with the design standards in Section 14.04 of this Code and the Downtown Master Plan, as amended.

5.05.090. Tree Preservation, Landscaping, and Fencing

A. Please see **Chapter 9** and **Chapter 10** for applicable standards.

B. Street tree standards shall follow the requirements of **Section 9.05.070**.

5.05.100. Specific Exemptions to Development Standards

A. Development within the Downtown Overlay District are exempt from the following requirements:

1. **Subsection 14.06.040** on design and technical standards related to intersection visibility and sight triangles requires a 25-foot right-of-way flare.
2. **Section 15.03** on utility easement requirements for a 10-foot public utility easement (PUE) adjacent to all streets and a 15-foot PUE along major collector roadway classification and higher.

Section 5.06. Old Town Overlay District Development Standards

This section contains specific development and design standards applicable to properties located in the Old Town Overlay District of the City of Georgetown.

5.06.010. Base Zoning Districts

Chapter 4 establishes Zoning Districts that may be used within the City of Georgetown as authorized by the City Charter and the Texas Local Government Code. The zoning of a property can be found on the Official Zoning Map as outlined within this Code.

5.06.020. Use

For uses allowed per Zoning District, see **Chapter 6**.

5.06.030. Parking

The parking standards of **Table 11.02.040-1** shall apply. Alternative parking plans, as described in **Section 5.09** of this Code, may be considered.

5.06.040. Building Design

Design goals for the Old Town Overlay District are outlined in detail in the Historic District Design Guidelines. Guidelines for alterations to existing buildings and design goals for new infill construction will be used by City staff in evaluating the appropriateness of the proposed development.

5.06.050. Building Height

Buildings within the Old Town Overlay District shall not exceed 30 feet in height. However, a Certificate of Appropriateness may be approved in accordance with **Section 5.11** of this Code to allow utilization of the height limitation of the underlying Zoning District.

5.06.060. Signs

The sign standards contained within the Historic District Design Guidelines shall apply. In the event that no standards exist, the standards of this UDC shall apply and may be modified in order to more accurately reflect the express language or the intent of the design guidelines with regard to signs.

5.06.070. Setbacks

Setbacks shall be that of the underlying Base Zoning District. However, for residential structures in the Old Town Overlay District, a Certificate of Appropriateness may be approved in accordance with **Section 5.11** of this Code to allow a residential structure to encroach into a required setback.

5.06.080. Floor-to-Area Ratio

The floor-to-area-ratio (FAR) within the Old Town Overlay District shall not exceed 0.45, unless a Certificate of Appropriateness is approved in accordance with **Section 5.11**.

5.06.090. Tree Preservation, Landscaping, and Fencing

See **Chapter 9** and **Chapter 10** for applicable standards.

Section 5.07. Standards Specific to Designated Historic Districts

A. Town Square Designated Historic District

The Town Square Historic District shall follow the standards set forth for the Downtown Overlay District.

Section 5.08. Standards Specific to Historic Landmark Designation

A. Design, alterations, additions, and maintenance of a building or structure designated as a Historic Landmark shall be in keeping with applicable guidelines of the Historic District Design Guidelines as adopted by the City Council.

B. Buildings, structures, or sites designated as a Historic Landmark shall follow the standards set forth by the applicable underlying and Overlay Zoning Districts.

Section 5.09. Alternative Parking Plans in a Historic Overlay District

A. General

Within any Historic Overlay District, the Planning Director shall be authorized to approve alternatives to providing the number of off-street parking spaces required in accordance with this section.

B. Procedure

Alternative Parking Plans shall be reviewed and approved by the Planning Director following the procedures of the Administrative Exception process established in **Section 3.14** of this Code.

C. Recording of Approved Plans

Where an Alternative Parking Plan requires use of property other than the subject property, an attested copy of an approved Alternative Parking Plan must be recorded with the County Clerk on forms made available in the Planning Department. An Alternative Parking Plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the Certificate of Occupancy.

D. On-Street Parking

The Planning Director may approve counting on-street parking spaces to satisfy the requirements for off-street parking. Such on-street parking shall be located on public right-of-way directly abutting the subject property and shall be reviewed by the Development Engineer for compliance with City's standards for use of rights-of-way.

E. Off-Site Parking

The Planning Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

1. Location

No off-site parking space may be located more than 900 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote parking shuttle service is provided. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or remote parking shuttle service is provided.

2. Zoning Classification

Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

3. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must be for a specified time and guarantee the use of the off-site parking area for a minimum of five years. An attested copy of the agreement between the owners of record must be submitted to the Historic Preservation Officer, or designee, for recording in form established by the City Attorney. Recording of the agreement must take place

before issuance of a Building Permit or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be terminated only if all required off-street parking spaces are provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided, and the Historic Preservation Officer, or designee, shall be notified at least 60 days prior to the termination of a lease for off-site parking.

F. Shared Parking

The Planning Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

1. Location

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2. Zoning Classification

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

3. Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the City that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the City and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. Agreement for Shared Parking

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the City for recording in a form established by the City Attorney. Recording of the agreement must take place before issuance of a Building Permit for any use to be served by the off-site parking area. A shared parking agreement may be terminated only if all required off-street parking spaces are provided.

G. Fee-In Lieu of Parking

The Planning Director may approve the acceptance of a fee-in-lieu of required parking in extreme cases where none of the alternatives above, alone or in combination, provide for the requisite number of spaces. Such fee shall be established by the City Council as part of the adopted fee schedule.

H. Other Eligible Alternatives

The Planning Director may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the City that the proposed plan will function equally well in protecting surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design than would strict compliance with otherwise applicable off-street parking standards. Such alternatives may include, but are not limited to, the use of tandem parking spaces.

Section 5.10. Development Review Process

A. Purpose

The purpose of this section is to provide an overview of the development review process that projects within the Downtown and Old Town Overlay District need to take.

B. Simultaneous Submission of Related Applications

1. Policy Applications

   a. Zoning – see **Section 3.07**

   b. Preliminary Plat – see **Subsection 3.15.070**

      Exception: A Preliminary Plat shall not be submitted until final approval of a Planned Unit Development (PUD) zoning request.

   c. Construction Plans – see **Subsection 3.15.100**

2. Development Applications

   a. Final Plat – see **Subsection 3.15.080.B**

   b. Certificate of Appropriateness – see **Section 5.11**

   c. Site Development Plan – see **Section 3.17**

3. Building Permits

   An application for a Building Permit shall not be submitted to the City until review of the first submittal of the corresponding Site Development Plan has been completed by staff, and the comments have been forwarded to the applicant.

C. Pursuant to the authority granted to the City by Texas Local Government Code Chapter 211 and the City Charter, a Certificate of Appropriateness is required in accordance with **Table 5.11.010-1** below. Activities that include more than one project (scope of work) shall be subject to the review process and criteria for approval for each specific project as identified in **Table 5.11.010-1**.

Section 5.11. Certificate of Appropriateness

5.11.010. Applicability

A. Pursuant to the authority granted to the City by Texas Local Government Code Chapter 211 and the City Charter, a Certificate of Appropriateness is required in accordance with **Table 5.11.010-1** below. Activities that include more than one project (scope of work) shall be subject to the review process and criteria for approval for each specific project as identified in **Table 5.11.010-1**.

Table 5.11.010-1. Certificate of Appropriateness Required

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
New Construction (Infill Development)		
New building construction	All Historic Overlay Districts	HARC
Additions		
Addition that creates a new, or adds to an existing, street-facing façade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)	HARC

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)	HPO
	Non-Contributing Historic Structure	HPO
Addition of a non-street-facing façade	Historic Landmark	HARC
	Contributing Historic Structure	HPO
	Non-Contributing Historic Structure	NR
New addition does not comply with the development standards of the Historic Overlay District	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Awning or canopy	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Porch, patio, deck, pergola, or sail sunshade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Reconstruction, Alterations, Changes		
Restoring historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Replacing a non-historic architectural feature with a non-historic architectural feature±	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Replacing a historic non-architectural feature with a non-historic architectural feature	Historic Landmark	HPO
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Replacing roof materials with different roof materials±	Historic Landmark	HARC
	Contributing Historic Structure	HPO
	Non-Contributing Historic Structure	NR
Modifications to exterior steps, stairways, and ramps using in-kind material	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Modifications to exterior steps, stairways, and ramps	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Paint removal from historic and significant architectural features (back to original condition; does not include repainting)	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Changes to paint color on previously painted surfaces (includes repainting or new paint on previously painted surface)	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
	Historic Landmark	HPO

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
New paint on unpainted historic and other significant architectural features	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Changes in color to awning fabric	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Exterior lighting that is attached to the building or structure	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Rooftop HVAC, mechanical, or communication equipment that result in no modifications to the building façade	Historic Landmark*	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Rooftop HVAC, mechanical, or communication equipment that result in modifications to the building façade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structure as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Removal, Demolition, or Relocation		
Awnings or canopies	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structure as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Exterior non-historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Exterior siding to unencapsulate historic siding materials	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
Removal, stripping, concealing, or destruction of any historic and architectural feature that is integral to the historic character of the building or structure or Historic Overlay District	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)	HPO
	Non-Contributing Historic Structure*	HPO
Non-historic additions that are made of non-historic materials	Historic Landmark	HPO
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Attached carport, porch, patio, or deck	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Attached carport, porch, patio, or deck made of non-historic materials	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Reopen enclosed porch, patio, or deck to original condition	Historic Landmark	HPO‡
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Street facing façade	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Demolition that results in the reduction or loss in the total square footage of the existing structure	Historic Landmark	HARC
	Contributing Historic Structure	
	High Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District	HARC
	Medium Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District	HPO
Relocation of a building or structure on the same lot	Historic Landmark	HPO
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
	Historic Landmark	HARC

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
Relocation of a building or structure to a Historic Overlay District (includes relocation of buildings or structures within the same Historic Overlay Districts)	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Relocation of a building or structure outside of the Historic Overlay District	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Signage		
Master Sign Plan	All Historic Overlay Districts	HPO
New signage, to include new signage that is consistent with an approved Master Sign Plan		HPO
New signage that is inconsistent with an approved Master Sign Plan or applicable guidelines		HARC
Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting, or total sign area		HPO
Amending an approved Master Sign Plan		HPO
Fences		
New fence, railing, or wall that is inconsistent with the overlay District's characteristics and applicable guidelines	All Historic Overlay Districts†	HARC
Relief from **9.06.040. Residential Fences** for new fence that is enclosing a rear yard, set back at least 10 feet, and meets the material standards (see **9.06.080**)	All Historic Overlay Districts	HPO
Miscellaneous		
Exceptions on building height, setbacks, and FAR alternative standards pursuant to **Section 4.08** of this Code	All Historic Overlay District	HARC
Renewal of an expired Certificate of Appropriateness (where no additional changes are proposed)	All Historic Overlay Districts	HPO
	Historic Landmark	

* Only applicable to a street-facing façade.

† Only applicable to fences along a street lot line or located in a street yard

‡ CLG demo delay period and Demolition Subcommittee review not applicable

± Material that is intended to replace a historic material or feature that is either the same or a similar material, and the result will match all visual aspects, including form, color, and workmanship in order to retain the original design of the structure, may be permitted by the identified decision maker for medium and low priority resources.

B. Exemptions

A Certificate of Appropriateness shall not be required for the following:

1. Ordinary maintenance and repair, as this term is defined in **Chapter 18** of this Code.
2. Interior construction or alterations provided the alterations do not alter the exterior wall of the building.

3. New additions to existing single-family and two-family structures provided the addition does not create or add to a street-facing façade, and the addition, in combination with the existing building, is in compliance with the zoning standards of the Historic Overlay District.
4. New, modifications to, or removal of existing awnings (to include changes in color), canopies, exterior paint color, or exterior lighting attached to a single-family or two-family residential structure, provided the alterations do not alter the exterior wall of a building designated as a Historic Landmark.
5. Demolition of a building or structure that the Building Official has declared a dangerous structure in accordance with Chapter 15.40 of the City Code, as amended, or determined that demolition is necessary for the preservation of the public health, safety, and welfare.
    a. Should the Building Official declare a building a dangerous structure or determine that demolition is necessary for the preservation of public health, safety, and welfare, the Building Official shall coordinate with the Historic Preservation Officer and property owner to identify historic and significant architectural features that are unique to the building or structure, era or District and that may be salvaged.
    b. The Historic Preservation Officer shall create a record of the building or structure to be demolished through archival-quality photo-documentation, drawings, and other information similar to those required by the Historic American Buildings Survey. The list of identified historic and significant architectural features to be salvaged shall also be made part of this record.
6. New fence, railing or wall that is consistent with the overlay District's characteristics and applicable guidelines.
7. Site alterations and other hardscape features provided that these do not alter a building or structure designated as a Historic Landmark or that is a contributing historic structure to the Historic Overlay District.
8. New or modifications to mechanical equipment on residential structures.

C. No Building Permit shall be issued by the Building Official for any building or structure designated as a Historic Landmark or that is located in a Historic Overlay District until the application for such permit has been reviewed and approved by the Historic and Architectural Review Commission or the Historic Preservation Officer, as applicable, and the project, as proposed, is in compliance with all other applicable regulations of this Code.

5.11.020. Certificate of Appropriateness—Administrative Approval

A. Review Process

1. Initiation

    Initiation of a Certificate of Appropriateness to the Historic Preservation Officer may be made upon application by the property owner of the affected property or their authorized agent following the established application processes and requirements of this chapter.

2. Application Completeness
    a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable Certificate of Appropriateness checklist.
    b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material necessary to review conformance with applicable criteria for approval in accordance with this Code.
3. Staff Review

    Once a Certificate of Appropriateness has been initiated and the application deemed complete, the Historic Preservation Officer shall review the application for consistency with any applicable criteria for approval.

4. Responsibility for Final Action
   a. The Historic Preservation Officer is responsible for final action on a Certificate of Appropriateness for certain projects as specified in Section **5.11.010. Applicability**.
   b. The Historic Preservation Officer shall approve, approve with conditions, or deny the request.
   c. Should the Historic Preservation Officer be unable to approve the request, the Historic Preservation Officer may forward the request to the Historic and Architectural Review Commission (HARC) for review and final action at the next available meeting following public notification in accordance with **Section 3.03. Public Hearing and Notice**.

B. Criteria for Approval

The Historic Preservation Officer shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;
2. Compliance with applicable design and development standards of this Code;
3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable;
4. Compliance with the adopted Historic District Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District;
5. The overall character of the applicable Historic Overlay District and the building or structure is preserved, and the design is compatible with the Historic Overlay; and
6. The request is in keeping with the adopted Historic District Design Guidelines and character of the Historic Overlay District.

5.11.030. Certificate of Appropriateness—HARC Approval

A. Review Process

1. Initiation

   Initiation of a Certificate of Appropriateness to the Historic and Architectural Review Commission may be made upon application by the property owner of the affected property or their authorized agent following the established application processes and requirements of this chapter.

2. Application Completeness
   a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable Certificate of Appropriateness checklist.
   b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material necessary to review conformance with applicable criteria for approval in accordance with this Code.
3. Staff Review
   a. Once a Certificate of Appropriateness has been initiated and the application deemed complete, the Historic Preservation Officer shall review the application for consistency with any applicable criteria for approval.
   b. The Historic Preservation Officer shall prepare a report to the Historic and Architectural Review Commission.

c. The Historic Preservation Officer's report shall include a recommendation for final action.

4. Responsibility for Final Action

a. The Historic and Architectural Review Commission shall review the application, the Historic Preservation Officer's report, conduct a hearing in accordance with the Historic and Architectural Review Commission's established procedures and state law, and take final action on the application within 35 days of the application hearing unless the applicant agrees to extend the time.

b. An application before the Historic and Architectural Review Commission shall be considered approved by a majority vote of all members of the Historic and Architectural Review Commission.

B. Criteria for Approval

The Historic and Architectural Review Commission shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;
2. Compliance with applicable design standards of this Code;
3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable;
4. Compliance with the adopted Historic District Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District;
5. The general historic, cultural, and architectural integrity of the building, structure, or site is preserved;
6. New buildings or additions are designed to be compatible with surrounding properties in the applicable Historic Overlay District;
7. The overall character of the applicable historic overlay district is protected; and
8. The Master Sign Plan is in keeping with the adopted Historic District Design Guidelines and character of the Historic Overlay District.

C. Additional Criteria for Approval for Building Height Modification

1. Applicants requesting exceptions to the building height standards set forth in **5.05.050.A** must submit documentation to HARC that the following standards will be met if the requested exception to the height standards is approved:

a. The proposed building or addition shall not obscure views to and from the Courthouse or overwhelm or detract from views of the Town Square Historic District;

b. The proposed building or addition shall be compatible with the height, scale, massing, and volume reflected in the Downtown Overlay District, and the historic character of the District; and

c. The proposed building shall be an extraordinary contribution to the aesthetic and economic goals of the Downtown Master Plan.

2. The documentation required by **Section 5.11.030.C.1** must include, at a minimum, the following information:

a. A visual analysis that identifies:

(i) The extent to which the building would impact views to and from the Courthouse, and to what extent the building will be visible from four directions; and

(ii) How the building will relate to the context of the surrounding structures and the character of the District.

b. A summary of the conclusions of the visual analysis as to how the proposed building will impact the District, specifically the immediate surroundings.

3. HARC may grant a request for a variation in height from the standards set forth in **Section 5.05.060** or **5.06.050** only if it determines that the following goals or purposes will still be achieved:

a. Views to and from the Courthouse and to and from the Town Square Historic District will be protected; and

b. The character of the Downtown Overlay District and the Town Square Historic District will be defined, reinforced, and preserved; and

c. The relationship of the proposed project to the existing structures in the immediate vicinity remains consistent; and

d. The proposed project allows for the best utilization of redevelopment in the Downtown Overlay District and the Town Square Historic District; and

e. The proposed project protects the historic buildings in the Downtown Overlay District.

D. Additional Criteria for Approval of a Setback Modification

1. The Historic and Architectural Review Commission may grant a Certificate of Appropriateness, per **Section 5.11**, to modify the setback standards of the underlying Base Zoning District for residential properties located within the Old Town Overlay District.

2. HARC may consider the following in determining whether to approve a Certificate of Appropriateness for a setback exception:

a. Whether the proposed setback encroachment is solely a matter of convenience;

b. Whether there is adequate room on the site to allow the proposed addition or new structure without encroaching into the setback;

c. Whether the proposed setback is compatible and in context within the block in which the subject property is located;

d. Whether the proposed addition or new structure will be set closer to the street than other units within the block;

e. Whether the proposed structure is replacing a structure removed within the past year;

f. Whether the proposed structure will replace a structure that previously existed with relatively the same footprint and encroachment as proposed;

g. If the proposed encroachment is for a structure that is replacing another structure, whether the proposed structure is significantly larger than the original;

h. If the proposed encroachment is for an addition, the scale of the addition compared to the original house;

i. The size of the proposed structure compared to similar structures within the same block;

j. Whether the proposed addition or new structure will negatively impact adjoining properties, including limiting their ability to maintain existing buildings;

k. Whether there is adequate space for maintenance of the proposed addition or new structure and/or any adjacent structures; and/or

l. Whether the encroachment would enable existing large trees or significant features of the lot to be preserved.

E. Additional Requirements for Relocation, Removal, or Demolition of a Historic Landmark or Contributing Historic Structure.

In addition to the staff review process established in **Section 5.11.030.A. Review Process**, applications for a Certificate of Appropriateness for the relocation, removal, or demolition of a building or structure designated as a Historic Landmark or contributing historic structure shall be subject to the following additional review:

1. Demolition Delay Period Certified Local Government (CLG) Program
   a. Upon deeming the application complete, requests for a Certificate of Appropriateness for demolition of a Historic Landmark or contributing historic structure shall be subject to a 60-day demolition delay period. The Historic and Architectural Review Commission shall not take action on a request for demolition until the 60-day demolition delay period is complete.
   b. During this 60-day delay period, the applicant shall coordinate with the Historic Preservation Officer to reach a satisfactory resolution that preserves the building or structure or that preserves historic and significant architectural features unique to the building or structure, era, or District.
   c. The Historic Preservation Officer shall coordinate with local, county, and other historical organizations to explore possibilities for preserving, to include the possible relocation of the structure.
   d. The Historic Preservation Officer shall present the findings and resolution, if applicable, to the Historic and Architectural Review Commission with the request.
2. Demolition Subcommittee Review
   a. No later than the 30th day from deeming the application complete, the Historic and Architectural Review Commission's Demolition Subcommittee shall complete a walk-through of the building or structure proposed to be demolished or relocated with the Historic Preservation Officer and the applicant.
   b. The Demolition Subcommittee shall review the application and analyze the building or structure to determine possibility of preservation and restoration, and appropriateness for demolition or relocation. In the event of demolition, the Demolition Subcommittee shall also create a list of historic salvageable materials identified during the walk-through.
   c. The Demolition Subcommittee's report shall include a recommendation for final action.
3. Responsibility of Final Action
   a. In addition to the application, and the Historic Preservation Officer's report, the Historic and Architectural Review Commission shall review the recommendation by the Demolition Subcommittee, conduct a hearing in accordance with the HARC's established procedures and state law, and take final action on the application within 35 days of the application hearing unless the applicant agrees to extend the time.
   b. As conditions of approval, the Historic and Architectural Review Commission may require historical materials to be salvaged, archival-quality photo-documentation, and/or architectural drawings of the building or structure proposed to be demolished or relocated similar to those required by the Historic American Buildings Survey to be submitted to the Historic Preservation Officer.

F. Criteria for Approval for Relocation, Removal, or Demolition of a Historic Landmark or Contributing Historic Structure.

1. The Historic and Architectural Review Commission shall use circumstances or items unique to the building or structure proposed to be relocated, removed, or demolished when reviewing the application.
2. The Historic and Architectural Review Commission shall make the following findings when considering a request for demolition or relocation of a structure:

a. Loss of Significance

(i) The applicant has provided information that the building or structure is no longer historically, culturally, or architecturally significant, or is no longer contributing to the Historic Overlay District; and

(ii) The applicant has established that the building or structure has undergone significant and irreversible changes, which have caused the building or structure to lose the historical, cultural, or architectural significance, qualities, or features that qualified the building or structure for such designation; and

(iii) The applicant has demonstrated that any changes to the building or structure were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction, or lack of maintenance rising to the level of a demolition by neglect; and

(iv) Demolition or relocation of the building or structure will not cause significant adverse effects on the Historic Overlay District or the City's historic resources; or

b. Unreasonable Economic Hardship

(i) The applicant has demonstrated that the property owner cannot take reasonable, practical or viable measures to adaptively use, rehabilitate or restore the building or structure, or make reasonable beneficial use of, or realize a reasonable rate of return on a building or structure unless the building or structure may be demolished or relocated; and

(ii) The applicant must prove that the structure cannot be reasonably adapted for any other feasible use, which would result in a reasonable rate of return; or

c. There is a compelling public interest that justifies relocation, removal, or demolition of the structure.

3. Relocation of a Structure to a Historic Overlay District

In the event the building or structure is proposed to be relocated to a property in a Historic Overlay District, in addition to the above, the applicant must demonstrate the following with the application:

a. The architectural compatibility of the relocated building or structure with adjacent buildings according to the applicable Historic District Design Guidelines and UDC standards for new construction; and

b. The proposed siting, setback, and other applicable site-specific treatments according to pertinent Historic District Design Guidelines and UDC standards of the applicable historic overlay district; and

c. Relocation will not damage existing contributing historical buildings or structures, or the character of the Historic Overlay District.

G. Additional Criteria for Approval of a Floor-to-Area Ratio Modification

1. The Historic and Architectural Review Commission may grant a Certificate of Appropriateness, per **Section 5.11** of this Code, to increase the Floor-to-Area Ratio (FAR) for properties located within the Old Town Overlay District.

2. HARC may consider the following in determining whether to approve a Certificate of Appropriateness for a FAR exception:

a. Whether the proposed FAR increase is solely a matter of convenience;

b. Whether the proposed FAR and resulting design is compatible and in context/scale within the block in which the subject property is located;

c. Whether the proposed addition or new structure will be set behind existing structures in order to maintain appropriate scale and preserve/emphasize character elements of contributing historic resources on the subject property and other units within the block;

d. Whether the proposed structure is replacing a structure removed within the past year;

e. Whether the proposed structure will replace a structure that previously existed with relatively the same footprint and FAR as proposed;

f. If the proposed FAR increase is for a structure that is replacing another structure, whether the proposed structure is significantly larger than the original;

g. If the proposed FAR increase is for an addition, the scale of the addition compared to the original house;

h. Whether the proposed addition or new structure will negatively impact adjoining properties, including limiting their ability to maintain existing buildings; and/or

i. Whether there is adequate space for maintenance of the proposed addition or new structure and/or any adjacent structures.

5.11.040. Relocation, Removal or Demolition Prior to Approval of a Certificate of Appropriateness

A. Demolition, including demolition by neglect, of a building or structure prior to approval of a Certificate of Appropriateness by the Historic and Architectural Review Commission, when required, shall be subject to an automatic hold on all permits. No permit may be granted until this period is complete, and the Historic and Architectural Review Commission has granted a Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable.

B. The permit delay period shall be determined by the Historic and Architectural Review Commission, but in no case shall it exceed 365 days.

C. The Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable, shall be reviewed and final action taken by the Historic and Architectural Review Commission concurrently with the determination of the longevity of the permit hold period.

D. During this delay period, the applicant shall provide the following information to the Historic Preservation Officer:

1. Documentation regarding the original and existing condition of the building or structure, to include structural integrity and the extent of work necessary to stabilize the building or structure.

2. Site development plan (or plot plan) identifying proposed development on-site following demolition of the building or structure.

3. List of any salvageable materials, and a plan offering donation or sale of the remaining building or structure and any salvageable materials identified.

E. In the event of demolition by neglect, the applicant shall complete any work required to stabilize and arrest further deterioration of the building or structure.

5.11.050. Certificate and Compliance Inspections

A. It shall be the responsibility of the Historic Preservation Officer to issue the actual Certificate of Appropriateness following approval by the Historic Preservation Officer or the HARC, with any designated conditions, and to maintain a copy of the Certificate of Appropriateness, together with the proposed plans. The certificate shall be forwarded to the Building Official. These shall be public documents for all purposes.

B. Work performed pursuant to the issuance of a Certificate of Appropriateness shall conform to the requirements of the certificate. In the event that work is not in compliance, the Building Official shall issue a stop work order and/or citation as prescribed by ordinance.

5.11.060. Limits on Resubmission

No application for the same project shall be considered within 180 days of the rejection or disapproval by the Historic and Architectural Review Commission or Historic Preservation Officer, as applicable, of an application. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the Historic and Architectural Review Commission or Historic Preservation Officer, as applicable, at any time.

5.11.070. Expiration

A. A Certificate of Appropriateness, except as noted below, expires if the work authorized by the Certificate of Appropriateness does not commence within 24 months from the date of the final action to approve the request. In the case of a phased project, after the initial phase is complete or a Certificate of Occupancy has been issued, each subsequent phase shall commence within 24 months of the completion or Certificate of Occupancy of the prior phase. The Historic Preservation Officer may extend the time for commencement of work upon written request by the applicant prior to the expiration date of the Certificate of Appropriateness. The applicant may request an extension a maximum of two times, up to 90 days for each request.

B. A Certificate of Appropriateness for relocation, removal, or demolition expires if a permit for relocation or demolition has not been issued within 180 days or, if a permit is not required, the work authorized by the Certificate of Appropriateness does not commence within 180 days from the date of the final decision to approve the request. The Historic Preservation Officer may extend the time for commencement of work upon written request of the applicant prior to the expiration date of the Certificate of Appropriateness. The applicant may request an extension a maximum of two times, up to 90 days for each request.

5.11.080. Appeals

A person aggrieved by a final action of the Historic and Architectural Review Commission on a Certificate of Appropriateness may appeal to the City Council, pursuant to the procedures set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the final action.

Appeals from an administratively issued Certificate of Appropriateness will be processed through the Historic and Architectural Review Commission, subject to the procedures established for new applications and set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the administrative action.

A. Appeal Hearing

The hearing shall be set for the next available City Council or HARC meeting, subject to the provision of public notification. Notification shall be provided in the same manner as the initial Certificate of Appropriateness.

B. Burden of Proof in Appeals

When an appeal is considered by the City Council or HARC, the final action by the original reviewing authority is presumed to be valid. The person filing the appeal shall present sufficient evidence and have the burden to justify a reversal of the action being appealed.

C. Findings and Conclusions

All findings and conclusions necessary to the appeal decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) will be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed. In exercising its authority, as an appellate body, the City Council or HARC may reverse or affirm, in whole or in part, the original order, requirement, decision, or determination from which an appeal is taken and make the correct

order, requirement, decision, or determination, and for that purpose the City Council or HARC, as an appellate body, has the same authority as the original reviewing authority.

D. Decision on Appeal

As an appellate body, the City Council or HARC shall review the application, the staff report, and meeting minutes, conduct a hearing in accordance with established procedures and state law, and take final action on the appeal by a majority vote of City Councilmembers or members of HARC. In the event of a tie among the City Councilmembers, the Mayor shall vote as permitted in the City Charter.

Chapter 6. Zoning Use Regulations

Section 6.01. Zoning Uses

6.01.010. General

A. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

B. Purpose

Section 6.02 is intended to provide a list of uses allowed within each of the City's Zoning Districts. Approval of a use listed in this chapter, and compliance with the applicable use-specific standards for that use, authorize that use only.

C. Compliance with Code of Ordinances

Other sections of the City of Georgetown Code of Ordinances, along with other City regulations, may also apply to or affect a proposed use in addition to the standards in this **Chapter 6**.

6.01.020. Zoning Use Classifications

A. Use Categories

A primary use is assigned to the Use Category that most closely corresponds to its nature as described in the characteristics of each Use Category. Use Categories classify land uses and activities based on similar functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

B. Use Tables

The Use Table (**Section 6.02** below) depicts the specific zoning uses allowed by Zoning District. The table may be further divided by use category, for example "Residential Uses" that contains specific listed uses and their corresponding Zoning Districts. All of the uses listed in the Use Tables found in this chapter are defined in **Chapter 18. Definitions** . Below is a key to the Use Table indicating how each use is treated by District.

1. Uses Permitted by Right

   A "P" indicates that a use is allowed by right. Such uses are subject to all other applicable regulations of this UDC and the City Code of Ordinances.

2. Uses with Limitations

   An "L" indicates that a use is permitted, provided that it meets additional standards or limitations referenced in the far right "Note" column of each Use Table. These standards can be found following each use table. Such uses are subject to all other applicable regulations of this UDC and the City Code of Ordinances.

3. Uses with Special Use Permit

   An "S" indicates that a use is allowed only if granted a Special Use Permit by the City Council in accordance with the procedures in **Section 3.10** and the limitations following each use table. Uses that require a Special Use Permit are required to meet all other applicable regulations of this UDC and the City Code of Ordinances, including the additional standards contained in the limitation section of each use category.

4. Uses Not Allowed

A cell left blank indicates that a use is not allowed.

C. Multiple Primary Uses

Multiple primary uses on one lot shall be allowed only if each individual use is allowed in the underlying District, unless otherwise specified by this UDC or the City Code of Ordinances. Limitations or Special Use Permits required of any of the primary uses shall be met or obtained before commencement of any use. In the event of a conflict between limitations following each use table, the stricter provision shall apply.

D. General Construction of the Use Table

The Use Table organizes uses alphabetically according to one of the following categories:

1. Residential Uses

   Encompasses uses intended for residential dwellings and related accessory uses. These uses include single-family and multi-family residential structures and accommodate groups of people that may exceed the definition of household.

2. Civic Uses & Institutional Uses

   Encompasses uses that provide community services to or for the general public. Civic uses are typically found in Non-Residential Zoning Districts but may be allowed in Residential Districts, often with limitations or Special Use Permits. These uses are generally public or non-profit but also include for-profit entities that provide a service to the general public. Civic uses include, but are not limited to, facilities for education, daycare, government, social services, institutions, places of worship, and parks and open spaces.

3. Commercial Uses

   Encompasses uses that include businesses that facilitate the buying and selling of manufactured goods or provide consumer and professional sales and services. These uses may include, but are not limited to, overnight accommodations, establishments for food and beverage preparation and consumption, entertainment or recreation-oriented activities, out-patient or home-care health and medical services, and professional and business offices. A commercial use also encompasses retail sales and service uses for personal improvement, self-storage, heavy commercial and wholesale sales and services, and automobile sales, repair, and service.

4. Transportation & Utility Uses

   Encompasses uses that are intended for public or private utilities and large-scale communication transmission facilities. These uses may serve small or large-scale areas with various intensity and nuisance. Transportation uses include, but are not limited to, electrical transmission lines, water and sewer infrastructure and treatment. Utility uses typically contain light traffic and minimal personnel although some larger uses, which serve the general community, may not be compatible in residential areas.

5. Industrial Uses

   Encompasses uses that range from light manufacturing and assembly, equipment servicing, storage/freight management to waste-related services. Public traffic and on-site sales are very limited. Industrial uses and facilities are typically incompatible near residential Districts

6. Agricultural Uses

   Encompasses uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

7. Accessory Uses

   Encompasses uses that are ancillary or secondary to a primary use established elsewhere by this chapter.

8. Temporary Uses

   Encompasses uses with a fixed, usually short-term, period of time with the intent to discontinue the use upon the expiration of the time. Temporary uses have characteristics that require certain restrictions in order to ensure compatibility with other uses in the Zoning District in which they are proposed.

E. Specific Use Terms and Definitions

1. The names of the specific uses listed in each Use Table are defined in **Chapter 18** of this Code.
2. The definition given in the Use Table is intended to provide a general description of the use, in addition to any standards or conditions appearing in this UDC that are directly related to the use that the Director may rely upon when identifying and defining a use.
3. The Use Table and associated definitions are intended to provide a technical reference to each use, and as such the terms used take precedence over any non-technical, lay, common, or shorthand usage of particular terms, or other housing types not meeting the strict definition of those housing types). The applicant for approval of any use is responsible for determining the applicable use and its correct term and definition prior to commencing construction or preparation of plans.

F. Accessory Uses

1. Accessory uses are those activities that are incidental and subordinate to a primary use but customarily associated with the particular primary use. The following are two examples of primary uses and some of their possible accessory uses:
   a. A high school may typically include, but may not be limited to, accessory uses such as a cafeteria, library, maintenance facility, meeting rooms, auditorium, laboratories, indoor recreation courts, outdoor recreational fields, and concession stands.
   b. A hospital may include, but may not be limited to, a cafeteria and a small retail operation.
2. An accessory use may be determined to be an allowed accessory use to a primary use if:
   a. It is listed as an accessory use to the primary use in the definition of such primary use in **Chapter 18** of this Code; or
   b. It is determined to be customarily associated with the primary use. If a proposed Accessory Use is not specifically defined, the Director shall have the authority to determine if an accessory use is customarily associated with a primary use following the criteria in this **Subsection 6.01.020.F**.
3. An allowed accessory use shall be consistent with the following:
   a. The accessory use shall be subordinate to and dependent upon an authorized primary use;
   b. The accessory use shall be smaller in floor area than the primary use;
   c. The accessory use shall be subject to the same regulations as the primary use, unless otherwise specified by this UDC;
   d. The accessory use must be a permitted use within the same Zoning District as the primary use. In addition, if an accessory use is subject to limitations as a primary use then those same limitations shall apply to the accessory use, unless otherwise specified by this UDC

6.01.030. Determination of Unlisted Uses

A. Determination by Director

1. Determination of the appropriate Zoning District for a use not listed in the Use Table shall be made by the Director in accordance with the provisions of **Subsection 6.01.030.B** below.

2. When considering appropriate Districts for a use not listed in the Use Table, the District Purpose Statements in **Chapter 7** and **Chapter 8**, the descriptive characteristics of each use category, and definitions of similar uses shall be considered.
3. Upon receiving an application for an unlisted use, the Director may make a determination, based on these considerations, that such a use:
    a. Be allowed by right as an authorized use under one or more listed uses in the current Use Table; or
    b. Not be allowed under this UDC, therefore requiring approval of a Text Amendment to this UDC prior to receiving approval of the use.

B. The following criteria shall be used to determine 1) the appropriate use for an activity not specifically listed in the Use Tables, and 2) whether a use is considered primary or accessory.
1. The definitions of similar primary uses;
2. The descriptions of the use categories that include similar uses;
3. The actual or projected characteristics of the activity in relationship to the characteristics proposed by the applicant for the use;
4. The intensity or relative impact of the use upon the site and surrounding properties;
5. The traffic impact generated by the use based on vehicle trips generated and types of vehicles used;
6. The relative number of employees for each activity associated with the proposed use;
7. Hours of operation of the proposed use;
8. Parking requirements for the proposed use. In making a use determination, the Director is authorized to apply a required parking ratio that is appropriate to the use, based on the required parking ratio for similar uses found in the Use Table;
9. Noise levels generated by activities associated with the proposed use;
10. Lighting required for activities associated with the proposed use; and
11. Whether the activity is likely to be found independent of the other activities on the site.

C. The Director's determination shall be made public on the City's website for 30 days following the decision and shall be considered final if no appeal is filed during that time frame.

D. Appeal of Unlisted Use Determination. The Zoning Board of Adjustment may hear and decide an appeal that alleges error in a determination made by the Director in the enforcement of this chapter. In exercising its authority under this subsection, the Board may reverse or affirm, in whole or in part, or modify the Director's determination and make the correct determination, and for that purpose the Board has the same authority as the Director. The appeal process is pursuant to **Chapter 3** of this UDC.

Section 6.02. Use Tables

6.02.010. Residential Uses and Standards

A. Residential Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Household Living																
Accessory Dwelling Unit	L	L	L	L	L	—	—	—	—	—	—	—	—	—	S	**B.4**
Home-Based Business	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.7**
Manufactured Housing	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	
Manufactured Housing Park	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	
Multifamily, Attached Dwelling Units	—	—	—	—	—	P	P	—	—	S	S		—	—	S	**B.3**
Multifamily, Detached Dwelling Units	—	—	—	—	—	S	—	—	—	—	—	—	—	—	S	**B.2**
Second Dwelling Unit	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.5**
Single-Family, Attached	—	—	—	L	P	—	—	—	—	—	—	—	—	—	—	**B.1**
Single-Family, Detached	P	P	P	P	P	—	—	—	—	—	—	—	—	—	P	
Townhouse	—	—	—	—	P		—	—	—	—	—	—	—	—	S	
Two-Family	—	—	—	—	P	—	—	—	—	—	—	—	—	—	—	
Upper-Story Residential	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	**B.6**
Group Living																
Assisted Living	—	—	—	—	—	S	P	—	P	P	P	—	—	—	S	
Group Home (16 residents or more)	—	—	—	—	—	S	S	—	P	P	—	—	—	S	—	
Group Home (6 residents or less)	P	P	P	P	P		—	—	—	—	—	—	—	—	P	
Group Home (7 to 15 residents)	—	—	—	—	—	P	P	—	P	P	—	—	—	—	S	
Halfway House	S	S	S	S	S	S	S	S	—	—	—	—	—	—	—	
Hospice Facility	S	S	S	S	S	S	P	—	P	P	P	—	—	—	S	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Nursing or Convalescent Home	—	—	—	—	—	S	P	—	P	P	P	—	—	—	—	
Orphanage	P	—	—	—	—	S	P	—	—	—	—	—	—	S	—	
Rooming or Boarding House	—	—	—	S	—	P	P	—	—	P	—	—	—	—	S	

B. Residential Use Standards

1. Single-Family, Attached

An Attached Single-family dwelling is permitted in accordance with **A** above, **Section 6.02.010.A** and subject to the following standards and limitations:

a. Both dwelling units shall be situated on separate legally platted lots.

b. Attached single-family dwellings are not allowed in the Old Town Overlay District (established in **Chapter 5**).

2. Multifamily, Detached Dwelling Units

a. Detached multifamily dwelling units are permitted in accordance with **Section 6.02**.

b. Detached multifamily dwelling units require a Condominium Plat. No more than one main building is allowed per lot. Each lot must have access to a public street.

c. Parking must be located behind a main building and not be visible from the street.

d. First floor units must be accessed only by indoor entry within the building.

e. A Special Use Permit, pursuant to **Section 3.07**, is required for detached multifamily dwelling units as designated in the table in **Section 6.02.010.A** and is subject to the following conditions:

(i) The location and context of the detached multifamily development shall be secondary and supportive to established surrounding commercial uses, helping to facilitate an active, pedestrian friendly environment where the mixture of uses enables people to live, work, play, and shop.

(ii) Connections within the development must be provided to ensure vehicular and pedestrian connectivity.

(iii) Setbacks shall be in conformance with the setbacks of the District in which the detached multifamily development is proposed.

(iv) Building height shall be in conformance with the building height of the District in which the detached multifamily development is proposed.

(v) Detached multifamily development in all Districts shall also meet the building design standards of **Section 8.04**, the lighting design standards of **Section 8.05**, and the non-residential landscape requirements of **Section 9.02**.

(vi) Detached multifamily development in all Districts must also meet the common amenity area requirements of **Section 7.05** and the parkland dedication requirements of **Section 15.08**.

f. In addition to the requirements of **Section 6.02.010.B.2.e**, when reviewing the conceptual site layout required per **Section 3.07**, the City Council may consider and add conditions, provided the requirements of the Zoning District are not exceeded, to the Special Use Permit including, but not limited to, the following:

(i) Location of the development;

(ii) Amount of lot frontage along a commercial corridor;

(iii) Dwelling units per acre (maximum 24);

(iv) Maximum building heights;

(v) Dwelling units per structure;

(vi) Type and number of amenities;

(vii) Accessory structures;

(viii) Ingress and egress locations; and

(ix) Landscape buffers.

3. Multifamily, Attached Dwelling Units

a. Attached multifamily dwelling units are permitted in accordance with **Section 6.02**.

b. No more than one main building is allowed per lot. Each lot must have access to a public street.

c. Each building must front along a public street or regional trail, except as permitted in **Section 11.03.040.C**.

d. Parking must be located behind a main building and not be visible from the street.

e. First floor units must be accessed only by indoor entry within the building.

f. A Special Use Permit, pursuant to **Section 3.10**, is required for attached multifamily dwelling units as designated in **6.02.010** and is subject to the following conditions:

(i) The location and context of the attached multifamily development shall be secondary and supportive to established surrounding commercial uses, helping to facilitate an active, pedestrian friendly environment where the mixture of uses enables people to live, work, play, and shop.

(ii) Connections within the development must be provided to ensure vehicular and pedestrian connectivity.

(iii) Impervious coverage for attached multifamily developments in a C-1, C-2 or I-1 District shall be limited to 50%.

(iv) Front setbacks shall be in conformance with the front setback of the District in which the attached multifamily development is proposed. Side and rear setbacks for attached multifamily developments in a C-1, C-2 or I-1 District shall be 15 feet, except where located adjacent to a Residential Zoning District the side and rear setbacks shall increase to 30 feet.

(v) Building height shall be in conformance with the building height of the District in which the attached multifamily development is proposed.

(vi) A minimum building separation of 15 feet shall be provided between all buildings on the site.

(vii) Attached multifamily development in all Districts must also meet the building design standards of **Section 8.04**, the lighting design standards of **Section 8.05**, and the non-residential landscape requirements of **Section 9.03**.

(viii) Attached multifamily development in all Districts must also meet the common amenity area requirements of **Section 7.05** and the parkland dedication requirements of **Section 15.08**.

(ix) Multifamily development existing prior to May 27, 2014, or depicted on a Site Plan approved prior to May 27, 2014, shall be exempt from the requirements of the limitations of this section, except that any expansion to that development shall require Special Use Permit approval in accordance with this section.

g. In addition to the requirements of **f** above, when reviewing the conceptual site layout required per **Section 3.10**, the City Council may consider and add conditions provided the requirements of the Zoning District are not exceeded, to the Special Use Permit including, but not limited to, the following:

(i) Location of the development;

(ii) Amount of lot frontage along a commercial corridor;

(iii) Dwelling units per acre (maximum 24);

(iv) Maximum building heights;

(v) Dwelling units per structure;

(vi) Type and number of amenities;

(vii) Accessory structures;

(viii) Ingress and egress locations; and

(ix) Landscape buffers.

4. Accessory Dwelling Unit

An accessory dwelling unit is permitted in accordance with **Section 6.02 and Section 7.04,** and subject to the following standards and limitations:

a. No more than one accessory dwelling unit per primary residence is permitted per lot.

b. An accessory dwelling unit is permitted as a subordinate use, provided that it is limited to 50% of the primary dwelling unit, and not to exceed 1,000 square feet.

c. A minimum of three parking spaces shall be available on-site providing the minimum two spaces required for the primary residence with one additional parking space provided for the accessory dwelling unit.

d. The accessory dwelling unit must remain on the same electric and water meters as the primary residence.

5. Second Dwelling Unit

Within the AG, Agriculture District, in accordance with **Section 6.02** , one additional primary dwelling unit may be constructed upon a lot or parcel for every 30 acres or portion thereof (i.e., one dwelling unit allowed for 30 acres or less, two dwelling units allowed for 31 acres or more, three dwelling units allowed for 61 acres or more, etc.). The additional dwelling unit(s) is limited to use by an agricultural employee, a caretaker, family members, or guests of the property owner and must comply with all setback and design standards of the AG District.

6. Upper-Story Residential

Upper-story residential dwellings are permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The first floor shall not include the living space of any residential dwelling.

b. Separate designated parking spaces for the residential dwellings are required pursuant to **Section 11.02**.

c. Upper-story residential dwellings in the CN, I-1 Districts shall meet the following provisions in addition to Subsections **a** and **b** above:

(i) The residential dwelling shall be secondary to the primary use.

(ii) The gross floor area of the entire building shall not include more than 50% residential uses.

7. Home-Based Business

   Home-Based Businesses are permitted in accordance with **Section 6.02** and subject to the standards and limitations:

   a. Nothing in this section shall be applied or enforced to prohibit the operation of, or to require a license, permit, or other approval for, a no-impact Home-Base Business as defined by Section 229.902 of the Texas Local Government Code. The limitations in this section apply to a Home-Based Business only to the extent consistent with that section.

   b. The Home-Based Business shall be conducted entirely within a dwelling unit or attached garage.

   c. Neither the interior, nor the exterior of the dwelling unit shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the Home-Based Business. This provision shall not prohibit the construction of an accessory building as permitted by a residential zoning district.

   d. The Home-Based Business shall not interfere with the use of the garage as a required parking space under this code.

   e. No equipment, goods, supplies, or materials associated with the Home-Based Business shall be displayed or stored where visible from an abutting right-of-way or at the property line of an abutting property at a point six (6) feet above the finished grade.

   f. The sale of merchandise directly to a customer on the premises is permitted; provided, however, the business does not generate on-street parking, a substantial increase in traffic, or activity visible from the street, and otherwise complies with the section.

   g. The Home-Based Business shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit.

   h. A Home-Based Business shall not generate more than 16 single directional vehicle trips each day of customer-related vehicular traffic, except that this limit shall not be applied to prohibit a no-impact Home-Based Business.

   i. The total number of employees and customers on the premise at one time shall not exceed the applicable occupancy limits.

   j. Signs shall meet the requirements of this code.

6.02.020. Civic Uses and Standards

A. Civic Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C3	I1	I2	PF	MU DT	Standards
Educational and Day Care Facilities																
Day Care, Commercial	—	—	—	—	—	L	L	—	L	L	L	L	—	—	S	**B.2**
Day Care, Group	S	S	S	S	S	L	L	L	L	L	L	L	—	—	L	**B.2**
Day Care, Residential Home	L	L	L	L	L	L	L	L	—	—	—	—	—	—	L	**B.2**
School, Boarding	L	—	—	—	—	—	—	—	—	—	—	—	—	L	—	**B.1**
School, Business or Trade	L	—	—	—	—	—	—	—	L	L	L	L	L	L	S	**B.1**
School, College or University	L	—	—	—	—	—	—	—	—	L	L	—	—	L	L	**B.1**
School, Elementary	L	L	L	L	L	L	L	—	L	L	L	—	—	L	—	**B.1**
School, High	L	—	—	—	—	—	—	—	—	L	L	—	—	L	—	**B.1**
School, Middle	L	S	S	S	S	S	S	—	L	L	L	—	—	L	—	**B.1**
Government and Community Facilities																
Activity Center, Youth or Senior	S	S	S	S	S	S	S	—	L	L	L	—	—	L	S	**B.1**
Animal Shelter	L	—	—	—	—	—	—	—	—	—	—	—	L	L	—	**B.1**
Community Center	—	—	—	S	—	—	—	—	S	L	L	—	—	L	S	**B.1**
Correctional Facility	S	—	—	—	—	—	—	—	—	—	S	—	S	S	S	
Emergency Services Station	S	S	S	S	S	S	S	—	P	P	P	P	P	P	P	**B.1**
Government or Postal Office	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	
Library or Museum	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	
Social Service Facility	—	—	—	—	—	—	—	—	S	P	P	—	—	P	S	
Medical and Institutional Facilities																
Blood or Plasma Center	—	—	—	—	—	—	—	—	—	P	P	—	—	—	-	
Hospital	—	—	—	—	—	—	—	—	—		P	—	S	P	S	
Hospital, Psychiatric	—	—	—	—	—	—	—	—	—	—	S	—	S	S	-	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C3	I1	I2	PF	MU DT	Standards
Substance Abuse Treatment Facility	—	—	—	—	—	—	—	—	—	—	S	—	S	S	—	
Places of Worship																
Religious Assembly Facilities	L	L	L	L	L	L	L	—	L	L	L	L	—	L	L	**B.1**
Religious Assembly Facilities with Columbaria	L	L	L	L	L	L	L	—	L	L	L	L	—	L	L	**B.1**, **B.4**
Parks and Open Spaces																
Cemetery, Columbaria, Mausoleum or Memorial Park	S	—	—	S	—	—	—	—	—	—	S	—	S	S	—	
Golf Course	L	L	L	L	L	L	L	—	—	—	—	—	—	L	—	**B.1**
Nature Preserve or Community Garden	P	L	L	L	L	L	L	—	P	P	P	P	P	P	P	
Neighborhood Amenity, Activity, or Recreation Center	L	L	L	L	L	L	L	L	—	L	L	—	—	—	—	**B.1**
Public Park, Neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.1**
Public Park, Regional	L	—	—	—	—		—	—	—	L	L	—	—	L	—	**B.1**

B. Civic Use Standards

1. All Civic Uses

   All Civic Uses as noted above, except Day Care, shall meet the following provisions, where applicable per **Section 6.02**. Uses that require a Special Use Permit, in accordance with **Section 6.02**, shall meet the following criteria in addition to securing said permit.

   a. Any outdoor recreational playing field shall be set back 50 feet from any property line.

   b. The principal vehicular entrance and exit shall be located on a collector-level street or higher, except as otherwise approved by the Development Engineer.

2. Day Care

   Day care facilities are permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

   a. All day care facilities shall be licensed by the state and meet the minimum requirements for such facilities.

   b. Outdoor play or instruction areas, playground equipment, and pools shall be located in the side or rear yards and screened from adjacent property by an opaque fence no less than 6 feet in height.

c. Day care facilities in Residential Zoning Districts may only operate between the hours of 6:00 a.m. and 7:00 p.m. Day care facilities in CN Zoning Districts may only operate between the hours of 6:00 a.m. and 10:00 p.m. Hours of operation are not limited for day care facilities in other Non-Residential Zoning Districts.

d. A family home day care shall employ only residents of the premises, including all paid and unpaid care providers.

e. A family home day care is allowed only one non-illuminated identification sign, provided the sign is mounted on the exterior wall of the dwelling and has an area no greater than 2 square feet.

3. Animal Shelter

An animal shelter is permitted in accordance with **Section 6.02** and limited to a required separation of at least 300 feet from the shelter to a residential structure that is located on any property in separate ownership.

4. Religious Assembly Facilities with Columbaria

A columbaria, consistent with the definition of Texas Health and Safety Code § 711.008(b)(2), is permitted in accordance with **Section 6.02** as an accessory use, subordinate and incidental to, a Religious Assembly Facility, subject to the following standards and limitations.

a. A columbaria located outdoors shall be subject to the following standards:

(i) The columbaria shall be set back a minimum of 25 feet from the property line.

(ii) The columbaria shall not exceed 8 feet in height.

(iii) Landscaping shall be provided at a ratio of 2 square feet of landscaping for each square foot of columbaria area, in addition to the minimum requirements of **Chapter 9**. Said landscaping shall be incorporated into the overall design and placement of the columbaria.

b. The establishment of a columbaria shall be subject to Site Plan review pursuant to **Section 3.17**.

c. Upon discontinuance of the Religious Assembly Facility, the columbaria shall be relocated in compliance with all applicable state laws.

6.02.030. Transportation and Utility Uses and Standards

A. Transportation and Utility Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Airport	S	—	—	—	—	—	—	—	—	—	—	—	S	S	—	
Bus Barn	—	—	—	—	—	—	—	—	—	—	S	—	P	P	—	
Heliport	—S	—	—	—	—	—	—	—	—	—	L	L	L	L	L	**B.1**
Parking Lot, Commercial	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	
Parking Lot, Off-Site	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	
Park-n-Ride Facility	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	
Private Transport Service Dispatch Facility	—	—	—	—	—	—	—	—	—	S	P	—	P	—	S	
Rail or Transit Yard	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Transit Passenger Terminal	—	—	—	—	—	—	—	—	—	—	P	—	P	P		
Utility Services, Intermediate	L	L	L	L	L	L	L	L	L	P	P	P	P	P	L	**B.2**
Utility Services, Major	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wireless Transmission Facility, 40' or less	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.3**
Wireless Transmission Facility, over 40'	—S	—	—	—	—	—	—	—	—	—	S	—	S	S	—	**B.3**

B. Transportation and Utility Use Standards

1. Heliports

Heliports are permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. A heliport may be utilized without a Special Use Permit only as an accessory use to a hospital or government facility.

b. A heliport may be utilized with a Special Use Permit in the following situations:

(i) An accessory use to a full-service hotel, office building, or convention center if the structure is over 100 feet in height and the heliport landing pad is located on the rooftop of such a structure; or

(ii) An accessory use to a business park that is a minimum of 40 total acres.

2. Utilities Services, Intermediate

   Intermediate Utility Services are permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

   a. Any structure associated with the use shall be set back 25 feet from the property line of a residentially-zoned property.

   b. An enclosed fence or wall at least 6 feet in height shall be constructed at the boundaries of any structure or apparatus associated with the use.

   c. The intermediate utility use shall be screened with large evergreen shrubs planted 4 feet on center and staggered 30 to 36 inches, located exterior to any required fencing.

   d. The facility shall be secured.

3. Wireless Transmission Facility

   See **Section 6.03**.

6.02.040. Commercial Uses and Standards

A. Commercial Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Overnight Accommodations																
Bed and Breakfast	S	S	S	S	S	S	S	—	L	S	—	—	—	—	L	**B.2**
Bed and Breakfast with Events	S	S	S	S	S	S	S	—	L	S	—	—	—	—	L	**B.2, B.3**
Campground or RV Park	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Hotel, Extended Stay	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	
Hotel	S	—	—	—	—	—	—	—	S	P	P	P	—	—	P	**B.4**
Motel	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	
Food and Beverage Establishments																
Bar	—	—	—	—	—	—	—	—	S	L	L	L	—	—	S	**B.1, B.6**
Food Catering Services	—	—	—	—	—	—	—	—	S	P	P	P	P	—	P	
Micro Brewery, Micro Winery, or Micro Distillery	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	**B.1, B.7**
Permanent Mobile or Outdoor Food Vendor	—	—	—	—	—	—	—	—	S	S	L	L	L	—	S	**B.8**
Restaurant, Drive-Through	—	—	—	—	—	—	—	—	S	L	P	L	S	—	S	**B.1, B.5**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Restaurant, General	—	—	—	—	—	—	—	—	P	L	P	P	S	L	P	**B.1**
Entertainment and Recreation																
Athletic Facility, Indoor or Outdoor	—	—	—	—	—	—	—	—	—	L	L	—	P	L	—	**B.11**
Commercial Recreation	—	—	—	—	—	—	—	—	—	L	L	—	—	—	S	**B.1, B.11**
Dance Hall or Nightclub	—	—	—	—	—	—	—	—	—	L	L	L	—	—	S	**B.1, B.6**
Driving Range	L	—	—	—	—	—	—	—	—	—	L	—	P	—	—	**B.11**
Firing Range, Indoor	S	—	—	—	—	—	—	—	—	—	S	S	S	S	—	
Firing Range, Outdoor	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Live Music/ Entertainment/ Event Facility	—	—	—	—	—	—	—	—	—	L	L	L	—	L	L	**B.9**
Major Event Entertainment	S	—	—	—	—	—	—	—	—	—	S	—	S	S	—	
Membership Club or Lodge	—	—	—	—	—	—	—	—	—	L	P	—	—	—	S	**B.1**
Sexually Oriented Business	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Theater, Movie or Live	—	—	—	—	—	—	—	—	—	L	P	—	—	—	S	**B.10**
Health Services																
Home Health Care Services	—	—	—	—	—	—	—	—	L	L	P	P	—	—	L	**B.1**
Medical or Dental Clinic	—	—	—	—	—	—	—	—	L	L	P	P	P	—	S	**B.1**
Medical or Dental Office	—	—	—	—	—	—	—	—	L	L	P	P	P	—	L	**B.1**
Urgent Care Facility	—	—	—	—	—	—	—	—	—	L	P	—	—	—	S	**B.1**
Professional and Business Offices																
Data Center	—	—	—	—	—	—	—	—	-	—	L	P	P	—	—	**B.13**
General Office	—	—	—	S	—	—	—	—	P	L	P	P	P	—	L	**B.1, B.12**
Integrated Office Center	—	—	—	—	—	—	—	—	S	L	P	P	P	—	P	**B.1, B.12**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Consumer Retail Sales and Services																
Artisan Studio and Gallery	P	—	—	—	—	—	—	—	—	L	P	P	P	—	P	**B.1**
Banking and Financial Services	—	—	—	—	—	—	—	—	—	L	P	—	—	—	P	**B.1, B.5**
Dry Cleaning Service, Drop-off Only	—	—	—	—	—	—	—	—	L	L	P	L	—	—	P	**B.1**
Farmer's Market	P	—	—	—	—	—	—	—			P	—	—	—	P	
Fitness Center	—	—	—	—	—	—	—	—	L	L	P	L	—	—	P	**B.1**
Flea Market	S	—	—	—	—	—	—	—	—	—	S	—	—	—	—	
Funeral Home	—	—	—	—	—	—	—	—	—	L	P	—	—	—	—	**B.1**
General Retail	—	—	—	—	—	—	—	—	L	L	P	P	—	—	L	**B.1, B.14**
Kennel	L	—	—	—	—	—	—	—	—	—	L	L		—	—	**B.15**
Landscape Supply Sales/Garden Center	P	—	—	—	—	—	—	—	—	L	P	P	—	—	—	**B.1**
Laundromat	—	—	—	—	—	—	—	—	L	L	P	—	—	—	P	**B.1**
Personal Services	—	—	—	—	—	—	—	—	L	L	P	P	—	—	P	**B.1**
Personal Services, Restricted	—	—	—	—	—	—	—	—	—	S	S	S	—	—	S	
Printing, Mailing and Reproduction Services	—	—	—	—	—	—	—	—	L	L	P	L	—	—	P	**B.1**
Self-Storage, Indoor	—	—	—	—	—	—	—	—	—	S	S	—	P	—	—	**B.16**
Self-Storage, Outdoor	—	—	—	—	—	—	—	—	—	—	S	—	L	—	—	**B.16**
Small Engine Repair	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Veterinary Clinic, Indoor or Outdoor Pens	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Veterinary Clinic, Indoor Pens Only	P	—	—	—	—	—	—	—	—	L	P	—	—	—	P	**B.1**
Commercial Sales and Services																
Commercial Document Storage	—	—	—	—	—	—	—	—	—	P	—	P	P	—	—	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Event Catering and Equipment Rental Services	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Furniture Repair and Upholstery	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Greenhouse, Wholesale	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Heavy Equipment Sales and Repair	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Manufactured Housing Sales	—	—	—	—	—	—	—	—	—	—	-	—	P	—	—	
Office/Showroom	—	—	—	—	—	—	—	—	—	L	L	P	P	—	—	**B.18**
Pest Control or Janitorial Services	—	—	—	—	—	—	—	—	—	L	L	P	P	—	—	**B.1, B.17**
Stone, Mulch or Dirt Sales Yards	P	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Wholesale Showrooms	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Automotive Sales and Services																
Automobile Parts and Accessories Sales, Indoor	—	—	—	—	—	—	—	—	—	S	P	—	—	—	—	**B.1**
Automobile Parts and Accessories Sales, Outdoor	—	—	—	—	—	—	—	—	—	—		—	P	—	—	
Automobile Repair and Service, General	—	—	—	—	—	—	—	—	—	—	S	S	P	—	—	**B.21**
Automobile Repair and Service, Limited	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Automobile Sales, Rental or Leasing Facility	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	**B.19**
Car Wash	—	—	—	—	—	—	—	—	—	S	S	S	S	—	—	**B.24**
Commercial Vehicle Sales, Rental or Leasing Facility	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	**B.19.e(vii)(a)**
Fuel Sales	—	—	—	—	—	—	—	—	—	S	S	S	S	—	—	**B.22**
Fuel Sales with more than ten	—	—	—	—	—	—	—	—	—	—	S	—	S	—	—	**B.23**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
multi-fuel dispensers																
Recreational Vehicle Sales, Rental or Service	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	
Towing Services and Impound Lots	—	—	—	—	—	—	—	—	—	—	—	—	L	—	—	**B.25**

B. Commercial Use Standards

1. Building Size Limitation

a. In the CN District, the floor-to-area ratio shall not exceed 0.3. The maximum building size of each building on an individual lot or parcel shall be 7,500 square feet.

b. In the C-1 District, the floor-to-area ratio shall not exceed 0.5.

2. Bed and Breakfast

A Bed and Breakfast establishment is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. All Districts

(i) No more than eight guestrooms per property shall be allowed, and if more than one building is located on a Bed and Breakfast property, no more than six guestrooms shall be allowed in any one building.

(ii) No food preparation, except beverages, is allowed within individual guestrooms. No stove, range, hot plate, toaster oven, or microwave shall be allowed in any guestrooms; however, a small microwave is permitted in outbuilding guest rooms.

(iii) Preparation and service of food shall conform to all applicable regulations of the State of Texas and Williamson County.

(iv) The owner shall keep a current guest register including names, contact information, and dates of occupancy for all guests.

(v) On-site parking (except driveways) shall not be located in the front yard and shall be screened from the view of adjacent residences to a height of 6 feet by a solid screening fence or dense shrubs and vegetation. Temporary fences shall not be permitted.

(vi) Guestroom rentals shall not be allowed for more than 15 consecutive days.

b. Residential Districts

Bed and Breakfast establishments in any residential District shall be subject to all of the standards and limitations of Subsection **a** above. In addition, a Special Use Permit, pursuant to **Section 3.10**, is required for a Bed and Breakfast establishment in any designated residential District and is subject to the following conditions:

(i) The operator of the Bed and Breakfast must be a full-time resident of the main dwelling on the property in which the Bed and Breakfast establishment is located.

(ii) Signage shall be restricted to one sign attached to the wall of the main dwelling that is a maximum of 12 square feet, and one monument sign no larger than 6 square feet. However, the total signage on the site shall not exceed 15 square feet. No additional advertising of any kind is allowed on site.

(iii) Carriage houses, garage apartments, secondary free-standing houses, or similar dwellings that contain a full service kitchen and are proposed to be used for Bed and Breakfast operations shall remove the food preparation facilities prior to commencement of operation as a Bed and Breakfast.

3. Bed and Breakfast with Events

A Bed and Breakfast with Events is permitted in accordance with **Section 6.02** and subject to the standards and limitations noted below. A Bed and Breakfast with Events applies only to properties on which a Bed and Breakfast is located, and events (such as parties, receptions, fund raisers, and other similar functions) are held. The event shall be a subordinate use to a Bed and Breakfast and shall not include an event center, meeting facility, or other form of entertainment operation.

a. All Districts

(i) All provisions of Subsection **2** above shall also apply to Bed and Breakfasts with Events.

(ii) The following additional conditions and limitations shall apply to Bed and Breakfasts with Events in all permitted Districts:

(a) The Bed and Breakfast owner shall attend all events held on the property.

(b) The event hours, including set up and take down, shall be limited to the following:

- Sunday through Thursday, 9:00 a.m. to 9:00 p.m.
- Friday and Saturday (and Sunday if it is a holiday weekend), 9:00 a.m. to 11:00 p.m.

(c) Outdoor event areas shall not be located in the front yard and shall be screened from the view of adjacent properties to a height of 6 feet by a solid screening fence or dense shrubs and vegetation. Temporary fencing is not permitted.

b. Residential Districts

Special Use Permit for Bed and Breakfast with Events shall be required in all residential Districts pursuant to Section 3.07, subject to Subsections **2** and **a** above, in addition to the following standards and limitations:

(i) The Special Use Permit application for a Bed and Breakfast with Events shall include a description of the proposed operation; the maximum number of events per year, month, and week; the approximate number of attendees per event; hours of events and duration; location of the events (indoor or outdoor); parking plans; security measures; traffic control plans; and sanitation provisions.

(ii) The City Council may add other conditions or limitations to the permit as it deems necessary in order to manage the scale and scope of the proposed events, minimize the negative impacts of the event(s) on the neighboring property owners, and protect the public health, safety, and welfare.

4. Hotel

a. A Special Use Permit for a hotel with more than 75 rooms shall be required in the Mixed-Use Downtown (MU-DT) Zoning District pursuant to **Section 3.10**.

5. Drive-Through

The speaker boxes of any drive-through shall meet one of the following location criteria:

a. Located more than 150 feet of the nearest property line of a residentially zoned property or residentially used property in the ETJ; or

b. Positioned such that no speaker or microphone is facing toward a property line of a residentially zoned property or residentially used property in the ETJ.

c. The below elements shall be completely screened from view at an adjoining property line of a residentially zoned property or, in the ETJ, a residentially used property. Screening shall be provided by a wall or other screening mechanism, not less than 8 feet in height, that has a similar finish to the primary structure. Screening shall be required for the following elements of Drive-Throughs:

(i) Queuing spaces

(ii) Order boxes

(iii) Order window

(iv) Drive-through pick up windows

6. Bar, Tavern or Pub, Dance Hall or Nightclub

A bar, tavern, pub, dance hall, or nightclub is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The establishment shall be located no less than 300 feet from a church, public or private school or public hospital, subject to the measurements of the City Code of Ordinances.

b. The establishment is subject to the provisions of Chapter 6.40, Alcoholic Beverages, of the City Code of Ordinances.

7. Micro Brewery, Micro Winery or Micro Distillery

A micro brewery, micro winery, or micro distillery is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. A micro brewery, micro winery, or micro distillery shall be located no less than 300 feet from a church, public or private school or public hospital subject to the measurements of the City Code of Ordinances.

b. A micro brewery, micro winery, or micro distillery is subject to the provisions of Chapter 6.40, Alcoholic Beverages, of the City Code of Ordinances.

8. Permanent Mobile or Outdoor Food Vendor

Permanent Mobile or Outdoor Food Vendor is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The Mobile or Outdoor Food Vendor(s) shall be a primary use on the property.

b. Each Mobile or Outdoor Food Vendor must comply with applicable building, fire, plumbing, electrical, and health regulations related to utility service, consistent with state law.

c. A Mobile Food Park Manager shall be designated for the property.

(i) The Mobile Food Park Manager shall be available by phone while the vendor(s) is open for business. A telephone number and email address for the Mobile Food Park Manager shall be posted on a sign no larger than 1 square foot. The sign shall be posted on a location visible to the patrons.

(ii) The Mobile Food Park Manager shall be responsible for the general management of the park including, but not limited to addressing inquiries, questions, and concerns, ensuring property maintenance, enforcing hours of operation, and other operational matters.

d. Parking shall be provided in accordance with **Chapter 11** of this Code.

e. Toilet facilities and trash receptacles shall be provided on the property in compliance with all applicable City regulations.

f. Amenities including but not limited to tables, chairs and shade structures may be permitted on the property subject to compliance with this Code.

g. All vendors, amenities and other site improvements shall be identified on any development plans otherwise required for the property under this Code.

9. Live Music, Entertainment, or Event Facility

   a. The entertainment use must be secondary to the primary use in the C-1 and MU-DT Districts.

   b. Any live music, event facility and/or entertainment venue must maintain a minimum setback of 100 feet from any residential use.

   c. Live music, event facility or entertainment uses are subject to the provisions of Chapter 8.16, Noise, of the Georgetown Municipal Code.

10. Theater, Movie or Live

    A movie theater or live theater is permitted in accordance with **Section 6.02** provided that the theater may not have more than eight screens.

11. Athletic Facilities, Commercial Recreation and Driving Ranges

    a. Athletic facilities, commercial recreation facilities, and driving ranges are permitted in accordance with **Section 6.02** provided that any outdoor playing fields or associated structures shall be set back 50 feet from the property line of a residentially-zoned property.

    b. In the C-1 District, uses may only occur indoors.

12. General Office, Integrated Office Center, and Health Services

    a. General Office in the RS District

       A general office use is permitted in the RS District in accordance with **Section 6.02** and is subject to the following standards and limitations, which allow for an orderly transition of land use from residential to small-scale office while maintaining residential appearance and building scale:

       (i) Only a house meeting the following criteria is eligible to apply for a Special Use Permit, pursuant to **Section 3.10**, for an office use in the RS District:

          (a) The house is located in the RS District;

          (b) The house existed on or before February 26, 2008 (the date adopting the ordinance); and

          (c) The house has a side lot line immediately adjacent to property zoned as C-1, C-3 or I-1 District that is used for commercial or industrial uses and developed without a bufferyard.

          (d) A residential side lot line of less than 30% shall not qualify as a side lot line for the above adjacency requirement.

       (ii) In addition to the requirements for Special Use Permits set forth in Section 3.07, an applicant for a Special Use Permit under this section shall also submit a Site Plan pursuant to the requirements of Section 3.09. Further, an interior layout of the building shall be submitted with the Special Use Permit application.

       (iii) Off-street parking shall be provided at one-and-one-half spaces per habitable room. For the purposes of this section, a habitable room includes foyers and lofts if used for reception areas, work stations, offices, conference rooms, etc., but excludes restrooms, kitchens, porches (enclosed or open), and utility rooms. This parking requirement is in place of the parking requirement in **Table 11.02.040-1. Off-Street Parking Requirements***. All parking shall be paved and approaches shall be concrete.

Figure 6.02.040-6.02.04-1. Parking Location

Do not use a front yard for parking. Instead, use a long driveway, or alley access, that leads to parking located behind a building.

(iv) Parking shall not be permitted in the front yard. An exception to this provision may be considered with the Special Use Permit related to preserving Protected and Heritage Trees or to recognize existing garages or parking areas. Parking shall be screened from view of the right-of-way in accordance with the requirements set forth in **Chapter 9**.

(v) A solid screening wall or fence or dense shrubs and vegetation at least 6 feet in height shall be required along the side and rear property lines adjacent to property zoned RS, Residential. However, the wall or fence may be reduced in height if buildings on-site reduce the impact of the office use, including parking, and as the fence approaches the right-of-way.

(vi) A Building Permit may be required prior to issuance of a Certificate of Occupancy.

(vii) The use of the property for medical offices providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by doctors or similar practitioners of medical and healing arts for humans, licensed for such practice by the state shall be considered on a case-by-case basis with the Special Use Permit. Dental offices, out-patient clinics, and outpatient emergency centers are not permitted uses.

(viii) The use of the property for counseling in an office setting by a psychologist or psychiatrist is a permitted office use.

(ix) The City Council may consider approval of a lesser office use that would occupy only a portion of a house. If only a portion of the structure is used, reduced standards may be applied, especially for a "live/work" use of a house.

(x) A Special Use Permit issued under this section shall contain the following special conditions, at a minimum. The City Council may include other special conditions of the permit on a case-by-case basis.

(a) The office use shall be conducted entirely within the main structure or integral part thereof and have no outdoor storage of any kind.

(b) Office uses are not permitted in any accessory building.

(c) Uses accessory to office uses are prohibited, except a conference room may be established for an on-site office.

(d) On-site sales are prohibited.

(e) Outdoor storage is prohibited; however, the interior of any accessory structures may be used for storage related to the office uses.

(f) The number of workers shall be limited to the number of habitable rooms (excluding restrooms, kitchens, porches (enclosed or open), and utility rooms) within the house. Foyers and lofts shall be counted as habitable rooms if used for reception areas, work stations, conference rooms, etc.

(g) No exterior evidence of the office use shall be allowed, except for one non-internally illuminated sign attached to the principal structure that is no larger than 2 square feet. No additional advertising of any kind is allowed on-site.

(h) Business hours and regular deliveries by commercial vehicle (excluding 18 wheeled vehicles, which are prohibited) shall be limited to 8:00 a.m. to 6:00 p.m.

(i) A Temporary Use Permit in accordance with **Section 3.10** is required for any party, reception, event, or similar function that is anticipated to draw more than 15 total guests to the office (including tenants). Parties, receptions, events or similar functions, subject to the Temporary Use Permit provision, shall be limited to a total of six such functions per calendar year. Such events shall be limited to the interior of the structure.

(j) The Special Use Permit shall be null and void if the structure is damaged by natural or accidental causes to the extent of more than 50% of the value of the structure on the date of the damage, and if it is not rebuilt in-kind within 14 months or the use of the structure for office uses has been discontinued for a period of 12 months or more. The 14-month period does not include the period of time necessary to conclude any litigation related to such calamity.

(k) Increased run-off resulting from conversion to office use shall be detained on-site or shall be diverted from adjacent property in conformance with the stormwater drainage requirements of this Code.

(l) The total impervious cover shall not exceed the requirements of the RS District.

13. Data Center

a. Where Permitted.

(i) A data center is permitted in accordance with Section 6.02 in the C-2, Regional Commercial Zoning District provided that the total floor area of all building(s) does not exceed 5,000 square feet, and subject to the specific development standards in subsection b. below except for (b)(iv).

(ii) A data center is permitted in accordance with Section 6.02 in the I-1, Flex Industrial Zoning District and I-2, Intensive Industrial Zoning District, subject to the specific development standards in subsection b. below.

b. Data Center Standards. The following standards shall apply to all data centers where such are allowed and approved:

(i) Setbacks. All buildings, including accessory structures and outdoor equipment used for data centers, shall be a minimum of 250 feet from the nearest residential zoning district or use, whether inside the City Limits or the ETJ.

(ii) Bufferyards. Notwithstanding Section 9.03.070 of this UDC, a high level bufferyard shall always be required, except that a minimum 8-foot tall screening wall constructed of brick, stone, reinforced concrete or other similar two-sided masonry materials shall be required, and as a minimum, the

required shade trees in Section 9.03.070 shall first be placed along the lot line(s) facing any residential use or zoning district at a minimum of one (1) tree for every 40 linear feet. Any additional trees required beyond this amount may be placed anywhere in the bufferyard.

(iii) Parking. Data centers shall provide a minimum of one (1) parking space per 400 square feet of office area. Data center storage and computing areas not occupied by employees shall be exempt from any parking requirements.

(iv) Noise. The applicant shall submit a noise attenuation study prepared by a licensed professional engineer specializing in noise acoustics and/or certified by the International Institute of Noise Control Engineering that addresses maximum sound levels including low frequency noise levels.

(a) Data centers must comply with noise limits as outlined in Section 8.16.030 of the City Code of Ordinances. In the C2 district, a data center is permitted in accordance with **Section 6.02** provided that the building size does not exceed 5,000 square feet.

14. General Retail

General retail is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. In the MU-DT District.

(i) A Special Use Permit is required for any retail building exceeding 40,000 square feet.

15. Kennel

A kennel is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The kennel operation, including all structures, is required to be at least 100 feet from the property line of a residentially zoned property.

b. Outdoor kennels are prohibited in the C-2 District.

16. Self-Storage, Indoor and Outdoor

An indoor or outdoor self-storage establishment is permitted in accordance with **6.02.080** and subject to the following standards and limitations:

a. Self-storage facilities shall be limited to the storage use only, with the exception of an accessory leasing office, accessory retail sales, and/or single living quarters for security purposes, and shall not be used for operating any other business. In no instance shall individual storage units be used as a business storefront or used as a residence or overnight accommodation.

b. Indoor self-storage facilities shall operate completely within a building or structure.

c. Indoor self-storage facilities shall be limited to climate-controlled facilities accessed solely from shared interior hallways.

d. Storage bay doors shall not face a public right-of-way unless set back a minimum of 40 feet from the property line.

e. Each individual outdoor storage unit shall be directly accessible from an apron consisting of an approved paved surface.

f. Where gated, a minimum of 60 feet of driveway shall be provided between the public right-of-way and the front gate of the self-storage facility.

g. Outdoor storage shall not include the storage of wrecked or inoperable vehicles.

h. No outdoor self-storage shall be permitted within a required setback.

i. No outdoor self-storage shall be allowed in required off-street parking areas. Areas intended for outdoor self-storage shall be paved and painted to distinguish them from required off-street parking areas.

j. Outdoor self-storage shall be screened from any public right-of-way by an 8-foot-tall screening wall.

17. Pest Control or Janitorial Services

A pest control or janitorial services facility is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. No mixing of chemicals or pesticides is allowed on-site.

b. Storage of chemicals or pesticides is limited to 10% of the total square footage of the primary facility.

c. No overnight vehicle or outdoor storage is allowed.

18. Office/Showroom

An Office/Showroom is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. Warehousing facilities shall be incidental to the primary use and shall not exceed 10% of the total floor area.

b. Outdoor storage may be permitted in accordance with **Section 6.02.080**.

19. Automobile Sales, Rental or Leasing Facility

An automobile sales, rental or leasing facility is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. Lighting

Fixed lighting shall be shielded or have cut-off fixtures to prevent direct glare of beams onto any adjacent public or private property or street. Light poles shall be placed no closer than 45 feet apart.

b. Auto Repair and Service

Automobile Repair and Service, Limited and General, shall be an allowed accessory use with an Automobile Sales Facility. Automobile Repair and Service, General shall not be permitted on the premises of a Rental Vehicle Facility and any allowed limited repairs shall be performed only within the principal building.

c. Screening from Residential

Screening that meets the High Level Bufferyard standards shall be installed along all lot lines that abut or are adjacent to a Residential District, an existing single-family home in the AG District, or an existing single-family home in the ETJ that is platted and designated for residential use on the Future Land Use Map. The screening must block views of the use, its operations, and any stored or displayed vehicles, materials, or equipment from all ground-level vantage points on the adjacent residential property.

d. Outdoor Display and Storage

(i) Display and storage areas shall be clearly shown on the Site Plan and identified on the site.

(ii) Outdoor display of vehicles shall be set back a minimum of 25 feet from all lot lines abutting residentially zoned or developed property.

(iii) Temporary overflow vehicle storage is allowed on paved surfaces only. This temporary storage shall not impede the traffic flow of the site or eliminate required parking spaces.

(iv) Permanent and temporary tent canopies may be erected over areas used for automobile sales display and shall not be considered buildings, but may not encroach into building setbacks, required parking spaces or drive aisles. All necessary Building Permits shall be required, but a revision to an

existing Site Plan shall not be required if the tent canopy is located over an existing display area. All safety issues regarding fire and building codes shall be addressed.

e. Signage for Automobile Sales Facilities

The following additional signage applies only to automobile sales facilities along the I.H. 35 northbound frontage road, from the southernmost boundary of the City up to, and including, the one lot north of Fox Drive.

(i) High profile monument signs are encouraged for sites with multiple corporate tenants consistent with Subsection **12.05.060**. Auto dealerships may have an increased height for a high profile monument sign located along the I-35 frontage road of up to 35 feet. No more than one sign shall be permitted at the 35-foot height. No additional height shall be permitted. The structure of high profile monument signs shall be constructed of stone or brick materials and be colors compatible with those utilized on the primary building's façade.

(ii) Additional high profile monument signage shall be allowed for those sites with multiple corporate tenants. The maximum amount of additional signage shall be limited to an increase of 10% of the total pole sign square footage permitted in **Chapter 12**. The maximum high profile monument sign height that utilizes the increased size shall be limited to 28 feet. The minimum road frontage of 600 feet for a high profile monument sign is reduced to 250 feet for this section and the spacing of 600 feet between high profile monument signs shall be reduced to 250 feet for this section.

(iii) A maximum of two high profile monument or pole signs per site are permitted for sites with multiple corporate tenants with the maximum sign height of 25 feet and a maximum of 100 square feet per sign.

(iv) For those sites with multiple corporate tenants the allowed wall signage may be increased 10% to accommodate the additional tenant.

(v) In accordance with **Section 12.03**, entrance and interior directional signs that comply with the provisions of **Chapter 12** shall not be counted toward the total allowed signage for the site.

(vi) No signs, balloons, banners, etc. shall be located within the public right-of-way.

(vii) Balloons.

(a) For the purposes of this section, balloons shall not be deemed as fluttering/undulating/moving signs pursuant to **Section 12.04**.

(b) Balloons shall be tethered, attached, or anchored so as not to create any safety hazards by blowing into signs, utility lines, lights, etc.

(c) Balloons and their tethering mechanism shall not exceed 35 feet in height.

(d) Balloons for vehicle sales facilities shall not exceed a total of 50 balloons per 100 feet of I-35 road frontage.

20. Commercial Vehicle Sales, Rental or Leasing Facility

Commercial Vehicle Sales, Rental or Leasing Facility is permitted with **Section 6.02** and subject to the following standards and limitations:

a. Lighting

Fixed lighting shall be shielded or have cut-off fixtures to prevent direct glare of beams onto any adjacent public or private property or street. Light poles shall be placed no closer than 45 feet apart.

b. Screening from Residential

Screening that meets the High Level Bufferyard standards shall be provided along all lot lines that abut or are adjacent to a Residential District, an existing single-family home in the AG District, or an existing single-family home in the ETJ that is platted and planned for residential use on the Future Land Use Map.

c. Outdoor Display and Storage

(i) Display and storage areas shall be clearly shown on the Site Plan and identified on the site.

(ii) Outdoor display of commercial vehicles shall be set back a minimum of 25 feet from all lot lines abutting residentially zoned or developed property.

(iii) Outdoor storage shall be located behind the front building façade of the primary structure.

(iv) Permanent and temporary tent canopies may be erected over areas used for automobile sales display and shall not be considered buildings, but may not encroach into building setbacks, required parking spaces, drive aisles or bufferyards. All necessary Building Permits shall be required, but a revision to an existing Site Plan shall not be required if the tent canopy is located over an existing display area. All safety issues regarding fire and building codes shall be addressed.

d. Accessory Uses

Automobile Repair and Service, Limited and General, and Automobile Parts and Accessory Sales, Indoor, shall be allowed accessory uses with a Commercial Vehicle Sales Facility. Automobile Repair and Service, General shall not be permitted on the premises of a Rental Facility and any allowed limited repairs shall be performed only within the principal building.

21. Automobile Repair and Service, General

a. In the General Commercial (C-2) District, temporary outdoor storage of automobiles awaiting service or pick-up is permitted within the guidelines specified in Subsection **6.02.080**. No other outdoor storage is allowed in the C-2 District.

b. In the I-2 District, all outdoor storage, except as limited in Subsection **6.02.080**, is permitted.

22. Fuel Sales

A fuel sales establishment is permitted in accordance with **Section 6.02** , subject to the standards of **Section 3.10**, and subject to the following standards and limitations:

a. The use shall generally not abut a single-family residential zoned or used property without attention to the impact of screening, buffering, and lighting to the adjacent residential uses.

b. Proximity to other developed or entitled fuel sales facilities shall be examined as part of the Special Use Permit process to avoid clustering of uses along a corridor, intersection, or neighborhood. No more than two fuel sales facilities shall be permitted at any intersection and only when located diagonally on opposite corners

c. No more than four multi-fuel dispensers (eight fuel positions) shall be permitted except where one of the following conditions is met:

(i) The property is located on a corner of a major arterial roadway and a collector or higher level roadway as classified in the Future Mobility Plan (FMP); or

(ii) The proposed fuel sales establishment is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more; or

(iii) The property is adjacent to the SH 130 Toll or I-35 roadways.

d. When one of the conditions outlined in **Subsection c** above is met, in no case shall a fuel sales establishment be permitted more than 10 multi-fuel dispensers or 20 fuel positions.

e. Proximity to Residential:

(i) Fuel Sales canopies and fuel pumps of a fuel sales use may not be located within 200 feet of a residentially zoned property, or an existing residential property located in the ETJ.

f. An 8-foot wall shall be required at the property line of residentially zoned property or residentially used property located in the ETJ, in addition to the required bufferyards in **Subsection 9.03.070**.

g. Fuel positions, vacuum, air, and water stations as well as other similar equipment are prohibited between the principal structure and the property line of a residentially-zoned property or a residentially used property within the ETJ and shall comply with the building setbacks in all other circumstances.

h. The bottom of the canopy shall be a minimum of 13 feet 6 inches in height.

i. In addition to the requirements in **Section 8.05**, any freestanding light fixtures shall be reduced in height to 15 feet if the use is adjacent to a residential District.

j. No full-service or self-service car wash is allowed with the fuel sales use. Only an accessory one-bay automatic car wash is allowed.

23. Fuel Sales with More than 10 Multi-Fuel Dispensers

A Special Use Permit for a fuel sales establishment with more than 10 multi-fuel dispensers (20 fuel positions) shall be required in the General Commercial (C-2) and I-2 Zoning District pursuant to **Section 3.10**, and subject to the standards in Subsections **22.a** through **22.i** above.

24. Car Wash

The consideration of a car wash is permitted in accordance with **Section 6.02**, subject to the standards of Section 3.07 - Special Use Permit, and following standards and limitations:

a. A self-service car wash facility may contain a maximum of four self-service bays.

b. A fuel sales use is not allowed with either a full-service or self-service car wash.

c. The use shall not abut a single-family residential zoned or used property.

d. Proximity to other developed or entitled car wash facilities shall be examined as part of the Special Use Permit process to avoid clustering of uses along a corridor, intersection, or neighborhood.

e. The order boxes of any drive-through shall meet one of the following location criteria:

(i) Located more than 150 feet of the nearest property line of a residentially zoned property or residentially used property in the ETJ; or

(ii) Positioned such that no speaker or microphone is facing toward a property line of a residentially zoned property or residentially used property in the ETJ.

f. The below elements shall be completely screened from view at an adjoining property line of a residentially zoned property or, in the ETJ, a residentially used property. Screening shall be provided by a wall or other screening mechanism, not less than 8 feet in height, that has a similar finish to the primary structure. Screening shall be required for the following elements of Drive-Throughs:

(i) Queuing spaces

(ii) Order boxes

(iii) Order window

(iv) Drive-through pick up windows

25. Towing Services and Impound Lots

A Towing Services and Impound Lot use may be permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. All motorized vehicles, to include operable or repairable motor vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, shall be on an approved paved surface.

b. Any other outdoor storage may be permitted in accordance with **6.02.080**.

6.02.050. Industrial Uses and Standards

A. Industrial Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Asphalt or Concrete Batch Plant	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Contractor Services, General	—	—	—	—	—	—	—	—	—	—	—	S	P	—	—	**B.2**
Dry Cleaning or Laundry Plant	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Lumber Yard	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	
Manufacturing, Processing and Assembly, General	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Manufacturing, Processing and Assembly, Limited	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Movie Production	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Office/Warehouse	—	—	—	—	—	—	—	—	—	—	L	P	P	—	—	**B.3**
Oil Refinery and Distribution	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Recycling Collection Center	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Research, Testing and Development Lab	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Resource Extraction	S	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Storage Yard													L			**B.4**
Truck Terminal	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Warehousing and Distribution, General	—	—	—	—	—	—	—	—	—	—	—	S	P	—	—	
Warehousing and Distribution, Limited	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Waste Related Uses	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Wrecking, Scrap or Salvage Yard	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	

B. Industrial Use Standards

1. Contractor Services, Limited

Contractor Services, Limited is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. Parking spaces shall be provided for fleet vehicles in addition to the minimum number of parking spaces required per **Chapter 11** of this Code.

b. Parking of fleet vehicles shall comply with the Outdoor Storage, Limited requirements of **Subsection 6.02.080.B.2**.

c. When the outdoor storage area is gated, a minimum of two vehicle stacking spaces from the key code box shall be provided. Vehicle stacking spaces shall comply with **Section 11.05**.

2. Contractor Services, General

Contractor Services, General is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. Outdoor storage shall be incidental to the primary use and may be permitted in accordance with **Section 6.02.080**.

b. Outdoor storage may be increased to 50% of the total site area provided the outdoor storage area is not located adjacent to a public street, residential zoned property, an existing single-family home in the ETJ that is platted or designated for residential use on the Future Land Use Map, or a public park.

c. When outdoor storage is proposed to be located adjacent to a public street, residential zoned property, an existing single-family home in the ETJ that is platted or designated for residential use on the Future Land Use Map, or a public park, articulation shall be provided for the screening wall or fence by one of the following:

(i) Columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart; or

(ii) Variations in depth achieved either through offsets of at least 5 feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet.

d. Fleet vehicles shall be parked in the same area as the designated outdoor storage to be screened from the public.

e. When the outdoor storage area is gated, a minimum of two vehicle stacking spaces from the key code box shall be provided. Vehicle stacking spaces shall comply with **Section 11.05**.

3. Office/Warehouse

Office/Warehouse is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The primary entrance shall be located in the office portion of the building.

b. The warehouse portion may not exceed more than 50% of the front building façade.

c. Access to the loading and storage areas shall be limited to the side or rear of the building.

d. The use is limited to a single loading dock/door.

4. Storage Yard

Storage Yard is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. All equipment, material and any other outdoor storage shall be located on an approved paved surface.

b. All equipment, material and any other outdoor storage shall comply with the setback requirements of the District, and the landscape standards of **Chapter 9**.

(i) For purposes of this subsection, street yard trees shall be provided between the screen wall and the street lot line.

c. When outdoor storage is proposed to be located adjacent to a public street, residential zoned property, an existing single-family home in the ETI that is platted or designated for residential use on the Future Land Use Map, or a public park, articulation shall be provided for the screening wall or fence by one of the following:

(i) Masonry columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart; or

(ii) Variations in depth achieved either through offsets of at least 5 feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet.

d. When outdoor storage areas are gated, a minimum of two vehicle stacking spaces from the key code box shall be provided. Vehicle stacking spaces shall comply with **Section 11.05**.

e. Outdoor storage shall comply with the requirements of **Section 6.02.080**.

6.02.060. Agricultural and Related Uses and Standards

A. Agricultural and Related Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Agricultural Operation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	—	**B.1**
Commercial Feed Lot	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.2**
Farm Stand	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.2**
Meat Market	L	—	—	—	—	—	—	—	—	S	S	L	L	—	S	**B.2**
Petting Zoo	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.2**
Riding Academy	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.2**
Taxidermist	L	—	—	—	—	—	—	—	—	—	—	—	L	—	—	**B.2**

B. Agricultural and Related Use Standards

1. Agricultural Operations

In accordance with the Texas Agricultural Code Sec. 251.0055, Agricultural Operations must not create imminent danger of any of the following impacts to people or property within the immediate vicinity:

a. Explosion;

b. Flooding;

c. An infestation of vermin or insects;

d. Physical injury;

e. The spread of an identified contagious disease that is directly attributable to the agricultural operation;

f. The removal of lateral or subjacent support;

g. An identified source of contamination of water supplies;

h. Radiation;

i. Improper storage of toxic materials;

j. Crops planted or vegetation grown in a manner that will cause traffic hazards; or

k. Discharge of firearms or other weapons, subject to the restrictions in Section 229.002, Local Government Code.

2. Agricultural-Related Uses

All agricultural-related uses shall meet any applicable provisions of the City Code of Ordinances. Outdoor display and storage requirements, if applicable, shall be met in accordance with **6.02.080**.

6.02.070. Temporary Uses and Standards

A. Temporary Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Seasonal Product Sales	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.1**
Farmer's Market, Temporary	L	—	—	—	—	L	L	L	L	L	L	L	L	L	L	**B.1**
Temporary Mobile or Outdoor Food Vendor	—	—	—	—	—	—	—	—	—	L	L	L	L	L	L	**B.1**
Transient Mobile or Outdoor Food Vendor	—	—	—	—	L	L	—	L	L	L	—	L	L	L	L	**B.10**
Business Offices, Temporary	—	—	—	—	—	L	L	L	L	L	L	L	L	L	L	**B.2**
Concrete Products, Temporary	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.3**
Construction Field Office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.4**
Construction Staging, Off-site	L	L	L	L	L	L	L	L	L	L	L	L	L	L	—	**B.5**
Parking Lot, Temporary	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.6**
Portable Classrooms	L	L	L	L	L	L	L	—	L	L	L	—	—	L	—	**B.7**
Residential Sales Offices/Model Homes	L	L	L	L	L	—	—	—	—	—	—	—	—	—	—	**B.8**
All Other Uses as Determined by the Director	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.9**

B. Temporary Use Standards

1. Seasonal Product Sales, Temporary Farmer's Market, and Temporary Mobile or Outdoor Food Vendor.

   a. Seasonal Product Sales, Temporary Farmer's Markets, and Temporary Mobile or Outdoor Food Vendors shall meet the requirements and follow the procedures of **Section 3.09**.

   b. Temporary Mobile or Outdoor Food Vendor is permitted in accordance with **Section 6.02.070** and subject to the following additional standards and limitations:

      (i) The Mobile or Outdoor Food Vendor shall be secondary to an existing primary use on the property.

      (ii) No more than three Mobile or Outdoor Food Vendors shall be permitted on the property.

      (iii) Mobile or Outdoor Food Vendor(s) shall be in operation and opened to the public during the primary use's hours of operation.

      (iv) Mobile or Outdoor Food Vendor(s) may connect to City-approved electric. Connection to water or wastewater services shall not be permitted.

      (v) Amenities including but not limited to restrooms, tables, chairs and shade structures may be permitted on the property subject to compliance with this Code.

      (vi) Parking shall be provided in accordance with **Chapter 11**.

      (vii) No Mobile or Outdoor Food Vendor shall be located on a required parking space or loading area.

      (viii) All Mobile or Outdoor Food Vendors, amenities and other site improvements shall be identified on the Temporary Use Permit in accordance with this Code.

      (ix) The Temporary Use Permit for the property may be valid for a period not to exceed one year. Renewal of the Temporary Use Permit shall not be permitted.

2. Business Offices, Temporary.

   A temporary building for use as a business office is permitted on a 90-day basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. All temporary business offices shall be shown on the Site Plan for approval of the permanent facility. Any temporary parking associated with the temporary business office shall follow the standards and procedures of **Subsection 6** below.

3. Concrete Products, Temporary.

   A temporary facility for manufacturing concrete or concrete products may be located where it is directly associated with construction in the area, provided that such facilities are at least 1,000 feet from existing residential development. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. Hours of operation shall meet adopted Building Code requirements. The production site must be returned to its pre-construction state following completion of the associated project. All buildings, driveway access, curb and gutter, debris, and product must be removed and the area must be sodded, seeded, or hydromulched with grass within 45 days of removal.

4. Construction Field Offices

   A temporary building for use as a construction field office is permitted on a 12-month basis unless it is renewed by the respective business. An unlimited number of renewals may be applied for and considered. When the construction field office is associated with a residential subdivision, one temporary building is allowed for each builder in the residential subdivision in which that builder has the authority to construct structures. For commercial construction, one temporary building per site is allowed. All temporary offices allowed under this provision shall receive Site Plan, Stormwater Permit Construction Plan approval, as applicable, following the procedures outlined in **Chapter 3. Applications and Permits**. Any temporary parking associated with the construction field office shall follow the standards and procedures of **Subsection 6** below.

5. Construction Staging, Off-Site

   This section applies to the temporary use of property outside of the right-of-way for activities related to the construction of public improvements. Temporary facilities allowed in conjunction with a staging site may include a construction field office, portable restroom facilities, vehicle or equipment storage, layout yards, storage of construction materials or product, and other uses as determined by the Building Official, but the temporary manufacturing of concrete or concrete products is not included as part of this use and is subject to the restrictions of Subsection **3** above. Off-site construction staging facilities may be located in all Zoning Districts where they are directly associated with construction of public improvements in the area, subject to the following requirements and limitations:

   a. Off-site construction staging facilities are permitted on a 12-month basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. An unlimited number of renewals may be applied for and considered.

   b. Such facilities shall be located within 1,500 feet of the boundary of the construction project and shall not be located within 500 feet of existing residential development. Existing residential development shall be deemed any existing structure that is currently used as a residence and shall not include undeveloped property.

   c. Notification of all property owners within 200 feet of the subject site shall be required 15 days prior to any action by the Building Official.

   d. Stormwater and Driveway Permits must be obtained from the Development Engineer. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

   e. Total impervious coverage shall be limited to 50% of the site.

   f. An undisturbed natural buffer of 15 feet shall remain along lot lines adjacent to other properties.

   g. Hours of operation shall meet adopted Building Code requirements.

   h. Any temporary parking or construction field offices associated with the construction staging area shall follow the respective standards of both, as specified in this section.

   i. Following completion of the associated project, the site must be returned to its pre-construction state. All buildings, driveway access, curb and gutter, debris, and product must be removed and the area must be sodded, seeded, or hydromulched with grass within 45 days of removal.

6. Parking Lot, Temporary

   A temporary parking lot may be approved, for a period not to exceed 12 months, when parking in excess of what was installed when a facility first opened is necessary to accommodate business or unanticipated patronage. A temporary parking lot required as part of another Temporary Use Permit may be approved in accordance with the period of time established for such temporary use. All temporary parking lots are subject to the following requirements and limitations:

   a. Site Plan approval shall be obtained pursuant to **Section 3.17**.

   b. Stormwater and Driveway Permits shall be obtained from the Development Engineer.

   c. The surface material of the parking lot shall be approved by the Development Engineer;

   d. Curbs, gutters, or other improvements may be required where necessary to comply with drainage regulations as approved by the Development Engineer;

   e. Entrance to the lot from any public right-of-way shall be pursuant to the driveway separation requirements of **Section 14.08**;

f. When entrance is allowed to the lot from a public right-of-way, that portion of the entrance located in the right-of-way shall be a paved surface approved by the Development Engineer; and

g. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

h. At the end of the permit approval period, the area shall meet the following:

(i) The area shall no longer be used for the parking of vehicles, except as permitted below. All paving material, driveway access, and curb and gutter must be removed, and the area must be sodded, seeded, or hydromulched with grass within 10 days of removal.

(ii) A temporary parking lot approved for the purposes of accommodating unanticipated patronage may be retained if brought up to full compliance with all standards of this Code. If no Site Plan is approved within two months of the expiration of the temporary approval, the temporary parking lot shall be removed in accordance with the standards above.

7. Portable Classrooms

Portable classrooms are permitted in accordance with **Section 6.02.070**, subject to the following standards and limitations and the requirements of **Section 3.09**.

a. Portable classrooms are allowed as part of a site-built public school facility.

b. A site-built school building and required site improvements must be in place prior to any placement of portable classrooms.

c. The square footage of portable classrooms shall not exceed 20% of the total square footage of the principal, site-built school buildings.

d. The portable classrooms shall be shown on an approved Site Plan and may be added to an existing Site Plan as part of an amendment process.

e. Required parking for the entire school facility shall be maintained per **Chapter 11**, including any increases needed to accommodate the portable classrooms.

8. Residential Sales Offices and Model Homes

A temporary residential sales office or model home must be located within the legal subdivision for which lots are being sold. In addition, the following standards and limitations shall be met:

a. A Temporary Use Permit with a conditional Certificate of Occupancy to operate the model home will expire after 12 months unless it is renewed by the builder, upon which the burden shall fall to demonstrate to the Building Official that the conditions of approval still exist. An unlimited number of applications to renew the Temporary Use Permit may be applied for and considered.

b. The builder of a model home that has been constructed to market a phase of a phased development may request extension of the Temporary Use Permit in order to market new phases of the same development, but only if there is no increase in the total number of model homes within all of the phases.

c. A permitted model home in one legal subdivision where a builder is actively marketing lots may be used to market lots in another legal subdivision if the builder has no model home in the second subdivision and when such sales are clearly secondary, as demonstrated through signs and advertisements, to the marketing of lots within the subdivision in which the model is located.

d. The builder of a model home constructed to market one legal subdivision may be granted a Temporary Use Permit to market a new legal subdivision for the period during which a new model home is being constructed in the new legal subdivision. Such Permit shall be valid for a period not to exceed six months, with no renewal.

e. The design and construction of the model home must be consistent with the character of the subject neighborhood. A model home or temporary sales office may construct a monument sign no larger than 16 square feet and no taller than 4 feet in height, subject to the requirements of **Chapter 12**.

f. The model home shall be constructed in such a manner that it can be converted, without structural changes, to a single-family or two-family residence (as allowed by the Zoning District). Such conversion shall occur no later than after the issuance of Certificates of Occupancy to 80% of the associated residential units or when use as a sales office or model home has ceased.

g. A conditional Construction Permit for the model home may be issued once the streets to the subdivision have been constructed to sub-grade and water service and a fire hydrant are located within 500 feet of the lot on which the model home is located. The Building Official shall note on the permit that the property owner accepts all responsibility for commencing construction prior to completion of the public improvements and City acceptance of the subdivision. The Certificate of Occupancy for the model home will not be issued until the subdivision and all public improvements have been accepted by the City, a Final Plat has been filed and recorded with the County, and all utilities are connected to the home.

h. No permits for a model home will be issued until roads serving the model lots are paved and accepted and all utilities serving the model lots are constructed (water, wastewater, electric, fire hydrant, drainage infrastructure).

i. Model homes are limited to one per floorplan.

j. A temporary building for use as a sales office is permitted on a six-month basis only if a model home has not been constructed. The temporary sales office is subject to the renewal policy outlined for model homes but shall be removed once the model home has been constructed.

9. All Other Temporary Uses

Other temporary uses deemed appropriate and compatible with the District and surrounding land uses may be permitted at the discretion of the Director.

10. Transient Mobile or Outdoor Food Vendor

Transient Mobile or Outdoor Food Vendor is permitted in accordance with **Section 6.02.070** without approval of a permit and subject to the following standards and limitations:

a. The Mobile or Outdoor Food Vendor shall be accessory to an existing primary use on the property and may only be placed on the property Thursday through Sunday. No Mobile or Outdoor Food Vendor shall be permitted on the property Monday through Wednesday.

b. No more than two Mobile or Outdoor Food Vendors shall be permitted on the property.

c. Mobile or Outdoor Food Vendor(s) shall be in operation and opened to the public during the primary use's hours of operation.

d. Connection to electric, water and wastewater services shall be prohibited.

e. Amenities including but not limited to restrooms, tables, chairs and shade structures shall be prohibited.

f. Parking shall be provided in accordance with **Chapter 11**.

g. No Mobile or Outdoor Food Vendor shall be located on a required parking space or loading area.

h. Mobile or Outdoor Food Vendor shall meet the lot and dimensional standards of the Zoning District.

6.02.080. Outdoor Display and Storage Uses and Standards

A. Outdoor Display and Storage Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MUDT	Standards
Outdoor Display, Limited	—	—	—	—	—	—	—	—	L	L	L	L	L	—	L	**B.1**, **B.2**
Outdoor Display, General	—	—	—	—	—	—	—	—	—	—	L	L	L	—	—	**B.1**, **B.3**
Outdoor Display, Off-Site Vehicles	—	—	—	—	—	—	—	—	—	—	L	L	L	—	—	**B.1**, **B.4**
Outdoor Storage, Limited	—	—	—	—	—	—	—	—	—	—	L	L	L	L	—	**B.1**, **B.3.b**
Outdoor Storage, General	—	—	—	—	—	—	—	—	—	—	—	L	L	—	—	**B.1**, **B.6**

B. Outdoor Display and Storage Use Standards

1. Requirements for All Outdoor Display and Storage
   a. All outdoor display and storage areas shall be clearly shown on the Site Plan for the property or, where no Site Plan of record exists, all required information shall be shown on a scaled drawing or property survey.
   b. All outdoor display and storage areas shall not be located in the following:
      (i) A required setback;
      (ii) A required bufferyard; or
      (iii) Required off-street parking spaces or stacking areas.
   c. All outdoor storage, notwithstanding **Subsection b** above, shall be set back at least 15 feet from the back edge of an adjacent curb or street pavement.
2. Outdoor Display, Limited
   a. Limited outdoor display of merchandise, goods or materials actively for sale or samples thereof are allowed only in association with the primary use of the site on which displayed.
   b. Limited outdoor display is allowed only in a front yard or street yard, in addition to the following limitations:
      (i) The display shall not extend a distance greater than 5 feet from the wall of the principal building;
      (ii) The display shall not extend to a height above 10 feet;
      (iii) The display shall not occupy more than 30% of the linear distance along the wall; and
      (iv) The display shall not be permitted to block windows, entrances or exits, nor impair the ability of pedestrians to use the building.
3. Outdoor Display, General
   a. General outdoor display of merchandise, goods or materials actively for sale or samples thereof are allowed only in association with the primary use of the site on which displayed.

b. General outdoor display shall not exceed 1,000 square feet or 10% of the total site area (whichever is greater).

c. General outdoor display that is located adjacent to a wall of the principal building, in a front yard or street yard, shall comply with the following limitations:

(i) The display shall not extend a distance greater than 5 feet from the wall;

(ii) The display shall not extend to a height above 10 feet;

(iii) The display shall not occupy more than 30% of the linear distance along the wall; and

(iv) The display shall not be permitted to block windows, entrances or exits, nor impair the ability of pedestrians to use the building.

4. Outdoor Display, Off-Site Vehicles

a. Off-site outdoor display of vehicles is allowed only if it is associated with an auto dealership whose principal establishment lies within the corporate limits of the City.

b. The vehicles displayed at the off-site property shall not be offered for sale.

c. A maximum of six vehicles may be displayed at the same time at an off-site property.

d. The vehicles display area shall be located on an approved paved surface, subject to approval by the Development Engineer.

e. The vehicle display area shall require the approval of the Director, which shall be noted on the Site Plan or, where no Site Plan of record exists, all required information shall be shown on a scaled drawing or property survey.

f. Vehicle window signage for display vehicles will be allowed in accordance with all other signage limitations for the District in which it is located.

5. Outdoor Storage, Limited

a. Limited outdoor storage is the storage of merchandise, goods or materials that are not actively for sale, are in individual packaging, and are not located within storage containers. Examples of limited outdoor storage include materials organic or otherwise stored on pallets or shelves.

b. Limited outdoor storage shall not be allowed in a front yard or street yard.

c. Limited outdoor storage shall not exceed 1,000 square feet or 20% of the total site area (whichever is greater).

d. Limited outdoor storage shall be completely screened from view by a solid opaque wall or fence at least 6 feet in height 1 foot above the height of the stored materials, whichever is greater. The wall or fence shall be constructed of materials that include, but are not limited to, brick, stone, reinforced concrete or other similar masonry materials; redwood, cedar or preservative pressure-treated wood; or other materials as approved by the Director.

e. Limited outdoor storage areas shall be paved and painted to distinguish them from required off-street parking areas.

6. Outdoor Storage, General

a. General outdoor storage is the storage of merchandise, goods or materials that are not actively for sale that include all forms of outdoor storage, including limited outdoor storage. Examples of general outdoor storage include items stacked on pallets and shelves, stored in shipping containers or convexes, and semi-trailers not attached to a truck.

b. General outdoor storage shall not be allowed in a front yard or street yard.

c. General outdoor storage shall be completely screened from view by a solid opaque wall or fence at least 8 feet in height or 1 foot above the height of the stored materials, whichever is greater. The wall or fence shall be constructed of materials that include, but are not limited to, brick, stone, reinforced concrete or other similar masonry materials; redwood, cedar or preservative pressure-treated wood; or other materials as approved by the Director.

d. General outdoor storage areas shall be paved and painted to distinguish them from required off-street parking areas.

Section 6.03. Wireless Transmission Facilities

A Wireless Transmission Facility (WTF) is permitted in accordance with the Use Table in **Section 6.02** and subject to the following standards:

6.03.010. Locational Regulations

A. In order to protect the City's natural beauty and historic character no WTF tower shall be located in the following areas:

1. Within a one-half mile or 2,640-foot radius measured from the property line of the Williamson County Courthouse located at 710 Main Street at the center of Georgetown's historic square.
2. Within a 500-foot radius of any District, structure, or site designated as historic by any other lawfully authorized local, state, or federal historic preservation agency or entity by law, including the City.
3. Within 500 feet of the centerline of the San Gabriel River.
4. Within 500 feet of the I-35 right-of-way. The restrictions of this section apply to all areas within the city limits except for properties and structures owned by the City. Location of a WTF on a municipally owned property or facility is subject to approval by the City Council.

B. No newly constructed WTF with or without a tower shall be located on existing structures designated as historic. Pre-existing wireless transmission facilities shall meet the requirements set forth in **Section 6.03.030**.

C. Wireless transmission facilities are allowed, without a Special Use Permit, on existing towers or tanks, utility, lighting standard, sign support, or other appropriate structures provided that the antennas or related equipment or structures do not exceed, by 10 feet, the lesser of the height of the structure or the height limits of the highest permitted structure in the District in which it is located.

D. Wireless transmission facilities with towers are allowed within any electric substation, within any Zoning District, provided that the antennas or related equipment or structures do not exceed, by 10 feet, the lesser of the height of the structure or the height limits of the highest permitted structure in the District in which it is located.

6.03.020. Mounting Standards

A. Wireless transmission facilities may locate, without a Special Use Permit, on the roof of any Non-Residential and non-historic building, within any Zoning District, provided the WTF does not exceed, by 10 feet, the lesser of the height of the building or structure or the height limits of the District in which it is located.

B. Wireless transmission facilities may mount, without a Special Use Permit, on the exterior of any Non-Residential and non-historic building, within any Zoning District, provided the antenna or antenna support structure or equipment:

1. Is mounted flush with the exterior of the building or that it projects no more than 24 inches from the surface of the building to which it is attached and does not exceed height restrictions established in this part of the Code and that said projection is at least 15 feet above grade; and
2. Is textured and colored so as to blend with the surrounding surface of the building.

C. Wireless transmission facilities, with or without towers, are allowed on municipally owned properties and structures subject to approval of a lease by the City Council specifying WTF location, design, and other restrictions.

D. Wireless transmission facilities may locate in the areas set forth in Subsections **A** and **B** above, provided they comply with all other standards regarding height requirements; collocation; historic districts, structures or sites; residential structures; residentially zoned property; setbacks and site development, and submittal requirements

of this Code. To locate within or on an area related to Subsection **C** above, the applicant must first receive approval from the City Council.

6.03.030. Collocation

A. To minimize the number of WTFs to be sited, applicants should cooperate with other service providers in collocating additional antennas on existing towers and/or structures to the extent that collocation is reasonably economical and technically feasible. An applicant should exercise good faith in collocating with other providers and sharing the permitted site. Such good faith shall include sharing technical information to evaluate the feasibility of collocation.

B. Service providers should, to the maximum extent feasible, promote collocation of antennas by multiple providers through the use of nonexclusive agreements for antenna sites, relocation and reconfiguration of antennas to accommodate additional users, utilization of current technology to maximize antenna separation and minimize antenna/tower height and obtrusiveness, and ensure building support structures are of sufficient strength.

C. The City encourages that each WTF tower be constructed in such a way that the structure can support additional antenna systems having the same or similar wind and weight loading characteristics as those that are proposed by applicant. Tower space on existing WTF towers should be provided on a reasonable, proportioned cost basis to other service providers who seek use of the structure, unless it would result in the creation of a level of radio frequency interference that would degrade applicant's services.

6.03.040. Setback Requirements

No permit for a tower shall be approved or issued unless the proposed WTF is in compliance with the applicable provisions governing setback distance requirements, which are as follows:

A. Monopole Towers

The distance between the base of a single monopole, and all Residential Districts or uses must not be less than:

1. The height of the WTF tower for towers under 60 feet;
2. One-and-one-half times the height of the WTF tower if the height of that tower is over 60 feet but not over 90 feet;
3. Two times the height of the WTF tower if the height of that tower is over 90 feet but not over 105 feet;
4. Two-and-one-half times the height of the WTF tower if the height of that tower is over 105 feet but not over 120 feet; or
5. Three times the height of the WTF tower if the height of that WTF tower is over 120 feet.

B. All distance measurements referred to in this section shall be the distance of a straight horizontal line from the center of the base of the WTF to the center of the residential lot minus 50 feet or the closest residential property line, whichever results in the greatest distance from the WTF and the nearest outer wall of a residential structure or line.

C. Safety issues will be fully addressed by applicants for a WTF siting. Wireless Transmission Facilities should be located in such a manner that if the structure should fall along its longest dimension it will remain within the owned or leased property boundaries of the service provider and will avoid structures, public streets, and utility lines. If a proposed WTF has a potential for affecting a nearby property or structure upon collapse or scattering of equipment debris, the situation must be addressed by applicant.

D. Property uses and distances referred to in this section shall be determined as of the date and time that the completed WTF permit application is filed.

E. Equipment enclosures shall be set back from the property line according to the applicable regulations.

6.03.050. Fencing Requirements

A. The base of a WTF with a tower, including all mechanical equipment and accessory structures, must be completely enclosed by a fence, wall, or barrier that limits climbing access to such WTF and any supporting systems, lines, wires, buildings, or other structures. The base must be fully screened from view of residential structures, residentially zoned properties or public roadways by a substantially opaque screening fence designed and built to provide privacy.

B. The fence shall be a minimum height of 8 feet and consistent in color and character to surrounding structures and properties.

C. The fencing shall have no openings, holes or gaps larger than 4 inches measured in any direction.

D. The fencing may contain gates or doors allowing access to the WTF and accessory structures for maintenance purposes; such gates or doors shall be kept completely closed and locked except for maintenance purposes and shall be located so that all gates and doors do not intrude into the public right-of-way.

E. The requirements of this section do not apply to:

1. Wireless Transmission Facilities located on buildings or structures that are not designed or built primarily to support WTFs, provided that the general public has no physical access to the WTFs and adequate safety measures are taken to prevent access by unauthorized people;
2. Legally existing WTFs having security fences at least 6 feet in height; and
3. WTFs with towers that are sufficiently camouflaged or disguised such that the City determines that a security fence is unnecessary and/or would cause the tower to be unnecessarily more obtrusive.

6.03.060. Maintenance and Inspection

A. The owner or operator of a WTF shall be responsible for the maintenance of the WTF and shall maintain all buildings, structures, supporting structures, wires, fences or ground areas used in connection with a WTF in a safe condition and in good working order, as required by City building, fire or any other applicable codes, regulations or ordinances or to standards that may be imposed by the City at the time of the granting of a permit. Such maintenance shall include, but shall not be limited to, maintenance of the paint, landscaping, fencing, equipment enclosure, and structural integrity. If the City finds that the WTF is not being properly maintained, the City will notify the owner of the WTF of the problem. If the applicant fails to correct the problem within 30 days after being notified, the City may undertake maintenance at the expense of the applicant or revoke the permit, at its sole option.

B. By applying for a WTF permit under this article, the applicant specifically grants permission to the City, its duly authorized agents, officials, and employees, to enter upon the property for which a permit is sought, after first providing a reasonable attempt to notify a person designated by the applicant, except in the event of an emergency, for the purpose of making all inspections required or authorized to be made under this part of the Development Code. The City may require periodic inspections of WTFs to ensure structural integrity and other Code compliance. Based upon the result of an inspection, the City may require repair or removal of a WTF.

6.03.070. Radio Frequency Standards

A. The applicant shall comply with federal standards for radio frequency emissions and must submit a signed statement that the proposed site fully complies with federal standards for radio frequency emissions. The City reserves the right to request that the applicant submit a sealed report from a registered radio frequency engineer which provides the estimated cumulative field measurements of radio frequency emissions of all antennas installed at the subject site and compares the results with established federal standards. Said report

shall be subject to review and approval by the City for consistency with federal standards. If on review the City finds that the proposed or established WTF does not meet federal standards, the City may deny or revoke the permit, whichever is applicable at the time.

B. The applicant shall ensure that the WTF will not cause localized interference with the reception of area television or radio broadcasts or other legally existing WTFs. If on review the City finds that the WTF will interfere with such reception, it may deny the permit. If such interference occurs after the permit is issued and the problem is not corrected within 60 days, the City may revoke or modify the permit.

6.03.080. Specific Development Standards

Wireless transmission facilities shall conform to the following site development standards:

A. All towers must be of monopole construction and be as unobtrusive as possible. At a minimum, antennas must be flush with the tower;

B. To minimize potential safety hazards, WTFs with towers shall be setback from residential structures or residentially zoned property lines as required in **Section 6.03.040**;

C. All lots on which WTFs are located must have access to a public right-of-way accepted by the appropriate governmental agency.

D. Wireless transmission facilities shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to:

1. Use existing site features to screen as much of the total WTF as possible from public view;
2. Use existing site features as a background so that the total WTF blends into the background with increased sight distances; and
3. To the degree technically feasible, locate on a portion of the site that is effectively isolated from view of residential areas by structures or terrain features unless the WTFs are integrated or act as an architectural element of the structure such as a flagpole or parking lot light or are effectively screened through installed landscaping or other acceptable screening.

E. Wireless transmission facilities having towers viewable from a residential structure, residentially zoned property or public roadway shall be landscaped along the perimeter of the WTF fencing. Further, the use of existing vegetation shall be preserved to the maximum extent practical and may be used as a substitute for or in supplement toward meeting landscaping requirements. The installed landscaping requirements include:

1. A row of shade trees a minimum of 1-inch caliper shall be planted around the perimeter of the fence with a maximum spacing of 10 feet;
2. A continuous hedge of 1-gallon-sized (minimal) evergreens shall be planted along the perimeter of the WTF; and
3. All landscaping shall be drought-resistant or irrigated and properly maintained to ensure good health and viability.

F. The City may waive landscaping requirements if the design of the WTF tower is such that landscaping would cause the tower to be more obtrusive, if the tower is integrated or acts as an architectural element of a structure such as a flagpole, parking lot light, bell tower or other similar structure, and/or the City determines landscaping to be unnecessary.

G. Wireless transmission facilities with towers shall conform to the fence standards established in **Section 6.03.050**.

H. Equipment enclosures of a WTF that may be seen from a residential structure, residentially zoned property or public roadway, are encouraged to be located underground, if site conditions permit. If the equipment enclosure is not put underground, then it must be within the building in which the antenna is mounted or in a separate

equipment enclosure that matches the existing building or surrounding structures in character and building materials.

I. All signs, flags, lights, and attachments other than those required for communications operations, structural stability or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited on any WTF;

J. Applicant shall identify to the City any structures in the vicinity which the applicant investigated for possible use that have not been addressed otherwise in the application.

6.03.090. Submittal Requirements

A. All service providers wishing to operate a WTF shall ensure and submit documentation demonstrating:

1. That the tower will be erected and operated in compliance with current FCC and FAA rules and regulations and other applicable federal, state, and local standards particularly as apply to the Georgetown Municipal Airport;
2. That all back haul providers are identified and have all the necessary approvals to operate as such, including holding necessary franchises, permits, and certificates;
3. A notarized statement signed by the WTF tower operator, the tower owner and the landowner that indicates:
   a. The extent to which all agree to allow collocation of additional WTF equipment by other service providers on the applicant's structure or within the same site location on a reasonable and non-discriminatory basis;
   b. An understanding of **Section 6.03.060** relating to maintenance and inspections;
   c. An understanding that if the service provider fails to remove the WTF upon 60 days of its discontinued use, the responsibility for removal falls upon the landowner, and in the event the WTF is not removed within another 60 days, the City may remove the WTF and recover the costs associated with such removal from the landowner and place a lien on the property until such costs are paid.
4. Service providers shall submit updated notarized statements as required above whenever ownership or operators change.
5. A certification and sealed report from a registered professional engineer stating that all structural components of the WTF comply with all applicable codes and regulations. In the case of WTF towers, the report should further note the extent to which the tower is designed and/or built to accommodate co-location.

B. Service providers wishing to establish a WTF shall:

1. Secure all necessary approvals and permits needed to operate or construct a WTF within the City;
2. Fully and accurately complete a questionnaire supplied by the City;
3. Comply with all ordinances of the City;
4. Pay all related development and permit application fees;
5. Reimburse the City for actual costs incurred by the City for radio frequency evaluations, structural engineering reviews and/or any other services that the City may deem necessary to review and process the application; and
6. Provide the City with:
   a. A master antenna plan, including detailed maps:

(i) Showing the precise locations and characteristics of the proposed and all existing WTFs in the City and in its extraterritorial jurisdiction (ETJ);

(ii) Indicating coverage areas of the proposed and existing sites within the City and its ETJ; and

(iii) Showing topography of proposed site.

b. Updates of the above documents shall be filed with the City as they become available;

c. Photo simulations of the proposed WTF from varying points and distances, including affected residential properties and public rights-of-way. The photo simulation shall also include a diagram or map indicating points from where the photo simulations are taken; and

d. Site and landscaping plans indicating:

(i) The specific placement of the WTF and all related structures on the site;

(ii) The location of existing trees, and other significant site features;

(iii) The type and location of landscaping proposed for screening;

(iv) The color(s) for the WTF; and

(v) Architectural and structural drawings for the proposed site.

6.03.100. Notice Requirements

The notice requirements of this section apply only to applications for which a public hearing is required and if the proposed WTF tower is within 200 feet or a distance equal to twice the height of the proposed WTF, whichever is greater, of a residential structure or a residential District.

A. Notice Sign Placement and Information.

1. The applicant for a WTF permit must post and use reasonable efforts to maintain a sign on the subject WTF site for a minimum of 30 calendar days beginning no later than the sixth calendar day following the date of the filing of the required completed application with the City. The sign shall be posted no less than 15 feet from the public right-of-way that is used as access to the WTF site. The sign shall face and be legible from the public right-of-way. The sign shall contain at a minimum the following items of information:

a. That this is the proposed site of a WTF;

b. The proposed maximum Height Above Grade of the proposed WTF;

c. The WTF permit application number assigned to this project by the City; and

d. The telephone number of the City of Georgetown where additional information concerning this proposed WTF may be obtained.

2. The applicant shall remove the sign from the subject WTF site after the permit is obtained or the appeals process is complete.

3. Written notice of the filing of each application for a WTF permit shall be given to the owners, as is indicated by the most recently approved tax rolls, of all property within a distance of 200 feet or a distance that is equal to twice the height of the proposed WTF, whichever is greater, from the proposed WTF site. The required written notice, which will be mailed out by the City, shall be in a form prescribed by the Director and shall be mailed by depositing the same in the United States Mail. The required notice shall be mailed no later than the tenth calendar day following the filing of the required fully completed application.

4. Written notice shall be published by the City at least once in a local newspaper of general circulation within the City not later than the seventh calendar day following the date of filing of the required completed

application. Such notice shall be published in the section of such newspaper in which other legal notices are commonly published.

5. The "written notice" required in Subsection **3** above shall include, at a minimum, the following:
   a. The name, signature, address, and telephone number of the person or entity representative that will own the proposed WTF structure;
   b. The name, address, and telephone number of the applicant if different from the owner of the proposed WTF;
   c. The approximate proposed location of the WTF structure, including the street address (or nearest street intersection) and the name of the subdivision or survey if there is no recorded subdivision;
   d. The proposed use of the WTF structure and site;
   e. The proposed maximum height above grade of the proposed WTF structure; and
   f. That additional information may be obtained by writing or telephoning the office of the Director, including the telephone number.

6.03.110. Permitted Hours for Construction

Construction, placement, removal or alterations to a WTF shall not be performed except between the hours of 7:00 a.m. and 9:00 p.m. of any day, except in a bona fide emergency.

6.03.120. Permit Limitations

A. Any City permit, including the Special Use Permit, shall become null, void and non-renewable if the permitted WTF is not constructed within one year of the date of issuance, provided that the Special Use Permit may be extended one time for six months if construction has commenced before expiration of the initial year.
B. The applicant/permittee of a WTF shall expressly indemnify, protect, and hold the City harmless to the maximum extent allowed by law. No exceptions to this requirement shall be allowed.
C. Any City permit, including a Special Use Permit, for a WTF shall expire and the applicant must remove the WTF if it is not put into use within 120 days after construction or if use is discontinued for a period in excess of 120 days. If the WTF is not so removed, the City may cause the WTF to be removed and all expenses of removal shall be paid by the owner of the land where the WTF is located.
D. The applicant shall notify the Director of all changes in ownership or operation of the WTF tower within 30 days of actual knowledge of the change.

6.03.130. Effective Date and Effect on Pre-Existing and Permitted WTFs

A. The requirements of this part of the Code apply to all new WTFs after the date of adoption and the expansion and/or alteration of any existing WTFs; provided that an in-kind or smaller replacement of transmission equipment will require only a written notification to the City.
B. A WTF which was in existence on the date of final passage of this part of the Development Code shall not be required to be removed or relocated in order to meet the minimum distance requirements of this Code due to subsequent platting of a residential lot nearer to the WTF than the distance requirements of this section. However, any alteration to existing WTFs shall require compliance with the applicable provisions of this Code.

Chapter 7. Residential Development Standards

Section 7.01. General

7.01.010. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212 and the City Charter.

7.01.020. Purpose and Intent

This chapter establishes development standards for residential properties within the city limits and ETJ of the City of Georgetown.

7.01.030. Applicability

A. Within the Extraterritorial Jurisdiction (ETJ)

All residential development within the City's ETJ is subject to the provisions of **Section 7.02.010. General**.

B. Within the City Limits

1. All residential development within a Residential Zoning District shall be subject to the provisions of this Chapter.
2. All residential development within a Non-Residential Zoning District shall be subject to the provisions of **Section 7.04. Accessory Structures, Garages and Carports** and **Section 7.05. Common Amenity Area** in addition to the development standards of the Non-Residential Zoning District in which it is located.
3. All non-residential development within a Residential Zoning District or the Agriculture District shall be subject to the Building Design Standards set forth in **Section 8.04** and the Lighting Standards set forth in **Section 8.05** in addition to the development standards of the Residential Zoning District in which it is located.

Section 7.02. Development Standards

7.02.010. General

A. All new development shall be located on a lot or tract meeting the requirements of **Section 3.15**.

B. All new lots or tracts shall have a minimum lot width and street frontage abutting a public street, or a private street that meets City of Georgetown public street construction requirements, as follows:

1. Within the city limits the minimum lot width and street frontage shall be in accordance with the Zoning District in which it is located.
2. Within the ETJ the minimum lot width and street frontage shall be 25 feet unless the frontage is on a collector or higher, then the minimum shall be 70 feet.
3. A Subdivision Waiver varying or waiving these requirements may be requested pursuant to **Section 3.16**.

C. All development within the city limits and areas of the ETJ where the City provides fire protection services shall comply with the applicable standards contained in the International Fire Code, as adopted in the **City of Georgetown Code of Ordinances, Chapter 8.04**. When such standards conflict with any lot, dimensional, and design standards of this Code, the International Fire Code standards shall apply.

D. Allowed Uses

1. Uses allowed in each Zoning District shall be:

   a. Those residential uses identified in **Section 6.02. Use Tables**.

   b. Those non-residential uses identified in **Section 6.02. Use Tables**.

   c. Those accessory uses identified in **Subsection 6.01.020.F** that may be compatible with the primary uses.

E. Non-Residential and Accessory Design Standards

1. Non-residential structures shall meet the lot and dimensional standards of the applicable District, in addition to the requirements of **Section 7.03** and **Section 7.04**.

2. Residential accessory structures shall meet the requirements of **Section 7.04.010**.

3. Residential accessory structures shall not exceed the height of the principal residential structure.

F. Other Requirements of this Chapter that Apply to all Residential Districts

1. Dimensional Interpretations and Exceptions, **Section 7.03**.

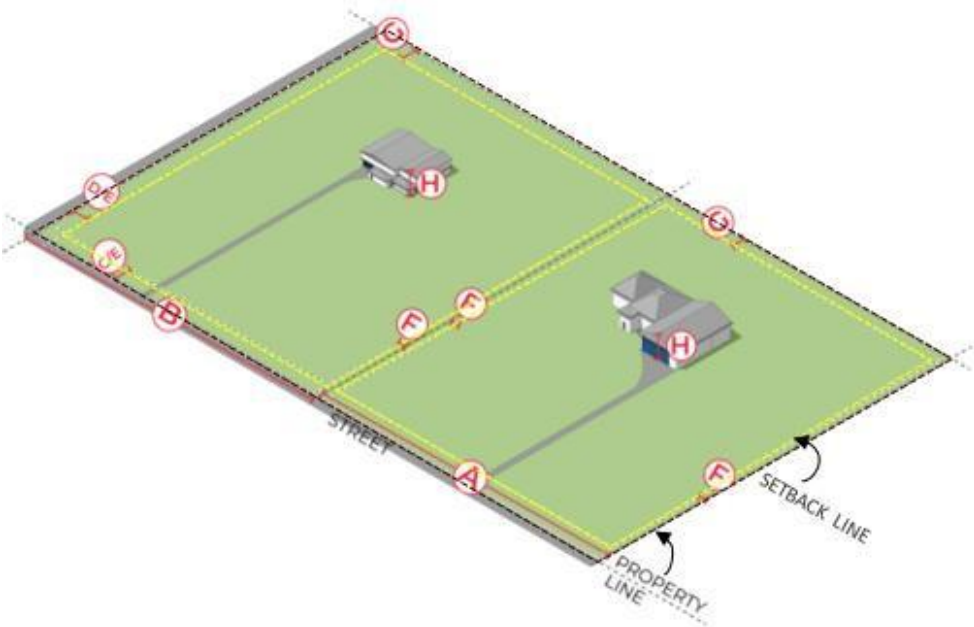
2. Accessory Structures, Garages and Carports, **Section 7.04**.

7.02.020. AG Agriculture District

The AG Agriculture District provides for large lot, low-density rural residential development, ranching, farming and other agricultural uses. This area may also include lands that are relatively undeveloped and natural areas. This District incorporates supporting, small-scale, non-residential uses located along major thoroughfares with buffering between residential and nonresidential uses. The AG District is also appropriate for land newly annexed into the City.

A. Lot and Dimensional Standards

AG Agriculture District		
	Lot size, minimum square feet	217,800 (5 acres)
A	Lot width, minimum feet	100
B	Corner/end lot width, minimum feet[1]	100
C	Front/primary street setback, minimum feet	25
D	Corner side/secondary street setback, minimum feet	25
E	Street-facing garage setback, minimum feet	25
F	Side setback, minimum feet	10
G	Rear setback, minimum feet	20
H	Building height, maximum feet	45
	Maximum impervious cover	See **Section 13.02**
[1] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.		



B. Non-Residential and Accessory Design Standards

1. Accessory structures associated with a Non-Residential Use allowed in **Section 6.02.060.A. Agricultural and Related Uses** may exceed the height of the principal structure provided the maximum building heights of the District are not exceeded.

7.02.030. RE Residential Estate District

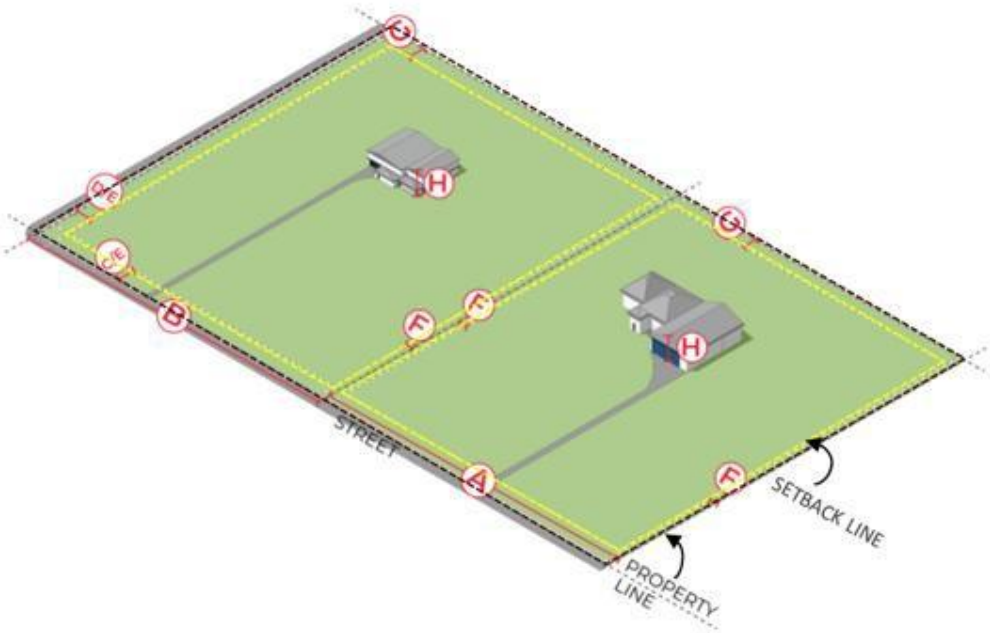
The RE Residential Estate District provides for large-lot, low-density residential development and associated uses and services. This District is appropriate where steep topography, presence of environmentally sensitive features or lack of public utilities and services may necessitate a low density.

A. Lot and Dimensional Standards

RE Residential Estate District		
	Lot size, minimum square feet	43,560 (1 acre)
A	Lot width, minimum feet[1]	100
B	Corner/end lot width, minimum feet[2]	100
C	Front/primary street setback, minimum feet	25
D	Corner side/secondary street setback, minimum feet	25
E	Street-facing garage setback, minimum feet	25
F	Side setback, minimum feet	10
G	Rear setback, minimum feet	20
H	Building height, maximum feet	35
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.



7.02.040. RT Residential Traditional District

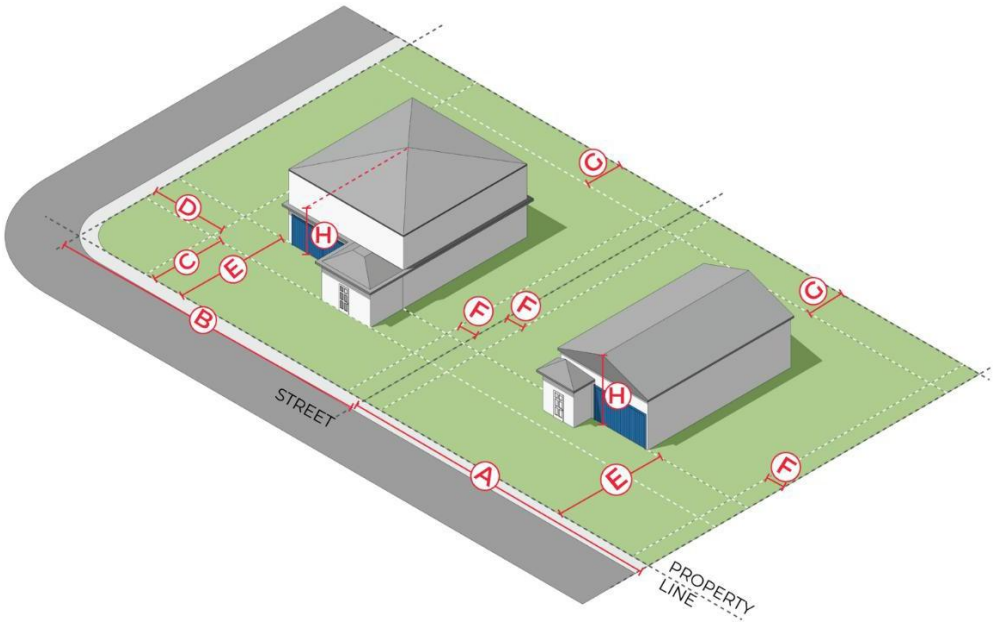
The RT Residential Traditional District provides for large-lot residential development and associated uses and services that do not have topographic challenges or environmentally sensitive features, and are served by public utilities and services. This District is appropriate as a rural-to-urban transition to provide incremental changes in intensity. While the district is appropriate in rural or urban areas where larger lots comprised of single-family detached housing are desired, the pattern of residential development closely matches that of the residential RS District.

A. Lot and Dimensional Standards

RT Residential Traditional District		
	Lot size, minimum square feet	7,500
A	Lot width, minimum feet[1]	70
B	Corner/end lot width, minimum feet[2]	70
C	Front/primary street setback, minimum feet	20
D	Corner side/secondary street setback, minimum feet	20
E	Street-facing garage setback, minimum feet	30
F	Side setback, minimum feet	5
G	Rear setback, minimum feet	10
H	Building height, maximum feet	35
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.



7.02.050. RS Residential Suburban District

The RS Residential Suburban District is a District that provides for smaller-lot residential development and associated uses and services, and allows both single-family detached homes, single-family attached homes, and zero lot line homes. Residential development in this District is to maintain single-family neighborhood characteristics, such as curvilinear streets of homes separated from other uses. The District may be located adjacent to small-scale commercial and public services likely to serve residents of the neighborhood, and protected from incompatible non-residential uses, such as large-scale commercial retail, office parks, manufacturing, and warehousing.

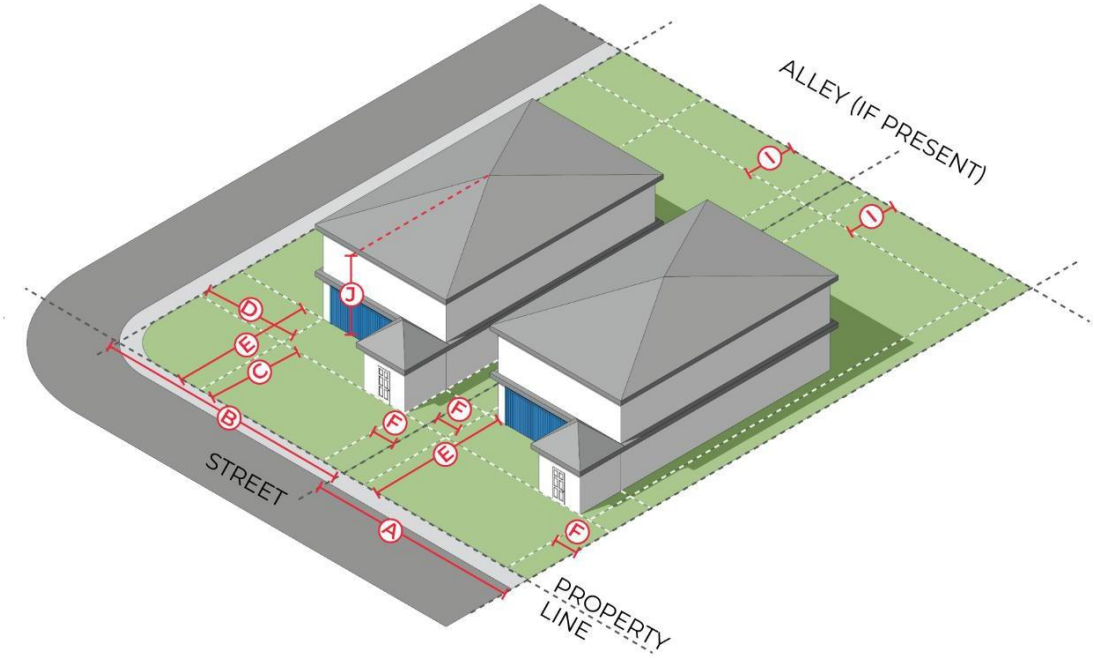
A. Lot and Dimensional Standards

	Lot Type	**Single-Family, Detached**		**Single-Family, Attached**	
	Garage/Parking Access	**Front**	**Alley**	**Front**	**Alley**
	Lot size, minimum square feet	5,500	4,000	3,100	2,700
A	Lot width, minimum feet[1]	45	35	35	30
B	Corner/end lot width, minimum feet[2]	55	45	45	35
C	Front/primary street setback, minimum feet	20	15	20	15
D	Corner side/secondary street setback, minimum feet	15	15	15	15
E	Street-facing garage setback, minimum feet	25	N/A	25	N/A
F	Side setback, minimum feet	5	5	N/A	N/A
G	Shared/Passive wall side setback, minimum feet	N/A	N/A	0	0
H	Non-shared/Active wall side setback, minimum feet	N/A	N/A	5	5
I	Rear setback, minimum feet	10	10	10	10
J	Building height, maximum feet	35	35	35	35
	Maximum impervious cover	See **Section 13.02**			

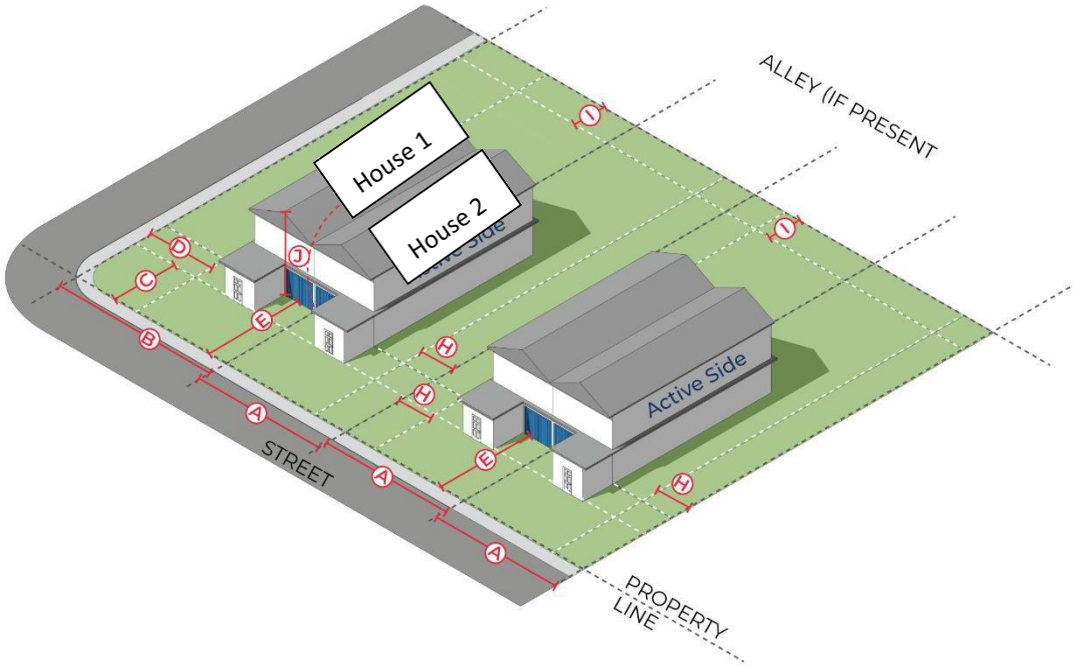
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

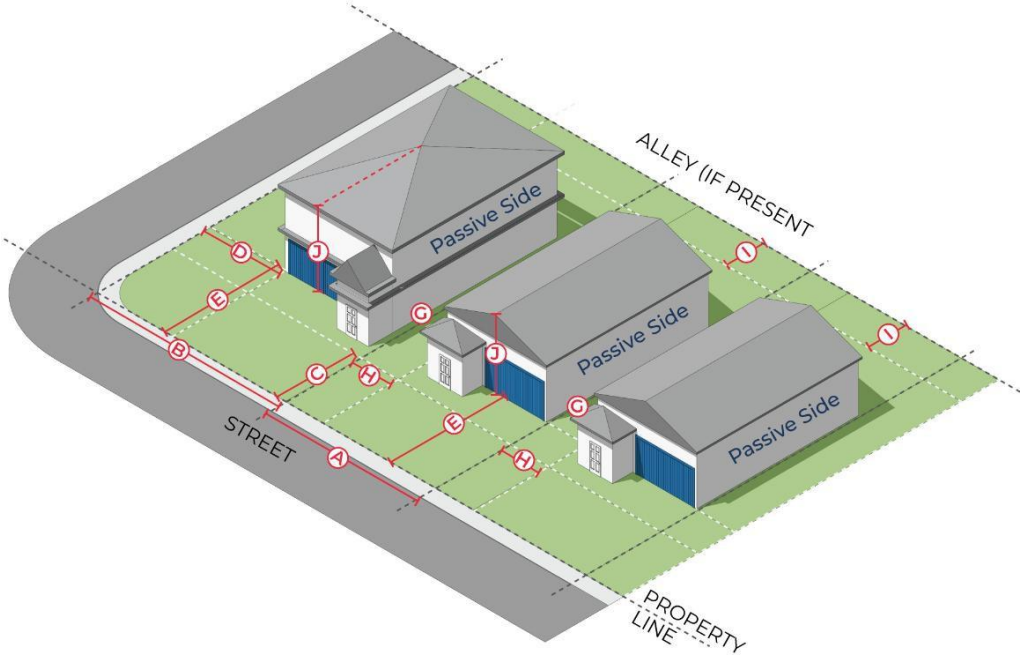
Single-Family, Detached Dimensional Graphic



Single-Family, Attached Dimensional Graphic



Single-Family, Zero-Lot-Line Dimensional Graphic



B. Residential Design Standards

The design standards below apply to all development in the RS District in addition to the site design standards in **Section 7.05**.

1. Similarity Restrictions

Except as provided in Subsection **a**. below, no new dwelling that is similar in appearance to a neighboring dwelling is permitted. The standards to determine such similarity are set forth below and shown by example in the illustrations contained in this section.

a. Exemptions

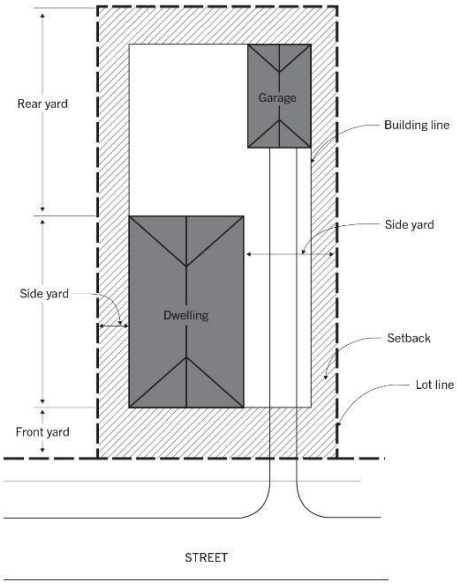
The following shall be exempt from these provisions:

(i) Dwellings for which a Building Permit was approved before March 11, 2003.

b. Differences in Appearance

(i) Differences in bulk and massing shall be reviewed for the lots on either side of the proposed dwelling on the same side of the street, as shown in the following illustrations.

Figure 7.02.050-7.02.05-1. Lot Dimensions



(ii) Where lots are interrupted by an intervening street, public parkland, or similar feature of at least 50 feet in width, no review shall be necessary.

(iii) The proposed building shall be considered different from any vacant lot as defined in (c) below, for which no building permit has been issued without requiring further documentation.

c. Differentiation

The proposed dwelling shall differ from other applicable dwellings in at least two of the three criteria listed below.

(i) The dwelling is a different housing type.

(a) Single-family detached;

(b) Single-family attached; or

(c) Single-family, zero lot line.

(ii) The dwelling differs in the number of full stories.

(a) Single-story; or

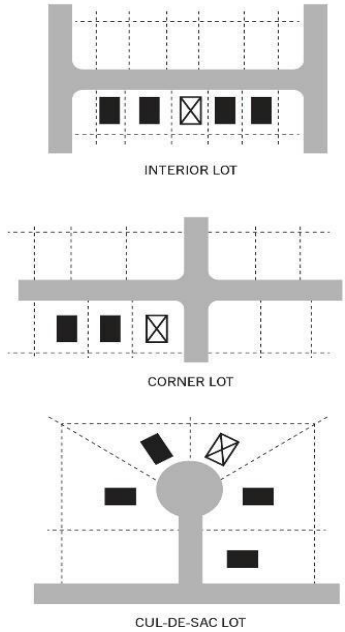
(b) Two-story.

(iii) The dwelling incorporates a variety of roof pitches.

d. All dwelling units shall include variation in the front façade using at least four of the following:

(i) One or more bay windows;

Figure 7.02.050-7.02.05-2. Lot Differentiation



The lot designated with an 'X' must be different from the lots on either side of the proposed dwelling.

(ii) One or more water collection devices or methods approved in this UDC;

(iii) One or more open, box, or hipped gables;

(iv) Two or more columns measuring at least the full plate height of the ground floor, unless situated upon a knee wall or architectural base or pedestal, and being fully boxed, turned, or utilizing a similar method. Columns shall measure at least 3 inches in average width from the column center;

(v) No more than one façade material is the same as a neighboring dwelling with regard to composition, color, finish, or pattern. Where a material is provided that is the same as a neighboring dwelling, it shall cover no more than 10% of the façade for the remaining differentiated materials to achieve credit. Materials that are exempt from this requirement include roofing materials, windows and window trim, doors, eave and facia board;

(vi) One or more awnings;

(vii) One or more arches spanning at least 25% of the façade width either individually or collectively, and having an offset of at least 5% of the arch width from both tangents;

(viii) The garage is set back a minimum of 4 feet from the front façade;

(ix) A covered, open-walled porch at least 8 feet in depth extends a minimum of 33% of the width of the front façade;

(x) Other articulation of the front façade at least 4 feet in depth extends at least 33% of the width of the front façade.

e. The Planning Director may approve other methods as alternatives to those listed in **Subsection c** above on a case by case basis if the Director determines that an alternative method will achieve a similar level of quality and differentiation from neighboring dwellings.

f. If any four of the minimum feature numbers or the feature dimensions listed under **Subsection d** above are doubled, the differentiation requirement under **Subsection c** above shall be satisfied regardless of whether the features listed in **Subsections c(i)** through **c(iii)** are provided.

g. Application Review

(i) Acceptable documentation may include photographs of the other structures in question (no building elevations are required).

(ii) A subdivision or phase thereof may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat. Such documentation is not required to be recorded as part of the plat.

2. Single-Family, Attached

A single-family, attached dwelling is allowed using the lot and design standards of the RS District, in addition to the following criteria:

a. Both dwellings shall be located on separate legal lots; and

b. The side setback between two single-family attached lots may be reduced to zero feet.

3. Single-Family, Zero-Lot-Line

A single-family, zero-lot-line dwelling is allowed using the lot and design standards of the RS District, in addition to the following criteria:

a. The zero-lot-line shall not be the lot line adjacent to:

(i) A lot not containing or planned for zero-lot-line dwellings;

(ii) A highway frontage road; or

(iii) A garage or carport taking access from a side street.

b. The eaves on the side of a house with no side setback may project no more than 18 inches over the adjacent property line and a perpetual easement or deed restriction for the eave projection is recorded for the lot where the projection occurs.

c. No structure extends into a public easement.

d. Any rain gutters are positioned to drain only onto the lot of the house to which they are attached.

e. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within 4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least 5 feet of unobstructed space between the furthermost projection of the structure(s) and the edge of the easement.

f. No windows or other openings on the side of the structure on or within 3 feet of the lot line with no setback are allowed, except for windows that do not allow or restrict visibility of the adjacent lot, such as clerestory or translucent windows.

7.02.060. RM Residential Mix District

The RM Residential Mix District provides for an assortment of residential densities, housing types, and associated uses and services compatible with surrounding neighborhoods, incrementally more intense than the RS District. This District may include housing types such as dense single-family residential, two-family residential, duplexes, single-family attached and townhouses. This District is appropriate in areas of 20 acres or less for infill development in urban areas as well as a transition from residential areas to nonresidential uses such as commercial retail, offices, and non-industrial commercial uses. Development should feature elements that support access from those residents to nearby commercial retail and offices by walking or bicycling. A key difference between the RM District and RS District is the accessing of service elements of the residential use like parking via alleys, and increased use of gridded street patterns. The RM District should be protected from incompatible non-residential uses, such as large-scale commercial retail, office parks, manufacturing, and warehousing.

A. Lot and Dimensional Standards

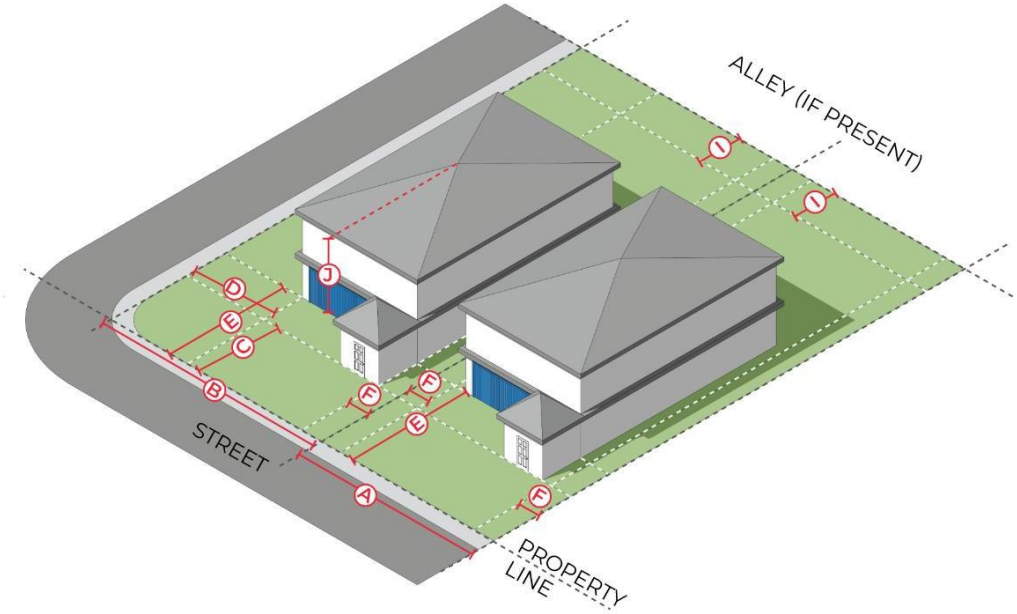
	Lot Type	**Single-Family, Detached**		**Single-Family, Attached**		**Two-Family, Duplex**		**Townhouse**	
	Garage/Parking Access	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**
	Lot size, minimum square feet	4,400	4,000	2,700	2,200	6,000	5,000	1,500	1,300
A	Lot width, minimum feet[1]	45	35	30	25	55	50	22	18
B	Corner/end lot width, minimum feet[2]	50	40	35	30	65	60	32	28
C	Front/primary street setback, minimum feet	15	15	15	15	15	15	15	10
D	Corner side/secondary street setback, minimum feet	15	15	15	15	15	15	15	10
E	Street-facing garage setback, minimum feet[3]	20	N/A	30	N/A	20	N/A	20	N/A
F	Side setback, minimum feet	5	5	N/A	N/A	5	5	N/A	N/A
G	Shared/Passive wall side setback, minimum feet	N/A	N/A	0	0	N/A	N/A	0	0
H	Non-shared/Active wall side setback, minimum feet	N/A	N/A	5	5	N/A	N/A	5	5
I	Rear setback, minimum feet	10	10	10	10	10	10	10	10
J	Building height, maximum feet	35	35	35	35	35	35	35	35
	Maximum impervious cover	See **Section 13.02**							

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

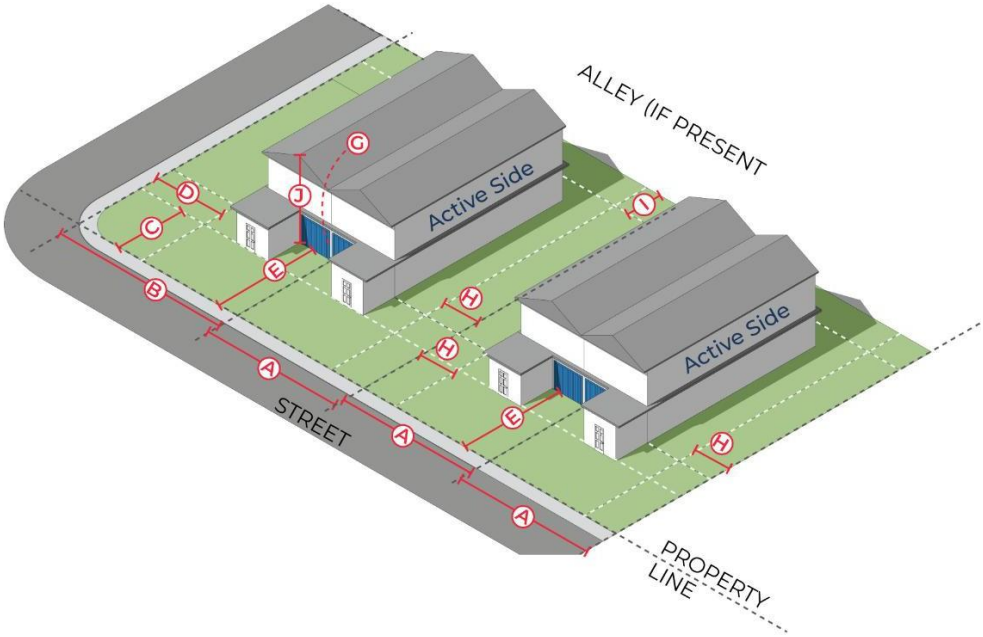
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

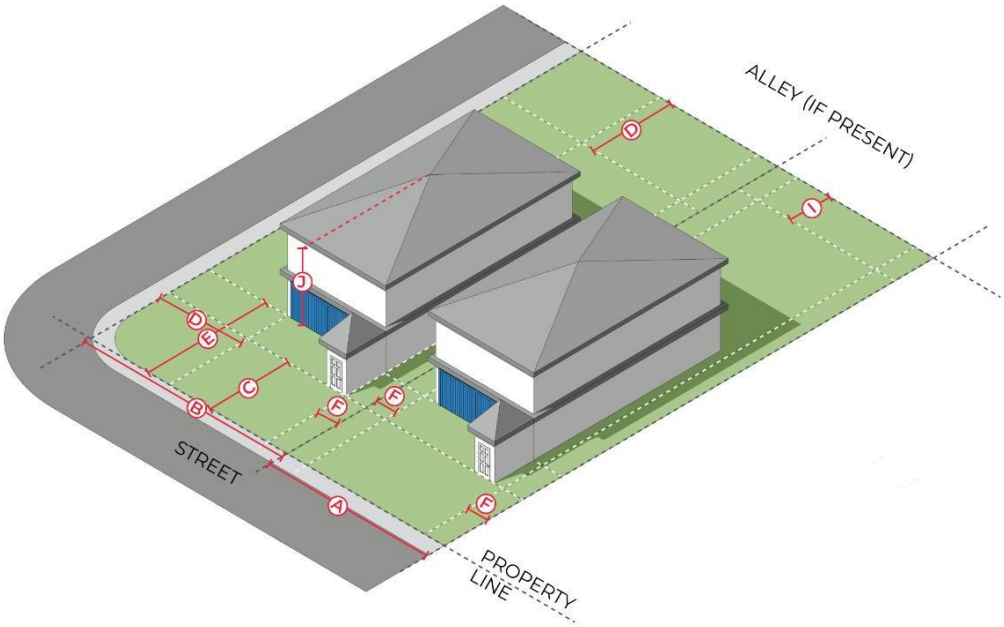
Single-Family, Detached Dimensional Graphic



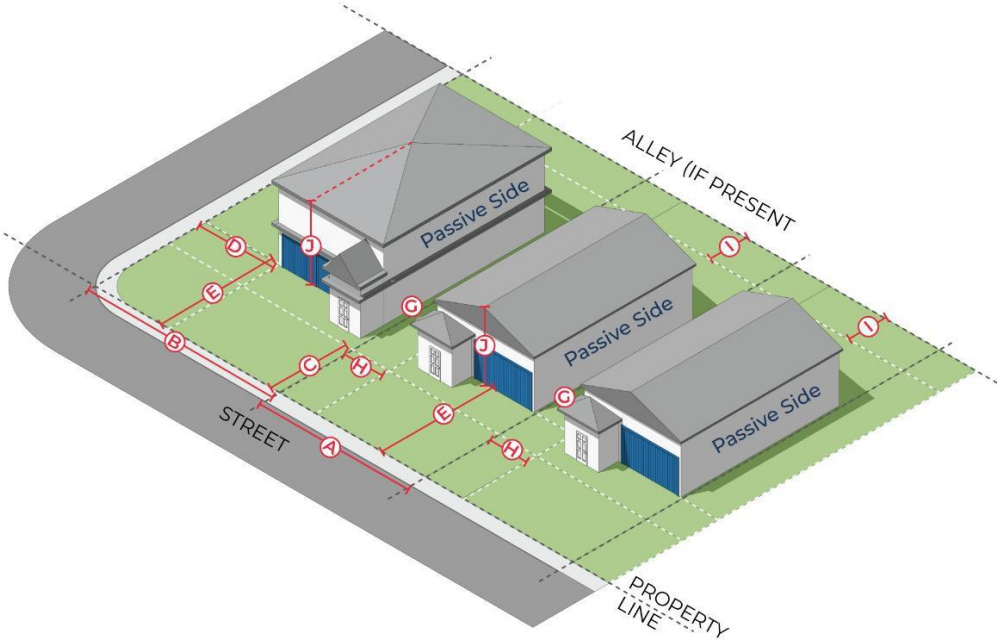
Single-Family, Attached Dimensional Graphic



Two-Family, Duplex Dimensional Graphic



Single-Family, Zero-Lot-Line



B. Diversity Required

Acreage	Minimum Lot Types
Less than 5	1
5-10	2
More than 10	3

C. Residential Design Standards

The design standards below apply to all dwellings in the RM District in addition to all site design standards in **Section 7.05**.

1. Similarity Restrictions
   a. All development shall meet the similarity restrictions provided in **Section 7.02.050.B.1.**
2. Single-Family, Attached

   A single-family, attached dwelling is allowed using the lot and design standards of the RM District, in addition to the following criteria:

   a. Both dwellings shall be situated on separate legal lots;
   b. Single-family, attached dwellings are not allowed in the Old Town Overlay District.
   c. Townhouse development shall comply with the building materials requirement in Section **8.04.040** and contain variation through articulation of the front façade, using at least one of the following:
      (i) A garage that is set back at least 4 feet from the front façade;
      (ii) A covered, open-walled porch of at least 6 feet in depth extends at least 50% of the width of the front façade;
      (iii) Other articulation of the front façade at least 4 feet in depth that extends at least 50% of the width of the front façade;
      (iv) One or more bay windows;
      (v) One or more water collection devices or methods approved in this UDC;
      (vi) One or more open, box, or hipped gables;
      (vii) Two or more columns measuring at least the full plate height of the ground floor, unless situated upon a knee wall or architectural base or pedestal, and being fully boxed, turned, or utilizing a similar method. Columns shall measure at least 3 inches in average width from the column center;
      (viii) Tree preservation, landscaping provided at time of construction, or some combination of each, is at least double the minimum requirements found in **Chapter 9**;
      (ix) No more than one façade material is the same as a neighboring dwelling with regard to composition, color, finish, or pattern. Where a material is provided that is the same as a neighboring dwelling, it shall cover no more than 10% of the façade for the remaining differentiated materials to achieve credit. Materials that are exempt from this requirement include roofing materials, windows and window trim, doors, eave and facia board;
      (x) One or more awnings;

(xi) One or more arches spanning at least 25% of the façade width either individually or collectively, and having an offset of at least 5% of the arch width from both tangents;

(xii) The garage is set back a minimum of 4 feet from the front façade;

(xiii) A covered, open-walled porch at least 6 feet in depth extends a minimum of 33% of the width of the front façade; or

(xiv) Other articulation of the façade at least 4 feet in depth extends at least 33% of the width of the front façade.

d. The Planning Director may approve other methods as alternatives to those listed in **Section 7.02.060.C.2.c** on a case by case basis if the Director determines that an alternative method will achieve a similar level of quality.

3. Single-Family, Zero-Lot-Line

A single-family, zero-lot-line dwelling is allowed using the lot and design standards of the RM District, in addition to the following criteria:

a. The zero-lot-line shall not be the lot line adjacent to:

(i) A lot not containing or planned for zero-lot-line dwellings;

(ii) A highway frontage road; or

(iii) A garage or carport taking access from a side street.

b. The eaves on the side of a house with no side setback may project no more than 18 inches over the adjacent property line and a perpetual easement or deed restriction for the eave projection is recorded for the lot where the projection occurs.

c. No structure extends into a public easement.

d. Any rain gutters are positioned to drain only onto the lot of the house to which they are attached.

e. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within 4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least 5 feet of unobstructed space between the furthermost projection of the structure(s) and the edge of the easement.

f. No windows or other openings on the side of the structure on or within 3 feet of the lot line with no setback are allowed, except for windows that do not allow or restrict visibility of the adjacent lot, such as clerestory or translucent windows.

4. Private Open Space

a. For townhouse development, each townhouse dwelling unit shall be provided with a private yard or open space of not less than 150 square feet, which shall be immediately accessible and functional to the dwelling that it serves. Such open space may be at the front, rear or side of the dwelling unit and shall be in addition to the required setbacks or common recreation area requirements.

b. As an alternative to **Subsection a** above, the Planning Director may approve a plan or subdivision with equivalent private open space in a common area lot, provided the open space is platted with and accessible to all units in the same development that are not provided with a private yard or open space as described in **Subsection a** above.

5. Common Amenity Area

a. Common amenity areas are required for townhouse development and Cottage Courts in accordance with **Section 7.05.020**.

b. In no case shall the primary egress door of any unit be further than 750 feet from an amenity.

6. Tree Preservation for Triplex and Quadplex Development

Tree Preservation for Triplex and Quadplex developments shall be applicable consistent with multifamily development (non-residential) under **Chapter 10**.

D. Cottage Court Alternative Development Standards

1. Purpose and Intent

The purpose and intent of this section is to establish standards for small-scale residential developments arranged around a shared courtyard. These standards are intended to:

a. Encourage diverse housing options and compact development patterns that provide usable communal open space;

b. Ensure compatibility with surrounding neighborhoods; and

c. Provide clear access, fire safety and utility provisions for shared residential environments.

2. Applicability

a. A Cottage Court Development is permitted in the RM and MF-1 Zoning Districts.

b. A Cottage Court Development is permitted in the RS Zoning District by Specific Use Permit (SUP).

3. General Requirements

a. A Cottage Court Development must:

(i) Be platted as a unified development including all lots, reserves, easements and access drives;

(ii) Not have any portion of site more than 150 feet from a public street, unless dwellings are equipped with fire sprinklers, in which case the depth may be increased to 200 feet.

b. All public utilities must be located within the public right-of-way. Private utility lines may extend from taps to individual lots.

c. Common areas and courtyards must:

(i) Be designated as common space on the plat, as a separate lot;

(ii) Be owned and maintained through a recorded agreement among all lot owners; and

(iii) Not be replatted for other uses.

d. The table below replaces the table in **Subsection A** above.

RM District Cottage Court Standards		
Development Site and Courtyard Standards		
Graphic Key	**Standard**	**Measures**
A	Development site width on public street, minimum	150
	Development size, minimum square feet	22,000
	Dwelling units per site, minimum	4

RM District Cottage Court Standards							
	Dwelling units per site, maximum	12					
B	Courtyard lot width, minimum feet	30					
	Courtyard lot area, minimum square feet	3,000+600 per dwelling beyond 5 dwellings within development site					
Individual Lot Standards							
Graphic Key	**Standard**	**Measures**					
	Lot Type	**Single Family, Detached**	**Single-Family, Zero-Lot-Line**	**Single-Family, Attached**	**Two-Family, Duplex**	**Triplex and Quadplex**	
	Lot size, minimum square feet	1,500	1,500	1,500	3,000	6,000	
	Dwellings per structure, maximum	1	1	1	1	4	
	Connected structures in a row, maximum	1	1	1	1	N/A	
	Structures on a lot containing primary residential units, maximum	1	1	1	1	1	
C	Lot width, minimum feet[1]	30	30	30	30	30	
D	Primary and secondary street setback, minimum feet	15	15	15	15	15	
E	Internal courtyard setback, minimum feet	0	0	0	0	0	
F	Internal courtyard setback, maximum feet	10	10	10	10	10	
G	Internal side setbacks between residential lots, minimum feet[6]	5	5	N/A	N/A	N/A	
H	Shared/Passive wall internal side setbacks between residential lots, minimum feet[4]	N/A	N/A	0	0	0	
I	Non-shared/Active wall internal side setback between residential lots, minimum feet[6]	N/A	N/A	10	10	5	

RM District Cottage Court Standards							
J	Rear setback, minimum feet[6]	5	5	5	5	5	
K	Building height, maximum feet	35	35	35	35	35	
	Maximum impervious cover[5]	See **Section 13.02**					

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**, and sufficient to support the primary and secondary street setbacks. Width shall be measured along the lot frontage with the courtyard. For lots fronting both the primary street and the courtyard, the lot width can be measured along the primary street provided that the minimum width adjacent to the courtyard shall be at least 10 feet.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[4] Shared/passive walls are prohibited from facing courtyard or street.

[5] Maximum impervious cover shall be calculated for the entire site. See **Section 13.02**.

[6] Building separation of 10 feet shall be maintained.

4. Design Requirements
   a. The courtyard must include a mix of pervious and impervious surfaces and may contain patios, seating, landscaping, lighting and pedestrian walkways.
   b. Courtyards shall not be parked or driven upon, except for emergency access.
   c. Fences adjacent to the main courtyard must not exceed 4 feet in height and must be at least 50% transparent. Chain link fences are prohibited. Each dwelling fronting the courtyard must provide pedestrian access to the shared space.
5. Parking Standards
   a. Parking must comply with **Chapter 11**, except as modified below:
      (i) Units under 1,000 square feet require 1.5 parking spaces per unit; and
      (ii) One additional guest parking space is required for every six dwelling units, or fraction thereof within a Cottage Court Development
   b. Parking may be consolidated in one or more locations to the side or rear of the site, as a separate lot or accomplished via shared access and maintenance easements.
   c. Parking shall not be located between a street or courtyard and the building fronting the subject street or courtyard and shall also be set back a minimum of 30 feet from such street or courtyard.
   d. Parking shall be connected to each dwelling by a minimum 4-foot-wide accessible walkway, placed in a shared pedestrian access easement as needed.
6. Alley-Loaded Cottage Court Development
   a. The lot, setback and dimensional standards of the Base Zoning District apply unless modified herein.
   b. The courtyard must have a minimum width of 25 feet.

c. The maximum block length between public streets is 300 feet unless alleys are constructed to meet fire access requirements.

d. Alleys must provide a minimum 26-foot clear width or 20 feet with an additional 6 feet of clearance at fire hydrants. Hydrants must be spaced such that every dwelling is within 150 feet of a hydrant.

e. All vehicular access must be provided from alleys meeting these standards.

7. Access and Easements

a. Recorded access easements must provide vehicular and pedestrian access for all lots within the development.

b. Easements must specify responsibilities for maintenance, utilities, and access in perpetuity.

7.02.070. MF-1 Medium Density Multifamily Residential District

The MF-1 Medium Density Multifamily Residential District provides for an increased assortment of residential densities, housing types, and associated uses and services compatible with surrounding neighborhoods. This District can be appropriate for infill development in urban areas, particularly corridors with higher levels of pedestrian or vehicular traffic and high degrees of connectivity to local destinations. The District is also an appropriate transition from residential areas to non-residential uses such as commercial retail, offices, and non-industrial commercial uses, and should feature elements that support easy, welcoming access from those residents by walking or bicycling. MF-1 is differentiated from MF-2 by having a smaller form and scale compatible with residential neighborhoods and contrasted from RM and RS in allowing a greater number of units on a single lot and in any single building or on a parcel. Properties zoned MF-1 should have convenient access to major thoroughfares and arterial streets and should not route traffic through lower density residential neighborhoods. The District is appropriate in commercial and mixed-use areas and adjacent to residential and non-residential Districts. This District also serves as a transition between low density residential, medium density, and more intense commercial Districts.

A. Lot and Dimensional Standards

MF-1 Medium Density Multifamily Residential District							
	Lot Type	**Two-Family, Duplex**		**Triplex and Quadplex**		**Multifamily Attached Apartments [4]**	
	Garage/Parking Access	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**
	Lot size, minimum square feet	5,500	4,000	11,000	8,000	11,000	8,000
	Dwellings per structure, maximum	2	2	4	4	12	12
	Connected structures in a row, maximum	2	2	N/A	N/A	N/A	N/A
	Structures on lot containing primary residential units, maximum	2	2	2	2	1	1
A	Lot width, minimum feet[1]	45	35	90	70	105	85
B	Corner/end lot width, minimum feet[2]	55	45	100	80	115	95
C	Front/primary street setback, minimum feet	20	15	20	15	20	15
D	Corner side/secondary street setback, minimum feet	20	15	20	15	20	15

MF-1 Medium Density Multifamily Residential District							
	Lot Type	**Two-Family, Duplex**		**Triplex and Quadplex**		**Multifamily Attached Apartments [4]**	
	Garage/Parking Access	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**
E	Street-facing garage setback, minimum feet[3]	30	N/A	30	N/A	30	N/A
F	Side setback, minimum feet	5	5	5	5	5	5
G	Rear setback, minimum feet	10	10	10	10	10	10
H	Building height, maximum feet	35	35	35	35	35	35
	Maximum impervious cover	See **Section 13.02**					

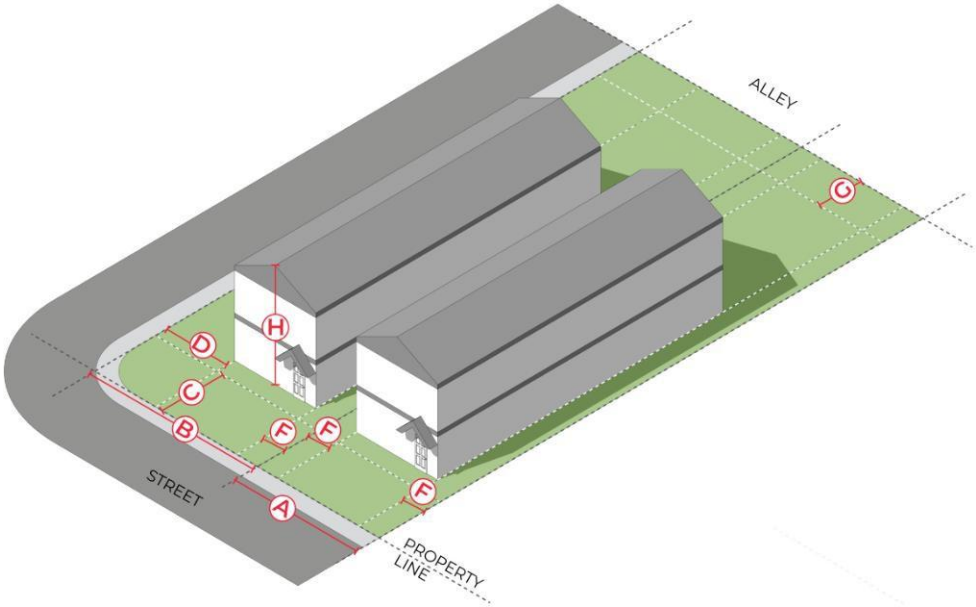
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

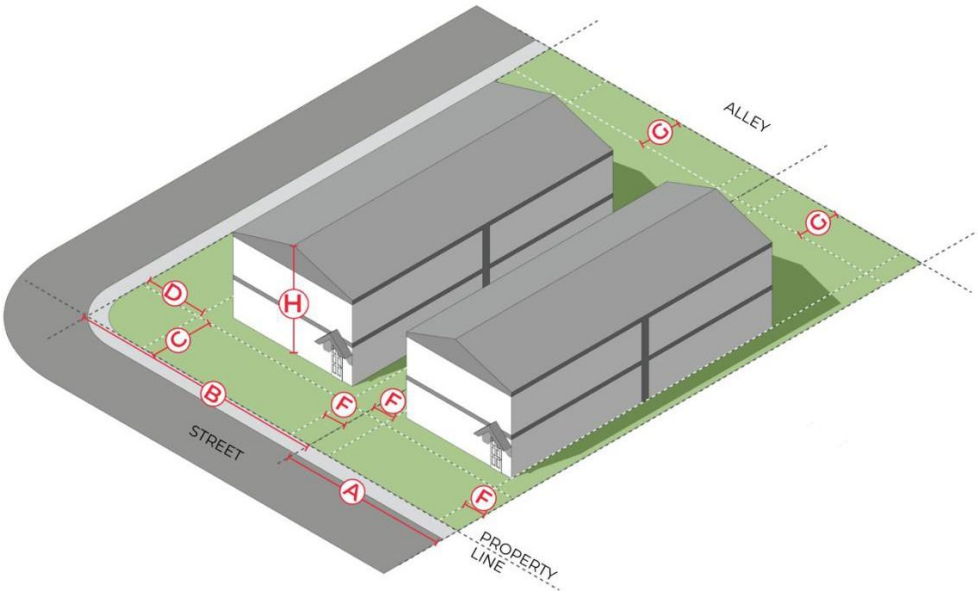
[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[4] Multifamily Detached Apartments utilize the standards provided for Multifamily Attached Apartments except for the maximum number of structures on a lot containing primary residential units but may be subject to approval of a Special Use Permit and impacted by additional conditions.

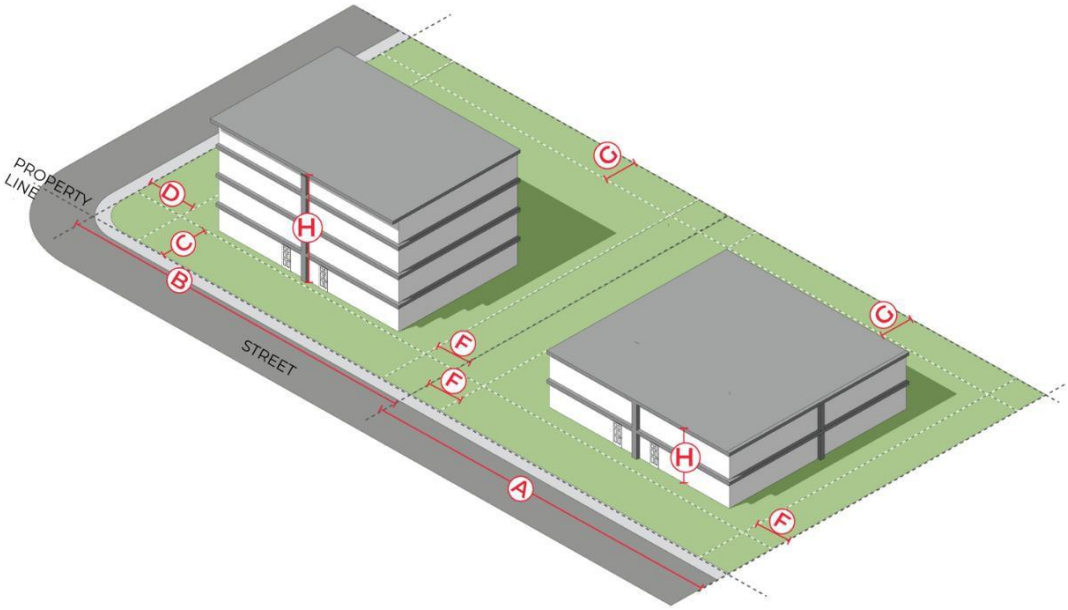
Two-Family, Duplex



Triplex and Quadplex



Multifamily Attached Apartments



B. Residential Design Standards.

The design standards below apply to residential development in the MF-1 District in addition to the provisions of **Section 7.04** and **Section 7.05** of this chapter.

1. Other than townhouse, all development within the MF-1 District consisting of more than five (5) units shall also comply with the building design standards of **Section 8.04** and the lighting design standards of **Section 8.05**.
2. Development in the MF-1 District consisting of four or fewer units shall comply with the building design standards of **Section 7.02.060.B**, unless otherwise provided by this **Section 7.02.070.B**.
3. Similarity Restrictions
   a. All residential development permitted in the MF-1 Medium Density Multifamily Residential District shall meet the similarity restrictions provided in **Section 7.02.050.B.1.**
4. Single-Family, Attached

   A single-family, attached dwelling is allowed using the lot and design standards of the MF-1 District, in addition to the following criteria:

   a. Both dwellings shall be situated on separate legal lots;
   b. Single-family, attached dwellings are not allowed in the Old Town Overlay District.
   c. Townhouse development shall comply with the building materials requirement in Section **8.04.040** and contain variation through articulation of the front façade, using at least one of the following:
      (i) A garage that is set back at least 4 feet from the front façade;
      (ii) A covered, open-walled porch of at least 6 feet in depth extends at least 50% of the width of the front façade; or

d. Other articulation of the front façade at least four feet in depth that extends at least 50% of the width of the front façade.

5. Single-Family, Zero-Lot-Line

A single-family, zero-lot-line dwelling is allowed using the lot and design standards of the MF-1 District, in addition to the following criteria:

a. The zero-lot-line shall not be the lot line adjacent to:

(i) A lot not containing or planned for zero-lot-line dwellings;

(ii) A highway frontage road; or

(iii) A garage or carport taking access from a side street.

b. A minimum building separation of 12 feet is provided between all zero-lot-line dwellings.

c. The eaves on the side of a house with no side setback may project no more than 18 inches over the adjacent property line and a perpetual easement or deed restriction for the eave projection is recorded for the lot where the projection occurs.

d. No structure extends into a public easement.

e. Any rain gutters are positioned to drain only onto the lot of the house to which they are attached.

f. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within 4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least 5 feet of unobstructed space between the furthermost projection of the structure(s) and the edge of the easement.

g. No windows or other openings on the side of the structure on or within 3 feet of the lot line with no setback are allowed, except for windows that do not allow or restrict visibility of the adjacent lot, such as clerestory or translucent windows.

6. Multifamily Attached Apartments

a. A minimum building separation of 12 feet is required between all buildings on the site.

7. Private Open Space

For townhouse development, each dwelling unit shall be provided with a private yard or open space of not less than 150 square feet, which shall be immediately accessible and functional to the dwelling that it serves. Such open space may be at the front, rear or side of the dwelling unit and shall be in addition to the required setbacks or common recreation area requirements.

8. Landscape Bufferyards

a. Landscape bufferyards are required between multifamily development in the MF-1 District and adjacent AG, RE, RT, RM and RS Districts. See Section **9.03.070** for bufferyard requirements.

9. Common Amenity Areas

a. Common amenity areas are required for development in the MF-1 District in accordance with **Section 7.05.020**.

C. Other Requirements of this Code.

1. Common Amenity Area, **Section 7.05**
2. **Chapter 8. Non-Residential Development Standards**
3. **Chapter 9. Landscaping and Fencing**
4. **Chapter 10. Tree Preservation**

5. **Chapter 11. Off-Street Parking, Circulation, and Loading**

D. Cottage Court Alternative Development Standards

1. Purpose and Intent

The purpose and intent of this section is to establish standards for small-scale residential developments arranged around a shared courtyard. These standards are intended to:

a. Encourage diverse housing options and compact development patterns that provide usable communal open space;

b. Ensure compatibility with surrounding neighborhoods; and

c. Provide clear access, fire safety and utility provisions for shared residential environments.

2. Applicability

a. A Cottage Court Development is permitted in the RM and MF-1 Zoning Districts.

b. A Cottage Court Development is permitted in the RS Zoning District by Specific Use Permit (SUP).

3. General Requirements

a. A Cottage Court Development must:

(i) Be platted as a unified development including all lots, reserves, easements and access drives;

(ii) Not have any portion of site more than 150 feet from a public street, unless dwellings are equipped with fire sprinklers, in which case the depth may be increased to 200 feet.

b. All public utilities must be located within the public right-of-way. Private utility lines may extend from taps to individual lots.

c. Common areas and courtyards must:

(i) Be designated as common space on the plat, as a separate lot;

(ii) Be owned and maintained through a recorded agreement among all lot owners; and

(iii) Not be replatted for other uses.

d. The table below replaces the table in **Subsection 7.02.070.A** above.

MF-1 District Cottage Court Standards		
Development Site and Courtyard Standards		
Graphic Key	**Standard**	**Measures**
A	Development site width on public street, minimum	120
	Development size, minimum square feet	16,000
	Dwelling units per site, minimum	4
	Dwelling units per site, maximum	24
B	Courtyard lot width, minimum feet	30

MF-1 District Cottage Court Standards							
	Courtyard lot area, minimum square feet	3,000+600 per dwelling beyond 5 dwellings within development site					
Individual Lot Standards							
Graphic Key	**Standard**	**Measures**					
	Lot Type	**Single Family, Detached**	**Single-Family, Zero-Lot-Line**	**Single-Family, Attached**	**Two-Family, Duplex**	**Triplex and Quadplex**	**Multifamily Attached Apartments (Courtyard Apartments)**
	Lot size, minimum square feet	1,500	1,500	1,500	3,000	6,000	9,000
	Dwellings per structure, maximum	1	1	1	1	4	12
	Connected structures in a row, maximum	1	1	1	1	N/A	N/A
	Structures on a lot containing primary residential units, maximum	1	1	1	1	1	1
C	Lot width, minimum feet[1]	30	30	30	30	30	30
D	Primary and secondary street setback, minimum feet	15	15	15	15	15	15
E	Internal courtyard setback, minimum feet	0	0	0	0	0	0
F	Internal courtyard setback, maximum feet	10	10	10	10	10	10
G	Internal side setbacks between residential lots, minimum feet[6]	5	5	N/A	N/A	N/A	N/A
H	Shared/Passive wall internal side setbacks between residential lots, minimum feet[4]	N/A	N/A	0	0	0	0
I	Non-shared/Active wall internal side setback between residential lots, minimum feet[6]	N/A	N/A	10	10	5	5
J	Rear setback, minimum feet[6]	5	5	5	5	5	5

MF-1 District Cottage Court Standards							
K	Building height, maximum feet	35	35	35	35	35	35
	Maximum impervious cover[5]	See **Section 13.02**					

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**, and sufficient to support the primary and secondary street setbacks. Width shall be measured along the lot frontage with the courtyard. For lots fronting both the primary street and the courtyard, the lot width can be measured along the primary street provided that the minimum width adjacent to the courtyard shall be at least 10 feet.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[4] Shared/passive walls are prohibited from facing courtyard or street.

[5] Maximum impervious cover shall be calculated for the entire site. See **Section 13.02**.

[6] Building separation of 10 feet shall be maintained.

4. Design Requirements
   a. The courtyard must include a mix of pervious and impervious surfaces and may contain patios, seating, landscaping, lighting and pedestrian walkways.
   b. Courtyards shall not be parked or driven upon, except for emergency access.
   c. Fences adjacent to the main courtyard must not exceed 4 feet in height and must be at least 50% transparent. Chain link fences are prohibited. Each dwelling fronting the courtyard must provide pedestrian access to the shared space.
5. Parking Standards
   a. Parking must comply with **Chapter 11**, except as modified below:
      (i) Units under 1,000 square feet require 1.5 parking spaces per unit; and
      (ii) One additional guest parking space is required for every six dwelling units, or fraction thereof within a Cottage Court Development.
   b. Parking may be consolidated in one or more locations to the side or rear of the site, as a separate lot or accomplished via shared access and maintenance easements.
   c. Parking shall not be located between a street or courtyard and the building fronting the subject street or courtyard and shall also be setback a minimum of 30 feet from such street or courtyard.
   d. Parking shall be connected to each dwelling by a minimum 4-foot-wide accessible walkway, placed in a shared pedestrian access easement as needed.
6. Alley-Loaded Cottage Court Development
   a. The lot, setback and dimensional standards of the Base Zoning District apply unless modified herein.
   b. The courtyard must have a minimum width of 25 feet.
   c. The maximum block length between public streets is 300 feet unless alleys are constructed to meet fire access requirements.

d. Alleys must provide a minimum 26-foot clear width or 20 feet with an additional 6 feet of clearance at fire hydrants. Hydrants must be spaced such that every dwelling is within 150 feet of a hydrant.

e. All vehicular access must be provided from alleys meeting these standards.

7. Access and Easements

a. Recorded access easements must provide vehicular and pedestrian access for all lots within the development.

b. Easements must specify responsibilities for maintenance, utilities, and access in perpetuity.

7.02.080. MF-2 High Density Multifamily Residential District

The MF-2 High Density Multifamily Residential District provides for standalone multifamily residential developments, often as single or multiple buildings within a site, and associated uses and services. The District is appropriate in commercial and mixed-use areas and adjacent to Residential and Non-Residential Districts. This District also serves as a transition between medium density, and more intense commercial Districts. The MF-2 District is best suited for locations with high access to amenities, services, education, employment and similar opportunities, allowing such dense development to have greater mobility choices in accessing goods and services. Building placement in this District should be prioritized with a shallow street setback and oriented to the street.

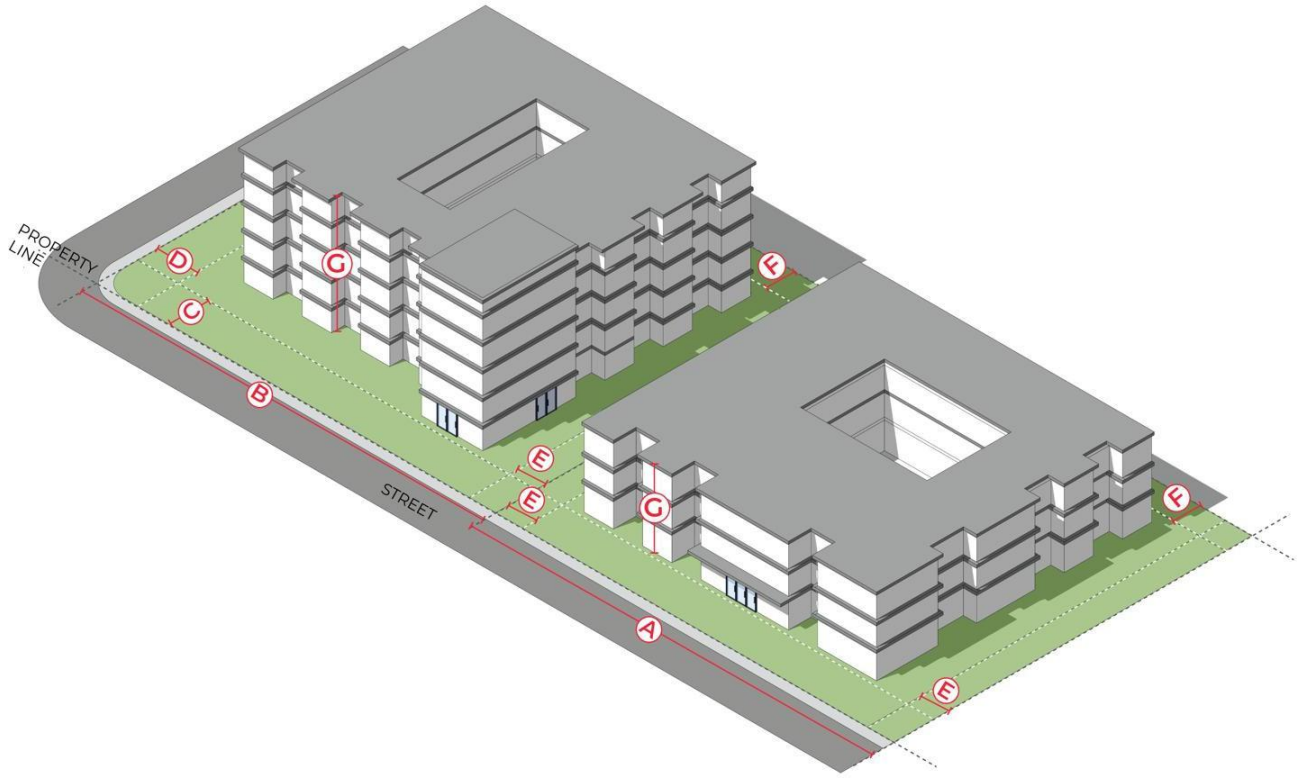
A. Lot and Dimensional Standards

MF-2 High Density Multifamily Residential District		
	Lot size, minimum square feet	20,000
	Dwellings per structure, maximum	N/A
	Structures on lot containing primary residential units, maximum	1
A	Lot width, minimum feet[1]	105
B	Corner/end lot width, minimum feet[2]	115
C	Front/primary street setback, minimum feet	15
D	Corner side/secondary street setback, minimum feet	15
E	Side setback, minimum feet[3]	15
F	Rear setback, minimum feet[3]	15
G	Building height, maximum feet	60
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.



B. Residential Design Standards

The design standards below apply to residential development in the MF-2 District in addition to the provisions of **Section 7.04** and **Section 7.05** of chapter.

1. All development within the MF-2 District shall also comply with the building design standards of **Section 8.04. Building Design Standards** and the lighting design standards of **Section 8.05. Lighting Standards**.
2. A minimum building separation of 15 feet is required between all buildings on the site.
3. Landscape bufferyards are required between the MF-2 District and adjacent AG, RE, RT, RS and RM Districts. See **Section 9.03.070. Bufferyards** for requirements.
4. Common amenity areas are required for development in the MF-2 District in accordance with **Section 7.05.020**.
5. No building façade/wall shall exceed 240 feet in length.
   a. Building façade/wall exceeding 240 feet in length may be permitted when:
      (a) The building façade/wall does not face a public street right-of-way, Residential Zoning District, or public park; or
      (b) The building is part of a non-rectangular building that has a shape similar to a "C", "U", "T", "L" or other shape as approved by the Planning Director. In this event, the length of any building façade/wall shall extend a minimum of one-third of the primary building façade/wall.
6. Parking shall not be permitted between the building and the right-of-way and shall be fully screened from the right-of-way.

7. A minimum of 75% of required parking shall be covered by an enclosed garage, structured parking garage, or carport. The design and material used for carports shall coordinate with those used for the residential buildings.
    a. Where a parking garage is used for on-site parking, no more than 20% of the ground floor building façade may be used for parking garage façade.
8. Stairwells between floors and corridors providing access to units shall be placed in the interior of the building and shall not be visible with the exception of the exit doors and may or may not be conditioned.
9. A minimum of 75% of all units must provide balconies or patios containing at least 50 square feet in size and shall be a minimum of 5 feet in depth.
10. Units with an exterior wall that faces a street with a classification of collector or arterial shall provide double-pane glass windows, sound-deadening material, or other measures that prevent sound levels from exceeding the ambient decibel level in units that do not face such a street.

C. Other Requirements of this Code
1. Common Amenity Area, **Section 7.05**
2. **Chapter 8. Non-Residential Development Standards**
3. **Chapter 9. Landscaping and Fencing**
4. **Chapter 10. Tree Preservation**
5. **Chapter 11. Off-Street Parking, Circulation, and Loading**

7.02.090. MH Manufactured Housing District

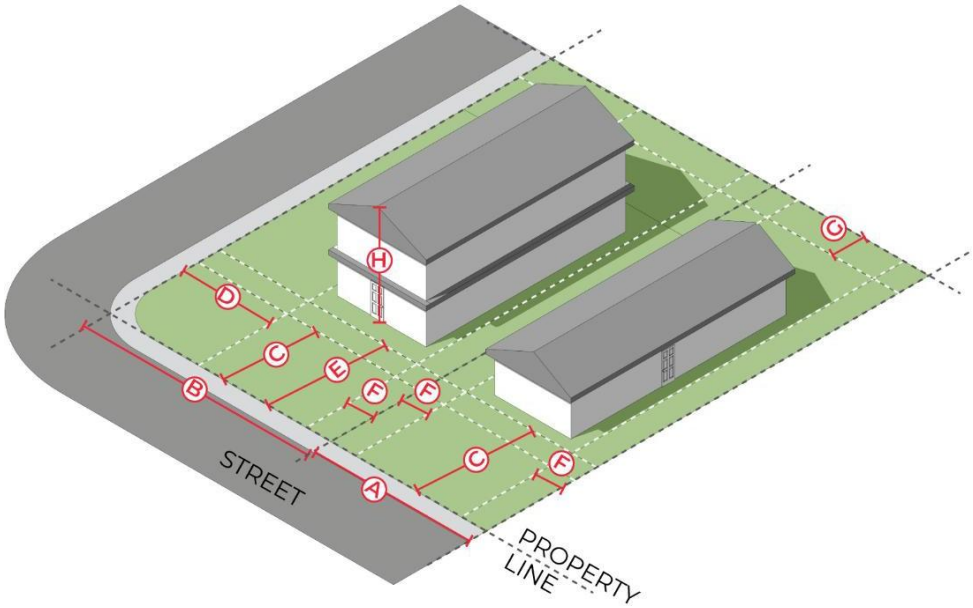
The MH Manufactured Housing District is intended for the development of manufactured, HUD-code mobile home parks and subdivisions. Manufactured housing subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured housing. The District also includes manufactured housing parks, as defined in this Code. The Manufactured Housing District establishes special area and design requirements for both parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units contained.

A. Lot and Dimensional Standards

MH Manufactured Housing District		
	Lot size, minimum square feet	3,500 per unit
A	Lot width, minimum feet[1]	35
B	Corner/end lot width, minimum feet[2]	45
C	Front/primary street setback, minimum feet	20
D	Corner side/secondary street setback, minimum feet	20
E	Street-facing garage setback, minimum feet	25
F	Side setback, minimum feet	5.5
G	Rear setback, minimum feet	7
H	Building height, maximum feet	35
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.



B. General

1. More than one structure housing a permitted principal use may be erected on a single lot or building plot, but setback and other requirements of this Code must be met for each structure as though each were on an individual lot.
2. The Manufactured Housing District includes mobile-home parks and manufactured housing on individual lots. Specific site design and development standards for MH are described in this section.

C. Design Standards for Housing Manufactured Off-Site

All single-family or two-family housing manufactured off-site, including manufactured and modular housing, are subject to the following standards and requirements.

1. The unit shall be the only habitable structure upon the lot on which it is placed.
2. The unit shall have a label or documents certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974.
3. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the unit.
4. The unit shall be placed on a permanent foundation consisting of masonry or concrete and constructed to the standards of the applicable building codes adopted by the City.
5. Crawl space shall be provided under each unit with access and ventilation as required by the building code adopted by the City.
6. The unit shall be located so that its longer dimension is parallel to the street on which the lot fronts.
7. Steps to the ground level with handrails and a permanent landing shall be provided at each outside doorway in compliance with the requirements of the applicable building code adopted by the City.
8. All electrical service equipment shall be mounted on the structure in compliance with the conditions imposed by Exceptions No. 1 and No. 2 under Section 550-23(a) of the National Electric Code (NEC), latest edition, as adopted by the City.

9. The exterior finish cannot have a high-gloss finish. The exterior walls shall look like wood or masonry, regardless of the actual composition.
10. Height
    a. All accessory buildings shall be limited to one story in height.
    b. The roof shall be pitched with a minimum vertical rise of 2.5 feet for every 12 feet of horizontal run.
    c. The roof shall have eaves that project a minimum of 12 inches from the exterior wall.
11. Size of Setback
    a. Minimum Front Setback—20 feet from a dedicated street; 15 feet from any private street or drive.
    b. Minimum Interior Side Setback—5.5 feet; 20 feet between units; 20 feet from Zoning District line.
    c. Minimum Exterior Side Setback—25 feet from a dedicated street; 15 feet from any private street or drive.
    d. Minimum Rear Setback—7 feet; 20 feet from any Zoning District line.
12. Minimum Dwelling Size—900 square feet.
13. Minimum Parking Requirement—Two spaces per unit.
14. Minimum Area for Manufactured Housing Subdivision (one unit on one platted lot)—5,500 square feet.
15. Minimum Area for Manufactured Housing Park—2 acres.

D. Design Standards for Manufactured Housing Park

1. Tenant Parking

   Each parking space shall be concrete in accordance with City standards and located to eliminate interference with access to parking areas provided for other manufactured/mobile homes and for public parking in the park.

2. Visitor and Supplemental Parking

   In addition to parking spaces required for each manufactured/mobile home unit there shall be parking provided for the manufactured/mobile home community in general:

   a. One visitor parking for every three manufactured home spaces;
   b. One supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every six manufactured/mobile home spaces;
   c. Supplemental spaces may be located anywhere within the manufactured/mobile home community provided that no manufactured/mobile home space shall be situated further than 150 feet from a visitor space;
   d. No parking space shall be less than 9 feet by 18 feet, which is not to be included in the lot size.

3. Access

   Each manufactured/mobile home community shall have direct access from a public street or an internal street. Where an internal private street provides access, the same shall be concrete in accordance with City standards dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used for the purpose of providing emergency health or public safety services. Each emergency access easement shall have a clear unobstructed width of 24 feet, shall connect to a dedicated public street, and shall have a turning area and radii a minimum of 50 feet to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed 500 feet in length. Fire lane easements shall be maintained by the manufactured/mobile home park.

4. Walkways

   Designated concrete walkways a minimum of 5 feet in width shall be provided on both sides of roadways or streets.

5. Street Names and Signs

   Within each manufactured/mobile home park, all streets shall be named, and manufactured/mobile homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

6. Other Signs

   Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking.

7. Intersections

   Internal streets shall intersect adjoining public street at approximately 90 degrees and at locations which will eliminate or minimize interference with traffic on those public streets.

8. Street Lighting

   Street lighting within the manufactured/mobile home park shall be provided and maintained by the owners of the manufactured/mobile home park.

9. Drainage and Soil Protection

   The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured/mobile home space shall provide adequate drainage for the placement of a manufactured/mobile home. Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved and/or covered with stone, brick paving or other similar solid material or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

10. Anchorage

    To insure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each manufactured/mobile home shall be provided at the time of installation, according to the building code.

11. Skirting

    Skirting or a curtain wall, unpierced except for required ventilation and access door, shall be installed and maintained so that it encloses the area under the structure. The skirting or foundation must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawl space under the unit. The foundation skirting or curtain wall shall be of brick or stucco only. Material used for the skirting shall be erected so as not to create a fire hazard and maintained in a good state of repair.

12. Usable Open Space Requirements

    Each parcel of land, developed under the MH standards, shall provide 280 square feet of usable open space per unit.

13. Single-family dwellings constructed in this District shall conform to the standards as set forth in the RS Residential Suburban District.

14. Open storage is prohibited.

Section 7.03. Dimensional Interpretations and Exceptions

7.03.010. Lot Exceptions

A. Minimum Lot Size

No Building Permit or development approval may be issued for a lot that does not meet the minimum lot size requirements of this chapter except as specified in the following cases:

1. Nonconforming lots may be used in accordance with the provisions set forth in **Chapter 16. Nonconformities**.
2. Utilities using land or an unoccupiable building less than 1,000 square feet of site area shall be exempt from the minimum lot size requirements.
3. The following types of lots, as defined in **Section 18.02**, are exempt from the minimum lot size requirements in all Residential Zoning Districts:
   a. Open Space Lots;
   b. Landscape Lots;
   c. Drainage Lots;
   d. Median Lots; and
   e. Access Lots.

B. Minimum Lot Width

1. The minimum lot width for lots fronting a cul-de-sac, bulb out, or knuckle turn may be reduced to a minimum of 30 feet at the front property line provided that the minimum required lot width is provided at the front setback line.
2. The minimum lot width may be reduced to 40 feet with approved rear access for any District.
3. The following types of lots, as defined in **Section 18.02**, are exempt from the minimum lot width requirements in all Residential Zoning Districts:
   a. Open Space Lots;
   b. Landscape Lots;
   c. Drainage Lots;
   d. Median Lots; and
   e. Access Lots.

7.03.020. Setbacks

A. General

1. No building, structure, parking, or other development feature shall be located within a required setback unless otherwise specified in this **Section 7.03**.
2. No part of a setback or other open space required in connection with any building, lot or use for the purpose of complying with this Code shall be included for any other building, lot, or use as part of a setback or open space.
3. When determining the setbacks for corner lots, the front line shall be adjacent to the shortest street dimension of the lot. In instances where the lot is relatively square or otherwise unusually shaped, a request may be made to the Director for a determination of the front lot line.

4. When determining the setback for lots with more than one street frontage, other than corner lots, the Planning Director shall determine the front lot line based on street classification, lot dimensions, building orientation, access, traffic flow, proximity of building to the street, and other best planning practices.

B. Setback Reductions and Exceptions

1. Alleys

   a. When residential driveway access is taken from an alley, the garage setback to the alley may be reduced to 10 feet.

   b. On lots where driveway access is only permitted via an alley, the minimum front setback may be reduced to 15 feet.

   c. On lots with an approved private rear access easement, rear setbacks shall be measured from the nearest boundary of the easement.

2. Porches in Certain Zoning Districts

   a. Within the RS, RM, and MF-1 Districts, a porch may encroach into a front setback if the porch is no less than 6 feet in depth, extends into the setback no more than 8 feet, is structurally and architecturally consistent with the house, and extends across no less than 40% of the front façade.

3. Where the lot setbacks reduce the buildable width or depth of an existing lot to less than 40 feet, the Director is authorized to reduce the required setback to provide a minimum buildable width or depth of 40 feet.

4. When an existing setback is reduced because of a conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 50% of the required minimum setback for the District in which it is located, then that remaining setback will be deemed to satisfy the minimum setback requirements of this Code.

5. Properties in the Old Town Overlay District may request a Certificate of Appropriateness for setback exception in accordance with **Section 5.11. Certificate of Appropriateness**.

6. Adjacent lots with a building or other permanent structure built across the shared lot line on or before March 11, 2003, shall be treated as a single lot, with the shared lot line not considered for measurement of all dimensional standards.

C. Front Setback Reduction for Enhanced Design

1. A Building Permit may be issued for a single-family, two-family, zero-lot-line, or townhouse dwelling within the minimum front setback if the dwelling is alley-loaded and provides at least three of the following features on the front façade:

   a. An area of living, native plants across the entire front façade of the home other than the front walk or stoop and having sufficient area to support mature plants consistent with the requirements of **Chapter 9. Landscaping and Fencing**;

   b. An open front porch extending across no less than 40% of the front façade of the house, at an average depth of at least 8 feet but no less than 5 feet;

   c. Utilization of kiln-fired brick, natural stone, cement fiber panel, or similar masonry material on 100% of the front façade, excluding windows, doors, awnings, and roof;

   d. Utilization of traditional architectural elements, including at least two of the following:

      (i) One or more dormers joined to and accessible from a finished room on the second story;

      (ii) Half-timber facia trim on at least one forward-facing gable;

(iii) Multiple exposed rafters or rafter tails or eave brackets on at least one forward-facing gable, which may be decorative but must be designed to mimic a rafter or bracket that is load-supporting;

(iv) One or more boxed or open gables that are forward facing and are finished with siding that contrasts in shape, pattern, or material from the siding below the eave line;

(v) A front door at least 8 feet in height or a double front door;

(vi) One or more transom or clerestory windows;

(vii) Decorative window trim on all primary windows, such as contrasting border, contrasting muntins, full-width shutters, arches, planter boxes, or similar features approved by the Planning Director.

2. The minimum front setback that shall be provided on a lot under this **Subsection C** is 5 feet.

D. Features Allowed within Required Setbacks

The following features may be located within a required setback:

1. Landscape features (as defined in **Chapter 18**).
2. Driveways located:
   a. In a front setback;
   b. In a side setback, if serving a side-loaded or detached rear garage or other parking area; or
   c. In a rear setback, if accessed by a rear alley or public street.
3. Sidewalks, fences, and walls, meeting the requirements of **Section 9.06. Fence Standards**.
4. Uncovered patios provided that:
   a. The patio is located entirely within the side and/or rear yard, except that an uncovered patio may be located within a front yard if:
      (i) The surface area of the uncovered patio within the front yard does not exceed 10% of the total calculated area within the front setback;
      (ii) The uncovered patio is set back at least 15 feet from all street property lines;
      (iii) No built-in structures, such as grills or fire pits, are included in any portion of the uncovered patio within the front yard; and
      (iv) The patio is screened from street view by a knee-wall or short seating bench not exceeding 30 inches in height and made of materials consistent with the architecture/materials of the home, a natural berm, a solid shrub wall, or a combination thereof; and
   b. The patio is set back at least 3 feet from side and rear property lines, except as otherwise provided for in this section.
5. Uncovered outdoor kitchens located entirely within the side and/or rear yard and setback at least 3 feet from side and rear property lines.
6. Pergolas provided that the pergola is:
   a. Located entirely within the side and/or rear yard, including structural supports and overhangs;
   b. Set back at least 3 feet from side and rear property lines;
   c. Maintained with at least 50% open roof elements;
   d. Not enclosed with ground to roof walls other than that of the primary structure, except that a shading system with at least 50% transparency is permitted on up to two sides; and
   e. No more than 8 feet in height.

7. Pools located entirely within the side and/or rear yard and set back at least 3 feet from side and rear property lines.
8. Minor utilities.
9. Mechanical equipment such as air conditioning units, pool pumps, and similar equipment, but such equipment is not allowed in the front setback and is allowed in the side and rear setbacks only if such equipment cannot be reasonably located behind the structure.
10. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features provided that such features do not extend further than 18 inches into any required setback.
11. Stormwater ponds, pursuant to the setback limitations and design criteria in **Section 13.04. Stormwater Management System Requirements**.
12. None of the features above (except plant material and public sidewalks) shall extend into a public easement without approval of a License to Encroach.

7.03.030. Conflicts

Any plat that has development standards (to include but not limited to impervious cover or setbacks), that are in conflict with the standards of this Code, shall be subject to the development standards noted on the plat and none other shall apply.

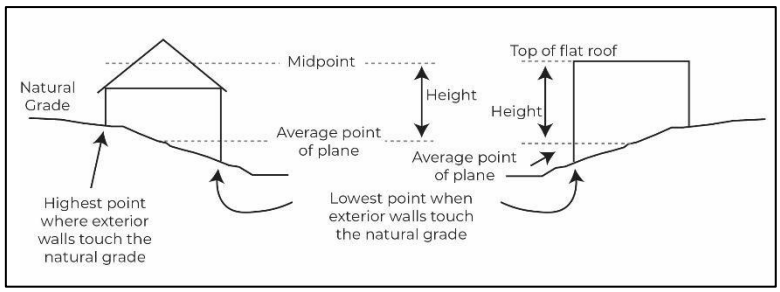
7.03.040. Building Height

A. Measurement

Building height refers to the vertical distance between lowest finished grade at the edge of the building or the base flood elevation where applicable, and:

1. The average height level between the eaves and ridge line of a gable, shed, hip, or gambrel roof;
2. The highest point of a mansard roof;
3. The highest point of the coping of a flat roof; and
4. Roof parapets, as described in **8.04.040.C. Roof Treatments**, may exceed the height limitations of this Code by no more than 10 feet.

Figure 7.03.040-1. Height Measurement



B. Exceptions to Height Limits

Except within the Courthouse View Protection Overlay District or as otherwise expressly stated in this Code, the height limitations of this Code shall not apply to any of the following:

1. Electrical power transmission and distribution lines;

2. Belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas, or chimney flues; or
3. Bulkhead, elevator, water tank or any other similar structure or necessary mechanical appurtenance extending above the roof of any building where such structure does not occupy more than 33% of the area of the roof.

Section 7.04. Accessory Structures, Garages and Carports

7.04.010. Accessory Structures, Garages and Carports

A. Accessory structures and buildings shall meet the dimensional standards of the Base Zoning District, except as specified in this section. However, properties in the Old Town Overlay District may request a Certificate of Appropriateness for setback exception in accordance with **Section 5.11** of this Code.

B. The accessory structure shall only be located on a lot with a principal structure, unless two adjacent lots have common ownership, in which case the structures may be located on different lots. In such instance, the accessory structure shall be located in the rear yard as determined by the lot with the principal structure on it.

C. The square footage of an accessory structure shall not exceed 25% of the square footage of the principal structure or 600 square feet, whichever is greater. For the purposes of this calculation, the square footage of an attached garage shall not be considered part of the principal structure.

D. Accessory structures measuring 8 feet or less in height are allowed in the setbacks in the rear yard up to 3 feet from the property line, but may not extend into any P.U.E.

E. No more than 30% of the rear yard may be covered with accessory buildings or structures. All impervious cover requirements in **Section 13.02** shall be met.

F. Accessory dwelling units located in accessory structures in the AG, RE, RT, RS, and RM Districts are allowed subject to the limitations provided for in **Section 6.02.010.B.4. Accessory Dwelling Unit**.

Section 7.05. Common Amenity Area

7.05.010. Applicability

The provisions of this section apply to:

A. Attached multifamily development;

B. Manufactured housing parks; and

C. Any development type where three or more dwelling units are located on a single lot or parcel, with each dwelling unit located in a structure with three or more dwelling units.

7.05.020. Common Amenity Area Requirements

A. Common amenity area shall be provided by the developer. This amenity area is in addition to any required parkland dedication or private open space requirement.

B. The amenity area shall be privately constructed, maintained and operated by the developer, residents of the subdivision through an incorporated homeowners association or property owners association, or the owner of the manufactured home lease community, and the person or entity responsible for ownership and maintenance. Operational responsibilities shall be noted on the plat and/or on a separate instrument recorded in the Official Records of Williamson County.

C. Common amenity area(s), accessible to all residents, shall be provided at the following rate:

Table 7.05.020-1. Minimum Number of Common Amenities Required by Dwelling Units

Number of Dwelling Units	Minimum Number of Amenities
0-12	0
13-49	1
50-99	2
100-149	3
150-199	4
200 or more	5

D. The required amenity area(s) shall be selected from those listed below. Director approval shall be required for any amenity types not listed. When more than one amenity is required, they shall differ from one another.

1. Playground equipment—Manufacturer must certify that it meets all commercial recreational safety standards.
2. Picnic areas—Minimum of two tables and two cooking grills per 100 dwelling units.
3. Trails (walkways or bike trails)—At least the distance of the perimeter of the property.
4. Landscaped sitting areas—Minimum of one bench per building either in an organized grouping or dispersed throughout development.
5. Fenced dog park—Minimum size of 2,500 square feet with 25-foot minimum depth.
6. Private fitness facility.
7. Business center.
8. Sport courts.
9. Clubhouse—To include kitchen and social room for resident use.
10. Swimming pool.
11. Laundry facility.
12. After school center for children.
13. Community garden—Minimum 200 square feet.

E. The common amenity area shall be designed to adequately serve the number of dwellings within the development, according to accepted City standards set by the Parks and Recreation Department. All equipment and other improvements must be of commercial quality and approved by the Director of Parks and Recreation.

F. Amenities shall be located in such a manner that no primary egress door of a unit is more than five times further from an amenity than the primary egress door of the unit closest to the same amenity. In no case shall the primary egress door of any unit be further than 1,000 feet from an amenity. Multistory buildings or multifamily buildings with internal corridors may use the primary egress door of the entire building when measuring distance under this requirement.

G. At least 50% of the common amenity area must be located outside of the 100-year floodplain.

H. Where possible, amenities should provide connections to nearby public amenities including, but not limited to, plazas, public parks, community centers, public libraries, trails, or similar community amenities as determined by the Director.

1. An off-site amenity may count toward one of the required amenity areas if:
   a. The development is a horizontal or vertical mixed-use development;
   b. At least three public amenities are required;
   c. A public amenity is located within a quarter mile of the lot; and
   d. Enhanced pedestrian facilities of 10 feet or more are provided to connect pedestrians to the amenity.

Section 7.06. Special Development Types

7.06.010. Conservation Subdivision Development

To encourage Conservation Subdivision development, this Code allows flexibility to development standards in all Zoning Districts for residential developments that use conservation development practices in order to: protect natural resources, conserve valuable open space, reduce erosion and sedimentation, preserve riparian corridors, provide for walking trails, protect the community water supplies, reduce infrastructure, preserve prime agricultural land, provide smaller streets with less environmental disturbance, and plan for overall watershed protection. Attempting to achieve these objectives using the process established in **Section 13.05. Open Space Subdivisions** of this Code qualifies a development as a conservation subdivision eligible for the incentives and alternative development standards.

Conservation Subdivision lot and dimensional standards can be found in **Section 13.05. Open Space Subdivisions**.

7.06.020. Workforce Housing Development

A. Purpose

To encourage affordable housing for the workforce, this Code allows flexibility to the development standards and allowable housing types for projects that foster housing affordability.

B. Dimensional Standards

Workforce housing developments may be located in the RS Residential Suburban District, RM Residential Mix District, and MF-1 Medium Density Multifamily Residential District, and MF-2 High Density Multifamily Residential District. Developments shall meet the dimensional standards for the applicable District in **Section 7.02**.

C. Workforce Housing

1. Workforce Housing Developments in the RS Residential Suburban District and RM Residential Mix District that include 20% of the housing units available for those whose incomes are less than or equal to 80% of the area median family income (as set by the Department of Housing and Urban Development) are eligible to use the standards of this Section **7.06.020**. The deed restrictions, approved by the City Attorney, must include language that requires all workforce housing lots be restricted for 10 years from the date of the original home sale to the qualifying buyer any resale shall be to a party whose income is less than or equal to 80% of the area median family income or, absent that, shall require a payment to the City of their proportionate and prorated share of fees that were waived for their lot.
2. Workforce Housing Developments in MF-1 Medium Density Multifamily Residential District and MF-2 High Density Multifamily Residential District are eligible to use the provisions of the following workforce housing units.
   a. Front setback can be reduced by 5 feet for every 10% of total development set as workforce units, to the minimum.

b. Impervious cover can be increased by 10% for every 10% of the total development set as workforce units, to the maximum of 70%, with required water quality improvements as required in **Section 13.02**.

D. Fee Waivers

Workforce Housing Developments are eligible for administrative fee waivers, as adopted and published by the City of Georgetown.

Chapter 8. Non-Residential Development Standards

Section 8.01. General

8.01.010. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212 and the City Charter.

8.01.020. Purpose and Intent

A. This chapter establishes development standards for non-residential properties within the city limits and ETJ of the City of Georgetown.

B. The provisions of this chapter allow for a variety of development while maintaining the overall character of neighborhoods and commercial areas of Georgetown. The standards are established to regulate the manner in which land is developed, minimize adverse effects on surrounding properties and the general public, and ensure that high quality development is maintained throughout the community.

C. The approach to development standards has several public benefits:

1. It allows for development that is more sensitive to the environment.
2. It allows for the preservation of open and natural areas.
3. It promotes better site layout and opportunities for recreational areas.
4. It promotes energy-efficient development.

D. In addition to the provisions of this chapter, non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.

8.01.030. Applicability

A. Within the Extraterritorial Jurisdiction (ETJ).

All non-residential development within the City's ETJ is subject to the provisions of **Subsection 8.02.010. General**.

B. Within the City Limits.

1. All non-residential development within a Non-Residential Zoning District shall be subject to the provisions of this chapter.
2. All non-residential development within a Residential Zoning District shall be subject to **Section 8.04. Building Design Standards** and **Section 8.05. Lighting Standards** in addition to the development standards of the Zoning District in which it is located.
3. All residential development within a Non-Residential Zoning District shall be subject to the provisions of **Section 7.04. Accessory Structures, Garages and Carports** and **Section 7.05. Common Amenity Area** in addition to the development standards of the Zoning District in which it is located.

Section 8.02. Development Standards

8.02.010. General

A. The lot and dimensional standards provided in the following sections are in addition to the interpretations and exceptions in **Section 8.03.010. Minimum Lot Size and Width Exceptions**. The standards contain cross-references and notes to specific sections or chapters of this Code when additional requirements or explanations may apply.

1. For properties located in an Overlay Zoning District, additional or alternative provisions may apply. See **4.05.050** for all applicable Overlay Districts.
2. For Non-Residential development in a Conservation Subdivision, see **Section 13.05** for alternative development standards.
3. Additional design limitations may be required for specific uses in **Chapter 6** of this Code. When in conflict, the stricter provision shall apply.

B. All new development shall be located on a lot or tract meeting the requirements of **Section 3.15** of this Code.

C. All new lots or tracts shall have a minimum lot width or street frontage along a public street as follows:

1. Within the city limits, the minimum lot width or street frontage shall be in accordance with the Zoning District in which it is located.
2. Within the ETJ, the minimum lot width or street frontage shall be 25 feet.
3. Private streets in compliance with **Section 14.03.020** may be utilized to meet the minimum requirements when providing frontage to a Non-Residential Multi-lot Unified Development meeting the requirements of **Section 8.03.050. Multi-Lot Unified Development**.
4. A Subdivision Waiver varying or waiving these requirements may be requested pursuant to **Section 3.16** of this Code.

D. All development within the city limits and areas of the ETJ where the City provides fire protection services shall comply with the applicable standards contained in the International Fire Code, as adopted in the City of Georgetown Code of Ordinances, Chapter 8.04. When such standards conflict with any lot, dimensional, and design standards of this Code, the International Fire Code standards shall apply.

8.02.020. CN Neighborhood Commercial District

The CN Neighborhood Commercial District provides for areas for small-scale office and commercial activities such as the sale of convenience goods and personal service businesses that primarily serve adjacent residential areas. This District offers a transition between residential neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this District is primarily pedestrian-scaled to help improve vehicular circulation, support beneficial interaction with adjacent residential uses, and safely accommodate residents and pedestrians. No uses that adversely affect the health, safety, welfare, or residential character of neighborhoods are allowed. Neighborhood commercial areas are generally located within neighborhoods and have pedestrian access to adjacent residential areas.

A. Lot and Dimensional Standards

CN Neighborhood Commercial District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	40
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	15
D	Corner side/secondary street setback, minimum feet[3]	15
E	Side setback, minimum feet[4]	0
F	Rear setback, minimum feet[4]	0
G	Building height, maximum feet	35
	Maximum impervious cover[5]	See **Section 13.02**

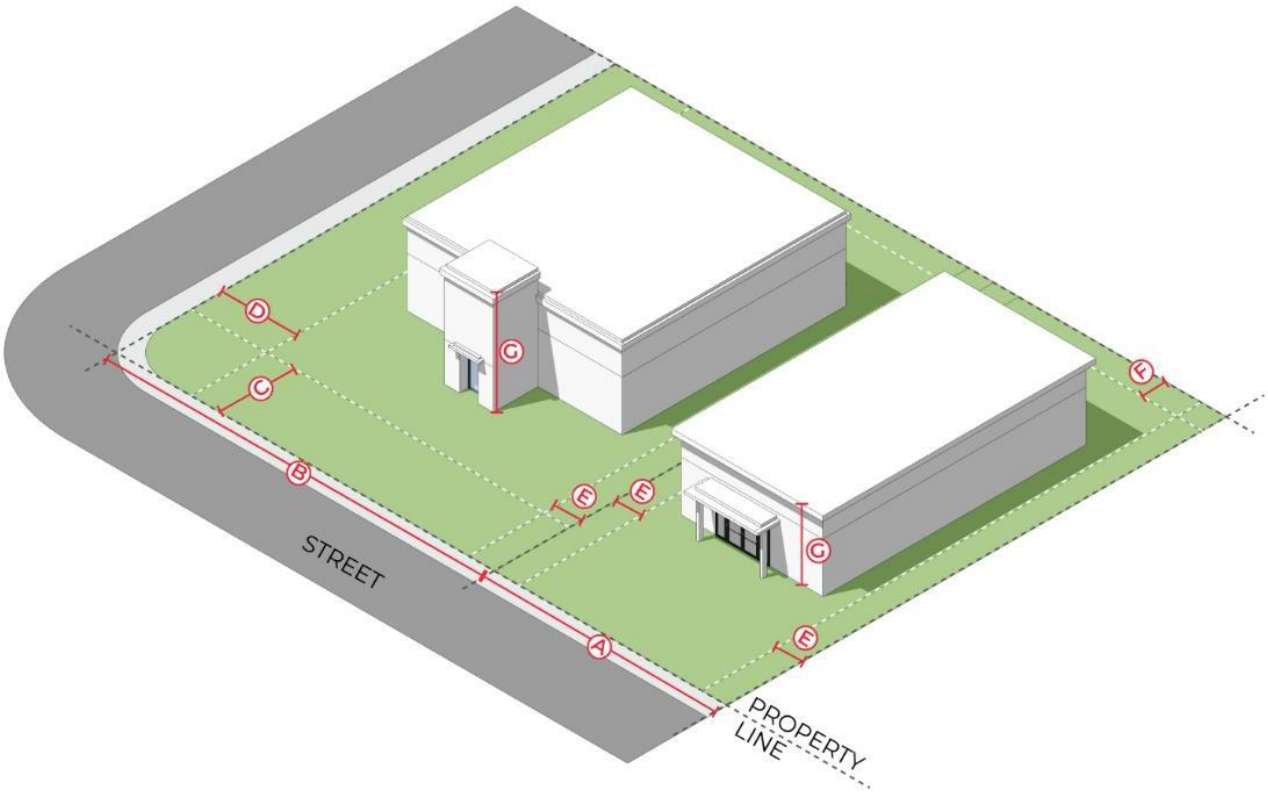
[1] Lot width shall be sufficient to allow for the minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10)**; build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.030. C-1 Local Commercial District

The C-1 Local Commercial District provides for a range of commercial activities, including the development of small-scale neighborhood offices, low-intensity retail and service-oriented businesses, restaurants, and public spaces and facilities. This District offers a transition between residential neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this District is primarily pedestrian-scaled to help improve vehicular circulation, support beneficial interaction with adjacent residential uses, and safely accommodate residents and pedestrians. The C-1 District can be applied in corridor, node, and area development patterns, but is most appropriate for node and area development.

A. Lot and Dimensional Standards

C-1 Local Commercial District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	40
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	15
D	Corner side/secondary street setback, minimum feet[3]	15
E	Side setback, minimum feet[4]	0
F	Rear setback, minimum feet[4]	0
G	Building height, maximum feet	35
	Maximum impervious cover[5]	See **Section 13.02**

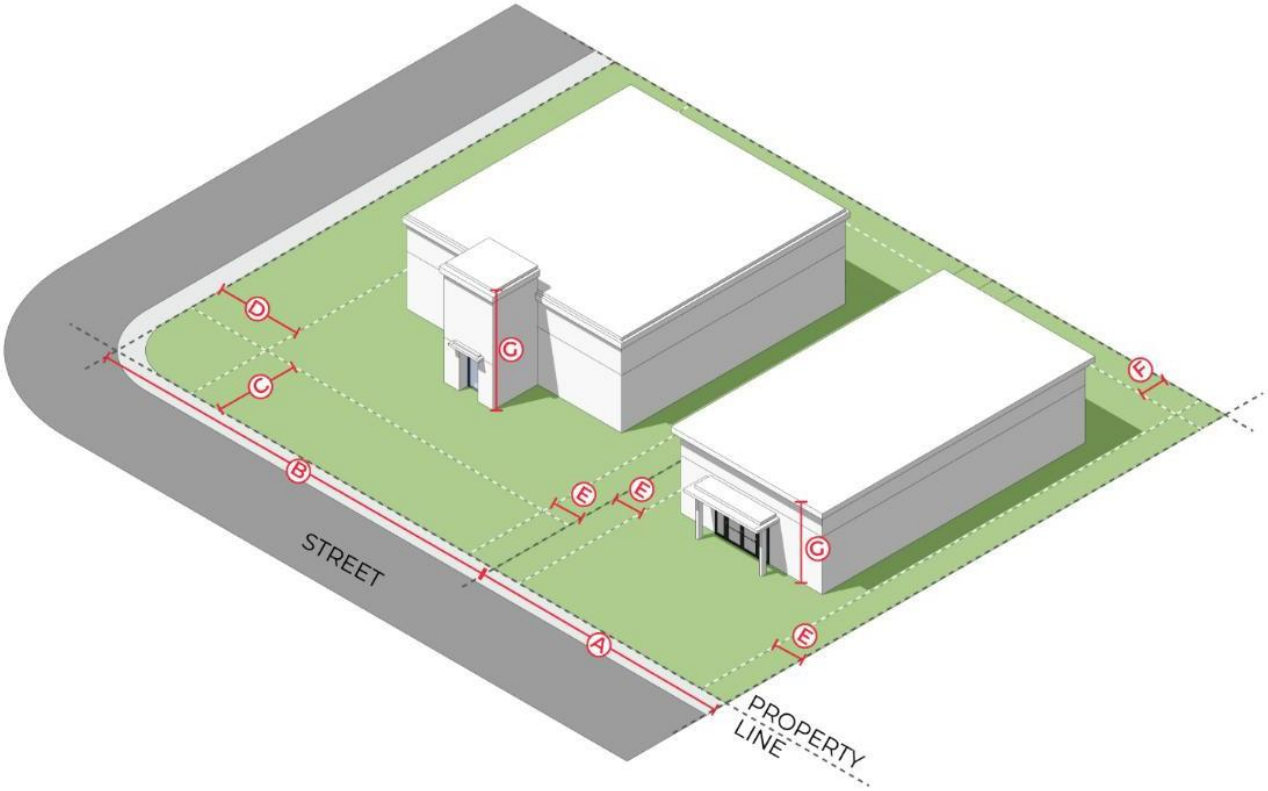
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0’ in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.040. C-2 Regional Commercial District

The C-2 Regional Commercial District provides for medium to large-scale development of retail, service, restaurant, entertainment, and office uses, necessary for a regional market. This District primarily facilitates commercial development, like big box and anchor retailers in or near intensive shopping centers, which are automobile-oriented and generate high traffic counts. The C-2 District can be applied in corridor, node, and area development patterns, though it is most appropriate for corridor and node development. The District is appropriate along freeways, tollways and major arterials; placement of the District should consider potential negative transportation impacts to residential uses.

A. Lot and Dimensional Standards

C-2 Regional Commercial District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	40
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	20
D	Corner side/secondary street setback, minimum feet[3]	20
E	Side setback, minimum feet[4,5]	5
F	Rear setback, minimum feet[4]	10
G	Building height, maximum feet	60
	Maximum impervious cover[6]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

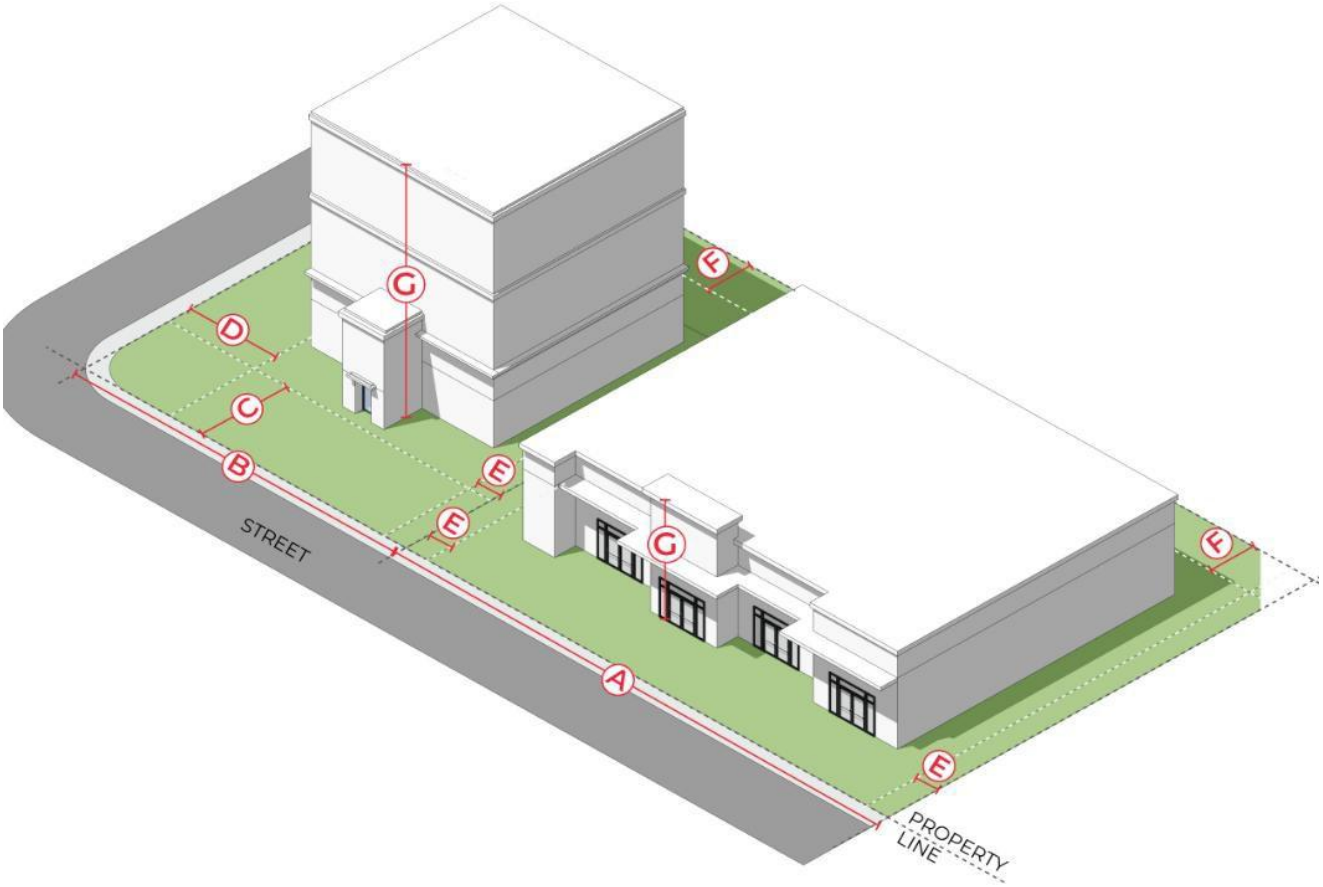
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0’ in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Side setback may be reduced to 0’ for party wall construction between lots that are part of the same development, subdivision and zoning.

[6]Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.050. PF Public Facilities District

The PF Public Facilities District is intended to provide a location for government and other public or quasi-public facility operations. These may include schools, public parks, hospitals, airports, government offices, churches and other related uses, but would not include industrial facilities or storage yards. Some uses allowed in this District might generate heavy traffic volumes and high-intensity operations, consistent with their government and public functions.

A. Lot and Dimensional Standards

PF Public Facilities District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	40
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	20
D	Corner side/secondary street setback, minimum feet[3]	20
E	Side setback, minimum feet[4,5]	5
F	Rear setback, minimum feet[4]	0
G	Building height, maximum feet[6]	60
	Maximum impervious cover[7]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

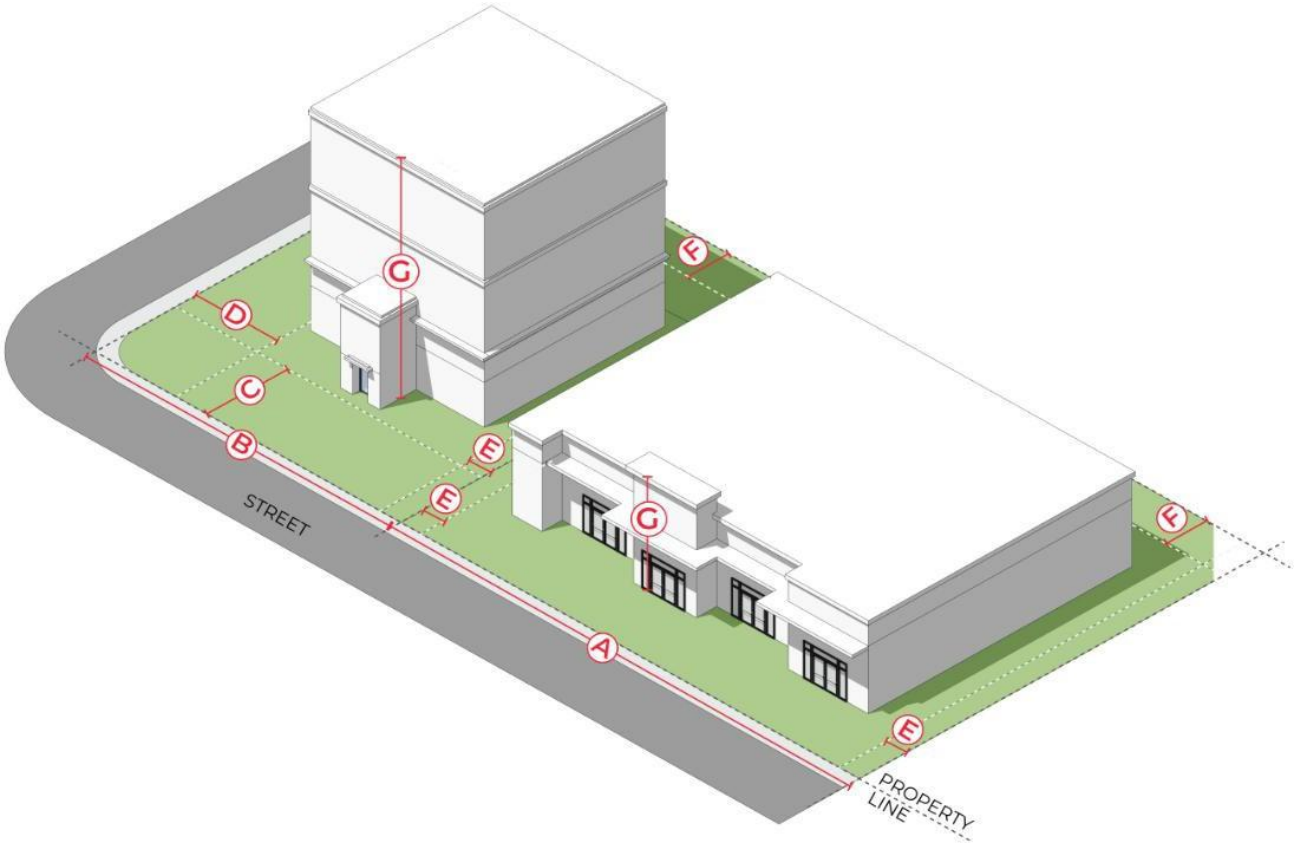
[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Side setback may be reduced to 0' for party wall construction between lots that are part of the same development, subdivision and zoning.

[6] Structures, lighting, scoreboards, and other elements of a stadium are exempted, but shall be set back a minimum of 120 feet.

[7] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.060. I-1 Flex Industrial District

The I-1 Flex Industrial District provides for research and development facilities, large employment generating uses, light manufacturing operations, sprawling office and business parks, and general industrial uses that are typically free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Service-oriented, retail, and restaurant uses may support development in the I-1 District. This District provides a transition between heavy industrial uses and less intensive commercial areas and residential neighborhoods.

A. Lot and Dimensional Standards

I-1 Flex Industrial District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	50
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	20
D	Corner side/secondary street setback, minimum feet[3]	20
E	Side setback, minimum feet[4,5]	5
F	Rear setback, minimum feet[4]	10
G	Building height, maximum feet	60
	Maximum impervious cover[6]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

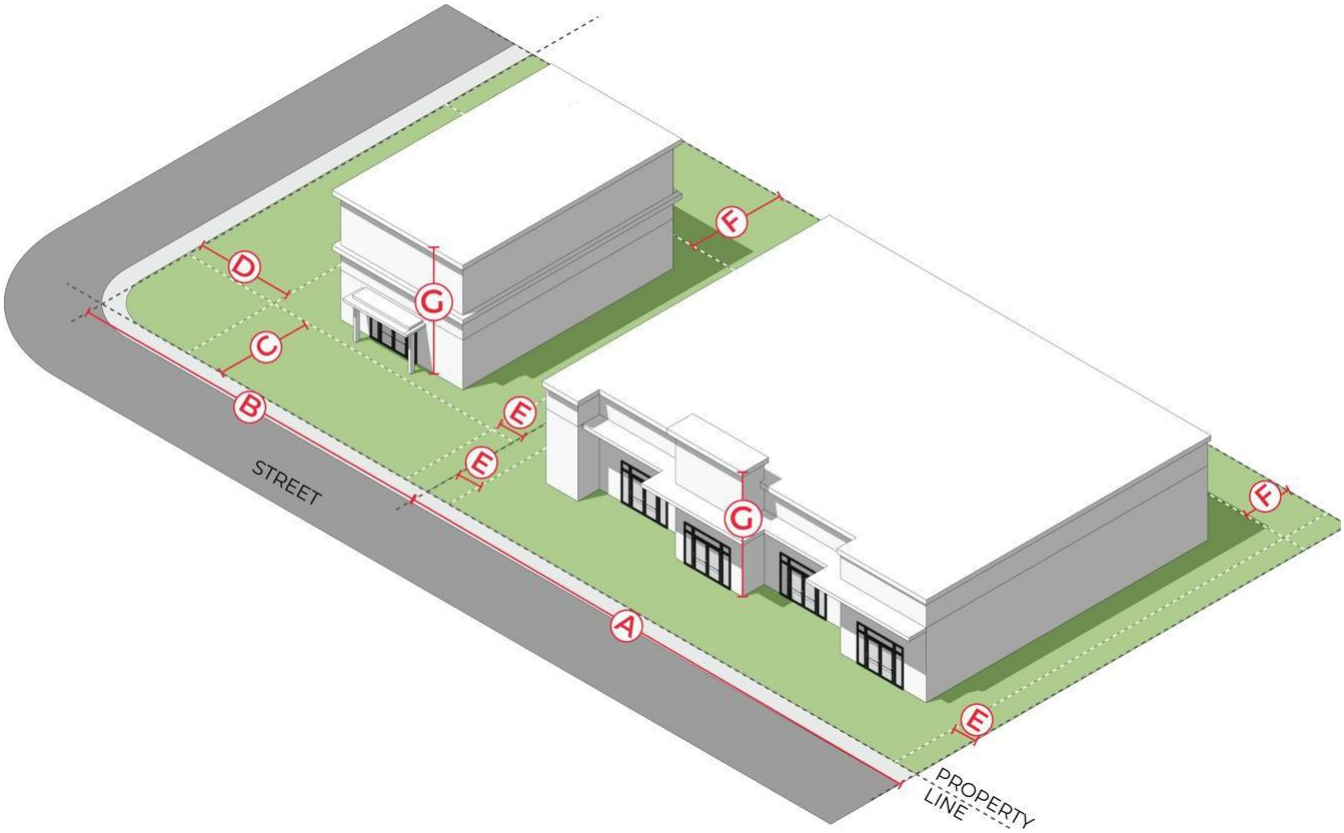
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Side setback may be reduced to 0' for party wall construction between lots that are part of the same development, subdivision and zoning.

[6]Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.070. I-2 Intensive Industrial District

The I-2 Intensive Industrial District provides areas for heavy manufacturing, processing, assembling, storing, testing, drilling, mining, and industrial uses that are extensive and intensive in character, and require large sites, open storage and service areas, extensive services and facilities, and access to major transportation networks. Development in this District is sometimes incompatible with less intensive uses because of traffic, noise, vibration, dust, glare, or emissions, and is intrusive to commercial activity and residential areas. Any development in this District should be sufficiently buffered and distantly located from commercial nodes and all residential uses.

A. Lot and Dimensional Standards

I-2 Intensive Industrial District		
	District size, minimum square feet	87,120 (2 acres)
	Lot size, minimum square feet	87,120 (2 acres)
A	Lot width, minimum feet[1]	50
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	25
D	Corner side/secondary street setback, minimum feet[3]	25
E	Side setback, minimum feet[4,5]	10
F	Rear setback, minimum feet[4]	10
G	Building height, maximum feet	60
	Maximum impervious cover[6]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

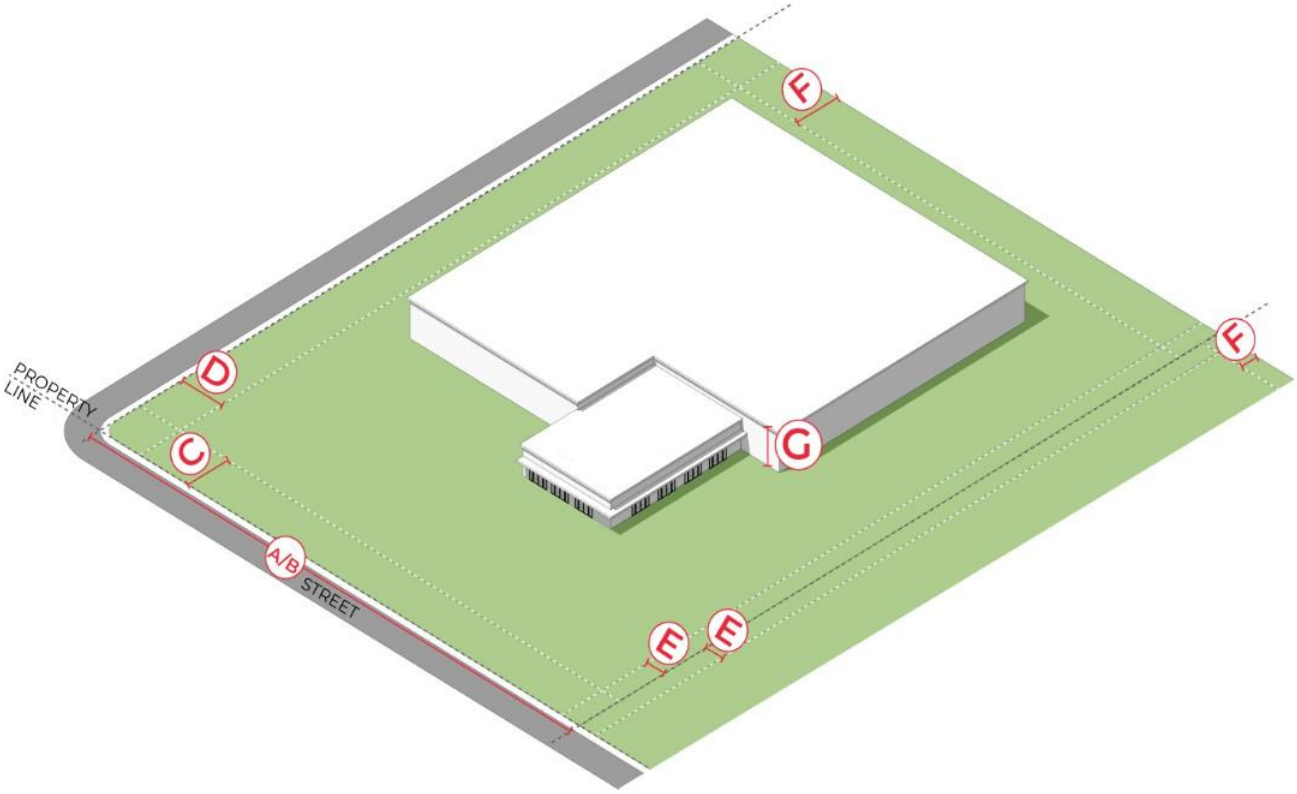
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0’ in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Side setback may be reduced to 0’ for party wall construction between lots that are part of the same development, subdivision and zoning.

[6] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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Section 8.03. Dimensional Interpretations and Exceptions

8.03.010. Minimum Lot Size and Width Exceptions

No Building Permit or development approval shall be issued for a lot that does not meet the minimum lot size and width requirements of this Code except in the following cases:

A. Nonconforming lots shall be used in accordance with the provisions set forth in **Chapter 16.**

B. Utilities using land or an unoccupiable building covering less than 1,000 square feet of site area shall be exempt from minimum lot size standards.

C. The following types of lots, as defined in **Section 18.02**, are exempt from the minimum lot size and width standards of this chapter:

1. Open Space Lots;
2. Landscape Lots;
3. Drainage Lots;
4. Median Lots; and
5. Access Lots.

8.03.020. Setbacks Generally

A. No building, structure, parking or other development feature shall be located within a required setback or yard unless otherwise specified in this **Section 8.03**.

B. When determining the setbacks for corner lots, the front lot line shall be adjacent to the shortest street dimension of the lot. In instances where the lot is relatively square or otherwise unusually shaped, a request may be made to the Director for a determination of the front lot line.

C. When determining the setback for lots with more than one street frontage, other than corner lots, the Planning Director shall determine the front lot line based on street classification, lot dimensions, building orientation, access, traffic flow, proximity of building to the street, and other best planning practices.

D. Any setback to a public street shall be considered a street setback and meet the required front setback for lot lines adjacent to the street. The Planning Director may reduce the street setback to be consistent with the side setback of the District on a case-by-case basis based on lot configuration, building orientation, access, proximity of buildings to the street on lots on the same block and on either side of the street, and existing character of the District.

8.03.030. Setback Reductions and Exceptions

A. Front Setback, Build-to Option

1. For properties in the CN, C-1 and PF Districts, the front setback may be reduced to zero feet from the right-of-way line or any applicable public easement, if at least 50% of the street-facing building wall of the principal structure is built within 5 feet of the right-of-way line or applicable public easement or landscape buffer on the primary street.
2. Notwithstanding the foregoing provision in **Subsection 1** above, parking shall be set back at least 10 feet from the right-of-way line and shall not be located in a public easement or landscape buffer.

B. Front Setback, Downtown Gateway Overlay District

All non-residential uses located in the Downtown Gateway Overlay District, regardless of the underlying Zoning District, have special setback requirements. For these properties, the front setback of the underlying Zoning District is reduced to zero feet from the right-of-way line or any applicable public or landscape easement. Additional requirements for properties in the Downtown Gateway Overlay District can be found in **Section 4.10.040**.

C. Side Setback, MU-DT District

Development in the MU-DT District may have no side setback if access to the rear of the building is provided on the site or by a dedicated public alley.

D. Features Allowed within Required Setbacks

1. The following features may be located within a required setback:
   a. Landscape features (as defined in **Chapter 18**).
   b. Fences and walls.
   c. Driveways.
   d. Sidewalks.
   e. Minor utilities.
   f. Mechanical equipment such as air conditioning units, pool pumps and similar equipment, but such equipment is not allowed in the front setback and is allowed in the side and rear setbacks only if such equipment cannot be reasonably located behind the structure.
   g. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features that extend less than 18 inches into the setback.
   h. Parking may be located within a side or rear setback if:
      (i) It is located in the MU-DT District.
      (ii) In all other Districts:
         (a) Such parking is located no closer than 5 feet from the lot line; and
         (b) The lot complies with the applicable bufferyard requirements in **Section 9.03.070. Bufferyards** of this Code.
   i. Waste containers, recycling containers and compactors screened in accordance with **Section 9.03.080** when adjacent to same-zoned commercial sites with cross-access and not abutting a residential use or Zoning District.
   j. Stormwater ponds, pursuant to the setback limitations and design criteria in **Section 13.04** of this Code.
2. None of the features above (except plant material and public sidewalks) shall extend into a public easement without approval of a License to Encroach.

E. Adjacent lots with a building or other permanent structure built across the shared lot line on or before March 11, 2003, shall be treated as a single lot, with the shared lot line not considered for measurement of all dimensional standards.

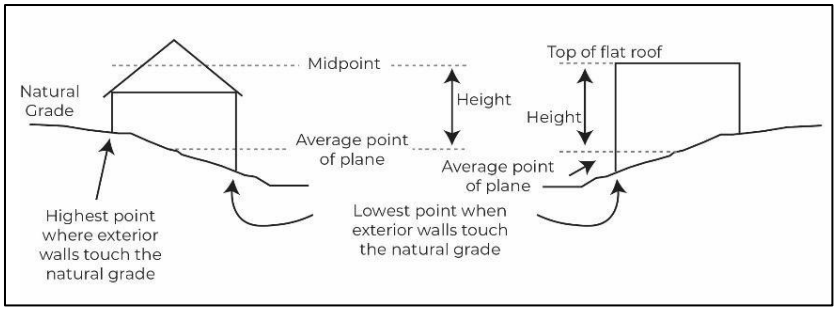
8.03.040. Building Height

A. Measurement

Building height refers to the vertical distance between the lowest finished grade at the edge of the building or the base flood elevation, where applicable, and:

1. The average height level between the eaves and ridge line of a gable, shed, hip, or gambrel roof;
2. The highest point of a mansard roof; or
3. The highest point of the coping of a flat roof.

Figure 8.03.040-1. Height Measurement



B. Exceptions to Height Limits

Except within the Courthouse View Protection Overlay District or as otherwise expressly stated in this Code, building height limitations shall not apply to any of the following:

1. Electrical power transmission and distribution lines;
2. Belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas, or chimney flues;
3. Bulkhead, elevator, water tank or any other similar structure extending above the roof of any building where such structure does not occupy more than 33% of the area of the roof; and
4. Roof parapets, as described in **Section 8.04.040.C** below, may exceed the height limitations of this Code by no more than 10 feet.

8.03.050. Multi-Lot Unified Development

To encourage Multi-Lot Unified Development, this Code allows flexibility in certain setback development standards for proposed unified developments across multiple abutting properties with similar and compatible uses and zoning districts. Properties of a Multi-Lot Unified Development may be developed in accordance with the following provisions:

A. Multi-Lot Unified Developments may be located in the following zoning districts: Neighborhood Commercial (CN), Local Commercial (C-1), Regional Commercial (C-2), Public Facilities (PF), Flex Industrial (I-1), and Intensive Industrial (I-2). Multi-Lot Unified developments shall not be permitted in any residential zoning districts.

B. A Multi-Lot Unified Development shall be documented under a single development application, either a Subdivision Plat and/or a Site Development Plan, as established in this Code. The development application must clearly identify the boundaries of each individual lot or parcel, and overall boundary of the property subject to the Multi-Lot Unified Development application.

C. All lots or parcels within the boundaries of the Multi-Lot Unified Development must be developed in accordance with the approved plat or Site Development Plan. Any deviations will result in the submittal, review and approval of a new development application.

D. The City may require a private ingress, egress, cross-access and parking easement over and across the parking areas and roadways within the boundaries of the Multi-Lot Unified Development to ensure adequate off-street parking, as well as safe vehicle, emergency and pedestrian access for the properties.

E. Abutting properties with similar Zoning Districts and that are part of a Multi-Lot Unified Development may be developed in accordance with the following standards:

1. Landscape and hardscape improvements may be located within the required setback of an interior lot line and cross interior lot lines of a Multi-Lot Unified Development.
2. Buildings and structures may be located within the required setback along an interior lot line of a Multi-Lot Unified Development. However, in no case shall a building or structure be constructed across an interior lot line in accordance with **Section 8.02.010. General**.
3. The exceptions allowing development within a required setback or across lot lines shall only apply to the interior lot lines of a Multi-Lot Unified Development and shall only be permitted when no bufferyard is required per **Table 9.03.070-1. Bufferyard Level Required**. All setback and bufferyard requirements shall apply along the outer perimeter lot lines of the Multi-Lot Unified Development.

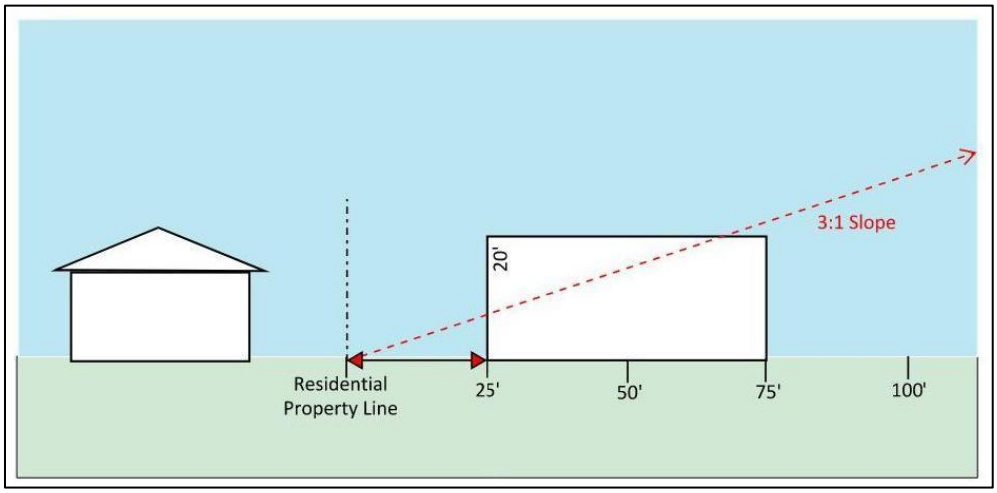
F. This subsection does not waive specific setbacks required per any applicable Planned Unit Development District (PUD) or Overlay Zoning Districts as identified in **Table 9.03.070-1. Bufferyard Level Required** of this Code, or specific setbacks and/or spacing requirements for specific uses as identified in **Chapter 6** of this Code.

8.03.060. Height Limitation for Residential Adjacency

A. Non-residential structures adjacent to an RE, RT, RS, or RM District may be up to the maximum height established for the adjacent Residential District at the setback line adjacent to that District.

1. For every additional 1 foot of setback provided, the height may exceed the adjacent Residential District maximum by 3 feet. (**see Figure 8.03.060-8.03.06-1. Residential Adjacency Setback Diagram**). Building façades may be stepped.

Figure 8.03.060-8.03.06-1. Residential Adjacency Setback Diagram



8.03.070. Conflicts

Any plat that has development standards (to include, but not limited to, impervious cover or setbacks) that are in conflict with the standards of this Code, shall be subject to the development standards noted on the plat and none other shall apply.

Section 8.04. Building Design Standards

8.04.010. General

In order to ensure a high quality, safe and sustainable built environment throughout the community, building design standards apply to all new buildings and expansions to existing buildings subject to this chapter, except as specifically stated herein.

8.04.020. Structures Exempt from Building Design Standards

A. New buildings of less than 250 square feet and 15 feet in height are exempt from all requirements of **Section 8.04**. **Building Design Standards**.

B. Buildings associated with an agricultural use as defined in **Section 6.02. Use Tables** or permitted buildings in the AG District that are set back at least 75 feet from any property line or right-of-way are exempt from the requirements of **Section 8.04. Building Design Standards**.

C. Temporary buildings used for Temporary Uses, as identified in **Section 6.02. Use Tables** are exempt from the requirements of **Section 8.04. Building Design Standards**.

D. New buildings and expansions to existing buildings located in an Industrial (I-1 or I-2) District shall comply with **Section 7.04.08. Industrial Design Standards**, except that all requirements of **Section 8.04.040. Building Elements** shall be applicable when those buildings are adjacent to a public park, Residential District, or arterial or freeway level roadway as identified in the Thoroughfare Plan.

E. Where building expansions are less than 20% of the original structure's square footage, an applicant may request an Administrative Exception to those requirements of **Section 8.04. Building Design Standards** that are not met by the original structure, using the process established in **Section 8.04.070. Alternative Building Design** and **Section 3.14**.

F. All buildings and structures on sites for which the designated use is minor, intermediate, or major utility where the following apply:

where the building contains less than 200 square feet of office space;

8.04.030. Foundation Requirements

All Non-Residential buildings shall be placed on a poured-in-place permanent slab foundation, an approved engineered pier and beam foundation or other type of approved engineered foundation. Foundation requirements apply only to enclosed covered buildings and do not apply to outdoor structures, open porches or buildings less than 250 square feet and 15 feet in height.

8.04.040. Building Elements

A. Color

1. Side and rear walls shall be finished in a similar color as the front of the building. For sites with multiple buildings, outparcels/pad sites, secondary or accessory buildings, see **Section 8.04.060. Architectural Compatibility**.
2. Any use of color such as bands, stripes, patterns, outlines or delineations displayed for the purpose of commercial identification (corporate colors) shall not comprise more than 20% of any wall or visible roof face, per the Code definition of "sign" in **Chapter 18**.

B. Roof Styles

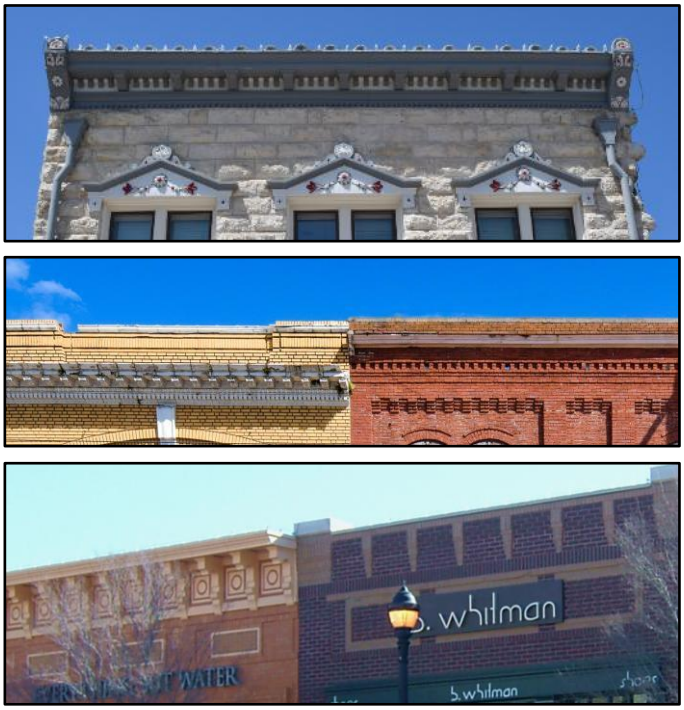
The following types of roof styles are prohibited:

1. Mansard roofs and canopies without a minimum vertical distance of 8 feet and at an angle not less than 25 degrees and not greater than 70 degrees;
2. Roofs less than or equal to a 2-to-12 pitch unless full parapet coverage is utilized; and
3. Back-lit awnings used as a mansard or canopy roof.

C. Roof Treatments

1. Parapets shall be used on all flat roofs and meet the following minimum requirements:
   a. Parapets shall extend a minimum of 2 feet above the roof line;
   b. Parapets shall conceal all roof top equipment located on a flat roof from the view of adjacent properties and rights-of-way;
   c. Parapets shall adhere to the vertical and horizontal requirements for the relevant building wall as described in **Subsection B. Roof Styles**;
   d. Parapets shall require cornice detailing (see **Figure 8.04.040-8.04.04-1**);
   e. Parapets shall consist of similar materials and colors as the building walls;
2. Where overhanging eaves are used, overhangs shall be no less than 2 feet beyond the supporting walls.
3. All roof-mounted mechanical equipment shall be screened from view on four sides in accordance with **Section 9.03.080.C**.
4. Roof-mounted photovoltaic solar panels are not considered roof-mounted mechanical equipment for the purposes of this section, but any form of electrical conveyance equipment (e.g., inverters, electric panel) shall be screened.
5. Roof lighting shall comply with **Section 8.05.010.C. Roof Lighting Standards**.

Figure 8.04.040-8.04.04-1. Examples of Appropriate Parapet Cornice Detailing



D. Entryways and Entrance Treatments

1. Single-use or multi-tenant buildings over 60,000 square feet in size shall provide clearly defined, highly visible customer entrances that include an outdoor patio area that is a minimum of 200 square feet in area and incorporates the following:
   a. Shaded or otherwise covered entrances;
   b. Benches or other seating components;
   c. Decorative landscape planters or wing walls that incorporate landscaped areas; and

d. Structural or vegetative shading.

2. An internal pedestrian route must be provided from the perimeter public sidewalk to the primary public entrance.

a. Such routes must be:

(i) At least six (6) feet wide;

(ii) ADA accessible; and

(iii) Separated from vehicular areas by raised curbs and similar features except where necessary to cross drive aisles.

b. Where pedestrian routes cross drive aisles, pedestrian routes must be distinguished from driving surfaces by textured pavement or painted pavement and lighting.

8.04.050. Building Articulation and Architectural Features

A. Purpose

In order to provide attention in design and human scale and to avoid the massive appearance of large walls and structures, articulation techniques, and architectural features shall be incorporated into the building design.

B. Applicability

Articulation shall apply to all building walls facing a public street, public park or adjacent Residential Zoning District. However, a wall facing an adjacent Residential District or public park is not required to meet the articulation provisions for such a wall meeting the following criteria:

1. The wall is on a building that is less than 20 feet in height;
2. The wall is set back at least 30 feet from the lot line; and
3. The wall is screened by a High Level Bufferyard that includes a solid screening wall.

C. Building Articulation

1. Horizontal Articulation (Footprint)

a. No building wall shall extend laterally for a distance greater than three times the building's average height without a perpendicular offset of at least 25% of such height.

b. Where the length of the wall is less than 60 feet, articulation is not required.

c. The perpendicular offset shall extend laterally for a distance equal to at least 75% of the building's average height.

d. The perpendicular and lateral offset(s) may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Director, that the intent of this section has been met.

2. Vertical Articulation (Elevation)

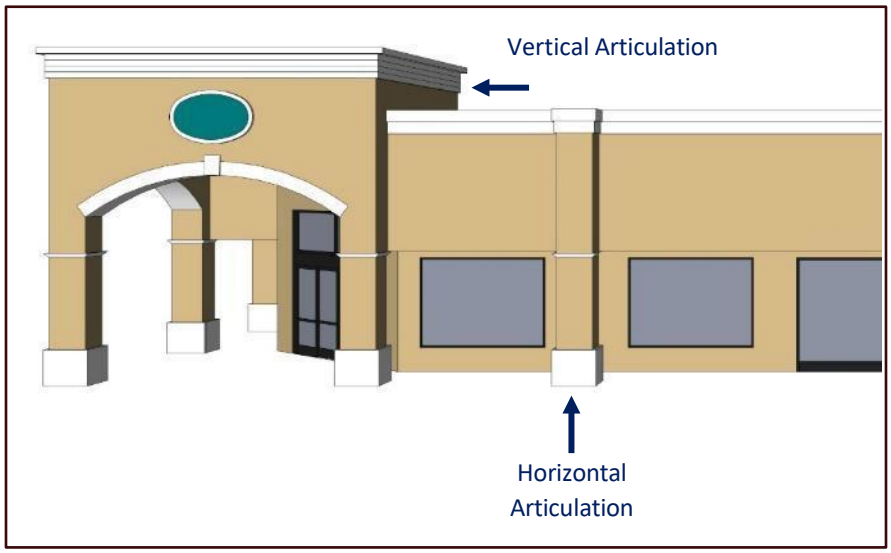
a. No building wall adjacent to or visible from a public right-of-way shall extend laterally for a distance greater than three times the building's average height without a change in vertical elevation of at least 25% of such height.

b. The change in elevation shall extend laterally for a distance equal to at least 75% of the building's average height.

c. The vertical change(s) in elevation may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Director, that the intent of this section has been met.

d. Alternatively, vertical articulation requirements may be met with an enhanced decorative cornice along the entire length of the façade if the applicant demonstrates, to the satisfaction of the Director, that the intent of this section has been met.

Figure 8.04.050-8.04.05-1. Articulation Types



D. Architectural Features

In addition to the horizontal and vertical articulation requirements, all building walls shall incorporate at least three of the architectural features listed in **Subsections 1** and **2** below. Building walls greater than 100 feet in length or buildings greater than 30 feet in height shall incorporate an additional two items from **Subsection 2** below.

1. Awnings, canopies, arcades, alcoves, windows, projections, recessed entries ornamental cornices, pillar posts, decorative light features, variation in building wall materials, integrated planters or water features or other similar building element features as approved by the Director.
2. Offsets, covered porches, stepped-back heights, porticos, varied wall surfaces, or other similar building elements as approved by the Director.

8.04.060. Architectural Compatibility

A. Building Walls

All building walls facing a public street, public park, or adjacent Residential District shall be designed with consistent architectural style, detail, and trim features as required by the provisions of **Section 8.04. Building Design Standards**. The building materials, color, window and entrance door details, and other similar architectural elements on these walls shall continue onto and be compatible with the architectural elements on the adjoining walls for the length of the adjoining walls.

B. Buildings

Sites with multiple buildings, outparcels/pad sites, secondary, and accessory buildings shall be designed to employ architectural elements that are integrated with and common to those used on the primary structure of

the site. Architectural elements shall be deemed compatible if consistent in, but not limited to: building materials, color, roof style and pitch, and architectural design and detail. For structures on outparcels/pad sites, all exterior walls shall meet the highest level of treatment outlined in **Subsection A. Building Walls** and the preceding sections.

8.04.070. Alternative Building Design

To provide flexibility in the attainment of harmonious building design, an applicant may request an Alternative Building Design using the Administrative Exception process detailed in **Section 3.14** of this Code. An Alternative Building Design may be proposed to the provisions for the Building Articulation and Architectural Features, Building Elements, and Architectural Compatibility sections of this chapter. The Director shall consider the following criteria and standards in determining whether to grant an Administrative Exception for an Alternative Building Design:

A. Whether, if the Administrative Exception is granted:
   1. The design would meet the intent, if not the letter, of the design standards set forth in this chapter;
   2. The design would produce an aesthetically pleasing building(s) that is comparable to buildings meeting the minimum design standards of **Section 8.04. Building Design Standards**;
B. Alternative materials such as wood, metal, and glass if they are incorporated into an overall architectural design in an appropriate manner;
C. The locations of building walls in relation to an interior public street or an exterior public street in regard to a Business Park or Industrial Park;
D. If building walls are significantly screened from view by other buildings on site, natural features, or fencing; and
E. A variety of building elements or design techniques, additional screening or landscaping or other site design features are used.

8.04.080. Industrial Design Standards

A. Purpose

   These standards are provided for the purpose of integrating large industrial buildings to their surrounding developed and natural environment and lessening the visual impact of long, concrete walls, truck bays, outside storage, bulky building profiles, and other characteristics common to the use and function of such buildings.
B. Applicability
   1. All new buildings or additions permitted within the I-1 and I-2 Zoning Districts that are not otherwise exempted by this chapter shall comply with this subsection.
   2. Buildings or walls of buildings in the I-1 and I-2 Districts that comply with stricter standards in **Section 8.04** shall be exempt from the requirements of **Subsection D** below.
C. Required Elements
   1. Buildings within the I-1 and I-2 District shall be constructed with the following on any façade visible from a right-of-way or property not zoned I-1 or I-2:
      a. Multiple horizontal and vertical changes in surface texture, color, or pattern of architectural joints or seams;
      b. Decorative reveals along all joints between concrete tilt-wall panels;
      c. Windows or glazing comprising at least 7% of the gross area of the façade;

d. Truck bays, loading areas, and outdoor storage areas that are oriented to the sides and rear of the building and are fully screened from view of any right-of-way or property not zoned I-1 or I-2 by an opaque screen.

D. Building Elements

1. In addition to the required elements in **Subsection C** above and site elements in **Subsection E** below, buildings in the I-1 and I-2 Districts shall be constructed with at least three of the following on any façade visible from a right-of-way or property not zoned I-1 or I-2:

   a. Exterior surface painted in a neutral color;

   b. Wall articulation meeting the minimum standards of **Subsection 8.04.050.C;**

   c. Architectural features meeting the minimum standards of **Subsection 8.04.050.D**;

   d. Windows or glazing comprising at least 20% of the gross area of the façade;

   e. Change in surface finish material comprising at least 20% of the gross area of the façade;

   f. Decorative cornices extending a minimum of 3 feet from the vertical surface of the façade;

   g. Decorative recessed lighting extending the full height or at least 30% of the length of a façade;

E. Site Elements

1. In addition to the required elements in **Subsection C** and the building elements in **Subsection D** above, buildings in the I-1 and I-2 Districts shall be constructed with at least two of the following in the area between any façade visible from a right-of-way or property not zoned I-1 or I-2:

   (i) Enhanced landscaping consisting of a continuous planting area of trees and shrubs reaching an average mature height of at least 10 feet at mature height and planted near enough to the façade of the building so that the façade surface is not visible behind the landscaping from any parking area or sidewalk;

   (ii) Continuous berms extending an average height of 5 feet between the façade;

   (iii) A decorative water feature measuring at least half the width of the façade that maintains a constant water surface and incorporates a fountain, aeration, or other similar active feature and which may also function as a stormwater management facility;

   (iv) Landscaping is provided for the site and parking areas that is at least double the requirements of **Chapter 9**;

   (v) A continuous decorative wall or fencing between 4 and 6 feet in height that is not a screening device required under **Chapter 9**;

   (vi) The entire façade is set back at a distance that is at least double the required building setback.

Section 8.05. Lighting Standards

8.05.010. Lighting

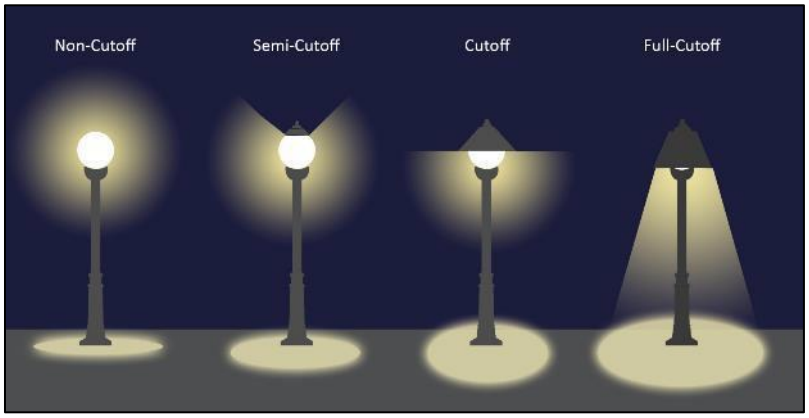
All lighting fixtures designed or placed so as to illuminate any portion of a site shall be shown on a detailed lighting plan and meet the following requirements:

A. Outdoor Lighting

1. Fixture (Luminaire)

   All lighting fixtures shall be restricted to full cutoff types so that no light is emitted above the lowest light emitting part of the fixture. Light sources shall be of a down-light, indirect, diffused, or shield type or so installed and maintained as to reduce glare effect and consequent interference with the use of adjacent properties and boundary streets. In no case shall the illumination level standards exceed those in **Subsection D. Excessive Illumination**.

Figure 8.05.010-8.05.01-1. Example of Various Lighting Fixture Types



2. Light Source (Lamp)

   Only incandescent, fluorescent, light-emitting diode (LED), color-corrected high-pressure sodium or metal halide may be used. The same type must be used for the same or similar types of lighting on any one site throughout any master-planned development.

3. Mounting

   Fixtures must be designed and mounted in such a manner that the cone of light does not cross any adjacent property lines of neighboring sites.

4. Illumination Levels

   All site lighting must be designed and installed so that the level of illumination as measured in foot candles at a height of 3 feet at the property line does not exceed 2 foot candles.

5. Exemptions

   The following outdoor lighting applications are exempt from the requirements of **Subsection A. Outdoor Lighting**:

   a. Lighting required by the City or other governmental entity in addition to those regulated by the standards herein;

   b. Temporary lighting used for holiday or seasonal decoration (i.e., displayed less than four months a year);

c. Portable temporary lighting used for maintenance or repair that does not create a nuisance or hazard;

d. Lighting for City-approved special events (e.g., festivals, civic events); and

e. Athletic field lighting located on public property.

B. Lighting Requirements for Specific Uses

1. Roads, Driveways, Sidewalks, and Parking Lots

All roads, driveways, sidewalks, and parking lots shall be sufficiently illuminated to ensure the security of property and safety of persons using such areas and facilities. Where roads, driveways, sidewalks, or parking lots fall on private property, the responsibility for lighting such areas shall fall upon the developer.

2. Entrances and Exits in Non-Residential and Multifamily Buildings

Buildings with a Non-Residential or Multifamily primary use that are open to the general public, shall have adequately lighted entrances and exits to ensure the safety of persons and the security of the building.

3. Commercial Parking Lot Lighting

All commercial parking lots shall be lit during nighttime hours of operation. Lighting fixtures affixed to poles shall be reduced in height to 15 feet if the use adjoins a Residential District.

4. Canopy Lighting

All development that incorporates a canopy area over fuel sales, automated bank machines or similar installations shall be required to provide lighting for the canopy area. For the purposes of this section, the canopy area shall be defined as that area immediately below the canopy. Canopy light fixtures shall be full cutoff/walled lighting fixtures or recessed into the canopy so that the bottom of each lighting fixture is flush with the ceiling of the canopy.

C. Roof Lighting Standards

1. All bulbs or tubing shall be encased so that the bulb is not naked and that direct glare is prevented.

2. Lights shall not run along the highest peak of a roof line, except that perimeter lighting around the top of a flat roof is allowed.

3. Roof lighting that qualifies as a sign under this Code is prohibited.

D. Excessive Illumination

Lighting within a property that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another property if it clearly exceeds the requirements of this section or if the standard could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

Chapter 9. Landscaping and Fencing

Section 9.01. General

9.01.010. Purpose

This chapter establishes requirements for the provision of landscaping, buffering, and screening to provide for the orderly, attractive, and healthful development of land and promote the health, safety, and general welfare of the community.

A. The regulations contained herein are necessary to protect the character and enhance the ecological, environmental, and aesthetic qualities of the community.

B. The use of landscape elements can contribute to air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement indicating that the use of landscape elements is of benefit to the health, welfare, and general wellbeing of the community and, therefore, it is proper that the use of such elements be required.

C. The City experiences frequent droughts; therefore, it is a purpose of this chapter to encourage the use of low-water, drought-tolerant plants and trees and the grouping of vegetation by water requirements.

D. The City recognizes the growing challenge of water supply locally and regionally, and the unique role summer peak water use typically related to higher irrigation use impacts utility system design and the need for additional water supply that can ultimately impact the cost of utilities for all water customers.

9.01.020. Authority

A. The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212 and the City Charter.

B. The provisions of this chapter are administered by the Director. For this chapter, appeals of the Director's decisions shall be made to the City Council utilizing the procedures set forth in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

9.01.030. Applicability

This chapter applies to all properties located within the corporate limits and the extra-territorial jurisdiction (ETJ) of the City; however, each section applies differently depending on the specific use and location. Further clarification of the applicability of individual sections of this chapter can be found described within each section.

9.01.040. Essential Terms Defined

A. Construction

Any manmade change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations, grading, clearing, or removing the vegetative cover. Exclusions from this definition include maintenance of lawns, gardens, and trees; minimal clearing of vegetation for surveying; and bona fide agricultural activities.

B. Critical Root Zone (CRZ)

A circular region measured outward from the tree trunk representing the essential root area that must be protected for the tree's survival and is calculated as 1 foot of radial distance for every 1 inch of DBH.

C. Diameter Breast Height (DBH)

The diameter of a tree measured at 4.5 feet above ground, as further defined in **Chapter 18**.

D. Disturbance to a Tree

Cut or fill that is greater than 4 inches in depth, the severing of major roots, the placement of debris or fill, the cleaning, parking, storage, or active use of equipment or materials, or the disposal of any waste material harmful to tree growth and health, such as, but not limited to, paint, oil, solvents, asphalt, concrete, or mortar.

E. Existing Tree

Existing trees with a DBH of least 3 inches that remain on a site subject to the above health and CRZ protection requirements of this code, excluding trees located within the right-of-way and excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite.

F. Heritage Tree

Any of the following tree species that has a DBH of 26 inches or larger: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia. The Heritage Tree classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit.

G. Multi-Stem Tree Measurement

The DBH of a tree with more than one trunk shall be calculated as the sum of the DBH of the largest trunk and one-half the sum of the remaining trunks. Trees over ½ inch shall be rounded up to the nearest whole tree. Trees under ½ inch shall be rounded down to the nearest whole tree. For example, a tree measuring 12.2 inches in diameter at breast height (DBH) would be recorded as 12 inches and a tree measuring 12.7 inches in DBH would be recorded as 13 inches.

H. Non-Residential

All other uses, not specified as Residential, including Multifamily

I. Protected Tree

Any tree, excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite, that has a diameter at breast height (DBH) of 12 inches or larger, excluding Heritage Trees.

J. Removed Tree

The following trees shall be considered a removed tree requiring mitigation:

1. The proposed or actual protection of the CRZ of a tree does not meet the requirements of this section.
2. Topping or excessively pruning more than 30% of the viable portion of a Protected (non-residential only) or Heritage Tree crown.
3. Removing the tree from its physical location or dismantling tree in sections including any tree which is uprooted, cut down, toppled, poisoned, or burned.

K. Residential

Single-family, Two-family, and Townhouse development

L. Tree Inventory

Prepared by an arborist licensed by the International Society of Arboriculture (ISA) and containing the tree survey and additional information describing the health of the trees being surveyed. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Inventories shall be valid for a period of 10 years with recertification of any trees shown on the survey to have a

DBH of 10 to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long-term projects that extend longer than 10 years.

M. Tree Preservation Plan

A plan that graphically represents the Tree Schedule and identifies all Protected, Heritage and Credit Trees, indicating those being preserved and those being proposed for removal.

N. Tree Survey

A drawing showing the size, location, species and critical root zone of all existing Protected Trees, Heritage Trees, and any trees to be used as credit. A table summarizing the total number of inches, in accordance with generally accepted methods of International Society of Arboriculture (ISA) shall be provided. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Surveys shall be valid for a period of 10 years with recertification of any trees shown on the survey to have a DBH of 24-25 inches or 10-11 inches after five years.

O. The definitions in **Chapter 18** of this Code shall apply to these and other terms within this chapter.

9.01.050. Unified Development Code Development Manual

The Unified Development Code Development Manual is a companion document to this Code, containing templates for Tree Surveys, Tree Preservation Plans, landscape and tree calculations, and other relevant information for completing a Site Plan or other required process. The Development Manual also contains the City's plant lists, including the preferred, prohibited, and controlled plant lists, and the landscape and tree technical standards (Technical Standards) which provide technical guidance for the selection, planting, and maintenance of plants required by this Code.

Section 9.02. Residential Landscaping

9.02.010. Applicability

The provisions of this section shall be considered minimum standards and shall apply to residential properties within the city limits, as defined in **Section 9.01.040** of this chapter. Also refer to **Section 9.04** for the residential review process and **Section 9.05** for plant selection, installation, and maintenance requirements.

9.02.020. Shade Tree Requirement

A. At time of home construction, all new single-family (all types) or duplex homebuilders shall provide shade trees from the preferred plant list within each lot at a ratio of one tree per each 50 feet of street frontage or portion thereof, exclusive of driveway width measured at the right-of-way line.

B. Existing trees preserved within the street yard may count toward the shade tree requirement using the ratios provided for in **Subsection 9.03.020.B**. If existing trees are to remain, the tree protection measures of **Section 10.02** shall be followed.

9.02.030. Residential Groundcover

A. Residential property shall be fully revegetated, including soil amendments as needed, in accordance with City of Georgetown Code of Ordinances Section 13.15.060.

1. See exceptions for synthetic and artificial turf in **9.05.020.C.4** below.

B. Residential property shall be fully revegetated in conformance with **Subsection 9.05.020**.

Section 9.03. Non-Residential and Multi-family Landscape Requirements

9.03.010. Applicability

A. Except for those uses covered by **Section 9.02**. **Residential Landscaping**, the provisions of this section shall be considered minimum standards and shall apply to the development of all non-residential properties within the city limits, as defined in **Section 9.01.040** of this chapter, regardless of Zoning District. Additional plantings in excess of the minimum requirements are encouraged. Also refer to **Section 9.04** for the review and appeal process and **Section 9.05** for plant selection, installation, maintenance requirements, and irrigation requirements.

B. Exceptions

These requirements do not apply to the following:

1. The construction of accessory structures necessary for or directly related to the ownership or raising of livestock for agricultural purposes including, but not limited to, barns, shelters, sheds or other structures.
2. Development in the Downtown Overlay District; however, landscaping is encouraged when possible.

9.03.020. Landscape Tree Credits

A. A tree credited toward a landscape requirement must meet the locational requirements of the provision for which credit is awarded (i.e., within the specified bufferyard) and, unless otherwise noted, may not be credited toward more than one landscape requirement.

B. In order to maximize the preservation of existing trees, surveyed trees in good health that have a DBH of at least 6 inches and are listed in the City preferred plant list may provide credit toward the landscaping requirements of the following sections. Each existing tree preserved may provide landscape tree credits as indicated in the following table.

Table 9.03.020-1. Landscape Credits for Existing Trees

DBH in Inches	Credit
6 to 11	1 tree
12-17	2 trees
18-23	3 trees
24 or greater	4 trees

C. Additionally, trees planted to meet the mitigation requirements of **Subsection 10.02.040.A.1** may provide credit toward the landscaping requirements of the following sections.

D. Credit shall not be awarded unless protection of the CRZ of the credited tree is carried out as required for Protected and Heritage Trees in **Subsection 10.02.040.A.1.** Credit may be withheld during review or inspection of the project, based on the assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree.

9.03.030. Alternative Exception

A. Minor Reductions of Street Yard Landscaping and Bufferyards

1. Minor changes to the width of the required street yard landscaping and bufferyards, which are considered to be up to 50% of the required width, may be requested if, along a street frontage where the adjacent properties on both sides (at side property lines) have a smaller or no landscape buffer strip, in order to maintain consistency between existing parking lot and drive aisle alignments.
2. If an alternative street yard landscaping or bufferyard is granted, an equal amount of landscaped area and trees shall be provided elsewhere on the site as may be deemed appropriate by the decision-maker.

B. Grouping of All Required Landscaping

1. In order to provide flexibility in site design, an Applicant may request Alternative Compliance to group all required landscaping (e.g., the landscape buffer and parking lot landscaping) into fewer but larger, consolidated areas.
2. In order to offset the movement of landscaping from its original required location, an additional 25% of the total landscaped area will be required. For example, if 1,000 square feet of total landscaping were required, then 1,250 square feet would be required to meet the grouping option.
3. In addition to the 25% increase in total landscape area, the grouped landscaping shall be located either between the building line and right-of-way or area visible from the street.

9.03.040. Street Yard Landscaping

Each non-residential property shall provide pervious landscaped area and plantings within the street yard. These requirements are based on the size of the street yard as indicated below. Plantings provided to meet required parking lot and Gateway Overlay District landscaping requirements may be used to meet this provision, provided they are located within the street yard.

A. Street yards less than 10,000 square feet shall provide:

1. Landscape area totaling 20% of the street yard; and
2. One shade tree and three shrubs per 2,500 square feet of street yard.

B. Street yards between 10,000 and 100,000 square feet shall provide:

1. Landscape area totaling 20% of the street yard; and
2. Four shade trees and 12 shrubs per the first 10,000 square feet of street yard, plus one-and-one-half shade trees and four shrubs per every additional 10,000 square feet of street yard thereafter.

C. Street yards larger than 100,000 square feet shall provide:

1. Landscape area totaling 20% of the street yard; and
2. Eighteen shade trees and 48 shrubs per the first 100,000 square feet of street yard, plus two shade trees and five shrubs per every additional 20,000 square feet of street yard thereafter.

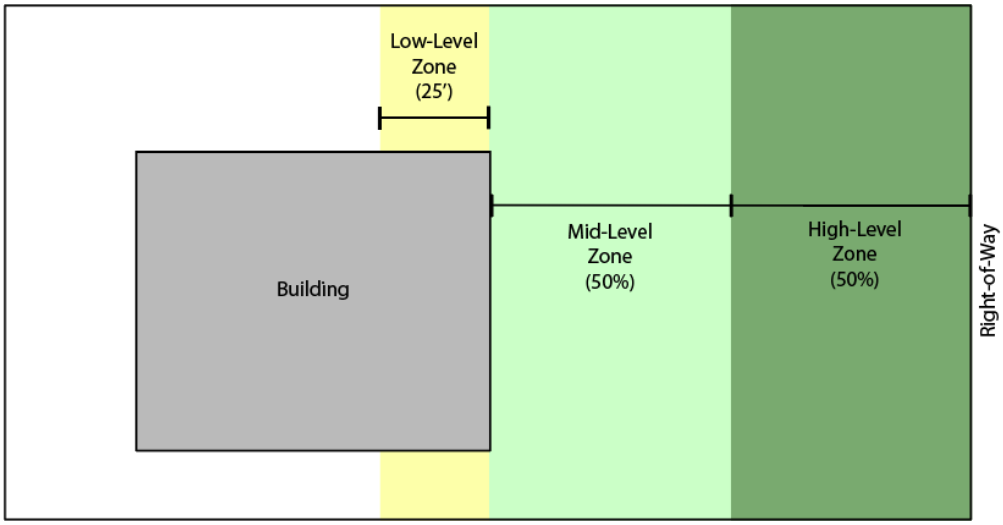
D. Plantings within a required street yard may be planted in zones to distribute the plantings throughout the street yard and focus the largest percentage of plantings along the right(s)-of-way.

1. When this option is used, required street yard plantings shall be distributed as follows:
   a. Low-Level Zone. 10% of the required plantings shall be planted within 25 feet of the building façade.
   b. Mid-Level Zone. 30% of the required plantings shall be planted between the façade and the midpoint between the façade and right-of-way.

c. High-Level Zone. 60% of the required plantings shall be planted between the right-of-way and the midpoint between the façade and right-of-way.

2. The distribution of plantings within a required street yard shall be required for all phased development. All plantings required at ultimate buildout in the High-Level Zone shall be installed as a part of Phase 1.

Figure 9.03.040-9.03.04-1. Planting Zone Levels



9.03.050. Parking Lot Landscaping

All non-residential surface parking areas or lots shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians and shall contain shade trees to reduce the thermal impact of parking lots. Landscaping provided to meet this section shall consist of landscaped areas and shade trees as outlined below and may also be credited toward the street yard landscaping requirements, if they are located within the street yard.

A. Landscape Area

1. Twenty square feet of pervious landscape area shall be provided within the parking lot for each parking stall located between the building line and the street right-of-way.
2. Ten square feet of pervious landscape area shall be provided within the parking lot for each parking stall not located between the building line and the street right-of-way.

B. Shade Trees

1. A minimum of one shade tree is required per every 12 parking stalls provided.
2. Each parking stall in excess of the required shall be calculated as one-and-one-half stalls for purposes of required shade trees.
3. In order to maximize the distribution of shade, shade trees shall be planted throughout the interior of the parking lot so that some portion of every parking stall is within 50 feet from the trunk of a tree unless otherwise approved by the Director.
4. Planting areas for each tree shall have a minimum undisturbed pervious area of at least 100 square feet and have a minimum interior dimension of 8 feet wide, exclusive of the curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-

compacted or excavated and filled with quality soil in accordance with the Technical Standards. These areas shall also be free of other structures such as lighting or utility poles.

C. Stormwater Drainage

1. All landscaped areas shall be protected by a raised 6-inch concrete curb with openings to allow for the drainage of stormwater into the landscaped areas or other barrier as approved by the Director. Approved curbs shall not be placed within the Critical Root Zone.
2. None of the above shall be compacted in a manner that alters the runoff coefficient for drainage. In circumstances where compaction does occur to alter runoff performance, the compacted area shall be treated as impervious cover.
3. Weed barrier used in any capacity shall allow percolation to maintain the runoff coefficient for drainage. In circumstances where the weed barrier used does alter runoff performance, the area of the weed barrier shall be treated as impervious cover.

D. Exemptions

Enclosed parking structures and vehicle display and sales areas, as defined in this Code, are exempt from the parking lot landscaping requirements.

9.03.060. Gateway Overlay District Landscaping

The landscaping requirements in this section are associated with the Gateway Overlay Districts established and detailed in **Section 4.10**. The following standards are required for all non-residential properties located along the corridors listed in **Section 4.10.030. Gateway Corridors**, unless otherwise specified.

A. General

1. The Gateway Overlay District landscape area shall be calculated by multiplying the lot width (measured in feet) along the gateway roadway right-of-way times the depth (in feet) of the landscape buffer. This square footage divided by 1,000 determines the landscape units for calculation.
2. All tree and plant species shall be from the City preferred plant list or the downtown gateway tree list, as included in the Development Manual.
3. Plantings provided to meet the requirements for Gateway Overlay District landscaping may also be credited toward the street yard landscaping requirements.

B. Scenic and Highway Gateway Overlay Districts

1. The landscape area shall contain at least 80% live vegetative coverage excluding the area required for driveways, sidewalks, bicycle paths, and drainage features, as allowed with limitations in **Section 4.10.040. Gateway Design Standards**. Fencing is not allowed within the landscape area.
2. Within the landscape area, plantings are required at a minimum ratio of two shade trees and five 5-gallon shrubs for every 1,000 square feet of land. Existing trees that are preserved within the landscape area may count toward the required tree plantings, pursuant to **Section 9.03.020**.

C. Downtown Gateway Overlay District

1. Landscape Buffer

A 10-foot-deep landscape buffer is required adjacent to the designated gateway roadway and will be measured from the property line.

2. Landscape Area
   a. The landscape area shall be landscaped and maintained with at least 80% live vegetative coverage excluding the area required for driveways, sidewalks, bicycle paths, as allowed with limitations in **Section 4.10.040. Gateway Design Standards**. Fencing is not allowed within the landscape area.
   b. Within the landscape area, plantings are required at a minimum ratio of two shade trees and two 5-gallon shrubs for every 1,000 square feet of land. Existing trees that are preserved within the landscape area may count toward the required tree plantings, pursuant to **Section 9.03.020**.
   c. Downtown trees shall be spaced in a formal manner and shall meet the location requirements of **Subsection 9.05.030.E**. Only specific tree species are allowed in the Downtown Gateway Overlay, based on their height and size, which can be found in the plant list in the Development Manual.

9.03.070. Bufferyards

A. General
   1. Bufferyards are required between certain land uses to prevent or minimize potential nuisances such as noise or light and to provide a transition between uses that may not be compatible with each other.
   2. Landscaping required within bufferyards shall be provided in addition to the landscaping required in other sections of this chapter.
   3. All open space within a bufferyard shall be planted with grass or other vegetative ground cover.
   4. A bufferyard may be designed with clusters of plantings to create a more desirable design.
   5. No light fixtures, parking, dumpsters, storage, recreation facilities, accessory buildings, alleys, or any other improvements not explicitly allowed shall be permitted within a required bufferyard.
   6. A bufferyard may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels.
   7. Detention or Retention Ponds
      a. Detention or retention ponds may be placed adjacent to the bufferyard.
      b. Detention or retention ponds may be permitted to extend into a required bufferyard, but only if the Development Engineer determines that there is no other feasible option for the detention of stormwater. If the pond is located within the required bufferyard, the requirements of this section shall be met in full within the remaining buffer area and additional screening or aesthetic treatment of the pond may be required depending on the location and circumstances of the site.
   8. Where buffer requirements are in conflict with other requirements of this Code, the most restrictive standards shall apply.
   9. Required fencing shall be located along property lines unless physical constraints exist that would prohibit such placement, as determined by the Director.

B. Bufferyard Level Required
   1. **Table 9.03.070-1. Bufferyard Level Required** indicates the level of bufferyard required between each Zoning District or land use. "L" refers to a low level bufferyard. “M” refers to a medium level bufferyard. “H” refers to a high level bufferyard. A box with a "—" indicates that a bufferyard is not required between those development types. The planting requirements of each type of bufferyard can be found in **Subsection C** below.

Table 9.03.070-1. Bufferyard Level Required

		Adjacent District															ETJ *
		AG	RE	RT	RS	RM	MH	MF-1	MF-2	CN	C-1	C-2	PF	I-1	I-2	MU-DT	
Bufferyard Required	AG	M	M	M	M	M	M	M	M	—	—	—	—	—	—	—	M
	MH	L	L	L	L	L	—	—	—	—	—	—	—	—	—	—	L
	RM	L	L	L	—	—	—	—	—	—	—	—	—	—	—	—	L
	MF-1	M	M	M	L	—	—	—	—	—	—	—	—	—	—	—	M
	MF-2	L	M	M	M	L	L	—	—	—	—	—	—	—	—	—	M
	CN	L	L	L	L	L	L	—	—	—	—	—	—	—	—	—	L
	C-1	M	M	M	M	L	L	—	—	—	—	—	—	—	—	—	M
	C-2	M	H	H	H	M	M	M	M	—	—	—	—	—	—	—	M
	PF	M	M	M	M	M	M	M	M	—	—	—	—	—	—	—	M
	I-1	H	H	H	H	H	H	H	H	M	M	M	M	—	—	M	H
	I-2	H	H	H	H	H	H	H	H	M	M	M	M	—	—	M	H
	MU-DT	L	L	L	L	L	L	—	—	—	—	—	—	—	—	—	L
	* Shall only apply in the case of one or more single-family homes that are platted or planned for residential use on the Future Land Use Map in the ETJ.																

1. A non-residential use developed in a Residential Zoning District will be required to provide a low level bufferyard adjacent to residential development.
2. No bufferyards are required internal to a multi-site unified development that is platted or site planned as such.
3. An Administrative Exception to the requirement of a bufferyard may be approved by the Director per **Section 3.14** of this Code if it is determined that the application of a bufferyard is not necessary and does not meet the intent of this section.

C. Specific Bufferyard Requirements

1. A low level bufferyard shall consist of the following:
   a. A 10-foot-wide planting area;
   b. Two evergreen ornamental trees and four evergreen shrubs per each 500 square feet of bufferyard or fraction thereof, distributed in a manner to make the bufferyard most effective in addressing potential sources for nuisance emanating from the subject property.
2. A medium level bufferyard shall consist of the following:
   a. A 15-foot-wide planting area;
   b. One shade tree, two evergreen ornamental trees and eight evergreen shrubs per each 500 square feet of bufferyard or fraction thereof, distributed in a manner to make the bufferyard most effective in addressing potential sources for nuisance emanating from the subject property.

3. A high level bufferyard shall consist of the following:
   a. A 30-foot-wide planting area;
   b. A solid 6-foot-high screening wall constructed of brick, stone, reinforced concrete or other similar two-sided masonry materials; and
   c. Two shade trees and four evergreen ornamental trees per each 500 square feet of bufferyard or fraction thereof, distributed in a manner to make the bufferyard most effective in addressing potential sources for nuisance emanating from the subject property.

9.03.080. Screening

A. General
   1. All planting materials used for screening purposes shall be of an evergreen species. Screening is required in order to minimize visual , noise, air quality and other impacts from surrounding properties and rights-of-way. Unless otherwise provided, screening requirements are in addition to all other landscape requirements and may not be credited or counted toward meeting other requirements.
   2. All mechanical equipment and screening must be shown on the Landscape Plan.

B. Parking Lot Screening
   1. Vehicular parking areas shall be screened from street view and adjacent properties using methods described below.
      a. All parking lot screening shall be achieved through one of the following methods:
         (i) A planting screen (hedge);
         (ii) A berm;
         (iii) A wall; or
         (iv) A combination of any of the above.
      b. Live screening shall be a minimum of 2 feet tall at time of planting, with predominately a mature height of 3 to 4 feet within two years, as determined by a landscape architect or other licensed professional.
      c. Live screening shall be planted in a prepared bed at least 3 feet in width.
      d. Plantings, fences, or walls shall be set back a minimum of 3 feet from the curb or wheel stop to allow for the overhang of the vehicle.
      e. A change in grade or elevation that provides an equivalent level of screening for the parking lot as the vegetative screen may be substituted for the requirements above, as determined by the Director.
   2. Screening shall not be required between properties for parking spaces provided in conjunction with shared access and/or shared parking between those properties.

C. Screening of Mechanical Equipment
   1. All mechanical equipment including roof-mounted equipment, shall be screened from view from all public rights-of-way and adjoining properties.
   2. Screening shall result in the mechanical equipment blending in with the primary building and not appearing separate from the building.
   3. Screening shall consist or be constructed of the following materials, depending on the location of the equipment to be screened. When possible, materials should be consistent with the primary building materials.

a. Planting screens;

b. Brick, stone, reinforced concrete, or other similar masonry materials;

c. Redwood, cedar, preservative pressure treated wood, or other similar materials; or

d. Metal screening or louvers painted to blend with the primary building.

4. All fence posts shall be rust-protected metal, concrete-based masonry, or concrete pillars.

D. Placement and Screening of Waste Containers, Recycling Containers and Compactors

1. All waste containers, recycling containers and compactors shall be completely screened from public view at any adjoining street or property line.
2. All enclosures are to be at least 1 foot above the height of the waste, recycling containers and compactors.
3. All enclosures and screening shall be of sufficient size to accommodate all waste containers, recycling containers and compactors located on the site.
4. Waste containers, recycling containers and compactors screening shall be maintained by the owner at all times.
5. Waste containers, recycling containers and compactors shall be located at least 15 feet from shade trees, whether existing or installed with landscaping.
6. Waste containers, recycling containers and compactors shall be placed in a manner to ensure service provider approach needs and clearances are met to access the enclosures.
7. Waste containers, recycling containers and compactors

   a. Waste containers, recycling containers and compactors shall be located a minimum of 50 feet from the property line of any of the following:

      (i) RE, RT, RS, RM zoned property; or

      (ii) A property in the ETJ with an existing single-family home located within 100 feet of the property line; or

      (iii) A property in the ETJ which is platted or planned for residential use on the Future Land Use Map.

   b. Waste containers, recycling containers and compactors shall be no closer to any street than the principal structure.

8. Waste containers, recycling containers and compactors shall be placed on reinforced concrete pads that are a minimum of 6 inches in thickness and sloped to drain.
9. Screening shall be provided on four sides and be comprised of:

   a. Brick, stone, reinforced concrete or other similar masonry materials that have a similar finish to the primary finish;

   b. Redwood, cedar, preservative pressure treated wood or other similar materials; or

   c. Alternative screening, which may be proposed as an alternative if the Director determines it meets the intent of the screening requirement and performs as effectively.

10. All fence posts shall be made of rust-protected metal, concrete based masonry, or concrete pillars.
11. Waste containers, recycling containers and compactors enclosures shall have steel-framed gates with spring-loaded hinges or the equivalent. The enclosure shall have fasteners to keep the gate closed and tiebacks to secure the gate in the open position when accessed.

12. Six-inch diameter concrete filled steel pipes shall be located in corners and possible impact areas to protect the enclosure from truck operations.
13. Location of waste containers, recycling containers and compactors shall also comply with the standards of the waste collection service provider. When the standards of this section and the service provider conflict, the standards of this section shall apply.

E. Screening of Loading Docks

1. Loading and service areas shall be located at the side or rear of buildings and be completely screened from public view at any adjoining street or property line.
2. Screening shall be provided on three sides of the area by a wall or other screening mechanism, not less than 8 feet in height, comprised of a wall that has a similar finish to the primary structure.
3. Loading areas shall not be located closer than 50 feet to the property line of a single-family or duplex residence, unless located completely within an enclosed building.

Section 9.04. Review and Approval Process

9.04.010. Non-Residential Landscape Review

A. Landscape Plan

A Landscape Plan, prepared by a landscape architect licensed in the State of Texas, is required to be submitted and approved as part of a Site Plan application prior to issuance of a Building Permit for such development. Projects or limits of construction less than 5,000 square feet in size do not require preparation by a landscape architect. A Landscape Plan shall include the following:

1. Planting Plan

The planting plan is a dimensioned and labeled drawing demonstrating compliance with all applicable requirements of this chapter. The plan shall include all dimensions, types and quantity of materials, width of bufferyards and Overlay Districts, and size and spacing of vegetative materials. Existing trees to be used as landscape credit shall also be shown with the size indicated. All proposed mechanical equipment shall be depicted. Plans for projects involving additions to existing sites shall locate and identify any existing landscaping.

2. Landscape Summary Table

The landscape summary table delineates all requirements of this chapter as they apply to the project as well as how those requirements are addressed on the planting plan. The landscape summary table shall list each planting requirement and indicate the number of plants required as well as the number proposed. The summary table shall list any landscape tree credits to be utilized and identify those plantings that are low water users. The landscape summary table may be located on the planting plan. The template for the landscape summary table can be found in the UDC Development Manual.

3. Irrigation Statement

The landscape architect shall identify on the planting plan the type of irrigation to be installed for the landscaping design.

4. Preparer's Seal and Statement of Compliance

The Landscape Plan shall be signed and sealed by the designer and include a statement of compliance certifying that the plans submitted for approval comply with the requirements of this chapter. The seal and statement shall be shown on the planting plan.

B. Changes to Approved Plans

Adjustments to approved plans during construction that affect trees or landscaping must be reviewed and approved by the Planning Department.

9.04.020. Inspection and Approval of Installation

A. Residential Installation

Installation of required landscaping for all new single-family or duplex development shall be inspected at time of final building inspection. The owner or owner's representative may certify in writing that landscaping has been installed according to the approved plan.

B. Non-Residential Installation

1. Certification of Landscape Compliance

Prior to final inspection for Certificate of Occupancy and once all landscaping has been installed, the original sealer of the Landscape Plan shall submit a letter certifying the installed landscaping is in compliance with the requirements of this chapter and the approved Landscape Plan. If the installed landscaping is not in compliance with the approved Landscape Plan, a final "as-built" Landscape Plan indicating actual planting shall be submitted to the Planning Department for review and inspection.

2. Irrigation Inspection Letter

At time of final inspection for Certificate of Occupancy, the landscape architect shall provide a letter to the City indicating that the irrigation system has been installed in accordance with the requirements for irrigation per the approved Landscape Plan.

3. Inspection

The Planning Department and the Director shall, at time of final inspection, inspect all projects to ensure compliance with the approved Landscape Plan prior to issuance of a Certificate of Occupancy. With this inspection, the Director may reject any tree or vegetation that does not reflect the approved plans or does not meet the requirements of this chapter and require replacement plantings.

Upon the installation of trees, the owner or landscape architect shall notify the Director that the work is ready for final inspection. If faulty work or substandard plant material is found, the owner shall be notified of the necessary changes.

9.04.030. Postponement of Installation of Required Landscaping

In the case of weather restrictions, seasonal or inclement, the owner of a residential or non-residential property may post fiscal surety for the full cost of the materials and installation of any remaining landscaping. The owner will then have 30 days from either 1) the date of the start of the next planting season, or 2) the last day of the inclement weather situation to complete the installation. The City may draw on the fiscal surety and pay to complete the planting if it is determined that the owner has breached the obligations secured by the fiscal surety. A conditional Certificate of Occupancy shall be issued until such time that all landscaping is installed. See procedures for filing fiscal surety for new development in the UDC Development Manual.

9.04.040. Alternative Landscape Standards

Alternative landscape standards, certified by a landscape architect, may be proposed and submitted to the Director for approval of an Administrative Exception per **Section 3.14** of this Code, provided the aesthetic, buffering, and environmental intent of the requirements of this chapter are met. The Director may approve alternatives including,

but not limited to, site design, spacing, locations, numbers, and species. The use of above-ground architectural planters may contribute toward up to 10% of the fulfillment of landscape requirements, as approved by the Director.

Section 9.05. Plant Selection, Installation, and Maintenance

9.05.010. General

A. Unless otherwise noted, the plant selection, installation, and maintenance requirements of this section shall apply to the required plantings for both residential and non-residential development. The standards herein do not apply to those plantings voluntarily planted and not otherwise required by this chapter.

B. Plant materials required by this chapter shall conform to the American Standard for Nursery Stock.

C. Consideration shall be given to the selection of trees, plants, and planting locations to avoid problems such as clogged sewers, cracked sidewalks or foundations, and power service interruptions.

D. All planting shall be designed to consider the level of expected maintenance and provide a neat and clean appearance.

E. All required landscape areas shall consist of at least 50% plant material coverage at the time of planting.

F. The installation of fountains, public spaces, exterior furniture, bicycle racks, and other outdoor pedestrian amenities, located within or adjacent to landscaping, is encouraged; however, hardscape features shall not predominate the use of living plant materials. These components do not count toward the requirements of the landscaping square footage calculations

9.05.020. Plant Materials and Size Requirements

A. Species

1. All required plant materials shall be selected from the City preferred plant list. Other plant materials may be used if determined by the Director to be equivalent in quality, adaptability, and low-water use as those listed therein.
2. When more than five trees or 10 shrubs are to be planted to meet the requirements of this chapter, a mix of species shall be provided wherein no more than 25% of plantings may be from the same species within the same plant category.
3. Of the required plant materials being used to meet landscaping requirements of this chapter, all must be classified as low-water users as identified on the preferred plant list.
4. Prohibited plant species, as identified on the prohibited plant species list in the UDC Development Manual, are required to be removed at time of site development, unless they are located in an area designated on the Landscape Plan as an approved natural area. If located in an area to be approved as a natural area, the applicant shall include a natural area restoration plan within the landscape plan providing for the documentation of existing trees and plants, the removal of any invasive species and necessary supplemental replacement of invasive species with native species to achieve the same coverage established in **Section 9.05.010.E**. The retention of any of these species must be based on the health and welfare of surrounding Protected and Heritage Trees and must be approved by the Director. No new plants identified on the prohibited plant species list shall be installed, and existing plants determined by a landscape architect to meet the minimum size requirements of **Subsection B** below and coverage requirements of **Section 9.05.010.E** may be included in the landscape plan to contribute to meeting any planting requirements. The City may require a restrictive covenant based on the specific circumstances to ensure the natural area is maintained properly in perpetuity.

5. Controlled plant species, as identified on the controlled plant species list in the UDC Development Manual, are excluded from meeting any planting requirements. No new plants identified on the controlled plant species list shall be planted, unless approved by the Director. Controlled plant species do not have to be removed from a site.

B. Minimum Size Requirements for Plants and Trees

Unless otherwise specified in this chapter, plants and trees required by this chapter shall be of the following minimum sizes at the time of planting.

1. Landscape Trees and Mitigation Trees
   a. Shade trees and mitigation trees (as required by **Section 10.02.050**. **Tree Mitigation**) planted to meet the requirements of this chapter shall be a minimum of 12 feet in height and 4 caliper inches measured at 6 inches above finished grade or have a 3-inch DBH.
   b. Ornamental trees planted to meet the requirements of this chapter shall be at least 6 feet in height and 15-gallon container-grown nursery stock. Ornamental trees shall not be used as mitigation trees to satisfy the provisions of **Section 10.02.050**. **Tree Mitigation**.
2. Shrubs

   Shrubs planted to meet the requirements of this chapter shall be at least 1-gallon container-grown nursery stock unless otherwise specified by this Code.
3. Vines, Ornamental Grasses and Ground Cover
   a. Vines planted to meet the requirements of this chapter shall be at least 1-gallon container-grown nursery stock.
   b. Groundcover planted to meet the requirements of this chapter shall be at least 4-inch container-grown nursery stock.
   c. Ornamental grasses planted to meet the requirements of this chapter shall be at least 1-gallon container-grown nursery stock.

C. Lawn or Turf Grasses

1. Grassed areas shall be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, Buffalo, or any other variety as approved by the Director, and limited to 50% of the property remaining pervious. Heavily shaded properties that receive less than six hours of sun may be planted with other shade grass.
   a. See exceptions for synthetic and artificial turf in **9.05.020.C.4** below.
2. Grassed areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales on 3:1 or greater slopes or other areas subject to erosion.
   a. For all other areas where sod is not required:
      (i) The use of sod shall be limited to 25% of the remaining balance of the percentage of plant materials not classified as low-water users. The amount of sodded area may be increased if the remaining sodded areas utilize native grasses (e.g., if 50% of plant materials used are classified as low-water users, sodded areas shall be limited to 12.5% of all landscape area).
      (ii) The use of sod shall not be less than 6 feet in any dimension within the property.
   b. The restriction to the use of sod does not apply to areas designated as dog parks, open recreation/common amenity areas or parks.
3. Winter Rye shall be considered only as a temporary measure to reduce soil erosion through the winter season and shall be completely replaced with permanent turf grass during the following planting season.

4. Synthetic or artificial lawns may be allowed provided the following standards are met:
   a. Permitted Locations and Coverage
      (i) Synthetic or artificial lawns may be used in playscapes, sports fields, and other similar recreational fields, and on portions of a site that are screened from public streets and adjacent properties.
      (ii) On residential properties, synthetic or artificial lawns shall be limited to a maximum of 50% of the non-impervious area.
   b. General Installation and Environmental Standards
      (i) Synthetic or artificial lawns shall meet the following standards, regardless of visibility:
         (a) Synthetic or artificial lawns shall be certified by a professional engineer that it will allow rainwater to infiltrate at the same rate as natural turf. The backing shall be 100% permeable, rather than hole-punched.
         (b) Synthetic or artificial lawns and the materials used in installation shall not contain any Per- and polyfluoroalkyl substances (PFAS).
         (c) Synthetic or artificial lawns shall not be installed on slopes greater than 10% without approval by the Development Engineer.
         (d) Synthetic or artificial lawns shall be prohibited within required bufferyards and Gateway Overlay District landscape areas.
         (e) Synthetic or artificial lawns shall utilize heat blocking or other dissipating features to limit heat gain.
      (ii) Additional standards for synthetic or artificial lawns visible from a public right-of-way or adjacent property (i.e., recreational uses):
         (a) Synthetic or artificial lawns shall be a four-tone color or higher, with a primarily color in a realistic natural green tone.
         (b) Synthetic or artificial lawns shall have a minimum pile or blade height of 1½ inches, except when used for playscapes, sports fields or other similar recreational facilities.
         (c) Synthetic or artificial lawns shall have a face weight of 80 ounces.
         (d) Synthetic or artificial lawns shall be anchored at all edges and seams not less than every 1 foot.
         (e) Synthetic or artificial lawn seams shall be glued and not sewn.
         (f) Synthetic or artificial lawns shall use an infill medium consisting of clean sand or other approved mixture brushed into the fibers to ensure that the fibers remain in an upright position and to provide ballast that will help hold the turf in place. Crumb rubber is prohibited.

9.05.030. Installation Requirements

A. All required landscape materials shall be installed according to American Association of Nurserymen (AAN) Standards and as per the Technical Standards.
B. All trees should be planted to the ANSI A300 Tree Planting and Transplantation Standards and as per the Technical Standards.
C. In order to conserve water, reduce maintenance, and promote plant health, plant species shall be placed as necessary based on their water and light needs, hydrozone, and growth rate and size.

D. Landscaping shall be designed to meet the City's traffic safety standards as adopted in the Code of Ordinances and must maintain safe and unobstructed visibility along and at intersections of roadways, driveways, drive aisles, access easements, recreational paths, and sidewalks.

E. Location

1. Required landscaping shall be placed upon that portion of a tract or lot that is being developed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the Director.
2. All new shade trees shall be planted so they have a minimum undisturbed pervious area of 100 square feet, with such pervious area having a dimension no smaller than 8 feet in any direction exclusive of any curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-compacted or excavated and filled with quality soil in accordance with the Technical Standards. These areas shall also be free of other structures such as lighting or utility poles.
3. All new ornamental trees shall be planted so they have a minimum undisturbed pervious area of 100 square feet, with such pervious area having a dimension no smaller than 8 feet in any direction exclusive of any curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-compacted or excavated and filled with quality soil in accordance with the Technical Standards.
4. Trees or plants shall not be placed in locations within easements that may interfere with site drainage, and shall be of species approved for placement in easements. The City maintains the right to trim for overhead lines or removal all obstacles in an easement or compel the property owner to do so. The property owner is responsible for replacement of any landscaping or features used to meet requirements of this chapter.
5. Trees may be located within a dedicated trail easement provided no tree is located less than 4 feet from the edge of the trail path.
6. Ground cover shall be planted to provide for quick coverage and to discourage erosion and weed growth.
7. Tree and Utility and Signage Conflicts
   a. Special attention shall be given to the use of appropriate species located under or adjacent to overhead power lines or near underground utility lines, or near existing and proposed signage. Plans proposing species that do not address this provision will not be approved.
   b. Overhead power lines require the planting of low growing trees, maturing to a height and spread not encroaching within 5 feet of the lines.
   c. When there is a conflict between the location of required trees and overhead or underground utility lines, or signage, one or more of the following options may be used to satisfy the minimum number of trees required:
      (i) Required trees may be planted so that no more than 25% of the mature tree canopy size encroaches onto a utility easement, sign, or other point of conflict; or
      (ii) When applicable, the required gateway landscape area may be extended a minimum of 10 feet beyond any conflicting utility easement; or
      (iii) Additional ornamental trees may be used to meet required shade trees at a ratio of two ornamental trees for every shade tree.
8. Landscaping in the Right-of-Way
   a. The placement of shrubs, trees, irrigation, or hardscape features in the right-of-way shall require approval of a License to Encroach. Turf grasses and native seed mixes shall not require a License to Encroach. See the UDC Development Manual for more information.

b. The City may at any time require such landscaping to be removed, without responsibility or liability to the City, and require replacement of any required plantings at the owner's expense.

c. No landscaping, excluding grass and native seed mixes, shall be placed in an area of right-of-way where a roadway improvement has been funded for such location, unless and until such project has been completed.

F. Landscape berms installed to meet the provisions of this chapter shall have a maximum side slope of 3 feet to 1 foot and shall be stabilized with vegetation, including groundcover, to prevent washout. Planting beds are allowed on landscape berms.

9.05.040. Maintenance Requirements

A. Maintenance Responsibility

The current property owner or the manager or agent of the owner shall be responsible for the maintenance of all required trees, plant materials and landscape areas. A homeowners association, property owners association or condominium association, as appropriate, shall assume responsibility for the maintenance of designated common areas.

B. Health and Viability of Plant Materials

1. Landscaping shall be sufficiently fertilized and watered as necessary to maintain the plant material in a healthy condition.
2. Landscape areas shall be maintained so as to present a healthy, neat, and orderly appearance at all times and shall be kept free of refuse and debris.

C. Dead Trees, Plants, or Materials

1. Maintenance will include the replacement of all dead plant material, including mitigation trees, if that material was used to meet any of the requirements of this chapter.
2. Dead trees or plants shall be replaced with the same amount, type, and size of landscape material originally required or an approved substitute. For dead trees planted for mitigation, the total inches of replacement of the dead tree shall equal the DBH of the mitigation tree at time of death.
3. Existing trees that were required to be preserved during site construction must survive for at least a two-year period after the Certificate of Occupancy is issued or shall be replaced according to the current mitigation requirements of this chapter.
4. Dead trees or plants shall be replaced within six months of notification in writing or by the beginning of the next planting season, whichever comes first.

D. Protected or Heritage Tree Damage

No act shall be allowed, accidentally or otherwise, that may reasonably be expected to cause a Protected or Heritage Tree to die or be damaged or to otherwise harm the aesthetic value, including, but not limited to, topping or excessively pruning more than 30% of the viable portion of a Protected (non-residential only) or Heritage Tree crown; inappropriate shaping (i.e., topiary); damaging the root system; compacting the soil; changing the natural grade (such as addition of soil over the critical root zone in violation of Section **10.02.040.A**) or paving. The remedies for such act shall be determined as follows:

1. If the Director determines the tree has been damaged, the property owner shall be required to take action to assure the future vitality of the tree, including but not limited to prescriptive care treatments such as deep root invigoration and fertilization, construction of protective barriers, or any other methods as may be required by the Director.

2. If the Director determines that the damage is so great that the tree is no longer reasonably sustainable, the tree shall be required to be removed at the expense of the property owner, in addition to the mitigation provisions in **Section 10.02** and possible penalties pursuant to **Chapter 17. Enforcement**. Mitigation for projects without active tree removal permits or approval shall be based on the mitigation provisions at the time of the violation, not the standards at the time of platting or other approval.

E. Heritage Tree Pruning Permit

Pursuant to **Section 3.24**, it shall be unlawful to prune a Heritage Tree without an approved Heritage Tree Pruning Permit. All approved pruning must be performed by an International Society of Arboriculture (ISA) Certified Arborist or under the supervision of an ISA Certified Arborist and must follow the American National Standards Institute (ANSI) A300 standards. Heritage Tree Pruning Permits do not apply to lots containing single-family and duplex dwellings for which a final inspection has been approved.

F. Synthetic or Artificial Lawn

Synthetic or artificial lawn shall be maintained so as to maintain its pervious surface condition.

9.05.050. Irrigation Requirements

A. All non-residential development shall use irrigation to ensure survival of the required plant material in landscaped areas. One of the following irrigation methods may be used:

1. Conventional System

An automatic or manual underground irrigation system that may be a conventional spray or bubbler type heads.

2. Drip Irrigation System

An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or micro irrigation system.

3. Temporary and Above-Ground Watering

Landscape areas utilizing low-water usage plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above-ground system providing irrigation necessary to establish the areas. Temporary and above-ground systems shall not be used for longer than 90 days.

B. Trees shall have at least one bubbler installed per newly installed tree, with appropriate hydrozoning as required by TCEQ.

C. Irrigation lines shall be arranged so as to not require trenching in violation of the provisions of this chapter.

D. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees, as approved by the Director. Tree wells and islands count as disturbance when containing existing trees and will require irrigation.

E. Irrigation systems shall be programmed to meet the watering restrictions of the water provider and to not water during rain events.

F. The Director may authorize temporary and above-ground watering based on written justification for the purpose, need, justification and duration from a licensed landscape architect and licensed irrigator.

9.05.060. Removal of Required Landscape Trees, Shrubs and Turf

If a property owner of a non-residential development wishes to remove healthy trees, shrubs, or turf that were part of a previous approval, a request may be made to the City using the procedures in the Development Manual. Based on the information submitted, the City will decide if the request will be granted on a case-by-case basis. Justifiable reasons for such requests include, but are not limited to:

1. Tree canopies have become crowded and are hindering growth of other trees;
2. Trees are blocking existing signage, provided that the minimum necessary trimming would result in removal of more than 30% of the crown as determined in writing by an ISA Certified Arborist;
3. Trees are causing a potential line-of-sight hazard; and
4. The overall health of the tree.

For any tree approved for removal, mitigation is required using the calculations in **Section 10.02.040.A.1** based on the size of the tree at the time of removal, regardless of whether it was planted as a mitigation tree or in fulfillment of a landscaping requirement, and regardless of whether it has reached a size to be considered a protected tree. The total inches of replacement of the tree shall equal the DBG of the tree at time of removal. Mitigation trees must be planted along the same side of the building or same area of the parking lot. In the instance that the removed tree was planted to satisfy a landscape requirement under **Section 9.03**, the replacement tree must be planted in the same landscape area (i.e., gateway landscape area, street yard, etc.) and reach a similar size as the removed tree(s), unless an alternative location or species is approved by the Director. Other conditions of approval may be required by the Director.

9.05.070. Street Trees

Trees are an important part of the streetscape and, when desired, should be planted according to the context of a street. Shade trees required by this Code or desired by the homeowner shall typically be planted outside of the right-of-way in the front yard except where otherwise restricted in this Code. Shade trees planted within the right-of-way in the optional Local Street—Tree Option cross section shall be considered a public improvement for construction purposes and be planted between a vertical curb and sidewalk in accordance with the following criteria:

1. Six-foot minimum separation from both the curb and the sidewalk with a modular suspended pavement framing system;
2. Eight-foot minimum separation with plastic root barriers; or
3. Ten-foot minimum separation between back of curb and sidewalk with no root barrier.
4. Approved Ornamental Trees shall not require root barrier treatments.
5. Approved tree species shall be spaced approximately 40 feet apart, unless otherwise approved by the Urban Forester on the Construction Plans.
6. All street trees shall be irrigated and maintained by the adjacent property owner, property owner association, or special District, as designated in a plat note.
7. A maintenance agreement, license agreement and plat notes shall be established prior to recordation of the Final Plat for the subdivision. The maintenance agreement shall dictate that repair to curbs or sidewalks attributed to street tree root damage shall be the responsibility of the adjacent property owner, property owner associated, or special District, as designated.

Section 9.06. Fence Standards

9.06.010. Purpose

Standards governing fences are established to allow for privacy, access to light and air, the protection of property, assurance of safety and security, and an aesthetic appearance consistent with the quality of life standards of Georgetown. For the purposes of this section, fences shall include all barrier structures meant to provide security or block views of property, and include walls, fences, or similar structures.

9.06.020. Permit Required

A fence permit is required to erect any fence on property within the city limits, unless otherwise specified below.

A. A permit is not required for agricultural uses.

B. A permit is not required for pet or livestock, garden, or similar fencing if such fence is located interior to a property that contains a perimeter fence.

C. A permit is not required for minimal alterations, such as replacements of pickets, panels, posts, or other materials as long the changes do not exceed one-third of the facing of the fence. Such alterations shall be in compliance with the original permit and/or the provisions of this Code. Any vertical or linear additions shall require a new permit.

9.06.030. General Requirements

The following apply to all fences within the city limits, regardless of use or Zoning District. Fences located in the Historic Overlay Districts may be subject to additional requirements of **Chapter 5**.

A. Structural Integrity

All fences shall be constructed to perpetually maintain structural integrity against natural forces such as wind, rain, and temperature variations. Fences constructed of chain link, welded wire, picket or similar materials shall require a minimum of two support rails spaced at least one-half of the total height of the fence apart.

B. Maintenance

Fences shall be kept in good repair and in a safe and attractive condition, consistent with the design established with the fence permit.

C. Fence Materials

1. Allowed

Wood, stone, rock, brick, precast concrete fences, decorative wrought iron, chain link, welded wire or other similar materials of comparable aesthetic and durability. The Director or Building Official may consider other durable rot/heat resistant alternatives. Allowed materials may be restricted in certain circumstances, per the provisions of this section, and are allowed by right in all other instances. Materials such as barbed wire, razor wire and electric fencing are only allowed with the limitations specified in this section.

2. Prohibited

Products manufactured for other uses and not originally intended to be permanent fencing are prohibited. Some examples of prohibited material include but are not limited to: plywood, paper, plastic, fiberglass panels, chicken wire, fabric, or sheet, roll or corrugated metals.

D. Height Measurement

Fence height shall be measured from ground level on the higher side of the fence or wall.

E. Finished Side of Fence

For all fences, the finished "face" side of the fence (opposite the structural supports) shall face all public streets and public parkland.

F. Sight Triangle

In accordance with the "sight triangle" requirements in **Section 14.06.040** of this Code, no fence or wall more than 25% solid or more than 3 feet tall shall be located within 25 feet of the right-of-way at the intersection of two streets or within 8 feet of the intersection of a street and an alley.

G. Messages and Signs

All messages or advertising on fences or walls shall be considered signage and are not allowed on fencing unless permitted in accordance with the sign provisions of **Chapter 12** of this Code.

H. Temporary Fences

Temporary fences are allowed without a fence permit, but only for a site with an active Building Permit, Stormwater Permit, or part of a roadway construction project. The temporary fence shall be removed at the expiration of such a Permit or the conclusion of construction, whichever occurs first. Temporary fences needed for any other purposes are permitted and shall receive a fence permit from the Building Official.

I. Electric Fences

Electric fences are allowed without a fence permit, subject to the following:

1. Electric fences shall not be permitted within 10 feet of any public rights-of-way or sidewalk.
2. Electric fences shall be placed a minimum of 2 feet from all private property lines.
3. A "Warning: Electric Fence in Operation" sign at least 12" x 12" in size shall be posted at intervals of not more than 50 feet apart and located not more than 1 foot away from the fence.
4. Unless otherwise specified in this section, electric fences must be installed in conformance with the specifications set forth in the City's electrical code and the International Electroctechnical Commission Standard No. 60335-2-76. In addition, the electric fence controller must meet the requirements of Underwriters Laboratories Standard UL69, Electric-Fence Controller, and labeled as such.
5. The electric fence controller and emergency entry key safe for the electric fence must be located in a single accessible location for the entire fence.

J. Drainage and Utility Conflicts

All fencing that will cause a diversion of water runoff or otherwise prevent the natural flow of stormwater shall require review by the Development Engineer prior to approval. Walls or other fencing proposed to be located near a public utility easement or buried or above-ground utility equipment that are made up of masonry or a similar product and containing a poured foundation shall require review by the Development Engineer prior to approval, and may require a License to Encroach pursuant to **Section 3.23**.

K. Health and Safety

All fences and fencing locations shall be in compliance with the requirements of the adopted building code, fire code, or any other health and safety provision adopted by the City. In the event that a building code or fire code requirement supersedes any provision in this section or would make such provision unworkable, those codes shall govern.

9.06.040. Residential Fences

Fences for single-family (all types), and two-family uses are allowed in accordance with the following provisions:

A. Front yard fences and fences abutting a street in the side and rear setbacks - outside of a Historic Overlay District.

1. Fences located in a front yard are allowed with the following limitations:
   a. Fences shall be limited to 4 feet in height.
   b. Fences shall be at least 50% transparent. For example, a wrought iron fence or picket fence that has openings the width of the picket.
   c. Chain link fences are prohibited in these locations.

2. Fences located in a street side setback or rear setback abutting a local or collector-level street are allowed with the limitations of **Subsection C** below, but shall be set back a minimum of 10 feet.

B. Front yard fences and fences abutting a street in the side and rear setbacks - within a Historic Overlay District.

1. Fences located in a front yard or a street side setback abutting a local or collector-level street are allowed with the following limitations:
   a. Fences shall be limited to 4 feet in height.
   b. Fences shall be at least 50% transparent. For example, a wrought iron fence or picket fence that has openings the width of the picket.
2. Fences located in the rear yard abutting a street. Fences located in the rear yard abutting a local or collector-level street are allowed with the limitations in **Subsection C** below, but shall be set back a minimum of 10 feet.
3. For fences that do not meet the above circumstances, the property owner may request an alternative fence be considered by requesting a Certificate of Appropriateness as described in **Section 9.06.080**.

C. Fences in all other locations are allowed with the following limitations:

1. Fences shall be limited to 6 feet in height, but may be increased to a maximum of 8 feet in height in the following circumstances:
   a. If the adjacent use is non-residential, in which case only a fence on the property line abutting the non-residential use may be allowed the increase in height.
   b. If the fence is located in the rear yard not adjacent to a street right-of-way and has the consent of both property owners.
   c. If the fence is more than 50% transparent overall.
   d. If the fence is in a location where the topography of the land dictates the need for additional height for privacy, at the discretion of the Director or Building Official.
   e. If the fence is adjacent to a roadway where the right-of-way width is greater than 120 feet.
2. Fences directly abutting public alleys shall be limited to 5 feet in height.

D. Replacement of a Fence. If seeking to replace an existing fence that would not comply with the setbacks, opacity and height of this code, the new fence may be constructed in the existing location with the same opacity and height, unless located in a right-of-way or in conflict with utilities, sight triangle, etc.

E. Barbed wire fences are not allowed on lots of less than 2 acres.

F. Sports fencing is allowed only in rear yards and set back from all property lines at a distance that is multiplied by one-and-one-half times the height of the sports fence. The sports fence shall be a maximum height of 15 feet.

G. For fences that are outside of a Historic Overlay District and would not meet the above circumstances, the Director or Building Official may consider a request for an Administrative Exception, as described in **Section 9.06.080.**

H. Fences that do not meet the above circumstances and are located in the Historic Overlay District shall adhere to the processes for approval in those circumstances, as established in **Section 9.06.080**.

9.06.050. Apartment Fences

Fences for apartments are allowed in accordance with the following provisions. The following shall not preclude compliance with any required screening or bufferyard provisions of this Code:

A. Wrought iron or similar material is allowed within the front and side setbacks abutting a local or collector-level street at a maximum height of 6 feet. No other fence materials are allowed in such setbacks.

B. Wood fencing is allowed on property lines abutting private property but not allowed in any street setback.

C. Residential boundary wall requirements in Section **9.06.060** shall be met.

9.06.060. Residential Boundary Walls

In order to provide a cohesive aesthetic appearance in a manner planned and constructed by the developer, all single-family (all types) and duplex development that is bounded on any side by a major collector (excluding multifamily development, see **Section 9.06.050** above), arterial or freeway, as classified in **Section 14.03**, shall provide a boundary wall or similar perimeter buffer along that roadway using the following criteria. Assumption of responsibility for the maintenance and integrity of the boundary wall or portions thereof shall fall to the homeowners association or, in the case there is not an HOA, the property owner on whose lot line the wall is situated.

A. An opaque masonry wall shall be constructed along the right-of-way line at least 5 feet in height, but no taller than 6 feet in height. No additional fencing may be added to the wall.

B. Development located in a Gateway Overlay District, established in **Section 4.10**, shall meet all requirements of the District. In such instances, the boundary wall shall be located along the innermost boundary of the required gateway landscape buffer.

C. Articulation is required for boundary walls and shall be achieved either by:

   1. Masonry columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart;

   2. Variations in depth achieved either through offsets of at least 5 feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet; or

   3. An alternative articulation design approved by the Director per **9.06.060.D** below that meets the intent of this section.

D. Exceptions to the preceding requirements may be considered by the Director in the following circumstances and approved if the Director determines that the intent of this section has been met. Exceptions shall be processed as an Administrative Exception, using the procedures described in **Section 3.14**.

   1. If the land adjacent to the applicable roadway is occupied by a park or open space, unusual topographic conditions, local street, residential front setback, or other similar space not occupied by a residence, the Director may consider a request for a combination of open space, berms, landscape features, plant material, and/or alternative screening wall material, another boundary wall location, or a release from the requirement.

   2. If a developer chooses to prohibit fencing or offer a planned alternative that is documented in Construction Plans, and deeds and covenants, the Director may consider a request for a combination of open space, berms, landscape features, plant material, and/or alternative screening wall material, another boundary wall location, or a release from the requirement.

9.06.070. Non-Residential Fences

Fences for non-residential uses are allowed in accordance with the following limitations. Non-residential fences shall be constructed of materials that are architecturally compatible with the principal structure.

A. Fences located in the front and side setbacks abutting a local or collector-level street are allowed only with the following limitations:

   1. Fences shall be limited to 4 feet in height.

2. Fences shall be at least 50% transparent. For example, a wrought iron fence or a picket fence with openings the width of the picket.
3. Chain link fences are prohibited within these locations.

B. Fences located in a required setback adjacent to a public right-of-way shall not be located in a public or landscape easement.

C. Fences located along a lot line shall not exceed 8 feet in height, unless otherwise specified in the Code.

D. The finished side of all fences built to comply with any provision of this Code shall face outward toward each adjoining property.

E. Sports fencing is allowed only with a setback from all property lines at a distance that is two times the height of the sports fence.

F. Exceptions

1. Fences for industrial uses may be located in any street setback, but no closer than 10 feet from the right-of-way line. Such fences may not exceed 6 feet in height.
2. Fences for industrial and utility uses may use barbed wire above any conventional 6-foot fence as long as the total height does not exceed 8 feet. Arms carrying barbed wire must extend inward or straight up. Such fences shall be located a minimum of 20 feet from a public right-of-way.
3. Fences using razor ribbon or razor tape are allowed only in conjunction with a jail or other public detention or correctional facility. Such fences shall be located a minimum of 40 feet from a public right-of-way.
4. Fences using materials required by another governmental entity for a stated safety or security purpose may be allowed using appropriate height, materials and locations determined by the Director.

9.06.080. Alternative Fences

A. Outside of a Historic Overlay District

Through the Administrative Exception process detailed in **Section 3.14** of this Code, the Director or Building Official may consider alternatives to the provisions of this section except where superseded by processes and restrictions of other areas of code including, but not limited to, Historic Overlay District requirements found in **Section 5.11**. Justifiable reasons to consider an alternative include, but are not limited to, the protection of trees, the location of existing structures on a site, location and materials of existing fences, unique topographical or other physical constraints. In addition, the Director or Building Official is authorized to determine whether direct application of this section would create an unsightly effect and could be better achieved with an alternative design. The Administrative Exception may be granted if the Director or Building Official determines that the proposed alternative clearly meets or exceeds the quality of design that this section seeks to promote and that the following assurances listed below are met.

The following may be proposed to the Director or Building Official for an alternative:

1. Fence location, as long as the alternative location does not affect health and safety standards and can be proven to be seamlessly integrated with the surrounding neighbors and design of the neighborhood.
2. Fence height, as long as evident safety concern arises from the height standards provided for in this section, notwithstanding the allowances in **Subsection 8.07.030.B.4.**
3. An Administrative Exception is not required for any health and safety determination, hazardous material security, or any other exceptions explicitly stated in this section.

B. Within a Historic Overlay District

Through an administratively granted Certificate of Appropriateness, a property owner may request relief from the standards of **Section 9.06.040. Residential Fences** in the following circumstances:

1. The proposed fence is enclosing a rear yard
2. The proposed fence is setback from the edge of pavement a minimum of 10 feet
3. The proposed fence meets the material standards of the design guidelines

For relief that does not meet the above the circumstances, a Certificate of Appropriateness may be requested for HARC review.

9.06.090. Fences Required by Particular Zoning Uses

Chapter 6. Zoning Use Regulations contains provisions for fencing materials, heights, and locations associated with particular uses that are allowed with limitations in certain Zoning Districts. Below are references to each such provision with the corresponding section number.

A. Day care—Subsection **6.02.020.B.2**

B. Bed and breakfast—Subsections **6.02.040.B.2** and **6.02.040.B.3**

C. Self-storage—Subsection **6.02.040.B.16**

D. Fuel sales—Subsection **6.02.040.B.22**

E. Intermediate utility services—Subsection **6.02.030.B.2**

F. Outdoor storage—Subsection **6.02.080**

Chapter 10. Tree Preservation

Section 10.01. General

10.01.010. Purpose

This chapter establishes requirements for the preservation and protection of native trees and promote the health, safety, and general welfare of the community.

A. The City values its indigenous and historic natural features; therefore, the placement of proposed buildings and improvements should be oriented in a manner that allows for the preservation of existing trees and native landscape. In addition, natural areas to be preserved should be integrated within the design of open space, screening, and landscaped areas.

B. The purpose of the Tree Preservation regulations is to conserve, protect and enhance existing trees and natural landscapes that are healthy and contribute to the character, safety and health of the City and ETJ of Georgetown. It is recognized that the presence of trees contributes to the overall quality of life and environment of the community. Trees are an integral part of air quality, water absorption, water purification, and noise and heat abatement.

10.01.020. Authority

A. The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212 and the City Charter.

B. The provisions of this chapter are administered by the Director. For this chapter, appeals of the Director's decisions shall be made to the City Council utilizing the procedures set forth in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

10.01.030. Applicability

This chapter applies to all properties located within the corporate limits and the extra-territorial jurisdiction (ETJ) of the City; however, each section applies differently depending on the specific use and location. Further clarification of the applicability of individual sections of this chapter can be found described within each section.

10.01.040. Essential Terms Defined

A. Construction

Any manmade change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations, grading, clearing, or removing the vegetative cover. Exclusions from this definition include maintenance of lawns, gardens, and trees; minimal clearing of vegetation for surveying; and bona fide agricultural activities.

B. Credit Inches

The inches used to calculate credit toward mitigation and calculated by applying any prescribed credit ratios to DBH or caliper inches of onsite credit trees or replacement trees as applicable. Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite Trees shall not be considered towards credit inches. Excludes inches of any tree which is located within a public right-of-way dedicated to:

1. The City of Georgetown
2. Williamson County
3. State of Texas

C. Critical Root Zone (CRZ)

A circular region measured outward from the tree trunk representing the essential root area that must be protected for the tree's survival and is calculated as 1 foot of radial distance for every 1 inch of DBH.

D. Critical Root Protection Plan

A plan that graphically identifies Protected Trees and Heritage Trees and clearly delineates the Critical Root Zone to be protected for each tree scheduled to remain on site.

E. Critical Root Zone Protection Zone

An area that constitutes at least 50% of the total CRZ and includes one-half the radial distance of the CRZ for each tree being preserved.

F. Diameter Breast Height (DBH)

The diameter of a tree's trunk measured at a height 4.5 feet above natural grade.

G. Disturbance to a Tree

Cut or fill that is greater than 4 inches in depth, the severing of major roots, the placement of debris or fill, the cleaning, parking, storage, or active use of equipment or materials, or the disposal of any waste material harmful to tree growth and health, such as, but not limited to, paint, oil, solvents, asphalt, concrete, or mortar.

H. Existing Tree

Existing trees with a DBH of at least 3 inches that remain on a site subject to the above health and CRZ protection requirements of this code, excluding trees located within the right-of-way and excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite.

I. Heritage Tree

Any of the following tree species that has a DBH of 26 inches or larger: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia. The Heritage Tree classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit.

J. Mitigation Inches

The inches used to calculate owed mitigation and calculated by applying any prescribed mitigation ratios to DBH inches of removed Heritage and Protected Trees.

K. Multi-Stem Tree Measurement

The DBH of a tree with more than one trunk shall be calculated as the largest trunk plus one-half the sum of the remaining trunks. Trees over ½" shall be rounded up to the nearest whole inch. Trees under ½" shall be rounded down to the nearest whole inch. For example, a tree measuring 12.2 inches in diameter at breast height (DBH) would be recorded as 12 inches and a tree measuring 12.7 inches in DBH would be recorded as 13 inches.

L. Non-Residential

All other uses, not specified as Residential, including Multifamily

M. Protected Tree

Any tree, excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite, that has a diameter at breast height (DBH) of 12 inches or larger, excluding Heritage Trees.

N. Removed Tree

Any of the following actions shall constitute a removed tree requiring mitigation:

1. The proposed or actual protection of the CRZ of a tree does not meet the requirements of this section.
2. Topping or excessively pruning more than 30% of the viable portion of a Protected (non-residential only) or Heritage Tree crown.
3. Removing the tree from its physical location or dismantling tree in sections including any tree which is uprooted, cut down, toppled, poisoned, or burned.

For 1. and 2. above, mitigation shall only be required where one or both of these maximums are exceeded.

O. Residential

Single-family, Two-family, and Townhouse development.

P. Tree Inventory

Prepared by an arborist certified by the International Society of Arboriculture (ISA) and containing the tree survey and additional information describing the health of the trees being surveyed. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Inventories shall be valid for a period of 10 years with recertification of any trees shown on the survey to have a DBH of 10 to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long term projects that extend longer than 10 years.

Q. Tree Preservation Plan

A plan that graphically represents the Tree Schedule and identifies all protected, heritage and credit trees, indicating those being preserved and those being proposed for removal.

R. Tree Survey

A drawing showing the size, location, species and critical root zone of all existing Protected Trees, Heritage Trees, and any trees to be used as credit. A table summarizing the total number of inches, in accordance with generally accepted methods of International Society of Arboriculture (ISA) shall be provided. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Surveys shall be valid for a period of 10 years with recertification of any trees shown on the survey to have a DBH of 24-25 inches or 10-11 inches after five years.

S. The definitions in **Chapter 18** of this Code shall apply to these and other terms within this chapter.

10.01.050. Unified Development Code Development Manual

The Unified Development Code Development Manual is a companion document to this Code, containing templates for Tree Surveys, Tree Preservation Plans, landscape and tree calculations, and other relevant information for completing a Site Plan or other required process. The Development Manual also contains the City plant lists, including the preferred, prohibited, and controlled plant lists, and the landscape and tree technical standards (Technical Standards) which provides technical guidance for the selection, planting. and maintenance of plants required by this Code.

Section 10.02. Tree Preservation

10.02.010. Applicability

The provisions of this **Section 10.02** shall apply to all non-exempt property located within the city limits and extraterritorial jurisdiction (ETJ) of the City.

10.02.020. Tree Preservation Incentives and Priorities

A. The City values its trees, and therefore, Protected and Heritage Tree protection may be considered for priority over conflicting UDC development requirements including, but not limited to, setbacks, lot design standards, building heights, sidewalks, lighting, signage, parking design and numbers, drainage criteria, connectivity, driveway separation, and utility extension and location.

B. If there is a conflict between a Protected or Heritage Tree protection and other provisions of this Code, the applicant may request an alternative standard or design, provided that public health and safety shall be maintained with all proposed designs. An alternative standard or design that gives priority to Protected or Heritage Tree protection may be approved by the Director through an application for an Administrative Exception under the provisions of UDC **Section 3.14**.

C. All preserved trees may also be credited toward the landscape requirements of this Code as applicable.

D. The Director may increase the amount of permitted impervious cover up to 5% for the preservation of Protected Trees beyond the amount required by **Subsection 10.02.030.B**. A 1% increase in impervious cover may be granted for each 1% of Protected Trees preserved beyond the minimum required per **Subsection 10.02.030.B**. For example, a site required to preserve a minimum of 30% of total Protected Trees may receive a 3% impervious cover bonus by preserving 33% of the Protected Trees on a site. The maximum impervious cover shall not exceed that specified in **Section 13.02.010**.

E. The Parkland dedication requirement may be reduced if a Heritage Tree is saved and 100% of the CRZ is protected within the dedicated Parkland lot in accordance with **Section 15.08.030.D. Credit for Heritage Tree Preservation** of this Code, subject to approval by the Parks and Recreation Director.

F. The Director may approve a reduction in the number of parking spaces required by 10% for the preservation of each Heritage Tree or each Protected Tree. A maximum of a 30% total reduction may be granted under this provision. Any reduction shall only be granted upon demonstration that the reduction is responsible for the preservation of the applicable trees.

10.02.030. Heritage and Protected Tree Removal

A. Heritage Trees

Heritage Trees on any property located within the city limits and its ETJ may be removed only with either (1) the approval of a Tree Removal Permit pursuant to **Chapter 3** of the UDC or (2) the approval of a development permit authorizing the removal. Heritage Trees shall not be removed or damaged in rights-of-way or easements, unless specifically approved by the Planning Director.

B. Protected Trees

Protected Trees on non-residential property located within the city limits and its ETJ may be removed with either (1) the approval of a Tree Removal Permit pursuant to **Chapter 3** of the UDC or (2) the approval a development permit authorizing the removal. For removal of a Protected Tree as part of development of the property the following preservation requirements will apply:

1. The minimum percentage of Protected Tree inches required to be preserved on site shall be 20%. For multi-site unified developments, the tree preservation percentages may be averaged over the entire development provided it is identified as such on the Subdivision Plat or Site Development Plan for the development. Mitigation shall be required for trees approved for removal, using the calculations detailed in **Subsection 10.02.040.A.1**.
2. An applicant may preserve less than the minimum percentage of 20% provided that the inches of trees removed beyond the minimum required to be preserved be mitigated at a rate of one-and-one-half times the calculations required in **Section 9.03.020.**

C. Unless otherwise allowed by this chapter, no property shall be clear-cut or selectively cleared, nor shall a Protected Tree or Heritage Tree be removed, without first securing the necessary approval from the City.

D. Exceptions

Removal of a Heritage or Protected Tree, that otherwise requires City approval, will not require a permit or other approval from the City in the following situations:

1. Hazardous Trees

   a. Natural Disasters and Other Emergencies

      If a Protected Tree or Heritage Tree is determined to be causing a danger or to be in a hazardous condition due to a natural disaster such as a tornado, fire, storm, flood, or other similar events that endangers public health, welfare, or safety, the requirements of this section may be waived as deemed necessary by the Planning Director. The Planning Director shall publish requirements for documenting the removal to qualify for this standard.

   b. Airport Clear Zone

      Protected and Heritage Trees located in the Runway Protection Zone, the Airport Clear Zone, or any other area on the Airport in which trees must be removed based upon the rules and regulations of the Federal Aviation Administration are exempt from the requirements of this section.

   c. Sight Triangles

      If the Development Engineer determines a protected or Heritage Tree is interfering with the safe visibility at a sight triangle of an existing public street, the tree may be removed without fulfilling the mitigation requirements of this chapter.

   d. Dead Trees

      The provisions of the mitigation requirements do not apply to a Protected or Heritage Tree that is already dead or fatally diseased prior to starting a project. Determination shall be made by a Certified Arborist to execute this exemption.

2. Agriculture Exemptions

   Property used agriculturally as defined by this Code shall be exempt from the requirements specified herein.

3. City of Georgetown Capital Improvement Projects

   City of Georgetown utility and transportation capital improvement projects shall be exempt from the requirements of this section.

4. Public Utilities

   Pruning the canopy of Protected Trees and Heritage Trees may be carried out by public utility providers in the City's right-of-way or public utility easement without prior approval by the Planning Director, if performed by or under the supervision of an International Society of Arboriculture (ISA) Certified Arborist. Removal of a Protected or Heritage Tree requested by any utility provider in the City's right-of-way or public utility

easement must be submitted to the Planning Director for review and approval or through a right-of-way permit in accordance with Chapter 12.08 of the City Code of Ordinances.

5. Platted Residential Exemption

   All Residential lots as defined by this chapter platted prior to February 13, 2007.

10.02.040. Tree Retention Standards

A. Critical Root Zones

1. All construction or disturbance shall occur outside of the Critical Root Zone Protection Zone unless specifically approved.
2. The Planning Director may approve construction or disturbance closer to the trunk than one-half the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation, if acceptable mitigative efforts through an approved care plan from an ISA Certified Arborist are provided and the probable survival rate of the tree is high. In such circumstances, the Director may require the property owner provide a written report from an ISA Certified Arborist documenting additional tree care prescriptions.
3. Trees grow their root systems in response to the conditions and limitations of their particular location. Root systems may not reflect the standard Critical Root Zone configuration described in this chapter. When previous development or existing conditions have prevented root growth within some portion of the CRZ, the Planning Director will consider proposals for a modified CRZ. A standard CRZ may include areas where roots are not present, such as beneath streets or under foundations. The modified CRZ provides design flexibility in these scenarios. The Planning Director may require an ISA Certified Arborist to demonstrate the location of roots prior to approving a modification to the CRZ.

B. Any person who removes a Protected or Heritage Tree in violation of this chapter, accidentally or otherwise, shall be required to comply with the mitigation provisions of this section, and, if the act is intentional, to pay a fine for each tree that is removed, as allowed by law, in addition to any penalties pursuant to **Chapter 17. Enforcement**. Mitigation for projects without active permits shall be based on the mitigation provisions applicable at the time of the violation, not those at the time of platting or other approval.

C. Protected and Heritage Trees may be transplanted to a suitable location either on the same property or off-site, as approved by the Planning Director.

D. Trees to be retained for mitigation or credit shall be encircled with protective fencing in advance of construction in accordance with the standards as adopted in sections within this UDC and Technical Specifications.

10.02.050. Tree Mitigation

The following tree mitigation requirements apply to the removal of a Protected or Heritage Tree requiring approval pursuant to **Section 10.02.020.C.**

A. General Standards

1. Options for Mitigation

   Mitigation may be achieved through the following ways:

   a. Credit of existing trees on-site,
   b. Replacement trees planted either on- or off-site,
   c. Soil Aeration and Supplemental Nutrients or Other Supplemental Treatment,
   d. Cost of tree infrastructure,

e. Payment-in-lieu of replacement trees, or

f. A combination thereof.

2. Mitigation Ratios

The tree mitigation inch-to-inch ratio applies to the DBH of the trees to be removed.

a. Protected Trees

(i) Mitigation shall be provided at a 1:1 inch basis for the total diameter inches of Protected Trees removed with a DBH of less than 26 inches.

(ii) Mitigation shall be provided at a 2:1 inch basis for the total diameter inches of Protected Trees removed with a DBH of 26 inches or greater that are not Heritage Tree species.

b. Heritage Trees

Mitigation shall be provided at a 3:1 inch basis for the total diameter inches of Heritage Trees removed.

3. Mitigation for Right-of-Way Dedication

Where right-of-way dedication is required, but no tree removals are authorized through the permit or process by which the right-of-way is dedicated, mitigation is not owed. At the time that a permit authorizes the removal of trees within the right-of-way, mitigation shall be due from the party seeking the permit.

B. Mitigation by On-Site Credit Trees

Table 10.02.050-1. Mitigation by On-site Credit Tree Summary

Size of Tree	Credit Inches (Residential)	Credit Inches (Non-Residential)
3-11" DBH	1:1 Credit Inches	1:1 Credit Inches
Protected Trees	1:1 Credit Inches	---
Heritage Trees	---	3:1 Credit Inches for Heritage tree inches preserved in excess of 50% and only when more than 50% of Heritage tree inches are preserved

1. Mitigation Credit

Credit Inches may apply toward 100% of the required mitigation inches.

2. Documentation

Credit trees shall be indicated on a Tree Survey, Tree Inventory, and Mitigation Plan.

3. Location Requirements

Trees shall meet the following locational requirements. Trees shall not be located in areas that:

a. Have been graded, cleared of vegetation, or used for construction access or staging during development.

b. Have been set aside and planned for future development (parking, proposed building footprint, or any other areas to be disturbed by future development).

c. Are located within a Public Utility Easement.

d. Might impact the sight visibility zones of adjacent or future streets.

e. Are determined by the Director to be unsuitable based on specific site conditions.

4. Tree Health

   Determination of credit shall be based on the following: assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree. Trees found to be in poor health, in decline, or presence of disease shall not be used as credit.

5. Critical Root Zone Protection

   a. **3 to 6-inch DBH:** Existing shade trees that remain on a site shall protect the full Critical Root Zone from construction and disturbance.

   b. **All other preserved trees:** Subject to the general standard for Critical Root Zone protection as described by **Subsection 10.02.040.A** for each tree being preserved, including Protected Trees, Heritage Trees, and any other trees for which credit for preservation is to be assigned per this chapter. This defined area shall be flagged and encircled with protective fencing during construction.

6. Tree Credit by Development Type and Tree Size

   Trees shall be credited for mitigation based on the development types listed below. Subject to the above health and location requirements.

   a. **Non-residential:**

      (i) **3 to 11-inch DBH:** Existing trees classified as shade trees by the Preferred Plant List adopted through the Development Manual that remain and meet the health, location, and protection requirement outlined above shall be credited at a mitigation ratio of 1:1 ratio credit as inches.

      (ii) **Heritage Trees:** Non-residential developments preserving more than 50% of Heritage tree inches, may be used for credit at a 3:1 ratio as credit inches. All health, location, and protection requirements outlined above shall be met.

      (iii) **Ornamental Trees:** Existing trees classified as Ornamental Trees by the Preferred Plant List adopted through the Development Manual may be considered on-site credit trees and shall be credited at a 1:1 ratio as credit inches.

   b. **Residential:**

      (i) **3-inch DBH or Larger non-Heritage Trees:** Existing trees classified as shade trees by the Preferred Plant List adopted through the Development Manual, excluding Heritage Trees, that remain and meet the health, location, and protection requirement outlined above shall be credited at a 1:1 ratio as credit inches.

      (ii) **Ornamental Trees:** Existing trees classified as Ornamental Trees by the Preferred Plant List adopted through the Development Manual may be considered on-site credit trees and shall be credited at a 1:1 ratio as credit inches.

C. Mitigation by Replacement Trees Planted on Site

Table 10.02.050-2. Mitigation by Replacement Trees Planted on Site Summary

Location of Tree	Credit Inches
Trees planted on the western or southern exposures of a residential structure	A credit of 1.5:1 the total inches planted shall be applied
Trees planted in public street ROW, median lots, or public parks/public amenities, common recreation areas	A credit of 2:1 the total inches planted shall be applied

Location of Tree	Credit Inches
On-site replacement trees planted on residential lots shall be credited toward the mitigation requirements of a residential development	A credit of 1:1 the total inches planted shall be applied.
Trees planted on residential lots for residential landscaping requirements shall be credited toward the mitigation requirements of a residential development	A credit of 1:1 the total inches planted shall be applied.

1. Type of Trees

   All replacement trees used for mitigation shall be from the preferred plant list and generally reach the same size at maturity as the tree(s) removed.

2. Landscaping Credit

   Trees planted for mitigation may be used as credit towards the landscaping requirements for residential and non-residential development as applicable.

3. Location of Trees Planted

   a. Planted on the western or southern exposures of a habitable building for credit must be located a minimum of 10 feet but a maximum of 30 feet in distance from the building.

   b. Trees planted along dedicated public street right-of-way, median lots, or parks/public amenities for credit must meet the clear zone and other applicable requirements of this code.

   c. Spacing of trees to allow for full growth of the tree must be maintained at the time of planting; See **Section 9.05.030. Installation Requirements** for detailed installation requirements.

D. Mitigation by Soil Aeration and Supplemental Nutrients or Other Supplemental Treatment

An applicant may spend up to 75% of the total cost of required mitigation (based on fee-in-lieu calculation) for soil aeration, supplemental nutrients, removal of harmful vegetation and/or other supplemental treatment for on-site trees within the limits of construction, per the Technical Standards. The materials and methods for soil aeration, supplemental nutrition, removal of harmful vegetation, or other supplemental treatment mitigation shall be approved by the Director prior to final application approval. Soil aeration treatment shall commence after the completion of all site construction and prior to any landscape installation. All treated areas shall be mulched and remain un-compacted.

1. Costs estimates shall be provided to the City for review and approval prior to approval of any Plans. Prior to final acceptance, the total cost of actual installation as evidenced by paid receipts shall be submitted to the City for review and approval with any Record Drawing changes, and Total Fee Due amended and paid or refunded, accordingly.

E. Mitigation by Cost of Tree Infrastructure

An applicant may spend up to 75% of total costs of required mitigation (based on fee-in-lieu calculation) for costs of tree infrastructure for newly planted trees, or tree preservation. For purposes of this section, tree infrastructure includes the installation of root barriers and modular suspended pavement framing systems which are required and approved for use by the Director and Development Engineer for any trees which are located within a dedicated public street right-of-way or City of Georgetown Easement, or which are installed within portions of the Critical Root Zone within a public right of way of City of Georgetown Easement.

1. Trees eligible for this reduction must be provided a minimum square footage of pervious cover surrounding the tree as approved by the City.

2. Costs estimates shall be provided to the City for review and approval prior to approval of any Plans. Prior to final acceptance, the total cost of actual installation as evidenced by paid receipts shall be submitted to the City for review and approval with any Record Drawing changes, and Total Fee Due amended and paid or refunded, accordingly.
3. Trees planted within any public street rights-of-way dedicated to the City shall require a License to Encroach, including a commitment to maintain the trees.

F. Mitigation by Payment-in-lieu of Replacement Trees

While the primary goal is to retain and replant trees on a development site, when some or all of the required mitigation trees cannot feasibly be planted in any area of the development site or in a nearby park or other public property, the applicant shall pay a fee-in-lieu of planting mitigation trees. Payment is due per Mitigation Inch at a rate set by City Council resolution. Refer to the fee schedule on the City's Development Manual for the current rates.

The funds shall be dedicated solely to tree planting, tree care, and public tree education and preservation activities. The payment(s) shall be made prior to final approval of the development application authorizing the removal of the tree(s). Upon request to the Planning Director, a reimbursement of mitigation payment may be issued due to deviations from the approved Tree Mitigation Plan during construction of a project. At the approval of the Planning Director, a reimbursement of mitigation fees paid may be requested for changes to the Tree Preservation Plan at time of final inspection.

Section 10.03. Review and Approval Process

10.03.010. Tree Preservation Permitting

A. General

1. Heritage Trees shall be graphically identified on certain plats identified in the Development Manual, and all plats shall contain a note stating that such trees cannot be removed without prior consent from the City.
2. Each plat shall contain certification, with a plat note, that all individual lots containing Heritage Trees are configured and designed so that the lot is developable for the intended purpose without requiring removal of the Heritage Tree or exceeding the percentage of allowable disturbance within the Heritage Tree CRZ.
3. A pruning permit shall be required pursuant to **Chapter 3** of the UDC for pruning of Heritage Trees. All approved pruning must be performed by an International Society of Arboriculture (ISA) Certified Arborist or under the supervision of an ISA Certified Arborist, and must follow the American National Standards Institute (ANSI) A300 standards. Heritage Tree pruning permits do not apply to lots containing constructed single-family and two-family dwellings.

B. Tree Survey and Preservation Plan

Tree Survey and Preservation Plan shall be provided with each residential subdivision application and with each non-residential development application, unless otherwise noted. Requirements for a tree survey and preservation plan are outlined within the Development Manual.

1. No grading, excavation, trenching, or tree removal shall occur until the Tree Preservation Plan has been approved and tree protection fencing is in place.
2. Each residential lot shall demonstrate an ability to meet all setbacks without the removal of Heritage Trees and encroachment into the Critical Root Zone Protection Zone.
3. Development within a public park may request tree survey and preservation plan be limited to limits of construction.

C. Tree Inventory

A Tree Inventory shall be prepared by an arborist licensed by the International Society of Arboriculture (ISA). Requirements for a tree inventory are outlined within the Development Manual. A Tree Inventory shall be required when:

1. A Tree Preservation Plan proposes to satisfy, in any part, the mitigation requirements with on-site credit trees;
2. A residential subdivision or Site Development Plan is to be planned and developed in three or more phases; or
3. Alternative tree preservation and mitigation standards are being requested through a Planned Unit Development (PUD), a Development Agreement, a Request for the Creation of a Municipal Utility District (MUD), or a Subdivision Waiver.

D. Tree Schedule

A tree schedule shall accompany a Tree Survey and shall indicate the status of all surveyed trees on site.

E. Critical Root Zone (CRZ) Protection Plan, If Applicable

A CRZ protection plan is required for residential subdivision Construction Plans or any non-residential development application required by and subject to the provisions of this Code where Heritage Trees, Protected Trees, or Credit Trees are present and are planned to remain showing where tree protection fencing will be located. City tree protection details from the Technical Standards shall be included with the plan.

F. Mitigation Plan

A Mitigation Plan shall include the mitigation required by this chapter any time trees requiring mitigation are proposed to be removed. The Mitigation Plan shall identify each tree to be removed (as indicated on the Tree Preservation Plan), label the DBH and status (Protected or Heritage Tree), and identify which mitigation option is proposed to be used. If mitigation is to be met by the On-Site Development Planting of trees, a mitigation tree planting plan shall be included depicting the location, size, species of the trees, and timing of installation. If Heritage Tree mitigation is required, a separate line item from the Protected Tree mitigation shall be required.

A Landscape Plan shall be submitted for all new residential development at the time of building permit review. The plan shall show the following:

1. Proposed location and species of required trees to be planted.
2. Any heritage or landscape credit trees proposed to be preserved shall also include location of the preserved tree and the following:
    a. Compliance with protection of the critical root protection zone.
    b. Fenced protection during construction per this chapter and the Technical Standards.

Chapter 11. Off-Street Parking, Circulation, and Loading

Section 11.01. General

11.01.010. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

11.01.020. Purpose

Off-street parking and loading requirements are established to ensure that all developments within the City provide adequate and reasonable parking necessary to serve the development or use.

11.01.030. Applicability

Off-street parking and loading standards required by this chapter apply within Georgetown's city limits in the following circumstances, in addition to any additional standards or requirements provided for this Code:

A. New Development

The off-street parking and loading standards apply to any new building constructed and to any new use established.

B. Expansions and Alterations

The off-street parking and loading standards may be required for compliance when an existing structure or use is expanded or enlarged, as provided in **Chapter 16** of this Code.

C. Change in Use

The off-street parking and loading standards may be required for compliance if a use changes, as provided in **Chapter 16** of this Code.

11.01.040. Timing of Installation

Required parking spaces and drives will be ready for use and approved by the Director prior to issuance of a Certificate of Occupancy.

Section 11.02. Parking Requirements

11.02.010. Minimum Requirements

Existing parking and loading spaces may not be reduced below the requirements established in this section without approval of an Alternative Parking Plan by the Director. Any change in use that increases applicable off-street parking or loading requirements shall use the provisions in **Chapter 16**. **Nonconformities** to determine the necessary improvements.

11.02.020. Parking Surface

All off-street parking spaces shall be constructed of a Paved Surface, as defined in this Code, whether meeting or exceeding the minimum requirements, unless otherwise approved by the Planning Director.

11.02.030. Parking Exceeding Minimum Requirements

A. Pursuant to **Subsection 9.03.050.B.2**, each parking stall in excess of the required shall be calculated as one-and-half stalls for purposes of the required shade trees.

11.02.040. Off-Street Parking Requirements

A. Off-Street Parking Requirements Table

The following table lists minimum off-street parking requirements by land use category.

Table 11.02.040-1. Off-Street Parking Requirements*

Use Category	Specific Use	General Requirement
Residential Uses		
Household Living	Multi-family - Senior	1 per dwelling unit + additional 5% of total spaces for visitor use
	Multi-family	1.5 per 1-bedroom unit 2 per 2-bedroom unit 2.5 per 3-bedroom unit + additional 5% of total spaces for visitor use
	All other household dwellings	2 per dwelling unit
Group Living	Nursing Home/Hospice/Assisted Living	1 per bedroom
	All other Group Living	1 per bedroom
Civic Uses		
Educational and Day Care Facilities	Family Home Day Care	2 per home
	Group Day Care	6 per home
	Commercial Day Care	1 per 400 ft^2 GFA
	Elementary or Middle Schools	1.5 per classroom + 1 per 2.5 seats capacity for auditoriums and flexible space
	All other Educational Facilities	10 per classroom + 1 per 2.5 seats capacity for auditoriums and flexible space
Government and Community Facilities	All Government/Post Office/Community Facilities	1 per 300 ft^2 GFA + 1 per fleet vehicle
Medical and Institutional Facilities	Hospitals	1 per 2 patient beds
	All other Institutions	1 per 300 ft^2 GFA
Parks and Open Areas	Golf Courses and Country Clubs	3 per hole + 1.5 per 300 ft^2 GFA of clubhouse and other structures including pools and tennis courts
	Neighborhood Amenity Center	1 per 300 ft^2 GFA + 1 additional for every 300 ft^2 GFA over 1,800 ft^2 GFA including pools
	All other Parks and Open Spaces	Determined by Director

Use Category	Specific Use	General Requirement
Places of Worship	Religious Assembly	1 per 100 ft^2 GFA of sanctuary, classrooms, flexible seating areas
Commercial Uses		
Mixed-Use Retail Center*(optional)	Commercial Centers less than 10,000 ft^2 including all Commercial Uses (except Self-Storage, Agriculture or Landscape Supply, Funeral, Repair and Commercial Sales and Service)	1 per 200 ft^2 GFA
Automotive Sales and Services	Car Wash	1 per 300 ft^2 GFA (does not include self-service facility) + 2 spaces
	All other Automotive Sales and Services (except Fuel)	1 per 400 ft^2 GFA (indoor only) + 1 additional per 1,000 ft^2 GFA of outdoor lot, storage or repair bay area
Overnight Accommodation	Bed and Breakfast/Inn	1 per guest room + 2 additional spaces
	All other Overnight Accommodations	1 per guest room + 1 per 300 ft^2 GFA of office/conference space
Food and Beverage Establishments	All Restaurants/Bar/Brewery/ Winery	1 per 100 ft^2 of designated seating area/entertainment area + 4 additional spaces
	Food Catering Services	1 per 400 ft^2 GFA
Entertainment and Recreation	Theaters and Stadiums	1 per 250 ft^2 GFA + 1 additional per 500 ft^2 GFA up to 50,000 ft^2 GFA
	All other Entertainment and Recreation	1 per 400 ft^2 GFA + 1 additional per 4 capacity seating
Health Services	Home Health Care	1 per 400 ft^2 GFA
	All other Health Services	1 per 300 ft^2 GFA
Professional and Business Offices	Professional Office and Other Offices and Services	1 per 400 ft^2 GFA
Consumer Retail Sales and Services	Funeral Home	1 per 150 ft^2 GFA
	Self-Storage (all)	1 per 300 ft^2 GFA office space
	Small Engine Repair	1 per 400 ft^2 GFA
	Farmers Market, Agricultural and Landscape Supply Sales	1 per 400 ft^2 GFA +1 additional per 2,500 ft^2 indoor and outdoor storage or staging area
	Grocery Store with Departments	1 per 200 ft^2 GFA for first 20,000 ft^2 GFA, 1 per 300 ft^2 GFA from 20,000 ft^2 GFA up to 100,000 ft^2 GFA
	All other Consumer Retail	1 per 250 ft^2 GFA for first 20,000 ft^2 GFA, 1 per 500 ft^2 GFA from 20,000 ft^2 GFA up to 100,000 ft^2 GFA
Commercial Sales and Service	All Commercial Sales and Service	1 per 300 ft^2 GFA of office/showroom area + 1 additional per 2,500 ft^2 indoor and outdoor storage or staging area

Use Category	Specific Use	General Requirement
All Other Uses		
Transportation, Utilities and Communication	All Transportation Terminal or Dispatch Facilities	1 per 300 ft^2 GFA of office; 1 per 400 ft^2 GFA of terminal area + additional spaces as determined by the Director
	Major Utilities	1 per 500 ft^2 GFA - minimum of 2
Industrial Manufacturing and Warehousing Uses	Batch Plant/Oil Refinery/Resource Extraction/Waste	1 per 300 ft^2 GFA of office/showroom area + 1 additional per 2,500 ft^2 indoor and outdoor storage area
	All other Industrial Manufacturing and Warehousing	1 per 500 ft^2 GFA of indoor facility + 1 additional per 2,500 ft^2 indoor and outdoor storage area
Agriculture	Kennel	1 per 300 ft^2 GFA of office
	Farming or Ranching Use (including Farm Stands)	No off-street parking requirement
Downtown Overlay District		
Downtown Overlay District	See **Chapter 5** for parking requirements specific to the Downtown Overlay District.	

* The required number of parking spaces for uses not listed in the above table will be determined by the Director. Alternative parking plans may be requested in accordance with **Section 11.07**.

11.02.050. Rules for Computing Requirements

The following rules apply when computing off-street parking and loading requirements:

A. Multiple Uses

Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

B. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half will be rounded down to the next lower whole number and any fraction of one-half or more will be rounded up to the next higher whole number.

C. Area Measurements

Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area, which for purposes of computing off-street parking requirements, shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

1. The area of each floor of the structure.
2. All attic space used for active commercial space.

D. Occupancy-Based Standards

For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum

enrollment or the maximum fire-rated capacity, whichever is applicable, and whichever results in the greater number of spaces.

E. Unlisted Uses

Upon receiving a development permit application for a use not specifically listed in the Off-Street Parking Requirements Table, the Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with an Alternative Parking Plan (see **Section 11.04. Alternative Parking Plans**).

Section 11.03. Parking Space and Parking Lot Design

11.03.010. Location of Required Parking

A. All required off-street parking spaces must be located on the same lot as the principal use, except as stated below.

1. Exceptions

a. An Alternative Parking Plan may be used for the City to approve off-site, off-street parking.

b. For Cottage Court Developments, see **Section 7.02**.

B. For "Multifamily, Attached Dwelling Units", see **Subsection 6.02.010.B.3**.

11.03.020. Parking Space and Parking Lot Design

A. Parking Space Dimensions

1. Parking spaces shall have minimum dimensions of 9 feet in width by 18 feet in length, unless otherwise indicated within this section. When located adjacent to a sidewalk, off-street or on-street head-in or angled parking shall require curb stops so as not to impede the pedestrian walkway.

2. Subject to approval by the Director, parking areas with 20 or more parking spaces, may allocate up to 10% of the minimum number of required parking spaces to reduced size vehicles, including compact cars and motorcycles, if designed to the following standards:

a. A compact car space shall not be less than 8 feet in width and 16 feet in length;

b. A motorcycle space shall not be less than 4.5 feet in width and 8 feet in length;

c. Reduced size spaces shall be laid out in a group and appropriately identified as intended for exclusive use by the specified vehicle;

d. Tandem Parking Spaces

Tandem parking spaces may be utilized only in the following cases:

(i) For multifamily developments, tandem spaces may be used for up to 10% of the required total off-street parking spaces. For the purposes of this calculation, "tandem spaces" refers only to the space with limited access (i.e., only the space blocked in by another vehicle). Tandem spaces may only be located within an enclosed garage structure.

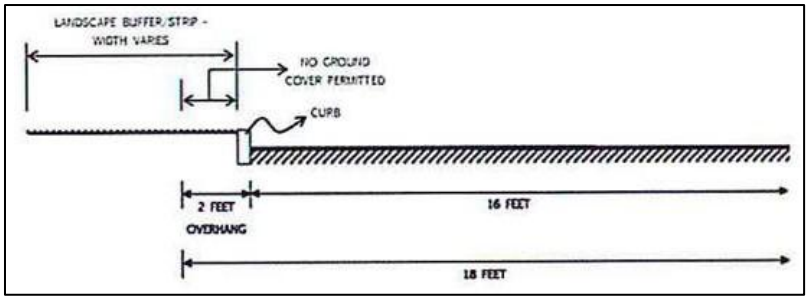
(ii) For all other residential development, tandem spaces may only be used if the development is a fee-simple development.

(iii) In the Downtown Overlay, tandem spaces for any use may be considered with an Alternative Parking Plan, per **Section 11.07**.

e. Other parking space designs may be considered and shall be submitted to the Director for review.

3. Parallel parking spaces shall not be less than 8.5 feet in width and 22 feet in length.
4. Parking spaces designated as Handicapped shall comply with the design and location requirements of the American National Standards Institute (A117.1) and the Texas Department of Licensing and Regulation.
5. Parking spaces internal to the site may be reduced to 16 feet in length with a 2-foot overhang onto grass or other flat surface. This reduction shall not apply to a bufferyard, screening area or sidewalk.

Figure 11.03.020-11.03.02-1. Reduced Parking Lot Space Dimensions



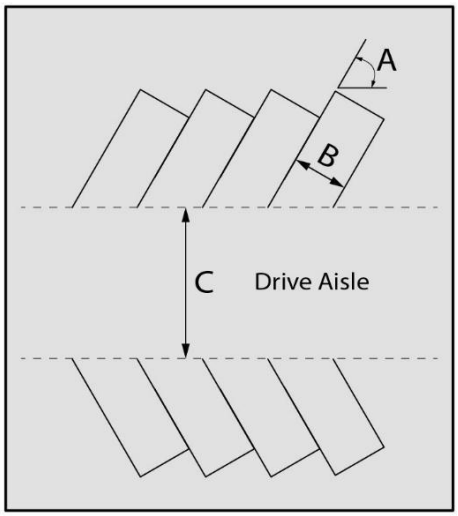
B. Aisle Widths

The minimum two-way drive aisle width shall be 24 feet when there is no parking on either side of the drive aisle. One-way and two-way drive aisle widths adjoining off-street parking spaces must comply with the following standards:

Table 11.03.020-1. Minimum Aisle Width for Specified Parking

A	B	C	
Parking Angle	Stall Width (ft)	Aisle Width	
		One-Way	Two-Way
Parallel	8.5	13	26
45° or less	9	13	26
45° or less	10	12	24
60°	9	16	26
60°	10	15	24
75°	9	23	26
75°	10	22	24
90°	9	Not Permitted-	26
90°	10	Not Permitted	24

Figure 11.03.02-2. Parking Dimensions Graphic



C. Markings

1. Each required off-street parking space and off-street parking area shall be identified by surface markings at least 4 inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles.
2. One-way and two-way access points into required parking facilities shall be identified by directional arrows on the pavement.

D. Surfacing and Maintenance

1. All parking, driveways, drive aisles, and driveway approaches shall be constructed and maintained with a Paved Surface, as defined in this Code. Exceptions to the Paved Surface material requirements may be considered administratively by the Director and Development Engineer in order to protect critical root zone for Heritage Trees.
2. All designated fire lanes shall be paved according to the typical street cross sections for local street design in the City of Georgetown Construction Specifications and Details and kept in a dust-free condition at all times.
3. In a Residential Estate subdivision or rural lot, residential driveways may be constructed of a non-Paved Surface material if outside of the right-of-way and not in an area designated for required off-street parking.

E. Access

Required off-street parking spaces shall not have direct access to a public street, with access provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way. In unique circumstances on local streets, the Director may consider, through an Alternative Parking Plan, parking spaces with direct access from the street if there is determined to be little or no negative impact on surrounding properties or the function of the public street.

F. Planting Areas and Pedestrian Areas

1. Wheel stops are required when parking spaces are located adjacent to planting areas
2. Bollards are required when parking spaces are located adjacent to pedestrian walkways that are at the same grade.

11.03.030. Sub-Lots and Pedestrian Accessways

A. Parking lots with more than 50 parking spaces shall be visually and functionally segmented into smaller sub-lots by landscaped areas. Each sub-lot may contain a maximum of 50 parking spaces.

1. Exception: A sub-lot may contain up to 100 parking spaces if the site provides an additional 20% of landscape area required by **Section 9.03.050.A**.

B. For every parking sub-lot, a landscaped median/divider at least 15 feet wide shall be installed to break up the sub-lots. These medians shall contain pedestrian accessways consisting of a 5-foot-wide sidewalk to offer safe, marked routes between parking spaces and building entries.

11.03.040. Pedestrian Circulation

A. Purpose

The purpose of this section is to promote safe, connected, and walkable development by providing clear standards for pedestrian circulation. These provisions are intended to ensure that sidewalks, accessways, and pedestrian routes are accessible, comfortable, and visually appealing, supporting an active and pedestrian-friendly community.

B. All Development

An internal pedestrian accessway compliant with ADA accessibility requirements, must be provided from the perimeter sidewalk to the primary public entrance. Internal pedestrian walkways must be distinguished from driving surfaces by textured, painted, and/or raised surface.

C. Multifamily Development

Where multifamily buildings are not able to front along a public street or regional trail, the following design standards for pedestrian circulation shall apply.

1. Pedestrian-Oriented Drive Aisle Standards

a. Pedestrian-Oriented Drive Aisles (PODA) should consist of the following:

(i) A two-way drive aisle that meets the minimum standards of the fire code;

(ii) A 6-foot or wider sidewalk that meets the minimum standards of ADA, etc.; and

(iii) Street trees between the back of curb of the drive aisle and the sidewalk meeting the requirements of UDC **Section 9.05.070** or between the edge of the sidewalk and the building. The trees must be spaced every 30 feet and be from Georgetown's approved list of shade trees.

b. Parallel Parking spaces along one or both sides of the drive aisle is allowed but not required.

c. PODAs must have a minimum intersection spacing of 50 feet and maximum spacing of 500 feet. An intersection means where a PODA intersects a public/private road, a driveway to a parking lot or another PODA.

d. No 90-degree or any other angled parking is allowed along pedestrian-oriented drive aisles.

e. Parking lots must be setback at least 20 feet from a PODA and must be screened by either a multifamily building, or a medium-level bufferyard and a 6-foot screening wall.

2. Pedestrian Promenade Standards

a. Pedestrian Promenades are at least 30 feet wide and should consist of the following:

(i) A 10-foot or wider sidewalk/shared-use path (SUP); and

(ii) A 10-foot or wider landscaping strip consisting of grass or other vegetation on each side of the sidewalk/SUP. One shade tree every 30 feet should be planted along each landscaping strip, except when a common amenity is placed between the sidewalk and the multifamily buildings.

(a) Seating Areas such as benches, picnic tables, or other amenities can be located within the 10-foot or wider landscaping strip.

b. Parking lots must be set back a minimum of 20 feet from a Pedestrian Promenade and screened by either a multifamily building or a medium-level bufferyard with a 6-foot screening wall to minimize the visual impact of parking areas along pedestrian corridors.

Section 11.04. Alternative Parking Plans

11.04.010. Alternative Plans

An Alternative Parking Plan, processed through an Administrative Exception in accordance with **Section 3.14** of this Code, may be considered by the Director for alternatives to the parking, stacking, paving, or loading standards of this chapter, including for vehicle and bicycle parking. An alternative plan also may be approved by the Director for specific developments or uses that are deemed to require a different amount of parking than the standards shown in **Table 11.02.040-1. Off-Street Parking Requirements***. The Director shall establish conditions necessary to ensure the adequacy of future on-site parking when approving an alternate standard. Potential alternative parking plan approaches and specific regulations are described below.

A. Parking Study Option

Parking studies may be required for specific uses that have characteristics that reduce the accuracy of standard requirements. Additionally, as an alternative, applicants for uses that appear on the requirements table may choose to conduct a parking study to determine appropriate parking requirements. Many uses have widely varying parking demand characteristics, making it impossible to specify a single off-street parking standard. This option is intended to allow development to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established above.

1. Parking Study

Anyone proposing to develop or expand a use based on this parking study option must submit a parking study that provides justification for the number of off-street parking spaces proposed. A parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, location, and access to transportation alternatives. The study must document the source of data used to develop the recommendations.

2. Eligible Alternatives

A number of specific parking and access alternatives may be considered, including off-site, shared, or valet parking. The Director shall be authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Director that the proposed plan shall result in a better situation with respect to surrounding neighborhoods, City-wide traffic circulation, or urban design than would strict compliance with otherwise applicable off-street parking standards.

3. Review by Director

The Director shall review the parking study and any other traffic engineering and planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use. After reviewing the parking study, the Director shall establish a minimum off-street parking standard for the proposed use.

B. Off-Site Parking

In addition to the instances provided in **Section 11.03.010. Location of Required Parking**, off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if approved by the Director and if the off-site parking complies with all of the following standards.

1. Ineligible Activities

Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking and Cottage Courts [see **Subsection 7.02.060.D**]), restaurants (except in the Downtown Overlay District), convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off-site.

2. Location

No off-site parking space may be located more than 600 feet from the primary entrance of the use served, measured by the shortest accessible pedestrian route of travel, unless shuttle bus service is provided to the remote parking area. Off-site parking spaces may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or shuttle bus service is provided to the remote parking area.

3. Zoning Classification

Off-site parking areas serving uses located in Non-Residential Zoning Districts must be located in Non-Residential Zoning Districts. Off-site parking areas serving uses located in Residential Zoning Districts may be located in Residential or Non-Residential Zoning Districts.

4. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation on forms made available by the Director. Recordation of the agreement with the County Clerk must take place before issuance of the Site Plan for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this section.

C. Shared Parking

It is the City's stated intention to encourage efficient use of land and resources by allowing users to share off-street parking facilities whenever feasible. Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved by the Director and if the shared parking complies with all of the following standards.

1. Location

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided. The distance between the shared parking and the served uses shall be measured by the shortest accessible pedestrian route of travel to an accessible entrance. The applicant shall provide an exhibit demonstrating that the location of shared parking meets the requirements.

2. Zoning Classification

Shared parking areas serving uses located in Non-Residential Zoning Districts must be located in Non-Residential Zoning Districts. Shared parking areas serving uses located in Residential Zoning Districts may be located in Residential or Non-Residential Zoning Districts. Shared parking areas shall require the same or a

more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

3. Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

a. Shared Parking Calculation

(i) A shared parking calculation, using the format provided by the Development Manual shall be required to determine the minimum number of spaces.

(ii) The minimum parking required shall be the highest adjusted total parking for any time period.

(iii) The percentage of parking used during each time period shall be provided by the applicant and subject to approval by the Director.

(iv) Accessible spaces required by ADA shall be calculated by individual use and not be shared.

4. Agreement for Shared Parking

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation on forms made available by the Director. Recordation of the agreement with the Recorder of Deeds must take place before issuance of a Site Plan for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this section.

5. Revocation of Permits

Failure to comply with the shared parking provisions of this section shall constitute a violation of this Code and shall specifically be cause for revocation of a Certificate Of Occupancy and/or Building Permit.

D. Transportation Management Plan

The Director may authorize a reduction in the number of required off-street parking spaces for developments or uses that institute and commit to maintain a transportation management program, in accordance with the standards of this section.

1. Required Study

The applicant shall submit a study to the Director that clearly indicates the types of transportation management activities and measures proposed. The study shall be provided in a form established by the Director and made available to the public.

2. Transportation Management Activities

There shall be no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures shall serve as a guide to eligible transportation management activities.

3. Transportation Coordinator

The occupant of the development or use may appoint an employee to act as Transportation Coordinator with responsibility for disseminating information on ride-sharing. Other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons,

Transportation Coordinators must be available to attend meetings and training sessions with the City or transit providers.

4. Off-Peak Work Hours

   Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as 7:00—9:00 a.m.

5. Preferential Parking

   The provision of specially marked spaces for each registered carpool and vanpool may be cause for a reduction in otherwise applicable off-street parking requirements.

6. Financial Incentives

   The provision of cash or in-kind financial incentives for employees commuting by carpool, vanpool, and transit may be cause for a reduction in otherwise applicable parking requirements.

11.04.020. Alternative Parking Plans in a Historic Overlay District

See **Chapter 5** for requirements for Alternative Parking Plans in a Historic District.

Section 11.05. Vehicle Stacking Areas

11.05.010. Minimum Number of Spaces

1. Off-street stacking spaces shall be provided as indicated in the following table. Off-street stacking spaces shall be in addition to any required parking and loading spaces.

Table 11.05.010-1. Minimum Off-Street Stacking Spaces

Activity Type	Minimum Spaces	Measured From
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	Determined by Development Engineer	
Car lubrication stall	2	Entrance to stall
Car wash stall, automatic	4	Entrance to wash bay
Car wash stall, self-service	3	Entrance to wash bay
Day Care drop-off	3	Facility passenger loading area
Gasoline pump island	2	Pump Island
Parking lot, controlled entrance	4	Key Code Box
Apartment gated entrance	4	Key Code Box
School (Public and Private)	Determined by Development Engineer	
Other	Determined by Development Engineer	

2. For uses where stacking is determined by the Development Engineer, the applicant shall submit a queuing analysis based on peak demand at the proposed use, consistent with the most current ITE Manual, including exhibits and calculations demonstrating that the proposed stacking spaces prevent queues from extending into the right-of-way or blocking parking and internal circulation. The Development Engineer will approve or modify the requirement based on the submitted information.
3. The Development Engineer may approve an alternate minimum stacking requirement for any of the minimums in **Table 11.05.010-1. Minimum Off-Street Stacking Spaces** when the applicant submits exhibits and calculations to support an alternate minimum.

11.05.020. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

A. Size

Stacking spaces must be a minimum of 10 feet by 20 feet in size.

B. Location

1. Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.
2. Stacking spaces may not occupy any portion of a public right-of-way.
3. Stacking spaces shall not interfere with parking spaces, parking aisles, loading areas, internal circulation, driveways, or pedestrian crosswalks.

C. Design

Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director for traffic movement and safety. Turnaround space shall be provided between the Key Code Box and gate for any gate-restricted entrance to safely allow a vehicle to exit the entrance queue.

Section 11.06. Off-Street Loading

11.06.010. No Use of Public Right-of-Way

At no time shall goods be loaded or unloaded from the right-of-way of a collector or arterial street. No part of any vehicle shall be allowed to extend into the right-of-way of a collector or arterial street while being loaded or unloaded.

11.06.020. Location

Plans for location, design, and layout of all loading spaces shall be indicated on required Site Plans.

11.06.030. Space Size

Off-street loading spaces, excluding maneuvering areas, shall be at least 12 feet wide and 20 feet long unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case the minimum size of a space shall be 12 feet by 54 feet.

Section 11.07. Bicycle Parking

11.07.010. Purpose

The purpose of this section is to encourage sufficient safe and convenient bicycle parking, encourage bicycling as a form of transportation, and reduce traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

Table 11.07.010-1. Recommended Number of Bicycle Spaces by Use

Use	Minimum Number of Bicycle Parking Spaces
Retail Sales	1 per 10 required vehicular spaces
Food and Beverage Services	1 per 20 required vehicular spaces
Civic and Cultural Facilities	1 per 10 required vehicular spaces
Business, Professional and Technical Services and Financial and Real Estate Services	1 per 15 required vehicular spaces
Lodging Facilities	1 per 20 guest rooms
Other Commercial Uses not listed above	1 per 20 required vehicular spaces (0 for Agricultural Uses and Animal Production and Ranching if fewer than 20 spaces)
Park	5, plus 5 per acre of land
Educational Service Establishments (Public and Private)	(K-12): 1 per 50 employees and 1 per 25 students (grades 6-12) (Colleges and Universities): 1 per 40 employees and 1 per 15 students at planned capacity

Use	Minimum Number of Bicycle Parking Spaces
Industrial Uses	1 per 20 required vehicular spaces
Residential Uses with four or more units	1 per 10 required vehicular spaces (without garage or equivalent) None (with garage or equivalent)

11.07.020. Vehicular Parking Substitution

In the Downtown Overlay Area 2, Williams Drive plan study area, or the Austin Avenue plan study area, up to 10% of required vehicle parking spaces may be substituted with bicycle parking facilities.

11.07.030. Bicycle Parking Facilities – Minimum Requirements

A. Bicycle facilities must be designed to accommodate at least the minimum number of bicycles identified by **Table 11.07.010-1. Recommended Number of Bicycle Spaces by Use**.

B. Bicycle parking facilities shall consist of racks or lockers anchored in concrete or anchored to a building or structure to prevent movement or theft and withstand severe weather and exposure. Facilities must be at least 36 inches in height and provide a user with the ability to lock one wheel and the frame to the rack, with the user providing the lock and chain.

11.07.040. Location Requirements

A. All bicycle parking spaces and facilities shall be placed according to the following criteria:

1. On the ground floor of the building or facility associated with the use, unless site factors, access, or licensing restrictions prohibit locating bicycle parking on the ground floor;
2. In a location that is conveniently and safely accessed by bicycle and by foot and in a way that minimizes conflicts with motor vehicles and pedestrians;
3. Within 50 feet of the primary building entrance, in a well-lit location that maximizes visibility to users and the public, and is not isolated or remote from building entrances, sidewalks, and vehicular parking facilities.
    a. If a parking facility has multiple entrances, the bicycle parking spaces may be spread out among the multiple entrances.

B. Bicycle parking spaces shall be accessible without climbing more than one step or going up or down a slope in excess of 12%.

Chapter 12. Sign Standards

Section 12.01. General

12.01.010. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 51, 54, 211, 216 and the City Charter.

12.01.020. Purpose and Objectives

The purpose of this chapter is to provide clear regulations for the permitting, design, location, construction, modification, use, maintenance, and removal of signs in the City's corporate limits and its extraterritorial jurisdiction (ETJ). The objectives are to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the community's overall aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

12.01.030. Applicability and Effect

A. In accordance with Texas Local Government Code §§ 216.901 and 216.902, these regulations apply to all areas within the corporate limits of the City and those areas within its extraterritorial jurisdiction and supersede the regulations adopted under Chapter 394 of the Texas Transportation Code.

B. A sign may be erected, placed, established, painted, created, or maintained in the jurisdiction only in conformance with the standards, procedures, exemptions, and other requirements of this Code. These regulations apply to both commercial and non-commercial messages.

C. All signs not expressly permitted by this chapter are prohibited, except as approved through the appeals process established by this Code. In particular, the following signs are expressly prohibited within the City's corporate limits and ETJ:

   1. Signs within public rights-of-way;
   2. Signs affixed to a tree or utility pole; and
   3. Signs located within the restricted area defined in Section 12.44.010 of the Code of Ordinances ("sight triangle").

12.01.040. Applicable Regulations in Extraterritorial Jurisdiction

For signs not prohibited by this code, the maximum sign area and height shall not exceed the following for properties in the ETJ. In overlapping areas, the most restrictive sign regulations apply.

A. Any area within 200 feet of a residential lane, residential street, or rural subdivision street right-of-way must meet all sign regulations that apply within the Residential Single-Family (RS) Zoning District.

B. Any area within 200 feet of a residential collector street right-of-way must meet all sign regulations that apply within the High Density Multi-Family (MF-2) and Low Density Multi-Family (MF-1) Zoning Districts.

C. Any area within 200 feet of a major collector street right-of-way must meet all sign regulations that apply within the Local Commercial (C-1) Zoning District.

D. Any area within 250 feet of an arterial (major or minor) or a freeway right-of-way must meet all sign regulations that apply within the Regional Commercial (C-2) Zoning District.

E. Any other area within the ETJ must meet all sign regulations that apply within the Agriculture (AG) Zoning District.

12.01.050. Master Sign Plan

Pursuant to the procedures and provisions outlined in **Section 3.19** ("Master Sign Plan") a Master Sign Plan shall be required for all Planned Unit Developments and all multi-building or multi-occupant commercial developments when required by the Building Official before any signs for such development may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved Master Sign Plan.

12.01.060. Nonconforming Sign Standards

The standards for nonconforming signs are set forth in **(16.06)**, Nonconforming Signs.

12.01.070. Abandoned and Unsafe Signs

A. All signs in the City's corporate limits and ETJ shall be properly maintained to the satisfaction of the Building Official. Abandoned signs, or signs that are illegal, unsafe, or insecure, are declared a public nuisance. Failure to maintain or remove a sign in violation of this section may be subject to penalties as set forth in **Section 17.03.030**.

B. Pursuant to Section 216.003(e) of the Texas Local Government Code, if the Building Official determines a sign is an Abandoned Sign, the owner, agent, or person having the beneficial use of the land, building, or structure upon which the sign is located shall remove the Abandoned Sign within 30 days of the determination.

C. Pursuant to Chapter 54 of the Texas Local Government Code, if the Building Official determines a sign is unsafe, insecure, or presents a hazard to the public in any way, they shall provide notice to the owner, agent, or person having the beneficial use of the land, building, or structure upon which the sign is located. If within 15 days of the day of the notice the sign is not repaired, made conforming, or removed, or an appeal has not been filed in accordance with this section, the Building Official is authorized to cause the removal of that sign, and any expense incident hereto shall be paid by the permit applicant, owner of the land, building, or structure to which that sign is attached or upon which it is erected. The Building Official may cause any sign, which is determined to be an immediate hazard to the general public, to be removed summarily and without notice.

D. The owner, agent, or person having the beneficial use of the land, building, or structure upon which the sign is located may appeal the determination of the Building Official that a sign is unsafe, insecure, or presents a hazard to the public by filing an appeal with the Building Standards Commission within 15 days of that notice, under the procedure for appeal of a decision of the Building Official under Chapter 2.64 of the Code of Ordinances. Upon receipt of an appeal, the Building Standards Commission shall schedule a hearing for the next available meeting, where the Building Official and the appellant shall each have an opportunity to speak to the status of the sign. The Building Standards Commission shall have the power to affirm or reverse the determination of the Building Official, and the decision of the Building Standards Commission shall be final.

12.01.080. Alternative Sign Plan

To provide flexibility in the attainment of sign code compliance, an applicant may request an Alternative Sign Plan when a Master Sign Plan is either not applicable or practical under the circumstances. The Building Official is the decision-making authority for an Alternative Sign Plan using the Administrative Exception process detailed in **Section 3.14**, **Administrative Exception** of this Code.

Section 12.02. Summary of Permitted Signs

The following Table establishes permitted signs within the City's corporate limits and those areas within the ETJ based on underlying Zoning District. **Table 12.05.010-1** details permitted signs with specific dimensional standards per Zoning District, Overlay District, or street corridor. All sign types not listed in **Table 12.01.080-1** or **Table 12.05.010-1** are prohibited, unless otherwise specified in this chapter.

Table 12.01.080-1. Permitted Sign Types by District

Sign Info	RS, RE, RT & MH Districts	AG, RM, MF-1 & MF-2 Districts	PF Districts	C-1,C-2, I-1 & I-2 Districts	Downtown and Old Town Overlay Districts*
Sign Type					
Banner	-	-	-	P	C
Incidental	A	A	A	A	A
Subdivision Entry	P	P	-	-	-
Temporary	P	P	P	P	P
Sandwich Board	-	-	A	A	A
Sign Feature					
Changeable Copy	-	-	-	P	C
External Illumination	-	-	P	P	C
Internal Illumination	-	-	-	P	C
Key	**A** = Allowed without Permit **P** = Sign Permit required **C** = Certificate of Appropriateness required; Sign Permit Required *For signs in the Downtown Historic District, see the Historic District Design Guidelines				

Section 12.03. Exempt Signs

This chapter exempts the following signs:

A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

B. Any sign inside a building, not attached to a window or door, that is not intended to be viewed from outside such as a sign on a clothing rack intended to sell clothes to patrons already inside the store;

C. Traffic control, service entrance, and directional signs on private property, such as "Stop," "Yield," "Enter," and similar signs, that do not exceed 4 feet in height or 4 square feet in area or meet state or City standards or

conform to the *Manual of Uniform Traffic Control Devices*, as published by the U.S. Department of Transportation, Federal Highway Administration;

D. Address and postbox numerals conforming to the requirements of Chapter 15.36, Street Naming and Street Addressing, of the Code of Ordinances, as amended;

E. Government signs, including flags, erected by or for the City, county, state or federal government in furtherance of their governmental responsibility;

F. Legal notices; and

G. Signs prepared by or for the local, state, or federal government marking sites or buildings of historical significance that do not exceed 7 feet in height or 8 square feet in area.

Section 12.04. Prohibited Sign Types

All signs not expressly permitted under this Code or exempt from regulation in the previous section are prohibited within the City's corporate limits and those areas within the ETJ. Prohibited signs include, but are not limited to:

A. Beacons (i.e. light beams);

B. Portable Signs;

C. Roof signs above the lesser of the height of the structure or allowable freestanding sign height within the District in which it is located;

D. Inflatable signs and tethered balloons greater than 18 inches in diameter;

E. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs;

F. Off-premise signs;

G. Streamers;

H. Signs that emit an odor or produce an audible message; and

I. Unshielded neon.

Section 12.05. Sign Design and Area Regulations

12.05.010. Sign Dimensional Standards

Table 12.05.010-1. Sign Dimensions by District

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
Downtown Overlay and Old Town Overlay Districts (see also Base Zoning District requirements below)	For additional detailed guidelines related to signs in these Districts, see Chapter 5: Signs and Colors in the City's Historic District Design Guidelines. Monument signs shall be no greater than 5 feet in height and pole signs shall not be permitted.					

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
AG RE RT RS RM MH	Freestanding Monument Sign	2	5	2	1	**12.05.030.A**
	Flag	40	25	5	—	**12.05.030.E**
	Incidental Sign	4	2	5	2 per lot. Additional signs may be approved with Sign Permit	**12.05.030.C**
C-1 PF MF-1 MF-2 (For properties fronting Williams Dr/FM 2338, I-35, SH-195, SH 130, see below)	Freestanding Monument Sign	32	5	5	1 per 500' of frontage or fraction thereof	**12.05.030.A**
	Low Profile Pole Sign	20	6	5	1 per 500' of frontage or fraction thereof	**12.05.030.A**
	Flag	40	25	5	—	**12.05.030.E**
	Building Wall	1 per linear foot of primary façade	—	—	—	**12.05.030.C**
	Incidental Sign	4	2	5	Two per acre per lot. Additional signs may be approved through a Sign Master Plan per **12.01.050**	—
C-1 C-2 I-1 I-2 MU-DT (for properties in the MU-DT District, see also Historic District Design Guidelines. For properties fronting v	Freestanding Monument Sign	1 per linear ft of primary façade not to exceed a max of 48 sq ft per sign face	6	5 (10 in IN District)	1 per 500' of frontage or fraction thereof	**12.05.030.A** **12.05.030.E.2**
	Low-Profile Pole Sign	20	10	5 (10 in IN District)	1 per 500' of frontage or fraction thereof	**12.05.030.A**
	Flag	40	25	5	—	**12.05.030.E**
	Building Wall	1 per linear foot of primary façade	—	—	—	**12.05.030.C** **12.05.030.E.2**

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
	Incidental Sign	4	2	5 (10 in the IN District)	Two per acre per lot Additional signs may be approved through a Sign Master Plan per **12.01.050**	—
All properties fronting Williams Drive/FM 2338	Freestanding Monument Sign	48	5	5	1	**12.05.030.A 12.05.030.E.2**
	Flag	40	25	5	—	**12.05.030.E**
	Building Wall	1 per linear foot of primary façade	—	—	—	**12.05.030.C 12.05.030.E.2**
	Incidental Sign	4	2	5	Two (2) per acre per lot. Additional signs may be approved through a Sign Master Plan per **12.01.050**	—
All properties fronting: I-35 SH-195 SH-130	Freestanding Monument Sign	60	8	5	1 per 200' frontage or fraction thereof	**12.05.030.A**
	High Profile Monument Signs on SH-195 and SH-130	225	28	5	1 per 600' of frontage or fraction thereof	**12.05.030.E.2**
	High Profile Monument Signs on I-35	225	28	5	1 per 600' of frontage or fraction thereof, but not less than 400' separation	**12.05.030.E.2**
	Pole Signs on I-35	225	28	—	1 per 600' of frontage or fraction thereof, but not less than 100'	**12.05.030.D**

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
					separation, w/ 200' from Monument Sign	
	Flag	40	25	5	—	**12.05.030.E**
	Building Wall	1 per linear foot of primary façade	—	—	—	**12.05.030.C**
	Incidental Sign	4	2	5	Two per acre per lot. Additional signs may be approved through a Sign Master Plan per **12.01.050**	—
Multi-tenant Signs	Multi-tenant Signs are allowed per the provisions of **12.05.060. Multi-Tenant Signs**					
Residential Model Homes	Model Home Signs are allowed per the provisions of **6.02.070.B.8**					
Bed and Breakfast	Bed and Breakfast Signs are allowed per the provisions of **6.02.040.B.2** and **6.02.040.B.3**					
Office in the RS District	Office uses in RS District with a SUP are allowed one sign per the provisions of **6.02.040.B.12.a**					
Automobile Sales, Rental or Leasing Facility	Automobile Sales, Rental or Leasing Facility uses are allowed signs as per the provisions of **6.02.040.B.19**					
** The setback requirements above apply to all parts of the sign, as well as all parts of its pole, foundation, or other appurtenances. Please also refer to* **12.05.030.H. Signs Along Streets, Public Ways, or Railroads** *for additional setback requirements applicable to signs adjacent to public rights-of-way.*						

12.05.020. Sign Area Computation

The following describes the computation of sign area and sign height.

A. Computation of Area of Individual Signs

1. The permitted area for all signs pursuant to **Section 12.05.010. Sign Dimensional Standards**, shall be inclusive of the sign base and sign cabinet. The sign cabinet is the structure or border used to differentiate a sign face from the structure against which a sign face is placed. In no case shall the overall sign structure, including the base, exceed the maximum allowed height nor the maximum allowed sign area.
2. Where a sign consists of individual letters, words, or symbols attached to a surface, building, canopy, awning, or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words, or symbols and any accompanying background of a color different than the natural color of the wall. For signs including multiple words, each word located in the same plane shall be computed separately.

B. Computation of Area of Multi-Faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are substantially similar, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

C. Computation of Height

The height of a sign shall be computed as the average distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

D. Computation of Maximum Total Permitted Sign Area

The permitted sum of the area of all individual signs shall be computed by applying the Zoning District formulae contained in **Section 12.05.010. Sign Dimensional Standards** to the lot frontage, building frontage or wall area, as appropriate. Lots fronting on two or more streets are allowed to calculate the longest street frontage into the allowable allocation to be identified by the Master Signage Plan.

E. Computation of Maximum Number of Signs

Pursuant to **Table 12.05.010-1. Sign Dimensions by District**, each lot is allocated the maximum number of signs allowed per Zoning District. Where indicated, additional signs beyond the identified allowance shall be determined by the lineal frontage of the lot.

12.05.030. Design Requirements

A. Monument Signs and Low-Profile Pole Signs

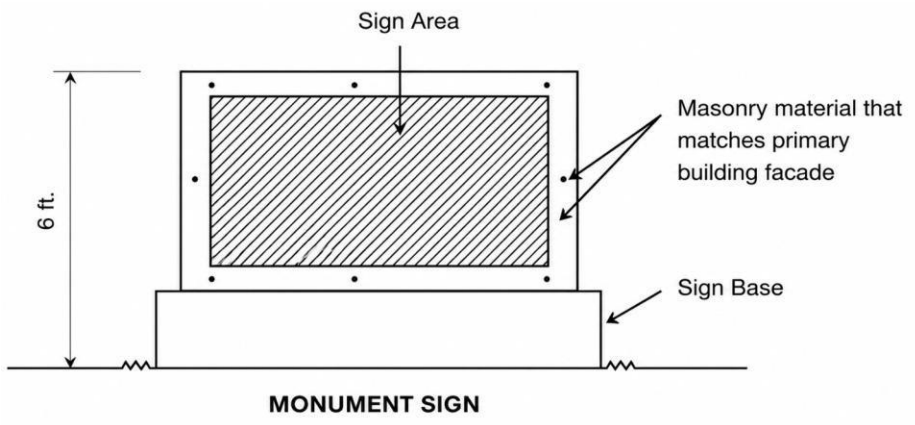
Monument signs or low-profile pole signs are the only permanent freestanding sign allowed, except on properties with I-35, SH 130, or SH 195 frontage, where pole signs are also permitted.

1. Monument Signs
   a. Monument signs shall not have more than two sign faces.
   b. The structure of monument signs shall be constructed of the same or similar materials as those utilized on the primary building's façade.

c. Monument signs located on the same property must be spaced a minimum of 80 feet apart from other freestanding signs for which a permit is required.

d. A shared monument sign is encouraged. Such a monument sign must be located on one of the properties included in the sign text.

Figure 12.05.030-12.05.03-1. Monument Sign Example



2. Low-Profile Pole Signs

a. Low-profile pole signs are permitted on any property as an alternative to permitted pole or monument signs.

b. Low-profile pole signs shall not have more than two sign faces.

c. Low-profile pole signs located on the same property must be spaced a minimum of 80 feet apart from other freestanding signs for which a permit is required.

d. A shared low-profile sign is encouraged. Such a sign must be located on one of the properties included in the sign text.

e. In the C-1, C-2, MU-DT, I-1 and I-2 Districts:

(i) Landscaping

(a) The use of low-profile pole signs requires the installation of a landscaped area equal to twice the area of one face of the pole sign.

(b) The required landscaping shall consist of four healthy, nursery stock shrubs, 5-gallon container size, and ground cover as permitted in **Section 9.05.020**.

(c) The required landscaping shall be located at the base of the pole sign.

(d) The owner and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.

(ii) Additional Sign Allowances

(a) For properties in excess of 500 feet of frontage, additional sign square footage is allowed as determined in **Table 12.05.010-1. Sign Dimensions by District**.

(b) The cumulative square footage of allowed signs may be distributed between the maximum number of allowed signs with no one sign exceeding 90 square feet in size.

3. RE, RT, RS and MH Districts

   In the RE, RT, RS and MH Districts externally illuminated free standing signs shall only be located adjacent to arterial roadways.

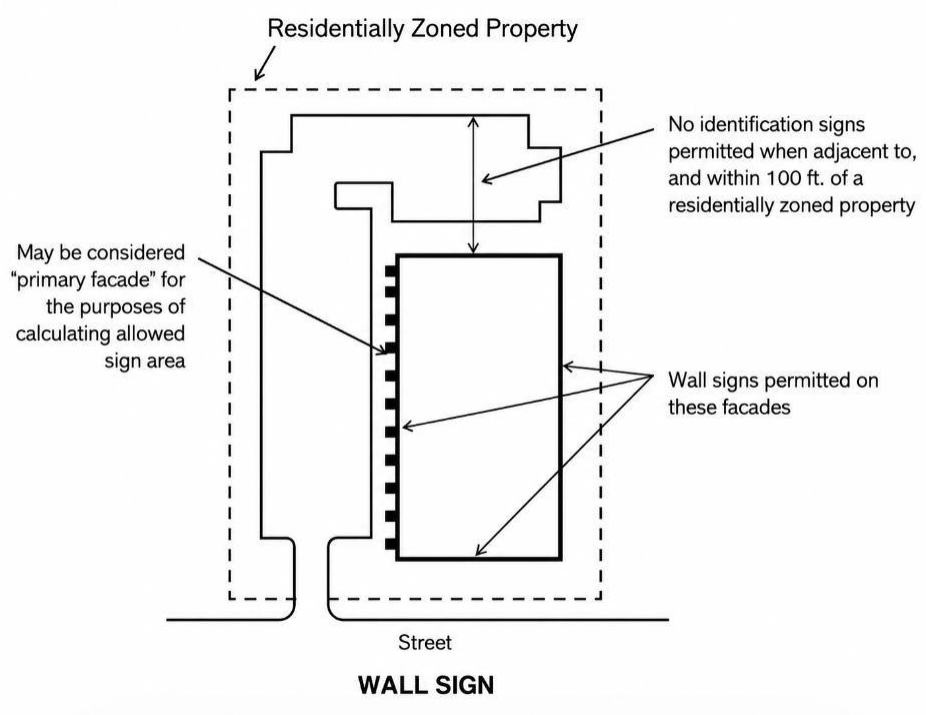
B. Landmark Signs

To be recognized and designated as landmark signs, an individual sign must be approved by the procedures adopted by the Historic and Architectural Review Commission. To be considered for designation, these signs shall exhibit such a unique character, design or historical significance to be recognized by the community.

C. Building Wall Signs

1. The calculation of building wall signage shall be based upon a building's primary entrance and building façade as defined in **Section 18.02**.
2. Wall signs will be allowed for the maximum area per square foot as allowed in the Zoning District as provided in **Table 12.05.010-1. Sign Dimensions by District** and the conditions of **Subsection 12.05.030.C**.
3. Building wall signs may be placed on any portion of the building wall but shall not exceed the height of the wall. Wall signs shall not project more than 8 inches from the building or structure, shall have only one sign face, and shall be affixed to the wall.
4. Building wall signs may be placed on any face of the building, except those directly adjacent to, and within 100 feet of a residential property line within a Residential Zoning District. If the residential zoned property is developed as a Non-Residential use then this restriction shall not apply.
5. Posters, signs, or announcements located in window areas not exceeding 50% of an individual window area shall not be calculated as an element of total allowable site signage. Any sign area in excess of the 50% will cause the entire area of the poster, sign, or announcements to be calculated as an element of total allowable building wall signage.

Figure 12.05.030-12.05.03-2. Wall Sign Location Diagram



D. Pole Signs on Properties with IH 35 Frontage

Pole signs are permitted on properties with I-35 frontage, which are zoned C-1, C-2, I-1, or I-2, provided they meet the following requirements:

1. Height limit shall be 28 feet, but additional height may be allowed using the following as determining factors:
   a. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of I-35.
   b. Determination of the elevational difference shall be measured by projecting a perpendicular line from the centerline of the proposed location of the sign to the main I-35 roadway section nearest the sign.
   c. The allowance will only apply for properties and sign locations that are determined to be lower in elevation than I-35, as determined by **Subsection b** above.
2. The maximum area shall be 225 square feet per face.
3. Pole signs shall not have more than two sign faces.
4. Properties with I-35 frontage may have only one pole sign for each 600 feet of frontage or fraction thereof. Pole signs shall be spaced a minimum of 100 feet apart.
5. Pole Signs shall be spaced a minimum of 200 feet from a High Profile Monument Sign.
6. If a Pole Sign is used along the I-35 frontage, a Marquee Sign cannot also be used.
7. All signs shall maintain a minimum clearance from electric power lines of 10 feet horizontally and 15 feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner.

8. Electronic Messaging Center signs with I-35 frontage are subject to the standards in **Subsection 12.05.050** below.

E. Flags

Flags are permitted in all Zoning Districts provided that they meet the following requirements:

1. Flags shall not exceed the Maximum Height and Size as provided for in **Table 12.05.010-1. Sign Dimensions by District** of **Section 12.05. Sign Design and Area Regulations**. The overall measurement of the flagpole shall not exceed 25 feet in height as measured from the base of the pole to the top regardless of where the flagpole is located.
2. When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the Building Code for wind and structural loading requirements. The plan design criteria shall provide the proposed location, attachment method to the structure and wind load resistance. A Building Permit shall be required for this type of installation.
3. Within Zoning Districts C-1, C-2, MU-DT, I-1, and I-2, ground-mounted flagpoles can exceed the 25-foot height limit but shall not exceed the maximum building height as allowed in that Zoning District.

F. Marquee Sign

The following sign design standards shall be used in addition to **Table 12.05.010-1. Sign Dimensions by District** for a marquee sign as defined in **Section 18.02**. The definition of a sign in **Section 18.02** shall also apply for all types of signs used within this section.

1. Marquee signs will be allowed for the maximum area per square foot as allowed for wall signs in the District as provided in **Table 12.05.010-1. Sign Dimensions by District** and the conditions of **Subsection 12.05.030.C**.
2. If a pole sign is used along the I-35 frontage, a marquee sign cannot also be used.
3. A marquee sign shall only be located on the building's primary façade and over the main entrance.
4. The calculation for the total square foot area of a marquee sign shall be based solely upon the number of movie screens or stages provided in the building. In addition to the maximum area per square foot sign allowance, an additional one square foot per linear foot of primary façade for marquee signs can be allowed. For the purpose of this section a marquee sign is considered to be a maximum 6-foot-by-24-foot panel. The ratio would equal three movies or stage titles to one panel. The maximum area of 2 square feet per linear foot of primary façade shall not be exceeded. The maximum height shall not exceed 20 feet.
5. Posters or announcements shall be located directly under the marquee sign and shall not exceed 50% of the area contained within the overall maximum width of the marquee sign. In this case, these types of signs shall not be calculated as an element toward the total maximum sign area. When located outside, these types of signs shall be located in protective cases. An excess of the 50% will cause the entire area to be calculated as an element of total allowable site signage.

G. High Profile Monument Signs

High profile monument signs are permitted on properties with SH 130, SH 195, and IH-35 frontage, which are zoned C-1, C-2, I-1, or I-2, provided they meet the following requirements:

1. The maximum height limit shall be 28 feet, but additional height may be allowed using the following as determining factors:

Figure 12.05.030-12.05.03-3. High Profile Monument Sign

a. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of the main lanes.

b. Determination of the elevation difference shall be measured by projecting a perpendicular line from the center line of the proposed location of the sign to the center line of the main lanes nearest the sign.

c. The allowance applies only to properties and sign locations that are determined to be lower in elevation than the main lanes, as measured by **Subsection b** above.

2. The maximum area shall be 225 square feet per face.

3. High profile monument signs shall not have more than two sign faces.

4. Properties with SH 130 or SH 195 frontage may have only one high profile monument sign for each 600 feet of frontage. High profile monument signs shall be spaced a minimum of 600 feet apart. If a property has less than 600 feet of frontage on SH 130 or SH 195 a high profile monument sign is not allowed.

5. Properties with IH-35 frontage may have only one high profile monument sign for each 600 feet of frontage or fraction thereof. High profile monument signs shall be spaced a minimum of 400 feet apart.

6. High profile monument signs shall be spaced a minimum of 200 feet from a pole sign.

7. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner.

H. Signs Along Streets, Public Ways, or Railroads

1. Except as set forth below, no sign may be placed on or over the area located unless authorized by a license agreement with the City:

a. Within 10 feet of the back of the street curb for City or county rights-of-way or the actual right-of-way, whichever is greater;

b. Within 25 feet for state rights-of-way or the actual right-of-way, whichever is greater;

c. If no curb exists, within the impervious surface of the street;

d. If unpaved, within 10 feet of the portion of the City ordinarily used for vehicular travel;

e. Within the median of a street;

f. Across the public right-of-way line;

g. Across a railroad right-of-way; or

h. In the restricted areas at street intersections designated by Section 12.44.010 of the City of Georgetown Municipal Code ("sight triangles").

2. The following may be placed on or over the areas listed in **Subsection 12.05.030.H.1**:

a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

b. Bus stop signs erected by a public transit company.

12.05.040. Sign Lighting Standards

A. No illuminated sign which has a sign area of 150 square feet or less shall have luminance greater than 300 footcandles, nor shall it have luminance greater than 300 footcandles for any portion of the sign within a circle 2 feet in diameter.

B. No illuminated sign which has a sign area greater than 150 square feet shall have a luminance greater than 200 footcandles for any portion of the sign within a circle of 2 feet in diameter.

C. No unshielded light source shall be visible from the edge of the public right-of-way at a height of 3 feet.

12.05.050. Electronic Message Centers

A. Electronic Message Centers shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.

B. No scrolling, flashing, rotating, or animated displays are allowed.

C. Electronic Message Centers shall be equipped with an automatic dimmer device and shall be programmed to automatically dim the electronic sign to a maximum illumination of no more than 0.3 footcandles above ambient light conditions as measured at any point along the property line.

D. Displays shall remain static for at least 15-second periods. Transitions must occur within a one-second period.

E. The display shall be configured to turn off or return to a static, default design if a malfunction occurs.

12.05.060. Multi-Tenant Signs

Developments containing two or more businesses, whether in a single building or multiple buildings, shall share a sign structure located within the development. This provision is applicable to businesses located on the same lot upon which the sign is located as well as to businesses located upon different lots within the development. Such signs shall comply with the following:

A. The lot or lots involved must be contiguous with one another, and constitute a single cohesive development;

B. The sign(s) must be located on a lot that the building occupies;

C. The sign shall be designed in the overall architectural style and with the same or similar exterior materials of the buildings within the development;

D. The signs may be any sign type that is otherwise allowed by this chapter;

E. Private streets within the boundaries of the development are treated as public rights-of-way for purposes of determining allowable signage;

F. Individual pad or lease sites, defined in the approved Site Plan, are treated as separate lots for purposes of determining allowable signage;

1. Businesses shall not be allowed advertising on both the multiple tenant (shared) sign and another free standing business identification sign;
2. Multi-tenant monument signs with four or more tenants may have an allowable sign area not to exceed 64 square feet.

G. In addition to signage that would otherwise be allowed on a lot, one additional monument sign not exceeding five feet in height and 32 square feet in area may be located at each intersection of public roadways and/or private roadways.

H. All other provisions of this ordinance shall be applicable to this sign category, including but not limited to, allowed number based on road frontage (multiple lot developments are treated as a single lot for this purpose), allowable size as a function of Zoning District, spacing, illumination, materials, etc.

12.05.070. Subdivision Entry Signs

Subdivision entry signs are allowed at primary subdivision entrances, subject to the following standards:

A. Subdivision entry signs are allowed at one primary entrance unless the subdivision has entrances on two different major arterials, in such case an entrance sign may be placed on each of the major arterial roadways.

B. Subdivision entry signs must be monument signs, subject to the definition of this Code and may contain a maximum of 40 square feet per sign face with a maximum height of 6 feet.

C. Subdivision entry signs must be constructed of stone, brick, or other masonry material(s) compatible with surrounding development.

D. Subdivision entry signs must be set back a minimum of 5 feet from the property line outside of the required sight triangle (**Subsection 14.06.040**) and located outside of any utility easement, unless authorized by a license agreement with the City.

E. Subdivision entry signs must provide a landscaped area equal to twice the area of the sign face, providing one 5-gallon shrub for every 10 square feet of landscaped area.

1. Irrigation must be provided consistent with the standards of **Section 9.05.050. Irrigation Requirements**.
2. The owners and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.

Section 12.06. Temporary Signs

12.06.010. General

All temporary signs require a Temporary Sign Permit, following the procedures of **Section 3.20. Sign Permit**. Temporary signs may be allowed for permanent uses, temporary uses or for special events, all of which may be addressed separately in this section. All temporary signs shall be designed, constructed, and maintained in accordance with the following standards:

A. All signs shall always comply with applicable provisions of the City Code.

B. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be securely attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. All signs shall always be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code .

D. All signs shall maintain a minimum clearance from electric power lines of 10 feet horizontally and 15 feet vertically or as may otherwise be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner or as otherwise required by the electrical utility.

Any spotlights allowed to illuminate signs or sign illumination shall be shielded such that their light source cannot be seen from abutting roads or properties and shall meet the lighting regulations in **Section 12.05.040. Sign Lighting Standards**.

12.06.020. Temporary Signs on Private Property

A. Temporary signs on private property shall be subject to the following requirements, unless otherwise set forth in this section:

1. Term

   A temporary sign permit allows the use of a temporary sign for no more than 45 days from the date of issuance.

2. Number

   Only two temporary signs are allowed per lot.

3. Other Conditions

   A temporary sign is allowed only in designated Zoning Districts as set forth in this section and shall be subject to all other requirements of that Zoning District.

4. Restrictions

   a. Temporary signs on private property are limited to banners, window signs, or yard signs measuring no more than four square feet in area, unless otherwise set forth in this section.

   b. Temporary signs on private property shall comply with the setback and height limitations of **Table 12.05.010-1. Sign Dimensions by District** for the Zoning District in which the property is located.

   c. Attachments to the signs, such as balloons or streamers, are not allowed.

B. Temporary signs on private property by a holder of a Special Event Permit shall be subject to the following requirements:

1. Applicability

   This section applies only to signs placed by a holder of a Special Event Permit under Chapter 12.24 of the Georgetown Code of Ordinances. Specific events, activities or sign regulations that are expressly addressed elsewhere in this Code shall apply and nothing in this section shall modify those other provisions or standards.

2. Location, Size, and Height Restrictions

   Temporary signs placed on private property under this section must be approved by the property owner. Signs placed on private property must meet design regulations relating to setbacks, size, height, and other location requirements of the particular Zoning District of the property, as outlined in **Table 12.05.010-1. Sign Dimensions by District.**

3. Term

   Temporary signs placed on private property under this section shall be erected no more than 15 days prior to the permitted event and must be removed within three days following the last day of the event. No special event signage shall be in place longer than 30 days.

C. Temporary signs on private property at a Construction Site shall be subject to the following requirements:

1. Applicability

   This subsection applies to Construction Site Signs, as defined in **Chapter 18**.

2. Size Restrictions

   These signs shall not exceed a total of 100 square feet or the total area permitted under **Section 12.05.010. Sign Dimensional Standards** of this chapter.

3. Term

   Temporary signs shall be removed within one week following Final Inspection or Acceptance by the City, as applicable.

4. Other Requirements

   The state, City, county, or other governmental entity permitting the work may impose additional requirements on the Construction Site sign as a condition of its approval.

D. Temporary signs placed by a registered homeowners or neighborhood organization, which consists solely of the homeowners of a subdivision or neighborhood, provided the following provisions are met:

1. Signs shall be placed only within the boundaries of the applicable subdivision or neighborhood in locations permitted by this chapter.
2. Signs shall not be posted more than 48 hours prior to the beginning of an event or item requiring notice. All such signs shall be removed by the homeowner/neighborhood association no later than 24 hours following the event.
3. Temporary signs shall not exceed 4 square feet in size.

12.06.030. Temporary Signs on Public Property and Right-of-Way

Temporary signs on public property shall not require a permit if installed by the City, the county, the state, the federal government, or another political subdivision of the state who owns or controls the property.

Section 12.07. Directional Signs in Residential Zoning Districts

12.07.010. Erection and Maintenance of Directional Signs

A. The City shall contract with an individual, firm, group, association, or entity in this state to erect and maintain Directional Signs at appropriate locations along eligible City roadways.

B. A contract under this section shall provide for:

1. The assessment of fees to be paid to a contractor by an entity eligible for display of the Directional Sign; and
2. Remittance to the City of at least 10% of the fees collected by the contractor.

C. The City shall make a written award of a contract to the offeror whose proposal offers the best value for the City. In determining the best value for the City, the City may consider:

1. Revenue provided to the City by the contractor;
2. Fees to be charged for inclusion of the signs;
3. The quality of services offered;
4. The contractor's financial resources and ability to perform; and
5. Any other factor the City considers relevant.

D. To the extent of any conflict, this section prevails over any other ordinance relating to the method of the purchasing of goods and services by the City.

12.07.020. Regulation of Directional Signs

A. The City Manager shall:

1. Regulate the composition, placement, erection, and maintenance of Directional Signs and supports on an eligible roadway right-of-way; and
2. Adopt rules necessary to administer and enforce this section.

B. A Directional Sign shall not:

1. Mimic an official traffic-control device; or
2. Be located within the restricted area defined in Section 12.44.010 of the Code of Ordinances ("sight triangle"); or
3. Be divided into more than six panels.

C. The City Manager shall adopt rules, in accordance with applicable federal law, regulations, and guidelines, for determining eligible roadways along which Directional Signs may be located.

12.07.030. Disposition of Funds

Funds received under this section shall be deposited in the general fund.

Chapter 13. Drainage and Environmental Protection

Section 13.01. General

13.01.010. Purpose

A. This chapter is adopted to provide environmental protection within the City's jurisdiction and protect the natural and ecological resources that are essential elements of the City's health and community character by reducing negative impacts from the following concerns:

1. Paved surfaces, automobiles, buildings, and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade.
2. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion, and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern.
3. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well-being of the community and, therefore, it is proper that the use of such elements be required.
4. In addition to the requirements of this chapter, environmental preservation is directly or indirectly addressed in other chapters of this Unified Development Code, including but not limited to **Chapter 9. Landscaping and Fencing**; **Chapter 10. Tree Preservation**; and **Section 15.08. Parkland**.

13.01.020. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212, Texas Water Code, Texas Health and Safety Code, the rules and regulations of the Texas Commission on Environmental Quality, the United States Environmental Protection Agency, and the City Charter.

13.01.030. Applicability

All development in the City and extraterritorial jurisdiction shall comply with the impervious cover limitations and stormwater control requirements and tree/natural resource preservation requirements of this section, **Chapter 9** and **Chapter 10.**

13.01.040. Compliance

A. Within City

Compliance with the requirements of this chapter will be achieved in the City through Site Plan review and Stormwater Permit approval for any new development project, and by requiring any compliance during Subdivision Plat review.

B. Within Extraterritorial Jurisdiction

Compliance with the requirements of this chapter will be achieved in the extraterritorial jurisdiction of Georgetown through Stormwater Permit approval for a development project and by requiring any compliance during Subdivision Plat review.

Section 13.02. Impervious Cover

These impervious cover limitations are adopted to minimize negative flooding effects from stormwater runoff and to control, minimize, and abate water pollution resulting from urban runoff of rainwater or other non-point specific sources, pursuant to Texas Water Code § 26.177.

13.02.010. Impervious Cover Limitation

Impervious cover limitations apply to all properties in the city limits and the City's extraterritorial jurisdiction (ETJ). For phased development projects, overall compliance with impervious cover limitations must be maintained throughout the duration of the multi-phase project.

A. Within the City Limits

1. Non-Residential Development

Non-residential development in the city limits shall follow the provisions below. All development in the ETJ shall follow the provisions in **Section 13.02.010.A.2.c(ii)** below.

a. Over the Edwards Aquifer

If the property is located over the Edwards Aquifer Recharge or Contributing Zones, the maximum impervious coverage for the subdivision must follow the calculation described in **Subsections (i)**., **(ii)**., and **(iii)**. below. Once the maximum percentage for the gross subdivision has been determined, the plat shall denote the maximum per lot within the subdivision. Within a subdivision, impervious cover percentages per lot may vary, provided that the subdivision maximum, per the following calculation, is not exceeded.

(i) Subdivisions Less than or Equal to 5 Acres: The impervious cover maximum allowance is as established in **Section 7.02** and this **Chapter 13** for the respective District, not to exceed 70%.

(ii) Subdivisions Greater than 5 Acres: For subdivisions greater than 5 acres, the impervious cover maximum allowance changes with the total acreage of the subdivision. The impervious cover maximum is as established in **Section 7.02**, **Section 8.02** and this **Chapter 13** for the respective District, not to exceed 70% of the first 5 acres, and 55% of the remaining acreage, as shown below (using the 70%t assumption for the first 5 acres):

Impervious Cover % = [0.70 × 5 acres] + [0.55 × (Total Acreage - 5 acres)] / Total Acreage × 100

(iii) For properties over the Edwards Aquifer Recharge or Contributing Zones, waivers to the 55% limit described in **Subsection (ii)**, above, may be granted in accordance with **Section 13.02.020**, but in no case shall the gross impervious cover exceed 70% including all waivers.

(iv) For properties that fall within the Downtown Water Quality Master Plan's contributing area, the impervious cover may be increased to 95% per the 2005 approved WPAP. Stormwater conveyance to the regional water quality ponds from each site must be shown to meet the *COG Drainage Criteria Manual* criteria. For properties within the Downtown Overlay District that do not fall within the water quality drainage basin established in 2005 WPAP must provide their own water quality treatment.

b. Not Over the Edwards Aquifer

If the property is not located over the recharge or contributing zones, the maximum allowable impervious cover percentages in **Section 7.02**, **Section 8.02** and the provisions of this **Chapter 13,** including **Table 13.02.010-1** shall apply. All maximum percentages are established by District, regardless of use.

Table 13.02.010-1. Impervious Cover (Max. %) for Non-Residential Zoning Districts

Zoning District	Impervious Cover
CN Neighborhood Commercial	75%
C-1 Local Commercial	75%
C-2 Regional Commercial	70%
PF Public Facilities	70%
I-1 Flex Industrial	80%
I-2 Intensive Industrial	80%

2. Residential Development
   a. Residential development in the city limits shall follow the provisions below. All development in the ETJ shall follow the provisions in **Section 13.02.010.A.2.c(ii)**. below.
   b. Except as provided in **Subsection c(ii)** below, impervious cover for development located in Residential Zoning Districts shall be calculated on a per subdivision basis and shall not exceed the limits set forth in **Section 7.02**, **Section 8.02** and the provisions of this **Chapter 13**, including **Table 13.02.010-2**. All maximum percentages are established by District, regardless of use.

Table 13.02.010-2. Impervious Cover (Max. %) for Residential Zoning Districts

Zoning District	Lot Type (When Applicable)	Impervious Cover
AG Agriculture		20%
RE Residential Estate		40%
RT Residential Transition		40%
RS Residential Suburban	All types, front-access	60%
	All types, alley-access	70%
RM Residential Mix	All types, front-access	60%
	All types, alley-access	70%
MF-1 Medium Density Multifamily Residential	All types, front-access	60%
	All types, alley-access	70%
MF-2 High Density Multifamily Residential		75%

   c. Exceptions for Residential Zoning Districts
      (i) Impervious cover credits are established for all properties, regardless of size and location, in **Subsection 13.02.010.C**. below.
      (ii) For Workforce Housing Development in MF-1 or MF-2 Districts, a bonus of up to 20% per site is granted with the provision of 20% of the units restricted as Workforce Housing.

B. Within the Extraterritorial Jurisdiction

Properties located in the ETJ must comply with the following provisions:

1. Over Edwards Aquifer

If the property is located over the Edwards Aquifer Recharge or Contributing Zones, the following shall apply:

a. Single-family residential development without public wastewater service shall not exceed 40% impervious cover. Single-family and two-family residential development with public wastewater service shall not exceed 45% impervious coverage.

b. Non-residential development shall follow the subdivision calculation described in **subsections (i), (ii),** and **(iii)** below. Once the maximum percentage for the gross subdivision has been determined, the plat shall denote the maximum per lot within the subdivision. Within a subdivision, impervious cover percentages per lot may vary, provided that the subdivision maximum, per the following calculation, is not exceeded.

(i) Subdivisions Less than or Equal to 5 Acres: The impervious cover maximum allowance is 70%.

(ii) Subdivisions Greater than 5 Acres: For subdivisions greater than 5 acres, the impervious cover maximum allowance changes with the total acreage of the subdivision. The impervious cover maximum is 70% of the first 5 acres and 55% of the remaining acreage, as shown below:

Impervious Cover % = [0.70 × 5 acres] + [0.55 × (Total Acreage - 5 acres)] / Total Acreage × 100

(iii) For properties over the Edwards Aquifer Recharge or Contributing Zones, waivers to the 55% limit may be granted in accordance with **Section 13.02.020**, but in no case shall the gross impervious cover exceed 70%, including all waivers.

2. Not Over Edwards Aquifer

a. Single-family residential development without public wastewater service shall not exceed 40% impervious cover. Single-family and two-family residential development with public wastewater service shall not exceed 45% impervious coverage.

b. All other development shall not exceed 70% impervious coverage.

C. Impervious Cover Credits

The impervious cover credits listed below apply to all residential development in the city limits and ETJ.

1. Credit for Parkland

Parkland to be dedicated shall be counted toward pervious area.

2. Credit for Public Streets

The area of all public streets shown on the thoroughfare plan or located within the residential subdivision shall be omitted from the calculation of gross area and impervious cover but shall be accounted for in stormwater calculations.

3. Credit for Residential Swimming Pools

For RE, RT and RS Districts, 100% of the square footage of the water surface area of a residential swimming pool shall be counted as a pervious surface. This does not include the apron of the pool, surrounding patio, or decking, all of which will count toward the impervious cover total.

4. Credit for Public Trails and Sidewalks

Public trails, sidewalks, and sidepaths do not count against the maximum impervious cover percentage but shall be accounted for in stormwater calculations.

13.02.020. Waiver of Impervious Cover Limitations

Waivers in this section only apply to commercial and industrial uses in the Edwards Aquifer Recharge and Contributing Zones. These waivers do not apply to a Multifamily use or any use not in the Edwards Aquifer Recharge and Contributing Zones. The Director may increase the amount of impervious cover as specifically listed below, upon verification by the Development Engineer that the development meets the waiver criteria. No combination of waivers may allow impervious cover to exceed 70% when located over the Edwards Aquifer Recharge or Contributing Zone (see **Section 13.02.010**, above). The increased impervious cover shall be accounted for in stormwater calculations. Partial credit of each of the following waivers may be granted. The Director may require maintenance agreements for elements used to increase impervious cover that are not permanent constructed improvements, such as increased landscaping, tree preservation or plant content necessary for low impact site design elements to function.

A. Approvable Waivers

1. Low Impact Site Design (Five Percent (5%))

   a. The Director may increase the amount of permitted impervious cover up to 5% if the development provides low impact development site design features such as any combination of those listed below. Partial-to-full credit for this waiver is assessed based on the percentage of the volume of stormwater runoff for water quality control captured.

      (i) Dry wells or infiltration trenches to capture rooftop and driveway runoff;

      (ii) Rainwater harvesting with an automatic irrigation system for captured water to water on-site landscaping per TCEQ requirements;

      (iii) Preserving stream buffers and riparian corridors; This applies to stream buffers established for drainage areas less than 64 acres or for stream buffers established wider than the 100-year floodplain;

      (iv) Bio-retention facilities ; and

      (v) Vegetated filter strips and grassy swales.

   b. The low impact site design features above must meet the following provisions:

      (i) Accepted low impact development designs must be utilized, following the guidelines and standards adopted by the Texas Commission on Environmental Quality.

      (ii) Accepted low impact development designs must not conflict with or take the place of landscape or tree preservation requirements of Chapter 10.

      (iii) The applicant is responsible for providing sufficient design information for the Development Engineer to examine and verify the improvement.

      (iv) The applicant must provide a binding maintenance agreement, any easements and integrated pest management plans as required by TCEQ. Landscape maintenance agreements may be required.

2. Parking Lot Design (5%)

   The Director may increase the amount of permitted impervious cover up to 5% if the development provides a parking lot design that breaks up the parking area into areas separated by planted or natural landscaping features and provides saw-tooth curbs and other methods that support stormwater infiltration into planted or natural landscaping features within the parking lot. Credit will be given based on percentage of contributing parking area to total parking area.

3. Preservation of Natural Areas and Enhanced Tree Preservation (5%)

   The Director may increase the amount of permitted impervious cover by up to (5%) if:

a. The development retains all of its buffer areas in natural preserve areas and provides an agreement that such areas shall not be irrigated, fertilized, or insecticide or herbicide applied to such areas. Where additional landscaping in buffer or other common areas is required, such landscaping shall meet best practices for low-water use. Buffer areas will prevent erosion, trap sediment, filter runoff and function as a floodplain in high water periods and where adjacent to creeks or rivers. A 1% increase in impervious cover may be granted for each percentage of the subject property land area that is preserved as a natural area, excluding the first 2,000 square feet of natural area. For example, a 50,000 square foot site would receive 5% additional impervious cover by providing 4,500 square feet of natural area.

1% of 50,000 s.f. = 500 s.f.

4,500 s.f. – 2,000 s.f. = 2,500 s.f. eligible for credit

2,500 s.f. / 500 s.f. = 5% credit

b. The development preserves protected trees beyond the minimum required by **Chapter 10**. A 1% increase in impervious cover may be granted for each percentage of protected trees preserved beyond the minimum required. For example, a site required to preserve a minimum of 20% of total protected trees may receive a 3% impervious cover bonus by preserving 23% of the protected trees on a site. Preserved trees meeting the definition of this waiver shall be included and identified in the tree preservation plan and shall meet all other applicable provisions of **Chapter 10**.

4. Over-Provision of Landscaping (5%)

The Director may consider an increase to the amount of permitted impervious cover up to (5%) if the development exceeds the total amount of landscaping plants and trees required by **Section 9.03** by 50%. A 1% increase in impervious cover may be granted for each 10% increase in the total amount of landscaping plants and trees beyond the amount required by **Section 9.03**. The types of plants and trees shall be a mix of perennials, evergreen and deciduous and may be planted anywhere on the site. Demonstrate 30% more planting (#/Count) in each planting category (trees, ornamental trees, shrubs, ground cover) and each landscape requirement (parking lot, buffer, street, gateway). Not to include increasing turf. Must still meet 50% or more low-water use. Examples include a wider bufferyard for staggering screening shrub instead of single row for more density without overcrowding. Must provide enough space for mature size.

5. Landscaping in the Extraterritorial Jurisdiction (5%)

The Director may consider an increase to the amount of permitted impervious cover up to 5% for development in the extraterritorial jurisdiction that shows full compliance with the landscaping requirements of **Section 9.03**, **Section 9.04**, and **Section 9.05**.

Section 13.03. Pollutant Attenuation Plans

13.03.010. Industrial Uses

A. The on-site manufacture of hazardous materials over the Edwards Aquifer Recharge Zone is prohibited. For the purposes of this section, the term "hazardous materials" is defined to include the following:

1. "Hazardous substances," as that term is defined in the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. Sec. 9601(14), and the related regulations; and
2. Gasoline or any other petroleum product or by-product;
3. "Toxic substances," as that term is defined in the Toxic Substances Control Act ("TSCA") 15 U.S.C. Secs. 2601, et seq., and the related regulations; and

4. "Insecticides," "fungicides," or "rodenticides" as those terms are defined in the Federal Insecticide, Fungicide or Rodenticide Act ("FIFRA") 7 U.S.C. Sec. 136 et seq., and the related regulations.

B. An applicant proposing any Industrial use, which is not completely enclosed within a building or buildings, must provide a pollutant attenuation plan which:

1. Proposes methods to capture all surface water run-off from developed areas to contain and filter pollutants generated on-site.
2. Controls dust and other particulate matter generated on-site to meet Texas Commission on Environmental Quality standards.

C. The design of storage facilities for hydrocarbon or hazardous substances, including leak detection systems, spill containment areas or other control measures shall meet the following requirements:

1. Underground Storage Facilities

   Facilities for the underground storage of static hydrocarbon or hazardous substances shall be of double walled construction or of an equivalent method approved by the Utilities Director. Methods for detecting leaks in the wall of the storage facility shall be included in the facility's design and reviewed prior to issuance of appropriate permits for construction.

2. Above-Ground Storage Facilities

   All above-ground storage facilities shall meet the requirements of Section 8.04.910, Georgetown Code of Ordinances.

D. All transport facilities for hydrocarbons and hazardous substances shall be approved by the Utilities Director.

Section 13.04. Stormwater Management System Requirements

No Site Plan, Plat, Subdivision, or Stormwater Permit may be approved unless the project meets the minimum requirements of this Code in making adequate provision for control of the quantity of stormwater runoff to the benefit of both future owners of property within the subdivision and other lands within the watershed.

13.04.010. General Requirements

It shall be the responsibility of the subdivider to design and construct a system for the collection and conveyance of all stormwater run-off flowing onto and generated within the subdivision in accordance with:

A. Any specific or general requirements of these regulations;
B. The City of Georgetown Drainage Criteria Manual;
C. Chapter 15.44, Flood damage prevention, of the Georgetown Municipal Code;
D. Chapter 13.30, Illicit Discharges of Pollutants into the MS4 or Conveyances, of the Georgetown Municipal Code;
E. Good engineering practices;
F. City-approved plans, including any regional stormwater plans; and
G. The principles of stormwater law established by the Texas Water Code.
H. The preservation of existing trees.

13.04.020. Basic Design Objectives

In general, the stormwater management system shall be designed and constructed in a manner which promotes the development of a network of both natural and built drainage ways throughout the community and so as to:

A. Retain natural flood plains in a condition that minimizes interference with flood water conveyance, floodwater storage, aquatic and terrestrial ecosystems, and ground and surface water.
B. Reduce exposure of people and property to the flood hazard and nuisance associated with inadequate control of run-off.
C. Systematically reduce the existing level of flood damages.
D. Ensure that corrective works are consistent with the overall goals of the City.
E. Minimize erosion and sedimentation problems and enhance water quality.
F. Protect environmental quality, social well-being, and economic stability.
G. Plan for both the large flooding events and the smaller, more frequent flooding by providing both major and minor drainage systems.
H. Minimize future operational and maintenance expenses.
I. Reduce exposure of public investment in utilities, streets, and other public facilities (infrastructure).
J. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public.
K. Acquire and maintain a combination of recreational and open space systems utilizing flood plain lands.
L. Preserve natural drainage patterns and limit the amount of impervious cover so as to prevent erosion, maintain infiltration and recharge of local seeps and springs, protect existing trees and plantings in the area, and attenuate the harm of contaminants collected and transported by stormwater. Overland sheet flow shall be maintained whenever possible and the dispersion of run-off back to sheet flow shall be a primary objective of drainage design for the subdivision as opposed to concentration of flows in storm sewers and drainage ditches.
M. Comply with the National Flood Insurance Program (NFIP) for eligibility for FEMA funds.

13.04.030. General Design Requirements

A. The storm drainage system shall be separate and independent of any sanitary sewer system and its use shall not interfere with the operation and maintenance of road networks or utility systems.
B. Each lot, site, and block within the subdivision shall be adequately drained as prescribed in the City's Drainage Criteria Manual and the City's Construction Standards and Specifications for Roads, Streets, Structures, and Utilities, using best available data. Any use of retaining walls or similar construction shall be indicated on the Construction Plans for such structure.
C. Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain stormwater, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public, using best available data.
D. Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of stormwater runoff drainage onto, through, and originating within the Subdivision and Development, using best available data.
E. Stormwater discharge must not have an adverse impact downstream and upstream; must be released in a manner that does not alter existing drainage patterns onto neighboring properties; and shall not endanger human life or public or private property, using best available data.
F. No approval shall be issued which would permit building within a regulatory floodway of any stream or watercourse. The City may, when it deems necessary for the protection of the health, safety, or welfare of the present and future population, prohibit the subdivision or development of any property, which lies within a designated regulatory floodway of any stream or watercourse.

G. No lot or building site shall derive sole access to a public street across a waterway unless such access shall be constructed to remain open under design storm conditions as prescribed in the City's Drainage Criteria Manual.

H. Areas adjacent to inundation of the 100-year floodplain, using best available data, shall be indicated with the minimum floor elevation of each lot so affected on a certified copy of the Plat submitted for filing. The appropriate final action authority for plat approval may, when it deems necessary for the protection of the health, safety, or welfare of the present and future populations, place restrictions on the subdivision, regarding the design and use of areas within a drainageway. The final action authority shall not approve any subdivision of land within any stream or watercourse unless the applicant demonstrates that the subdivision and all development anticipated therein will comply with the requirements of this Code.

I. Maintenance Responsibility

1. The property owner or property owners association, as applicable, shall be responsible for maintaining detention and water quality treatment devices. The property owner shall be responsible for associated pond maintenance costs, which the City may approve through an Improvement Agreement if deemed appropriate by the City. For any facility serving commercial or multifamily development, or multiple lots, a management company or property owners association capable of funding operation and maintenance shall maintain such facilities.

2. It is a violation for a detention/water quality treatment device or a structural control to be unable to operate for its intended purpose due to lack of maintenance.

J. Design of all drainage facilities, including detention and water quality ponds, streets, inlets, storm sewers, outfall, drainage berms, culverts, ditches, and other associated improvements shall conform to the City's Drainage Criteria Manual, the City's Construction Specifications and Standards Manual, TCEQ requirements, and the following general design standards, using best available data.

1. Setbacks

a. Detention and water quality ponds shall be setback a minimum of 10 feet from any public street right-of-way for a planting buffer area, the requirements of which are provided in **Subsection 2**. Detention and water quality ponds within a street setback shall be designed to the greatest extent possible to conform to the natural terrain of the land and, if possible, in curvilinear, non-rectangular shapes.

b. Except for bioretention facilities, raingardens and other Low Impact Design facilities, detention and water quality ponds shall not be located within any Gateway Overlay District landscape setback/buffer at the Director's discretion.

c. All ponds shall be set back at least 20 feet from a platted residential lot.

d. Detention and water quality ponds located within any setback shall be designed with a vegetated slope not to exceed 3:1 and shall not include structural walls.

2. Walls, Trees, and Fencing

a. Structural walls of detention and water quality ponds that are located within 125 feet of a street or residential lot and visible from either at a 6-foot-tall vantage point shall be either constructed or faced with stone, brick or similar masonry product.

b. Shade Trees shall be planted within the street setback buffer area, spaced a minimum of 30 feet apart, installed with at least 5 feet of pervious area in all directions, shall be irrigated, and depicted on the Construction Plans. When the tree planting area conflicts with utilities, the buffer area and pond(s) shall be pushed back in order to accommodate.

c. All detention ponds shall be designed as an integral part of the landscape. Earthen pond walls shall have a slope no greater than 3:1 (H:V). All ponds shall meet all requirements of the City Drainage Manual.

d. If pond fencing is required, such fencing shall be wrought iron or other decorative fencing. All pond walls with a slope greater than 3:1 (H:V) require fencing. Additional fencing may be required at the discretion of the Director.

3. A Subdivision Waiver to these requirements may be requested pursuant to **Section 3.16** of this Code.

K. Projected runoff rates for the design of drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area. Said ultimate developed state shall be based on the maximum intensity allowable under the UDC, the Comprehensive Plan, and approved plans within the contributing area.

L. Design of major drainage ways through a subdivision and major structures such as box culverts or bridges across a major drainage channel shall be coordinated with the requirements of the Williamson County and TxDOT when any portion of the subdivision lies outside the city limits or within TxDOT right-of-way, and when applicable, a letter requesting a local floodplain map amendment from the Federal Emergency Management Agency (FEMA) shall be provided prior to final Construction Plan approval.

13.04.040. Building Permits and Utility Connections

A. Plans submitted for Building Permits and/or utility connections shall include the necessary drainage related facilities designed and provided for in compliance with this Code and the City's Drainage Criteria Manual. The following types of construction are exempt from this requirement:

1. Single-family and two-family residential construction with an approved Stormwater Permit or Construction Plan Permit;
2. Permanent new buildings or additions less than 144 square feet;
3. Any other project that does not increase the total amount of impervious cover; and
4. Those projects already in compliance with this Code.

B. Plans and design calculations for all drainage facilities shall be submitted to the Development Engineer prior to issuance of any permit within the development or subdivision.

13.04.050. Drainage Easements

The requirements set forth herein are not intended to be exhaustive and wherever it is necessary to make additional requirements in order to maximize the effectiveness of the drainage plan in question, such requirements shall be made by the Commission.

A. General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel, storm drain, or stream or where a detention/filtration facility is required, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse or facility, and of such width and construction to contain the design storm and required freeboard. When parking lots or other approved use areas serve a dual function, including detention, those areas shall be designated on the plat as detention areas. The drainage must, at a minimum, be maintained by an open channel with landscaped banks having adequate width to contain the volume of flow generated by the design storm under ultimate development conditions.

B. Design Requirements

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the road right-of-way, as determined by the Development Engineer, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the

road lines and with satisfactory access to the road. Easements shall be recorded by separate instrument and indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

2. When a proposed drainage system will carry water across private land outside the subdivision, drainage easements shall be secured and recorded by separate instrument in the property records of Williamson County and drawn on the Construction Plans.
3. Low lying lands along watercourses subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways except where modification can be shown to benefit the community and as approved by the City Council. All development activity within the regulatory floodplain must comply with City and Federal Emergency Management Agency (FEMA) floodplain management regulations.
4. All sedimentation, filtration, detention, and/or retention basins and related appurtenances shall be situated within a drainage easement that is recorded by separate instrument in the property records of Williamson County. The owners of the tracts upon which are located such easements, appurtenances, and detention facilities shall maintain same and be responsible for their upkeep. Notice of such duty to maintain shall be shown on the plats.

Section 13.05. Open Space Subdivisions

This section is intended to encourage and incentivize subdivisions within the city limits and the City's ETJ that provide greater amounts of open space preservation in perpetuity in order to protect natural resources, conserve valuable open space, reduce erosion and sedimentation, preserve riparian corridors, provide for walking trails, protect the community water supplies, reduce infrastructure, preserve prime agricultural land, provide smaller streets with less environmental disturbance, and plan for overall watershed protection. In an effort to achieve these goals and desired project performance, the City has provided the design standards outlined below.

13.05.010. Applicability

A. General Requirements

The provisions of this **Section 13.05** apply to any property in the city limits and the ETJ that will be developed as conservation subdivisions with centralized wastewater collection and treatment services (i.e., wastewater service provided by the City or another qualified regional service provider).

B. Incentives

Properties developing under the provisions of this **Section 13.05** will be eligible for development incentives as described in this Section.

C. Properties in ETJ Served by Septic Systems

Property located outside of the city limits that will not be developed with collectivized wastewater systems are not eligible for the incentives or provisions associated with this section.

13.05.020. Open Space Requirements

A. Size, Location and Dimensional Standards

Open space dedicated or placed in easement in fulfillment of this Section shall meet the following size, location and dimensional standards:

1. At least 30% of the total project site shall be preserved as open space consistent with this section, in addition to parkland dedication requirements established in **Section 15.08. Parkland**.
2. At least 25% of the conservation open space shall be in a contiguous tract.
3. Any parcel being credited as open space under this section shall meet the minimum site for dedicated parkland as established in **Section 15.08**.
4. The conservation open space should adjoin any neighboring areas of open space, other protected areas or non-protected natural areas that could be candidates for protected open space in the future.
5. A buffer of at least 100 feet shall be required between residential structures and agricultural uses unless that use is a tree farm, community garden, orchard, or other compatible agricultural use, as determined by the Director. This buffer should consist of trees, native grasses, shrubs, and/or a windbreak and can be included in the designated open space. Roads or other types of buffers can be substituted if deemed sufficient by the Director.

B. Inclusion of Significant Features

Open space dedicated or placed in easement in fulfillment of this section shall include the following when present on the site:

1. FEMA floodplain; and
2. Additional streams, rivers, lakes, wetlands; and
3. Any other hydrological features; and
4. Karst features and any associated required buffers; and
5. Heritage trees and significant clusters of protected trees; and
6. Historical or archeological sites; and
7. Potential connections with existing or future green spaces, parks and trails.

C. Provision for Open Space in Perpetuity

Open space dedicated or placed in easement in fulfillment of this section shall do so in a manner that ensures their conservation in perpetuity, using one or a combination of the following methods, recording with or prior to the recordation of the Final Plat with appropriate note referencing the appropriate instrument or dedication:

1. Dedication to the City as parkland; or
2. A permanent open space or conservation easement in a form acceptable to the City, in favor of:
   a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions;
   b. A homeowner's association, provided that membership is mandatory; or
   c. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement.

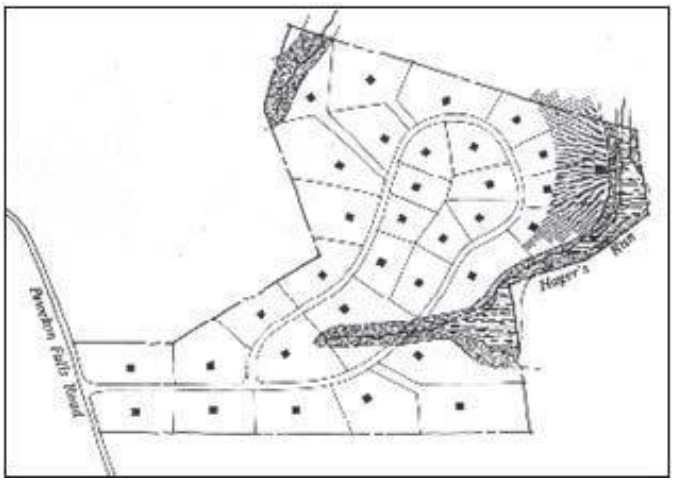
D. The open space areas shall be depicted on the Preliminary and Final Plats.

E. Restricted Uses of Conservation Open Space

The following are prohibited and restricted uses of the primary and secondary conservation areas, unless the applicant demonstrates that these provisions would constitute an unusual hardship and be counter to the purposes of this section, as determined by the Director.

1. Prohibited Uses in Conservation Open Space
   a. Golf courses;
   b. Roads, parking lots and impervious surfaces, unless allowed by another provision within **Section 13.05** or for the specific use of maintaining street connectivity;
   c. Wastewater disposal, except for irrigation use in public parks or roadways; and
   d. Agricultural activities not conducted according to acceptable management practices.

Figure 13.05.020-13.05.02-1. Conventional Lot Diagram



F. Green Design Bonus

An impervious cover bonus to 60% gross property acreage may be received for "green design" if the development achieves “certified” or higher status under the U.S. Green Building Council’s LEED for Neighborhood Development (LEED ND) or achieves “bronze” or higher status under the ICC 700 National Green Building Standard (NGBS) or its companion NGBS Green Land Development Certification. Applications seeking certification for green design shall so state. A green design requirement shall be memorialized in a plat note on the Preliminary and Final Plats and shall be a condition in the conservation open space management plan.

13.05.030. Conservation Lot Development Standards

Conservation lot development standards establish lot sizes and certain restrictions for all residential and non-residential conservation development within the City. The tables below replace tables in **Section 7.02** in **Chapter 6** and **Section 8.02** in **Chapter 8**, respectively. All other language and sections of **Chapter 6** and **Chapter 8** apply here. All properties must comply with the impervious cover limitations established in **Section 13.02**, except those stated in the table below.

Table 13.05.030-1. Housing Lot Type Dimensional Standards

Lot Type	Single-Family, Detached (RE District)	Single-Family, Detached (Other Districts)	Single-Family, Attached (Twin House or Townhouse)	Single-Family, Zero-Lot-Line	Two-Family, Duplex	Triplex and Quadplex	Multifamily Attached Apartments
Lot Size, minimum square feet	0.5 acre	3,000	2,000	3,000	4,000	5,000	12,000
Dwellings per Structure, Maximum	—	—	—	—	2	4	24
Lot Width, minimum feet*	50	30	20	30	30	40	50
Corner/End Lot Width, minimum feet	-	-	-	-	-	-	-
Front/Side/Rear/Unloaded Street Facing Setback (Corner), minimum feet	25	15	15	15	15	15	15
Street Facing Garage Setback, minimum feet	-	-	-	-	-	-	-
Side Setback, minimum feet	5	5	-		5	5	10
Shared/Passive Wall Setback, minimum feet	-	-	-	-	-	-	-
Non-shared/Active Wall Side setback, min. feet	-	-	5	10	-	-	-
Rear Setback, minimum feet	10	10	10	10	10	10	10
Building Height, maximum feet	35	35	35	35	35	35	60
Maximum Impervious Coverage**	70	70	70	70	70	70	70

Table 13.05.030-2. Non-Residential Lot and Dimensional Standards

Standard	C-1	C-2	PF	I-1	I-2
District size, minimum acreage					

Standard	C-1	C-2	PF	I-1	I-2
Lot size, minimum acreage	—	—	—	—	—
Lot width, minimum feet	—	—	—	—	—
Front/street setback, minimum feet	—	—	20	20	20
Side setback, minimum feet	4	10	10	10	10
Rear setback, minimum feet	0	10	10	10	10
Impervious coverage*	80		85		95
Building height, max. feet	45	60	60	60	60

Section 13.06. Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone[1]

13.06.010. Applicability

A. The regulations of this section apply to all property within the corporate limits of the City and its extraterritorial jurisdiction (ETJ), to the extent allowable by state law, located within the recharge zone of the Edwards Aquifer, as that term is defined in Title 30, Texas Administrative Code § 213.3 and § 213.22, except as noted below. Property within the Edwards Aquifer Recharge Zone ("EARZ") is determined by the most current official map of the relevant zone located in the Texas Commission on Environmental Quality office for Region 11.

B. **Section 13.06.030**, as described herein, does not apply to Occupied Sites as this term is defined in this section. Property with an Occupied Site should be in accordance with the federal standards as referenced in this section.

13.06.020. Definitions

The following words and phrases, when used in this Section, shall have the meanings respectively ascribed to them in this subsection, except when the context otherwise requires:

Bank (of a stream). The ordinary high water mark of a stream, not the floodplain boundaries, as determined by the appropriate authority.

Best Management Practices (BMPs). For this section only, BMPs has that meaning ascribed to it in Title 30, Texas Administrative Code § 213.3(5), as may be amended and as further defined herein.

[1] Editor's note(s)—Ord. No. 2015-14, § 3(Exh. A), adopted February 24, 2015, repealed and reenacted **Section 11.07** in its entirety to read as herein set out. Formerly, **Section 11.07** pertained to similar subject matter, and derived from Ord. No. 2014-103, § 3(Exh. A), adopted December 9, 2014.

To preserve the style of this Unified Development Code, and at the discretion of the editor, the provisions originally enacted by Ord. No. 2015-14 as Sections 11.07.001—11.07.008 have been redesignated as **13.06.010—13.06.080**.

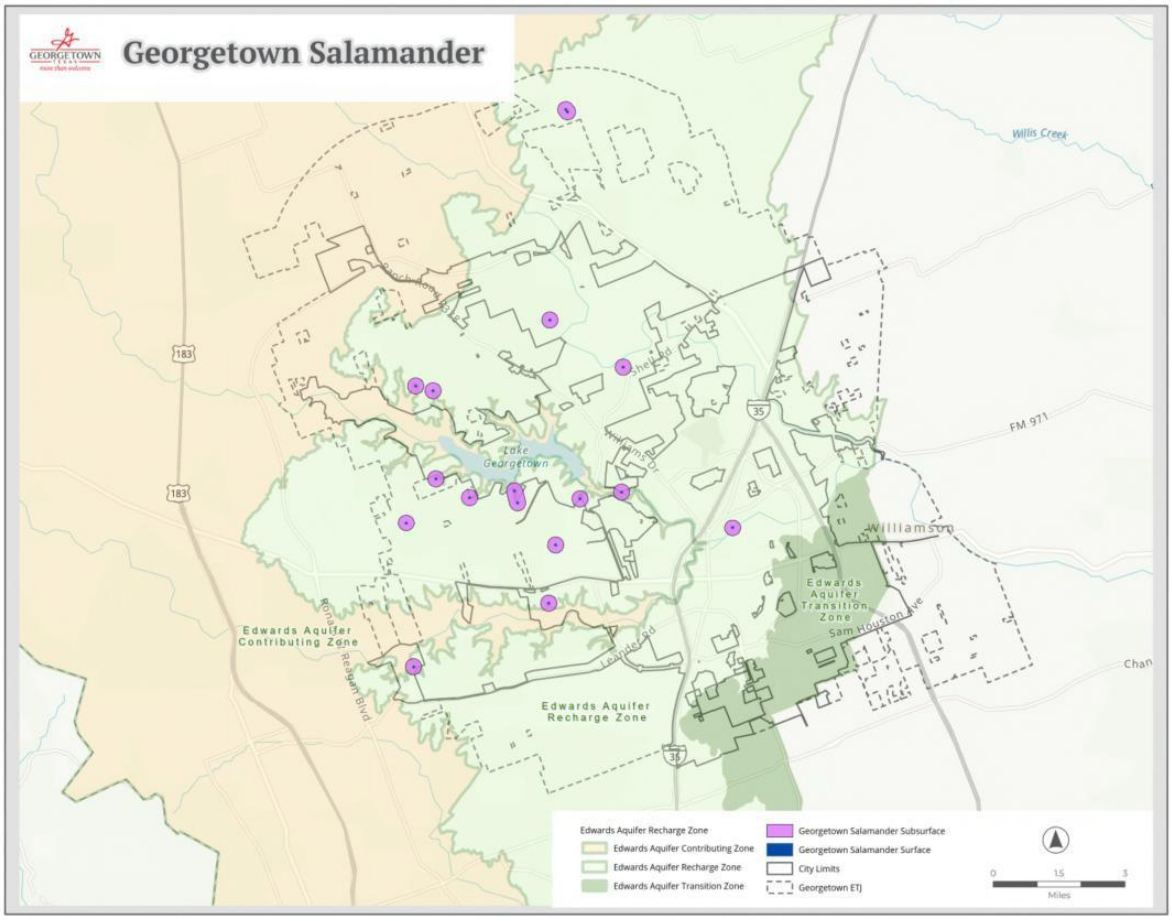
Development Engineer. A professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

Geologic Assessment. A report prepared by a geologist pursuant to Title 30, Texas Administrative Code § 213.5 and containing the additional information required by this section .

Geologist. A licensed professional geoscientist who has training and experience in ground water hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features, such as springs and streams.

Licensed Professional Geoscientist. A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

Occupied Site. Any spring identified as a critical habitat unit by the United States Fish and Wildlife Service for the Georgetown Salamander (Eurycea naufragia), and include the following: Cobb Well, Cobb Springs, Cowen Creek Spring, Bat Well Cave, Walnut Spring, Twin Spring, Hogg Hollow Spring, Cedar Hollow Spring, Knight (Crockett Garden) Spring, Cedar Breaks Hiking Trail Spring, Water Tank Cave, Avant's (Capitol Aggregates), Buford Hollow Springs, Swinbank Spring, Shadow Canyon, San Gabriel Spring, and Garey Ranch Springs. The locations of the Occupied Sites are shown on the map incorporated below. Occupied Sites can be found on the City's interactive maps.



Recharge Zone. That portion of the City and its ETJ that overlays the EARZ as defined in Title 30, Texas Administrative Code § 213.3, as may be amended.

Regulated Activity. Shall have that meaning ascribed to it by Title 30, Texas Administrative Code § 213.3(28), as may be amended.

Spring. Any natural setting or location where ground water flows to the surface of the earth from underground frequently enough to support spring associated vegetation such as ferns, watercress and Texas sedge.

Stream. A natural area that conveys flows from rainfalls, springs, snowmelt, or groundwater, and is defined by a contributing drainage area of 64 acres or more.

13.06.030. Spring Buffer and Stream Buffer Protection

A. Spring Buffer

1. A spring buffer is established within 164 feet (or 50 meters) of the approximate center of a spring outlet in the EARZ that is identified in a geologic assessment. The spring buffer shall not include pre-existing development.
2. No regulated activities may be conducted within the spring buffer except for the following and subject to the stated restrictions:
   a. Properly permitted maintenance of existing improvements;
   b. Scientific monitoring of water quality;
   c. Fences above the normal high water mark of a stream if such fences comply with applicable floodplain regulations;
   d. Subject to stream buffer limitations, below, parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a stream and shall be limited to trails for walking, jogging and non-motorized biking; and
   e. Wastewater infrastructure installed roughly parallel to a stream provided that such infrastructure is installed on the side of the stream opposite the spring and is installed no closer than 25 feet from the bank of the stream; provided that wastewater infrastructure shall not cross a stream associated with a spring within the spring buffer.

B. Stream Buffer

1. A stream buffer is established for all portions of streams with a contributing drainage area of 64 acres or more in the EARZ that is identified in a geologic assessment. The boundaries of the stream buffer are as follows:
   a. For streams draining more than 64 acres and less than 320 acres, the boundaries of the stream buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (a) shall be a minimum of 200 feet wide with at least 75 feet from the centerline of the stream.

      If a property owner only controls one side of a stream, then the minimum buffer shall be 100 feet from the centerline of a stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.
   b. For streams draining more than 320 acres but less than 640 acres, the boundaries of the stream buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is

smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (b) shall be a minimum of 300 feet wide with at least 100 feet from the centerline of the stream.

If a property owner only controls one side of a stream, then the minimum buffer shall be 150 feet from the centerline of a stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.

c. For streams draining 640 acres or more, the boundaries of the stream buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (c) shall be a minimum of 500 feet wide with at least 200 feet from the centerline of the stream.

If a property owner only controls one side of a stream, then the minimum buffer shall be 250 feet from the centerline of a stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.

2. No regulated activity may be conducted within the stream buffer other than:
   a. Properly permitted maintenance of existing improvements;
   b. Scientific monitoring of water quality;
   c. Fences above the normal high water mark of a stream if such fences comply with applicable floodplain regulations; and
   d. The construction of the following improvements, subject to the stated restrictions:
      (i) Wastewater facilities, provided that wastewater utilities shall not be located below the normal high water elevation within the channel of a stream except at crossings of a stream;
      (ii) Underground utilities other than wastewater facilities provided that such underground utilities may only be installed at stream crossings, or at intervals no closer than 400 feet apart;
      (iii) Parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a stream and shall be limited to trails for walking, jogging and non-motorized biking.
      (iv) Water quality or flood control systems, provided that measures are taken in the construction of such water quality or flood control systems to minimize the impact to the stream buffer;
      (v) Public projects that enhance or recharge the Edwards Aquifer, provide flood prevention, and similar capital improvements;
      (vi) Remediation of altered floodplain to its natural limits;
      (vii) Arterial, collector and local residential streets crossing a Stream provided that:
         (a) A floodplain with a drainage area greater than 640 acres may only be crossed by arterial streets;
         (b) A floodplain with a drainage area between 320 acres and 640 acres may only be crossed by arterial and collector streets;
         (c) A floodplain with a drainage area up to 320 acres may be crossed by arterial, collector, or local residential streets; and
         (d) A street required for a secondary access, or as required by the currently adopted fire code regulations, is exempt from this subsection.

C. All spring and stream buffers, as described herein, shall be shown on all plats, Site Plan and infrastructure Construction Plans, to include Stormwater Permits and Building Permits when applicable.

D. Exemptions

1. The spring buffer and stream buffer requirements of **Section 13.06.030** do not apply to an occupied site as this term is defined in this section. Regulated activity on a tract of land with an occupied site, or within 984 feet (or 300 meters) of an occupied site, should be in accordance with the standards outline in UDC Appendix A.
2. In the event that the owner of property opts to request a variance from the standards outlined in UDC Appendix A to the Adaptive Management Working Group, it shall be the responsibility of the owner of property to submit to the City of Georgetown revised plans in accordance with the results of the variance request.

E. Variances

1. An owner of property of a tract of land with a spring or stream may request a variance from the spring and/or stream buffer requirements of this subsection to the Planning and Zoning Commission.
2. The Planning and Zoning Commission may consider and take final action on a variance request in accordance with the powers and duties in **Section 2.05.010.A** of this Code.

F. Appeal

Any person aggrieved by an administrative decision pertaining to this subsection may appeal to the Planning and Zoning Commission in accordance with **Section 3.12** of this Code.

13.06.040. Water Quality Best Management Practices

A. For all regulated activities within the Recharge Zone, the following regulations apply:

1. Permanent structural water quality controls for a project shall remove 85% of total suspended solids for the entire project and shall be certified by a licensed professional engineer.
2. No regulated activity shall cause any increase in the developed flow rate for the two-year storm event.
3. All development projects, including, but not limited to, individual home sites, shall implement temporary BMPs to minimize sediment runoff.
4. New roadways or expansions to existing roadways that provide a capacity of 25,000 vehicles per day that are located on the Recharge Zone shall provide for spill containment as described in the optional enhanced measures of the Edwards Aquifer Protection Program.
5. All permanent BMPs with an overt physical presence shall have signage that clearly identifies the purpose of the permanent BMP and the party responsible for maintenance.
6. Maintenance plans for permanent BMPs shall be recorded in the Official Records of Williamson County.

13.06.050. Geologic Assessment

A. The owner of property who submits a development application for a regulated activity on a tract of land located over the EARZ shall submit a geologic assessment with the plat application.

B. In the event that the subject property was platted prior to December 9, 2014, or meets the plat exceptions of this Code, a geologic assessment shall be submitted with the first required development application for the regulated activity. Development applications include Construction Plans, Site/Construction Plans, Stormwater Permits, and Building Permits (only single-family and two-family residential on a tract of land that meets the plat exceptions of this Code).

C. No development application for property located over the EARZ may be approved until a geologic assessment has been accepted by the Development Engineer or his designee.

D. The geologic assessment must contain all of that information required by Title 30, Texas Administrative Code § 213.5. Additionally, the geologic assessment must:

1. Identify all springs and streams on the subject property, or certify that no springs or streams exist on the subject property;
2. Describe any spring and stream on the subject property, including determining the location of any spring outlet or stream;

E. Subsequent applications required to develop the subject property will not require a new geologic assessment provided the regulated activity, as submitted in the application, is consistent with the accepted geologic assessment. Any deviations will result in the need to submit an updated geologic assessment prior to final approval of the application.

F. Exemptions

1. A geologic assessment shall not be required for regulated activity that meets all of the following criteria:
   a. Proposed development is single-family residential or two-family residential; and
   b. Subject property is located on an individual lot that is less than 5 acres; and
   c. Subdivision (to include Replat) is five lots or less, and no more than 5 gross acres; and
   d. Subject property is located within a drainage area that is less than 64 acres.
2. Regulated activity that meets all of the criteria above must submit with the required development application a letter signed by a professional engineer certifying the drainage area and identifying any springs on the subject property. In the event that springs exist, the project engineer must identify applicable buffers on the plans.

13.06.060. Acknowledgement Form

A. The owner of property who submits a development application for a regulated activity on a tract of land located over the EARZ shall submit an acknowledgement form in accordance with the provisions of this subsection.

B. The owner of property shall through a completed acknowledgement form, acknowledge and certify the following:

1. The regulated activity, as proposed, complies with the water quality best management practices regulations of this section; and
2. The subject property has an occupied site, is located within 984 feet of an occupied site, or has a springs or stream located more than 984 feet from an occupied site; and
3. The regulated activity, as submitted, complies with the rules and regulations of this section.

C. A completed, signed and notarized acknowledgement form shall be submitted with the plat, Construction Plan, Site/Construction Plan, Stormwater Permit, and Building Permit (single-family and two-family residential on a tract of land that is exempt from the plat requirements of this Code) applications.

D. The development application to the City of Georgetown shall be deemed incomplete if the acknowledgement form is not completed, signed and notarized.

E. After the completeness review **(Section 3.02.040)** of a development application subject to subparagraph (A) above, the director or his/her designee shall provide a copy of the acknowledgement form to the Williamson County Conservation Foundation Adaptive Management Working Group.

13.06.070. Water Quality Management Plan

A. The City shall adopt a water quality management plan for all areas within the Recharge Zone. Such management practices will include, but not be limited to, public education and outreach, hazardous waste education, integrated pest management, illicit discharge detection and elimination, construction-site stormwater runoff control, post-construction stormwater management, and pollution prevention for municipal operations including City and county maintenance activities in the ETJ.

B. The City's adopted stormwater management plan, as amended, shall serve as the water quality management plan for purposes of this section, unless stated otherwise.

13.06.080. Williamson County Conservation Foundation Adaptive Management Working Group

An Adaptive Management Working Group has been established by the Williamson County Conservation Foundation to review data on a regular basis and make recommendations for specific changes in management directions related to the federal standards for occupied sites. The Adaptive Management Working Group duties include, but are not limited to, development of an annual report regarding the preservation of the Georgetown Salamander, continuous monitoring of the Georgetown Salamander, assessment of research priorities, adaptive management of preservation of the Georgetown Salamander and the effectiveness of achieving the above objectives. The City Manager will appoint two City employees with appropriate technical expertise in the fields of planning and development and system engineering as members to the Adaptive Management Working Group. The efforts of the Adaptive Management Working Group will be led by the Williamson County Conservation Foundation staff.

Chapter 14. Pedestrian and Vehicle Circulation

Section 14.01. General

14.01.010. Purpose

An integrated and interconnected vehicle, pedestrian, and bicycle transportation network is essential for the effective and reliable movement of people and goods. The standards in this chapter ensure that streets function in an interdependent manner, provide for accessibility and walkability, plan for emergency services, and provide continuous and logical transportation routes. Streets shall be planned and constructed so that their arrangement, size, character, and design are considered in relation to streets, topography, public safety and convenience, and an appropriate relationship with the built environment. The City's Future Mobility Plan shall guide the location, cross section, and functionality of the transportation network.

14.01.020. Authority

The provisions of chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212, and the City Charter.

14.01.030. Applicability

A. The standards of chapter apply to development within the corporate limits and Extraterritorial Jurisdiction (ETJ) of the City of Georgetown.

B. No subdivision, Site Development Plan or Stormwater Permit shall be approved until conformance to the standards of this Code is demonstrated.

C. All required transportation improvements shall be designed in accordance with this Code and as detailed in the adopted Construction Specifications and Standards Manual ("Construction Manual"), as amended, or any other adopted construction standards provided by the Development Engineer. When the standards of this Code and the Construction Manual conflict, the more stringent provision shall apply.

14.01.040. Subdivision Waiver

A Subdivision Waiver, pursuant to **Section 3.16** of this Code, may be requested to the provisions of this chapter except **Section 14.06**, Design and Technical Standards,Section 14.07 **Section 14.07,** Pedestrian and Bicycle Mobility, and **Section 14.09**, Traffic Impact Analysis.

Section 14.02. Future Mobility Plan Thoroughfares

14.02.010. Future Mobility Plan Goals

Regional thoroughfares provide linkages within the community and throughout the region. The City's Comprehensive Plan includes a Future Mobility Plan that is developed in conjunction with the Capital Area Metropolitan Planning Organization's (CAMPO) long-range plan. Goals from the Future Mobility Plan include:

A. Improve the local street system, including new thoroughfare linkages to enhance connectivity, improved and coordinated traffic signalization, and access management standards.

B. Provide a functional, integrated, multi-modal transportation system with a variety of choices.

C. Reduce reliance on single-occupant automobile traffic and enhance bicycle and pedestrian mobility and accessibility by encouraging compact land use development.

D. Provide for a high degree of safety for motorists, transit users, pedestrians and bicyclists.

E. Discourage primary traffic routing through local streets.

F. Preserve right-of-way for roadway development and expansion.

14.02.020. General

The precise alignment of thoroughfares included in the Future Mobility Plan may be varied to allow for locational adjustments that would increase the compatibility of the right-of-way with natural or constructed features such as steep slopes, waterways, wildlife habitats, historic structures, existing development, or existing streets. In unique circumstances, at the discretion of the Director, the amount of right-of-way expansion may be reduced to accommodate natural or constructed features such as steep slopes, waterways, wildlife habitats, historic structures, or existing development. Thoroughfares located in the Downtown Overlay District and constrained by historical patterns of development may be considered on a case-by-case basis by the Director and may not conform to the ultimate street sections identified in **Table 14.02.040-1**. Reduction in right-of-way expansion or changes to the ultimate street sections identified in **Table 14.02.040-1** shall not be construed to reduce any Transportation Impact Fees dues, as required in **Chapter 12.46** of the Code of Ordinances

14.02.030. Developer Responsibilities

It is necessary and desirable to obtain right-of-way for the public street network to support the needs of the community. Developers share the responsibility of providing adequate streets through compliance with the minimum standards governing internal and perimeter streets, and the requirement of the Transportation Impact Fee in **Chapter 12.46** of the Code of Ordinances if within the service area boundaries pursuant to **Section 12.46.060** of the Code of Ordinances. The developer shall be responsible for the dedication and improvement of internal and adjacent Future Mobility Plan thoroughfares in accordance with the standards of the street classifications described in this Section. The requirement for dedication and improvement of internal and adjacent thoroughfares does not reduce the requirement for payment of a Transportation Impact Fee, except for when such improvements qualify for and are recorded as a credit in a credit agreement pursuant to the requirements of Section 12.46.120 of the Code of Ordinances. The developer is responsible for all costs of materials, design, and construction of the public improvements required by this Code.

A. The continuation of all existing streets and those included in the Future Mobility Plan, approved plat, concept plan, or other City-approved document depicting a planned street shall be provided by the developer.

B. Minimum right-of-way standards shall be in accordance with **Table 14.02.040-1**. If the thoroughfare is a boundary street, one-half of the balance between the street's existing right-of-way and the street/intersection right-of way required shall be required per **Table 14.02.040-1**. Where the thoroughfare is internal to the property, the full section of right-of-way shall be required.

C. Improvements to Future Mobility Plan streets, in accordance with **Subsection 14.06.100**., shall be the responsibility of the developer unless otherwise provided. A developer is not responsible for construction of any bridge structure at the boundary of the subdivision if the bridging of such a street does not immediately connect to the network. A contribution towards the future construction of the bridge may be required, as determined by a Traffic Impact Analysis, if the cumulative requirement to build the bridge and other transportation requirements of this Code exceed the approximation of the roughly proportionate impact of the development..

D. There must be a rough proportionality between the traffic impacts created by a new development and the associated mitigation requirements. The cumulative transportation requirements of a development as a condition of development approval may not exceed the roughly proportionate impact of the development. The

approximation of the roughly proportionate impact of a development are established as the "maximum assessable transportation impact fee" per Section 12.46.040 of the Code of Ordinances. When a development is phased, the proportionality of requirements shall be assessed on the cumulative impacts of all phases of development.

14.02.040. Future Mobility Plan

The following table provides general standards for typical regional transportation facilities. All rights-of-way listed in the table are minimum dimensions, and additional right-of-way and/or easements may be required by the Development Engineer due to drainage, utilities, or construction necessity. Street width dimensions are measured from back-of-curb to back-of-curb and include travel lanes, bicycle lanes, and curb and gutter. Landscape lots and commercial signage are prohibited within any part of the right-of-way of a Future Mobility Plan street or trail. Full dimensional cross-sections for each street classification and corridor-specific alternatives can be found in the Future Mobility Plan. Utility assignments can be found within the Construction Manual.

Table 14.02.040-1. Future Mobility Plan Street and Trail Standards

	Regional Trail	Major Collector	Minor Arterial	Major Arterial	Freeway
Average Daily Trip (ADT) Projected Range	—	2,501 - 12,500	12,501 - 24,000	24,001+	2,000*
Design Speed (mph)[1]	—	35	40	45	75
Right-of-way (min. feet)	20	94	110	135	350
Right-of-way at intersections (min. feet)[2]	—	94	134	159	350
Travel Lanes (number of)	—	4	4	6	10
Travel Lane Width (feet)[4]	—	11	11	11	12
Bicycle Lanes (feet)[3]	—	3	3	3	3
Street Width total (feet)[5]	10	60	66	90	164
Median Width (min. feet)[4]	—	12	14	16	16
Parking	—	Prohibited	Prohibited	Prohibited	Prohibited
Shared-Use Path/Sidepaths (min. feet)	10	10	10	10	10
Sidepath clear zone (min. feet)	TxDOT Design Manual	TxDOT Design Manual	TxDOT Design Manual	TxDOT Design Manual	TxDOT Design Manual
Public Utility Easement (min. feet)	—	15	15	15	15

Table Notes

1. Design and geometry of all streets, including speed adjustments, can be found in **Section 14.06**.

2. Right-of-way at intersections for Arterial streets is increased according to the table for a distance of 200 feet from the right-of-way of the intersecting street, or as required based on the findings of turn lane requirements in a Traffic Impact Analysis or driveway analysis to serve development.

3. Bicycle lanes are to be combined with sidewalks into a sidepath. The Clear Zone shall meet the TxDOT Design Manual.

4. The City may consider alternative striping on all comprehensive plan roadways to allow for narrower lane widths, etc., whether in an interim or permanent situation. In the event that the City adopts a specific street corridor design or overlay that differs from the design standards in **Section 14.02** and **Section 14.03**, any approved cross-section(s) associated with that street can be found in the Future Mobility Plan.

5. Street width does not include median width.

*2,000 passenger cars per hour per lane

Section 14.03. Local and Neighborhood Streets

The neighborhood street network shall form an organized, connected pattern that defines the community both functionally and visually. When possible, streets should be designed to respect natural features and topography to reduce grading, promote pedestrian movement, and minimize crossing of open space. In addition, streets should generally be short in length, include cross-street access, and incorporate traffic-calming design elements to promote safety and discourage speeding. Local and neighborhood streets serve both residential and non-residential uses.

14.03.010. Developer Responsibilities

The developer shall be responsible for the dedication and improvement of all local and neighborhood streets in accordance with the standards of the street classifications described in the following section. Where existing right-of-way does not meet the minimum standards, right-of-way shall be dedicated to meet the minimum requirement. The developer shall provide for the continuation of all existing streets and those included in the Future Mobility Plan, approved plat, concept plan, or other City-approved document depicting a planned street. The developer is responsible for all costs of materials, design, and construction of the public improvements required by this Code. Improvements that do not meet the definition of “system facility” as defined in Section 12.46.040 of the Code of Ordinances shall not be eligible for credits toward Transportation Impact Fees.

14.03.020. Public and Private Streets

All newly created streets shall be constructed to local street standards. Private streets shall include a street maintenance agreement, in a form acceptable to the City, tied to the approved Final Plat. Alleys shall be privately owned and maintained. All subdivisions, regardless of the use of a public or private street, shall meet the street network requirements of **Section 14.05.010**.

14.03.030. Local and Neighborhood Streets

The following table provides general standards for local and neighborhood streets. Average Daily Trips (ADT) are utilized as a planning tool for a projected development, while Level of Service (LOS) is used as a measurement of functioning roadway adequacy once the street is in operation. The minimum standard of design for any street is LOS (C) at peak hour. All rights-of-way listed in the table are minimum dimensions and additional right-of-way and/or easements may be required by the Development Engineer due to drainage, utilities, or construction necessity. Street

width dimensions are measured from back-of-curb to back-of-curb and include travel lanes, parking lanes, and curb and gutter. Full dimensional cross-sections for each street classification can be found in the Future Mobility Plan and utility assignments can be found within the Construction Manual.

Table 14.03.030-1. Local and Neighborhood Street Standards

	Alley	Residential Lane	Local Street	Local Street—Tree (alt.)	Local Street—Rural/ Estate	Local Street—Downtown	Residential Collector	Neighbor-hood Collector
Average Daily Trip (ADT) Projected Range	—-	1—800	1—800	1—800	1—800	N/A	801—1,400	801—2,500
Design Speed (mph)	—-	30	30	30	25	30	30	35
Right-of-way (min. feet)	20 (private)	40	50	52-62	50	60	68	68
Street Width Total (feet)	15	22	36[1]	36	26	38	38	38
Parking	Prohibited	Limited[2]	2 Sides	2 Sides	1 Side	2 Sides	2 Sides	Prohibited
Sidewalks and Sidepaths (min. feet)	—	5	5	5	—	6—10[3]	10	10
Sidewalk and Sidepath clear zone (min. feet)	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]
Driveways Permitted	Yes	No	Yes	Yes	Yes	Yes	Limited[5]	No[6]
Intersection Spacing (max. feet)	1,500	1,320	1,320	1,320	1,320	N/A	1,320	2,000
Public Utility Easement (min. feet)	—-	10	10	10	10	10	10	10

Table Notes

1. Local Streets require curb type, in accordance with **Subsection 14.06.040.B**.

2. Residential Lanes require companion alleys to provide access to the lots fronting on the lane. Cut-out parallel parking for temporary loading and visitor parking is allowed with additional right-of-way.

3. Sidewalks in the Downtown Overlay shall follow width, materials, and standards in **Subsection 14.04.030.B**.

4. Sidewalk clear zone (separation from curb) varies by the size of tree wells described in **Chapter 8**. Sidepath clear minimum 5 feet from face of curb.

5. Residential Collectors are subject to the driveway separation requirements pursuant to **Section 14.08**.

6. Neighborhood Collectors shall not have residential lots fronting on the street, nor permitted access to residential lots. Only access to parkland, amenity centers, or common areas is permitted.

Section 14.04. Alternative Streets

Alternative street designs may be warranted at times when streets are located in areas that call for contextual solutions based on density, land use, and pedestrian environment.

14.04.010. Residential Rural Estate Streets

Local Streets within a Residential Rural/Estate subdivision may be constructed to a 26-foot street width. Within the City's designated fire service area, on-street parking is restricted in accordance with the adopted fire code. Rural/Estate streets located in the ETJ may be designed to 25 mph speeds and constructed with a ribbon curb to allow for sheet flow or open-ditch stormwater drainage. Rural/Estate Streets in the ETJ require a stop condition every 1,500 feet, which includes, but is not limited to, a stop or yield sign, roundabout, or other approved traffic-calming measure.

14.04.020. Local Street—Street Tree Alternative

Street trees are permitted in a street right-of-way only when planted in a street right-of-way approved for street trees. All other trees planted along streets shall be located in the front yard of the lot. Trees approved for designated street rights-of-way shall be planted within a parkway strip that is sized and equipped with designated root barrier treatments in accordance with **Section 14.06**. The required right-of-way and street width will not be reduced for Street Tree Alternatives.

14.04.030. Downtown Overlay District Streets

All streets and sidewalks located within the Downtown Overlay District shall comply with the Downtown Master Plan, as amended. Within the Downtown Overlay District, the developer shall be responsible for the dedication of one-half of the remaining right-of-way and construction of landscaping, sidewalks, lighting and other features of the Downtown Master Plan, where such improvements are non-existent or in need of re-construction. If a development is approved for parking to be located within the right-of-way, the developer shall be responsible for any necessary paving and/or intersection improvements to conform to the standards of **Subsection A**. below.

The Director may consider a lesser right-of-way and/or street design when existing structures, trees, or other objects preclude the expansion to the minimum right-of-way. In such instance, the Director may consider reduced lanes, alternative on-street parking configurations, or other alternative design.

A. Street Standards

1. All local streets located within the Downtown Overlay District shall meet the minimum right-of-way and pavement widths in **Table 14.03.030-1**. Downtown Local Streets shall be designed with parallel parking inset by intersection bulb-outs on each side of the street and one travel lane in each direction.
2. Streets uniquely identified within the Downtown Master Plan shall be dedicated and constructed according to the cross-section in the Downtown Master Plan.
3. Intersection crosswalks shall be constructed, at a minimum, as Type B crosswalks, as depicted in the Future Mobility Plan. Street lighting shall be in accordance with **Section 14.06** of this Code.

B. Sidewalks and Trees

1. Sidewalks located within the Downtown Overlay District shall be at least 6 feet wide and constructed according to the design standards of a Level III Sidewalk, as described in the Downtown Master Plan and depicted in the Construction Manual. Level III sidewalks shall include a 4-foot vegetated strip between the

curb and sidewalk when not adjacent to head-in or angled street parking. If a sidewalk is identified in the Downtown Master Plan as a Level I or II sidewalk, it shall be constructed accordingly.

2. Street Trees shall be required at a general spacing of 40 feet for Shade Trees and 20 feet for Ornamental Trees. The Director may consider alternative spacing, species, and location based on existing conditions. Shade Trees shall be planted in a parkway strip or tree well that is sized and equipped with underground root barrier treatments in accordance with **Section 14.06**. Approved Ornamental Trees shall not require root barrier treatments.

Section 14.05. Subdivision and Street Design

To further the goals of the Future Mobility Plan of an interconnected street network, new streets shall be integrated into existing and planned streets. New subdivisions shall account for primary and secondary entry points into a subdivision, connect to streets stubbed from adjacent properties, and provide for a neighborhood street layout focused on the safety of vehicles, bicycles, and pedestrians. Street network connections shall be made based on the number of proposed residential or commercial lots/units, the size and configuration of the land, and the type of streets constructed. Connection locations shall be depicted on the Preliminary Plat, concept plan, if applicable, and any associated phasing plans, and shall conform to the standards detailed below.

14.05.010. Street Network Connections

A. Connections to Major Streets

All non-residential and residential lots and multi-family complexes shall have direct or indirect access to an existing major street, defined as a Major Collector, Minor Arterial and Major Arterial. **Table 14.05.010-1** is used to determine how many connections to an existing major street(s) are required, based on the number of lots or units. For the purposes of this section, lots and multi-family units are interchangeable for determining connections to existing major streets.

Table 14.05.010-1. Required Connections to Existing Major Streets

Minimum Lots/Units	Connections to Existing Major Streets
1-29	1
30-99	1+ Fire Code access
100-499	2
500+	3

If a subdivision or multi-family development does not directly connect to an existing major street, the number of connections can be satisfied through existing local streets as long as there are enough distinct, continuous routes to a major street through adjacent development to meet the requirements. In that situation, the number of lots in the table shall encompass the total accumulated number of lots or units sharing the street connections to the major street(s), regardless of subdivision boundary.

B. Street Network Connections Required

A proposed subdivision or development shall provide connections to the public street network in accordance with **Table 14.05.010-2**, through either existing streets or by future street stubs to an adjacent property. The minimum connections in **Table 14.05.010-2** may be increased by further requirements in this section, such as intersection spacing and street connectivity ratio. For the purposes of this section, lots and multi-family units are interchangeable for determining connections to existing major streets.

Table 14.05.010-2. Required Connections to Existing or Future Streets

Minimum Lots/Units	Minimum Connections to Existing or Future Streets
5	2
80	3
150	4
200	5
300	6
500	7

C. Additional Street Connection Requirements

1. All existing streets in adjoining areas shall be connected and continued into the new subdivision in alignment therewith, regardless of the number of street connections required. Practical downsizing or upsizing of street widths, speeds, and design will be reviewed and permitted at the discretion of the Development Engineer based on volumes in Tables 14.02.040-1 and 14.03.030-1.
2. Whenever existing or future street connections are required, the right-of-way shall be extended and all public improvements constructed to the property line boundary.
3. The Director can require that a proposed future street connection be shifted to a more suitable location in order to minimize block length, discourage cut-through traffic, align compatible uses, preserve trees, prevent reserve strips, and increase the likelihood of ultimate connection.
4. All Major Collector-designated streets and higher classifications shall connect or stub on both ends to an existing or planned collector or higher-level street. All other collectors should generally connect to another collector although, on a case-by-case basis, exceptions can be considered through an Administrative Exception.
5. A street stub cannot be used as the basis of lot frontage and/or access for an adjoining lot. Street stubs are intended only to continue through such property.
6. Streets that are planned to extend in the future shall be constructed with temporary turn-arounds when the street stub exceeds 150 feet in length and shall be depicted on the plat as a temporary easement. The following note shall be placed on the plat: "Crosshatched area is a temporary easement for turn-around until street is extended." Temporary dead-end streets shall not exceed 500 feet. Reserve strips at the end of streets are prohibited.
7. All street network connections shall be provided prior to the final phase of development.
8. A platted residential lot or portion thereof may not be used as a means to connect a proposed street to an existing street or cul-de-sac in order to satisfy the requirements of this section if the existing street was not intended to connect to the adjacent land.
9. In addition to the minimum street network connection requirements, intersection spacing and connectivity provisions in **Section 14.05.020** may increase the total connections required.

D. Street Connection Credits

Credits toward the minimum number of street connections are applicable only after the second existing street connection has been satisfied. A Neighborhood Collector counts as two local street connections and a Major Collector or higher-classification street counts as three local street connections, whether they are constructed as either an existing or future street connection.

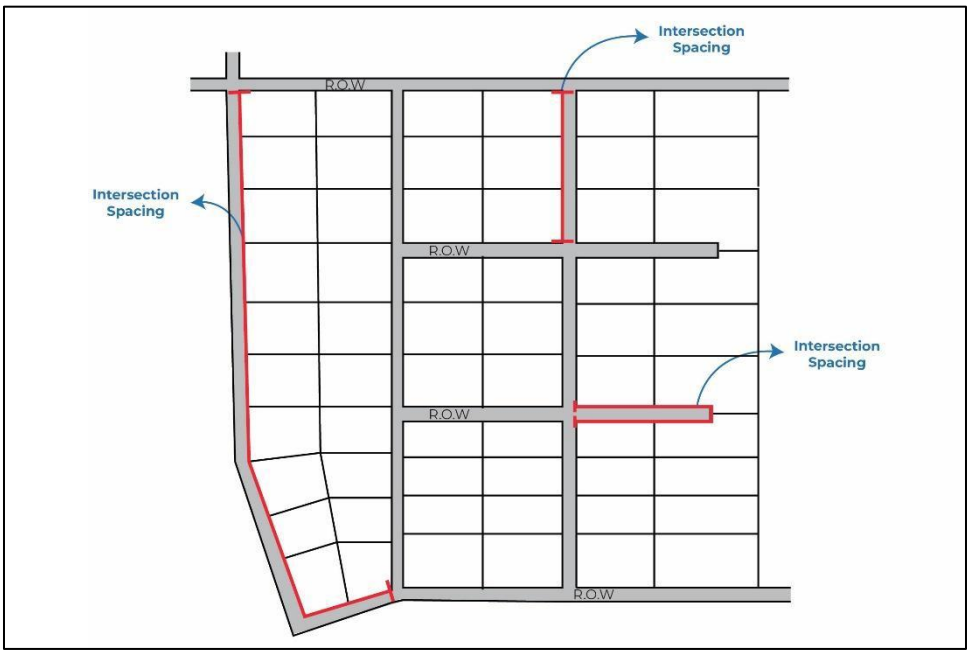
14.05.020. Streets and Blocks

A. Intersection Spacing

Intersection spacing shall not exceed the lengths specified in **Table 14.03.030-1** and adhere to the following measurement and calculation standards:

1. Intersection spacing shall apply independently to each side of a street and shall be measured independently on each side of a street along the right of way boundary to the centerlines of two through-streets, both on the same side of the street segment to be measured.
2. Cul-de-sac and other non-through-streets do not apply as an intersection when measuring length of spacing. Measurement will continue along the right-of-way boundary inclusive of non-through-street right-of-way.
3. Intersection spacing shall apply beyond each individual subdivision and measurements shall be continued into the adjacent subdivision.
4. Intersection spacing requirements do not apply to Major Collector and higher-classification streets.

Figure 14.05.020-14.05.02-1. Intersection Spacing Measurement Diagram



B. Mid-Block Pedestrian Connection

Where intersection spacing is 1,000 feet or greater in length, a minimum 15-foot-wide pass-through lot shall be required near the mid-point of the block. The length between each pass through lot or intersection shall be one-half to one-fourth of the maximum intersection spacing length shown in **Table 14.03.030-1**. The pass-through lot shall connect on both ends to a public street and shall be owned and maintained by a designated property owners association or similar entity. Within the lot, a minimum 6-foot-wide sidewalk shall be constructed in an access easement and connect on either end to public sidewalks. The Director may approve an Administrative Exception, pursuant to **Section 3.14** of this Code, if it is determined that the pass-through lot would tie into an existing development where a pedestrian connection would not be possible.

C. Culs-de-sac

A residential cul-de-sac shall not exceed 20 total lots or 500 feet in length, whichever is less. A cul-de-sac exceeding 15 lots shall provide pedestrian access from the end of the cul-de-sac through to the nearest public

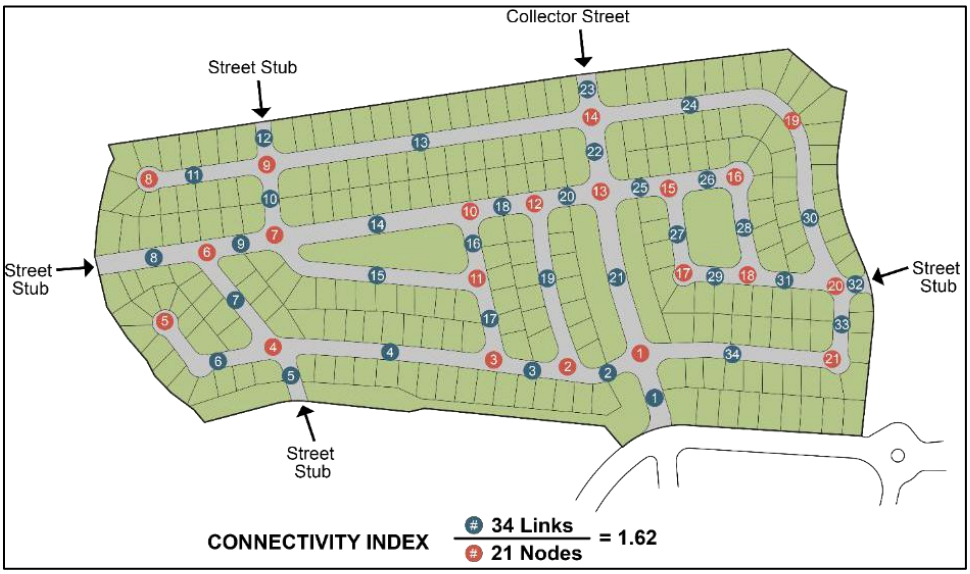
street, public school, sidewalk or trail, provided that such connection is located within the same subdivision. A pass-through lot containing a minimum 6-foot sidewalk in a public access easement shall connect on both ends to a public street and shall be owned and maintained by a property owner's association. A residential cul-de-sac is permitted only within a subdivision that has more than one public street connection and shall not take access off of an arterial street.

D. Street Connectivity

The street network for any new subdivision with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.20. A Connectivity Ratio is achieved by taking the number of street links divided by the number of nodes or end links, including cul-de-sac heads. A node is the terminus of a street or the intersection of two or more streets. A link is any portion of a street defined by a node at each end or at one end. Streets intersecting to an external collector or arterial street are not considered nodes but are considered links. Street stubs to an adjacent property are considered links, but alley intersections are not.

The adjacent graphic and sample calculation shows how the street connectivity ratio for a subdivision shall be calculated.

Figure 14.05.020-14.05.02-2. Street Connectivity Index



14.05.030. Inter-Parcel Connectivity

All new non-residential development, regardless of Zoning District, that requires a Site Development Plan and/or Stormwater Permit that require off-street parking and driveways shall provide driveway connections to adjacent non-residential zoned or developed properties or properties within the ETJ with a non-residential Future Land Use designation, parallel to any street fronting the development, whether such property is developed or undeveloped. Access Easements shall be provided where necessary to achieve such a connection. The Director may consider the following through an Administrative Exception:

A. Adjust connection locations and consider alternative connections where practical.

B. Remove the requirement for inter-parcel connectivity when determined by the Director connectivity is not feasible or desirable from a community perspective.

C. If denied by the Director, the applicant may apply for a Subdivision Waiver.

14.05.040. Exceptions

Exceptions to the requirements of **Section 14.05** may be considered by Administrative Exception, Subdivision Waiver, or by the abandonment of a right-of-way, in compliance with this Code and the City's Municipal Code.

A. Administrative Exception

The Director may consider an Administrative Exception during subdivision plat or site plan review for the following situations only: If a natural or constructed barrier such as a highway, railroad, floodplain, or severe topography would hinder the possibility of connection. The administrative exception shall not apply to meeting the minimum connections to an existing major street, as specified in **Table 14.05.010-1**. All other exceptions shall be processed as a Subdivision Waiver or Street Abandonment.

B. Subdivision Waiver

A Subdivision Waiver pursuant to **Section 3.16** can be considered for proposed and required street connections. The applicant shall demonstrate that all other administrative options have been exhausted. The following are eligible for Subdivision Waiver consideration:

1. Number of required connections, type of street connection, land use compatibility, or location.
2. A local street that would connect a commercial/industrial development to a residential development. In such instance, the applicant that is required or is proposing to make such a connection is eligible to apply for the Subdivision Waiver and must ensure that removal of such a connection does not cause detrimental effects to the streets in the adjacent subdivision.
3. A connection that would cause an existing local street to exceed the Average Daily Trip (ADT) projection specified in **Table 14.03.030-1** and cause the Level of Service (LOS) on the existing street to fall to Level "D" or worse, as determined through a Traffic Impact Analysis (TIA). The variance should be considered when efforts to re-route traffic, alter street classifications, or consider alternative connections have been exhausted.
4. When the director has denied an administrative exception for interparcel connectivity.

C. Street Abandonment

If not otherwise eligible for a Subdivision Waiver or exception provided for in this section, a City-approved public street or street stub that is proposed by any party to be closed, disconnected or never connected to another public street shall be submitted to the City Council for consideration of abandonment, following the procedures in the City's Municipal Code. No public street, right-of-way, or street approved by a plat shall be abandoned by the City or county if not in accordance with this Code. The City and county will collectively determine whether to abandon the portion of a public street that exists or is planned to be in both jurisdictions.

Section 14.06. Design and Technical Standards

Streets shall be designed in accordance with the design speed standards established in this chapter in conjunction with the *American Association of State Highway and Transportation Officials (AASHTO) Manual*, as amended. When listed in this section, the published standard shall apply. When this section is silent, the *AASHTO* standard shall apply.

14.06.010. Street Curves and Geometry

A. Vertical curves shall be designed in accordance with AASHTO standards.

B. Horizontal curves shall be separated by a minimum tangent of 100 feet for Future Mobility Plan Streets and 50 feet for all other streets.

C. Reverse curves shall be separated by a minimum tangent of 100 feet. Super-elevated curves shall not be allowed.

D. Horizontal tangents approaching an intersection shall be a minimum of 50 feet in depth.

E. Street landings shall be a minimum of 30 feet in depth with a grade of less than 2% approaching an intersection.

F. Grade breaks shall not exceed 1% without a vertical curve.

G. Longitudinal grade shall be a minimum of 0.5% for streets using a curb and gutter drainage system. Maximum grade shall conform to *AASHTO* criteria for all Future Mobility Plan Streets and shall not exceed 15% for all other streets.

H. Roundabouts and traffic circles shall be designed to accommodate emergency service vehicles and buses. Encouraged on local streets, roundabouts shall require approval by the Development Engineer for a collector-level street or higher classification. The Development Engineer shall require a license agreement from the developer to establish the developer's responsibility for the maintenance of landscaping or any art that is installed in the roundabout.

I. Traffic calming measures shall be implemented at each intersection along local and neighborhood collector streets, measuring 22 feet from curb-face to curb-face, consistent with the Engineering Design Manual. For local streets with block lengths exceeding 500 feet, a minimum of one traffic calming device shall be installed within each block, with placement at intervals not exceeding 500 feet from the nearest intersection. The Development Engineer reserves the authority to approve deviations from the 500-foot spacing requirement based on site-specific conditions.

   1. Horizontally deflecting traffic calming measures include curb extensions/bulb-outs/chokers, chicanes, raised median islands, traffic circles, and roundabouts.

   2. Culs-de-sac or streets that will not be extended within future development may be considered as qualifying traffic calming elements.

   3. Ninety-degree knuckles may be considered as qualifying traffic calming elements.

J. Collectors shall generally follow a direct path and shall not turn in a perpendicular manner after a stop or 90 degree bend, nor shall a collector end in a cul-de-sac or other permanent turn-around.

K. Exceptions to these standards, in addition to the design speeds for streets may be considered by the Development Engineer on a case-by-case basis. Approved design speeds differing from the statutory prima facie speed limits shall require signage in accordance with the Texas Manual on Uniform Control Devices.

14.06.020. Intersection Alignment

A. All streets shall intersect at a 90-degree angle. Deviations up to 10 degrees may be considered by the Development Engineer on a case-by-case basis where existing conditions will not permit.

B. New streets and driveways intersecting a street across from existing street or driveway shall be aligned with the existing street or driveway on center line with dimensions and bearings to show relationship. In unique circumstances where the Development Engineer determines that precise alignment of driveways, Local Streets, or Residential Collectors is impossible due to natural features or other unique elements of the land, such off-sets may be included provided the distance between center lines is not less than 125 feet.

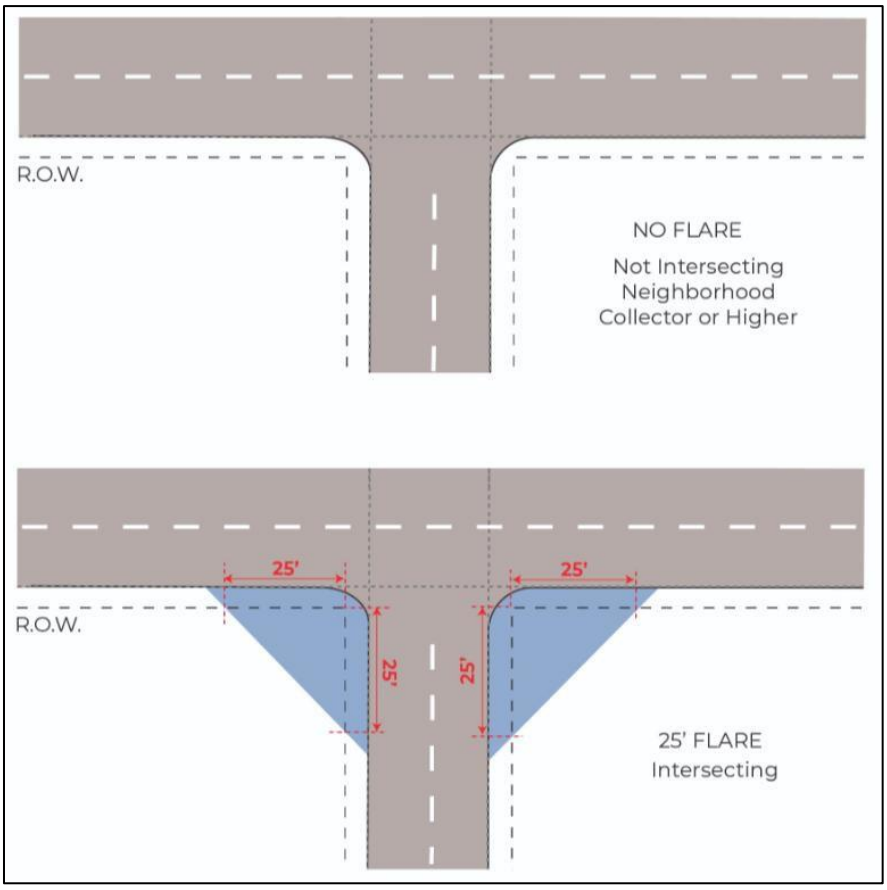
14.06.030. Turning Radius

A. Local street intersections with another local street shall include a minimum curb radius of 25 feet. All collector street intersections with both local streets and other collectors shall include a minimum curb radius of 25 feet. All arterial street intersections with any type of street shall include a minimum curb radius of 30 feet.

B. Cul-de-sac streets shall have a minimum 60-foot right-of-way and a 50-foot paved radius for single- and two-family uses, and 70-foot right-of-way and 60-foot paved radius for all other uses. Culs-de-sac shall include a 25-foot inside, 50-foot outside turning radius. Culs-de-sac, hammerheads, and all other turn-around alternatives shall meet the standards provided in the adopted Fire Code.

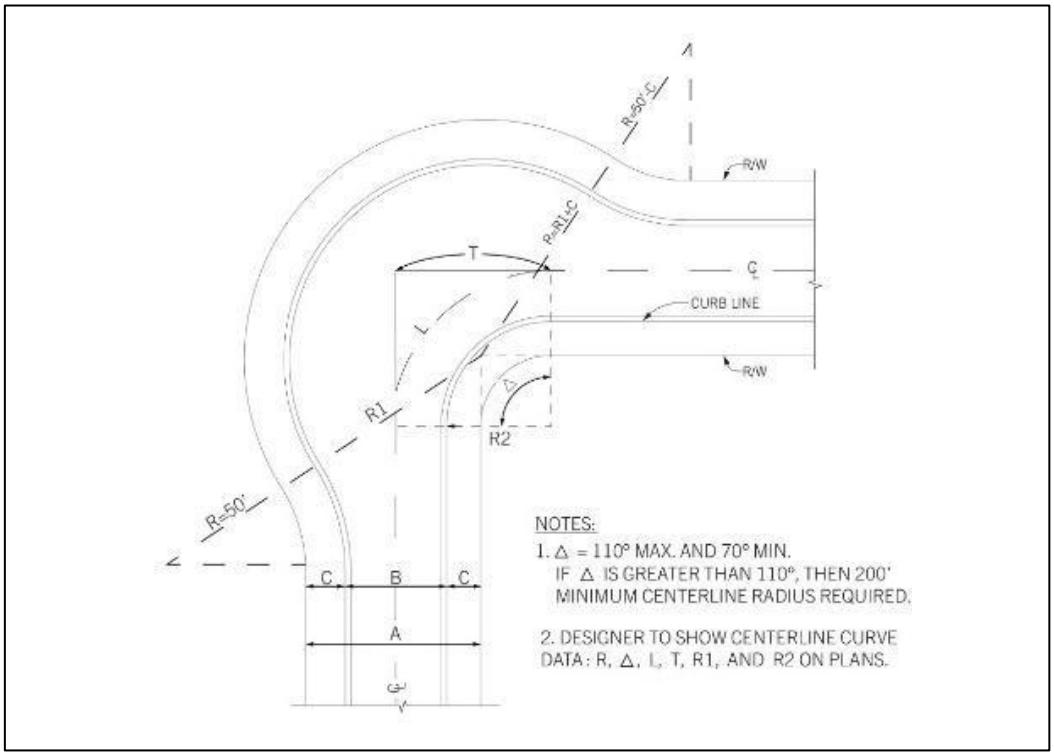
C. Street intersections containing one or more Neighborhood Collector and higher-classification streets shall include 25-foot right-of-way flares, as shown in **Figure 14.06.030-14.06.03-1. Street Intersection Right-of-Way Flares**. The 25 feet is measured along the tangents from the point of intersection of the two right-of-way lines.

Figure 14.06.030-14.06.03-1. Street Intersection Right-of-Way Flares



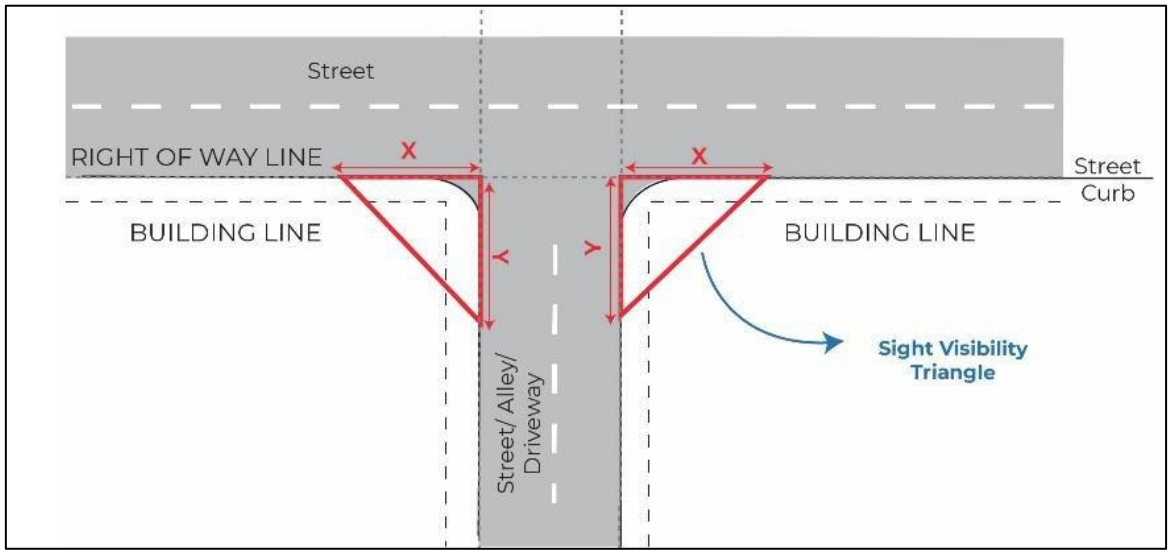
D. Knuckles shall have a minimum of minimum 60-foot right-of-way and a 50-foot paved radius for single- and two-family uses, and 70-foot right-of-way and 60-foot paved radius for all other uses. Knuckles shall include a 25-foot inside, 50-foot outside turning radius.

Figure 14.06.030-14.06.03-2. Knuckles



14.06.040. Intersection Visibility and Sight Triangle

Figure 14.06.040-14.06.04-1. Sight Triangle



1. Intersection Visibility and Sight Triangles shall be provided and maintained per AASHTO design standards.

2. For a street not containing the 25-foot right-of-way flare, a sight triangle visibility easement shall be established at all street intersections to ensure street visibility. This area shall measure 25 feet along the right-of-way in each direction from the projected intersection (shown as "x" and "y" in the graphic). At the intersection of two local streets, however, the sight triangle can be measured from the back of the curb or, where no curbs are in existence, the edge of the pavement. Where the right-of-way/curb curves at the intersection, the tangents at the points of beginning for the corner curve shall be projected to determine the origination of the sides of the sight triangle. The Development Engineer may require a larger easement if required by AASHTO or to provide adequate visibility due to unique site constraints.
3. Within the sight triangle, no construction, planting, grading or other natural or manmade object, including signs and human advertising, that interferes with street visibility shall be permitted between the heights of 3 and 8 feet, measured from the crown of the street, except as approved by the Development Engineer.
4. The Development Engineer has the authority to extend the sight triangle based on speeds, pedestrian facilities, and location of the painted stop bar at the intersecting street.

   Furthermore, the Development Engineer may make a determination that objects interfering with street visibility shall be removed or otherwise altered to restore visibility.

B. Street Curbs

1. Approved street curb types are vertical, mountable, and ribbon curbs. Each curb type shall be appropriate for the street classification, speed, drainage collection and meet the requirements of this chapter. All curbs, gutters, and inlets shall be designed and constructed in accordance with the Construction Manual.
2. Comprehensive Plan Streets, Neighborhood Collectors, and any street within a Residential Rural/Estate Subdivision may include ribbon curbs with approved drainage plans. All other streets shall be constructed with mountable or vertical curbs unless approved by the Development Engineer.
3. Local Streets and Residential Collectors may be constructed with either a mountable curb or vertical curb. Local Street cross-sections shall be in accordance with **Table 14.03.030-1**.
4. Mountable and ribbon curbs require a clear zone safety separation between sidewalks and sidepaths, in accordance with **Section 14.07**.
5. Curb Basis for all streets shall be a minimum of 9 feet, measured from the back-of-curb to the right-of-way line, to ensure that utilities, grading and drainage can be adequately provided. Unless otherwise specified, the adjacent property owner is responsible for maintenance of all pervious surface within this area, including grass, landscaping, trees, etc. per City Code Section 8.20.100. Encroachments into the right-of-way such as trees, landscaping, signage, and irrigation shall require a License to Encroach unless specified by plat or maintenance agreement.

C. Street Lights

1. Street lights shall be provided and installed by the subdivider on all public and private streets located at intervals not exceeding 300 feet, at all street intersections, and at the terminus of a cul-de-sac, except as otherwise specified herein. Subdivision of lots that do not require new streets shall also provide street lights along existing streets if street lights are non-existent. The lighting type, size of luminaire, mounting poles, location, and installation procedures shall be determined by the City's Electrical Engineer or designee, in accordance with the standards in the Construction Manual.
2. In a Residential Rural/Estate Subdivision, installation of street lights shall only be required at the entrances to the subdivision. The subdivider shall be responsible for the installation and capping of electrical conduits at all street intersections and cul-de-sacs within the subdivision so as to allow for future installation of street lights. Elevated metering transmission structures may be required within the subdivision to transmit utility meter readings.

3. In the Downtown Overlay District, street lights shall be provided using either the antique lighting or standard light poles, powder-coated and painted "Georgetown Green" in accordance with the Downtown Master Plan and the Construction Manual.

14.06.050. Mailbox Kiosks

A. Communal mailbox kiosks facing a public street shall be provided direct pedestrian access from the public sidewalk or sidepath, be set back from the public sidewalk or sidepath so as not to impede the walkway, and provide either two parallel parking spaces or a temporary loading zone that adequately accommodates two vehicles.

B. For residential developments, the mailbox kiosk shall be set back at least 500 feet from the right-of-way of a Major Street. For nonresidential and mixed-use developments, the mailbox kiosk must be located to avoid impairing visibility or safety of vehicular or pedestrian traffic.

C. The right-of-way for the adjacent public street shall be sized appropriately for such features.

14.06.060. Construction Entrances

Construction entrance/exit locations must be specified for all subdivision development. Construction traffic for subdivision public improvements shall not be routed through adjacent neighborhood streets except on rare occasions at the approval of the Development Engineer.

14.06.070. Street Naming

A. Streets shall be named according to the City's Addressing and Naming Policy.

B. Streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names within the county.

C. Driveways or approved private streets serving more than one internal lot that connect to an Arterial street shall be named and signed according to the City's Addressing and Street Naming Policy.

14.06.080. Deceleration and Left-Turn Lanes

A. Any development proposing a new driveway or street connection to a major roadway within the city limits, as listed in **Section 14.02.040** shall be required to construct a deceleration and left-turn lane at the point of connection. In cases where the proposed development does not directly connect to a major roadway listed in **Section 14.02.040**, and the added trips is 50 or greater during peak hour, a deceleration lane and a left-turn lane shall be required at the nearest intersection with the major roadway.

   1. For developments not connecting to city limits or right-of-way, the requirement, design, and installation shall conform to the requirements outlined in the *TxDOT Access Management Manual* and *TxDOT Roadway Design Manual (TxDOT Standards)*. In cases where the proposed development does not directly connect to a major roadway listed in **Section 14.02.040**, and the added trips are 50 or greater during peak hour within the city limits or right-of-way, a deceleration lane and a left-turn lane shall be required at the intersection with the nearest major roadway within the City.

B. Deceleration and left-turn lanes shall meet *TxDOT Roadway Design Manual* requirements.

C. The Development Engineer may modify length for deceleration lane that cannot meet TxDOT standards due to site constraints.

14.06.090. School Zone

A. Any development that includes a public or private school shall be required to design and construct a designated school zone to ensure the safety of students, pedestrians, and other roadway users.

B. The school zone shall include, at a minimum:

1. School zone signage consistent with the *Texas Manual on Uniform Traffic Control Devices (TMUTCD)*;
2. Flashing beacons, if warranted by a traffic engineering study;
3. Reduced speed limits during designated school hours, subject to approval by the City;
4. High-visibility crosswalks and ADA-compliant curb ramps;
5. Continuous sidewalk connectivity to adjacent street networks;
6. Advance warning signs and school zone pavement markings;
7. Pedestrian and bicycle infrastructure appropriate to the context, including but not limited to bike racks, crossing guards, and protected crossings.

C. The applicant shall coordinate the design of the school zone with the Development Engineer, the Transportation Manager and the applicable school district.

D. A School Access and Circulation Plan shall be required to determine specific traffic control measures and internal circulation needs.

E. All school zone infrastructure shall be constructed and fully operational prior to the opening of the school or as otherwise approved by the City.

14.06.100. Minimum Road Standards

All applications for plat approval, Site Plan approval, or PUD rezoning shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal streets and adjacent thoroughfares. For purposes of this section "adjacent thoroughfares" shall include thoroughfares abutting the proposed subdivision, whether located within the boundaries of the subdivision or within public rights-of-way.

1. Standards and Specifications

   The property owner shall dedicate and improve all required rights-of-way for internal streets and adjacent thoroughfares required by these regulations in accordance with the classification of streets contained in the Comprehensive Plan.

2. Dedication and Improvement of Internal Roadways and Adjacent Thoroughfares

   a. The property owner shall dedicate and improve one-half of the right-of-way necessary to meet the specifications in the Future Mobility Plan and this Code. If the property adjacent to both sides of the right-of-way has the same ownership, the property owner shall dedicate and improve the full right-of-way.

   b. The City shall require additional land and improvements for rights-of-way for adjacent thoroughfares where necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed development, depending on factors such as the impact of the development on the adjacent thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

c. In the case of adjacent frontage or service roads for state and federally designated highways, the property owner shall dedicate sufficient right-of-way and make authorized improvements in order to provide an adequate road network to serve the development.

3. Substandard Street Improvements

Where an existing thoroughfare that does not meet the City's right-of-way or design standards abuts a proposed new development, the City may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in the Future Mobility Plan or **Section 14.02** and **Section 14.03** of this Code, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

4. Capital Improvements Plan for Roads

A road improvement may be considered adequate for an application if the required improvement is included, funded, and approved in the City's, county's, or state's two-year capital improvements plan for roads or if the improvement is included, funded, and approved in the City's, county's, or state's three- to five-year capital improvements plan for roads, provided that the applicant agrees to phase development to conform to such scheduled improvement. This section shall not be construed to prevent the City from requiring dedication of rights-of-way for such roads or from assigning trips to such roads in a traffic impact study in order to determine a development project's impacts.

5. Participation in Costs of Improvements

The City may participate in the costs of improvements required by this section in order to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate streets. In such cases, the property owner shall be responsible for the entire initial costs of road improvements, including design costs. Reimbursement of the City's agreed share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the City shall be included in a subdivision improvement agreement.

Section 14.07. Pedestrian and Bicycle Mobility

14.07.010. General

All sidewalks, sidepaths, shared-use paths and trails identified in this Code, the City's Sidewalk Master Plan, Future Mobility Plan, Parks Recreation and Open Space Master Plan, Trails Master Plan, Downtown Master Plan, and any other relevant plan shall be constructed in accordance with this Code. Public sidewalks, sidepaths, shared-use paths and trails do not count against the maximum impervious cover percentage required in **Section 13.02** of this Code.

A. Public Sidewalks and Sidepaths

1. Sidewalks and sidepaths shall be constructed on both sides of all streets, including frontage roads, at the minimum widths described in **Table 14.03.030-1** and **Table 14.02.040-1** of this Code. Sidewalks shall be constructed consistent with the Construction Manual and in conformance with the requirements of the Americans with Disabilities Act (ADA) and PROWAG.

2. Sidewalks and sidepaths may be located within the street's public utility easement or right-of-way and may meander in and out of either as approved by the Development Engineer. If located within the PUE, a sidewalk maintenance and access easement shall be granted by either the recording of a plat or separate instrument and shall be identified on any subsequent plans.

3. Sidewalks and sidepaths shall be installed and meet clear zone requirements per the *TxDOT Roadway Design Manual* and shall be separated a minimum of 6 feet from the back of a ribbon curb.
4. Construction of public sidewalks on single-family and two-family lots may be deferred to the Building Permit, built to the standards and specifications at the time of the permit. Sidewalks and sidepaths located in common areas, parks and along Neighborhood Collectors and Major Streets shall be constructed at the time of street improvements.
5. Pedestrian accessways shall be provided from the public sidewalk and sidepaths to the main entrance of each building or to a sidewalk leading to the main entrance.
6. Sidewalks and sidepaths located within the Downtown Overlay District shall comply with the design standards in **Section 14.04** of this Code and the Downtown Master Plan, as amended.
7. Sidewalks and sidepaths constructed as infill, retrofitted, or rehabilitation projects should follow the standards of this Chapter where practical to do so, but consideration shall be given to the existing conditions of the built and natural environment when locating such sidewalks and sidepaths.

B. Public Trails

Regional Trails depicted as proposed Shared-Use Paths on the Trails Master Plan shall be dedicated and constructed at the time of development as a public improvement in the general locations and alignments depicted therein. Public Trails do not satisfy Parkland Dedication requirement per **Section 15.08. Parkland**.

1. If the trail is not located on public property, a minimum of 20 feet of right-of-way or public access easement, shall be dedicated as approved by the Director of Parks and Recreation.
2. The trail shall be a minimum of 10 feet in width, constructed to the standards depicted in the Trails Master Plan, or otherwise approved by the Director of Parks and Recreation.
3. A trail constructed to the City's trail standards may be constructed within the right-of-way or public utility easement as a substitute for a sidepath if the Trails Master Plan designates a trail along the street.

C. Sidewalk Fund

A designated City fund, entitled "Sidewalk Fund," shall hold any financial contributions paid in accordance with the provisions in this Code. Funds shall be held in trust by the City to be used exclusively for the purpose of purchasing and/or equipping public streets for sidewalks or sidepaths.

D. Alternative Pedestrian Improvements

1. Alternative locations or design variation(s) of sidewalks, sidepaths, pedestrian access facilities, or hike and bike trails to a standard that deviates from the Construction Manual can be requested to the Development Engineer. If approved, ownership and maintenance shall be transferred to the property owner or property/homeowner association and recorded by separate instrument, along with a public access agreement.
2. When an administrative alternative cannot be achieved, a Subdivision Waiver pursuant to **Section 3.16** may be requested for either fees-in-lieu of construction, delay of construction, or waiver. Justifications for the waiver include, but are not limited to, the location of the facility in relation to the existing or planned pedestrian network, the need for the facility, and/or topography/natural features. Prior to approval of the Final Plat, Site Development Plan, or other applicable approval stage, payment of any required fees shall be provided for deposit into the Sidewalk Fund at a cost not to exceed 125% of the estimated construction plan costs, as approved by the Development Engineer. A request may be made to City Council for City participation in any pedestrian improvements required by this chapter.

Section 14.08. Driveway Standards

All driveways accessing a street shall require a permit through either a Building Permit, Stormwater Permit, Site Development Plan, or Driveway Access Permit, in accordance with this Code. The Development Engineer may use discretion on exact driveway spacing distance and location, where warranted. A lot approved in accordance with this Code has the right to at least one driveway access point, which may or may not be full-access depending on conditions. A driveway may provide access to no more than four lots before a street is required.

14.08.010. Residential Driveways

A. Single-family and two-family platted lots shall only take access from an alley, local street, residential lane, or residential collector and shall not take access from a road that contains a county number (e.g., CR 425), arterial, or highway.

B. Residential driveways on a local street serving single-family or two-family lots shall be separated from a street intersection by a minimum of 50 feet, measured from the curb point of curvature (PC) to the center of the driveway. Residential lots with frontage on more than one non-intersecting street shall take access from the street with the lower classification, if applicable.

C. Residential driveways on a Residential Collector serving single-family or two-family lots shall be spaced a minimum of 70 feet on center and shared driveways are not permitted.

   Exceptions to this provision include:

   1. Does not apply to alley-loaded only lots fronting on Residential Collectors.
   2. Does not apply if less than 25% of the linear street frontage contains front-loaded lots.
   3. Distance separation may be reduced to 55 feet if only one side of the street is front-loaded or if the street is divided by a median.
   4. Slip roads that provide public access along a private driveway serving multiple residential lots, provided that the slip road access to the collector meets the separation.

14.08.020. Non-Residential Driveways

A. Non-residential driveways shall be no wider than 30 feet, except where a median is present within the driveway. When a median is desired or required, the driveway width shall not exceed 45 feet, and the median shall be constructed with a mountable curb. On streets operated by the Texas Department of Transportation (TxDOT), the Development Engineer may defer to TxDOT in circumstances where these standards are not practical.

B. Non-residential full-access driveways shall be separated from a street intersection and from other driveways in accordance with **Table 14.08.020-1**, measured on center or from the right-of-way to the center of the driveway. Minimum separation for right-in, right-out-only driveways shall be determined by the Development Engineer on a case-by-case basis, but in no case be spaced less than 200 feet from a street or driveway.

C. Where multiple access points to a site are desired, the Development Engineer shall have the authority to require the consolidation, closure, or relocation of an existing or planned driveway, even if consistent with the minimum spacing in **Table 14.08.020-1.**

D. Non-residential driveways on double-frontage lots located in a Residential Zoning District shall have off-setting access points from opposing streets to inhibit cut-through traffic.

E. A Driveway Access Permit may require an engineering study or a Traffic Impact Analysis in accordance with **Section 3.22** of this Code.

F. Driveway spacing in the Downtown Overlay District shall be based on sight distance.

Table 14.08.020-1. Driveway Spacing

Non-Residential Driveway Spacing	
Posted Speed (MPH)	**Driveway Spacing (Feet)**
≤30	200
35	250
40	305
45	360
50	425
55	495
60	570
65	645
70	730

Table 14.08.020-2. Minimum Connection Spacing Criteria for Highway Frontage Roads

Minimum Connection Spacing (feet)		
Posted Speed (MPH)	**One-Way Frontage Roads**	**Two-Way Frontage Roads**
≤30	200	200
35	250	300
40	305	360
45	360	435
>50	425	510

Table 14.08.020-3. Desirable Spacing between Highway Exit Ramps and Driveways

Total Volume (Frontage Road + Ramp) (vph)	Driveway or Side Street Volume (vph)	Spacing (feet)		
		Number of Weaving Lanes		
		2	3	4
< 2,500	< 250	460	460	560
	> 250	520	460	560
	> 750	790	460	560
	> 1000	1000	460	560
>2,500	< 250	920	460	560
	> 250	950	460	560
	> 750	1,000	600	690
	> 1,000	1,000	1,000	1,000

* The standards in this table are derived from the City of Georgetown Driveway Spacing Study, adopted July 2001 and based on *AASHTO* sight distance standards; and the City of Georgetown Access Management Policy, adopted December 2003.

Section 14.09. Traffic Impact Analysis

14.09.010. Purpose

To ensure that development impacts are mitigated through specified constructed public improvements and/or financial contributions thereto and that such requirements are proportional to the traffic demands created by a new development. There must be a rough proportionality between the traffic impacts created by a new development and the associated impact requirements placed on the property owner.

14.09.020. Applicability

The road adequacy regulations in this section apply to land development activities within the city limits and within the City's extraterritorial jurisdiction, as specified in this section. In addition to these road adequacy regulations, Transportation Impact Fees, as required in **Chapter 12.46** of the Code of Ordinances, shall be required for land within the transportation service areas as defined in **Section 12.46.060** of the Code of Ordinances.

14.09.030. Traffic Impact Analysis

A. When Required

1. A Traffic Impact Analysis shall be required with any application for a subdivision, Site Plan, Stormwater Permit, or Driveway Permit, for which the proposed development generates traffic in excess of 1,000 average daily trips, based upon the latest edition of the *Institute of Transportation Engineers (ITE) Trip Generation Manual*. When a development is within the transportation service areas as defined in Section 12.46.060 of the Code of Ordinances, a Traffic Impact Analysis shall only be required when the proposed development generates traffic in excess of 5,000 daily trips. In the event that specific land uses for the development are not specified at the time of subdivision or plat application, the daily trip generation rate for the most intensive land use from the *ITE Manual* for the land use classification of the application shall be used to compute the estimated average daily trips.
2. The Traffic Impact Analysis shall be prepared by a licensed professional in accordance with standard transportation engineering practices for purposes of determining the adequacy of the road network to serve the proposed development, and whether off-site road dedication and improvements should be made to mitigate the effects of the development proposed in the application.
3. An initial Traffic Impact Analysis shall be submitted with the first application for the development that triggers the requirement. An updated Traffic Impact Analysis shall be submitted with each Final Plat submitted for approval and shall be generally consistent with the initial Traffic Impact Analysis. The initial Traffic Impact Analysis shall be updated whenever a subdivision plat or Site Plan is submitted or modified to authorize more intensive development.
4. A Traffic Impact Analysis will expire after three years or when the preliminary plat, stormwater permit, or site development permit expires, whichever occurs first.
    a. For in-City developments that have an expired TIA, the development shall update and conform to the current Transportation Impact Fee (TIF) requirements.

B. Study Scope

When a Traffic Impact Analysis is required, the scope of the analysis shall be determined during a scoping meeting with the Development Engineer. No application requiring a Traffic Impact Analysis may be made until the scope of the required analysis has been determined. The Development Engineer may involve representatives of or request assessments from other agencies and departments. The elements to be determined during the scoping session shall include the following.

1. Definition of Impact Area

   The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall be determined.

2. Period of Analysis

   Periods of analysis shall include average daily traffic, peak AM and PM, or weekend peak hour.

3. Analysis Scenarios

   Scenarios for analysis include existing conditions, opening year conditions with and without development, and ten years after opening with and without development.

4. Process

   Process for determining trip generation and distribution including trip generation category, diversion assumptions, distribution assumptions, and capacity analysis.

5. Growth Rate Assumption

   The rate of growth assumed in background traffic assumptions.

6. Future Development

   Planned developments in the area that have been approved or are under review.

C. Traffic Study Elements

A letter report or special report shall only include those elements agreed upon in the scoping meeting. A full Traffic Impact Study shall include the following elements.

1. Existing Condition Survey

   a. Street System Description

      The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances, and adjacent uses and curb cuts.

   b. Traffic Volumes

      Existing traffic volumes shall be provided for the impact area including both ADT (Average Daily Traffic) and "Design" peak hour volumes. ADT shall be derived from the latest available counts taken by the City or Texas Department of Transportation. Peak hour volumes shall be obtained from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.

   c. Capacity Analysis

      Existing capacity of signalized and unsignalized intersections.

   d. Other

Other items may be required at the discretion of the Director depending upon the type and scale of the project. These may include but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.

2. Future without Development

   Capacity analysis is to be provided for opening year and plus 10-year for key intersections (and street segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the *Highway Capacity Manual* or other methodologies approved in advance by the Director.

3. Future with Development

   a. Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the *ITE Trip Generation Manual* unless the Director determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from *ITE*.

   b. The projected trips shall be distributed onto the road network as agreed in the scoping meeting.

   c. Capacity analysis for opening year and plus ten-year for key intersections (and street segments where appropriate).

   d. Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations, or similar requirements.

4. Mitigation Plan

   Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Development Engineer and, where appropriate, the Texas Department of Transportation. The mitigation plan shall also include any dedications necessary to comply with the Minimum Road Standards described below. Where the final approval authority for any procedure determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the permit or subdivision plat. Mitigation plans shall identify improvements that are eligible for TIF credits per **Chapter 12.46** of the Code of Ordinance. All improvements identified shall be required, subject to the roughly proportionate impact of development.

D. Consultants

The City may require that an independent licensed professional traffic engineer be hired by the applicant to perform the required Traffic Impact Analysis or to review all or part of a study prepared by the applicant's consultants.

E. City Evaluation and Action

The City shall evaluate the adequacy of the Traffic Impact Analysis prepared by the applicant. Based upon such evaluation, the City shall determine (1) whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare, and (2) the extent of the applicant's obligations to make such dedications or improvements. The City shall condition the approval of the subdivision application on one or more of the following performances by the applicant:

1. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
2. A reduction in the density or intensity of the proposed development sufficient to ensure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;

3. The dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development.

F. Annexation

Any development that is annexed into the City, the applicant or property owner shall pay applicable Traffic Impact Fees in accordance with Section 12.46 of the Code of Ordinances.

G. Deferral of Obligation

Upon request of the applicant or property owner, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on an application may be deferred to a later stage of the development process.

As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, which deferral shall be in the sole discretion of the City, the City shall require the developer to execute a subdivision improvement agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares.

H. Cash Contributions

In lieu of the obligation to dedicate or improve thoroughfares or make traffic control improvements to achieve road adequacy, the applicant may propose to make equivalent cash contributions. Any funds accepted by the City shall be earmarked for either transportation impact fees due at Building Permit, per Chapter 12.46 of the Code of Ordinances, or as a separate contribution tracked in a separate account earmarked for construction of the improvements for which the contribution was made. Any contributions intended for the payment of transportation impact fees must be placed in the appropriate transportation service area impact fee account in which the development is located and be spent on eligible projects within the transportation service area as required in Chapter 12.46 of the Code of Ordinances.

I. Options

Whenever the proposed development's share of the costs of a thoroughfare or traffic control improvement needed to mitigate traffic generated by the development is less than 100%, the City, in its sole discretion, may do the following:

1. Participate in the excess costs; or
2. Aggregate the costs of improving multiple thoroughfares or intersections identified in the Traffic Impact Analysis and require improvements to only some of the thoroughfares or intersections affected by the development.

J. Appeal of Traffic Impact Analysis Conditions

Any appeal of a disapproved or denied final action resulting, in full or in part, from a determination that the Mitigation Plan was insufficient shall include the following:

1. The appeal shall allege that recommended conditions requiring dedication or construction of thoroughfares or traffic control improvements are not roughly proportional to the nature and extent of the traffic impacts on the road network created by the development being proposed.
2. The appeal may also allege that the imposition of the conditions deprives the owner of the economically viable use of the land or of a vested property right.
3. The applicant shall provide a study in support of the appeal.
4. The City Council shall consider the appeal and determine whether the street or traffic control dedication and construction requirements are roughly proportional to the nature and extent of the impacts on the road

network created by the development proposed. If the petition also alleges that the proposed dedication or construction requirements constitute a deprivation of economically viable use or of a vested property right, the hearing body also shall consider such issues. Following such determinations, the appeal hearing body may take any of the following actions regarding the road adequacy portion of the appeal only:

a. Deny the appeal, upon determining that the required dedications of rights-of-way for or improvements to thoroughfares or traffic control improvements are roughly proportional to the nature and extent of the impacts created by the development, and order that such dedication or improvements be made as a condition of approval of the subdivision application.

b. Deny the appeal, finding that the dedication or improvement requirements are inadequate to achieve road adequacy, and either deny the subdivision application or require that additional dedications of rights-of-way dedication for or improvements to thoroughfares or traffic control improvements, be made as a condition of approval of the application.

c. Grant the appeal and waive in whole or in part any dedication or construction requirement that is not roughly proportional; or

d. Grant the appeal and direct that the City participate in the costs of acquiring rights-of-way or constructing improvements sufficient to achieve proportionality.

Chapter 15. Infrastructure and Public Improvements

Section 15.01. General

The purpose of this chapter is to ensure the orderly continuation of public improvements for development in Georgetown, through the planning, design, and construction thereof. The intent of this chapter is to ensure, as part of the development process, the construction of adequate public improvements in a safe, equitable, and efficient manner.

15.01.010. Applicability

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212, and the City Charter.

15.01.020. Public Improvements

A. Land proposed for development in the City's corporate limits and extraterritorial jurisdiction (ETJ) shall be adequately served by essential public facilities and services including, but not limited to, water distribution, wastewater collection and treatment, roadways, pedestrian circulation, storm drainage conveyance, and park and recreational facilities. Development seeking or requiring connection to a public utility system shall design and install public improvements in accordance with the Comprehensive Plan and shall meet the minimum requirements established by this Code, the City's Construction Standards and Specification Manual (Construction Manual) and any other adopted City design or technical criteria.

   Public improvements required for development under the provisions of this Code include, but are not limited to:

   1. Stormwater drainage system including, but not limited to, drainage easements, channels, storm sewer lines and inlets, in accordance with the provisions of **Chapter 13** of this Code.
   2. Streets, including but not limited to sidewalks, sidepaths, shared-use paths, trails, alleys, bridges, and street lighting, in accordance with the provisions of **Chapter 14** of this Code.
   3. Utility systems including, but not limited to, water, wastewater, and electric infrastructure, in accordance with the provisions of this chapter.
   4. Utility services for communications, gas, other electric providers, or other approved service shall be installed in accordance with the approved utility assignment locations and associated franchise agreements.

B. Extension of Water and Wastewater Utilities

   1. Minimum 8-inch water and wastewater extensions and current masterplan line extensions will be required during the subdivision of properties.
   2. For an unplatted site, current masterplan line extensions will be required.
   3. Site plan applications must extend a minimum 8-inch water and wastewater line, as required.

15.01.030. Public Improvement Exemptions

A. 80% Rule

   Residential subdivisions processed as a Resubdivision where four or fewer new lots are being created may provide certain public improvements to the same or similar level, as determined by the Development Engineer, as the existing improvements serving 80% of adjacent properties that contain a residential or agricultural use. For purposes of this section, "adjacent properties" include properties directly across a street right-of-way from the subject property.

The 80% Rule exemption applies to the public improvements required in this Code, except as follows:

1. **Chapter 13**, Stormwater;
2. **Section 14.02**, Comprehensive Plan roadway right-of-way dedication;
3. **Section 14.07**, Sidewalks, in the city limits only. Sidewalks in the ETJ are exempt;
4. **Section 15.03**, Public Utility Easements;
5. **Section 15.04**, Fire Flow, unless granted an exception as authorized by Sections B.103 and B.105 of the International Fire Code, considering density, on-site storage, sprinkler system, and any other authorized modifications; and
6. **Section 15.07**, Utility Master Plan infrastructure.

B. Residential Rural/Estate Subdivisions

Single-family development within the Agriculture (AG) and Residential Estate (RE) Districts, or in the City's extraterritorial jurisdiction (Residential Rural/Estate Subdivisions) qualify for certain modified standards throughout this chapter and other chapters of this Code, where specified. It is the intent that these modified standards be used to create a rural-type atmosphere for a development without sacrificing the integrity of current or future infrastructure systems. The resubdivision of a Residential Rural/Estate Subdivision to a density that does not meet the rural exemption shall be upgraded in conformance with this Code.

Section 15.02. Public Improvement Requirements

15.02.010. Developer Responsibilities

The developer is responsible for payment of all costs of materials and installation of all infrastructure and public improvements required by this Code, unless otherwise specified.

15.02.020. Continuity of Improvements

All public improvements shall be designed and installed to provide for a logical system of utilities, drainage and streets, and to create continuity of improvements for the development of adjacent properties. All required public improvements shall be extended along the boundary and/or through the subject property to the perimeter of the subject property. Utility assignments are depicted in the Construction Manual.

15.02.030. Inspection of Improvements

A. During the course of installation and construction of the required improvements, the Development Engineer or designee shall make periodic inspections of the construction to ensure that all improvements comply with the provisions of this Code. Construction that fails to comply with the standards and specifications contained or referred to herein shall not be accepted.

B. The City will charge engineering inspection fees during construction and for final inspection. The City will not provide layout work or daily inspection.

C. Compaction tests on embankments and flexible bases, depth tests on flexible bases and pavement, and pressure tests on piping systems are required prior to final approval.

15.02.040. Acceptance and Maintenance of Improvements

A. Upon completion of all required public improvements, the City may consider acceptance of the constructed public improvements only after record as-built drawings have been submitted to the City, which shall include a statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with this Code.

B. A written guarantee that all workmanship and materials associated with public improvements shall be free of defects for a period of two years from the date of acceptance by the Development Engineer shall be provided to the City. A two-year maintenance bond in the amount of 10% of the total construction cost of all workmanship and materials shall be submitted to the City per the approved City form.

C. The City shall not repair, maintain, install, or provide any streets, public utilities or services in any subdivision for which a Final Plat has not been approved and recorded, nor in which the standards contained herein or referred to herein have not been complied with in full.

D. Public improvements constructed to a standard varying from City specifications but approved by the City shall be accompanied by a maintenance agreement with a Property Owner's Association (or similar organization) for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreement(s) providing for such shall be presented to the Development Engineer and approved as to form by the City Attorney prior to recordation of a Final Plat and shall be filed of record with the plat thereof.

15.02.050. Provision of Utilities

A. The City shall not supply water, wastewater, or electricity according to the standards of this chapter for any tract of land that is not a legal lot, nor shall the City have any obligation to extend utility service to any parcel created in violation of the requirements of this Code.

B. A connection to or tap into the City water system, electric system, or wastewater system shall not be made without a permit or express prior written approval. The developer or builder shall make available all necessary materials to make the final tap or connection.

C. Temporary utility service may be provided according to the standards and procedures of the utility provider and are not subject to the requirements of this chapter.

Section 15.03. Utility Easements

A. Uniform and continuous public utility easements (P.U.E.) shall be provided along all street lot lines at a minimum of 10 feet. If not dedicated by plat, the easement shall be granted at the time of Site Development Plan or by separate instrument, at the discretion of the Development Engineer. The City may consider approval of an alternative easement location other than along the street lot line.

B. Alongside major collectors, arterials, and highways, the P.U.E. shall be a minimum of 15 feet. Shade Trees shall not be planted within these easements, unless approved by the Development Engineer. In any P.U.E. with existing overhead electric lines, Shade Trees are prohibited. Ornamental Trees are allowed within all P.U.E.s.

C. Utility easements may be required across parts of lots other than as described above, at the discretion of the Development Engineer. If situated between lots, easements for water, wastewater and storm sewer lines shall be at least 20 feet in width. Where the proposed development adjoins an unplatted area, up to a 20-foot easement may be required along the rear of lots adjoining the unplatted area.

D. Where utility easements are not straight due to curved streets, a larger easement shall be provided where needed for overhead electric, at the discretion of the Development Engineer.

E. Utility easements may be fenced if unlocked gates are provided to allow free movement of excavating machines, maintenance equipment, and personnel throughout the full length of the easement.

F. Utility Easements are not required within the Downtown Overlay District.

Section 15.04. Public Water Standards

All development shall be served with an adequate water supply and distribution systems for fire protection and domestic use, unless otherwise specified. The developer shall be responsible for providing infrastructure to an approved public water supply system, including, but not limited to, water distribution lines, fire hydrants, valves, elevated metering transmission structures, and water towers, consistent with the City's Comprehensive Plan. All improvements shall be designed and constructed according to the City's Construction Manual.

A. Where an approved public water collection main or outfall line is less than one-half mile from the property boundary, connection to the public water system shall be required and public water shall be installed throughout the development.

B. Extension of water utilities shall conform to the City's adopted Utility Extension and Improvement Policy, as amended.

C. The developer shall be responsible for the cost of extension and connection to the existing public water system.

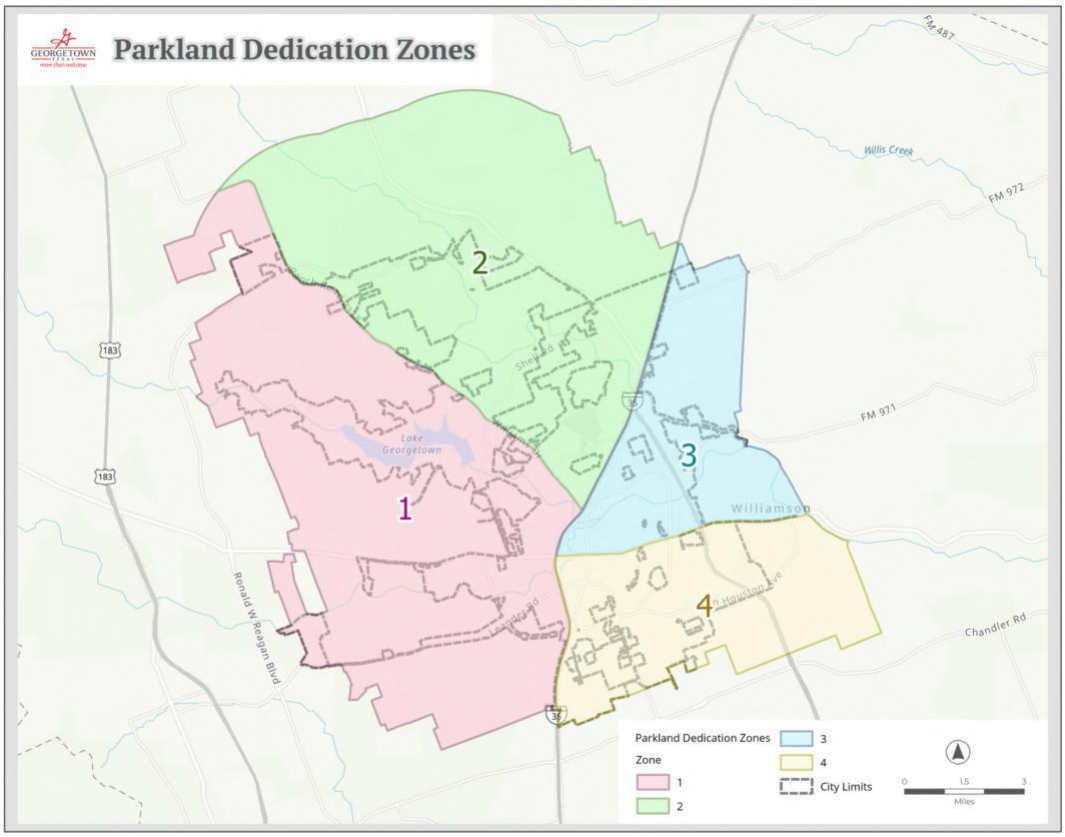
D. The water main pipe size for water distribution system improvements and extensions shall be a minimum diameter of 8 inches. Water infrastructure shall be of sufficient size to furnish adequate domestic water supply for fire protection in conformance with the City's adopted Fire Code, as amended. Fire hydrants shall be provided in accordance with the Construction Manual.

E. The design and construction of the components of the public water system shall comply with regulations covering extension of public water systems adopted by the Texas Commission on Environmental Quality (TCEQ). For development that is not served by a public water supply, proof of a safe and adequate water supply shall be provided to the Development Engineer.

F. Where an approved public water collection main or outfall line is more than one-half mile away from the property boundary, on-site wells may be utilized; however, if the City's Water Master Plan has scheduled the extension of a water collection main or outfall line to be completed to a location point within one-half mile away from the property boundary within five years from the date of the Preliminary Plat submittal, connection to the public water system is required. In such instance, the subdivider shall be required to install a public water system and shall bear the cost of connecting the subdivision to such existing water system. A subdivider may request an exception or alternative to this requirement, which shall be considered by the Development Engineer or their designee. An appeal of the decision made by the Development Engineer in this regard shall be heard by the Planning and Zoning Commission.

G. Improvements required through the Water Services Master Plan shall be designed and installed in accordance with the Water and Wastewater Criteria Manual.

H. All water lines that will be owned or maintained by the City of Georgetown and are located within the City's ETJ (Extraterritorial Jurisdiction) will require a City of Georgetown easement. This easement must be dedicated by separate instrument, unless outlined within the Utility Extension Policy



Section 15.05. Public Wastewater Standards

All development, where desired or required, shall be served with an approved public wastewater system, including but not limited to, wastewater lines, manholes, force mains, and lift stations, consistent with the Comprehensive Plan. Properties in the ETJ that desire or require wastewater service from the City of Georgetown shall first submit a petition for voluntary annexation, in accordance with **Section 3.06** of this Code. All improvements shall be designed and constructed according to the City's Construction Manual.

A. Where an approved public wastewater collection main or outfall line is less than one-half mile from the boundary of a property within the city limits, connection to the public wastewater system shall be required and a public wastewater collection system shall be installed throughout the development.

B. Extension of wastewater utilities shall conform to the City's adopted Utility Extension and Improvement Policy, as amended.

C. The developer shall be responsible for the cost of extension and connection to the existing wastewater collection system.

D. The wastewater gravity main pipe size for wastewater improvements shall be a minimum diameter of 8 inches.

E. The design and construction of all wastewater systems shall comply with regulations covering extension of public sanitary wastewater systems adopted by the Texas Commission on Environmental Quality.

F. All wastewater systems shall be designed and constructed to operate on a gravity flow basis. In extraordinary circumstances and with the approval of the Development Engineer, lots 1 acre and greater may design a low-pressure, vacuum, or gravity flow system to minimize the need for lift stations.

   1. A subdivision waiver request for a lift station may be approved if:

a. The depth is not shallower than 40 feet, and

b. The request is not due to financial hardship.

G. Where an approved wastewater collection main or outfall line is more than one-half mile away from the property boundary, on-site septic system(s) may be utilized; however, if the City's Wastewater Master Plan has scheduled the extension of a wastewater collection main or outfall line to be completed to a location point within one-half mile away from the property boundary within five years from the date of the Preliminary Plat submittal, connection to the public wastewater system is required. In such instances, the subdivider shall be required to install a public wastewater collection system and shall bear the cost of connecting to such existing wastewater collection system. A subdivider may request an exception or alternative to this requirement, which shall be considered by the Development Engineer or their designee. An appeal of the decision made by the Development Engineer in this regard shall be heard by the Planning and Zoning Commission.

H. Improvements required through the Water Services Master Plan shall be designed and installed in accordance with **Section 15.07** of this Code.

Section 15.06. Electric And Communication Standards

The City's Electrical Engineer shall design the electrical system for all development, unless otherwise authorized. Where permanent electric service is desired and/or improvements required, the electric improvements shall be installed and maintained in accordance with the following standards:

A. For residential subdivisions, all electric distribution lines and individual service lines shall be installed underground. If overhead lines existed prior to underground installation, such poles, guy wires, and related structures shall be removed following construction of the underground infrastructure.

B. For non-residential and multifamily development where no existing overhead infrastructure exists, underground electric utility lines shall be required along the street and within the site. Where existing overhead infrastructure is to be relocated, it shall be re-installed underground. Development occurring in the Downtown Overlay District should be highly encouraged to relocate overhead electric underground with the site work.

C. Underground electric and communication service lines shall be located and installed according to the Construction Manual.

D. Electric transformers and related equipment shall be mounted on pads at ground level. For non-residential development, such equipment shall be located outside of the street yard where practical and preferably located behind the front façade of the primary building structure. Such equipment shall be reasonably separated from pedestrian or vehicular access ways, shall have approved driveway or all-weather vehicular accessibility, shall not conflict with roadway sight visibility, and shall be located outside of future right-of-way.

E. Screening of pad-mounted transformers for non-residential development shall consist of barrier fencing or shrub plantings located no closer than 3 feet from the transformer, except for the entry side of the transformer, which shall have a minimum of 10 feet of unobstructed clearance. The entry side of the transformer shall not face a public street unless located behind the front façade of the primary building structure. The transformer pad shall be located with adequate room for the required landscape screening to be installed consistent with these provisions. Transformers in the Downtown Overlay District are exempt from these requirements.

F. Once utility service lines have been installed underground, the installation of new above-ground lines in that location is prohibited.

G. The installation of public street lights, and connection of electric service thereto, shall be the responsibility of the developer as provided in **Chapter 14** of this Code.

H. Installed overhead and underground electric service shall take into account Heritage and Protected Trees when locating new service lines.

I. Exceptions or alternatives to the requirements of this section may be considered by the Development Engineer or their designee. An appeal of the decision made by the Development Engineer in this regard shall be heard by the City Council.

Section 15.07. Master Plan Infrastructure

The City's Comprehensive Plan includes utility master plans for the water distribution, wastewater collection and electric utility. Each master plan identifies future system improvements that are necessary to meet or exceed treatment and transport requirements for the specific utility. The planning horizon for the plan is up to 20 years in the future.

A. Construction of Master Plan Infrastructure

When a master plan requires the installation of regional infrastructure on a property, the developer shall extend and construct such facilities at their own expense. When these facilities exceed the utility needs for the specific development beyond the utility minimum size, the facility shall be considered oversized. All necessary easements and/or rights-of-way for such infrastructure shall be dedicated at no cost to the City.

B. Oversizing Cost Participation

1. The City may, at its sole discretion, participate with a developer in the cost of oversized facilities based upon, but not limited to the following factors:
   a. The approved utility budget for the current year;
   b. The ability of the specific utility to fund any future costs;
   c. The degree to which the project conforms to and accomplishes the five-year CIP priorities;
   d. The degree to which the project accomplishes the utility Master Plan; and
   e. The impact to system operations. Any cost participation contract shall be approved by the City Council prior to approval of the Final Plat.
2. Cost participation shall be based upon the cost differential between the master plan line size and the minimum line size required to serve the development, for eligible construction costs.
3. When a line extension is included in the current five-year CIP, the approved cost participation contract shall provide for the payment to be scheduled during the same fiscal year as the CIP project that would have accomplished the line extension, and after the date of notice of acceptance by the City.
4. The fees shall be calculated by the City based on information from the developer's engineer, using a methodology that apportions the development's projected usage (based upon the minimum pipe size) to the available usage due to oversizing. The developer's engineer shall use the City's approved water or wastewater master plan as a basis for calculating residential flow per dwelling unit. Calculations for non-residential units shall be calculated using the latest edition of the "Design Criteria for Sewage Systems," as produced by the Texas Commission on Environmental Quality.
5. The calculation of cost participation shall be based on construction costs in effect at the time the connection to the system (the "tap") is made. All calculations shall be submitted to the City for appropriate review, verification, and approval.
6. A cost participation contract is not a guarantee of capacity. Guarantee of capacity is achieved through payment of impact fees.

C. Impact Fee Credits

When a line extension is included in the 10-year Capital Improvement Plan (CIP), an Impact Fee credit may be eligible on the fee assessment for each lot in the subdivision. Impact Fee credit shall be calculated based upon the number and size of service connections and the allocation of costs in the Impact Fee calculation, as amended.

Section 15.08. Parkland

15.08.010. Purpose

The purpose of this section is to provide parks, open spaces, and trails that implement the Georgetown Parks, Recreation and Trails Master Plan. The Georgetown City Council has determined that parks, open spaces and trails are necessary and in the public welfare, and that the adequate procedure to provide for same is by integrating standards into the procedures for planning and developing property.

15.08.020. Applicability

The provisions of this section shall apply to the development of a tract of land for any residential use of five or more lots or dwelling units within the city limits and the extraterritorial jurisdiction (ETJ). For the purposes of this section, lots and dwelling units are interchangeable for determining the Parkland dedication requirements.

15.08.030. Requirements for Parkland Dedication

A. Dedication of Public Parkland Required

1. A developer of a tract of land for residential use of five or more lots shall set aside and dedicate to the public sufficient and suitable land for the purpose of public Parkland.
2. The minimum acreage of Public Parkland required shall be as follows:
   a. For development with one or two dwelling units on a lot: 1 acre for each 80 dwelling units, or fraction thereof.
   b. For development with three or more dwelling units on a lot: 1 acre for each 110 dwelling units, or fraction thereof.
3. The land to be dedicated shall form a single lot with a minimum area of 3 acres.
4. Exemptions
   a. When 2 or more, but less than 3, acres of land would be required to satisfy the Public Parkland dedication requirements, the Parks and Recreation Director may approve parkland less than 3 acres if it is determined that it would be in the public interest, and/or accept a financial contribution in lieu of dedication of Public Parkland to meet the dedication requirements of this section.
   b. A developer shall make a financial contribution in lieu of dedication of Public Parkland when:
      (i) No portion of the tract of land is located within the city limits.
      (ii) A developer proposes to develop 100 or fewer lots and where no future phasing is proposed.
      (iii) Less than 2 acres of land would be required to satisfy the Parkland dedication requirements.
   c. The rate required for the financial contribution shall be in accordance with the adopted fee schedule. The fee shall be reviewed on annual basis to ensure accuracy and value.

B. Park Development Fee

1. In addition to the dedication of Public Parkland or fee-in-lieu, a developer shall pay a Park Development Fee to ensure that the Public Parkland will be sufficiently developed for park use.
2. The amount for the Park Development Fee shall be in accordance with the adopted fee schedule and based on the level of service for the Public Parkland.
3. Alternative Standards

a. When 2 or more acres of land are proposed to satisfy the Parkland dedication requirements, the Parks and Recreation Director may consider a proposal from an applicant to construct park improvements on Public Parkland in lieu of paying, in whole or in part, the Park Development Fee.

b. Park improvements shall include the minimum number of facilities listed in **Table 15.08.030-1. Minimum Number of Facilities by Parkland Acreage**:

Table 15.08.030-1. Minimum Number of Facilities by Parkland Acreage

Parkland Acreage	Minimum Number of Facilities
3 or less	4
4-6	5
7-9	6
10 or more	7

c. Park improvement facilities shall be selected from those listed below:

(i) Age appropriate playground equipment with adequate safety surfacing around the playground.

(ii) Unlighted practice fields for baseball, softball, soccer, and football.

(iii) Unlighted tennis courts.

(iv) Lighted or unlighted multi-purpose courts for basketball and volleyball.

(v) Improved multiuse green space.

(vi) Picnic areas with benches, picnic tables and cooking grills.

(vii) Shaded pavilions and gazebos.

(viii) Jogging and exercise trails.

(ix) Other facilities as approved by the Parks and Recreation Director.

d. When construction of park improvements is proposed, all park improvements shall comply with the Parks Master Plan, **Section 15.08.040** of this Code, and applicable City regulations.

C. Credit for Private Parks

1. Where privately-owned and maintained parks or other recreational facilities with non-exclusive private amenities are proposed for a single-family, two-family, townhouse, or detached multi-family residential development, the Parks and Recreation Director, after recommendation from the Parks and Recreation Board, may grant a credit of up to 50% of the required Public Parkland dedication and Park Development Fee.

2. Privately owned and maintained parks or other recreational facilities shall meet the following minimum standards:

a. The park or recreational facility shall have a minimum lot area of 2 acres; and

b. The park or recreational facility shall include the minimum number and type of facilities outlined in **Subsection 15.08.030.B.3**; and

c. The park or recreational facility shall comply with the Parks Master Plan, **Section 15.08.040**, and other applicable City regulations.

3. Privately-owned and maintained parks or other recreational facilities for a single-family, two-family, townhouse, or detached multi-family subdivision shall be identified on the Subdivision Plat as a private open space lot.

4. Privately-owned and maintained parks or other recreational facilities shall be owned and managed by a mandatory Homeowners Association (HOA), or similar permanent agency, and subject to restrictive covenants that state the following:
   a. The land shall be utilized for Parkland or open space in perpetuity.
   b. Each property owner within the subdivision encumbered by the restrictive covenants shall be required to pay dues and/or special assessments for the maintenance of the private park or recreational facility.
   c. If the responsible agency dissolves, cannot fulfill its obligations or elects to sell, transfer or otherwise divest itself of the land, the City shall have the right of first refusal on acquiring the property. If the City elects to acquire the land, said land shall be transferred at no cost to the City and in accordance with **Section 15.08.050**, Method of Dedicating Parkland.
   d. The cessation of the privately-owned and maintained park or other recreational facility shall be prohibited until such time as the declarant cedes control of the responsible agency to purchasers of properties within the subdivision, and then only upon amendment to the restrictive covenants approved by three-fourths of the members of the responsible agency.

D. Credit for Heritage Tree Preservation
   1. The parkland dedication requirement may be reduced if a Heritage Tree is saved within the dedicated Parkland lot; however, the required Parkland lot shall not be less than 3 acres, unless the Parks and Recreation Director determines it to be in the public interest.
   2. The Parkland dedication credit shall be a 15-dwelling unit reduction in the number of units used to calculate the Parkland dedication requirement for each Heritage Tree preserved within the Parkland lot.
   3. Heritage Trees counted toward this credit shall have their entire critical root zone (CRZ) located within the Parkland lot.
   4. Heritage Trees within the 100-year FEMA or calculated floodplain shall not count toward this credit.

15.08.040. Location, Site and Development Standards for Public Parkland

A. Any land to be dedicated to meet the requirements of this section shall be suitable for public parks and recreational activities as determined by the Parks and Recreation Director and comply with the following standards and requirements:
   1. The Parkland lot shall be centrally located within the development, when practicable. Where existing or accepted public Parkland is located adjacent to the development, the Parkland lot may abut the existing or accepted public Parkland provided it results in the creation of a larger park as approved by the Parks and Recreation Director.
   2. In unique circumstances, as approved by the Parks and Recreation Director, a developer may propose dedication of land located outside the development boundary to meet the provisions of this section. In this event, the land proposed to be dedicated shall be located within the same Benefit Zone as the development, and the value of the land shall be equal to the land or fee-in-lieu of land that would be dedicated within the development.
   3. Where a residential subdivision is proposed to be developed in phases, the Parkland lot shall be located within the first phase of the development. If the required public Parkland is proposed to be outside of the first phase, the first phase may be approved provided that fee-in-lieu of dedication is paid for the number of lots within that phase. In this event, the fee paid may be credited towards the required Park Development Fee for the subsequent phase(s) of the development.

4. The Parkland lot shall have a minimum lot width and street frontage of 200 feet. When practicable, the Parkland lot shall be a corner or multi-frontage lot with a minimum street frontage of 200 feet on two streets.
5. The Parkland lot shall only be located along street(s) where on-street parking may be accommodated on both sides of the street.
6. A minimum of 50% of the Parkland lot shall not exceed a 20% grade. A slope analysis exhibit shall be provided to the Parks and Recreation Director.
7. Areas within the FEMA or calculated 100-year floodplain may be dedicated in partial fulfillment of the dedication requirement not to exceed 50%. When area within the floodplain is proposed to be dedicated, a minimum of 2 acres of land, with a minimum width of 100 feet, shall be located outside the floodplain to satisfy the Parkland dedication requirements.
8. Parkland lots with the following conditions shall not be accepted unless approved by the Parks and Recreation Board:
   a. The lot is primarily accessed by a cul-de-sac.
   b. The lot is hindered by utility easements or similar encumbrances that make development of the land unfeasible. This does not include required public utility easements pursuant to **Section 15.03** of this Code.
   c. The lot is encumbered by sensitive environmental species or habitat areas.
   d. The lot contains stormwater facilities. Where stormwater facilities are proposed, stormwater facilities must be designed as a park amenity.
9. A minimum of 2-inch water service line, 6-inch gravity wastewater service line, and access to electric lines shall be provided at one of the property lines in a location approved by the Parks and Recreation Director.
10. Sidewalks and sidepaths in accordance with **Section 14.07** of this Code shall be provided along all street frontages. Sidewalks and sidepaths do not count toward the required parkland dedication.

B. Alternative Site and Development Standards
   1. Alternative design standards for Public Parkland may be proposed and submitted to the Parks and Recreation Director, provided the intent of the requirements of this section are met.
   2. Prior to submitting an application for development, the applicant shall complete the following:
      a. Provide a letter to the Parks and Recreation Director that details the alternative design for Parkland dedication and why it is equal to or better than the minimum standards; and
      b. Conduct a site visit with the Parks and Recreation Director to review the proposal.
   3. The Parks and Recreation Director shall review the alternative design based on **Section 15.08.030**, Requirements for Parkland Dedication, and **Section 15.08.040**, Design Standards for Parkland, of this Code and present the proposed alternative design to the Parks and Recreation Board for a recommendation to the Parks and Recreation Director.
   4. The Parks and Recreation Director shall approve, approve with conditions, or disapprove the request.

15.08.050. Method of Dedicating Parkland

A. Land to be dedicated for Public Parkland shall be identified on the Preliminary Plat, Final Plat, and Site Development Plan. When construction of park improvements and/or private parks is proposed, all amenities shall be identified on the Subdivision Construction Plan or Site Development Plan, as applicable. Fiscal surety in

the amount equal to the Park Improvement Fee shall be provided prior to approval of Subdivision Construction Plan or Site Development Plan, as applicable, for the park improvements on Public Parkland.

B. Prior to acceptance of the Public Parkland, the following conditions shall be met:

1. Land shall be in good condition, including the removal of all debris and dead plant materials, and utility services, sidewalks and other public improvements installed. Any land disturbed by activities not related to park development shall be restored and the soil stabilized in a method approved by the Parks and Recreation Director in accordance with the requirements of this Code.
2. Parkland Development Fee shall be paid. When construction of improvements on the public parkland is approved, park improvements shall be constructed and accepted by the City at the time of acceptance of all other public improvements, when required, or final site inspection.

C. Prior to recordation of the Final Plat, the following conditions shall be met:

1. Land accepted for dedication under the requirements of this Section shall be conveyed by warranty deed, transferring the property in fee simple to the City of Georgetown, Texas, and shall be free and clear of any mortgages or liens at the time of such conveyance.
2. A copy of the warranty deed and other Parkland dedication documents as outlined in the Development Manual shall be provided to the Parks and Recreation Director.

D. When financial contribution in lieu of dedication of public Parkland is approved as meeting the requirements of this section, no Final Plat may be recorded or Site Development Plan approved, as applicable, until payment has been accepted by the City.

15.08.060. Park Fund Established

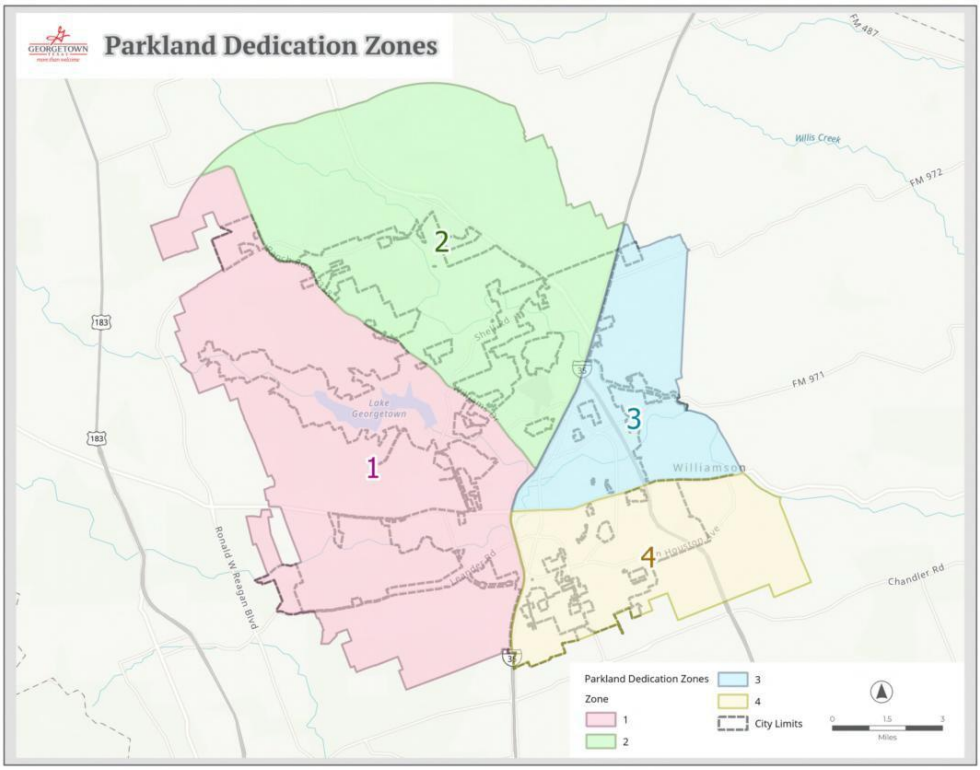
A. A separate fund entitled "Park Fund" has been created to hold in trust money paid to be used solely and exclusively for the purpose of purchasing and/or improving public parks and recreational lands and shall not be used for maintaining or operating park facilities or for any other purpose.

B. Where financial contribution is received in lieu of land dedication, the financial contribution and Park Development Fee shall be expended on a neighborhood park located in the Benefit Zone where the development is located. In the event there is not a suitable neighborhood park within the benefit zone, the amount collected shall be expended on the closest community park or regional park.

C. The City Council, based upon the recommendations of the Parks and Recreation Board, shall determine whether there are sufficient funds to acquire Public Parkland and/or construct improvements. In making a determination for the acquisition of land, the conditions of **Section 15.08.040** shall be taken into consideration.

D. Benefit Zones. Funds shall be expended within the eligible Benefit Zones as shown in **Figure 15.08.060-15.08.06-1. Parkland Dedication Benefit Zones**.

Figure 15.08.060-15.08.06-1. Parkland Dedication Benefit Zones



E. Any financial contribution paid in-lieu of the Parkland dedication requirements must be expended by the City within 10 years from the date received. If the City does not expend the financial contribution by the required deadline, the owners of the property may request a refund in the following manner:

1. The owners of such property must request in writing to the City such refund within one year of the entitlement or such right shall be waived. Refunds shall be paid by the City within 90 days of the filing of the request.
2. A refund may only be provided for the unbuilt lots for which a fee-in-lieu of dedication was paid.

Section 15.09. Subdivision Improvement Guarantee

In lieu of full construction of all public improvements prior to Final Plat recordation, a plat may be recorded without acceptance of the required public improvements through the posting of fiscal surety. Fiscal surety shall be provided in an amount of at least 125% of the cost of the required public improvements, as estimated by a licensed engineer and approved by the Development Engineer. The Development Engineer has the discretion to reduce the percentage of the fiscal surety instrument based on the amount of the construction completed.

The financial instrument shall state the name of the development or subdivision and shall list the required improvements and estimate costs thereof. A plat shall not be recorded until financial security is delivered to the City in a form provided by the City and approved as to form and legality by the City Attorney. No release of any security shall occur until the City has formally accepted the improvement that is the subject of such security.

Section 15.10. Creation of Special Purpose Districts

15.10.010. Municipal Utility District (MUD), Water Control and Improvement District (WCID) or Fresh Water Supply District (FWSD)

A. Purpose

To provide for the prudent use of a Municipal Utility District ("MUD"), Water Control and Improvement District ("WCID"), Fresh Water Supply District ("FWSD"), or similar political subdivision created pursuant to Article III, Section 52, and/or Article XVI, Section 59, of the Texas Constitution and that are authorized by law to provide water, wastewater, stormwater, and other services ("Districts"), in order to allow development within the City's corporate boundaries and extraterritorial jurisdiction that is generally consistent with the City's Comprehensive Plan.

The standards established in this this section are intended to carry out the following purposes:

1. Encourage quality development;
2. Protect the water quality within all watersheds of the City;
3. Protect the water quality of the City's drinking water sources;
4. Allow the City to enforce land use and development regulations consistent with the City's comprehensive plan;
5. Promote enhanced parks, trails, and recreational amenities for the enjoyment of public;
6. Provide for construction of infrastructure consistent with City standards and City inspection of such infrastructure;
7. Provide notice to residents of the District that the City may annex the District at some future time;
8. Facilitate cost-effective construction of infrastructure to serve the area within the District, including police and fire stations, that is consistent with City standards and plans, so that the potential financial burden on the citizens of Georgetown will be reduced, in the event of annexation of such land by the City;
9. Provide for extension of water and wastewater lines that will serve future growth in the City and its extraterritorial jurisdiction consistent with the City's regional utility planning;
10. Establish guidelines for reasonable conditions to be placed on;
11. Issuance of bonds by the District;
12. The City's consent to creation of the District, including conditions consistent with the City's water and wastewater bond ordinances regarding creation of Districts that might otherwise detrimentally compete with the City's utility systems;
13. Establish guidelines for other mutually beneficial agreements by the City and the District;
14. Provide a procedural framework for responding to an application seeking the City's consent to the creation of a District; and
15. Assist in closing the financial gap when a unique development is seeking to exceed minimum standards, provide a robust program of amenities, and where substantial off-site infrastructure improvements are required that would serve the proposed District and surrounding properties.

B. Applicability

This this section is to be equitably applied to the creation of, inclusion of land within, and operation of all proposed Districts, while allowing flexibility necessary to address unique factors that may arise with respect to each proposed District.

Prior to considering whether to consent to or support the creation of a District, the City will consider whether the City is able to provide water and/or wastewater service to the area proposed to be included in the District.

C. Conditions to City's Consent to Creation of a District

If the City Council elects to consent to the creation of or inclusion of land within a District, then it shall impose the following requirements as conditions of the City's consent, and such requirements shall be stipulated in the consent resolution and/or other ancillary agreement, unless the City Council determines that requirements are not appropriate with regard to a specific District.

1. All parks, trails, recreation amenities, water, wastewater, drainage, and road infrastructure and facilities as well as any other infrastructure or facilities to be reimbursed or paid for by the issuance of District bonds, shall be designed and constructed to City standards, including without limitation fire flow standards and utility and road design, construction and installation standards, in accordance with plans and specifications that have been approved by the City. In the event of a conflict between City water and wastewater standards and standards imposed by the Certificate of Convenience and Necessity (CCN) holder for the proposed District, City standards shall prevail, unless otherwise agreed by the City.
2. The City shall be the exclusive provider of water, wastewater, and electric utilities where it is located within the City's single or municipal certificated service area. Further, the District or applicant shall agree that the City is the exclusive provider of solid waste when in the City.
3. The City shall have the right to inspect all facilities being constructed by or on behalf of the District and to charge inspection fees consistent with the City's inspection fee schedule, as amended from time to time.
4. Bonds, including refunding bonds issued by the District, shall, unless otherwise agreed to by the City, comply with the following requirements, provided such requirements do not generally render the bonds unmarketable:
   a. Interest rate that does not exceed 2% above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period preceding the date notice of the sale of such bonds is given;
   b. The bonds shall expressly provide that the District shall reserve the right to redeem bonds at any time subsequent to the 10th anniversary of the date of issuance, without premium. No variable rate bonds shall be issued by a District without City Council approval; and
   c. Any refunding bonds of the District must provide for a minimum of 3% present value savings and that the latest maturity of the refunding bonds may not extend beyond the latest maturity of the refunded bonds unless approved by the City Council.
5. The City shall require the following information with respect to bond issuance:
   a. At least 60 days before issuance of bonds, except refunding bonds, the District's financial advisor shall certify in writing that the bonds are being issued within the existing water, wastewater, or drainage facilities in the county in which the District is located and shall deliver the certification to the City Secretary, and the City.
   b. At least 60 days before the issuance of bonds, the District shall deliver to the City Secretary, and the City Manager notice as to:
      (i) The amount of bonds being proposed for issuance;
      (ii) The projects to be funded by such bonds; and
      (iii) The proposed debt service tax rate after issuance of the bonds.
      (iv) If the District is not required to obtain TCEQ approval of the issuance of the bonds (other than refunding bonds), the District shall deliver such notice to the City Secretary, and the City Manager at

least 60 days prior to issuing such bonds. Within 30 days after the District closes the sale of a series of bonds, the District shall deliver to the City Secretary and the City Manager a copy of the final official statement for such series of bonds. If the City requests additional information regarding such issuance of bonds, the District shall promptly provide such information at no cost to City.

6. The purposes for which a District may issue bonds shall be restricted to the construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to:
   a. Provide a water supply for the District for municipal uses, domestic uses, and commercial purposes;
   b. Collect, transport, process, dispose of and control all domestic, industrial or communal wastes from the District whether in fluid, solid, or composite state;
   c. Gather, conduct, divert, and control local stormwater or other local harmful excesses of water in the District; and
   d. Pay organization and administrative expenses, operation expenses during construction, cost of issuance, interest during construction, and capitalized interest.
   e. If appropriate in a particular District, the City may consent to issuance of bonds for construction, acquisition, repair, extension, or improvement of fire stations, roads, parks, trails, recreational amenities, and/or other capital improvements that are mutually agreed upon by the City Council and the applicant.
7. The District shall contain sufficient acreage to assure the economic viability of the District but no more acreage than can feasibly be annexed at one time.
8. Development within the District shall be consistent with the City's Comprehensive Plan.
9. No District shall include land in more than one City's Extraterritorial Jurisdiction.
10. The City and the owners of all land in the proposed District shall reach agreement on the terms of a development agreement pursuant to Texas Local Government Code §§ 212.171 et seq. to extend the City's planning authority over land included in the District by providing for approval of a development plan, authorizing enforcement by the City of land use and development regulations, and including other lawful terms and considerations the parties consider appropriate. The development agreement shall include provisions relating to the following matters:
    a. Land use plan reflecting all approved land uses and residential densities;
    b. Compliance with City construction Codes, including permit requirements;
    c. Compliance with City and other applicable stormwater and water quality regulations;
    d. Development standards comparable to City zoning regulations; and
    e. Dedication and development of park land, open space, and trails.
    f. The above list is not intended to be exhaustive. It is expected that the parties will cooperate to identify those matters unique to the District that may be addressed in a consent or development agreement.
11. At least 60 days before issuance of bonds, the District shall certify in writing that the District is in full compliance with the consent resolution approved by the City Council and, to the extent such agreements impose requirements on the District, with the consent agreement, strategic partnership agreement and all other agreements executed by the City and the District, and shall deliver the certification to the City Secretary, and the City Manager.
12. No land within the District shall be allowed, at any time in the future, to incorporate, join in an incorporation, or be annexed into any incorporated city other than the City of Georgetown.
13. No land shall be annexed by the District without prior City Council approval.

14. The District shall not construct or install infrastructure or facilities to serve areas outside the District or sell or deliver services to areas outside the District without prior City Council approval.
15. After creation of the District, and unless otherwise expressly authorized by the consent agreement or development agreement, no District shall be converted into another type of District, consolidated with another District, divided into two or more new Districts or seek additional governmental powers that were beyond its statutory authority at the time the District was created, without prior City Council approval.
16. If allowed by law, the City may annex any commercial development within the District for limited purposes pursuant to Texas Local Government Code § 43.0751, and may impose a sales and use tax within the area annexed for limited purposes. If limited purpose annexation is not allowed by law, then the City may not consent to inclusion of commercial retail areas within the District. The City may consider sharing tax receipts with the District, provided the District's share is used to finance infrastructure, retire bond debt or for other purposes acceptable to the City.
17. The District shall not issue any bonds other than those authorized by the consent agreement without City Council approval.
18. The District shall file a notice in the real property records of all counties in which the District is located stating that the City has authority to annex the District. The parties may attach a form of such notice to the consent agreement or development agreement.
19. The District shall send a copy of the order or other action setting an ad valorem tax rate to the City Secretary, and the City Manager within 30 days after District adoption of the rate.
20. The District shall send a copy of its annual audit to the City Secretary, and the City Manager within 30 days after approval.
21. The District shall maintain a debt service structure that will ensure that the District's taxes are maintained at a rate at least equal to the City's tax rate, to the extent feasible.
22. The District shall provide copies of any material event notices filed under applicable federal securities laws or regulations to the City Secretary, and the City Manager within 30 days after filing such notices with the applicable federal agency.
23. Construction of capital improvements or fee-in-lieu for facilities such as fire stations and recreational amenities shall be provided.
24. Sharing of fire stations, recreational amenities, and other capital improvements by the City and the District shall be provided. Land shall be dedicated, when deemed necessary, to enhance public safety and optimize locations for service delivery.
25. If construction or expansion of a wastewater treatment facility is proposed to serve the District, the plant design shall conform to all applicable state and federal permitting and design standards. In addition, any wastewater discharge shall be permitted to meet effluent limitations no less stringent than 5-5-2-1 (five parts per million ("ppm") biochemical oxygen demand; five ppm total suspended solids; two ppm nitrogen; and one ppm phosphorus) or the current limits in permit(s) held by the City, whichever is strictest. The City reserves the right to protest any wastewater treatment facility permit application or amendment.
26. The board of directors of the District and landowners within the District shall assist the City in annexing one or more areas as reasonably necessary for the City to connect areas to the City that are outside the District and that the City intends to annex in the foreseeable future.
27. Upon the recommendation of the Development Engineer or designee the City may require the District to complete a traffic impact analysis pursuant to **Section 14.09** of this Code.

28. The City may agree not to annex and dissolve the District any earlier than the first to occur of: (i) extension of water, wastewater, and drainage facilities to serve ninety percent (90%) of the land within the District; or (ii) 15 years after creation of the District. The contract between the City and the District may provide that the City may set rates for water and/or wastewater services for property that was within the District that vary from those for other properties within the City in order to compensate the City for assumption of District obligations upon annexation, in compliance with any statutory requirements applicable to such an agreement.
29. The consent agreement and ancillary documents shall include terms providing for the District to be fully developed and ready for full purpose annexation by the City within a reasonable time period.
30. The applicant shall reimburse the City for expenses incurred by the City in connection with the City's consent to formation of the District, including but not limited to professional fees incurred in connection with negotiation and preparation of the consent resolution, consent agreement, development agreement, strategic partnership agreement, and related documents.

D. City Operations Compensation Fee

A fee shall be assessed for each residential unit within the District equal to the proportion of City operations attributed to serving residents of an ETJ District. The fee shall be calculated as outlined in the Municipal Utility District (MUD) Policy.

Chapter 16. Nonconformities

Section 16.01. General

16.01.010. Purpose

The purpose of this chapter is to regulate the continuation, maintenance, modification, replacement and termination of legally established uses, lots, structures, signs and sites that no longer conform to the provisions of this Code.

16.01.020. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 43, 211 and 212 and the City Charter.

16.01.030. Applicability

The provisions of this chapter shall be applicable to all nonconforming situations within the City's incorporated limits and extraterritorial jurisdiction (ETJ).

16.01.040. Nonconforming Status

A. Determination of Nonconforming Status

Determination of nonconforming status shall be made by the Director, subject to appeal to the Zoning Board of Adjustment as outlined in **Section 3.12** of this Code.

B. Legal Nonconforming Status

A structure, lot, site, sign, or use which was lawfully in existence, constructed, and located on the effective date or applicability of this Code or any amendment thereto or was legally constructed to meet previous requirements of this Code and has been in regular and continuous use, but which does not conform to the current requirements of this Unified Development Code, shall be granted legal nonconforming status, except as specifically exempted or prohibited by other sections of this chapter. A legal nonconforming structure, lot, site, sign, or use may remain or continue, subsequent to the effective date of this Code and any amendments thereto, provided that such continuance is in accordance with the provisions of this chapter and all other applicable codes of the City.

C. Illegal Nonconforming Status

A structure, lot, site, sign, or use that is in violation of the requirements of this Code and was constructed or established since the adoption of this Code without the necessary approvals, permits, or authorizations from the City is considered illegal nonconforming. The owner and/or operator of an illegal nonconforming structure, lot, site, sign, or use shall be subject to actions and penalties allowed by this Code and all other applicable City ordinances and shall be required to correct the nonconforming situation to come into conformance with all applicable standards and regulations of this Code. Conformance with the applicable standards and regulations of this Code includes, but is not limited to, submittal of applicable permits, rezoning, and possibly redevelopment of a site/structure to comply with the applicable requirements of this UDC.

D. Types of Nonconforming Situations

The following are types of nonconforming situations for which nonconforming status shall be determined:

1. Nonconforming uses;

2. Nonconforming lots;
3. Nonconforming structures;
4. Nonconforming sites; and
5. Nonconforming signs.

E. Ownership

The lawful change of ownership of a nonconforming situation without any change in land use shall not cause the loss of legal nonconforming status.

F. Reversal Prohibited

Once a nonconforming use, structure, site, lot, or sign has been changed to conform or more nearly conform with the provisions of this Code, the use, structure, site, lot, or sign shall not thereafter be changed so as to be nonconforming again.

G. Legal Nonconforming Status for Newly Annexed Territory

After Annexation of an area, a person may continue to use the land in the newly annexed area in the same manner in which the land was used on the date Annexation proceedings were instituted if the land use was legal at the time. This includes any beginning use of land in the newly annexed area in the manner that was planned for the land before the 90th day before the effective date of Annexation if:

1. One or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned use; and
2. A completed application for the initial authorization was filed with the governmental entity before the date the Annexation proceedings were instituted, as described in Texas Local Government Code § 43.002.

H. Change in Status of Adjacent Property

A structure, site, or use that complies with the development regulations of this Code does not become nonconforming as the result of a change in the use, zoning, or development of adjacent property.

I. The burden of establishing that any nonconformity is a legal nonconformity as defined by this Chapter shall be the responsibility of the property owner.

16.01.050. Effect of Acquisition of Right-of-Way

A. Governmental Acquisition of Right-of-Way

A lawful structure, lot, site, sign, or use that is made noncompliant regarding any requirement of this Code due to the acquisition of right-of-way by eminent domain, dedication, or purchase by a city, county, state, or federal agency shall be deemed legal nonconforming. Such exemption shall apply only to noncompliance that is a direct result of the acquisition of right-of-way.

16.01.060. Abandonment of a Nonconforming Situation

A. Effect of Abandonment

Abandonment of a legal nonconforming situation shall result in the loss of the existing legal nonconforming status previously granted. All use of the premises shall cease and any future use of the premises may only occur as provided for in this chapter.

B. Vacancy

Occurrence of a combination of one or more of the following situations shall indicate vacancy or lack of occupancy for the purposes of determining abandonment:

1. The building, structure, activity or land has been unoccupied or out of use, and no permits are actively being pursued;
2. There is not an active Certificate of Occupancy;
3. The intention of the owner to discontinue the use is apparent (e.g., posted notice of going out of business);
4. One or more utility accounts have discontinued service as described by the City of Georgetown's utilities' policies;
5. Utility meters are removed;
6. The occupant or owner has allowed any taxes to not be paid thereon;
7. The site or structure has not been maintained in accordance with the requirements of this UDC, the Property Maintenance Code, or Building Code (e.g., accumulation of trash; broken windows; overgrown or dead landscaping; damaged parking surface; unsafe entrances or structures);
8. The unit has not been made available for occupancy;
9. The characteristic equipment and furnishings of a nonconforming use have been removed from the premises; or
10. A nonconforming use has been replaced by a conforming use.

C. Determination of Abandonment

1. Abandonment of a legal nonconforming use.
   a. A legal nonconforming use shall be considered abandoned after the nonconforming use has vacated the building or site for a period of 12 months.
   b. Any nonconforming use that does not involve a permanent type of structure or operation, and that is entirely moved from the site shall be considered to have been discontinued, regardless of intent.
2. Abandonment of a legal nonconforming structure.
   a. A legal nonconforming structure shall be considered abandoned after the structure has been vacant for a period of 18 months.
   b. The time period for determining abandonment of a legal nonconforming or structure may be extended to a maximum of three years if the property has been consistently maintained and the owner of the structure can prove to the satisfaction of the Director that they have been actively and continuously marketing the structure for sale or lease or have otherwise engaged in activities that would affirmatively prove there was no intent to abandon. This provision excludes the exemption of any nonconforming signage on the site.
3. Abandonment of a legal nonconforming site.
   a. A legal nonconforming site shall be considered abandoned after the site has been vacant for a period of 18 months.
   b. The time period for determining abandonment of a legal nonconforming site may be extended to a maximum of three years if the property has been consistently maintained and the owner of the land or structure can prove to the satisfaction of the Director that they have been actively and continuously marketing the land or structure for sale or lease or have otherwise engaged in activities that would affirmatively prove there was no intent to abandon. This provision excludes the exemption of any nonconforming signage on the site.

4. Abandonment of a legal nonconforming sign.

   A legal nonconforming sign shall be considered abandoned after the site on which it is located has been vacant for a period of 90 days

5. The time period for determining abandonment shall exclude any period of discontinuance of use caused by government actions impeding access to the premises without any contributing cause by the owner of the legal nonconforming use, site, or structure.

6. An owner of a legal nonconforming use located in a structure specifically constructed or modified to suit only such use may request a Special Exception from the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, to extend the time period for determining abandonment to a maximum of four years, provided:

   a. the property has been consistently maintained;

   b. the structure has not been intentionally altered to serve other uses, used to house a permitted use, or used to house another nonconforming use;

   c. and the owner can prove to the satisfaction of the Board that they have been actively and continuously marketing the structure for sale or lease to such a use.

   d. This provision excludes the exemption of any nonconforming signage on the site.

7. All of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole for the purposes of determining abandonment. A multi-tenant site, building or shopping center shall be considered occupied for the purposes of this chapter, provided it remains at least 30 percent (30%) occupied. The failure to rent one space in a nonconforming building or on a nonconforming site shall not result in a loss of the right to rent space thereafter so long as the building or site as a whole is continuously maintained and at least 30 percent (30%) of the units remain rented.

8. The Director shall be the official responsible for determining abandonment of a use, structure, site, or sign. Administrative appeals may be processed in accordance with **Section 3.12**.

16.01.070. Variance Not Precluded

Nothing within this chapter precludes the application for and approval of a Variance meeting the standards for such under **Section 3.13** of this Code.

Section 16.02. Nonconforming Uses

16.02.010. Nonconforming Uses Generally

A Nonconforming Use is one that is not permitted within the Zoning District assigned to the property upon which the use is located. In addition, a use located in a Zoning District in which it could lawfully locate with the approval of a Special Use Permit but lacking such a permit or a use allowed as a limited use that does not conform to such limitations shall also be considered nonconforming. Those Nonconforming Uses lawfully existing and located on the effective date or applicability of this Code or subsequent amendments thereto shall be considered Legal Nonconforming Uses.

16.02.020. Elimination of Nonconforming Use Status

The owner of a Nonconforming Use may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Replacing the Nonconforming Use with a conforming use;

B. Rezoning to a district where the use is permitted by right;

C. Obtaining a Special Use Permit, provided the use is listed as one that would be allowed in the zoning district with a Special Use Permit;

D. Complying with the applicable limitations for such use, provided that the use is listed as one that is allowed in the Zoning District subject to limitations set forth in **Chapter 6**; or

E. Obtaining a Special Exception from the Zoning Board of Adjustments, pursuant to **Section 3.13** of this Code, if the Special Exception is allowed by this Code and would make the use conforming.

16.02.030. Change of Use

A. A Legal Nonconforming Use may be continued under a different owner or operator, provided that use has not been abandoned or changed.

B. A change of use occurs when the current use of a site or structure is replaced with a use that is not listed as the same specific use in the Use Tables in **Chapter 6**.

C. In no event may a change of use occur that would allow a use that would increase the degree or intensity of nonconformity or result in the expansion of any existing nonconforming situation or the creation of any new nonconforming situation.

16.02.040. Abandonment of Nonconforming Use

In the event a Nonconforming use is determined to be abandoned, the structure or site shall thereafter only be occupied in accordance with the provisions of this Code. See **Section 16.01.060** of this chapter for the time frame for the determination of abandonment.

16.02.050. Expansion of a Nonconforming Use

A. A Legal Nonconforming Use may be expanded or enlarged only upon approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, except as follows:

   1. The Director may approve an Administrative Exception, pursuant to **Section 3.14** of this Code, if it is determined that the expansion or enlargement of the use or an accessory use or site modifications (for example parking) would make the use more conforming to the current standards of this Code; or

   2. Expansion or enlargement is required by City ordinance, State law, or federal law.

B. A Legal Nonconforming Use shall be considered enlarged, expanded, or increased by the following:

   1. Increasing the square footage of the building housing the Nonconforming Use;

   2. Expanding the square footage occupied by a Nonconforming Use within an existing building;

   3. Occupying a greater portion of the tract on which the use is located;

   4. Construction of additional buildings associated with the nonconforming use; or

   5. Increasing the scope, volume, or intensity of the use in a significant way.

C. For purposes of this provision, the addition or alteration of signage shall not be considered expansion of a legal nonconforming use that is made so due to lack of an approved Special Use Permit or limitation.

D. An expansion of a Legal Nonconforming Use may not create any new nonconformity.

16.02.060. Destruction or Damage of Structure Housing Nonconforming Use

In the event that a structure in which a Legal Nonconforming Use is housed, operated, or maintained is partially damaged or destroyed, the Nonconforming Use shall be allowed to continue under the following conditions.

A. Permitting for any allowed construction to support the Legal Nonconforming Use must thereafter commence within six months of the damaging event and reconstruction shall be completed, as determined by issuance of a Certificate of Occupancy, within one year of the event. The timeframes herein may be extended for good cause as proven to the Director, provided there is no adverse effect on the community.

B. A structure constructed under **Section 16.02.060** must be permitted and constructed in conformance with all applicable regulations of this code unless otherwise outlined in **Section 16.04.090**.

16.02.070. Nonconforming Telecommunications Towers

Additional telecommunications antennae and necessary equipment may be attached to a preexisting nonconforming telecommunications tower provided the addition causes no expansion of the footprint of the tower and meets the requirements of **Section 6.03** of this Code.

Section 16.03. Nonconforming Lots

16.03.010. Nonconforming Lots Generally

A Nonconforming Lot is a lot of record that does not meet the minimum area or dimensional requirements of the zoning district in which the lot is located. Those nonconforming lots lawfully existing on the effective date or applicability of this Code or subsequent amendments thereto shall be considered Legal Nonconforming Lots.

16.03.020. Use of a Nonconforming Lot

A Legal Nonconforming Lot may continue to exist indefinitely and may be developed and used as if it were a conforming lot, provided the proposed use is permitted and all development standards of the applicable Zoning District of this Code are met. If dimensional or development standards are unable to be met due to the size or configuration of the lot, the Zoning Board of Adjustment shall be authorized to grant a Special Exception (see **Section 3.13**) to reduce or otherwise modify standards as needed to accommodate the reasonable development of the property.

16.03.030. Elimination of Nonconforming Lot Status

The owner of a Nonconforming Lot may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Combine the lot with an adjacent property to conform to current standards;

B. Apply for a Special Exception, pursuant to **Section 3.13** of this Code, to allow a reduction or modification of the current standards to allow reasonable development of the lot; or

C. Rezone to a District where the lot would conform.

16.03.040. New Division

No new division of any lot or parcel shall be made which increases the level of existing nonconformity, leaves any lot, parcel, or remnant with width or area below the requirements stated in this Code or creates any new nonconforming situation.

Section 16.04. Nonconforming Structures

16.04.010. Nonconforming Structures Generally

A. A Nonconforming Structure is one that does not meet the setbacks, height limitations, or articulation as required by this Code. Those Nonconforming Structures lawfully constructed and existing on the effective date or applicability of this Code or any amendment thereto shall be considered Legal Nonconforming Structures. For the purposes of this section, the term structure means anything constructed or erected on the ground or which is attached to something located on the ground, except signs, and includes, but is not limited to, buildings, telecommunications towers, utility improvements and sheds. These provisions shall be applicable to all structures regardless of whether they are deemed principal or accessory.

16.04.020. Elimination of Nonconforming Structure Status

The owner of a Nonconforming Structure may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Modify the structure to conform to current standards;

B. Apply for a Special Exception, pursuant to **Section 3.13** of this Code, to allow the structure as built; or

C. Rezone to a district where the structure would conform.

16.04.030. Repair and Maintenance

A Legally Nonconforming Structure shall be maintained in accordance with the codes in effect when the building was constructed or as deemed necessary by the Building Official for the general safety and welfare of the occupant and the public. The repairs required by the Building Official shall not be construed as to allow an addition to or expansion of a Nonconforming Structure. Except as otherwise provided for in this chapter, no repair or maintenance may result in the expansion of any existing nonconformity or the creation of any new nonconformity.

16.04.040. Unsafe Situations

A. Nothing in this chapter shall be construed to prohibit the strengthening or repair of any part of any nonconforming structure declared unsafe by the Building Official, unless such repairs exceed fifty percent (50%) of the value of the structure. In such case the right to operate, occupy or maintain such structure may be terminated by action of the Zoning Board of Adjustment and such structure shall be demolished. The value of the structure and the percent value lost due to any destruction shall be determined by an appraisal submitted to the Building Official.

B. Nothing in this chapter shall be construed to permit the continued use of a building or structure found to be in violation of building, basic life safety, or health codes of the City. The right to continue any nonconformity shall be subject to all applicable housing, building, health, and other applicable life safety codes.

16.04.050. Abandonment of a Nonconforming Structure

In the event a Nonconforming Structure is determined to be abandoned, the structure shall be modified to conform to all applicable requirements of this Code. However, a Special Exception may be granted by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, if it is determined that conformance with all requirements of this Code will cause the expansion or creation of another nonconformity or where it is determined that all provisions of this Code cannot be reasonably met. See **Section 16.01.060** of this chapter for the time frame for the determination of abandonment.

16.04.060. Interior Alterations to a Nonconforming Structure

Interior remodeling of a Legally Nonconforming Structure is permitted and will not result in loss of legal nonconforming status regardless of the cost or extent of the interior remodel, as long as no exterior remodeling is involved. If exterior alteration in conjunction with interior remodeling is involved, loss of legal nonconforming status will be determined pursuant to the provisions set forth in this chapter related to such alteration.

16.04.070. Movement of a Nonconforming Structure

A Nonconforming Structure shall not be moved to another location on the same lot or any other lot unless the entire structure is thereafter made to conform to all requirements of this Code for the district to which the structure is being moved.

16.04.080. Expansion of a Nonconforming Structure

A. A Legal Nonconforming Structure may be expanded or enlarged up to fifty percent (50%) of its size without approval of the Zoning Board of Adjustment.

B. A Legal Nonconforming Structure may be expanded or enlarged in excess of fifty percent (50%) of its size only upon approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code.

C. If such expansion or enlargement is in excess of hundred percent (100%) of the size of the existing structure, all provisions of this Code shall be applicable to the existing structure or structures as well as any new construction on the lot or parcel. For the existing structure, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code.

D. For purposes of determining the expansion or enlargement of a Nonconforming Structure, the square footage of all previous expansions under this subsection shall be cumulative and the square footage of the original structure shall be the initial size for purposes of the calculation.

E. All expansion or enlargement of structures under this subsection shall be in compliance with all applicable regulations of the zoning district in which such structure is located. In no event may the expansion or enlargement result in the increase of any existing nonconformity or the creation of any new nonconformity.

16.04.090. Destruction or Damage of a Nonconforming Structure

A. Natural or Accidental Causes

1. A Legal Nonconforming Structure, which is damaged or destroyed by natural or accidental causes, may only be reconstructed as it was before such happening within the timelines herein.
2. Permitting for reconstruction of such structure must thereafter commence within six months of the damaging event and reconstruction shall be completed, as determined by issuance of a Certificate of Occupancy, within one year of the event. The timeframes herein may be extended for good cause as proven to the Director, provided there is no adverse effect on the community.
3. A structure restored under this Subsection must be restored or reconstructed so as to have no greater gross floor area, building footprint, or height as the damaged or destroyed structure.

B. Historic Structures

1. A nonconforming structure designated as historic at the state or national level or identified as a Medium or High Priority Structure in the Georgetown Historic Resource Survey shall be allowed to be restored in the

same location, design, and configuration immediately preceding any damage or destruction that is caused by a fire or natural disaster. Permitting for such reconstruction shall commence within 18 months of the damaging event and be completed, as determined by issuance of a Certificate of Occupancy, within three years of the event.

2. Reconstruction of a structure under this section that will not restore the structure in the same location, design, and configuration as it was immediately preceding damage, may be granted the timelines herein if the Historic and Architectural Review Commission, after a conceptual review of the proposed addition or alteration pursuant to **Section 5.11**, determines the addition or alteration appropriate and the timelines herein applicable.
3. The timeframes herein may be extended for good cause as proven to the Director, provided there is no adverse affect on the community.
4. The property owner has the burden of proof to establish the details of the structure immediately prior to the damage or destruction.

C. Intentional Destruction

A Nonconforming Structure which is damaged or destroyed by the intentional act of the owner or his agent may not be restored or reconstructed as it was before such happening.

Section 16.05. Nonconforming Sites

16.05.010. Nonconforming Sites Generally

A Nonconforming Site is one where one or more existing site improvements, including but not limited to parking areas, storm drainage facilities, sidewalks and landscaping, do not conform to one or more of the regulations of this Code applicable to the property. Those Nonconforming Sites lawfully existing on the effective date or applicability of this Code or any amendment thereto shall be considered Legal Nonconforming Sites.

16.05.020. Elimination of Nonconforming Site Status

The owner of a Nonconforming Site may employ the following mechanisms in an attempt to eliminate the nonconformity.

A. Modify the site to conform to current standards;

B. Apply for a Special Exception, pursuant to **Section 3.13** of this Code, to allow the site as built; or

C. Rezone to a District where the site would conform.

16.05.030. Repair and Maintenance

A Legally Nonconforming Site shall be maintained in accordance with the codes in effect when the site was constructed or as deemed necessary by the Director for the general safety and welfare of the occupant and the public. Any repairs or maintenance required by the Director shall not be construed as to allow an addition to or expansion of a Nonconforming Site. Except as otherwise provided for in this chapter; no repair or maintenance may result in the expansion of any existing nonconformity or the creation of any new nonconformity. Maintenance of a site may include, but is not limited to, maintenance of landscaping, pavement, lighting, or detention ponds.

16.05.040. Change in Tenant of a Legal Nonconforming Site

A change in the tenant of a Legal Nonconforming Site shall not cause the site to lose its legal nonconforming status. Nonconforming uses are subject to the provisions of **Section 16.02** of this chapter. Tenant changes are categorized into the following situations.

A. Tenant with Same Use

A change in tenant of a Legal Nonconforming Site to a tenant with the same specific use, as listed in the use tables in **Chapter 6**, is permitted without any required changes to the Nonconforming Site.

B. Tenant with Similar or Less Intense Use

A change in tenant of a legal nonconforming site to a tenant with a similar or less intense use as the previous tenant may be allowed without any required changes to a nonconforming site; provided the restrictions below are met.

1. The new use shall have a parking requirement less than or equal to the previous use.
2. The new use shall not increase the amount of outside storage or activities previously existing.
3. The average daily vehicle trips generated by the new use shall be less than or equal to the previous use.
4. The new use shall not produce more noise, vibration, dust, odor, fumes, glare, or smoke than the previous use.
5. The site shall be maintained and in conformance with any Site Plan or regulations in effect when the site was established or last improved. This includes, but is not limited to, the replacement of any dead plants or trees, the re-striping of parking spaces, and the repaving of deteriorated pavement.
6. The new use shall meet all limitations or requirements of Chapter 6 for such use without alteration to the site.

C. Tenant with Different Use

Any change in tenant that does not meet the provisions of the preceding categories shall be determined to be a change to a different use. A change in tenant of a Legal Nonconforming Site to a tenant with a different use as the previous tenant shall require the following alterations to the Nonconforming Site.

1. Any increase in parking spaces between those required for the previous use and those required for the new use shall be provided. If the previous use was deficient in the number of required parking spaces, the new use may carry over the deficiency. Construction of additional required parking spaces shall be in conformance with **Section 16.01.060**. If the additional spaces required cannot be met on site, the applicant may request the requirement be met off-site pursuant to **Section 11.04.010.B** of this Code.
2. The site shall be maintained in conformance with any Site Plan or regulations in effect when the site was established or last improved. This includes, but is not limited to, the replacement of any dead plants or trees, the re-striping of parking spaces and the repaving of deteriorated pavement as determined by the Development Engineer.
3. Those parking spaces that are accessed via public right-of-way shall be removed and those spaces replaced elsewhere on the site if those spaces are necessary to meet the minimum parking requirements. This provision does not apply to any on-street parking spaces otherwise approved by the Development Engineer.
4. The new use shall meet all limitations or requirements of **Chapter 6** for such use, including, but not limited to, setback requirements, buffers and screening.

16.05.050. Abandonment of a Nonconforming Site

In the event a Nonconforming Site is determined to be abandoned, the site shall be altered to conform to all applicable requirements of this Code upon re-occupancy, except as outlined below or as provided for in **Section 16.05.070.** However, a Special Exception may be granted by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, if it is determined that conformance with all requirements of this Code will cause the expansion or creation of another nonconformity or where it is determined that all provisions of this Code cannot be reasonably met. See **Section 16.01.060** for the time frame for the determination of abandonment.

A. Landscaping

An abandoned site shall be altered to conform to all applicable landscaping requirements of **Chapter 9** of this Code. Any area on site that is available for landscaping shall be so utilized to meet these requirements. When the City grants permission, the owner or operator of the site may also use areas within the public right-of-way to satisfy landscaping requirements. Where landscaping in accordance with the provisions of **Chapter 9** cannot be reasonably met, the applicant may request the Director consider an alternative plan that meets the intent of the requirements.

B. Impervious Coverage

Impervious coverage that exceeds the allowance for the zoning district and lot size identified in **Chapter 13** is not required to be removed in order to meet the impervious coverage requirements of this Code. However, in no case shall the impervious coverage of the tract be increased unless done so in compliance with the provisions of **Chapter 13**.

C. Incidental Site Features

All incidental site features including, but not limited to, fences, dumpsters, lighting and mechanical equipment must be altered to conform to the provisions of this Code. Where the provisions of the code cannot be reasonably met, the Director may approve an Administrative Exception pursuant to **Section 3.14**.

16.05.060. Process for Review of Required Improvements

Site improvements that are required to meet the provisions of this chapter shall be reviewed pursuant to the process detailed in **Chapter 3** of this Code.

16.05.070. Postponement of Required Improvements

Required site improvements must be made as part of the event that triggers the improvements. However, the applicant may request an Administrative Exception from the Director to phase construction of and post bond for up to half of the improvements required. Any required parking that is triggered may not be bonded and must be constructed as part of the first phase. A Conditional Certificate of Occupancy (CO) may be issued for any occupant, pending construction of these and all other required improvements of this Code. Improvements postponed under this provision shall be constructed within one year of the issuance of the Conditional CO. It is the responsibility of the applicant to document the value of the required improvements for the purposes of bonding.

16.05.080. Expansion of a Nonconforming Site

A. A Legal Nonconforming Site may be expanded or enlarged up to twenty-five percent (25%) of its size without approval of the Zoning Board of Adjustment, provided that such expansion cannot create a new nonconformity.

B. A Legal Nonconforming Site may be expanded or enlarged in excess of twenty-five percent (25%) of its size only upon approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, except as follows:

1. The Director may approve an Administrative Exception, pursuant to **Section 3.14** of this Code, if it is determined that the expansion or enlargement of the site would make the site more conforming to the current standards of this Code; or
2. Expansion or enlargement is required by City ordinance, State law or federal law.

C. If such expansion or enlargement is in excess of fifty percent (50%) of the size of the existing site, all provisions of this Code shall be applicable to the existing site as well as any new construction on the lot or parcel. For the existing site, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code.

D. A Legal Nonconforming Site shall be considered enlarged or expanded by the following:

1. Occupying a greater portion of the tract;
2. Construction of additional buildings; or
3. Construction of any additional improvements on a portion of the tract that was not previously developed.

E. For purposes of determining the expansion or enlargement of a nonconforming site, the square footage of all previous expansions under this subsection shall be cumulative and the square footage of the original site shall be the initial size for purposes of the calculation.

F. All expansion or enlargement of sites under **Section 16.05.080** must be in compliance with all applicable regulations of this Code. In no event may the expansion or enlargement result in the increase of any existing nonconformity or the creation of any new nonconformity.

Section 16.06. Nonconforming Signs

16.06.010. Nonconforming Signs Generally

A Nonconforming Sign is one that does not comply with the standards of this Code. Those Nonconforming Signs lawfully existing and located on the effective date or applicability of this Code or any amendments thereto shall be considered Legal Nonconforming Signs.

16.06.020. Elimination of Nonconforming Sign Status

The owner of a Nonconforming Sign may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Modify the sign to conform;

B. Apply for a Variance, pursuant to **Section 3.13** (height and location only), to allow the sign as built, if such variance is allowed by the provisions of **Chapter 12**; or

C. Rezone to a Zoning District where the sign would conform.

16.06.030. Repair and Maintenance

Repairs and maintenance may be made to a Legal Nonconforming Sign, provided that no structural alteration shall be made except those required by the Building Official in order to comply with the provisions of the Code of Ordinances

or this Code. In no event may any repair or maintenance result in the expansion of any existing nonconformity or the creation of any new nonconformity.

16.06.040. Abandonment of a Nonconforming Sign

In the event a Legal Nonconforming Sign is determined to be abandoned, the sign shall be eliminated or modified to conform to all requirements of this Code. See **Section 16.01.060** of this chapter for the time frame for the determination of abandonment.

16.06.050. Alterations to a Nonconforming Sign

A change in the information on the sign face of a Legal Nonconforming Sign is allowed; provided the change of information does not increase the area of the sign face. However, a Nonconforming Sign shall either be eliminated or made to conform to the provisions of this Code, when any alteration, modification, or improvement is more than 60 percent (60%) of the appraised value of erecting a new sign of the same type at the same location.

16.06.060. Destruction or Damage of a Nonconforming Sign

A. Natural or Accidental Causes

1. A Legal Nonconforming Sign, which is damaged or destroyed by natural or accidental causes, may only be reconstructed as it was before such cause within six months of the damaging event. The timeframes herein shall exclude any delay in commencement due to insurance or litigation.
2. A sign restored under **Section 16.02.060** must be restored or reconstructed so as to have a height and sign face area less than or equal to that of the damaged or destroyed sign. The property owner has the burden of proof to establish the height and sign face area immediately prior to the damage or destruction.
3. The value of the sign and the percent value lost due to any destruction shall be determined by an appraisal submitted to the Building Official.

B. Intentional Destruction

A right to retain a Legal Nonconforming Sign terminates when the Nonconforming Sign is destroyed by the intentional act of the owner or his agent.

16.06.070. Immediate Termination of Nonconforming Signs

Except as otherwise provided by this Code, the Building Official shall cause the immediate removal of any sign constructed, erected, or placed in violation of the provisions of this Code or expressly prohibited and any sign that represents a clear and present danger to the health or safety of the public due to its structural condition.

Chapter 17. Enforcement

Section 17.01. Administration

17.01.010. General

A. Except as otherwise provided elsewhere in this Code or in this Chapter, the Director or designee shall administer and enforce the provisions of this Code, including the receiving of applications, the inspection of premises, and the issuing of building permits and certificates of occupancy.

B. The Building Official or designee shall have the power to issue, suspend or revoke building permits, certificates of occupancy, sign permits, floodplain permits, or development permits.

C. The City's Code Enforcement Officers shall also have the authority to enforce the provisions of this Code and all currently adopted City Codes or other building or construction codes.

Section 17.02. Compliance Required

17.02.010. General

A. No person may use, occupy or develop land, buildings or other structures or authorize or permit the use, occupancy or development of land, buildings or other structures under the control of the person except in compliance with all applicable provisions of this Code. Except as otherwise allowed by this Code or other law, non-compliance is prohibited. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in that land, building, sign, or structure.

B. The owner of any building or land or part thereof, where anything in violation of this Code is placed or used, and any architect, builder, contractor, agent or any other person employed in connection therewith, who may have assisted or contributed to the commission of any such violation, is an offense and shall each be deemed guilty of a violation of this Code.

C. The Building Official shall not issue a building permit or certificate of occupancy required by this Code for any land located within the jurisdiction of the City to which this Code applies, until and unless there is full compliance with this Code and all other ordinances of the City.

D. Permits presuming to give authority to violate or cancel the provisions of this Code or other City ordinances shall not be valid. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code if the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information or in violation of any ordinance, regulation, or provision of this Code. Appeals related to the decision of the Building Official can be made in accordance with **Section 3.12** of this Code.

E. The City shall not connect City water, sewer, or electricity to any property to which the provisions of this Code apply, unless and until there is compliance with the provisions of this Code.

17.02.020. Certificates of Occupancy

A. No person shall proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, repair, convert, extend or demolish any building or structure or cause the same to be done in any zoning district in the city limits without first applying for and obtaining a building permit therefore from the Building Official. All applications for such permits shall be in accordance with the requirements of this chapter and the City's adopted building code unless upon written order of the Zoning Board of Adjustment. No such

building permit or Certificate of Occupancy shall be issued for any building where such construction, addition, alteration or use thereof would be in violation of any of the provisions of this chapter.

B. No building or structure hereafter erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Building Official stating that the building or structure and/or proposed use thereof complies with the provisions of this Code and all other applicable ordinances and codes of the City, including payment of fees, fines, and penalties and final resolution of any outstanding complaints.

C. No nonconforming use or structure shall be renewed, changed, or extended without a Certificate of Occupancy having first been issued by the Building Official.

D. The Building Official shall maintain a record of all Certificates of Occupancy. A Certificate of Occupancy shall be considered evidence of the legal existence of a legal use or a legal nonconforming use, as contrasted to an illegal use and violation of this chapter.

E. No permanent water, sewer, electrical, or gas utility connections shall be made to the land, building or structure until and after a Certificate of Occupancy has been issued by the Building Official.

F. The Building Official may issue a temporary Certificate of Occupancy for the temporary use and occupancy of all of a building or a portion of a building prior to the completion and occupancy of the building, provided such temporary occupancy or use will not in any way or manner jeopardize life or property. Such temporary Certificate may be issued for a period not exceeding six months. Such temporary Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners relating to the use or occupancy of the premises or in any other matter covered by this chapter, and such temporary Certificate shall not be issued except under such restrictions and provisions.

G. The Building Official may issue a conditional Certificate of Occupancy for the conditional use and occupancy of all of a building or a portion of a building prior to the final completion of all site improvements to the property as provided for in this Code, provided such conditional occupancy or use will not in any way or manner jeopardize life or property. Such conditional Certificate may be issued for a period not exceeding 12 months and requires the posting of a bond for any or all outstanding site improvements. Such conditional Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners relating to the use or occupancy of the premises or in any other matter covered by this chapter, and such temporary Certificate shall not be issued except under such restrictions and provisions.

H. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances.

17.02.030. Demolition by Neglect

A. Upon identification of any property in possible violation of **Section 5.04.040** of this Code, the Building Official shall notify the property owner or person with interest in the real property, of the possible violation. Such notification shall be in writing and be mailed by certified mail, return receipt requested. The notification shall state the nature of the possible violation with sufficient specificity to enable the owner or person with an interest in the real property to bring the property into compliance with this Section. The notification shall also state that the owner or person with an interest in the real property shall have 90 days to bring the property into compliance with this Code.

B. The Building Official and Historic Preservation Officer will work with the property owner to develop a rehabilitation plan. Upon completion of the 90-day grace period, the Building Official and Historic Preservation Officer will reinspect the property to determine compliance with this Code. Should the property owner or person with an interest in the real property fail to bring the property into compliance with the 90-day grace period, the

City shall seek enforcement of this Code under **Section 17.03** of this Code and any applicable provisions of the Georgetown Municipal Code.

Section 17.03. Enforcement

17.03.010. Stop Work Orders

A. Whenever any building or site development work is being done contrary to the provisions of this Code, the Building Official or designee may order the work stopped and also revoke the building permit theretofore issued by notice in writing served on any person owning such property or their agent or on any person engaged in the doing or causing of such work to be done. Such person shall forthwith stop and cause to be stopped such work until authorized by the Building Official or designee to recommence and proceed with the work or upon issuance of a building permit in those cases in which the building permit has been revoked. Such stop work order and revocation of permit shall be posted on work being done in violation of this Code.

B. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Official or designee or the Community Development Director or designee may order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued. Such person shall vacate such building or portion thereof within ten days after receipt of such notice or make the building or portion thereof comply with the requirements of this Code.

C. Whenever a posted stop work order due to a violation of any provisions of this Code is removed, penalties shall be enforced pursuant to **Section 17.03.020**.

17.03.020. Notice of Intent to Suspend or Revoke

A. Before suspension or revocation pursuant to this division, the Building Official may give notice of intent to suspend or revoke, which notice may specify a reasonable time for compliance with this Code.

B. If notice of intent is given, suspension or revocation shall not occur before the time for compliance has expired.

C. The Building Official shall not be required to provide notice of intent to suspend or revoke for violations of this Code that cause imminent destruction of property or injury to persons.

17.03.030. Penalties

A. Any person or other legal entity who shall violate any of the provisions of this Code or who shall fail to comply with any provisions hereof within the corporate limits of the City or the extraterritorial jurisdiction of the City, outside the corporate limits shall be guilty of a misdemeanor and upon conviction shall be fined with the maximum fine in the amount of $2,000.00 for a violation of any provision governing the public health, safety, and welfare and shall be fined with the maximum fine in the amount of $500.00 for any other violation. Each day any violation of noncompliance continues shall constitute a separate and distinct offense.

B. Penalties for Repeat Offenses

1. If a person or entity has previously been convicted of a violation of this Code, the person or entity shall be punished by a minimum fine of:

   a. $250 for a second conviction; or

   b. $500 for a third or subsequent conviction.

2. This subsection for repeat offenses applies only to a person or entity convicted of a second or subsequent offense within three (3) years of the date on which the most recent preceding offense was committed.

17.03.040. Other Remedies

A. The City shall have the right to withhold approval of any Certificate of Occupancy, permit, plat, or any other authorization or approval until the applicant pays all fees, fines, and penalties that have been assessed and are due and owing to the City. The withholding of the Certificate of Occupancy shall carry forward with the land to any future assessors and assigns until all penalties have been addressed.

B. Unless otherwise prohibited by law, the City may disconnect utility services for violations of this Code.

C. The penalties and other remedies set forth herein shall be cumulative of other remedies provided by State law and the power of injunction may be exercised in enforcing this Code whether or not there has been a criminal complaint filed.

Chapter 18. Definitions

Section 18.01. General

18.01.010. Purpose

The purpose of this chapter is to define words, terms, and phrases contained within this Unified Development Code, unless otherwise specifically defined elsewhere herein.

18.01.020. Word Usage

A. In the interpretation of provisions in this Code, the rules of this chapter shall be observed and applied, except when the context clearly indicates or requires otherwise. In case of a conflict between this chapter and the text of this Code, an interpretation shall be made by the Director.

B. For the purpose of this Code, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with adopted building codes, the City Code of Ordinances or their customary usage and meaning.

C. Merriam-rWebster's Unabridged Dictionary may be referenced to determine the meaning of terms not otherwise defined within this chapter, subject to approval of interpretation by the Director.

D. Terms found in this Code may be defined in this chapter in alternate order. For example, "Accessory Use" may be listed here as "Use, Accessory."

Section 18.02. General Definitions

The following definitions describe terms found in this Code.

18.02.010. Terms Defined: A-D

1. AASHTO

American Association of State Highway and Transportation Officials.

2. Abutting

Sharing a property line or common border or a portion of a property line or common border.

3. Access

A means of vehicular entry to or exit from a property.

4. Accessory Building

See "Structure, Accessory".

5. Accessory Dwelling Unit

A small separate dwelling unit, either detached or attached to the principal dwelling unit, which includes full kitchen facilities and living quarters as a fully contained dwelling unit. Often referred to as "guest homes", "granny flats", "garage apartments", or "mother-in-law units", accessory dwelling units are intended to be integrated into primarily single family neighborhoods to provide housing alternatives for a variety of age groups and income levels with minimal impact on the character of the neighborhood.

6. Accessory Use

See "Use, Accessory".

7. Activity Center, Senior

Senior centers of a public, nonprofit or charitable nature providing fraternal, social, and/or recreational programs generally open to the public and generally designed to accommodate and serve the retired or elderly segment of the community. Accessory uses may include offices, meeting areas, food preparation areas, and day care uses.

8. Activity Center, Youth

Youth club facilities of a public, nonprofit or charitable nature providing social and/or recreational programs generally open to the public and designed to accommodate and serve the adolescent segments of the community. Accessory uses may include offices, meeting areas, food preparation areas, day care uses, and athletic facilities.

9. ADT (Average Daily Trips)

The average number of vehicles or pedestrians passing a specific point in a 24-hour period; normally measured through a year. ADT is the standard measurement for vehicle traffic load on a section of road and the basis for most decisions regarding transportation planning.

10. Adjacent

Abutting and directly connected to or bordering.

11. Adjoining Property

Property that touches abuts or is adjacent to the subject property.

12. Administrative Official

A City staff member who has been appointed or assigned the positions listed in **Section 2.02** of this Code.

13. Advertise

To make something known or to draw attention to.

14. Agricultural Operations

An agricultural operation that includes cultivating the soil, producing crops or growing food, floriculture, viticulture, horticulture, silviculture, wildlife management, raising or keeping livestock or poultry, planting crops, the commercial sale of animals, or aquaculture.

15. Airport

A facility or area of land reserved, designed and improved for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including all necessary facilities for the housing, maintenance, safety, and security of aircraft, such as hangars, facilities for refueling and repair, and other related accessory structures, as well as various accommodations for passengers, baggage, or freight.

16. All Weather Driving Surface

See "Driving Surface, All Weather".

17. Alley

See “Street, Alley”.

18. Alteration

Any exterior change or modification in the architectural appearance and design, other than cosmetic or decorative, or in supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or a complete rebuilding of the roof or the exterior walls. Alteration also includes the removal, stripping,

or concealing of any significant exterior architectural feature that is integral to the historic character of a building or structure that is designated as a local historic landmark or contributing to the historic district. "Alteration" does not include modifications that qualify as "ordinance maintenance and repair," as this term is defined in this Code.

19. Alternative Parking Plan

A plan approved by the Director that allows for alternatives to the vehicular parking, stacking, and loading requirements in **Chapter 11** of this Code.

20. Animal Shelter

A public, nonprofit or not-for-profit facility at which stray, lost, homeless, abandoned, or unwanted dogs, cats, or other domesticated animals are kept for purposes of distribution to the general public.

21. Antenna

Any device used to collect or radiate radio waves, microwaves, or electromagnetic waves. An antenna could include directional or panel antennas, ancillary antenna, parabolic or panel dishes, omni-directional antennas such as whips, and other similar transmitting or receiving equipment intended for commercial use.

22. Apartment

A structure that contains three or more dwelling units that share common walls, floors or ceilings with one or more dwelling units. The land underneath the apartment structure is not divided into separate lots. See also "Multifamily, Attached Dwelling Units" .

23. Appeal

A process by which an aggrieved person may request for review of a decision made during the application of a provision of this Code.

24. Applicant

A person applying for development-related approval of any type under this Unified Development Code.

25. Aquifer

An underground bed or layer of permeable rock that retains groundwater. An aquifer often releases water to the surface through the form of springs or artesian wells.

26. Arborist, Certified

A specialist certified by the International Society of Arboriculture (ISA) in the care and maintenance of trees.

27. Architectural Feature

An architectural element attached to, contiguous to or otherwise related to a building, structure, or property including, but not limited to, awnings, pillars, posts, windows, doors, lights, overlays, moldings and other fixtures.

28. Articulation

An interruption/differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane by a measurable distance or a differentiation in the height of the wall surface.

29. Artisan Studio and Gallery

An establishment for the creation, preparation, display, and sale of individually-crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles, and related items that are either made to order or which involve considerable handwork. Artisans shall include sculptors, painters, sketch artists, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers. On-site sale of the product is required, and accessory uses may include instruction of

the particular skill to groups not exceeding five persons and sale of supplies directly related to the trade. This use excludes cabinet making or assembly shops and the use of mechanized assembly line production.

30. As-Builts

Plans and specifications that clearly denote all final construction.

31. Asphalt or Concrete Batch Plant

A permanent manufacturing facility engaged in the storing and mixing of raw materials to produce concrete or asphalt, including trucks that transport the product to job sites.

32. Assisted Living

A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen, and organized social activities. An assisted living facility may include an adult daycare as an accessory use.

33. Athletic Facility, Indoor or Outdoor

An area, field, building or combination thereof, which is constructed and equipped for use in participatory and/or spectator-oriented sports and athletics. This use includes, but is not limited to, facilities intended for the instruction, practice, and competitive events associated with basketball, volleyball, soccer, tennis, gymnastics, swimming, baseball or football. Accessory uses may include offices, snack bars, limited sales, locker rooms and incidental child care. This term excludes racetracks for dirt bikes or motorized vehicles, amusement parks, sports arenas, and any other facility otherwise categorized as Major Event Entertainment.

34. Automobile

A self-propelled passenger vehicle that usually has four wheels and an internal-combustion engine, used for land transport. Also includes vehicle or motor vehicle.

35. Automobile Parts and Accessories Sales

Retail sales of automobile related parts and accessories. The outdoor storage or display of merchandise shall only be allowed in those Districts where Automobile Parts and Accessory Sales, Outdoor is permitted.

36. Automobile Sales, Rental or Leasing Facility

A facility engaged in the sale, rental, or leasing of automobiles, noncommercial trucks, or motorcycles, including incidental storage, limited maintenance, and limited servicing. Typical uses include new or used automobile dealerships, motorcycle dealerships, and automobile or motorcycle rental agencies.

37. Automobile Repair and Service, General

General repair or replacement services for any vehicles, including commercial. In addition to those services provided under limited automobile repair and service, general automobile repair and services includes rebuilding, reconditioning or replacement of engines, transmissions or power trains; collision services such as body, frame, or fender replacement, straightening or repair; steam cleaning, undercoating and rust proofing; major painting; or similar servicing, rebuilding or repairs that normally require significant disassembly or overnight on-site storage of vehicles, excluding dismantling, wrecking, or salvage. Outdoor storage of materials such as tires, auto parts, etc. is allowed.

38. Automobile Repair and Service, Limited

Minor repair or replacement services for automobiles, light trucks, motorcycles, trailers, recreational vehicles, and similar non-commercial motor vehicles not exceeding one and one-half ton capacity. Services include engine tune-ups, oil changes and lubrication, wheel alignment or balancing, sales and installation of batteries or tires,

transmission, drive train, radiator, fuel, electrical or muffler repairs, servicing of brakes, air conditioning or exhaust systems, incidental upholstering or similar servicing or repairs not part of collision repair and normally not requiring any significant disassembly. No outdoor storage of materials such as tires, auto parts, etc. is allowed.

39. Average Daily Trip (ADT)

The projected or counted amount of traffic traversing a street. Used often as a modeled or calculated measurement of expected traffic generation for a development or neighborhood in order to determine roadway adequacy.

40. Awning

An architectural projection, which provides weather protection, identity or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached which may be of fabric or other materials.

41. Back-of-Curb

The outside edge of an approved curb type not adjacent to a travel way. The basis of measurement for paved width and curb basis within this Code.

42. Balloon

A helium-filled device, not to exceed 18 inches each, which cannot be fashioned into shapes or letters.

43. Bank (of a stream) (Edwards Aquifer Water Quality Regulations)

The ordinary high water mark of a stream, not the floodplain boundaries, as determined by the appropriate authority.

44. Banking and Financial Services

An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions and similar services. This term does not include "check cashing" or "payday loan" establishments.

45. Banner

Any sign or attention-getting device made of fabric, plastic, or other non-rigid material designed to hang from rope or wire or suspended from a pole and not mounted in a permanent, rigid frame.

46. Banner, Light Pole Mounted

Any flexible material mounted between two horizontal supports projecting at a perpendicular from a light standard in flag fashion. The term includes any rigid or semi-rigid sign face or lens mounted in a frame attached to the side of a light standard in a way to achieve the same effect.

47. Banner, Street

Any banner hung over or across a city street or other public right-of-way.

48. Bar

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, pubs, cocktail lounges, and similar uses other than a Restaurant.

49. Base Flood

The flood having 1% chance of being equaled or exceeded in any given year. This would include a 100-year flood event and may often be referred to as the 100-year floodplain.

50. Bay Window

A window forming a bay and projecting outward from the wall.

51. Beacon

Any light, either permanent or portable and either stationary or moving, with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move, whose purpose is to attract attention.

52. Bed and Breakfast (B&B)

A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated Zoning Districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. This use does not allow for events associated with the Bed and Breakfast.

53. Bed and Breakfast with Events

A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated Zoning Districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. This use allows for events associated with the Bed and Breakfast that subordinate to the Bed and Breakfast.

54. Best Management Practices

Schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of water in the state from point and non-point sources, to the maximum extent practicable. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

55. Best Management Practices (BMPs) [Edwards Aquifer Water Quality Regulations]

For **Chapter 13. Drainage and Environmental Protection**, BMPs has that meaning ascribed to it in Title 30, Texas Administrative Code § 213.3(5), as may be amended and as further defined herein.

56. Bicycle Lane

An on-street defined travel lane for the exclusive use of bicycles.

57. Block

One or more parcels together forming a unit of land bounded by through-streets, railroad rights-of-way, watercourses, public parks, cemeteries, rural land, or any other barrier to the continuity of development or any combination thereof. In cases where the platting is incomplete or disconnected, the Planning Director shall determine the outline of the block.

58. Blood or Plasma Center

A facility that obtains blood or blood plasma from voluntary donors.

59. Board of Adjustment

See "Zoning Board of Adjustment (ZBA)".

60. Boarding House

See "Rooming House".

61. Bond

A sealed instrument under which a person or entity is obligated to pay an agreed-upon amount of money on or before a specified expiration date or action. Binding security; firm assurance.

62. Branch (Tree)

A part of a tree that extends from the trunk and forms a part of the canopy.

63. Bufferyard

A combination of physical spaces and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

64. Build-to-Line

An invisible line located a precise distance from a right-of-way that a portion of a building must be built to, as established by certain Zoning Districts.

65. Buildable Area

The area of a lot available to be constructed upon after accounting for the required setbacks.

66. Building

A structure constructed, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind.

67. Building, Enclosed

A roofed building surrounded on all sides by walls.

68. Building Envelope

An area within the property boundaries of a lot or space within which a permitted structure can be placed.

69. Building Floor or Story

The part of a building from one floor to the next floor above or to the ceiling if there is no floor above.

70. Building Height

See "Height, Building".

71. Building Line

An invisible line parallel to any lot line that is established by the portion of a building that is closest to that lot line for the purposes of establishing the yard boundaries of a lot.

72. Building Official

The individual designated by the City Manager to insure compliance with the adopted Building Codes of the City of Georgetown or the Building Official's designee.

73. Building Permit

An official document or certificate signed by the Building Official or designated employee authorizing performance of a specified activity.

74. Building, Principal or Primary

A building in which the primary use of the lot is conducted.

75. Building Wall

Any vertical partition under the roof of a dwelling unit or accessory structure.

76. Bus Barn

A facility where buses or other passenger transporting fleet vehicles are housed, stored, maintained or repaired. Accessory uses may include offices or maintenance, fueling, or washing facilities.

77. Caliper

The American Association of Nurserymen standard for trunk measurement for nursery stock. Caliper of the trunk shall be taken 6 inches above the ground for up to and including 4-inch caliper size, and 12 inches above the ground for larger sizes.

78. Campground

Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes. The maximum length of stay at a camping and recreational vehicle park shall be 30 days.

79. Canopy

An awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, fuel pumps, or outdoor area.

80. Car Wash

A facility for the washing, waxing, or cleaning of automobiles, recreational vehicles, or light duty trucks. Services may be provided either by employees of the facility, where the vehicle owner leaves the vehicle or waits in a designated area while the vehicle is vacuumed, washed, dried, waxed, and/or detailed for a fee, or by the vehicle owner, through automated self-service (drive-through/rollover) wash bays or wand-type self-service (open) wash bays.

81. Cemetery

A place or ground used or intended to be used for the burial or entombment of the dead, whether human or animal, including a mausoleum or columbarium.

82. Certificate of Appropriateness (CoA)

A certificate documenting approval by the Historic and Architectural Review Commission (HARC) or the Historic Preservation Officer (HPO) to construct, reconstruct, alter, restore, remove, relocate, or demolish a building or structure that is designated as a historic landmark, non-contributing historic structure or contributing historic structure, or located in a Historic Overlay District, including specific site features such as signage and fences, as applicable.

83. Certificate of Occupancy

The written approval of the Building Official certifying that a newly constructed structure, addition to an existing structure, or an existing structure undergoing a change in use is in full compliance with the provisions of this ordinance and that such structure is habitable and in conformance with this Code and all applicable Municipal building codes, fire code, and other adopted City regulations.

84. City

The City of Georgetown, Texas.

85. City Council

The City Council of the City of Georgetown, Texas.

86. City Limits

The official corporate limits of the City of Georgetown, Texas.

87. City Manager

The chief administrative officer of the City, as appointed by the City Council or their designated representative.

88. City Secretary

That person holding the office of City Secretary, Georgetown, Texas, as appointed by the City Council or their designated representative.

89. Classroom

Any room, including laboratories, in which classes are conducted at a school, church, or other educational facility, but excluding hallways and other common areas, auditoriums, sanctuaries, gymnasiums, cafeterias, libraries, storage and maintenance areas, and administrative offices.

90. Code Enforcement

Duties designated by the City Manager to cause property owners and others responsible for buildings and related land uses to bring their properties up to standards of this Code and other required building codes.

91. Collocation

Locating wireless communications equipment from more than one provider on a single mount, tower, or support structure.

92. Columbarium

A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person.

93. Commercial Document Storage

A business providing off-site document or record storage, management, and retrieval services in a secure, temperature-controlled facility for commercial businesses or government entities.

94. Commercial Feed Lot

A lot, yard, corral, building, or other area in which livestock or other animals for food or fur are housed and confined, primarily for the purposes of feeding and growth prior to slaughter and which is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure and substantial amounts of manure or other related wastes may originate by reason of such feeding of animals. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

95. Commercial Recreation

A privately established and operated facility that provides indoor or outdoor recreational opportunities for a fee, including batting cages, bowling alleys, miniature golf courses, roller and ice skating rinks, game courts, video arcades, pool halls, laser tag, skate parks, rock climbing walls, go kart tracks, and similar uses. Accessory uses may include snack bars, limited sales, and locker rooms. This use excludes outdoor firing ranges, stadiums, amphitheaters, amusement parks, country clubs, golf courses, camping and recreational vehicle parks, fairgrounds, and swim/tennis clubs.

96. Commercial Vehicle

A vehicle or combination of vehicles used to transport passengers or property that:

- Has a manufacturer's rated carrying weight equal to or greater than one and one-half tons;
- Is designed to transport 16 or more passengers, including the driver;
- Is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F, as amended;
- Is a "road tractor" as that term is defined in Chapter 541 of the Texas Transportation Code;

- Is a "truck tractor" as that term is defined in Chapter 541 of the Texas Transportation Code;
- Is a "pole trailer" as that term is defined in Chapter 541 of the Texas Transportation Code; or
- Is a "semitrailer" as that term is defined in Chapter 541 of the Texas Transportation Code.

97. Commercial Vehicle Sales, Rental or Leasing Facility

A facility engaged in the sale, rental, or leasing of commercial vehicles, including incidental storage, limited maintenance, and limited servicing. Typical uses include commercial truck dealerships, bus sales facilities, and commercial vehicle rental agencies.

98. Commission

See "Planning and Zoning Commission".

99. Communication Tower

Any fixed, free standing, uninhabitable structure, not a shelter, built primarily to support antennas or other associated hardware. Communication towers include, but are not limited to the following:

- Lattice towers which are self-supporting structures consisting of a network of crossed metal braces, forming a tower which is usually triangular or square in cross section; or
- Monopoles which are self-supporting structures consisting of a single pole sunk into the ground and/or attached to a permanent foundation.
- Towers that are supported, in whole or in part, by guy wires and ground anchors are not allowed in the City.

100. Community Center

A building or complex of buildings typically consisting of one or more meeting or multi-purpose rooms and kitchen and/or outdoor barbecue facilities, owned and/ or operated by a governmental agency or private non-profit agency and used for and providing religious, fraternal, social, cultural, educational, athletic, recreational, or entertainment activities generally open to the public and designed to accommodate and serve significant segments of the community. Community centers may be available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

101. Community Garden

A site used for growing plants for food, fiber, herbs, and/or flowers, which is shared and maintained by community residents.

102. Comprehensive Plan

The long-range development plan for the community approved by the City Council.

103. Condominium Development

A form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of these portions. For the purposes of these Regulations, Condominiums shall include all developments created under Chapter 82 of the Texas Property Code, also known as the Uniform Condominium Act.

104. Connectivity Ratio

A numerical calculation determined by the number and linkage characteristics of streets within a subdivision.

105. Consent Agreement

An agreement between the City and owners and developers of land in a proposed District which, if agreed to, shall be attached to the consent resolution adopted by the City Council.

106. Consent Resolution

A resolution approved by the City Council setting forth terms of its consent to creation of a District .

107. Conservation Area, Primary

Open space areas that contain features which are required to be part of the Conservation Open Space, such as wetlands, endangered species habitat, etc.

108. Conservation Area, Secondary

Open space areas that contain features which are encouraged but optional for inclusion into the Conservation Open Space.

109. Conservation Development

A development where new structures are clustered onto a portion of the development parcel, so that the remainder can be preserved as open space.

110. Conservation Open Space

Open space within a conservation development that has been set aside for permanent protection.

111. Conservation Subdivision

See "Conservation Development".

112. Construction Plans

The maps, drawings, and specifications indicating the proposed location and design of improvements to be installed in a subdivision or a site.

113. Construction Specifications and Standards Manual

Referred to often in this Code as the "Construction Manual," this City of Georgetown document includes standard details and specifications for the construction of public improvements.

114. Consumer Repair

An establishment primarily engaged in the provision of repair services to individuals and households rather than firms. Typical uses include appliance repair, locksmiths, watch or jewelry repair, or musical instrument repair. This use excludes automotive and large equipment servicing or repair.

115. Consumer Retail Sales and Services

Group of commercial uses providing retail sales and services primarily to individuals, typically for frequently or recurrently needed services of a personal nature.

116. Contiguous

Adjacent property whose property lines are shared or are separated by only a property line, street, alley, easement, or right-of-way.

117. Contractor Services, General

An establishment primarily engaged in construction or related activities off-premises. This use includes offices associated with the business and the maintenance and indoor or outdoor storage of supplies, equipment, machinery, and vehicles.

118. Correctional Facility

A facility providing judicially required detention or incarceration of individuals convicted of crimes where these individuals are housed until such time as they have completed their sentences. Such facilities include minimum and maximum security prisons for adults as well as juvenile detention centers for minors.

119. Cottage Court

A series of small, detached structures located on individual lots, arranged to define a shared court that is typically perpendicular to the street. May also include common parking areas.

120. Council

See "City Council".

121. County

Williamson County, Texas.

122. Courthouse

The County Courthouse of Williamson County, Texas.

123. Courthouse Dome Protected View

A view of the dome of the Courthouse from the top of the cornice to the top of the statue.

124. Courthouse View Overlay, Allowable Height

The maximum height allowed for any building, façade, decorative feature, sign, or rooftop mechanical equipment screening.

125. Courthouse View Overlay, Distance

The distance from the View Point to either the Review Site or the Courthouse.

126. Courthouse View Overlay, Review Site

Proposed location of development.

127. Courthouse View Overlay, Sightline

A line drawn from the View Point to the lowest protected point on the Courthouse.

128. Courthouse View Overlay, View Corridor

That area projecting from the Courthouse to the farthest point of the View Point as reflected in the map in UDC **Section 4.09** or any point in between from which there is a view within public right-of-way of the protected view of the Courthouse dome.

129. Courthouse View Overlay, View Point

The point from which the Sightline establishes a maximum height which may not be exceeded by any structure. The elevation at the view point is established from four feet above the lowest elevation of any lane within the right-of-way of a View Corridor from which the protected view of the Courthouse dome is visible. A view triangle encompassing the full range of view for the complete site shall be included in the view point.

130. Creek

A stream of surface water sufficient to produce a defined channel or bed.

131. Critical Root Zone (CRZ)

A circular region measured outward from the trunk representing the essential area of roots that must be maintained or protected for the tree's survival. CRZ is calculated as 1 foot of radial distance for every inch of tree DBH.

132. Critical Root Zone Protection Plan

A plan that graphically identifies Protected Trees and Heritage Trees and clearly delineates the Critical Root Zone to be protected for each tree scheduled to remain on site.

133. Crosswalk

A strip of land dedicated for public use and which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

134. Cul-de-Sac

See "Street, Cul-de-Sac".

135. Curb

A defined concrete edge of a street, which may or may not include a stormwater gutter.

136. Curb, Mountable

Also described as a rollover or roll-up curb, a Mountable Curb is a street border that has sloping faces that allow vehicles to easily encroach upon them and is not considered a vehicular barrier curb. Mountable Curbs are considered a combined curb type that is the primary component of a stormwater conveyance system that carries alongside a roadway.

137. Curb, Ribbon

Also described as a lay-down curb, a Ribbon Curb is a street border that is generally flat and is not considered a vehicular barrier curb. Typically associated with sheet-flow or open ditch stormwater conveyance and does not carry stormwater laterally alongside a roadway.

138. Curb, Vertical

Also described as a stand-up curb or barrier curb, a Vertical Curb is a street border that is generally accepted as a safety barrier separating vehicular traffic from a building, sidewalk, or other area where vehicles are not desired. Typically paired with a defined stormwater conveyance gutter that carries stormwater laterally alongside a roadway.

139. Curb Basis

The dimensional area between the back of a street curb and the outside of the right-of-way.

140. Curb Stop

A concrete barrier secured to a parking stall to stop the tire of a moving vehicle.

141. Cut-Out Parking

A designated street parking lane with defining characteristics separating it from the primary travel way of the street. Cut-out areas are typically seen in residential neighborhoods and in the downtown area. Graphical design of cut-out parking can be found in the Future Mobility Plan.

142. Dam

All obstructions, wall embankments or barriers constructed for the purpose of storing or diverting water or creating a pool.

143. Dance Hall

An establishment open to the general public for entertainment, in particular, dancing, but excluding any entertainment otherwise included in the definition of "Sexually-Oriented Business".

144. Data Center

A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site. Data Centers will typically require large amounts of electricity, strict temperature control and high security and will generally have few employees on-site at any given time. May also be referred to as a server farm.

145. Day Care, Commercial

A day care facility that provides less than 24-hour care and supervision for 12 or more individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees. This term shall include commercial daycare for children, adults or handicapped persons. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

146. Day Care Facilities

A group of uses providing care and supervision for children or adults.

147. Day Care, Group

A day care facility that provides less than 24-hour care and supervision for seven to 12 children under 14 years of age at any one time, including those under the legal custody of the day care provider or employees.

148. Day Care, Residential Home

A home occupation in which an individual provides less than 24-hour care and supervision for six or fewer children under the age of 14, plus no more than six additional elementary school-aged children (age five to 13). The total number of children, including those under the legal custody of the day care provider, is no more than 12 at any time. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

149. Debt Instrument

An instrument, including a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments due to be paid by an issuer or other type of obligation that: (1) is issued or incurred by an issuer under the issuer's borrowing power; without regard to whether it is subject to annual appropriation; and (2) is represented by an instrument issued in bearer or registered form or is not represented by an instrument but the transfer of which is registered on books maintained for that purpose by or on behalf of the issuer.

150. Deciduous

A plant or tree with foliage that sheds annually.

151. Decision-Making Body or Authority

The entity that is authorized to finally approve or deny an application or permit required under this Code.

152. Dedication

The commitment of property interests from a private entity to a public entity for a public purpose.

153. Demolition

The intentional destruction, razing, dismantling or removal in whole or in part of a building or structure or any dismantling, intentional destruction or removal of sites, surfaces, utilities or other improvements.

154. Demolition by Neglect

Demolition of a building that is in a serious state of disrepair and deterioration due to lack of proper maintenance, and for which certain measures must be taken in order to preserve the public health, safety and welfare.

155. Density

The overall average number of units located on the gross acreage.

156. Developed Area

That portion of a lot, easement, or parcel upon which a building, structure, pavement, or other improvements have been placed.

157. Developer

A person or entity partaking in an activity governed by this Unified Development Code including, but not limited to, division of land, erection or modification of buildings, construction of public improvements, or any other alteration of land or property subject to this Code. The term "developer" may include the terms "property owner", "subdivider", "applicant", and/or "builder" as the parties responsible for successive stages of a development project may vary.

158. Development

Initiation of any activity governed by this Unified Development Code related to land or property modification whether for imminent or future construction activities including, but not limited to, division of a parcel of land into two or more parcels; alteration of the surface or subsurface of the land including grading, filling, or excavating; mining or drilling operations; clearing or removal of natural vegetation and/or trees; installation of public infrastructure including utilities, roadways, and drainage facilities; and construction or enlargement of any building, structure, or impervious surface. Exclusions from this definition include maintenance of lawns, gardens, and trees; repairs to existing utilities; minimal clearing of vegetation for surveying and testing; and bona fide agricultural activities.

159. Development Agreement

An agreement approved by the City Council for a development that could not otherwise be accomplished under this Code or the Code of Ordinances. A Development Agreement may modify or delay certain requirements of this Code (including any Manuals adopted by reference in the Code) and/or any other provisions of the City Code of Ordinances.

160. Development Engineer

A professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

161. Diameter at Breast Height (DBH)

The diameter of a tree's trunk measured at a height 4.5 feet above natural grade.

162. Director

The person or persons designed by the City Manager of the City of Georgetown, and their designated representatives, to administer and enforce this Unified Development Code.

163. Director of Georgetown Utility Systems

This term shall include the Director of Georgetown Utility Systems, the Director's designee or other City personnel assigned the responsibilities referenced in these regulations.

164. District Size, Minimum

The minimum amount of total land required to establish a particular Zoning District. A minimum District size is separate and distinctive from a minimum lot size and can be the collection of more than one lot or parcel.

165. Downtown Master Plan

A local ordinance that, in conjunction with the Historic District Design Guidelines, guides Downtown street, building, and land use projects towards an economic and visual goal, as envisioned by City Council, staff, citizens, and local preservation groups.

166. Drainage Engineer

A professional engineer licensed by the State of Texas and designated to perform duties specified in this Code.

167. Drainageway or Waterway

Any natural or man-made channel conducting storm water.

168. Drive Aisle

The vehicular travel ways within a development that provide access to buildings, parking spaces, loading spaces and other areas of the property. A drive aisle does not constitute nor equal a public or private street.

169. Driveway

A private travel way providing vehicular access from a street to the adjacent property.

170. Driveway, Non-Residential

A driveway serving typically non-residential development, including multi-family and townhouse uses.

171. Driveway, Residential

A driveway serving single- and two-family uses.

172. Driving Range

An outdoor area equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.

173. Driving Surface, All Weather

An impervious surface of asphalt or concrete applied to a compacted subgrade and compacted flexible base materials which forms a roadway. The impervious surface is applied to protect the base material against any weather conditions and provide stability for vehicular loading and weight carrying capabilities. (Refer to the Construction Standards Manual)

174. Dry Cleaning or Laundry Plant

A commercial facility at which clothes are brought to be dry cleaned, and/or laundered from individual dry cleaning service outlets. Such a facility may be a freestanding use or may be combined with a dry cleaning service outlet.

175. Dry Cleaning Service

An establishment engaged in providing laundry, dry cleaning and other related services on a pickup and drop-off basis to individual customers. The actual laundering and/or dry cleaning of clothes may take place at that facility. If laundering and/or dry cleaning of clothes from other service outlets take place, it shall be considered a "Dry Cleaning or Laundry Plant."

176. Dwelling or Dwelling Unit

A building or portion thereof that includes sleeping, cooking, eating, and sanitation facilities, designed and used for residential occupancy by a single household. Dwelling units do not include overnight accommodations.

177. Dwelling or Dwelling Unit, Accessory

See “Accessory Dwelling Unit”.

178. Dwelling or Dwelling Unit, Principal

The main residential structure or part thereof on a lot or parcel.

18.02.020. Terms Defined: E-K

179. Easement

A dedication by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction and maintenance of utilities, drainageways, driveways, and roadways.

180. Easement, Public Utility (P.U.E.)

An easement located on private property and dedicated for the construction and maintenance of a public utility purpose, including drainage easements, utility easements, roadway easements, and access easements. These easements shall be free of improvements such as, but not limited to, structures, signs, parking lots, etc. unless a License to Encroach is obtained per the provisions of **Section 3.23** of this Code.

181. Educational Facilities

A group of uses including public and private schools at the primary elementary, middle, junior high, or high school level that provides basic academic education and colleges and other institutions of higher learning that offer courses of general or specialized study.

182. Edwards Aquifer

Aquifer formation in Central Texas consisting of a Recharge Zone, Contributing Zone, and Transition Zone, all of which are often preceded in name by "Edwards Aquifer". The boundaries of the Edwards Aquifer and its divisions are determined by the Texas Commission on Environmental Quality (TCEQ). If not specifically singled out by individual zone, "Edwards Aquifer" shall be determined to encompass all three zones collectively. Also see "Aquifer".

183. Electric Utility Services Availability Letter

A letter issued by the appropriate electric distribution utility certifying the availability of electric utility service and electric distribution infrastructure to a property, together with a cover letter from the applicant or owner of the property to be served that commits that the electric service will be installed in conformance to the requirements for design and construction of electric utilities of this Code.

184. Electrical Engineer

The person designated by the City's electric utility to make decisions regarding placement, design, procedures, and other authorized determinations regarding electrical public improvements.

185. Electronic Message Center

Any sign which contains an illuminated, programmable message or graphic, whether fixed in place or moving/changing ("traveling").

186. Emergency Services Station

Facilities for the conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

187. Endangered or Threatened Species

Species that are "in danger of extinction within the foreseeable future throughout all or a significant portion of its range", while threatened refers to "those animals and plants likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges", as defined in the Endangered Species Act of 1973.

188. Engineer's Report

A signed and sealed report by a registered professional engineer licensed by the State of Texas.

189. Event Catering and Equipment Rental Services

An establishment providing large scale food catering services and the storage, rental, and supply of party, banquet, or event equipment, furnishings, or fixtures.

190. Event Facility

A building, structure, or site available for rental by the public for the primary intended purpose of hosting parties, wedding receptions, banquets, corporate meetings or similar group events. Event Facility does not include an event room available for rental in a structure housing another primary use where the event room rental is an accessory use to the primary use (i.e., General Restaurant) or a Community Center as it is defined in this Code.

191. Existing Street Connection

A public street connection to an existing public street that ultimately connects two or more locations to a Major Street.

192. Extraterritorial Jurisdiction (ETJ)

The unincorporated area, not part of any other municipality, which is outside of and contiguous to the corporate limits of the City of Georgetown, as defined and established in accordance with Texas Local Government Code Chapter 42.

193. Farm Stand

An accessory building or structure erected for the seasonal display and retail sale of fresh fruits, vegetables, flowers, herbs or plants produced on the property or neighboring property where the stand is erected. No commercially packed handicrafts or commercially processed or packaged foodstuffs shall be sold at a farm stand.

194. Farmer's Market

A permanent indoor or outdoor market where individual vendors offer produce and related items for retail sale directly to the consumer. The products are typically locally and regionally grown and may include items such as fresh fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and processed food products such as jams, honey, pickled foods, and sauces. Baked goods, handmade crafts, art, clothing, jewelry, and produce items not native to this region may also be sold but may not constitute a majority of total sales. Sale of new and used household goods, personal effects, tools, small household appliances, and similar merchandise are not included in this definition.

195. Federal Aviation Administration (FAA)

The governmental agency responsible for regulating airways in the United States.

196. Federal Communications Commission (FCC)

The government agency responsible for regulating telecommunications in the United States.

197. Fence

A constructed barrier typically designed for screening, enclosure, or prevention of entry.

198. Firing Range

Any rifle, pistol, silhouette, skeet, trap, black powder, or other similar range used for discharging firearms in a sporting event or for practice or instruction in the use of the firearm or for the testing of a firearm.

199. Fitness Center

An establishment providing exercise equipment, facilities and instruction designed to maintain or improve the physical fitness of participants. Facilities may include childcare centers, swimming pools, sports courts and similar amenities and may also include incidental food sales, retail sales, and personal care services. May also be referred to as a gym or a health club.

200. Flag

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used for the purpose of conveying a message. A flag shall be considered a sign for purposes of this Code.

201. Flag, Governmental

Flags of the United States, the state, the city, or foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.

202. Flea Market

A permanent indoor or outdoor market where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation. A flea market is different from a "Farmers Market" in that the majority of goods sold at a flea market are non-edible.

203. Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

204. Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by water from any source, including, but not limited to flooding (see "Flood").

205. Floodway or Floodplain, Regulatory

The channel of a river or other watercourse river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

206. Floor-to-Area Ratio (FAR)

The FAR is the ratio of total building floor area to the area of the lot on which it is located. When the allowed FAR is multiplied by the lot area it results in the maximum amount of floor area allowable in a building on that lot. For example, a 10,000 square foot lot with a maximum FAR of 0.65, the floor area of a building cannot exceed 6,500 square feet.

207. Food and Beverage Establishments

A group of uses including businesses that store, prepare, package, serve or otherwise provide food and beverages for human consumption. Examples include restaurants, bars, and food catering services.

208. Footcandle

A measure of light intensity, measured in lumens per square foot, which is the amount of light received by 1 square foot of a surface that is 1 foot from a point source of light equivalent to one candle of a certain type.

209. Food Catering Services

A commercial facility providing services consisting of the on-site preparation and storage of food and food utensils to be delivered and served to and consumed by customers off the premises. This term does not include the storage, rental, or supplying of party, banquet or event equipment, furnishings, or fixtures.

210. Frontage

The portion of a lot, parcel, or tract of land abutting a street right-of-way.

211. Fuel Sales

The on-site retail sales of motor vehicle fuel, including gasoline, diesel fuel, and alternative fuels.

212. Funeral Home

An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses also include mortuaries.

213. Furniture Repair and Upholstery

Establishments engaged in the repair or re-upholstering of used or antique furniture.

214. Future Street Connection

A public street stub to an adjacent property that will not immediately connect to a public street, and the ultimate connection is dependent upon the development of the adjacent property.

215. Future Transportation Plan Roadway or Thoroughfare

A street or trail identified in the City's Future Transportation Plan as an existing or future roadway needed to accommodate the current and future transportation needs of the community. Includes Major Collector, Minor Arterial, Major Arterial, and any identified public trail or railway.

216. Garage

A building or structure or part thereof, designed, used, or intended for the parking and storage of automobiles.

217. Garage, Private

An enclosed accessory building, whether attached or detached from the principal structure, housing vehicles owned and used by occupants of the building(s) on a site.

218. Garage Sale

(1) The sale of tangible personal property that is held in a garage, carport, porch, patio, driveway, sidewalk, or yard of the seller's dwelling; or (2) the sale of tangible personal property that is held in a parking lot, driveway, sidewalk, or yard of a non-residential property other than one zoned therefore and for which a current valid commercial store license has been issued by the state. The term "Garage Sale" includes the terms "yard sale," "estate sale," "occasional sale," and similar phrases.

219. Garden Center

See "Landscape Supply Sales/Garden Center".

220. Geologic Assessment (Edwards Aquifer Water Quality Regulations)

A report prepared by a geologist pursuant to Title 30, Texas Administrative Code § 213.5 and containing the additional information required by **Chapter 11**.

221. Geologist (Edwards Aquifer Water Quality Regulations)

A licensed professional geoscientist who has training and experience in ground water hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features, such as springs and streams.

222. Golf Course

A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, a driving range, putting greens, and shelters as accessory uses. This term excludes stand alone driving ranges or miniature golf facilities.

223. Good Repair

That level of maintenance and repair that clearly furthers the continued availability of buildings and structures for lawful reasonable uses and prevents deterioration, dilapidation, and decay of buildings and structures.

224. Government and Community Facilities

A group of uses focused on the provision of a public or cultural service. Typically these facilities are public or non-profit and serve a wide range of needs and patrons.

225. Government Office

Federal, state, county, or city offices containing administrative, clerical, or public contact services and may include incidental storage and maintenance of necessary vehicles.

226. Grade

The level of the finished surface of the ground or improvements.

227. Grade Plane

A reference plane representing the average of finished ground level.

228. Grass, Lawn or Turf

A type of herbaceous plant with jointed stems and slender sheathing leaves that is maintained at a uniform, low height and is typically composed of Bermuda, Zoysia, Buffalo, or St. Augustine varieties.

229. Grass, Ornamental

A type of perennial that grows individually, valued for its texture and color in the landscape as it is often used for a creative effect in landscape design.

230. Greenbelt

Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

231. Greenhouse, Wholesale

A large-scale commercial greenhouse used to grow flowers, shrubs, trees, or other plants for the wholesale trade to restaurants, farmer's markets, grocery stores. and other off-site markets. The business may have incidental retail sales in conjunction with the wholesale sales.

232. Gross Floor Area

The square feet of floor space within all exterior walls and including all floors of a building. Gross Floor Area (often referred to as GFA) does not include porches, garages or space in a basement or cellar not used for dwelling purposes.

233. Ground Cover

A dense, extensive growth of low-growing plant, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.

234. Group Home

A residence for not more than six persons with disabilities and two supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a “person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has: 1) An orthopedic, visual, speech, or hearing impairment; 2) Alzheimer's disease; 3) Pre-senile dementia; 4) Cerebral palsy; 5) Epilepsy; 6) Muscular dystrophy; 7) Multiple sclerosis; 8) Cancer; 9) Heart disease; 10) Diabetes; 11) Autism; or 12) Mental illness. Per Section 123.003, “The

use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any District zoned as residential".

235. Group Living

A group of uses characterized by the residential use of a site for occupancy by groups of persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, boarding houses or fraternal orders.

236. Halfway House

Pursuant to Texas Human Resources Code § 42.002, a halfway house is a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

237. Hardscape

The non-living elements used in landscape (i.e., decorative walls, ledges, fountains, sculpture, or stone paths).

238. Hardship

Deprivation; suffering; state of misfortune or affliction. For the purposes of this Code, hardship does not include economic hardship when in reference to a Variance to a Zoning provision, as such term is defined in this Code.

239. Hazardous Material

Any substance that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.

240. Health Services

A group of uses intended for the treatment and care of injured or ill patients, including doctor's offices and clinics, urgent care facilities, and home health care services, but excludes hospitals.

241. Heavy Equipment Sales and Repair

A facility providing retail sales, leasing, and repair of heavy or commercial vehicles or equipment such as those used in construction, farming, or manufacturing.

242. Height, Antenna Support Structure

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height of the antenna support structure. Such height measurement shall also not include lightning arresters 12 feet or less in length.

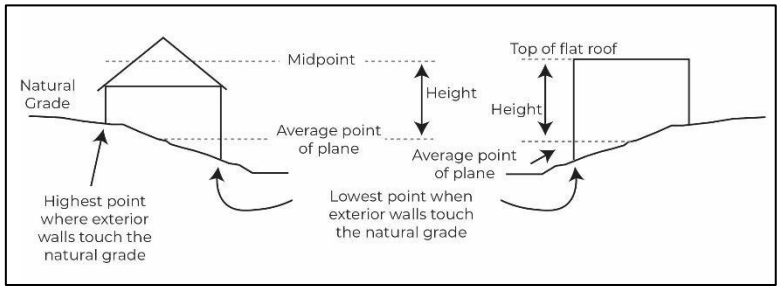
243. Height, Building

The vertical distance from the average between the highest and lowest natural grade (pre-construction/cut and fill) at the edge of the building or the base flood elevation where applicable and:

- The average height level between the eaves and ridge line of a gable, shed, hip, or gambrel roof;
- The highest point of a mansard roof;
- The highest point of the coping of a flat roof; and

- Roof parapets, as described in **Section 8.04.040.C**, may exceed the height limitations of this Code by no more than 10 feet.

Figure 18.02.020-18.02.02-1. Height Measurement



244. Height, Wireless Communication Facility

The vertical distance from grade plane or from the lowest point of attachment of the structure to any building, to the highest point of the structure, including antennas.

245. Heliport

Any landing or takeoff area intended for use by helicopters or other rotary wing type aircraft capable of vertical takeoff and landing profiles.

246. Historic and Architectural Review Commission (HARC)

A City Council-appointed board, consisting of seven members, who have decision-making authority regarding Certificates of Appropriateness, and make recommendations to the City Council on the designation of Historic Districts, in addition to other duties as identified in **Section 2.03** of this Code.

247. Historic Architectural Features

Architectural features that are unique to the design, style and period of the historic structure.

248. Historic District, Designated

Any site, District, or area of historical, archeological, or cultural importance or value which the City Council determines by action shall be protected, preserved, or enhanced in the interest of the culture, prosperity, education, and welfare of the people.

249. Historic District Design Guidelines

A Council-adopted ordinance that provides guidance and approval criteria for the Historic and Architectural Review Commission, along with the Historic Preservation Officer, when reviewing design compliance and proper preservation practices for proposed projects in the Downtown Overlay District and Old Town Overlay District, or at Historic Landmarks.

250. Historic Integrity

The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period. Not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance.

251. Historic Landmark

A building, structure or site of historical, architectural, or cultural importance or value to the City of Georgetown that has been designated as a "landmark" by ordinance of the City Council and that is to be protected, preserved, restored, and enhanced in the interest of the culture, prosperity, education, and welfare of the people.

252. Historic Places, National Register

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. The City of Georgetown, Texas, contains four Historic Districts that have been listed on the National Register of Historic Places ("National Register"):

- Williamson County Courthouse Historic District, designated in 1977, includes a period of significance ending in 1923. Its boundaries were increased in 1986.
- University Avenue-Elm Street Historic District, designated in 1979, includes a period of significance ending in 1900.
- Belford Historic District, designated in 1986, includes resources constructed prior to 1935.
- Olive Street Historic District, designated in 2013.

253. Historic Preservation Officer (HPO)

A person designated to review development applications in a Historic Overlay District. The HPO presents findings and recommendations to the Historic and Architectural Review Commission and any other duties granted by this Code.

254. Historic Structure

A building or structure that is a) 50 years or more, and b) associated with significant people or events, or c) conveys a character of building and design found during the City's period of significance. Historic structure also includes a building that has been designated as a local Historic Landmark, or that is contributing to the Historic Overlay District.

255. Historic Structure, Contributing

A building in a designated Historic Overlay District and/or National Register District that supports the District's historical significance through location, design, setting, materials, workmanship, feeling and association. Buildings identified as low, medium, and high-priority structures in the currently adopted Historic Resources Survey of Georgetown, Texas, and properties categorized as contributing resources in National Register Districts shall be considered contributing Historic Structures for purposes of this Code. For the purpose of demolition only, buildings or structures assigned a high or medium priority in this survey and located outside of a Historic Overlay District shall be considered contributing historic structures.

256. Historic Structure, Non-Contributing

A building in a designated Historic Overlay District that does not support the district's historical significance through location, design, setting, materials, workmanship, feeling, and association. Buildings that are not identified on the currently adopted Historic Resources Survey of Georgetown, Texas, shall be considered non-contributing historic structures for purposes of this Code.

257. Home-Based Business

An occupation or business activity which results in a product or service for financial gain and is conducted in whole or part in the dwelling unit or accessory building and is clearly an accessory or incidental use and subordinate to the residential use of the dwelling unit. Telecommuting from a person's regular place of employment is not a home-based business. Home-based businesses may also be called home occupations. Home-based businesses exclude uses that are otherwise addressed in **Section 6.02. Use Tables**, such as Bed and Breakfasts.

258. Home Builder

A Home Builder is an individual or company that builds single-family or two-family homes or condominiums for residential occupancy.

259. Home Health Care Services

A facility primarily engaged in providing skilled nursing services in the home along with a range of additional services to help patients live independently by taking care of activities that are essential to daily living. In addition to traditional nursing (such as changing wound dressings, checking vital signs, and providing tube feedings), these care giving services may include personal care (such as bathing, dressing, eating, and walking), homemaker and companion services (such as shopping and paying bills), physical therapy, medical social services, medications, medical equipment and supplies, 24-hour home care, counseling, dietary and nutritional services, speech therapy and audiology.

260. Homeowner Acting as Own Realtor

A Homeowner acting as their own realtor is a person who owns an existing single-family or two-family home or condominium within the corporate limits of City, or its extraterritorial jurisdiction (ETJ) which is for sale directly to the public.

261. Homeowners Association (HOA)

An incorporated non-profit organization operating under-recorded land agreements through which lot owners pays annual dues and may be subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

262. Hospice Facility

A facility licensed through the State of Texas to provide 24-hour palliative care to terminally ill persons.

263. Hospital

An institution providing primary health services and medical or surgical care, primarily on an in-patient basis, to persons suffering from illness, disease, injury, and/or other abnormal physical conditions. Services may include out-patient and emergency treatment, diagnostic services, laboratories, rehabilitation services, training or teaching facilities, medical offices, hospital administration, meeting areas, maintenance facilities, staff dormitories, and supportive services for patients, employees, and visitors such as cafeterias and ancillary retail sales.

264. Hospital, Psychiatric

Hospitals that are primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness. The treatment often requires an extended stay in the hospital.

265. Hotel

A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. All rooms are accessed via the main lobby of the building or entryways individually equipped with some form of security controlled access system. More than 75 rooms in MUDT will require an SUP.

266. Hotel, Extended Stay

A hotel offering for rent individual guest rooms or suites intended to be used for stays which may exceed 30 consecutive days. Meeting rooms, a clubhouse, and recreational facilities for the use of residents and their guests are permitted and suites may contain complete kitchen facilities.

267. House

See "Dwelling or Dwelling Unit".

268. Household

Any of the following: (1) one or more persons related by blood, marriage, adoption or legal guardianship, including foster children, living together in a dwelling; (2) up to four unrelated persons; or (3) two unrelated persons and their children living together in a dwelling.

269. Household Living

A group of uses characterized by one or more persons living together in a single dwelling as a household.

20% of

270. Illuminated

Using an artificial or a reflective light source.

271. Illumination, External

See "Sign, External Illumination".

272. Illumination, Internal

See "Sign, Internal Illumination".

273. Impact Fee

A user fee charged for connection to the public utility system.

274. Impervious Cover

Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, pavement, graveled areas, sidewalks, and paved recreation areas. Impervious Cover is subject to the determination of the Development Engineer. Includes and may be referred to as the term "Impervious Surface".

275. Improvement

Any constructed physical feature which is not a natural feature. For example, a structure, building, fence, gate, landscaping, tree, wall, parking facility, etc.

276. Infrastructure

Any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, irrigation system, water line system, sewer system, storm drainage network, electric system, telecommunications, public parkland, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

277. Inn

A property, often a former single-family residence, offering up to 15 guestrooms for rent to tourists, vacationers, and similar transients, for a period of time not to exceed 30 consecutive days. Guest quarters are typically accessible by hallways through a main entrance and do not include cooking facilities. An inn may consist of more than one building and may include a single kitchen facility to offer on-site meal service.

278. Integrated Office Center

A building, buildings, or site designed to be primarily occupied by a mixture of offices of a similar field, service, industry, or profession (i.e., medical) with ancillary establishments for workers such as a restaurant or personal services. Retail uses related to the primary field or profession and serving the general public may also be located in such structures but shall not constitute a majority of the building's gross leasable area.

279. Intermittent Stream

A stream that has a period of zero flow for at least one week during most years. Where flow records are available, a stream with a flow of less than 0.1 ft.3 /s (cubic feet per second) is considered intermittent.

280. Internal Roadway

A street that is entirely within a subdivision but not located along the boundary. Does not constitute or equal a Perimeter Street.

281. Intersection Spacing

The length of a segment of street as measured between the centerlines of two through streets (both on the same side of the street segment to be measured).

282. Irrigation Plan

The graphic depiction of a proposed mechanical watering system that illustrates the method and means of conveying appropriate water levels to the selected plantings.

283. Irrigation System

A system of pipes or other conduits that is designed to transport and distribute water to plant material based on its moisture needs for healthy and vigorous growth. An Irrigation System may be automatic, manual, or temporary as permitted by Code.

284. Janitorial Services

An establishment providing cleaning services for the interior or exterior of buildings, structures or dwellings, whether or not industrial, commercial, or income-producing real property or the contents thereof. Such services are rendered either on a scheduled, periodic basis or only on a single occasion.

285. Jurisdiction, City of Georgetown

The City's corporate limits and/or extra-territorial jurisdiction (ETJ).

286. Karst

A type of topography that is formed over limestone, dolomite, or gypsum by solution of the rock and is characterized by closed depressions or sinkholes, caves, and underground drainage.

287. Kennel

A commercial establishment in which two or more dogs, cats, or other domesticated (pet) animals not owned by the owner or occupant of the premises are temporarily housed for boarding, training or breeding purposes. Typical uses include boarding kennels, pet motels, and dog training centers. Outdoor facilities associated with this use are subject to the limitations in **Section 6.02** of this Code.

288. Kitchen

Any room or space used or designed to be used for the preparation or cooking of food and including or designed to include a cooking appliance, refrigerator, and sink. Installation of a kitchen shall constitute a dwelling unit. Does not include and is distinct from Outdoor Kitchen, as that term is defined in this Code.

289. Kitchen, Outdoor

An accessory kitchen located in the rear or side yard. The kitchen may include all of the following: stove, grill, pizza oven, sink, storage areas, refrigerator, dish washer, and/or other appliances normally found in a kitchen. The kitchen may be either open to the air or included in a covered patio area. Under no circumstances shall an outdoor kitchen area be fully enclosed.

18.02.030. Terms Defined: L-O

290. Land Disturbance

The construction or placement of buildings, roads and other structures; excavation, mining, dredging, grading, filling, clearing, or removing vegetation; and the deposit of refuse, waste, or fill. Utility, drainage, and street repair, and any construction maintenance that does not disturb land or result in additional impervious cover shall not constitute land disturbance.

291. Landscape or Landscaping

The soil, water, landscape materials and hardscape that affect the aesthetics and/or function of the land.

292. Landscape Architect

An individual currently registered and licensed by the State of Texas to practice landscape architecture, the profession which applies artistic and scientific principles to the research, planning, design, and management of both natural and built environments.

293. Landscape Area

Any area of ground that can support plant materials and that has been set aside for the preservation, installation, and maintenance of plant materials. Sidewalks and other impervious surfaces are not considered landscaped area, unless they are otherwise allowed by Code within a landscaped area.

294. Landscape Berm

An earthen mound designed to promote visual interest and topographic variety, as well as screening undesirable views and aid in noise reduction. Berms shall not encroach upon the critical root zones of existing vegetation.

295. Landscape Buffer

An area planted and maintained to promote visual aesthetics and/or reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

296. Landscape Features

Landscaping items that include a combination and placement of plant material (trees, shrubs, vines, groundcover, turf, or flowers), natural elements (berms, rocks, stones, boulders, or water) and/or structural features (not limited to walkways, fountains, pools, outdoor artwork, or benches).

297. Landscape Material

Plants such as grass, ground cover, shrubs, vines, hedges, trees and nonliving material such as rocks, pebbles, mulch, or pervious decorative paving materials.

298. Landscape Plan

The graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings (existing and new), ground and water forms, circulation, walks, irrigation, landscape lighting, erosion control, on-site drainage, and other features.

299. Landscape Planner

The individual designated by the Director to ensure compliance with the tree provisions of this Code. This term may also include the term “Urban Forester.”

300. Landscape Supply Sales/Garden Center

An establishment primarily engaged in the retail sale of feed, grain, trees, shrubs, seeds, fertilizers, pesticides, plants, pots, and other indoor or outdoor planting or gardening materials to the general public. Such establishments typically sell products purchased from others but may sell some material which they grow

themselves. Typical uses include feed stores, plant nurseries, greenhouses, plant stores, and lawn and garden centers.

301. Laundromat

A facility where patrons wash and/or dry clothing, linens, and other fabric items in machines operated by the patron.

302. Legal Lot

Either a lot recorded in the Williamson County Plat Records under the applicable subdivision regulations at the time of its creation or an unplatted tract of land having existed in its present configuration prior to May 10, 1977.

303. Level of Service (LOS)

A qualitative assessment of a road's operating conditions, indicating capacity per unit of demand a street based on and related to the operational characteristics of the facility.

304. Library

A public facility or other place containing books for reading, study, and research.

305. License to Encroach

A revocable license granted by the City for all improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, right-of-way, or public easement, including, but not limited to, buildings, piers, pools, fences, walls, patios, decks, basements, etc.

306. Licensed Professional Geoscientist [Edwards Aquifer Water Quality Regulations]

A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

307. Limits of Construction

Delineation on a Site Plan or Construction Plans, which shows the boundary of the area within which all construction activity will occur.

308. Live Music

A designated area suitable for the conduction of a live concert of vocal or musical instrument performance, which can often be heard beyond the property line of the premises.

309. Loading Space

An off-street space for the parking of a vehicle while loading or unloading merchandise or materials.

310. Lot

A single parcel of land intended as a unit for transfer of ownership or for development, which may be occupied by at least one building or use and the accessory buildings or uses customarily incidental thereto, and having frontage on a dedicated street. Lot includes the word "plot" or "parcel".

311. Lot Area

The area contained within the boundary lines of a lot, excluding any street, street easement, or street right-of-way.

312. Lot Line, Front

The lot line abutting an existing or dedicated street. For corner lots, the front lot line shall be adjacent to the shortest street dimension of the lot.

313. Lot Line, Rear

The lot line which is most distant and relatively parallel (within 45 degrees of being parallel) to the front lot line.

314. Lot Line

A legal boundary that divides one lot from another lot or from a dedicated right-of-way. (Same as "Property Line")

315. Lot, Access

A lot established only for the use of access.

316. Lot, Corner

A lot abutting two or more streets at their intersection.

317. Lot, Double-Frontage

A lot, other than a corner lot, that has frontage on two non-intersecting streets.

318. Lot, Flag

A lot containing a narrow portion of the lot fronting a public roadway. May also be referred to as a panhandle or pipe stem lot.

319. Lot, Interior

Any lot other than a corner lot.

320. Lot, Landscape

A lot generally used for landscaped open space or entry features, which are often smaller than minimum lot size requirements.

321. Lot Line, Side

Any lot line that is not a front lot line or a rear lot line.

322. Lot Line, Street

Any lot line abutting an existing or dedicated street right-of-way.

323. Lot, Median

A lot within the right-of-way.

324. Lot, Open Space

A lot that may provide space only for green belts, landscape, recreational uses, or signage.

325. Lot, Platted

A parcel of land identified as an individual lot on a subdivision plat recorded in the Williamson County Plat Records.

326. Lot, Utility

A lot primarily providing for the installation of utilities and utility facilities.

327. Lot Width

The width of a lot from one side lot line to another at the street frontage.

328. Low Impact Development (LID)

LID is an integrated site design approach for maintaining or replicating the pre-development hydrologic regime through the use of design techniques. LID practices include grading minimization, impervious area disconnections, preservation of existing landscaping and topography, increasing flow lengths, lengthening the time of concentration, and increasing opportunities to mimic pre-existing hydrology.

329. Lumber Yard

An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

330. Major Event Entertainment

A public or privately owned structure or area with a capacity of greater than 1,000 persons for the purposes of public performances, sporting events, or similar attractions that may generate heavy traffic. Major event entertainment facilities include concert halls, stadiums, sports arenas, commercial water parks, racetracks, rodeo arenas, zoos, coliseums, amusement parks, and convention centers. Accessory uses may include food preparation facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.

331. Major Street

A major street is any street designated as a Major Collector, Minor Arterial, or Major Arterial on the Thoroughfare Plan.

332. Manufactured Housing

A residential structure constructed on or after June 15, 1976, in compliance with the rules and definitions of the United States Department of Housing and Urban Development, that is transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

333. Manufactured Housing Park

A parcel of land under single entity ownership which has been planned and improved for the placement of two or more manufactured homes and their accessory uses.

334. Manufactured Housing Sales

An establishment engaged in the sales or leasing of new or used manufactured housing.

335. Manufacturing, Processing and Assembly, General

The general mass producing, processing or manufacturing of goods, materials, or products, predominately from extracted or raw materials, using mechanical power and machinery, and usually for sale to wholesalers or other industrial or manufacturing uses. This use includes procedures such as milling of grain; manufacturing, processing or assembly of wood products including cabinet and furniture production; processing of animals and animal products including slaughtering, meat packing and hide tanning; production of animal food; production of large durable goods such as motorcycles, cars, manufactured homes, or airplanes; canning or bottling of food or beverage for human consumption including brewery and distillery plants; manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; production or fabrication of metals or metal products including enameling, plating, galvanizing, and use of a foundry, welding or machining; processing of recyclable materials, production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials; clothing or textile manufacturing; tire recapping or retreading; and the production of items by means of the chemical processing of materials.

336. Manufacturing, Processing and Assembly, Limited

The assembly, processing or manufacturing of objects or items that are made from standard parts or components predominantly from previously prepared parts or materials without the use of any of the processes described within the definition of general manufacturing, processing, and assembly. This use is conducted within an enclosed building and includes the finishing, fabrication, treatment, or packaging and the incidental storage, sales, and distribution of products such as software, electronics, communication products, precision scientific and technical equipment, medical equipment and devices, and small appliances and instruments.

337. Marquee

Any permanent roof-like structure projecting beyond a building or extending from a façade, along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather including a mansard roof.

338. Master Sign Plan

A coordinated program for one or more signs on a property, identifying the size, height, location and color scheme of all signage proposed for the location, based upon total signage allocation established through this ordinance.

339. Mausoleum

An external free-standing structure constructed as a monument enclosing the interment space or burial chamber of a deceased person or persons.

340. Meat Market

An establishment that offers to the general public the sale of meat, poultry or fish and the service of processing and packaging such meats, provided the facility complies with all state, federal, and local health regulations. All processing is conducted indoors with no emission of noxious odors or noise. This definition does not include the slaughtering or boarding of live animals.

341. Mechanical Equipment

All equipment or devices installed for a primary or accessory use or structure, including, but not limited to, heating and air conditioning equipment, parabolic antennas, disc antenna, radio or TV receiving or transmitting antennas, utility huts, power generating devices, condensers, air ducts, meters, etc., that are located on the site or attached to the exterior (walls or roof) of the building.

342. Median

A raised or depressed curbed division of travel lanes. Does not include a "flush" median, which acts only as a painted division of travel lanes. May be of a pervious or impervious surface but is typically covered with grass, landscaping, trees and may contain pedestrian facilities.

343. Medical and Institutional Facilities

A group of uses designed for the treatment and care of physically or mentally ill patients, patients seeking treatment for dependency abuse, and also including centers for the receiving of blood, plasma, or other bodily fluids.

344. Medical or Dental Clinic

A facility housing the offices of more than three medical practitioners including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional services on an outpatient basis. In addition to the services offered at a "Medical or Dental Office", a clinic may include facilities providing minor outpatient surgical services requiring a stay of less than 24 hours, dialysis or cancer centers, or similar treatment facilities. Overnight stays of patients at such facilities shall not be allowed.

345. Medical or Dental Office

A facility housing the offices of no more than three medical practitioners, including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist, or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional

services on an outpatient basis. Facilities may include patient waiting rooms, treatment areas, and laboratory space. Overnight stays of patients at such facilities shall not be allowed.

346. Membership Club or Lodge

An establishment providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

347. Memorial Park

See "Cemetery".

348. Micro brewery

A retail establishment where beer is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro brewery typically produces less than 15,000 barrels annually.

349. Micro distillery

A retail establishment where alcohol is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro-distillery typically produces less than 15,000 barrels annually.

350. Micro Winery

A retail establishment where wine is produced on premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro winery is typically a small wine producer that generates up to 15,000 gallons of wine annually

351. Mitigation Calculation

The mathematical calculation of the amount of required tree or monetary compensation for removal of Protected or Heritage Trees.

352. Mitigation Plan

A plan, which may be included with the Tree Protection Plan, illustrating the trees that will serve as compensation for removed trees.

353. Mixed-Use Development

A single development that combines two or more mutually supporting land uses on a single parcel or site or within a general development plan, Overlay District, or cohesive zoning plan. Land uses may be mixed vertically within the same physical structure or horizontally with a physical and functional integration of buildings, project components, and pedestrian connections on the same lot and/or under unified control.

354. Motel

A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. Rooms are generally directly accessible from an exterior parking area. Customary hotel services and amenities, such as linen and maid service, are included.

355. Motor Vehicle

See "Automobile".

356. Movie Production

An establishment engaged in or facility used for the development, production, and creation of a film or video, including graphic design, set construction, sound and film recording, editing, etc. and storage of any equipment required thereof.

357. Multi-Lot Unified Development

A cohesive development planned for construction under a single development application on separate lots with similar zoning designations.

358. Mulch

Organic materials customarily used in landscape design to retard erosion, retard weed infestation, and retain moisture. For use in planting areas.

359. Multi-Modal

The availability of multiple modes of transportation within a system or corridor, which may include but not be limited to, vehicles, pedestrians, cyclists, and transit.

360. Multiple Corporate Tenants

More than one independent manufacturer. Does not include multiple brands produced by the same manufacturer or parent company.

361. Multifamily

The use of a single lot or parcel for three or more dwelling units regardless of whether those dwelling units are attached within one structure or detached in multiple structures. Does not constitute nor equal a Multifamily Zoning District or uses allowed therein.

362. Multifamily, Attached Dwelling Units

Three or more dwelling units located on a single lot or parcel, with each dwelling unit located in a structure containing three or more dwelling units. This term includes, but is not limited to, triplexes, quadraplexes, and apartments.

363. Multifamily, Detached Dwelling Units

Three or more dwelling units located on a single lot or parcel, with each dwelling unit located within a structure containing no more than two dwelling units.

364. Museum

A facility or area devoted to the acquisition, preservation, study and exhibition of works of artistic, historical, or scientific value.

365. Native Plant

Any plant species that is indigenous to Central Texas.

366. Natural Area

An area where the naturally grown landscape is left primarily undisturbed, except for the removal of poison ivy, greenbriar and similar vegetation and allowing for maintenance of the trees to maintain vigorous growth.

367. Natural Drainage

A stormwater runoff conveyance system not altered by development.

368. Natural State

Substantially the same conditions of the land which existed prior to its development, including but not limited to, the same type, quality, quantity, and distribution of soils, drainage, ground cover, vegetation, and topographic features.

369. Nature Preserve

An area of land that is protected and managed in order to preserve a particular type of habitat and its flora and fauna, which are often rare or endangered.

370. Neighborhood Amenity, Activity or Recreation Center.

A private facility associated with a specific residential development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of the development.

371. Nightclub

An establishment open to the general public for the purposes of entertainment, characterized by either dancing; performances by magicians, musicians, or comedians; or a combination of the two. The term "nightclub" does not include theaters or auditoriums with fixed row seating or establishments defined in this Code as a "Sexually-Oriented Business".

372. Nonconforming

A use, lot, building, site, sign or other situation which does not conform to one or more of the regulations of this Code.

373. Non-Residential District

A Zoning District established by this Code to be used for primarily nonresidential uses and purposes where non-residential uses apply.

374. Non-Residential Future Land Use

A future land use designation of Community Commercial, Regional Center, Employment Center, Special Area, Mixed Density Residential when located along a Future Mobility Plan roadway, Neighborhood when located along an arterial roadway.

375. Numbered County Road

A public roadway within the jurisdiction of a county which contains a numbered designation. (e.g., CR 140).

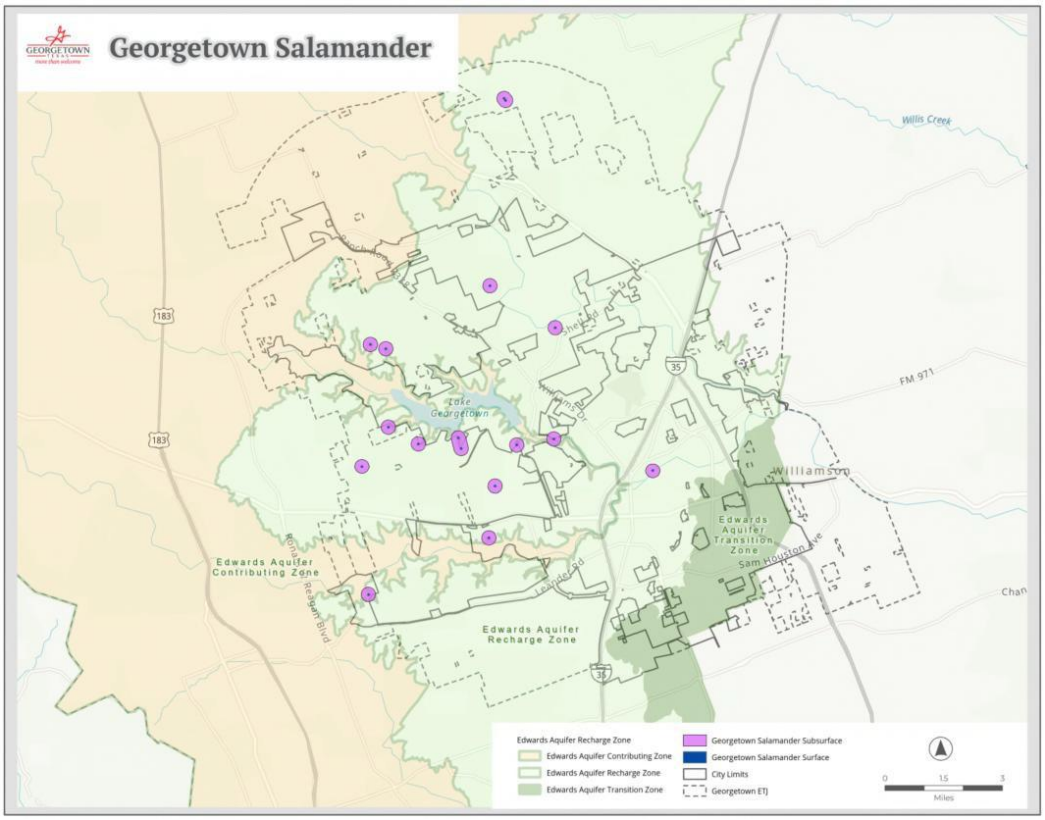
376. Nursing Home

A facility housing and providing care for persons who are aged, chronically ill, or incurable who are unable to care for themselves, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. Services typically include custodial or attendant care and meals but may or may not provide for routine and regular medical and nursing services. Nursing home includes homes for the aged, convalescent and rest homes, but does not include assisted living or senior apartments or hospitals or similar medical facilities.

377. Occupied Site [Edwards Aquifer Water Quality Regulations]

Any spring identified as a critical habitat unit by the United States Fish and Wildlife Service for the Georgetown Salamander (Eurycea naufragia), and include the following: Cobb Well, Cobb Springs, Cowen Creek Spring, Bat Well Cave, Walnut Spring, Twin Spring, Hogg Hollow Spring, Cedar Hollow Spring, Knight (Crockett Garden) Spring, Cedar Breaks Hiking Trail Spring, Water Tank Cave, Avant's (Capitol Aggregates), Buford Hollow Springs, Swinbank Spring, Shadow Canyon, San Gabriel Spring, and Garey Ranch Springs. The locations of the Occupied Sites are shown on the map incorporated below. This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

Figure 18.02.030-18.02.03-1. Salamander Critical Habitat Occupied Sites Map



378. Off-Site Improvement

Any required improvement which lies outside of the area being platted or developed.

379. Off-Street Parking Space

An area reserved exclusively for the parking of motor vehicles that is located outside of the public right-of-way.

380. Official Zoning Map

The most recent printed copy of the City's zoning map signed by the Mayor, attested by the City Secretary and bearing the Seal of City of Georgetown, in accordance with state law. The Official Zoning Map depicts the zoning status of land and water bodies, buildings and other structures throughout the city and is updated periodically using digital mapping software.

381. Office, General

The provision of executive, management or administrative services; including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices. This term excludes medical offices and the sale or storage of merchandise on the premises.

382. Offices, Professional and Business

A group of uses that includes facilities where business offices, administrative services, or data management services are provided.

383. Office/Showroom

An establishment with both a business office and associated showroom for display of sample goods or services to be delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail

sales of products associated with the primary products and/or services are permitted. This designation does not include contractor's shop or storage yard.

384. Office/Warehouse

A business office with an associated small-scale warehouse typically located at the rear of the space for the purposes of storing materials needed to supply services off-site. Limited distribution, limited contractor services, such as offices and indoor storage of supplies for construction or related activities, and indoor assembly and maintenance of equipment may be incidental to the office/warehouse use. This use can accommodate trades such as plumbers or electricians, as long as there is no processing, manufacturing, fabrication or outside storage of materials on site.

385. Oil Refinery and Distribution

An industrial plant used for the purifying and distribution of crude petroleum.

386. On-Site Wastewater System (OSS)

All systems and methods used for the disposal of sewage, other than organized sewage disposal systems. On-site wastewater facilities are usually composed of three units: the generating unit (the residence, institution, etc.), treatment unit and the disposal unit (the drainfield that may be an absorption trench or bed or an evapo-transpiration bed). Including a septic tank, seepage tile sewage disposal system or any other on lot sewage treatment device approved and installed in accordance with all local, state and federal laws and regulations. Also see "Septic System".

387. Open House/Model Home Sign (Open House Sign)

As it relates to Section 12.06 of this Code, an Open House/Model Home Sign is a sign that contains only the following information: 1) the words "Open House," 2) the words "Model Home", 3) the words "For Sale by Owner" or the Realtor's or Builder's name or logo, 4) the address of the Open House or Model Home, and 5) a directional arrow.

388. Open Space

Land within or related to a development, not individually owned or dedicated for public use that is designed and intended for the common use or enjoyment of the residents, patrons, or users of the development.

389. Ordinary Maintenance and Repair

Any work, the sole purpose and effect of which is to correct deterioration, decay, or damage, including repair of damage caused by fire or other disaster and which does not result in a change in the existing appearance and materials of a property.

390. Orphanage

A public or nonprofit institution that houses children who are orphaned, abandoned, or whose parents are unable to care for them. A school may be an accessory use to an orphanage.

391. Outparcel

An individual parcel of land associated with a non-residential group development, such as a retail mall or shopping center, planned for or including a free-standing building. May also be referred to as a pad site.

392. Overnight Accommodations

A group of uses providing facilities used for the renting of rooms or other areas intended for overnight guests.

393. Oversized Utility Line

A utility facility that is described in the City's water or electric master plan, necessary to accommodate current and future users. May be constructed by various parties with potential cost-sharing partnership opportunities.

18.02.040. Terms Defined: P-S

394. Pad Site

See "Outparcel".

395. Parcel

Continuous land area owned by or controlled by the same person or entity.

396. Parent Tract

The original tract of land as described by deed from which one or more lots are to be subdivided from.

397. Park, Community

Parks of 16 to 99 acres, serving several neighborhoods.

398. Park, Neighborhood Public

A park of 1 to 15 acres, serving one neighborhood or a ¼- to ⅕-mile radius.

399. Park, Regional Public

A park consisting of 100 or more acres, serving several communities typically within one hour driving time.

400. Park Fund

A special fund established by the City to retain monies paid by developers in accordance with the payment-in-lieu of parkland dedication provisions of this Code and to be used for the purchase of parkland or improvements in the vicinity of the subdivided property for which funds have been collected.

401. Parking Lot, Commercial

An off-street facility for the parking of automobiles on a temporary basis that may be operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

402. Parking Lot, Off-Site

An off-street facility for the parking of automobiles on a temporary basis that serves an adjacent or nearby principal use.

403. Parkland Dedication

The transfer of property from private to public ownership for public parkland. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

404. Parks and Open Spaces

Private and public areas intended for the outdoor usage of its patrons, including associated structures, playscapes, and other facilities.

405. Parks and Recreation Board

Board appointed by the City Council to advise the City on matters concerning parks and recreation activities.

406. Park-n-Ride Facility

A facility designed for parking automobiles, the occupants of which transfer to public transit, carpools, van-pools, or bus-pools to continue their trips.

407. Patio

A level surfaced area directly adjacent to a principal building no more than 3 feet above finished grade and not above the first floor level, without a permanent roof intended for outdoor entertainment. A free-standing patio

(not adjacent to the principal structure) is a level surface that may be no more than 1 foot above the finished grade, without a permanent roof, intended for outdoor entertainment.

408. Paved Surface

An area surfaced with single or multiple-course surface treatment, asphalt, concrete, pervious concrete, or grasscrete pavement constructed on a base course or similar all-weather surface. Does not include gravel, grass, stones, decomposed granite, or similar unpaved materials. Also does not include existing concrete strip driveways allowed for residential parking areas called "Approved Surfaces" in Section 10.16.010 of the City Code.

409. Paved Width

The dimensional width between the back of a street curb to the back of a curb across travel lanes. Does not include a median.

410. Pedestrian Accessway

Pedestrian Accessways are strips or sections of concrete or stone not typically located adjacent to vehicle roadways, which provide pedestrian access to or through property. This area must be kept free of obstructions, both temporary and permanent.

411. Pergola

A landscape feature consisting of vertical posts or pillars supporting an open roof of cross-beam girders and lattice system.

412. Permanent Foundation

Construction at or below the ground, including exterior walls and necessary support columns or piers, designed to support and distribute the load of any building, structure or mobile home for the usable life of that structure.

413. Permanent Mobile or Outdoor Food Vendor

The operation of one or more state-licensed mobile or outdoor food vendors where food and/or beverages are prepared and sold to the public from a motorized vehicle, trailer, pushcart, or other mobile food unit. Typical uses include food trucks, trailers, or carts that operate from a designated site and may include site amenities or improvements, subject to compliance with this Code and applicable state law.

414. Personal Communications Services (PCS)

Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Also known as personal communications network (PCN).

415. Personal Services

An establishment providing frequently or recurrently needed non-medical services of a personal nature to individuals as a primary use. This term includes barber and beauty shops, permanent makeup services, tanning salons, nail salons, day spas (including incidental massage), weight reduction centers, seamstresses, tailors, shoe repair shops, photography studios, pet grooming (no overnight stay), and services of an informational or instructional nature including driving schools, dance studios, and handicraft or hobby instruction. These uses may also include accessory retail sales of products related to the services provided. This term does not include any uses that are otherwise defined in the term "Restricted Personal Services".

416. Personal Services, Restricted

An establishment providing personal services that are generally less desirable adjacent to residential areas including, but not limited to, vape/e-cigarette shops, tattoo parlors, body piercing studios, check cashing facilities, bail bond agent, pawnshops, and palm and card readers.

417. Personal Wireless Service

Wireless communications technology that provides consumers with the ability to communicate using portable devices not physically interconnected by equipment such as wire or cable. Technologies include, but are not limited to, commercial mobile radio services (CMRS) such as personal communication systems (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (RSMR), and paging services; or any other local, regional, or global service using functionally equivalent technology.

418. Pervious Surface

Any surface that allows water to permeate through such surface. Determination of a pervious surface is made by the Development Engineer. For comparison, see "Impervious Cover".

419. Pest Control Services

An establishment primarily engaged in the off-site eradication, extermination or control of rodents, birds, mosquitoes, termites, ants, and other insects and pests (except for crop production and forestry production). Establishments providing fumigation services are included in this definition.

420. Petting Zoo

A facility where members of the public, typically for an admission fee, may view, interact with, and feed domesticated animals in a controlled environment. Typical uses include seasonal attractions, farm-based operations, and children’s educational or recreational facilities.

421. Places of Worship

A group of uses providing facilities for religious assembly.

422. Planned Unit Development (PUD)

A customizable Zoning District, represented through an adopted development plan, per the regulations of this Code, which may provide for one or more main uses or structures on a single parcel or contiguous parcels of land controlled by a single landowner or development group, and which permits flexibility from specific Code provisions related to land uses, dimensional requirements, landscaping, design, and other similar regulations in return for assurances of a comprehensive plan for overall innovation and/or quality of development.

423. Planning Department

The City Department designated by the City Council to coordinate and manage the City's land development policies and regulations.

424. Planning and Zoning Commission

The Planning and Zoning Commission of the City of Georgetown, whose duties are assigned by the City Code of Ordinances and Chapter 2 of this Code. Also referred to as the Commission or P&Z.

425. Plant List, Preferred

Those plant species listed in the Development Manual, which are proven to thrive in this region with fewer problems and requiring less care to remain healthy.

426. Plant Materials

Living trees, shrubs, vines, ground covers, sod, and flowering annuals, biennials and perennials adapted to the Georgetown soils and climate. Plastic, fibrous, silk or other non-live materials are not considered plant materials.

427. Plant Species, Controlled

Those plant species listed in the Development Manual which tend to become nuisances because of their ability to invade proximal native plant communities or native habitats, but which, if located and cultivated properly may be useful or functional as elements of landscape design.

428. Plant Species, Prohibited

Those plant species listed in the Development Manual, which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety, and welfare.

429. Planting Season

Generally, a time period when the physical conditions are conducive for the installation of plant materials to help insure their survival. In the Central Texas area, the seasons are generally March through June and October through December for general plant material and October through May for trees.

430. Plat, Administrative

A plat that is approved administratively by the Director if it meets all approval criteria, as established by this Code and the Texas Local Government Code. Administrative Plats include Amending Plats and Final Plats.

431. Plat, Amending

A plat that amends a preceding plat for minor changes or corrections, according to the specific criteria established by the Texas Local Government Code.

432. Plat, Final

The final map of all or a portion of a subdivision previously approved by the proper decision-making body. A Final Plat shall be prepared in accordance with the provisions of this Code and those of any other applicable local regulation, with the purpose of being prepared to be placed on record in the office of the County Clerk.

433. Plat, Preliminary

A document prepared in compliance with this Code, that delineates certain features required by state law and this Code including, but not limited to, property lines, lot and block dimensions, geometric layout, streets, monuments, and other landmarks for the purpose of identifying property.

434. Playscape

Any structure permanently anchored to the ground that is designed for recreational purposes such as jungle gyms, swing sets, etc. Sports courts such as basketball or tennis courts are not considered playscapes.

435. Postal Office

A facility for processing and sorting mail or bulk mail operated by either the United States Postal Service or a private mail shipping and delivery service.

436. Premises

A site or area including the improvements, buildings, or structures occupying it.

437. Primary

The basic, fundamental or most important use, activity or development of a building or site. Usually, the first activity in order of time or development. The first in rank, importance, or value. For the purposes of this Code, "Primary" is equal to, identical to, and often used interchangeably with "Principal".

438. Primary Entrance and Building Façade

The face or wall of a building that serves as the primary entrance for customers of a business, or residents within the building. This building face shall not include service areas, trash collection, loading dock, or other similar functions. The primary face of a building shall receive the highest level of architectural treatment on the building. Pursuant to this definition, a building may have no more than two primary façades.

439. Primary Structure

See "Structure, Principal".

440. Principal

See "Primary". For the purposes of this Code, "Principal" is equal to, identical to, and often used interchangeably with "Primary".

441. Principal Building

See "Building, Principal or Primary".

442. Principal Use

See "Use, Primary".

443. Printing, Mailing and Reproduction Services

A commercial establishment open to the general public that is primarily involved in the electronic duplication of graphic and printed materials for personal or business use, and which also provides other products and services including, but not limited to, photocopying, electrostatic printing, laser printing, blueprint, word processing services, computer generated graphics, computer aided design services and video imaging, and reproduction services. This use may also include limited commercial printing or publishing activities on a small scale, but off-set printing, large-scale bulk printing, or similar processes intended for mass distribution or sale shall not be permitted. These facilities may also be referred to as copy shops.

444. Private Transport Service Dispatch Facility

A facility where private passenger transport services, such as taxicabs, limousines, rideshare vehicles, or similar services, are dispatched to customers. Such facilities may include administrative offices and limited vehicle storage, but do not include the general repair, fueling, or sale of vehicles.

445. Property Line

See "Lot Line".

446. Property Owners Association

An entity established to represent the interests of property owners within a defined area and may include maintenance and enforcement responsibilities.

447. Prune or Pruning

Removal of dead, dying, diseased, crossed, crowned, or weakly attached limbs from a tree. The diameter and amount of wood removed is appropriate to size, species, and age.

448. Public Improvement

Any improvement, facility, or service together with its associated public site, right-of-way, or easement necessary to provide transportation, drainage, public or private utilities, parks, energy, or similar essential public services and facilities, for which a governmental entity may ultimately assume ownership and the responsibility for operation and maintenance.

449. Public Park, Neighborhood

A park of one to 15 acres, serving one neighborhood or a ¼- to ⅕-mile radius.

450. Public Park, Regional

A park consisting of 100 or more acres, serving several communities typically within one hour driving time.

451. Rail or Transit Yard

A facility or area for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

452. Realtor

A Realtor is a person who is licensed to sell real estate in the State of Texas.

453. Recharge Feature

Geological features, such as springs, bluffs, caves, fractures, crevices, and sinkholes; which tend to have a high degree of connectivity with the Edwards Aquifer. A recharge feature shall be considered significant if it lies within an area subject to inundation from the 100-year storm event or rapid infiltration to the subsurface may occur.

454. Recharge Zone (Edwards Aquifer Water Quality Regulations)

That portion of the City and its ETJ that overlays the EARZ as defined in Title 30, Texas Administrative Code § 213.3, as may be amended. Also see "Edwards Aquifer".

455. Reconstruction

Rehabilitation or replacement of a building or structure which has been damaged, altered, or removed, or is proposed to be altered or removed.

456. Recreational Vehicle (RV)

A unit designed as temporary living quarters for recreational, camping, or travel use that may be self-propelled or towed by an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the Director. A recreational vehicle may or may not include individual toilet and bath.

457. Recreational Vehicle (RV) Park

A parcel upon which two or more recreational vehicles are parked or any parcel upon which space for the parking of recreational vehicles is rented or offered. The term does not include premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

458. Recreational Vehicle (RV) Sales, Rental, or Service

An establishment engaged in the sales or leasing of new or used recreational vehicles.

459. Recycling Collection Center

A facility engaged in the collection, sorting, bundling, temporary storage, and/or transfer of recyclable materials. For purposes of this Code, recyclable materials include glass, paper, plastic, aluminum, clothing, or other source-separated, non-putrescible materials and do not include motor oil, chemicals, household appliances, tires, automobiles, or automobile parts. This use generally does not include incidental collection boxes or containers located at establishments with an unrelated primary use.

460. Registered Landscape Architect

An individual currently registered and licensed by the state to practice landscape architecture.

461. Regulated Activity (Edwards Aquifer Water Quality Regulations)

Shall have that meaning ascribed to it by Title 30, Texas Administrative Code § 213.3(28), as may be amended.

462. Regulatory Floodway or Floodplain

The channel of a river or other watercourse river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

463. Rehabilitation

The act or process of returning a building or structure to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of an historic resource which are significant to its historical, architectural, and cultural value.

464. Religious Assembly Facility

A facility providing regular organized religious worship and religious study. This term includes churches, synagogues, temples, mosques, and other types of religious assembly halls. Accessory uses may include community recreational facilities, classrooms, administrative offices, and similar facilities that are directly associated with and supported by the membership assembly on site. Private primary or secondary educational facilities and day care facilities are subject to the standards of **Section 6.02. Use Tables** for such uses.

465. Relocation

The act or process of moving a building or structure from one site to another site or to a different location on the same site.

466. Renovation

The act or process of returning a building or structure to a state of utility through repair or alteration which makes possible a contemporary use.

467. Research, Testing and Development Lab

An indoor facility where scientific research and development, including biotechnology and nanotechnology, is conducted and analyses performed. These uses are typically characterized by controlled uniformity of conditions (constant temperature, humidity, cleanliness).

468. Reserve Strip

A narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth, will not support development and may prevent access to a roadway or utility easement from adjacent property.

469. Reservoir

An impoundment of surface water designed to provide water to the public.

470. Residential District

A District established by this Code to be used for primarily residential uses and purposes where existing residential uses apply.

471. Residential Rural/Estate Subdivision

A subdivision that is zoned either AG (Agriculture) or RE (Residential Estate) if within the city limits or a subdivision in the extraterritorial jurisdiction (ETJ) that is platted for single-family residential development with lots of at least 1 acre in size.

472. Residential Structure

A structure used or intended to be used for residential purposes.

473. Residentially Zoned Property

Any lot or parcel located in a Residential District.

474. Resource Extraction

The extraction of surface or sub-surface mineral products or natural resources including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations and may include milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity.

475. Restaurant, Drive-Through

An establishment engaged in the preparation and retail sale of food and beverages in a ready-to-consume state, through a pass-through window accessed by a vehicle via a drive-through lane. This term also includes drive-in restaurants. For restaurants licensed to serve alcoholic beverages the gross receipts for alcoholic beverages shall not exceed 50% of the total gross receipts.

476. Restaurant, General

An establishment engaged in the preparation and retail sale of food and beverages for on-premise consumption. This term includes facilities typically referred to as diners, cafes, cafeterias, dinner-houses, coffee shops, bakeries, and ice cream parlors, but does not include fast food restaurants or drive-through services. For restaurants licensed to serve alcoholic beverages, the gross receipts for alcoholic beverages shall not exceed 50% of the total gross receipts.

477. Restoration

The act or process of accurately recovering the form and details of a building or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

478. Retail, General

An establishment engaged in the retail sale of goods and merchandise to the general public for direct consumption, usually in small quantities and not for wholesale, and not including retail facilities otherwise specifically listed in **Section 6.02. Use Tables**.

479. Review Body or Authority

Any entity that is authorized to either recommend approval or denial or be the decision-making authority of an application or permit required under this Code.

480. Riding Academy

A facility used to house equine, which may or may not be owned by the owner of the property, for the purpose of riding lessons or pleasure.

481. Right-of-Way

Land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line or oil or gas pipe line, water main, sanitary or storm sewer main, or for other special use. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use.

482. Right-of-Way Flare

A diagonal cut-back between two public street rights-of-way specified in **Chapter 14**.

483. Riparian Zone

Generally includes the area of the stream bank and out onto the floodplain that is periodically inundated by the flood waters from the stream. The limit of the zone depends on many factors including native plant community make up, soil moisture levels, and distance from the stream (or the limit of interaction between land and stream processes). It is periodically inundated by the flood waters from the stream. Interaction between the terrestrial zone and the stream is vital for the health of the stream.

484. Roadway

See "Street".

485. Roof

The top covering of a building. For the purposes of this ordinance, a roof shall be defined as having a slope of less than 65 degrees. A roof having a slope of greater than 6 degrees, including mansard roofs, shall be treated as a wall surface for the placement of signs. (See for comparison "Wall Surface Area".)

486. Rooming House

A residential building other than a hotel or apartment where lodging and possibly meals are provided by pre-arrangement for definite periods for compensation. No cooking facilities are provided in individual living units.

487. Root (Tree)

The part of a tree or plant typically underground which absorbs nutrients and moisture, stores food, and as an anchor and supports the tree or plant.

488. Rural Residential Subdivision

A subdivision that is zoned either AG (Agriculture) or RE (Residential Estate) if within the city limits or a subdivision in the extraterritorial jurisdiction (ETJ) that is platted for single-family residential development.

489. School, Boarding

Any building or group of buildings with dormitories, dining rooms, and other accessory uses for the boarding of students, the use of which meets state requirements for primary, secondary, or higher education.

490. School, Business or Trade

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, university, or public or private educational facility.

491. School, College or University

An educational institution or other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Accessory uses include offices, student housing, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

492. School, Elementary

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools.

493. School, High

A public, private, or parochial school offering instruction at the senior high school level in the branches of learning and study required to be taught in the public schools.

494. School, Middle

A public, private, or parochial school offering instruction at the middle (junior) school level in the branches of learning and study required to be taught in the public schools.

495. Screening

A method of visually obscuring structures or land uses (i.e. parking or outdoor storage) from another with the use of one or combination of fencing, walls, dense vegetation, or berms or other acceptable screening material.

496. Second Dwelling Unit

A primary dwelling that is located on a lot already developed with one primary dwelling, resulting in two separate and independent primary dwellings on the same lot. A second dwelling unit is distinct from an accessory dwelling unit, as it is equivalent in use and function to a standard single-family dwelling.

497. Secondary

For the purposes of this Code, "Secondary" is equal to, identical to, and often used interchangeably with "Accessory".

498. Secretary of the Interior's Standards for the Treatment of Historic Properties

The standards established by the Secretary of the Interior for providing guidance on the preservation, rehabilitation, restoration and reconstruction of historic properties.

499. Sedimentation and Filtration Basin

A basin that provides water quality benefits through the sedimentation or filtration of runoff.

500. Self-Storage, Indoor

A building or group of buildings in a controlled access and fenced area containing individual storage compartments of varying sizes that are leased for the storage of business and household goods. There is no conduct of sales, business or any other activity allowed within the individual storage units. May also be referred to as mini-storage or mini-warehouse.

501. Self-Storage, Outdoor

A fenced area with controlled access providing individual storage spaces, not within a fully enclosed structure, that are leased for the storage of motor vehicles, trailers, boats, and similar items. There is no conduct of sales, business or any other activity allowed within the individual storage units.

502. Septic System

See "On-Site Wastewater System (OSS)".

503. Setback

A measurable distance, dictated by Zoning District, from any property line to an invisible parallel plane, within which certain buildings and structures are prohibited. A setback is separate and distinct from, but is usually included within, a yard, as that term is defined in this Code.

504. Setback, Garage

A setback located along and generally parallel to a street right-of-way indicating the minimum distance required between front facing garage or carport access and the street right-of-way.

505. Setback, Front

The setback located along, and generally parallel to, the front lot line, extending the full width of a lot.

506. Setback, Rear

The setback located along, and generally parallel to, the rear lot line, extending the full width of a lot.

507. Setback, Side

The setback located along, and generally parallel to, any side lot line, extending the full depth of a lot.

508. Setback, Street

Any setback located along, and generally parallel to, a street right-of-way and street lot line.

509. Sexually Oriented Business

Any building, structure, or facility including, but not limited to, an arcade, bar, bookstore, cabaret, overnight accommodation, theater (including movie), bath house, massage parlor, nude modeling studio, video store, love parlor, or similar facility used entirely or partially for commercial entertainment, exchange of merchandise, or offer of a service of a sexually-explicit nature. These activities are predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to sexual activities and include the sales, rental, exhibition, or presentation of a device or other item intended to provide sexual stimulation or sexual gratification to the customer.

510. Shared-Use Path

A paved pathway accommodating pedestrians and bicyclists, meeting accessibility standards. Differentiated from a "hike-and-bike trail" which may be a pervious material and not accessible.

511. Shrub

Any self-supporting woody perennial evergreen and/or deciduous species normally growing to a height of 24 inches or greater, characterized by multiple stems and branches continuous from the base.

512. Sidepath

A Shared-Use Path adjacent to roadways that are located within a roadway corridor following the roadway alignment and that are physically separated from motorized vehicular traffic by a landscaped buffer or a barrier. Sidepaths are generally designed for two-way travel.

513. Sidewalk

A strip or section of concrete or stone a minimum of five feet in width, typically located adjacent to vehicle roadways, intended for use as a pedestrian facility. This area must be kept free of obstructions, both temporary and permanent.

514. Sidewalk Clear Zone

The dimensional area between the curb or edge of pavement (where no curb exists) and a pedestrian facility such as a sidewalk, trail or pedestrian accessway. The clear zone is established to protect pedestrians from vehicular movements, as determined by speed and street classification.

515. Sidewalk Fund

A fund established to accept and distribute revenue in accordance with the provisions of this Code for the purpose of constructing public sidewalks and/or trails.

516. Sight Triangle

The triangular area formed by an invisible diagonal line at the corner of either two intersecting street right-of-way lines, the edge of street lines, the edge of a driveway, or a combination of two thereof, as specified in **Chapter 14**. The Sight Triangle exists to prevent sight obstruction for motor vehicles, pedestrians, etc. May also be referred to as "street visibility triangle" or "sight distance triangle."

517. Sign

Any device that uses letters, numerals, emblems, pictures, outlines, characters, spectacle delineation, announcement, trademark, logo, illustrations, designs, figures, or symbols to convey a message. The term "sign" shall also include any use of color such as bands, stripes, patterns, outlines or delineations displayed for the purpose of conveying a message, including commercial identification (corporate colors), that comprises more than 20% of any façade or visible roof face. This term shall also include all flags.

518. Sign, Abandoned

A sign attached to a building or space which has been vacant for at least two years. Any sign on a vacant lot or parcel other than a legally permitted Off-Premise Sign is also considered an Abandoned Sign.

519. Sign Area

The area of a sign inclusive of the sign face, sign base and sign cabinet.

520. Sign Base

The structure supporting a sign. The sign base is a part of the sign, unless otherwise specified in **Chapter 12. Sign Standards**.

521. Sign, Off-Premise

A sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic shall be considered a single premises.

522. Sign Cabinet

The sign cabinet is the structure or border used to differentiate a sign face from the structure on or against which a sign face is placed.

523. Sign, Canopy

Any type of sign attached to in any manner or made a part of a canopy.

524. Sign, Changeable Copy

A sign designed to allow the manipulation of messages through manual or mechanical means.

525. Sign, Construction Site

A temporary sign containing graphics, symbols, text or images securely attached to, or printed directly onto the screening fabric of, a temporary fence or barrier, or on an active construction site authorized by a City or County permit, as applicable.

526. Sign, External Illumination

A sign utilizing an artificial or reflective light source mounted or operated from the outside of the frame of the sign, for the purpose of lighting the sign.

527. Sign Face

The area of a sign where the message is displayed and the background on which it is placed. Does not include the sign cabinet or frame.

528. Sign, Homebuilder Wayfinding

A sign installed by, on behalf of, the City of Georgetown that directs motorists to a model home or model homes of a participating homebuilder(s).

529. Sign, Identification

An incidental sign of identification or of informational nature.

530. Sign, Illuminated

A sign utilizing an artificial or a reflective light source.

531. Sign, Incidental

A sign that is subordinate to or associated with a permitted use on a property, rather than being the primary purpose of the structure or land itself.

532. Sign, Internal Illumination

A sign utilizing an artificial or a reflective light source mounted or operated from the inside of the frame of the sign, for the purpose of lighting the sign.

533. Sign, Low Profile Pole

A sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground. Signs shall be no higher than 10 ft.

534. Sign, Marquee

Any sign attached to, in any manner or made a part of a marquee.

535. Sign, Monument

A sign which is attached directly to the ground or is supported by a sign structure that is placed on or anchored in the ground and is independent from any building or other structure.

536. Sign, Multiple-Tenant

A sign for more than one business at the same location.

537. Sign, Pole

A sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

538. Sign, Portable

Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

539. Sign, Projecting

Any sign affixed to a wall of a building in a non-parallel manner.

540. Sign, Sandwich Board

An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Also known as A-Frame or T-Frame signs.

541. Sign, Suspended

Any type of sign that is suspended from the underside of a predominantly horizontal plane surface, such as a porch or canopy, and is supported by such surface.

542. Sign, Temporary

Any sign that is not intended to be permanent.

543. Sign, Wall

A sign which is fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

544. Sign, Window

Any sign that is placed inside a window or upon the window or upon the window panes or glass and is intended to be visible from the exterior of the window. Merchandise displays shall not be considered window signs.

545. Single-Family

The use of a single lot or parcel for one principal dwelling unit in a single building, other than a mobile home. Does not constitute nor equal the RS, Residential Single-family Zoning District.

546. Single-Family, Attached

A single-family dwelling unit located on its own lot that shares one or more common walls with one other single-family dwelling unit on a separate lot.

547. Single-Family, Detached

A single-family dwelling unit, located on its own lot that is not attached to any other dwelling unit.

548. Single-Family, Zero-Lot-Line

A single-family detached dwelling unit, located on its own lot, that is set on or relatively close to one interior side lot line to create additional side yard area on the opposite side of the unit. Zero-Lot-units must maintain the required separation from units on adjacent properties.

549. Sinkhole

A depression formed in soluble rock by the action of subterranean or surface water which is a point of recharge.

550. Site

A parcel of land for which a permit or development approval is issued or considered pursuant to this Code.

551. Site Plan, Conceptual

A concept site layout plan containing general information about a site for review of related documents, in order to provide an overview of a development plan. Is typically not binding unless adopted as an exhibit or otherwise specified.

552. Site Development Plan

A detailed site layout plan containing sufficient information to evaluate the land use, construction plans, and architectural harmony of the proposed development including compatibility of the development with nearby areas. A Site Development Plan shall follow the requirements and approval procedures of **Section 3.17** of this Code and the Development Manual.

553. Slope

The vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

554. Small Area Plan

A targeted planning document that provides a highly detailed, localized vision for a specific neighborhood or district.

555. Small Engine Repair

A business that repairs, adjusts, tunes, or modifies gasoline engines of a small horsepower commonly used to power grass trimmers, riding or push lawn mowers, chain saws, and similar service equipment. This repair service may also conduct work on electric motors commonly used in power tools, lawn maintenance equipment, and small household appliances. This term does not include work all-terrain vehicles (ATV), jet skis, or similar vehicles and does not include storage or repair work conducted outside of a building.

556. Social Service Facility

A multi-functional facility that provides assistance, advocacy, case management, guidance, counseling, or similar services on a daytime care basis to persons requiring rehabilitation assistance or those with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning, or physical disabilities, and child support issues, but does not include a rescue mission, homeless shelter, or day care.

557. Soil Aeration

The introduction of air into the soil to alleviate soil compaction and improve its structure.

558. Special District

A Municipal Utility District (MUD), Water Control And Improvement District (WCID), Fresh Water Supply District (FWSD), or similar political subdivision created to provide water, sewer or drainage utility services, roads, or other services allowed by law to a specified area, pursuant to Article III, Section 52, and/or Article XVI, Section 59, of the Texas Constitution.

559. Special Exception

An exception to certain provisions of this Code, granted by the Zoning Board of Adjustment (ZBA), for specifically defined situations and standards, pursuant to **Section 3.13**. Such exception does not constitute a Variance or Waiver, as those terms are defined in this Code.

560. Special Use Permit (SUP)

A permit that allows a use not automatically permitted by right to be located within a Zoning District, upon approval by the City Council. A Special Use Permit may be subject to specific provisions contained in this Code and/or other conditions imposed by the City Council as a condition of approval.

561. Spring

A point or zone of natural groundwater discharge having measurable flow and/or a pool.

562. Spring (Edwards Aquifer Water Quality Regulations)

Any natural setting or location where ground water flows to the surface of the earth from underground frequently enough to support spring associated vegetation such as ferns, watercress and Texas sedge.

563. State

The State of Texas.

564. Stone, Mulch or Dirt Sales Yard

A typically outdoor facility that stores and conducts retail sales of dirt, mulch, stone, or other material commonly sold to an individual or contractor.

565. Stoop

Steps leading to the entrance of a building. Typically for residential dwellings found on the first floor of townhouses, multifamily, or mixed-use structures.

566. Storage Yard

A facility primarily used for outdoor storage of equipment and materials.

567. Storm Sewer

An approved means of conveyance that carries storm, surface, and ground water drainage, but excludes sewage and residential, commercial, and industrial wastes.

568. Stormwater Management, Nonstructural

Any natural or planted vegetation or other nonstructural components of the stormwater management plan that included no excavation and provides or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space, overland flow filtration areas, natural depression, and vegetated channels.

569. Stormwater Runoff

Surplus surface water generated by rainfall that does not seep into the earth but flows into storm drains or overland to flowing or stagnant bodies of water.

570. Story

See "Building Floor or Story".

571. Strategic Partnership Agreement

An agreement between the City and a special District addressing the relationship between the City and the District, including limited purpose annexation of commercial areas and other matters pursuant to Section 43.0751 of the Local Government Code.

572. Stream (Edwards Aquifer Water Quality Regulations)

A flow of surface water sufficient to produce a defined natural channel or bed. A defined natural channel or bed is an area that demonstrates clear evidence of the passage of water.

573. Streamer

Any lightweight plastic, fabric, or other material, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

574. Street

An improved surface used for the transport of automobiles and other motor vehicles from one location to another. Includes the term "road" and "roadway"

575. Street, Alley

An alley is a passageway designed primarily to provide access to or from the rear or side of property otherwise abutting on a public street.

576. Street, Arterial

A street designed to carry large volumes of local and regional traffic into or out of the City which provides for efficient vehicular movement between distant locations, decreasing traffic on local and collector streets. Separated in this Code by Minor and Major classifications, the specific characteristics and average daily trip ranges of each can be found in **Chapter 14** of this Code.

577. Street Banner

See "Banner, Street".

578. Street Centerline

A line bisecting a street that is parallel to the edge of pavement.

579. Street, Collector

A street that connects and distributes traffic between Arterial Streets and Local Streets providing access and movement between neighborhoods, parks, schools, retail areas and the arterial street system. A collector street may serve both residential and commercial development, depending on the type of collector and average daily traffic volume. Separated in this Code by Residential, Neighborhood and Major classifications, the specific characteristics and average daily trip ranges of each can be found in **Chapter 14** of this Code.

580. Street, Cul-de-Sac

A street or series of connected streets that has a single approved vehicular access point.

581. Street Facing Façade

The building façade or wall that is parallel to a street lot line.

582. Street Frontage

The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

583. Street, Highway

A controlled-access divided street or highway that is intended to move high traffic volumes over long distances and serve as primary routes throughout the region. Includes the term "freeway" and "expressway."

584. Street Landing

The area of an intersection where the grades of the respective streets need to be sufficiently flat to accommodate an accessible crosswalk.

585. Street, Loaded

A street that allows for vehicular access driveways.

586. Street, Local

A street that provides access to residential and commercial properties with short trip lengths, low speeds, and typically serves local traffic only. Local Streets may also encompass streets classified by this Code as an Alley, Residential Lane, or Residential Local Street, the specific characteristics and average daily trip ranges of which can be found in **Section 14.03** of this Code.

587. Street, Local—Downtown

A street located within the Downtown Overlay District that carries a Local Street cross-section design. The characteristics of this street can be found in **Chapter 14** of this Code and in the Downtown Master Plan, May be designated as a collector or arterial in functionality.

588. Street, Local (Tree Alternative)

A Local Street designed to the alternative cross-section identified in this Code that accommodates Street Trees within the right-of-way.

589. Street, Major Collector

A street that connects and distributes traffic between Arterial Streets, other Collector Streets or Local Streets, but primarily serving commercial development. The specific characteristics and average daily trip ranges of Major Collectors can be found in **Section 14.03** of this Code.

590. Street, Neighborhood

A street that primarily serves the local traffic needs a subdivision, neighborhood or development, with relatively low traffic counts and lower speeds. Street types include Residential Lanes, Local Streets, Residential Collectors and Neighborhood Collectors.

591. Street, Perimeter

A street directly abutting a development or subdivision, whether the street is external to, partially or wholly within the boundary.

592. Street, Private

An improved roadway for which no public entity has jurisdiction or maintenance responsibilities. A private street may be used as the principal means of access to a lot if such lot meets the minimum required lot frontage on a public roadway, as specified in this Code.

593. Street, Public

An improved roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property and maintained by a public entity.

594. Street, Residential Collector

A residential street that connects and distributes residential traffic between Local Streets and Major Collectors and Arterials. May directly serve residential development, with limited spacing between access points. The specific characteristics and average daily trip ranges of Residential Collectors can be found in **Section 14.03** of this Code.

595. Street, Residential Lane

A local street serving a very limited number of residential dwelling units, the specific characteristics and average daily trip ranges of which can be found in **Section 12.03**. An alley is required to be included with a residential lane to provide access to the lot.

596. Street Right-of-Way

See "Right-of-Way".

597. Street, Residential Rural/Estate

A street serving Residential Rural/Estate Subdivisions that may include roadside ditches in lieu of curb and gutter and other generally rural roadway features.

598. Street Stub

A non-permanent, dead-end street intended to be extended in conjunction with the subdivision and development of adjacent land.

599. Street, Through

A street having two distinct points of ingress and egress from two other through-streets. Alleys, culs-de-sac, and loop streets shall not be considered through-streets.

600. Street Tree

See "Tree, Street".

601. Street Yard

See "Yard, Street".

602. Structural Integrity

Ability of a structure to maintain stability against natural forces experienced by said structure.

603. Structure

Anything constructed or erected on the ground or attached to something located on the ground. Examples of structures include, but are not limited to, buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel, and permanent signs. Sidewalks and paved surfaces shall not be considered structures unless located within a public easement.

604. Structure, Accessory

A structure that is subordinate to, incidental to, and is detached from, a principal building or a principal use of a lot. Also, may be referred to as "Secondary Structure".

605. Structure, Principal

A structure in which the primary use of the lot is conducted. For example, for single-family residential lots, the house is the principal structure. Also, may be referred to as "Primary Structure".

606. Subdivider

Any person, firm, partnership, corporation, or other entity, acting as a unit subdividing or proposing to subdivide land as herein defined.

607. Subdivision

The division of a tract of land where the resulting lots or parcels differ from the existing configuration for the purpose of transfer of ownership; dedication of streets, alleys, or easements; or development, as that term is defined in this Code. For example, the division of one lot into two or more lots or the division of more than two lots into a lesser number of lots. Subdivision includes "re-subdivision".

608. Subdivision Improvement Utility Agreement

A written agreement between the property owner and the City concerning the construction of improvements and cost participation to comply with the requirements of this Code.

609. Substance Abuse Treatment Facility

A facility providing 24-hour supervision, counseling, and treatment for persons not needing regular medical attention, but requiring rehabilitation services for alcohol or chemical dependency or similar disorders, including those ordered as a condition of probation.

610. Substantial Improvement

Defined as one of the following: (1) Means any construction of public improvements amounting to at least 50% of the total cost of public improvements required under the provisions of this ordinance, including engineering fees; or (2) Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

611. Supplemental Nutrients

A mixture of beneficial tree growth chemicals and naturally occurring elements that improve the overall health and vigor of a tree. Typically injected into the soil.

18.02.050. Terms Defined: T-Z

612. Tandem Parking Space

A paired parking space accommodating two or more vehicles that are parked directly behind each other that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.

613. Taxidermist

An establishment engaged in the art of preparing, stuffing, mounting, or processing the skins, feathers, or horns of animals.

614. Telecommunications

The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

615. Telecommuting

A work arrangement in which employees enjoy flexibility in working location, where the daily commute to a central place of work is replaced by telecommunication links that may be from home or other location off-site from the primary work location.

616. Temporary Event

An "Event" as that term is defined in Section 12.24.010 of the Georgetown Code of Ordinances or a public gathering held on public or private property (e.g., gem and mineral shows, quilt shows, etc.)

617. Temporary Use

See "Use, Temporary".

618. Theater, Live

An indoor facility that provides fixed seating for customers to view dramatic, musical, or live performances, including accessory snack and/or food and beverage services.

619. Theater, Movie

An indoor facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.

620. Thoroughfare

Any roadway classified on the Future Mobility Plan as a Collector, Arterial, or Highway, which functions as generally high-volume corridors throughout the city and the surrounding areas.

621. Topographic Map

A map showing all principal physical features of an area, including elevations.

622. Total Street Connections

The total number of street connections to the ultimate street network, including connections to existing public streets and future stubs to adjacent properties.

623. Tower

Any structure that is designed and constructed primarily to support one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term shall include, but will not be limited to radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

624. Tower or Antenna, Commercial

A telecommunications structure or facility operated for financial gain by a person, corporation, or business.

625. Tower, Amateur Radio or Non-Commercial

A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances for the private use and enjoyment of an individual holding a valid amateur radio (HAM) license issued by the Federal Communications Communication and not used for any commercial or industrial use. This shall also include a

structure or facility operated by a utility company or governmental entity for its own use (such as an electricity or natural gas provider, water District, or other company which is licensed or regulated by the state or the federal government).

626. Towing Service and Impound Lot

A facility in which tow trucks are utilized in the hauling of motorized vehicles and for the temporary storage or impoundment of primarily operable or repairable motor vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.

627. Townhouse

A dwelling unit on an individual lot that is part of a series of three or more dwelling units having common side walls with one or more adjoining dwelling units in a townhouse row.

628. Townhouse Lot

A lot being a portion of a townhouse development that is intended for separate ownership. A townhouse lot consists of the townhouse and associated required private open space. Townhouse lots are only applicable when three or more townhouses are grouped in a townhouse row and cannot stand alone as a single lot.

629. Townhouse Row

A series of three or more connected townhouses.

630. Traffic Impact Analysis (TIA)

An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

631. Trailer

A non-motorized apparatus intended to be towed by an automobile that is used for the carrying of materials, goods, livestock, or other objects and licensed by the state for use on public roadways. For the purposes of this Code a Trailer "does not equal a Recreational Vehicle".

632. Transient Service Facility

A facility where the principal function involves providing on-site food, clothing, shelter, or other related services primarily intended for those needing transient temporary assistance. The term includes homeless shelters, emergency lodging, charity dining facilities (soup kitchens), rescue missions, day labor hiring centers, and similar facilities and shall include the principal assistance or service facility and all appurtenant or related establishments intended for use by the patrons of the principal facility.

633. Transit Passenger Terminal

A facility for the loading and discharging of train or bus passengers and the transient parking of personal or transit vehicles.

634. Transportation Improvement Program (TIP)

Staged, multi-year program of transportation projects consistent with the Future Mobility Plan.

635. Tree

Any self-supporting woody perennial plant species usually having a single trunk diameter of no less than two inches at maturity, measured 1 foot above grade, and which normally grows in Central Texas to an overall minimum height of 12 feet.

636. Tree Canopy

The horizontal extension of a tree's branches in all directions from its trunk.

637. Tree, Credit

Existing trees on a site with a DBH between 6 and 11 inches that may be used toward the required mitigation or landscape trees.

638. Tree Damage

Excavation or disturbance within the CRZ such as by cutting roots, grading, pouring impervious material such as concrete or asphalt, installing utilities or installing irrigation that is not related to irrigating that specific Protected or Heritage Tree; chemical poisoning; utilizing the area within the tree protection fence for storage of equipment or vehicular traffic and other activities; removing bark greater than three inches; breaking or splitting of the main trunk; or any act compromising the health or structural integrity of the tree.

639. Tree, Dead

Any tree in which the canopy has died back 80% or greater as determined by the Urban Forester.

640. Tree, Diseased

A tree with a condition that impairs the performance of one or more vital functions; usually associated with infectious conditions.

641. Tree, Heritage

Any of the following trees that has a 26-inch diameter when measured at 4.5 feet above grade: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia.

Any tree or stand of trees designated by Resolution of the City Council to be of historical value or of significant community benefit.

The term "Heritage Trees" does not include Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, or Mesquite.

642. Tree Mitigation

The process to address the removal of Protected or Heritage Trees either through crediting existing trees, planting new replacement trees or paying fees-in-lieu.

643. Tree, Multi-Trunk

A tree with more than one trunk. These trees are measured according to the method established in this Code.

644. Tree, Ornamental

Smaller tree species, reaching a height of approximately 10 to 25 feet at maturity. Such trees provide screening and accent elements.

645. Tree Preservation Plan

A plan that graphically represents the Tree Schedule and identifies Protected Trees and Heritage Trees, indicating those being preserved and those being proposed for removal. The Tree Preservation Plan may be shown on the Tree Survey.

646. Tree, Protected

For purposes of this Code, a "protected" tree is any tree with a DBH of 12 inches or greater. The following species of trees are excluded from protected tree status Chinaberry, Hackberry, Ashe Juniper (Cedar), Chinese Tallow, and Mesquite.

647. Tree Removal

As it applies to protected trees means, the uprooting, severing the main trunk of a tree, or any activity which causes, or may reasonably be expected to cause a tree to die. Activities such as, but not limited to, damage

inflicted upon the root system by machinery, storage of materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete or asphalt within the CRZ or impervious materials in a manner which may reasonably be expected to kill the tree.

648. Tree Schedule

A list indicating the status of all trees on site; Protected Trees preserved, Protected Trees removal, dead, Heritage Trees preserved, proposed Heritage Tree removal, not a protected species, or Credit Tree, along with species name and tree diameter in one table. Typically, a Tree Schedule is included on the Tree Survey.

649. Tree, Shade

The largest plants in the landscape that provide the overhead structure needed for shading and under which other plants live and grow. They spread and give overhead structure when they reach maturity.

650. Tree Stand

A contiguous grouping or cluster of trees which can exhibit characteristics similar to one another including, but not limited to, size, species, health, and age.

651. Tree, Street

An approved Shade Tree planted within the right-of-way in accordance with this Code.

652. Tree Survey

A drawing showing the size, location, species and critical root zone of all existing Protected and Heritage Trees and includes a table summarizing the total number of inches, in accordance with generally accepted methods of International Society of Arboriculture (ISA). See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements.

653. Truck Terminal

A facility where commercial trucks, including tractors and trailer units, are housed, stored, maintained or repaired. Accessory uses may include offices, fueling or washing and the temporary storage of loads prior to shipment.

654. Trunk (Tree)

The primary structural support of a tree, or the primary stem of a tree, as distinct from the branches and roots.

655. Two-Family

The use of a single lot or parcel for two dwelling units contained within a single building. See also "Duplex."

656. TxDOT

Texas Department of Transportation.

657. Unified Development Code Advisory Committee

Committee appointed by the City Council to advise the Planning and Zoning Commission and City Council on amendments to the Unified Development Code.

658. Unloaded Street

A street where vehicular access driveways are outright prohibited or provisionally allowed. Includes Neighborhood Collectors, Major Collectors, Arterials and Highways.

659. Upper-Story Residential

Dwelling units located on the second or higher floor in a building with predominately Non-Residential uses on the ground floor.

660. Urban Forester

The individual designated by the Parks and Recreation Director to ensure compliance with the tree provisions of this Code.

661. Urgent Care Facility

A medical facility where ambulatory patients can be treated on a walk-in basis, without an appointment, and receive immediate non-emergent care.

662. Use

The purpose or activity for which land or any structure thereon is designed, arranged or intended or for which it is occupied or maintained.

663. Use, Accessory

A use that is subordinate and incidental to the primary use.

664. Use, Primary

The use which is conducted as the primary activity upon the lot on which it is located. Also, may be referred to as "Principal Use".

665. Use, Secondary

See "Use, Accessory".

666. Use, Temporary

A use established for a fixed, usually short-term, period of time with the intent to discontinue the use upon the expiration of the time. Temporary uses have characteristics that require certain restrictions in order to insure compatibility with other uses in the Zoning District in which they are proposed.

667. Utility Service, Intermediate

Publicly or privately owned facilities or systems including elevated water storage tanks, lift stations, telephone switching facilities (over 100 square feet gross floor area), electric substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities; and towers erected by a public authority for public safety or emergency services communication purposes.

668. Utility Service, Major

Publicly or privately owned facilities or systems including generation, production, or treatment facilities such as power plants, water treatment plants, wastewater treatment plants (including package treatment plants), or similar utilities; and radio and television transmission towers.

669. Utility Services, Minor

Publicly or privately owned facilities or systems that are necessary to support principal development. Minor utilities include transmission lines (whether subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; and telephone switching facilities (up to 100 square feet gross floor area).

670. Vacation

The termination of (1) an interest in an easement, right-of-way or public dedication of land; or (2) a legally recorded Subdivision Plat or portion thereof.

671. Variance, Zoning

A grant of relief to a person from the Zoning requirements of this Code when specific application thereof would result in unnecessary hardship, as determined by the Zoning Board of Adjustment. A Zoning Variance, therefore,

permits construction or development in a manner otherwise prohibited by this Code. Does not constitute nor equal a Subdivision Waiver.

672. Vehicle

See "Automobile".

673. Vehicle Storage

Long-term storage (over 72 hours) of operable or inoperable vehicles. Typically includes storage of tow-aways or impound yards, but this term excludes dismantling or salvage.

674. Verification Letter, Legal Lot

A letter confirming whether or not a tract of land is a Legal Lot, as that term is defined in this Code.

675. Verification Letter, Zoning

A letter that indicates that a specified use is permitted within a particular Zoning District or confirming the established Zoning District on a particular property. A Zoning Verification Letter does not authorize the property owner to proceed with a development; the letter does not specify requirements that must be met for future development; nor does the letter include a determination that a tract of land may be developed.

676. Veterinarian Clinic

A facility, operated under the supervision of a licensed veterinarian, where domestic animals and pets are admitted for examination, observation, diagnosis, and medical treatment. This term includes those facilities with and without outdoor pens as permitted in **Section 6.02. Use Tables**.

677. Vines

A plant whose stem requires support and which climbs by tendrils or twining.

678. Wall Surface Area

The total vertical wall area, including windows, of a building when seen in an elevation view of the building. Roofs, including mansard roofs, having a slope of greater than 65 degrees shall be considered part of a wall surface for the purposes of this ordinance. See for comparison "Roof".

679. Wall, Boundary

A masonry wall bounding residential development along large roadways to present a cohesive, durable fencing enclosure, as described fully in **9.05.070.7.**

680. Wall, Building

See "Building Wall".

681. Wall, Fencing

An opaque masonry wall used for fencing and screening, not considered part of a building not used for retaining purposes.

682. Wall, Retaining

A wall not laterally supported at the top that resists lateral soil loads and other imposed loads.

683. Warehousing and Distribution, General

An establishment engaged in the open-air storage, distribution, or movement of materials, equipment, or goods for themselves or other firms. Typical uses include household moving, general freight storage where the goods are stored in containers, and grain terminals. This definition does not include truck terminals or rail yards, as herein defined.

684. Warehousing and Distribution, Limited

An establishment engaged in the storage, distribution, or movement of materials, equipment, or goods within an enclosed structure for themselves or other firms. Typical uses include separate warehouses used by retail stores such as furniture and appliance stores, household moving, and general freight storage where the goods are stored in a building, cold storage plants or frozen food lockers, major wholesale distribution centers, truck or air freight terminals, or parcel services.

685. Waste Related Uses

Uses that receive solid or liquid wastes from others for transfer to another location, collect sanitary wastes, or manufacture or produce goods or energy from the composting of organic material. Typical uses include solid or liquid waste transfer facilities, composting facilities, animal waste processing and recycling facilities.

686. Watershed

The area from which stormwater drains into a storm sewer, basin, river, or creek.

687. Wetland

Land that is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water.

688. Wholesale Showroom

An establishment engaged in selling merchandise primarily to retailers, contractors, industrial, commercial, or institutional professional business users; or to other wholesalers or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include agents, merchandise, or commodity brokers; commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; and stores primarily selling electrical, plumbing, heating and air conditioning supplies, and equipment. The facility may also include storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed wholesale showroom but rather shall be considered a retail sales operation.

689. Wireless Communication Service Provider (Service Providers)

Any company, corporation, alliance, individual, or other legal entity that provides a wireless communication service directly to the public for a fee, or to such classes of users as to be effectively available directly to the public regardless of the facilities used. Services include, but not limited to, portable phones, car phones, pagers, digital data transmission or radio, or television communication.

690. Wireless Transmission Facility (WTF)

An unstaffed facility for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider. WTFs are composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower.

691. Workforce Housing

As used in this Code, the residential dwelling units in Workforce Housing Developments are available for those whose incomes are less than or equal to eighty percent (80%) of the area median family income, as defined by the Department of Housing and Urban Development (HUD) for the Austin-Round Rock-San Marcos Metropolitan Statistical Area (MSA).

692. Wrecking, Scrap, or Salvage Yard

An establishment where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked automobiles, house wrecking and structural steel materials

and equipment, and vehicles or appliances which are inoperable, but not including the interior purchase, sale, or storage of used furniture and household equipment. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

693. Yard

The area that lies between an established building line and its parallel or semi-parallel lot line. A yard is separate and distinct from, but usually inclusive of, a required setback.

694. Yard, Front

The area that lies between the established front building line of the principal building and the front lot line.

695. Yard, Rear

The area that lies between the established rear building line of the principal building and the rear lot line.

696. Yard, Side

The area that lies between the established side building line of the principal building and the side lot line.

697. Yard, Street

The area of a lot that lies between any adjoining street right-of-way and any existing or proposed building, the portion of which is closest to the right-of-way line. Street Yard boundaries extend from the building the length of the lot, generally parallel to the right-of-way line of the street.

698. Xeriscape

A method of landscaping and gardening which conserves water through the use of specific principles of design, plant selection, installation, and maintenance.

699. Zero Lot Line

See "Single-Family, Zero-Lot-Line".

700. Zoning Board of Adjustment (ZBA)

The board that has been created by the City Council to hear and determine Appeals of Administrative Decisions and Exceptions, Special Exceptions, Variances, and any other powers granted thereto by the state, City Charter, or this Code. May be referred to as the "Board" or "ZBA" throughout this Code.

701. Zoning Map

See "Official Zoning Map".

Public Comments Received

Source	Comment
askGTX	Concerned that her home will be affected by the UDC card she received. The part that she is concerned about the future growth of property near her home and that he home will be taken. She also feels bad for the animals that will be misplaced because of the growth
askGTX	Called because she spoke with someone about the UDC postcard and is concerned about building near her. She is worried about animals that are displaced during building and wondering if someone has brought this up to the city.
Email	Dear Members of the Georgetown Planning and Zoning Commission and City Council, I am writing as a longtime resident of Summercrest, Georgetown, with a heavy heart and deep love for the community that once felt like a true Texas small town. I moved here because of the wide-open skies, the majestic old oaks shading our streets, the parks where my children could run free, and the sense of neighborly peace that made every drive home feel like a blessing. Today, I watch with tears in my eyes as that dream slips away under the relentless pressure of unchecked development. Developers are reshaping our city faster than our infrastructure can breathe, prioritizing profit over people, and turning Georgetown into just another crowded extension of Austin. Our population has exploded from around 67,000 in 2020 to over 100,000 today—one of the fastest growth rates in the nation. Yet our roads remain choked, our water supplies strained, and our green spaces are vanishing under bulldozers. Residents in recent surveys and community forums repeatedly voice the same pain: "I'm appalled by the massive clearing of trees and woodlands," one neighbor shared. Another said, "People moved here to be surrounded by nature, and the city is taking all that beauty away under the guise of progress. Money over nature and quality of life." These aren't abstract complaints—they come from families watching their children lose the very places they once played, from elderly residents who can no longer safely cross streets turned into rush-hour nightmares. As you finalize the Unified Development Code rewrite—with public hearings approaching in July 2026 and adoption targeted for later this year—*this is our moment to choose wisely*. I urge you to strengthen the code with bold, non-negotiable protections *that put residents first*. Growth is inevitable, but the loss of our small-town soul and environmental health is a choice we must refuse. **Expand Parkland Dedication Requirements:** Our city boasts over 74 parks spanning more than 1,200 acres, a treasure that residents cherish. But with explosive growth, these spaces are under siege. Developers must not be allowed to clear-cut land and then dodge real public park contributions through cash-in-lieu payments or private commercial exemptions. Tie every residential and commercial approval strictly to contiguous, accessible public green space.

	Imagine a young mother like my neighbor Sarah, who tearfully described how her kids now play in a shrinking patch of grass because the nearby woods were leveled for another subdivision. We owe our children more than concrete. **Strengthen Tree and Canopy Protection:** Trees are the lungs and shade of Georgetown. They combat our brutal heat, absorb stormwater, and connect us to our historic roots. The new UDC must treat Heritage and Protected trees with zero tolerance for removal. No grading or construction within Critical Root Zones. Force developers to design around mature oaks and live oaks instead of ripping them out and planting cheap saplings that won't survive. I think of the old oaks that line 29 near Southwestern, they are a priceless symbol of our hometown feel and how their removal would leave an emptiness in our community. **Maintain Strong Commercial Buffers and Landscape Standards:** Do not weaken the proposed 25-foot landscape depths or mandatory shade trees along corridors like I-35 and Highway 29. Warehouses and strip malls already threaten to create urban heat islands. We need these green buffers to preserve the welcoming entrance to our city, not turn it into a concrete corridor. **Enforce Future Land Use Map Compliance:** In high-growth areas like the northwest, cap density spikes unless truly meaningful open green space is woven into every master plan. We cannot keep approving projects that leave neighborhoods feeling cramped, disconnected, and overwhelmed. I plead with you—as leaders entrusted with our future—not to let this UDC rewrite become another rubber stamp for over-development. Please listen to the voices of your constituents who are exhausted by endless traffic, worried about water scarcity during droughts, and heartbroken watching the green spaces that made Georgetown special disappear. This is about more than regulations. It's about whether our children will inherit a livable, breathable community or a gridlocked shadow of what once was. Thank you for your time, your leadership, and the opportunity to fight for the Georgetown we all fell in love with. I am available to speak at the upcoming hearings and stand ready to support stronger protections.
askGTX	Good afternoon, I was sent the hearing notice for the UDC update from our Real Estate department. I read thorough the last draft and reviewed the zoning map on line. It doesn't appear to me that we will be affected unless we decide to make significant alterations to our exterior or signing so long as our construction met the previous guidelines that were in place when built. The notice read to them as though it could impact our property use, I just want to confirm that is not the case.
askGTX	The property owner called expressing concern because his tenant received a notice and believed it meant he could no longer lease the property. The owner stated that such notices should be sent to him directly as owner rather than to the tenant.

askGTX	Under the UDC adoption process, what specific criteria is the city using to decide whether a residence will lose its right to continue operating under its current use, such as a daycare or a short-term rental?
External Testing	Is tree preservation permitting intended to be in two places?
External Testing	9.03.050 b 3 is the lowest requirement I have seen anywhere. Until this code 60' was the shortest distance I had ever seen. 70' is the average.
External Testing	9.03.060 I would eliminate "Landscape Units" it doesn't appear anywhere else and is unhelpful unless somewhere else landscape is calculated in units.
External Testing	8.03.040. Building Height Without a maximum building height or a definition of a dome/cupola there is nothing stopping a builder from adding a dome to the max height of a structure and making it habitable space.
External Testing	Figure 8.03.06-1. Residential Adjacency Setback Diagram is missing.
External Testing	The phrase “minimum lot width or street frontage shall be 25 feet” may be unclear. My guess is the intent is to require lots to be at least 25 feet wide and, where a lot abuts a street, to provide at least 25 feet of street frontage. The use of “or” suggests a lot could satisfy the requirement by providing 25 feet of frontage at the street and then narrow substantially (for example, a flag lot) and still be considered compliant. If that is the intent, please confirm. If not, I recommend revising the language to require a minimum 25 foot lot width, with at least 25 feet of street frontage where the lot is contiguous with a public street.
External Testing	9.03.050 B 4 would eliminate the use of native species, artificial turf, rock, or other permeable materials that do not require watering. Don't we want to encourage, or at least allow, native species or at least zero water ground cover options?
External Testing	I am working on a project right now where the only way to accommodate the landscape requirements is to plant a tree in an island adjacent to a dumpster. The parking spaces would not be within the spacing required and the site lacks the size necessary to accommodate a tree anywhere else on the property. and this is at 100' radius. I think you would agree this is not an under landscaped project.
External Testing	Why can't a tree credit be applied to more than one requirement? If you have the credit shouldn't you be allowed to use it throughout the project? If not why wouldn't a developer remove any trees beyond those applicable to a single landscape requirement.
External Testing	Section 9.03.040 appears to offer flexibility by allowing landscaping to be placed in an alternative location, but then effectively discourages use of that option by increasing the required landscaping and still insisting on placement in a way that eliminates most practical alternatives. If the exception is discretionary with Planning, the added penalty reads as needlessly punitive and makes the provision functionally unusable. The standard should be clear and internally consistent. Either allow flexible placement without increasing the requirement, or remove the alternative altogether. As written, it is difficult to see this exception being used in practice.
External Testing	If a drainage pond is permitted in the buffer zone a fence may be required for safety which is currently not permitted.
External Testing	Should say Fibers. 9.05.020. Plant Materials and Size Requirements Section B "Synthetic or artificial lawns shall use an infill medium consisting of clean sand or other

	approved mixture brushed into the fivers to insure that the fivers remain in an upright position and to provide "
External Testing	Don't people usually replace all of their pickets at once? Why would the city want to limit this?
External Testing	11.02.030 Parking Exceeding Minimums This would ensure that users who wish to provide their customers with safer and more prevalent parking will not build in Georgetown. I am working with a convenience store with fuel sales user that has a minimum of 45 parking spaces for a 4700 sqft building. They will not build in a city that limits them to 26 parking spaces. Maybe the city is ok with eliminating businesses outright but I think it makes more sense to tie increased parking to increased tree and landscape requirements thank to ban responsible uses that benefit the community.
External Testing	The new UDC does not address properties on the national register or historic to Georgetown. These properties should be exempt from any zoning changes and the new UDC should include clauses concerning these properties. These properties should have special status in the new UDC .
External Testing	Can someone help me understand the impact to my property at 2030 South Austin Avenue, since it is in the Downtown Overall and Entry Corridor.
External Testing	Figure 4.09.020-1. Courthouse View Protection Overlay District Map This figure needs updating. It currently shows property on Austin Ave. south of the courthouse is subject to the overlay but the text correctly states that only property north of the courthouse on Austin Ave. is subject to the overlay.
External Testing	Regarding the UDC Update Project Draft there is a lot of requirements regarding irrigation and revegetation. I also see no provisions for Xeriscaping. I would suggest that Xeriscape should be allowed as a form of revegetation, and actually encouraged in order to reduce the need for irrigation and water demand.
Internal Testing	15.08 uses "townhome", while the defined code term is "townhouse"
Internal Testing	In Section 3.26.010 (COA Applicability table), one of the scopes of work states “Replacing a historic non-architectural feature with a non-historic architectural feature”. It should say “Replacing a non-historic architectural feature with a non-historic architectural feature”.
Internal Testing	UDC 6.02.040 - Use Table For Medical and Dental Office and Clinic, these 2 uses are allowed in C2 and I2 but not allowed in I1
Internal Testing	Multiple Things 7.02.050.B.1.a.ii - remove Housing Diversity note. 7.02.050.d.v. - remove the tree/landscaping option - this is about architectural differentiation.
Internal Testing	7.02.010.E - broke reference for non-res standards. Should reference 8.0X not 7.03 and 7.04
Internal Testing	In the table of contents, the page numbers for everything in Chapter 16 and 17 state "Error! Bookmark Not Defined"
Internal Testing	In Chapter 3.17.010 - Site Development Plan Applicability, it states that "Single-family and Two-family structures, accessory structures, and fences on individually platted lots" are exempt from Site Plans.

	It reads that all accessory structures and fences are exempt from Site Plans. I believe the intent is that accessory structures and fences associated with single-family and two-family structures are exempt. I suggest cleaning up this language to clarify whether ALL accessory structures and fences are exempt OR just when they are associated with single-family and two-family structures.
Internal Testing	We need to add a provision to SDP's that will allow certain instances, such as TUP's that don't modify land / add impervious cover, to skip an SDP, which we have functionally been requiring. It's onerous and redundant with the TUP.
Internal Testing	2.02.040. - Remove the requirement for a certified arborist - if Rachel and Kerry quit or we're hiring and don't have any candidates with ISA certification it puts the City in a legal bind.
Internal Testing	3.01.030 - Add a note that CON Plans specifically for Master Plan Infrastructure can be submitted at any time.
Internal Testing	Who do we want to review and act as an advisory committee for Comp Plan Amendments? P&Z?UDCAC? We should delineate that in Chapter 2.
Internal Testing	9.04.010 and 9.04.020 both need to be heavily reduced (possible deleted altogether) due to duplication with chapter 10
Internal Testing	The draft does not contain dimensional standards for MU-DT in chapter 8 or chapter 5. They do not seem to have made it into the draft at all.
Internal Testing	9.05.020.C.3 Artificial turf - new standards added without removing old. current draft contains contradictions. f. and h. need to be deleted at a minimum.
Internal Testing	7.02.050.B.1.a.ii exempts Housing Diversity Development from similarly requirements. The should have similarity requirements, even if to a lesser extent of regular RS. Or if this development type is being pulled out of the UDC, then this subsection needs to be removed as well.
Internal Testing	Sec. 3.15.040-1 Plat Summary Table - The portion of the table that discusses recording plat types list the descriptions of the same plat types in multiple locations. For example, the description for a minor plat is included under the 'Final Plat' section and then in its own 'Minor Plat' section.
Internal Testing	I thought we agreed the subdividsion has to be recorded before model homes? How will we know they are "approved" to go to the county. Please make it simple for all and make them have to be recorded. You also have in one please sub-grade then a couple down you say paved> The roads should be paved another thing I thought we agreed on.
Internal Testing	Sec. 8.07.080. - Alternative Fences. effectively creates a new applicability for fence COAs. It allows for an administrative approval of a fence that does not meet the design guidelines. Additionally, it creates applicability for a HARC request for a fence that is not located in a street yard or along a street lot line. The conflicts with the applicability table in Chapter 3 & 5, which currently only allows for HARC review of fences that don't meet guidelines. Additionally, below the applicability table it is noted that "† Only applicable to fences along a street lot line or located in a street yard." Can we update the applicability table in Chapters 3 & 5, and reference the alternative fence code section?
Internal Testing	Minor SDPs - We need to adjust language to specifically allow for "structures" that do not generate additional IC (Awnings, car ports, etc.) to go over the 1,000 sq ft limitation and possibly the need to have an engineer stamp it.

Internal Testing	UDC 6.02.010.B states: B. All new lots or tracts shall have a minimum lot width and street frontage along a public street as follows: 1.Within the city limits the minimum lot width and street frontage shall be in accordance with the zoning district in which it is located. 2.Within the ETJ the minimum lot width and street frontage shall be 25 feet. 3.A Subdivision Variance varying or waiving these requirements may be requested pursuant to Section 3.22 of this Code. To follow state law regarding the use of private streets, update this section to allow for lots to front on private streets so long as they meet local street standards.
Internal Testing	6.02.070.B.8 - delete point h requiring infrastructure before model home permit
Internal Testing	Sec. 3.29.030 - The link I provided for example language is still included at the bottom of the section.
Internal Testing	I semi-remember the discussion on public streets being excluded for I.C. calculations. Does this read better to align with that? Should we change: "The area of all public streets shown on the thoroughfare plan or located within a residential subdivision shall be omitted from the calculation of gross area and impervious cover but shall be accounted for in stormwater calculations." To be: "The area of all public streets shown on the thoroughfare plan or located within a residential subdivision shall be omitted from the calculation of gross area and impervious cover but shall be accounted for in stormwater calculations."
Internal Testing	This also includes UDC 14.03.020. In 8.02.010.C.3, the UDC says that you can use private streets to meet frontage requirements for lots within an MLUD. But then 14.03.020 says that private streets have to be built to public street standards. If public street standards are not needed for non-residential MLUDs, then 14.03.020 needs to be clarified.
Internal Testing	9.04.010.A.1.a This should include 'shall be prepared by a Registered Professional Land Surveyor (RPLS)' to be consistent with the Tree Inventory section language in 9.04.010.A.e.
Internal Testing	Definition needed for Neighborhood/small area plan
Internal Testing	3.11.050.A.1 and 2: I don't recall feedback being given that we need an expiration for PUD concept plans. I'm not opposed to it; but we should check with legal; the language here makes it sound like the PUD effectively expires and has to be rezoned.
Internal Testing	3.01.030 - We've been accepting Final Plat's, COA's, and CON's with the policy applications and probably need to go ahead and allow submittal of them while policy apps are in review. SDP's and Building Permits should be the second group, but

	everything else we functionally need at the same time. ALSO, state law doesn't allow us to incomplete plats over zoning apps being in process anyway, just denying it.
Internal Testing	8.03.030.D - Can we talk about allowing an AE for to allow parking within the front setback for single-family homes that have been converted to offices/non-residential? One example is 2406 Dawn Drive. They are zoned office and have very limited options to add any parking to their site because of this requirement and a lack of access to the back of their site. Flexibility through an AE can help infill site achieve compliance without having to jump through as many hoops. I'd prefer to limit the AE to only situations where parking cannot be achieved anywhere on the site except the front setback as opposed to situations where parking is achievable elsewhere on site, but the applicant doesn't want to build improvements.
Internal Testing	Can we discuss including "Section 14.07. Pedestrian and Bicycle Mobility" under "14.01.040 Subdivision Waiver" to make it non-variable? We have seen more and more subdivision waiver requests to not construct sidewalk in the City and the ETJ. The Planning & Zoning Commission has never given on a development not constructing sidewalk. We have a fee-in-lieu that can be offered (when appropriate) by the Director/Development Engineer or the sidewalk can be constructed.
Internal Testing	13.02.010.A.1.a.(iv). - clarify maximum impervious cover for MU-DT. It is clear that parcels covered by the 2005 WPAP get 95%, but not clear what the max is for those outside the WPAP.
Internal Testing	9.05.020.B.c.2.a The turf restriction section is still unclear. The wording needs to be clarified/simplified. Applicants always struggle with what these two long run-on sentences mean.
Internal Testing	Cottage Court standards only included those that are not alley-loaded. We had done extensive work to have a courtyard configuration with full-service alleys separate from what's written in this.
Internal Testing	Work with legal team / FNI to see if we can limit the size of Preliminary Plats - it seems like by allowing for exceptionally massive Prelim's we're making it very hard to review reasonably within 30/15 days.
Internal Testing	Can we address how lighting is handled across build-to-rent products? The UDC currently requires "sufficient lighting" on all private roads, driveways, sidewalks, and parking lots. While this is important from a safety perspective, it may contribute to light pollution and doesn't seem to align with street lighting for regular single-family neighborhoods. This may be addressed in 8.05.010.B.2 where the code speaks to multi-family buildings. If this is the case, can we have clarifying language that multi-family is exempt/partially exempt from subsection 1? Or make subsection 1 like a purpose statement and then have subsections for each non-residential/multi-family property type. Right now, each subsection feel more like an "and" situation as opposed to an "or" situation. 8.05.010.B.1 and 14.06.040.C
Work Session Comments	Will the new UDC be searchable so the public who generally doesn't have to use the Code will be able to quickly find what they need?
Work Session Comments	Does the new MF-2 have a requirement for commercial on ground level?
Work Session Comments	What is the status of the Neighborhood Conservation Overlay District adoption for TRG & San Jose

Work Session Comments	Is there any supervision over the enforcement mechanism in regards to tree chapter?
Work Session Comments	What protections are there to ensure developers provide what was promised such as a common lot reserved for amenities?
Work Session Comments	Trees should not be shown on recorded plats because it causes issues with property owners and banks
Work Session Comments	What is being done to address temporary signage and enforce time limits?
Work Session Comments	On ADUs, what was the rationale for removing the SUP requirement? And what are the parking requirements for ADUs?
Work Session Comments	How are you planning to deal with properties currently zoned to a zone that will go away in the UDC?
Work Session Comments	How are you defining data centers and what standards do they have in the new code?
Work Session Comments	There's a lot of misinformation on data centers because people don't understand them. Pflugerville is proposing requiring SUPs, requirements to scale with size, tie water rates with uses, enforce strict noise guidelines, annual public reporting. Get rules right before a specific problem comes up.
Work Session Comments	How are impervious surfaces and maximums being quantified?
Work Session Comments	What is the timeline for updating the various Development and other Technical Manuals?
Work Session Comments	What is the plan on streetyard landscaping and how will it be addressed?
Work Session Comments	There are some sections of the Code that says tree appeals go to Zoning Board of Adjustment and other sections that say Council. There should be some consistency.
Work Session Comments	Why are we telling private developers what the size of their internal circulation should be? 10 ft. internal sidewalks is too much.
Work Session Comments	Can we receive a redlined copy of the UDC to see what has changed from version to version?
Work Session Comments	I'm in favor of neighborhood conservation but be careful with adding too many layers of regulations in many different areas. Austin has made it hard to figure out which set of rules to follow. The bar to create these should be high.

NAIOP
COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
AUSTIN CHAPTER

David Morgan, City Manager
City of Georgetown
808 Martin Luther King Blvd
Georgetown, TX

February 17, 2026

RE: NAIOP Comments – Second Review of Georgetown UDC Draft

Dear Mr. Morgan,

NAIOP is a real estate development association which provides advocacy, education, and research for those in the commercial real estate development industry. Here in central Texas, we focus on infrastructure, tax policy, and municipal land development codes. While we have many committees, the Public Policy Committee focuses on policy updates at the federal, state, and local levels, including municipal development code rewrites and updates.

This submittal represents NAIOP's second round of review of the UDC and our first review of the new comprehensive rewrite of the code. The NAIOP Public Policy Committee has formed a subcommittee, made up of subject matter experts, to review the City of Georgetown UDC draft. Our goal is to work collaboratively with the city to assist in drafting a high-quality UDC that achieves the goals of the city.

Please accept the attached comments from the NAIOP Public Policy Subcommittee and feel free to reach out with any questions. I would also like to make myself, and any of our subject matter experts, available to meet to discuss the comments in greater detail and answer any questions.

Sincerely,

Amanda Brown
NAIOP
Public Policy, Subcommittee Chair
Amanda.brown@hdbrownconsuling.com
214-694-9219

Cc:
CoGT UDC rewrite subcommittee:
Hollis Scheffler, P.E., Westwood Professional Services
Santiago Forero, Westwood Professional Services
James Foster, AIA, Cushing Terrell
Nicholas Kalescky, KW Landscape Architects
Clifford Schaefer, KW Landscape Architects
Joe Zaniewski, Tree Mann Solutions

City of Georgetown, UDC team
Nick Woolery, Assistant City Manager
Kelly Trietsch, Chief Development Officer
Edgar Garcia, Planning Director
Zane Brown, Development Support Officer

Ch. 1 – General Provisions		
Code Section	**Name**	**Comment/Revision**
Section 1.15	Hollis Scheffler, PE Westwood PS	This is confusing. Is there another set of traffic calming standards that are adopted outside of what is in section 14.06.010.I?
Section 1.16	Hollis Scheffler, PE Westwood PS	This references additional policy and standards for utility improvements and extensions for projects that wish to connect to COG infrastructure. Where is this provided and why not outlined explicitly in the code?
Section 1.03.B	Hollis Scheffler, PE Westwood PS	This section is vague. Need to clarify how this UDC applies to projects with previously approved plats (prelim and final), site plans, or development agreements/PUDs that have not yet pulled permits.
Section 1.03	Hollis Scheffler, PE Westwood PS	Do site modifications constitute new "development" and be subject to full UDC compliance when no public infrastructure or building footprint is changed?
Section 1.01.020: How to use this code	Amanda Brown, HD Brown	Consider removing from code and moving to a development manual type document.
Section 1.03.B	Amanda Brown, HD Brown	The criteria for when a project begins should be clearly laid out in the code. TLG defines a project as when a permit is needed. The UDC should clearly state the criteria for when a permit is required, instead of allowing for the City to use discretion with a case-by-case determination.
Section 1.03.C	Amanda Brown, HD Brown	While plat notes should take precedence over the code, zoning requirements, such as setbacks, should not be placed on a plat.
Section 1.03.D	Amanda Brown, HD Brown	"RP, Residential Planned Zoning Districts" does not appear to have a definition in Chapter 18. Consider including a definition or if the definition is the specific listed projects (1- 17), clarify that.
Ch. 2 – Review Authority		
Code Section	**Name**	**Comment/Revision**
2.01.020	Hollis Scheffler, PE Westwood PS	Evaluate if easements and abandonments need to go to city council for approval. Could this approval be

		done at a staff level? This is not very different from final plats.
Section 2.01	Hollis Scheffler, PE Westwood PS	Consider adding a formal mechanism for resolving conflicting comments between departments (e.g., Planning vs. Engineering vs. Fire).
Ch. 3 – Applications and Permits		
Code Section	**Name**	**Comment/Revision**
3.22.050.B	Hollis Scheffler, PE Westwood PS	This language leaves the determination for a TIA up to the development engineer and does not specify the number of trips required from a development to trigger the TIA. Recommend adding a specific trip count.
3.22.050.B	Amanda Brown, HD Brown Consulting	1 & 2 seem contradictory. 1 suggests that only certain information is required, while 2 has a list of requirements. Consider adding language to 2: "A TIA may require the following information:"
3.25.040.E	Joe Zaniewski	My understanding is that an ISA Certified Arborist IS required to complete the work. This section conflicts with requirement outlined in 3.25.050.C
3.25.020.B	Joe Zaniewski	Muddy language. My understanding is that single/two-family homes will require a pruning permit during construction only? So existing residential remains exempt?
3.24.060.B.	Joe Zaniewski	Is this implying that every removal request will require city staff to make a site visit?
3.24.060.B.	Joe Zaniewski	Current MGO review times, based on their concrete submission deadline schedule, 30 days for first round and 15 for each resubmittal and subsequent round. 10 working days is only 2 weeks. Also not understanding component for owner to extend or delay the landscape planners decision for up to 15 additional days.
3.24.060.C.	Joe Zaniewski	For both Protected and Heritage trees? Seems excessive to push non-Heritage tree decisions toward public process.
3.12	Amanda Brown, HD Brown	Remove "Appeal of an Administrative Decision-Zoning Regulations" as applicable in the ETJ as zoning does not apply in the ETJ.
3.11.030(B)	Amanda Brown, HD Brown	The objectives are vague. It would be helpful to have more defined criteria or explicit examples. For example: "provide a unique housing type than what is already in the surrounding area" or "provide a minimum of two differing housing types within the PUD".
3.11.030(B)	Amanda Brown, HD Brown	Add "The provisions of cultural or recreational facilities for all segments of the community" from the previous code as a community benefit. Some sites have the ability to provide additional parkland or activate existing parkland adjacent to the

		site. This would be a missed opportunity in that instance.
3.11.030(B)(2)	Amanda Brown, HD Brown	Consider, either, removing the term "creative" or provide criteria. Another option may be to include "orderly and/or creative".
3.11.040(B)	Amanda Brown, HD Brown	Residential density requirements are a maximum unit per acre, therefore a reduction in density that may have been contemplated on the concept plan should be permitted to any extent. Consider removing "decrease".
3.11.040(D)	Amanda Brown, HD Brown	Revise to read " Any reduction ~~change~~ in private incentives and public benefits". Slight changes may be necessary after design and engineering of the site. If the director determines that the intent of the public benefit is intact, it may be appropriate for an administrative change. For example, a realignment of a trail, but the trail still makes the same connection as intended by the PUD.
3.11.040(C)	Amanda Brown, HD Brown	Clarify if this is referring to building SF or lot SF.
3.11.040(E)	Amanda Brown, HD Brown	Any change in size of a PUD should go back to Council as a zoning change. Consider adding "Increase or decrease".
3.03.020-1	Santiago Forero, Westwood PS	Consider Replat Public Hearing required on a case basis. Public Hearing to be determined by the Development Agreement Committee or Planning Director.
3.18.010(A)	Amanda Brown, HD Brown	Consider removing "including any manuals adopted by reference by this Code". While delaying certain requirements in the UDC makes sense in many instances, the City should enforce current criteria manuals (IBC, IFC, DCM, etc) as currently adopted by the City. These often contain important life safety requirements.
3.18.030(A)	Amanda Brown, HD Brown	Consider removing "promotes" and replace with "is not detrimental to" as was updated in other criteria. According to the current staff interpretation, this standard is impossible to comply with and is therefore not useful.
3.22.040	Amanda Brown, HD Brown	Safety is a priority of the development community, however, the criteria for approval allow for arbitrary denials of a permit. If a proposed driveway meets all the code and criteria for driveway locations, a denial should come with an explanation as to why there is a safety concern and site the AMP and/or the UDC.
Ch. 4 – Zoning Districts		
Code Section	**Name**	**Comment/Revision**
4.08.070 4.08.080	James Foster	Consider removing all content under these to subsections and instead adding language directing the reader to reference Chapter 5

		This will eliminate duplicative information in Chapters, 4 & 5 and avoid potential confusion from conflicting language
4.08.070, B, 2, b Subdistricts, Zone 2	James Foster	Rephrase to say: Zone 2 - The outer half-block within the Nine Block Square not facing the County Courthouse.
4.10.020. Applicability	James Foster	Revise phrase in first sentence to say "on both sides"
Ch. 5 – Downtown and Old Town Code		
Code Section	**Name**	**Comment/Revision**
Section 5.01, D	James Foster	Edit phrase is first sentence to say "and has compatibility"
5.05.030	James Foster	Consider eliminating content from this section and adding language to refer the reader to Subsection 4.08.050, because Chapter 4 contains "general standards" This could avoid the risk of confusion if future edits occur in one chapter but don't get duplicated into the other chapter
Ch. 6 – Zoning Use Regulations		
Code Section	**Name**	**Comment/Revision**
6.02.010, B, 2, c	James Foster	The intent or applicability of this provision is not easy to understand, especially for smaller developments with one or two structures
6.02.010, B, 2, c	James Foster	The intent or applicability of this provision is not easy to understand for detached structures
6.02.010, B, 3, e	James Foster	It seems like this provision might be too restrictive because some properties may benefit from have first floor units accessed directly from exterior entries
Ch. 8 – Non-Residential Development Standards		
Code Section	**Name**	**Comment/Revision**
8.03.020.A	Hollis Scheffler, PE Westwood PS	Proposed revision to allow for parking to be within setbacks. Setbacks should be defined as building setbacks.
8.02	Hollis Scheffler, PE Westwood PS	Revise graphics to depict parking, landscaping, and other site features.
Ch. 9 – Landscaping and Fencing		
Code Section	**Name**	**Comment/Revision**
9.03 B.	Nicholas Kalescky Clifford Schaefer	Consider requiring a minimum of 5' for depth of screen planting beds from back of curb to ensure shrubs have room to grow and not be impacted by vehicle overhangs
9.05.020.2	Nicholas Kalescky Clifford Schaefer	Remove "within the same category" from restrictions on planting species. While we agree diversity is the goal, restricting plantings from the "same category" is vague and could lead to restrictions on using different cultivars of the same species (i.e. multiple types of lantana on a site plan for color variation)

9.05.020.4	Nicholas Kalescky Clifford Schaefer	Requiring the developer to remove and replace all existing invasive species on a site seems burdensome. The intent of this code section states "if located in an area designated as a natural area" and it is our opinion that if areas are designated as a "natural area" it should not fall to the developer responsibility to survey and remove / **replace** all invasive species already established in said area. We suggest removing this burdensome section of the code as it will unnecessarily drive up development costs
9.05.020.B.1	Nicholas Kalescky Clifford Schaefer	Consider reducing the minimum required mitigation tree DBH size from 3" to 2.5" to reduce cost burdens on developers. This would better reflect the size requirements of neighboring municipalities
Ch. 10 – Tree Preservation		
Code Section	**Name**	**Comment/Revision**
10.01.040.K	Joe Zaniewski	Multi-Stem Tree Measurement The DBH of a tree with more than one trunk shall be calculated as the ~~sum of the DBH of the~~ largest trunk plus one-half the sum of the remaining trunks. Trees over ½" shall be rounded up to the nearest whole ~~tree~~ inch. Trees under ½" shall be rounded down to the nearest whole ~~tree~~ inch. For example, a tree measuring 12.2 inches in diameter at breast height (DBH) would be recorded as 12 inches and a tree measuring 12.7 inches in DBH would be recorded as 13 inches.
10.01.040.R	Joe Zaniewski	Below definition does not clearly state whether needs to be RPLS stamped/certified. Tree Survey A drawing showing the size, location, species and critical root zone of all existing Protected Trees, Heritage Trees, and any trees to be used as credit. A table summarizing the total number of inches, in accordance with generally accepted methods of International Society of Arboriculture (ISA) shall be provided. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements....
10.02.010 10.02.040.A.2	Joe Zaniewski Joe Zaniewski	What are non-exempt properties located within city limits/ETJ? The Planning Director may approve construction or disturbance closer to the trunk than one-half the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation, if acceptable ~~supplemental nutrients and/or soil aeration~~ mitigative efforts though an approved care

		plan from an ISA Certified Arborist are provided and the probable survival rate of the tree is high. In such circumstances, the Director may require the property owner provide a written report from an ISA certified arborist documenting additional tree care prescriptions.
10.02.050.A.1.C.	Joe Zaniewski	Typo – Soil Aeration and supplemental nutrients
10.02.050.F	Joe Zaniewski	The funds shall be dedicated solely to ~~tree planting and care and other tree preservation activities~~ tree planting (planting new trees), tree care (caring for existing trees), and public tree education activities (getting the community to care for/about and plant new trees).
10.03.010.A.2.	Joe Zaniewski	Is this possible, feasible, or reasonable?
10.03.010.A.3.	Joe Zaniewski	Why is a separate pruning permit required? 2-dimensional CRZ impacts are reviewed for preservation criteria why are 3-dimensional canopy impacts not reviewed in the same manner? It is inefficient and leads to surprises. This should be part of review. CRZ and Canopy criteria to meet preservation compliance.
10.03.010.A.3	Joe Zaniewski	Heritage tree pruning permits do not apply to EXISTING single/two-family dwellings?
10.01.040C.	Joe Zaniewski	Provided definition is muddy and can be interpreted as the entirety of the critical root zone needs to be protected. Propose a minor revision to the definition: " A circular region measured outward from the center of the trunk representing the minimum portion of the root system that is necessary to maintain vitality or stability of the tree and encroachment or damage to the critical root zone (CRZ) can put the tree at risk of failure, decline and/or death. This area is calculated as 1 foot of radial distance for every 1 inch of diameter at breast height (DBH) and requiring 50 % or more of the total CRZ area."
10.01.040.E	Joe Zaniewski	This can be clearer, I see a lot of confusion here. Might be helpful to establish an additional definition for 'Half (½) Critical Root Zone: " A circular region measured outward from the center of the trunk representing the area of the root system that is necessary to remain unimpacted as encroachment or damage to the ½ critical root zone (CRZ) can put the tree at risk of failure, decline and/or death. This area is calculated as .5 foot of radial distance for every 1 inch of diameter at breast height (DBH) and requiring to be preserved, protected, and undisturbed.

10.01.040.F	Joe Zaniewski	Reference to Chapter 18 definition is pointless and redundant as it says nothing different than this section. 18.02.010.160. Diameter at Breast Height (DBH) The diameter of a tree's trunk measured at a height four and one-half feet above natural grade.
10.01.040.G.	Joe Zaniewski	What defines a major root?
10.01.040.M.	Joe Zaniewski	How does section 10.01.040.K apply here? Would 11.5" trees need to become 12" trees? Should meet the minimum threshold before rounding.
10.01.040.P.	Joe Zaniewski	ISA does not license. They provide certify and qualify. Wording should read 'Prepared by an ISA Certified Arborist.... Should be cleaned up and more in line with 18.02.010.26
10.01.040.R.	Joe Zaniewski	Surveyors are not ISA Certified Arborists so how can they be expected to perform methods IAW generally accepted ISA methods? Seems like should be more flexible on the survey vs inventory requirement and let arborists do what they do best if they wish to have things done per ISA standards. Definition needs to be cleaned up.
10.01.040.K	Nicholas Kalescky Clifford Schaefer	Typo - Trees over ½" shall be rounded up the nearest whole tree (should be nearest whole inch).
10.02.020	Nicholas Kalescky Clifford Schaefer	Provide a calculation / direction on how the parkland dedication requirement may be reduced if 100% of heritage tree is saved. This line of code is vague
10.01.040 G	Nicholas Kalescky Clifford Schaefer	Define what a "major root" is in the essential terms.
Ch. 11 – Off-Street Parking, Circulation, and Loading		
Code Section	**Name**	**Comment/Revision**
11.02.030.A	Hollis Scheffler, PE Westwood PS	The draft imposes a maximum parking limit of 10% above the minimum for developments requiring more than 20 spaces. The code should explicitly state that trailer staging/storage stalls do not count toward the "maximum" passenger vehicle parking cap, as these serve operational logistics rather than commuter parking.
11.02.040.A	Hollis Scheffler, PE Westwood PS	The "Industrial Manufacturing and Warehousing Uses" category often defaults to a square-footage-based metric (e.g., 1 space per 2,500 SF). For a 500,000 sq. ft. building, this results in hundreds of unnecessary spaces. Suggest adding a provision: "For warehouses over 100,000 sq. ft., parking may be calculated based on a peak-shift employee count plus 10%.

11.03.040.B	Santiago Forero, Westwood PS	All Development - An internal pedestrian accessway, at least six feet in width and ADA accessible, must be provided from the perimeter sidewalk to the primary public entrance. Is there any alternate compliance to a 6' sidewalk or dependent on use?
Ch. 13 – Drainage and Environmental Protection		
Code Section	**Name**	**Comment/Revision**
13.06.030	Hollis Scheffler, PE Westwood PS	Similar to COA, add a provision for Buffer Averaging. This allows the developer to encroach into the outer 25-50% of the buffer at one point (to accommodate a building corner or fire lane) provided they increase the buffer width elsewhere along the same stream reach to maintain the same total acreage of protected area.
13.06.030	Hollis Scheffler, PE Westwood PS	Clarify that "Water Quality BMPs" and "Detention Outfalls" are allowed uses within the Stream/Spring Buffers. Often, the most efficient place to treat water is at the low point near the stream, but restrictive buffer language can force these facilities into the "flat" developable area.
13.06.030	Hollis Scheffler, PE Westwood PS	The code should explicitly allow "Temporary Construction Encroachment" and "Permanent Grading" in the outer half of the Stream/Spring Buffer. A proposed building pad might be 10–15 feet higher than the stream; however, the code prohibits grading in the buffer, therefore developer cannot "daylight" the slope, effectively losing another 30–50 feet of land beyond the buffer itself.
Ch. 14 – Pedestrian and Vehicle Circulation		
Code Section	**Name**	**Comment/Revision**
14.06.010.I	Hollis Scheffler, PE Westwood PS	Add revision/note: On streets designated as truck routes or within I-1 and I-2 districts, traffic calming measures must be designed to accommodate the turning movements of a WB-67 design vehicle. Horizontal deflections (chicanes) that force semi-trucks to cross the centerline are prohibited. Traffic calming devices like "speed tables" often fail prematurely under the weight of heavy trucks. Suggest that any traffic calming on industrial-serving roads be constructed of Reinforced Concrete Pavement (RCP) rather than standard asphalt or rubberized materials, or omitted altogether.
14.05.030	Hollis Scheffler, PE Westwood PS	Proposed revision/addition: "D. Exemption for Industrial Districts: Requirements for inter-parcel connectivity and cross-access easements shall not apply to developments within the I-1 and I-2 districts where the Director determines that such connectivity would compromise site security, interfere with specialized industrial operations, or result in the movement of heavy machinery/trucks through incompatible adjacent uses."

Ch. 15 – Infrastructure and Public Improvements		
Code Section	**Name**	**Comment/Revision**
15.01.020.B.3	Hollis Scheffler, PE Westwood PS	Addition/Modification: Site plan applications must extend a minimum 8-inch water and wastewater line, as required. *An extension shall not be required if the Development Engineer determines that existing infrastructure of the minimum required size already serves the property and provides adequate continuity to adjacent tracts as envisioned by the City's Utility Master Plan.*
15.01	Hollis Scheffler, PE Westwood PS	Add into the code the formal process for the "Utility Evaluation Request" in order to determine if a site is adequately served by existing infrastructure, or if upgrades to the system are required.
Ch. 18 – Definitions		
Code Section	**Name**	**Comment/Revision**
18.02.010.26	Joe Zaniewski	This definition should have continuity in chapter 10 which refers to 'licensed arborist'
18.02.010.62	Joe Zaniewski	Should also include note: *not to be confused with trunk. I think there can be more clarification here as COG staff frequently argue between branches or multi stem trunks.
18.02.010.77	Joe Zaniewski	Definition should clearly state applicable to only nursery stock trees.
18.02.010.638	Joe Zaniewski	Seems open for subjectivity.
18.02.010.130	Joe Zaniewski	Propose clearer definition and have verbiage continuity with chapter 10 " A circular region measured outward from the center of the trunk representing the minimum portion of the root system that is necessary to maintain vitality or stability of the tree and encroachment or damage to the critical root zone (CRZ) can put the tree at risk of failure, decline and/or death. This area is calculated as 1 foot of radial distance for every 1 inch of diameter at breast height (DBH) and requiring 50 % or more of the total CRZ area."
18.02.010.642	Joe Zaniewski	Should address methodology (DBH -= largest stem plus half the sum of the remaining stems measured at DBH unless irregularity or measurement point unavailable- see COG tree measurement guide)
18.02.010.639	Joe Zaniewski	Really only applied in our region where there is oak wilt.
18.02.010.653	Joe Zaniewski	Not to be confused with BRANCHES. I think there can be more clarification here as COG staff frequently argue between branches or multi stem trunks.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, ADOPTING AN UPDATED UNIFIED DEVELOPMENT CODE AND CODIFYING IT AS TITLE 17 OF THE CODE OF ORDINANCES; REPEALING THE EXISTING UNIFIED DEVELOPMENT AND ALL CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 11, 2003, the City Council of the City of Georgetown, Texas, adopted a set of comprehensive development regulations known as the Unified Development Code via Ordinance No. 2003-16, which codified various zoning and subdivision standards; and

WHEREAS, the UDC as adopted by Ordinance No. 2003-016 and subsequently amended and supplemented has been codified as Title 17 of the City of Georgetown's Code of Ordinances (the "Existing UDC");

WHEREAS, the City Council established the Planning and Zoning Commission pursuant to Chapter 212 of the Texas Local Government Code to provide a report on proposed changes to zoning regulations to City Council as well as perform other duties authorized by State law and the Georgetown City Charter and ordinances; and

WHEREAS, on October 25, 2022, the City Council authorized the engagement of Freese and Nichols, Inc. to evaluate the City's existing Unified Development Code, provide guidance and recommendations on the most appropriate approach for making improvements to the existing UDC, and assist with development of an updated Unified Development Code (the "UDC Update Project"); and

WHEREAS, on October 25, 2022, the City Council created a UDC Rewrite Steering Committee to provide recommendations to City Council and act as technical experts when reviewing and recommending updated language to the UDC; and

WHEREAS, the City Council held a joint session with the Planning and Zoning Commission on November 8, 2022 to discuss and direct staff regarding the purpose and goals of the UDC Update Project; and

WHEREAS, on March 28, 2023, the City Council reviewed the diagnostic findings from the evaluation of the existing UDC and directed staff to conduct an additional joint session with Planning and Zoning commission, which was held on April 25, 2023, providing direction to staff to move forward with the UDC Update project including a comprehensive zoning change with an emphasis on predictability and discretion through the UDC; and

WHEREAS, during the development of the updated UDC, the City conducted over eight (80) public meetings including technical workshops, Steering Committee meetings, and Council

meetings have been held to receive input and comments from all parties who may be affected by the adoption of the UDC; and

WHEREAS, following appropriate legal notice as required by Sections 211.006 and 211.0063, the Planning and Zoning Commission conducted a Public Hearing pursuant to the Local Government Code Section on the proposed Unified Development Code at their July 21, 2026 regular scheduled meeting and recommended to the City Council adoption of the Unified Development Code; and

WHEREAS, after notice as required by law and the required public hearings held before the Planning and Zoning Commission on July 21, 2026 and the City Council on July 28, 2026 and with consideration of the public input received during the public meetings and the public hearings as well as the recommendation of the Planning and Zoning Commission, the City Council hereby finds that the proposed amendments and the adoption of the Updated UDC including the comprehensive zoning changes are in the best interests of the health, safety and welfare of the general public.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

Section 1. The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby finds that this Ordinance implements the vision, goals, and policies of the Georgetown 2030 Comprehensive Plan and further finds that the enactment of this Ordinance is not inconsistent or in conflict with any other policies or provisions of the 2030 Comprehensive Plan.

Section 2. Title 17 of the Code of Ordinances of the City of Georgetown, the Unified Development Code is hereby replaced in its entirety with the Updated Unified Development Code, as shown in **Exhibit "A"**, attached hereto and incorporated herein by reference.

Section 3. The Title 17 of the Code of Ordinances, the existing Unified Development Code originally adopted on March 11, 2003, and as subsequently amended and supplemented, is repealed in its entirety as of the effective date below.

Section 4. All ordinances or codes that conflict with the provisions of this ordinance are hereby repealed, and all other ordinances or codes of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5. If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective on November 1, 2026 in accordance with the provisions of State Law and the City Charter of the City of Georgetown.

APPROVED on First Reading this 28th of July, 2026.

APPROVED AND ADOPTED on Second Reading this 11th of August, 2026.

CITY OF GEORGETOWN, TEXAS

_____
Josh Schroeder, Mayor

ATTEST:

_____
Robyn Densmore, City Secretary
APPROVED AS TO FORM:

_____
Skye Masson, City Attorney

EXHIBIT A

Unified Development Code

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Contents

Chapter 1. General Provisions 1
Section 1.01. Short Title 1
1.01.010. Usage of Terms 1
1.01.020. How to Use This Code 1
1.01.030. Purpose and Intent 2
Section 1.02. Authority 2
Section 1.03. Applicability 2
Section 1.04. Transitional Provisions 3
1.04.010. Applications Submitted Before the Effective Date 3
1.04.020. Violations Continue 3
1.04.030. Dormant Projects 3
1.04.040. Vested Rights Petition 3
Section 1.05. Jurisdiction 4
1.05.010. Within City Limits 4
1.05.020. Within the City's Extraterritorial Jurisdiction 4
Section 1.06. Definitions 4
Section 1.07. Minimum Requirements 4
Section 1.08. Comprehensive Plan 4
Section 1.09. Effective Date 4
Section 1.10. Severability 4
Section 1.11. UDC Development Manual 5
Section 1.12. City Construction Specifications and Standards Manual 5
Section 1.13. Drainage Criteria Manual 5
Section 1.14. Historic District Design Guidelines 5
Section 1.15. Traffic Calming Standards 5
Section 1.16. Utility Improvement and Extension Policy 5
Section 1.17. Access Management Policy 5
Section 1.18. Municipal Utility District Policy 6
Section 1.19. Parks Development Manual 6
Section 1.20. Real Estate Policies 6
Section 1.21. Water and Wastewater Master Plan 6
Section 1.22. Other Manuals or Regulations Adopted by the City 6

Chapter 2. Review Authority 7
Section 2.01. General 7
2.01.010. Purpose 7

2.01.020. Summary of Review Authority 7
2.01.030. Conformity with Development Regulations 9
Section 2.02. Administrative Officials 10
2.02.010. Director of Planning 10
2.02.020. Development Engineer 10
2.02.030. Building Official 11
2.02.040. Landscape Planner 11
2.02.050. Historic Preservation Officer 12
Section 2.03. Historic and Architectural Review Commission 12
2.03.010. Powers and Duties 12
2.03.020. Membership 13
Section 2.04. Zoning Board of Adjustment 13
2.04.010. Powers and Duties 13
2.04.020. Membership 13
2.04.030. General Rules for Zoning Board of Adjustment Matters 13
Section 2.05. Planning and Zoning Commission 13
2.05.010. Powers and Duties 13
2.05.020. Membership 14
Section 2.06. City Council 14
Section 2.07. Parks and Recreation Advisory Board 14
2.07.010. Powers and Duties 14
Section 2.08. Unified Development Code Advisory Committee 14
2.08.010. Powers and Duties 14
2.08.020. Membership 15
Chapter 3. Applications and Permits 16
Section 3.01. General 16
3.01.010. Purpose 16
3.01.020. Applicability of Case Types and Permits 16
3.01.030. Simultaneous Submission of Related Applications 17
Section 3.02. Common Review Elements 18
3.02.010. Application Forms and Fees 18
3.02.020. Application Deadline 18
3.02.030. Accurate Information Required 18
3.02.040. Determination of Application Completeness 19
3.02.050. Limit on Reapplication 19
3.02.060. Expiration of Application 20
Section 3.03. Public Hearing and Notice 20
3.03.010. Provision of Public Notice 20

3.03.020. Required Public Hearing 23
3.03.030. Conduct of Public Hearings 23
3.03.040. Postponement of Application 24
3.03.050. Administrative Review Process 24
Section 3.04. Comprehensive Plan Amendment 26
3.04.010. Applicability 26
3.04.020. Review Process 26
3.04.030. Approval Criteria 27
Section 3.05. Unified Development Code Text Amendment 27
3.05.010. General 27
3.05.020. Review Process 27
3.05.030. Approval Criteria 28
Section 3.06. Annexation 28
3.06.010. Applicability 28
3.06.020. Annexation Review Process 29
3.06.030. Zoning upon Annexation 29
3.06.040. Approval Criteria (Annexation) 29
Section 3.07. Zoning Map Amendment (Rezoning) 30
3.07.010. Applicability 30
3.07.020. Review Process 30
3.07.030. Approval Criteria (All Rezonings) 31
3.07.040. Approval Criteria (Historic Overlay Districts) 31
3.07.050. Approval Criteria (Historic Landmark Designation) 32
3.07.060. Interim Control during Historic Landmark or Historic Overlay District Consideration 32
Section 3.08. Zoning Verification Letter 33
3.08.010. Applicability 33
3.08.020. Zoning Verification Letter Defined 33
3.08.030. Nonconforming Status Determination 33
Section 3.09. Temporary Use Permit 33
3.09.010. Applicability 33
3.09.020. Review Process 34
3.09.030. Approval Criteria 34
3.09.040. Responsibility for Final Action 36
Section 3.10. Special Use Permit 37
3.10.010. Applicability 37
3.10.020. Review Process 37
3.10.030. Approval Criteria 38
3.10.040. Changes to Submitted Conceptual Site Layout 38
3.10.050. Expiration 38

3.10.060. Discontinuation 39

Section 3.11. Planned Unit Development 39

3.11.010. Applicability 39

3.11.020. Review Process 39

3.11.030. Approval Criteria 40

3.11.040. Changes to a Submitted PUD Concept Plan 41

3.11.050. Expiration 41

Section 3.12. Appeal of an Administrative Decision–Zoning Regulations 41

3.12.010. Effect of Appeal 41

3.12.020. Appeal Procedures 42

3.12.030. Review Criteria 42

3.12.040. Decision on Appeal 42

Section 3.13. Zoning Variance and Special Exception 43

3.13.010. Applicability 43

3.13.020. Zoning Variance and Special Exception Process 43

3.13.030. Criteria for Zoning Variance Review 44

3.13.040. Criteria for Special Exception Review 45

3.13.050. Expiration of Zoning Variance or Special Exception 45

Section 3.14. Administrative Exception 46

3.14.010. Applicability 46

3.14.020. Authority 46

3.14.030. Approval Criteria 47

3.14.040. Expiration of Administrative Exception 47

Section 3.15. Subdivision of Land 48

3.15.010. Plat Required 48

3.15.020. Exemptions from Required Plat 48

3.15.030. Certification regarding Compliance with Plat Requirements 49

3.15.040. Plat Types 49

3.15.050. Submission Requirements 50

3.15.060. Staff Review 51

3.15.070. Preliminary Plats 51

3.15.080. Recording Plats 53

3.15.090. Extension of Approved Subdivision Plats 58

3.15.100. Construction Plans 58

Section 3.16. Subdivision Waiver 59

3.16.010. Applicability 59

3.16.020. Initiation 60

3.16.030. Application and Completeness Determination 60

3.16.040. Staff Review 60

3.16.050. Planning and Zoning Final Action 60
3.16.060. Approval Criteria 60
3.16.070. Expiration of Subdivision Waiver 60
Section 3.17. Site Development Plan 61
3.17.010. Applicability 61
3.17.020. Review Process 61
3.17.030. Criteria for Approval 62
3.17.040. Components of a Site Development Plan 62
3.17.050. Site Development Plan Area of Development 63
3.17.060. Site Development Plan Phasing 63
3.17.070. Minor Site Development Plan 63
3.17.080. Revisions to Approved Site Development Plans 64
3.17.090. Expiration 65
Section 3.18. Development Agreement 65
3.18.010. Applicability 65
3.18.020. Review Process 66
3.18.030. Approval Criteria 67
Section 3.19. Master Sign Plan 67
3.19.010. Applicability 67
3.19.020. Review Process 67
3.19.030. Criteria for Approval 67
3.19.040. Responsibility for Final Action 67
3.19.050. Expiration 68
Section 3.20. Sign Permit 68
3.20.010. Applicability 68
3.20.020. Review Process 68
3.20.030. Criteria for Approval 68
3.20.040. Responsibility for Final Action 68
3.20.050. Expiration 68
Section 3.21. Stormwater Permit 69
3.21.010. Applicability 69
3.21.020. Review Process 69
3.21.030. Criteria for Approval 69
3.21.040. Responsibility for Final Action 69
3.21.050. Expiration 69
Section 3.22. Driveway Access Permit 70
3.22.010. Purpose 70
3.22.020. Applicability 70
3.22.030. Review Process 70

3.22.040. Criteria for Approval 70
3.22.050. Submission Requirements 71
3.22.060. Responsibility for Final Action 72
3.22.070. Expiration 72
Section 3.23. License to Encroach 72
3.23.010. Purpose 72
3.23.020. Applicability 72
3.23.030. Review Process 72
3.23.040. Criteria for Approval 72
3.23.050. Submission Requirements 73
3.23.060. Responsibility for Final Action 73
3.23.070. Expiration 73
Section 3.24. Tree Removal Permit 73
3.24.010. Purpose 73
3.24.020. Applicability 73
3.24.030. Review Process 74
3.24.040. Criteria for Approval 74
3.24.050. Submission Requirements 74
3.24.060. Responsibility for Final Action 74
3.24.070. Expiration 75
Section 3.25. Heritage Tree Pruning Permit 75
3.25.010. Purpose 75
3.25.020. Applicability 75
3.25.030. Review Process 75
3.25.040. Criteria for Approval 75
3.25.050. Submission Requirements 76
3.25.060. Responsibility for Final Action 76
3.25.070. Expiration 76
Section 3.26. Request for Creation of Certain Special Purpose Districts 76
3.26.010. Applicability 76
3.26.020. Review Process 76
3.26.030. Approval Criteria 77
Section 3.27. Courthouse View Waiver 78
3.27.010. Applicability 78
3.27.020. Initiation 78
3.27.030. Application and Completeness Determination 78
3.27.040. Staff Review 78
3.27.050. Final Action 78
3.27.060. Approval Criteria 78

Section 3.28. Historic Design Guidelines Procedures **79**
3.28.010. Request to Create or Amend Guidelines 79
3.28.020. Consideration by HARC 79
3.28.030. City Council Hearing & Action 79
3.28.040. Supplemental Policy Guides 80
Section 3.29. Historic Resource Survey Procedures **80**
3.29.010. Request to Create or Update a Historic Resource Survey 80
3.29.020. Preparation of Survey Materials 80
3.29.030. Consideration by HARC 81
3.29.040. City Council Review & Action 81
3.29.050. Use and Maintenance of Historic Resource Surveys 81

Chapter 4. Zoning Districts **82**
Section 4.01. Establishment of Zoning Districts **82**
4.01.010. Zoning Districts 82
Section 4.02. Zoning District Equivalency Table **83**
Section 4.03. Official Zoning Map **84**
4.03.010. Official Zoning Map 84
4.03.020. Digital Mapping 84
4.03.030. Replacement of Official Zoning Map 84
4.03.040. Rules for Interpretation of District Boundaries 85
4.03.050. Uniform Application of District Regulations 85
Section 4.04. Newly Annexed Territory **85**
4.04.010. Initial Default Zoning 85
Section 4.05. Zoning Districts and Special Districts **86**
4.05.010. Residential Districts 86
4.05.020. Non-Residential Districts 86
4.05.030. Special Purpose Zoning Districts 86
4.05.040. Mixed-Use Downtown (MU-DT) Zoning District 87
4.05.050. Overlay Zoning Districts 89
Section 4.06. Planned Unit Development District **90**
4.06.010. General Provisions 90
Section 4.07. Neighborhood Conservation Overlay Districts **91**
4.07.010. General Provisions 91
4.07.020. Established Overlay Districts 93
Section 4.08. Historic Overlay Districts **96**
4.08.010. Designation of a Historic Overlay District 96
4.08.020. Regulations for Historic Overlay Districts 96
Section 4.09. Courthouse View Protection Overlay District **97**

4.09.010. Purpose and Intent 97
4.09.020. Applicability 97
4.09.030. Maximum Height Determination Required 98
4.09.040. Courthouse View Determination 99
4.09.050. Courthouse View Corridor Waiver 99
Section 4.10. Gateway Overlay District 99
4.10.010. Purpose and Intent 99
4.10.020. Applicability 100
4.10.030. Gateway Corridors 100
4.10.040. Gateway Design Standards 102

Chapter 5. Downtown and Old Town Code 104
Section 5.01. Purpose 104
Section 5.02. Components of the Code 104
Section 5.03. Established Historic Overlay Districts 104
5.03.010. Historic Overlay Districts Established 104
Section 5.04. General Development Standards for Historic Overlay Districts 107
5.04.010. Certificate of Appropriateness Required 107
5.04.020. Applicability of Historic Overlay District Standards 108
5.04.030. General Guidelines Applicable to All Historic Overlay Districts 108
5.04.040. Demolition by Neglect 109
Section 5.05. Downtown Overlay District Development Standards 109
5.05.010. Base Zoning District 109
5.05.020. Use 110
5.05.030. Parking 110
5.05.040. Lot Size and Coverage 111
5.05.050. Building Design 111
5.05.060. Building Height 111
5.05.070. Signs 113
5.05.080. Streets and Sidewalks 113
5.05.090. Tree Preservation, Landscaping, and Fencing 113
5.05.100. Specific Exemptions to Development Standards 113
Section 5.06. Old Town Overlay District Development Standards 113
5.06.010. Base Zoning Districts 113
5.06.020. Use 114
5.06.030. Parking 114
5.06.040. Building Design 114
5.06.050. Building Height 114
5.06.060. Signs 114
5.06.070. Setbacks 114

5.06.080. Floor-to-Area Ratio 114
5.06.090. Tree Preservation, Landscaping, and Fencing 114
Section 5.07. Standards Specific to Designated Historic Districts 114
Section 5.08. Standards Specific to Historic Landmark Designation 115
Section 5.09. Alternative Parking Plans in a Historic Overlay District 115
Section 5.10. Development Review Process 116
Section 5.11. Certificate of Appropriateness 117
5.11.010. Applicability 117
5.11.020. Certificate of Appropriateness—Administrative Approval 123
5.11.030. Certificate of Appropriateness—HARC Approval 124
5.11.040. Relocation, Removal or Demolition Prior to Approval of a Certificate of Appropriateness 129
5.11.050. Certificate and Compliance Inspections 129
5.11.060. Limits on Resubmission 130
5.11.070. Expiration 130
5.11.080. Appeals 130

Chapter 6. Zoning Use Regulations 132
Section 6.01. Zoning Uses 132
6.01.010. General 132
6.01.020. Zoning Use Classifications 132
6.01.030. Determination of Unlisted Uses 134
Section 6.02. Use Tables 136
6.02.010. Residential Uses and Standards 136
6.02.020. Civic Uses and Standards 141
6.02.030. Transportation and Utility Uses and Standards 144
6.02.040. Commercial Uses and Standards 145
6.02.050. Industrial Uses and Standards 160
6.02.060. Agricultural and Related Uses and Standards 162
6.02.070. Temporary Uses and Standards 163
6.02.080. Outdoor Display and Storage Uses and Standards 168
Section 6.03. Wireless Transmission Facilities 171
6.03.010. Locational Regulations 171
6.03.020. Mounting Standards 171
6.03.030. Collocation 172
6.03.040. Setback Requirements 172
6.03.050. Fencing Requirements 173
6.03.060. Maintenance and Inspection 173
6.03.070. Radio Frequency Standards 173
6.03.080. Specific Development Standards 174

6.03.090. Submittal Requirements 175
6.03.100. Notice Requirements 176
6.03.110. Permitted Hours for Construction 177
6.03.120. Permit Limitations 177
6.03.130. Effective Date and Effect on Pre-Existing and Permitted WTFs 177

Chapter 7. Residential Development Standards 178

Section 7.01. General 178
7.01.010. Authority 178
7.01.020. Purpose and Intent 178
7.01.030. Applicability 178

Section 7.02. Development Standards 178
7.02.010. General 178
7.02.020. AG Agriculture District 180
7.02.030. RE Residential Estate District 182
7.02.040. RT Residential Traditional District 183
7.02.050. RS Residential Suburban District 184
7.02.060. RM Residential Mix District 189
7.02.070. MF-1 Medium Density Multifamily Residential District 198
7.02.080. MF-2 High Density Multifamily Residential District 207
7.02.090. MH Manufactured Housing District 210

Section 7.03. Dimensional Interpretations and Exceptions 214
7.03.010. Lot Exceptions 214
7.03.020. Setbacks 214
7.03.030. Conflicts 217
7.03.040. Building Height 217

Section 7.04. Accessory Structures, Garages and Carports 218
7.04.010. Accessory Structures, Garages and Carports 218

Section 7.05. Common Amenity Area 218
7.05.010. Applicability 218
7.05.020. Common Amenity Area Requirements 218

Section 7.06. Special Development Types 220
7.06.010. Conservation Subdivision Development 220
7.06.020. Workforce Housing Development 220

Chapter 8. Non-Residential Development Standards 222

Section 8.01. General 222
8.01.010. Authority 222
8.01.020. Purpose and Intent 222
8.01.030. Applicability 222

Section 8.02. Development Standards **223**
8.02.010. General 223
8.02.020. CN Neighborhood Commercial District 224
8.02.030. C-1 Local Commercial District 226
8.02.040. C-2 Regional Commercial District 228
8.02.050. PF Public Facilities District 230
8.02.060. I-1 Flex Industrial District 232
8.02.070. I-2 Intensive Industrial District 234
Section 8.03. Dimensional Interpretations and Exceptions **236**
8.03.010. Minimum Lot Size and Width Exceptions 236
8.03.020. Setbacks Generally 236
8.03.030. Setback Reductions and Exceptions 236
8.03.040. Building Height 237
8.03.050. Multi-Lot Unified Development 238
8.03.060. Height Limitation for Residential Adjacency 239
8.03.070. Conflicts 239
Section 8.04. Building Design Standards **240**
8.04.010. General 240
8.04.020. Structures Exempt from Building Design Standards 240
8.04.030. Foundation Requirements 240
8.04.040. Building Elements 240
8.04.050. Building Articulation and Architectural Features 242
8.04.060. Architectural Compatibility 243
8.04.070. Alternative Building Design 244
8.04.080. Industrial Design Standards 244
Section 8.05. Lighting Standards **246**
8.05.010. Lighting 246

Chapter 9. Landscaping and Fencing **248**
Section 9.01. General **248**
9.01.010. Purpose 248
9.01.020. Authority 248
9.01.030. Applicability 248
9.01.040. Essential Terms Defined 248
9.01.050. Unified Development Code Development Manual 250
Section 9.02. Residential Landscaping **250**
9.02.010. Applicability 250
9.02.020. Shade Tree Requirement 250
9.02.030. Residential Groundcover 250
Section 9.03. Non-Residential and Multi-family Landscape Requirements **251**

9.03.010. Applicability ... 251
9.03.020. Landscape Tree Credits ... 251
9.03.030. Alternative Exception ... 252
9.03.040. Street Yard Landscaping ... 252
9.03.050. Parking Lot Landscaping ... 253
9.03.060. Gateway Overlay District Landscaping ... 254
9.03.070. Bufferyards ... 255
9.03.080. Screening ... 257
Section 9.04. Review and Approval Process ... 259
9.04.010. Non-Residential Landscape Review ... 259
9.04.020. Inspection and Approval of Installation ... 260
9.04.030. Postponement of Installation of Required Landscaping ... 260
9.04.040. Alternative Landscape Standards ... 260
Section 9.05. Plant Selection, Installation, and Maintenance ... 261
9.05.010. General ... 261
9.05.020. Plant Materials and Size Requirements ... 261
9.05.030. Installation Requirements ... 263
9.05.040. Maintenance Requirements ... 265
9.05.050. Irrigation Requirements ... 266
9.05.060. Removal of Required Landscape Trees, Shrubs and Turf ... 266
9.05.070. Street Trees ... 267
Section 9.06. Fence Standards ... 267
9.06.010. Purpose ... 267
9.06.020. Permit Required ... 268
9.06.030. General Requirements ... 268
9.06.040. Residential Fences ... 269
9.06.050. Apartment Fences ... 270
9.06.060. Residential Boundary Walls ... 271
9.06.070. Non-Residential Fences ... 271
9.06.080. Alternative Fences ... 272
9.06.090. Fences Required by Particular Zoning Uses ... 273
Chapter 10. Tree Preservation ... 274
Section 10.01. General ... 274
10.01.010. Purpose ... 274
10.01.020. Authority ... 274
10.01.030. Applicability ... 274
10.01.040. Essential Terms Defined ... 274
10.01.050. Unified Development Code Development Manual ... 276
Section 10.02. Tree Preservation ... 277

10.02.010. Applicability 277
10.02.020. Tree Preservation Incentives and Priorities 277
10.02.030. Heritage and Protected Tree Removal 277
10.02.040. Tree Retention Standards 279
10.02.050. Tree Mitigation 279
Section 10.03. Review and Approval Process 283
10.03.010. Tree Preservation Permitting 283

Chapter 11. Off-Street Parking, Circulation, and Loading 285
Section 11.01. General 285
11.01.010. Authority 285
11.01.020. Purpose 285
11.01.030. Applicability 285
11.01.040. Timing of Installation 285
Section 11.02. Parking Requirements 285
11.02.010. Minimum Requirements 285
11.02.020. Parking Surface 285
11.02.030. Parking Exceeding Minimum Requirements 286
11.02.040. Off-Street Parking Requirements 286
11.02.050. Rules for Computing Requirements 288
Section 11.03. Parking Space and Parking Lot Design 289
11.03.010. Location of Required Parking 289
11.03.020. Parking Space and Parking Lot Design 289
11.03.030. Sub-Lots and Pedestrian Accessways 292
11.03.040. Pedestrian Circulation 292
Section 11.04. Alternative Parking Plans 293
11.04.010. Alternative Plans 293
11.04.020. Alternative Parking Plans in a Historic Overlay District 296
Section 11.05. Vehicle Stacking Areas 297
11.05.010. Minimum Number of Spaces 297
11.05.020. Design and Layout 297
Section 11.06. Off-Street Loading 298
11.06.010. No Use of Public Right-of-Way 298
11.06.020. Location 298
11.06.030. Space Size 298
Section 11.07. Bicycle Parking 298
11.07.010. Purpose 298
11.07.020. Vehicular Parking Substitution 299
11.07.030. Bicycle Parking Facilities – Minimum Requirements 299
11.07.040. Location Requirements 299

Chapter 12. Sign Standards **300**

Section 12.01. General **300**

12.01.010. Authority 300
12.01.020. Purpose and Objectives 300
12.01.030. Applicability and Effect 300
12.01.040. Applicable Regulations in Extraterritorial Jurisdiction 300
12.01.050. Master Sign Plan 301
12.01.060. Nonconforming Sign Standards 301
12.01.070. Abandoned and Unsafe Signs 301
12.01.080. Alternative Sign Plan 301

Section 12.02. Summary of Permitted Signs **302**

Section 12.03. Exempt Signs **302**

Section 12.04. Prohibited Sign Types **303**

Section 12.05. Sign Design and Area Regulations **303**

12.05.010. Sign Dimensional Standards 303
12.05.020. Sign Area Computation 307
12.05.030. Design Requirements 307
12.05.040. Sign Lighting Standards 313
12.05.050. Electronic Message Centers 313
12.05.060. Multi-Tenant Signs 313
12.05.070. Subdivision Entry Signs 314

Section 12.06. Temporary Signs **314**

12.06.010. General 314
12.06.020. Temporary Signs on Private Property 315
12.06.030. Temporary Signs on Public Property and Right-of-Way 316

Section 12.07. Directional Signs in Residential Zoning Districts **317**

12.07.010. Erection and Maintenance of Directional Signs 317
12.07.020. Regulation of Directional Signs 317
12.07.030. Disposition of Funds 317

Chapter 13. Drainage and Environmental Protection **318**

Section 13.01. General **318**

13.01.010. Purpose 318
13.01.020. Authority 318
13.01.030. Applicability 318
13.01.040. Compliance 318

Section 13.02. Impervious Cover **319**

13.02.010. Impervious Cover Limitation 319
13.02.020. Waiver of Impervious Cover Limitations 322

Section 13.03. Pollutant Attenuation Plans **323**
13.03.010. Industrial Uses 323
Section 13.04. Stormwater Management System Requirements **324**
13.04.010. General Requirements 324
13.04.020. Basic Design Objectives 324
13.04.030. General Design Requirements 325
13.04.040. Building Permits and Utility Connections 327
13.04.050. Drainage Easements 327
Section 13.05. Open Space Subdivisions **328**
13.05.010. Applicability 328
13.05.020. Open Space Requirements 328
13.05.030. Conservation Lot Development Standards 330
Section 13.06. Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone **332**
13.06.010. Applicability 332
13.06.020. Definitions 332
13.06.030. Spring Buffer and Stream Buffer Protection 334
13.06.040. Water Quality Best Management Practices 336
13.06.050. Geologic Assessment 336
13.06.060. Acknowledgement Form 337
13.06.070. Water Quality Management Plan 338
13.06.080. Williamson County Conservation Foundation Adaptive Management Working Group 338

Chapter 14. Pedestrian and Vehicle Circulation **339**
Section 14.01. General **339**
14.01.010. Purpose 339
14.01.020. Authority 339
14.01.030. Applicability 339
14.01.040. Subdivision Waiver 339
Section 14.02. Future Mobility Plan Thoroughfares **339**
14.02.010. Future Mobility Plan Goals 339
14.02.020. General 340
14.02.030. Developer Responsibilities 340
14.02.040. Future Mobility Plan 341
Section 14.03. Local and Neighborhood Streets **342**
14.03.010. Developer Responsibilities 342
14.03.020. Public and Private Streets 342
14.03.030. Local and Neighborhood Streets 342
Section 14.04. Alternative Streets **344**
14.04.010. Residential Rural Estate Streets 344

14.04.020. Local Street—Street Tree Alternative 344
14.04.030. Downtown Overlay District Streets 344
Section 14.05. Subdivision and Street Design 345
14.05.010. Street Network Connections 345
14.05.020. Streets and Blocks 347
14.05.030. Inter-Parcel Connectivity 348
14.05.040. Exceptions 349
Section 14.06. Design and Technical Standards 349
14.06.010. Street Curves and Geometry 349
14.06.020. Intersection Alignment 350
14.06.030. Turning Radius 350
14.06.040. Intersection Visibility and Sight Triangle 352
14.06.050. Mailbox Kiosks 354
14.06.060. Construction Entrances 354
14.06.070. Street Naming 354
14.06.080. Deceleration and Left-Turn Lanes 354
14.06.090. School Zone 355
14.06.100. Minimum Road Standards 355
Section 14.07. Pedestrian and Bicycle Mobility 356
14.07.010. General 356
Section 14.08. Driveway Standards 358
14.08.010. Residential Driveways 358
14.08.020. Non-Residential Driveways 358
Section 14.09. Traffic Impact Analysis 360
14.09.010. Purpose 360
14.09.020. Applicability 360
14.09.030. Traffic Impact Analysis 360
Chapter 15. Infrastructure and Public Improvements 365
Section 15.01. General 365
15.01.010. Applicability 365
15.01.020. Public Improvements 365
15.01.030. Public Improvement Exemptions 365
Section 15.02. Public Improvement Requirements 366
15.02.010. Developer Responsibilities 366
15.02.020. Continuity of Improvements 366
15.02.030. Inspection of Improvements 366
15.02.040. Acceptance and Maintenance of Improvements 367
15.02.050. Provision of Utilities 367

Section 15.03. Utility Easements **367**
Section 15.04. Public Water Standards **368**
Section 15.05. Public Wastewater Standards **369**
Section 15.06. Electric And Communication Standards **370**
Section 15.07. Master Plan Infrastructure **371**
Section 15.08. Parkland **372**
15.08.010. Purpose 372
15.08.020. Applicability 372
15.08.030. Requirements for Parkland Dedication 372
15.08.040. Location, Site and Development Standards for Public Parkland 374
15.08.050. Method of Dedicating Parkland 375
15.08.060. Park Fund Established 376
Section 15.09. Subdivision Improvement Guarantee **377**
Section 15.10. Creation of Special Purpose Districts **378**
15.10.010. Municipal Utility District (MUD), Water Control and Improvement District (WCID) or Fresh Water Supply District (FWSD) 378

Chapter 16. Nonconformities **383**
Section 16.01. General **383**
16.01.010. Purpose 383
16.01.020. Authority 383
16.01.030. Applicability 383
16.01.040. Nonconforming Status 383
16.01.050. Effect of Acquisition of Right-of-Way 384
16.01.060. Abandonment of a Nonconforming Situation 384
16.01.070. Variance Not Precluded 386
Section 16.02. Nonconforming Uses **386**
16.02.010. Nonconforming Uses Generally 386
16.02.020. Elimination of Nonconforming Use Status 386
16.02.030. Change of Use 387
16.02.040. Abandonment of Nonconforming Use 387
16.02.050. Expansion of a Nonconforming Use 387
16.02.060. Destruction or Damage of Structure Housing Nonconforming Use 388
16.02.070. Nonconforming Telecommunications Towers 388
Section 16.03. Nonconforming Lots **388**
16.03.010. Nonconforming Lots Generally 388
16.03.020. Use of a Nonconforming Lot 388
16.03.030. Elimination of Nonconforming Lot Status 388
16.03.040. New Division 388

Section 16.04. Nonconforming Structures **389**
16.04.010. Nonconforming Structures Generally 389
16.04.020. Elimination of Nonconforming Structure Status 389
16.04.030. Repair and Maintenance 389
16.04.040. Unsafe Situations 389
16.04.050. Abandonment of a Nonconforming Structure 389
16.04.060. Interior Alterations to a Nonconforming Structure 390
16.04.070. Movement of a Nonconforming Structure 390
16.04.080. Expansion of a Nonconforming Structure 390
16.04.090. Destruction or Damage of a Nonconforming Structure 390
Section 16.05. Nonconforming Sites **391**
16.05.010. Nonconforming Sites Generally 391
16.05.020. Elimination of Nonconforming Site Status 391
16.05.030. Repair and Maintenance 391
16.05.040. Change in Tenant of a Legal Nonconforming Site 392
16.05.050. Abandonment of a Nonconforming Site 393
16.05.060. Process for Review of Required Improvements 393
16.05.070. Postponement of Required Improvements 393
16.05.080. Expansion of a Nonconforming Site 393
Section 16.06. Nonconforming Signs **394**
16.06.010. Nonconforming Signs Generally 394
16.06.020. Elimination of Nonconforming Sign Status 394
16.06.030. Repair and Maintenance 394
16.06.040. Abandonment of a Nonconforming Sign 395
16.06.050. Alterations to a Nonconforming Sign 395
16.06.060. Destruction or Damage of a Nonconforming Sign 395
16.06.070. Immediate Termination of Nonconforming Signs 395
Chapter 17. Enforcement **396**
Section 17.01. Administration **396**
17.01.010. General 396
Section 17.02. Compliance Required **396**
17.02.010. General 396
17.02.020. Certificates of Occupancy 396
17.02.030. Demolition by Neglect 397
Section 17.03. Enforcement **398**
17.03.010. Stop Work Orders 398
17.03.020. Notice of Intent to Suspend or Revoke 398
17.03.030. Penalties 398
17.03.040. Other Remedies 399

Chapter 18. Definitions **400**

Section 18.01. General **400**

18.01.010. Purpose 400

18.01.020. Word Usage 400

Section 18.02. General Definitions **400**

18.02.010. Terms Defined: A-D 400

18.02.020. Terms Defined: E-K 416

18.02.030. Terms Defined: L-O 427

18.02.040. Terms Defined: P-S 437

18.02.050. Terms Defined: T-Z 455

Chapter 1. General Provisions

Section 1.01. Short Title

This Ordinance is hereby officially known and cited as the Unified Development Code of the City of Georgetown, Texas. References to "this Code," or "this UDC" shall be interpreted as references to this Unified Development Code. In the interpretation of provisions in this Code, certain terms and words are defined in **Chapter 18** or, if not, resort to their customary usage and meaning.

1.01.010. Usage of Terms

A. For the purposes of using this Code, words used or defined in one tense or form shall include other tenses and derivative forms, words in the singular number shall include the plural number and words in the plural number shall include the singular number.

B. The following terms contained in this Code shall be defined as follows:

1. The words “must,” “will,” "shall,” and “may not” are mandatory.
2. The words "may" and “should” are permissive, not mandatory or required.
3. The word “City” means the City of Georgetown, Texas.

C. In the case of any difference of meaning or implication between the text of this Code and any caption, number, illustration or table, the text shall control, unless otherwise specifically noted herein.

1.01.020. How to Use This Code

A. If you need to subdivide or plat your land:

Whether you live inside or outside the city limits, you may not develop or disturb your land (see **Section 18.02** for definition of "land disturbance") unless your land has legal lot status. If it is not, you will need to subdivide or plat your parcel. The procedures that you will need to follow are described in **Section 3.15**.

B. If you want to build or establish a particular use on your property:

1. **Step One:** You should first determine what kind of use you desire to establish. You can usually determine the use by referencing the use categories and specific uses found in **Chapter 6**. Refer to the definitions of the specific uses in **Chapter 18** to help you determine the use that best describes what you want to establish.
2. **Step Two:** You should next determine the Zoning District and any Overlay Districts that apply to your property. The Official Zoning Map, available at the Planning Department, depicts the zoning designation for every parcel of land in the city limits of Georgetown. If your property is not within the city limits, no zoning designations or zoning requirements apply, but some development standards and requirements do apply. Read **Section 3.01.020** to identify which applications or permits you must acquire before you build.
3. **Step Three:** For properties in the city limits, locate the use tables in **Chapter 6**. Find the row that lists the specific use you are interested in. Match this row to your Zoning District designation (across the top of the table) to determine whether the use you want to establish is permitted in the District.
4. **Step Four:** If your use is permitted, you must get the appropriate applications approved (see **Chapter 3**) and comply with the applicable development standards of this Code before building the structure or establishing the use.

These requirements are intended to help you and the City ensure that your project is legally established and that it matches the development vision that the City of Georgetown, as a community, desires.

C. If you own or lease property and want to know what rules apply:

Follow Steps Two through Four above to identify your Zoning District and the permitted uses. You can find the specific details for the uses in your Zoning District in **Chapter 6** and the definitions in **Chapter 18**. You can also find the various development standards that apply to your property in **Chapter 7** through **Chapter 14**.

D. If you want to change your Zoning District:

Only the City Council may rezone property following public notice and hearings at meetings of the Planning and Zoning Commission and the City Council. See **Section 3.03** for public notice requirements and **Section 3.07** for rezoning requirements.

1.01.030. Purpose and Intent

This Unified Development Code is adopted for the purpose of promoting the public health, safety, and general welfare of the present and future citizens of the City of Georgetown and promoting the safe, orderly, and healthful development of the City of Georgetown. The City of Georgetown's Comprehensive Plan is the fundamental guide to all decisions made under this Code. In order to implement the broad goals of the plan, this Code regulates land development in order to achieve objectives of the plan that include, but are not limited to, the following:

A. Lessen congestion in the streets;

B. Secure safety from fire, panic, and other dangers;

C. Promote health and general welfare;

D. Provide adequate light and air;

E. Prevent the overcrowding of land;

F. Avoid concentration of population;

G. Promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;

H. Protect the character and the established pattern of desirable development in each area;

I. Prevent or minimize land use incompatibilities and conflicts among different land uses;

J. Facilitate adequate provision of transportation, water, sewerage, parks, and other public requirements;

K. Facilitate erosion protection and water pollution management by reducing stormwater runoff;

L. Maintain property values by stabilizing expectations and ensuring predictability in development; and

M. Establish a process that effectively and fairly applies the regulations and standards of this Code and respects the rights of property owners and the interests of citizens.

Section 1.02. Authority

This Unified Development Code is adopted under authority of the constitution and laws of the State of Texas, including particularly Texas Local Government Code Chapters 211, 212, 216, and 242, and pursuant to the provisions of the Charter of the City of Georgetown, Texas.

Section 1.03. Applicability

A. So long as land or structures or any portion thereof continue to be used for the purpose and in the manner authorized by a permit or approval, no person, including a successor or assign of the person who obtained the

permit or approval, may use the land or structure except in accordance with all the terms, conditions, and requirements of the permit or approval.

B. If a new project is begun, the requirements of this Unified Development Code shall apply. The City shall determine whether a new project has begun using the principles set forth in Texas Local Government Code Chapter 245.

C. Any plat that has development standards (to include, but not limited to, impervious cover or setbacks), that are in conflict with the standards of this Code, shall be subject to the development standards noted on the plat and none other shall apply.

Section 1.04. Transitional Provisions

1.04.010. Applications Submitted Before the Effective Date

A. Complete applications that are pending approval before the effective date of this Unified Development Code may be reviewed and approved in accordance with the regulations in effect before this Code was adopted.

B. An applicant may elect to request a determination on a project's or permit's vested rights under **Section 1.04.040** to formalize the regulations that will apply to the project or permit.

1.04.020. Violations Continue

Any violation of the previous zoning, sign, or subdivision regulations of the City shall continue to be a violation under this Code and shall be subject to penalties and enforcement under **Chapter 17. Enforcement**, unless the use, development, construction, or other activity is consistent with the express terms of this Code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this Code.

1.04.030. Dormant Projects

Unless otherwise provided in the UDC, an individual permit (as that term is defined in the Texas Local Government Code Sec. 245.001) shall expire two years after the date the permit was issued if no progress has been made toward completion of the project, as determined under Texas Local Government Code Sec. 245.005(c). Any project (as defined in the Texas Local Government Code Sec. 245.001) shall expire five years after the date the first permit application was filed for the project if no progress has been made toward completion of the project, as determined under Texas Local Government Code Sec. 245.005(c).

1.04.040. Vested Rights Petition

A property owner, or the owner's duly authorized agent, who believes that a project is entitled to vested rights under Chapter 245 of the Texas Local Government Code may submit a written petition for a vested rights determination to the Director. The petition shall identify the property and the project, describe the permit application or plan for development that gives the City fair notice of the project, and specify each current regulation from which the petitioner seeks relief. The Director shall review the petition to determine whether approval of the permit is required to initiate, continue, or complete a project for which an original application was filed before the effective date of the regulation from which relief is sought. The Director shall issue a written determination granting the petition in whole or in part, or denying it, and stating the regulation that apply to the project. A determination under this section may not waive or modify a requirement except as authorized by Chapter 245 and is binding on the City and the petitioner for the direction of the project.

Section 1.05. Jurisdiction

1.05.010. Within City Limits

All provisions of this Unified Development Code shall apply to all land within the city limits.

1.05.020. Within the City's Extraterritorial Jurisdiction

As authorized by Texas Local Government Code Chapters 212 and 216, the City shall apply the applicable subdivision and sign provisions of this Code to the City's extraterritorial jurisdiction (ETJ).

Section 1.06. Definitions

All definitions located in **Chapter 18** of this Unified Development Code shall govern the interpretation of this Code. Any terms not defined shall be interpreted using Merriam-Webster's Unabridged Dictionary, subject to approval of interpretation by the Director of Planning.

Section 1.07. Minimum Requirements

A. In the interpretation and application, the provisions of this Code shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare.

B. Whenever the requirements of this Code are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards, as determined by the Director of Planning shall govern.

C. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Code shall not relieve the recipient of such permit, certificate, or approval from the responsibility of complying with all other applicable requirements of any other City, state, or federal agency having jurisdiction over the structures or land uses for which the permit, certificate, or approval was issued.

Section 1.08. Comprehensive Plan

It is intended that this Unified Development Code implements the City's planning policies as adopted as part of the City's Comprehensive Plan, as amended and periodically updated.

Section 1.09. Effective Date

This Code shall become effective November 1, 2026, and be in full force and effect in accordance with the City Charter.

Section 1.10. Severability

Should any section or provision of this Unified Development Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1.11. UDC Development Manual

The UDC Development Manual contains technical and procedural requirements for the submittal of development applications, as well as application forms, checklists, calendars, and other materials to aid applicants in the preparation and submittal of applications. The UDC Development Manual may be amended from time to time by the Director, following posting of the proposed changes on the City's website and a 15-day public comment period.

Section 1.12. City Construction Specifications and Standards Manual

The City Construction Specifications and Standards Manual contain specifications, standards, and requirements for the construction of public improvements. The City Construction Specifications and Standards Manual may be amended from time to time by the City's Development Engineer, following public notice and a 30-day public comment period.

Section 1.13. Drainage Criteria Manual

The Drainage Criteria Manual establishes drainage design procedures and standards for stormwater management systems within the jurisdiction of the City of Georgetown. The Drainage Criteria Manual may be amended from time to time by the City's Development Engineer, following public notice and a 30-day public comment period.

Section 1.14. Historic District Design Guidelines

The Historic District Design Guidelines adopted on July 27, 2021, and on file with the City Secretary, are hereby incorporated into this Code by reference, as if set forth in full. The Historic District Design Guidelines establish policies to guide improvements to properties and work within the Downtown Overlay District and Old Town Overlay District, as well as improvements to Historic Landmarks anywhere within the city limits.

Section 1.15. Traffic Calming Standards

The Traffic Calming Standards prepared by the Development Engineer are hereby adopted by reference as if set forth in full. The Traffic Calming Standards shall establish traffic calming requirements for new development applications, both within proposed development and any affected existing development within the City and ETJ. The Traffic Calming Standards may be amended from time to time by the Development Engineer, following public notice and a 30-day public comment period.

Section 1.16. Utility Improvement and Extension Policy

The Utility Improvement and Extension Policy contains specifications, standards, and requirements for projects that desire to connect to Georgetown infrastructure. The Utility Improvement and Extension Policy may be amended from time to time by ordinance.

Section 1.17. Access Management Policy

The Access Management Policy contains specifications, standards, and requirements for properties that desire to connect to public streets, roadways, or rights-of-way in the city limits or the ETJ. The Access Management Policy may be amended from time to time by the City's Development Engineer, following public notice and a 30-day public comment period.

Section 1.18. Municipal Utility District Policy

The Municipal Utility District Policy contains guidelines and requirements for properties that seek the City's consent to establish a municipal utility district within the city limits or the ETJ. The Municipal Utility District Policy may be amended from time to time by the City Manager, following public notice and a 30-day public comment period.

Section 1.19. Parks Development Manual

The Parks Development Manual establishes design standards for the parks system within the jurisdiction of the City of Georgetown. The Parks Development Manual may be amended from time to time by the City's Parks and Recreation Director.

Section 1.20. Real Estate Policies

A. The City of Georgetown Real Estate Services group ("Real Estate") is responsible for managing the City's real estate activities, including:
   1. The acquisition of real property rights for City infrastructure, such as roadways, utility lines, drainage improvements, trails, and sidewalks;
   2. The acquisition of real property for parks and City facilities;
   3. The abandonment, vacation, and sale of City rights-of-way and easements;
   4. The sale of City property; and
   5. The use of City property by others, including the City's license to encroach program.

B. The Real Estate Policies dated November 18, 2022, and on file with the City Secretary (the "Policies"), are hereby adopted. The Policies may be amended from time to time by resolution, or by the City Manager with written notice to the City Council.

Section 1.21. Water and Wastewater Master Plan

The Water and Wastewater Master Plan establishes best practices for public education and outreach, hazardous waste education, construction-site stormwater runoff control, and pollution prevention in Georgetown through its Water and Wastewater Design Criteria contained therein. The Water Quality Management Plan may be amended from time to time by the City Council.

Section 1.22. Other Manuals or Regulations Adopted by the City

The City may adopt other technical manuals or policies in the future that are not listed in this Unified Development Code and are applicable to development within the city limits and ETJ.

Chapter 2. Review Authority

Section 2.01. General

2.01.010. Purpose

This chapter establishes review authority under this Unified Development Code. Specific requirements for each type of application or permit are described in **Chapter 3**. The submittal contents of each application are set forth in the UDC Development Manual.

2.01.020. Summary of Review Authority

The following table summarizes the decision-making authority of each review body for the City. Each body or official responsible for final action on an item shall be considered the final action authority for the purposes of this Code.

Table 2.01.020-1. Summary of Review Authority

Application	Planning Director	Building Official	Development Engineer	Landscape Planner	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
R - Recommendation	**FA-Final Action Authority**		**A - Appeal Authority**		**< > - Public Hearing**				
Abandonment									FA
Administrative Exception	FA						A*		A*
Administrative Plat (minor or amend plat)	FA							A	
Annexation									<FA>
Appeal of Administrative Decision							<FA>		
Artificial Turf	FA								
Certificate of Appropriateness (Administrative Approval)					FA	A			
Certificate of Appropriateness (HARC approval)						<FA>			A
Comprehensive Plan Amendment								<R>	<FA>
Construction Plans			FA					A	

Application	Planning Director	Building Official	Development Engineer	Landscape Planner	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
R - Recommendation	**FA-Final Action Authority**			**A - Appeal Authority**		**< > - Public Hearing**			
Courthouse View Height Determination	FA						A		
Courthouse View Waiver									<FA>
Development Agreement									<FA>
Driveway Access Permit			FA					A	
Easements									FA
Final Plat	FA							A	
HARC Exception (Building Height/Setback variations pursuant to **Chapter 5**)						<FA>			A
Heritage Tree Protection Priority	FA								A
Heritage Tree Pruning Permit	A			FA					
Historic Landmark Designation						<R>			<FA>
Historic Overlay District Designation						<R>		<R>	<FA>
Historic Design Guidelines Amendments						<R>			<FA>
Historic Resource Survey Amendments						<R>			<FA>
License to Encroach			FA**						FA**
Master Sign Plan		FA					A		
Master Sign Plan in a Historic Overlay District					FA	A			
Preliminary Plat	FA							A	

Application	Planning Director	Building Official	Development Engineer	Landscape Planner	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
R - Recommendation	**FA-Final Action Authority**		**A - Appeal Authority**		**< > - Public Hearing**				
Rezoning (Zoning Map Amendment)								<R>	<FA>
Sign Permit		FA					A		
Site Development Plan	FA							A	
Special Exception							FA		
Special Use Permit								<R>	<FA>
Stormwater Permit			FA					A	
Subdivision Construction Plans			FA					A	
Subdivision Waiver								<FA>	A
Temporary Use Permit		FA					A		
Traffic Impact Analysis			FA						A
Tree Removal Permit				FA					A
UDC Text Amendment								<R>	<FA>
Zoning Variance							<FA>		

* Administrative Exceptions related to **Chapter 9** and **Chapter 10** items are sent to the City Council, all others are appealed to ZBA.

** Licenses to Encroach that involve encroachments into a public street, roadway, sidewalk, or right-of-way require final approval by the City Council; all other requests are approved by the Development Engineer.

2.01.030. Conformity with Development Regulations

Every official and employee with the City vested with the duty or authority to issue a permit, certificate, or license under this Code may not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Unified Development Code. Any permit, certificate, or license issued in conflict with the provisions of this Code is null and void.

Section 2.02. Administrative Officials

2.02.010. Director of Planning

A. Appointment

The City Manager shall appoint a Director of Planning (Director) to be the administrator of this Unified Development Code.

B. Powers and Duties

The Director has the following powers and duties:

1. Final Action

The Director is responsible for taking final action on the applications and procedures as noted in the table in **Section 2.01.020**, subject to the specific criteria for each procedure as described in the Code.

2. Review and Report

The Director shall review and make either a report or recommendation to the Zoning Board of Adjustment, Planning and Zoning Commission, or City Council on the applications as noted in the table in **Section 2.01.020** of this Code, subject to the terms and conditions set forth for such procedures in this Code.

3. Additional Duties

The Director shall have the following additional duties:

a. To comply with any other duty or responsibility clearly assigned to the Director elsewhere in this Code;

b. To ensure conformance with all provisions of this Code;

c. To meet with potential applicants; and

d. To act and serve as staff for each review body appointed by this Code.

4. Delegation

The Director may delegate any duties to members of the Planning Department staff. Such designation authorizes the staff member to act on the Director's behalf but does not relieve the Director of overall responsibility for any final action, report, recommendation, or additional duty described in this Code.

C. Compliance with Rules and Procedures

1. The Director shall comply with any specific procedures described in this Code.

2. The Director may develop a manual consisting of administrative rules, submittal requirements for all case types, or additional procedures to clarify implementation of this Code, providing that additional rules, requirements, or procedures do not violate any other provisions of this Code. The Director may include in the manual a submittal calendar specifying the dates on which the City will accept applications.

2.02.020. Development Engineer

A. Designation

The City Manager shall appoint a Development Engineer to function as described in this Code. The Development Engineer must be an engineer licensed by the State of Texas. For the purposes of this Code, the Development Engineer is also designated as the Drainage Engineer.

B. Powers and Duties

The Development Engineer shall review and make reports to the Director or other final action authorities on all Site Plans and plats, and shall have final authority for approving applications as noted in **Section 2.01.020** of this Code, and as may otherwise be authorized by this Code.

C. Compliance with Rules and Procedures

1. The Development Engineer shall comply with any specific procedures or technical criteria described in this Code.
2. The Development Engineer shall develop additional procedures or technical criteria to clarify implementation of this Code, providing that additional procedures do not violate any other provisions of this Code.

2.02.030. Building Official

A. Designation

In addition to the powers granted to the Building Official in Chapter 2.32 of the City Code of Ordinances, the City Manager shall designate the Building Official for the City of Georgetown to review and approve sign permits, certificates of occupancy, conditional certificates of occupancy, temporary certificates of occupancy, Temporary Use Permits, sign permits, and Master Sign Plans. This section does not restrict the powers and duties of the Building Official granted or assigned by other sections of the City's Code of Ordinances.

B. Powers and Duties

The Building Official shall be responsible for taking final action on certificates of occupancy, conditional certificates of occupancy, temporary certificates of occupancy, sign permits, Temporary Use Permits, and Master Sign Plans. See **Chapter 5** for additional regulations that apply to certain approvals in historic Districts.

C. Inspectors

The City's Building Inspectors are authorized designees of the Building Official.

D. Code Enforcement Officers

The City's Code Enforcement Officers are authorized designees of the Building Official.

2.02.040. Landscape Planner

A. Designation

The Director shall appoint a Landscape Planner to function as described in this Code. The Landscape Planner must be a Certified Arborist as recognized by the International Society of Arboriculture (ISA) or able to work toward the certification. Throughout this Code, any reference to an “Urban Forester” shall mean the Landscape Planner, and the powers and duties assigned to the Urban Forester shall apply to the Landscape Planner.

B. Powers and Duties

The duties of the Landscape Planner shall include, but are not limited to, the review and recommendation on Plats, Site Development Plans, and other development permits requiring compliance with applicable sections of **Chapter 9. Landscaping and Fencing** and **Chapter 10. Tree Preservation**, governing the placement, replacement, maintenance, and/or preservation of trees, and providing recommendations on such to the relevant Final Action Authority in accordance with **Section 2.01.020** of this Code.

2.02.050. Historic Preservation Officer

A. Designation

The Director may designate a Historic Preservation Officer to function as described in this Code.

B. Powers and Duties

The duties of the Historic Preservation Officer shall include, but are not limited to:

1. Providing review, report, and recommendation to the Historic and Architectural Review Commission (HARC) regarding Certificates of Appropriateness and any other provisions of this Code requiring action by HARC;
2. Reviewing and taking final action on Administrative Certificates of Appropriateness;
3. Reviewing and taking final action on Alternative Parking Plans in a Historic Overlay District; and
4. Coordinating local historic preservation efforts with the State Historic Preservation Office (SHPO), the National Park Service (NPS), and the Advisory Council on Historic Preservation (ACHP) in compliance with the National Historic Preservation Act of 1966, as amended, TAC Chapter 15.6, as amended, and any additional federal and state enabling legislation.

Section 2.03. Historic and Architectural Review Commission

2.03.010. Powers and Duties

The Historic and Architectural Review Commission (HARC) has the following powers and duties as described in this Code:

A. Final Action

The HARC shall be responsible for hearing and taking final action on the following procedures described in this Code:

1. Certificate of Appropriateness;
2. HARC Exceptions on building height, setback, and floor-to-area-ratio (FAR) variations pursuant to **Chapter 5** of this Code; and
3. Appeal of an administrative Certificate of Appropriateness.

B. Review and Recommendation

The HARC shall review and make recommendations to the City Council on the designation of Historic Overlay Districts, updating of the Historic Resource Survey, updating of the Historic District Design Guidelines and Historic Landmarks, subject to the terms and conditions set forth for the procedure in this Code.

C. Additional Duties

The HARC has the following additional duties:

1. To act and assist the City Council in formulating design guidelines and other supplemental materials relevant to historic preservation or design review; and
2. To render advice and guidance, upon request of the property owner or occupant, on new construction or the restoration, alteration, or maintenance of any building or structure within a Historic Overlay District or designated as a Historic Landmark.

2.03.020. Membership

The HARC shall be constituted and conduct all activities in accordance with Texas Local Government Code Chapter 214, the City Charter, and Chapter 2 of the City's Code of Ordinances.

Section 2.04. Zoning Board of Adjustment

2.04.010. Powers and Duties

Pursuant to Texas Local Government Code § 211.009, the Zoning Board of Adjustment (ZBA) may:

A. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an Administrative Official (see **Section 2.02**) in the enforcement of this Code;

B. Hear and decide Special Exceptions when this Code requires the Board to do so; and

C. Authorize in specific cases a variance from the zoning requirements of this Code if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

2.04.020. Membership

The Zoning Board of Adjustment shall be constituted and conduct all activities in accordance with the City Charter, and Chapter 2 of the City's Code of Ordinances.

2.04.030. General Rules for Zoning Board of Adjustment Matters

In exercising its authority under **Subsection 2.04.010.A**, the Board may reverse or affirm, in whole or in part or modify the Administrative Official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, as provided for by Texas Local Government Code Chapter 211.

Section 2.05. Planning and Zoning Commission

2.05.010. Powers and Duties

The Planning and Zoning Commission (P&Z or Commission) has the following powers and duties as described in this Code:

A. Final Action

The Planning and Zoning Commission shall be responsible for considering and taking final action on the applications and procedures as noted in the table in **Section 2.01.020**.

B. Review and Recommendation

The Commission shall review and make recommendations to the City Council on the following, subject to the terms and conditions set forth for the procedure in this Code:

1. Comprehensive Plan Amendment;
2. Development Agreement;
3. Rezoning (Zoning Map Amendment);

4. Special Use Permit; and
5. UDC Text Amendment.

C. Additional Duties

The Commission has the following additional duties:

1. Authorize a heritage tree protection priority determination pursuant to **Subsection 10.02.020**; and
2. Hear and decide an appeal of an administrative decision on the applications and procedures as noted in the table in **Section 2.01.020**.
3. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an Administrative Official in the enforcement of **Section 13.06. Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone**.

2.05.020. Membership

The Planning and Zoning Commission shall be constituted, have the powers and duties, and conduct all activities in accordance with state law, the City Charter, and the City's Code of Ordinances.

Section 2.06. City Council

The City Council shall be constituted, have the powers and duties, and conduct all activities in accordance with Texas Local Government Code Chapters 42, 43, 211, 212, and 216, the City Charter, and the City's Code of Ordinances. The City Council shall hear and decide appeals pursuant to **Table 2.01.020-1. Summary of Review Authority** and this Code.

Section 2.07. Parks and Recreation Advisory Board

2.07.010. Powers and Duties

The Parks and Recreation Advisory Board has the following powers and duties:

A. Review and Recommendation

The Parks and Recreation Advisory Board shall provide review and recommendation for projects requesting approval for alternative site and development standards, private parkland credit, and certain conditions set forth in **15.08.040.A.6**. The Parks and Recreation Director shall provide review and recommendation for projects which meet the code requirements. The Parks and Recreation Director may defer these projects to the Parks and Recreation Advisory Board for review and recommendation for any reason.

Section 2.08. Unified Development Code Advisory Committee

2.08.010. Powers and Duties

The Unified Development Code (UDC) Advisory Committee has the following powers and duties:

A. Review and Recommendation

The UDC Advisory Committee may be directed by City Council to review and make recommendations to the Planning and Zoning Commission and the City Council on the following subject to the terms and conditions set forth for the procedure in this Code:

1. Make recommendations and advise the Planning and Zoning Commission and the City Council on the proposed amendments to the UDC when requested by City Council;
2. Provide an additional forum for public participation and input regarding proposed amendments to the UDC; and
3. Assist the general public in understanding the proposed amendments to the UDC.

2.08.020. Membership

The UDC Advisory Committee shall be constituted and conduct all activities in accordance with the City Charter, and Chapter 2 of the City's Code of Ordinances.

Chapter 3. Applications and Permits

Section 3.01. General

3.01.010. Purpose

The purpose of this chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City.

3.01.020. Applicability of Case Types and Permits

The following table shows which review case types and permits apply in the City and its extraterritorial jurisdiction.

Table 3.01.020-1. Applicability of Case Types

Section	Application Type	City Limits	Extraterritorial Jurisdiction
General Applications			
Section 3.04	Comprehensive Plan Amendment	X	X
Section 3.05	Unified Development Code Text Amendment	X	X
Section 3.06	Annexation		X
Zoning Applications			
Section 3.07	Zoning Map Amendment (Rezoning)	X	
Section 3.08	Zoning Verification Letter	X	
Section 3.09	Temporary Use Permit	X	
Section 3.10	Special Use Permit	X	
Section 3.11	Planned Unit Development	X	
Section 3.12	Appeal of an Administrative Decision–Zoning Regulations	X	
Section 3.13	Zoning Variance and Special Exception	X	
Section 3.14	Administrative Exception	X	
Subdivision Applications			
3.15.070	Preliminary Plats	X	X
3.15.080	Recording Plats (Final Plats, Replats, Amending Plats, Vacation of Recorded Plat)	X	X
3.15.100	Construction Plans	X	X
Section 3.16	Subdivision Waiver	X	X
Site Development Applications			
Section 3.17	Site Development Plan	X	

Section	Application Type	City Limits	Extraterritorial Jurisdiction
Section 3.18	Development Agreement	X	X
Section 3.19	Master Sign Plan	X	X
Section 3.20	Sign Permit	X	X
Section 3.21	Stormwater Permit	X	X
Section 3.22	Driveway Access Permit	X	X
Section 3.23	License to Encroach	X	X
Section 3.24	Tree Removal Permit	X	X
Section 3.25	Heritage Tree Pruning Permit	X	X
Section 3.26	Request for Creation of Certain Special Purpose Districts	X	X
Section 3.27	Courthouse View Waiver	X	
Section 5.11	Certificate of Appropriateness	X	

3.01.030. Simultaneous Submission of Related Applications

A. Submission of different applications related to the same development may be made simultaneously within each application group listed below. Approval consideration of the different applications, however, shall occur in the sequence as listed.

1. Policy Applications
   a. Annexation (Voluntary)
   b. Development Agreement
   c. Comprehensive Plan Amendment
   d. Rezoning (Zoning Map Amendment)
   e. Special Use Permit
   f. Preliminary Plat
      (i) Exception: A Preliminary Plat shall not be submitted until final approval of a Planned Unit Development (PUD) zoning request.
2. Development Applications
   a. Construction Plans
      (i) Exception: Construction Plans for master planned infrastructure improvements may be submitted at any time for review.
   b. Final Plat
   c. Certificate of Appropriateness
   d. Site Development Plan
3. Building Permits

   An application for a Building Permit shall not be submitted to the City until review of the first submittal of the corresponding Site Development Plan has been completed by staff, and the comments have been forwarded to the applicant.

B. Any application submitted simultaneously is subject to approval of all other related applications. Denial, disapproval, or reconsideration of any concurrently submitted application shall stop consideration of any related applications.

Section 3.02. Common Review Elements

3.02.010. Application Forms and Fees

The following regulations shall apply to all applications under this chapter:

A. Forms

Application forms, submittal requirements, instructions, and fee schedule are set forth in the UDC Development Manual.

B. Fees

1. Application fees shall be established and revised from time to time by the City Council.
2. All required fees shall be made payable to "The City of Georgetown."
3. An applicant who has paid the appropriate fee with an application, but who chooses to withdraw such application prior to any notification of completeness, may be entitled to a refund of all or a portion of the amount paid at the discretion of the Director. The application fee required for UDC Text or Zoning Map Amendments shall not be refundable.
4. An application shall only be accepted for review if the applicant, agent, or property owner has no outstanding, undisputed fees owed to the City for the same property or other property under their control.

3.02.020. Application Deadline

All applications shall be completed and submitted to the Director in accordance with a schedule established annually by the Director. An application shall not be considered as officially submitted, accepted, or filed until it has been determined to be complete as specified in **Subsection 3.02.040. Determination of Application Completeness**.

3.02.030. Accurate Information Required

A. All required information and materials must contain accurate information. A finding of inaccurate information (e.g., incorrect easement locations, incorrect owner information) is grounds for application denial. Typos or grammatical errors alone do not constitute inaccurate information.

B. Each submission or resubmission of an application or plan set must contain accurate information within the entire application or plan set. If one element of the application or plan set is revised, all elements of the application or plan set must be updated to include the same information throughout the entire application or plan set and resubmitted.

C. If an approved application or an application currently under review is found to contain conflicting information, the applicant may be required to submit a revised application or an amendment to the original application to resolve the discrepancy.

3.02.040. Determination of Application Completeness

A. The Director or their designee shall review each submitted application to determine if the minimum items needed for proper review of such application are present.

B. A determination of whether an application is complete shall be made by the Director no more than five working days after submittal of the application.

C. If the application is determined not to be complete, the Director shall notify the applicant in writing. The notification shall attempt to list all missing or incomplete items and provide a specific period of time (not greater than five working days) for the applicant to resubmit the material. The applicant may request an additional meeting for explanation of the missing or incomplete items. If the application is not resubmitted within the period specified by the Director, the application shall be deemed rejected and shall not be accepted for filing. After an application has been rejected, the applicant shall resubmit within the time period prescribed by the Director, or the application will expire and a new application and fee shall be required.

D. The determination of completeness shall take into account the following:

1. Consistency with the Comprehensive Plan (for zoning applications, only);
2. Any required previous approvals; and
3. Required submission materials and compliance with the UDC Development Manual and the City's Construction Specifications and Standards Manual.

E. For the purposes of Texas Local Government Code § 212.009, an application for subdivision is considered filed once it is determined by the Director to be accepted for consideration per **Section 3.15.050. Submission Requirements**.

F. Determination that an application is complete does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria.

G. If the Director determines that any request for a Zoning Map Amendment (Rezoning) is not consistent with the Comprehensive Plan, the application shall be determined to be incomplete and shall not be filed unless it is submitted in conjunction with a comprehensive plan amendment. No action on the rezoning may occur until it is consistent with the Comprehensive Plan; however, both actions may occur during the same meeting. The City Council may approve amendments to the Comprehensive Plan in accordance with the procedure in **Section 3.04. Comprehensive Plan Amendment**.

1. An appeal of the Director’s determination can be made in accordance with the procedures in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

3.02.050. Limit on Reapplication

If any petition for a rezoning (zoning map amendment), plan amendment (such as to a future mobility plan, comprehensive plan, water master plan, etc.), or any petition for an amendment to this Unified Development Code is disapproved by the Final Action Authority, another application or petition for the same permit, approval or amendment for the same property or any portion thereof may not be filed within a period of 30 calendar days (or 12 months for zoning change applications) from the date of final disapproval, except with permission of the Planning and Zoning Commission or City Council. Such reapplication must demonstrate:

A. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;

B. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;

C. A new application is proposed to be submitted that is materially different (e.g., proposes new uses or a substantial decrease in proposed densities and intensities) from the prior application; or

D. The final decision on the application was based on a material mistake of fact.

3.02.060. Expiration of Application

An accepted application for which there has been no action taken by an applicant for a period of 180 days or more from the date of the last action shall be determined dormant and processed as withdrawn by the applicant, causing the file to be closed. The Director shall notify the applicant in writing 30 days in advance of the pending closure. The Director may consider extending the application if the applicant can show just cause for the delays or there is evidence of continued communication with staff.

Section 3.03. Public Hearing and Notice

3.03.010. Provision of Public Notice

A. Compliance with Texas Local Government Code

Public hearings and public notice shall be provided in accordance with Texas Local Government Code **Chapter 211 Municipal Zoning Authority** and **Chapter 212 Municipal Regulation of Subdivisions and Property Development**.

B. Summary of Notice Required

Notice shall be required for application review as shown in the following table.

Table 3.03.010-1. Summary of Notice Requirements

Procedure	Published	Mailed	Posted
Annexation (Voluntary)	X		
Appeal of Administrative Decision	X		
Certificate of Appropriateness			‡
Certificate of Appropriateness for relocation, removal, or demolition, or building height, setback, or floor-to-area ratio modification		‡	‡
Comprehensive Plan Amendment	X	X[1]	
Development Agreement	*	*	*
Historic Overlay District Designation	X	X	X
Historic Landmark Designation	X	X	X
Replat without Vacating (Texas Local Government Code § 212.0145)	X	X	
Rezoning (Zoning Map Amendment)	X	X[1]	X
Special Exception	X	X	X
Special Use Permit	X	X	X
Subdivision Waiver	X	X	X
UDC Text Amendment	X	X[1]	
Zoning Variance	X	X	X

Procedure	Published	Mailed	Posted
X = Notice required. * = Notice to be determined by Development Agreement Committee per **Section 3.18. Development Agreement.** ‡ = Only applicable to Certificate of Appropriateness applications that require consideration by the Historic and Architectural Review Commission. 1 = Mailed notice to be provided in compliance with Local Government Code 211.007			

C. Published Notice

1. A public notice shall be published at least once in a local newspaper of general circulation, as designated by the City Council, within the City prior to the meeting. The notice shall contain the time and place of such public meeting or hearing and a brief description of the agenda items that may be considered or reviewed.
2. A published notice shall be published at least 15 days in advance of the public meeting or hearing.

D. Mailed Notice

1. Generally
   a. A notice of public hearing shall be sent to owners of record of real property within 300 feet of the boundary of the property under consideration, as determined by the most recent municipal tax roll and central appraisal district tax roll information.
   b. A notice of public hearing shall be sent to homeowners' associations and other similar associations registered with the City and located within 300 feet of the boundary of property under consideration.
   c. A notice of public hearing shall be provided to each party in compliance with Local Government Code 211.007.
   d. Notice of public hearing shall be sent by United States mail. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in United States mail at least 15 days prior to the date set for the public hearing or as otherwise required by the Texas Local Government Code, as amended.
2. Special Mailed Notice Required for Certain Replats

   Replats containing any area or lot that, during the preceding five years, was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, require mailed notice to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted, in the same manner as prescribed in **Subsection 3.03.010** above and in accordance with Texas Local Government Code § 212.015, as amended.
3. Special Mailed Notice Required for PUD Modification
   a. For purposes of mailed notice, the boundary of a PUD modification shall be the boundary of any tract of land for which PUD standards or requirements are proposed to change due to the modification.
   b. A notice of public hearing shall be provided to each party required in compliance with Local Government Code 211.007.
   c. In addition to the requirements of **Subsection 3.03.010** above, mailed notice shall also be provided to all owners of property within the entire PUD boundary, not otherwise notified.

E. Posted Notice

1. Notice shall be posted in a format approved by the Director according to the following standards:
   a. One sign for tracts of less than 300 feet of right-of-way frontage;
   b. One sign at each interval of 1,000 feet; and
   c. The total number of signs shall not be required to exceed a total of four signs per right-of-way.
2. Notice of application shall be posted at the project site such that it is visible from the public right-of-way.
3. The City will provide the required sign; however, the applicant shall be responsible for posting and maintaining the sign in a format approved by the Director and for removing the sign within five days following the public hearing on the application.
4. Posted notice shall be posted not less than 15 days prior to the scheduled public hearing by the Review Authority and must remain posted until the City Council or other Final Action Authority has acted on the application.
5. The notice is considered served upon receipt by the developer of the posted notice(s) in a format approved by the Director.

F. Content of Notice

1. Published or mailed notices shall contain at least the following specific information:
   a. The general location of land that is the subject of the application, including a location map with the mailed notice only;
   b. The legal description or street address;
   c. The substance of the application, including the type of proposed development and the current Zoning District;
   d. The time, date, and location of the public hearing;
   e. A phone number to contact the City; and
   f. A statement that interested parties may appear at the public hearing.
2. Posted notices shall contain at least the following specific information:
   a. The type of request (i.e., rezoning, variance, etc.);
   b. The application number;
   c. A phone number to contact the City; and
   d. The time, date, and location of the public hearing.

G. Constructive Notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

H. Special Hearing Notice Required for Certain Replats

A Replat without vacation of the preceding plat must conform to the requirements of Texas Local Government Code §§ 212.014 and 212.015.

3.03.020. Required Public Hearing

The following table identifies the types of applications requiring a public hearing and the review body responsible for conducting the hearing.

Table 3.03.020-1. Summary of Required Public Hearing

Type of Application	HARC	Zoning Board of Adjustment	Planning & Zoning	City Council
Annexation			X[1]	X[2]
Appeal of Administrative Decision		X		
Certificate of Appropriateness	‡			
Comprehensive Plan Amendment			X	X
Development Agreement			*	X
Historic Overlay District Designation	X		X	X
Historic Landmark Designation	X			X
Replat (Resubdivision)			X	X
Rezoning (Zoning Map Amendment)			X	X
Special Exception		X		
Special Use Permit			X	X
Subdivision Waiver			X	
UDC Text Amendment			X	X
Zoning Variance		X		
Courthouse View Waiver				X

X = Public hearing required.
* = Public hearing to be determined by Development Agreement Committee per **Section 3.18. Development Agreement**.
‡ = Only applicable to certificate of appropriateness applications that require consideration by the Historic and Architectural Review Commission
1 = Only on cases when applicant is seeking initial zoning in lieu of the initial default zoning of AG.
2 = See **Section 3.06.020. Annexation Review Process** for specific requirements.

3.03.030. Conduct of Public Hearings

A. Modification of Application at Public Hearing

1. The applicant may agree to modify the application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the public hearing or to suggestions or recommendations by the recommending or decision-making body holding the public hearing.
2. Unless such modifications are so substantial that the recommending or decision-making body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials before it, the recommending or decision-making body may approve or recommend approval of the application with the condition that the approval or recommendation of approval will not be applicable until materials reflecting the agreed upon changes are submitted to the Director. No application may proceed until the revisions have been made.

3. Where deemed appropriate by the decision-making body, modifications to an application may be referred back to the recommending body for reconsideration prior to further action by the decision-making body.
4. Modification of an application that causes the consideration of that application to be substantially different than that which was provided in the public notice shall require a new public hearing by the recommending and decision-making bodies with new notice in accordance with **Section 3.03.010. Provision of Public Notice**. Such modifications shall include, but are not limited to, a change to a Zoning District that was not otherwise included in the public notice or any increase in the acreage of the area under consideration. Decreasing the acreage of the area under consideration shall not cause the application to require a new public hearing.

B. Evidence

All findings and conclusions necessary to the permit or decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

C. Record

1. An audio tape recording and/or written minutes shall be made of all required public hearings, and such audio recordings shall be kept for two years.
2. All documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record and shall be kept by the City for two years.

3.03.040. Postponement of Application

A. Postponement of Public Hearing after Public Notice

The applicant shall be required to pay for all re-notice fees for a scheduled and noticed public hearing that is postponed at the request of the applicant.

B. Postponement of Application after Recommendation

For applications where a recommendation is required by the Planning and Zoning Commission, an applicant may request the City Council Public Hearing to be postponed to the next regular meeting following the date of the scheduled City Council Public Hearing. The Director may approve, for good cause shown, a postponement of up to 30 days from the date of the scheduled City Council Public Hearing. Public notice of the new public hearing shall be required in accordance with **Section 3.03.010. Provision of Public Notice**.

3.03.050. Administrative Review Process

Administrative reviews occur when the Director or another City employee is responsible for final action on any application.

A. Applicability

An administrative review shall be required for any permit or application that requires final action from an Administrative Official, as described in **Table 2.01.020-1. Summary of Review Authority**.

B. Review Process

Administrative reviews shall occur within the standard review periods established by the Director. The Director or other authority responsible for final action may establish procedures necessary to ensure compliance with this Code and State statute.

1. Initiation

   Initiation of an administrative review may be made upon:

   a. Recommendation of the Director;

   b. Recommendation of other Administrative Official responsible for final action on the permit being initiated; or

   c. Submission of a complete application by the property owner or their authorized agent.

2. Application

   Application must be made in a format consistent with **Section 3.02.010. Application Forms and Fees**.

3. Completeness Determination

   Upon submission of an application for any administrative review, the Director shall determine whether the application is complete, as described in this Code.

4. Staff Review

   Once an application is determined complete, the Director or Final Action Authority shall review the application, considering any applicable criteria for approval. The Director or Final Action Authority may assign staff to review the application and make a report to the Director or Final Action Authority.

C. Administrative Final Action

Upon completion of the administrative review, the Director or other responsible Final Action Authority shall make a final determination and notify the applicant in writing. The Director or other Final Action Authority may take one of the following final actions:

1. Approve the application.
2. Approve the application with conditions.
3. Disapprove the application. Such disapproval must include specific reasons for disapproval.

D. Criteria for Approval—Generally

1. An application shall be approved administratively when all of the following criteria are met:

   a. A complete application and fee have been submitted.

   b. The application and content of the application are consistent with the provisions of this Unified Development Code, the Comprehensive Plan, and any other applicable City regulations.

   c. The application and content of the application are consistent with any administrative rules established by the Director, and any prior written interpretations of this Code.

2. Additional criteria for approval that apply to specific administrative procedures may be provided in the specific descriptions of those procedures in this **Chapter 3. Applications and Permits**. An administrative procedure that does not have specific criteria for approval shall be considered using the general criteria provided above. All such criteria shall be published as part of the Development Manual pursuant to UDC **Section 1.11.**

E. Appeals

1. If an applicant is appealing a final action of disapproval, only the basis for disapproval may be appealed to the Appeal Authority as identified in **Table 2.01.020-1. Summary of Review Authority**.
2. The Appeal Authority shall be the decisive body for any appeal request; no appeal of the Appeal Authority shall be considered, except where required by state Law.

3. A person may not appeal a denial for the purpose of continuance, an extension agreed to by the applicant and the Director, or a determination that an application is not complete.
4. An appeal of a denial of an application by a Final Action Authority shall be limited to one appeal per instance of denial of the relevant application.
5. All appeal requests of decisions on plat type applications shall be processed in accordance with Local Government Code 212.0093.
6. The Director shall identify and publish in the Development Manual requirements for submitting requests pursuant to this section.
7. The Director or Development Engineer may, at their discretion, forward any application for which they are the Final Action Authority to the Appeal Authority for Final Action.

Section 3.04. Comprehensive Plan Amendment

3.04.010. Applicability

A. For the purpose of establishing and maintaining sound, stable, and desirable development consistent with the goals and policies of the Comprehensive Plan, amendments to the Plan may be considered. Plan amendments are periodic, substantive changes that are necessary to accommodate changed or unforeseen circumstances in a manner consistent with the public interest and in accordance with the procedures established in the Plan and in this section. The provisions of the section are adopted pursuant to Texas Local Government Code Chapter 213 and the City Charter.

B. Plan amendments may be considered by City Council upon Director recommendation. Where the Plan Amendments shall commence upon a simple majority vote by City Council. Applications may be made at any time of year.

C. Amendments initiated by a property owner or their authorized agent may be considered at any time for amendments to the Future Land Use Plan Map or Future Mobility Plan Map.

3.04.020. Review Process

A. Initiation

Initiation of an amendment may be made upon:

1. Application of a property owner or their authorized agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning and Zoning Commission; or
4. Recommendation of the Director.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.

3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Planning and Zoning Commission Review

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a public hearing in accordance with its rules and state law and make a recommendation to the City Council.

E. City Council Final Action

1. The City Council shall hold a public hearing and may take final action on the proposed amendment.
2. The amendment shall become effective when approved by a super-majority vote of the City Council and in accordance with the City Charter.

3.04.030. Approval Criteria

A. The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-term effects.

1. The amendment promotes the health, safety or general welfare of the City and the safe, orderly, and healthful development of the City.

B. In considering amendments to the Plan, the City should be guided by the following:

1. The need for the proposed change;
2. The effect of the proposed change on the need for City services and facilities;
3. The compatibility of the proposed change with the existing uses and development patterns of nearby property and with the character of the neighborhood; and
4. The implications, if any, that the amendment may have for other parts of the Plan.

Section 3.05. Unified Development Code Text Amendment

3.05.010. General

Amendments to this Unified Development Code (UDC) may be made in order to establish and maintain sound, stable, and desirable development within the jurisdiction of the City, to correct errors in the text, or because of changed or changing conditions in the City. All text amendments shall be consistent with the Comprehensive Plan.

3.05.020. Review Process

A. Initiation

Initiation of an amendment may be made upon resolution of the City Council upon the recommendation of the:

1. City Council;
2. Planning and Zoning Commission; or
3. Director.

At the request of the City Council the amendment to be considered may be directed to the UDC Advisory Committee for review and recommendation in advance of the Planning and Zoning Commission review. The resolution from City Council shall specify the following: intent of the changes, whether a recommendation from UDC Advisory Committee or other city boards/commissions are desired in advance of Planning and Zoning Commission action, and any notice in addition to UDC requirements and state law is desired.

B. Staff Review

The Director shall prepare a report for the Planning and Zoning Commission review on the proposed amendment and consistency with the approval criteria outlined in the Code.

C. Planning and Zoning Commission Review

Following notice in accordance with Chapter 211 of the Texas Local Government Code, the Commission shall hold a public hearing in accordance with state law and make a recommendation to the City Council.

D. City Council Final Action

The City Council shall hold a public hearing and take final action on the proposed amendment.

3.05.030. Approval Criteria

The following lists of criteria are not all-inclusive. Review and recommendations on text amendments to this Unified Development Code should consider the following:

A. The proposed text amendment corrects an error or meets the challenge of some changing condition, trend or fact;

B. The proposed text amendment is in response to changes in state law;

C. The proposed text amendment is generally consistent with the Comprehensive Plan and other adopted plans and does not conflict with any specific policy or action item outlined in the comprehensive plan;

D. The proposed text amendment is generally consistent with the stated purpose and intent of the section it is amending;

E. The proposed text amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;

F. The proposed text amendment will maintain or advance the public health, safety, or general welfare, including but not limited to facilitating the adequate provision of transportation, water, sewers, schools, and parks.

Section 3.06. Annexation

3.06.010. Applicability

A. For the purpose of establishing and maintaining sound, stable, and desirable development consistent with the goals and policies of the Comprehensive Plan, the City may consider annexations of territory to the corporate limits or extraterritorial jurisdiction (ETJ). The provisions of the section are adopted pursuant to Texas Local Government Code Chapter 43 and the City Charter.

B. Annexation and disannexation of territory may be requested by landowners or their representatives through this process for real property within the City's corporate limits and the ETJ.

3.06.020. Annexation Review Process

A. Initiation

Initiation of an annexation or disannexation of territory may be made upon application of a property owner or their authorized agent. Another governmental authority may also request modification of ETJ or corporate limit boundaries through this process, or through the cooperative effort of the Georgetown City Council to initiate such proceedings.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval and prepare a report to the City Council.

Figure 3.06.020-3.06.02-1. Annexation Summary

2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Written Agreement Regarding Services

If required pursuant to Section 43.0672 of the Texas Local Government Code, the City Council shall approve a written agreement regarding services with the property owner prior to initiation of annexation.

E. City Council Public Hearings

City Council shall hold public hearings as required by applicable sections of Texas Local Government Code Chapter 43.

F. City Council Final Action

1. The City Council shall take final action on the proposed annexation or disannexation.
2. The annexation or disannexation shall become effective when approved by the City Council and in accordance with the City Charter.

3.06.030. Zoning upon Annexation

A. As indicated in **Subsection 4.04.010. Initial Default Zoning**, the City must take action to assign zoning to the newly annexed area.

B. While Planning and Zoning Commission approval is not required for an annexation, the Commission's recommendation is needed to assign zoning to the annexed area.

3.06.040. Approval Criteria (Annexation)

The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-term effects.

A. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action; and

B. The annexation promotes fiscally responsible, safe, orderly, and healthful development of the City; and

C. The City has the capacity and ability to serve the area with City utilities and services; and

D. The annexation is consistent with the City's adopted long-range plans and annexation policies.

Section 3.07. Zoning Map Amendment (Rezoning)

3.07.010. Applicability

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area, or in the City generally, or to rezone an area or extend the boundary of an existing Zoning District or Overlay District. All amendments must be consistent with the Comprehensive Plan. The provisions of the section related to rezoning are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

Figure 3.07.010-3.07.01-1. Rezoning Summary

3.07.020. Review Process

A. Initiation

Initiation of a map amendment may be made upon:

1. Application of a property owner or their designated agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning and Zoning Commission;
4. For a Historic Landmark or Historic Overlay District designation, recommendation of the Historic and Architectural Review Commission; or
5. Recommendation of the Director.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission, the Historic and Architectural Review Commission (where applicable), and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Historic and Architectural Review Commission

When a request is made for Historic Landmark or Historic Overlay District designation, the Commission shall hold a public hearing in accordance with its rules and state law, and make a recommendation to the City Council following notice in accordance with **Section 3.03. Public Hearing and Notice**.

E. Planning and Zoning Commission Review

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a public hearing in in accordance with its rules and state law and make a recommendation to the City Council. Designation of a Historic Landmark shall not require review and recommendation by the Planning and Zoning Commission.

F. City Council Final Action

1. The City Council shall hold a public hearing and may take final action on the proposed amendment.
2. The amendment shall become effective when approved by the City Council and in accordance with the City Charter. If a proposed amendment has been recommended for disapproval by the Planning and Zoning Commission and the Historic and Architectural Review Commission (where applicable), the amendment may not become effective except by a three-fourths vote of all members of the City Council.

3.07.030. Approval Criteria (All Rezonings)

The City Council shall consider the following approval criteria for zoning changes:

A. The zoning change is consistent with the density, primary and secondary uses, and target ratios outlined for Future Land Use Plan District;

B. The zoning change implements the policies of the Comprehensive Plan and any applicable Small Area Plans;

C. The zoning change will maintain or advance the public health, safety, orderly growth, or general welfare, such as facilitating the adequate provision of transportation, water, sewers, schools, and parks;

D. The zoning change is compatible with the present zoning and conforming uses and with the character of the surrounding properties;

E. The subject property has sufficient size, shape, and topography to accommodate for uses and development standards permitted by the proposed amendment.; and

F. The proposed amendment maintains or advances the goals of the Economic Development Strategic Plan.

3.07.040. Approval Criteria (Historic Overlay Districts)

In addition to the approval criteria for zoning changes in **Section 3.07.030. Approval Criteria (All Rezonings)**, the City Council shall find that one or more of the following criteria for approving a Historic Overlay District is met:

A. Character, interest, or value of the structures, sites, or area is significant because of their unique role in the development, heritage, or cultural characteristics of the City, county, state, or nation;

B. Occurrence of a notable historical event at the structures, sites, or area;

C. Identification of the structures, sites, or area with a person or persons who contributed notably to the culture and development of the City, county, state, or nation;

D. Embodiment in multiple buildings in a site or area under consideration of distinctive elements of architectural design, detail material, or craftsmanship related to a uniqueness to the area, or the related distinctiveness of a craftsman, master builder or architect, or a style or innovation, including but not limited to:

1. Scale of buildings and structures typical of the area;
2. Architectural style of the buildings and structures;
3. Architectural period of the buildings and structures;

4. Building materials typical of the area;
5. Colors and textures used in the buildings and structures typical of the area;
6. Typical relationships of buildings in the area to the street;
7. Setbacks and other physical patterns of buildings in the area;
8. Typical patterns of rooflines of buildings in the area; or
9. Typical patterns of porch and entrance treatments of buildings in the area; and

E. Archaeological value in the sense that the structures, sites, or area have produced or can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory.

3.07.050. Approval Criteria (Historic Landmark Designation)

The City Council shall find that one or more of the following criteria are met for designating a building, structure, or site within the city limits as a local Historic Landmark:

A. Character, interest, or value of the building, structure, or site is significant because of its unique role in the development, heritage, or cultural characteristics of the City, County, State, or Nation;

B. Occurrence of a notable historical event at the building, structure, or site;

C. Identification of the building, structure, or site with a person or persons who contributed notably to the culture and development of the City, county, state, nation, or society;

D. Distinctive elements of architectural design, detail material, or craftsmanship that make it an established or familiar visual feature, or the related distinctiveness of a craftsman, master builder, or architect, or a style or innovation, including but not limited to:

1. Architectural style of the building or structure;
2. Architectural period of the building or structure;
3. Textures and colors of materials used in the building or structure;
4. Shape of the building or structure;
5. Roofline of the building or structure;
6. Porch and entrance treatments of the building or structure;
7. Height and mass of the building or structure; or
8. Relative proportions of the building or structure (width to height, width to depth); and

E. Archaeological value in the sense that the building, structure or site can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory.

3.07.060. Interim Control during Historic Landmark or Historic Overlay District Consideration

A. Upon deeming an application for a Historic Landmark or Historic Overlay District designation complete, no Building Permit may be issued by the City for alteration, construction, demolition, or removal of any building or structure located within the area proposed for such designation.

B. This Building Permit hold period shall commence on the date the application for Historic Landmark or Historic Overlay District designation is deemed complete until its final disposition by the City Council. For City initiated requests, this Building Permit hold period shall commence on the date the resolution to initiate the request is adopted until final disposition by the City Council.

C. The Building Permit hold period shall not apply to alterations, removal, or demolition authorized by formal action of the Building Standards Board as necessary for preservation of the public health, welfare or safety as provided for dangerous buildings in Chapter 15 of the City Code of Ordinances.

Section 3.08. Zoning Verification Letter

3.08.010. Applicability

A Zoning Verification Letter, as defined in **Section 3.08.020** below, may be obtained upon written request as outlined in the Development Manual.

3.08.020. Zoning Verification Letter Defined

A Zoning Verification Letter is a letter that indicates to a property owner that a specified use, clearly identified in the application, is permitted within the zoning District. A Zoning Verification Letter does not authorize the property owner to proceed with a development; does not specify requirements that must be met for future development; and does not include a determination that a tract of land may be developed.

3.08.030. Nonconforming Status Determination

A. Applicability

A request for a determination of legal nonconforming status, as defined in **Section 16.01.040**, may be made to the Director to determine that a use, lot, structure, site, or sign is exempt from the requirements as provided in this Code.

B. Review Process

Review of a determination of legal nonconforming status shall follow the administrative review procedures set forth in **Section 3.03.050**. **Administrative Review Process**, subject to the criteria for approval set forth below.

C. Approval Criteria

A determination of legal nonconforming status may be made if the Director finds that the structure, lot, site, sign, or use was lawfully in existence, constructed, and located on the effective date or applicability of this Code or any amendment thereto or was legally constructed to meet previous requirements of this Code and has been in regular and continuous use, but which does not conform to the current requirements of this Unified Development Code, shall be granted legal nonconforming status, except as specifically exempted or prohibited by other sections of this chapter. A legal nonconforming structure, lot, site, sign, or use may remain or continue, subsequent to the effective date of this Code and any amendments thereto, provided that such continuance is in accordance with the provisions of this chapter and all other applicable codes of the City.

D. Responsibility for Final Action

The Director is responsible for final action on the determination of the final legal nonconforming status.

Section 3.09. Temporary Use Permit

3.09.010. Applicability

The following temporary uses may not be commenced until the applicant obtains a Temporary Use Permit from the Building Official. The permit specifies the specific use, the period of time for which it is approved, and any special

conditions attached to the approval. The provisions of this section relating to Temporary Use Permits are adopted in accordance with Texas Local Government Code chapter 211 and the City Charter.

The following uses may be permitted, subject to the issuance of a Temporary Use Permit:

A. Pumpkins, Christmas trees, and other seasonal product sales. No permit shall be required for such uses operated as part of a school or place of worship.

B. Sales offices and model homes, pursuant to the standards set forth in **Section 6.02.070**.

C. Temporary parking lots, pursuant to the standards set forth in **Section 6.02.070** and subject to **Section 3.09.020. Review Process**.

D. Business offices or sales facilities where construction of a permanent facility is being diligently completed, pursuant to the standards set forth in **Section 6.02.070**.

E. Construction field offices, pursuant to the standards set forth in **Section 6.02.070**.

F. Private farmer's markets, pursuant to the standards set forth in **Section 6.02.070**.

G. Temporary manufacturing of concrete products, pursuant to the standards set forth in **Section 6.02.070**.

H. Temporary mobile or outdoor food vendor, pursuant to City Code Section 8.12.

I. Offsite construction staging, pursuant to the standards set forth in **Section 6.02.070**.

J. Portable classrooms, pursuant to the standards set forth in **Section 6.02.070**.

K. Temporary storage facility located on a property affected by a natural disaster, pursuant to the standards set forth in **Section 6.02.070**.

L. Noise permits, pursuant to City Code Section 8.16.050.

M. Similar temporary uses which, in the opinion of the Director, are compatible with the district and surrounding land uses.

3.09.020. Review Process

A. Review of a Temporary Use application shall follow the procedure set forth in **Section 3.03.050. Administrative Review Process**.

B. The Director may determine if a Site Development Plan companion application is necessary for applications pursuant to **Subsection 3.09.010.E** above; and is authorized to waive the requirement for such a companion application.

3.09.030. Approval Criteria

In addition to the general criteria for consideration of administrative procedures in **Subsection 3.03.050.D. Criteria for Approval—Generally**, the Director shall consider whether the application complies with the following standards:

A. Land Use Compatibility

The temporary use must be compatible with the purpose and intent of this Unified Development Code and the zoning District in which it will be located. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

B. Compliance with Other Regulations

A Building Permit or Temporary Certificate of Occupancy may be required, as determined by the Building Official, before any structure used in conjunction with the temporary use is constructed or modified. All structures and

the site as a whole shall meet applicable Building and Fire Code standards as well as any provisions of this Code for such temporary use. Upon cessation of the temporary event or use, any structures associated with the temporary use shall be promptly removed and the site shall be returned to its previous condition (including the removal of all trash, debris, signage, or other evidence of the temporary use).

C. Duration

The duration of the temporary use shall be established by the Building Official at the time of approval of the Temporary Use Permit, pursuant to any provisions of **Chapter 6** applicable to the temporary use. In the event no time limit is established, the duration shall be a period not to exceed 90 days.

D. Traffic Circulation.

The temporary use shall not cause undue traffic congestion or accident potential, as determined by the Development Engineer, given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.

E. Off-Street Parking

Off-street parking shall be provided in accordance with **Table 11.02.040-1. Off-Street Parking Requirements*** for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site.

F. Public Conveniences and Litter Control

Adequate on-site restroom facilities may be required. Adequate on-site solid waste containers may also be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.

G. Appearance and Nuisances

The temporary use shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and it shall not unduly impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.

H. Signs

The Building Official shall review all signage in conjunction with the issuance of the permit. Such signage shall be in accordance with the requirements of this Code.

I. Other Conditions

The Building Official may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.

J. Revocation

The Building Official may revoke a Temporary Use Permit if it is determined that:

1. The applicant has misrepresented any material fact on his or her application or supporting materials.
2. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit.
3. The operation of the temporary use violates any statute, law, ordinance, or regulation.
4. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety, or welfare of the public.

3.09.040. Responsibility for Final Action

The Building Official is responsible for final action on all Temporary Use Permits.

Section 3.10. Special Use Permit

3.10.010. Applicability

Special Use Permits allow for City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Code. Special Use Permits may be issued only for uses that are generally compatible with other uses permitted in a zoning District, but that require individual review of their location, design, intensity, etc. These uses and the Districts where they may be located are listed in **Chapter 6. Zoning Use Regulations**. These uses may be located in Districts as indicated with conditions described in a Special Use Permit recommended by the Planning and Zoning Commission and approved by the City Council. No such use shall commence without prior approval of a Special Use Permit. A Special Use Permit includes a conceptual site layout that, after approval, serves as the conceptual site layout necessary for the basis of the final Site Development Plan, which, if necessary, shall be required prior to obtaining any additional permits. An approved Special Use Permit is maintained with the property, and not the property owner, renter, or lessee, and shall be valid per the terms of Section **3.10.050. Expiration**. The provisions of this section related to Special Use Permits are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

Figure 3.10.010-3.10.01-1. Special Use Permit Summary

3.10.020. Review Process

A. Initiation

Initiation of a Special Use Permit may be made upon application of a property owner or their designated agent, following the established application processes and requirements in this **Chapter 3. Applications and Permits**.

B. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted, with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and State statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

D. Planning and Zoning Commission Review

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a public hearing in accordance with its rules and State law and make a recommendation to the City Council.

E. City Council Final Action

1. The City Council shall hold a public hearing, in accordance with its rules and state law, and may take final action on the proposed Special Use Permit.
2. The Special Use Permit and any subject conditions shall become effective upon approval by the City Council and in accordance with the City Charter.

3.10.030. Approval Criteria

A. The City Council must approve the conceptual site layout before a Special Use Permit may be issued.

B. The conceptual site layout must be submitted with all material necessary for the City Council to render an informed decision and reviewed by the Director for compliance with this Code.

C. The City Council may approve an application for a Special Use Permit where it reasonably determines that there will be no significant negative impact on residents of surrounding property or upon the general public. The City Council shall consider the following criteria in its review:

1. The proposed special use is not detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants.
2. The proposed conceptual site layout, circulation plan, and design are compatible in terms of scale (building massing, form, orientation, and location), intensity, and operating characteristics with uses and structures on adjacent properties and properties in the vicinity of the proposed site.
3. The proposed use does not negatively impact existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection and the ability of existing infrastructure and services to adequately provide services.
4. The proposed use does not negatively impact existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact.
5. Whether there are any other special circumstances that may be unique to the subject property.

3.10.040. Changes to Submitted Conceptual Site Layout

An application submitted to modify an approved conceptual site layout that was filed as part of a Special Use Permit shall cause the Special Use Permit to be reviewed under Subsections **A** and **B** below. Modified conceptual site layouts must be resubmitted to the Director for consideration.

A. The Director may determine that the modification to the conceptual site layout does not change the basis for Special Use Permit approval and issue an approval of the modified Special Use Permit.

B. If the Director determines that the modifications to the conceptual site layout change the basis for the initial Special Use Permit approval, the modified permit shall follow the normal review process for a Special Use Permit.

3.10.050. Expiration

A. A Special Use Permit shall expire 24 months from the date of City Council approval, unless:

1. A Site Development Plan application, if necessary, has been submitted in accordance with **Section 3.17. Site Development Plan**.
2. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy has been issued.
3. In the case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 24 months from the date

conceptual site layout approval is granted. Each subsequent application must be submitted within 24 months from the date of issuance of a Certificate of Occupancy, or equivalent, by the Building Official for the previous phase of the development.

4. A lapse of a period greater than the periods set forth above causes the related approvals or permits to expire and be of no further force and effect. The Director has the authority to consider a six-month extension of the above deadlines based on extenuating circumstances. Any further action shall require a new application and approval.
5. The Council's approval of the Special Use Permit specified an alternative expiration date.

B. A Zoning Map Amendment (Rezoning), in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)**, is required to remove an approved but expired Special Use Permit.

3.10.060. Discontinuation

A Special Use Permit shall expire 12 months following the discontinuation of the use for which the Special Use Permit was approved.

Section 3.11. Planned Unit Development

3.11.010. Applicability

Planned Unit Developments (PUDs) may be used to permit a unique development that does not meet the use and/or development standards included within this UDC. PUDs are intended to promote innovative, unique development that is consistent with the Comprehensive Plan.

Figure 3.11.010-3.11.01-1. Planned Unit Development Summary

3.11.020. Review Process

A. General

A PUD is a zoning District change and requires a rezoning in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)**.

B. PUD Concept Plan

1. PUD Concept Plan Purpose

The PUD Concept Plan is intended to serve as a tool that can assist in identifying the appropriateness of a proposed development within the context of its surroundings. The PUD Concept Plan forms the basis for approval of the PUD.

2. PUD Concept Plan Application Submittal

a. Application for a PUD Concept Plan must comply with the UDC Development Manual. Applications must include all materials determined necessary by the Director.

b. The PUD Concept Plan and supplemental application material shall be submitted to the Director no later than 60 calendar days prior to the date of the regular meeting of the Planning & Zoning Commission.

c. The PUD Concept Plan must indicate whether a base zoning District will be used, or whether a customized PUD will be submitted that addresses all elements of this UDC (i.e., landscaping, parking, connectivity, etc.).

3. Director of Planning Recommendation

The Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the PUD Concept Plan. The report shall recommend that the PUD Concept Plan be approved, conditionally approved, disapproved, or postponed.

4. PUD Concept Plan Public Hearings and Approval

The Planning & Zoning Commission and City Council shall act on the PUD Concept Plan application in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)**. The decision-makers may impose additional conditions as part of the terms of approval.

5. PUD Shown on Zoning Map at PUD Concept Plan Approval

If the PUD Concept Plan is approved or conditionally approved by the City Council, the PUD shall be shown on the Zoning Map as a PUD replacing the existing zoning Districts.

C. Platting

If platting is required by **Section 3.15. Subdivision of Land**, all plats and plans must be submitted and approved following PUD Concept Plan approval and prior to Site Development Plan submittal.

D. Site Development Plan

Upon approval of the PUD Concept Plan and completion of any required platting process, the applicant may submit a Site Development Plan in accordance with **Section 3.17. Site Development Plan** for part or all of the land area covered by a PUD Concept Plan for Director consideration. The Director may defer the Site Development Plan to the Planning & Zoning Commission and City Council action for any reason.

3.11.030. Approval Criteria

In addition to the zoning change criteria in **Section 3.07. Zoning Map Amendment (Rezoning)**, the City Council shall consider the following specific objectives and criteria for approving the PUD:

A. The proposed PUD provides a greater level of public benefits than would otherwise be achieved if the property were developed under a standard District.

B. Specific Objectives

Rezoning to, and development under the PUD District, will be permitted only in accordance with the following specific objectives:

1. A variety of housing types, employment opportunities, or commercial services to achieve a balanced City;
2. An orderly and/or creative arrangement of all land uses with respect to each other and to the entire City;
3. A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as roadways, bicycle ways, and pedestrian walkways;
4. The location of general building envelopes to take maximum advantage of the natural and built environment; and
5. The staging of development in a manner that can be accommodated by the timely provision of public utilities, facilities, and services.

3.11.040. Changes to a Submitted PUD Concept Plan

Any substantial change proposed on a Site Development Plan that would affect the approved PUD Concept Plan shall require re-submittal of the PUD Concept Plan in its entirety. Minor changes are those changes that are not substantial and do not affect the overall intent of the PUD Concept Plan, which may be approved by the Director; however, the Director may determine that any proposed change should be heard at a public hearing before the Planning & Zoning Commission and City Council. Substantial changes to the PUD Concept Plan are subject to the same requirements as the original application. Substantial changes shall include but are not limited to:

A. Any change that would increase the intensity of the land uses;

B. A 15% cumulative increase or decrease in residential density;

C. A 15% cumulative increase or decrease in nonresidential square footage;

D. Any change in private incentives and public benefits;

E. Increase or decrease in size of property;

F. Any reduction in screening, screening buffers, and setbacks at the PUD property line;

G. A 15% cumulative increase in the buildable area for structures, including signs; and

H. A 15% cumulative reduction in open space.

3.11.050. Expiration

A. PUD Concept Plan Effective Period

1. The approved PUD Concept Plan shall be effective for a period of five years. If a Site Development Plan for all or part of the area has not been approved by the end of the five-year period, the Concept Plan shall expire, and a new Concept Plan will be required. If the property owner desires to revert the property to its previous zoning (or any other zoning designation besides the approved PUD), a rezoning in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)** is required.

2. Prior to the expiration date, the Director may approve a request for an extension of time of up to two years. After the first extension, the Planning & Zoning Commission shall consider any other time extension requests. When at least one Site Development Plan has been approved, the PUD Concept Plan shall remain effective until amended.

B. Site Development Plan Effective Period

See **Section 3.17. Site Development Plan.** If the property owner desires to revert the property to its previous zoning (or any other zoning designation besides the approved PUD), a rezoning in accordance with **Section 3.07. Zoning Map Amendment (Rezoning)** is required.

Section 3.12. Appeal of an Administrative Decision–Zoning Regulations

3.12.010. Effect of Appeal

Pursuant to the authority granted to the City by Texas Local Government Chapter 211, the City Charter, the City Council and this Code, the Zoning Board of Adjustment may hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an Administrative Official in the enforcement of zoning regulations contained in this Code.

3.12.020. Appeal Procedures

A. Initiation

Within 30 days after the date of the administrative decision, any person specified by state law may appeal an administrative decision to the Zoning Board of Adjustment.

B. Content of Notice of Appeal

The notice of appeal must specifically set forth all grounds for appeal.

C. Effect of Appeal

An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board the facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record, after notice to the official and if due cause is shown.

3.12.030. Review Criteria

The Zoning Board of Adjustment shall consider whether the Director of Planning or other Administrative Official's action was appropriate considering the details of the case and the requirements contained in this Unified Development Code. The Board or Commission will make its decision based on this Unified Development Code and the information presented to the Board or Commission by the applicant and the Director or other Administrative Official's action

A. Appeal Hearing

The Zoning Board of Adjustment shall set a reasonable time for hearing the appeal and shall give notice to the parties and to the public. Each appeal must be heard by at least 75% of the members of the Board.

B. Burden of Proof in Appeals

When an appeal is taken to the Zoning Board of Adjustment, the Director's or other Administrative Official's action is presumed to be valid. The applicant shall present sufficient evidence and have the burden to justify a reversal of the action being appealed. The Director may present evidence and argument to the contrary.

C. Findings and Conclusions

All findings and conclusions necessary to the permit or appeal decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) will be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed. In exercising its authority, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and, for that purpose, the Board has the same authority as the Administrative Official.

3.12.040. Decision on Appeal

The Board shall review the application, the Director's report, conduct a hearing in accordance with the Board's established procedures and state law, and take final action on the application. It shall require a concurring vote of three-fourths vote of all members of the Zoning Board of Adjustment to overturn an administrative decision.

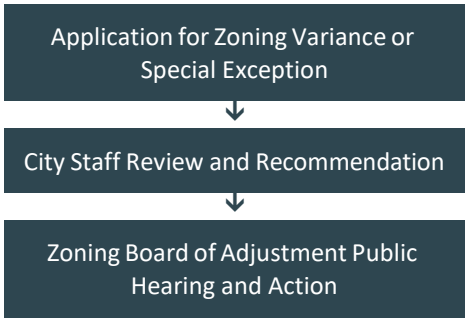
Section 3.13. Zoning Variance and Special Exception

3.13.010. Applicability

A. Zoning Variance

1. In accordance with the provisions of the Texas Local Government Code Chapters 211 and 216, the Zoning Board of Adjustment (Board) shall have the authority to hear and grant requests for a variance from the zoning provisions and sign regulations of this Unified Development Code. A Zoning Variance to the development standards of this Code shall be considered an exception to the regulations, rather than a right.
2. A Zoning Variance differs from a Subdivision Waiver, which applies to certain regulations pertaining to subdivision of land and must be requested from the Planning & Zoning Commission during the subdivision review process.

Figure 3.13.010-3.13.01-1. Zoning Variance and Special Exception Summary



B. Special Exceptions

In accordance with the provisions of Texas Local Government Code Chapter 211, the Zoning Board of Adjustment shall also have the authority to hear and decide Special Exceptions to the terms of this Code when the Code requires the Board to do so.

3.13.020. Zoning Variance and Special Exception Process

A. Initiation

Initiation of a request for a Zoning Variance or Special Exception may be made upon application by the property owner of the affected property or their authorized agent.

B. Application

Application for a Zoning Variance or Special Exception must comply with the UDC Development Manual. Applications must include all materials determined necessary by the Director.

C. Completeness Determination

Upon submission of an application, the Director shall determine whether the application is complete, as described in **Section 3.02.040. Determination of Application Completeness**.

D. Staff Review

1. Once an application for a Zoning Variance or Special Exception request has been received and the application deemed complete, the Director shall review the application, consider any applicable criteria for approval, and prepare a report to the Zoning Board of Adjustment.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statutes.
3. The Director may assign staff to review the application and make a preliminary report to the Director.
4. The Director's report may include a recommendation for final action.

E. Notice and Hearing

1. The Zoning Board of Adjustment shall hold a public hearing for consideration of the Zoning Variance or Special Exception request on the next available regular scheduled meeting after the date of the application is filed.
2. Written notice of the public hearing for a Zoning Variance or Special Exception shall be provided as set forth in **Section 3.03. Public Hearing and Notice**.
3. The applicant may appear at the hearing in person or by agent or attorney.

3.13.030. Criteria for Zoning Variance Review

A. Required Findings

The Zoning Board of Adjustment (ZBA) may authorize a Zoning Variance from the requirements of the zoning provisions and sign regulations of this Unified Development Code if the variance from the terms of the zoning provisions is not contrary to the public interest and, due to special conditions, a literal enforcement of the requirements would result in unnecessary hardship, so the spirit of this Code is preserved, and substantial justice done. No Zoning Variance shall be granted unless the ZBA finds all of the following:

1. Extraordinary Conditions

   That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Unified Development Code will deprive the applicant of the reasonable use of their land. For example, a Zoning Variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

2. No Substantial Detriment

   That the granting of the Zoning Variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area or to the City in administering this Code.

3. Other Property

   That the conditions that create the need for the Zoning Variance do not generally apply to other property in the vicinity.

4. Applicant's Actions

   That the conditions that create the need for the Zoning Variance are not the result of the applicant's own actions.

5. Comprehensive Plan

   That the granting of the Zoning Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.

6. Utilization

   That because of the conditions that create the need for the Zoning Variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

7. Insufficient Findings

   The following types of possible findings do not constitute sufficient grounds for granting a Zoning Variance:

   a. That the property cannot be used for its highest and best use.

b. That there is a financial or economic hardship, except as authorized in Local Government Code 211.009(b-1).

c. That there is a self-created hardship by the property owner or their agent.

d. That the development objectives of the property owner are or will be frustrated.

B. Limitations

The Zoning Board of Adjustment may not grant a Zoning Variance when the effect of which would be any of the following:

1. To allow the establishment of a use not otherwise permitted in the applicable zoning District.
2. To increase the density of a use above that permitted by the applicable District.
3. To extend physically a nonconforming use of land.
4. To change the zoning District boundaries shown on the Official Zoning Map.

C. Profitability Not to Be Considered

The fact that property may be utilized more profitably should a Zoning Variance be granted may not be considered grounds for a Zoning Variance.

D. Limitation on Variances for Signs

No variance application(s) shall be accepted for prohibited signs listed in **Section 12.04. Prohibited Sign Types**.

3.13.040. Criteria for Special Exception Review

If authorized by this Code, the Zoning Board of Adjustment may grant a Special Exception from the requirements of the certain provisions of this Unified Development Code, if the Special Exception is not contrary to the public interest and the spirit of this Code is preserved and substantial justice done. No Special Exception shall be granted unless the ZBA finds the specific criteria identified in this Code are met. The only Special Exceptions that may be granted by the Board are for the following:

A. Time extension for an abandoned nonconforming use, pursuant to **16.01.060.C.6.**

B. Expansion of nonconforming use, pursuant to **16.02.050.**

C. Reduce or modify standards of nonconforming lot, pursuant to **16.03.020.**

D. Abandonment of a nonconforming structure determination, pursuant to **16.04.050.**

E. Expansion of a nonconforming structure, pursuant to **16.04.080.**

F. Abandonment of a nonconforming site, pursuant to **16.05.050.**

G. A setback exception, pursuant to **16.05.050.**

H. Expansion of a nonconforming site, pursuant to **16.05.080.**

3.13.050. Expiration of Zoning Variance or Special Exception

A. Zoning Variance

Zoning Variance approval shall expire 24 months from the date of ZBA approval unless a Building Permit has been issued and construction commenced or, if no Building Permit is required, a Certificate of Occupancy has been issued.

B. Special Exception

A Special Exception shall expire 24 months from the date of Board approval, unless:

1. A Building Permit application has been issued and construction commenced, or, if no Building Permit is required, a Certificate of Occupancy has been issued.
2. The Board approval extended the 24-month expiration date and provided for an alternative expiration; however, in no case shall the expiration date exceed 36 months.

Section 3.14. Administrative Exception

3.14.010. Applicability

A. In order to provide an alternative method, to correct human error, allow for minor numerical adjustments, or consider alternative design schemes for particular development standards of this Code, Administrative Exceptions may be permitted. Administrative Exceptions are specified deviations from otherwise applicable development standards where development is proposed that would be:
   1. Compatible with surrounding land uses;
   2. Harmonious with the public interest; and
   3. Consistent with the purposes of this Code.

B. Administrative Exceptions shall comply with all other provisions of this Code not specifically relieved by the Administrative Exception. Administrative Exceptions expressly permitted in this section may be approved only if meeting the criteria provided in **Section 3.14.030. Approval Criteria**.

C. The Director or the Building Official is responsible for final action on Administrative Exceptions.

D. An appeal of an Administrative Exception may be made to the Zoning Board of Adjustment in accordance with the rules and authority granted thereto.

3.14.020. Authority

A. The Director or Building Official shall have the authority to determine whether the language or a particular development standard in this Code is incorrect, unclear, or otherwise in error and authorize an adjustment or interpretation to correct such error as necessary.

B. The Director or Building Official shall have the authority to consider and authorize an adjustment up to 10% of any numerical standard set forth in this Code, with the following exceptions:
   1. A request for an increase in the number of units permitted on a lot or parcel does not qualify for an Administrative Exception.
   2. Any numerical standard set forth in this Code that has been previously adjusted by way of a City board or commission, Special Exception, Special Use Permit, or other similar process may not be eligible for an Administrative Exception. Accordingly, any adjustment made in conformance with this section may not be allowed further adjustment by any other process allowed in this Code.
   3. Any consideration of a numerical adjustment greater than 10% shall require a request for a variance, per the terms of **Section 3.13. Zoning Variance and Special Exception**.

C. The Director or Building Official shall have authority to consider alternative design plan(s) or other uses or requirements for the following situations:
   1. Courthouse view overlay height exception (per **Section 3.27**).
   2. Alternative residential boundary wall (per **Section 9.06.060**).
   3. Alternative building design plan (per **Section 8.04.070**).

4. Alternative landscape standards (per **Section 9.04.040**).
5. Alternative parking plan (per **Section 11.04.010**).
6. Alternative sign plan (per **Section 12.01.080**).
7. Alternative fences (per **Section 9.06.080**).
8. Change of use (per **Section 16.02.030**).
9. Expansion of nonconforming uses (per **Section 16.02.050**).
10. Postponement of required improvements (per **Section 16.05.070**).
11. Heritage Tree or Protected Tree Preservation Priority (per Section **10.02.020**).

3.14.030. Approval Criteria

To approve an application for an Administrative Exception, the Director or Building Official must determine that the following criteria are met:

A. That granting the Administrative Exception serves an obvious and needed purpose.

B. That granting the Administrative Exception will ensure an equal or better level of design or land use compatibility than the otherwise applicable standards.

C. That granting the Administrative Exception will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development.

D. That granting the Administrative Exception will be consistent with the purposes and intent of this Unified Development Code.

3.14.040. Expiration of Administrative Exception

The Administrative Exception shall expire if the companion application expires, according to the specified expiration in this chapter. If the Administrative Exception is a stand-alone application, the approval will expire in 24 months if the exception is not utilized in a manner consistent with the approval.

Section 3.15. Subdivision of Land

3.15.010. Plat Required

A. Pursuant to the authority granted in Texas Local Government Code Chapter 212 and the City Charter, prior to the subdivision, resubdivision, assembly, or development of any land within the City or its extraterritorial jurisdiction, a subdivision plat and, where public improvements are proposed, construction plans must be approved in accordance with this Chapter. Exemptions to these situations are found in **Section 3.15.020. Exemptions from Required Plat**.

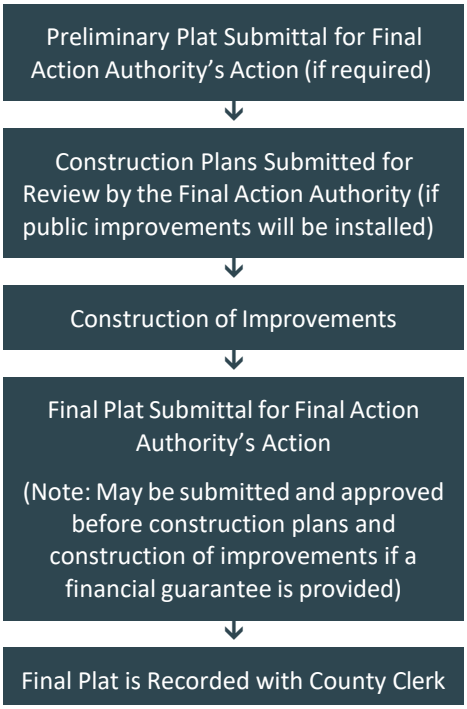
B. The owner of a tract of land located within the city limits or the extraterritorial jurisdiction who divides the tract into two or more parts to lay out a subdivision of the tract or to lay out streets, parks, or other parts of the tract intended by the owner to be dedicated to public use shall submit a plat of the subdivision in accordance with this chapter.

C. A division of a tract under this section includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, by using a condominium plat and declaration of condominium, or in a contract for a deed, by using a contract for sale or other executory contract to convey or by using any other method.

D. No Site Development Plan, Stormwater Permit, Building Permit, Certificate of Occupancy, or utility services may be approved or issued for the construction or development of any parcel or tract of land unless such property is in conformity with the provisions of this Code.

E. The division of any lot or any parcel of land by the use of metes and bounds description for the purpose of development is prohibited.

Figure 3.15.010-3.15.01-1. Subdivision Summary



3.15.020. Exemptions from Required Plat

The following situations shall not require review by the City under the subdivision provisions but may require a Certification Regarding Compliance with Plat Requirements per **Section 3.15.030. Certification regarding Compliance with Plat Requirements**. Williamson County may still require subdivision approval under its regulations for subdivisions located in the City's ETJ.

A. Previously Established or Large Tracts

1. Land constituting a single tract, lot, site, or parcel for which a legal deed of record describing the boundary of said tract, lot, site, or parcel was filed of record in the deed records of Williamson County, Texas, on or before May 10, 1977, provided that such parcel or tract of land has not thereafter been subdivided into two or more parcels or tracts of land.

2. A division of land into parts greater than 5 acres, where each part has at least 25 feet of frontage on a public street and no public improvement, including right-of-way, easement, or physical improvement of any kind intended for public use, is proposed.

B. Specific Situations Not Requiring a Plat

1. A division of land created by order of a court of competent jurisdiction, including the probate of an estate provided, however, that prior to construction of improvements, a plat may be required in accordance with this chapter.
2. Construction of additions or alterations to an existing building where no public utility extension or public improvement is required to meet the standards of this Code for such building addition or alterations.
3. Operation of existing cemeteries complying with all state and local laws and regulations.
4. Acquisition of land by the City, county, or state for public improvements, as defined in this Code, by dedication, condemnation, or easement.

3.15.030. Certification regarding Compliance with Plat Requirements

An application for certification of compliance with the platting requirements of this chapter may be submitted for an existing tract of land or proposed division of land within the City's jurisdiction, but shall be required for tracts of land created via the exemptions outlined in **Section 3.15.020.A** above. In compliance with Local Government Code § 212.0115, the Director, or their designee, shall provide written determination of the following:

A. Whether a plat is required under this chapter for the tract of land or the proposed division of land or whether an exemption to platting under **Section 3.15.020. Exemptions from Required Plat** applies; and
B. If a plat is required, whether a plat has been reviewed and approved by the applicable approving body.

3.15.040. Plat Types

The following table summarizes the types of plats required by this Code as well as their corresponding process. Also see the Summary of Review Authority table in **Section 2.01.020** of this Code for the decision-making authority for each plat type. When a proposed division is subject to more than one description within a plat type, the more restrictive process is applicable.

Table 3.15.040-1. Plat Summary

Plat Type		Description	Public Hearing	Expiration
Preliminary Plat		Required when the extension of public infrastructure, including public utilities and roadways, is required or proposed	No	24 months from approval date unless Final Plat recorded within that time. Phased Preliminary Plats expire 24 months from date last Final Plat recorded.
		Preliminary Plat that includes existing platted property	See Replat	
		Amendment to approved Preliminary Plat	No	Maintains expiration date of original Preliminary Plat being amended
Recording Plats	Final Plat	Final Plat of approved Preliminary Plat	No	Must be recorded within 24 months from approval date
		Plat with more than 4 lots, but with no required or proposed public infrastructure	No	

Plat Type		Description	Public Hearing	Expiration
		Combined Preliminary and Final Plat is available when plat that could qualify as Minor Plat requires land or utility dedication	No	
		Final Plat that proposes qualified Minor Deviations from the approved Preliminary Plat	No	
		Final Plat that proposes qualified Major Deviations from the approved Preliminary Plat	No	
		Final Plat processed concurrently with Subdivision Waiver	No	
	Minor Plat	Plat involving 4 or fewer lots that does not require or propose public infrastructure or land or utility dedication	No	Must be recorded within 24 months from approval date
		Minor Plat processed concurrently with Subdivision Waiver	No	
	Replat	A resubdivision of all or part of an existing plat, involving more than 4 lots	Yes	Must be recorded within 24 months from approval date
		A resubdivision of all or part of an existing plat, involving 4 lots or less (non-residential)	No	
		A Replat involving property that is or has been subject to single or two-family restrictions or zoning within last 5 years	Yes	
		A Replat that is processed concurrently with a Subdivision Waiver	No	
	Amending Plat	Plat meeting the standard qualifications of Amending Plat (i.e. corrections to previous plat, moving lot line, etc.)	No	Must be recorded within 24 months from approval date

3.15.050. Submission Requirements

The applicant shall submit the information required in the UDC Development Manual as specified in the corresponding plat application checklist. A plat application is considered filed for the purposes of Texas Local Government Code § 212.004(f) on the date the applicant submits the plat, along with a completed plat application

and the application fees and all required documentation prescribed by or under this UDC and Texas Local Government Code Chapter 212, subject to **Section 3.02.040. Determination of Application Completeness** within this Code. The final copy of Preliminary and Recording Plats shall be prepared and submitted by the applicant in conformance with the UDC Development Manual.

3.15.060. Staff Review

A. The Director may establish procedures for administrative review of plat applications necessary to ensure compliance with this Code and state law.

B. The Director may assign staff to review the plat application and make a report to the Director.

C. Once the Director determines the application has been filed, the Director shall either approve, conditionally approve, or disapprove the application.

D. If an application is disapproved or conditionally approved, the Director shall provide the applicant with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

3.15.070. Preliminary Plats

A. Applicability

1. Approval of a Preliminary Plat, showing the proposed layout of the subdivision, shall be required before approval of any division of land or platting activity that requires or proposes the extension of public infrastructure, including, but not limited to, public utilities and roadways.

2. Any Preliminary Plat that includes the further subdivision of all or part of a recorded plat that has not otherwise been vacated, must also follow the procedures set forth for Replats as outlined in **Subsection 3.15.070.D** below.

B. Unlawful to Record Preliminary Plat

It shall be unlawful to cause any Preliminary Plat of land within the city limits or extraterritorial jurisdiction of Georgetown to be recorded with the County Clerk except as otherwise established for a combined Preliminary and Final Plat.

C. Approval Criteria

1. No Preliminary Plat shall be approved without a determination that the plat conforms to the following:

a. The Plat meets or exceeds the requirements of this Code and any applicable local or state laws.

b. The Plat is consistent with the City's Comprehensive Plan and any other adopted plans as they relate to:

(i) The City's streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(ii) The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.

c. Any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002 or § 212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe orderly, and healthful development of the City.

d. The tract of land subject to the application is adequately served by public improvements and infrastructure or will be adequately served upon completion by the applicant of required improvements.

2. Phasing Plan

In lieu of recording the entirety of a proposed division of a property at one time, and therefore constructing all public improvements required by the division at once, an applicant may propose a plan for phasing the subdivision as follows:

a. The Phasing Plan shall indicate the boundaries and order of final platting and construction of associated improvements.

b. Phasing Plans shall not propose more than 10 phases. The Director may approve phasing in excess of this number if the applicant can provide justification for such. The number of phases herein is exclusive of any increase in phases due to the splitting of phases as allowed per **Subsection 3.15.080.B.1.c** below.

c. Each proposed phase of a Phasing Plan for a single-family residential development shall include at least four lots, except that lots shown on a Phasing Plan for nonresidential uses, such as lots for parkland, neighborhood amenity centers, or commercial out lots, or any similar uses as determined by the Director, may be shown as a single lot phase.

d. The proposed order of phasing shall follow a logical progression and, in the event subsequent phases are not built, meet the minimum requirements of this Code, including, but not limited to, public infrastructure, parkland dedication, connectivity, and dedication of adjacent street rights-of-way.

e. Changes to a Phasing Plan shall meet the requirements of this section and follow the procedures for such as permitted in **Subsection 3.15.070.F** and **Subsection 3.15.080.B.1.c** below.

D. Responsibility for Final Action

1. Final Action Authority, according to **Table 2.01.020-1. Summary of Review Authority**, shall consider the Preliminary Plat application, the Director's report, state law, and compliance with this Unified Development Code, and take final action.

2. The Final Action Authority shall either:

a. Approve the Preliminary Plat;

b. Conditionally approve the Preliminary Plat; or

c. Disapprove the Preliminary Plat.

E. Expiration of Preliminary Plat

1. A Preliminary Plat that is proposed to be developed in a single phase shall become null and void 24 months after its approval unless a Final Plat is recorded for the entire area included in the Preliminary Plat within that time.

2. A Preliminary Plat that includes an approved Phasing Plan shall become null and void 24 months after its approval unless a Final Plat for the first phase is recorded within that time. The recording of a Final Plat for the first phase of the project shall extend the expiration date for the remaining portion of the original Preliminary Plat for a period of 24 months after the date of recordation of the Final Plat. Recordation of each subsequent Final Plat within 24 months of the date of recordation of the preceding Final Plat shall extend the expiration date for the portion of the original Preliminary Plat for which no Final Plats have been approved for an additional 24 months from the date of recordation of such Final Plat.

a. Each 24-month extension period for the expiration of the original Preliminary Plat runs from the date of the latest Final Plat recordation. Extension periods are not cumulative.

b. If a Final Plat is not recorded during the 24-month extension period, the approval of the original portion of the Preliminary Plat that has not been recorded, together with any unrecorded Final Plat applications or Construction Plans, lapses.

F. Changes to Approved Preliminary Plats

Changes to an approved Preliminary Plat that do not otherwise qualify as a deviation to the approved Preliminary Plat as defined in **Subsection 3.15.080.B.1.c** below, shall be processed as either an amendment to the original Preliminary Plat or as a new Preliminary Plat application as follows:

1. Changes to a Preliminary Plat may be processed as an amendment to the original Preliminary Plat if:
   a. The proposed amendment does not alter the purpose and intent of the original Preliminary Plat (i.e., commercial subdivision, single-family residential large lot subdivision);
   b. The general design and layout of the original Preliminary Plat is maintained;
   c. The proposed development density does not substantially increase or decrease; and
   d. The amendment does not propose the removal or addition of an arterial-level roadway.
2. The Director shall review the proposed changes, including any changes to the Phasing Plan, in the same manner prescribed for the original Preliminary Plat approval.
3. The Final Action Authority shall consider and take final action on an amendment to a Preliminary Plat in the same manner prescribed for the original Preliminary Plat approval.
4. Approval of a Preliminary Plat amendment shall not cause the expiration date established with the original Preliminary Plat approval to be extended.
5. The development regulations in effect for the original Preliminary Plat approval shall be applicable to the Preliminary Plat amendments.
6. All other changes to an approved Preliminary Plat that do not meet the provisions of this section, as determined by the Director, shall require submittal and approval of a new Preliminary Plat application (including new fees, new review process, new approval dates, etc.).

3.15.080. Recording Plats

Recording Plats are those Subdivision Plats that are to be a document of legal record and include Final Plats, Minor Plats, Replats, and Amending Plats.

A. Approval of Recording Plats

Recording plats shall be processed in accordance with **3.03.050.C. Administrative Final Action**. Final Action Authority shall be as noted in **Table 2.01.020-1. Summary of Review Authority**.

B. Final Plats

1. Applicability

Final Plats are technically complete, recordable versions of an already approved Preliminary Plat. Except as otherwise noted within this section, no Final Plat may be considered or approved unless the Preliminary Plat for the same land has been approved and has not expired and the Final Plat is consistent with such Preliminary Plat or revision thereof. The Final Plat must incorporate all changes from the Preliminary Plat that were considered and approved by the Planning and Zoning Commission or the Director. Final Plat review is used to ensure that a final recorded plat application includes final engineering diagrams and descriptions that conform to the Preliminary Plat and the "as-built" infrastructure on the site. Exceptions to these requirements are allowed as follows:

   a. No Public Infrastructure Proposed. A Final Plat may be approved without approval of a Preliminary Plat for the same project if the division of land would otherwise qualify as a Minor Plat but proposes more than four lots. A Final Plat under this provision may not include the dedication of land or require or

propose the extension of any public infrastructure, including, but not limited to, public utilities or roadways.

b. Combined Preliminary and Final Plat Option.

(i) Any division of land or platting activity that requires any of the following, but would otherwise meet the definition of a Minor Plat, may be processed as a combined Preliminary and Final Plat, subject to the criteria of this section and **Section 3.15.070. Preliminary Plats**.

(a) Any utility dedication; or

(b) Any dedication of land.

(ii) The Director shall have the authority to determine if a plat meets the criteria to be processed as a combined Preliminary and Final Plat.

c. Deviations from the Approved Preliminary Plat.

(i) Minor Deviations. During review of the Final Plat, the Director may consider and approve minor deviations from what was proposed on the approved Preliminary Plat. Deviations that affect another proposed phase of the Preliminary Plat or that affect property off-site of the Preliminary Plat or any deviations that increase the density of development shall not be considered minor. The deviations shall meet any approval criteria applicable to the approved Preliminary Plat. A draft of the proposed changes to the Preliminary Plat shall be provided to the Planning Department as part of the application submission for the Final Plat. Approval by the Director of such Final Plat shall be considered approval of the amendments to the Preliminary Plat and shall cause an updated final copy of the Preliminary Plat to be provided to the Planning Department prior to recordation of the Final Plat. The Director may, at their discretion, choose to send proposed deviations to the Planning and Zoning Commission for their consideration and final action.

The following deviations from the Preliminary Plat may be considered minor:

(a) Adjustments in alley, local, or collector street alignments or widths that do not affect another proposed phase of the Preliminary Plat or adjacent property;

(b) Changes to the lot lines, sizes, or configuration provided that the total number of lots does not increase and the changes do not affect approved infrastructure;

(c) Decreases in the number of lots by up to 10% or one lot, whichever is greater, provided any minimum density requirements continue to be met, if applicable;

(d) The splitting of a proposed phase of the Preliminary Plat into two phases if the separation does not affect access or utilities to a later phase;

(e) The combining of adjacent proposed phases of the Preliminary Plat;

(f) A change in the order of adjacent phases of the Preliminary Plat, provided adequate public infrastructure is available and is maintained for subsequent phases; and

(g) Other similar changes as determined by the Director.

(ii) Major Deviations from the approved Preliminary Plat. The deviations shall meet any approval criteria applicable to the approved Preliminary Plat. A draft of the proposed changes to the Preliminary Plat shall be provided to the Planning Department as part of the application submission for the Final Plat. Approval of such Final Plat shall be considered approval of the amendments to the Preliminary Plat and shall cause an updated final copy of the Preliminary Plat to be provided to the Planning Department prior to recordation of the Final Plat.

The following deviations from the Preliminary Plat are considered major:

(a) Adjustments in arterial roadway alignments or widths that do not affect another proposed phase of the Preliminary Plat or property off-site;

(b) Adjustments to lot lines, sizes, or configurations that do not increase or decrease the total number of lots by more than 10% or one lot, whichever is greater;

(c) Modification to proposed parkland;

(d) Changes in the location of the boundary line of a phase of the Preliminary Plat to include part of another phase, provided no change in the layout of the streets and lots of adjacent phases is required;

(e) Reordering of proposed phases of the preliminary plan, provided adequate public infrastructure is maintained and the reordering does not affect planned infrastructure off-site; and

(f) Other similar changes as determined by the Director.

(iii) All Other Changes. All other changes that affect property off-site of the Preliminary Plat, or otherwise do not fall within the limitations herein, shall not be processed as deviations and shall follow the procedures of **Subsection 3.15.070.F. Changes to Approved Preliminary Plats**.

(iv) Determination. The Director shall determine whether proposed deviations are deemed to be minor or major.

2. Approval Criteria

A Final Plat shall not be considered for final action until the Director has determined the following:

a. The Final Plat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The Final Plat is consistent with an approved Preliminary Plat, except as provided for in **Subsection 3.15.080.B.1. Applicability**.

c. The Final Plat is consistent with any City-approved Construction Plans for any required or agreed improvements.

d. The Final Plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

e. The tract of land subject to the application is adequately served by public improvements and infrastructure, including water and wastewater, or will be adequately served upon completion by the applicant of required improvements.

C. Minor Plats

1. Applicability

a. A Minor Plat is a plat for four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities and not otherwise considered a Replat or Amending Plat.

b. Any plat that requires public improvements per this Code, any utility dedication or any dedication of land shall not be processed as a Minor Plat and shall be processed in accordance with **Section 3.15.070** or **3.15.080.B.1.b**, as applicable.

2. Approval Criteria

A Minor Plat shall not be considered for final action until the Director has determined the following:

a. The Minor Plat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The plat meets or exceeds the requirements of this Code and any applicable state or local laws.

c. The plat is consistent with the City's Comprehensive Plan and any other adopted plans as they relate to:

(i) The City's streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(ii) The extension, improvement, or widening of City roads, taking into account access to and extension of sewer and water mains and the instrumentality of public utilities.

d. The plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly and healthful development of the City.

e. The tract of land subject to the application is adequately served by public improvements and infrastructure.

f. A Subdivision Waiver may be requested as a companion application to the consideration of a Minor Plat, according to the provisions detailed in **Section 3.16. Subdivision Waiver** of this Code. The Subdivision Waiver shall be required to be approved by P&Z.

D. Replats

1. Applicability

A property owner who proposes to further subdivide all or part of a recorded plat, without first vacating that plat, must obtain approval for a Replat as outlined in the procedures prescribed for the resubdivision of land under these regulations and Texas Local Government Code Chapter 212.

2. Approval Criteria

A Replat shall not be considered for final action until the Director has determined the following:

a. The Replat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The plat meets or exceeds the requirements of this Unified Development Code and any applicable state or local laws.

c. The plat is consistent with the City's Comprehensive Plan and any other adopted plans as they relate to:

(i) The City's current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(ii) The extension, improvement, or widening of City roads, taking into account access to and extension of sewer and water mains and the instrumentality of public utilities.

d. The plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002 or § 212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

e. The tract of land subject to the application is adequately served by public improvements and infrastructure.

f. A Subdivision Waiver may be requested as a companion application to the consideration of a Replat, according to the provisions detailed in **Section 3.16. Subdivision Waiver**. The Subdivision Waiver shall be required to be approved by P&Z.

g. A Replat may not amend or remove any covenants or restrictions and is controlling over the preceding plat.

3. Responsibility for Final Action

Final Action Authority shall be as noted in **Table 2.01.020-1. Summary of Review Authority**.

4. Additional Requirements for Certain Replats

Replats containing any area or lot that, during the preceding five (5) years, was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot or in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, require compliance with Texas Local Government Code § 212.015 and shall meet the additional requirements outlined below.

a. Where a variance or exception is required, written notice of the Public Hearing required in Subsection **3.15.080.D.3** above shall be mailed, in accordance with Subsection **3.03.010.D. Mailed Notice**, no less than 15 days prior to the public hearing, to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted.

b. Where a variance or exception is not required, a public meeting is not required and written notice shall be provided no less than 15 days after the date the replat is approved, to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted. Such notice must include the zoning designation of the property after the replat, and a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

c. If the Replat application is accompanied by a Subdivision Waiver application, per **Section 3.16. Subdivision Waiver**, and is legally protested in accordance with this section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Planning and Zoning Commission present at the meeting. For purposes of this section, a protest is legal if it is made in writing and signed by the owners of at least 20% of the area of the lots or land (including streets and alleys) that was subject to the written notification required above and filed with the Commission prior to the close of the public hearing on the Replat.

E. Amending Plats

1. Applicability

An Amending Plat is any plat meeting the definition in Texas Local Government Code § 212.016.

2. Approval Criteria

An Amending Plat shall not be considered for final action until the Director has determined the following:

a. The Amending Plat is acceptable for consideration, meaning the application is complete and the information contained within the application is correct and sufficient to allow adequate consideration and final action.

b. The plat meets the requirements of Texas Local Government Code § 212.016.

c. The plat meets or exceeds the requirements of this Code and any applicable state law.

d. The plat is consistent with the recorded subdivision it is amending.

F. Recordation Requirements for Recording Plats

1. The Recording Plat is the instrument to be recorded in the Office of the County Clerk when all requirements have been met. The plat is ready for recordation only after the following has occurred:
   a. The Director or the Planning and Zoning Commission has approved the plat;
   b. For Final Plats, the Development Engineer has approved the Construction Plans;
   c. For Final Plats, the subdivider has either filed a "financial guarantee of performance" or completed required construction of infrastructure and public improvements;
   d. The Director or the Chair and Secretary of the Planning and Zoning Commission have signed the plat; and
   e. Support documentation, as required by the County Clerk's office for plat recordation, has been provided to the Planning Department, including the filing fees.
2. The subdivider shall be responsible for paying all record filing fees

G. Expiration of Recording Plats

An approved Recording Plat that has not been filed in the appropriate records of Williamson County within 24 months of its approval shall expire and be considered null and void.

H. Vacation of Recorded Plat

In accordance with Texas Local Government Code § 212.013, after a plat has been recorded with the county, the plat or any portion of the plat may be vacated by application of all the owners of property within the original plat in the same manner as would be currently prescribed under this Code for approval of the original plat (i.e., Administrative, Public Hearing required, etc.).

3.15.090. Extension of Approved Subdivision Plats

A. Prior to expiration of an approved Subdivision Plat, including Preliminary Plats and Final Plats, an applicant may request a one-time extension of the Subdivision Plat approval for a period of six months if the Director determines such extension will have no negative impacts on the surrounding area and would not be contrary to the public interest. Approval of an extension for a Final Plat that is subject to the requirement for a Preliminary Plat may only be granted if the approval of the Preliminary Plat for such is also extended, if applicable.

B. The Director shall have the authority to determine if a Subdivision Plat extension meets the criteria for processing and approval.

3.15.100. Construction Plans

A. Applicability

Construction Plans conforming to the City's Construction Specifications and Standards Manual and this Code must be submitted to the Development Engineer for all existing or proposed streets, sidewalks, drainage, and utility improvements, and any other infrastructure or public improvements that are required or proposed to be constructed, reconstructed, improved or modified to serve the development. Where the Final Plat is for property being developed in phases, the required Construction Plans must include the improvements specified in the Preliminary Plat to serve the phase being platted. The Construction Plans are intended to provide detailed engineering drawings for all improvements required to serve the development. The Construction Plans shall be kept as a permanent record of the City.

B. Construction or Financing of Public Improvements

1. After approval of a Preliminary Plat or a Combined Preliminary and Final Plat Option, the subdivider shall notify the Development Engineer as to the construction procedure the subdivider proposes to follow. One of the following procedures shall be used:

   a. The subdivider may file Construction Plans, and, upon approval of the Construction Plans by the Development Engineer, proceed with construction of streets, alleys, sidewalks, and utilities that the subdivider is required to install.

   b. The subdivider may elect to file a "financial guarantee of performance" as provided in **Section 15.09**, in which case the guarantee of performance shall be filed with the City.

2. Upon completion of construction the subdivider shall deliver to the City a two-year Maintenance Bond for guarantee of workmanship and materials as provided in **Section 15.02.040**.

3. The construction documents, when duly signed by the Development Engineer, are authority to proceed with the construction of streets and utilities.

C. Responsibility of Subdivider's Engineer

The professional engineer representing the subdivider is responsible for the accuracy, completeness, and conformance to the City's Construction Specifications and Standards Manual, this Code, and all applicable City standards. The City has no project design or engineering responsibility.

D. Approval Criteria

The purpose of the Development Engineer's review is to ensure conformance to City policies and standards. However, the Development Engineer's review is limited to facts as presented on submitted plans.

1. The Development Engineer shall approve Construction Plans that are submitted and sufficiently show compliance with any City-approved or adopted design or construction criteria manuals or, in the absence of City-approved or adopted design requirements, standard engineering practices.

2. The City reserves the right to require corrections to actual conditions in the field that are found to be contrary to or omitted from submitted plans.

3. The Development Engineer shall not approve Construction Plans that do not adequately represent construction of the approved infrastructure and public improvements included in the approved Preliminary Plat or Final Plat.

4. Construction Plans shall not be approved until an Electric Utility Services Availability Letter, as defined in this Code, has been submitted to the City.

E. Responsibility for Final Action

Final Action Authority shall be as noted in **Section 2.01.020**.

Section 3.16. Subdivision Waiver

3.16.010. Applicability

A waiver of certain subdivision standards of this Code, as provided for within this Code, may be considered concurrently with a Preliminary Plat, Final Plat, Minor Plat, or Replat to address unforeseen circumstances or other difficulties in developing a property under the specific provisions of this Code. A Subdivision Waiver application may be filed without a companion plat application in very limited circumstances if the granting of the waiver would eliminate the requirement of the plat, as determined by the Director.

3.16.020. Initiation

Initiation of the Subdivision Waiver may be made upon submittal of a complete application by a property owner or their designated agent.

3.16.030. Application and Completeness Determination

The applicant shall submit all the information required in the UDC Development Manual. The Director is responsible for determining the completeness of an application submitted, pursuant to **Section 3.02.040. Determination of Application Completeness**.

3.16.040. Staff Review

A. The Director shall review the application, consider applicable criteria for approval, and prepare a report to the Planning and Zoning Commission.

B. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statute.

C. The Director may assign staff to review the application and make a report to the Director.

D. The Director's report may include a recommendation for final action.

3.16.050. Planning and Zoning Final Action

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the Commission shall hold a public hearing in accordance with its rules and state law and consider the Subdivision Waiver, Director's report, state law, and compliance with this Code, and take final action. Approval of a Subdivision Waiver shall require a super-majority vote of the members present. Any approved Subdivision Waiver shall be noted on all corresponding plats, if applicable.

3.16.060. Approval Criteria

A Subdivision Waiver may be approved, conditionally approved, or disapproved. At least four of the following factors are required for approval:

A. That the granting of the waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area or to the City in administering this Code.

B. That the granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Code.

C. That the conditions that create the need for the waiver do not generally apply to other property in the vicinity.

D. That application of a provision of this Code will render subdivision of the land impossible.

E. Where the literal enforcement of these regulations would result in an unnecessary hardship.

3.16.070. Expiration of Subdivision Waiver

The Subdivision Waiver shall expire if the corresponding plat expires, according to the timing specified in **Section 3.15. Subdivision of Land**.

Section 3.17. Site Development Plan

3.17.010. Applicability

A. An approved, valid Site Development Plan is required prior to the construction, expansion, or removal of any improvements to a property, as defined in **Section 18.02** of this Code and including driveways, sidewalks, drainage structures, and utility improvements, within the City's limits, except as follows:

1. Single-family and Two-family structures, including related accessory structures and fences on individually platted lots; and
2. Agricultural buildings for the purposes of farming, ranching, or sheltering of animals.
3. Improvements covered by a Temporary Use Permit that do not add impervious cover.

B. All improvements reflected on approved Site Development Plans must be constructed at the time of development. All terms and conditions of Site Development Plan approval must be met at the time of development.

C. The Site Development Plan may not be approved unless the lot on which the improvements are proposed is legally platted or the subject tract is determined to be exempt from the platting requirements of **Section 3.15. Subdivision of Land**.

D. Where Site Development Plan approval is required, no Building Permit approval shall be issued and no site construction shall be allowed until such property has received final Site Development Plan approval and is in conformity with the provision of this Code except through a Stormwater Permit. A Stormwater Permit, processed and reviewed with the Site Development Plan, may be considered by the Development Engineer for vegetation clearing and site grading. Such a permit may be issued at the discretion of the Development Engineer for specific activities such as understory removal and rough grading, and shall not include removal of protected trees, utility work, paving, or foundation. The Development Engineer may revoke the permit and issue a stop-work order if non-compliant.

E. The provisions of this section relating to Site Development Plans are adopted in accordance with the Texas Local Government Code Chapter 211 and the City Charter.

3.17.020. Review Process

Review of a Site Development Plan shall follow the procedures set forth in **Section 3.03.050. Administrative Review Process** for administrative review and shall be processed as follows:

A. Application Completeness

1. The applicant shall submit all of the information required in the UDC Development Manual as specified on the Site Development Plan application checklist.
2. The Director shall determine that a complete application has been submitted with all material necessary to review the Site Development Plan's conformance with applicable criteria for approval.

B. Staff Review

1. The Director shall review the application, consider any applicable criteria for approval, and notify the applicant of any necessary corrections.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statutes.
3. The Director may assign staff to review the application.

C. Responsibility for Final Action

Final Action Authority shall be as noted in **Section 2.01.020** of this Code.

3.17.030. Criteria for Approval

A Site Development Plan shall be approved if it is in compliance with the following criteria:

A. A complete application and fee have been submitted.

B. The application and content of the application are consistent with the provisions of this Unified Development Code, the Comprehensive Plan, and any other applicable City regulations.

C. The application and content of the application are consistent with the UDC Development Manual, City's Construction Specifications and Standards Manual, this Code, and any written interpretations of this Code.

D. Site Development Plans may not be approved on any parcel of land not otherwise in conformance with **Section 3.15** of this chapter.

E. Compliance with any approved plat, Development Agreement, or other agreement or ordinance governing the parcel of land to which the Site Development Plan is related.

F. Compliance with any additional Site Development Plan approval criteria required for Overlay Districts or any Site Development Plan approval criteria adopted as part of a special area plan.

G. Prior to final approval of any plan within the city limits, the applicant must certify to the Drainage Engineer that all City Drainage Manual requirements for a Stormwater Permit are met by the Site Development Plan. Approval of the Site Development Plan constitutes approval of the Stormwater Permit.

H. The Site Development Plan shall conform to standard engineering practices and must be sealed by a professional engineer licensed in the State of Texas, except as otherwise provided for in this section.

I. The materials, embedment, and testing of all private main utility lines 6 inches and above in diameter shall meet the requirements of the City's Construction Specifications and Standards Manual and/or the approved City Building Codes.

J. An Electric Utility Services Availability Letter, as defined in this Code, has been submitted to the City.

3.17.040. Components of a Site Development Plan

All Site Development Plans shall include the following components demonstrating compliance with the provisions of this Code and the UDC Development Manual, unless otherwise provided for within this section:

A. Cover Sheet;

B. Dimensional Site Plan;

C. Architectural Plan;

D. Lighting Plan;

E. Landscape Plan;

F. Tree Preservation Plan;

G. Utility Plan;

H. Grading Plan; and

I. Drainage Plan.

3.17.050. Site Development Plan Area of Development

A Site Development Plan shall include the entire area within the legal boundaries of the tract for which it is proposed; however, the area included in a Site Development Plan may be reduced to reflect the actual area of development (i.e., the portion of the tract that is planned to experience construction, expansion, or removal of any improvements to a property) in the situations listed below. The new artificial boundary shall be the same used for all components of the Site Development Plan and shall be scaled such that all requirements applicable to the Site Development Plan can be met within that boundary.

A. The area of development is part of a much larger tract whereby the area encompasses less than 50% of the total tract;

B. The proposed improvements are part of a larger campus where the areas are designed to function relatively independent of each other;

C. The excluded area is to remain undeveloped and in its natural state;

D. The improvements are proposed to be added to an existing site, provided:

   1. No improvements are proposed to the excluded area;

   2. Review of the excluded area is not necessary for review of the area of development;

   3. The improvements proposed within the area of development are not dependent on improvements located within the excluded area; and

   4. No retrofitting of existing site improvements is required pursuant to the provisions applicable to the expansion of a nonconforming structure or site in **Chapter 16**; and

E. Other similar circumstances, as determined by the Director.

3.17.060. Site Development Plan Phasing

When development is proposed for a larger site with multiple buildings, an applicant may choose to partition the site and construct the improvements in a series of phases as follows:

A. The Site Development Plan submittal shall include a Phasing Plan indicating the boundaries of each phase and the order of construction of associated site improvements.

B. No Phasing Plan shall propose more than five phases or exceed a period of 10 years. The Director may approve phasing in excess of this number if the applicant can provide justification for such.

C. The proposed order of phasing shall follow a logical progression and, in the event subsequent phases are not built, must meet the minimum requirements of this Code including, but not limited to, parking, landscaping, tree mitigation, fire access, and stormwater management.

D. Changes to a Phasing Plan shall meet the requirements of this section and follow the procedures established for revisions of Site Development Plans.

3.17.070. Minor Site Development Plan

Where the scope of required or proposed site improvements is limited, as herein defined, a Minor Site Development Plan review process may be utilized subject to the provisions below.

A. Determination of Minor Site Development Plan Review

   1. A Minor Site Development Plan submittal may be considered when the extent, type, or size of the site improvements is such that review of all standard Site Development Plan components, as identified in **Section 3.17.040. Components of a Site Development Plan**, is not necessary, as determined by the Director. Typical

situations qualifying for Minor Site Development Plan review may include, but not be limited to, improvements required by **Chapter 16** due to a change in use, a small addition to a building over existing impervious coverage, installing parking lot striping on an existing parking lot, replacement of a site's landscaping, or where only one component of a Site Development Plan, as outlined in **Section 3.17.040. Components of a Site Development Plan**, is required.

2. A Minor Site Development Plan review shall not be utilized when:
   a. Site improvements are proposed to a property where no development has otherwise occurred, except in unique situations as determined by the Director;
   b. The proposed project requires preparation of a Traffic Impact Analysis (TIA);
   c. The proposed project requires preparation of a stormwater drainage study, although some drainage information may be reviewed as part of a Minor Site Plan;
   d. A new building(s) in excess of 1,000 square feet is proposed;
   e. A building addition that increases impervious coverage is proposed in excess of 1,000 square feet or 20% of the existing building's square footage, whichever is less;
   f. The intended project requires or proposes more than six parking spaces; or
   g. Similar situations are proposed as determined by the Director.

B. Components of a Minor Site Development Plan

The components required with a Minor Site Development Plan application shall be those determined by the Director to be applicable to the particular situation and necessary to verify the conformance of the proposed site improvements with the provisions of this Code. The Director may determine an engineer is not required to prepare the plans under the Minor Site Development Plan provisions if the proposed improvements do not warrant such.

3.17.080. Revisions to Approved Site Development Plans

Any modifications to an approved Site Development Plan must be resubmitted to the Director for consideration as follows:

A. Modifications to an approved Site Development Plan that do not substantially change the design or nature of the original Site Development Plan and have no significant adverse impact upon neighboring properties, the public, or persons who will occupy or use the proposed development may be processed as one of the following based upon the scope and impact of the change:
   1. A Record Change/Record Drawing; or,
   2. A Minor Revision to a Site Development Plan; or,
   3. A Site Development Plan Amendment.

   An application for modification of a Site Development Plan following the requirements of the UDC Development Manual shall be submitted to the Planning Department identifying the requested revisions and/or modifications.

B. The Director shall publish requirements within the Development Manual for all modifications to approved plans.

C. All other revisions or modifications to an existing Site Development Plan that do not meet the provisions of Subsections **A** or **B** above shall be processed as a new Site Development Plan application.

D. Approval of a new Site Development Plan or Site Development Plan Amendment application shall void the previously approved Site Development Plan. A Minor Revision to a Site Development Plan, or a Record Change/Record Drawing shall directly update and be applied to the original Site Development Plan.

3.17.090. Expiration

A. A Site Development Plan shall expire 24 months after the date that the Site Development Plan was approved, unless:

1. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy has been issued.
2. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 24 months from the date Site Development Plan approval is granted. Each subsequent application must be approved within 24 months from the date of issuance of a Certificate of Occupancy, conditional or otherwise, by the Building Official for the previous phase of the development.
3. Except as provided for within this section, a lapse of a period greater than those set forth above causes the related approvals or permits to expire and be of no further force and effect. Any further action shall require a new application and approval.

B. Site Development Plan Extension

Prior to expiration of an approved Site Development Plan, an applicant may request a one-time extension of the Site Development Plan approval for a period of 24 months if the Director determines such extension will have no negative impacts on the surrounding area and would not be contrary to the public interest. A request for Site Development Plan extension shall follow the procedures set forth for such in the UDC Development Manual.

C. Site Development Plan Reinstatement

In the event a Site Development Plan approval expires, an applicant may seek a one-time reinstatement of the approved Site Development Plan, without modification, subject to the provisions below. Such reinstatement may be granted by the Director for a period not to exceed 24 months. A request for Site Development Plan reinstatement shall follow the procedures set forth for such in the UDC Development Manual.

1. The reinstatement must be requested within 24 months of the expiration date of the approved Site Development Plan.
2. The regulations applicable to the project per the Code currently in effect may not be determined to be significantly different from those applied to the original approval of the Site Development Plan, such that a new application for the same plan would be substantially the same.
3. The circumstances of the adjacent properties, roadways, and subject property shall have remained the same, so as to not change the requirements applicable to the property. Such circumstances could include, but not be limited to, a change of zoning in the subject or adjacent properties, a change in the boundary of the subject property, a change in classification of the adjacent roadway, or neighboring construction affecting landscape buffers.

D. The Director shall have the authority to determine if a Site Development Plan Extension or Reinstatement meets the criteria for processing and approval.

Section 3.18. Development Agreement

3.18.010. Applicability

A. An application for a Development Agreement pursuant to Section 212.172 of the Texas Local Government Code seeking to modify or delay certain requirements of this Code (including any manuals adopted by reference by this Code) and/or any other provisions of the City Code of Ordinances in order to present an alternative plan for

development that could not otherwise be accomplished under this Code or the Code of Ordinances may be filed in accordance with the terms and conditions of this section.

B. This section shall apply to any new agreement and any amendments thereto, as well as to any amendments to an existing Development Agreement.

3.18.020. Review Process

A. Initiation

Initiation of a Development Agreement or an amendment may be made upon:

1. Application of a property owner or their authorized agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning and Zoning Commission or appropriate board or commission; or
4. Recommendation of the Director.

B. Application and Completeness Determination

1. Applications shall be reviewed by The Director who will route the application to City staff as needed to determine completeness.
2. City staff shall determine completeness of the application no more than 15 working days following submittal of the application. At that time, City staff shall also assign staff hourly rates, a payment schedule, and determine if the application is consistent with City policies and advances a legitimate City interest; otherwise, the application may be rejected based on such criteria.

C. Staff Review

1. The Director shall review the application, consider the approval criteria, and assign a project manager to lead the review and prepare a report to the Planning and Zoning Commission and/or appropriate board or commission and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statute.
3. The project manager's report may include a recommendation for final action.

D. Public Notice

Public notice, in the form of mailed, published, and posted notice, shall be required per the notice provisions of this Code, unless the agreement or amendment thereto is determined by the Director to be minor, inconsequential, or otherwise unnecessary for public notice and public hearings. If notice is required, the Director shall determine the location and the extent of the notice based on the type and effect of the proposed amendment.

E. Board or Commission Review

The Planning and Zoning Commission or other appropriate board or commission shall hold a public hearing, unless determined unnecessary by the Director, and make a recommendation to the City Council.

F. City Council Final Action

1. The City Council shall hold a public hearing, unless determined unnecessary by the Director, and may take final action on the proposed Development Agreement or amendment.
2. The Development Agreement or amendment shall become effective in the manner provided by the City Charter or state law.

3. All outstanding application, staff, and legal fees must be paid in full to the City prior to the adoption of the agreement or amendment.

3.18.030. Approval Criteria

In determining whether to approve, approve with modifications, or disapprove a proposed Development Agreement or amendment, the City Council shall consider the following matters:

A. The proposed agreement promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.

B. The proposed agreement is consistent with the Comprehensive Plan.

Section 3.19. Master Sign Plan

3.19.010. Applicability

A Master Sign Plan shall be required for all multiple-tenant buildings, Planned Unit Developments, and all multi-building or multi-occupant commercial developments before any signs for such development may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved Master Sign Plan.

3.19.020. Review Process

A. Review of a Master Sign Plan shall follow the procedure set forth in **Section 3.03.050. Administrative Review Process**, save and except a Master Sign Plan for property located in a Historic Overlay District.

B. Review of a Master Sign Plan for property in Historic Overlay District shall follow the procedure set forth in **Section 5.11. Certificate of Appropriateness**.

3.19.030. Criteria for Approval

In addition to the general review criteria in **Section 3.03.050.D. Criteria for Approval—Generally** or **Section 5.11. Certificate of Appropriateness** for property in a Historic Overlay District, , the Building Official or Historic Preservation Officer, as applicable, shall determine the following in order to approve the Master Sign Plan:

A. The plan provides that signs of a similar type and function within the development will have a consistent building material;

B. The plan provides for signs that meet the size limitations, location requirements, and other applicable requirements of this Unified Development Code; and

C. Plans for property located in Historic Overlay District shall be in keeping with the adopted Historic District Design Guidelines.

3.19.040. Responsibility for Final Action

A. The Building Official is responsible for final action on Master Sign Plans, save and except Master Sign Plans for property located in Historic Overlay District.

B. The Historic Preservation Officer is responsible for final action on Master Sign Plans for property located in a Historic Overlay District.

C. A Sign Permit for all signs in the Master Sign Plan shall also be required in accordance with **Section 3.20. Sign Permit**.

3.19.050. Expiration

A Master Sign Plan shall expire 24 months after the date that the Master Sign Plan was approved unless:

A. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy or equivalent has been issued.

B. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 12 months from the date Site Development Plan approval is granted. Each subsequent application must be submitted within 24 months from the date of issuance of a Certificate of Occupancy by the Building Official for the previous phase of the development.

Section 3.20. Sign Permit

3.20.010. Applicability

No sign may hereafter be erected, moved, added to, or structurally altered within the City or the extraterritorial jurisdiction without a permit issued by the Building Official in conformity with the provisions of this section. No Building Permit issued under the provisions of this Code for signs shall be considered valid unless signed by the Building Official. The provisions of this section relating to Sign Permits are adopted pursuant to Texas Local Government Code Chapters 211, 214, 216, and the City Charter.

3.20.020. Review Process

Review of a Sign Permit shall follow the procedures set forth in **Section 3.03.050. Administrative Review Process**.

3.20.030. Criteria for Approval

In addition to the general criteria for approval of administrative procedures in **Subsection 3.03.050.D. Criteria for Approval—Generally**, the Building Official shall base the final action on the following criteria:

A. Whether the intended sign conforms in all respects with all applicable regulations and standards of this Unified Development Code and any applicable construction or safety standards of the City's adopted Building Code.

B. If the subject property has a Master Sign Plan, Development Agreement, or ordinance governing it, whether the plans, specifications, and intended use of such building or structures or part thereof conform in all respects to the Development Agreement or ordinance.

3.20.040. Responsibility for Final Action

A. Final Action Authority shall be as noted in **Table 2.01.020-1. Summary of Review Authority**.

B. Appeals of Building Official actions regarding sign-related Building Permits are considered by the Zoning Board of Adjustment and must follow the standard appeal of an administrative decision procedure described in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

3.20.050. Expiration

A Sign Permit shall expire six months after issuance if the sign is not constructed in a manner consistent with the permit.

Section 3.21. Stormwater Permit

3.21.010. Applicability

To ensure conformance to the stormwater management provisions of this Code, a Stormwater Permit is required prior to any land disturbance, as defined in **Section 18.02**, except for a single or two-family structure on a legal lot 1 acre or greater in the City's extraterritorial jurisdiction (ETJ). Approval of a Site Development Plan or Subdivision Construction Plans constitutes approval of a Stormwater Permit. The provisions of this section related to Stormwater Permitting are adopted pursuant to the authority conferred by the U.S. Environmental Protection Agency, the Texas Commission on Environmental Quality, the Texas Local Government Code Chapters 211 and 212, and the City Charter.

3.21.020. Review Process

Review of a Stormwater Permit shall follow the procedure set forth in **Section 3.03.050. Administrative Review Process**.

3.21.030. Criteria for Approval

A. The applicant must ensure that the application for a Stormwater Permit is prepared or reviewed, approved, and sealed by a professional engineer licensed in the State of Texas prior to submission to the City, and that the application meets the requirements of the UDC Development Manual.

B. Stormwater Permit will be issued after the Development Engineer has determined that the development meets the stormwater and pollution management requirements of **Chapter 13**.

C. A Stormwater Permit is conditional upon all applicable related permits required from the Texas Commission on Environmental Quality, the U.S. Environmental Protection Agency, or any other state or federal agency being issued by that agency.

D. A grading permit, processed and reviewed as a Stormwater Permit, may be considered by the Development Engineer for vegetation clearing, and site grading. Such a permit may be issued at the discretion of the Development Engineer for specific activities such as understory removal and rough grading, and shall not include removal of protected trees, utility work, paving, or foundation. The Development Engineer may revoke the permit and issue a stop-work order if non-compliant.

E. A Stormwater Permit shall not be issued until an Electric Utility Services Availability Letter, as defined in this Code, has been submitted to the City.

3.21.040. Responsibility for Final Action

Final Action Authority shall be as noted in **Section 2.01.020** of this Code.

3.21.050. Expiration

A Stormwater Permit shall expire 24 months after the date that the permit was issued if the improvements identified in the permit are not constructed.

Section 3.22. Driveway Access Permit

3.22.010. Purpose

The purpose of a Driveway Access Permit is to determine the safety, mobility, and operational impacts that a proposed access connection will have on the roadway system.

3.22.020. Applicability

Driveway Permits are required for the following:

A. New driveway locations on roadways within the jurisdictional limits of the City.

B. Existing driveways on roadways within the jurisdictional limits of the City for those developments that represent a change in property usage or zoning.

C. For the purposes of this section, the jurisdictional limits of the City shall include properties within the municipal limits of the City as well as the extraterritorial jurisdiction (ETJ).

D. The alteration of a public street curb or drainage facility, if not associated with an approved Construction Plan or Building Permit. Such request shall comply with Chapter 12.08, Street Excavations, of the Georgetown Municipal Code.

3.22.030. Review Process

Review of a Driveway Access Permit shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

3.22.040. Criteria for Approval

The Development Engineer will make a determination to approve the permit or that the proposed location of the driveway will have an adverse effect on public safety. In making this determination, the following will be evaluated:

A. Existing driveways;

B. Land use (including but not limited to the intensity of development and trip attraction/generation potential, mix of vehicles, and turning movements);

C. Function of public street (including, but not limited to, the number of lanes, medians, median openings, vertical and horizontal curvature, sight distance, operating speeds, traffic volumes, entrance/exit ramps, and frontage roads);

D. The location of nearby streets and driveways;

E. The Site Plan (including but not limited to on-site circulation, delineation of the intended paths, parking stalls, location of buildings, location of loading areas);

F. Actual or anticipated excessive increase in vehicular traffic being routed onto streets occurring as a result of any such permit;

G. Physical constraints on the site, including topography and site distance(s);

H. Unusual lot configurations;

I. Potential traffic movements which are unsafe or have an adverse effect on traffic operations;

J. Joint access at the time of subdivision or Site Plan approval for abutting lots that have insufficient frontage to allow a driveway approach for each lot; and

K. That strict enforcement of the criteria for approval would result in a denial of access to the site.

3.22.050. Submission Requirements

The Development Engineer will determine if further studies will be required. Such studies may include, but shall not be limited to, the following:

A. Engineering Study

1. An Engineering Study may be required based on the determination of the Development Engineer. In all cases, the City will require only those elements of an Engineering Study that are necessary to answer the specific questions that arise during the review process. The Engineering Study shall conform to standard engineering practices and must be sealed by a professional engineer licensed in the State of Texas. The Development Engineer will review the following information in the determination to require an Engineering Study:
   a. Compliance with the minimum spacing requirements of this Code;
   b. Deceleration or acceleration lane required;
   c. Traffic volumes and classification of the intersecting street at the proposed driveway location;
   d. Sight distance or physical obstructions and/or constraints that will result in a safety problem;
   e. Environmental or hydraulic issues associated with the proposed driveway(s); and
   f. Lot configuration.
2. An Engineering Study shall contain the following information:
   a. Trip generation based on the latest edition of the ITE Trip Generation Manual unless there is acceptable data that supports the use of another trip generation source, as approved by the Development Engineer.
   b. Trip distribution, to be performed with input from the City.
   c. Traffic assignment to determine the forecasted turning movements attributable to the proposed development.
   d. Traffic volumes, if determined necessary by the Development Engineer and subject to the following criteria:
      (i) The existing traffic counts will be grown using an annual growth rate as agreed to by the City to the build-out year of the proposed development;
      (ii) The resulting traffic volumes will be used as background traffic volumes, and the assigned forecasted turning movements will be added to the background traffic volumes, resulting in the total traffic volumes; and
      (iii) The total traffic volumes will be used to determine the need for left-turn and right-turn lanes.

B. Traffic Impact Analysis (TIA)

1. A TIA may be required based on the determination of the Development Engineer. In all cases, the City will require only those elements of a TIA that are necessary to answer the specific questions that arise during the permitting process.
2. A TIA shall contain the following information:
   a. All of the information outlined in **Subsection 3.22.050.A.2** above.
   b. Operational analysis (level of service, capacity, etc.) for the determined study intersections.
   c. Recommendations for mitigation measures should the impact of the proposed access point(s) result in unacceptable levels of service.

3.22.060. Responsibility for Final Action

Final Action Authority shall be as noted in **Section 2.01.020**.

3.22.070. Expiration

A Driveway Access Permit will expire 18 months after issuance if the driveway is not constructed in a manner consistent with the permit. An application for a Driveway Access Permit will expire if it remains inactive for six months.

Section 3.23. License to Encroach

3.23.010. Purpose

The purpose of a License to Encroach is to determine the potential impacts of proposed improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, right-of-way, or easement in order to maintain their safety, mobility, and operational functionality.

3.23.020. Applicability

A. A License to Encroach, in the procedures provided for in this section, is required for the following:
   1. New improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, or right-of-way within the city limits and easements located within the city limits or the extraterritorial jurisdiction.
   2. Existing improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, or right-of-way within the city limits and easements located within the city limits or the extraterritorial jurisdiction.

B. Those improvements, as defined in Subsection **A** above, that encroach into a public street, roadway, or sidewalk shall obtain approval from the City Council, in addition to this license.

3.23.030. Review Process

Review of a License to Encroach shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

3.23.040. Criteria for Approval

No License to Encroach will be denied unless it is determined by the Development Engineer that the proposed location or type of improvement will negatively impact the function of the public street, roadway, sidewalk, right-of-way, utility easement or other easement or have an adverse effect upon the health, safety, or welfare of the general public. In making this determination, the following will be evaluated:

A. The proposed encroachment into a public street, roadway, sidewalk, right-of-way, or easement by any person shall not interfere with the lawful use thereof.

B. Any proposed construction within a public street, roadway, sidewalk, right-of-way, or easement shall be in accordance with this Code, the City's adopted construction standards, and any other applicable ordinances and regulations.

C. At any time during the construction of any structure within a public street, roadway, sidewalk right-of-way, or easement:

1. The applicable public street, roadway, or sidewalk shall be kept open for vehicular and pedestrian traffic in a reasonable manner, and sidewalks shall not be obstructed to prevent the use thereof by pedestrians;
2. Dirt and other material removed from the construction of any structure within a public street, roadway, sidewalk, right-of-way, or easement shall not be allowed to remain on the street or sidewalk and shall be removed immediately at the sole cost, risk, liability, and expense of the licensee;
3. All excavations and obstructions of any kind that take place during the period of the licensee's construction shall be properly barricaded and well-illuminated during the night, subject to the approval of the Building Official.

3.23.050. Submission Requirements

Staff may determine further studies will be required. Such studies may include, but are not limited to, an Engineering Study, which may be required at the determination of the Development Engineer. Only the elements of an engineering study that are necessary to answer specific questions that arise during the review process will be required for submittal.

3.23.060. Responsibility for Final Action

The Development Engineer is responsible for final action on Licenses to Encroach into a public easement. For those requests that encroach into a public street, roadway, sidewalk, or right-of-way, final approval shall be obtained from the City Council.

3.23.070. Expiration

The City shall provide written notice at least 180 days in advance to the licensee, its representatives, successors, or assigns to take possession of and use all or any part of the licensed area in the event that such use be reasonably desired or needed by the City for street, sewer, transportation, or any other public or municipal use or purpose. During such time, it is the responsibility of the licensee, its representatives, successors, or assigns to remove the encroachment(s). In such an event, the City shall have the right to cancel the revocable license as to that portion of the licensed area so designated and required by the City.

Section 3.24. Tree Removal Permit

3.24.010. Purpose

The purpose of a Tree Removal Permit is to determine whether such a tree should be removed based on its species, size, location, health, viability, and impact on the overall site design. Protected and heritage trees shall not be removed without first securing approval from the City.

3.24.020. Applicability

A. The provisions of this section shall apply to all property located within the corporate limits and in the extraterritorial jurisdiction (ETJ) of the City.
B. The provisions of this section apply to all development subject to this Code, except as noted below, whether or not there is an active permit for the project.
C. Single-family or two-family residential lots approved and platted prior to February 13, 2007, are exempt from the requirement of a Tree Removal Permit. However, single-family and two-family lots platted after February 13, 2007, are subject to the heritage tree protection provisions in **Chapter 10**, which shall apply to the developer,

home builder, and homeowner. Notwithstanding the preceding exemption, if a future change of use from a single-family or two-family home to any other use triggers a permit under this Code, then the provisions of the Tree Removal Permit will be required.

3.24.030. Review Process

Review of a Tree Removal Permit shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

3.24.040. Criteria for Approval

No Tree Removal Permit shall be approved unless it is determined by the Landscape Planner or their designee, that the proposed removal is justified, based on the tree species and site conditions of the tree. In making this determination, the following will be evaluated:

A. Tree species;

B. Tree size/number of trunks;

C. Tree health and viability;

D. Tree location;

E. Protected and heritage trees to remain on site; and

F. Whether the project can be developed without tree removal.

3.24.050. Submission Requirements

A. Statement of justification for tree removal.

B. Copy of companion plat, Site Development Plan or concept plan for the permit or authorization that required compliance with this section.

C. Copy of tree survey, if applicable. If no tree survey exists, location of tree identified, tree type, size, condition, etc.

D. A photo of the tree's canopy and trunk, labeled with the corresponding tree number on the companion tree survey, shall be submitted with the application for a heritage tree removal permit.

3.24.060. Responsibility for Final Action

A. Final Action Authority shall be as noted in **Table 2.01.020-1. Summary of Review Authority**.

B. Upon receipt of the application, the Landscape Planner shall inspect the subject tree and approve or deny the application in accordance with the provisions of this section within 10 working days of the date of the application. Upon written request from the owner or the owner(s)'s representative, said date for the Landscape Planner’s final decision may be extended for a period of up to 15 additional days.

C. An applicant may appeal a denial of a Tree Removal Permit to the City Council. Such appeal must be made in writing and received by the Director within 30 days of the date of the decision on the application by the Landscape Planner. The Director shall set the matter for public hearing before the City Council at the earliest possible regularly scheduled meeting of the City Council. The City Council shall review the request and render a decision affirming, affirming in part, conditionally affirming, or reversing the determination of the Landscape Planner. If a Tree Removal Permit is issued after appeal, pursuant to the provisions of this Code, the applicant must comply with all applicable provisions of this Code, including mitigation.

D. The applicant shall, prior to approval of the application, submit a mitigation or payment of fees-in-lieu calculation and a mitigation plan, pursuant to **Section 10.02**, showing the proposed species, location, and irrigation plan for the proposed mitigation trees.

E. The Director is authorized to identify and require such documents as are necessary to process this request. Said requirements and/or documents shall be published in the City's Development Manual.

3.24.070. Expiration

A Tree Removal Permit shall remain valid for the longer of:

A. The period of validity of the permit or authorization that required compliance with this section; or

B. One hundred eighty (180) days from the issuance of the Tree Removal Permit.

Section 3.25. Heritage Tree Pruning Permit

3.25.010. Purpose

The purpose of a Heritage Tree Pruning Permit is to determine whether such a tree should be pruned and how the pruning shall be performed. Heritage trees shall not be pruned without first securing approval from the City.

3.25.020. Applicability

A. The provisions of this section shall apply to all property located within the corporate limits and in the extraterritorial jurisdiction (ETJ) of the City.

B. A Heritage Tree Pruning Permit shall be required for any pruning of a heritage tree located on all properties, including single-family and two-family lots platted after February 13, 2007; however, a Heritage Tree Pruning Permit shall only be required during the original home construction. Notwithstanding the preceding exemption, if a future change of use from a single-family or two-family home to any other use triggers a permit under this Code then the provisions of the Heritage Tree Pruning Permit will be required.

3.25.030. Review Process

Review of a Heritage Tree Pruning Permit shall follow the administrative review procedures set forth in **Section 3.03.050. Administrative Review Process**, subject to the criteria for approval set forth below.

3.25.040. Criteria for Approval

No Heritage Tree Pruning Permit will be approved unless it is determined by the Landscape Planner or their designee, that the proposed pruning is justified based on the health or viability of the tree and that the proposed pruning will not negatively impact the health and appearance of the tree. In making this determination the following will be evaluated:

A. Reason for pruning request;

B. Tree location;

C. Percent of canopy to be removed;

D. Tree health; and

E. Whether an ISA Certified Arborist is going to perform the pruning.

3.25.050. Submission Requirements

A. Statement of justification for tree pruning.

B. Copy of companion plat, Site Development Plan or concept plan for the permit or authorization that required compliance with this section.

C. A photo (digital or hardcopy) of the tree, labeled with the tree number on the tree survey, DBH, species, and contractor's ISA certification number, shall be submitted with the application for a Heritage Tree Pruning Permit.

3.25.060. Responsibility for Final Action

A. Final Action Authority shall be as noted in **Section 2.01.020** of this Code.

B. An applicant may appeal the denial of a Heritage Tree Pruning Permit to the Director. Such appeal must be made in writing and received by the Director within 30 days of the date of the decision on the application by the Landscape Planner. The request for appeal shall set forth the specific reasons for the appeal and state the specific reasons for disagreement with the decision of the Landscape Planner, including the basis for the applicant's position that the application should have been granted. Appeals shall be processed in accordance with **Section 2.01.020** and **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

3.25.070. Expiration

The Heritage Tree Pruning Permit shall remain valid for 180 days from date of issuance.

Section 3.26. Request for Creation of Certain Special Purpose Districts

3.26.010. Applicability

The review process in this section establishes the process and procedures for requesting a Municipal Utility District (MUD), Water Control and Improvement District (WCID), Fresh Water Supply District (FWSD), or similar political subdivision (District) in accordance with **Section 3.26.010** of this Code.

3.26.020. Review Process

A. Initiation

Initiation of a request for the creation of a District may be made upon application of a property owner or their authorized agent.

B. Application for Completeness Determination

The applicant shall provide a complete application with the material and supporting information outlined in the Development Manual. The Planning Director, or designee, is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

C. Staff Review

1. Upon receipt of a complete application, the cross-departmental "Special Purpose District Petition Review Team" shall analyze the proposed development and its potential impact on facilities and services. The Special

Purpose District Petition Review Team shall be comprised, at a minimum, of members of the Planning, Utility, Finance, Parks and Recreation, and Public Safety departments, and the City Attorney's Office.

2. The Special Purpose District Petition Review Team shall review the application, consider the approval criteria, and assign a Case Manager to lead the review and prepare a report to the Planning and Zoning Commission and/or appropriate board or commission, and City Council.
3. Review of a request for a District within the city limits shall be reviewed in conjunction with a zoning request for a Planned Unit Development District demonstrating enhanced development standards, and consistent with applicable City codes and policies adopted by the City Council.
4. Review of a request for a District within the extraterritorial jurisdiction (ETJ) shall be reviewed in conjunction with terms for enhanced development standards and consistency with applicable City policies adopted by the City Council.

D. Board or Commission Review

The Planning and Zoning Commission or other appropriate board or commission shall hold a public hearing and make a recommendation to the City Council.

E. City Council Final Action

1. The City Council shall hold a public hearing and render a final decision on the request for a District.
2. All outstanding application, staff, and legal fees shall be paid in full to the City prior to the approval of a District.

3.26.030. Approval Criteria

The City Council shall consider the following approval criteria when reviewing a request for the creation of a District:

A. The request is consistent with **Section 3.26.010**, of this Code;

B. The request is consistent with all applicable City policies as adopted by the City Council; and

C. The request supports the following objectives:

1. Quality Development

The development meets or exceeds the intent of the development and design standards of City codes;

2. Extraordinary Benefits

The development provides extraordinary public benefits that advance the vision and goals of the Comprehensive Plan, such as, but not limited to, extension, financial contribution, or enhancement of master planned infrastructure, diversity of housing, and enhanced parks and open space that are available to the public;

3. Enhance Public Service and Safety

The development enhances public services and optimizes service delivery through its design, dedication of sites, connectivity, and other features;

4. City Exclusive Provider

The development further promotes the City as the exclusive provider of water, wastewater, solid waste, and electric utilities;

5. Fiscally Responsible

The development is financially feasible and does not impair the City's ability to provide municipal services;

6. Finance Plan

The developer(s) contribute financially to cover a portion of infrastructure expenses without reimbursement by the Districts or the City; and

7. Annexation

   When applicable, the development will not impair the City's future annexation of the Districts or adjacent property, or impose costs not mutually agreed upon.

Section 3.27. Courthouse View Waiver

3.27.010. Applicability

A request for a waiver from the requirements of the Courthouse View Protection Overlay standards of this Code, as provided for within this Code, may be considered when a request does not meet the criteria for a Courthouse View Exception.

3.27.020. Initiation

Initiation of the Courthouse Waiver request may be made upon submittal of a complete application by a property owner or their designated agent.

3.27.030. Application and Completeness Determination

The applicant shall submit all of the information required in the UDC Development Manual. The Director is responsible for determining the completeness of an application submitted, pursuant to **Section 3.02.040. Determination of Application Completeness**.

3.27.040. Staff Review

A. The Director shall review the application, consider applicable criteria for approval, and prepare a report to the City Council.

B. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statute.

C. The Director's report may include a recommendation for final action.

3.27.050. Final Action

Following notice in accordance with **Section 3.03. Public Hearing and Notice**, the City Council shall hold a public hearing in accordance with its rules and state law, and consider the Courthouse View Waiver, Director's report, and compliance with this Code, and take final action.

A. Approval of a Courthouse View Waiver for property located within the Downtown Overlay District shall require a simple majority vote plus one additional vote of approval of the members present.

B. Approval of a Courthouse View Waiver for all other property located outside of the Downtown Overlay District shall require a simple majority vote of the members present.

3.27.060. Approval Criteria

A Courthouse View Waiver may be approved, conditionally approved, or disapproved. All of the following factors are required for approval:

A. The existence of specific site opportunities or constraints.

B. The proposed waiver furthers goals of the comprehensive plan, and any applicable Small Area Plans, specific to the location of the property and furthers a specific implementation step(s) of the Comprehensive Plan.

C. The waiver is not contrary to the public interest.

D. The request for a waiver creates a building height that is in scale with conforming uses of nearby property and with the character of the neighborhood. When properties are located in a Historic Overlay District the development has undergone a conceptual review by the Historic and Architectural Review Committee (HARC) with general support for the building massing and form.

Section 3.28. Historic Design Guidelines Procedures

3.28.010. Request to Create or Amend Guidelines

A. City Council or HARC may request amendments or updates to any adopted design guidelines or create new guidelines if none were adopted at the time of Historic Overlay designation by directing the HPO to submit recommendations to HARC for consideration.

B. The HPO may initiate the process of amending any adopted design guidelines, or for creating new guidelines if none were adopted at the time of the Historic Overlay designation.

3.28.020. Consideration by HARC

A. Scheduling the Hearing

Once the HPO has sent notice and prepared the proposed design guidelines, a hearing must be scheduled before the HARC for consideration. Notice of the hearing must be sent to all affected property owners.

B. HARC Recommendation

After the hearing, the HARC shall recommend approval, approval with revisions, denial or continuation of the request to a future date. Recommendations are forwarded to the City Council for final consideration.

3.28.030. City Council Hearing & Action

A. Submission to City Council

Following HARC's recommendation on the proposed amendments or creation of design guidelines, the request shall be submitted to City Council for review and consideration.

B. City Council Action

The City Council shall give notice and conduct a public hearing for the request.

C. Adopted Guidelines

Adopted design guidelines must be used by City staff in implementing the intent and purpose of the Historic Preservation Ordinance. Invalidation of any portion of the guidelines does not affect the validity of other provisions. Any existing design guidelines remain in effect until the City Council approved amendments or revisions.

3.28.040. Supplemental Policy Guides

A. Purpose

HARC may adopt supplemental policy guides that provide additional clarification, best practices, or detailed expectations for specific types of requests frequently reviewed by the Commission. These policy guides are intended to support consistent interpretation and application of the adopted design guidelines.

B. Consistency with Adopted Guidelines

Supplemental policy guides must be consistent with and subordinate to the City Council–adopted design guidelines and may not create new standards, modify existing standards, or conflict with adopted guidelines.

C. Review and Approval Process

The HPO may prepare draft supplemental policy guides or accept requests from HARC to develop them. Draft policy guides must be placed on a HARC agenda for review and may be adopted by majority vote following discussion in a public meeting.

D. Effect of Adoption

Upon adoption, supplemental policy guides may be used by staff and HARC to provide additional clarity and expectations for applicants but may not replace or supersede City Council-adopted design guidelines.

Section 3.29. Historic Resource Survey Procedures

3.29.010. Request to Create or Update a Historic Resource Survey

A. Initiation by City Council or HARC

City Council or HARC may request preparation of an updated or new Historic Resource Survey by directing the HPO to initiate the process and prepare recommendations for HARC consideration.

B. Initiation by the Historic Preservation Officer (HPO)

The HPO may initiate the creation of a new survey or updates to an existing survey based on newly identified resources, preservation priorities, updated research, or the need for improved documentation.

3.29.020. Preparation of Survey Materials

A. The HPO shall coordinate preparation of the survey, which must include:

1. Survey boundaries;
2. Photographic documentation;
3. Classification of resources (e.g., contributing, noncontributing, eligible, ineligible);
4. Statements of significance and period(s) of significance;
5. Historical context(s);
6. Maps and inventory forms; and
7. Summary findings and recommendations.

B. The HPO may conduct the survey directly or manage consultants undertaking the work.

C. Once completed in draft, the survey shall be posted for public review consistent with City notification procedures.

3.29.030. Consideration by HARC

A. Scheduling the Hearing

The draft Historic Resource Survey must be scheduled for a public meeting of HARC after the required notice has been provided.

B. HARC Recommendation

After receiving public input and reviewing the draft survey, HARC shall make a recommendation that is forwarded to City Council for final review.

3.29.040. City Council Review & Action

A. Submission to City Council

Following HARC's recommendation, the draft survey shall be submitted to City Council for review and consideration.

B. Adoption

Upon Council adoption, the Historic Resource Survey becomes an official planning document used by the City in evaluating historic significance, determining contributing status, guiding preservation priorities, and supporting designation of Historic Landmarks or Historic Overlay Districts.

3.29.050. Use and Maintenance of Historic Resource Surveys

A. The HPO shall maintain the adopted survey and update it periodically to reflect changes in conditions, new research, newly eligible resources, or resources lost to demolition or alteration.

B. Updates may be minor (administrative corrections or new photos) or major (reclassification of significance, boundary changes, new historic contexts).

C. Major updates require the full process outlined above. Minor updates may be approved administratively by the HPO and reported to HARC.

Chapter 4. Zoning Districts

Section 4.01. Establishment of Zoning Districts

The following zoning districts may be established for the City as authorized by the City Charter and Texas Local Government Code Chapter 211.

4.01.010. Zoning Districts

Table 4.01.010-1. Zoning Districts

Residential Zoning Districts	
AG	Agriculture
RE	Residential Estate
RT	Residential Traditional
RS	Residential Suburban
RM	Residential Mix
MF-1	Medium Density Multifamily Residential
MF-2	High Density Multifamily Residential
MH	Manufactured Housing
Non-Residential Zoning Districts	
CN	CN Neighborhood Commercial
C-1	Local Commercial
C-2	Regional Commercial
PF	Public Facilities
I-1	Flex Industrial
I-2	Intensive Industrial
Special Purpose Zoning Districts	
PUD	Planned Unit Development
Mixed-Use Zoning District	
MU-DT	Mixed-Use Downtown
Overlay Zoning Districts	
NC	Neighborhood Conservation Overlay District
D	Downtown Overlay
OT	Old Town Overlay
H	Historic Overlay
HL	Historic Landmark
CVP	Courthouse View Protection Overlay
G	Gateway Overlay

A. Zoning Districts

B. The Two-Family, Townhouse, Office, Business Park, and Industrial districts are declared legacy zoning districts upon adoption of this UDC as set forth on the Official Zoning Map.

C. No additional property will be rezoned to a legacy zoning district after the effective date of the UDC. Property located in a legacy zoning district shall continue to be subject to zoning regulations applicable at the time the property was rezoned to a legacy zoning district. All other provisions of this UDC shall apply to legacy zoning districts.

Section 4.02. Zoning District Equivalency Table

The following table identifies Zoning Districts, other than Legacy Zoning Districts, adopted in previous ordinances and the Zoning District regulations that now apply in this UDC to those Districts.

Table 4.01.010-1. Zoning District Equivalency Table

Previous UDC	Current UDC
Residential Zoning Districts	
AG Agriculture	AG Agriculture
RE Residential Estate	RE Residential Estate
RL Residential Low Density	RT Residential Traditional
RS Residential Single-family	RS Residential Suburban
TF Two-family	RM Residential Mix
TH Townhouse	
MF-1 Low Density Multifamily	MF-1 Medium Density Multifamily Residential
MF-2 High Density Multifamily	MF-2 High Density Multifamily Residential
MH Manufactured Housing	MH Manufactured Housing
Non-Residential Zoning Districts	
CN Neighborhood Commercial	CN Neighborhood Commercial
OF Office	
C-1 Local Commercial	C-1 Local Commercial
C-3 General Commercial	C-2 Regional Commercial
PF Public Facilities	PF Public Facilities
BP Business Park	I-1 Flex Industrial
IN Industrial	
-	I-2 Intensive Industrial
Special Purpose Zoning Districts	
PUD Planned Unit Development	PUD Planned Unit Development
Mixed-Use Zoning Districts	
MU-DT Mixed-Use Downtown	MU-DT Mixed-Use Downtown
Overlay Zoning Districts	
SP Special Area Plan Overlay	SP Special Area Plan Overlay

Previous UDC	Current UDC
-	NC Neighborhood Conservation Overlay District
D Downtown Overlay	D Downtown Overlay
OT Old Town Overlay	OT Old Town Overlay
H Historic Overlay	H Historic Overlay
HL Historic Landmark	HL Historic Landmark
CVP Courthouse View Protection Overlay	CVP Courthouse View Protection Overlay
G Gateway Overlay	G Gateway Overlay

Section 4.03. Official Zoning Map

4.03.010. Official Zoning Map

A. The City is hereby divided into the above Zoning Districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Unified Development Code (Code). The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of Georgetown under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section _____Ordinance No. _____of the City of Georgetown, Texas."

B. If, in accordance with the provisions of this Code and Texas Local Government Code § 211.006, as amended, changes are made in the District boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within five business days after the amendment has been approved by the City Council and signed by the Mayor.

C. Approved zoning changes shall be entered on the Official Zoning Map by the appropriate City department and the City shall maintain records identifying the ordinance number making such changes.

D. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this Unified Development Code. Any unauthorized change shall be null and void and have no force or effect.

E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Planning Department, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

4.03.020. Digital Mapping

Digital maps, created through the use of geographical information system technology, containing registration points recorded on the Texas State Plane Coordinate System, as amended, may be used in the administration and enforcement of this Unified Development Code. Digital mapping will not replace the paper originals of official maps but may represent the most accurate and up-to-date information in between printings.

4.03.030. Replacement of Official Zoning Map

A. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and/or number of changes and additions, the City Council shall, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct

drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City and date under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____of the City of Georgetown, Texas."

B. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

C. The City shall initiate the creation of a revised Official Zoning Map consistent with the provisions of this Code.

4.03.040. Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of Districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of a change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

F. Boundaries indicated as parallel to, or extensions of, features indicated above shall be so construed. Distances not specifically indicated in a classification amendment shall be determined by the scale of the map.

G. Where physical features, such as streets, railroad lines, rivers, streams, and such, existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered above, the Director shall make a written interpretation of the District boundaries.

4.03.050. Uniform Application of District Regulations

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the zoning regulations herein specified for the District in which it is located.

Section 4.04. Newly Annexed Territory

4.04.010. Initial Default Zoning

All new territory hereinafter annexed to the City shall have the initial zoning of Agriculture (AG) Zoning District classification unless another zoning classification that is consistent with the Future Land Use Plan is proposed by the property owner(s) or the Director. For a zoning to AG, there shall be no special action or hearing required to zone the property after or during the annexation process. For any zoning classification other than AG, the procedures of

Chapter 3.06 shall be followed (i.e., notice of zoning, hearing ordinance adoption). Newly annexed property may begin rezoning procedures to any Zoning District during or upon completion of annexation process but may not be approved until annexation is completed.

Section 4.05. Zoning Districts and Special Districts

This section describes the Zoning Districts established in **Section 4.01**. Each District is divided into unofficial categories intended to distinguish similar Districts.

4.05.010. Residential Districts

A. The purpose statements and development standards for the Residential Districts established in **Section 4.01** are located in **Chapter 7** of this UDC.

1. For uses allowed in each Zoning District, see **Section 6.02**.
2. For purpose statements and lot and development standards, see **Section 7.02**.

4.05.020. Non-Residential Districts

A. The purpose statements and development standards for the Non-Residential Districts established in **Section 4.01** are located in **Chapter 8** of this UDC.

1. For uses allowed in each Zoning District, see **Section 6.02**.
2. For purpose statements and lot and development standards, see **Section 8.02**.
3. For building design standards, see **Section 8.04**.

4.05.030. Special Purpose Zoning Districts

A. Planned Unit Development (PUD) District

The Planned Unit Development (PUD) District is intended to allow flexibility in planning and designing for unique or environmentally sensitive properties and that are to be developed in accordance with a common development scheme. PUD zoning is designed to accommodate various types of development, including multiple housing types, neighborhood and community retail, professional and administrative areas, industrial and business parks, and other uses or a combination thereof. A PUD may be used to permit new or innovative concepts in land use and standards not permitted by zoning or the standards of this Code. Although greater flexibility is given to allow development in a PUD that would not otherwise be allowed, procedures and standards are established in this Code that are intended to ensure against misuse.

1. For special requirements of a PUD District, see **Section 4.06**.

4.05.040. Mixed-Use Downtown (MU-DT) Zoning District

A. The Mixed-Use Downtown (MU-DT) District is intended to provide a location for a mix of land uses, including general commercial and retail activities, office, as well as single-family and multi-family in the downtown area. Developments in the MU-DT District are typically smaller in size and scope, although there may be occasionally heavy traffic. The MU-DT District is only appropriate in the traditional downtown area of Georgetown.MU-DT District properties shall fall within the Historic Overlay District or Old Town Overlay.

1. For uses allowed in the MU-DT District, see **Section 6.02**.
2. For dimensional interpretations and exceptions, see **Section 8.03**.
3. For building design standards, see **Section 8.04**.

B. Lot and Dimensional Standards

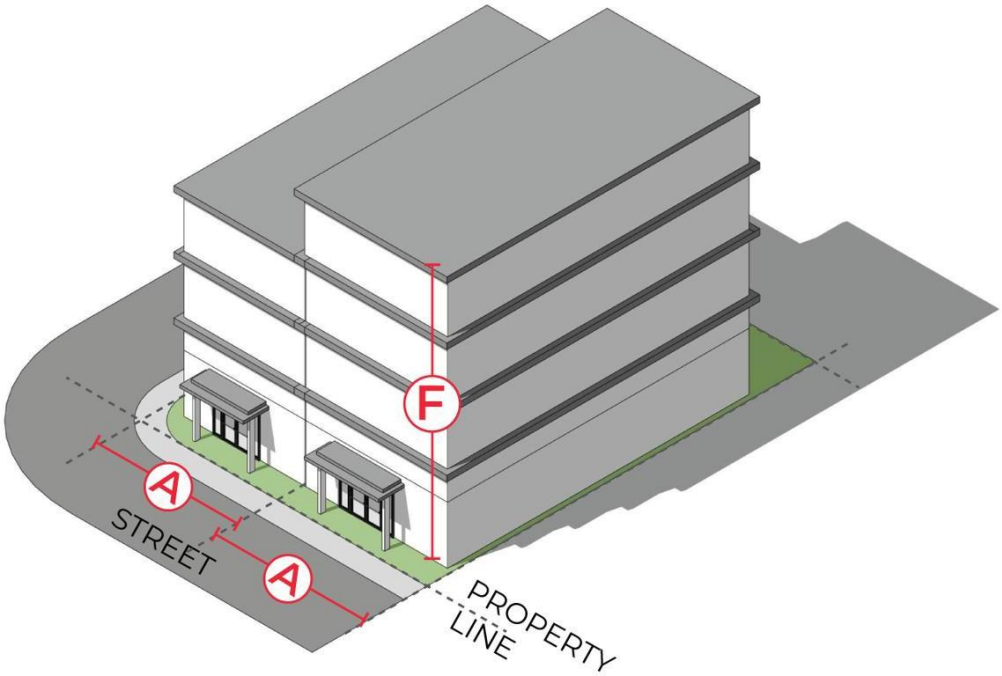
Mixed-Use Downtown (MU-DT) District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	25
B	Front/primary street setback, minimum feet	0
C	Front setback, build-to option	See **8.03.030.A**
	Front setback, Downtown Gateway Overlay	See **4.10.040.B**
D	Side setback, minimum feet[2]	0
E	Rear setback, minimum feet[2]	0
F	Building height, maximum feet[3]	40
	Maximum impervious cover[4]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[3] Structures, lighting, scoreboards, and other elements of a stadium are exempted, but shall be set back a minimum of 120 feet.

[4] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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4.05.050. Overlay Zoning Districts

A. Neighborhood Conservation Overlay (NC) Districts

Within the City of Georgetown, there are unique and distinctive residential neighborhoods or commercial Districts which contribute to the overall character and identity of the City and are worthy of preservation and protection. The City aims to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods or commercial Districts by establishing Neighborhood Conservation (NC) Overlay Districts. The NC District is appropriate for establishing design standards to foster infill development of primarily residential and mixed-use areas while protecting the character of the existing neighborhood.

1. For specific standards of the NC District, see **Section 4.07**.

B. Historic Overlay Districts

1. Purpose

The City of Georgetown recognizes that, as a matter of public policy, the protection, enhancement, and perpetuation of landmarks and Districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. Historic Overlay Districts are created to:

a. Protect and enhance the landmarks and Districts that represent distinctive elements of Georgetown's historical, architectural, and cultural heritage;

b. Foster civic pride in the accomplishments of the past;

c. Protect and enhance Georgetown's attractiveness to visitors and the support and stimulus to the economy thereby provided;

d. Ensure the harmonious, orderly, and efficient growth and development of the City that is sensitive to its historic resources;

e. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the City; and

f. Encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation and preservation.

2. Downtown Overlay (D) District

The Downtown Overlay District is intended to protect the aesthetic and visual character of the Town Square and downtown Georgetown through the establishment of two distinct zones, designated as Area 1 (Town Square Historic District) and Area 2 (remainder of the Downtown Overlay District).

a. For specific standards of the Downtown Overlay District, see **Chapter 5**.

3. Old Town Overlay (OT) District

The Old Town Overlay District is intended to preserve and protect historic structures, maintain a residential appearance along South Austin and University Avenues, and maintain the integrity of the historic character in the area commonly referred to as Old Town.

a. For specific standards of the Old Town Overlay District, see **Chapter 5**.

4. Designated Historic (H) District

The Designated Historic District is intended to preserve areas, structures, and landmarks of historical or cultural significance. Each designated District may have specific standards unique to the District

a. For specific standards of the Town Square Designated Historic District (H-TS), see **Chapter 5**.

5. Historic Landmark (HL) Designation

   The purpose of the historic landmark designation is to protect, preserve, and enhance buildings or structures of historical, architectural, or cultural importance or value to the City of Georgetown.

   a. For specific standards of the Historic Overlay Districts, see **Chapter 5**.

C. Courthouse View Protection Overlay (CVP) District

The Courthouse View Protection Overlay District is intended to preserve views of the Williamson County Courthouse from various locations along corridors in Georgetown.

1. For specific standards of the Courthouse View Protection Overlay District, see **Section 4.09**.

D. Gateway Overlay (G) District

The Gateway Overlay District is intended to enhance the entry corridors to Georgetown. Various corridors into the City are designated for the purpose of applying additional landscaping and design standards.

1. For specific standards of the Gateway Overlay District, see **Section 4.10**.

Section 4.06. Planned Unit Development District

This section establishes procedures and requirements of a Planned Unit Development District. Planned Unit Developments may be established in any location and may include more than one Base Zoning District.

4.06.010. General Provisions

A. Compatibility with Base Zoning District

A PUD is designed to be used in conjunction with a designated Base Zoning District. An application for PUD zoning shall specify the base District(s) and the uses proposed. Any uses not permitted in the base District shall be specifically identified. The standards and requirements of the specified base District shall apply unless specifically superseded by the standards and requirements of the PUD Development Plan.

B. Compliance with Applicable City Codes

The granting of a PUD Zoning District shall not relieve the developer from complying with all other applicable sections of this Code, and other Codes and Ordinances of the City, unless such relief is specified in the approved Development Plan.

C. Development Plan Required

An application for the establishment of a PUD District shall be accompanied by a Development Plan that meets the requirements of this section. The Development Plan shall become a part of the PUD ordinance, if approved by the City Council.

D. Development Plan

1. Development requirements for the PUD District shall be set forth in the Development Plan and meet the approval criteria detailed in **Section 3.11.030.** The Development Plan is intended to capture how and why the particular project is of exceptional quality and cannot be met by Base Zoning District requirements. At a minimum, the Development Plan shall explain the purpose and intent of the PUD, detailed description of the project, and a specific development design plan, in addition to how the PUD may deviate from the minimum standards set forth in this Code.

2. The PUD zoning application shall include written justification as to why any such Code deviations listed in the Development Plan are necessary because of the unique characteristics of the site, outline how the deviations needed are consistent with the City's Comprehensive Plan or applicable Small Area Plans, the needs of the proposed project, or other exceptional circumstances. Such deviations should be intended to provide an unconventional, cohesive, and well-planned layout design scheme, and should not be proposed to simply avoid the requirements of this Code.
3. Developments with PUD zoning may vary in size and scope and the Development Plan should reflect the scale and detail desired in the District. A Development Plan should generally include allowed and/or prohibited land uses, parks/open space/natural features, density, traffic circulation/streets/access, building and site design standards and/or schematics, and other pertinent information. The Planning Director retains full discretion to require the necessary detail and information needed to justify the proposed PUD Development Plan.
4. Revisions to the adopted Development Plan shall require an amendment to the PUD ordinance to be processed pursuant to this Code. If the Director determines that a proposed revision is a minor revision, the Director may consider such a revision in connection with approval of a Plat or Site Plan pursuant to this Code.

Section 4.07. Neighborhood Conservation Overlay Districts

4.07.010. General Provisions

A. Purpose

1. The purposes of the Neighborhood Conservation Overlay District standards are as follows:
   a. To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;
   b. To protect and enhance the livability of the City;
   c. To reduce conflict caused by incompatible and insensitive development, and to promote new compatible development;
   d. To stabilize property values and protect property investments;
   e. To provide residents and property owners with a planning tool for future development;
   f. To promote and retain attainable housing options;
   g. To encourage and strengthen civic pride; and
   h. To ensure the harmonious, orderly, and efficient growth and redevelopment of the City.
2. The Neighborhood Conservation Overlay Districts implement the following policies of the Comprehensive Plan:
   a. Policy H.2 – Preserve existing neighborhoods in targeted areas.
   b. Policy H.4 – Maintain and promote neighborhood character and quality.

B. Designation

To be designated as a Neighborhood Conservation Overlay District, the area must meet the following criteria:

1. Be part of a neighborhood master plan adopted by the City of Georgetown;
2. Contain a minimum of one blockface (all the lots on one side of a block);
3. Possess one or more of the following distinctive features that create a cohesive, identifiable setting, character, or association:

a. Unique architectural style, building scale, or streetscape;

b. Distinct neighborhood character;

c. Special natural characteristics, such as creek beds, green belts or other natural features;

d. Land use patterns, including mixed or unique uses or activities; or

e. Links to designated landmarks or Districts.

C. Overlay District

1. Neighborhood Conservation Districts are designed as overlays to the underlying Zoning Districts. Property designated within these Districts must also be designated as being within one or more Base Zoning Districts.

2. Authorized uses must be permitted in both the Zoning District and the Overlay District. Property designated as a Neighborhood Conservation Overlay District may have additional designations. Such property shall comply with all applicable use restrictions.

3. The designation of property within a Neighborhood Conservation Overlay District will follow all procedures and requirements for zoning/rezoning.

4. In the event of a conflict between the provisions of a specific Neighborhood Conservation Overlay District ordinance and the underlying Zoning District regulations, the provisions of the Neighborhood Conservation Overlay District ordinance shall control.

D. Initiation Procedures

1. A zoning change application for designation as a Neighborhood Conservation Overlay District shall be initiated at the direction of the:

a. A request of owners representing 51% of the land area within the proposed District; or

b. A request of 51% of property owners within the proposed District; or

c. The Director, pursuant to a neighborhood, community, perimeter, sector, or sub-area plan adopted by the City Council.

2. Following initiation for designation of a Neighborhood Conservation Overlay District, the Director shall develop the boundaries and standards for the proposed District and include:

a. Maps indicating boundaries, and existing land use within the proposed District;

b. Maps and other graphic and written materials identifying and describing the distinct neighborhood and building characteristics of the proposed District;

c. A list of all property owners (with legal addresses), neighborhood associations and/or other organizations representing the interests of property owners in the proposed District; and

d. Design standards.

3. All property owners within the proposed District shall be afforded the opportunity to participate in drafting the boundaries and standards, which will be approved as part of the amending ordinance to this UDC creating the Neighborhood Conservation Overlay District.

E. Design Standards

1. A Neighborhood Conservation Overlay District shall include design standards for new construction of any building or structure, or the relocation or rehabilitation to a street-facing façade of an existing building or structure, but in accordance with state law, shall not include any standards or requirements relating to building materials or methods.

2. The Neighborhood Conservation Overlay District regulations shall not apply to those activities which constitute ordinary repair and maintenance (i.e., using the same or similar design).

3. The design standards for the Neighborhood Conservation Overlay District must include at least one or a combination of the following elements governing the physical characteristics and features of all property (public or private) within the proposed District:
    a. Building height, number of stories;
    b. Building size, massing;
    c. Principal elevation features;
    d. Lot size and setbacks;
    e. Off-street parking and loading requirements;
    f. Roof line and pitch; and
    g. Coverage, paving, hardscape covering.
4. In addition, the design standards may include, but shall not be limited to, the following elements:
    a. Building orientation;
    b. General site planning (primary, ancillary structures);
    c. Density;
    d. Floor area ratio;
    e. Signage;
    f. Architectural style and details;
    g. Garage entrance location;
    h. Window/dormer size and location;
    i. Landscaping;
    j. Fences and walls;
    k. Entrance lighting;
    l. Driveways, curbs and sidewalks;
    m. Utility boxes, trash receptacles;
    n. Street furniture;
    o. Building relocation; and/or
    p. Right-of-way (exceeding public works standards).

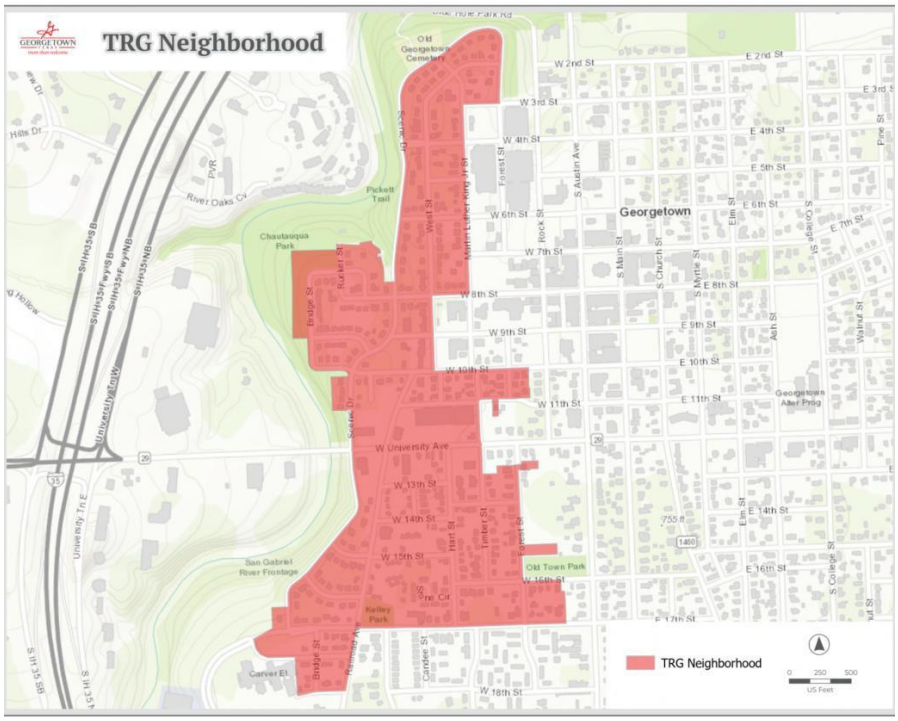
4.07.020. Established Overlay Districts

A. The Neighborhood Conservation Overlay Districts are established as follows. Each Neighborhood Conservation Overlay District includes all the land within the boundary of the district, as shown on the Official Zoning Map.

1. TRG Neighborhood Conservation Overlay District

    The TRG Neighborhood Conservation Overlay District is generally bounded by the San Gabriel River to the west, Leander Road to the south, and Austin Street and Forest Street to the east. The precise boundaries are depicted on the map incorporated below.

Figure 4.07.020-4.7.020-1. TRG Neighborhood Conservation Overlay District Map



a. Design standards for TRG Neighborhood Conservation Overlay District.

This section contains specific development and design standards applicable to new development occurring on properties located in the TRG Neighborhood Conservation Overlay District.

(i) Building Height.

(a) Residential zoned properties shall have a maximum building height: 25 feet.

(b) Non-Residential zoned properties shall have a maximum building height: 35 feet.

(c) Mixed Use and Multifamily zoned properties shall have a maximum building height: 40 feet.

At no point shall a structure exceed more than 12 feet than the tallest structure on an adjacent property.

(ii) Parking/Garages Placement.

(a) Multifamily and nonresidential surface parking shall not be located between the street and the front façade of the primary structure and must be located to the side or rear of the primary building.

(iii) Setbacks and Orientation.

(a) Where thirty (30) percent or more of the existing lots within the same block face are occupied by primary structures that do not meet the required setback for the designated use, the Director may approve and Administrative Exception to allow a reduced setback.

(b) The front yard setback line may fall within the range of the front yard setbacks of the two (2) nearest lots containing primary structures within the same block face.

(c) Residential front setback, minimum: 15 feet.

(d) Residential street facing garage setback, minimum: 20 feet.

(e) Non-Residential front setback, minimum: 15 feet.

(iv) Demolitions

Prior to the issuance of a demolition permit within the TRG Neighborhood Overlay District a Certificate of Appropriateness shall be issued by the Historic Preservation Office. Application standards for a Certificate of Appropriateness can be found **Chapter 3** of the UDC.

2. San Jose Neighborhood Conservation Overlay District

The San Jose Neighborhood Conservation Overlay District is generally bounded by the railroad to the west, West Fork Smith Branch of the San Gabriel River to the south, Maple Street to the east, and East 15th Street to the north. The precise boundaries are depicted on the map incorporated below.

Figure 4.07.020-4.7.020-2. San Jose Neighborhood Conservation Overlay District Map

a. Design standards for San Jose Neighborhood Conservation Overlay District.

This section contains specific development and design standards applicable to new development occurring on properties located in the San Jose Neighborhood Conservation Overlay District.

(i) Building Height.

(a) Residential zoned properties shall have a maximum building height: 20 feet.

(ii) Parking/Garages Placement.

(a) New driveways should be single width at the curb. Tandem parking is permitted. Carports are permitted to follow the front yard setback associated with the primary structure.

(iii) Setbacks and Orientation.

(a) Where thirty (30) percent or more of the existing lots within the same block face are occupied by primary structures that do not meet the required setback for the designated use, the Director may approve and Administrative Exception to allow a reduced setback.

(b) The front yard setback line may fall within the range of the front yard setbacks of the two (2) nearest lots containing primary structures within the same block face.

(c) A proposed building on an infill lot must be constructed within this established front setback range.

(iv) Minimum Lot Size.

Residential minimum lot size: 5,000 sq. ft.

Section 4.08. Historic Overlay Districts

4.08.010. Designation of a Historic Overlay District

A. A Historic Overlay District may be established over any Base Zoning District within the city limits and may be established over more than one Base Zoning District.

B. Creation or expansion of a Historic Overlay District requires approval by the City Council, following the procedures for a Zoning Map Amendment in **Section 3.07**.

C. Consideration of Standards for a Designated Historic District.

The following shall be considered when developing standards for a Designated Historic District:

1. The findings adopted by the City Council for a specific Designated Historic District shall define the scope of the City's interest in protecting the historic resource and shall provide the guidelines to be used, along with the applicable regulations, in considering whether to grant or deny a certificate of appropriateness.

2. HARC may develop and the City Council may approve supplemental guidelines as it may deem necessary to implement the regulations of a particular designated Historic District or the findings applicable to the designation of a particular designated Historic District. Such guidelines may include, but are not limited to, the following:

a. Charts or samples of acceptable materials for siding, foundations, roofs, or other parts of buildings;

b. Illustrations of appropriate architectural details;

c. Numerical specifications of appropriate rhythms or proportions;

d. Specifications of appropriate relationships to streets, sidewalks, other structures, and buildings;

e. Illustrations of appropriate porch treatments or entrances; or

f. Illustrations of appropriate signage or street furniture.

4.08.020. Regulations for Historic Overlay Districts

See **Chapter 5** for regulations and standards applicable to Historic Overlay Districts.

Section 4.09. Courthouse View Protection Overlay District

4.09.010. Purpose and Intent

The Williamson County Courthouse provides a cultural, symbolic, and historic resource unique to the City. Residents, visitors, and the traveling public currently enjoy broad views of the Courthouse Dome from several corridors. The purpose of this section is to ensure that future development along the identified view corridors does not lead to the loss of the views of the Courthouse Dome. It is the intent that these broad views be protected, to the extent feasible, by means of careful siting of buildings and with consideration given to how the overall height of buildings impact those views. Compliance with the requirements of this section will be verified during the Site Plan process.

4.09.020. Applicability

Where Site Plan review is required in accordance with **Section 4.09**, the Courthouse View Protection Overlay shall be applied to all properties within the view corridors listed below. The areas within the corridors listed below are not exact and are depicted graphically on the Courthouse View Protection Overlay District Map. The Planning Department shall confirm applicability at a parcel level.

Figure 4.09.020-4.09.02-1. Courthouse View Protection Overlay District Map

This map is available for viewing at the Planning Department or as a downloadable map at https://gis-georgetowntx.hub.arcgis.com/pages/interactivemaps

A. I-35 View Corridor

1. Properties located in the shaded areas between the Williamson County Courthouse, the western (southbound) lanes of I-35 south of Northwest Boulevard beginning at 393 North I.H. 35 to the intersection at State Highway 29 (University Avenue), and

2. Properties lying within the protected view corridor along I.H.-35 from the State Spur 26 (Austin Avenue) Overpass to the Courthouse Dome.

B. Austin Avenue View Corridor

1. Properties within the protected view corridor projecting north from the Williamson County Courthouse to State Spur 158 (Austin Avenue) at F.M. 971 and continuing north to County Road 151 the width of the State Spur 158 (Austin Avenue) right-of-way, and

4.09.030. Maximum Height Determination Required

All properties are permitted to build a structure of a single story, which is designed to minimize the impact on the protected view. All other structures proposed within the view corridors may not exceed the height of the plane delineating the corridor as determined by the height calculation formula in **Section 4.09.030.C.3** below. The maximum height permitted is the lesser of either the Base Zoning District maximum height permitted in this section.

A. Application for Height Determination

Prior to Site Plan application, properties within the Courthouse View Protection Overlay District proposing to build a new structure or expand an existing structure shall submit an application for height determination to establish the requirements of this District as they may relate to a specific property.

An application form shall be submitted including the required calculations showing the elevations of the review site, viewpoint, proposed height of building, and distances from viewpoint to review site to the Courthouse, which establishes the allowable height according to the height calculation formula. An aerial map of the proposed site and Courthouse and viewpoint elevations may be obtained from the City. For specific definitions of the terms of this section, refer to **Chapter 18** of this Code.

B. Elevation Study Required

As part of the height determination review, sites that lie within the Courthouse View Protection Overlay District shall be required to submit an elevation study illustrating the potential impact of all buildings in the project on the protected view of the Williamson County Courthouse Dome.

C. Review Elements

Review of the application for height determination and associated elevation study shall consider the following elements:

1. Height

Within the Courthouse View Protection Overlay District, structure height shall be limited to avoid blocking the view to the Williamson County Courthouse Dome. Examples of design techniques to meet this requirement include:

a. Overall reduction of height; and

b. Stepping back the building height.

2. Location

Within the Courthouse View Protection Overlay District, structures shall be located to minimize the possible impact on the view to the Williamson County Courthouse Dome. Location of parking as it relates to the building shall be designed to best preserve the view of the Courthouse. Examples of techniques to avoid location impacts include:

a. Relocation of building on the site outside the view corridor; and

b. Cutting off building corners.

3. Height Calculation Formula

   The height calculation formula is used to determine structure height for projects within the Courthouse View Protection Overlay District. An example of the formula can be found in the Development Manual. The height calculation formula is as follows:

   - Tan of angle = A/B = E/F (TAN Deg = A/B = E/F)
   - Tan of angle x F=E (TAN Deg x F=E)
   - E - D = G
   - Combined formula (A/B x F) - D = G (allowable height)

4.09.040. Courthouse View Determination

Upon completion of the administrative review and height determination the Director shall make a final determination. The applicant may request an Administrative Exception, using the procedures of **Section 3.14**, if strict application of the provisions of this section would not be consistent with the purpose of the Overlay District due to unique topographical or physical characteristics of the subject site. In consideration of an Administrative Exception, the burden of proof shall be on the applicant to demonstrate that the proposed exception is consistent with the criteria contained in this section. The Director shall consider the following criteria in determining the Administrative Exception:

A. Granting the Administrative Exception would not adversely affect any identified public view corridor; and

B. Granting the Administrative Exception would be in the public interest and consistent with the purpose of the Overlay District.

4.09.050. Courthouse View Corridor Waiver

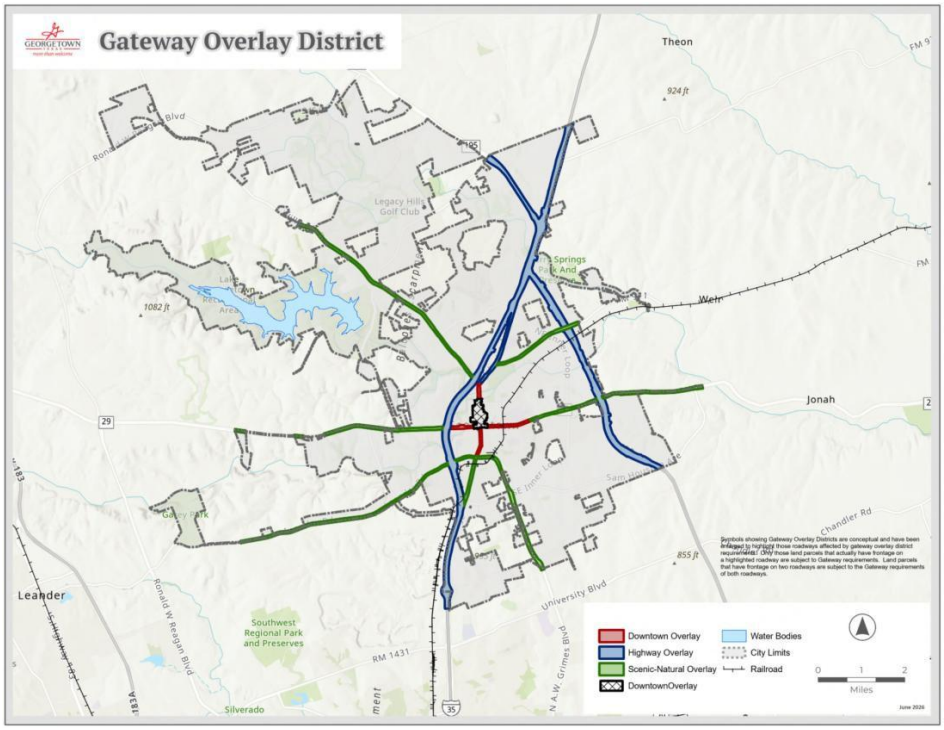
Upon completion of the administrative review and height determination the Director shall make a final determination. The applicant may request relief from the requirements of the Courthouse View Corridor using the procedures of **Section 3.27**.

Section 4.10. Gateway Overlay District

4.10.010. Purpose and Intent

This section establishes that certain roadways within the city limits shall be considered gateways into Georgetown and properties fronting such roadways shall be subject to special landscaping and design standards.

Figure 4.10.010-4.10.01-1. Gateway Overlay Districts Map



This map is available for viewing at the office of the Planning Department or as a downloadable map at **http://www.georgetowntexas.gov/maps**. The map is simply a graphical depiction of each corridor; it does not infer boundaries or a hierarchy of roadways for determining the gateway classification.

A. Purpose and Intent

The purpose of the Gateway Overlay Districts (Gateways) is to protect and enhance the entrance corridors to the City and downtown with landscaping, setbacks, and special design standards. The intent of the Gateways is to establish entrance corridors that herald the approach to the City, define the arrival to a destination, and link common elements together.

4.10.020. Applicability

The Gateway Overlay Districts shall be designated on both sides of the specific corridors listed in **Section 4.10.030**, and shall have a width of 100 feet measured from the edge of the right-of-way. Properties within the Gateway Overlay District shall follow the design standards in **Section 4.10.040** and landscaping provisions set forth in **9.03.060** at the time of development. Gateway planting requirements may be credited toward the landscape requirements in accordance with **Chapter 9**. Where the requirements of this section and the underlying Zoning District conflict, the standards of this section shall apply. If another Zoning Overlay District exists on the property, the more stringent standards shall apply.

4.10.030. Gateway Corridors

The following corridors include roadways that are considered Gateways into the community. Each Gateway category represents different roadways in the City and may contain differing landscape buffer sizes and landscaping/design requirements. The relevant Gateway landscape buffer shall be shown on a plat and/or Site Development Plan as a landscape easement. The landscape buffer shall be considered to begin at the right-of-way line of each applicable

roadway, regardless of the distance from the actual road. When Gateway corridors intersect or abut each other, the centerline of the roadway shall be used to determine the division of the corridor.

A. Highway Gateways—25-Foot Landscape Buffer

The purpose of the Highway Gateway is to positively reflect the image of the City by enhancing development with well-designed Site Plans and landscaping while maintaining a safe and effective interstate highway. Site design proposals along the Highway Gateways shall break up large masses of parking and pavement with well-planned open space components Additionally, careful analysis is required of view corridors from the highway. Strategically placed tree groupings should be located to frame desired views while screening parking areas. Highway Gateways include both the highway's main lanes and designated frontage roads.

1. Interstate Highway 35.
2. State Highway 195.
3. State Spur 158 (North Austin Avenue).
4. State Highway 130.

B. Scenic/Natural Gateways—25-Foot Landscape Buffer

The purpose of the Scenic/Natural Gateway is to reflect the natural characteristics of the land. These Georgetown roadways are prominent arterials and growth zones leading into the City. The purpose of the design standards for the Scenic/Natural Gateway corridors is to maintain the existing informal character as they develop. For developments that occur along the Scenic/Natural Gateways, designers shall integrate the natural characteristics of the land into the landscape design. Informal tree massings, planting of under story trees, incorporation of native stones and boulders, and use of native grasses and wildflowers are examples of how to blend required plantings with native plantings.

1. F.M. 2243 (Leander Road).
2. State Highway 29 (University Avenue), west of the intersection of I-35and east of the intersection of Southwestern Boulevard.
3. State Spur 26 (South Austin Avenue).
4. F.M. 2338 (Williams Drive).
5. F.M. 971.
6. F.M. 1460.

C. Downtown Gateways—10-Foot Landscape Buffer

The purpose of the Downtown Gateway standards is to enhance and unify the appearance of the major roadways adjacent to and directly leading into downtown Georgetown. Because of the close proximity to the Downtown District, the appearance of the Downtown Gateway shall reflect a relatively formal, urban extension of the downtown and visually enhance its aesthetic appearance. In order to establish the formal appearance, trees shall be evenly spaced and located equal distance behind the property line. Although the intent for the Downtown Gateway corridors is to establish a consistent, formal landscape appearance, the design standards are not intended to adversely affect existing trees along the roadways. Variations to these standards are allowed to provide for the preservation of existing trees.

All non-residential properties in Downtown Gateways are subject to special setback design requirements, denoted in **Subsection 4.10.040.B**.

1. South Austin Avenue, beginning north of the intersection of F.M. 1460/F.M. 2243 (Leander Road) and ending at the southern boundary of the Downtown Overlay District.

2. North Austin Avenue, beginning at the northern boundary of the Downtown Overlay District and ending at the intersection of F.M. 2338 (Williams Drive).
3. State Highway 29 (University Avenue), beginning at the western boundary of the Downtown Overlay District and ending at the intersection of I-35.
4. State Highway 29 (University Avenue), beginning at the eastern boundary of the Downtown Overlay District and ending at the intersection of Southwestern Boulevard.

4.10.040. Gateway Design Standards

A. Landscaping Standards

Calculation of required landscaping must comply with **9.03.060. Gateway Overlay District Landscaping**. Where regulations and requirements for Gateways and another Zoning District conflict, the more restrictive regulations shall apply.

B. Special Setbacks in the Downtown Gateway

1. For all non-residential properties in the Downtown Gateway, regardless of Zoning District, the front setback is zero. For purposes of this setback, the property line will be replaced with the edge of the gateway landscape buffer.
2. Parking is prohibited between the front building line and edge of the Gateway landscape buffer.
3. The front building line shall comprise of a minimum of 40% of the primary façade of the primary building.
4. Features allowed between the front building line and the landscape buffer shall be limited to those allowed in **Subsections 7.03.020.D** and **8.03.030.D**.
5. Fencing shall meet the requirements in **9.05.070.7**.

C. Sidewalks

Sidewalks shall be required in accordance with **Table 14.03.030-1. Local and Neighborhood Street Standards**. All sidewalks shall be constructed and designed to coordinate the location of any new sidewalks and to tie into existing sidewalks. If the sidewalk lies within the Gateway landscape buffer, some portion of the site's required landscaping shall be located between the sidewalk and the designated right-of-way. Properties in the Downtown Gateway require construction of a minimum 6-footsidewalk. Scenic and Highway Gateways require sidewalks, where applicable, in accordance with **Section 14.02**.

D. Parking

No parking will be allowed within a Gateway landscape buffer, and all screening of adjacent parking will be in accordance with **Subsection 9.03.080**.

E. Site Limitations

1. Drainage facilities are not allowed within a Gateway landscape buffer except those that are necessary to convey drainage in the shortest possible route to or from the street right-of-way, if determined to be required by the Development Engineer. If determined to be necessary in such instances, the drainage facilities shall follow the design requirements in **Section 13.04**. Drainage facilities include all detention ponds, water quality ponds, outlet structures, drainage berms, improved channels or other improvements associated with the drainage improvements.
2. Dumpsters and mechanical equipment are not allowed in the front, side, or rear setback if the setback is directly adjacent to a Gateway roadway.
3. All utilities installed for the development shall be located underground. The developer shall not have to retrofit existing utilities.

4. No service areas or service drives shall be permitted to front a Gateway roadway.

F. Boundary Walls

Residential boundary walls may be required, as described in **Subsection 9.06.060**.

G. The Gateway landscape buffer shall be situated on a platted lot that is owned and maintained by the owner, developer, neighborhood or homeowner association, or other entity acceptable to the Director.

Chapter 5. Downtown and Old Town Code

Section 5.01. Purpose

The City of Georgetown's Downtown and Old-Town Overlay Districts are unique development areas. The purpose of this Code is as follows:

A. Serves as a one-stop Code for development regulations that are applicable to these two Overlay Districts.

B. Provides standards that continue the orderly growth of Downtown and Old Town Districts.

C. Implements the goals and policies adopted as part of the Downtown Master Plan.

D. Ensures new development is human scale, pedestrian oriented and has compatibility between different types of development and land use areas.

Section 5.02. Components of the Code

A. This chapter provides applicable regulations from this UDC for the Downtown and Old Town Areas and other Historic Overlay areas including the following:

1. Established Historic Overlay Districts (**Section 5.03**)
2. General Development Standards for Historic Overlay Districts (**Section 5.04**)
3. Downtown Overlay - As a whole and by subdistrict (**Section 5.05**)
4. Old Town Overlay (**Section 5.06**)
5. Standards Specific to Designated Historic Districts (**Section 5.07**)
6. Standards Specific to Historic Landmark Designation (**Section 5.08**)
7. Development Process (**Section 5.10**)
8. Certificate of Appropriateness (**Section 5.11**)

B. Other Applicable Regulations and Guidelines

1. Historic District Design Guidelines apply to all properties within the Downtown Overlay District and Old Town Overlay District, as well as improvements to Historic Landmarks anywhere within the city limits.

Section 5.03. Established Historic Overlay Districts

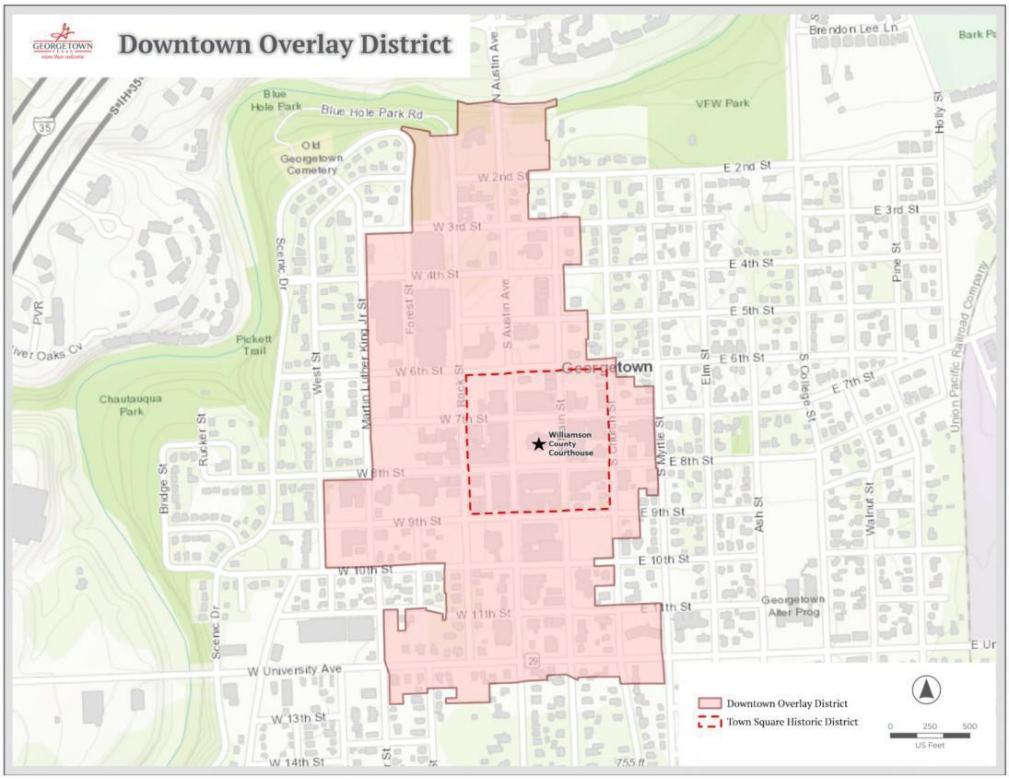
5.03.010. Historic Overlay Districts Established

The Historic Overlay Districts are established as follows. Each Historic Overlay District includes all the land within the boundary of the District shown on the Official Zoning Map.

A. Downtown Overlay District

The Downtown Overlay District was established by the City Council as part of adoption of Ordinance No. 2001-48 on August 28, 2001, and expanded with the adoption of Ordinance No. 2014-86, adopted on October 28, 2014. The District is divided into two distinct zones, designated as Area 1 (the Town Square Historic District) and Area 2 (the remainder of the Downtown Overlay District). The Downtown Overlay District is generally bounded by the river to the north, the lots fronting the south side of University Avenue to the south, Martin Luther King, Jr., Street to the west, and Myrtle Street to the east. The Downtown Overlay District abuts but does not include the Old Town Overlay District. The precise boundaries are depicted on the map incorporated below.

Figure 5.03.010-5.03.01-1. Downtown Overlay District Map

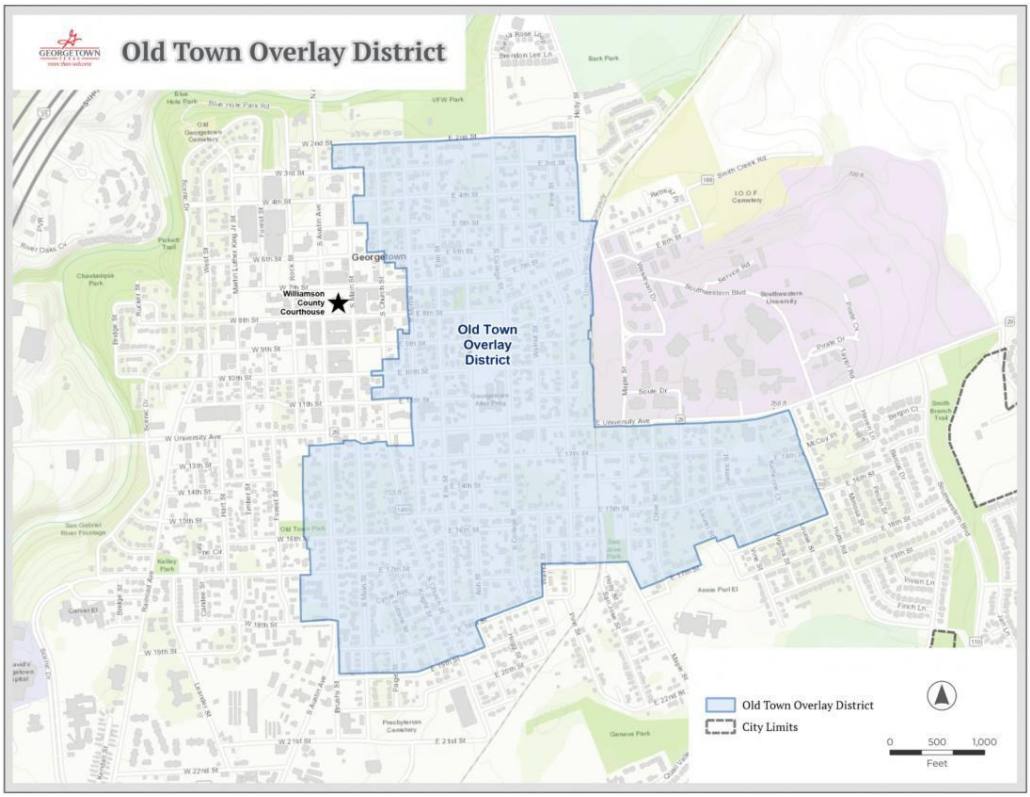


This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

B. Old Town Overlay District

The Old Town Overlay District was established by the City Council as part of adoption of Ordinance No. 2004-22 on April 13, 2004. The Old Town Overlay District is generally bounded on the north by 2nd Street; on the east by Holly Street, the railroad tracks, University Avenue, and Hutto Road; on the south by 17th, 18th, and 19th Streets; and on the west by the properties on the western side of Austin Avenue and the boundaries of the Downtown Overlay District. The Old Town Overlay District abuts but does not include the Downtown Overlay District. The precise boundaries are depicted on the map incorporated below.

Figure 5.03.010-5.03.01-2. Old Town Overlay District Map



This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

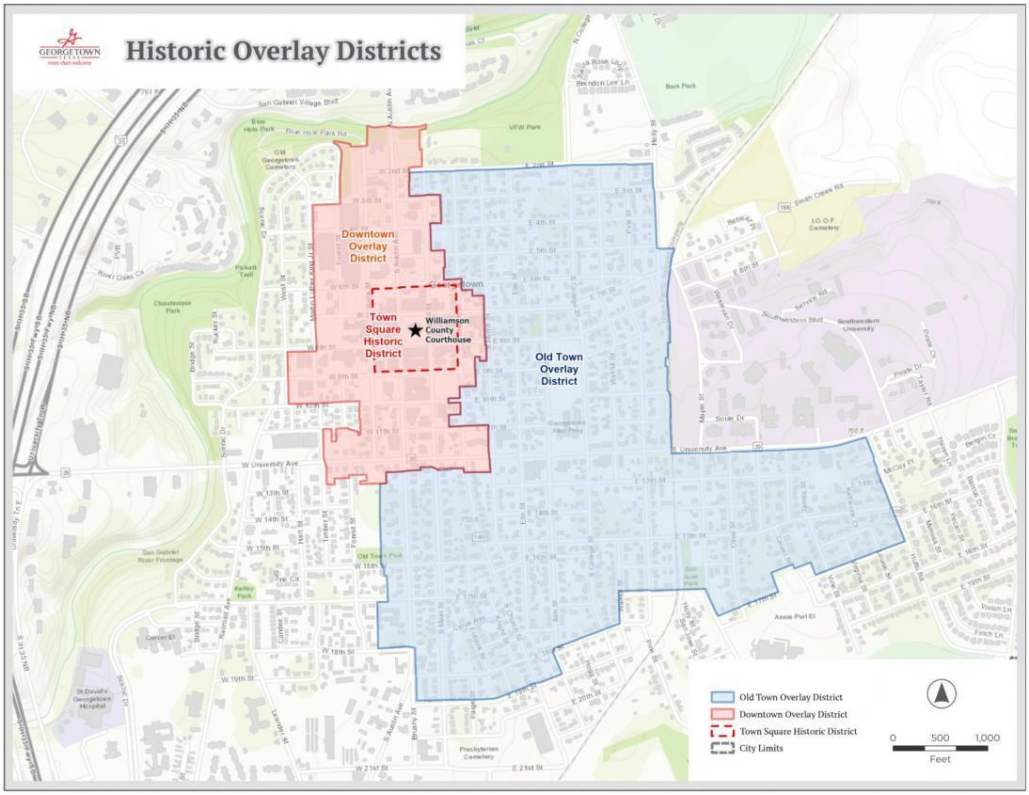
C. Designated Historic Districts

Designation of a Historic District shall be established and governed in accordance with this Code. This subsection contains all designated Historic Districts under this Code. Designated Historic Districts are as follows:

1. Town Square Historic District

The City Council designated the Town Square Historic District by the adoption of Ordinance No. 2001-48, the confines of which are defined as follows: All lots in Blocks 37, 38, 39, 40, 41, 50, 51, and 52 of the City of Georgetown, Texas, according to the map or plat thereof of record and which lots are all of those properties on the nine blocks surrounding and including the property that may commonly be referred to as the Public Square or Court House Square of the City of Georgetown, Williamson County, Texas. The precise boundaries are depicted on the map incorporated below.

Figure 5.03.010-5.03.01-3. Historic Overlay Districts Map



This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

D. Historic Landmark Designation

Designation of a Historic Landmark shall be established and governed in accordance with this Code. Buildings or structures to be protected, preserved, restored, and enhanced as a historic resource and in the interest of the culture, prosperity, education, and welfare of the City of Georgetown may be designated as a Historic Landmark by ordinance of the City Council. Upon designation of a building or structure as a Historic Landmark, the City Council shall cause this designation to be recorded in the official public record of real property of Williamson County and the City of Georgetown's Official Zoning Map. All zoning maps shall reflect historic landmarks by inclusion of the words "Historic Landmark" (HL) as a prefix to its use designation in accordance with this Code.

Section 5.04. General Development Standards for Historic Overlay Districts

5.04.010. Certificate of Appropriateness Required

All new buildings and changes to existing buildings located in a Historic Overlay District, designated as a Historic Landmark, or located in a National Register of Historic Places of the US National Park Service are subject to the Certificate of Appropriateness provisions of **Section 5.11** of this Code. Any activity requiring review of a Certificate of Appropriateness per **Section 5.11** of this Code will be subject to this section and the Historic District Design Guidelines adopted by the City of Georgetown.

5.04.020. Applicability of Historic Overlay District Standards

A. Each designated Historic Overlay District may have unique standards that are described in the adopting ordinance for that District.

B. The development and design standards contained within this section are intended to supplement any development and design standards of an underlying Base Zoning District. The standards of the underlying Base Zoning District, as well as those of any other applicable overlay District, shall remain in effect unless superseded by specific standards of the applicable Historic Overlay District.

C. In the event of a conflict between the development regulations of the underlying Zoning District and the provisions of this section, the provisions of this section shall apply.

D. Any regulations for a specific Historic Overlay District shall apply to all properties or structures wholly contained within that District and to only those portions of any property or District located within the District.

E. All uses permitted or conditionally permitted in the underlying Zoning Districts shall continue to be permitted or conditionally permitted, respectively, unless otherwise specified in the specific standard for the overlay District. The Historic and Architectural Review Commission (HARC) shall not have the authority to approve the specific use of a site.

5.04.030. General Guidelines Applicable to All Historic Overlay Districts

A. The historic character of a building or structure should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a building or structure should be avoided.

B. Each building or structure should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other structures, should not be undertaken.

C. Most buildings or structures change over time; those changes that have acquired historical significance in their own right should be retained and preserved.

D. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a building or structure should be preserved.

E. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires the replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

F. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.

G. Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures should be undertaken.

H. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the building or structure. The new work should be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the building or structure and its environment.

I. New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

J. Maintaining and repairing features is preferred over replacing features as to maintain the high-quality materials, character, and embodied energy of historic buildings and to reduce the amount of waste that goes to a landfill.

However, if features are deteriorated beyond repair in-kind replacement using new components that match the original in form, finish, and materials is favored. Substitute materials should be used only on a limited basis and only when they match the appearance and general properties of the historic material and will not damage the historic resource.

5.04.040. Demolition by Neglect

A. An owner of a building or structure designated as a historic landmark or located in a historic overlay district, or person with interest in the real property, shall not allow such structure to fall into a serious state of disrepair so as to result in deterioration which would, in the judgment of the Historic Preservation Officer and the Building Official, produce a detrimental effect upon the life and character of the structure itself.

B. The Building Official and Historic Preservation Officer of the City of Georgetown shall determine the "serious state of disrepair" in accordance with the most current form of the International Property Maintenance Code. Examples of such deterioration include, but are not limited to, the following:

1. Deterioration of walls or other vertical supports;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors;
6. Deterioration of exterior walls, doors, windows, or other means of interior access, so as to create a danger of trespassing;
7. Deterioration of plumbing and electrical systems affecting the exterior of the structure; or
8. A hazardous condition resulting from the deterioration of any exterior feature, which might indicate that demolition is necessary for the public safety.

C. A property owner, or person with interest in the real property, who is in violation of this section shall be subject to enforcement measures under **Chapter 17**.

D. Should compliance with this this section require more than ordinary maintenance and repair, the provisions of **Section 5.11**, Certificate of Appropriateness, shall be applicable.

Section 5.05. Downtown Overlay District Development Standards

5.05.010. Base Zoning District

A. General

Chapter 4 of the UDC establishes Zoning Districts that may be used within the City of Georgetown as authorized by the City Charter and the Texas Local Government Code. The zoning of a property can be found on the Official Zoning Map as outlined within this Code. While the majority of the Downtown Overlay District is located within the Mixed-Use Downtown District (MU-DT) it is important to consult the Official Zoning Map for the specific zoning designation of your property.

B. Mixed Use Downtown District (MU-DT)

The Mixed-Use Downtown District (MU-DT) is intended to provide a location for a mix of land uses including general commercial and retail activities, office as well as single-family and multifamily in the downtown area. Developments in the MU-DT District are typically smaller in size and scope although there may be occasionally heavy traffic. The MU-DT District is only appropriate in the traditional downtown area of Georgetown. Properties

in MU-DT shall meet the design requirements of the Downtown Overlay District and the Historic District Design Guidelines.

5.05.020. Use

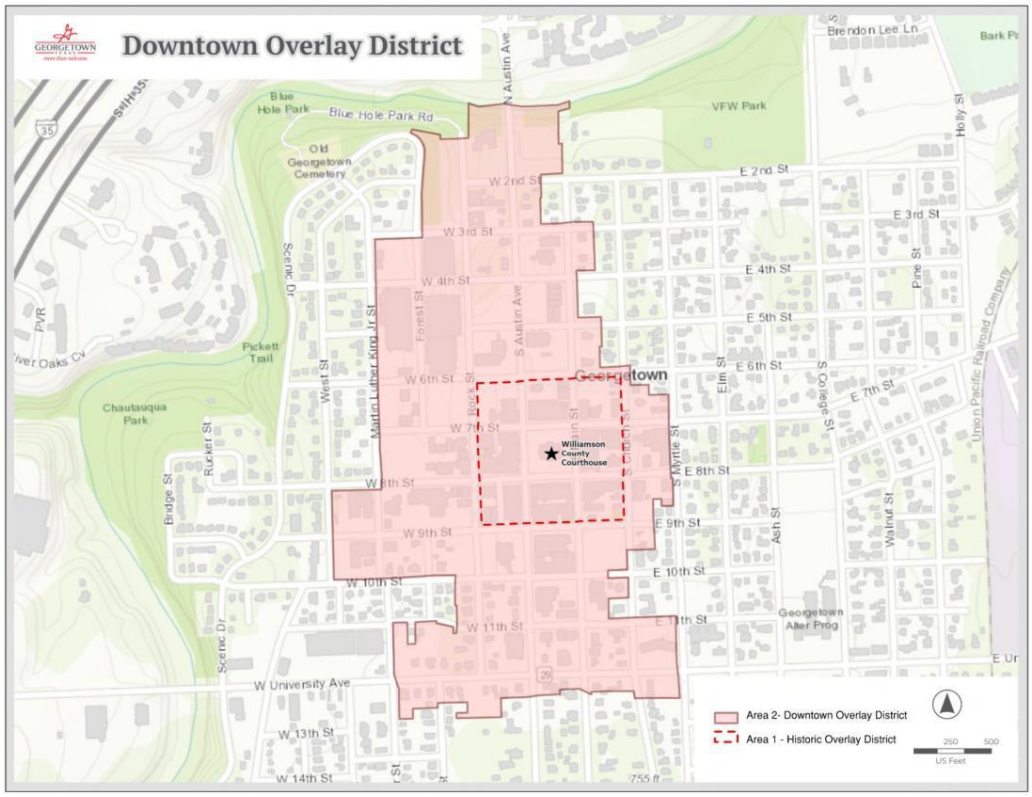
For uses allowed per Zoning District, see **Chapter 6**.

5.05.030. Parking

A. Off-Street Parking Requirements in the Downtown Overlay District

The following table lists minimum off-street parking requirements for the Downtown Overlay District. The boundaries for Area 1 and Area 2 are depicted on the map incorporated below.

Figure 5.05.030-5.05.03-1. Downtown Overlay Districts Map



This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

Table 5.05.030-1. Downtown Overlay District Off-Street Parking Requirements

Downtown Overlay District		
Downtown Overlay District	Retail buildings greater than 20,000 square feet in Area 1 †	1 per 1,500 sq ft GFA
	All other uses in Area 1	No off-street parking requirement

Downtown Overlay District		
	Residential Uses in Area 2	See the Household Living parking requirements **Table 11.02.040-1**
	Non-Residential Uses in Area 2†	1 per 500 sq ft GFA

† Retail and restaurant uses do not require off-street parking when a shared public parking lot is within 2 blocks of the proposed use.

A. Alternative Parking Plans

Alternative parking plans, as described in **Section 5.09** of this Code, may be considered.

5.05.040. Lot Size and Coverage

A. Lot and Dimensional Standards

1. Building setbacks adjacent to public rights-of-way in the Downtown Overlay District shall generally be assumed to be zero feet or "built to" the right-of-way line.
2. For lot dimensional standards, see **Section 8.02**.

5.05.050. Building Design

Design Goals for Area 1 and Area 2 are outlined in detail in the Historic District Design Guidelines. Guidelines for alterations to existing buildings and design goals for new infill construction will be used by City staff in evaluating the appropriateness of the proposed development.

A. Building Height

1. In the Downtown Overlay District, building height shall not exceed the maximum height permitted per subdistrict, unless a Certificate of Appropriateness is approved by HARC in accordance with the procedures set forth in **Section 5.11** of this Code.
2. Buildings located along the portion of Austin Avenue that lies within the boundaries of the Downtown Overlay District shall be at least two usable stories in height with an overall building height of not less than 20 feet.

5.05.060. Building Height

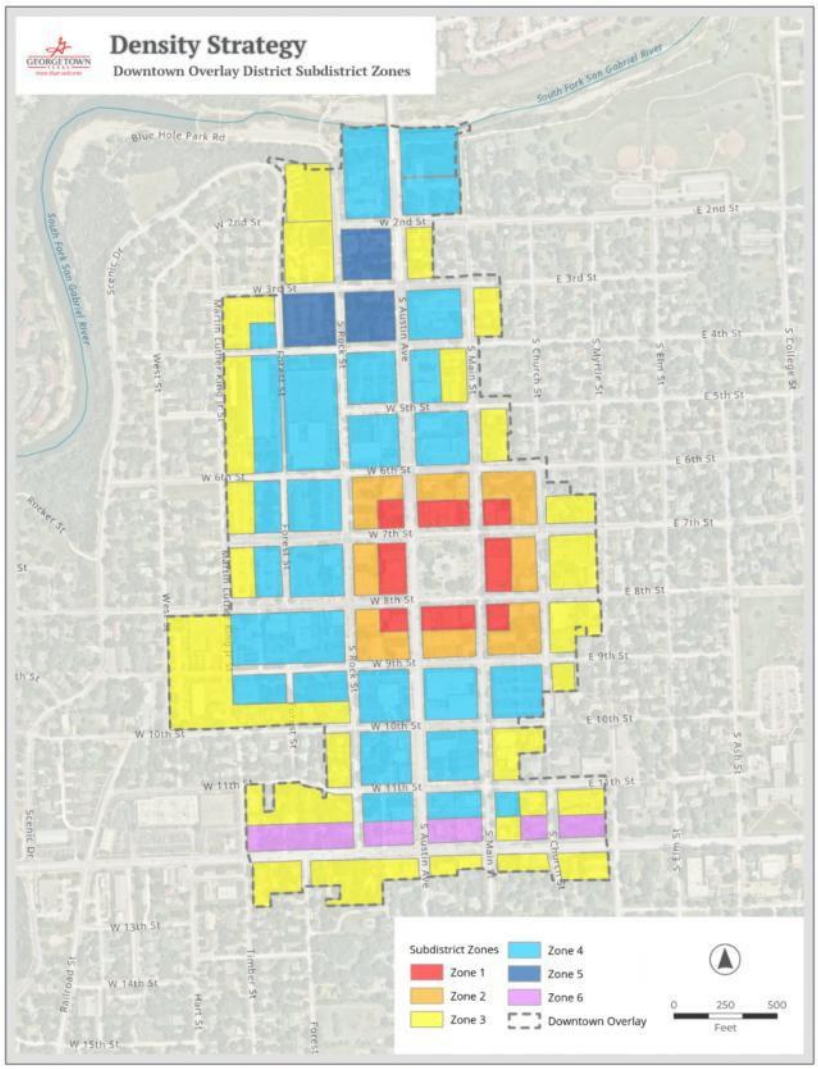
A. Purpose

The purpose of this section is to implement the mass and scale goals of the Downtown Master Plan.

B. Subdistricts

The following subdistricts of the Downtown Overlay District are graphically shown on the map below and are defined as follows:

Figure 5.05.060-5.05.06-1. Downtown Overlay District Subdistrict Zones



1. Zone 1 - The inner half- block within the Nine Block Square facing the County Courthouse.
2. Zone 2 - The outer half-block within the Nine Block Square not facing the County Courthouse.
3. Zone 3 - Transition zones between areas of Historic District Overlay and adjacent residential land use.
4. Zone 4 - Areas of increased height outside of the Nine Block Square.
5. Zone 5 - Properties north of the Nine Block Square where topography allows for additional building height
6. Zone 6 - Properties along University Avenue between MLK JR Street and Myrtle Street.

Table 5.05.060-1. Downtown Overlay District Building Height Maximum Requirements

Downtown Zone	Maximum Vertical Stories Allowed	Maximum Vertical Height Allowed*
Zone 1	2	35 feet
Zone 2	N/A	50 feet
Zone 3	N/A	35 feet
Zone 4	N/A	52 feet
Zone 5	N/A	64 feet
Zone 6	N/A	40 feet

*Maximum building height shall not exceed the height of the bottom of the balustrade of the County Courthouse

5.05.070. Signs

The sign standards shall be those contained within the Historic District Design Guidelines. In the event that no standards exist, the standards in this UDC shall apply, and may be modified in order to more accurately reflect the express language or the intent of the design guidelines in regard to signs.

5.05.080. Streets and Sidewalks

Streets and sidewalks adjacent to a property located within the Downtown Overlay District that is required to prepare a Site Development Plan shall be brought into compliance with the design standards in Section 14.04 of this Code and the Downtown Master Plan, as amended.

5.05.090. Tree Preservation, Landscaping, and Fencing

A. Please see **Chapter 9** and **Chapter 10** for applicable standards.

B. Street tree standards shall follow the requirements of **Section 9.05.070**.

5.05.100. Specific Exemptions to Development Standards

A. Development within the Downtown Overlay District are exempt from the following requirements:

1. **Subsection 14.06.040** on design and technical standards related to intersection visibility and sight triangles requires a 25-foot right-of-way flare.
2. **Section 15.03** on utility easement requirements for a 10-foot public utility easement (PUE) adjacent to all streets and a 15-foot PUE along major collector roadway classification and higher.

Section 5.06. Old Town Overlay District Development Standards

This section contains specific development and design standards applicable to properties located in the Old Town Overlay District of the City of Georgetown.

5.06.010. Base Zoning Districts

Chapter 4 establishes Zoning Districts that may be used within the City of Georgetown as authorized by the City Charter and the Texas Local Government Code. The zoning of a property can be found on the Official Zoning Map as outlined within this Code.

5.06.020. Use

For uses allowed per Zoning District, see **Chapter 6**.

5.06.030. Parking

The parking standards of **Table 11.02.040-1** shall apply. Alternative parking plans, as described in **Section 5.09** of this Code, may be considered.

5.06.040. Building Design

Design goals for the Old Town Overlay District are outlined in detail in the Historic District Design Guidelines. Guidelines for alterations to existing buildings and design goals for new infill construction will be used by City staff in evaluating the appropriateness of the proposed development.

5.06.050. Building Height

Buildings within the Old Town Overlay District shall not exceed 30 feet in height. However, a Certificate of Appropriateness may be approved in accordance with **Section 5.11** of this Code to allow utilization of the height limitation of the underlying Zoning District.

5.06.060. Signs

The sign standards contained within the Historic District Design Guidelines shall apply. In the event that no standards exist, the standards of this UDC shall apply and may be modified in order to more accurately reflect the express language or the intent of the design guidelines with regard to signs.

5.06.070. Setbacks

Setbacks shall be that of the underlying Base Zoning District. However, for residential structures in the Old Town Overlay District, a Certificate of Appropriateness may be approved in accordance with **Section 5.11** of this Code to allow a residential structure to encroach into a required setback.

5.06.080. Floor-to-Area Ratio

The floor-to-area-ratio (FAR) within the Old Town Overlay District shall not exceed 0.45, unless a Certificate of Appropriateness is approved in accordance with **Section 5.11**.

5.06.090. Tree Preservation, Landscaping, and Fencing

See **Chapter 9** and **Chapter 10** for applicable standards.

Section 5.07. Standards Specific to Designated Historic Districts

A. Town Square Designated Historic District

The Town Square Historic District shall follow the standards set forth for the Downtown Overlay District.

Section 5.08. Standards Specific to Historic Landmark Designation

A. Design, alterations, additions, and maintenance of a building or structure designated as a Historic Landmark shall be in keeping with applicable guidelines of the Historic District Design Guidelines as adopted by the City Council.

B. Buildings, structures, or sites designated as a Historic Landmark shall follow the standards set forth by the applicable underlying and Overlay Zoning Districts.

Section 5.09. Alternative Parking Plans in a Historic Overlay District

A. General

Within any Historic Overlay District, the Planning Director shall be authorized to approve alternatives to providing the number of off-street parking spaces required in accordance with this section.

B. Procedure

Alternative Parking Plans shall be reviewed and approved by the Planning Director following the procedures of the Administrative Exception process established in **Section 3.14** of this Code.

C. Recording of Approved Plans

Where an Alternative Parking Plan requires use of property other than the subject property, an attested copy of an approved Alternative Parking Plan must be recorded with the County Clerk on forms made available in the Planning Department. An Alternative Parking Plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the Certificate of Occupancy.

D. On-Street Parking

The Planning Director may approve counting on-street parking spaces to satisfy the requirements for off-street parking. Such on-street parking shall be located on public right-of-way directly abutting the subject property and shall be reviewed by the Development Engineer for compliance with City's standards for use of rights-of-way.

E. Off-Site Parking

The Planning Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

1. Location

No off-site parking space may be located more than 900 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote parking shuttle service is provided. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or remote parking shuttle service is provided.

2. Zoning Classification

Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

3. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must be for a specified time and guarantee the use of the off-site parking area for a minimum of five years. An attested copy of the agreement between the owners of record must be submitted to the Historic Preservation Officer, or designee, for recording in form established by the City Attorney. Recording of the agreement must take place

before issuance of a Building Permit or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be terminated only if all required off-street parking spaces are provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided, and the Historic Preservation Officer, or designee, shall be notified at least 60 days prior to the termination of a lease for off-site parking.

F. Shared Parking

The Planning Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

1. Location

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2. Zoning Classification

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

3. Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the City that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the City and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. Agreement for Shared Parking

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the City for recording in a form established by the City Attorney. Recording of the agreement must take place before issuance of a Building Permit for any use to be served by the off-site parking area. A shared parking agreement may be terminated only if all required off-street parking spaces are provided.

G. Fee-In Lieu of Parking

The Planning Director may approve the acceptance of a fee-in-lieu of required parking in extreme cases where none of the alternatives above, alone or in combination, provide for the requisite number of spaces. Such fee shall be established by the City Council as part of the adopted fee schedule.

H. Other Eligible Alternatives

The Planning Director may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the City that the proposed plan will function equally well in protecting surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design than would strict compliance with otherwise applicable off-street parking standards. Such alternatives may include, but are not limited to, the use of tandem parking spaces.

Section 5.10. Development Review Process

A. Purpose

The purpose of this section is to provide an overview of the development review process that projects within the Downtown and Old Town Overlay District need to take.

B. Simultaneous Submission of Related Applications

1. Policy Applications

   a. Zoning – see **Section 3.07**

   b. Preliminary Plat – see **Subsection 3.15.070**

      Exception: A Preliminary Plat shall not be submitted until final approval of a Planned Unit Development (PUD) zoning request.

   c. Construction Plans – see **Subsection 3.15.100**

2. Development Applications

   a. Final Plat – see **Subsection 3.15.080.B**

   b. Certificate of Appropriateness – see **Section 5.11**

   c. Site Development Plan – see **Section 3.17**

3. Building Permits

   An application for a Building Permit shall not be submitted to the City until review of the first submittal of the corresponding Site Development Plan has been completed by staff, and the comments have been forwarded to the applicant.

C. Pursuant to the authority granted to the City by Texas Local Government Code Chapter 211 and the City Charter, a Certificate of Appropriateness is required in accordance with **Table 5.11.010-1** below. Activities that include more than one project (scope of work) shall be subject to the review process and criteria for approval for each specific project as identified in **Table 5.11.010-1**.

Section 5.11. Certificate of Appropriateness

5.11.010. Applicability

A. Pursuant to the authority granted to the City by Texas Local Government Code Chapter 211 and the City Charter, a Certificate of Appropriateness is required in accordance with **Table 5.11.010-1** below. Activities that include more than one project (scope of work) shall be subject to the review process and criteria for approval for each specific project as identified in **Table 5.11.010-1**.

Table 5.11.010-1. Certificate of Appropriateness Required

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
New Construction (Infill Development)		
New building construction	All Historic Overlay Districts	HARC
Additions		
Addition that creates a new, or adds to an existing, street-facing façade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)	HARC

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)	HPO
	Non-Contributing Historic Structure	HPO
Addition of a non-street-facing façade	Historic Landmark	HARC
	Contributing Historic Structure	HPO
	Non-Contributing Historic Structure	NR
New addition does not comply with the development standards of the Historic Overlay District	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Awning or canopy	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Porch, patio, deck, pergola, or sail sunshade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Reconstruction, Alterations, Changes		
Restoring historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Replacing a non-historic architectural feature with a non-historic architectural feature±	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Replacing a historic non-architectural feature with a non-historic architectural feature	Historic Landmark	HPO
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Replacing roof materials with different roof materials±	Historic Landmark	HARC
	Contributing Historic Structure	HPO
	Non-Contributing Historic Structure	NR
Modifications to exterior steps, stairways, and ramps using in-kind material	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Modifications to exterior steps, stairways, and ramps	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Paint removal from historic and significant architectural features (back to original condition; does not include repainting)	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Changes to paint color on previously painted surfaces (includes repainting or new paint on previously painted surface)	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
	Historic Landmark	HPO

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
New paint on unpainted historic and other significant architectural features	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Changes in color to awning fabric	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Exterior lighting that is attached to the building or structure	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Rooftop HVAC, mechanical, or communication equipment that result in no modifications to the building façade	Historic Landmark*	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure*	
Rooftop HVAC, mechanical, or communication equipment that result in modifications to the building façade	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structure as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure*	HPO
Removal, Demolition, or Relocation		
Awnings or canopies	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	HARC
	Contributing Historic Structure (Low Priority Structure as identified on the most recently adopted historic resource survey)*	HPO
	Non-Contributing Historic Structure	NR
Exterior non-historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Exterior siding to unencapsulate historic siding materials	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
Removal, stripping, concealing, or destruction of any historic and architectural feature that is integral to the historic character of the building or structure or Historic Overlay District	Historic Landmark	HARC
	Contributing Historic Structure (High and Medium Priority Structures as identified on the most recently adopted historic resource survey)*	
	Contributing Historic Structure (Low Priority Structures as identified on the most recently adopted historic resource survey)	HPO
	Non-Contributing Historic Structure*	HPO
Non-historic additions that are made of non-historic materials	Historic Landmark	HPO
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Attached carport, porch, patio, or deck	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Attached carport, porch, patio, or deck made of non-historic materials	Historic Landmark	HPO
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Reopen enclosed porch, patio, or deck to original condition	Historic Landmark	HPO‡
	Contributing Historic Structure*	
	Non-Contributing Historic Structure	NR
Street facing façade	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Demolition that results in the reduction or loss in the total square footage of the existing structure	Historic Landmark	HARC
	Contributing Historic Structure	
	High Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District	HARC
	Medium Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District	HPO
Relocation of a building or structure on the same lot	Historic Landmark	HPO
	Contributing Historic Structure	
	Non-Contributing Historic Structure	
	Historic Landmark	HARC

Project (Scope of Work)	Historic Significance	Decision Making
HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required		
Relocation of a building or structure to a Historic Overlay District (includes relocation of buildings or structures within the same Historic Overlay Districts)	Contributing Historic Structure	
	Non-Contributing Historic Structure	
Relocation of a building or structure outside of the Historic Overlay District	Historic Landmark	HARC
	Contributing Historic Structure	
	Non-Contributing Historic Structure	NR
Signage		
Master Sign Plan	All Historic Overlay Districts	HPO
New signage, to include new signage that is consistent with an approved Master Sign Plan		HPO
New signage that is inconsistent with an approved Master Sign Plan or applicable guidelines		HARC
Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting, or total sign area		HPO
Amending an approved Master Sign Plan		HPO
Fences		
New fence, railing, or wall that is inconsistent with the overlay District's characteristics and applicable guidelines	All Historic Overlay Districts†	HARC
Relief from **9.06.040. Residential Fences** for new fence that is enclosing a rear yard, set back at least 10 feet, and meets the material standards (see **9.06.080**)	All Historic Overlay Districts	HPO
Miscellaneous		
Exceptions on building height, setbacks, and FAR alternative standards pursuant to **Section 4.08** of this Code	All Historic Overlay District	HARC
Renewal of an expired Certificate of Appropriateness (where no additional changes are proposed)	All Historic Overlay Districts	HPO
	Historic Landmark	

* Only applicable to a street-facing façade.

† Only applicable to fences along a street lot line or located in a street yard

‡ CLG demo delay period and Demolition Subcommittee review not applicable

± Material that is intended to replace a historic material or feature that is either the same or a similar material, and the result will match all visual aspects, including form, color, and workmanship in order to retain the original design of the structure, may be permitted by the identified decision maker for medium and low priority resources.

B. Exemptions

A Certificate of Appropriateness shall not be required for the following:

1. Ordinary maintenance and repair, as this term is defined in **Chapter 18** of this Code.
2. Interior construction or alterations provided the alterations do not alter the exterior wall of the building.

3. New additions to existing single-family and two-family structures provided the addition does not create or add to a street-facing façade, and the addition, in combination with the existing building, is in compliance with the zoning standards of the Historic Overlay District.
4. New, modifications to, or removal of existing awnings (to include changes in color), canopies, exterior paint color, or exterior lighting attached to a single-family or two-family residential structure, provided the alterations do not alter the exterior wall of a building designated as a Historic Landmark.
5. Demolition of a building or structure that the Building Official has declared a dangerous structure in accordance with Chapter 15.40 of the City Code, as amended, or determined that demolition is necessary for the preservation of the public health, safety, and welfare.
    a. Should the Building Official declare a building a dangerous structure or determine that demolition is necessary for the preservation of public health, safety, and welfare, the Building Official shall coordinate with the Historic Preservation Officer and property owner to identify historic and significant architectural features that are unique to the building or structure, era or District and that may be salvaged.
    b. The Historic Preservation Officer shall create a record of the building or structure to be demolished through archival-quality photo-documentation, drawings, and other information similar to those required by the Historic American Buildings Survey. The list of identified historic and significant architectural features to be salvaged shall also be made part of this record.
6. New fence, railing or wall that is consistent with the overlay District's characteristics and applicable guidelines.
7. Site alterations and other hardscape features provided that these do not alter a building or structure designated as a Historic Landmark or that is a contributing historic structure to the Historic Overlay District.
8. New or modifications to mechanical equipment on residential structures.

C. No Building Permit shall be issued by the Building Official for any building or structure designated as a Historic Landmark or that is located in a Historic Overlay District until the application for such permit has been reviewed and approved by the Historic and Architectural Review Commission or the Historic Preservation Officer, as applicable, and the project, as proposed, is in compliance with all other applicable regulations of this Code.

5.11.020. Certificate of Appropriateness—Administrative Approval

A. Review Process

1. Initiation

    Initiation of a Certificate of Appropriateness to the Historic Preservation Officer may be made upon application by the property owner of the affected property or their authorized agent following the established application processes and requirements of this chapter.

2. Application Completeness
    a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable Certificate of Appropriateness checklist.
    b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material necessary to review conformance with applicable criteria for approval in accordance with this Code.
3. Staff Review

    Once a Certificate of Appropriateness has been initiated and the application deemed complete, the Historic Preservation Officer shall review the application for consistency with any applicable criteria for approval.

4. Responsibility for Final Action
   a. The Historic Preservation Officer is responsible for final action on a Certificate of Appropriateness for certain projects as specified in Section **5.11.010. Applicability**.
   b. The Historic Preservation Officer shall approve, approve with conditions, or deny the request.
   c. Should the Historic Preservation Officer be unable to approve the request, the Historic Preservation Officer may forward the request to the Historic and Architectural Review Commission (HARC) for review and final action at the next available meeting following public notification in accordance with **Section 3.03. Public Hearing and Notice**.

B. Criteria for Approval

The Historic Preservation Officer shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;
2. Compliance with applicable design and development standards of this Code;
3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable;
4. Compliance with the adopted Historic District Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District;
5. The overall character of the applicable Historic Overlay District and the building or structure is preserved, and the design is compatible with the Historic Overlay; and
6. The request is in keeping with the adopted Historic District Design Guidelines and character of the Historic Overlay District.

5.11.030. Certificate of Appropriateness—HARC Approval

A. Review Process

1. Initiation

   Initiation of a Certificate of Appropriateness to the Historic and Architectural Review Commission may be made upon application by the property owner of the affected property or their authorized agent following the established application processes and requirements of this chapter.

2. Application Completeness
   a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable Certificate of Appropriateness checklist.
   b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material necessary to review conformance with applicable criteria for approval in accordance with this Code.
3. Staff Review
   a. Once a Certificate of Appropriateness has been initiated and the application deemed complete, the Historic Preservation Officer shall review the application for consistency with any applicable criteria for approval.
   b. The Historic Preservation Officer shall prepare a report to the Historic and Architectural Review Commission.

c. The Historic Preservation Officer's report shall include a recommendation for final action.

4. Responsibility for Final Action

a. The Historic and Architectural Review Commission shall review the application, the Historic Preservation Officer's report, conduct a hearing in accordance with the Historic and Architectural Review Commission's established procedures and state law, and take final action on the application within 35 days of the application hearing unless the applicant agrees to extend the time.

b. An application before the Historic and Architectural Review Commission shall be considered approved by a majority vote of all members of the Historic and Architectural Review Commission.

B. Criteria for Approval

The Historic and Architectural Review Commission shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;
2. Compliance with applicable design standards of this Code;
3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable;
4. Compliance with the adopted Historic District Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District;
5. The general historic, cultural, and architectural integrity of the building, structure, or site is preserved;
6. New buildings or additions are designed to be compatible with surrounding properties in the applicable Historic Overlay District;
7. The overall character of the applicable historic overlay district is protected; and
8. The Master Sign Plan is in keeping with the adopted Historic District Design Guidelines and character of the Historic Overlay District.

C. Additional Criteria for Approval for Building Height Modification

1. Applicants requesting exceptions to the building height standards set forth in **5.05.050.A** must submit documentation to HARC that the following standards will be met if the requested exception to the height standards is approved:

a. The proposed building or addition shall not obscure views to and from the Courthouse or overwhelm or detract from views of the Town Square Historic District;

b. The proposed building or addition shall be compatible with the height, scale, massing, and volume reflected in the Downtown Overlay District, and the historic character of the District; and

c. The proposed building shall be an extraordinary contribution to the aesthetic and economic goals of the Downtown Master Plan.

2. The documentation required by **Section 5.11.030.C.1** must include, at a minimum, the following information:

a. A visual analysis that identifies:

(i) The extent to which the building would impact views to and from the Courthouse, and to what extent the building will be visible from four directions; and

(ii) How the building will relate to the context of the surrounding structures and the character of the District.

b. A summary of the conclusions of the visual analysis as to how the proposed building will impact the District, specifically the immediate surroundings.

3. HARC may grant a request for a variation in height from the standards set forth in **Section 5.05.060** or **5.06.050** only if it determines that the following goals or purposes will still be achieved:

a. Views to and from the Courthouse and to and from the Town Square Historic District will be protected; and

b. The character of the Downtown Overlay District and the Town Square Historic District will be defined, reinforced, and preserved; and

c. The relationship of the proposed project to the existing structures in the immediate vicinity remains consistent; and

d. The proposed project allows for the best utilization of redevelopment in the Downtown Overlay District and the Town Square Historic District; and

e. The proposed project protects the historic buildings in the Downtown Overlay District.

D. Additional Criteria for Approval of a Setback Modification

1. The Historic and Architectural Review Commission may grant a Certificate of Appropriateness, per **Section 5.11**, to modify the setback standards of the underlying Base Zoning District for residential properties located within the Old Town Overlay District.

2. HARC may consider the following in determining whether to approve a Certificate of Appropriateness for a setback exception:

a. Whether the proposed setback encroachment is solely a matter of convenience;

b. Whether there is adequate room on the site to allow the proposed addition or new structure without encroaching into the setback;

c. Whether the proposed setback is compatible and in context within the block in which the subject property is located;

d. Whether the proposed addition or new structure will be set closer to the street than other units within the block;

e. Whether the proposed structure is replacing a structure removed within the past year;

f. Whether the proposed structure will replace a structure that previously existed with relatively the same footprint and encroachment as proposed;

g. If the proposed encroachment is for a structure that is replacing another structure, whether the proposed structure is significantly larger than the original;

h. If the proposed encroachment is for an addition, the scale of the addition compared to the original house;

i. The size of the proposed structure compared to similar structures within the same block;

j. Whether the proposed addition or new structure will negatively impact adjoining properties, including limiting their ability to maintain existing buildings;

k. Whether there is adequate space for maintenance of the proposed addition or new structure and/or any adjacent structures; and/or

l. Whether the encroachment would enable existing large trees or significant features of the lot to be preserved.

E. Additional Requirements for Relocation, Removal, or Demolition of a Historic Landmark or Contributing Historic Structure.

In addition to the staff review process established in **Section 5.11.030.A. Review Process**, applications for a Certificate of Appropriateness for the relocation, removal, or demolition of a building or structure designated as a Historic Landmark or contributing historic structure shall be subject to the following additional review:

1. Demolition Delay Period Certified Local Government (CLG) Program
   a. Upon deeming the application complete, requests for a Certificate of Appropriateness for demolition of a Historic Landmark or contributing historic structure shall be subject to a 60-day demolition delay period. The Historic and Architectural Review Commission shall not take action on a request for demolition until the 60-day demolition delay period is complete.
   b. During this 60-day delay period, the applicant shall coordinate with the Historic Preservation Officer to reach a satisfactory resolution that preserves the building or structure or that preserves historic and significant architectural features unique to the building or structure, era, or District.
   c. The Historic Preservation Officer shall coordinate with local, county, and other historical organizations to explore possibilities for preserving, to include the possible relocation of the structure.
   d. The Historic Preservation Officer shall present the findings and resolution, if applicable, to the Historic and Architectural Review Commission with the request.
2. Demolition Subcommittee Review
   a. No later than the 30th day from deeming the application complete, the Historic and Architectural Review Commission's Demolition Subcommittee shall complete a walk-through of the building or structure proposed to be demolished or relocated with the Historic Preservation Officer and the applicant.
   b. The Demolition Subcommittee shall review the application and analyze the building or structure to determine possibility of preservation and restoration, and appropriateness for demolition or relocation. In the event of demolition, the Demolition Subcommittee shall also create a list of historic salvageable materials identified during the walk-through.
   c. The Demolition Subcommittee's report shall include a recommendation for final action.
3. Responsibility of Final Action
   a. In addition to the application, and the Historic Preservation Officer's report, the Historic and Architectural Review Commission shall review the recommendation by the Demolition Subcommittee, conduct a hearing in accordance with the HARC's established procedures and state law, and take final action on the application within 35 days of the application hearing unless the applicant agrees to extend the time.
   b. As conditions of approval, the Historic and Architectural Review Commission may require historical materials to be salvaged, archival-quality photo-documentation, and/or architectural drawings of the building or structure proposed to be demolished or relocated similar to those required by the Historic American Buildings Survey to be submitted to the Historic Preservation Officer.

F. Criteria for Approval for Relocation, Removal, or Demolition of a Historic Landmark or Contributing Historic Structure.

1. The Historic and Architectural Review Commission shall use circumstances or items unique to the building or structure proposed to be relocated, removed, or demolished when reviewing the application.
2. The Historic and Architectural Review Commission shall make the following findings when considering a request for demolition or relocation of a structure:

a. Loss of Significance

(i) The applicant has provided information that the building or structure is no longer historically, culturally, or architecturally significant, or is no longer contributing to the Historic Overlay District; and

(ii) The applicant has established that the building or structure has undergone significant and irreversible changes, which have caused the building or structure to lose the historical, cultural, or architectural significance, qualities, or features that qualified the building or structure for such designation; and

(iii) The applicant has demonstrated that any changes to the building or structure were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction, or lack of maintenance rising to the level of a demolition by neglect; and

(iv) Demolition or relocation of the building or structure will not cause significant adverse effects on the Historic Overlay District or the City's historic resources; or

b. Unreasonable Economic Hardship

(i) The applicant has demonstrated that the property owner cannot take reasonable, practical or viable measures to adaptively use, rehabilitate or restore the building or structure, or make reasonable beneficial use of, or realize a reasonable rate of return on a building or structure unless the building or structure may be demolished or relocated; and

(ii) The applicant must prove that the structure cannot be reasonably adapted for any other feasible use, which would result in a reasonable rate of return; or

c. There is a compelling public interest that justifies relocation, removal, or demolition of the structure.

3. Relocation of a Structure to a Historic Overlay District

In the event the building or structure is proposed to be relocated to a property in a Historic Overlay District, in addition to the above, the applicant must demonstrate the following with the application:

a. The architectural compatibility of the relocated building or structure with adjacent buildings according to the applicable Historic District Design Guidelines and UDC standards for new construction; and

b. The proposed siting, setback, and other applicable site-specific treatments according to pertinent Historic District Design Guidelines and UDC standards of the applicable historic overlay district; and

c. Relocation will not damage existing contributing historical buildings or structures, or the character of the Historic Overlay District.

G. Additional Criteria for Approval of a Floor-to-Area Ratio Modification

1. The Historic and Architectural Review Commission may grant a Certificate of Appropriateness, per **Section 5.11** of this Code, to increase the Floor-to-Area Ratio (FAR) for properties located within the Old Town Overlay District.

2. HARC may consider the following in determining whether to approve a Certificate of Appropriateness for a FAR exception:

a. Whether the proposed FAR increase is solely a matter of convenience;

b. Whether the proposed FAR and resulting design is compatible and in context/scale within the block in which the subject property is located;

c. Whether the proposed addition or new structure will be set behind existing structures in order to maintain appropriate scale and preserve/emphasize character elements of contributing historic resources on the subject property and other units within the block;

d. Whether the proposed structure is replacing a structure removed within the past year;

e. Whether the proposed structure will replace a structure that previously existed with relatively the same footprint and FAR as proposed;

f. If the proposed FAR increase is for a structure that is replacing another structure, whether the proposed structure is significantly larger than the original;

g. If the proposed FAR increase is for an addition, the scale of the addition compared to the original house;

h. Whether the proposed addition or new structure will negatively impact adjoining properties, including limiting their ability to maintain existing buildings; and/or

i. Whether there is adequate space for maintenance of the proposed addition or new structure and/or any adjacent structures.

5.11.040. Relocation, Removal or Demolition Prior to Approval of a Certificate of Appropriateness

A. Demolition, including demolition by neglect, of a building or structure prior to approval of a Certificate of Appropriateness by the Historic and Architectural Review Commission, when required, shall be subject to an automatic hold on all permits. No permit may be granted until this period is complete, and the Historic and Architectural Review Commission has granted a Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable.

B. The permit delay period shall be determined by the Historic and Architectural Review Commission, but in no case shall it exceed 365 days.

C. The Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable, shall be reviewed and final action taken by the Historic and Architectural Review Commission concurrently with the determination of the longevity of the permit hold period.

D. During this delay period, the applicant shall provide the following information to the Historic Preservation Officer:

1. Documentation regarding the original and existing condition of the building or structure, to include structural integrity and the extent of work necessary to stabilize the building or structure.

2. Site development plan (or plot plan) identifying proposed development on-site following demolition of the building or structure.

3. List of any salvageable materials, and a plan offering donation or sale of the remaining building or structure and any salvageable materials identified.

E. In the event of demolition by neglect, the applicant shall complete any work required to stabilize and arrest further deterioration of the building or structure.

5.11.050. Certificate and Compliance Inspections

A. It shall be the responsibility of the Historic Preservation Officer to issue the actual Certificate of Appropriateness following approval by the Historic Preservation Officer or the HARC, with any designated conditions, and to maintain a copy of the Certificate of Appropriateness, together with the proposed plans. The certificate shall be forwarded to the Building Official. These shall be public documents for all purposes.

B. Work performed pursuant to the issuance of a Certificate of Appropriateness shall conform to the requirements of the certificate. In the event that work is not in compliance, the Building Official shall issue a stop work order and/or citation as prescribed by ordinance.

5.11.060. Limits on Resubmission

No application for the same project shall be considered within 180 days of the rejection or disapproval by the Historic and Architectural Review Commission or Historic Preservation Officer, as applicable, of an application. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the Historic and Architectural Review Commission or Historic Preservation Officer, as applicable, at any time.

5.11.070. Expiration

A. A Certificate of Appropriateness, except as noted below, expires if the work authorized by the Certificate of Appropriateness does not commence within 24 months from the date of the final action to approve the request. In the case of a phased project, after the initial phase is complete or a Certificate of Occupancy has been issued, each subsequent phase shall commence within 24 months of the completion or Certificate of Occupancy of the prior phase. The Historic Preservation Officer may extend the time for commencement of work upon written request by the applicant prior to the expiration date of the Certificate of Appropriateness. The applicant may request an extension a maximum of two times, up to 90 days for each request.

B. A Certificate of Appropriateness for relocation, removal, or demolition expires if a permit for relocation or demolition has not been issued within 180 days or, if a permit is not required, the work authorized by the Certificate of Appropriateness does not commence within 180 days from the date of the final decision to approve the request. The Historic Preservation Officer may extend the time for commencement of work upon written request of the applicant prior to the expiration date of the Certificate of Appropriateness. The applicant may request an extension a maximum of two times, up to 90 days for each request.

5.11.080. Appeals

A person aggrieved by a final action of the Historic and Architectural Review Commission on a Certificate of Appropriateness may appeal to the City Council, pursuant to the procedures set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the final action.

Appeals from an administratively issued Certificate of Appropriateness will be processed through the Historic and Architectural Review Commission, subject to the procedures established for new applications and set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the administrative action.

A. Appeal Hearing

The hearing shall be set for the next available City Council or HARC meeting, subject to the provision of public notification. Notification shall be provided in the same manner as the initial Certificate of Appropriateness.

B. Burden of Proof in Appeals

When an appeal is considered by the City Council or HARC, the final action by the original reviewing authority is presumed to be valid. The person filing the appeal shall present sufficient evidence and have the burden to justify a reversal of the action being appealed.

C. Findings and Conclusions

All findings and conclusions necessary to the appeal decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) will be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed. In exercising its authority, as an appellate body, the City Council or HARC may reverse or affirm, in whole or in part, the original order, requirement, decision, or determination from which an appeal is taken and make the correct

order, requirement, decision, or determination, and for that purpose the City Council or HARC, as an appellate body, has the same authority as the original reviewing authority.

D. Decision on Appeal

As an appellate body, the City Council or HARC shall review the application, the staff report, and meeting minutes, conduct a hearing in accordance with established procedures and state law, and take final action on the appeal by a majority vote of City Councilmembers or members of HARC. In the event of a tie among the City Councilmembers, the Mayor shall vote as permitted in the City Charter.

Chapter 6. Zoning Use Regulations

Section 6.01. Zoning Uses

6.01.010. General

A. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

B. Purpose

Section 6.02 is intended to provide a list of uses allowed within each of the City's Zoning Districts. Approval of a use listed in this chapter, and compliance with the applicable use-specific standards for that use, authorize that use only.

C. Compliance with Code of Ordinances

Other sections of the City of Georgetown Code of Ordinances, along with other City regulations, may also apply to or affect a proposed use in addition to the standards in this **Chapter 6**.

6.01.020. Zoning Use Classifications

A. Use Categories

A primary use is assigned to the Use Category that most closely corresponds to its nature as described in the characteristics of each Use Category. Use Categories classify land uses and activities based on similar functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

B. Use Tables

The Use Table (**Section 6.02** below) depicts the specific zoning uses allowed by Zoning District. The table may be further divided by use category, for example "Residential Uses" that contains specific listed uses and their corresponding Zoning Districts. All of the uses listed in the Use Tables found in this chapter are defined in **Chapter 18. Definitions** . Below is a key to the Use Table indicating how each use is treated by District.

1. Uses Permitted by Right

   A "P" indicates that a use is allowed by right. Such uses are subject to all other applicable regulations of this UDC and the City Code of Ordinances.

2. Uses with Limitations

   An "L" indicates that a use is permitted, provided that it meets additional standards or limitations referenced in the far right "Note" column of each Use Table. These standards can be found following each use table. Such uses are subject to all other applicable regulations of this UDC and the City Code of Ordinances.

3. Uses with Special Use Permit

   An "S" indicates that a use is allowed only if granted a Special Use Permit by the City Council in accordance with the procedures in **Section 3.10** and the limitations following each use table. Uses that require a Special Use Permit are required to meet all other applicable regulations of this UDC and the City Code of Ordinances, including the additional standards contained in the limitation section of each use category.

4. Uses Not Allowed

A cell left blank indicates that a use is not allowed.

C. Multiple Primary Uses

Multiple primary uses on one lot shall be allowed only if each individual use is allowed in the underlying District, unless otherwise specified by this UDC or the City Code of Ordinances. Limitations or Special Use Permits required of any of the primary uses shall be met or obtained before commencement of any use. In the event of a conflict between limitations following each use table, the stricter provision shall apply.

D. General Construction of the Use Table

The Use Table organizes uses alphabetically according to one of the following categories:

1. Residential Uses

   Encompasses uses intended for residential dwellings and related accessory uses. These uses include single-family and multi-family residential structures and accommodate groups of people that may exceed the definition of household.

2. Civic Uses & Institutional Uses

   Encompasses uses that provide community services to or for the general public. Civic uses are typically found in Non-Residential Zoning Districts but may be allowed in Residential Districts, often with limitations or Special Use Permits. These uses are generally public or non-profit but also include for-profit entities that provide a service to the general public. Civic uses include, but are not limited to, facilities for education, daycare, government, social services, institutions, places of worship, and parks and open spaces.

3. Commercial Uses

   Encompasses uses that include businesses that facilitate the buying and selling of manufactured goods or provide consumer and professional sales and services. These uses may include, but are not limited to, overnight accommodations, establishments for food and beverage preparation and consumption, entertainment or recreation-oriented activities, out-patient or home-care health and medical services, and professional and business offices. A commercial use also encompasses retail sales and service uses for personal improvement, self-storage, heavy commercial and wholesale sales and services, and automobile sales, repair, and service.

4. Transportation & Utility Uses

   Encompasses uses that are intended for public or private utilities and large-scale communication transmission facilities. These uses may serve small or large-scale areas with various intensity and nuisance. Transportation uses include, but are not limited to, electrical transmission lines, water and sewer infrastructure and treatment. Utility uses typically contain light traffic and minimal personnel although some larger uses, which serve the general community, may not be compatible in residential areas.

5. Industrial Uses

   Encompasses uses that range from light manufacturing and assembly, equipment servicing, storage/freight management to waste-related services. Public traffic and on-site sales are very limited. Industrial uses and facilities are typically incompatible near residential Districts

6. Agricultural Uses

   Encompasses uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

7. Accessory Uses

   Encompasses uses that are ancillary or secondary to a primary use established elsewhere by this chapter.

8. Temporary Uses

   Encompasses uses with a fixed, usually short-term, period of time with the intent to discontinue the use upon the expiration of the time. Temporary uses have characteristics that require certain restrictions in order to ensure compatibility with other uses in the Zoning District in which they are proposed.

E. Specific Use Terms and Definitions

1. The names of the specific uses listed in each Use Table are defined in **Chapter 18** of this Code.
2. The definition given in the Use Table is intended to provide a general description of the use, in addition to any standards or conditions appearing in this UDC that are directly related to the use that the Director may rely upon when identifying and defining a use.
3. The Use Table and associated definitions are intended to provide a technical reference to each use, and as such the terms used take precedence over any non-technical, lay, common, or shorthand usage of particular terms, or other housing types not meeting the strict definition of those housing types). The applicant for approval of any use is responsible for determining the applicable use and its correct term and definition prior to commencing construction or preparation of plans.

F. Accessory Uses

1. Accessory uses are those activities that are incidental and subordinate to a primary use but customarily associated with the particular primary use. The following are two examples of primary uses and some of their possible accessory uses:
   a. A high school may typically include, but may not be limited to, accessory uses such as a cafeteria, library, maintenance facility, meeting rooms, auditorium, laboratories, indoor recreation courts, outdoor recreational fields, and concession stands.
   b. A hospital may include, but may not be limited to, a cafeteria and a small retail operation.
2. An accessory use may be determined to be an allowed accessory use to a primary use if:
   a. It is listed as an accessory use to the primary use in the definition of such primary use in **Chapter 18** of this Code; or
   b. It is determined to be customarily associated with the primary use. If a proposed Accessory Use is not specifically defined, the Director shall have the authority to determine if an accessory use is customarily associated with a primary use following the criteria in this **Subsection 6.01.020.F**.
3. An allowed accessory use shall be consistent with the following:
   a. The accessory use shall be subordinate to and dependent upon an authorized primary use;
   b. The accessory use shall be smaller in floor area than the primary use;
   c. The accessory use shall be subject to the same regulations as the primary use, unless otherwise specified by this UDC;
   d. The accessory use must be a permitted use within the same Zoning District as the primary use. In addition, if an accessory use is subject to limitations as a primary use then those same limitations shall apply to the accessory use, unless otherwise specified by this UDC

6.01.030. Determination of Unlisted Uses

A. Determination by Director

1. Determination of the appropriate Zoning District for a use not listed in the Use Table shall be made by the Director in accordance with the provisions of **Subsection 6.01.030.B** below.

2. When considering appropriate Districts for a use not listed in the Use Table, the District Purpose Statements in **Chapter 7** and **Chapter 8**, the descriptive characteristics of each use category, and definitions of similar uses shall be considered.
3. Upon receiving an application for an unlisted use, the Director may make a determination, based on these considerations, that such a use:
    a. Be allowed by right as an authorized use under one or more listed uses in the current Use Table; or
    b. Not be allowed under this UDC, therefore requiring approval of a Text Amendment to this UDC prior to receiving approval of the use.

B. The following criteria shall be used to determine 1) the appropriate use for an activity not specifically listed in the Use Tables, and 2) whether a use is considered primary or accessory.
1. The definitions of similar primary uses;
2. The descriptions of the use categories that include similar uses;
3. The actual or projected characteristics of the activity in relationship to the characteristics proposed by the applicant for the use;
4. The intensity or relative impact of the use upon the site and surrounding properties;
5. The traffic impact generated by the use based on vehicle trips generated and types of vehicles used;
6. The relative number of employees for each activity associated with the proposed use;
7. Hours of operation of the proposed use;
8. Parking requirements for the proposed use. In making a use determination, the Director is authorized to apply a required parking ratio that is appropriate to the use, based on the required parking ratio for similar uses found in the Use Table;
9. Noise levels generated by activities associated with the proposed use;
10. Lighting required for activities associated with the proposed use; and
11. Whether the activity is likely to be found independent of the other activities on the site.

C. The Director's determination shall be made public on the City's website for 30 days following the decision and shall be considered final if no appeal is filed during that time frame.

D. Appeal of Unlisted Use Determination. The Zoning Board of Adjustment may hear and decide an appeal that alleges error in a determination made by the Director in the enforcement of this chapter. In exercising its authority under this subsection, the Board may reverse or affirm, in whole or in part, or modify the Director's determination and make the correct determination, and for that purpose the Board has the same authority as the Director. The appeal process is pursuant to **Chapter 3** of this UDC.

Section 6.02. Use Tables

6.02.010. Residential Uses and Standards

A. Residential Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Household Living																
Accessory Dwelling Unit	L	L	L	L	L	—	—	—	—	—	—	—	—	—	S	**B.4**
Home-Based Business	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.7**
Manufactured Housing	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	
Manufactured Housing Park	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	
Multifamily, Attached Dwelling Units	—	—	—	—	—	P	P	—	—	S	S		—	—	S	**B.3**
Multifamily, Detached Dwelling Units	—	—	—	—	—	S	—	—	—	—	—	—	—	—	S	**B.2**
Second Dwelling Unit	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.5**
Single-Family, Attached	—	—	—	L	P	—	—	—	—	—	—	—	—	—	—	**B.1**
Single-Family, Detached	P	P	P	P	P	—	—	—	—	—	—	—	—	—	P	
Townhouse	—	—	—	—	P		—	—	—	—	—	—	—	—	S	
Two-Family	—	—	—	—	P	—	—	—	—	—	—	—	—	—	—	
Upper-Story Residential	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	**B.6**
Group Living																
Assisted Living	—	—	—	—	—	S	P	—	P	P	P	—	—	—	S	
Group Home (16 residents or more)	—	—	—	—	—	S	S	—	P	P	—	—	—	S	—	
Group Home (6 residents or less)	P	P	P	P	P		—	—	—	—	—	—	—	—	P	
Group Home (7 to 15 residents)	—	—	—	—	—	P	P	—	P	P	—	—	—	—	S	
Halfway House	S	S	S	S	S	S	S	S	—	—	—	—	—	—	—	
Hospice Facility	S	S	S	S	S	S	P	—	P	P	P	—	—	—	S	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Nursing or Convalescent Home	—	—	—	—	—	S	P	—	P	P	P	—	—	—	—	
Orphanage	P	—	—	—	—	S	P	—	—	—	—	—	—	S	—	
Rooming or Boarding House	—	—	—	S	—	P	P	—	—	P	—	—	—	—	S	

B. Residential Use Standards

1. Single-Family, Attached

An Attached Single-family dwelling is permitted in accordance with **A** above, **Section 6.02.010.A** and subject to the following standards and limitations:

a. Both dwelling units shall be situated on separate legally platted lots.

b. Attached single-family dwellings are not allowed in the Old Town Overlay District (established in **Chapter 5**).

2. Multifamily, Detached Dwelling Units

a. Detached multifamily dwelling units are permitted in accordance with **Section 6.02**.

b. Detached multifamily dwelling units require a Condominium Plat. No more than one main building is allowed per lot. Each lot must have access to a public street.

c. Parking must be located behind a main building and not be visible from the street.

d. First floor units must be accessed only by indoor entry within the building.

e. A Special Use Permit, pursuant to **Section 3.07**, is required for detached multifamily dwelling units as designated in the table in **Section 6.02.010.A** and is subject to the following conditions:

(i) The location and context of the detached multifamily development shall be secondary and supportive to established surrounding commercial uses, helping to facilitate an active, pedestrian friendly environment where the mixture of uses enables people to live, work, play, and shop.

(ii) Connections within the development must be provided to ensure vehicular and pedestrian connectivity.

(iii) Setbacks shall be in conformance with the setbacks of the District in which the detached multifamily development is proposed.

(iv) Building height shall be in conformance with the building height of the District in which the detached multifamily development is proposed.

(v) Detached multifamily development in all Districts shall also meet the building design standards of **Section 8.04**, the lighting design standards of **Section 8.05**, and the non-residential landscape requirements of **Section 9.02**.

(vi) Detached multifamily development in all Districts must also meet the common amenity area requirements of **Section 7.05** and the parkland dedication requirements of **Section 15.08**.

f. In addition to the requirements of **Section 6.02.010.B.2.e**, when reviewing the conceptual site layout required per **Section 3.07**, the City Council may consider and add conditions, provided the requirements of the Zoning District are not exceeded, to the Special Use Permit including, but not limited to, the following:

(i) Location of the development;

(ii) Amount of lot frontage along a commercial corridor;

(iii) Dwelling units per acre (maximum 24);

(iv) Maximum building heights;

(v) Dwelling units per structure;

(vi) Type and number of amenities;

(vii) Accessory structures;

(viii) Ingress and egress locations; and

(ix) Landscape buffers.

3. Multifamily, Attached Dwelling Units

a. Attached multifamily dwelling units are permitted in accordance with **Section 6.02**.

b. No more than one main building is allowed per lot. Each lot must have access to a public street.

c. Each building must front along a public street or regional trail, except as permitted in **Section 11.03.040.C**.

d. Parking must be located behind a main building and not be visible from the street.

e. First floor units must be accessed only by indoor entry within the building.

f. A Special Use Permit, pursuant to **Section 3.10**, is required for attached multifamily dwelling units as designated in **6.02.010** and is subject to the following conditions:

(i) The location and context of the attached multifamily development shall be secondary and supportive to established surrounding commercial uses, helping to facilitate an active, pedestrian friendly environment where the mixture of uses enables people to live, work, play, and shop.

(ii) Connections within the development must be provided to ensure vehicular and pedestrian connectivity.

(iii) Impervious coverage for attached multifamily developments in a C-1, C-2 or I-1 District shall be limited to 50%.

(iv) Front setbacks shall be in conformance with the front setback of the District in which the attached multifamily development is proposed. Side and rear setbacks for attached multifamily developments in a C-1, C-2 or I-1 District shall be 15 feet, except where located adjacent to a Residential Zoning District the side and rear setbacks shall increase to 30 feet.

(v) Building height shall be in conformance with the building height of the District in which the attached multifamily development is proposed.

(vi) A minimum building separation of 15 feet shall be provided between all buildings on the site.

(vii) Attached multifamily development in all Districts must also meet the building design standards of **Section 8.04**, the lighting design standards of **Section 8.05**, and the non-residential landscape requirements of **Section 9.03**.

(viii) Attached multifamily development in all Districts must also meet the common amenity area requirements of **Section 7.05** and the parkland dedication requirements of **Section 15.08**.

(ix) Multifamily development existing prior to May 27, 2014, or depicted on a Site Plan approved prior to May 27, 2014, shall be exempt from the requirements of the limitations of this section, except that any expansion to that development shall require Special Use Permit approval in accordance with this section.

g. In addition to the requirements of **f** above, when reviewing the conceptual site layout required per **Section 3.10**, the City Council may consider and add conditions provided the requirements of the Zoning District are not exceeded, to the Special Use Permit including, but not limited to, the following:

(i) Location of the development;

(ii) Amount of lot frontage along a commercial corridor;

(iii) Dwelling units per acre (maximum 24);

(iv) Maximum building heights;

(v) Dwelling units per structure;

(vi) Type and number of amenities;

(vii) Accessory structures;

(viii) Ingress and egress locations; and

(ix) Landscape buffers.

4. Accessory Dwelling Unit

An accessory dwelling unit is permitted in accordance with **Section 6.02 and Section 7.04,** and subject to the following standards and limitations:

a. No more than one accessory dwelling unit per primary residence is permitted per lot.

b. An accessory dwelling unit is permitted as a subordinate use, provided that it is limited to 50% of the primary dwelling unit, and not to exceed 1,000 square feet.

c. A minimum of three parking spaces shall be available on-site providing the minimum two spaces required for the primary residence with one additional parking space provided for the accessory dwelling unit.

d. The accessory dwelling unit must remain on the same electric and water meters as the primary residence.

5. Second Dwelling Unit

Within the AG, Agriculture District, in accordance with **Section 6.02** , one additional primary dwelling unit may be constructed upon a lot or parcel for every 30 acres or portion thereof (i.e., one dwelling unit allowed for 30 acres or less, two dwelling units allowed for 31 acres or more, three dwelling units allowed for 61 acres or more, etc.). The additional dwelling unit(s) is limited to use by an agricultural employee, a caretaker, family members, or guests of the property owner and must comply with all setback and design standards of the AG District.

6. Upper-Story Residential

Upper-story residential dwellings are permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The first floor shall not include the living space of any residential dwelling.

b. Separate designated parking spaces for the residential dwellings are required pursuant to **Section 11.02**.

c. Upper-story residential dwellings in the CN, I-1 Districts shall meet the following provisions in addition to Subsections **a** and **b** above:

(i) The residential dwelling shall be secondary to the primary use.

(ii) The gross floor area of the entire building shall not include more than 50% residential uses.

7. Home-Based Business

   Home-Based Businesses are permitted in accordance with **Section 6.02** and subject to the standards and limitations:

   a. Nothing in this section shall be applied or enforced to prohibit the operation of, or to require a license, permit, or other approval for, a no-impact Home-Base Business as defined by Section 229.902 of the Texas Local Government Code. The limitations in this section apply to a Home-Based Business only to the extent consistent with that section.

   b. The Home-Based Business shall be conducted entirely within a dwelling unit or attached garage.

   c. Neither the interior, nor the exterior of the dwelling unit shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the Home-Based Business. This provision shall not prohibit the construction of an accessory building as permitted by a residential zoning district.

   d. The Home-Based Business shall not interfere with the use of the garage as a required parking space under this code.

   e. No equipment, goods, supplies, or materials associated with the Home-Based Business shall be displayed or stored where visible from an abutting right-of-way or at the property line of an abutting property at a point six (6) feet above the finished grade.

   f. The sale of merchandise directly to a customer on the premises is permitted; provided, however, the business does not generate on-street parking, a substantial increase in traffic, or activity visible from the street, and otherwise complies with the section.

   g. The Home-Based Business shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit.

   h. A Home-Based Business shall not generate more than 16 single directional vehicle trips each day of customer-related vehicular traffic, except that this limit shall not be applied to prohibit a no-impact Home-Based Business.

   i. The total number of employees and customers on the premise at one time shall not exceed the applicable occupancy limits.

   j. Signs shall meet the requirements of this code.

6.02.020. Civic Uses and Standards

A. Civic Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C3	I1	I2	PF	MU DT	Standards
Educational and Day Care Facilities																
Day Care, Commercial	—	—	—	—	—	L	L	—	L	L	L	L	—	—	S	**B.2**
Day Care, Group	S	S	S	S	S	L	L	L	L	L	L	L	—	—	L	**B.2**
Day Care, Residential Home	L	L	L	L	L	L	L	L	—	—	—	—	—	—	L	**B.2**
School, Boarding	L	—	—	—	—	—	—	—	—	—	—	—	—	L	—	**B.1**
School, Business or Trade	L	—	—	—	—	—	—	—	L	L	L	L	L	L	S	**B.1**
School, College or University	L	—	—	—	—	—	—	—	—	L	L	—	—	L	L	**B.1**
School, Elementary	L	L	L	L	L	L	L	—	L	L	L	—	—	L	—	**B.1**
School, High	L	—	—	—	—	—	—	—	—	L	L	—	—	L	—	**B.1**
School, Middle	L	S	S	S	S	S	S	—	L	L	L	—	—	L	—	**B.1**
Government and Community Facilities																
Activity Center, Youth or Senior	S	S	S	S	S	S	S	—	L	L	L	—	—	L	S	**B.1**
Animal Shelter	L	—	—	—	—	—	—	—	—	—	—	—	L	L	—	**B.1**
Community Center	—	—	—	S	—	—	—	—	S	L	L	—	—	L	S	**B.1**
Correctional Facility	S	—	—	—	—	—	—	—	—	—	S	—	S	S	S	
Emergency Services Station	S	S	S	S	S	S	S	—	P	P	P	P	P	P	P	**B.1**
Government or Postal Office	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	
Library or Museum	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	
Social Service Facility	—	—	—	—	—	—	—	—	S	P	P	—	—	P	S	
Medical and Institutional Facilities																
Blood or Plasma Center	—	—	—	—	—	—	—	—	—	P	P	—	—	—	-	
Hospital	—	—	—	—	—	—	—	—	—		P	—	S	P	S	
Hospital, Psychiatric	—	—	—	—	—	—	—	—	—	—	S	—	S	S	-	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C3	I1	I2	PF	MU DT	Standards
Substance Abuse Treatment Facility	—	—	—	—	—	—	—	—	—	—	S	—	S	S	—	
Places of Worship																
Religious Assembly Facilities	L	L	L	L	L	L	L	—	L	L	L	L	—	L	L	**B.1**
Religious Assembly Facilities with Columbaria	L	L	L	L	L	L	L	—	L	L	L	L	—	L	L	**B.1**, **B.4**
Parks and Open Spaces																
Cemetery, Columbaria, Mausoleum or Memorial Park	S	—	—	S	—	—	—	—	—	—	S	—	S	S	—	
Golf Course	L	L	L	L	L	L	L	—	—	—	—	—	—	L	—	**B.1**
Nature Preserve or Community Garden	P	L	L	L	L	L	L	—	P	P	P	P	P	P	P	
Neighborhood Amenity, Activity, or Recreation Center	L	L	L	L	L	L	L	L	—	L	L	—	—	—	—	**B.1**
Public Park, Neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.1**
Public Park, Regional	L	—	—	—	—		—	—	—	L	L	—	—	L	—	**B.1**

B. Civic Use Standards

1. All Civic Uses

   All Civic Uses as noted above, except Day Care, shall meet the following provisions, where applicable per **Section 6.02**. Uses that require a Special Use Permit, in accordance with **Section 6.02**, shall meet the following criteria in addition to securing said permit.

   a. Any outdoor recreational playing field shall be set back 50 feet from any property line.

   b. The principal vehicular entrance and exit shall be located on a collector-level street or higher, except as otherwise approved by the Development Engineer.

2. Day Care

   Day care facilities are permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

   a. All day care facilities shall be licensed by the state and meet the minimum requirements for such facilities.

   b. Outdoor play or instruction areas, playground equipment, and pools shall be located in the side or rear yards and screened from adjacent property by an opaque fence no less than 6 feet in height.

c. Day care facilities in Residential Zoning Districts may only operate between the hours of 6:00 a.m. and 7:00 p.m. Day care facilities in CN Zoning Districts may only operate between the hours of 6:00 a.m. and 10:00 p.m. Hours of operation are not limited for day care facilities in other Non-Residential Zoning Districts.

d. A family home day care shall employ only residents of the premises, including all paid and unpaid care providers.

e. A family home day care is allowed only one non-illuminated identification sign, provided the sign is mounted on the exterior wall of the dwelling and has an area no greater than 2 square feet.

3. Animal Shelter

An animal shelter is permitted in accordance with **Section 6.02** and limited to a required separation of at least 300 feet from the shelter to a residential structure that is located on any property in separate ownership.

4. Religious Assembly Facilities with Columbaria

A columbaria, consistent with the definition of Texas Health and Safety Code § 711.008(b)(2), is permitted in accordance with **Section 6.02** as an accessory use, subordinate and incidental to, a Religious Assembly Facility, subject to the following standards and limitations.

a. A columbaria located outdoors shall be subject to the following standards:

(i) The columbaria shall be set back a minimum of 25 feet from the property line.

(ii) The columbaria shall not exceed 8 feet in height.

(iii) Landscaping shall be provided at a ratio of 2 square feet of landscaping for each square foot of columbaria area, in addition to the minimum requirements of **Chapter 9**. Said landscaping shall be incorporated into the overall design and placement of the columbaria.

b. The establishment of a columbaria shall be subject to Site Plan review pursuant to **Section 3.17**.

c. Upon discontinuance of the Religious Assembly Facility, the columbaria shall be relocated in compliance with all applicable state laws.

6.02.030. Transportation and Utility Uses and Standards

A. Transportation and Utility Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Airport	S	—	—	—	—	—	—	—	—	—	—	—	S	S	—	
Bus Barn	—	—	—	—	—	—	—	—	—	—	S	—	P	P	—	
Heliport	—S	—	—	—	—	—	—	—	—	—	L	L	L	L	L	**B.1**
Parking Lot, Commercial	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	
Parking Lot, Off-Site	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	
Park-n-Ride Facility	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	
Private Transport Service Dispatch Facility	—	—	—	—	—	—	—	—	—	S	P	—	P	—	S	
Rail or Transit Yard	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Transit Passenger Terminal	—	—	—	—	—	—	—	—	—	—	P	—	P	P		
Utility Services, Intermediate	L	L	L	L	L	L	L	L	L	P	P	P	P	P	L	**B.2**
Utility Services, Major	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wireless Transmission Facility, 40' or less	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.3**
Wireless Transmission Facility, over 40'	—S	—	—	—	—	—	—	—	—	—	S	—	S	S	—	**B.3**

B. Transportation and Utility Use Standards

1. Heliports

Heliports are permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. A heliport may be utilized without a Special Use Permit only as an accessory use to a hospital or government facility.

b. A heliport may be utilized with a Special Use Permit in the following situations:

(i) An accessory use to a full-service hotel, office building, or convention center if the structure is over 100 feet in height and the heliport landing pad is located on the rooftop of such a structure; or

(ii) An accessory use to a business park that is a minimum of 40 total acres.

2. Utilities Services, Intermediate

   Intermediate Utility Services are permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

   a. Any structure associated with the use shall be set back 25 feet from the property line of a residentially-zoned property.

   b. An enclosed fence or wall at least 6 feet in height shall be constructed at the boundaries of any structure or apparatus associated with the use.

   c. The intermediate utility use shall be screened with large evergreen shrubs planted 4 feet on center and staggered 30 to 36 inches, located exterior to any required fencing.

   d. The facility shall be secured.

3. Wireless Transmission Facility

   See **Section 6.03**.

6.02.040. Commercial Uses and Standards

A. Commercial Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Overnight Accommodations																
Bed and Breakfast	S	S	S	S	S	S	S	—	L	S	—	—	—	—	L	**B.2**
Bed and Breakfast with Events	S	S	S	S	S	S	S	—	L	S	—	—	—	—	L	**B.2, B.3**
Campground or RV Park	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Hotel, Extended Stay	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	
Hotel	S	—	—	—	—	—	—	—	S	P	P	P	—	—	P	**B.4**
Motel	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	
Food and Beverage Establishments																
Bar	—	—	—	—	—	—	—	—	S	L	L	L	—	—	S	**B.1, B.6**
Food Catering Services	—	—	—	—	—	—	—	—	S	P	P	P	P	—	P	
Micro Brewery, Micro Winery, or Micro Distillery	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	**B.1, B.7**
Permanent Mobile or Outdoor Food Vendor	—	—	—	—	—	—	—	—	S	S	L	L	L	—	S	**B.8**
Restaurant, Drive-Through	—	—	—	—	—	—	—	—	S	L	P	L	S	—	S	**B.1, B.5**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Restaurant, General	—	—	—	—	—	—	—	—	P	L	P	P	S	L	P	**B.1**
Entertainment and Recreation																
Athletic Facility, Indoor or Outdoor	—	—	—	—	—	—	—	—	—	L	L	—	P	L	—	**B.11**
Commercial Recreation	—	—	—	—	—	—	—	—	—	L	L	—	—	—	S	**B.1, B.11**
Dance Hall or Nightclub	—	—	—	—	—	—	—	—	—	L	L	L	—	—	S	**B.1, B.6**
Driving Range	L	—	—	—	—	—	—	—	—	—	L	—	P	—	—	**B.11**
Firing Range, Indoor	S	—	—	—	—	—	—	—	—	—	S	S	S	S	—	
Firing Range, Outdoor	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Live Music/ Entertainment/ Event Facility	—	—	—	—	—	—	—	—	—	L	L	L	—	L	L	**B.9**
Major Event Entertainment	S	—	—	—	—	—	—	—	—	—	S	—	S	S	—	
Membership Club or Lodge	—	—	—	—	—	—	—	—	—	L	P	—	—	—	S	**B.1**
Sexually Oriented Business	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Theater, Movie or Live	—	—	—	—	—	—	—	—	—	L	P	—	—	—	S	**B.10**
Health Services																
Home Health Care Services	—	—	—	—	—	—	—	—	L	L	P	P	—	—	L	**B.1**
Medical or Dental Clinic	—	—	—	—	—	—	—	—	L	L	P	P	P	—	S	**B.1**
Medical or Dental Office	—	—	—	—	—	—	—	—	L	L	P	P	P	—	L	**B.1**
Urgent Care Facility	—	—	—	—	—	—	—	—	—	L	P	—	—	—	S	**B.1**
Professional and Business Offices																
Data Center	—	—	—	—	—	—	—	—	-	—	L	P	P	—	—	**B.13**
General Office	—	—	—	S	—	—	—	—	P	L	P	P	P	—	L	**B.1, B.12**
Integrated Office Center	—	—	—	—	—	—	—	—	S	L	P	P	P	—	P	**B.1, B.12**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Consumer Retail Sales and Services																
Artisan Studio and Gallery	P	—	—	—	—	—	—	—	—	L	P	P	P	—	P	**B.1**
Banking and Financial Services	—	—	—	—	—	—	—	—	—	L	P	—	—	—	P	**B.1, B.5**
Dry Cleaning Service, Drop-off Only	—	—	—	—	—	—	—	—	L	L	P	L	—	—	P	**B.1**
Farmer's Market	P	—	—	—	—	—	—	—			P	—	—	—	P	
Fitness Center	—	—	—	—	—	—	—	—	L	L	P	L	—	—	P	**B.1**
Flea Market	S	—	—	—	—	—	—	—	—	—	S	—	—	—	—	
Funeral Home	—	—	—	—	—	—	—	—	—	L	P	—	—	—	—	**B.1**
General Retail	—	—	—	—	—	—	—	—	L	L	P	P	—	—	L	**B.1, B.14**
Kennel	L	—	—	—	—	—	—	—	—	—	L	L		—	—	**B.15**
Landscape Supply Sales/Garden Center	P	—	—	—	—	—	—	—	—	L	P	P	—	—	—	**B.1**
Laundromat	—	—	—	—	—	—	—	—	L	L	P	—	—	—	P	**B.1**
Personal Services	—	—	—	—	—	—	—	—	L	L	P	P	—	—	P	**B.1**
Personal Services, Restricted	—	—	—	—	—	—	—	—	—	S	S	S	—	—	S	
Printing, Mailing and Reproduction Services	—	—	—	—	—	—	—	—	L	L	P	L	—	—	P	**B.1**
Self-Storage, Indoor	—	—	—	—	—	—	—	—	—	S	S	—	P	—	—	**B.16**
Self-Storage, Outdoor	—	—	—	—	—	—	—	—	—	—	S	—	L	—	—	**B.16**
Small Engine Repair	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Veterinary Clinic, Indoor or Outdoor Pens	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Veterinary Clinic, Indoor Pens Only	P	—	—	—	—	—	—	—	—	L	P	—	—	—	P	**B.1**
Commercial Sales and Services																
Commercial Document Storage	—	—	—	—	—	—	—	—	—	P	—	P	P	—	—	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Event Catering and Equipment Rental Services	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Furniture Repair and Upholstery	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Greenhouse, Wholesale	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Heavy Equipment Sales and Repair	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Manufactured Housing Sales	—	—	—	—	—	—	—	—	—	—	-	—	P	—	—	
Office/Showroom	—	—	—	—	—	—	—	—	—	L	L	P	P	—	—	**B.18**
Pest Control or Janitorial Services	—	—	—	—	—	—	—	—	—	L	L	P	P	—	—	**B.1, B.17**
Stone, Mulch or Dirt Sales Yards	P	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Wholesale Showrooms	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Automotive Sales and Services																
Automobile Parts and Accessories Sales, Indoor	—	—	—	—	—	—	—	—	—	S	P	—	—	—	—	**B.1**
Automobile Parts and Accessories Sales, Outdoor	—	—	—	—	—	—	—	—	—	—		—	P	—	—	
Automobile Repair and Service, General	—	—	—	—	—	—	—	—	—	—	S	S	P	—	—	**B.21**
Automobile Repair and Service, Limited	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Automobile Sales, Rental or Leasing Facility	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	**B.19**
Car Wash	—	—	—	—	—	—	—	—	—	S	S	S	S	—	—	**B.24**
Commercial Vehicle Sales, Rental or Leasing Facility	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	**B.19.e(vii)(a)**
Fuel Sales	—	—	—	—	—	—	—	—	—	S	S	S	S	—	—	**B.22**
Fuel Sales with more than ten	—	—	—	—	—	—	—	—	—	—	S	—	S	—	—	**B.23**

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
multi-fuel dispensers																
Recreational Vehicle Sales, Rental or Service	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	
Towing Services and Impound Lots	—	—	—	—	—	—	—	—	—	—	—	—	L	—	—	**B.25**

B. Commercial Use Standards

1. Building Size Limitation

a. In the CN District, the floor-to-area ratio shall not exceed 0.3. The maximum building size of each building on an individual lot or parcel shall be 7,500 square feet.

b. In the C-1 District, the floor-to-area ratio shall not exceed 0.5.

2. Bed and Breakfast

A Bed and Breakfast establishment is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. All Districts

(i) No more than eight guestrooms per property shall be allowed, and if more than one building is located on a Bed and Breakfast property, no more than six guestrooms shall be allowed in any one building.

(ii) No food preparation, except beverages, is allowed within individual guestrooms. No stove, range, hot plate, toaster oven, or microwave shall be allowed in any guestrooms; however, a small microwave is permitted in outbuilding guest rooms.

(iii) Preparation and service of food shall conform to all applicable regulations of the State of Texas and Williamson County.

(iv) The owner shall keep a current guest register including names, contact information, and dates of occupancy for all guests.

(v) On-site parking (except driveways) shall not be located in the front yard and shall be screened from the view of adjacent residences to a height of 6 feet by a solid screening fence or dense shrubs and vegetation. Temporary fences shall not be permitted.

(vi) Guestroom rentals shall not be allowed for more than 15 consecutive days.

b. Residential Districts

Bed and Breakfast establishments in any residential District shall be subject to all of the standards and limitations of Subsection **a** above. In addition, a Special Use Permit, pursuant to **Section 3.10**, is required for a Bed and Breakfast establishment in any designated residential District and is subject to the following conditions:

(i) The operator of the Bed and Breakfast must be a full-time resident of the main dwelling on the property in which the Bed and Breakfast establishment is located.

(ii) Signage shall be restricted to one sign attached to the wall of the main dwelling that is a maximum of 12 square feet, and one monument sign no larger than 6 square feet. However, the total signage on the site shall not exceed 15 square feet. No additional advertising of any kind is allowed on site.

(iii) Carriage houses, garage apartments, secondary free-standing houses, or similar dwellings that contain a full service kitchen and are proposed to be used for Bed and Breakfast operations shall remove the food preparation facilities prior to commencement of operation as a Bed and Breakfast.

3. Bed and Breakfast with Events

A Bed and Breakfast with Events is permitted in accordance with **Section 6.02** and subject to the standards and limitations noted below. A Bed and Breakfast with Events applies only to properties on which a Bed and Breakfast is located, and events (such as parties, receptions, fund raisers, and other similar functions) are held. The event shall be a subordinate use to a Bed and Breakfast and shall not include an event center, meeting facility, or other form of entertainment operation.

a. All Districts

(i) All provisions of Subsection **2** above shall also apply to Bed and Breakfasts with Events.

(ii) The following additional conditions and limitations shall apply to Bed and Breakfasts with Events in all permitted Districts:

(a) The Bed and Breakfast owner shall attend all events held on the property.

(b) The event hours, including set up and take down, shall be limited to the following:

- Sunday through Thursday, 9:00 a.m. to 9:00 p.m.
- Friday and Saturday (and Sunday if it is a holiday weekend), 9:00 a.m. to 11:00 p.m.

(c) Outdoor event areas shall not be located in the front yard and shall be screened from the view of adjacent properties to a height of 6 feet by a solid screening fence or dense shrubs and vegetation. Temporary fencing is not permitted.

b. Residential Districts

Special Use Permit for Bed and Breakfast with Events shall be required in all residential Districts pursuant to Section 3.07, subject to Subsections **2** and **a** above, in addition to the following standards and limitations:

(i) The Special Use Permit application for a Bed and Breakfast with Events shall include a description of the proposed operation; the maximum number of events per year, month, and week; the approximate number of attendees per event; hours of events and duration; location of the events (indoor or outdoor); parking plans; security measures; traffic control plans; and sanitation provisions.

(ii) The City Council may add other conditions or limitations to the permit as it deems necessary in order to manage the scale and scope of the proposed events, minimize the negative impacts of the event(s) on the neighboring property owners, and protect the public health, safety, and welfare.

4. Hotel

a. A Special Use Permit for a hotel with more than 75 rooms shall be required in the Mixed-Use Downtown (MU-DT) Zoning District pursuant to **Section 3.10**.

5. Drive-Through

The speaker boxes of any drive-through shall meet one of the following location criteria:

a. Located more than 150 feet of the nearest property line of a residentially zoned property or residentially used property in the ETJ; or

b. Positioned such that no speaker or microphone is facing toward a property line of a residentially zoned property or residentially used property in the ETJ.

c. The below elements shall be completely screened from view at an adjoining property line of a residentially zoned property or, in the ETJ, a residentially used property. Screening shall be provided by a wall or other screening mechanism, not less than 8 feet in height, that has a similar finish to the primary structure. Screening shall be required for the following elements of Drive-Throughs:

(i) Queuing spaces

(ii) Order boxes

(iii) Order window

(iv) Drive-through pick up windows

6. Bar, Tavern or Pub, Dance Hall or Nightclub

A bar, tavern, pub, dance hall, or nightclub is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The establishment shall be located no less than 300 feet from a church, public or private school or public hospital, subject to the measurements of the City Code of Ordinances.

b. The establishment is subject to the provisions of Chapter 6.40, Alcoholic Beverages, of the City Code of Ordinances.

7. Micro Brewery, Micro Winery or Micro Distillery

A micro brewery, micro winery, or micro distillery is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. A micro brewery, micro winery, or micro distillery shall be located no less than 300 feet from a church, public or private school or public hospital subject to the measurements of the City Code of Ordinances.

b. A micro brewery, micro winery, or micro distillery is subject to the provisions of Chapter 6.40, Alcoholic Beverages, of the City Code of Ordinances.

8. Permanent Mobile or Outdoor Food Vendor

Permanent Mobile or Outdoor Food Vendor is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The Mobile or Outdoor Food Vendor(s) shall be a primary use on the property.

b. Each Mobile or Outdoor Food Vendor must comply with applicable building, fire, plumbing, electrical, and health regulations related to utility service, consistent with state law.

c. A Mobile Food Park Manager shall be designated for the property.

(i) The Mobile Food Park Manager shall be available by phone while the vendor(s) is open for business. A telephone number and email address for the Mobile Food Park Manager shall be posted on a sign no larger than 1 square foot. The sign shall be posted on a location visible to the patrons.

(ii) The Mobile Food Park Manager shall be responsible for the general management of the park including, but not limited to addressing inquiries, questions, and concerns, ensuring property maintenance, enforcing hours of operation, and other operational matters.

d. Parking shall be provided in accordance with **Chapter 11** of this Code.

e. Toilet facilities and trash receptacles shall be provided on the property in compliance with all applicable City regulations.

f. Amenities including but not limited to tables, chairs and shade structures may be permitted on the property subject to compliance with this Code.

g. All vendors, amenities and other site improvements shall be identified on any development plans otherwise required for the property under this Code.

9. Live Music, Entertainment, or Event Facility

   a. The entertainment use must be secondary to the primary use in the C-1 and MU-DT Districts.

   b. Any live music, event facility and/or entertainment venue must maintain a minimum setback of 100 feet from any residential use.

   c. Live music, event facility or entertainment uses are subject to the provisions of Chapter 8.16, Noise, of the Georgetown Municipal Code.

10. Theater, Movie or Live

    A movie theater or live theater is permitted in accordance with **Section 6.02** provided that the theater may not have more than eight screens.

11. Athletic Facilities, Commercial Recreation and Driving Ranges

    a. Athletic facilities, commercial recreation facilities, and driving ranges are permitted in accordance with **Section 6.02** provided that any outdoor playing fields or associated structures shall be set back 50 feet from the property line of a residentially-zoned property.

    b. In the C-1 District, uses may only occur indoors.

12. General Office, Integrated Office Center, and Health Services

    a. General Office in the RS District

       A general office use is permitted in the RS District in accordance with **Section 6.02** and is subject to the following standards and limitations, which allow for an orderly transition of land use from residential to small-scale office while maintaining residential appearance and building scale:

       (i) Only a house meeting the following criteria is eligible to apply for a Special Use Permit, pursuant to **Section 3.10**, for an office use in the RS District:

          (a) The house is located in the RS District;

          (b) The house existed on or before February 26, 2008 (the date adopting the ordinance); and

          (c) The house has a side lot line immediately adjacent to property zoned as C-1, C-3 or I-1 District that is used for commercial or industrial uses and developed without a bufferyard.

          (d) A residential side lot line of less than 30% shall not qualify as a side lot line for the above adjacency requirement.

       (ii) In addition to the requirements for Special Use Permits set forth in Section 3.07, an applicant for a Special Use Permit under this section shall also submit a Site Plan pursuant to the requirements of Section 3.09. Further, an interior layout of the building shall be submitted with the Special Use Permit application.

       (iii) Off-street parking shall be provided at one-and-one-half spaces per habitable room. For the purposes of this section, a habitable room includes foyers and lofts if used for reception areas, work stations, offices, conference rooms, etc., but excludes restrooms, kitchens, porches (enclosed or open), and utility rooms. This parking requirement is in place of the parking requirement in **Table 11.02.040-1. Off-Street Parking Requirements***. All parking shall be paved and approaches shall be concrete.

Figure 6.02.040-6.02.04-1. Parking Location

(iv) Parking shall not be permitted in the front yard. An exception to this provision may be considered with the Special Use Permit related to preserving Protected and Heritage Trees or to recognize existing garages or parking areas. Parking shall be screened from view of the right-of-way in accordance with the requirements set forth in **Chapter 9**.

(v) A solid screening wall or fence or dense shrubs and vegetation at least 6 feet in height shall be required along the side and rear property lines adjacent to property zoned RS, Residential. However, the wall or fence may be reduced in height if buildings on-site reduce the impact of the office use, including parking, and as the fence approaches the right-of-way.

(vi) A Building Permit may be required prior to issuance of a Certificate of Occupancy.

(vii) The use of the property for medical offices providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by doctors or similar practitioners of medical and healing arts for humans, licensed for such practice by the state shall be considered on a case-by-case basis with the Special Use Permit. Dental offices, out-patient clinics, and outpatient emergency centers are not permitted uses.

(viii) The use of the property for counseling in an office setting by a psychologist or psychiatrist is a permitted office use.

(ix) The City Council may consider approval of a lesser office use that would occupy only a portion of a house. If only a portion of the structure is used, reduced standards may be applied, especially for a "live/work" use of a house.

(x) A Special Use Permit issued under this section shall contain the following special conditions, at a minimum. The City Council may include other special conditions of the permit on a case-by-case basis.

(a) The office use shall be conducted entirely within the main structure or integral part thereof and have no outdoor storage of any kind.

(b) Office uses are not permitted in any accessory building.

(c) Uses accessory to office uses are prohibited, except a conference room may be established for an on-site office.

(d) On-site sales are prohibited.

(e) Outdoor storage is prohibited; however, the interior of any accessory structures may be used for storage related to the office uses.

(f) The number of workers shall be limited to the number of habitable rooms (excluding restrooms, kitchens, porches (enclosed or open), and utility rooms) within the house. Foyers and lofts shall be counted as habitable rooms if used for reception areas, work stations, conference rooms, etc.

(g) No exterior evidence of the office use shall be allowed, except for one non-internally illuminated sign attached to the principal structure that is no larger than 2 square feet. No additional advertising of any kind is allowed on-site.

(h) Business hours and regular deliveries by commercial vehicle (excluding 18 wheeled vehicles, which are prohibited) shall be limited to 8:00 a.m. to 6:00 p.m.

(i) A Temporary Use Permit in accordance with **Section 3.10** is required for any party, reception, event, or similar function that is anticipated to draw more than 15 total guests to the office (including tenants). Parties, receptions, events or similar functions, subject to the Temporary Use Permit provision, shall be limited to a total of six such functions per calendar year. Such events shall be limited to the interior of the structure.

(j) The Special Use Permit shall be null and void if the structure is damaged by natural or accidental causes to the extent of more than 50% of the value of the structure on the date of the damage, and if it is not rebuilt in-kind within 14 months or the use of the structure for office uses has been discontinued for a period of 12 months or more. The 14-month period does not include the period of time necessary to conclude any litigation related to such calamity.

(k) Increased run-off resulting from conversion to office use shall be detained on-site or shall be diverted from adjacent property in conformance with the stormwater drainage requirements of this Code.

(l) The total impervious cover shall not exceed the requirements of the RS District.

13. Data Center

a. Where Permitted.

(i) A data center is permitted in accordance with Section 6.02 in the C-2, Regional Commercial Zoning District provided that the total floor area of all building(s) does not exceed 5,000 square feet, and subject to the specific development standards in subsection b. below except for (b)(iv).

(ii) A data center is permitted in accordance with Section 6.02 in the I-1, Flex Industrial Zoning District and I-2, Intensive Industrial Zoning District, subject to the specific development standards in subsection b. below.

b. Data Center Standards. The following standards shall apply to all data centers where such are allowed and approved:

(i) Setbacks. All buildings, including accessory structures and outdoor equipment used for data centers, shall be a minimum of 250 feet from the nearest residential zoning district or use, whether inside the City Limits or the ETJ.

(ii) Bufferyards. Notwithstanding Section 9.03.070 of this UDC, a high level bufferyard shall always be required, except that a minimum 8-foot tall screening wall constructed of brick, stone, reinforced concrete or other similar two-sided masonry materials shall be required, and as a minimum, the

required shade trees in Section 9.03.070 shall first be placed along the lot line(s) facing any residential use or zoning district at a minimum of one (1) tree for every 40 linear feet. Any additional trees required beyond this amount may be placed anywhere in the bufferyard.

(iii) Parking. Data centers shall provide a minimum of one (1) parking space per 400 square feet of office area. Data center storage and computing areas not occupied by employees shall be exempt from any parking requirements.

(iv) Noise. The applicant shall submit a noise attenuation study prepared by a licensed professional engineer specializing in noise acoustics and/or certified by the International Institute of Noise Control Engineering that addresses maximum sound levels including low frequency noise levels.

(a) Data centers must comply with noise limits as outlined in Section 8.16.030 of the City Code of Ordinances. In the C2 district, a data center is permitted in accordance with **Section 6.02** provided that the building size does not exceed 5,000 square feet.

14. General Retail

General retail is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. In the MU-DT District.

(i) A Special Use Permit is required for any retail building exceeding 40,000 square feet.

15. Kennel

A kennel is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The kennel operation, including all structures, is required to be at least 100 feet from the property line of a residentially zoned property.

b. Outdoor kennels are prohibited in the C-2 District.

16. Self-Storage, Indoor and Outdoor

An indoor or outdoor self-storage establishment is permitted in accordance with **6.02.080** and subject to the following standards and limitations:

a. Self-storage facilities shall be limited to the storage use only, with the exception of an accessory leasing office, accessory retail sales, and/or single living quarters for security purposes, and shall not be used for operating any other business. In no instance shall individual storage units be used as a business storefront or used as a residence or overnight accommodation.

b. Indoor self-storage facilities shall operate completely within a building or structure.

c. Indoor self-storage facilities shall be limited to climate-controlled facilities accessed solely from shared interior hallways.

d. Storage bay doors shall not face a public right-of-way unless set back a minimum of 40 feet from the property line.

e. Each individual outdoor storage unit shall be directly accessible from an apron consisting of an approved paved surface.

f. Where gated, a minimum of 60 feet of driveway shall be provided between the public right-of-way and the front gate of the self-storage facility.

g. Outdoor storage shall not include the storage of wrecked or inoperable vehicles.

h. No outdoor self-storage shall be permitted within a required setback.

i. No outdoor self-storage shall be allowed in required off-street parking areas. Areas intended for outdoor self-storage shall be paved and painted to distinguish them from required off-street parking areas.

j. Outdoor self-storage shall be screened from any public right-of-way by an 8-foot-tall screening wall.

17. Pest Control or Janitorial Services

A pest control or janitorial services facility is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. No mixing of chemicals or pesticides is allowed on-site.

b. Storage of chemicals or pesticides is limited to 10% of the total square footage of the primary facility.

c. No overnight vehicle or outdoor storage is allowed.

18. Office/Showroom

An Office/Showroom is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. Warehousing facilities shall be incidental to the primary use and shall not exceed 10% of the total floor area.

b. Outdoor storage may be permitted in accordance with **Section 6.02.080**.

19. Automobile Sales, Rental or Leasing Facility

An automobile sales, rental or leasing facility is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. Lighting

Fixed lighting shall be shielded or have cut-off fixtures to prevent direct glare of beams onto any adjacent public or private property or street. Light poles shall be placed no closer than 45 feet apart.

b. Auto Repair and Service

Automobile Repair and Service, Limited and General, shall be an allowed accessory use with an Automobile Sales Facility. Automobile Repair and Service, General shall not be permitted on the premises of a Rental Vehicle Facility and any allowed limited repairs shall be performed only within the principal building.

c. Screening from Residential

Screening that meets the High Level Bufferyard standards shall be installed along all lot lines that abut or are adjacent to a Residential District, an existing single-family home in the AG District, or an existing single-family home in the ETJ that is platted and designated for residential use on the Future Land Use Map. The screening must block views of the use, its operations, and any stored or displayed vehicles, materials, or equipment from all ground-level vantage points on the adjacent residential property.

d. Outdoor Display and Storage

(i) Display and storage areas shall be clearly shown on the Site Plan and identified on the site.

(ii) Outdoor display of vehicles shall be set back a minimum of 25 feet from all lot lines abutting residentially zoned or developed property.

(iii) Temporary overflow vehicle storage is allowed on paved surfaces only. This temporary storage shall not impede the traffic flow of the site or eliminate required parking spaces.

(iv) Permanent and temporary tent canopies may be erected over areas used for automobile sales display and shall not be considered buildings, but may not encroach into building setbacks, required parking spaces or drive aisles. All necessary Building Permits shall be required, but a revision to an

existing Site Plan shall not be required if the tent canopy is located over an existing display area. All safety issues regarding fire and building codes shall be addressed.

e. Signage for Automobile Sales Facilities

The following additional signage applies only to automobile sales facilities along the I.H. 35 northbound frontage road, from the southernmost boundary of the City up to, and including, the one lot north of Fox Drive.

(i) High profile monument signs are encouraged for sites with multiple corporate tenants consistent with Subsection **12.05.060**. Auto dealerships may have an increased height for a high profile monument sign located along the I-35 frontage road of up to 35 feet. No more than one sign shall be permitted at the 35-foot height. No additional height shall be permitted. The structure of high profile monument signs shall be constructed of stone or brick materials and be colors compatible with those utilized on the primary building's façade.

(ii) Additional high profile monument signage shall be allowed for those sites with multiple corporate tenants. The maximum amount of additional signage shall be limited to an increase of 10% of the total pole sign square footage permitted in **Chapter 12**. The maximum high profile monument sign height that utilizes the increased size shall be limited to 28 feet. The minimum road frontage of 600 feet for a high profile monument sign is reduced to 250 feet for this section and the spacing of 600 feet between high profile monument signs shall be reduced to 250 feet for this section.

(iii) A maximum of two high profile monument or pole signs per site are permitted for sites with multiple corporate tenants with the maximum sign height of 25 feet and a maximum of 100 square feet per sign.

(iv) For those sites with multiple corporate tenants the allowed wall signage may be increased 10% to accommodate the additional tenant.

(v) In accordance with **Section 12.03**, entrance and interior directional signs that comply with the provisions of **Chapter 12** shall not be counted toward the total allowed signage for the site.

(vi) No signs, balloons, banners, etc. shall be located within the public right-of-way.

(vii) Balloons.

(a) For the purposes of this section, balloons shall not be deemed as fluttering/undulating/moving signs pursuant to **Section 12.04**.

(b) Balloons shall be tethered, attached, or anchored so as not to create any safety hazards by blowing into signs, utility lines, lights, etc.

(c) Balloons and their tethering mechanism shall not exceed 35 feet in height.

(d) Balloons for vehicle sales facilities shall not exceed a total of 50 balloons per 100 feet of I-35 road frontage.

20. Commercial Vehicle Sales, Rental or Leasing Facility

Commercial Vehicle Sales, Rental or Leasing Facility is permitted with **Section 6.02** and subject to the following standards and limitations:

a. Lighting

Fixed lighting shall be shielded or have cut-off fixtures to prevent direct glare of beams onto any adjacent public or private property or street. Light poles shall be placed no closer than 45 feet apart.

b. Screening from Residential

Screening that meets the High Level Bufferyard standards shall be provided along all lot lines that abut or are adjacent to a Residential District, an existing single-family home in the AG District, or an existing single-family home in the ETJ that is platted and planned for residential use on the Future Land Use Map.

c. Outdoor Display and Storage

(i) Display and storage areas shall be clearly shown on the Site Plan and identified on the site.

(ii) Outdoor display of commercial vehicles shall be set back a minimum of 25 feet from all lot lines abutting residentially zoned or developed property.

(iii) Outdoor storage shall be located behind the front building façade of the primary structure.

(iv) Permanent and temporary tent canopies may be erected over areas used for automobile sales display and shall not be considered buildings, but may not encroach into building setbacks, required parking spaces, drive aisles or bufferyards. All necessary Building Permits shall be required, but a revision to an existing Site Plan shall not be required if the tent canopy is located over an existing display area. All safety issues regarding fire and building codes shall be addressed.

d. Accessory Uses

Automobile Repair and Service, Limited and General, and Automobile Parts and Accessory Sales, Indoor, shall be allowed accessory uses with a Commercial Vehicle Sales Facility. Automobile Repair and Service, General shall not be permitted on the premises of a Rental Facility and any allowed limited repairs shall be performed only within the principal building.

21. Automobile Repair and Service, General

a. In the General Commercial (C-2) District, temporary outdoor storage of automobiles awaiting service or pick-up is permitted within the guidelines specified in Subsection **6.02.080**. No other outdoor storage is allowed in the C-2 District.

b. In the I-2 District, all outdoor storage, except as limited in Subsection **6.02.080**, is permitted.

22. Fuel Sales

A fuel sales establishment is permitted in accordance with **Section 6.02** , subject to the standards of **Section 3.10**, and subject to the following standards and limitations:

a. The use shall generally not abut a single-family residential zoned or used property without attention to the impact of screening, buffering, and lighting to the adjacent residential uses.

b. Proximity to other developed or entitled fuel sales facilities shall be examined as part of the Special Use Permit process to avoid clustering of uses along a corridor, intersection, or neighborhood. No more than two fuel sales facilities shall be permitted at any intersection and only when located diagonally on opposite corners

c. No more than four multi-fuel dispensers (eight fuel positions) shall be permitted except where one of the following conditions is met:

(i) The property is located on a corner of a major arterial roadway and a collector or higher level roadway as classified in the Future Mobility Plan (FMP); or

(ii) The proposed fuel sales establishment is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more; or

(iii) The property is adjacent to the SH 130 Toll or I-35 roadways.

d. When one of the conditions outlined in **Subsection c** above is met, in no case shall a fuel sales establishment be permitted more than 10 multi-fuel dispensers or 20 fuel positions.

e. Proximity to Residential:

(i) Fuel Sales canopies and fuel pumps of a fuel sales use may not be located within 200 feet of a residentially zoned property, or an existing residential property located in the ETJ.

f. An 8-foot wall shall be required at the property line of residentially zoned property or residentially used property located in the ETJ, in addition to the required bufferyards in **Subsection 9.03.070**.

g. Fuel positions, vacuum, air, and water stations as well as other similar equipment are prohibited between the principal structure and the property line of a residentially-zoned property or a residentially used property within the ETJ and shall comply with the building setbacks in all other circumstances.

h. The bottom of the canopy shall be a minimum of 13 feet 6 inches in height.

i. In addition to the requirements in **Section 8.05**, any freestanding light fixtures shall be reduced in height to 15 feet if the use is adjacent to a residential District.

j. No full-service or self-service car wash is allowed with the fuel sales use. Only an accessory one-bay automatic car wash is allowed.

23. Fuel Sales with More than 10 Multi-Fuel Dispensers

A Special Use Permit for a fuel sales establishment with more than 10 multi-fuel dispensers (20 fuel positions) shall be required in the General Commercial (C-2) and I-2 Zoning District pursuant to **Section 3.10**, and subject to the standards in Subsections **22.a** through **22.i** above.

24. Car Wash

The consideration of a car wash is permitted in accordance with **Section 6.02**, subject to the standards of Section 3.07 - Special Use Permit, and following standards and limitations:

a. A self-service car wash facility may contain a maximum of four self-service bays.

b. A fuel sales use is not allowed with either a full-service or self-service car wash.

c. The use shall not abut a single-family residential zoned or used property.

d. Proximity to other developed or entitled car wash facilities shall be examined as part of the Special Use Permit process to avoid clustering of uses along a corridor, intersection, or neighborhood.

e. The order boxes of any drive-through shall meet one of the following location criteria:

(i) Located more than 150 feet of the nearest property line of a residentially zoned property or residentially used property in the ETJ; or

(ii) Positioned such that no speaker or microphone is facing toward a property line of a residentially zoned property or residentially used property in the ETJ.

f. The below elements shall be completely screened from view at an adjoining property line of a residentially zoned property or, in the ETJ, a residentially used property. Screening shall be provided by a wall or other screening mechanism, not less than 8 feet in height, that has a similar finish to the primary structure. Screening shall be required for the following elements of Drive-Throughs:

(i) Queuing spaces

(ii) Order boxes

(iii) Order window

(iv) Drive-through pick up windows

25. Towing Services and Impound Lots

A Towing Services and Impound Lot use may be permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. All motorized vehicles, to include operable or repairable motor vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, shall be on an approved paved surface.

b. Any other outdoor storage may be permitted in accordance with **6.02.080**.

6.02.050. Industrial Uses and Standards

A. Industrial Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Asphalt or Concrete Batch Plant	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Contractor Services, General	—	—	—	—	—	—	—	—	—	—	—	S	P	—	—	**B.2**
Dry Cleaning or Laundry Plant	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Lumber Yard	—	—	—	—	—	—	—	—	—	—	S	—	P	—	—	
Manufacturing, Processing and Assembly, General	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Manufacturing, Processing and Assembly, Limited	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Movie Production	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Office/Warehouse	—	—	—	—	—	—	—	—	—	—	L	P	P	—	—	**B.3**
Oil Refinery and Distribution	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Recycling Collection Center	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Research, Testing and Development Lab	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Resource Extraction	S	—	—	—	—	—	—	—	—	—	—	—	S	—	—	
Storage Yard													L			**B.4**
Truck Terminal	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Warehousing and Distribution, General	—	—	—	—	—	—	—	—	—	—	—	S	P	—	—	
Warehousing and Distribution, Limited	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Waste Related Uses	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Wrecking, Scrap or Salvage Yard	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	

B. Industrial Use Standards

1. Contractor Services, Limited

Contractor Services, Limited is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. Parking spaces shall be provided for fleet vehicles in addition to the minimum number of parking spaces required per **Chapter 11** of this Code.

b. Parking of fleet vehicles shall comply with the Outdoor Storage, Limited requirements of **Subsection 6.02.080.B.2**.

c. When the outdoor storage area is gated, a minimum of two vehicle stacking spaces from the key code box shall be provided. Vehicle stacking spaces shall comply with **Section 11.05**.

2. Contractor Services, General

Contractor Services, General is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. Outdoor storage shall be incidental to the primary use and may be permitted in accordance with **Section 6.02.080**.

b. Outdoor storage may be increased to 50% of the total site area provided the outdoor storage area is not located adjacent to a public street, residential zoned property, an existing single-family home in the ETJ that is platted or designated for residential use on the Future Land Use Map, or a public park.

c. When outdoor storage is proposed to be located adjacent to a public street, residential zoned property, an existing single-family home in the ETJ that is platted or designated for residential use on the Future Land Use Map, or a public park, articulation shall be provided for the screening wall or fence by one of the following:

(i) Columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart; or

(ii) Variations in depth achieved either through offsets of at least 5 feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet.

d. Fleet vehicles shall be parked in the same area as the designated outdoor storage to be screened from the public.

e. When the outdoor storage area is gated, a minimum of two vehicle stacking spaces from the key code box shall be provided. Vehicle stacking spaces shall comply with **Section 11.05**.

3. Office/Warehouse

Office/Warehouse is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. The primary entrance shall be located in the office portion of the building.

b. The warehouse portion may not exceed more than 50% of the front building façade.

c. Access to the loading and storage areas shall be limited to the side or rear of the building.

d. The use is limited to a single loading dock/door.

4. Storage Yard

Storage Yard is permitted in accordance with **Section 6.02** and subject to the following standards and limitations:

a. All equipment, material and any other outdoor storage shall be located on an approved paved surface.

b. All equipment, material and any other outdoor storage shall comply with the setback requirements of the District, and the landscape standards of **Chapter 9**.

(i) For purposes of this subsection, street yard trees shall be provided between the screen wall and the street lot line.

c. When outdoor storage is proposed to be located adjacent to a public street, residential zoned property, an existing single-family home in the ETI that is platted or designated for residential use on the Future Land Use Map, or a public park, articulation shall be provided for the screening wall or fence by one of the following:

(i) Masonry columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart; or

(ii) Variations in depth achieved either through offsets of at least 5 feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet.

d. When outdoor storage areas are gated, a minimum of two vehicle stacking spaces from the key code box shall be provided. Vehicle stacking spaces shall comply with **Section 11.05**.

e. Outdoor storage shall comply with the requirements of **Section 6.02.080**.

6.02.060. Agricultural and Related Uses and Standards

A. Agricultural and Related Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Agricultural Operation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	—	**B.1**
Commercial Feed Lot	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.2**
Farm Stand	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.2**
Meat Market	L	—	—	—	—	—	—	—	—	S	S	L	L	—	S	**B.2**
Petting Zoo	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.2**
Riding Academy	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	**B.2**
Taxidermist	L	—	—	—	—	—	—	—	—	—	—	—	L	—	—	**B.2**

B. Agricultural and Related Use Standards

1. Agricultural Operations

In accordance with the Texas Agricultural Code Sec. 251.0055, Agricultural Operations must not create imminent danger of any of the following impacts to people or property within the immediate vicinity:

a. Explosion;

b. Flooding;

c. An infestation of vermin or insects;

d. Physical injury;

e. The spread of an identified contagious disease that is directly attributable to the agricultural operation;

f. The removal of lateral or subjacent support;

g. An identified source of contamination of water supplies;

h. Radiation;

i. Improper storage of toxic materials;

j. Crops planted or vegetation grown in a manner that will cause traffic hazards; or

k. Discharge of firearms or other weapons, subject to the restrictions in Section 229.002, Local Government Code.

2. Agricultural-Related Uses

All agricultural-related uses shall meet any applicable provisions of the City Code of Ordinances. Outdoor display and storage requirements, if applicable, shall be met in accordance with **6.02.080**.

6.02.070. Temporary Uses and Standards

A. Temporary Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MU DT	Standards
Seasonal Product Sales	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.1**
Farmer's Market, Temporary	L	—	—	—	—	L	L	L	L	L	L	L	L	L	L	**B.1**
Temporary Mobile or Outdoor Food Vendor	—	—	—	—	—	—	—	—	—	L	L	L	L	L	L	**B.1**
Transient Mobile or Outdoor Food Vendor	—	—	—	—	L	L	—	L	L	L	—	L	L	L	L	**B.10**
Business Offices, Temporary	—	—	—	—	—	L	L	L	L	L	L	L	L	L	L	**B.2**
Concrete Products, Temporary	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.3**
Construction Field Office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.4**
Construction Staging, Off-site	L	L	L	L	L	L	L	L	L	L	L	L	L	L	—	**B.5**
Parking Lot, Temporary	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.6**
Portable Classrooms	L	L	L	L	L	L	L	—	L	L	L	—	—	L	—	**B.7**
Residential Sales Offices/Model Homes	L	L	L	L	L	—	—	—	—	—	—	—	—	—	—	**B.8**
All Other Uses as Determined by the Director	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	**B.9**

B. Temporary Use Standards

1. Seasonal Product Sales, Temporary Farmer's Market, and Temporary Mobile or Outdoor Food Vendor.

   a. Seasonal Product Sales, Temporary Farmer's Markets, and Temporary Mobile or Outdoor Food Vendors shall meet the requirements and follow the procedures of **Section 3.09**.

   b. Temporary Mobile or Outdoor Food Vendor is permitted in accordance with **Section 6.02.070** and subject to the following additional standards and limitations:

      (i) The Mobile or Outdoor Food Vendor shall be secondary to an existing primary use on the property.

      (ii) No more than three Mobile or Outdoor Food Vendors shall be permitted on the property.

      (iii) Mobile or Outdoor Food Vendor(s) shall be in operation and opened to the public during the primary use's hours of operation.

      (iv) Mobile or Outdoor Food Vendor(s) may connect to City-approved electric. Connection to water or wastewater services shall not be permitted.

      (v) Amenities including but not limited to restrooms, tables, chairs and shade structures may be permitted on the property subject to compliance with this Code.

      (vi) Parking shall be provided in accordance with **Chapter 11**.

      (vii) No Mobile or Outdoor Food Vendor shall be located on a required parking space or loading area.

      (viii) All Mobile or Outdoor Food Vendors, amenities and other site improvements shall be identified on the Temporary Use Permit in accordance with this Code.

      (ix) The Temporary Use Permit for the property may be valid for a period not to exceed one year. Renewal of the Temporary Use Permit shall not be permitted.

2. Business Offices, Temporary.

   A temporary building for use as a business office is permitted on a 90-day basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. All temporary business offices shall be shown on the Site Plan for approval of the permanent facility. Any temporary parking associated with the temporary business office shall follow the standards and procedures of **Subsection 6** below.

3. Concrete Products, Temporary.

   A temporary facility for manufacturing concrete or concrete products may be located where it is directly associated with construction in the area, provided that such facilities are at least 1,000 feet from existing residential development. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. Hours of operation shall meet adopted Building Code requirements. The production site must be returned to its pre-construction state following completion of the associated project. All buildings, driveway access, curb and gutter, debris, and product must be removed and the area must be sodded, seeded, or hydromulched with grass within 45 days of removal.

4. Construction Field Offices

   A temporary building for use as a construction field office is permitted on a 12-month basis unless it is renewed by the respective business. An unlimited number of renewals may be applied for and considered. When the construction field office is associated with a residential subdivision, one temporary building is allowed for each builder in the residential subdivision in which that builder has the authority to construct structures. For commercial construction, one temporary building per site is allowed. All temporary offices allowed under this provision shall receive Site Plan, Stormwater Permit Construction Plan approval, as applicable, following the procedures outlined in **Chapter 3. Applications and Permits**. Any temporary parking associated with the construction field office shall follow the standards and procedures of **Subsection 6** below.

5. Construction Staging, Off-Site

   This section applies to the temporary use of property outside of the right-of-way for activities related to the construction of public improvements. Temporary facilities allowed in conjunction with a staging site may include a construction field office, portable restroom facilities, vehicle or equipment storage, layout yards, storage of construction materials or product, and other uses as determined by the Building Official, but the temporary manufacturing of concrete or concrete products is not included as part of this use and is subject to the restrictions of Subsection **3** above. Off-site construction staging facilities may be located in all Zoning Districts where they are directly associated with construction of public improvements in the area, subject to the following requirements and limitations:

   a. Off-site construction staging facilities are permitted on a 12-month basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. An unlimited number of renewals may be applied for and considered.

   b. Such facilities shall be located within 1,500 feet of the boundary of the construction project and shall not be located within 500 feet of existing residential development. Existing residential development shall be deemed any existing structure that is currently used as a residence and shall not include undeveloped property.

   c. Notification of all property owners within 200 feet of the subject site shall be required 15 days prior to any action by the Building Official.

   d. Stormwater and Driveway Permits must be obtained from the Development Engineer. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

   e. Total impervious coverage shall be limited to 50% of the site.

   f. An undisturbed natural buffer of 15 feet shall remain along lot lines adjacent to other properties.

   g. Hours of operation shall meet adopted Building Code requirements.

   h. Any temporary parking or construction field offices associated with the construction staging area shall follow the respective standards of both, as specified in this section.

   i. Following completion of the associated project, the site must be returned to its pre-construction state. All buildings, driveway access, curb and gutter, debris, and product must be removed and the area must be sodded, seeded, or hydromulched with grass within 45 days of removal.

6. Parking Lot, Temporary

   A temporary parking lot may be approved, for a period not to exceed 12 months, when parking in excess of what was installed when a facility first opened is necessary to accommodate business or unanticipated patronage. A temporary parking lot required as part of another Temporary Use Permit may be approved in accordance with the period of time established for such temporary use. All temporary parking lots are subject to the following requirements and limitations:

   a. Site Plan approval shall be obtained pursuant to **Section 3.17**.

   b. Stormwater and Driveway Permits shall be obtained from the Development Engineer.

   c. The surface material of the parking lot shall be approved by the Development Engineer;

   d. Curbs, gutters, or other improvements may be required where necessary to comply with drainage regulations as approved by the Development Engineer;

   e. Entrance to the lot from any public right-of-way shall be pursuant to the driveway separation requirements of **Section 14.08**;

f. When entrance is allowed to the lot from a public right-of-way, that portion of the entrance located in the right-of-way shall be a paved surface approved by the Development Engineer; and

g. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

h. At the end of the permit approval period, the area shall meet the following:

(i) The area shall no longer be used for the parking of vehicles, except as permitted below. All paving material, driveway access, and curb and gutter must be removed, and the area must be sodded, seeded, or hydromulched with grass within 10 days of removal.

(ii) A temporary parking lot approved for the purposes of accommodating unanticipated patronage may be retained if brought up to full compliance with all standards of this Code. If no Site Plan is approved within two months of the expiration of the temporary approval, the temporary parking lot shall be removed in accordance with the standards above.

7. Portable Classrooms

Portable classrooms are permitted in accordance with **Section 6.02.070**, subject to the following standards and limitations and the requirements of **Section 3.09**.

a. Portable classrooms are allowed as part of a site-built public school facility.

b. A site-built school building and required site improvements must be in place prior to any placement of portable classrooms.

c. The square footage of portable classrooms shall not exceed 20% of the total square footage of the principal, site-built school buildings.

d. The portable classrooms shall be shown on an approved Site Plan and may be added to an existing Site Plan as part of an amendment process.

e. Required parking for the entire school facility shall be maintained per **Chapter 11**, including any increases needed to accommodate the portable classrooms.

8. Residential Sales Offices and Model Homes

A temporary residential sales office or model home must be located within the legal subdivision for which lots are being sold. In addition, the following standards and limitations shall be met:

a. A Temporary Use Permit with a conditional Certificate of Occupancy to operate the model home will expire after 12 months unless it is renewed by the builder, upon which the burden shall fall to demonstrate to the Building Official that the conditions of approval still exist. An unlimited number of applications to renew the Temporary Use Permit may be applied for and considered.

b. The builder of a model home that has been constructed to market a phase of a phased development may request extension of the Temporary Use Permit in order to market new phases of the same development, but only if there is no increase in the total number of model homes within all of the phases.

c. A permitted model home in one legal subdivision where a builder is actively marketing lots may be used to market lots in another legal subdivision if the builder has no model home in the second subdivision and when such sales are clearly secondary, as demonstrated through signs and advertisements, to the marketing of lots within the subdivision in which the model is located.

d. The builder of a model home constructed to market one legal subdivision may be granted a Temporary Use Permit to market a new legal subdivision for the period during which a new model home is being constructed in the new legal subdivision. Such Permit shall be valid for a period not to exceed six months, with no renewal.

e. The design and construction of the model home must be consistent with the character of the subject neighborhood. A model home or temporary sales office may construct a monument sign no larger than 16 square feet and no taller than 4 feet in height, subject to the requirements of **Chapter 12**.

f. The model home shall be constructed in such a manner that it can be converted, without structural changes, to a single-family or two-family residence (as allowed by the Zoning District). Such conversion shall occur no later than after the issuance of Certificates of Occupancy to 80% of the associated residential units or when use as a sales office or model home has ceased.

g. A conditional Construction Permit for the model home may be issued once the streets to the subdivision have been constructed to sub-grade and water service and a fire hydrant are located within 500 feet of the lot on which the model home is located. The Building Official shall note on the permit that the property owner accepts all responsibility for commencing construction prior to completion of the public improvements and City acceptance of the subdivision. The Certificate of Occupancy for the model home will not be issued until the subdivision and all public improvements have been accepted by the City, a Final Plat has been filed and recorded with the County, and all utilities are connected to the home.

h. No permits for a model home will be issued until roads serving the model lots are paved and accepted and all utilities serving the model lots are constructed (water, wastewater, electric, fire hydrant, drainage infrastructure).

i. Model homes are limited to one per floorplan.

j. A temporary building for use as a sales office is permitted on a six-month basis only if a model home has not been constructed. The temporary sales office is subject to the renewal policy outlined for model homes but shall be removed once the model home has been constructed.

9. All Other Temporary Uses

Other temporary uses deemed appropriate and compatible with the District and surrounding land uses may be permitted at the discretion of the Director.

10. Transient Mobile or Outdoor Food Vendor

Transient Mobile or Outdoor Food Vendor is permitted in accordance with **Section 6.02.070** without approval of a permit and subject to the following standards and limitations:

a. The Mobile or Outdoor Food Vendor shall be accessory to an existing primary use on the property and may only be placed on the property Thursday through Sunday. No Mobile or Outdoor Food Vendor shall be permitted on the property Monday through Wednesday.

b. No more than two Mobile or Outdoor Food Vendors shall be permitted on the property.

c. Mobile or Outdoor Food Vendor(s) shall be in operation and opened to the public during the primary use's hours of operation.

d. Connection to electric, water and wastewater services shall be prohibited.

e. Amenities including but not limited to restrooms, tables, chairs and shade structures shall be prohibited.

f. Parking shall be provided in accordance with **Chapter 11**.

g. No Mobile or Outdoor Food Vendor shall be located on a required parking space or loading area.

h. Mobile or Outdoor Food Vendor shall meet the lot and dimensional standards of the Zoning District.

6.02.080. Outdoor Display and Storage Uses and Standards

A. Outdoor Display and Storage Uses

Specific Use	AG	RE	RT	RS	RM	MF1	MF2	MH	CN	C1	C2	I1	I2	PF	MUDT	Standards
Outdoor Display, Limited	—	—	—	—	—	—	—	—	L	L	L	L	L	—	L	**B.1**, **B.2**
Outdoor Display, General	—	—	—	—	—	—	—	—	—	—	L	L	L	—	—	**B.1**, **B.3**
Outdoor Display, Off-Site Vehicles	—	—	—	—	—	—	—	—	—	—	L	L	L	—	—	**B.1**, **B.4**
Outdoor Storage, Limited	—	—	—	—	—	—	—	—	—	—	L	L	L	L	—	**B.1**, **B.3.b**
Outdoor Storage, General	—	—	—	—	—	—	—	—	—	—	—	L	L	—	—	**B.1**, **B.6**

B. Outdoor Display and Storage Use Standards

1. Requirements for All Outdoor Display and Storage
   a. All outdoor display and storage areas shall be clearly shown on the Site Plan for the property or, where no Site Plan of record exists, all required information shall be shown on a scaled drawing or property survey.
   b. All outdoor display and storage areas shall not be located in the following:
      (i) A required setback;
      (ii) A required bufferyard; or
      (iii) Required off-street parking spaces or stacking areas.
   c. All outdoor storage, notwithstanding **Subsection b** above, shall be set back at least 15 feet from the back edge of an adjacent curb or street pavement.
2. Outdoor Display, Limited
   a. Limited outdoor display of merchandise, goods or materials actively for sale or samples thereof are allowed only in association with the primary use of the site on which displayed.
   b. Limited outdoor display is allowed only in a front yard or street yard, in addition to the following limitations:
      (i) The display shall not extend a distance greater than 5 feet from the wall of the principal building;
      (ii) The display shall not extend to a height above 10 feet;
      (iii) The display shall not occupy more than 30% of the linear distance along the wall; and
      (iv) The display shall not be permitted to block windows, entrances or exits, nor impair the ability of pedestrians to use the building.
3. Outdoor Display, General
   a. General outdoor display of merchandise, goods or materials actively for sale or samples thereof are allowed only in association with the primary use of the site on which displayed.

b. General outdoor display shall not exceed 1,000 square feet or 10% of the total site area (whichever is greater).

c. General outdoor display that is located adjacent to a wall of the principal building, in a front yard or street yard, shall comply with the following limitations:

(i) The display shall not extend a distance greater than 5 feet from the wall;

(ii) The display shall not extend to a height above 10 feet;

(iii) The display shall not occupy more than 30% of the linear distance along the wall; and

(iv) The display shall not be permitted to block windows, entrances or exits, nor impair the ability of pedestrians to use the building.

4. Outdoor Display, Off-Site Vehicles

a. Off-site outdoor display of vehicles is allowed only if it is associated with an auto dealership whose principal establishment lies within the corporate limits of the City.

b. The vehicles displayed at the off-site property shall not be offered for sale.

c. A maximum of six vehicles may be displayed at the same time at an off-site property.

d. The vehicles display area shall be located on an approved paved surface, subject to approval by the Development Engineer.

e. The vehicle display area shall require the approval of the Director, which shall be noted on the Site Plan or, where no Site Plan of record exists, all required information shall be shown on a scaled drawing or property survey.

f. Vehicle window signage for display vehicles will be allowed in accordance with all other signage limitations for the District in which it is located.

5. Outdoor Storage, Limited

a. Limited outdoor storage is the storage of merchandise, goods or materials that are not actively for sale, are in individual packaging, and are not located within storage containers. Examples of limited outdoor storage include materials organic or otherwise stored on pallets or shelves.

b. Limited outdoor storage shall not be allowed in a front yard or street yard.

c. Limited outdoor storage shall not exceed 1,000 square feet or 20% of the total site area (whichever is greater).

d. Limited outdoor storage shall be completely screened from view by a solid opaque wall or fence at least 6 feet in height 1 foot above the height of the stored materials, whichever is greater. The wall or fence shall be constructed of materials that include, but are not limited to, brick, stone, reinforced concrete or other similar masonry materials; redwood, cedar or preservative pressure-treated wood; or other materials as approved by the Director.

e. Limited outdoor storage areas shall be paved and painted to distinguish them from required off-street parking areas.

6. Outdoor Storage, General

a. General outdoor storage is the storage of merchandise, goods or materials that are not actively for sale that include all forms of outdoor storage, including limited outdoor storage. Examples of general outdoor storage include items stacked on pallets and shelves, stored in shipping containers or convexes, and semi-trailers not attached to a truck.

b. General outdoor storage shall not be allowed in a front yard or street yard.

c. General outdoor storage shall be completely screened from view by a solid opaque wall or fence at least 8 feet in height or 1 foot above the height of the stored materials, whichever is greater. The wall or fence shall be constructed of materials that include, but are not limited to, brick, stone, reinforced concrete or other similar masonry materials; redwood, cedar or preservative pressure-treated wood; or other materials as approved by the Director.

d. General outdoor storage areas shall be paved and painted to distinguish them from required off-street parking areas.

Section 6.03. Wireless Transmission Facilities

A Wireless Transmission Facility (WTF) is permitted in accordance with the Use Table in **Section 6.02** and subject to the following standards:

6.03.010. Locational Regulations

A. In order to protect the City's natural beauty and historic character no WTF tower shall be located in the following areas:

1. Within a one-half mile or 2,640-foot radius measured from the property line of the Williamson County Courthouse located at 710 Main Street at the center of Georgetown's historic square.
2. Within a 500-foot radius of any District, structure, or site designated as historic by any other lawfully authorized local, state, or federal historic preservation agency or entity by law, including the City.
3. Within 500 feet of the centerline of the San Gabriel River.
4. Within 500 feet of the I-35 right-of-way. The restrictions of this section apply to all areas within the city limits except for properties and structures owned by the City. Location of a WTF on a municipally owned property or facility is subject to approval by the City Council.

B. No newly constructed WTF with or without a tower shall be located on existing structures designated as historic. Pre-existing wireless transmission facilities shall meet the requirements set forth in **Section 6.03.030**.

C. Wireless transmission facilities are allowed, without a Special Use Permit, on existing towers or tanks, utility, lighting standard, sign support, or other appropriate structures provided that the antennas or related equipment or structures do not exceed, by 10 feet, the lesser of the height of the structure or the height limits of the highest permitted structure in the District in which it is located.

D. Wireless transmission facilities with towers are allowed within any electric substation, within any Zoning District, provided that the antennas or related equipment or structures do not exceed, by 10 feet, the lesser of the height of the structure or the height limits of the highest permitted structure in the District in which it is located.

6.03.020. Mounting Standards

A. Wireless transmission facilities may locate, without a Special Use Permit, on the roof of any Non-Residential and non-historic building, within any Zoning District, provided the WTF does not exceed, by 10 feet, the lesser of the height of the building or structure or the height limits of the District in which it is located.

B. Wireless transmission facilities may mount, without a Special Use Permit, on the exterior of any Non-Residential and non-historic building, within any Zoning District, provided the antenna or antenna support structure or equipment:

1. Is mounted flush with the exterior of the building or that it projects no more than 24 inches from the surface of the building to which it is attached and does not exceed height restrictions established in this part of the Code and that said projection is at least 15 feet above grade; and
2. Is textured and colored so as to blend with the surrounding surface of the building.

C. Wireless transmission facilities, with or without towers, are allowed on municipally owned properties and structures subject to approval of a lease by the City Council specifying WTF location, design, and other restrictions.

D. Wireless transmission facilities may locate in the areas set forth in Subsections **A** and **B** above, provided they comply with all other standards regarding height requirements; collocation; historic districts, structures or sites; residential structures; residentially zoned property; setbacks and site development, and submittal requirements

of this Code. To locate within or on an area related to Subsection **C** above, the applicant must first receive approval from the City Council.

6.03.030. Collocation

A. To minimize the number of WTFs to be sited, applicants should cooperate with other service providers in collocating additional antennas on existing towers and/or structures to the extent that collocation is reasonably economical and technically feasible. An applicant should exercise good faith in collocating with other providers and sharing the permitted site. Such good faith shall include sharing technical information to evaluate the feasibility of collocation.

B. Service providers should, to the maximum extent feasible, promote collocation of antennas by multiple providers through the use of nonexclusive agreements for antenna sites, relocation and reconfiguration of antennas to accommodate additional users, utilization of current technology to maximize antenna separation and minimize antenna/tower height and obtrusiveness, and ensure building support structures are of sufficient strength.

C. The City encourages that each WTF tower be constructed in such a way that the structure can support additional antenna systems having the same or similar wind and weight loading characteristics as those that are proposed by applicant. Tower space on existing WTF towers should be provided on a reasonable, proportioned cost basis to other service providers who seek use of the structure, unless it would result in the creation of a level of radio frequency interference that would degrade applicant's services.

6.03.040. Setback Requirements

No permit for a tower shall be approved or issued unless the proposed WTF is in compliance with the applicable provisions governing setback distance requirements, which are as follows:

A. Monopole Towers

The distance between the base of a single monopole, and all Residential Districts or uses must not be less than:

1. The height of the WTF tower for towers under 60 feet;
2. One-and-one-half times the height of the WTF tower if the height of that tower is over 60 feet but not over 90 feet;
3. Two times the height of the WTF tower if the height of that tower is over 90 feet but not over 105 feet;
4. Two-and-one-half times the height of the WTF tower if the height of that tower is over 105 feet but not over 120 feet; or
5. Three times the height of the WTF tower if the height of that WTF tower is over 120 feet.

B. All distance measurements referred to in this section shall be the distance of a straight horizontal line from the center of the base of the WTF to the center of the residential lot minus 50 feet or the closest residential property line, whichever results in the greatest distance from the WTF and the nearest outer wall of a residential structure or line.

C. Safety issues will be fully addressed by applicants for a WTF siting. Wireless Transmission Facilities should be located in such a manner that if the structure should fall along its longest dimension it will remain within the owned or leased property boundaries of the service provider and will avoid structures, public streets, and utility lines. If a proposed WTF has a potential for affecting a nearby property or structure upon collapse or scattering of equipment debris, the situation must be addressed by applicant.

D. Property uses and distances referred to in this section shall be determined as of the date and time that the completed WTF permit application is filed.

E. Equipment enclosures shall be set back from the property line according to the applicable regulations.

6.03.050. Fencing Requirements

A. The base of a WTF with a tower, including all mechanical equipment and accessory structures, must be completely enclosed by a fence, wall, or barrier that limits climbing access to such WTF and any supporting systems, lines, wires, buildings, or other structures. The base must be fully screened from view of residential structures, residentially zoned properties or public roadways by a substantially opaque screening fence designed and built to provide privacy.

B. The fence shall be a minimum height of 8 feet and consistent in color and character to surrounding structures and properties.

C. The fencing shall have no openings, holes or gaps larger than 4 inches measured in any direction.

D. The fencing may contain gates or doors allowing access to the WTF and accessory structures for maintenance purposes; such gates or doors shall be kept completely closed and locked except for maintenance purposes and shall be located so that all gates and doors do not intrude into the public right-of-way.

E. The requirements of this section do not apply to:

1. Wireless Transmission Facilities located on buildings or structures that are not designed or built primarily to support WTFs, provided that the general public has no physical access to the WTFs and adequate safety measures are taken to prevent access by unauthorized people;
2. Legally existing WTFs having security fences at least 6 feet in height; and
3. WTFs with towers that are sufficiently camouflaged or disguised such that the City determines that a security fence is unnecessary and/or would cause the tower to be unnecessarily more obtrusive.

6.03.060. Maintenance and Inspection

A. The owner or operator of a WTF shall be responsible for the maintenance of the WTF and shall maintain all buildings, structures, supporting structures, wires, fences or ground areas used in connection with a WTF in a safe condition and in good working order, as required by City building, fire or any other applicable codes, regulations or ordinances or to standards that may be imposed by the City at the time of the granting of a permit. Such maintenance shall include, but shall not be limited to, maintenance of the paint, landscaping, fencing, equipment enclosure, and structural integrity. If the City finds that the WTF is not being properly maintained, the City will notify the owner of the WTF of the problem. If the applicant fails to correct the problem within 30 days after being notified, the City may undertake maintenance at the expense of the applicant or revoke the permit, at its sole option.

B. By applying for a WTF permit under this article, the applicant specifically grants permission to the City, its duly authorized agents, officials, and employees, to enter upon the property for which a permit is sought, after first providing a reasonable attempt to notify a person designated by the applicant, except in the event of an emergency, for the purpose of making all inspections required or authorized to be made under this part of the Development Code. The City may require periodic inspections of WTFs to ensure structural integrity and other Code compliance. Based upon the result of an inspection, the City may require repair or removal of a WTF.

6.03.070. Radio Frequency Standards

A. The applicant shall comply with federal standards for radio frequency emissions and must submit a signed statement that the proposed site fully complies with federal standards for radio frequency emissions. The City reserves the right to request that the applicant submit a sealed report from a registered radio frequency engineer which provides the estimated cumulative field measurements of radio frequency emissions of all antennas installed at the subject site and compares the results with established federal standards. Said report

shall be subject to review and approval by the City for consistency with federal standards. If on review the City finds that the proposed or established WTF does not meet federal standards, the City may deny or revoke the permit, whichever is applicable at the time.

B. The applicant shall ensure that the WTF will not cause localized interference with the reception of area television or radio broadcasts or other legally existing WTFs. If on review the City finds that the WTF will interfere with such reception, it may deny the permit. If such interference occurs after the permit is issued and the problem is not corrected within 60 days, the City may revoke or modify the permit.

6.03.080. Specific Development Standards

Wireless transmission facilities shall conform to the following site development standards:

A. All towers must be of monopole construction and be as unobtrusive as possible. At a minimum, antennas must be flush with the tower;

B. To minimize potential safety hazards, WTFs with towers shall be setback from residential structures or residentially zoned property lines as required in **Section 6.03.040**;

C. All lots on which WTFs are located must have access to a public right-of-way accepted by the appropriate governmental agency.

D. Wireless transmission facilities shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to:

1. Use existing site features to screen as much of the total WTF as possible from public view;
2. Use existing site features as a background so that the total WTF blends into the background with increased sight distances; and
3. To the degree technically feasible, locate on a portion of the site that is effectively isolated from view of residential areas by structures or terrain features unless the WTFs are integrated or act as an architectural element of the structure such as a flagpole or parking lot light or are effectively screened through installed landscaping or other acceptable screening.

E. Wireless transmission facilities having towers viewable from a residential structure, residentially zoned property or public roadway shall be landscaped along the perimeter of the WTF fencing. Further, the use of existing vegetation shall be preserved to the maximum extent practical and may be used as a substitute for or in supplement toward meeting landscaping requirements. The installed landscaping requirements include:

1. A row of shade trees a minimum of 1-inch caliper shall be planted around the perimeter of the fence with a maximum spacing of 10 feet;
2. A continuous hedge of 1-gallon-sized (minimal) evergreens shall be planted along the perimeter of the WTF; and
3. All landscaping shall be drought-resistant or irrigated and properly maintained to ensure good health and viability.

F. The City may waive landscaping requirements if the design of the WTF tower is such that landscaping would cause the tower to be more obtrusive, if the tower is integrated or acts as an architectural element of a structure such as a flagpole, parking lot light, bell tower or other similar structure, and/or the City determines landscaping to be unnecessary.

G. Wireless transmission facilities with towers shall conform to the fence standards established in **Section 6.03.050**.

H. Equipment enclosures of a WTF that may be seen from a residential structure, residentially zoned property or public roadway, are encouraged to be located underground, if site conditions permit. If the equipment enclosure is not put underground, then it must be within the building in which the antenna is mounted or in a separate

equipment enclosure that matches the existing building or surrounding structures in character and building materials.

I. All signs, flags, lights, and attachments other than those required for communications operations, structural stability or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited on any WTF;

J. Applicant shall identify to the City any structures in the vicinity which the applicant investigated for possible use that have not been addressed otherwise in the application.

6.03.090. Submittal Requirements

A. All service providers wishing to operate a WTF shall ensure and submit documentation demonstrating:

1. That the tower will be erected and operated in compliance with current FCC and FAA rules and regulations and other applicable federal, state, and local standards particularly as apply to the Georgetown Municipal Airport;
2. That all back haul providers are identified and have all the necessary approvals to operate as such, including holding necessary franchises, permits, and certificates;
3. A notarized statement signed by the WTF tower operator, the tower owner and the landowner that indicates:
   a. The extent to which all agree to allow collocation of additional WTF equipment by other service providers on the applicant's structure or within the same site location on a reasonable and non-discriminatory basis;
   b. An understanding of **Section 6.03.060** relating to maintenance and inspections;
   c. An understanding that if the service provider fails to remove the WTF upon 60 days of its discontinued use, the responsibility for removal falls upon the landowner, and in the event the WTF is not removed within another 60 days, the City may remove the WTF and recover the costs associated with such removal from the landowner and place a lien on the property until such costs are paid.
4. Service providers shall submit updated notarized statements as required above whenever ownership or operators change.
5. A certification and sealed report from a registered professional engineer stating that all structural components of the WTF comply with all applicable codes and regulations. In the case of WTF towers, the report should further note the extent to which the tower is designed and/or built to accommodate co-location.

B. Service providers wishing to establish a WTF shall:

1. Secure all necessary approvals and permits needed to operate or construct a WTF within the City;
2. Fully and accurately complete a questionnaire supplied by the City;
3. Comply with all ordinances of the City;
4. Pay all related development and permit application fees;
5. Reimburse the City for actual costs incurred by the City for radio frequency evaluations, structural engineering reviews and/or any other services that the City may deem necessary to review and process the application; and
6. Provide the City with:
   a. A master antenna plan, including detailed maps:

(i) Showing the precise locations and characteristics of the proposed and all existing WTFs in the City and in its extraterritorial jurisdiction (ETJ);

(ii) Indicating coverage areas of the proposed and existing sites within the City and its ETJ; and

(iii) Showing topography of proposed site.

b. Updates of the above documents shall be filed with the City as they become available;

c. Photo simulations of the proposed WTF from varying points and distances, including affected residential properties and public rights-of-way. The photo simulation shall also include a diagram or map indicating points from where the photo simulations are taken; and

d. Site and landscaping plans indicating:

(i) The specific placement of the WTF and all related structures on the site;

(ii) The location of existing trees, and other significant site features;

(iii) The type and location of landscaping proposed for screening;

(iv) The color(s) for the WTF; and

(v) Architectural and structural drawings for the proposed site.

6.03.100. Notice Requirements

The notice requirements of this section apply only to applications for which a public hearing is required and if the proposed WTF tower is within 200 feet or a distance equal to twice the height of the proposed WTF, whichever is greater, of a residential structure or a residential District.

A. Notice Sign Placement and Information.

1. The applicant for a WTF permit must post and use reasonable efforts to maintain a sign on the subject WTF site for a minimum of 30 calendar days beginning no later than the sixth calendar day following the date of the filing of the required completed application with the City. The sign shall be posted no less than 15 feet from the public right-of-way that is used as access to the WTF site. The sign shall face and be legible from the public right-of-way. The sign shall contain at a minimum the following items of information:

a. That this is the proposed site of a WTF;

b. The proposed maximum Height Above Grade of the proposed WTF;

c. The WTF permit application number assigned to this project by the City; and

d. The telephone number of the City of Georgetown where additional information concerning this proposed WTF may be obtained.

2. The applicant shall remove the sign from the subject WTF site after the permit is obtained or the appeals process is complete.

3. Written notice of the filing of each application for a WTF permit shall be given to the owners, as is indicated by the most recently approved tax rolls, of all property within a distance of 200 feet or a distance that is equal to twice the height of the proposed WTF, whichever is greater, from the proposed WTF site. The required written notice, which will be mailed out by the City, shall be in a form prescribed by the Director and shall be mailed by depositing the same in the United States Mail. The required notice shall be mailed no later than the tenth calendar day following the filing of the required fully completed application.

4. Written notice shall be published by the City at least once in a local newspaper of general circulation within the City not later than the seventh calendar day following the date of filing of the required completed

application. Such notice shall be published in the section of such newspaper in which other legal notices are commonly published.

5. The "written notice" required in Subsection **3** above shall include, at a minimum, the following:
   a. The name, signature, address, and telephone number of the person or entity representative that will own the proposed WTF structure;
   b. The name, address, and telephone number of the applicant if different from the owner of the proposed WTF;
   c. The approximate proposed location of the WTF structure, including the street address (or nearest street intersection) and the name of the subdivision or survey if there is no recorded subdivision;
   d. The proposed use of the WTF structure and site;
   e. The proposed maximum height above grade of the proposed WTF structure; and
   f. That additional information may be obtained by writing or telephoning the office of the Director, including the telephone number.

6.03.110. Permitted Hours for Construction

Construction, placement, removal or alterations to a WTF shall not be performed except between the hours of 7:00 a.m. and 9:00 p.m. of any day, except in a bona fide emergency.

6.03.120. Permit Limitations

A. Any City permit, including the Special Use Permit, shall become null, void and non-renewable if the permitted WTF is not constructed within one year of the date of issuance, provided that the Special Use Permit may be extended one time for six months if construction has commenced before expiration of the initial year.
B. The applicant/permittee of a WTF shall expressly indemnify, protect, and hold the City harmless to the maximum extent allowed by law. No exceptions to this requirement shall be allowed.
C. Any City permit, including a Special Use Permit, for a WTF shall expire and the applicant must remove the WTF if it is not put into use within 120 days after construction or if use is discontinued for a period in excess of 120 days. If the WTF is not so removed, the City may cause the WTF to be removed and all expenses of removal shall be paid by the owner of the land where the WTF is located.
D. The applicant shall notify the Director of all changes in ownership or operation of the WTF tower within 30 days of actual knowledge of the change.

6.03.130. Effective Date and Effect on Pre-Existing and Permitted WTFs

A. The requirements of this part of the Code apply to all new WTFs after the date of adoption and the expansion and/or alteration of any existing WTFs; provided that an in-kind or smaller replacement of transmission equipment will require only a written notification to the City.
B. A WTF which was in existence on the date of final passage of this part of the Development Code shall not be required to be removed or relocated in order to meet the minimum distance requirements of this Code due to subsequent platting of a residential lot nearer to the WTF than the distance requirements of this section. However, any alteration to existing WTFs shall require compliance with the applicable provisions of this Code.

Chapter 7. Residential Development Standards

Section 7.01. General

7.01.010. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212 and the City Charter.

7.01.020. Purpose and Intent

This chapter establishes development standards for residential properties within the city limits and ETJ of the City of Georgetown.

7.01.030. Applicability

A. Within the Extraterritorial Jurisdiction (ETJ)

All residential development within the City's ETJ is subject to the provisions of **Section 7.02.010. General**.

B. Within the City Limits

1. All residential development within a Residential Zoning District shall be subject to the provisions of this Chapter.
2. All residential development within a Non-Residential Zoning District shall be subject to the provisions of **Section 7.04. Accessory Structures, Garages and Carports** and **Section 7.05. Common Amenity Area** in addition to the development standards of the Non-Residential Zoning District in which it is located.
3. All non-residential development within a Residential Zoning District or the Agriculture District shall be subject to the Building Design Standards set forth in **Section 8.04** and the Lighting Standards set forth in **Section 8.05** in addition to the development standards of the Residential Zoning District in which it is located.

Section 7.02. Development Standards

7.02.010. General

A. All new development shall be located on a lot or tract meeting the requirements of **Section 3.15**.

B. All new lots or tracts shall have a minimum lot width and street frontage abutting a public street, or a private street that meets City of Georgetown public street construction requirements, as follows:

1. Within the city limits the minimum lot width and street frontage shall be in accordance with the Zoning District in which it is located.
2. Within the ETJ the minimum lot width and street frontage shall be 25 feet unless the frontage is on a collector or higher, then the minimum shall be 70 feet.
3. A Subdivision Waiver varying or waiving these requirements may be requested pursuant to **Section 3.16**.

C. All development within the city limits and areas of the ETJ where the City provides fire protection services shall comply with the applicable standards contained in the International Fire Code, as adopted in the **City of Georgetown Code of Ordinances, Chapter 8.04**. When such standards conflict with any lot, dimensional, and design standards of this Code, the International Fire Code standards shall apply.

D. Allowed Uses

1. Uses allowed in each Zoning District shall be:

   a. Those residential uses identified in **Section 6.02. Use Tables**.

   b. Those non-residential uses identified in **Section 6.02. Use Tables**.

   c. Those accessory uses identified in **Subsection 6.01.020.F** that may be compatible with the primary uses.

E. Non-Residential and Accessory Design Standards

1. Non-residential structures shall meet the lot and dimensional standards of the applicable District, in addition to the requirements of **Section 7.03** and **Section 7.04**.

2. Residential accessory structures shall meet the requirements of **Section 7.04.010**.

3. Residential accessory structures shall not exceed the height of the principal residential structure.

F. Other Requirements of this Chapter that Apply to all Residential Districts

1. Dimensional Interpretations and Exceptions, **Section 7.03**.

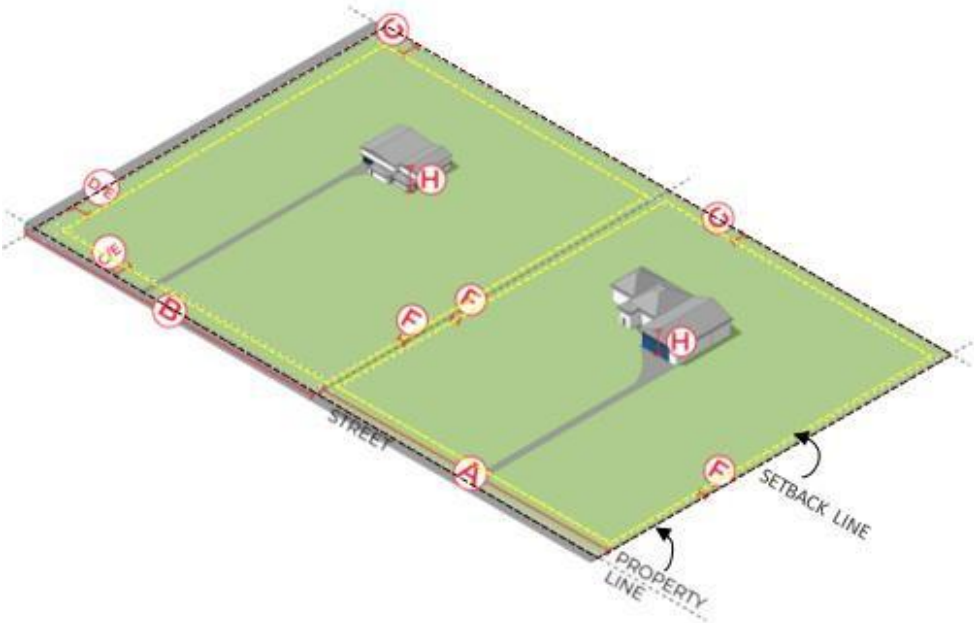
2. Accessory Structures, Garages and Carports, **Section 7.04**.

7.02.020. AG Agriculture District

The AG Agriculture District provides for large lot, low-density rural residential development, ranching, farming and other agricultural uses. This area may also include lands that are relatively undeveloped and natural areas. This District incorporates supporting, small-scale, non-residential uses located along major thoroughfares with buffering between residential and nonresidential uses. The AG District is also appropriate for land newly annexed into the City.

A. Lot and Dimensional Standards

AG Agriculture District		
	Lot size, minimum square feet	217,800 (5 acres)
A	Lot width, minimum feet	100
B	Corner/end lot width, minimum feet[1]	100
C	Front/primary street setback, minimum feet	25
D	Corner side/secondary street setback, minimum feet	25
E	Street-facing garage setback, minimum feet	25
F	Side setback, minimum feet	10
G	Rear setback, minimum feet	20
H	Building height, maximum feet	45
	Maximum impervious cover	See **Section 13.02**
[1] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.		



B. Non-Residential and Accessory Design Standards

1. Accessory structures associated with a Non-Residential Use allowed in **Section 6.02.060.A. Agricultural and Related Uses** may exceed the height of the principal structure provided the maximum building heights of the District are not exceeded.

7.02.030. RE Residential Estate District

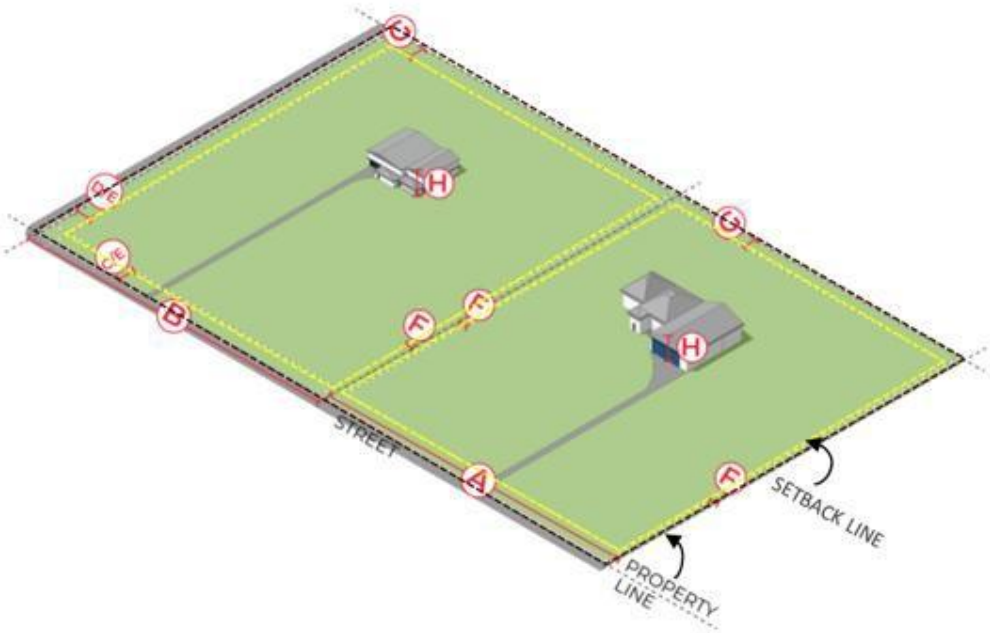
The RE Residential Estate District provides for large-lot, low-density residential development and associated uses and services. This District is appropriate where steep topography, presence of environmentally sensitive features or lack of public utilities and services may necessitate a low density.

A. Lot and Dimensional Standards

RE Residential Estate District		
	Lot size, minimum square feet	43,560 (1 acre)
A	Lot width, minimum feet[1]	100
B	Corner/end lot width, minimum feet[2]	100
C	Front/primary street setback, minimum feet	25
D	Corner side/secondary street setback, minimum feet	25
E	Street-facing garage setback, minimum feet	25
F	Side setback, minimum feet	10
G	Rear setback, minimum feet	20
H	Building height, maximum feet	35
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.



7.02.040. RT Residential Traditional District

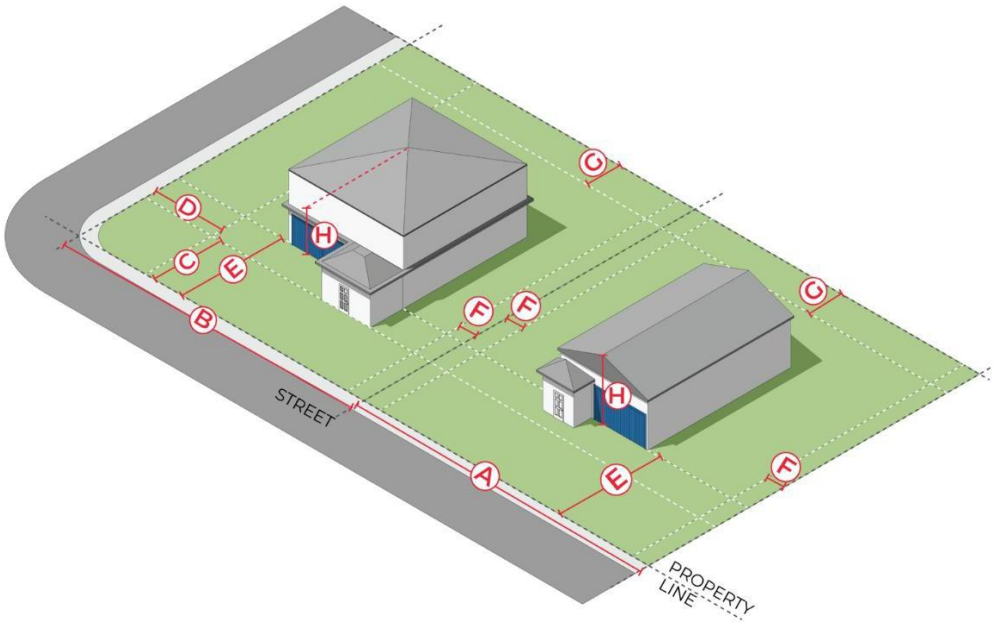
The RT Residential Traditional District provides for large-lot residential development and associated uses and services that do not have topographic challenges or environmentally sensitive features, and are served by public utilities and services. This District is appropriate as a rural-to-urban transition to provide incremental changes in intensity. While the district is appropriate in rural or urban areas where larger lots comprised of single-family detached housing are desired, the pattern of residential development closely matches that of the residential RS District.

A. Lot and Dimensional Standards

RT Residential Traditional District		
	Lot size, minimum square feet	7,500
A	Lot width, minimum feet[1]	70
B	Corner/end lot width, minimum feet[2]	70
C	Front/primary street setback, minimum feet	20
D	Corner side/secondary street setback, minimum feet	20
E	Street-facing garage setback, minimum feet	30
F	Side setback, minimum feet	5
G	Rear setback, minimum feet	10
H	Building height, maximum feet	35
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.



7.02.050. RS Residential Suburban District

The RS Residential Suburban District is a District that provides for smaller-lot residential development and associated uses and services, and allows both single-family detached homes, single-family attached homes, and zero lot line homes. Residential development in this District is to maintain single-family neighborhood characteristics, such as curvilinear streets of homes separated from other uses. The District may be located adjacent to small-scale commercial and public services likely to serve residents of the neighborhood, and protected from incompatible non-residential uses, such as large-scale commercial retail, office parks, manufacturing, and warehousing.

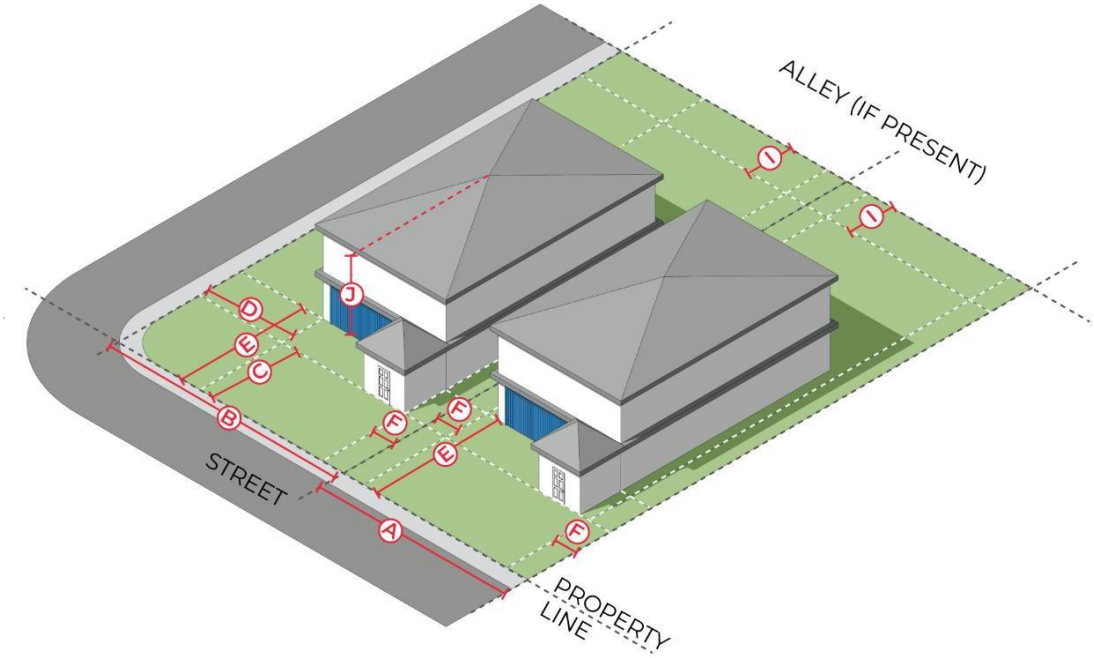
A. Lot and Dimensional Standards

	Lot Type	**Single-Family, Detached**		**Single-Family, Attached**	
	Garage/Parking Access	**Front**	**Alley**	**Front**	**Alley**
	Lot size, minimum square feet	5,500	4,000	3,100	2,700
A	Lot width, minimum feet[1]	45	35	35	30
B	Corner/end lot width, minimum feet[2]	55	45	45	35
C	Front/primary street setback, minimum feet	20	15	20	15
D	Corner side/secondary street setback, minimum feet	15	15	15	15
E	Street-facing garage setback, minimum feet	25	N/A	25	N/A
F	Side setback, minimum feet	5	5	N/A	N/A
G	Shared/Passive wall side setback, minimum feet	N/A	N/A	0	0
H	Non-shared/Active wall side setback, minimum feet	N/A	N/A	5	5
I	Rear setback, minimum feet	10	10	10	10
J	Building height, maximum feet	35	35	35	35
	Maximum impervious cover	See **Section 13.02**			

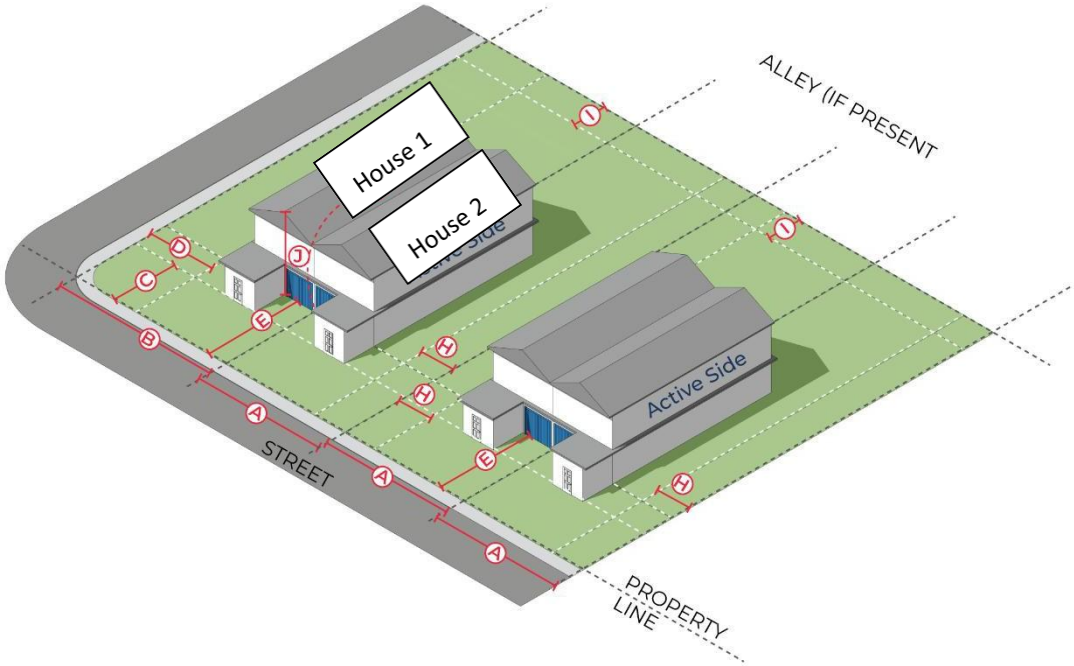
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

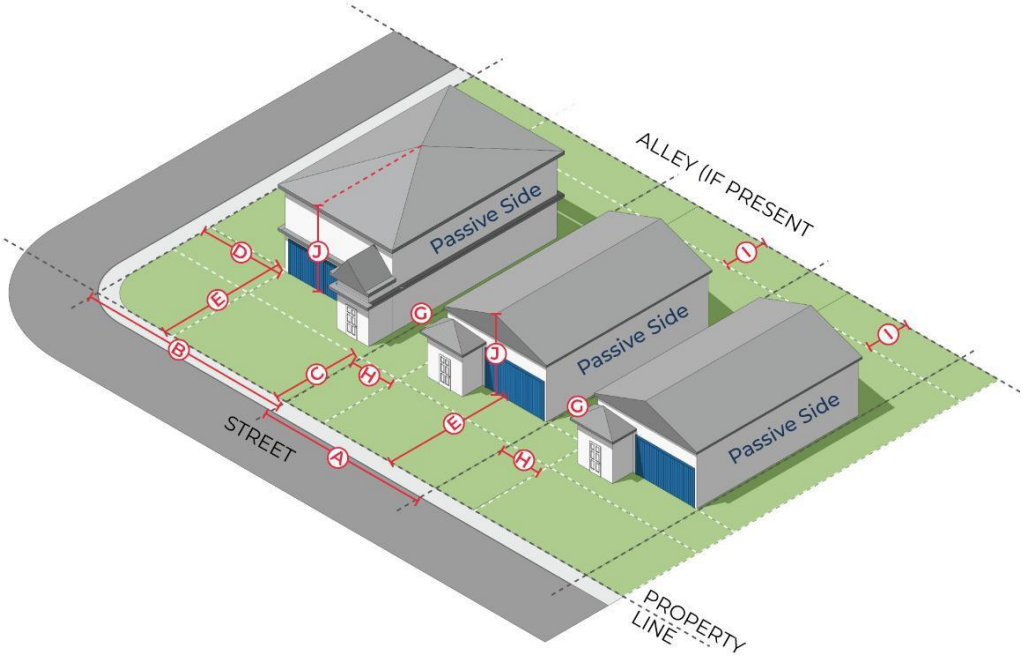
Single-Family, Detached Dimensional Graphic



Single-Family, Attached Dimensional Graphic



Single-Family, Zero-Lot-Line Dimensional Graphic



B. Residential Design Standards

The design standards below apply to all development in the RS District in addition to the site design standards in **Section 7.05**.

1. Similarity Restrictions

Except as provided in Subsection **a**. below, no new dwelling that is similar in appearance to a neighboring dwelling is permitted. The standards to determine such similarity are set forth below and shown by example in the illustrations contained in this section.

a. Exemptions

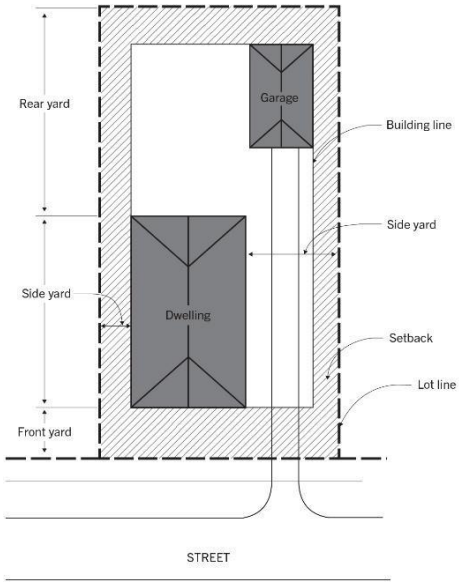
The following shall be exempt from these provisions:

(i) Dwellings for which a Building Permit was approved before March 11, 2003.

b. Differences in Appearance

(i) Differences in bulk and massing shall be reviewed for the lots on either side of the proposed dwelling on the same side of the street, as shown in the following illustrations.

Figure 7.02.050-7.02.05-1. Lot Dimensions



(ii) Where lots are interrupted by an intervening street, public parkland, or similar feature of at least 50 feet in width, no review shall be necessary.

(iii) The proposed building shall be considered different from any vacant lot as defined in (c) below, for which no building permit has been issued without requiring further documentation.

c. Differentiation

The proposed dwelling shall differ from other applicable dwellings in at least two of the three criteria listed below.

(i) The dwelling is a different housing type.

(a) Single-family detached;

(b) Single-family attached; or

(c) Single-family, zero lot line.

(ii) The dwelling differs in the number of full stories.

(a) Single-story; or

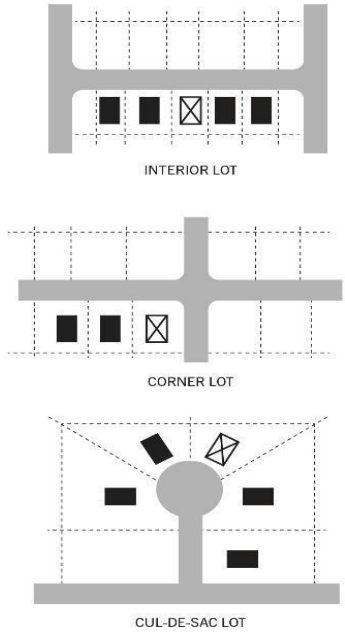
(b) Two-story.

(iii) The dwelling incorporates a variety of roof pitches.

d. All dwelling units shall include variation in the front façade using at least four of the following:

(i) One or more bay windows;

Figure 7.02.050-7.02.05-2. Lot Differentiation



The lot designated with an 'X' must be different from the lots on either side of the proposed dwelling.

(ii) One or more water collection devices or methods approved in this UDC;

(iii) One or more open, box, or hipped gables;

(iv) Two or more columns measuring at least the full plate height of the ground floor, unless situated upon a knee wall or architectural base or pedestal, and being fully boxed, turned, or utilizing a similar method. Columns shall measure at least 3 inches in average width from the column center;

(v) No more than one façade material is the same as a neighboring dwelling with regard to composition, color, finish, or pattern. Where a material is provided that is the same as a neighboring dwelling, it shall cover no more than 10% of the façade for the remaining differentiated materials to achieve credit. Materials that are exempt from this requirement include roofing materials, windows and window trim, doors, eave and facia board;

(vi) One or more awnings;

(vii) One or more arches spanning at least 25% of the façade width either individually or collectively, and having an offset of at least 5% of the arch width from both tangents;

(viii) The garage is set back a minimum of 4 feet from the front façade;

(ix) A covered, open-walled porch at least 8 feet in depth extends a minimum of 33% of the width of the front façade;

(x) Other articulation of the front façade at least 4 feet in depth extends at least 33% of the width of the front façade.

e. The Planning Director may approve other methods as alternatives to those listed in **Subsection c** above on a case by case basis if the Director determines that an alternative method will achieve a similar level of quality and differentiation from neighboring dwellings.

f. If any four of the minimum feature numbers or the feature dimensions listed under **Subsection d** above are doubled, the differentiation requirement under **Subsection c** above shall be satisfied regardless of whether the features listed in **Subsections c(i)** through **c(iii)** are provided.

g. Application Review

(i) Acceptable documentation may include photographs of the other structures in question (no building elevations are required).

(ii) A subdivision or phase thereof may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat. Such documentation is not required to be recorded as part of the plat.

2. Single-Family, Attached

A single-family, attached dwelling is allowed using the lot and design standards of the RS District, in addition to the following criteria:

a. Both dwellings shall be located on separate legal lots; and

b. The side setback between two single-family attached lots may be reduced to zero feet.

3. Single-Family, Zero-Lot-Line

A single-family, zero-lot-line dwelling is allowed using the lot and design standards of the RS District, in addition to the following criteria:

a. The zero-lot-line shall not be the lot line adjacent to:

(i) A lot not containing or planned for zero-lot-line dwellings;

(ii) A highway frontage road; or

(iii) A garage or carport taking access from a side street.

b. The eaves on the side of a house with no side setback may project no more than 18 inches over the adjacent property line and a perpetual easement or deed restriction for the eave projection is recorded for the lot where the projection occurs.

c. No structure extends into a public easement.

d. Any rain gutters are positioned to drain only onto the lot of the house to which they are attached.

e. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within 4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least 5 feet of unobstructed space between the furthermost projection of the structure(s) and the edge of the easement.

f. No windows or other openings on the side of the structure on or within 3 feet of the lot line with no setback are allowed, except for windows that do not allow or restrict visibility of the adjacent lot, such as clerestory or translucent windows.

7.02.060. RM Residential Mix District

The RM Residential Mix District provides for an assortment of residential densities, housing types, and associated uses and services compatible with surrounding neighborhoods, incrementally more intense than the RS District. This District may include housing types such as dense single-family residential, two-family residential, duplexes, single-family attached and townhouses. This District is appropriate in areas of 20 acres or less for infill development in urban areas as well as a transition from residential areas to nonresidential uses such as commercial retail, offices, and non-industrial commercial uses. Development should feature elements that support access from those residents to nearby commercial retail and offices by walking or bicycling. A key difference between the RM District and RS District is the accessing of service elements of the residential use like parking via alleys, and increased use of gridded street patterns. The RM District should be protected from incompatible non-residential uses, such as large-scale commercial retail, office parks, manufacturing, and warehousing.

A. Lot and Dimensional Standards

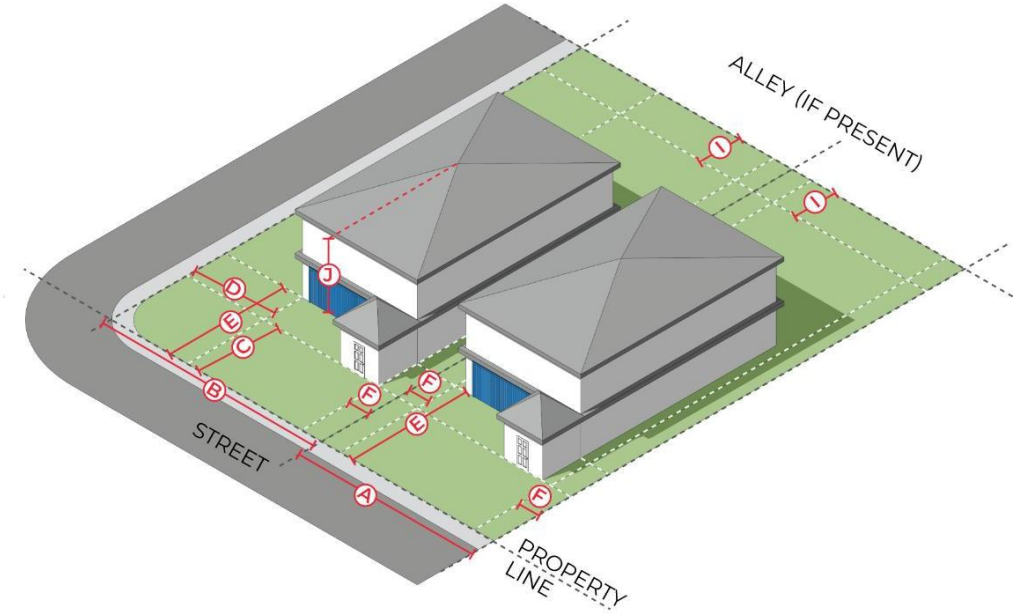
	Lot Type	**Single-Family, Detached**		**Single-Family, Attached**		**Two-Family, Duplex**		**Townhouse**	
	Garage/Parking Access	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**
	Lot size, minimum square feet	4,400	4,000	2,700	2,200	6,000	5,000	1,500	1,300
A	Lot width, minimum feet[1]	45	35	30	25	55	50	22	18
B	Corner/end lot width, minimum feet[2]	50	40	35	30	65	60	32	28
C	Front/primary street setback, minimum feet	15	15	15	15	15	15	15	10
D	Corner side/secondary street setback, minimum feet	15	15	15	15	15	15	15	10
E	Street-facing garage setback, minimum feet[3]	20	N/A	30	N/A	20	N/A	20	N/A
F	Side setback, minimum feet	5	5	N/A	N/A	5	5	N/A	N/A
G	Shared/Passive wall side setback, minimum feet	N/A	N/A	0	0	N/A	N/A	0	0
H	Non-shared/Active wall side setback, minimum feet	N/A	N/A	5	5	N/A	N/A	5	5
I	Rear setback, minimum feet	10	10	10	10	10	10	10	10
J	Building height, maximum feet	35	35	35	35	35	35	35	35
	Maximum impervious cover	See **Section 13.02**							

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

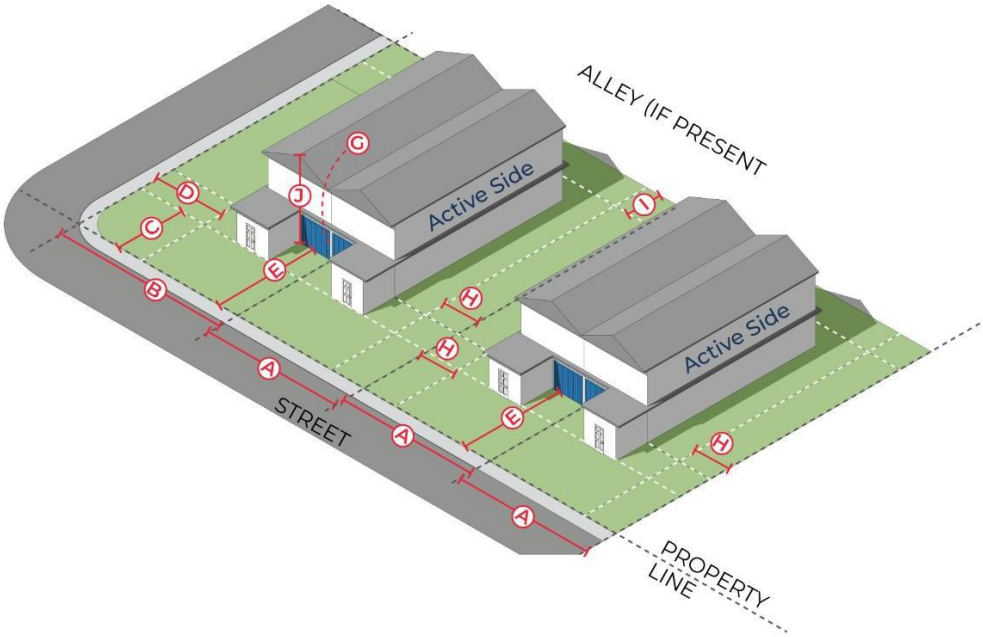
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

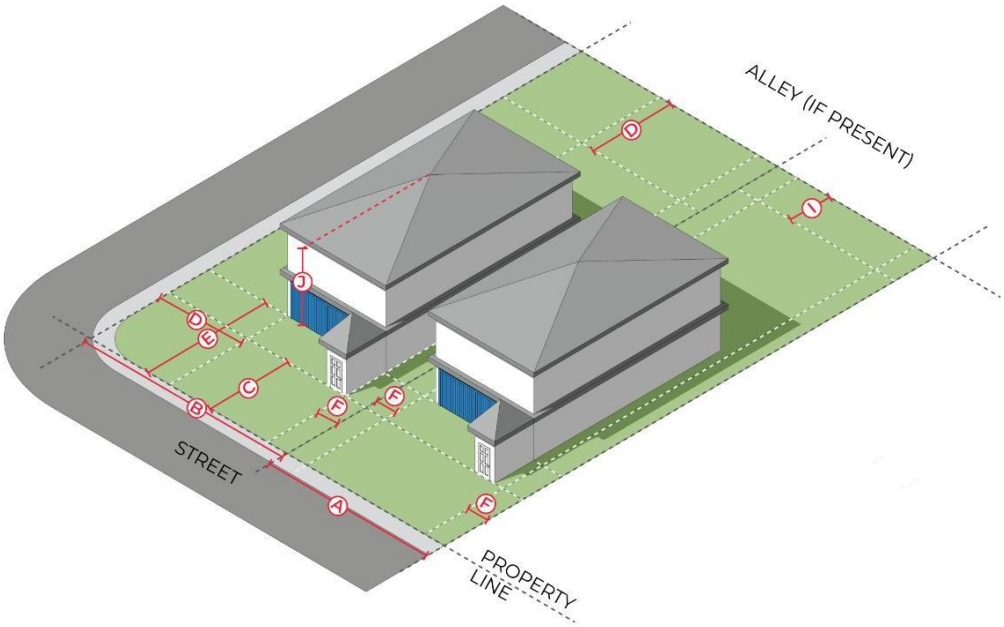
Single-Family, Detached Dimensional Graphic



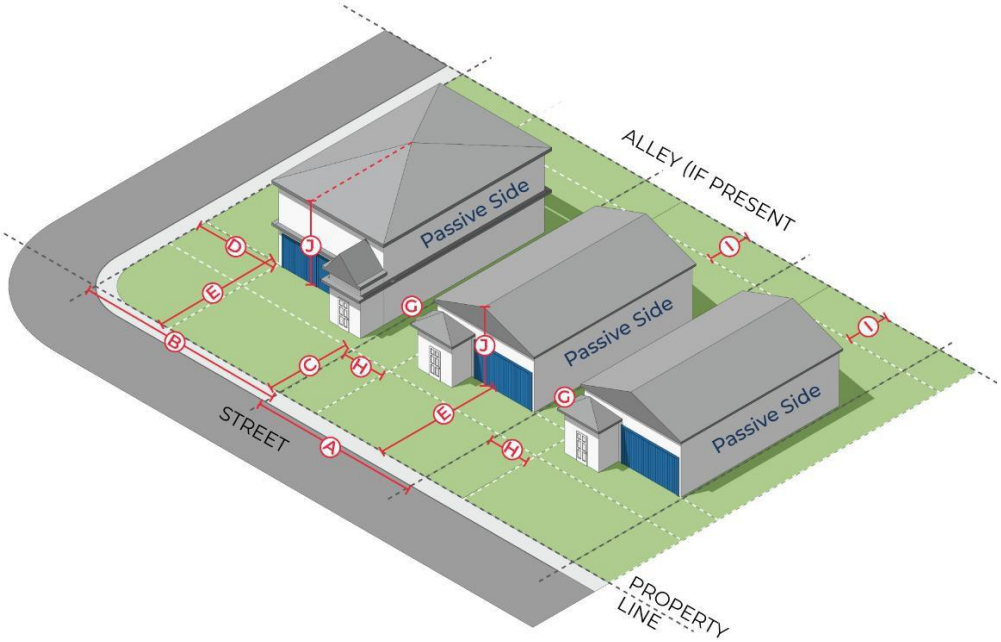
Single-Family, Attached Dimensional Graphic



Two-Family, Duplex Dimensional Graphic



Single-Family, Zero-Lot-Line



B. Diversity Required

Acreage	Minimum Lot Types
Less than 5	1
5-10	2
More than 10	3

C. Residential Design Standards

The design standards below apply to all dwellings in the RM District in addition to all site design standards in **Section 7.05**.

1. Similarity Restrictions
   a. All development shall meet the similarity restrictions provided in **Section 7.02.050.B.1.**
2. Single-Family, Attached

   A single-family, attached dwelling is allowed using the lot and design standards of the RM District, in addition to the following criteria:

   a. Both dwellings shall be situated on separate legal lots;
   b. Single-family, attached dwellings are not allowed in the Old Town Overlay District.
   c. Townhouse development shall comply with the building materials requirement in Section **8.04.040** and contain variation through articulation of the front façade, using at least one of the following:
      (i) A garage that is set back at least 4 feet from the front façade;
      (ii) A covered, open-walled porch of at least 6 feet in depth extends at least 50% of the width of the front façade;
      (iii) Other articulation of the front façade at least 4 feet in depth that extends at least 50% of the width of the front façade;
      (iv) One or more bay windows;
      (v) One or more water collection devices or methods approved in this UDC;
      (vi) One or more open, box, or hipped gables;
      (vii) Two or more columns measuring at least the full plate height of the ground floor, unless situated upon a knee wall or architectural base or pedestal, and being fully boxed, turned, or utilizing a similar method. Columns shall measure at least 3 inches in average width from the column center;
      (viii) Tree preservation, landscaping provided at time of construction, or some combination of each, is at least double the minimum requirements found in **Chapter 9**;
      (ix) No more than one façade material is the same as a neighboring dwelling with regard to composition, color, finish, or pattern. Where a material is provided that is the same as a neighboring dwelling, it shall cover no more than 10% of the façade for the remaining differentiated materials to achieve credit. Materials that are exempt from this requirement include roofing materials, windows and window trim, doors, eave and facia board;
      (x) One or more awnings;

(xi) One or more arches spanning at least 25% of the façade width either individually or collectively, and having an offset of at least 5% of the arch width from both tangents;

(xii) The garage is set back a minimum of 4 feet from the front façade;

(xiii) A covered, open-walled porch at least 6 feet in depth extends a minimum of 33% of the width of the front façade; or

(xiv) Other articulation of the façade at least 4 feet in depth extends at least 33% of the width of the front façade.

d. The Planning Director may approve other methods as alternatives to those listed in **Section 7.02.060.C.2.c** on a case by case basis if the Director determines that an alternative method will achieve a similar level of quality.

3. Single-Family, Zero-Lot-Line

A single-family, zero-lot-line dwelling is allowed using the lot and design standards of the RM District, in addition to the following criteria:

a. The zero-lot-line shall not be the lot line adjacent to:

(i) A lot not containing or planned for zero-lot-line dwellings;

(ii) A highway frontage road; or

(iii) A garage or carport taking access from a side street.

b. The eaves on the side of a house with no side setback may project no more than 18 inches over the adjacent property line and a perpetual easement or deed restriction for the eave projection is recorded for the lot where the projection occurs.

c. No structure extends into a public easement.

d. Any rain gutters are positioned to drain only onto the lot of the house to which they are attached.

e. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within 4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least 5 feet of unobstructed space between the furthermost projection of the structure(s) and the edge of the easement.

f. No windows or other openings on the side of the structure on or within 3 feet of the lot line with no setback are allowed, except for windows that do not allow or restrict visibility of the adjacent lot, such as clerestory or translucent windows.

4. Private Open Space

a. For townhouse development, each townhouse dwelling unit shall be provided with a private yard or open space of not less than 150 square feet, which shall be immediately accessible and functional to the dwelling that it serves. Such open space may be at the front, rear or side of the dwelling unit and shall be in addition to the required setbacks or common recreation area requirements.

b. As an alternative to **Subsection a** above, the Planning Director may approve a plan or subdivision with equivalent private open space in a common area lot, provided the open space is platted with and accessible to all units in the same development that are not provided with a private yard or open space as described in **Subsection a** above.

5. Common Amenity Area

a. Common amenity areas are required for townhouse development and Cottage Courts in accordance with **Section 7.05.020**.

b. In no case shall the primary egress door of any unit be further than 750 feet from an amenity.

6. Tree Preservation for Triplex and Quadplex Development

Tree Preservation for Triplex and Quadplex developments shall be applicable consistent with multifamily development (non-residential) under **Chapter 10**.

D. Cottage Court Alternative Development Standards

1. Purpose and Intent

The purpose and intent of this section is to establish standards for small-scale residential developments arranged around a shared courtyard. These standards are intended to:

a. Encourage diverse housing options and compact development patterns that provide usable communal open space;

b. Ensure compatibility with surrounding neighborhoods; and

c. Provide clear access, fire safety and utility provisions for shared residential environments.

2. Applicability

a. A Cottage Court Development is permitted in the RM and MF-1 Zoning Districts.

b. A Cottage Court Development is permitted in the RS Zoning District by Specific Use Permit (SUP).

3. General Requirements

a. A Cottage Court Development must:

(i) Be platted as a unified development including all lots, reserves, easements and access drives;

(ii) Not have any portion of site more than 150 feet from a public street, unless dwellings are equipped with fire sprinklers, in which case the depth may be increased to 200 feet.

b. All public utilities must be located within the public right-of-way. Private utility lines may extend from taps to individual lots.

c. Common areas and courtyards must:

(i) Be designated as common space on the plat, as a separate lot;

(ii) Be owned and maintained through a recorded agreement among all lot owners; and

(iii) Not be replatted for other uses.

d. The table below replaces the table in **Subsection A** above.

RM District Cottage Court Standards		
Development Site and Courtyard Standards		
Graphic Key	**Standard**	**Measures**
A	Development site width on public street, minimum	150
	Development size, minimum square feet	22,000
	Dwelling units per site, minimum	4

RM District Cottage Court Standards							
	Dwelling units per site, maximum	12					
B	Courtyard lot width, minimum feet	30					
	Courtyard lot area, minimum square feet	3,000+600 per dwelling beyond 5 dwellings within development site					
Individual Lot Standards							
Graphic Key	**Standard**	**Measures**					
	Lot Type	**Single Family, Detached**	**Single-Family, Zero-Lot-Line**	**Single-Family, Attached**	**Two-Family, Duplex**	**Triplex and Quadplex**	
	Lot size, minimum square feet	1,500	1,500	1,500	3,000	6,000	
	Dwellings per structure, maximum	1	1	1	1	4	
	Connected structures in a row, maximum	1	1	1	1	N/A	
	Structures on a lot containing primary residential units, maximum	1	1	1	1	1	
C	Lot width, minimum feet[1]	30	30	30	30	30	
D	Primary and secondary street setback, minimum feet	15	15	15	15	15	
E	Internal courtyard setback, minimum feet	0	0	0	0	0	
F	Internal courtyard setback, maximum feet	10	10	10	10	10	
G	Internal side setbacks between residential lots, minimum feet[6]	5	5	N/A	N/A	N/A	
H	Shared/Passive wall internal side setbacks between residential lots, minimum feet[4]	N/A	N/A	0	0	0	
I	Non-shared/Active wall internal side setback between residential lots, minimum feet[6]	N/A	N/A	10	10	5	

RM District Cottage Court Standards							
J	Rear setback, minimum feet[6]	5	5	5	5	5	
K	Building height, maximum feet	35	35	35	35	35	
	Maximum impervious cover[5]	See **Section 13.02**					

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**, and sufficient to support the primary and secondary street setbacks. Width shall be measured along the lot frontage with the courtyard. For lots fronting both the primary street and the courtyard, the lot width can be measured along the primary street provided that the minimum width adjacent to the courtyard shall be at least 10 feet.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[4] Shared/passive walls are prohibited from facing courtyard or street.

[5] Maximum impervious cover shall be calculated for the entire site. See **Section 13.02**.

[6] Building separation of 10 feet shall be maintained.

4. Design Requirements
   a. The courtyard must include a mix of pervious and impervious surfaces and may contain patios, seating, landscaping, lighting and pedestrian walkways.
   b. Courtyards shall not be parked or driven upon, except for emergency access.
   c. Fences adjacent to the main courtyard must not exceed 4 feet in height and must be at least 50% transparent. Chain link fences are prohibited. Each dwelling fronting the courtyard must provide pedestrian access to the shared space.
5. Parking Standards
   a. Parking must comply with **Chapter 11**, except as modified below:
      (i) Units under 1,000 square feet require 1.5 parking spaces per unit; and
      (ii) One additional guest parking space is required for every six dwelling units, or fraction thereof within a Cottage Court Development
   b. Parking may be consolidated in one or more locations to the side or rear of the site, as a separate lot or accomplished via shared access and maintenance easements.
   c. Parking shall not be located between a street or courtyard and the building fronting the subject street or courtyard and shall also be set back a minimum of 30 feet from such street or courtyard.
   d. Parking shall be connected to each dwelling by a minimum 4-foot-wide accessible walkway, placed in a shared pedestrian access easement as needed.
6. Alley-Loaded Cottage Court Development
   a. The lot, setback and dimensional standards of the Base Zoning District apply unless modified herein.
   b. The courtyard must have a minimum width of 25 feet.

c. The maximum block length between public streets is 300 feet unless alleys are constructed to meet fire access requirements.

d. Alleys must provide a minimum 26-foot clear width or 20 feet with an additional 6 feet of clearance at fire hydrants. Hydrants must be spaced such that every dwelling is within 150 feet of a hydrant.

e. All vehicular access must be provided from alleys meeting these standards.

7. Access and Easements

a. Recorded access easements must provide vehicular and pedestrian access for all lots within the development.

b. Easements must specify responsibilities for maintenance, utilities, and access in perpetuity.

7.02.070. MF-1 Medium Density Multifamily Residential District

The MF-1 Medium Density Multifamily Residential District provides for an increased assortment of residential densities, housing types, and associated uses and services compatible with surrounding neighborhoods. This District can be appropriate for infill development in urban areas, particularly corridors with higher levels of pedestrian or vehicular traffic and high degrees of connectivity to local destinations. The District is also an appropriate transition from residential areas to non-residential uses such as commercial retail, offices, and non-industrial commercial uses, and should feature elements that support easy, welcoming access from those residents by walking or bicycling. MF-1 is differentiated from MF-2 by having a smaller form and scale compatible with residential neighborhoods and contrasted from RM and RS in allowing a greater number of units on a single lot and in any single building or on a parcel. Properties zoned MF-1 should have convenient access to major thoroughfares and arterial streets and should not route traffic through lower density residential neighborhoods. The District is appropriate in commercial and mixed-use areas and adjacent to residential and non-residential Districts. This District also serves as a transition between low density residential, medium density, and more intense commercial Districts.

A. Lot and Dimensional Standards

MF-1 Medium Density Multifamily Residential District							
	Lot Type	**Two-Family, Duplex**		**Triplex and Quadplex**		**Multifamily Attached Apartments [4]**	
	Garage/Parking Access	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**
	Lot size, minimum square feet	5,500	4,000	11,000	8,000	11,000	8,000
	Dwellings per structure, maximum	2	2	4	4	12	12
	Connected structures in a row, maximum	2	2	N/A	N/A	N/A	N/A
	Structures on lot containing primary residential units, maximum	2	2	2	2	1	1
A	Lot width, minimum feet[1]	45	35	90	70	105	85
B	Corner/end lot width, minimum feet[2]	55	45	100	80	115	95
C	Front/primary street setback, minimum feet	20	15	20	15	20	15
D	Corner side/secondary street setback, minimum feet	20	15	20	15	20	15

MF-1 Medium Density Multifamily Residential District							
	Lot Type	**Two-Family, Duplex**		**Triplex and Quadplex**		**Multifamily Attached Apartments [4]**	
	Garage/Parking Access	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**
E	Street-facing garage setback, minimum feet[3]	30	N/A	30	N/A	30	N/A
F	Side setback, minimum feet	5	5	5	5	5	5
G	Rear setback, minimum feet	10	10	10	10	10	10
H	Building height, maximum feet	35	35	35	35	35	35
	Maximum impervious cover	See **Section 13.02**					

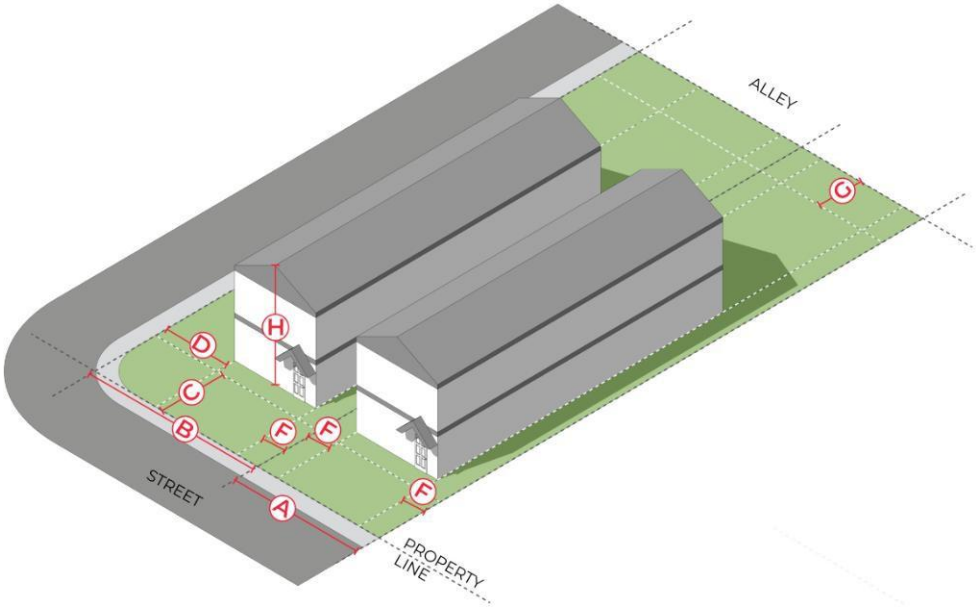
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

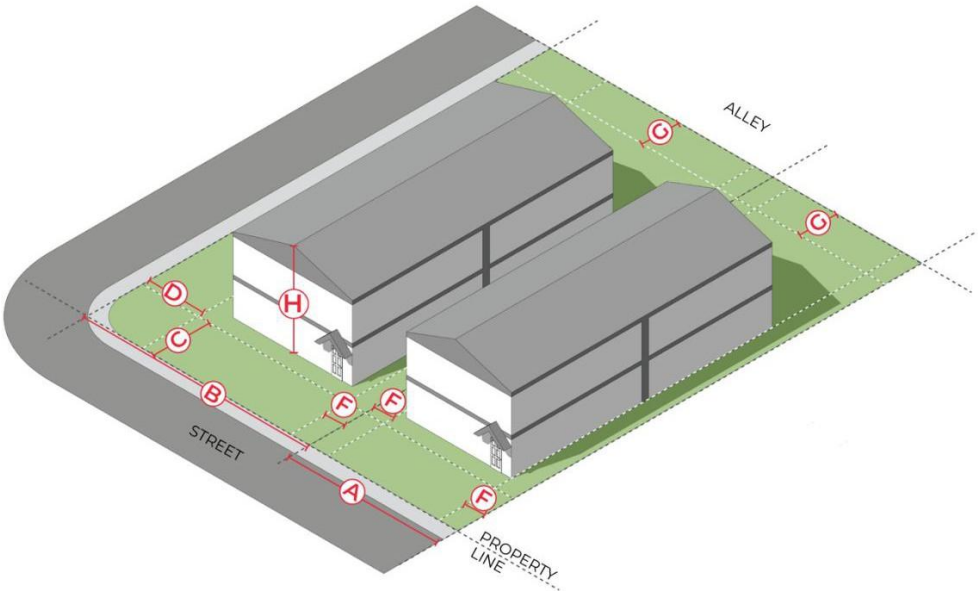
[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[4] Multifamily Detached Apartments utilize the standards provided for Multifamily Attached Apartments except for the maximum number of structures on a lot containing primary residential units but may be subject to approval of a Special Use Permit and impacted by additional conditions.

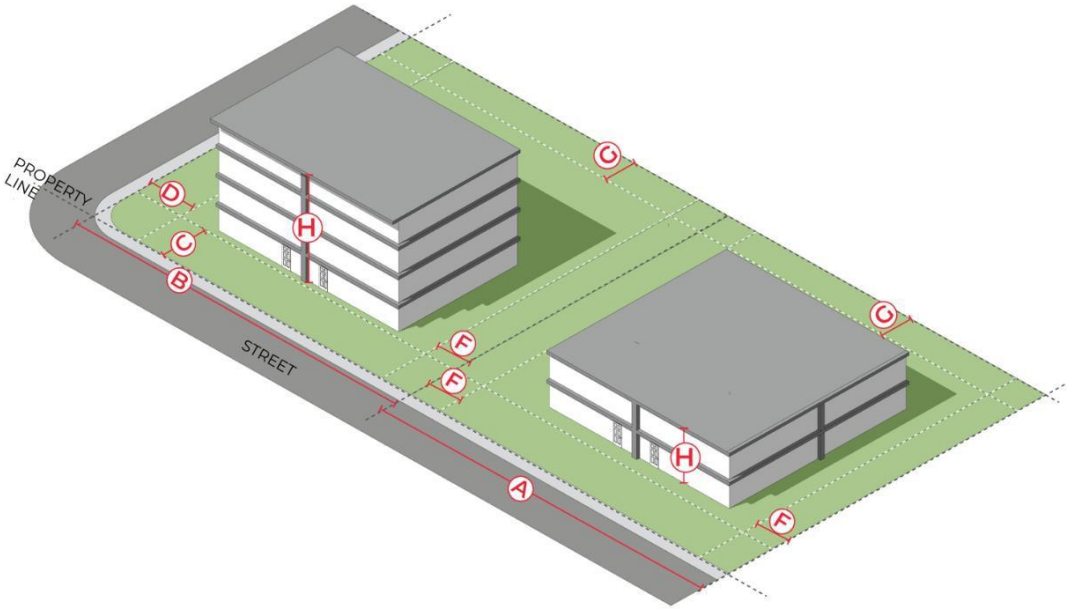
Two-Family, Duplex



Triplex and Quadplex



Multifamily Attached Apartments



B. Residential Design Standards.

The design standards below apply to residential development in the MF-1 District in addition to the provisions of **Section 7.04** and **Section 7.05** of this chapter.

1. Other than townhouse, all development within the MF-1 District consisting of more than five (5) units shall also comply with the building design standards of **Section 8.04** and the lighting design standards of **Section 8.05**.
2. Development in the MF-1 District consisting of four or fewer units shall comply with the building design standards of **Section 7.02.060.B**, unless otherwise provided by this **Section 7.02.070.B**.
3. Similarity Restrictions
   a. All residential development permitted in the MF-1 Medium Density Multifamily Residential District shall meet the similarity restrictions provided in **Section 7.02.050.B.1.**
4. Single-Family, Attached

   A single-family, attached dwelling is allowed using the lot and design standards of the MF-1 District, in addition to the following criteria:

   a. Both dwellings shall be situated on separate legal lots;
   b. Single-family, attached dwellings are not allowed in the Old Town Overlay District.
   c. Townhouse development shall comply with the building materials requirement in Section **8.04.040** and contain variation through articulation of the front façade, using at least one of the following:
      (i) A garage that is set back at least 4 feet from the front façade;
      (ii) A covered, open-walled porch of at least 6 feet in depth extends at least 50% of the width of the front façade; or

d. Other articulation of the front façade at least four feet in depth that extends at least 50% of the width of the front façade.

5. Single-Family, Zero-Lot-Line

A single-family, zero-lot-line dwelling is allowed using the lot and design standards of the MF-1 District, in addition to the following criteria:

a. The zero-lot-line shall not be the lot line adjacent to:

(i) A lot not containing or planned for zero-lot-line dwellings;

(ii) A highway frontage road; or

(iii) A garage or carport taking access from a side street.

b. A minimum building separation of 12 feet is provided between all zero-lot-line dwellings.

c. The eaves on the side of a house with no side setback may project no more than 18 inches over the adjacent property line and a perpetual easement or deed restriction for the eave projection is recorded for the lot where the projection occurs.

d. No structure extends into a public easement.

e. Any rain gutters are positioned to drain only onto the lot of the house to which they are attached.

f. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within 4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least 5 feet of unobstructed space between the furthermost projection of the structure(s) and the edge of the easement.

g. No windows or other openings on the side of the structure on or within 3 feet of the lot line with no setback are allowed, except for windows that do not allow or restrict visibility of the adjacent lot, such as clerestory or translucent windows.

6. Multifamily Attached Apartments

a. A minimum building separation of 12 feet is required between all buildings on the site.

7. Private Open Space

For townhouse development, each dwelling unit shall be provided with a private yard or open space of not less than 150 square feet, which shall be immediately accessible and functional to the dwelling that it serves. Such open space may be at the front, rear or side of the dwelling unit and shall be in addition to the required setbacks or common recreation area requirements.

8. Landscape Bufferyards

a. Landscape bufferyards are required between multifamily development in the MF-1 District and adjacent AG, RE, RT, RM and RS Districts. See Section **9.03.070** for bufferyard requirements.

9. Common Amenity Areas

a. Common amenity areas are required for development in the MF-1 District in accordance with **Section 7.05.020**.

C. Other Requirements of this Code.

1. Common Amenity Area, **Section 7.05**
2. **Chapter 8. Non-Residential Development Standards**
3. **Chapter 9. Landscaping and Fencing**
4. **Chapter 10. Tree Preservation**

5. **Chapter 11. Off-Street Parking, Circulation, and Loading**

D. Cottage Court Alternative Development Standards

1. Purpose and Intent

The purpose and intent of this section is to establish standards for small-scale residential developments arranged around a shared courtyard. These standards are intended to:

a. Encourage diverse housing options and compact development patterns that provide usable communal open space;

b. Ensure compatibility with surrounding neighborhoods; and

c. Provide clear access, fire safety and utility provisions for shared residential environments.

2. Applicability

a. A Cottage Court Development is permitted in the RM and MF-1 Zoning Districts.

b. A Cottage Court Development is permitted in the RS Zoning District by Specific Use Permit (SUP).

3. General Requirements

a. A Cottage Court Development must:

(i) Be platted as a unified development including all lots, reserves, easements and access drives;

(ii) Not have any portion of site more than 150 feet from a public street, unless dwellings are equipped with fire sprinklers, in which case the depth may be increased to 200 feet.

b. All public utilities must be located within the public right-of-way. Private utility lines may extend from taps to individual lots.

c. Common areas and courtyards must:

(i) Be designated as common space on the plat, as a separate lot;

(ii) Be owned and maintained through a recorded agreement among all lot owners; and

(iii) Not be replatted for other uses.

d. The table below replaces the table in **Subsection 7.02.070.A** above.

MF-1 District Cottage Court Standards		
Development Site and Courtyard Standards		
Graphic Key	**Standard**	**Measures**
A	Development site width on public street, minimum	120
	Development size, minimum square feet	16,000
	Dwelling units per site, minimum	4
	Dwelling units per site, maximum	24
B	Courtyard lot width, minimum feet	30

MF-1 District Cottage Court Standards							
	Courtyard lot area, minimum square feet	3,000+600 per dwelling beyond 5 dwellings within development site					
Individual Lot Standards							
Graphic Key	**Standard**	**Measures**					
	Lot Type	**Single Family, Detached**	**Single-Family, Zero-Lot-Line**	**Single-Family, Attached**	**Two-Family, Duplex**	**Triplex and Quadplex**	**Multifamily Attached Apartments (Courtyard Apartments)**
	Lot size, minimum square feet	1,500	1,500	1,500	3,000	6,000	9,000
	Dwellings per structure, maximum	1	1	1	1	4	12
	Connected structures in a row, maximum	1	1	1	1	N/A	N/A
	Structures on a lot containing primary residential units, maximum	1	1	1	1	1	1
C	Lot width, minimum feet[1]	30	30	30	30	30	30
D	Primary and secondary street setback, minimum feet	15	15	15	15	15	15
E	Internal courtyard setback, minimum feet	0	0	0	0	0	0
F	Internal courtyard setback, maximum feet	10	10	10	10	10	10
G	Internal side setbacks between residential lots, minimum feet[6]	5	5	N/A	N/A	N/A	N/A
H	Shared/Passive wall internal side setbacks between residential lots, minimum feet[4]	N/A	N/A	0	0	0	0
I	Non-shared/Active wall internal side setback between residential lots, minimum feet[6]	N/A	N/A	10	10	5	5
J	Rear setback, minimum feet[6]	5	5	5	5	5	5

MF-1 District Cottage Court Standards							
K	Building height, maximum feet	35	35	35	35	35	35
	Maximum impervious cover[5]	See **Section 13.02**					

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**, and sufficient to support the primary and secondary street setbacks. Width shall be measured along the lot frontage with the courtyard. For lots fronting both the primary street and the courtyard, the lot width can be measured along the primary street provided that the minimum width adjacent to the courtyard shall be at least 10 feet.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[4] Shared/passive walls are prohibited from facing courtyard or street.

[5] Maximum impervious cover shall be calculated for the entire site. See **Section 13.02**.

[6] Building separation of 10 feet shall be maintained.

4. Design Requirements
   a. The courtyard must include a mix of pervious and impervious surfaces and may contain patios, seating, landscaping, lighting and pedestrian walkways.
   b. Courtyards shall not be parked or driven upon, except for emergency access.
   c. Fences adjacent to the main courtyard must not exceed 4 feet in height and must be at least 50% transparent. Chain link fences are prohibited. Each dwelling fronting the courtyard must provide pedestrian access to the shared space.
5. Parking Standards
   a. Parking must comply with **Chapter 11**, except as modified below:
      (i) Units under 1,000 square feet require 1.5 parking spaces per unit; and
      (ii) One additional guest parking space is required for every six dwelling units, or fraction thereof within a Cottage Court Development.
   b. Parking may be consolidated in one or more locations to the side or rear of the site, as a separate lot or accomplished via shared access and maintenance easements.
   c. Parking shall not be located between a street or courtyard and the building fronting the subject street or courtyard and shall also be setback a minimum of 30 feet from such street or courtyard.
   d. Parking shall be connected to each dwelling by a minimum 4-foot-wide accessible walkway, placed in a shared pedestrian access easement as needed.
6. Alley-Loaded Cottage Court Development
   a. The lot, setback and dimensional standards of the Base Zoning District apply unless modified herein.
   b. The courtyard must have a minimum width of 25 feet.
   c. The maximum block length between public streets is 300 feet unless alleys are constructed to meet fire access requirements.

d. Alleys must provide a minimum 26-foot clear width or 20 feet with an additional 6 feet of clearance at fire hydrants. Hydrants must be spaced such that every dwelling is within 150 feet of a hydrant.

e. All vehicular access must be provided from alleys meeting these standards.

7. Access and Easements

a. Recorded access easements must provide vehicular and pedestrian access for all lots within the development.

b. Easements must specify responsibilities for maintenance, utilities, and access in perpetuity.

7.02.080. MF-2 High Density Multifamily Residential District

The MF-2 High Density Multifamily Residential District provides for standalone multifamily residential developments, often as single or multiple buildings within a site, and associated uses and services. The District is appropriate in commercial and mixed-use areas and adjacent to Residential and Non-Residential Districts. This District also serves as a transition between medium density, and more intense commercial Districts. The MF-2 District is best suited for locations with high access to amenities, services, education, employment and similar opportunities, allowing such dense development to have greater mobility choices in accessing goods and services. Building placement in this District should be prioritized with a shallow street setback and oriented to the street.

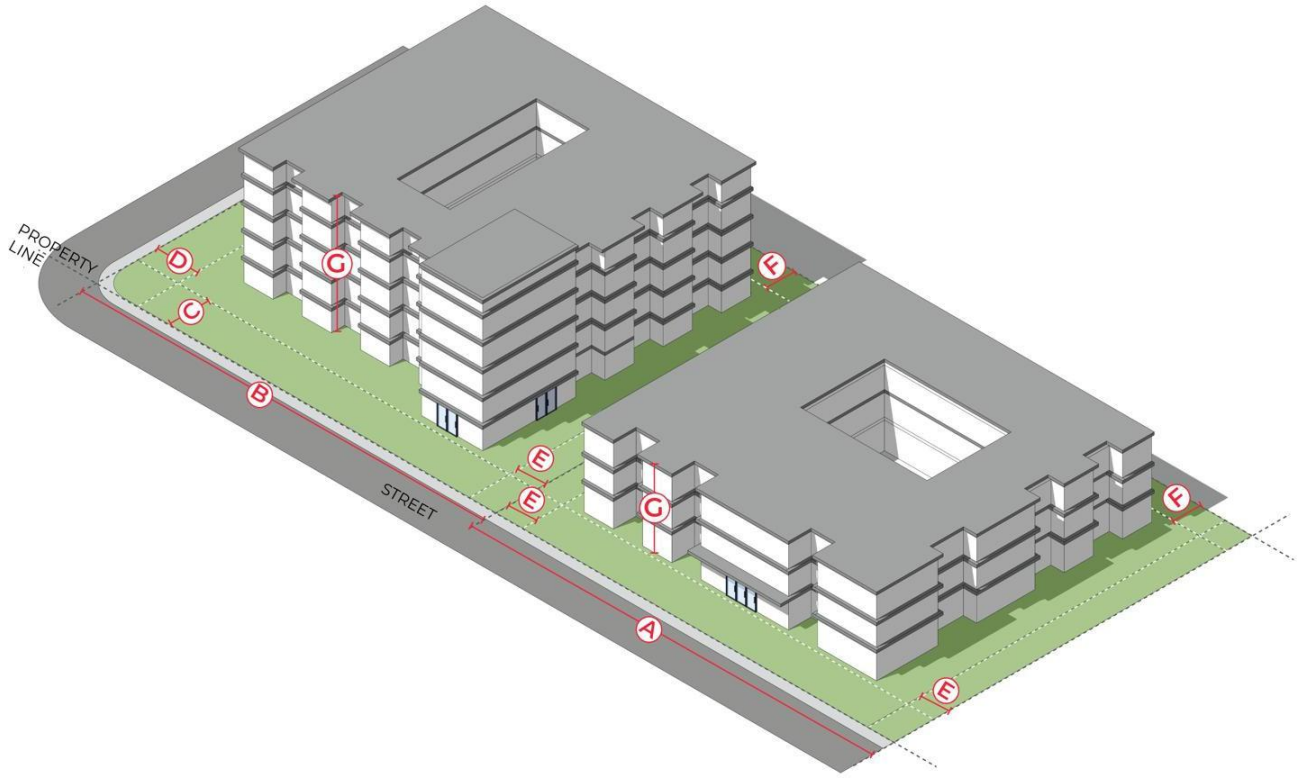
A. Lot and Dimensional Standards

MF-2 High Density Multifamily Residential District		
	Lot size, minimum square feet	20,000
	Dwellings per structure, maximum	N/A
	Structures on lot containing primary residential units, maximum	1
A	Lot width, minimum feet[1]	105
B	Corner/end lot width, minimum feet[2]	115
C	Front/primary street setback, minimum feet	15
D	Corner side/secondary street setback, minimum feet	15
E	Side setback, minimum feet[3]	15
F	Rear setback, minimum feet[3]	15
G	Building height, maximum feet	60
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.



B. Residential Design Standards

The design standards below apply to residential development in the MF-2 District in addition to the provisions of **Section 7.04** and **Section 7.05** of chapter.

1. All development within the MF-2 District shall also comply with the building design standards of **Section 8.04. Building Design Standards** and the lighting design standards of **Section 8.05. Lighting Standards**.
2. A minimum building separation of 15 feet is required between all buildings on the site.
3. Landscape bufferyards are required between the MF-2 District and adjacent AG, RE, RT, RS and RM Districts. See **Section 9.03.070. Bufferyards** for requirements.
4. Common amenity areas are required for development in the MF-2 District in accordance with **Section 7.05.020**.
5. No building façade/wall shall exceed 240 feet in length.
   a. Building façade/wall exceeding 240 feet in length may be permitted when:
      (a) The building façade/wall does not face a public street right-of-way, Residential Zoning District, or public park; or
      (b) The building is part of a non-rectangular building that has a shape similar to a "C", "U", "T", "L" or other shape as approved by the Planning Director. In this event, the length of any building façade/wall shall extend a minimum of one-third of the primary building façade/wall.
6. Parking shall not be permitted between the building and the right-of-way and shall be fully screened from the right-of-way.

7. A minimum of 75% of required parking shall be covered by an enclosed garage, structured parking garage, or carport. The design and material used for carports shall coordinate with those used for the residential buildings.
    a. Where a parking garage is used for on-site parking, no more than 20% of the ground floor building façade may be used for parking garage façade.
8. Stairwells between floors and corridors providing access to units shall be placed in the interior of the building and shall not be visible with the exception of the exit doors and may or may not be conditioned.
9. A minimum of 75% of all units must provide balconies or patios containing at least 50 square feet in size and shall be a minimum of 5 feet in depth.
10. Units with an exterior wall that faces a street with a classification of collector or arterial shall provide double-pane glass windows, sound-deadening material, or other measures that prevent sound levels from exceeding the ambient decibel level in units that do not face such a street.

C. Other Requirements of this Code
1. Common Amenity Area, **Section 7.05**
2. **Chapter 8. Non-Residential Development Standards**
3. **Chapter 9. Landscaping and Fencing**
4. **Chapter 10. Tree Preservation**
5. **Chapter 11. Off-Street Parking, Circulation, and Loading**

7.02.090. MH Manufactured Housing District

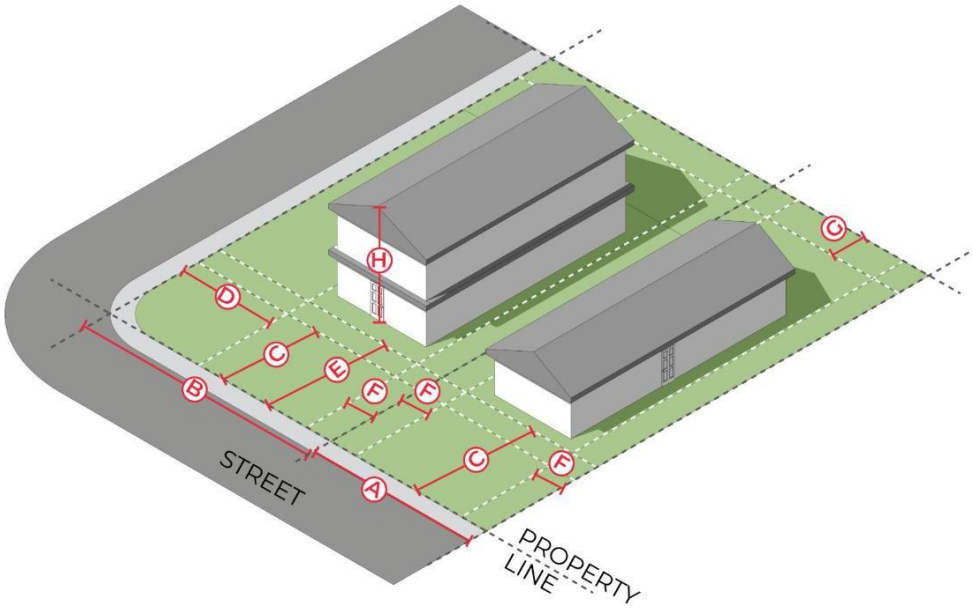
The MH Manufactured Housing District is intended for the development of manufactured, HUD-code mobile home parks and subdivisions. Manufactured housing subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured housing. The District also includes manufactured housing parks, as defined in this Code. The Manufactured Housing District establishes special area and design requirements for both parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units contained.

A. Lot and Dimensional Standards

MH Manufactured Housing District		
	Lot size, minimum square feet	3,500 per unit
A	Lot width, minimum feet[1]	35
B	Corner/end lot width, minimum feet[2]	45
C	Front/primary street setback, minimum feet	20
D	Corner side/secondary street setback, minimum feet	20
E	Street-facing garage setback, minimum feet	25
F	Side setback, minimum feet	5.5
G	Rear setback, minimum feet	7
H	Building height, maximum feet	35
	Maximum impervious cover	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.



B. General

1. More than one structure housing a permitted principal use may be erected on a single lot or building plot, but setback and other requirements of this Code must be met for each structure as though each were on an individual lot.
2. The Manufactured Housing District includes mobile-home parks and manufactured housing on individual lots. Specific site design and development standards for MH are described in this section.

C. Design Standards for Housing Manufactured Off-Site

All single-family or two-family housing manufactured off-site, including manufactured and modular housing, are subject to the following standards and requirements.

1. The unit shall be the only habitable structure upon the lot on which it is placed.
2. The unit shall have a label or documents certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974.
3. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the unit.
4. The unit shall be placed on a permanent foundation consisting of masonry or concrete and constructed to the standards of the applicable building codes adopted by the City.
5. Crawl space shall be provided under each unit with access and ventilation as required by the building code adopted by the City.
6. The unit shall be located so that its longer dimension is parallel to the street on which the lot fronts.
7. Steps to the ground level with handrails and a permanent landing shall be provided at each outside doorway in compliance with the requirements of the applicable building code adopted by the City.
8. All electrical service equipment shall be mounted on the structure in compliance with the conditions imposed by Exceptions No. 1 and No. 2 under Section 550-23(a) of the National Electric Code (NEC), latest edition, as adopted by the City.

9. The exterior finish cannot have a high-gloss finish. The exterior walls shall look like wood or masonry, regardless of the actual composition.
10. Height
    a. All accessory buildings shall be limited to one story in height.
    b. The roof shall be pitched with a minimum vertical rise of 2.5 feet for every 12 feet of horizontal run.
    c. The roof shall have eaves that project a minimum of 12 inches from the exterior wall.
11. Size of Setback
    a. Minimum Front Setback—20 feet from a dedicated street; 15 feet from any private street or drive.
    b. Minimum Interior Side Setback—5.5 feet; 20 feet between units; 20 feet from Zoning District line.
    c. Minimum Exterior Side Setback—25 feet from a dedicated street; 15 feet from any private street or drive.
    d. Minimum Rear Setback—7 feet; 20 feet from any Zoning District line.
12. Minimum Dwelling Size—900 square feet.
13. Minimum Parking Requirement—Two spaces per unit.
14. Minimum Area for Manufactured Housing Subdivision (one unit on one platted lot)—5,500 square feet.
15. Minimum Area for Manufactured Housing Park—2 acres.

D. Design Standards for Manufactured Housing Park

1. Tenant Parking

   Each parking space shall be concrete in accordance with City standards and located to eliminate interference with access to parking areas provided for other manufactured/mobile homes and for public parking in the park.

2. Visitor and Supplemental Parking

   In addition to parking spaces required for each manufactured/mobile home unit there shall be parking provided for the manufactured/mobile home community in general:

   a. One visitor parking for every three manufactured home spaces;
   b. One supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every six manufactured/mobile home spaces;
   c. Supplemental spaces may be located anywhere within the manufactured/mobile home community provided that no manufactured/mobile home space shall be situated further than 150 feet from a visitor space;
   d. No parking space shall be less than 9 feet by 18 feet, which is not to be included in the lot size.

3. Access

   Each manufactured/mobile home community shall have direct access from a public street or an internal street. Where an internal private street provides access, the same shall be concrete in accordance with City standards dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used for the purpose of providing emergency health or public safety services. Each emergency access easement shall have a clear unobstructed width of 24 feet, shall connect to a dedicated public street, and shall have a turning area and radii a minimum of 50 feet to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed 500 feet in length. Fire lane easements shall be maintained by the manufactured/mobile home park.

4. Walkways

   Designated concrete walkways a minimum of 5 feet in width shall be provided on both sides of roadways or streets.

5. Street Names and Signs

   Within each manufactured/mobile home park, all streets shall be named, and manufactured/mobile homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

6. Other Signs

   Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking.

7. Intersections

   Internal streets shall intersect adjoining public street at approximately 90 degrees and at locations which will eliminate or minimize interference with traffic on those public streets.

8. Street Lighting

   Street lighting within the manufactured/mobile home park shall be provided and maintained by the owners of the manufactured/mobile home park.

9. Drainage and Soil Protection

   The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured/mobile home space shall provide adequate drainage for the placement of a manufactured/mobile home. Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved and/or covered with stone, brick paving or other similar solid material or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

10. Anchorage

    To insure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each manufactured/mobile home shall be provided at the time of installation, according to the building code.

11. Skirting

    Skirting or a curtain wall, unpierced except for required ventilation and access door, shall be installed and maintained so that it encloses the area under the structure. The skirting or foundation must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawl space under the unit. The foundation skirting or curtain wall shall be of brick or stucco only. Material used for the skirting shall be erected so as not to create a fire hazard and maintained in a good state of repair.

12. Usable Open Space Requirements

    Each parcel of land, developed under the MH standards, shall provide 280 square feet of usable open space per unit.

13. Single-family dwellings constructed in this District shall conform to the standards as set forth in the RS Residential Suburban District.

14. Open storage is prohibited.

Section 7.03. Dimensional Interpretations and Exceptions

7.03.010. Lot Exceptions

A. Minimum Lot Size

No Building Permit or development approval may be issued for a lot that does not meet the minimum lot size requirements of this chapter except as specified in the following cases:

1. Nonconforming lots may be used in accordance with the provisions set forth in **Chapter 16. Nonconformities**.
2. Utilities using land or an unoccupiable building less than 1,000 square feet of site area shall be exempt from the minimum lot size requirements.
3. The following types of lots, as defined in **Section 18.02**, are exempt from the minimum lot size requirements in all Residential Zoning Districts:
   a. Open Space Lots;
   b. Landscape Lots;
   c. Drainage Lots;
   d. Median Lots; and
   e. Access Lots.

B. Minimum Lot Width

1. The minimum lot width for lots fronting a cul-de-sac, bulb out, or knuckle turn may be reduced to a minimum of 30 feet at the front property line provided that the minimum required lot width is provided at the front setback line.
2. The minimum lot width may be reduced to 40 feet with approved rear access for any District.
3. The following types of lots, as defined in **Section 18.02**, are exempt from the minimum lot width requirements in all Residential Zoning Districts:
   a. Open Space Lots;
   b. Landscape Lots;
   c. Drainage Lots;
   d. Median Lots; and
   e. Access Lots.

7.03.020. Setbacks

A. General

1. No building, structure, parking, or other development feature shall be located within a required setback unless otherwise specified in this **Section 7.03**.
2. No part of a setback or other open space required in connection with any building, lot or use for the purpose of complying with this Code shall be included for any other building, lot, or use as part of a setback or open space.
3. When determining the setbacks for corner lots, the front line shall be adjacent to the shortest street dimension of the lot. In instances where the lot is relatively square or otherwise unusually shaped, a request may be made to the Director for a determination of the front lot line.

4. When determining the setback for lots with more than one street frontage, other than corner lots, the Planning Director shall determine the front lot line based on street classification, lot dimensions, building orientation, access, traffic flow, proximity of building to the street, and other best planning practices.

B. Setback Reductions and Exceptions

1. Alleys

   a. When residential driveway access is taken from an alley, the garage setback to the alley may be reduced to 10 feet.

   b. On lots where driveway access is only permitted via an alley, the minimum front setback may be reduced to 15 feet.

   c. On lots with an approved private rear access easement, rear setbacks shall be measured from the nearest boundary of the easement.

2. Porches in Certain Zoning Districts

   a. Within the RS, RM, and MF-1 Districts, a porch may encroach into a front setback if the porch is no less than 6 feet in depth, extends into the setback no more than 8 feet, is structurally and architecturally consistent with the house, and extends across no less than 40% of the front façade.

3. Where the lot setbacks reduce the buildable width or depth of an existing lot to less than 40 feet, the Director is authorized to reduce the required setback to provide a minimum buildable width or depth of 40 feet.

4. When an existing setback is reduced because of a conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 50% of the required minimum setback for the District in which it is located, then that remaining setback will be deemed to satisfy the minimum setback requirements of this Code.

5. Properties in the Old Town Overlay District may request a Certificate of Appropriateness for setback exception in accordance with **Section 5.11. Certificate of Appropriateness**.

6. Adjacent lots with a building or other permanent structure built across the shared lot line on or before March 11, 2003, shall be treated as a single lot, with the shared lot line not considered for measurement of all dimensional standards.

C. Front Setback Reduction for Enhanced Design

1. A Building Permit may be issued for a single-family, two-family, zero-lot-line, or townhouse dwelling within the minimum front setback if the dwelling is alley-loaded and provides at least three of the following features on the front façade:

   a. An area of living, native plants across the entire front façade of the home other than the front walk or stoop and having sufficient area to support mature plants consistent with the requirements of **Chapter 9. Landscaping and Fencing**;

   b. An open front porch extending across no less than 40% of the front façade of the house, at an average depth of at least 8 feet but no less than 5 feet;

   c. Utilization of kiln-fired brick, natural stone, cement fiber panel, or similar masonry material on 100% of the front façade, excluding windows, doors, awnings, and roof;

   d. Utilization of traditional architectural elements, including at least two of the following:

      (i) One or more dormers joined to and accessible from a finished room on the second story;

      (ii) Half-timber facia trim on at least one forward-facing gable;

(iii) Multiple exposed rafters or rafter tails or eave brackets on at least one forward-facing gable, which may be decorative but must be designed to mimic a rafter or bracket that is load-supporting;

(iv) One or more boxed or open gables that are forward facing and are finished with siding that contrasts in shape, pattern, or material from the siding below the eave line;

(v) A front door at least 8 feet in height or a double front door;

(vi) One or more transom or clerestory windows;

(vii) Decorative window trim on all primary windows, such as contrasting border, contrasting muntins, full-width shutters, arches, planter boxes, or similar features approved by the Planning Director.

2. The minimum front setback that shall be provided on a lot under this **Subsection C** is 5 feet.

D. Features Allowed within Required Setbacks

The following features may be located within a required setback:

1. Landscape features (as defined in **Chapter 18**).
2. Driveways located:
   a. In a front setback;
   b. In a side setback, if serving a side-loaded or detached rear garage or other parking area; or
   c. In a rear setback, if accessed by a rear alley or public street.
3. Sidewalks, fences, and walls, meeting the requirements of **Section 9.06. Fence Standards**.
4. Uncovered patios provided that:
   a. The patio is located entirely within the side and/or rear yard, except that an uncovered patio may be located within a front yard if:
      (i) The surface area of the uncovered patio within the front yard does not exceed 10% of the total calculated area within the front setback;
      (ii) The uncovered patio is set back at least 15 feet from all street property lines;
      (iii) No built-in structures, such as grills or fire pits, are included in any portion of the uncovered patio within the front yard; and
      (iv) The patio is screened from street view by a knee-wall or short seating bench not exceeding 30 inches in height and made of materials consistent with the architecture/materials of the home, a natural berm, a solid shrub wall, or a combination thereof; and
   b. The patio is set back at least 3 feet from side and rear property lines, except as otherwise provided for in this section.
5. Uncovered outdoor kitchens located entirely within the side and/or rear yard and setback at least 3 feet from side and rear property lines.
6. Pergolas provided that the pergola is:
   a. Located entirely within the side and/or rear yard, including structural supports and overhangs;
   b. Set back at least 3 feet from side and rear property lines;
   c. Maintained with at least 50% open roof elements;
   d. Not enclosed with ground to roof walls other than that of the primary structure, except that a shading system with at least 50% transparency is permitted on up to two sides; and
   e. No more than 8 feet in height.

7. Pools located entirely within the side and/or rear yard and set back at least 3 feet from side and rear property lines.
8. Minor utilities.
9. Mechanical equipment such as air conditioning units, pool pumps, and similar equipment, but such equipment is not allowed in the front setback and is allowed in the side and rear setbacks only if such equipment cannot be reasonably located behind the structure.
10. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features provided that such features do not extend further than 18 inches into any required setback.
11. Stormwater ponds, pursuant to the setback limitations and design criteria in **Section 13.04. Stormwater Management System Requirements**.
12. None of the features above (except plant material and public sidewalks) shall extend into a public easement without approval of a License to Encroach.

7.03.030. Conflicts

Any plat that has development standards (to include but not limited to impervious cover or setbacks), that are in conflict with the standards of this Code, shall be subject to the development standards noted on the plat and none other shall apply.

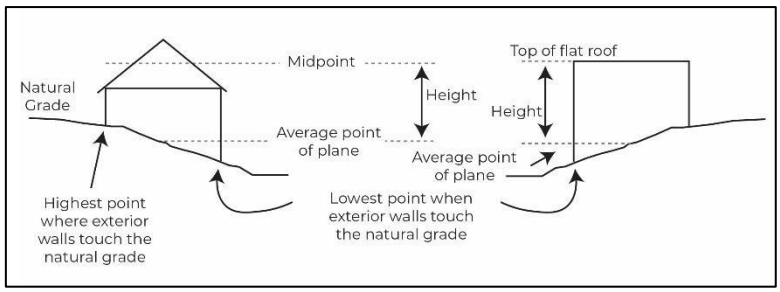
7.03.040. Building Height

A. Measurement

Building height refers to the vertical distance between lowest finished grade at the edge of the building or the base flood elevation where applicable, and:

1. The average height level between the eaves and ridge line of a gable, shed, hip, or gambrel roof;
2. The highest point of a mansard roof;
3. The highest point of the coping of a flat roof; and
4. Roof parapets, as described in **8.04.040.C. Roof Treatments**, may exceed the height limitations of this Code by no more than 10 feet.

Figure 7.03.040-1. Height Measurement



B. Exceptions to Height Limits

Except within the Courthouse View Protection Overlay District or as otherwise expressly stated in this Code, the height limitations of this Code shall not apply to any of the following:

1. Electrical power transmission and distribution lines;

2. Belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas, or chimney flues; or
3. Bulkhead, elevator, water tank or any other similar structure or necessary mechanical appurtenance extending above the roof of any building where such structure does not occupy more than 33% of the area of the roof.

Section 7.04. Accessory Structures, Garages and Carports

7.04.010. Accessory Structures, Garages and Carports

A. Accessory structures and buildings shall meet the dimensional standards of the Base Zoning District, except as specified in this section. However, properties in the Old Town Overlay District may request a Certificate of Appropriateness for setback exception in accordance with **Section 5.11** of this Code.

B. The accessory structure shall only be located on a lot with a principal structure, unless two adjacent lots have common ownership, in which case the structures may be located on different lots. In such instance, the accessory structure shall be located in the rear yard as determined by the lot with the principal structure on it.

C. The square footage of an accessory structure shall not exceed 25% of the square footage of the principal structure or 600 square feet, whichever is greater. For the purposes of this calculation, the square footage of an attached garage shall not be considered part of the principal structure.

D. Accessory structures measuring 8 feet or less in height are allowed in the setbacks in the rear yard up to 3 feet from the property line, but may not extend into any P.U.E.

E. No more than 30% of the rear yard may be covered with accessory buildings or structures. All impervious cover requirements in **Section 13.02** shall be met.

F. Accessory dwelling units located in accessory structures in the AG, RE, RT, RS, and RM Districts are allowed subject to the limitations provided for in **Section 6.02.010.B.4. Accessory Dwelling Unit**.

Section 7.05. Common Amenity Area

7.05.010. Applicability

The provisions of this section apply to:

A. Attached multifamily development;

B. Manufactured housing parks; and

C. Any development type where three or more dwelling units are located on a single lot or parcel, with each dwelling unit located in a structure with three or more dwelling units.

7.05.020. Common Amenity Area Requirements

A. Common amenity area shall be provided by the developer. This amenity area is in addition to any required parkland dedication or private open space requirement.

B. The amenity area shall be privately constructed, maintained and operated by the developer, residents of the subdivision through an incorporated homeowners association or property owners association, or the owner of the manufactured home lease community, and the person or entity responsible for ownership and maintenance. Operational responsibilities shall be noted on the plat and/or on a separate instrument recorded in the Official Records of Williamson County.

C. Common amenity area(s), accessible to all residents, shall be provided at the following rate:

Table 7.05.020-1. Minimum Number of Common Amenities Required by Dwelling Units

Number of Dwelling Units	Minimum Number of Amenities
0-12	0
13-49	1
50-99	2
100-149	3
150-199	4
200 or more	5

D. The required amenity area(s) shall be selected from those listed below. Director approval shall be required for any amenity types not listed. When more than one amenity is required, they shall differ from one another.

1. Playground equipment—Manufacturer must certify that it meets all commercial recreational safety standards.
2. Picnic areas—Minimum of two tables and two cooking grills per 100 dwelling units.
3. Trails (walkways or bike trails)—At least the distance of the perimeter of the property.
4. Landscaped sitting areas—Minimum of one bench per building either in an organized grouping or dispersed throughout development.
5. Fenced dog park—Minimum size of 2,500 square feet with 25-foot minimum depth.
6. Private fitness facility.
7. Business center.
8. Sport courts.
9. Clubhouse—To include kitchen and social room for resident use.
10. Swimming pool.
11. Laundry facility.
12. After school center for children.
13. Community garden—Minimum 200 square feet.

E. The common amenity area shall be designed to adequately serve the number of dwellings within the development, according to accepted City standards set by the Parks and Recreation Department. All equipment and other improvements must be of commercial quality and approved by the Director of Parks and Recreation.

F. Amenities shall be located in such a manner that no primary egress door of a unit is more than five times further from an amenity than the primary egress door of the unit closest to the same amenity. In no case shall the primary egress door of any unit be further than 1,000 feet from an amenity. Multistory buildings or multifamily buildings with internal corridors may use the primary egress door of the entire building when measuring distance under this requirement.

G. At least 50% of the common amenity area must be located outside of the 100-year floodplain.

H. Where possible, amenities should provide connections to nearby public amenities including, but not limited to, plazas, public parks, community centers, public libraries, trails, or similar community amenities as determined by the Director.

1. An off-site amenity may count toward one of the required amenity areas if:
   a. The development is a horizontal or vertical mixed-use development;
   b. At least three public amenities are required;
   c. A public amenity is located within a quarter mile of the lot; and
   d. Enhanced pedestrian facilities of 10 feet or more are provided to connect pedestrians to the amenity.

Section 7.06. Special Development Types

7.06.010. Conservation Subdivision Development

To encourage Conservation Subdivision development, this Code allows flexibility to development standards in all Zoning Districts for residential developments that use conservation development practices in order to: protect natural resources, conserve valuable open space, reduce erosion and sedimentation, preserve riparian corridors, provide for walking trails, protect the community water supplies, reduce infrastructure, preserve prime agricultural land, provide smaller streets with less environmental disturbance, and plan for overall watershed protection. Attempting to achieve these objectives using the process established in **Section 13.05. Open Space Subdivisions** of this Code qualifies a development as a conservation subdivision eligible for the incentives and alternative development standards.

Conservation Subdivision lot and dimensional standards can be found in **Section 13.05. Open Space Subdivisions**.

7.06.020. Workforce Housing Development

A. Purpose

To encourage affordable housing for the workforce, this Code allows flexibility to the development standards and allowable housing types for projects that foster housing affordability.

B. Dimensional Standards

Workforce housing developments may be located in the RS Residential Suburban District, RM Residential Mix District, and MF-1 Medium Density Multifamily Residential District, and MF-2 High Density Multifamily Residential District. Developments shall meet the dimensional standards for the applicable District in **Section 7.02**.

C. Workforce Housing

1. Workforce Housing Developments in the RS Residential Suburban District and RM Residential Mix District that include 20% of the housing units available for those whose incomes are less than or equal to 80% of the area median family income (as set by the Department of Housing and Urban Development) are eligible to use the standards of this Section **7.06.020**. The deed restrictions, approved by the City Attorney, must include language that requires all workforce housing lots be restricted for 10 years from the date of the original home sale to the qualifying buyer any resale shall be to a party whose income is less than or equal to 80% of the area median family income or, absent that, shall require a payment to the City of their proportionate and prorated share of fees that were waived for their lot.
2. Workforce Housing Developments in MF-1 Medium Density Multifamily Residential District and MF-2 High Density Multifamily Residential District are eligible to use the provisions of the following workforce housing units.
   a. Front setback can be reduced by 5 feet for every 10% of total development set as workforce units, to the minimum.

b. Impervious cover can be increased by 10% for every 10% of the total development set as workforce units, to the maximum of 70%, with required water quality improvements as required in **Section 13.02**.

D. Fee Waivers

Workforce Housing Developments are eligible for administrative fee waivers, as adopted and published by the City of Georgetown.

Chapter 8. Non-Residential Development Standards

Section 8.01. General

8.01.010. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212 and the City Charter.

8.01.020. Purpose and Intent

A. This chapter establishes development standards for non-residential properties within the city limits and ETJ of the City of Georgetown.

B. The provisions of this chapter allow for a variety of development while maintaining the overall character of neighborhoods and commercial areas of Georgetown. The standards are established to regulate the manner in which land is developed, minimize adverse effects on surrounding properties and the general public, and ensure that high quality development is maintained throughout the community.

C. The approach to development standards has several public benefits:

1. It allows for development that is more sensitive to the environment.
2. It allows for the preservation of open and natural areas.
3. It promotes better site layout and opportunities for recreational areas.
4. It promotes energy-efficient development.

D. In addition to the provisions of this chapter, non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.

8.01.030. Applicability

A. Within the Extraterritorial Jurisdiction (ETJ).

All non-residential development within the City's ETJ is subject to the provisions of **Subsection 8.02.010. General**.

B. Within the City Limits.

1. All non-residential development within a Non-Residential Zoning District shall be subject to the provisions of this chapter.
2. All non-residential development within a Residential Zoning District shall be subject to **Section 8.04. Building Design Standards** and **Section 8.05. Lighting Standards** in addition to the development standards of the Zoning District in which it is located.
3. All residential development within a Non-Residential Zoning District shall be subject to the provisions of **Section 7.04. Accessory Structures, Garages and Carports** and **Section 7.05. Common Amenity Area** in addition to the development standards of the Zoning District in which it is located.

Section 8.02. Development Standards

8.02.010. General

A. The lot and dimensional standards provided in the following sections are in addition to the interpretations and exceptions in **Section 8.03.010. Minimum Lot Size and Width Exceptions**. The standards contain cross-references and notes to specific sections or chapters of this Code when additional requirements or explanations may apply.

1. For properties located in an Overlay Zoning District, additional or alternative provisions may apply. See **4.05.050** for all applicable Overlay Districts.
2. For Non-Residential development in a Conservation Subdivision, see **Section 13.05** for alternative development standards.
3. Additional design limitations may be required for specific uses in **Chapter 6** of this Code. When in conflict, the stricter provision shall apply.

B. All new development shall be located on a lot or tract meeting the requirements of **Section 3.15** of this Code.

C. All new lots or tracts shall have a minimum lot width or street frontage along a public street as follows:

1. Within the city limits, the minimum lot width or street frontage shall be in accordance with the Zoning District in which it is located.
2. Within the ETJ, the minimum lot width or street frontage shall be 25 feet.
3. Private streets in compliance with **Section 14.03.020** may be utilized to meet the minimum requirements when providing frontage to a Non-Residential Multi-lot Unified Development meeting the requirements of **Section 8.03.050. Multi-Lot Unified Development**.
4. A Subdivision Waiver varying or waiving these requirements may be requested pursuant to **Section 3.16** of this Code.

D. All development within the city limits and areas of the ETJ where the City provides fire protection services shall comply with the applicable standards contained in the International Fire Code, as adopted in the City of Georgetown Code of Ordinances, Chapter 8.04. When such standards conflict with any lot, dimensional, and design standards of this Code, the International Fire Code standards shall apply.

8.02.020. CN Neighborhood Commercial District

The CN Neighborhood Commercial District provides for areas for small-scale office and commercial activities such as the sale of convenience goods and personal service businesses that primarily serve adjacent residential areas. This District offers a transition between residential neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this District is primarily pedestrian-scaled to help improve vehicular circulation, support beneficial interaction with adjacent residential uses, and safely accommodate residents and pedestrians. No uses that adversely affect the health, safety, welfare, or residential character of neighborhoods are allowed. Neighborhood commercial areas are generally located within neighborhoods and have pedestrian access to adjacent residential areas.

A. Lot and Dimensional Standards

CN Neighborhood Commercial District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	40
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	15
D	Corner side/secondary street setback, minimum feet[3]	15
E	Side setback, minimum feet[4]	0
F	Rear setback, minimum feet[4]	0
G	Building height, maximum feet	35
	Maximum impervious cover[5]	See **Section 13.02**

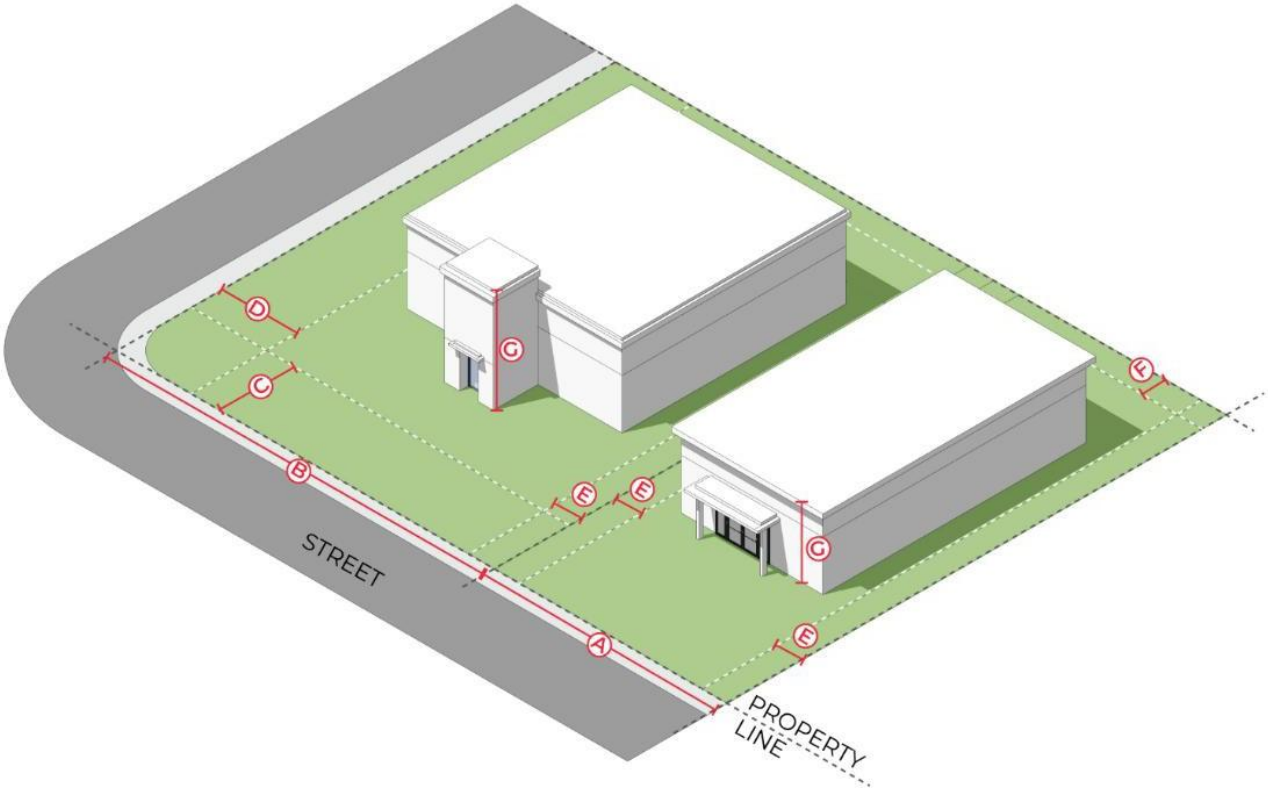
[1] Lot width shall be sufficient to allow for the minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10)**; build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.030. C-1 Local Commercial District

The C-1 Local Commercial District provides for a range of commercial activities, including the development of small-scale neighborhood offices, low-intensity retail and service-oriented businesses, restaurants, and public spaces and facilities. This District offers a transition between residential neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this District is primarily pedestrian-scaled to help improve vehicular circulation, support beneficial interaction with adjacent residential uses, and safely accommodate residents and pedestrians. The C-1 District can be applied in corridor, node, and area development patterns, but is most appropriate for node and area development.

A. Lot and Dimensional Standards

C-1 Local Commercial District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	40
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	15
D	Corner side/secondary street setback, minimum feet[3]	15
E	Side setback, minimum feet[4]	0
F	Rear setback, minimum feet[4]	0
G	Building height, maximum feet	35
	Maximum impervious cover[5]	See **Section 13.02**

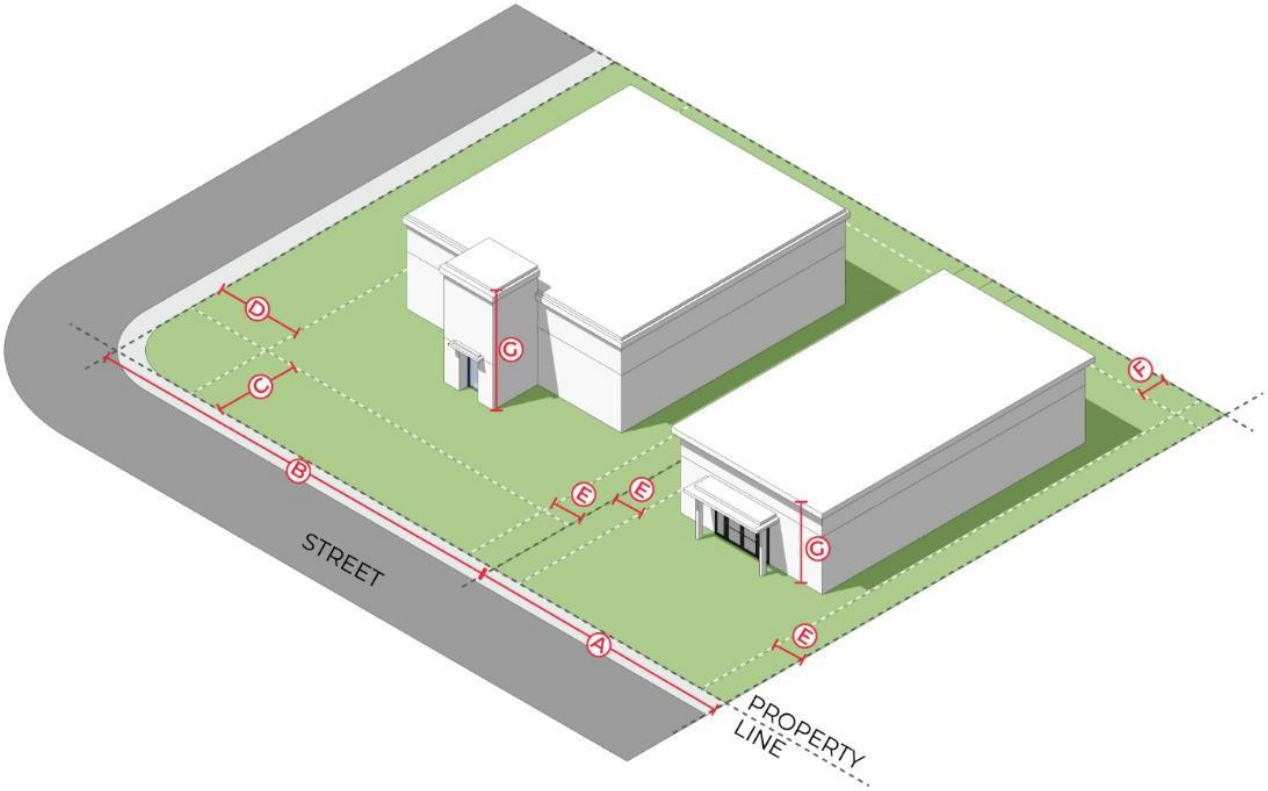
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.040. C-2 Regional Commercial District

The C-2 Regional Commercial District provides for medium to large-scale development of retail, service, restaurant, entertainment, and office uses, necessary for a regional market. This District primarily facilitates commercial development, like big box and anchor retailers in or near intensive shopping centers, which are automobile-oriented and generate high traffic counts. The C-2 District can be applied in corridor, node, and area development patterns, though it is most appropriate for corridor and node development. The District is appropriate along freeways, tollways and major arterials; placement of the District should consider potential negative transportation impacts to residential uses.

A. Lot and Dimensional Standards

C-2 Regional Commercial District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	40
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	20
D	Corner side/secondary street setback, minimum feet[3]	20
E	Side setback, minimum feet[4,5]	5
F	Rear setback, minimum feet[4]	10
G	Building height, maximum feet	60
	Maximum impervious cover[6]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

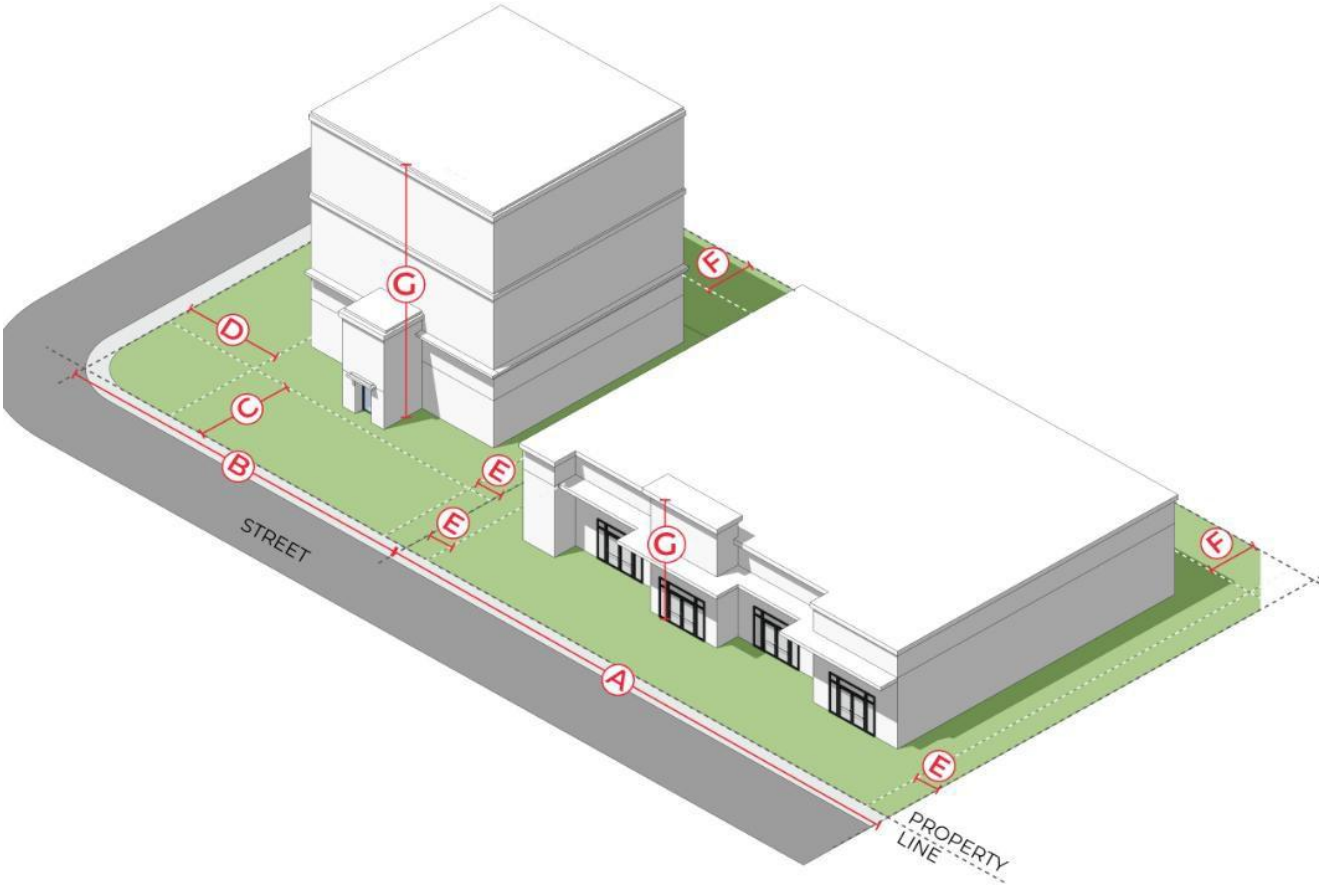
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Side setback may be reduced to 0' for party wall construction between lots that are part of the same development, subdivision and zoning.

[6]Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.050. PF Public Facilities District

The PF Public Facilities District is intended to provide a location for government and other public or quasi-public facility operations. These may include schools, public parks, hospitals, airports, government offices, churches and other related uses, but would not include industrial facilities or storage yards. Some uses allowed in this District might generate heavy traffic volumes and high-intensity operations, consistent with their government and public functions.

A. Lot and Dimensional Standards

PF Public Facilities District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	40
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	20
D	Corner side/secondary street setback, minimum feet[3]	20
E	Side setback, minimum feet[4,5]	5
F	Rear setback, minimum feet[4]	0
G	Building height, maximum feet[6]	60
	Maximum impervious cover[7]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

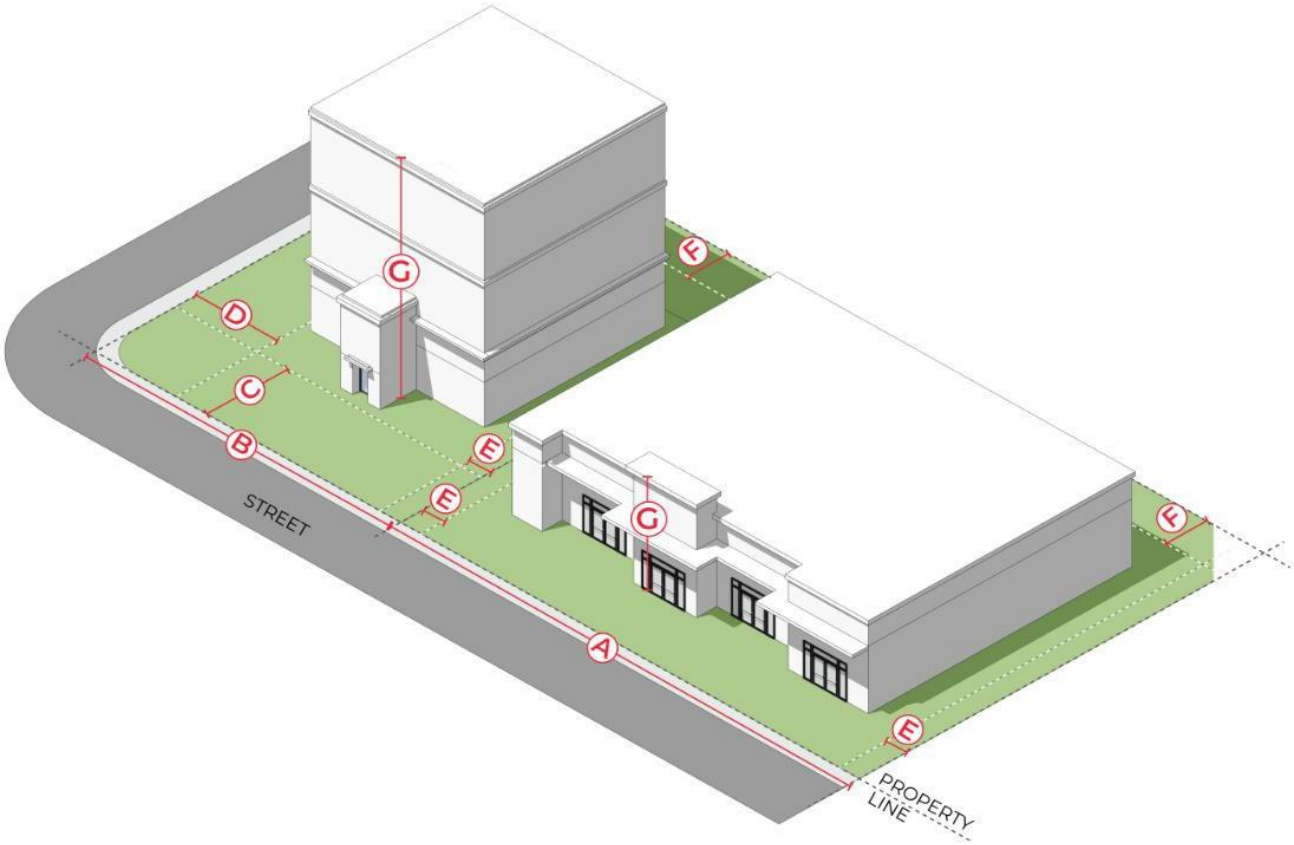
[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Side setback may be reduced to 0' for party wall construction between lots that are part of the same development, subdivision and zoning.

[6] Structures, lighting, scoreboards, and other elements of a stadium are exempted, but shall be set back a minimum of 120 feet.

[7] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.060. I-1 Flex Industrial District

The I-1 Flex Industrial District provides for research and development facilities, large employment generating uses, light manufacturing operations, sprawling office and business parks, and general industrial uses that are typically free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Service-oriented, retail, and restaurant uses may support development in the I-1 District. This District provides a transition between heavy industrial uses and less intensive commercial areas and residential neighborhoods.

A. Lot and Dimensional Standards

I-1 Flex Industrial District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	50
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	20
D	Corner side/secondary street setback, minimum feet[3]	20
E	Side setback, minimum feet[4,5]	5
F	Rear setback, minimum feet[4]	10
G	Building height, maximum feet	60
	Maximum impervious cover[6]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

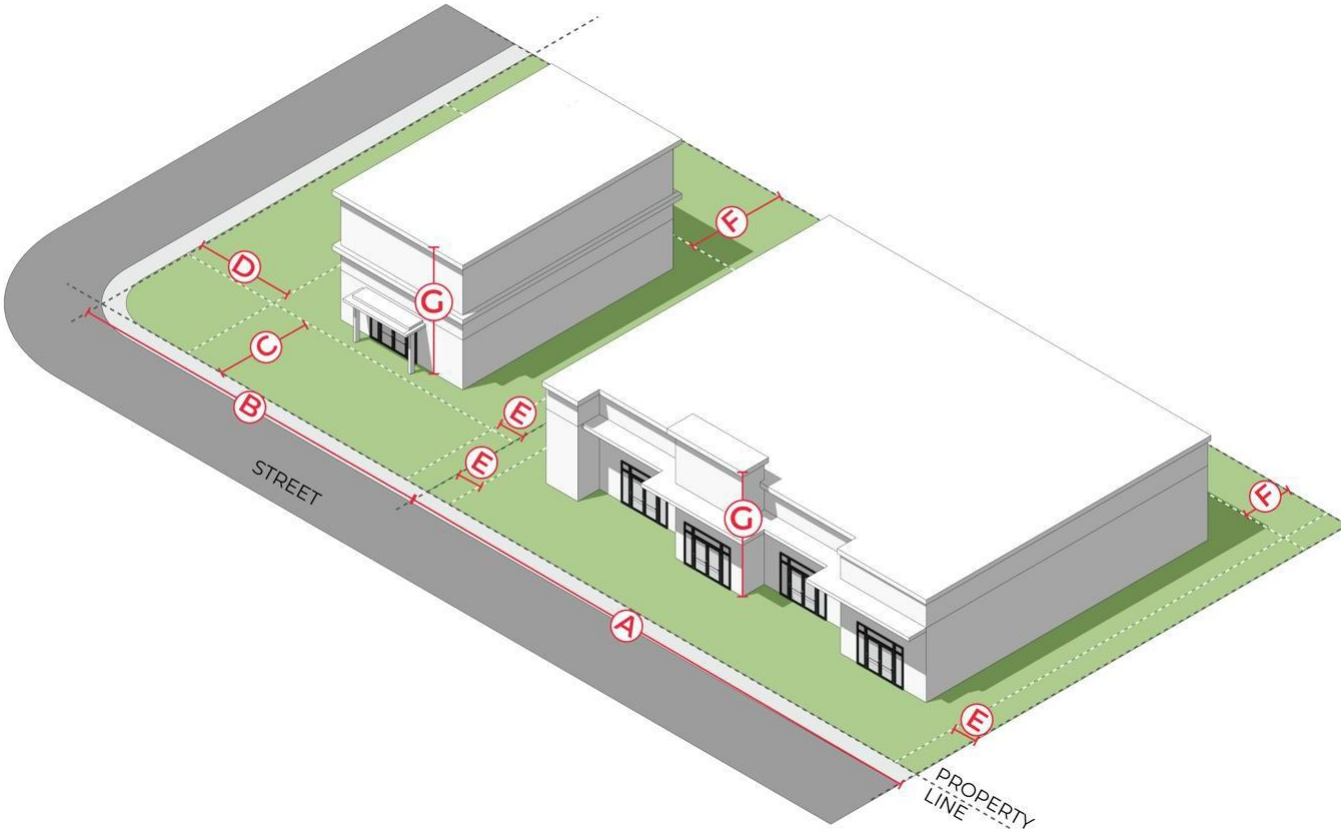
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Side setback may be reduced to 0' for party wall construction between lots that are part of the same development, subdivision and zoning.

[6]Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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8.02.070. I-2 Intensive Industrial District

The I-2 Intensive Industrial District provides areas for heavy manufacturing, processing, assembling, storing, testing, drilling, mining, and industrial uses that are extensive and intensive in character, and require large sites, open storage and service areas, extensive services and facilities, and access to major transportation networks. Development in this District is sometimes incompatible with less intensive uses because of traffic, noise, vibration, dust, glare, or emissions, and is intrusive to commercial activity and residential areas. Any development in this District should be sufficiently buffered and distantly located from commercial nodes and all residential uses.

A. Lot and Dimensional Standards

I-2 Intensive Industrial District		
	District size, minimum square feet	87,120 (2 acres)
	Lot size, minimum square feet	87,120 (2 acres)
A	Lot width, minimum feet[1]	50
B	Corner/end lot width, minimum feet[2]	50
C	Front/primary street setback, minimum feet[3]	25
D	Corner side/secondary street setback, minimum feet[3]	25
E	Side setback, minimum feet[4,5]	10
F	Rear setback, minimum feet[4]	10
G	Building height, maximum feet	60
	Maximum impervious cover[6]	See **Section 13.02**

[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

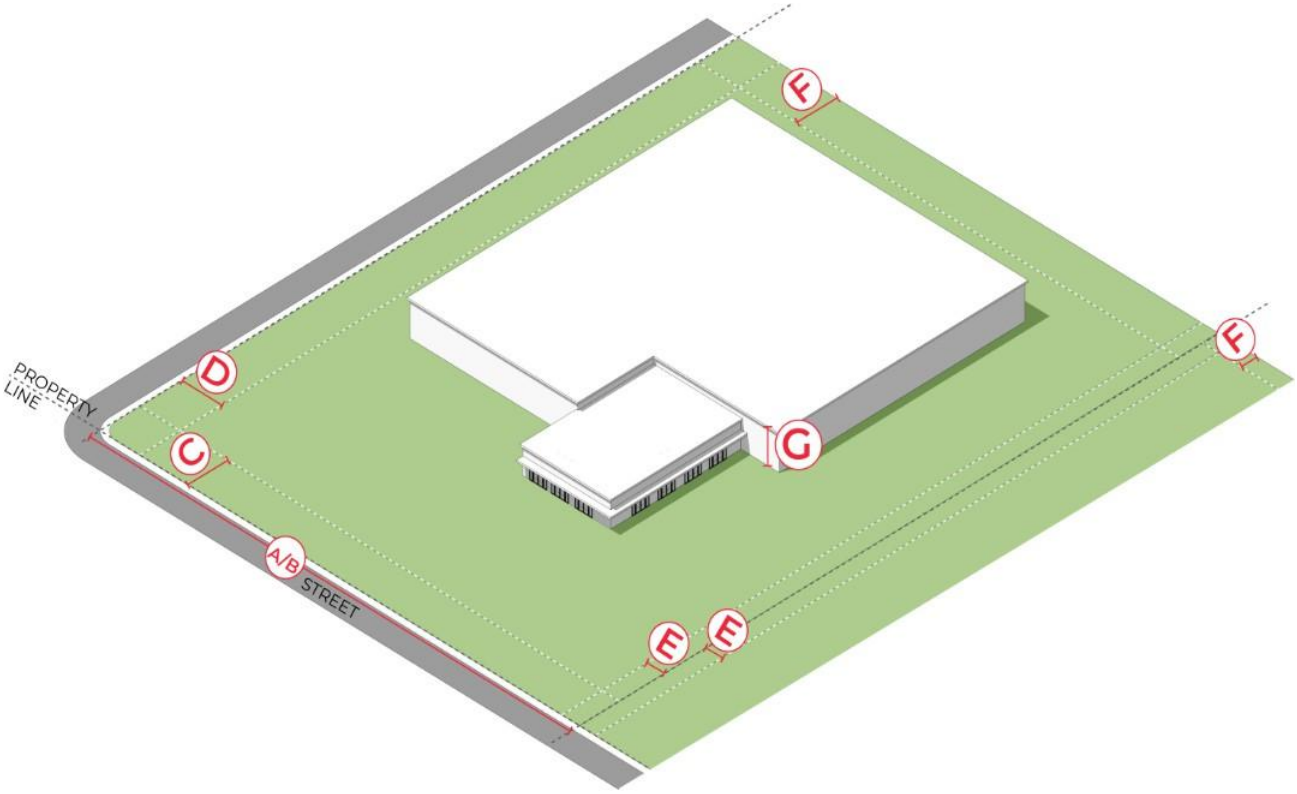
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Setback may be reduced to 0’ in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[5] Side setback may be reduced to 0’ for party wall construction between lots that are part of the same development, subdivision and zoning.

[6] Non-residential development over the Edwards Aquifer is subject to the impervious cover requirements in **Chapter 13**.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Section 8.03. Dimensional Interpretations and Exceptions

8.03.010. Minimum Lot Size and Width Exceptions

No Building Permit or development approval shall be issued for a lot that does not meet the minimum lot size and width requirements of this Code except in the following cases:

A. Nonconforming lots shall be used in accordance with the provisions set forth in **Chapter 16.**

B. Utilities using land or an unoccupiable building covering less than 1,000 square feet of site area shall be exempt from minimum lot size standards.

C. The following types of lots, as defined in **Section 18.02**, are exempt from the minimum lot size and width standards of this chapter:

1. Open Space Lots;
2. Landscape Lots;
3. Drainage Lots;
4. Median Lots; and
5. Access Lots.

8.03.020. Setbacks Generally

A. No building, structure, parking or other development feature shall be located within a required setback or yard unless otherwise specified in this **Section 8.03**.

B. When determining the setbacks for corner lots, the front lot line shall be adjacent to the shortest street dimension of the lot. In instances where the lot is relatively square or otherwise unusually shaped, a request may be made to the Director for a determination of the front lot line.

C. When determining the setback for lots with more than one street frontage, other than corner lots, the Planning Director shall determine the front lot line based on street classification, lot dimensions, building orientation, access, traffic flow, proximity of building to the street, and other best planning practices.

D. Any setback to a public street shall be considered a street setback and meet the required front setback for lot lines adjacent to the street. The Planning Director may reduce the street setback to be consistent with the side setback of the District on a case-by-case basis based on lot configuration, building orientation, access, proximity of buildings to the street on lots on the same block and on either side of the street, and existing character of the District.

8.03.030. Setback Reductions and Exceptions

A. Front Setback, Build-to Option

1. For properties in the CN, C-1 and PF Districts, the front setback may be reduced to zero feet from the right-of-way line or any applicable public easement, if at least 50% of the street-facing building wall of the principal structure is built within 5 feet of the right-of-way line or applicable public easement or landscape buffer on the primary street.
2. Notwithstanding the foregoing provision in **Subsection 1** above, parking shall be set back at least 10 feet from the right-of-way line and shall not be located in a public easement or landscape buffer.

B. Front Setback, Downtown Gateway Overlay District

All non-residential uses located in the Downtown Gateway Overlay District, regardless of the underlying Zoning District, have special setback requirements. For these properties, the front setback of the underlying Zoning District is reduced to zero feet from the right-of-way line or any applicable public or landscape easement. Additional requirements for properties in the Downtown Gateway Overlay District can be found in **Section 4.10.040**.

C. Side Setback, MU-DT District

Development in the MU-DT District may have no side setback if access to the rear of the building is provided on the site or by a dedicated public alley.

D. Features Allowed within Required Setbacks

1. The following features may be located within a required setback:
   a. Landscape features (as defined in **Chapter 18**).
   b. Fences and walls.
   c. Driveways.
   d. Sidewalks.
   e. Minor utilities.
   f. Mechanical equipment such as air conditioning units, pool pumps and similar equipment, but such equipment is not allowed in the front setback and is allowed in the side and rear setbacks only if such equipment cannot be reasonably located behind the structure.
   g. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features that extend less than 18 inches into the setback.
   h. Parking may be located within a side or rear setback if:
      (i) It is located in the MU-DT District.
      (ii) In all other Districts:
         (a) Such parking is located no closer than 5 feet from the lot line; and
         (b) The lot complies with the applicable bufferyard requirements in **Section 9.03.070. Bufferyards** of this Code.
   i. Waste containers, recycling containers and compactors screened in accordance with **Section 9.03.080** when adjacent to same-zoned commercial sites with cross-access and not abutting a residential use or Zoning District.
   j. Stormwater ponds, pursuant to the setback limitations and design criteria in **Section 13.04** of this Code.
2. None of the features above (except plant material and public sidewalks) shall extend into a public easement without approval of a License to Encroach.

E. Adjacent lots with a building or other permanent structure built across the shared lot line on or before March 11, 2003, shall be treated as a single lot, with the shared lot line not considered for measurement of all dimensional standards.

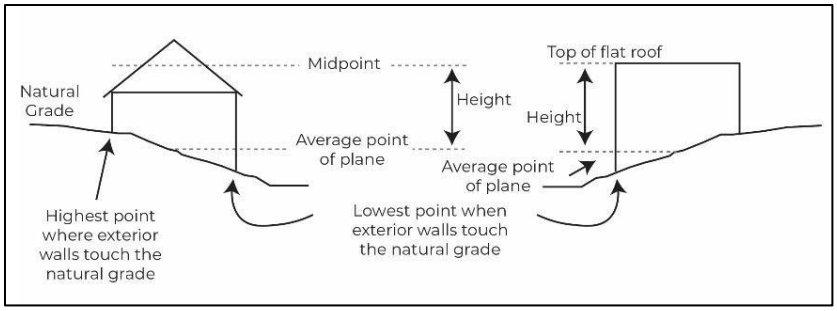
8.03.040. Building Height

A. Measurement

Building height refers to the vertical distance between the lowest finished grade at the edge of the building or the base flood elevation, where applicable, and:

1. The average height level between the eaves and ridge line of a gable, shed, hip, or gambrel roof;
2. The highest point of a mansard roof; or
3. The highest point of the coping of a flat roof.

Figure 8.03.040-1. Height Measurement



B. Exceptions to Height Limits

Except within the Courthouse View Protection Overlay District or as otherwise expressly stated in this Code, building height limitations shall not apply to any of the following:

1. Electrical power transmission and distribution lines;
2. Belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas, or chimney flues;
3. Bulkhead, elevator, water tank or any other similar structure extending above the roof of any building where such structure does not occupy more than 33% of the area of the roof; and
4. Roof parapets, as described in **Section 8.04.040.C** below, may exceed the height limitations of this Code by no more than 10 feet.

8.03.050. Multi-Lot Unified Development

To encourage Multi-Lot Unified Development, this Code allows flexibility in certain setback development standards for proposed unified developments across multiple abutting properties with similar and compatible uses and zoning districts. Properties of a Multi-Lot Unified Development may be developed in accordance with the following provisions:

A. Multi-Lot Unified Developments may be located in the following zoning districts: Neighborhood Commercial (CN), Local Commercial (C-1), Regional Commercial (C-2), Public Facilities (PF), Flex Industrial (I-1), and Intensive Industrial (I-2). Multi-Lot Unified developments shall not be permitted in any residential zoning districts.

B. A Multi-Lot Unified Development shall be documented under a single development application, either a Subdivision Plat and/or a Site Development Plan, as established in this Code. The development application must clearly identify the boundaries of each individual lot or parcel, and overall boundary of the property subject to the Multi-Lot Unified Development application.

C. All lots or parcels within the boundaries of the Multi-Lot Unified Development must be developed in accordance with the approved plat or Site Development Plan. Any deviations will result in the submittal, review and approval of a new development application.

D. The City may require a private ingress, egress, cross-access and parking easement over and across the parking areas and roadways within the boundaries of the Multi-Lot Unified Development to ensure adequate off-street parking, as well as safe vehicle, emergency and pedestrian access for the properties.

E. Abutting properties with similar Zoning Districts and that are part of a Multi-Lot Unified Development may be developed in accordance with the following standards:

1. Landscape and hardscape improvements may be located within the required setback of an interior lot line and cross interior lot lines of a Multi-Lot Unified Development.
2. Buildings and structures may be located within the required setback along an interior lot line of a Multi-Lot Unified Development. However, in no case shall a building or structure be constructed across an interior lot line in accordance with **Section 8.02.010. General**.
3. The exceptions allowing development within a required setback or across lot lines shall only apply to the interior lot lines of a Multi-Lot Unified Development and shall only be permitted when no bufferyard is required per **Table 9.03.070-1. Bufferyard Level Required**. All setback and bufferyard requirements shall apply along the outer perimeter lot lines of the Multi-Lot Unified Development.

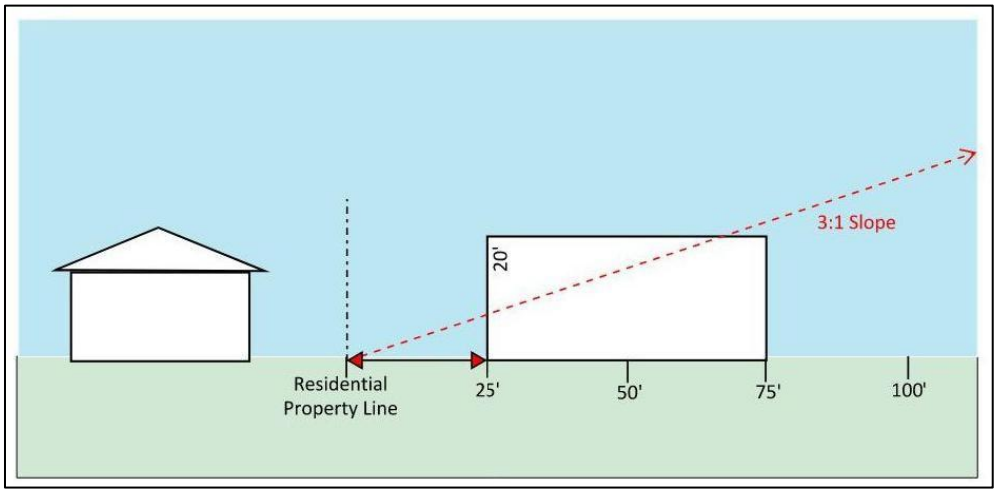
F. This subsection does not waive specific setbacks required per any applicable Planned Unit Development District (PUD) or Overlay Zoning Districts as identified in **Table 9.03.070-1. Bufferyard Level Required** of this Code, or specific setbacks and/or spacing requirements for specific uses as identified in **Chapter 6** of this Code.

8.03.060. Height Limitation for Residential Adjacency

A. Non-residential structures adjacent to an RE, RT, RS, or RM District may be up to the maximum height established for the adjacent Residential District at the setback line adjacent to that District.

1. For every additional 1 foot of setback provided, the height may exceed the adjacent Residential District maximum by 3 feet. (**see Figure 8.03.060-8.03.06-1. Residential Adjacency Setback Diagram**). Building façades may be stepped.

Figure 8.03.060-8.03.06-1. Residential Adjacency Setback Diagram



8.03.070. Conflicts

Any plat that has development standards (to include, but not limited to, impervious cover or setbacks) that are in conflict with the standards of this Code, shall be subject to the development standards noted on the plat and none other shall apply.

Section 8.04. Building Design Standards

8.04.010. General

In order to ensure a high quality, safe and sustainable built environment throughout the community, building design standards apply to all new buildings and expansions to existing buildings subject to this chapter, except as specifically stated herein.

8.04.020. Structures Exempt from Building Design Standards

A. New buildings of less than 250 square feet and 15 feet in height are exempt from all requirements of **Section 8.04**. **Building Design Standards**.

B. Buildings associated with an agricultural use as defined in **Section 6.02. Use Tables** or permitted buildings in the AG District that are set back at least 75 feet from any property line or right-of-way are exempt from the requirements of **Section 8.04. Building Design Standards**.

C. Temporary buildings used for Temporary Uses, as identified in **Section 6.02. Use Tables** are exempt from the requirements of **Section 8.04. Building Design Standards**.

D. New buildings and expansions to existing buildings located in an Industrial (I-1 or I-2) District shall comply with **Section 7.04.08. Industrial Design Standards**, except that all requirements of **Section 8.04.040. Building Elements** shall be applicable when those buildings are adjacent to a public park, Residential District, or arterial or freeway level roadway as identified in the Thoroughfare Plan.

E. Where building expansions are less than 20% of the original structure's square footage, an applicant may request an Administrative Exception to those requirements of **Section 8.04. Building Design Standards** that are not met by the original structure, using the process established in **Section 8.04.070. Alternative Building Design** and **Section 3.14**.

F. All buildings and structures on sites for which the designated use is minor, intermediate, or major utility where the following apply:

where the building contains less than 200 square feet of office space;

8.04.030. Foundation Requirements

All Non-Residential buildings shall be placed on a poured-in-place permanent slab foundation, an approved engineered pier and beam foundation or other type of approved engineered foundation. Foundation requirements apply only to enclosed covered buildings and do not apply to outdoor structures, open porches or buildings less than 250 square feet and 15 feet in height.

8.04.040. Building Elements

A. Color

1. Side and rear walls shall be finished in a similar color as the front of the building. For sites with multiple buildings, outparcels/pad sites, secondary or accessory buildings, see **Section 8.04.060. Architectural Compatibility**.
2. Any use of color such as bands, stripes, patterns, outlines or delineations displayed for the purpose of commercial identification (corporate colors) shall not comprise more than 20% of any wall or visible roof face, per the Code definition of "sign" in **Chapter 18**.

B. Roof Styles

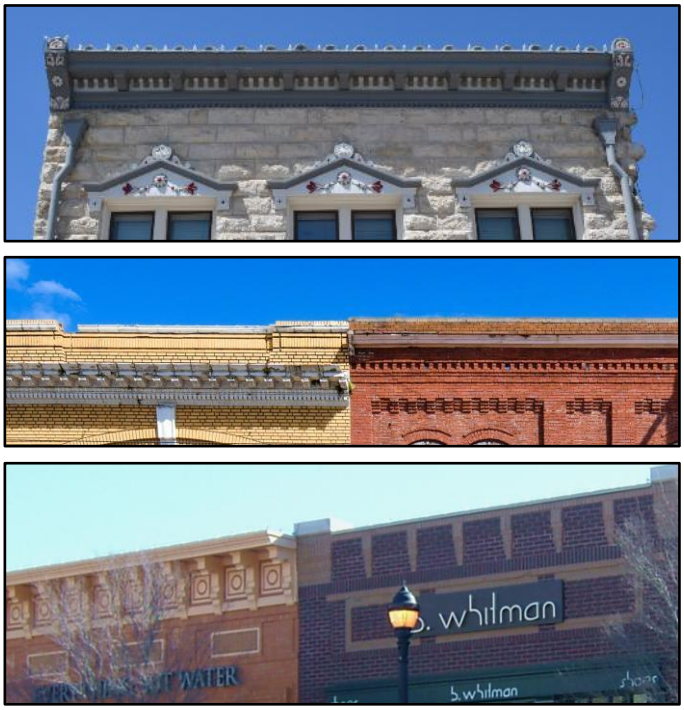
The following types of roof styles are prohibited:

1. Mansard roofs and canopies without a minimum vertical distance of 8 feet and at an angle not less than 25 degrees and not greater than 70 degrees;
2. Roofs less than or equal to a 2-to-12 pitch unless full parapet coverage is utilized; and
3. Back-lit awnings used as a mansard or canopy roof.

C. Roof Treatments

1. Parapets shall be used on all flat roofs and meet the following minimum requirements:
   a. Parapets shall extend a minimum of 2 feet above the roof line;
   b. Parapets shall conceal all roof top equipment located on a flat roof from the view of adjacent properties and rights-of-way;
   c. Parapets shall adhere to the vertical and horizontal requirements for the relevant building wall as described in **Subsection B. Roof Styles**;
   d. Parapets shall require cornice detailing (see **Figure 8.04.040-8.04.04-1**);
   e. Parapets shall consist of similar materials and colors as the building walls;
2. Where overhanging eaves are used, overhangs shall be no less than 2 feet beyond the supporting walls.
3. All roof-mounted mechanical equipment shall be screened from view on four sides in accordance with **Section 9.03.080.C**.
4. Roof-mounted photovoltaic solar panels are not considered roof-mounted mechanical equipment for the purposes of this section, but any form of electrical conveyance equipment (e.g., inverters, electric panel) shall be screened.
5. Roof lighting shall comply with **Section 8.05.010.C. Roof Lighting Standards**.

Figure 8.04.040-8.04.04-1. Examples of Appropriate Parapet Cornice Detailing



D. Entryways and Entrance Treatments

1. Single-use or multi-tenant buildings over 60,000 square feet in size shall provide clearly defined, highly visible customer entrances that include an outdoor patio area that is a minimum of 200 square feet in area and incorporates the following:
   a. Shaded or otherwise covered entrances;
   b. Benches or other seating components;
   c. Decorative landscape planters or wing walls that incorporate landscaped areas; and

d. Structural or vegetative shading.

2. An internal pedestrian route must be provided from the perimeter public sidewalk to the primary public entrance.

a. Such routes must be:

(i) At least six (6) feet wide;

(ii) ADA accessible; and

(iii) Separated from vehicular areas by raised curbs and similar features except where necessary to cross drive aisles.

b. Where pedestrian routes cross drive aisles, pedestrian routes must be distinguished from driving surfaces by textured pavement or painted pavement and lighting.

8.04.050. Building Articulation and Architectural Features

A. Purpose

In order to provide attention in design and human scale and to avoid the massive appearance of large walls and structures, articulation techniques, and architectural features shall be incorporated into the building design.

B. Applicability

Articulation shall apply to all building walls facing a public street, public park or adjacent Residential Zoning District. However, a wall facing an adjacent Residential District or public park is not required to meet the articulation provisions for such a wall meeting the following criteria:

1. The wall is on a building that is less than 20 feet in height;
2. The wall is set back at least 30 feet from the lot line; and
3. The wall is screened by a High Level Bufferyard that includes a solid screening wall.

C. Building Articulation

1. Horizontal Articulation (Footprint)

a. No building wall shall extend laterally for a distance greater than three times the building's average height without a perpendicular offset of at least 25% of such height.

b. Where the length of the wall is less than 60 feet, articulation is not required.

c. The perpendicular offset shall extend laterally for a distance equal to at least 75% of the building's average height.

d. The perpendicular and lateral offset(s) may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Director, that the intent of this section has been met.

2. Vertical Articulation (Elevation)

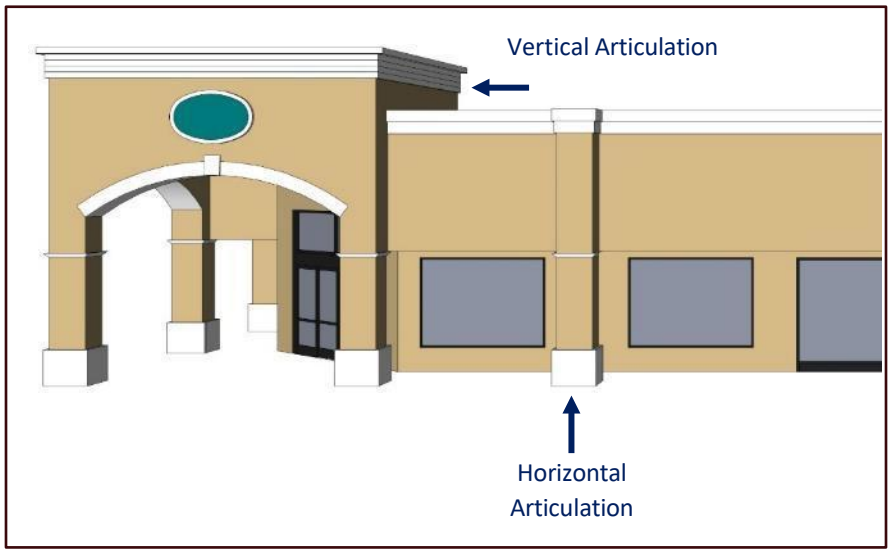
a. No building wall adjacent to or visible from a public right-of-way shall extend laterally for a distance greater than three times the building's average height without a change in vertical elevation of at least 25% of such height.

b. The change in elevation shall extend laterally for a distance equal to at least 75% of the building's average height.

c. The vertical change(s) in elevation may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Director, that the intent of this section has been met.

d. Alternatively, vertical articulation requirements may be met with an enhanced decorative cornice along the entire length of the façade if the applicant demonstrates, to the satisfaction of the Director, that the intent of this section has been met.

Figure 8.04.050-8.04.05-1. Articulation Types



D. Architectural Features

In addition to the horizontal and vertical articulation requirements, all building walls shall incorporate at least three of the architectural features listed in **Subsections 1** and **2** below. Building walls greater than 100 feet in length or buildings greater than 30 feet in height shall incorporate an additional two items from **Subsection 2** below.

1. Awnings, canopies, arcades, alcoves, windows, projections, recessed entries ornamental cornices, pillar posts, decorative light features, variation in building wall materials, integrated planters or water features or other similar building element features as approved by the Director.

2. Offsets, covered porches, stepped-back heights, porticos, varied wall surfaces, or other similar building elements as approved by the Director.

8.04.060. Architectural Compatibility

A. Building Walls

All building walls facing a public street, public park, or adjacent Residential District shall be designed with consistent architectural style, detail, and trim features as required by the provisions of **Section 8.04. Building Design Standards**. The building materials, color, window and entrance door details, and other similar architectural elements on these walls shall continue onto and be compatible with the architectural elements on the adjoining walls for the length of the adjoining walls.

B. Buildings

Sites with multiple buildings, outparcels/pad sites, secondary, and accessory buildings shall be designed to employ architectural elements that are integrated with and common to those used on the primary structure of

the site. Architectural elements shall be deemed compatible if consistent in, but not limited to: building materials, color, roof style and pitch, and architectural design and detail. For structures on outparcels/pad sites, all exterior walls shall meet the highest level of treatment outlined in **Subsection A. Building Walls** and the preceding sections.

8.04.070. Alternative Building Design

To provide flexibility in the attainment of harmonious building design, an applicant may request an Alternative Building Design using the Administrative Exception process detailed in **Section 3.14** of this Code. An Alternative Building Design may be proposed to the provisions for the Building Articulation and Architectural Features, Building Elements, and Architectural Compatibility sections of this chapter. The Director shall consider the following criteria and standards in determining whether to grant an Administrative Exception for an Alternative Building Design:

A. Whether, if the Administrative Exception is granted:
   1. The design would meet the intent, if not the letter, of the design standards set forth in this chapter;
   2. The design would produce an aesthetically pleasing building(s) that is comparable to buildings meeting the minimum design standards of **Section 8.04. Building Design Standards**;
B. Alternative materials such as wood, metal, and glass if they are incorporated into an overall architectural design in an appropriate manner;
C. The locations of building walls in relation to an interior public street or an exterior public street in regard to a Business Park or Industrial Park;
D. If building walls are significantly screened from view by other buildings on site, natural features, or fencing; and
E. A variety of building elements or design techniques, additional screening or landscaping or other site design features are used.

8.04.080. Industrial Design Standards

A. Purpose

   These standards are provided for the purpose of integrating large industrial buildings to their surrounding developed and natural environment and lessening the visual impact of long, concrete walls, truck bays, outside storage, bulky building profiles, and other characteristics common to the use and function of such buildings.
B. Applicability
   1. All new buildings or additions permitted within the I-1 and I-2 Zoning Districts that are not otherwise exempted by this chapter shall comply with this subsection.
   2. Buildings or walls of buildings in the I-1 and I-2 Districts that comply with stricter standards in **Section 8.04** shall be exempt from the requirements of **Subsection D** below.
C. Required Elements
   1. Buildings within the I-1 and I-2 District shall be constructed with the following on any façade visible from a right-of-way or property not zoned I-1 or I-2:
      a. Multiple horizontal and vertical changes in surface texture, color, or pattern of architectural joints or seams;
      b. Decorative reveals along all joints between concrete tilt-wall panels;
      c. Windows or glazing comprising at least 7% of the gross area of the façade;

d. Truck bays, loading areas, and outdoor storage areas that are oriented to the sides and rear of the building and are fully screened from view of any right-of-way or property not zoned I-1 or I-2 by an opaque screen.

D. Building Elements

1. In addition to the required elements in **Subsection C** above and site elements in **Subsection E** below, buildings in the I-1 and I-2 Districts shall be constructed with at least three of the following on any façade visible from a right-of-way or property not zoned I-1 or I-2:

a. Exterior surface painted in a neutral color;

b. Wall articulation meeting the minimum standards of **Subsection 8.04.050.C;**

c. Architectural features meeting the minimum standards of **Subsection 8.04.050.D**;

d. Windows or glazing comprising at least 20% of the gross area of the façade;

e. Change in surface finish material comprising at least 20% of the gross area of the façade;

f. Decorative cornices extending a minimum of 3 feet from the vertical surface of the façade;

g. Decorative recessed lighting extending the full height or at least 30% of the length of a façade;

E. Site Elements

1. In addition to the required elements in **Subsection C** and the building elements in **Subsection D** above, buildings in the I-1 and I-2 Districts shall be constructed with at least two of the following in the area between any façade visible from a right-of-way or property not zoned I-1 or I-2:

(i) Enhanced landscaping consisting of a continuous planting area of trees and shrubs reaching an average mature height of at least 10 feet at mature height and planted near enough to the façade of the building so that the façade surface is not visible behind the landscaping from any parking area or sidewalk;

(ii) Continuous berms extending an average height of 5 feet between the façade;

(iii) A decorative water feature measuring at least half the width of the façade that maintains a constant water surface and incorporates a fountain, aeration, or other similar active feature and which may also function as a stormwater management facility;

(iv) Landscaping is provided for the site and parking areas that is at least double the requirements of **Chapter 9**;

(v) A continuous decorative wall or fencing between 4 and 6 feet in height that is not a screening device required under **Chapter 9**;

(vi) The entire façade is set back at a distance that is at least double the required building setback.

Section 8.05. Lighting Standards

8.05.010. Lighting

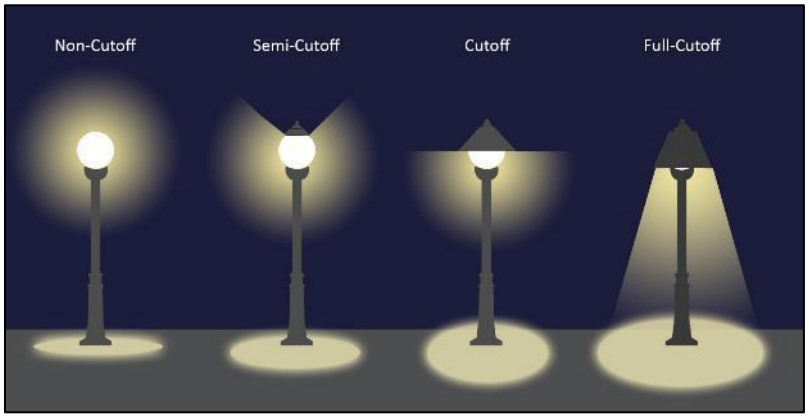
All lighting fixtures designed or placed so as to illuminate any portion of a site shall be shown on a detailed lighting plan and meet the following requirements:

A. Outdoor Lighting

1. Fixture (Luminaire)

   All lighting fixtures shall be restricted to full cutoff types so that no light is emitted above the lowest light emitting part of the fixture. Light sources shall be of a down-light, indirect, diffused, or shield type or so installed and maintained as to reduce glare effect and consequent interference with the use of adjacent properties and boundary streets. In no case shall the illumination level standards exceed those in **Subsection D. Excessive Illumination**.

Figure 8.05.010-8.05.01-1. Example of Various Lighting Fixture Types



2. Light Source (Lamp)

   Only incandescent, fluorescent, light-emitting diode (LED), color-corrected high-pressure sodium or metal halide may be used. The same type must be used for the same or similar types of lighting on any one site throughout any master-planned development.

3. Mounting

   Fixtures must be designed and mounted in such a manner that the cone of light does not cross any adjacent property lines of neighboring sites.

4. Illumination Levels

   All site lighting must be designed and installed so that the level of illumination as measured in foot candles at a height of 3 feet at the property line does not exceed 2 foot candles.

5. Exemptions

   The following outdoor lighting applications are exempt from the requirements of **Subsection A. Outdoor Lighting**:

   a. Lighting required by the City or other governmental entity in addition to those regulated by the standards herein;

   b. Temporary lighting used for holiday or seasonal decoration (i.e., displayed less than four months a year);

c. Portable temporary lighting used for maintenance or repair that does not create a nuisance or hazard;

d. Lighting for City-approved special events (e.g., festivals, civic events); and

e. Athletic field lighting located on public property.

B. Lighting Requirements for Specific Uses

1. Roads, Driveways, Sidewalks, and Parking Lots

All roads, driveways, sidewalks, and parking lots shall be sufficiently illuminated to ensure the security of property and safety of persons using such areas and facilities. Where roads, driveways, sidewalks, or parking lots fall on private property, the responsibility for lighting such areas shall fall upon the developer.

2. Entrances and Exits in Non-Residential and Multifamily Buildings

Buildings with a Non-Residential or Multifamily primary use that are open to the general public, shall have adequately lighted entrances and exits to ensure the safety of persons and the security of the building.

3. Commercial Parking Lot Lighting

All commercial parking lots shall be lit during nighttime hours of operation. Lighting fixtures affixed to poles shall be reduced in height to 15 feet if the use adjoins a Residential District.

4. Canopy Lighting

All development that incorporates a canopy area over fuel sales, automated bank machines or similar installations shall be required to provide lighting for the canopy area. For the purposes of this section, the canopy area shall be defined as that area immediately below the canopy. Canopy light fixtures shall be full cutoff/walled lighting fixtures or recessed into the canopy so that the bottom of each lighting fixture is flush with the ceiling of the canopy.

C. Roof Lighting Standards

1. All bulbs or tubing shall be encased so that the bulb is not naked and that direct glare is prevented.

2. Lights shall not run along the highest peak of a roof line, except that perimeter lighting around the top of a flat roof is allowed.

3. Roof lighting that qualifies as a sign under this Code is prohibited.

D. Excessive Illumination

Lighting within a property that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another property if it clearly exceeds the requirements of this section or if the standard could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

Chapter 9. Landscaping and Fencing

Section 9.01. General

9.01.010. Purpose

This chapter establishes requirements for the provision of landscaping, buffering, and screening to provide for the orderly, attractive, and healthful development of land and promote the health, safety, and general welfare of the community.

A. The regulations contained herein are necessary to protect the character and enhance the ecological, environmental, and aesthetic qualities of the community.

B. The use of landscape elements can contribute to air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement indicating that the use of landscape elements is of benefit to the health, welfare, and general wellbeing of the community and, therefore, it is proper that the use of such elements be required.

C. The City experiences frequent droughts; therefore, it is a purpose of this chapter to encourage the use of low-water, drought-tolerant plants and trees and the grouping of vegetation by water requirements.

D. The City recognizes the growing challenge of water supply locally and regionally, and the unique role summer peak water use typically related to higher irrigation use impacts utility system design and the need for additional water supply that can ultimately impact the cost of utilities for all water customers.

9.01.020. Authority

A. The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212 and the City Charter.

B. The provisions of this chapter are administered by the Director. For this chapter, appeals of the Director's decisions shall be made to the City Council utilizing the procedures set forth in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

9.01.030. Applicability

This chapter applies to all properties located within the corporate limits and the extra-territorial jurisdiction (ETJ) of the City; however, each section applies differently depending on the specific use and location. Further clarification of the applicability of individual sections of this chapter can be found described within each section.

9.01.040. Essential Terms Defined

A. Construction

Any manmade change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations, grading, clearing, or removing the vegetative cover. Exclusions from this definition include maintenance of lawns, gardens, and trees; minimal clearing of vegetation for surveying; and bona fide agricultural activities.

B. Critical Root Zone (CRZ)

A circular region measured outward from the tree trunk representing the essential root area that must be protected for the tree's survival and is calculated as 1 foot of radial distance for every 1 inch of DBH.

C. Diameter Breast Height (DBH)

The diameter of a tree measured at 4.5 feet above ground, as further defined in **Chapter 18**.

D. Disturbance to a Tree

Cut or fill that is greater than 4 inches in depth, the severing of major roots, the placement of debris or fill, the cleaning, parking, storage, or active use of equipment or materials, or the disposal of any waste material harmful to tree growth and health, such as, but not limited to, paint, oil, solvents, asphalt, concrete, or mortar.

E. Existing Tree

Existing trees with a DBH of least 3 inches that remain on a site subject to the above health and CRZ protection requirements of this code, excluding trees located within the right-of-way and excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite.

F. Heritage Tree

Any of the following tree species that has a DBH of 26 inches or larger: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia. The Heritage Tree classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit.

G. Multi-Stem Tree Measurement

The DBH of a tree with more than one trunk shall be calculated as the sum of the DBH of the largest trunk and one-half the sum of the remaining trunks. Trees over ½ inch shall be rounded up to the nearest whole tree. Trees under ½ inch shall be rounded down to the nearest whole tree. For example, a tree measuring 12.2 inches in diameter at breast height (DBH) would be recorded as 12 inches and a tree measuring 12.7 inches in DBH would be recorded as 13 inches.

H. Non-Residential

All other uses, not specified as Residential, including Multifamily

I. Protected Tree

Any tree, excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite, that has a diameter at breast height (DBH) of 12 inches or larger, excluding Heritage Trees.

J. Removed Tree

The following trees shall be considered a removed tree requiring mitigation:

1. The proposed or actual protection of the CRZ of a tree does not meet the requirements of this section.
2. Topping or excessively pruning more than 30% of the viable portion of a Protected (non-residential only) or Heritage Tree crown.
3. Removing the tree from its physical location or dismantling tree in sections including any tree which is uprooted, cut down, toppled, poisoned, or burned.

K. Residential

Single-family, Two-family, and Townhouse development

L. Tree Inventory

Prepared by an arborist licensed by the International Society of Arboriculture (ISA) and containing the tree survey and additional information describing the health of the trees being surveyed. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Inventories shall be valid for a period of 10 years with recertification of any trees shown on the survey to have a

DBH of 10 to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long-term projects that extend longer than 10 years.

M. Tree Preservation Plan

A plan that graphically represents the Tree Schedule and identifies all Protected, Heritage and Credit Trees, indicating those being preserved and those being proposed for removal.

N. Tree Survey

A drawing showing the size, location, species and critical root zone of all existing Protected Trees, Heritage Trees, and any trees to be used as credit. A table summarizing the total number of inches, in accordance with generally accepted methods of International Society of Arboriculture (ISA) shall be provided. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Surveys shall be valid for a period of 10 years with recertification of any trees shown on the survey to have a DBH of 24-25 inches or 10-11 inches after five years.

O. The definitions in **Chapter 18** of this Code shall apply to these and other terms within this chapter.

9.01.050. Unified Development Code Development Manual

The Unified Development Code Development Manual is a companion document to this Code, containing templates for Tree Surveys, Tree Preservation Plans, landscape and tree calculations, and other relevant information for completing a Site Plan or other required process. The Development Manual also contains the City's plant lists, including the preferred, prohibited, and controlled plant lists, and the landscape and tree technical standards (Technical Standards) which provide technical guidance for the selection, planting, and maintenance of plants required by this Code.

Section 9.02. Residential Landscaping

9.02.010. Applicability

The provisions of this section shall be considered minimum standards and shall apply to residential properties within the city limits, as defined in **Section 9.01.040** of this chapter. Also refer to **Section 9.04** for the residential review process and **Section 9.05** for plant selection, installation, and maintenance requirements.

9.02.020. Shade Tree Requirement

A. At time of home construction, all new single-family (all types) or duplex homebuilders shall provide shade trees from the preferred plant list within each lot at a ratio of one tree per each 50 feet of street frontage or portion thereof, exclusive of driveway width measured at the right-of-way line.

B. Existing trees preserved within the street yard may count toward the shade tree requirement using the ratios provided for in **Subsection 9.03.020.B**. If existing trees are to remain, the tree protection measures of **Section 10.02** shall be followed.

9.02.030. Residential Groundcover

A. Residential property shall be fully revegetated, including soil amendments as needed, in accordance with City of Georgetown Code of Ordinances Section 13.15.060.

1. See exceptions for synthetic and artificial turf in **9.05.020.C.4** below.

B. Residential property shall be fully revegetated in conformance with **Subsection 9.05.020**.

Section 9.03. Non-Residential and Multi-family Landscape Requirements

9.03.010. Applicability

A. Except for those uses covered by **Section 9.02**. **Residential Landscaping**, the provisions of this section shall be considered minimum standards and shall apply to the development of all non-residential properties within the city limits, as defined in **Section 9.01.040** of this chapter, regardless of Zoning District. Additional plantings in excess of the minimum requirements are encouraged. Also refer to **Section 9.04** for the review and appeal process and **Section 9.05** for plant selection, installation, maintenance requirements, and irrigation requirements.

B. Exceptions

These requirements do not apply to the following:

1. The construction of accessory structures necessary for or directly related to the ownership or raising of livestock for agricultural purposes including, but not limited to, barns, shelters, sheds or other structures.
2. Development in the Downtown Overlay District; however, landscaping is encouraged when possible.

9.03.020. Landscape Tree Credits

A. A tree credited toward a landscape requirement must meet the locational requirements of the provision for which credit is awarded (i.e., within the specified bufferyard) and, unless otherwise noted, may not be credited toward more than one landscape requirement.

B. In order to maximize the preservation of existing trees, surveyed trees in good health that have a DBH of at least 6 inches and are listed in the City preferred plant list may provide credit toward the landscaping requirements of the following sections. Each existing tree preserved may provide landscape tree credits as indicated in the following table.

Table 9.03.020-1. Landscape Credits for Existing Trees

DBH in Inches	Credit
6 to 11	1 tree
12-17	2 trees
18-23	3 trees
24 or greater	4 trees

C. Additionally, trees planted to meet the mitigation requirements of **Subsection 10.02.040.A.1** may provide credit toward the landscaping requirements of the following sections.

D. Credit shall not be awarded unless protection of the CRZ of the credited tree is carried out as required for Protected and Heritage Trees in **Subsection 10.02.040.A.1.** Credit may be withheld during review or inspection of the project, based on the assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree.

9.03.030. Alternative Exception

A. Minor Reductions of Street Yard Landscaping and Bufferyards

1. Minor changes to the width of the required street yard landscaping and bufferyards, which are considered to be up to 50% of the required width, may be requested if, along a street frontage where the adjacent properties on both sides (at side property lines) have a smaller or no landscape buffer strip, in order to maintain consistency between existing parking lot and drive aisle alignments.
2. If an alternative street yard landscaping or bufferyard is granted, an equal amount of landscaped area and trees shall be provided elsewhere on the site as may be deemed appropriate by the decision-maker.

B. Grouping of All Required Landscaping

1. In order to provide flexibility in site design, an Applicant may request Alternative Compliance to group all required landscaping (e.g., the landscape buffer and parking lot landscaping) into fewer but larger, consolidated areas.
2. In order to offset the movement of landscaping from its original required location, an additional 25% of the total landscaped area will be required. For example, if 1,000 square feet of total landscaping were required, then 1,250 square feet would be required to meet the grouping option.
3. In addition to the 25% increase in total landscape area, the grouped landscaping shall be located either between the building line and right-of-way or area visible from the street.

9.03.040. Street Yard Landscaping

Each non-residential property shall provide pervious landscaped area and plantings within the street yard. These requirements are based on the size of the street yard as indicated below. Plantings provided to meet required parking lot and Gateway Overlay District landscaping requirements may be used to meet this provision, provided they are located within the street yard.

A. Street yards less than 10,000 square feet shall provide:

1. Landscape area totaling 20% of the street yard; and
2. One shade tree and three shrubs per 2,500 square feet of street yard.

B. Street yards between 10,000 and 100,000 square feet shall provide:

1. Landscape area totaling 20% of the street yard; and
2. Four shade trees and 12 shrubs per the first 10,000 square feet of street yard, plus one-and-one-half shade trees and four shrubs per every additional 10,000 square feet of street yard thereafter.

C. Street yards larger than 100,000 square feet shall provide:

1. Landscape area totaling 20% of the street yard; and
2. Eighteen shade trees and 48 shrubs per the first 100,000 square feet of street yard, plus two shade trees and five shrubs per every additional 20,000 square feet of street yard thereafter.

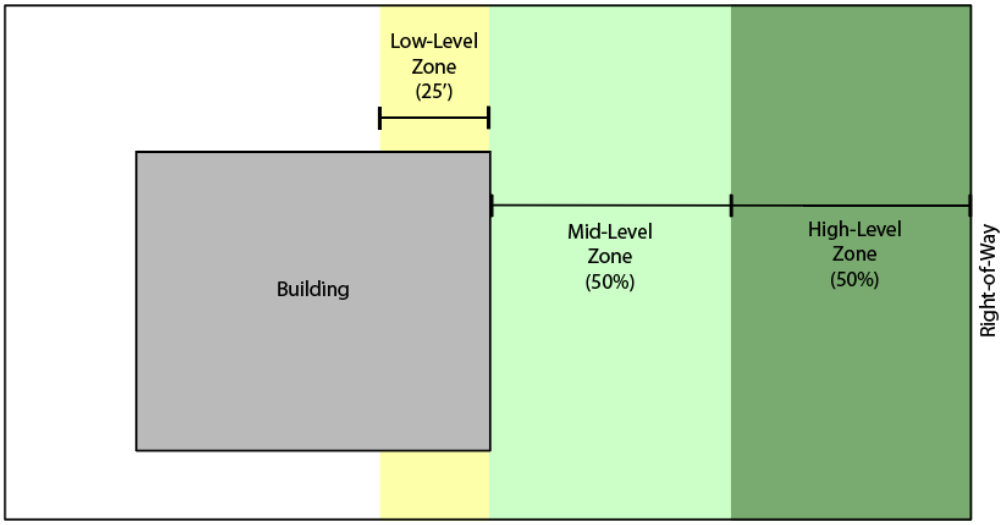
D. Plantings within a required street yard may be planted in zones to distribute the plantings throughout the street yard and focus the largest percentage of plantings along the right(s)-of-way.

1. When this option is used, required street yard plantings shall be distributed as follows:
   a. Low-Level Zone. 10% of the required plantings shall be planted within 25 feet of the building façade.
   b. Mid-Level Zone. 30% of the required plantings shall be planted between the façade and the midpoint between the façade and right-of-way.

c. High-Level Zone. 60% of the required plantings shall be planted between the right-of-way and the midpoint between the façade and right-of-way.

2. The distribution of plantings within a required street yard shall be required for all phased development. All plantings required at ultimate buildout in the High-Level Zone shall be installed as a part of Phase 1.

Figure 9.03.040-9.03.04-1. Planting Zone Levels



9.03.050. Parking Lot Landscaping

All non-residential surface parking areas or lots shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians and shall contain shade trees to reduce the thermal impact of parking lots. Landscaping provided to meet this section shall consist of landscaped areas and shade trees as outlined below and may also be credited toward the street yard landscaping requirements, if they are located within the street yard.

A. Landscape Area

1. Twenty square feet of pervious landscape area shall be provided within the parking lot for each parking stall located between the building line and the street right-of-way.
2. Ten square feet of pervious landscape area shall be provided within the parking lot for each parking stall not located between the building line and the street right-of-way.

B. Shade Trees

1. A minimum of one shade tree is required per every 12 parking stalls provided.
2. Each parking stall in excess of the required shall be calculated as one-and-one-half stalls for purposes of required shade trees.
3. In order to maximize the distribution of shade, shade trees shall be planted throughout the interior of the parking lot so that some portion of every parking stall is within 50 feet from the trunk of a tree unless otherwise approved by the Director.
4. Planting areas for each tree shall have a minimum undisturbed pervious area of at least 100 square feet and have a minimum interior dimension of 8 feet wide, exclusive of the curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-

compacted or excavated and filled with quality soil in accordance with the Technical Standards. These areas shall also be free of other structures such as lighting or utility poles.

C. Stormwater Drainage

1. All landscaped areas shall be protected by a raised 6-inch concrete curb with openings to allow for the drainage of stormwater into the landscaped areas or other barrier as approved by the Director. Approved curbs shall not be placed within the Critical Root Zone.
2. None of the above shall be compacted in a manner that alters the runoff coefficient for drainage. In circumstances where compaction does occur to alter runoff performance, the compacted area shall be treated as impervious cover.
3. Weed barrier used in any capacity shall allow percolation to maintain the runoff coefficient for drainage. In circumstances where the weed barrier used does alter runoff performance, the area of the weed barrier shall be treated as impervious cover.

D. Exemptions

Enclosed parking structures and vehicle display and sales areas, as defined in this Code, are exempt from the parking lot landscaping requirements.

9.03.060. Gateway Overlay District Landscaping

The landscaping requirements in this section are associated with the Gateway Overlay Districts established and detailed in **Section 4.10**. The following standards are required for all non-residential properties located along the corridors listed in **Section 4.10.030. Gateway Corridors**, unless otherwise specified.

A. General

1. The Gateway Overlay District landscape area shall be calculated by multiplying the lot width (measured in feet) along the gateway roadway right-of-way times the depth (in feet) of the landscape buffer. This square footage divided by 1,000 determines the landscape units for calculation.
2. All tree and plant species shall be from the City preferred plant list or the downtown gateway tree list, as included in the Development Manual.
3. Plantings provided to meet the requirements for Gateway Overlay District landscaping may also be credited toward the street yard landscaping requirements.

B. Scenic and Highway Gateway Overlay Districts

1. The landscape area shall contain at least 80% live vegetative coverage excluding the area required for driveways, sidewalks, bicycle paths, and drainage features, as allowed with limitations in **Section 4.10.040. Gateway Design Standards**. Fencing is not allowed within the landscape area.
2. Within the landscape area, plantings are required at a minimum ratio of two shade trees and five 5-gallon shrubs for every 1,000 square feet of land. Existing trees that are preserved within the landscape area may count toward the required tree plantings, pursuant to **Section 9.03.020**.

C. Downtown Gateway Overlay District

1. Landscape Buffer

A 10-foot-deep landscape buffer is required adjacent to the designated gateway roadway and will be measured from the property line.

2. Landscape Area
   a. The landscape area shall be landscaped and maintained with at least 80% live vegetative coverage excluding the area required for driveways, sidewalks, bicycle paths, as allowed with limitations in **Section 4.10.040. Gateway Design Standards**. Fencing is not allowed within the landscape area.
   b. Within the landscape area, plantings are required at a minimum ratio of two shade trees and two 5-gallon shrubs for every 1,000 square feet of land. Existing trees that are preserved within the landscape area may count toward the required tree plantings, pursuant to **Section 9.03.020**.
   c. Downtown trees shall be spaced in a formal manner and shall meet the location requirements of **Subsection 9.05.030.E**. Only specific tree species are allowed in the Downtown Gateway Overlay, based on their height and size, which can be found in the plant list in the Development Manual.

9.03.070. Bufferyards

A. General
   1. Bufferyards are required between certain land uses to prevent or minimize potential nuisances such as noise or light and to provide a transition between uses that may not be compatible with each other.
   2. Landscaping required within bufferyards shall be provided in addition to the landscaping required in other sections of this chapter.
   3. All open space within a bufferyard shall be planted with grass or other vegetative ground cover.
   4. A bufferyard may be designed with clusters of plantings to create a more desirable design.
   5. No light fixtures, parking, dumpsters, storage, recreation facilities, accessory buildings, alleys, or any other improvements not explicitly allowed shall be permitted within a required bufferyard.
   6. A bufferyard may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels.
   7. Detention or Retention Ponds
      a. Detention or retention ponds may be placed adjacent to the bufferyard.
      b. Detention or retention ponds may be permitted to extend into a required bufferyard, but only if the Development Engineer determines that there is no other feasible option for the detention of stormwater. If the pond is located within the required bufferyard, the requirements of this section shall be met in full within the remaining buffer area and additional screening or aesthetic treatment of the pond may be required depending on the location and circumstances of the site.
   8. Where buffer requirements are in conflict with other requirements of this Code, the most restrictive standards shall apply.
   9. Required fencing shall be located along property lines unless physical constraints exist that would prohibit such placement, as determined by the Director.

B. Bufferyard Level Required
   1. **Table 9.03.070-1. Bufferyard Level Required** indicates the level of bufferyard required between each Zoning District or land use. "L" refers to a low level bufferyard. “M” refers to a medium level bufferyard. “H” refers to a high level bufferyard. A box with a "—" indicates that a bufferyard is not required between those development types. The planting requirements of each type of bufferyard can be found in **Subsection C** below.

Table 9.03.070-1. Bufferyard Level Required

		Adjacent District															ETJ *
		AG	RE	RT	RS	RM	MH	MF-1	MF-2	CN	C-1	C-2	PF	I-1	I-2	MU-DT	
Bufferyard Required	AG	M	M	M	M	M	M	M	M	—	—	—	—	—	—	—	M
	MH	L	L	L	L	L	—	—	—	—	—	—	—	—	—	—	L
	RM	L	L	L	—	—	—	—	—	—	—	—	—	—	—	—	L
	MF-1	M	M	M	L	—	—	—	—	—	—	—	—	—	—	—	M
	MF-2	L	M	M	M	L	L	—	—	—	—	—	—	—	—	—	M
	CN	L	L	L	L	L	L	—	—	—	—	—	—	—	—	—	L
	C-1	M	M	M	M	L	L	—	—	—	—	—	—	—	—	—	M
	C-2	M	H	H	H	M	M	M	M	—	—	—	—	—	—	—	M
	PF	M	M	M	M	M	M	M	M	—	—	—	—	—	—	—	M
	I-1	H	H	H	H	H	H	H	H	M	M	M	M	—	—	M	H
	I-2	H	H	H	H	H	H	H	H	M	M	M	M	—	—	M	H
	MU-DT	L	L	L	L	L	L	—	—	—	—	—	—	—	—	—	L
	* Shall only apply in the case of one or more single-family homes that are platted or planned for residential use on the Future Land Use Map in the ETJ.																

1. A non-residential use developed in a Residential Zoning District will be required to provide a low level bufferyard adjacent to residential development.
2. No bufferyards are required internal to a multi-site unified development that is platted or site planned as such.
3. An Administrative Exception to the requirement of a bufferyard may be approved by the Director per **Section 3.14** of this Code if it is determined that the application of a bufferyard is not necessary and does not meet the intent of this section.

C. Specific Bufferyard Requirements

1. A low level bufferyard shall consist of the following:
   a. A 10-foot-wide planting area;
   b. Two evergreen ornamental trees and four evergreen shrubs per each 500 square feet of bufferyard or fraction thereof, distributed in a manner to make the bufferyard most effective in addressing potential sources for nuisance emanating from the subject property.
2. A medium level bufferyard shall consist of the following:
   a. A 15-foot-wide planting area;
   b. One shade tree, two evergreen ornamental trees and eight evergreen shrubs per each 500 square feet of bufferyard or fraction thereof, distributed in a manner to make the bufferyard most effective in addressing potential sources for nuisance emanating from the subject property.

3. A high level bufferyard shall consist of the following:
   a. A 30-foot-wide planting area;
   b. A solid 6-foot-high screening wall constructed of brick, stone, reinforced concrete or other similar two-sided masonry materials; and
   c. Two shade trees and four evergreen ornamental trees per each 500 square feet of bufferyard or fraction thereof, distributed in a manner to make the bufferyard most effective in addressing potential sources for nuisance emanating from the subject property.

9.03.080. Screening

A. General
   1. All planting materials used for screening purposes shall be of an evergreen species. Screening is required in order to minimize visual , noise, air quality and other impacts from surrounding properties and rights-of-way. Unless otherwise provided, screening requirements are in addition to all other landscape requirements and may not be credited or counted toward meeting other requirements.
   2. All mechanical equipment and screening must be shown on the Landscape Plan.

B. Parking Lot Screening
   1. Vehicular parking areas shall be screened from street view and adjacent properties using methods described below.
      a. All parking lot screening shall be achieved through one of the following methods:
         (i) A planting screen (hedge);
         (ii) A berm;
         (iii) A wall; or
         (iv) A combination of any of the above.
      b. Live screening shall be a minimum of 2 feet tall at time of planting, with predominately a mature height of 3 to 4 feet within two years, as determined by a landscape architect or other licensed professional.
      c. Live screening shall be planted in a prepared bed at least 3 feet in width.
      d. Plantings, fences, or walls shall be set back a minimum of 3 feet from the curb or wheel stop to allow for the overhang of the vehicle.
      e. A change in grade or elevation that provides an equivalent level of screening for the parking lot as the vegetative screen may be substituted for the requirements above, as determined by the Director.
   2. Screening shall not be required between properties for parking spaces provided in conjunction with shared access and/or shared parking between those properties.

C. Screening of Mechanical Equipment
   1. All mechanical equipment including roof-mounted equipment, shall be screened from view from all public rights-of-way and adjoining properties.
   2. Screening shall result in the mechanical equipment blending in with the primary building and not appearing separate from the building.
   3. Screening shall consist or be constructed of the following materials, depending on the location of the equipment to be screened. When possible, materials should be consistent with the primary building materials.

a. Planting screens;

b. Brick, stone, reinforced concrete, or other similar masonry materials;

c. Redwood, cedar, preservative pressure treated wood, or other similar materials; or

d. Metal screening or louvers painted to blend with the primary building.

4. All fence posts shall be rust-protected metal, concrete-based masonry, or concrete pillars.

D. Placement and Screening of Waste Containers, Recycling Containers and Compactors

1. All waste containers, recycling containers and compactors shall be completely screened from public view at any adjoining street or property line.
2. All enclosures are to be at least 1 foot above the height of the waste, recycling containers and compactors.
3. All enclosures and screening shall be of sufficient size to accommodate all waste containers, recycling containers and compactors located on the site.
4. Waste containers, recycling containers and compactors screening shall be maintained by the owner at all times.
5. Waste containers, recycling containers and compactors shall be located at least 15 feet from shade trees, whether existing or installed with landscaping.
6. Waste containers, recycling containers and compactors shall be placed in a manner to ensure service provider approach needs and clearances are met to access the enclosures.
7. Waste containers, recycling containers and compactors

   a. Waste containers, recycling containers and compactors shall be located a minimum of 50 feet from the property line of any of the following:

      (i) RE, RT, RS, RM zoned property; or

      (ii) A property in the ETJ with an existing single-family home located within 100 feet of the property line; or

      (iii) A property in the ETJ which is platted or planned for residential use on the Future Land Use Map.

   b. Waste containers, recycling containers and compactors shall be no closer to any street than the principal structure.

8. Waste containers, recycling containers and compactors shall be placed on reinforced concrete pads that are a minimum of 6 inches in thickness and sloped to drain.
9. Screening shall be provided on four sides and be comprised of:

   a. Brick, stone, reinforced concrete or other similar masonry materials that have a similar finish to the primary finish;

   b. Redwood, cedar, preservative pressure treated wood or other similar materials; or

   c. Alternative screening, which may be proposed as an alternative if the Director determines it meets the intent of the screening requirement and performs as effectively.

10. All fence posts shall be made of rust-protected metal, concrete based masonry, or concrete pillars.
11. Waste containers, recycling containers and compactors enclosures shall have steel-framed gates with spring-loaded hinges or the equivalent. The enclosure shall have fasteners to keep the gate closed and tiebacks to secure the gate in the open position when accessed.

12. Six-inch diameter concrete filled steel pipes shall be located in corners and possible impact areas to protect the enclosure from truck operations.
13. Location of waste containers, recycling containers and compactors shall also comply with the standards of the waste collection service provider. When the standards of this section and the service provider conflict, the standards of this section shall apply.

E. Screening of Loading Docks

1. Loading and service areas shall be located at the side or rear of buildings and be completely screened from public view at any adjoining street or property line.
2. Screening shall be provided on three sides of the area by a wall or other screening mechanism, not less than 8 feet in height, comprised of a wall that has a similar finish to the primary structure.
3. Loading areas shall not be located closer than 50 feet to the property line of a single-family or duplex residence, unless located completely within an enclosed building.

Section 9.04. Review and Approval Process

9.04.010. Non-Residential Landscape Review

A. Landscape Plan

A Landscape Plan, prepared by a landscape architect licensed in the State of Texas, is required to be submitted and approved as part of a Site Plan application prior to issuance of a Building Permit for such development. Projects or limits of construction less than 5,000 square feet in size do not require preparation by a landscape architect. A Landscape Plan shall include the following:

1. Planting Plan

The planting plan is a dimensioned and labeled drawing demonstrating compliance with all applicable requirements of this chapter. The plan shall include all dimensions, types and quantity of materials, width of bufferyards and Overlay Districts, and size and spacing of vegetative materials. Existing trees to be used as landscape credit shall also be shown with the size indicated. All proposed mechanical equipment shall be depicted. Plans for projects involving additions to existing sites shall locate and identify any existing landscaping.

2. Landscape Summary Table

The landscape summary table delineates all requirements of this chapter as they apply to the project as well as how those requirements are addressed on the planting plan. The landscape summary table shall list each planting requirement and indicate the number of plants required as well as the number proposed. The summary table shall list any landscape tree credits to be utilized and identify those plantings that are low water users. The landscape summary table may be located on the planting plan. The template for the landscape summary table can be found in the UDC Development Manual.

3. Irrigation Statement

The landscape architect shall identify on the planting plan the type of irrigation to be installed for the landscaping design.

4. Preparer's Seal and Statement of Compliance

The Landscape Plan shall be signed and sealed by the designer and include a statement of compliance certifying that the plans submitted for approval comply with the requirements of this chapter. The seal and statement shall be shown on the planting plan.

B. Changes to Approved Plans

Adjustments to approved plans during construction that affect trees or landscaping must be reviewed and approved by the Planning Department.

9.04.020. Inspection and Approval of Installation

A. Residential Installation

Installation of required landscaping for all new single-family or duplex development shall be inspected at time of final building inspection. The owner or owner's representative may certify in writing that landscaping has been installed according to the approved plan.

B. Non-Residential Installation

1. Certification of Landscape Compliance

Prior to final inspection for Certificate of Occupancy and once all landscaping has been installed, the original sealer of the Landscape Plan shall submit a letter certifying the installed landscaping is in compliance with the requirements of this chapter and the approved Landscape Plan. If the installed landscaping is not in compliance with the approved Landscape Plan, a final "as-built" Landscape Plan indicating actual planting shall be submitted to the Planning Department for review and inspection.

2. Irrigation Inspection Letter

At time of final inspection for Certificate of Occupancy, the landscape architect shall provide a letter to the City indicating that the irrigation system has been installed in accordance with the requirements for irrigation per the approved Landscape Plan.

3. Inspection

The Planning Department and the Director shall, at time of final inspection, inspect all projects to ensure compliance with the approved Landscape Plan prior to issuance of a Certificate of Occupancy. With this inspection, the Director may reject any tree or vegetation that does not reflect the approved plans or does not meet the requirements of this chapter and require replacement plantings.

Upon the installation of trees, the owner or landscape architect shall notify the Director that the work is ready for final inspection. If faulty work or substandard plant material is found, the owner shall be notified of the necessary changes.

9.04.030. Postponement of Installation of Required Landscaping

In the case of weather restrictions, seasonal or inclement, the owner of a residential or non-residential property may post fiscal surety for the full cost of the materials and installation of any remaining landscaping. The owner will then have 30 days from either 1) the date of the start of the next planting season, or 2) the last day of the inclement weather situation to complete the installation. The City may draw on the fiscal surety and pay to complete the planting if it is determined that the owner has breached the obligations secured by the fiscal surety. A conditional Certificate of Occupancy shall be issued until such time that all landscaping is installed. See procedures for filing fiscal surety for new development in the UDC Development Manual.

9.04.040. Alternative Landscape Standards

Alternative landscape standards, certified by a landscape architect, may be proposed and submitted to the Director for approval of an Administrative Exception per **Section 3.14** of this Code, provided the aesthetic, buffering, and environmental intent of the requirements of this chapter are met. The Director may approve alternatives including,

but not limited to, site design, spacing, locations, numbers, and species. The use of above-ground architectural planters may contribute toward up to 10% of the fulfillment of landscape requirements, as approved by the Director.

Section 9.05. Plant Selection, Installation, and Maintenance

9.05.010. General

A. Unless otherwise noted, the plant selection, installation, and maintenance requirements of this section shall apply to the required plantings for both residential and non-residential development. The standards herein do not apply to those plantings voluntarily planted and not otherwise required by this chapter.

B. Plant materials required by this chapter shall conform to the American Standard for Nursery Stock.

C. Consideration shall be given to the selection of trees, plants, and planting locations to avoid problems such as clogged sewers, cracked sidewalks or foundations, and power service interruptions.

D. All planting shall be designed to consider the level of expected maintenance and provide a neat and clean appearance.

E. All required landscape areas shall consist of at least 50% plant material coverage at the time of planting.

F. The installation of fountains, public spaces, exterior furniture, bicycle racks, and other outdoor pedestrian amenities, located within or adjacent to landscaping, is encouraged; however, hardscape features shall not predominate the use of living plant materials. These components do not count toward the requirements of the landscaping square footage calculations

9.05.020. Plant Materials and Size Requirements

A. Species

1. All required plant materials shall be selected from the City preferred plant list. Other plant materials may be used if determined by the Director to be equivalent in quality, adaptability, and low-water use as those listed therein.
2. When more than five trees or 10 shrubs are to be planted to meet the requirements of this chapter, a mix of species shall be provided wherein no more than 25% of plantings may be from the same species within the same plant category.
3. Of the required plant materials being used to meet landscaping requirements of this chapter, all must be classified as low-water users as identified on the preferred plant list.
4. Prohibited plant species, as identified on the prohibited plant species list in the UDC Development Manual, are required to be removed at time of site development, unless they are located in an area designated on the Landscape Plan as an approved natural area. If located in an area to be approved as a natural area, the applicant shall include a natural area restoration plan within the landscape plan providing for the documentation of existing trees and plants, the removal of any invasive species and necessary supplemental replacement of invasive species with native species to achieve the same coverage established in **Section 9.05.010.E**. The retention of any of these species must be based on the health and welfare of surrounding Protected and Heritage Trees and must be approved by the Director. No new plants identified on the prohibited plant species list shall be installed, and existing plants determined by a landscape architect to meet the minimum size requirements of **Subsection B** below and coverage requirements of **Section 9.05.010.E** may be included in the landscape plan to contribute to meeting any planting requirements. The City may require a restrictive covenant based on the specific circumstances to ensure the natural area is maintained properly in perpetuity.

5. Controlled plant species, as identified on the controlled plant species list in the UDC Development Manual, are excluded from meeting any planting requirements. No new plants identified on the controlled plant species list shall be planted, unless approved by the Director. Controlled plant species do not have to be removed from a site.

B. Minimum Size Requirements for Plants and Trees

Unless otherwise specified in this chapter, plants and trees required by this chapter shall be of the following minimum sizes at the time of planting.

1. Landscape Trees and Mitigation Trees
   a. Shade trees and mitigation trees (as required by **Section 10.02.050**. **Tree Mitigation**) planted to meet the requirements of this chapter shall be a minimum of 12 feet in height and 4 caliper inches measured at 6 inches above finished grade or have a 3-inch DBH.
   b. Ornamental trees planted to meet the requirements of this chapter shall be at least 6 feet in height and 15-gallon container-grown nursery stock. Ornamental trees shall not be used as mitigation trees to satisfy the provisions of **Section 10.02.050**. **Tree Mitigation**.
2. Shrubs

   Shrubs planted to meet the requirements of this chapter shall be at least 1-gallon container-grown nursery stock unless otherwise specified by this Code.
3. Vines, Ornamental Grasses and Ground Cover
   a. Vines planted to meet the requirements of this chapter shall be at least 1-gallon container-grown nursery stock.
   b. Groundcover planted to meet the requirements of this chapter shall be at least 4-inch container-grown nursery stock.
   c. Ornamental grasses planted to meet the requirements of this chapter shall be at least 1-gallon container-grown nursery stock.

C. Lawn or Turf Grasses

1. Grassed areas shall be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, Buffalo, or any other variety as approved by the Director, and limited to 50% of the property remaining pervious. Heavily shaded properties that receive less than six hours of sun may be planted with other shade grass.
   a. See exceptions for synthetic and artificial turf in **9.05.020.C.4** below.
2. Grassed areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales on 3:1 or greater slopes or other areas subject to erosion.
   a. For all other areas where sod is not required:
      (i) The use of sod shall be limited to 25% of the remaining balance of the percentage of plant materials not classified as low-water users. The amount of sodded area may be increased if the remaining sodded areas utilize native grasses (e.g., if 50% of plant materials used are classified as low-water users, sodded areas shall be limited to 12.5% of all landscape area).
      (ii) The use of sod shall not be less than 6 feet in any dimension within the property.
   b. The restriction to the use of sod does not apply to areas designated as dog parks, open recreation/common amenity areas or parks.
3. Winter Rye shall be considered only as a temporary measure to reduce soil erosion through the winter season and shall be completely replaced with permanent turf grass during the following planting season.

4. Synthetic or artificial lawns may be allowed provided the following standards are met:
   a. Permitted Locations and Coverage
      (i) Synthetic or artificial lawns may be used in playscapes, sports fields, and other similar recreational fields, and on portions of a site that are screened from public streets and adjacent properties.
      (ii) On residential properties, synthetic or artificial lawns shall be limited to a maximum of 50% of the non-impervious area.
   b. General Installation and Environmental Standards
      (i) Synthetic or artificial lawns shall meet the following standards, regardless of visibility:
         (a) Synthetic or artificial lawns shall be certified by a professional engineer that it will allow rainwater to infiltrate at the same rate as natural turf. The backing shall be 100% permeable, rather than hole-punched.
         (b) Synthetic or artificial lawns and the materials used in installation shall not contain any Per- and polyfluoroalkyl substances (PFAS).
         (c) Synthetic or artificial lawns shall not be installed on slopes greater than 10% without approval by the Development Engineer.
         (d) Synthetic or artificial lawns shall be prohibited within required bufferyards and Gateway Overlay District landscape areas.
         (e) Synthetic or artificial lawns shall utilize heat blocking or other dissipating features to limit heat gain.
      (ii) Additional standards for synthetic or artificial lawns visible from a public right-of-way or adjacent property (i.e., recreational uses):
         (a) Synthetic or artificial lawns shall be a four-tone color or higher, with a primarily color in a realistic natural green tone.
         (b) Synthetic or artificial lawns shall have a minimum pile or blade height of 1½ inches, except when used for playscapes, sports fields or other similar recreational facilities.
         (c) Synthetic or artificial lawns shall have a face weight of 80 ounces.
         (d) Synthetic or artificial lawns shall be anchored at all edges and seams not less than every 1 foot.
         (e) Synthetic or artificial lawn seams shall be glued and not sewn.
         (f) Synthetic or artificial lawns shall use an infill medium consisting of clean sand or other approved mixture brushed into the fibers to ensure that the fibers remain in an upright position and to provide ballast that will help hold the turf in place. Crumb rubber is prohibited.

9.05.030. Installation Requirements

A. All required landscape materials shall be installed according to American Association of Nurserymen (AAN) Standards and as per the Technical Standards.
B. All trees should be planted to the ANSI A300 Tree Planting and Transplantation Standards and as per the Technical Standards.
C. In order to conserve water, reduce maintenance, and promote plant health, plant species shall be placed as necessary based on their water and light needs, hydrozone, and growth rate and size.

D. Landscaping shall be designed to meet the City's traffic safety standards as adopted in the Code of Ordinances and must maintain safe and unobstructed visibility along and at intersections of roadways, driveways, drive aisles, access easements, recreational paths, and sidewalks.

E. Location

1. Required landscaping shall be placed upon that portion of a tract or lot that is being developed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the Director.
2. All new shade trees shall be planted so they have a minimum undisturbed pervious area of 100 square feet, with such pervious area having a dimension no smaller than 8 feet in any direction exclusive of any curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-compacted or excavated and filled with quality soil in accordance with the Technical Standards. These areas shall also be free of other structures such as lighting or utility poles.
3. All new ornamental trees shall be planted so they have a minimum undisturbed pervious area of 100 square feet, with such pervious area having a dimension no smaller than 8 feet in any direction exclusive of any curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-compacted or excavated and filled with quality soil in accordance with the Technical Standards.
4. Trees or plants shall not be placed in locations within easements that may interfere with site drainage, and shall be of species approved for placement in easements. The City maintains the right to trim for overhead lines or removal all obstacles in an easement or compel the property owner to do so. The property owner is responsible for replacement of any landscaping or features used to meet requirements of this chapter.
5. Trees may be located within a dedicated trail easement provided no tree is located less than 4 feet from the edge of the trail path.
6. Ground cover shall be planted to provide for quick coverage and to discourage erosion and weed growth.
7. Tree and Utility and Signage Conflicts
   a. Special attention shall be given to the use of appropriate species located under or adjacent to overhead power lines or near underground utility lines, or near existing and proposed signage. Plans proposing species that do not address this provision will not be approved.
   b. Overhead power lines require the planting of low growing trees, maturing to a height and spread not encroaching within 5 feet of the lines.
   c. When there is a conflict between the location of required trees and overhead or underground utility lines, or signage, one or more of the following options may be used to satisfy the minimum number of trees required:
      (i) Required trees may be planted so that no more than 25% of the mature tree canopy size encroaches onto a utility easement, sign, or other point of conflict; or
      (ii) When applicable, the required gateway landscape area may be extended a minimum of 10 feet beyond any conflicting utility easement; or
      (iii) Additional ornamental trees may be used to meet required shade trees at a ratio of two ornamental trees for every shade tree.
8. Landscaping in the Right-of-Way
   a. The placement of shrubs, trees, irrigation, or hardscape features in the right-of-way shall require approval of a License to Encroach. Turf grasses and native seed mixes shall not require a License to Encroach. See the UDC Development Manual for more information.

b. The City may at any time require such landscaping to be removed, without responsibility or liability to the City, and require replacement of any required plantings at the owner's expense.

c. No landscaping, excluding grass and native seed mixes, shall be placed in an area of right-of-way where a roadway improvement has been funded for such location, unless and until such project has been completed.

F. Landscape berms installed to meet the provisions of this chapter shall have a maximum side slope of 3 feet to 1 foot and shall be stabilized with vegetation, including groundcover, to prevent washout. Planting beds are allowed on landscape berms.

9.05.040. Maintenance Requirements

A. Maintenance Responsibility

The current property owner or the manager or agent of the owner shall be responsible for the maintenance of all required trees, plant materials and landscape areas. A homeowners association, property owners association or condominium association, as appropriate, shall assume responsibility for the maintenance of designated common areas.

B. Health and Viability of Plant Materials

1. Landscaping shall be sufficiently fertilized and watered as necessary to maintain the plant material in a healthy condition.
2. Landscape areas shall be maintained so as to present a healthy, neat, and orderly appearance at all times and shall be kept free of refuse and debris.

C. Dead Trees, Plants, or Materials

1. Maintenance will include the replacement of all dead plant material, including mitigation trees, if that material was used to meet any of the requirements of this chapter.
2. Dead trees or plants shall be replaced with the same amount, type, and size of landscape material originally required or an approved substitute. For dead trees planted for mitigation, the total inches of replacement of the dead tree shall equal the DBH of the mitigation tree at time of death.
3. Existing trees that were required to be preserved during site construction must survive for at least a two-year period after the Certificate of Occupancy is issued or shall be replaced according to the current mitigation requirements of this chapter.
4. Dead trees or plants shall be replaced within six months of notification in writing or by the beginning of the next planting season, whichever comes first.

D. Protected or Heritage Tree Damage

No act shall be allowed, accidentally or otherwise, that may reasonably be expected to cause a Protected or Heritage Tree to die or be damaged or to otherwise harm the aesthetic value, including, but not limited to, topping or excessively pruning more than 30% of the viable portion of a Protected (non-residential only) or Heritage Tree crown; inappropriate shaping (i.e., topiary); damaging the root system; compacting the soil; changing the natural grade (such as addition of soil over the critical root zone in violation of Section **10.02.040.A**) or paving. The remedies for such act shall be determined as follows:

1. If the Director determines the tree has been damaged, the property owner shall be required to take action to assure the future vitality of the tree, including but not limited to prescriptive care treatments such as deep root invigoration and fertilization, construction of protective barriers, or any other methods as may be required by the Director.

2. If the Director determines that the damage is so great that the tree is no longer reasonably sustainable, the tree shall be required to be removed at the expense of the property owner, in addition to the mitigation provisions in **Section 10.02** and possible penalties pursuant to **Chapter 17. Enforcement**. Mitigation for projects without active tree removal permits or approval shall be based on the mitigation provisions at the time of the violation, not the standards at the time of platting or other approval.

E. Heritage Tree Pruning Permit

Pursuant to **Section 3.24**, it shall be unlawful to prune a Heritage Tree without an approved Heritage Tree Pruning Permit. All approved pruning must be performed by an International Society of Arboriculture (ISA) Certified Arborist or under the supervision of an ISA Certified Arborist and must follow the American National Standards Institute (ANSI) A300 standards. Heritage Tree Pruning Permits do not apply to lots containing single-family and duplex dwellings for which a final inspection has been approved.

F. Synthetic or Artificial Lawn

Synthetic or artificial lawn shall be maintained so as to maintain its pervious surface condition.

9.05.050. Irrigation Requirements

A. All non-residential development shall use irrigation to ensure survival of the required plant material in landscaped areas. One of the following irrigation methods may be used:

1. Conventional System

An automatic or manual underground irrigation system that may be a conventional spray or bubbler type heads.

2. Drip Irrigation System

An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or micro irrigation system.

3. Temporary and Above-Ground Watering

Landscape areas utilizing low-water usage plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above-ground system providing irrigation necessary to establish the areas. Temporary and above-ground systems shall not be used for longer than 90 days.

B. Trees shall have at least one bubbler installed per newly installed tree, with appropriate hydrozoning as required by TCEQ.

C. Irrigation lines shall be arranged so as to not require trenching in violation of the provisions of this chapter.

D. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees, as approved by the Director. Tree wells and islands count as disturbance when containing existing trees and will require irrigation.

E. Irrigation systems shall be programmed to meet the watering restrictions of the water provider and to not water during rain events.

F. The Director may authorize temporary and above-ground watering based on written justification for the purpose, need, justification and duration from a licensed landscape architect and licensed irrigator.

9.05.060. Removal of Required Landscape Trees, Shrubs and Turf

If a property owner of a non-residential development wishes to remove healthy trees, shrubs, or turf that were part of a previous approval, a request may be made to the City using the procedures in the Development Manual. Based on the information submitted, the City will decide if the request will be granted on a case-by-case basis. Justifiable reasons for such requests include, but are not limited to:

1. Tree canopies have become crowded and are hindering growth of other trees;
2. Trees are blocking existing signage, provided that the minimum necessary trimming would result in removal of more than 30% of the crown as determined in writing by an ISA Certified Arborist;
3. Trees are causing a potential line-of-sight hazard; and
4. The overall health of the tree.

For any tree approved for removal, mitigation is required using the calculations in **Section 10.02.040.A.1** based on the size of the tree at the time of removal, regardless of whether it was planted as a mitigation tree or in fulfillment of a landscaping requirement, and regardless of whether it has reached a size to be considered a protected tree. The total inches of replacement of the tree shall equal the DBG of the tree at time of removal. Mitigation trees must be planted along the same side of the building or same area of the parking lot. In the instance that the removed tree was planted to satisfy a landscape requirement under **Section 9.03**, the replacement tree must be planted in the same landscape area (i.e., gateway landscape area, street yard, etc.) and reach a similar size as the removed tree(s), unless an alternative location or species is approved by the Director. Other conditions of approval may be required by the Director.

9.05.070. Street Trees

Trees are an important part of the streetscape and, when desired, should be planted according to the context of a street. Shade trees required by this Code or desired by the homeowner shall typically be planted outside of the right-of-way in the front yard except where otherwise restricted in this Code. Shade trees planted within the right-of-way in the optional Local Street—Tree Option cross section shall be considered a public improvement for construction purposes and be planted between a vertical curb and sidewalk in accordance with the following criteria:

1. Six-foot minimum separation from both the curb and the sidewalk with a modular suspended pavement framing system;
2. Eight-foot minimum separation with plastic root barriers; or
3. Ten-foot minimum separation between back of curb and sidewalk with no root barrier.
4. Approved Ornamental Trees shall not require root barrier treatments.
5. Approved tree species shall be spaced approximately 40 feet apart, unless otherwise approved by the Urban Forester on the Construction Plans.
6. All street trees shall be irrigated and maintained by the adjacent property owner, property owner association, or special District, as designated in a plat note.
7. A maintenance agreement, license agreement and plat notes shall be established prior to recordation of the Final Plat for the subdivision. The maintenance agreement shall dictate that repair to curbs or sidewalks attributed to street tree root damage shall be the responsibility of the adjacent property owner, property owner associated, or special District, as designated.

Section 9.06. Fence Standards

9.06.010. Purpose

Standards governing fences are established to allow for privacy, access to light and air, the protection of property, assurance of safety and security, and an aesthetic appearance consistent with the quality of life standards of Georgetown. For the purposes of this section, fences shall include all barrier structures meant to provide security or block views of property, and include walls, fences, or similar structures.

9.06.020. Permit Required

A fence permit is required to erect any fence on property within the city limits, unless otherwise specified below.

A. A permit is not required for agricultural uses.

B. A permit is not required for pet or livestock, garden, or similar fencing if such fence is located interior to a property that contains a perimeter fence.

C. A permit is not required for minimal alterations, such as replacements of pickets, panels, posts, or other materials as long the changes do not exceed one-third of the facing of the fence. Such alterations shall be in compliance with the original permit and/or the provisions of this Code. Any vertical or linear additions shall require a new permit.

9.06.030. General Requirements

The following apply to all fences within the city limits, regardless of use or Zoning District. Fences located in the Historic Overlay Districts may be subject to additional requirements of **Chapter 5**.

A. Structural Integrity

All fences shall be constructed to perpetually maintain structural integrity against natural forces such as wind, rain, and temperature variations. Fences constructed of chain link, welded wire, picket or similar materials shall require a minimum of two support rails spaced at least one-half of the total height of the fence apart.

B. Maintenance

Fences shall be kept in good repair and in a safe and attractive condition, consistent with the design established with the fence permit.

C. Fence Materials

1. Allowed

Wood, stone, rock, brick, precast concrete fences, decorative wrought iron, chain link, welded wire or other similar materials of comparable aesthetic and durability. The Director or Building Official may consider other durable rot/heat resistant alternatives. Allowed materials may be restricted in certain circumstances, per the provisions of this section, and are allowed by right in all other instances. Materials such as barbed wire, razor wire and electric fencing are only allowed with the limitations specified in this section.

2. Prohibited

Products manufactured for other uses and not originally intended to be permanent fencing are prohibited. Some examples of prohibited material include but are not limited to: plywood, paper, plastic, fiberglass panels, chicken wire, fabric, or sheet, roll or corrugated metals.

D. Height Measurement

Fence height shall be measured from ground level on the higher side of the fence or wall.

E. Finished Side of Fence

For all fences, the finished "face" side of the fence (opposite the structural supports) shall face all public streets and public parkland.

F. Sight Triangle

In accordance with the "sight triangle" requirements in **Section 14.06.040** of this Code, no fence or wall more than 25% solid or more than 3 feet tall shall be located within 25 feet of the right-of-way at the intersection of two streets or within 8 feet of the intersection of a street and an alley.

G. Messages and Signs

All messages or advertising on fences or walls shall be considered signage and are not allowed on fencing unless permitted in accordance with the sign provisions of **Chapter 12** of this Code.

H. Temporary Fences

Temporary fences are allowed without a fence permit, but only for a site with an active Building Permit, Stormwater Permit, or part of a roadway construction project. The temporary fence shall be removed at the expiration of such a Permit or the conclusion of construction, whichever occurs first. Temporary fences needed for any other purposes are permitted and shall receive a fence permit from the Building Official.

I. Electric Fences

Electric fences are allowed without a fence permit, subject to the following:

1. Electric fences shall not be permitted within 10 feet of any public rights-of-way or sidewalk.
2. Electric fences shall be placed a minimum of 2 feet from all private property lines.
3. A "Warning: Electric Fence in Operation" sign at least 12" x 12" in size shall be posted at intervals of not more than 50 feet apart and located not more than 1 foot away from the fence.
4. Unless otherwise specified in this section, electric fences must be installed in conformance with the specifications set forth in the City's electrical code and the International Electroctechnical Commission Standard No. 60335-2-76. In addition, the electric fence controller must meet the requirements of Underwriters Laboratories Standard UL69, Electric-Fence Controller, and labeled as such.
5. The electric fence controller and emergency entry key safe for the electric fence must be located in a single accessible location for the entire fence.

J. Drainage and Utility Conflicts

All fencing that will cause a diversion of water runoff or otherwise prevent the natural flow of stormwater shall require review by the Development Engineer prior to approval. Walls or other fencing proposed to be located near a public utility easement or buried or above-ground utility equipment that are made up of masonry or a similar product and containing a poured foundation shall require review by the Development Engineer prior to approval, and may require a License to Encroach pursuant to **Section 3.23**.

K. Health and Safety

All fences and fencing locations shall be in compliance with the requirements of the adopted building code, fire code, or any other health and safety provision adopted by the City. In the event that a building code or fire code requirement supersedes any provision in this section or would make such provision unworkable, those codes shall govern.

9.06.040. Residential Fences

Fences for single-family (all types), and two-family uses are allowed in accordance with the following provisions:

A. Front yard fences and fences abutting a street in the side and rear setbacks - outside of a Historic Overlay District.

1. Fences located in a front yard are allowed with the following limitations:
   a. Fences shall be limited to 4 feet in height.
   b. Fences shall be at least 50% transparent. For example, a wrought iron fence or picket fence that has openings the width of the picket.
   c. Chain link fences are prohibited in these locations.

2. Fences located in a street side setback or rear setback abutting a local or collector-level street are allowed with the limitations of **Subsection C** below, but shall be set back a minimum of 10 feet.

B. Front yard fences and fences abutting a street in the side and rear setbacks - within a Historic Overlay District.

1. Fences located in a front yard or a street side setback abutting a local or collector-level street are allowed with the following limitations:
   a. Fences shall be limited to 4 feet in height.
   b. Fences shall be at least 50% transparent. For example, a wrought iron fence or picket fence that has openings the width of the picket.
2. Fences located in the rear yard abutting a street. Fences located in the rear yard abutting a local or collector-level street are allowed with the limitations in **Subsection C** below, but shall be set back a minimum of 10 feet.
3. For fences that do not meet the above circumstances, the property owner may request an alternative fence be considered by requesting a Certificate of Appropriateness as described in **Section 9.06.080**.

C. Fences in all other locations are allowed with the following limitations:

1. Fences shall be limited to 6 feet in height, but may be increased to a maximum of 8 feet in height in the following circumstances:
   a. If the adjacent use is non-residential, in which case only a fence on the property line abutting the non-residential use may be allowed the increase in height.
   b. If the fence is located in the rear yard not adjacent to a street right-of-way and has the consent of both property owners.
   c. If the fence is more than 50% transparent overall.
   d. If the fence is in a location where the topography of the land dictates the need for additional height for privacy, at the discretion of the Director or Building Official.
   e. If the fence is adjacent to a roadway where the right-of-way width is greater than 120 feet.
2. Fences directly abutting public alleys shall be limited to 5 feet in height.

D. Replacement of a Fence. If seeking to replace an existing fence that would not comply with the setbacks, opacity and height of this code, the new fence may be constructed in the existing location with the same opacity and height, unless located in a right-of-way or in conflict with utilities, sight triangle, etc.

E. Barbed wire fences are not allowed on lots of less than 2 acres.

F. Sports fencing is allowed only in rear yards and set back from all property lines at a distance that is multiplied by one-and-one-half times the height of the sports fence. The sports fence shall be a maximum height of 15 feet.

G. For fences that are outside of a Historic Overlay District and would not meet the above circumstances, the Director or Building Official may consider a request for an Administrative Exception, as described in **Section 9.06.080.**

H. Fences that do not meet the above circumstances and are located in the Historic Overlay District shall adhere to the processes for approval in those circumstances, as established in **Section 9.06.080**.

9.06.050. Apartment Fences

Fences for apartments are allowed in accordance with the following provisions. The following shall not preclude compliance with any required screening or bufferyard provisions of this Code:

A. Wrought iron or similar material is allowed within the front and side setbacks abutting a local or collector-level street at a maximum height of 6 feet. No other fence materials are allowed in such setbacks.

B. Wood fencing is allowed on property lines abutting private property but not allowed in any street setback.

C. Residential boundary wall requirements in Section **9.06.060** shall be met.

9.06.060. Residential Boundary Walls

In order to provide a cohesive aesthetic appearance in a manner planned and constructed by the developer, all single-family (all types) and duplex development that is bounded on any side by a major collector (excluding multifamily development, see **Section 9.06.050** above), arterial or freeway, as classified in **Section 14.03**, shall provide a boundary wall or similar perimeter buffer along that roadway using the following criteria. Assumption of responsibility for the maintenance and integrity of the boundary wall or portions thereof shall fall to the homeowners association or, in the case there is not an HOA, the property owner on whose lot line the wall is situated.

A. An opaque masonry wall shall be constructed along the right-of-way line at least 5 feet in height, but no taller than 6 feet in height. No additional fencing may be added to the wall.

B. Development located in a Gateway Overlay District, established in **Section 4.10**, shall meet all requirements of the District. In such instances, the boundary wall shall be located along the innermost boundary of the required gateway landscape buffer.

C. Articulation is required for boundary walls and shall be achieved either by:

   1. Masonry columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart;

   2. Variations in depth achieved either through offsets of at least 5 feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet; or

   3. An alternative articulation design approved by the Director per **9.06.060.D** below that meets the intent of this section.

D. Exceptions to the preceding requirements may be considered by the Director in the following circumstances and approved if the Director determines that the intent of this section has been met. Exceptions shall be processed as an Administrative Exception, using the procedures described in **Section 3.14**.

   1. If the land adjacent to the applicable roadway is occupied by a park or open space, unusual topographic conditions, local street, residential front setback, or other similar space not occupied by a residence, the Director may consider a request for a combination of open space, berms, landscape features, plant material, and/or alternative screening wall material, another boundary wall location, or a release from the requirement.

   2. If a developer chooses to prohibit fencing or offer a planned alternative that is documented in Construction Plans, and deeds and covenants, the Director may consider a request for a combination of open space, berms, landscape features, plant material, and/or alternative screening wall material, another boundary wall location, or a release from the requirement.

9.06.070. Non-Residential Fences

Fences for non-residential uses are allowed in accordance with the following limitations. Non-residential fences shall be constructed of materials that are architecturally compatible with the principal structure.

A. Fences located in the front and side setbacks abutting a local or collector-level street are allowed only with the following limitations:

   1. Fences shall be limited to 4 feet in height.

2. Fences shall be at least 50% transparent. For example, a wrought iron fence or a picket fence with openings the width of the picket.
3. Chain link fences are prohibited within these locations.

B. Fences located in a required setback adjacent to a public right-of-way shall not be located in a public or landscape easement.

C. Fences located along a lot line shall not exceed 8 feet in height, unless otherwise specified in the Code.

D. The finished side of all fences built to comply with any provision of this Code shall face outward toward each adjoining property.

E. Sports fencing is allowed only with a setback from all property lines at a distance that is two times the height of the sports fence.

F. Exceptions

1. Fences for industrial uses may be located in any street setback, but no closer than 10 feet from the right-of-way line. Such fences may not exceed 6 feet in height.
2. Fences for industrial and utility uses may use barbed wire above any conventional 6-foot fence as long as the total height does not exceed 8 feet. Arms carrying barbed wire must extend inward or straight up. Such fences shall be located a minimum of 20 feet from a public right-of-way.
3. Fences using razor ribbon or razor tape are allowed only in conjunction with a jail or other public detention or correctional facility. Such fences shall be located a minimum of 40 feet from a public right-of-way.
4. Fences using materials required by another governmental entity for a stated safety or security purpose may be allowed using appropriate height, materials and locations determined by the Director.

9.06.080. Alternative Fences

A. Outside of a Historic Overlay District

Through the Administrative Exception process detailed in **Section 3.14** of this Code, the Director or Building Official may consider alternatives to the provisions of this section except where superseded by processes and restrictions of other areas of code including, but not limited to, Historic Overlay District requirements found in **Section 5.11**. Justifiable reasons to consider an alternative include, but are not limited to, the protection of trees, the location of existing structures on a site, location and materials of existing fences, unique topographical or other physical constraints. In addition, the Director or Building Official is authorized to determine whether direct application of this section would create an unsightly effect and could be better achieved with an alternative design. The Administrative Exception may be granted if the Director or Building Official determines that the proposed alternative clearly meets or exceeds the quality of design that this section seeks to promote and that the following assurances listed below are met.

The following may be proposed to the Director or Building Official for an alternative:

1. Fence location, as long as the alternative location does not affect health and safety standards and can be proven to be seamlessly integrated with the surrounding neighbors and design of the neighborhood.
2. Fence height, as long as evident safety concern arises from the height standards provided for in this section, notwithstanding the allowances in **Subsection 8.07.030.B.4.**
3. An Administrative Exception is not required for any health and safety determination, hazardous material security, or any other exceptions explicitly stated in this section.

B. Within a Historic Overlay District

Through an administratively granted Certificate of Appropriateness, a property owner may request relief from the standards of **Section 9.06.040. Residential Fences** in the following circumstances:

1. The proposed fence is enclosing a rear yard
2. The proposed fence is setback from the edge of pavement a minimum of 10 feet
3. The proposed fence meets the material standards of the design guidelines

For relief that does not meet the above the circumstances, a Certificate of Appropriateness may be requested for HARC review.

9.06.090. Fences Required by Particular Zoning Uses

Chapter 6. Zoning Use Regulations contains provisions for fencing materials, heights, and locations associated with particular uses that are allowed with limitations in certain Zoning Districts. Below are references to each such provision with the corresponding section number.

A. Day care—Subsection **6.02.020.B.2**

B. Bed and breakfast—Subsections **6.02.040.B.2** and **6.02.040.B.3**

C. Self-storage—Subsection **6.02.040.B.16**

D. Fuel sales—Subsection **6.02.040.B.22**

E. Intermediate utility services—Subsection **6.02.030.B.2**

F. Outdoor storage—Subsection **6.02.080**

Chapter 10. Tree Preservation

Section 10.01. General

10.01.010. Purpose

This chapter establishes requirements for the preservation and protection of native trees and promote the health, safety, and general welfare of the community.

A. The City values its indigenous and historic natural features; therefore, the placement of proposed buildings and improvements should be oriented in a manner that allows for the preservation of existing trees and native landscape. In addition, natural areas to be preserved should be integrated within the design of open space, screening, and landscaped areas.

B. The purpose of the Tree Preservation regulations is to conserve, protect and enhance existing trees and natural landscapes that are healthy and contribute to the character, safety and health of the City and ETJ of Georgetown. It is recognized that the presence of trees contributes to the overall quality of life and environment of the community. Trees are an integral part of air quality, water absorption, water purification, and noise and heat abatement.

10.01.020. Authority

A. The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212 and the City Charter.

B. The provisions of this chapter are administered by the Director. For this chapter, appeals of the Director's decisions shall be made to the City Council utilizing the procedures set forth in **Section 3.12. Appeal of an Administrative Decision–Zoning Regulations**.

10.01.030. Applicability

This chapter applies to all properties located within the corporate limits and the extra-territorial jurisdiction (ETJ) of the City; however, each section applies differently depending on the specific use and location. Further clarification of the applicability of individual sections of this chapter can be found described within each section.

10.01.040. Essential Terms Defined

A. Construction

Any manmade change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations, grading, clearing, or removing the vegetative cover. Exclusions from this definition include maintenance of lawns, gardens, and trees; minimal clearing of vegetation for surveying; and bona fide agricultural activities.

B. Credit Inches

The inches used to calculate credit toward mitigation and calculated by applying any prescribed credit ratios to DBH or caliper inches of onsite credit trees or replacement trees as applicable. Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite Trees shall not be considered towards credit inches. Excludes inches of any tree which is located within a public right-of-way dedicated to:

1. The City of Georgetown
2. Williamson County
3. State of Texas

C. Critical Root Zone (CRZ)

A circular region measured outward from the tree trunk representing the essential root area that must be protected for the tree's survival and is calculated as 1 foot of radial distance for every 1 inch of DBH.

D. Critical Root Protection Plan

A plan that graphically identifies Protected Trees and Heritage Trees and clearly delineates the Critical Root Zone to be protected for each tree scheduled to remain on site.

E. Critical Root Zone Protection Zone

An area that constitutes at least 50% of the total CRZ and includes one-half the radial distance of the CRZ for each tree being preserved.

F. Diameter Breast Height (DBH)

The diameter of a tree's trunk measured at a height 4.5 feet above natural grade.

G. Disturbance to a Tree

Cut or fill that is greater than 4 inches in depth, the severing of major roots, the placement of debris or fill, the cleaning, parking, storage, or active use of equipment or materials, or the disposal of any waste material harmful to tree growth and health, such as, but not limited to, paint, oil, solvents, asphalt, concrete, or mortar.

H. Existing Tree

Existing trees with a DBH of at least 3 inches that remain on a site subject to the above health and CRZ protection requirements of this code, excluding trees located within the right-of-way and excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite.

I. Heritage Tree

Any of the following tree species that has a DBH of 26 inches or larger: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia. The Heritage Tree classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit.

J. Mitigation Inches

The inches used to calculate owed mitigation and calculated by applying any prescribed mitigation ratios to DBH inches of removed Heritage and Protected Trees.

K. Multi-Stem Tree Measurement

The DBH of a tree with more than one trunk shall be calculated as the largest trunk plus one-half the sum of the remaining trunks. Trees over ½" shall be rounded up to the nearest whole inch. Trees under ½" shall be rounded down to the nearest whole inch. For example, a tree measuring 12.2 inches in diameter at breast height (DBH) would be recorded as 12 inches and a tree measuring 12.7 inches in DBH would be recorded as 13 inches.

L. Non-Residential

All other uses, not specified as Residential, including Multifamily

M. Protected Tree

Any tree, excluding Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite, that has a diameter at breast height (DBH) of 12 inches or larger, excluding Heritage Trees.

N. Removed Tree

Any of the following actions shall constitute a removed tree requiring mitigation:

1. The proposed or actual protection of the CRZ of a tree does not meet the requirements of this section.
2. Topping or excessively pruning more than 30% of the viable portion of a Protected (non-residential only) or Heritage Tree crown.
3. Removing the tree from its physical location or dismantling tree in sections including any tree which is uprooted, cut down, toppled, poisoned, or burned.

For 1. and 2. above, mitigation shall only be required where one or both of these maximums are exceeded.

O. Residential

Single-family, Two-family, and Townhouse development.

P. Tree Inventory

Prepared by an arborist certified by the International Society of Arboriculture (ISA) and containing the tree survey and additional information describing the health of the trees being surveyed. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Inventories shall be valid for a period of 10 years with recertification of any trees shown on the survey to have a DBH of 10 to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long term projects that extend longer than 10 years.

Q. Tree Preservation Plan

A plan that graphically represents the Tree Schedule and identifies all protected, heritage and credit trees, indicating those being preserved and those being proposed for removal.

R. Tree Survey

A drawing showing the size, location, species and critical root zone of all existing Protected Trees, Heritage Trees, and any trees to be used as credit. A table summarizing the total number of inches, in accordance with generally accepted methods of International Society of Arboriculture (ISA) shall be provided. See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements. Tree Surveys shall be valid for a period of 10 years with recertification of any trees shown on the survey to have a DBH of 24-25 inches or 10-11 inches after five years.

S. The definitions in **Chapter 18** of this Code shall apply to these and other terms within this chapter.

10.01.050. Unified Development Code Development Manual

The Unified Development Code Development Manual is a companion document to this Code, containing templates for Tree Surveys, Tree Preservation Plans, landscape and tree calculations, and other relevant information for completing a Site Plan or other required process. The Development Manual also contains the City plant lists, including the preferred, prohibited, and controlled plant lists, and the landscape and tree technical standards (Technical Standards) which provides technical guidance for the selection, planting. and maintenance of plants required by this Code.

Section 10.02. Tree Preservation

10.02.010. Applicability

The provisions of this **Section 10.02** shall apply to all non-exempt property located within the city limits and extraterritorial jurisdiction (ETJ) of the City.

10.02.020. Tree Preservation Incentives and Priorities

A. The City values its trees, and therefore, Protected and Heritage Tree protection may be considered for priority over conflicting UDC development requirements including, but not limited to, setbacks, lot design standards, building heights, sidewalks, lighting, signage, parking design and numbers, drainage criteria, connectivity, driveway separation, and utility extension and location.

B. If there is a conflict between a Protected or Heritage Tree protection and other provisions of this Code, the applicant may request an alternative standard or design, provided that public health and safety shall be maintained with all proposed designs. An alternative standard or design that gives priority to Protected or Heritage Tree protection may be approved by the Director through an application for an Administrative Exception under the provisions of UDC **Section 3.14**.

C. All preserved trees may also be credited toward the landscape requirements of this Code as applicable.

D. The Director may increase the amount of permitted impervious cover up to 5% for the preservation of Protected Trees beyond the amount required by **Subsection 10.02.030.B**. A 1% increase in impervious cover may be granted for each 1% of Protected Trees preserved beyond the minimum required per **Subsection 10.02.030.B**. For example, a site required to preserve a minimum of 30% of total Protected Trees may receive a 3% impervious cover bonus by preserving 33% of the Protected Trees on a site. The maximum impervious cover shall not exceed that specified in **Section 13.02.010**.

E. The Parkland dedication requirement may be reduced if a Heritage Tree is saved and 100% of the CRZ is protected within the dedicated Parkland lot in accordance with **Section 15.08.030.D. Credit for Heritage Tree Preservation** of this Code, subject to approval by the Parks and Recreation Director.

F. The Director may approve a reduction in the number of parking spaces required by 10% for the preservation of each Heritage Tree or each Protected Tree. A maximum of a 30% total reduction may be granted under this provision. Any reduction shall only be granted upon demonstration that the reduction is responsible for the preservation of the applicable trees.

10.02.030. Heritage and Protected Tree Removal

A. Heritage Trees

Heritage Trees on any property located within the city limits and its ETJ may be removed only with either (1) the approval of a Tree Removal Permit pursuant to **Chapter 3** of the UDC or (2) the approval of a development permit authorizing the removal. Heritage Trees shall not be removed or damaged in rights-of-way or easements, unless specifically approved by the Planning Director.

B. Protected Trees

Protected Trees on non-residential property located within the city limits and its ETJ may be removed with either (1) the approval of a Tree Removal Permit pursuant to **Chapter 3** of the UDC or (2) the approval a development permit authorizing the removal. For removal of a Protected Tree as part of development of the property the following preservation requirements will apply:

1. The minimum percentage of Protected Tree inches required to be preserved on site shall be 20%. For multi-site unified developments, the tree preservation percentages may be averaged over the entire development provided it is identified as such on the Subdivision Plat or Site Development Plan for the development. Mitigation shall be required for trees approved for removal, using the calculations detailed in **Subsection 10.02.040.A.1**.
2. An applicant may preserve less than the minimum percentage of 20% provided that the inches of trees removed beyond the minimum required to be preserved be mitigated at a rate of one-and-one-half times the calculations required in **Section 9.03.020.**

C. Unless otherwise allowed by this chapter, no property shall be clear-cut or selectively cleared, nor shall a Protected Tree or Heritage Tree be removed, without first securing the necessary approval from the City.

D. Exceptions

Removal of a Heritage or Protected Tree, that otherwise requires City approval, will not require a permit or other approval from the City in the following situations:

1. Hazardous Trees

   a. Natural Disasters and Other Emergencies

      If a Protected Tree or Heritage Tree is determined to be causing a danger or to be in a hazardous condition due to a natural disaster such as a tornado, fire, storm, flood, or other similar events that endangers public health, welfare, or safety, the requirements of this section may be waived as deemed necessary by the Planning Director. The Planning Director shall publish requirements for documenting the removal to qualify for this standard.

   b. Airport Clear Zone

      Protected and Heritage Trees located in the Runway Protection Zone, the Airport Clear Zone, or any other area on the Airport in which trees must be removed based upon the rules and regulations of the Federal Aviation Administration are exempt from the requirements of this section.

   c. Sight Triangles

      If the Development Engineer determines a protected or Heritage Tree is interfering with the safe visibility at a sight triangle of an existing public street, the tree may be removed without fulfilling the mitigation requirements of this chapter.

   d. Dead Trees

      The provisions of the mitigation requirements do not apply to a Protected or Heritage Tree that is already dead or fatally diseased prior to starting a project. Determination shall be made by a Certified Arborist to execute this exemption.

2. Agriculture Exemptions

   Property used agriculturally as defined by this Code shall be exempt from the requirements specified herein.

3. City of Georgetown Capital Improvement Projects

   City of Georgetown utility and transportation capital improvement projects shall be exempt from the requirements of this section.

4. Public Utilities

   Pruning the canopy of Protected Trees and Heritage Trees may be carried out by public utility providers in the City's right-of-way or public utility easement without prior approval by the Planning Director, if performed by or under the supervision of an International Society of Arboriculture (ISA) Certified Arborist. Removal of a Protected or Heritage Tree requested by any utility provider in the City's right-of-way or public utility

easement must be submitted to the Planning Director for review and approval or through a right-of-way permit in accordance with Chapter 12.08 of the City Code of Ordinances.

5. Platted Residential Exemption

   All Residential lots as defined by this chapter platted prior to February 13, 2007.

10.02.040. Tree Retention Standards

A. Critical Root Zones

1. All construction or disturbance shall occur outside of the Critical Root Zone Protection Zone unless specifically approved.
2. The Planning Director may approve construction or disturbance closer to the trunk than one-half the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation, if acceptable mitigative efforts through an approved care plan from an ISA Certified Arborist are provided and the probable survival rate of the tree is high. In such circumstances, the Director may require the property owner provide a written report from an ISA Certified Arborist documenting additional tree care prescriptions.
3. Trees grow their root systems in response to the conditions and limitations of their particular location. Root systems may not reflect the standard Critical Root Zone configuration described in this chapter. When previous development or existing conditions have prevented root growth within some portion of the CRZ, the Planning Director will consider proposals for a modified CRZ. A standard CRZ may include areas where roots are not present, such as beneath streets or under foundations. The modified CRZ provides design flexibility in these scenarios. The Planning Director may require an ISA Certified Arborist to demonstrate the location of roots prior to approving a modification to the CRZ.

B. Any person who removes a Protected or Heritage Tree in violation of this chapter, accidentally or otherwise, shall be required to comply with the mitigation provisions of this section, and, if the act is intentional, to pay a fine for each tree that is removed, as allowed by law, in addition to any penalties pursuant to **Chapter 17. Enforcement**. Mitigation for projects without active permits shall be based on the mitigation provisions applicable at the time of the violation, not those at the time of platting or other approval.

C. Protected and Heritage Trees may be transplanted to a suitable location either on the same property or off-site, as approved by the Planning Director.

D. Trees to be retained for mitigation or credit shall be encircled with protective fencing in advance of construction in accordance with the standards as adopted in sections within this UDC and Technical Specifications.

10.02.050. Tree Mitigation

The following tree mitigation requirements apply to the removal of a Protected or Heritage Tree requiring approval pursuant to **Section 10.02.020.C.**

A. General Standards

1. Options for Mitigation

   Mitigation may be achieved through the following ways:

   a. Credit of existing trees on-site,
   b. Replacement trees planted either on- or off-site,
   c. Soil Aeration and Supplemental Nutrients or Other Supplemental Treatment,
   d. Cost of tree infrastructure,

e. Payment-in-lieu of replacement trees, or

f. A combination thereof.

2. Mitigation Ratios

The tree mitigation inch-to-inch ratio applies to the DBH of the trees to be removed.

a. Protected Trees

(i) Mitigation shall be provided at a 1:1 inch basis for the total diameter inches of Protected Trees removed with a DBH of less than 26 inches.

(ii) Mitigation shall be provided at a 2:1 inch basis for the total diameter inches of Protected Trees removed with a DBH of 26 inches or greater that are not Heritage Tree species.

b. Heritage Trees

Mitigation shall be provided at a 3:1 inch basis for the total diameter inches of Heritage Trees removed.

3. Mitigation for Right-of-Way Dedication

Where right-of-way dedication is required, but no tree removals are authorized through the permit or process by which the right-of-way is dedicated, mitigation is not owed. At the time that a permit authorizes the removal of trees within the right-of-way, mitigation shall be due from the party seeking the permit.

B. Mitigation by On-Site Credit Trees

Table 10.02.050-1. Mitigation by On-site Credit Tree Summary

Size of Tree	Credit Inches (Residential)	Credit Inches (Non-Residential)
3-11" DBH	1:1 Credit Inches	1:1 Credit Inches
Protected Trees	1:1 Credit Inches	---
Heritage Trees	---	3:1 Credit Inches for Heritage tree inches preserved in excess of 50% and only when more than 50% of Heritage tree inches are preserved

1. Mitigation Credit

Credit Inches may apply toward 100% of the required mitigation inches.

2. Documentation

Credit trees shall be indicated on a Tree Survey, Tree Inventory, and Mitigation Plan.

3. Location Requirements

Trees shall meet the following locational requirements. Trees shall not be located in areas that:

a. Have been graded, cleared of vegetation, or used for construction access or staging during development.

b. Have been set aside and planned for future development (parking, proposed building footprint, or any other areas to be disturbed by future development).

c. Are located within a Public Utility Easement.

d. Might impact the sight visibility zones of adjacent or future streets.

e. Are determined by the Director to be unsuitable based on specific site conditions.

4. Tree Health

   Determination of credit shall be based on the following: assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree. Trees found to be in poor health, in decline, or presence of disease shall not be used as credit.

5. Critical Root Zone Protection

   a. **3 to 6-inch DBH:** Existing shade trees that remain on a site shall protect the full Critical Root Zone from construction and disturbance.

   b. **All other preserved trees:** Subject to the general standard for Critical Root Zone protection as described by **Subsection 10.02.040.A** for each tree being preserved, including Protected Trees, Heritage Trees, and any other trees for which credit for preservation is to be assigned per this chapter. This defined area shall be flagged and encircled with protective fencing during construction.

6. Tree Credit by Development Type and Tree Size

   Trees shall be credited for mitigation based on the development types listed below. Subject to the above health and location requirements.

   a. **Non-residential:**

      (i) **3 to 11-inch DBH:** Existing trees classified as shade trees by the Preferred Plant List adopted through the Development Manual that remain and meet the health, location, and protection requirement outlined above shall be credited at a mitigation ratio of 1:1 ratio credit as inches.

      (ii) **Heritage Trees:** Non-residential developments preserving more than 50% of Heritage tree inches, may be used for credit at a 3:1 ratio as credit inches. All health, location, and protection requirements outlined above shall be met.

      (iii) **Ornamental Trees:** Existing trees classified as Ornamental Trees by the Preferred Plant List adopted through the Development Manual may be considered on-site credit trees and shall be credited at a 1:1 ratio as credit inches.

   b. **Residential:**

      (i) **3-inch DBH or Larger non-Heritage Trees:** Existing trees classified as shade trees by the Preferred Plant List adopted through the Development Manual, excluding Heritage Trees, that remain and meet the health, location, and protection requirement outlined above shall be credited at a 1:1 ratio as credit inches.

      (ii) **Ornamental Trees:** Existing trees classified as Ornamental Trees by the Preferred Plant List adopted through the Development Manual may be considered on-site credit trees and shall be credited at a 1:1 ratio as credit inches.

C. Mitigation by Replacement Trees Planted on Site

Table 10.02.050-2. Mitigation by Replacement Trees Planted on Site Summary

Location of Tree	Credit Inches
Trees planted on the western or southern exposures of a residential structure	A credit of 1.5:1 the total inches planted shall be applied
Trees planted in public street ROW, median lots, or public parks/public amenities, common recreation areas	A credit of 2:1 the total inches planted shall be applied

Location of Tree	Credit Inches
On-site replacement trees planted on residential lots shall be credited toward the mitigation requirements of a residential development	A credit of 1:1 the total inches planted shall be applied.
Trees planted on residential lots for residential landscaping requirements shall be credited toward the mitigation requirements of a residential development	A credit of 1:1 the total inches planted shall be applied.

1. Type of Trees

   All replacement trees used for mitigation shall be from the preferred plant list and generally reach the same size at maturity as the tree(s) removed.

2. Landscaping Credit

   Trees planted for mitigation may be used as credit towards the landscaping requirements for residential and non-residential development as applicable.

3. Location of Trees Planted

   a. Planted on the western or southern exposures of a habitable building for credit must be located a minimum of 10 feet but a maximum of 30 feet in distance from the building.

   b. Trees planted along dedicated public street right-of-way, median lots, or parks/public amenities for credit must meet the clear zone and other applicable requirements of this code.

   c. Spacing of trees to allow for full growth of the tree must be maintained at the time of planting; See **Section 9.05.030. Installation Requirements** for detailed installation requirements.

D. Mitigation by Soil Aeration and Supplemental Nutrients or Other Supplemental Treatment

An applicant may spend up to 75% of the total cost of required mitigation (based on fee-in-lieu calculation) for soil aeration, supplemental nutrients, removal of harmful vegetation and/or other supplemental treatment for on-site trees within the limits of construction, per the Technical Standards. The materials and methods for soil aeration, supplemental nutrition, removal of harmful vegetation, or other supplemental treatment mitigation shall be approved by the Director prior to final application approval. Soil aeration treatment shall commence after the completion of all site construction and prior to any landscape installation. All treated areas shall be mulched and remain un-compacted.

1. Costs estimates shall be provided to the City for review and approval prior to approval of any Plans. Prior to final acceptance, the total cost of actual installation as evidenced by paid receipts shall be submitted to the City for review and approval with any Record Drawing changes, and Total Fee Due amended and paid or refunded, accordingly.

E. Mitigation by Cost of Tree Infrastructure

An applicant may spend up to 75% of total costs of required mitigation (based on fee-in-lieu calculation) for costs of tree infrastructure for newly planted trees, or tree preservation. For purposes of this section, tree infrastructure includes the installation of root barriers and modular suspended pavement framing systems which are required and approved for use by the Director and Development Engineer for any trees which are located within a dedicated public street right-of-way or City of Georgetown Easement, or which are installed within portions of the Critical Root Zone within a public right of way of City of Georgetown Easement.

1. Trees eligible for this reduction must be provided a minimum square footage of pervious cover surrounding the tree as approved by the City.

2. Costs estimates shall be provided to the City for review and approval prior to approval of any Plans. Prior to final acceptance, the total cost of actual installation as evidenced by paid receipts shall be submitted to the City for review and approval with any Record Drawing changes, and Total Fee Due amended and paid or refunded, accordingly.
3. Trees planted within any public street rights-of-way dedicated to the City shall require a License to Encroach, including a commitment to maintain the trees.

F. Mitigation by Payment-in-lieu of Replacement Trees

While the primary goal is to retain and replant trees on a development site, when some or all of the required mitigation trees cannot feasibly be planted in any area of the development site or in a nearby park or other public property, the applicant shall pay a fee-in-lieu of planting mitigation trees. Payment is due per Mitigation Inch at a rate set by City Council resolution. Refer to the fee schedule on the City's Development Manual for the current rates.

The funds shall be dedicated solely to tree planting, tree care, and public tree education and preservation activities. The payment(s) shall be made prior to final approval of the development application authorizing the removal of the tree(s). Upon request to the Planning Director, a reimbursement of mitigation payment may be issued due to deviations from the approved Tree Mitigation Plan during construction of a project. At the approval of the Planning Director, a reimbursement of mitigation fees paid may be requested for changes to the Tree Preservation Plan at time of final inspection.

Section 10.03. Review and Approval Process

10.03.010. Tree Preservation Permitting

A. General

1. Heritage Trees shall be graphically identified on certain plats identified in the Development Manual, and all plats shall contain a note stating that such trees cannot be removed without prior consent from the City.
2. Each plat shall contain certification, with a plat note, that all individual lots containing Heritage Trees are configured and designed so that the lot is developable for the intended purpose without requiring removal of the Heritage Tree or exceeding the percentage of allowable disturbance within the Heritage Tree CRZ.
3. A pruning permit shall be required pursuant to **Chapter 3** of the UDC for pruning of Heritage Trees. All approved pruning must be performed by an International Society of Arboriculture (ISA) Certified Arborist or under the supervision of an ISA Certified Arborist, and must follow the American National Standards Institute (ANSI) A300 standards. Heritage Tree pruning permits do not apply to lots containing constructed single-family and two-family dwellings.

B. Tree Survey and Preservation Plan

Tree Survey and Preservation Plan shall be provided with each residential subdivision application and with each non-residential development application, unless otherwise noted. Requirements for a tree survey and preservation plan are outlined within the Development Manual.

1. No grading, excavation, trenching, or tree removal shall occur until the Tree Preservation Plan has been approved and tree protection fencing is in place.
2. Each residential lot shall demonstrate an ability to meet all setbacks without the removal of Heritage Trees and encroachment into the Critical Root Zone Protection Zone.
3. Development within a public park may request tree survey and preservation plan be limited to limits of construction.

C. Tree Inventory

A Tree Inventory shall be prepared by an arborist licensed by the International Society of Arboriculture (ISA). Requirements for a tree inventory are outlined within the Development Manual. A Tree Inventory shall be required when:

1. A Tree Preservation Plan proposes to satisfy, in any part, the mitigation requirements with on-site credit trees;
2. A residential subdivision or Site Development Plan is to be planned and developed in three or more phases; or
3. Alternative tree preservation and mitigation standards are being requested through a Planned Unit Development (PUD), a Development Agreement, a Request for the Creation of a Municipal Utility District (MUD), or a Subdivision Waiver.

D. Tree Schedule

A tree schedule shall accompany a Tree Survey and shall indicate the status of all surveyed trees on site.

E. Critical Root Zone (CRZ) Protection Plan, If Applicable

A CRZ protection plan is required for residential subdivision Construction Plans or any non-residential development application required by and subject to the provisions of this Code where Heritage Trees, Protected Trees, or Credit Trees are present and are planned to remain showing where tree protection fencing will be located. City tree protection details from the Technical Standards shall be included with the plan.

F. Mitigation Plan

A Mitigation Plan shall include the mitigation required by this chapter any time trees requiring mitigation are proposed to be removed. The Mitigation Plan shall identify each tree to be removed (as indicated on the Tree Preservation Plan), label the DBH and status (Protected or Heritage Tree), and identify which mitigation option is proposed to be used. If mitigation is to be met by the On-Site Development Planting of trees, a mitigation tree planting plan shall be included depicting the location, size, species of the trees, and timing of installation. If Heritage Tree mitigation is required, a separate line item from the Protected Tree mitigation shall be required.

A Landscape Plan shall be submitted for all new residential development at the time of building permit review. The plan shall show the following:

1. Proposed location and species of required trees to be planted.
2. Any heritage or landscape credit trees proposed to be preserved shall also include location of the preserved tree and the following:
    a. Compliance with protection of the critical root protection zone.
    b. Fenced protection during construction per this chapter and the Technical Standards.

Chapter 11. Off-Street Parking, Circulation, and Loading

Section 11.01. General

11.01.010. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

11.01.020. Purpose

Off-street parking and loading requirements are established to ensure that all developments within the City provide adequate and reasonable parking necessary to serve the development or use.

11.01.030. Applicability

Off-street parking and loading standards required by this chapter apply within Georgetown's city limits in the following circumstances, in addition to any additional standards or requirements provided for this Code:

A. New Development

The off-street parking and loading standards apply to any new building constructed and to any new use established.

B. Expansions and Alterations

The off-street parking and loading standards may be required for compliance when an existing structure or use is expanded or enlarged, as provided in **Chapter 16** of this Code.

C. Change in Use

The off-street parking and loading standards may be required for compliance if a use changes, as provided in **Chapter 16** of this Code.

11.01.040. Timing of Installation

Required parking spaces and drives will be ready for use and approved by the Director prior to issuance of a Certificate of Occupancy.

Section 11.02. Parking Requirements

11.02.010. Minimum Requirements

Existing parking and loading spaces may not be reduced below the requirements established in this section without approval of an Alternative Parking Plan by the Director. Any change in use that increases applicable off-street parking or loading requirements shall use the provisions in **Chapter 16**. **Nonconformities** to determine the necessary improvements.

11.02.020. Parking Surface

All off-street parking spaces shall be constructed of a Paved Surface, as defined in this Code, whether meeting or exceeding the minimum requirements, unless otherwise approved by the Planning Director.

11.02.030. Parking Exceeding Minimum Requirements

A. Pursuant to **Subsection 9.03.050.B.2**, each parking stall in excess of the required shall be calculated as one-and-half stalls for purposes of the required shade trees.

11.02.040. Off-Street Parking Requirements

A. Off-Street Parking Requirements Table

The following table lists minimum off-street parking requirements by land use category.

Table 11.02.040-1. Off-Street Parking Requirements*

Use Category	Specific Use	General Requirement
Residential Uses		
Household Living	Multi-family - Senior	1 per dwelling unit + additional 5% of total spaces for visitor use
	Multi-family	1.5 per 1-bedroom unit 2 per 2-bedroom unit 2.5 per 3-bedroom unit + additional 5% of total spaces for visitor use
	All other household dwellings	2 per dwelling unit
Group Living	Nursing Home/Hospice/Assisted Living	1 per bedroom
	All other Group Living	1 per bedroom
Civic Uses		
Educational and Day Care Facilities	Family Home Day Care	2 per home
	Group Day Care	6 per home
	Commercial Day Care	1 per 400 ft^2 GFA
	Elementary or Middle Schools	1.5 per classroom + 1 per 2.5 seats capacity for auditoriums and flexible space
	All other Educational Facilities	10 per classroom + 1 per 2.5 seats capacity for auditoriums and flexible space
Government and Community Facilities	All Government/Post Office/Community Facilities	1 per 300 ft^2 GFA + 1 per fleet vehicle
Medical and Institutional Facilities	Hospitals	1 per 2 patient beds
	All other Institutions	1 per 300 ft^2 GFA
Parks and Open Areas	Golf Courses and Country Clubs	3 per hole + 1.5 per 300 ft^2 GFA of clubhouse and other structures including pools and tennis courts
	Neighborhood Amenity Center	1 per 300 ft^2 GFA + 1 additional for every 300 ft^2 GFA over 1,800 ft^2 GFA including pools
	All other Parks and Open Spaces	Determined by Director

Use Category	Specific Use	General Requirement
Places of Worship	Religious Assembly	1 per 100 ft^2 GFA of sanctuary, classrooms, flexible seating areas
Commercial Uses		
Mixed-Use Retail Center*(optional)	Commercial Centers less than 10,000 ft^2 including all Commercial Uses (except Self-Storage, Agriculture or Landscape Supply, Funeral, Repair and Commercial Sales and Service)	1 per 200 ft^2 GFA
Automotive Sales and Services	Car Wash	1 per 300 ft^2 GFA (does not include self-service facility) + 2 spaces
	All other Automotive Sales and Services (except Fuel)	1 per 400 ft^2 GFA (indoor only) + 1 additional per 1,000 ft^2 GFA of outdoor lot, storage or repair bay area
Overnight Accommodation	Bed and Breakfast/Inn	1 per guest room + 2 additional spaces
	All other Overnight Accommodations	1 per guest room + 1 per 300 ft^2 GFA of office/conference space
Food and Beverage Establishments	All Restaurants/Bar/Brewery/ Winery	1 per 100 ft^2 of designated seating area/entertainment area + 4 additional spaces
	Food Catering Services	1 per 400 ft^2 GFA
Entertainment and Recreation	Theaters and Stadiums	1 per 250 ft^2 GFA + 1 additional per 500 ft^2 GFA up to 50,000 ft^2 GFA
	All other Entertainment and Recreation	1 per 400 ft^2 GFA + 1 additional per 4 capacity seating
Health Services	Home Health Care	1 per 400 ft^2 GFA
	All other Health Services	1 per 300 ft^2 GFA
Professional and Business Offices	Professional Office and Other Offices and Services	1 per 400 ft^2 GFA
Consumer Retail Sales and Services	Funeral Home	1 per 150 ft^2 GFA
	Self-Storage (all)	1 per 300 ft^2 GFA office space
	Small Engine Repair	1 per 400 ft^2 GFA
	Farmers Market, Agricultural and Landscape Supply Sales	1 per 400 ft^2 GFA +1 additional per 2,500 ft^2 indoor and outdoor storage or staging area
	Grocery Store with Departments	1 per 200 ft^2 GFA for first 20,000 ft^2 GFA, 1 per 300 ft^2 GFA from 20,000 ft^2 GFA up to 100,000 ft^2 GFA
	All other Consumer Retail	1 per 250 ft^2 GFA for first 20,000 ft^2 GFA, 1 per 500 ft^2 GFA from 20,000 ft^2 GFA up to 100,000 ft^2 GFA
Commercial Sales and Service	All Commercial Sales and Service	1 per 300 ft^2 GFA of office/showroom area + 1 additional per 2,500 ft^2 indoor and outdoor storage or staging area

Use Category	Specific Use	General Requirement
All Other Uses		
Transportation, Utilities and Communication	All Transportation Terminal or Dispatch Facilities	1 per 300 ft^2 GFA of office; 1 per 400 ft^2 GFA of terminal area + additional spaces as determined by the Director
	Major Utilities	1 per 500 ft^2 GFA - minimum of 2
Industrial Manufacturing and Warehousing Uses	Batch Plant/Oil Refinery/Resource Extraction/Waste	1 per 300 ft^2 GFA of office/showroom area + 1 additional per 2,500 ft^2 indoor and outdoor storage area
	All other Industrial Manufacturing and Warehousing	1 per 500 ft^2 GFA of indoor facility + 1 additional per 2,500 ft^2 indoor and outdoor storage area
Agriculture	Kennel	1 per 300 ft^2 GFA of office
	Farming or Ranching Use (including Farm Stands)	No off-street parking requirement
Downtown Overlay District		
Downtown Overlay District	See **Chapter 5** for parking requirements specific to the Downtown Overlay District.	

* The required number of parking spaces for uses not listed in the above table will be determined by the Director. Alternative parking plans may be requested in accordance with **Section 11.07**.

11.02.050. Rules for Computing Requirements

The following rules apply when computing off-street parking and loading requirements:

A. Multiple Uses

Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

B. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half will be rounded down to the next lower whole number and any fraction of one-half or more will be rounded up to the next higher whole number.

C. Area Measurements

Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area, which for purposes of computing off-street parking requirements, shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

1. The area of each floor of the structure.
2. All attic space used for active commercial space.

D. Occupancy-Based Standards

For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum

enrollment or the maximum fire-rated capacity, whichever is applicable, and whichever results in the greater number of spaces.

E. Unlisted Uses

Upon receiving a development permit application for a use not specifically listed in the Off-Street Parking Requirements Table, the Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with an Alternative Parking Plan (see **Section 11.04. Alternative Parking Plans**).

Section 11.03. Parking Space and Parking Lot Design

11.03.010. Location of Required Parking

A. All required off-street parking spaces must be located on the same lot as the principal use, except as stated below.

1. Exceptions

a. An Alternative Parking Plan may be used for the City to approve off-site, off-street parking.

b. For Cottage Court Developments, see **Section 7.02**.

B. For "Multifamily, Attached Dwelling Units", see **Subsection 6.02.010.B.3**.

11.03.020. Parking Space and Parking Lot Design

A. Parking Space Dimensions

1. Parking spaces shall have minimum dimensions of 9 feet in width by 18 feet in length, unless otherwise indicated within this section. When located adjacent to a sidewalk, off-street or on-street head-in or angled parking shall require curb stops so as not to impede the pedestrian walkway.

2. Subject to approval by the Director, parking areas with 20 or more parking spaces, may allocate up to 10% of the minimum number of required parking spaces to reduced size vehicles, including compact cars and motorcycles, if designed to the following standards:

a. A compact car space shall not be less than 8 feet in width and 16 feet in length;

b. A motorcycle space shall not be less than 4.5 feet in width and 8 feet in length;

c. Reduced size spaces shall be laid out in a group and appropriately identified as intended for exclusive use by the specified vehicle;

d. Tandem Parking Spaces

Tandem parking spaces may be utilized only in the following cases:

(i) For multifamily developments, tandem spaces may be used for up to 10% of the required total off-street parking spaces. For the purposes of this calculation, "tandem spaces" refers only to the space with limited access (i.e., only the space blocked in by another vehicle). Tandem spaces may only be located within an enclosed garage structure.

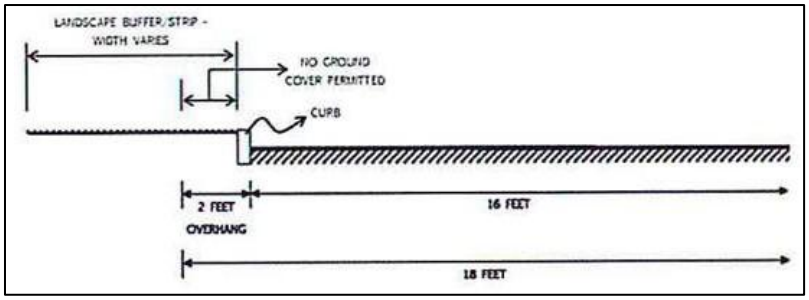
(ii) For all other residential development, tandem spaces may only be used if the development is a fee-simple development.

(iii) In the Downtown Overlay, tandem spaces for any use may be considered with an Alternative Parking Plan, per **Section 11.07**.

e. Other parking space designs may be considered and shall be submitted to the Director for review.

3. Parallel parking spaces shall not be less than 8.5 feet in width and 22 feet in length.
4. Parking spaces designated as Handicapped shall comply with the design and location requirements of the American National Standards Institute (A117.1) and the Texas Department of Licensing and Regulation.
5. Parking spaces internal to the site may be reduced to 16 feet in length with a 2-foot overhang onto grass or other flat surface. This reduction shall not apply to a bufferyard, screening area or sidewalk.

Figure 11.03.020-11.03.02-1. Reduced Parking Lot Space Dimensions



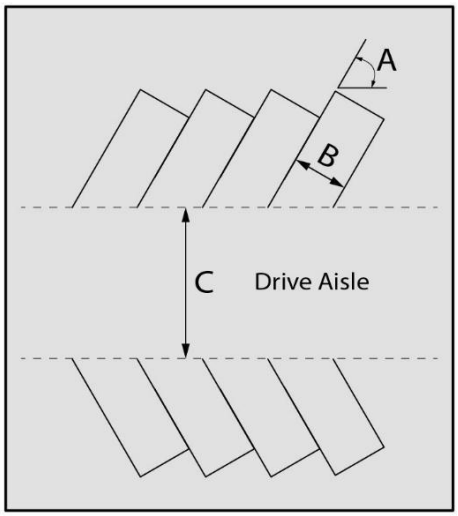
B. Aisle Widths

The minimum two-way drive aisle width shall be 24 feet when there is no parking on either side of the drive aisle. One-way and two-way drive aisle widths adjoining off-street parking spaces must comply with the following standards:

Table 11.03.020-1. Minimum Aisle Width for Specified Parking

A	B	C	
Parking Angle	Stall Width (ft)	Aisle Width	
		One-Way	Two-Way
Parallel	8.5	13	26
45° or less	9	13	26
45° or less	10	12	24
60°	9	16	26
60°	10	15	24
75°	9	23	26
75°	10	22	24
90°	9	Not Permitted-	26
90°	10	Not Permitted	24

Figure 11.03.02-2. Parking Dimensions Graphic



C. Markings

1. Each required off-street parking space and off-street parking area shall be identified by surface markings at least 4 inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles.
2. One-way and two-way access points into required parking facilities shall be identified by directional arrows on the pavement.

D. Surfacing and Maintenance

1. All parking, driveways, drive aisles, and driveway approaches shall be constructed and maintained with a Paved Surface, as defined in this Code. Exceptions to the Paved Surface material requirements may be considered administratively by the Director and Development Engineer in order to protect critical root zone for Heritage Trees.
2. All designated fire lanes shall be paved according to the typical street cross sections for local street design in the City of Georgetown Construction Specifications and Details and kept in a dust-free condition at all times.
3. In a Residential Estate subdivision or rural lot, residential driveways may be constructed of a non-Paved Surface material if outside of the right-of-way and not in an area designated for required off-street parking.

E. Access

Required off-street parking spaces shall not have direct access to a public street, with access provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way. In unique circumstances on local streets, the Director may consider, through an Alternative Parking Plan, parking spaces with direct access from the street if there is determined to be little or no negative impact on surrounding properties or the function of the public street.

F. Planting Areas and Pedestrian Areas

1. Wheel stops are required when parking spaces are located adjacent to planting areas
2. Bollards are required when parking spaces are located adjacent to pedestrian walkways that are at the same grade.

11.03.030. Sub-Lots and Pedestrian Accessways

A. Parking lots with more than 50 parking spaces shall be visually and functionally segmented into smaller sub-lots by landscaped areas. Each sub-lot may contain a maximum of 50 parking spaces.

1. Exception: A sub-lot may contain up to 100 parking spaces if the site provides an additional 20% of landscape area required by **Section 9.03.050.A**.

B. For every parking sub-lot, a landscaped median/divider at least 15 feet wide shall be installed to break up the sub-lots. These medians shall contain pedestrian accessways consisting of a 5-foot-wide sidewalk to offer safe, marked routes between parking spaces and building entries.

11.03.040. Pedestrian Circulation

A. Purpose

The purpose of this section is to promote safe, connected, and walkable development by providing clear standards for pedestrian circulation. These provisions are intended to ensure that sidewalks, accessways, and pedestrian routes are accessible, comfortable, and visually appealing, supporting an active and pedestrian-friendly community.

B. All Development

An internal pedestrian accessway compliant with ADA accessibility requirements, must be provided from the perimeter sidewalk to the primary public entrance. Internal pedestrian walkways must be distinguished from driving surfaces by textured, painted, and/or raised surface.

C. Multifamily Development

Where multifamily buildings are not able to front along a public street or regional trail, the following design standards for pedestrian circulation shall apply.

1. Pedestrian-Oriented Drive Aisle Standards

a. Pedestrian-Oriented Drive Aisles (PODA) should consist of the following:

(i) A two-way drive aisle that meets the minimum standards of the fire code;

(ii) A 6-foot or wider sidewalk that meets the minimum standards of ADA, etc.; and

(iii) Street trees between the back of curb of the drive aisle and the sidewalk meeting the requirements of UDC **Section 9.05.070** or between the edge of the sidewalk and the building. The trees must be spaced every 30 feet and be from Georgetown's approved list of shade trees.

b. Parallel Parking spaces along one or both sides of the drive aisle is allowed but not required.

c. PODAs must have a minimum intersection spacing of 50 feet and maximum spacing of 500 feet. An intersection means where a PODA intersects a public/private road, a driveway to a parking lot or another PODA.

d. No 90-degree or any other angled parking is allowed along pedestrian-oriented drive aisles.

e. Parking lots must be setback at least 20 feet from a PODA and must be screened by either a multifamily building, or a medium-level bufferyard and a 6-foot screening wall.

2. Pedestrian Promenade Standards

a. Pedestrian Promenades are at least 30 feet wide and should consist of the following:

(i) A 10-foot or wider sidewalk/shared-use path (SUP); and

(ii) A 10-foot or wider landscaping strip consisting of grass or other vegetation on each side of the sidewalk/SUP. One shade tree every 30 feet should be planted along each landscaping strip, except when a common amenity is placed between the sidewalk and the multifamily buildings.

(a) Seating Areas such as benches, picnic tables, or other amenities can be located within the 10-foot or wider landscaping strip.

b. Parking lots must be set back a minimum of 20 feet from a Pedestrian Promenade and screened by either a multifamily building or a medium-level bufferyard with a 6-foot screening wall to minimize the visual impact of parking areas along pedestrian corridors.

Section 11.04. Alternative Parking Plans

11.04.010. Alternative Plans

An Alternative Parking Plan, processed through an Administrative Exception in accordance with **Section 3.14** of this Code, may be considered by the Director for alternatives to the parking, stacking, paving, or loading standards of this chapter, including for vehicle and bicycle parking. An alternative plan also may be approved by the Director for specific developments or uses that are deemed to require a different amount of parking than the standards shown in **Table 11.02.040-1. Off-Street Parking Requirements***. The Director shall establish conditions necessary to ensure the adequacy of future on-site parking when approving an alternate standard. Potential alternative parking plan approaches and specific regulations are described below.

A. Parking Study Option

Parking studies may be required for specific uses that have characteristics that reduce the accuracy of standard requirements. Additionally, as an alternative, applicants for uses that appear on the requirements table may choose to conduct a parking study to determine appropriate parking requirements. Many uses have widely varying parking demand characteristics, making it impossible to specify a single off-street parking standard. This option is intended to allow development to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established above.

1. Parking Study

Anyone proposing to develop or expand a use based on this parking study option must submit a parking study that provides justification for the number of off-street parking spaces proposed. A parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, location, and access to transportation alternatives. The study must document the source of data used to develop the recommendations.

2. Eligible Alternatives

A number of specific parking and access alternatives may be considered, including off-site, shared, or valet parking. The Director shall be authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Director that the proposed plan shall result in a better situation with respect to surrounding neighborhoods, City-wide traffic circulation, or urban design than would strict compliance with otherwise applicable off-street parking standards.

3. Review by Director

The Director shall review the parking study and any other traffic engineering and planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use. After reviewing the parking study, the Director shall establish a minimum off-street parking standard for the proposed use.

B. Off-Site Parking

In addition to the instances provided in **Section 11.03.010. Location of Required Parking**, off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if approved by the Director and if the off-site parking complies with all of the following standards.

1. Ineligible Activities

Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking and Cottage Courts [see **Subsection 7.02.060.D**]), restaurants (except in the Downtown Overlay District), convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off-site.

2. Location

No off-site parking space may be located more than 600 feet from the primary entrance of the use served, measured by the shortest accessible pedestrian route of travel, unless shuttle bus service is provided to the remote parking area. Off-site parking spaces may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or shuttle bus service is provided to the remote parking area.

3. Zoning Classification

Off-site parking areas serving uses located in Non-Residential Zoning Districts must be located in Non-Residential Zoning Districts. Off-site parking areas serving uses located in Residential Zoning Districts may be located in Residential or Non-Residential Zoning Districts.

4. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation on forms made available by the Director. Recordation of the agreement with the County Clerk must take place before issuance of the Site Plan for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this section.

C. Shared Parking

It is the City's stated intention to encourage efficient use of land and resources by allowing users to share off-street parking facilities whenever feasible. Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved by the Director and if the shared parking complies with all of the following standards.

1. Location

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided. The distance between the shared parking and the served uses shall be measured by the shortest accessible pedestrian route of travel to an accessible entrance. The applicant shall provide an exhibit demonstrating that the location of shared parking meets the requirements.

2. Zoning Classification

Shared parking areas serving uses located in Non-Residential Zoning Districts must be located in Non-Residential Zoning Districts. Shared parking areas serving uses located in Residential Zoning Districts may be located in Residential or Non-Residential Zoning Districts. Shared parking areas shall require the same or a

more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

3. Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

a. Shared Parking Calculation

(i) A shared parking calculation, using the format provided by the Development Manual shall be required to determine the minimum number of spaces.

(ii) The minimum parking required shall be the highest adjusted total parking for any time period.

(iii) The percentage of parking used during each time period shall be provided by the applicant and subject to approval by the Director.

(iv) Accessible spaces required by ADA shall be calculated by individual use and not be shared.

4. Agreement for Shared Parking

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation on forms made available by the Director. Recordation of the agreement with the Recorder of Deeds must take place before issuance of a Site Plan for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this section.

5. Revocation of Permits

Failure to comply with the shared parking provisions of this section shall constitute a violation of this Code and shall specifically be cause for revocation of a Certificate Of Occupancy and/or Building Permit.

D. Transportation Management Plan

The Director may authorize a reduction in the number of required off-street parking spaces for developments or uses that institute and commit to maintain a transportation management program, in accordance with the standards of this section.

1. Required Study

The applicant shall submit a study to the Director that clearly indicates the types of transportation management activities and measures proposed. The study shall be provided in a form established by the Director and made available to the public.

2. Transportation Management Activities

There shall be no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures shall serve as a guide to eligible transportation management activities.

3. Transportation Coordinator

The occupant of the development or use may appoint an employee to act as Transportation Coordinator with responsibility for disseminating information on ride-sharing. Other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons,

Transportation Coordinators must be available to attend meetings and training sessions with the City or transit providers.

4. Off-Peak Work Hours

   Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as 7:00—9:00 a.m.

5. Preferential Parking

   The provision of specially marked spaces for each registered carpool and vanpool may be cause for a reduction in otherwise applicable off-street parking requirements.

6. Financial Incentives

   The provision of cash or in-kind financial incentives for employees commuting by carpool, vanpool, and transit may be cause for a reduction in otherwise applicable parking requirements.

11.04.020. Alternative Parking Plans in a Historic Overlay District

See **Chapter 5** for requirements for Alternative Parking Plans in a Historic District.

Section 11.05. Vehicle Stacking Areas

11.05.010. Minimum Number of Spaces

1. Off-street stacking spaces shall be provided as indicated in the following table. Off-street stacking spaces shall be in addition to any required parking and loading spaces.

Table 11.05.010-1. Minimum Off-Street Stacking Spaces

Activity Type	Minimum Spaces	Measured From
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	Determined by Development Engineer	
Car lubrication stall	2	Entrance to stall
Car wash stall, automatic	4	Entrance to wash bay
Car wash stall, self-service	3	Entrance to wash bay
Day Care drop-off	3	Facility passenger loading area
Gasoline pump island	2	Pump Island
Parking lot, controlled entrance	4	Key Code Box
Apartment gated entrance	4	Key Code Box
School (Public and Private)	Determined by Development Engineer	
Other	Determined by Development Engineer	

2. For uses where stacking is determined by the Development Engineer, the applicant shall submit a queuing analysis based on peak demand at the proposed use, consistent with the most current ITE Manual, including exhibits and calculations demonstrating that the proposed stacking spaces prevent queues from extending into the right-of-way or blocking parking and internal circulation. The Development Engineer will approve or modify the requirement based on the submitted information.
3. The Development Engineer may approve an alternate minimum stacking requirement for any of the minimums in **Table 11.05.010-1. Minimum Off-Street Stacking Spaces** when the applicant submits exhibits and calculations to support an alternate minimum.

11.05.020. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

A. Size

Stacking spaces must be a minimum of 10 feet by 20 feet in size.

B. Location

1. Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.
2. Stacking spaces may not occupy any portion of a public right-of-way.
3. Stacking spaces shall not interfere with parking spaces, parking aisles, loading areas, internal circulation, driveways, or pedestrian crosswalks.

C. Design

Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director for traffic movement and safety. Turnaround space shall be provided between the Key Code Box and gate for any gate-restricted entrance to safely allow a vehicle to exit the entrance queue.

Section 11.06. Off-Street Loading

11.06.010. No Use of Public Right-of-Way

At no time shall goods be loaded or unloaded from the right-of-way of a collector or arterial street. No part of any vehicle shall be allowed to extend into the right-of-way of a collector or arterial street while being loaded or unloaded.

11.06.020. Location

Plans for location, design, and layout of all loading spaces shall be indicated on required Site Plans.

11.06.030. Space Size

Off-street loading spaces, excluding maneuvering areas, shall be at least 12 feet wide and 20 feet long unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case the minimum size of a space shall be 12 feet by 54 feet.

Section 11.07. Bicycle Parking

11.07.010. Purpose

The purpose of this section is to encourage sufficient safe and convenient bicycle parking, encourage bicycling as a form of transportation, and reduce traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

Table 11.07.010-1. Recommended Number of Bicycle Spaces by Use

Use	Minimum Number of Bicycle Parking Spaces
Retail Sales	1 per 10 required vehicular spaces
Food and Beverage Services	1 per 20 required vehicular spaces
Civic and Cultural Facilities	1 per 10 required vehicular spaces
Business, Professional and Technical Services and Financial and Real Estate Services	1 per 15 required vehicular spaces
Lodging Facilities	1 per 20 guest rooms
Other Commercial Uses not listed above	1 per 20 required vehicular spaces (0 for Agricultural Uses and Animal Production and Ranching if fewer than 20 spaces)
Park	5, plus 5 per acre of land
Educational Service Establishments (Public and Private)	(K-12): 1 per 50 employees and 1 per 25 students (grades 6-12) (Colleges and Universities): 1 per 40 employees and 1 per 15 students at planned capacity

Use	Minimum Number of Bicycle Parking Spaces
Industrial Uses	1 per 20 required vehicular spaces
Residential Uses with four or more units	1 per 10 required vehicular spaces (without garage or equivalent) None (with garage or equivalent)

11.07.020. Vehicular Parking Substitution

In the Downtown Overlay Area 2, Williams Drive plan study area, or the Austin Avenue plan study area, up to 10% of required vehicle parking spaces may be substituted with bicycle parking facilities.

11.07.030. Bicycle Parking Facilities – Minimum Requirements

A. Bicycle facilities must be designed to accommodate at least the minimum number of bicycles identified by **Table 11.07.010-1. Recommended Number of Bicycle Spaces by Use**.

B. Bicycle parking facilities shall consist of racks or lockers anchored in concrete or anchored to a building or structure to prevent movement or theft and withstand severe weather and exposure. Facilities must be at least 36 inches in height and provide a user with the ability to lock one wheel and the frame to the rack, with the user providing the lock and chain.

11.07.040. Location Requirements

A. All bicycle parking spaces and facilities shall be placed according to the following criteria:

1. On the ground floor of the building or facility associated with the use, unless site factors, access, or licensing restrictions prohibit locating bicycle parking on the ground floor;
2. In a location that is conveniently and safely accessed by bicycle and by foot and in a way that minimizes conflicts with motor vehicles and pedestrians;
3. Within 50 feet of the primary building entrance, in a well-lit location that maximizes visibility to users and the public, and is not isolated or remote from building entrances, sidewalks, and vehicular parking facilities.
   a. If a parking facility has multiple entrances, the bicycle parking spaces may be spread out among the multiple entrances.

B. Bicycle parking spaces shall be accessible without climbing more than one step or going up or down a slope in excess of 12%.

Chapter 12. Sign Standards

Section 12.01. General

12.01.010. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 51, 54, 211, 216 and the City Charter.

12.01.020. Purpose and Objectives

The purpose of this chapter is to provide clear regulations for the permitting, design, location, construction, modification, use, maintenance, and removal of signs in the City's corporate limits and its extraterritorial jurisdiction (ETJ). The objectives are to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the community's overall aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

12.01.030. Applicability and Effect

A. In accordance with Texas Local Government Code §§ 216.901 and 216.902, these regulations apply to all areas within the corporate limits of the City and those areas within its extraterritorial jurisdiction and supersede the regulations adopted under Chapter 394 of the Texas Transportation Code.

B. A sign may be erected, placed, established, painted, created, or maintained in the jurisdiction only in conformance with the standards, procedures, exemptions, and other requirements of this Code. These regulations apply to both commercial and non-commercial messages.

C. All signs not expressly permitted by this chapter are prohibited, except as approved through the appeals process established by this Code. In particular, the following signs are expressly prohibited within the City's corporate limits and ETJ:

   1. Signs within public rights-of-way;
   2. Signs affixed to a tree or utility pole; and
   3. Signs located within the restricted area defined in Section 12.44.010 of the Code of Ordinances ("sight triangle").

12.01.040. Applicable Regulations in Extraterritorial Jurisdiction

For signs not prohibited by this code, the maximum sign area and height shall not exceed the following for properties in the ETJ. In overlapping areas, the most restrictive sign regulations apply.

A. Any area within 200 feet of a residential lane, residential street, or rural subdivision street right-of-way must meet all sign regulations that apply within the Residential Single-Family (RS) Zoning District.

B. Any area within 200 feet of a residential collector street right-of-way must meet all sign regulations that apply within the High Density Multi-Family (MF-2) and Low Density Multi-Family (MF-1) Zoning Districts.

C. Any area within 200 feet of a major collector street right-of-way must meet all sign regulations that apply within the Local Commercial (C-1) Zoning District.

D. Any area within 250 feet of an arterial (major or minor) or a freeway right-of-way must meet all sign regulations that apply within the Regional Commercial (C-2) Zoning District.

E. Any other area within the ETJ must meet all sign regulations that apply within the Agriculture (AG) Zoning District.

12.01.050. Master Sign Plan

Pursuant to the procedures and provisions outlined in **Section 3.19** ("Master Sign Plan") a Master Sign Plan shall be required for all Planned Unit Developments and all multi-building or multi-occupant commercial developments when required by the Building Official before any signs for such development may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved Master Sign Plan.

12.01.060. Nonconforming Sign Standards

The standards for nonconforming signs are set forth in **(16.06)**, Nonconforming Signs.

12.01.070. Abandoned and Unsafe Signs

A. All signs in the City's corporate limits and ETJ shall be properly maintained to the satisfaction of the Building Official. Abandoned signs, or signs that are illegal, unsafe, or insecure, are declared a public nuisance. Failure to maintain or remove a sign in violation of this section may be subject to penalties as set forth in **Section 17.03.030**.

B. Pursuant to Section 216.003(e) of the Texas Local Government Code, if the Building Official determines a sign is an Abandoned Sign, the owner, agent, or person having the beneficial use of the land, building, or structure upon which the sign is located shall remove the Abandoned Sign within 30 days of the determination.

C. Pursuant to Chapter 54 of the Texas Local Government Code, if the Building Official determines a sign is unsafe, insecure, or presents a hazard to the public in any way, they shall provide notice to the owner, agent, or person having the beneficial use of the land, building, or structure upon which the sign is located. If within 15 days of the day of the notice the sign is not repaired, made conforming, or removed, or an appeal has not been filed in accordance with this section, the Building Official is authorized to cause the removal of that sign, and any expense incident hereto shall be paid by the permit applicant, owner of the land, building, or structure to which that sign is attached or upon which it is erected. The Building Official may cause any sign, which is determined to be an immediate hazard to the general public, to be removed summarily and without notice.

D. The owner, agent, or person having the beneficial use of the land, building, or structure upon which the sign is located may appeal the determination of the Building Official that a sign is unsafe, insecure, or presents a hazard to the public by filing an appeal with the Building Standards Commission within 15 days of that notice, under the procedure for appeal of a decision of the Building Official under Chapter 2.64 of the Code of Ordinances. Upon receipt of an appeal, the Building Standards Commission shall schedule a hearing for the next available meeting, where the Building Official and the appellant shall each have an opportunity to speak to the status of the sign. The Building Standards Commission shall have the power to affirm or reverse the determination of the Building Official, and the decision of the Building Standards Commission shall be final.

12.01.080. Alternative Sign Plan

To provide flexibility in the attainment of sign code compliance, an applicant may request an Alternative Sign Plan when a Master Sign Plan is either not applicable or practical under the circumstances. The Building Official is the decision-making authority for an Alternative Sign Plan using the Administrative Exception process detailed in **Section 3.14**, **Administrative Exception** of this Code.

Section 12.02. Summary of Permitted Signs

The following Table establishes permitted signs within the City's corporate limits and those areas within the ETJ based on underlying Zoning District. **Table 12.05.010-1** details permitted signs with specific dimensional standards per Zoning District, Overlay District, or street corridor. All sign types not listed in **Table 12.01.080-1** or **Table 12.05.010-1** are prohibited, unless otherwise specified in this chapter.

Table 12.01.080-1. Permitted Sign Types by District

Sign Info	RS, RE, RT & MH Districts	AG, RM, MF-1 & MF-2 Districts	PF Districts	C-1,C-2, I-1 & I-2 Districts	Downtown and Old Town Overlay Districts*
Sign Type					
Banner	-	-	-	P	C
Incidental	A	A	A	A	A
Subdivision Entry	P	P	-	-	-
Temporary	P	P	P	P	P
Sandwich Board	-	-	A	A	A
Sign Feature					
Changeable Copy	-	-	-	P	C
External Illumination	-	-	P	P	C
Internal Illumination	-	-	-	P	C
Key	**A** = Allowed without Permit **P** = Sign Permit required **C** = Certificate of Appropriateness required; Sign Permit Required *For signs in the Downtown Historic District, see the Historic District Design Guidelines				

Section 12.03. Exempt Signs

This chapter exempts the following signs:

A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

B. Any sign inside a building, not attached to a window or door, that is not intended to be viewed from outside such as a sign on a clothing rack intended to sell clothes to patrons already inside the store;

C. Traffic control, service entrance, and directional signs on private property, such as "Stop," "Yield," "Enter," and similar signs, that do not exceed 4 feet in height or 4 square feet in area or meet state or City standards or

conform to the *Manual of Uniform Traffic Control Devices*, as published by the U.S. Department of Transportation, Federal Highway Administration;

D. Address and postbox numerals conforming to the requirements of Chapter 15.36, Street Naming and Street Addressing, of the Code of Ordinances, as amended;

E. Government signs, including flags, erected by or for the City, county, state or federal government in furtherance of their governmental responsibility;

F. Legal notices; and

G. Signs prepared by or for the local, state, or federal government marking sites or buildings of historical significance that do not exceed 7 feet in height or 8 square feet in area.

Section 12.04. Prohibited Sign Types

All signs not expressly permitted under this Code or exempt from regulation in the previous section are prohibited within the City's corporate limits and those areas within the ETJ. Prohibited signs include, but are not limited to:

A. Beacons (i.e. light beams);

B. Portable Signs;

C. Roof signs above the lesser of the height of the structure or allowable freestanding sign height within the District in which it is located;

D. Inflatable signs and tethered balloons greater than 18 inches in diameter;

E. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs;

F. Off-premise signs;

G. Streamers;

H. Signs that emit an odor or produce an audible message; and

I. Unshielded neon.

Section 12.05. Sign Design and Area Regulations

12.05.010. Sign Dimensional Standards

Table 12.05.010-1. Sign Dimensions by District

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
Downtown Overlay and Old Town Overlay Districts (see also Base Zoning District requirements below)	For additional detailed guidelines related to signs in these Districts, see Chapter 5: Signs and Colors in the City's Historic District Design Guidelines. Monument signs shall be no greater than 5 feet in height and pole signs shall not be permitted.					

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
AG RE RT RS RM MH	Freestanding Monument Sign	2	5	2	1	**12.05.030.A**
	Flag	40	25	5	—	**12.05.030.E**
	Incidental Sign	4	2	5	2 per lot. Additional signs may be approved with Sign Permit	**12.05.030.C**
C-1 PF MF-1 MF-2 (For properties fronting Williams Dr/FM 2338, I-35, SH-195, SH 130, see below)	Freestanding Monument Sign	32	5	5	1 per 500' of frontage or fraction thereof	**12.05.030.A**
	Low Profile Pole Sign	20	6	5	1 per 500' of frontage or fraction thereof	**12.05.030.A**
	Flag	40	25	5	—	**12.05.030.E**
	Building Wall	1 per linear foot of primary façade	—	—	—	**12.05.030.C**
	Incidental Sign	4	2	5	Two per acre per lot. Additional signs may be approved through a Sign Master Plan per **12.01.050**	—
C-1 C-2 I-1 I-2 MU-DT (for properties in the MU-DT District, see also Historic District Design Guidelines. For properties fronting v	Freestanding Monument Sign	1 per linear ft of primary façade not to exceed a max of 48 sq ft per sign face	6	5 (10 in IN District)	1 per 500' of frontage or fraction thereof	**12.05.030.A** **12.05.030.E.2**
	Low-Profile Pole Sign	20	10	5 (10 in IN District)	1 per 500' of frontage or fraction thereof	**12.05.030.A**
	Flag	40	25	5	—	**12.05.030.E**
	Building Wall	1 per linear foot of primary façade	—	—	—	**12.05.030.C** **12.05.030.E.2**

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
	Incidental Sign	4	2	5 (10 in the IN District)	Two per acre per lot Additional signs may be approved through a Sign Master Plan per **12.01.050**	—
All properties fronting Williams Drive/FM 2338	Freestanding Monument Sign	48	5	5	1	**12.05.030.A 12.05.030.E.2**
	Flag	40	25	5	—	**12.05.030.E**
	Building Wall	1 per linear foot of primary façade	—	—	—	**12.05.030.C 12.05.030.E.2**
	Incidental Sign	4	2	5	Two (2) per acre per lot. Additional signs may be approved through a Sign Master Plan per **12.01.050**	—
All properties fronting: I-35 SH-195 SH-130	Freestanding Monument Sign	60	8	5	1 per 200' frontage or fraction thereof	**12.05.030.A**
	High Profile Monument Signs on SH-195 and SH-130	225	28	5	1 per 600' of frontage or fraction thereof	**12.05.030.E.2**
	High Profile Monument Signs on I-35	225	28	5	1 per 600' of frontage or fraction thereof, but not less than 400' separation	**12.05.030.E.2**
	Pole Signs on I-35	225	28	—	1 per 600' of frontage or fraction thereof, but not less than 100'	**12.05.030.D**

Zoning District	Classification	Maximum Area Per Sign (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)*	Maximum Number per Lot	Conditions
					separation, w/ 200' from Monument Sign	
	Flag	40	25	5	—	**12.05.030.E**
	Building Wall	1 per linear foot of primary façade	—	—	—	**12.05.030.C**
	Incidental Sign	4	2	5	Two per acre per lot. Additional signs may be approved through a Sign Master Plan per **12.01.050**	—
Multi-tenant Signs	Multi-tenant Signs are allowed per the provisions of **12.05.060. Multi-Tenant Signs**					
Residential Model Homes	Model Home Signs are allowed per the provisions of **6.02.070.B.8**					
Bed and Breakfast	Bed and Breakfast Signs are allowed per the provisions of **6.02.040.B.2** and **6.02.040.B.3**					
Office in the RS District	Office uses in RS District with a SUP are allowed one sign per the provisions of **6.02.040.B.12.a**					
Automobile Sales, Rental or Leasing Facility	Automobile Sales, Rental or Leasing Facility uses are allowed signs as per the provisions of **6.02.040.B.19**					
** The setback requirements above apply to all parts of the sign, as well as all parts of its pole, foundation, or other appurtenances. Please also refer to* **12.05.030.H. Signs Along Streets, Public Ways, or Railroads** *for additional setback requirements applicable to signs adjacent to public rights-of-way.*						

12.05.020. Sign Area Computation

The following describes the computation of sign area and sign height.

A. Computation of Area of Individual Signs

1. The permitted area for all signs pursuant to **Section 12.05.010. Sign Dimensional Standards**, shall be inclusive of the sign base and sign cabinet. The sign cabinet is the structure or border used to differentiate a sign face from the structure against which a sign face is placed. In no case shall the overall sign structure, including the base, exceed the maximum allowed height nor the maximum allowed sign area.
2. Where a sign consists of individual letters, words, or symbols attached to a surface, building, canopy, awning, or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words, or symbols and any accompanying background of a color different than the natural color of the wall. For signs including multiple words, each word located in the same plane shall be computed separately.

B. Computation of Area of Multi-Faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are substantially similar, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

C. Computation of Height

The height of a sign shall be computed as the average distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

D. Computation of Maximum Total Permitted Sign Area

The permitted sum of the area of all individual signs shall be computed by applying the Zoning District formulae contained in **Section 12.05.010. Sign Dimensional Standards** to the lot frontage, building frontage or wall area, as appropriate. Lots fronting on two or more streets are allowed to calculate the longest street frontage into the allowable allocation to be identified by the Master Signage Plan.

E. Computation of Maximum Number of Signs

Pursuant to **Table 12.05.010-1. Sign Dimensions by District**, each lot is allocated the maximum number of signs allowed per Zoning District. Where indicated, additional signs beyond the identified allowance shall be determined by the lineal frontage of the lot.

12.05.030. Design Requirements

A. Monument Signs and Low-Profile Pole Signs

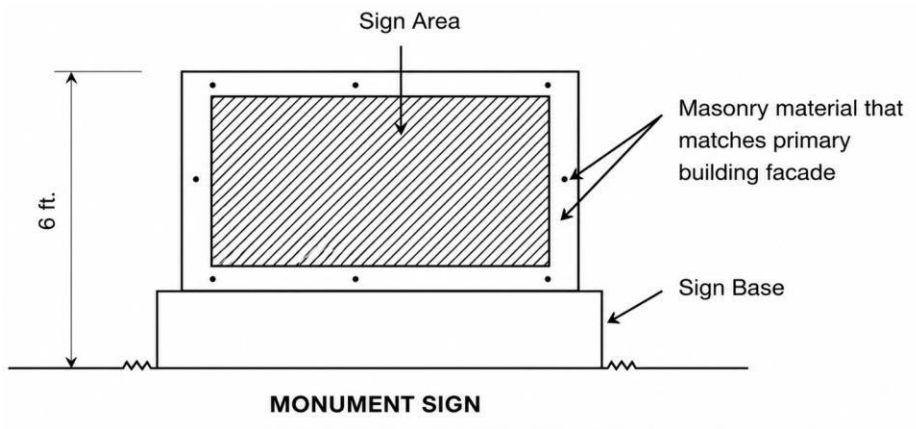
Monument signs or low-profile pole signs are the only permanent freestanding sign allowed, except on properties with I-35, SH 130, or SH 195 frontage, where pole signs are also permitted.

1. Monument Signs
   a. Monument signs shall not have more than two sign faces.
   b. The structure of monument signs shall be constructed of the same or similar materials as those utilized on the primary building's façade.

c. Monument signs located on the same property must be spaced a minimum of 80 feet apart from other freestanding signs for which a permit is required.

d. A shared monument sign is encouraged. Such a monument sign must be located on one of the properties included in the sign text.

Figure 12.05.030-12.05.03-1. Monument Sign Example



2. Low-Profile Pole Signs

a. Low-profile pole signs are permitted on any property as an alternative to permitted pole or monument signs.

b. Low-profile pole signs shall not have more than two sign faces.

c. Low-profile pole signs located on the same property must be spaced a minimum of 80 feet apart from other freestanding signs for which a permit is required.

d. A shared low-profile sign is encouraged. Such a sign must be located on one of the properties included in the sign text.

e. In the C-1, C-2, MU-DT, I-1 and I-2 Districts:

(i) Landscaping

(a) The use of low-profile pole signs requires the installation of a landscaped area equal to twice the area of one face of the pole sign.

(b) The required landscaping shall consist of four healthy, nursery stock shrubs, 5-gallon container size, and ground cover as permitted in **Section 9.05.020**.

(c) The required landscaping shall be located at the base of the pole sign.

(d) The owner and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.

(ii) Additional Sign Allowances

(a) For properties in excess of 500 feet of frontage, additional sign square footage is allowed as determined in **Table 12.05.010-1. Sign Dimensions by District**.

(b) The cumulative square footage of allowed signs may be distributed between the maximum number of allowed signs with no one sign exceeding 90 square feet in size.

3. RE, RT, RS and MH Districts

   In the RE, RT, RS and MH Districts externally illuminated free standing signs shall only be located adjacent to arterial roadways.

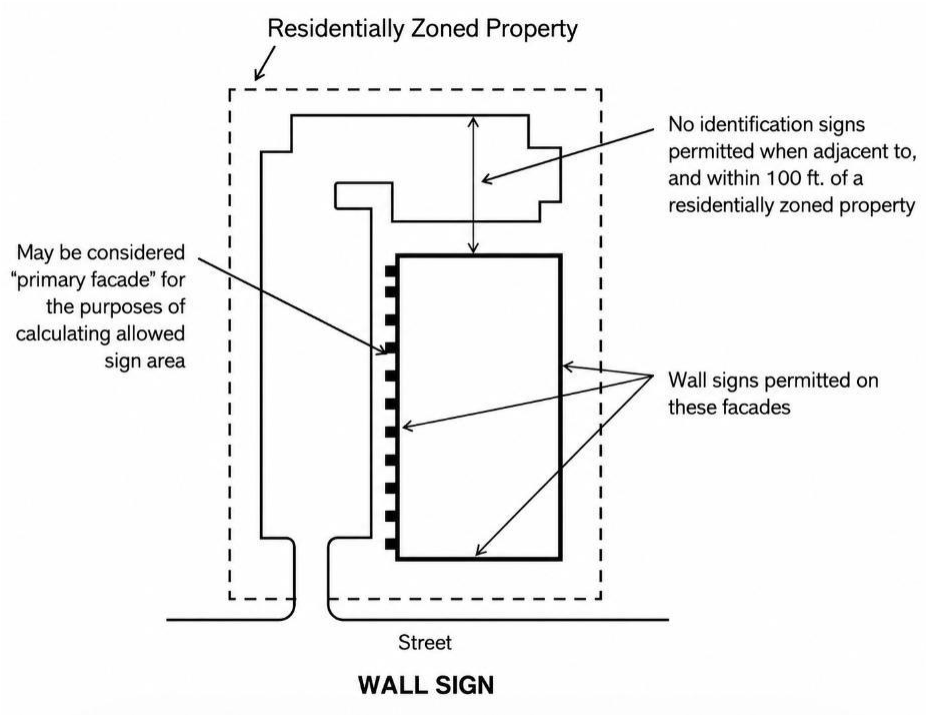
B. Landmark Signs

To be recognized and designated as landmark signs, an individual sign must be approved by the procedures adopted by the Historic and Architectural Review Commission. To be considered for designation, these signs shall exhibit such a unique character, design or historical significance to be recognized by the community.

C. Building Wall Signs

1. The calculation of building wall signage shall be based upon a building's primary entrance and building façade as defined in **Section 18.02**.
2. Wall signs will be allowed for the maximum area per square foot as allowed in the Zoning District as provided in **Table 12.05.010-1. Sign Dimensions by District** and the conditions of **Subsection 12.05.030.C**.
3. Building wall signs may be placed on any portion of the building wall but shall not exceed the height of the wall. Wall signs shall not project more than 8 inches from the building or structure, shall have only one sign face, and shall be affixed to the wall.
4. Building wall signs may be placed on any face of the building, except those directly adjacent to, and within 100 feet of a residential property line within a Residential Zoning District. If the residential zoned property is developed as a Non-Residential use then this restriction shall not apply.
5. Posters, signs, or announcements located in window areas not exceeding 50% of an individual window area shall not be calculated as an element of total allowable site signage. Any sign area in excess of the 50% will cause the entire area of the poster, sign, or announcements to be calculated as an element of total allowable building wall signage.

Figure 12.05.030-12.05.03-2. Wall Sign Location Diagram



D. Pole Signs on Properties with IH 35 Frontage

Pole signs are permitted on properties with I-35 frontage, which are zoned C-1, C-2, I-1, or I-2, provided they meet the following requirements:

1. Height limit shall be 28 feet, but additional height may be allowed using the following as determining factors:
   a. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of I-35.
   b. Determination of the elevational difference shall be measured by projecting a perpendicular line from the centerline of the proposed location of the sign to the main I-35 roadway section nearest the sign.
   c. The allowance will only apply for properties and sign locations that are determined to be lower in elevation than I-35, as determined by **Subsection b** above.
2. The maximum area shall be 225 square feet per face.
3. Pole signs shall not have more than two sign faces.
4. Properties with I-35 frontage may have only one pole sign for each 600 feet of frontage or fraction thereof. Pole signs shall be spaced a minimum of 100 feet apart.
5. Pole Signs shall be spaced a minimum of 200 feet from a High Profile Monument Sign.
6. If a Pole Sign is used along the I-35 frontage, a Marquee Sign cannot also be used.
7. All signs shall maintain a minimum clearance from electric power lines of 10 feet horizontally and 15 feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner.

8. Electronic Messaging Center signs with I-35 frontage are subject to the standards in **Subsection 12.05.050** below.

E. Flags

Flags are permitted in all Zoning Districts provided that they meet the following requirements:

1. Flags shall not exceed the Maximum Height and Size as provided for in **Table 12.05.010-1. Sign Dimensions by District** of **Section 12.05. Sign Design and Area Regulations**. The overall measurement of the flagpole shall not exceed 25 feet in height as measured from the base of the pole to the top regardless of where the flagpole is located.
2. When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the Building Code for wind and structural loading requirements. The plan design criteria shall provide the proposed location, attachment method to the structure and wind load resistance. A Building Permit shall be required for this type of installation.
3. Within Zoning Districts C-1, C-2, MU-DT, I-1, and I-2, ground-mounted flagpoles can exceed the 25-foot height limit but shall not exceed the maximum building height as allowed in that Zoning District.

F. Marquee Sign

The following sign design standards shall be used in addition to **Table 12.05.010-1. Sign Dimensions by District** for a marquee sign as defined in **Section 18.02**. The definition of a sign in **Section 18.02** shall also apply for all types of signs used within this section.

1. Marquee signs will be allowed for the maximum area per square foot as allowed for wall signs in the District as provided in **Table 12.05.010-1. Sign Dimensions by District** and the conditions of **Subsection 12.05.030.C**.
2. If a pole sign is used along the I-35 frontage, a marquee sign cannot also be used.
3. A marquee sign shall only be located on the building's primary façade and over the main entrance.
4. The calculation for the total square foot area of a marquee sign shall be based solely upon the number of movie screens or stages provided in the building. In addition to the maximum area per square foot sign allowance, an additional one square foot per linear foot of primary façade for marquee signs can be allowed. For the purpose of this section a marquee sign is considered to be a maximum 6-foot-by-24-foot panel. The ratio would equal three movies or stage titles to one panel. The maximum area of 2 square feet per linear foot of primary façade shall not be exceeded. The maximum height shall not exceed 20 feet.
5. Posters or announcements shall be located directly under the marquee sign and shall not exceed 50% of the area contained within the overall maximum width of the marquee sign. In this case, these types of signs shall not be calculated as an element toward the total maximum sign area. When located outside, these types of signs shall be located in protective cases. An excess of the 50% will cause the entire area to be calculated as an element of total allowable site signage.

G. High Profile Monument Signs

High profile monument signs are permitted on properties with SH 130, SH 195, and IH-35 frontage, which are zoned C-1, C-2, I-1, or I-2, provided they meet the following requirements:

1. The maximum height limit shall be 28 feet, but additional height may be allowed using the following as determining factors:

Figure 12.05.030-12.05.03-3. High Profile Monument Sign

a. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of the main lanes.

b. Determination of the elevation difference shall be measured by projecting a perpendicular line from the center line of the proposed location of the sign to the center line of the main lanes nearest the sign.

c. The allowance applies only to properties and sign locations that are determined to be lower in elevation than the main lanes, as measured by **Subsection b** above.

2. The maximum area shall be 225 square feet per face.

3. High profile monument signs shall not have more than two sign faces.

4. Properties with SH 130 or SH 195 frontage may have only one high profile monument sign for each 600 feet of frontage. High profile monument signs shall be spaced a minimum of 600 feet apart. If a property has less than 600 feet of frontage on SH 130 or SH 195 a high profile monument sign is not allowed.

5. Properties with IH-35 frontage may have only one high profile monument sign for each 600 feet of frontage or fraction thereof. High profile monument signs shall be spaced a minimum of 400 feet apart.

6. High profile monument signs shall be spaced a minimum of 200 feet from a pole sign.

7. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner.

H. Signs Along Streets, Public Ways, or Railroads

1. Except as set forth below, no sign may be placed on or over the area located unless authorized by a license agreement with the City:

a. Within 10 feet of the back of the street curb for City or county rights-of-way or the actual right-of-way, whichever is greater;

b. Within 25 feet for state rights-of-way or the actual right-of-way, whichever is greater;

c. If no curb exists, within the impervious surface of the street;

d. If unpaved, within 10 feet of the portion of the City ordinarily used for vehicular travel;

e. Within the median of a street;

f. Across the public right-of-way line;

g. Across a railroad right-of-way; or

h. In the restricted areas at street intersections designated by Section 12.44.010 of the City of Georgetown Municipal Code ("sight triangles").

2. The following may be placed on or over the areas listed in **Subsection 12.05.030.H.1**:

a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

b. Bus stop signs erected by a public transit company.

12.05.040. Sign Lighting Standards

A. No illuminated sign which has a sign area of 150 square feet or less shall have luminance greater than 300 footcandles, nor shall it have luminance greater than 300 footcandles for any portion of the sign within a circle 2 feet in diameter.

B. No illuminated sign which has a sign area greater than 150 square feet shall have a luminance greater than 200 footcandles for any portion of the sign within a circle of 2 feet in diameter.

C. No unshielded light source shall be visible from the edge of the public right-of-way at a height of 3 feet.

12.05.050. Electronic Message Centers

A. Electronic Message Centers shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.

B. No scrolling, flashing, rotating, or animated displays are allowed.

C. Electronic Message Centers shall be equipped with an automatic dimmer device and shall be programmed to automatically dim the electronic sign to a maximum illumination of no more than 0.3 footcandles above ambient light conditions as measured at any point along the property line.

D. Displays shall remain static for at least 15-second periods. Transitions must occur within a one-second period.

E. The display shall be configured to turn off or return to a static, default design if a malfunction occurs.

12.05.060. Multi-Tenant Signs

Developments containing two or more businesses, whether in a single building or multiple buildings, shall share a sign structure located within the development. This provision is applicable to businesses located on the same lot upon which the sign is located as well as to businesses located upon different lots within the development. Such signs shall comply with the following:

A. The lot or lots involved must be contiguous with one another, and constitute a single cohesive development;

B. The sign(s) must be located on a lot that the building occupies;

C. The sign shall be designed in the overall architectural style and with the same or similar exterior materials of the buildings within the development;

D. The signs may be any sign type that is otherwise allowed by this chapter;

E. Private streets within the boundaries of the development are treated as public rights-of-way for purposes of determining allowable signage;

F. Individual pad or lease sites, defined in the approved Site Plan, are treated as separate lots for purposes of determining allowable signage;

1. Businesses shall not be allowed advertising on both the multiple tenant (shared) sign and another free standing business identification sign;
2. Multi-tenant monument signs with four or more tenants may have an allowable sign area not to exceed 64 square feet.

G. In addition to signage that would otherwise be allowed on a lot, one additional monument sign not exceeding five feet in height and 32 square feet in area may be located at each intersection of public roadways and/or private roadways.

H. All other provisions of this ordinance shall be applicable to this sign category, including but not limited to, allowed number based on road frontage (multiple lot developments are treated as a single lot for this purpose), allowable size as a function of Zoning District, spacing, illumination, materials, etc.

12.05.070. Subdivision Entry Signs

Subdivision entry signs are allowed at primary subdivision entrances, subject to the following standards:

A. Subdivision entry signs are allowed at one primary entrance unless the subdivision has entrances on two different major arterials, in such case an entrance sign may be placed on each of the major arterial roadways.

B. Subdivision entry signs must be monument signs, subject to the definition of this Code and may contain a maximum of 40 square feet per sign face with a maximum height of 6 feet.

C. Subdivision entry signs must be constructed of stone, brick, or other masonry material(s) compatible with surrounding development.

D. Subdivision entry signs must be set back a minimum of 5 feet from the property line outside of the required sight triangle (**Subsection 14.06.040**) and located outside of any utility easement, unless authorized by a license agreement with the City.

E. Subdivision entry signs must provide a landscaped area equal to twice the area of the sign face, providing one 5-gallon shrub for every 10 square feet of landscaped area.

1. Irrigation must be provided consistent with the standards of **Section 9.05.050. Irrigation Requirements**.
2. The owners and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.

Section 12.06. Temporary Signs

12.06.010. General

All temporary signs require a Temporary Sign Permit, following the procedures of **Section 3.20. Sign Permit**. Temporary signs may be allowed for permanent uses, temporary uses or for special events, all of which may be addressed separately in this section. All temporary signs shall be designed, constructed, and maintained in accordance with the following standards:

A. All signs shall always comply with applicable provisions of the City Code.

B. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be securely attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. All signs shall always be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code .

D. All signs shall maintain a minimum clearance from electric power lines of 10 feet horizontally and 15 feet vertically or as may otherwise be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner or as otherwise required by the electrical utility.

Any spotlights allowed to illuminate signs or sign illumination shall be shielded such that their light source cannot be seen from abutting roads or properties and shall meet the lighting regulations in **Section 12.05.040. Sign Lighting Standards**.

12.06.020. Temporary Signs on Private Property

A. Temporary signs on private property shall be subject to the following requirements, unless otherwise set forth in this section:

1. Term

   A temporary sign permit allows the use of a temporary sign for no more than 45 days from the date of issuance.

2. Number

   Only two temporary signs are allowed per lot.

3. Other Conditions

   A temporary sign is allowed only in designated Zoning Districts as set forth in this section and shall be subject to all other requirements of that Zoning District.

4. Restrictions

   a. Temporary signs on private property are limited to banners, window signs, or yard signs measuring no more than four square feet in area, unless otherwise set forth in this section.

   b. Temporary signs on private property shall comply with the setback and height limitations of **Table 12.05.010-1. Sign Dimensions by District** for the Zoning District in which the property is located.

   c. Attachments to the signs, such as balloons or streamers, are not allowed.

B. Temporary signs on private property by a holder of a Special Event Permit shall be subject to the following requirements:

1. Applicability

   This section applies only to signs placed by a holder of a Special Event Permit under Chapter 12.24 of the Georgetown Code of Ordinances. Specific events, activities or sign regulations that are expressly addressed elsewhere in this Code shall apply and nothing in this section shall modify those other provisions or standards.

2. Location, Size, and Height Restrictions

   Temporary signs placed on private property under this section must be approved by the property owner. Signs placed on private property must meet design regulations relating to setbacks, size, height, and other location requirements of the particular Zoning District of the property, as outlined in **Table 12.05.010-1. Sign Dimensions by District.**

3. Term

   Temporary signs placed on private property under this section shall be erected no more than 15 days prior to the permitted event and must be removed within three days following the last day of the event. No special event signage shall be in place longer than 30 days.

C. Temporary signs on private property at a Construction Site shall be subject to the following requirements:

1. Applicability

   This subsection applies to Construction Site Signs, as defined in **Chapter 18**.

2. Size Restrictions

   These signs shall not exceed a total of 100 square feet or the total area permitted under **Section 12.05.010. Sign Dimensional Standards** of this chapter.

3. Term

   Temporary signs shall be removed within one week following Final Inspection or Acceptance by the City, as applicable.

4. Other Requirements

   The state, City, county, or other governmental entity permitting the work may impose additional requirements on the Construction Site sign as a condition of its approval.

D. Temporary signs placed by a registered homeowners or neighborhood organization, which consists solely of the homeowners of a subdivision or neighborhood, provided the following provisions are met:

1. Signs shall be placed only within the boundaries of the applicable subdivision or neighborhood in locations permitted by this chapter.
2. Signs shall not be posted more than 48 hours prior to the beginning of an event or item requiring notice. All such signs shall be removed by the homeowner/neighborhood association no later than 24 hours following the event.
3. Temporary signs shall not exceed 4 square feet in size.

12.06.030. Temporary Signs on Public Property and Right-of-Way

Temporary signs on public property shall not require a permit if installed by the City, the county, the state, the federal government, or another political subdivision of the state who owns or controls the property.

Section 12.07. Directional Signs in Residential Zoning Districts

12.07.010. Erection and Maintenance of Directional Signs

A. The City shall contract with an individual, firm, group, association, or entity in this state to erect and maintain Directional Signs at appropriate locations along eligible City roadways.

B. A contract under this section shall provide for:

1. The assessment of fees to be paid to a contractor by an entity eligible for display of the Directional Sign; and
2. Remittance to the City of at least 10% of the fees collected by the contractor.

C. The City shall make a written award of a contract to the offeror whose proposal offers the best value for the City. In determining the best value for the City, the City may consider:

1. Revenue provided to the City by the contractor;
2. Fees to be charged for inclusion of the signs;
3. The quality of services offered;
4. The contractor's financial resources and ability to perform; and
5. Any other factor the City considers relevant.

D. To the extent of any conflict, this section prevails over any other ordinance relating to the method of the purchasing of goods and services by the City.

12.07.020. Regulation of Directional Signs

A. The City Manager shall:

1. Regulate the composition, placement, erection, and maintenance of Directional Signs and supports on an eligible roadway right-of-way; and
2. Adopt rules necessary to administer and enforce this section.

B. A Directional Sign shall not:

1. Mimic an official traffic-control device; or
2. Be located within the restricted area defined in Section 12.44.010 of the Code of Ordinances ("sight triangle"); or
3. Be divided into more than six panels.

C. The City Manager shall adopt rules, in accordance with applicable federal law, regulations, and guidelines, for determining eligible roadways along which Directional Signs may be located.

12.07.030. Disposition of Funds

Funds received under this section shall be deposited in the general fund.

Chapter 13. Drainage and Environmental Protection

Section 13.01. General

13.01.010. Purpose

A. This chapter is adopted to provide environmental protection within the City's jurisdiction and protect the natural and ecological resources that are essential elements of the City's health and community character by reducing negative impacts from the following concerns:

1. Paved surfaces, automobiles, buildings, and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade.
2. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion, and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern.
3. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well-being of the community and, therefore, it is proper that the use of such elements be required.
4. In addition to the requirements of this chapter, environmental preservation is directly or indirectly addressed in other chapters of this Unified Development Code, including but not limited to **Chapter 9. Landscaping and Fencing**; **Chapter 10. Tree Preservation**; and **Section 15.08. Parkland**.

13.01.020. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212, Texas Water Code, Texas Health and Safety Code, the rules and regulations of the Texas Commission on Environmental Quality, the United States Environmental Protection Agency, and the City Charter.

13.01.030. Applicability

All development in the City and extraterritorial jurisdiction shall comply with the impervious cover limitations and stormwater control requirements and tree/natural resource preservation requirements of this section, **Chapter 9** and **Chapter 10.**

13.01.040. Compliance

A. Within City

Compliance with the requirements of this chapter will be achieved in the City through Site Plan review and Stormwater Permit approval for any new development project, and by requiring any compliance during Subdivision Plat review.

B. Within Extraterritorial Jurisdiction

Compliance with the requirements of this chapter will be achieved in the extraterritorial jurisdiction of Georgetown through Stormwater Permit approval for a development project and by requiring any compliance during Subdivision Plat review.

Section 13.02. Impervious Cover

These impervious cover limitations are adopted to minimize negative flooding effects from stormwater runoff and to control, minimize, and abate water pollution resulting from urban runoff of rainwater or other non-point specific sources, pursuant to Texas Water Code § 26.177.

13.02.010. Impervious Cover Limitation

Impervious cover limitations apply to all properties in the city limits and the City's extraterritorial jurisdiction (ETJ). For phased development projects, overall compliance with impervious cover limitations must be maintained throughout the duration of the multi-phase project.

A. Within the City Limits

1. Non-Residential Development

Non-residential development in the city limits shall follow the provisions below. All development in the ETJ shall follow the provisions in **Section 13.02.010.A.2.c(ii)** below.

a. Over the Edwards Aquifer

If the property is located over the Edwards Aquifer Recharge or Contributing Zones, the maximum impervious coverage for the subdivision must follow the calculation described in **Subsections (i)**., **(ii)**., and **(iii)**. below. Once the maximum percentage for the gross subdivision has been determined, the plat shall denote the maximum per lot within the subdivision. Within a subdivision, impervious cover percentages per lot may vary, provided that the subdivision maximum, per the following calculation, is not exceeded.

(i) Subdivisions Less than or Equal to 5 Acres: The impervious cover maximum allowance is as established in **Section 7.02** and this **Chapter 13** for the respective District, not to exceed 70%.

(ii) Subdivisions Greater than 5 Acres: For subdivisions greater than 5 acres, the impervious cover maximum allowance changes with the total acreage of the subdivision. The impervious cover maximum is as established in **Section 7.02**, **Section 8.02** and this **Chapter 13** for the respective District, not to exceed 70% of the first 5 acres, and 55% of the remaining acreage, as shown below (using the 70%t assumption for the first 5 acres):

Impervious Cover % = [0.70 × 5 acres] + [0.55 × (Total Acreage - 5 acres)] / Total Acreage × 100

(iii) For properties over the Edwards Aquifer Recharge or Contributing Zones, waivers to the 55% limit described in **Subsection (ii)**, above, may be granted in accordance with **Section 13.02.020**, but in no case shall the gross impervious cover exceed 70% including all waivers.

(iv) For properties that fall within the Downtown Water Quality Master Plan's contributing area, the impervious cover may be increased to 95% per the 2005 approved WPAP. Stormwater conveyance to the regional water quality ponds from each site must be shown to meet the *COG Drainage Criteria Manual* criteria. For properties within the Downtown Overlay District that do not fall within the water quality drainage basin established in 2005 WPAP must provide their own water quality treatment.

b. Not Over the Edwards Aquifer

If the property is not located over the recharge or contributing zones, the maximum allowable impervious cover percentages in **Section 7.02**, **Section 8.02** and the provisions of this **Chapter 13,** including **Table 13.02.010-1** shall apply. All maximum percentages are established by District, regardless of use.

Table 13.02.010-1. Impervious Cover (Max. %) for Non-Residential Zoning Districts

Zoning District	Impervious Cover
CN Neighborhood Commercial	75%
C-1 Local Commercial	75%
C-2 Regional Commercial	70%
PF Public Facilities	70%
I-1 Flex Industrial	80%
I-2 Intensive Industrial	80%

2. Residential Development
   a. Residential development in the city limits shall follow the provisions below. All development in the ETJ shall follow the provisions in **Section 13.02.010.A.2.c(ii)**. below.
   b. Except as provided in **Subsection c(ii)** below, impervious cover for development located in Residential Zoning Districts shall be calculated on a per subdivision basis and shall not exceed the limits set forth in **Section 7.02**, **Section 8.02** and the provisions of this **Chapter 13**, including **Table 13.02.010-2**. All maximum percentages are established by District, regardless of use.

Table 13.02.010-2. Impervious Cover (Max. %) for Residential Zoning Districts

Zoning District	Lot Type (When Applicable)	Impervious Cover
AG Agriculture		20%
RE Residential Estate		40%
RT Residential Transition		40%
RS Residential Suburban	All types, front-access	60%
	All types, alley-access	70%
RM Residential Mix	All types, front-access	60%
	All types, alley-access	70%
MF-1 Medium Density Multifamily Residential	All types, front-access	60%
	All types, alley-access	70%
MF-2 High Density Multifamily Residential		75%

   c. Exceptions for Residential Zoning Districts
      (i) Impervious cover credits are established for all properties, regardless of size and location, in **Subsection 13.02.010.C**. below.
      (ii) For Workforce Housing Development in MF-1 or MF-2 Districts, a bonus of up to 20% per site is granted with the provision of 20% of the units restricted as Workforce Housing.

B. Within the Extraterritorial Jurisdiction

Properties located in the ETJ must comply with the following provisions:

1. Over Edwards Aquifer

If the property is located over the Edwards Aquifer Recharge or Contributing Zones, the following shall apply:

a. Single-family residential development without public wastewater service shall not exceed 40% impervious cover. Single-family and two-family residential development with public wastewater service shall not exceed 45% impervious coverage.

b. Non-residential development shall follow the subdivision calculation described in **subsections (i), (ii),** and **(iii)** below. Once the maximum percentage for the gross subdivision has been determined, the plat shall denote the maximum per lot within the subdivision. Within a subdivision, impervious cover percentages per lot may vary, provided that the subdivision maximum, per the following calculation, is not exceeded.

(i) Subdivisions Less than or Equal to 5 Acres: The impervious cover maximum allowance is 70%.

(ii) Subdivisions Greater than 5 Acres: For subdivisions greater than 5 acres, the impervious cover maximum allowance changes with the total acreage of the subdivision. The impervious cover maximum is 70% of the first 5 acres and 55% of the remaining acreage, as shown below:

Impervious Cover % = [0.70 × 5 acres] + [0.55 × (Total Acreage - 5 acres)] / Total Acreage × 100

(iii) For properties over the Edwards Aquifer Recharge or Contributing Zones, waivers to the 55% limit may be granted in accordance with **Section 13.02.020**, but in no case shall the gross impervious cover exceed 70%, including all waivers.

2. Not Over Edwards Aquifer

a. Single-family residential development without public wastewater service shall not exceed 40% impervious cover. Single-family and two-family residential development with public wastewater service shall not exceed 45% impervious coverage.

b. All other development shall not exceed 70% impervious coverage.

C. Impervious Cover Credits

The impervious cover credits listed below apply to all residential development in the city limits and ETJ.

1. Credit for Parkland

Parkland to be dedicated shall be counted toward pervious area.

2. Credit for Public Streets

The area of all public streets shown on the thoroughfare plan or located within the residential subdivision shall be omitted from the calculation of gross area and impervious cover but shall be accounted for in stormwater calculations.

3. Credit for Residential Swimming Pools

For RE, RT and RS Districts, 100% of the square footage of the water surface area of a residential swimming pool shall be counted as a pervious surface. This does not include the apron of the pool, surrounding patio, or decking, all of which will count toward the impervious cover total.

4. Credit for Public Trails and Sidewalks

Public trails, sidewalks, and sidepaths do not count against the maximum impervious cover percentage but shall be accounted for in stormwater calculations.

13.02.020. Waiver of Impervious Cover Limitations

Waivers in this section only apply to commercial and industrial uses in the Edwards Aquifer Recharge and Contributing Zones. These waivers do not apply to a Multifamily use or any use not in the Edwards Aquifer Recharge and Contributing Zones. The Director may increase the amount of impervious cover as specifically listed below, upon verification by the Development Engineer that the development meets the waiver criteria. No combination of waivers may allow impervious cover to exceed 70% when located over the Edwards Aquifer Recharge or Contributing Zone (see **Section 13.02.010**, above). The increased impervious cover shall be accounted for in stormwater calculations. Partial credit of each of the following waivers may be granted. The Director may require maintenance agreements for elements used to increase impervious cover that are not permanent constructed improvements, such as increased landscaping, tree preservation or plant content necessary for low impact site design elements to function.

A. Approvable Waivers

1. Low Impact Site Design (Five Percent (5%))

   a. The Director may increase the amount of permitted impervious cover up to 5% if the development provides low impact development site design features such as any combination of those listed below. Partial-to-full credit for this waiver is assessed based on the percentage of the volume of stormwater runoff for water quality control captured.

      (i) Dry wells or infiltration trenches to capture rooftop and driveway runoff;

      (ii) Rainwater harvesting with an automatic irrigation system for captured water to water on-site landscaping per TCEQ requirements;

      (iii) Preserving stream buffers and riparian corridors; This applies to stream buffers established for drainage areas less than 64 acres or for stream buffers established wider than the 100-year floodplain;

      (iv) Bio-retention facilities ; and

      (v) Vegetated filter strips and grassy swales.

   b. The low impact site design features above must meet the following provisions:

      (i) Accepted low impact development designs must be utilized, following the guidelines and standards adopted by the Texas Commission on Environmental Quality.

      (ii) Accepted low impact development designs must not conflict with or take the place of landscape or tree preservation requirements of Chapter 10.

      (iii) The applicant is responsible for providing sufficient design information for the Development Engineer to examine and verify the improvement.

      (iv) The applicant must provide a binding maintenance agreement, any easements and integrated pest management plans as required by TCEQ. Landscape maintenance agreements may be required.

2. Parking Lot Design (5%)

   The Director may increase the amount of permitted impervious cover up to 5% if the development provides a parking lot design that breaks up the parking area into areas separated by planted or natural landscaping features and provides saw-tooth curbs and other methods that support stormwater infiltration into planted or natural landscaping features within the parking lot. Credit will be given based on percentage of contributing parking area to total parking area.

3. Preservation of Natural Areas and Enhanced Tree Preservation (5%)

   The Director may increase the amount of permitted impervious cover by up to (5%) if:

a. The development retains all of its buffer areas in natural preserve areas and provides an agreement that such areas shall not be irrigated, fertilized, or insecticide or herbicide applied to such areas. Where additional landscaping in buffer or other common areas is required, such landscaping shall meet best practices for low-water use. Buffer areas will prevent erosion, trap sediment, filter runoff and function as a floodplain in high water periods and where adjacent to creeks or rivers. A 1% increase in impervious cover may be granted for each percentage of the subject property land area that is preserved as a natural area, excluding the first 2,000 square feet of natural area. For example, a 50,000 square foot site would receive 5% additional impervious cover by providing 4,500 square feet of natural area.

1% of 50,000 s.f. = 500 s.f.

4,500 s.f. – 2,000 s.f. = 2,500 s.f. eligible for credit

2,500 s.f. / 500 s.f. = 5% credit

b. The development preserves protected trees beyond the minimum required by **Chapter 10**. A 1% increase in impervious cover may be granted for each percentage of protected trees preserved beyond the minimum required. For example, a site required to preserve a minimum of 20% of total protected trees may receive a 3% impervious cover bonus by preserving 23% of the protected trees on a site. Preserved trees meeting the definition of this waiver shall be included and identified in the tree preservation plan and shall meet all other applicable provisions of **Chapter 10**.

4. Over-Provision of Landscaping (5%)

The Director may consider an increase to the amount of permitted impervious cover up to (5%) if the development exceeds the total amount of landscaping plants and trees required by **Section 9.03** by 50%. A 1% increase in impervious cover may be granted for each 10% increase in the total amount of landscaping plants and trees beyond the amount required by **Section 9.03**. The types of plants and trees shall be a mix of perennials, evergreen and deciduous and may be planted anywhere on the site. Demonstrate 30% more planting (#/Count) in each planting category (trees, ornamental trees, shrubs, ground cover) and each landscape requirement (parking lot, buffer, street, gateway). Not to include increasing turf. Must still meet 50% or more low-water use. Examples include a wider bufferyard for staggering screening shrub instead of single row for more density without overcrowding. Must provide enough space for mature size.

5. Landscaping in the Extraterritorial Jurisdiction (5%)

The Director may consider an increase to the amount of permitted impervious cover up to 5% for development in the extraterritorial jurisdiction that shows full compliance with the landscaping requirements of **Section 9.03**, **Section 9.04**, and **Section 9.05**.

Section 13.03. Pollutant Attenuation Plans

13.03.010. Industrial Uses

A. The on-site manufacture of hazardous materials over the Edwards Aquifer Recharge Zone is prohibited. For the purposes of this section, the term "hazardous materials" is defined to include the following:

1. "Hazardous substances," as that term is defined in the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. Sec. 9601(14), and the related regulations; and
2. Gasoline or any other petroleum product or by-product;
3. "Toxic substances," as that term is defined in the Toxic Substances Control Act ("TSCA") 15 U.S.C. Secs. 2601, et seq., and the related regulations; and

4. "Insecticides," "fungicides," or "rodenticides" as those terms are defined in the Federal Insecticide, Fungicide or Rodenticide Act ("FIFRA") 7 U.S.C. Sec. 136 et seq., and the related regulations.

B. An applicant proposing any Industrial use, which is not completely enclosed within a building or buildings, must provide a pollutant attenuation plan which:

1. Proposes methods to capture all surface water run-off from developed areas to contain and filter pollutants generated on-site.
2. Controls dust and other particulate matter generated on-site to meet Texas Commission on Environmental Quality standards.

C. The design of storage facilities for hydrocarbon or hazardous substances, including leak detection systems, spill containment areas or other control measures shall meet the following requirements:

1. Underground Storage Facilities

   Facilities for the underground storage of static hydrocarbon or hazardous substances shall be of double walled construction or of an equivalent method approved by the Utilities Director. Methods for detecting leaks in the wall of the storage facility shall be included in the facility's design and reviewed prior to issuance of appropriate permits for construction.

2. Above-Ground Storage Facilities

   All above-ground storage facilities shall meet the requirements of Section 8.04.910, Georgetown Code of Ordinances.

D. All transport facilities for hydrocarbons and hazardous substances shall be approved by the Utilities Director.

Section 13.04. Stormwater Management System Requirements

No Site Plan, Plat, Subdivision, or Stormwater Permit may be approved unless the project meets the minimum requirements of this Code in making adequate provision for control of the quantity of stormwater runoff to the benefit of both future owners of property within the subdivision and other lands within the watershed.

13.04.010. General Requirements

It shall be the responsibility of the subdivider to design and construct a system for the collection and conveyance of all stormwater run-off flowing onto and generated within the subdivision in accordance with:

A. Any specific or general requirements of these regulations;
B. The City of Georgetown Drainage Criteria Manual;
C. Chapter 15.44, Flood damage prevention, of the Georgetown Municipal Code;
D. Chapter 13.30, Illicit Discharges of Pollutants into the MS4 or Conveyances, of the Georgetown Municipal Code;
E. Good engineering practices;
F. City-approved plans, including any regional stormwater plans; and
G. The principles of stormwater law established by the Texas Water Code.
H. The preservation of existing trees.

13.04.020. Basic Design Objectives

In general, the stormwater management system shall be designed and constructed in a manner which promotes the development of a network of both natural and built drainage ways throughout the community and so as to:

A. Retain natural flood plains in a condition that minimizes interference with flood water conveyance, floodwater storage, aquatic and terrestrial ecosystems, and ground and surface water.
B. Reduce exposure of people and property to the flood hazard and nuisance associated with inadequate control of run-off.
C. Systematically reduce the existing level of flood damages.
D. Ensure that corrective works are consistent with the overall goals of the City.
E. Minimize erosion and sedimentation problems and enhance water quality.
F. Protect environmental quality, social well-being, and economic stability.
G. Plan for both the large flooding events and the smaller, more frequent flooding by providing both major and minor drainage systems.
H. Minimize future operational and maintenance expenses.
I. Reduce exposure of public investment in utilities, streets, and other public facilities (infrastructure).
J. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public.
K. Acquire and maintain a combination of recreational and open space systems utilizing flood plain lands.
L. Preserve natural drainage patterns and limit the amount of impervious cover so as to prevent erosion, maintain infiltration and recharge of local seeps and springs, protect existing trees and plantings in the area, and attenuate the harm of contaminants collected and transported by stormwater. Overland sheet flow shall be maintained whenever possible and the dispersion of run-off back to sheet flow shall be a primary objective of drainage design for the subdivision as opposed to concentration of flows in storm sewers and drainage ditches.
M. Comply with the National Flood Insurance Program (NFIP) for eligibility for FEMA funds.

13.04.030. General Design Requirements

A. The storm drainage system shall be separate and independent of any sanitary sewer system and its use shall not interfere with the operation and maintenance of road networks or utility systems.
B. Each lot, site, and block within the subdivision shall be adequately drained as prescribed in the City's Drainage Criteria Manual and the City's Construction Standards and Specifications for Roads, Streets, Structures, and Utilities, using best available data. Any use of retaining walls or similar construction shall be indicated on the Construction Plans for such structure.
C. Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain stormwater, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public, using best available data.
D. Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of stormwater runoff drainage onto, through, and originating within the Subdivision and Development, using best available data.
E. Stormwater discharge must not have an adverse impact downstream and upstream; must be released in a manner that does not alter existing drainage patterns onto neighboring properties; and shall not endanger human life or public or private property, using best available data.
F. No approval shall be issued which would permit building within a regulatory floodway of any stream or watercourse. The City may, when it deems necessary for the protection of the health, safety, or welfare of the present and future population, prohibit the subdivision or development of any property, which lies within a designated regulatory floodway of any stream or watercourse.

G. No lot or building site shall derive sole access to a public street across a waterway unless such access shall be constructed to remain open under design storm conditions as prescribed in the City's Drainage Criteria Manual.

H. Areas adjacent to inundation of the 100-year floodplain, using best available data, shall be indicated with the minimum floor elevation of each lot so affected on a certified copy of the Plat submitted for filing. The appropriate final action authority for plat approval may, when it deems necessary for the protection of the health, safety, or welfare of the present and future populations, place restrictions on the subdivision, regarding the design and use of areas within a drainageway. The final action authority shall not approve any subdivision of land within any stream or watercourse unless the applicant demonstrates that the subdivision and all development anticipated therein will comply with the requirements of this Code.

I. Maintenance Responsibility

1. The property owner or property owners association, as applicable, shall be responsible for maintaining detention and water quality treatment devices. The property owner shall be responsible for associated pond maintenance costs, which the City may approve through an Improvement Agreement if deemed appropriate by the City. For any facility serving commercial or multifamily development, or multiple lots, a management company or property owners association capable of funding operation and maintenance shall maintain such facilities.

2. It is a violation for a detention/water quality treatment device or a structural control to be unable to operate for its intended purpose due to lack of maintenance.

J. Design of all drainage facilities, including detention and water quality ponds, streets, inlets, storm sewers, outfall, drainage berms, culverts, ditches, and other associated improvements shall conform to the City's Drainage Criteria Manual, the City's Construction Specifications and Standards Manual, TCEQ requirements, and the following general design standards, using best available data.

1. Setbacks

a. Detention and water quality ponds shall be setback a minimum of 10 feet from any public street right-of-way for a planting buffer area, the requirements of which are provided in **Subsection 2**. Detention and water quality ponds within a street setback shall be designed to the greatest extent possible to conform to the natural terrain of the land and, if possible, in curvilinear, non-rectangular shapes.

b. Except for bioretention facilities, raingardens and other Low Impact Design facilities, detention and water quality ponds shall not be located within any Gateway Overlay District landscape setback/buffer at the Director's discretion.

c. All ponds shall be set back at least 20 feet from a platted residential lot.

d. Detention and water quality ponds located within any setback shall be designed with a vegetated slope not to exceed 3:1 and shall not include structural walls.

2. Walls, Trees, and Fencing

a. Structural walls of detention and water quality ponds that are located within 125 feet of a street or residential lot and visible from either at a 6-foot-tall vantage point shall be either constructed or faced with stone, brick or similar masonry product.

b. Shade Trees shall be planted within the street setback buffer area, spaced a minimum of 30 feet apart, installed with at least 5 feet of pervious area in all directions, shall be irrigated, and depicted on the Construction Plans. When the tree planting area conflicts with utilities, the buffer area and pond(s) shall be pushed back in order to accommodate.

c. All detention ponds shall be designed as an integral part of the landscape. Earthen pond walls shall have a slope no greater than 3:1 (H:V). All ponds shall meet all requirements of the City Drainage Manual.

d. If pond fencing is required, such fencing shall be wrought iron or other decorative fencing. All pond walls with a slope greater than 3:1 (H:V) require fencing. Additional fencing may be required at the discretion of the Director.

3. A Subdivision Waiver to these requirements may be requested pursuant to **Section 3.16** of this Code.

K. Projected runoff rates for the design of drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area. Said ultimate developed state shall be based on the maximum intensity allowable under the UDC, the Comprehensive Plan, and approved plans within the contributing area.

L. Design of major drainage ways through a subdivision and major structures such as box culverts or bridges across a major drainage channel shall be coordinated with the requirements of the Williamson County and TxDOT when any portion of the subdivision lies outside the city limits or within TxDOT right-of-way, and when applicable, a letter requesting a local floodplain map amendment from the Federal Emergency Management Agency (FEMA) shall be provided prior to final Construction Plan approval.

13.04.040. Building Permits and Utility Connections

A. Plans submitted for Building Permits and/or utility connections shall include the necessary drainage related facilities designed and provided for in compliance with this Code and the City's Drainage Criteria Manual. The following types of construction are exempt from this requirement:

1. Single-family and two-family residential construction with an approved Stormwater Permit or Construction Plan Permit;
2. Permanent new buildings or additions less than 144 square feet;
3. Any other project that does not increase the total amount of impervious cover; and
4. Those projects already in compliance with this Code.

B. Plans and design calculations for all drainage facilities shall be submitted to the Development Engineer prior to issuance of any permit within the development or subdivision.

13.04.050. Drainage Easements

The requirements set forth herein are not intended to be exhaustive and wherever it is necessary to make additional requirements in order to maximize the effectiveness of the drainage plan in question, such requirements shall be made by the Commission.

A. General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel, storm drain, or stream or where a detention/filtration facility is required, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse or facility, and of such width and construction to contain the design storm and required freeboard. When parking lots or other approved use areas serve a dual function, including detention, those areas shall be designated on the plat as detention areas. The drainage must, at a minimum, be maintained by an open channel with landscaped banks having adequate width to contain the volume of flow generated by the design storm under ultimate development conditions.

B. Design Requirements

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the road right-of-way, as determined by the Development Engineer, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the

road lines and with satisfactory access to the road. Easements shall be recorded by separate instrument and indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

2. When a proposed drainage system will carry water across private land outside the subdivision, drainage easements shall be secured and recorded by separate instrument in the property records of Williamson County and drawn on the Construction Plans.
3. Low lying lands along watercourses subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways except where modification can be shown to benefit the community and as approved by the City Council. All development activity within the regulatory floodplain must comply with City and Federal Emergency Management Agency (FEMA) floodplain management regulations.
4. All sedimentation, filtration, detention, and/or retention basins and related appurtenances shall be situated within a drainage easement that is recorded by separate instrument in the property records of Williamson County. The owners of the tracts upon which are located such easements, appurtenances, and detention facilities shall maintain same and be responsible for their upkeep. Notice of such duty to maintain shall be shown on the plats.

Section 13.05. Open Space Subdivisions

This section is intended to encourage and incentivize subdivisions within the city limits and the City's ETJ that provide greater amounts of open space preservation in perpetuity in order to protect natural resources, conserve valuable open space, reduce erosion and sedimentation, preserve riparian corridors, provide for walking trails, protect the community water supplies, reduce infrastructure, preserve prime agricultural land, provide smaller streets with less environmental disturbance, and plan for overall watershed protection. In an effort to achieve these goals and desired project performance, the City has provided the design standards outlined below.

13.05.010. Applicability

A. General Requirements

The provisions of this **Section 13.05** apply to any property in the city limits and the ETJ that will be developed as conservation subdivisions with centralized wastewater collection and treatment services (i.e., wastewater service provided by the City or another qualified regional service provider).

B. Incentives

Properties developing under the provisions of this **Section 13.05** will be eligible for development incentives as described in this Section.

C. Properties in ETJ Served by Septic Systems

Property located outside of the city limits that will not be developed with collectivized wastewater systems are not eligible for the incentives or provisions associated with this section.

13.05.020. Open Space Requirements

A. Size, Location and Dimensional Standards

Open space dedicated or placed in easement in fulfillment of this Section shall meet the following size, location and dimensional standards:

1. At least 30% of the total project site shall be preserved as open space consistent with this section, in addition to parkland dedication requirements established in **Section 15.08. Parkland**.
2. At least 25% of the conservation open space shall be in a contiguous tract.
3. Any parcel being credited as open space under this section shall meet the minimum site for dedicated parkland as established in **Section 15.08**.
4. The conservation open space should adjoin any neighboring areas of open space, other protected areas or non-protected natural areas that could be candidates for protected open space in the future.
5. A buffer of at least 100 feet shall be required between residential structures and agricultural uses unless that use is a tree farm, community garden, orchard, or other compatible agricultural use, as determined by the Director. This buffer should consist of trees, native grasses, shrubs, and/or a windbreak and can be included in the designated open space. Roads or other types of buffers can be substituted if deemed sufficient by the Director.

B. Inclusion of Significant Features

Open space dedicated or placed in easement in fulfillment of this section shall include the following when present on the site:

1. FEMA floodplain; and
2. Additional streams, rivers, lakes, wetlands; and
3. Any other hydrological features; and
4. Karst features and any associated required buffers; and
5. Heritage trees and significant clusters of protected trees; and
6. Historical or archeological sites; and
7. Potential connections with existing or future green spaces, parks and trails.

C. Provision for Open Space in Perpetuity

Open space dedicated or placed in easement in fulfillment of this section shall do so in a manner that ensures their conservation in perpetuity, using one or a combination of the following methods, recording with or prior to the recordation of the Final Plat with appropriate note referencing the appropriate instrument or dedication:

1. Dedication to the City as parkland; or
2. A permanent open space or conservation easement in a form acceptable to the City, in favor of:
   a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions;
   b. A homeowner's association, provided that membership is mandatory; or
   c. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement.

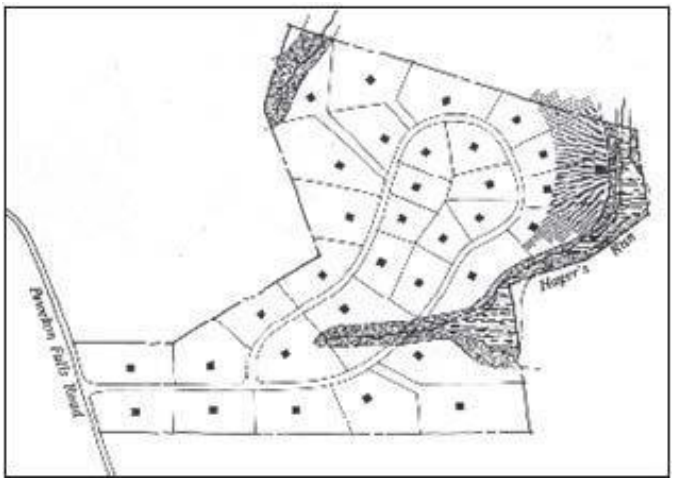
D. The open space areas shall be depicted on the Preliminary and Final Plats.

E. Restricted Uses of Conservation Open Space

The following are prohibited and restricted uses of the primary and secondary conservation areas, unless the applicant demonstrates that these provisions would constitute an unusual hardship and be counter to the purposes of this section, as determined by the Director.

1. Prohibited Uses in Conservation Open Space
   a. Golf courses;
   b. Roads, parking lots and impervious surfaces, unless allowed by another provision within **Section 13.05** or for the specific use of maintaining street connectivity;
   c. Wastewater disposal, except for irrigation use in public parks or roadways; and
   d. Agricultural activities not conducted according to acceptable management practices.

Figure 13.05.020-13.05.02-1. Conventional Lot Diagram



F. Green Design Bonus

An impervious cover bonus to 60% gross property acreage may be received for "green design" if the development achieves “certified” or higher status under the U.S. Green Building Council’s LEED for Neighborhood Development (LEED ND) or achieves “bronze” or higher status under the ICC 700 National Green Building Standard (NGBS) or its companion NGBS Green Land Development Certification. Applications seeking certification for green design shall so state. A green design requirement shall be memorialized in a plat note on the Preliminary and Final Plats and shall be a condition in the conservation open space management plan.

13.05.030. Conservation Lot Development Standards

Conservation lot development standards establish lot sizes and certain restrictions for all residential and non-residential conservation development within the City. The tables below replace tables in **Section 7.02** in **Chapter 6** and **Section 8.02** in **Chapter 8**, respectively. All other language and sections of **Chapter 6** and **Chapter 8** apply here. All properties must comply with the impervious cover limitations established in **Section 13.02**, except those stated in the table below.

Table 13.05.030-1. Housing Lot Type Dimensional Standards

Lot Type	Single-Family, Detached (RE District)	Single-Family, Detached (Other Districts)	Single-Family, Attached (Twin House or Townhouse)	Single-Family, Zero-Lot-Line	Two-Family, Duplex	Triplex and Quadplex	Multifamily Attached Apartments
Lot Size, minimum square feet	0.5 acre	3,000	2,000	3,000	4,000	5,000	12,000
Dwellings per Structure, Maximum	—	—	—	—	2	4	24
Lot Width, minimum feet*	50	30	20	30	30	40	50
Corner/End Lot Width, minimum feet	-	-	-	-	-	-	-
Front/Side/Rear/Unloaded Street Facing Setback (Corner), minimum feet	25	15	15	15	15	15	15
Street Facing Garage Setback, minimum feet	-	-	-	-	-	-	-
Side Setback, minimum feet	5	5	-		5	5	10
Shared/Passive Wall Setback, minimum feet	-	-	-	-	-	-	-
Non-shared/Active Wall Side setback, min. feet	-	-	5	10	-	-	-
Rear Setback, minimum feet	10	10	10	10	10	10	10
Building Height, maximum feet	35	35	35	35	35	35	60
Maximum Impervious Coverage**	70	70	70	70	70	70	70

Table 13.05.030-2. Non-Residential Lot and Dimensional Standards

Standard	C-1	C-2	PF	I-1	I-2
District size, minimum acreage					

Standard	C-1	C-2	PF	I-1	I-2
Lot size, minimum acreage	—	—	—	—	—
Lot width, minimum feet	—	—	—	—	—
Front/street setback, minimum feet	—	—	20	20	20
Side setback, minimum feet	4	10	10	10	10
Rear setback, minimum feet	0	10	10	10	10
Impervious coverage*	80		85		95
Building height, max. feet	45	60	60	60	60

Section 13.06. Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone[1]

13.06.010. Applicability

A. The regulations of this section apply to all property within the corporate limits of the City and its extraterritorial jurisdiction (ETJ), to the extent allowable by state law, located within the recharge zone of the Edwards Aquifer, as that term is defined in Title 30, Texas Administrative Code § 213.3 and § 213.22, except as noted below. Property within the Edwards Aquifer Recharge Zone ("EARZ") is determined by the most current official map of the relevant zone located in the Texas Commission on Environmental Quality office for Region 11.

B. **Section 13.06.030**, as described herein, does not apply to Occupied Sites as this term is defined in this section. Property with an Occupied Site should be in accordance with the federal standards as referenced in this section.

13.06.020. Definitions

The following words and phrases, when used in this Section, shall have the meanings respectively ascribed to them in this subsection, except when the context otherwise requires:

Bank (of a stream). The ordinary high water mark of a stream, not the floodplain boundaries, as determined by the appropriate authority.

Best Management Practices (BMPs). For this section only, BMPs has that meaning ascribed to it in Title 30, Texas Administrative Code § 213.3(5), as may be amended and as further defined herein.

[1] Editor's note(s)—Ord. No. 2015-14, § 3(Exh. A), adopted February 24, 2015, repealed and reenacted **Section 11.07** in its entirety to read as herein set out. Formerly, **Section 11.07** pertained to similar subject matter, and derived from Ord. No. 2014-103, § 3(Exh. A), adopted December 9, 2014.

To preserve the style of this Unified Development Code, and at the discretion of the editor, the provisions originally enacted by Ord. No. 2015-14 as Sections 11.07.001—11.07.008 have been redesignated as **13.06.010**—**13.06.080**.

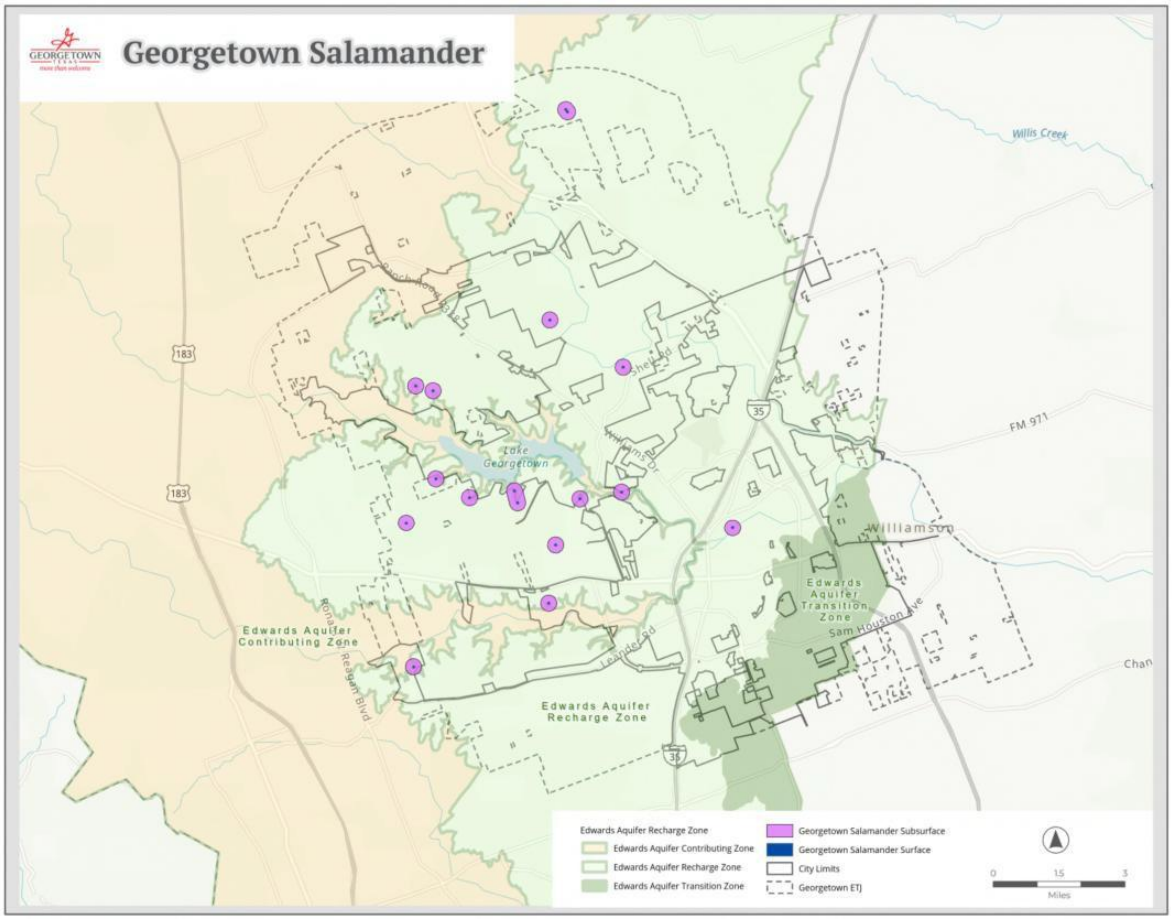
Development Engineer. A professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

Geologic Assessment. A report prepared by a geologist pursuant to Title 30, Texas Administrative Code § 213.5 and containing the additional information required by this section .

Geologist. A licensed professional geoscientist who has training and experience in ground water hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features, such as springs and streams.

Licensed Professional Geoscientist. A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

Occupied Site. Any spring identified as a critical habitat unit by the United States Fish and Wildlife Service for the Georgetown Salamander (Eurycea naufragia), and include the following: Cobb Well, Cobb Springs, Cowen Creek Spring, Bat Well Cave, Walnut Spring, Twin Spring, Hogg Hollow Spring, Cedar Hollow Spring, Knight (Crockett Garden) Spring, Cedar Breaks Hiking Trail Spring, Water Tank Cave, Avant's (Capitol Aggregates), Buford Hollow Springs, Swinbank Spring, Shadow Canyon, San Gabriel Spring, and Garey Ranch Springs. The locations of the Occupied Sites are shown on the map incorporated below. Occupied Sites can be found on the City's interactive maps.



Recharge Zone. That portion of the City and its ETJ that overlays the EARZ as defined in Title 30, Texas Administrative Code § 213.3, as may be amended.

Regulated Activity. Shall have that meaning ascribed to it by Title 30, Texas Administrative Code § 213.3(28), as may be amended.

Spring. Any natural setting or location where ground water flows to the surface of the earth from underground frequently enough to support spring associated vegetation such as ferns, watercress and Texas sedge.

Stream. A natural area that conveys flows from rainfalls, springs, snowmelt, or groundwater, and is defined by a contributing drainage area of 64 acres or more.

13.06.030. Spring Buffer and Stream Buffer Protection

A. Spring Buffer

1. A spring buffer is established within 164 feet (or 50 meters) of the approximate center of a spring outlet in the EARZ that is identified in a geologic assessment. The spring buffer shall not include pre-existing development.
2. No regulated activities may be conducted within the spring buffer except for the following and subject to the stated restrictions:
   a. Properly permitted maintenance of existing improvements;
   b. Scientific monitoring of water quality;
   c. Fences above the normal high water mark of a stream if such fences comply with applicable floodplain regulations;
   d. Subject to stream buffer limitations, below, parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a stream and shall be limited to trails for walking, jogging and non-motorized biking; and
   e. Wastewater infrastructure installed roughly parallel to a stream provided that such infrastructure is installed on the side of the stream opposite the spring and is installed no closer than 25 feet from the bank of the stream; provided that wastewater infrastructure shall not cross a stream associated with a spring within the spring buffer.

B. Stream Buffer

1. A stream buffer is established for all portions of streams with a contributing drainage area of 64 acres or more in the EARZ that is identified in a geologic assessment. The boundaries of the stream buffer are as follows:
   a. For streams draining more than 64 acres and less than 320 acres, the boundaries of the stream buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (a) shall be a minimum of 200 feet wide with at least 75 feet from the centerline of the stream.

      If a property owner only controls one side of a stream, then the minimum buffer shall be 100 feet from the centerline of a stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.
   b. For streams draining more than 320 acres but less than 640 acres, the boundaries of the stream buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is

smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (b) shall be a minimum of 300 feet wide with at least 100 feet from the centerline of the stream.

If a property owner only controls one side of a stream, then the minimum buffer shall be 150 feet from the centerline of a stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.

c. For streams draining 640 acres or more, the boundaries of the stream buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (c) shall be a minimum of 500 feet wide with at least 200 feet from the centerline of the stream.

If a property owner only controls one side of a stream, then the minimum buffer shall be 250 feet from the centerline of a stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.

2. No regulated activity may be conducted within the stream buffer other than:
   a. Properly permitted maintenance of existing improvements;
   b. Scientific monitoring of water quality;
   c. Fences above the normal high water mark of a stream if such fences comply with applicable floodplain regulations; and
   d. The construction of the following improvements, subject to the stated restrictions:
      (i) Wastewater facilities, provided that wastewater utilities shall not be located below the normal high water elevation within the channel of a stream except at crossings of a stream;
      (ii) Underground utilities other than wastewater facilities provided that such underground utilities may only be installed at stream crossings, or at intervals no closer than 400 feet apart;
      (iii) Parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a stream and shall be limited to trails for walking, jogging and non-motorized biking.
      (iv) Water quality or flood control systems, provided that measures are taken in the construction of such water quality or flood control systems to minimize the impact to the stream buffer;
      (v) Public projects that enhance or recharge the Edwards Aquifer, provide flood prevention, and similar capital improvements;
      (vi) Remediation of altered floodplain to its natural limits;
      (vii) Arterial, collector and local residential streets crossing a Stream provided that:
         (a) A floodplain with a drainage area greater than 640 acres may only be crossed by arterial streets;
         (b) A floodplain with a drainage area between 320 acres and 640 acres may only be crossed by arterial and collector streets;
         (c) A floodplain with a drainage area up to 320 acres may be crossed by arterial, collector, or local residential streets; and
         (d) A street required for a secondary access, or as required by the currently adopted fire code regulations, is exempt from this subsection.

C. All spring and stream buffers, as described herein, shall be shown on all plats, Site Plan and infrastructure Construction Plans, to include Stormwater Permits and Building Permits when applicable.

D. Exemptions

1. The spring buffer and stream buffer requirements of **Section 13.06.030** do not apply to an occupied site as this term is defined in this section. Regulated activity on a tract of land with an occupied site, or within 984 feet (or 300 meters) of an occupied site, should be in accordance with the standards outline in UDC Appendix A.
2. In the event that the owner of property opts to request a variance from the standards outlined in UDC Appendix A to the Adaptive Management Working Group, it shall be the responsibility of the owner of property to submit to the City of Georgetown revised plans in accordance with the results of the variance request.

E. Variances

1. An owner of property of a tract of land with a spring or stream may request a variance from the spring and/or stream buffer requirements of this subsection to the Planning and Zoning Commission.
2. The Planning and Zoning Commission may consider and take final action on a variance request in accordance with the powers and duties in **Section 2.05.010.A** of this Code.

F. Appeal

Any person aggrieved by an administrative decision pertaining to this subsection may appeal to the Planning and Zoning Commission in accordance with **Section 3.12** of this Code.

13.06.040. Water Quality Best Management Practices

A. For all regulated activities within the Recharge Zone, the following regulations apply:

1. Permanent structural water quality controls for a project shall remove 85% of total suspended solids for the entire project and shall be certified by a licensed professional engineer.
2. No regulated activity shall cause any increase in the developed flow rate for the two-year storm event.
3. All development projects, including, but not limited to, individual home sites, shall implement temporary BMPs to minimize sediment runoff.
4. New roadways or expansions to existing roadways that provide a capacity of 25,000 vehicles per day that are located on the Recharge Zone shall provide for spill containment as described in the optional enhanced measures of the Edwards Aquifer Protection Program.
5. All permanent BMPs with an overt physical presence shall have signage that clearly identifies the purpose of the permanent BMP and the party responsible for maintenance.
6. Maintenance plans for permanent BMPs shall be recorded in the Official Records of Williamson County.

13.06.050. Geologic Assessment

A. The owner of property who submits a development application for a regulated activity on a tract of land located over the EARZ shall submit a geologic assessment with the plat application.

B. In the event that the subject property was platted prior to December 9, 2014, or meets the plat exceptions of this Code, a geologic assessment shall be submitted with the first required development application for the regulated activity. Development applications include Construction Plans, Site/Construction Plans, Stormwater Permits, and Building Permits (only single-family and two-family residential on a tract of land that meets the plat exceptions of this Code).

C. No development application for property located over the EARZ may be approved until a geologic assessment has been accepted by the Development Engineer or his designee.

D. The geologic assessment must contain all of that information required by Title 30, Texas Administrative Code § 213.5. Additionally, the geologic assessment must:

1. Identify all springs and streams on the subject property, or certify that no springs or streams exist on the subject property;
2. Describe any spring and stream on the subject property, including determining the location of any spring outlet or stream;

E. Subsequent applications required to develop the subject property will not require a new geologic assessment provided the regulated activity, as submitted in the application, is consistent with the accepted geologic assessment. Any deviations will result in the need to submit an updated geologic assessment prior to final approval of the application.

F. Exemptions

1. A geologic assessment shall not be required for regulated activity that meets all of the following criteria:
   a. Proposed development is single-family residential or two-family residential; and
   b. Subject property is located on an individual lot that is less than 5 acres; and
   c. Subdivision (to include Replat) is five lots or less, and no more than 5 gross acres; and
   d. Subject property is located within a drainage area that is less than 64 acres.
2. Regulated activity that meets all of the criteria above must submit with the required development application a letter signed by a professional engineer certifying the drainage area and identifying any springs on the subject property. In the event that springs exist, the project engineer must identify applicable buffers on the plans.

13.06.060. Acknowledgement Form

A. The owner of property who submits a development application for a regulated activity on a tract of land located over the EARZ shall submit an acknowledgement form in accordance with the provisions of this subsection.

B. The owner of property shall through a completed acknowledgement form, acknowledge and certify the following:

1. The regulated activity, as proposed, complies with the water quality best management practices regulations of this section; and
2. The subject property has an occupied site, is located within 984 feet of an occupied site, or has a springs or stream located more than 984 feet from an occupied site; and
3. The regulated activity, as submitted, complies with the rules and regulations of this section.

C. A completed, signed and notarized acknowledgement form shall be submitted with the plat, Construction Plan, Site/Construction Plan, Stormwater Permit, and Building Permit (single-family and two-family residential on a tract of land that is exempt from the plat requirements of this Code) applications.

D. The development application to the City of Georgetown shall be deemed incomplete if the acknowledgement form is not completed, signed and notarized.

E. After the completeness review **(Section 3.02.040)** of a development application subject to subparagraph (A) above, the director or his/her designee shall provide a copy of the acknowledgement form to the Williamson County Conservation Foundation Adaptive Management Working Group.

13.06.070. Water Quality Management Plan

A. The City shall adopt a water quality management plan for all areas within the Recharge Zone. Such management practices will include, but not be limited to, public education and outreach, hazardous waste education, integrated pest management, illicit discharge detection and elimination, construction-site stormwater runoff control, post-construction stormwater management, and pollution prevention for municipal operations including City and county maintenance activities in the ETJ.

B. The City's adopted stormwater management plan, as amended, shall serve as the water quality management plan for purposes of this section, unless stated otherwise.

13.06.080. Williamson County Conservation Foundation Adaptive Management Working Group

An Adaptive Management Working Group has been established by the Williamson County Conservation Foundation to review data on a regular basis and make recommendations for specific changes in management directions related to the federal standards for occupied sites. The Adaptive Management Working Group duties include, but are not limited to, development of an annual report regarding the preservation of the Georgetown Salamander, continuous monitoring of the Georgetown Salamander, assessment of research priorities, adaptive management of preservation of the Georgetown Salamander and the effectiveness of achieving the above objectives. The City Manager will appoint two City employees with appropriate technical expertise in the fields of planning and development and system engineering as members to the Adaptive Management Working Group. The efforts of the Adaptive Management Working Group will be led by the Williamson County Conservation Foundation staff.

Chapter 14. Pedestrian and Vehicle Circulation

Section 14.01. General

14.01.010. Purpose

An integrated and interconnected vehicle, pedestrian, and bicycle transportation network is essential for the effective and reliable movement of people and goods. The standards in this chapter ensure that streets function in an interdependent manner, provide for accessibility and walkability, plan for emergency services, and provide continuous and logical transportation routes. Streets shall be planned and constructed so that their arrangement, size, character, and design are considered in relation to streets, topography, public safety and convenience, and an appropriate relationship with the built environment. The City's Future Mobility Plan shall guide the location, cross section, and functionality of the transportation network.

14.01.020. Authority

The provisions of chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212, and the City Charter.

14.01.030. Applicability

A. The standards of chapter apply to development within the corporate limits and Extraterritorial Jurisdiction (ETJ) of the City of Georgetown.

B. No subdivision, Site Development Plan or Stormwater Permit shall be approved until conformance to the standards of this Code is demonstrated.

C. All required transportation improvements shall be designed in accordance with this Code and as detailed in the adopted Construction Specifications and Standards Manual ("Construction Manual"), as amended, or any other adopted construction standards provided by the Development Engineer. When the standards of this Code and the Construction Manual conflict, the more stringent provision shall apply.

14.01.040. Subdivision Waiver

A Subdivision Waiver, pursuant to **Section 3.16** of this Code, may be requested to the provisions of this chapter except **Section 14.06**, Design and Technical Standards,Section 14.07 **Section 14.07,** Pedestrian and Bicycle Mobility, and **Section 14.09**, Traffic Impact Analysis.

Section 14.02. Future Mobility Plan Thoroughfares

14.02.010. Future Mobility Plan Goals

Regional thoroughfares provide linkages within the community and throughout the region. The City's Comprehensive Plan includes a Future Mobility Plan that is developed in conjunction with the Capital Area Metropolitan Planning Organization's (CAMPO) long-range plan. Goals from the Future Mobility Plan include:

A. Improve the local street system, including new thoroughfare linkages to enhance connectivity, improved and coordinated traffic signalization, and access management standards.

B. Provide a functional, integrated, multi-modal transportation system with a variety of choices.

C. Reduce reliance on single-occupant automobile traffic and enhance bicycle and pedestrian mobility and accessibility by encouraging compact land use development.

D. Provide for a high degree of safety for motorists, transit users, pedestrians and bicyclists.

E. Discourage primary traffic routing through local streets.

F. Preserve right-of-way for roadway development and expansion.

14.02.020. General

The precise alignment of thoroughfares included in the Future Mobility Plan may be varied to allow for locational adjustments that would increase the compatibility of the right-of-way with natural or constructed features such as steep slopes, waterways, wildlife habitats, historic structures, existing development, or existing streets. In unique circumstances, at the discretion of the Director, the amount of right-of-way expansion may be reduced to accommodate natural or constructed features such as steep slopes, waterways, wildlife habitats, historic structures, or existing development. Thoroughfares located in the Downtown Overlay District and constrained by historical patterns of development may be considered on a case-by-case basis by the Director and may not conform to the ultimate street sections identified in **Table 14.02.040-1**. Reduction in right-of-way expansion or changes to the ultimate street sections identified in **Table 14.02.040-1** shall not be construed to reduce any Transportation Impact Fees dues, as required in **Chapter 12.46** of the Code of Ordinances

14.02.030. Developer Responsibilities

It is necessary and desirable to obtain right-of-way for the public street network to support the needs of the community. Developers share the responsibility of providing adequate streets through compliance with the minimum standards governing internal and perimeter streets, and the requirement of the Transportation Impact Fee in **Chapter 12.46** of the Code of Ordinances if within the service area boundaries pursuant to **Section 12.46.060** of the Code of Ordinances. The developer shall be responsible for the dedication and improvement of internal and adjacent Future Mobility Plan thoroughfares in accordance with the standards of the street classifications described in this Section. The requirement for dedication and improvement of internal and adjacent thoroughfares does not reduce the requirement for payment of a Transportation Impact Fee, except for when such improvements qualify for and are recorded as a credit in a credit agreement pursuant to the requirements of Section 12.46.120 of the Code of Ordinances. The developer is responsible for all costs of materials, design, and construction of the public improvements required by this Code.

A. The continuation of all existing streets and those included in the Future Mobility Plan, approved plat, concept plan, or other City-approved document depicting a planned street shall be provided by the developer.

B. Minimum right-of-way standards shall be in accordance with **Table 14.02.040-1**. If the thoroughfare is a boundary street, one-half of the balance between the street's existing right-of-way and the street/intersection right-of way required shall be required per **Table 14.02.040-1**. Where the thoroughfare is internal to the property, the full section of right-of-way shall be required.

C. Improvements to Future Mobility Plan streets, in accordance with **Subsection 14.06.100**., shall be the responsibility of the developer unless otherwise provided. A developer is not responsible for construction of any bridge structure at the boundary of the subdivision if the bridging of such a street does not immediately connect to the network. A contribution towards the future construction of the bridge may be required, as determined by a Traffic Impact Analysis, if the cumulative requirement to build the bridge and other transportation requirements of this Code exceed the approximation of the roughly proportionate impact of the development..

D. There must be a rough proportionality between the traffic impacts created by a new development and the associated mitigation requirements. The cumulative transportation requirements of a development as a condition of development approval may not exceed the roughly proportionate impact of the development. The

approximation of the roughly proportionate impact of a development are established as the "maximum assessable transportation impact fee" per Section 12.46.040 of the Code of Ordinances. When a development is phased, the proportionality of requirements shall be assessed on the cumulative impacts of all phases of development.

14.02.040. Future Mobility Plan

The following table provides general standards for typical regional transportation facilities. All rights-of-way listed in the table are minimum dimensions, and additional right-of-way and/or easements may be required by the Development Engineer due to drainage, utilities, or construction necessity. Street width dimensions are measured from back-of-curb to back-of-curb and include travel lanes, bicycle lanes, and curb and gutter. Landscape lots and commercial signage are prohibited within any part of the right-of-way of a Future Mobility Plan street or trail. Full dimensional cross-sections for each street classification and corridor-specific alternatives can be found in the Future Mobility Plan. Utility assignments can be found within the Construction Manual.

Table 14.02.040-1. Future Mobility Plan Street and Trail Standards

	Regional Trail	Major Collector	Minor Arterial	Major Arterial	Freeway
Average Daily Trip (ADT) Projected Range	—	2,501 - 12,500	12,501 - 24,000	24,001+	2,000*
Design Speed (mph)[1]	—	35	40	45	75
Right-of-way (min. feet)	20	94	110	135	350
Right-of-way at intersections (min. feet)[2]	—	94	134	159	350
Travel Lanes (number of)	—	4	4	6	10
Travel Lane Width (feet)[4]	—	11	11	11	12
Bicycle Lanes (feet)[3]	—	3	3	3	3
Street Width total (feet)[5]	10	60	66	90	164
Median Width (min. feet)[4]	—	12	14	16	16
Parking	—	Prohibited	Prohibited	Prohibited	Prohibited
Shared-Use Path/Sidepaths (min. feet)	10	10	10	10	10
Sidepath clear zone (min. feet)	TxDOT Design Manual	TxDOT Design Manual	TxDOT Design Manual	TxDOT Design Manual	TxDOT Design Manual
Public Utility Easement (min. feet)	—	15	15	15	15

Table Notes

1. Design and geometry of all streets, including speed adjustments, can be found in **Section 14.06**.

2. Right-of-way at intersections for Arterial streets is increased according to the table for a distance of 200 feet from the right-of-way of the intersecting street, or as required based on the findings of turn lane requirements in a Traffic Impact Analysis or driveway analysis to serve development.

3. Bicycle lanes are to be combined with sidewalks into a sidepath. The Clear Zone shall meet the TxDOT Design Manual.

4. The City may consider alternative striping on all comprehensive plan roadways to allow for narrower lane widths, etc., whether in an interim or permanent situation. In the event that the City adopts a specific street corridor design or overlay that differs from the design standards in **Section 14.02** and **Section 14.03**, any approved cross-section(s) associated with that street can be found in the Future Mobility Plan.

5. Street width does not include median width.

*2,000 passenger cars per hour per lane

Section 14.03. Local and Neighborhood Streets

The neighborhood street network shall form an organized, connected pattern that defines the community both functionally and visually. When possible, streets should be designed to respect natural features and topography to reduce grading, promote pedestrian movement, and minimize crossing of open space. In addition, streets should generally be short in length, include cross-street access, and incorporate traffic-calming design elements to promote safety and discourage speeding. Local and neighborhood streets serve both residential and non-residential uses.

14.03.010. Developer Responsibilities

The developer shall be responsible for the dedication and improvement of all local and neighborhood streets in accordance with the standards of the street classifications described in the following section. Where existing right-of-way does not meet the minimum standards, right-of-way shall be dedicated to meet the minimum requirement. The developer shall provide for the continuation of all existing streets and those included in the Future Mobility Plan, approved plat, concept plan, or other City-approved document depicting a planned street. The developer is responsible for all costs of materials, design, and construction of the public improvements required by this Code. Improvements that do not meet the definition of “system facility” as defined in Section 12.46.040 of the Code of Ordinances shall not be eligible for credits toward Transportation Impact Fees.

14.03.020. Public and Private Streets

All newly created streets shall be constructed to local street standards. Private streets shall include a street maintenance agreement, in a form acceptable to the City, tied to the approved Final Plat. Alleys shall be privately owned and maintained. All subdivisions, regardless of the use of a public or private street, shall meet the street network requirements of **Section 14.05.010**.

14.03.030. Local and Neighborhood Streets

The following table provides general standards for local and neighborhood streets. Average Daily Trips (ADT) are utilized as a planning tool for a projected development, while Level of Service (LOS) is used as a measurement of functioning roadway adequacy once the street is in operation. The minimum standard of design for any street is LOS (C) at peak hour. All rights-of-way listed in the table are minimum dimensions and additional right-of-way and/or easements may be required by the Development Engineer due to drainage, utilities, or construction necessity. Street

width dimensions are measured from back-of-curb to back-of-curb and include travel lanes, parking lanes, and curb and gutter. Full dimensional cross-sections for each street classification can be found in the Future Mobility Plan and utility assignments can be found within the Construction Manual.

Table 14.03.030-1. Local and Neighborhood Street Standards

	Alley	Residential Lane	Local Street	Local Street—Tree (alt.)	Local Street—Rural/ Estate	Local Street—Downtown	Residential Collector	Neighbor-hood Collector
Average Daily Trip (ADT) Projected Range	—-	1—800	1—800	1—800	1—800	N/A	801—1,400	801—2,500
Design Speed (mph)	—-	30	30	30	25	30	30	35
Right-of-way (min. feet)	20 (private)	40	50	52-62	50	60	68	68
Street Width Total (feet)	15	22	36[1]	36	26	38	38	38
Parking	Prohibited	Limited[2]	2 Sides	2 Sides	1 Side	2 Sides	2 Sides	Prohibited
Sidewalks and Sidepaths (min. feet)	—	5	5	5	—	6—10[3]	10	10
Sidewalk and Sidepath clear zone (min. feet)	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]	Per TxDOT Design Manual[4]
Driveways Permitted	Yes	No	Yes	Yes	Yes	Yes	Limited[5]	No[6]
Intersection Spacing (max. feet)	1,500	1,320	1,320	1,320	1,320	N/A	1,320	2,000
Public Utility Easement (min. feet)	—-	10	10	10	10	10	10	10

Table Notes

1. Local Streets require curb type, in accordance with **Subsection 14.06.040.B**.

2. Residential Lanes require companion alleys to provide access to the lots fronting on the lane. Cut-out parallel parking for temporary loading and visitor parking is allowed with additional right-of-way.

3. Sidewalks in the Downtown Overlay shall follow width, materials, and standards in **Subsection 14.04.030.B**.

4. Sidewalk clear zone (separation from curb) varies by the size of tree wells described in **Chapter 8**. Sidepath clear minimum 5 feet from face of curb.

5. Residential Collectors are subject to the driveway separation requirements pursuant to **Section 14.08**.

6. Neighborhood Collectors shall not have residential lots fronting on the street, nor permitted access to residential lots. Only access to parkland, amenity centers, or common areas is permitted.

Section 14.04. Alternative Streets

Alternative street designs may be warranted at times when streets are located in areas that call for contextual solutions based on density, land use, and pedestrian environment.

14.04.010. Residential Rural Estate Streets

Local Streets within a Residential Rural/Estate subdivision may be constructed to a 26-foot street width. Within the City's designated fire service area, on-street parking is restricted in accordance with the adopted fire code. Rural/Estate streets located in the ETJ may be designed to 25 mph speeds and constructed with a ribbon curb to allow for sheet flow or open-ditch stormwater drainage. Rural/Estate Streets in the ETJ require a stop condition every 1,500 feet, which includes, but is not limited to, a stop or yield sign, roundabout, or other approved traffic-calming measure.

14.04.020. Local Street—Street Tree Alternative

Street trees are permitted in a street right-of-way only when planted in a street right-of-way approved for street trees. All other trees planted along streets shall be located in the front yard of the lot. Trees approved for designated street rights-of-way shall be planted within a parkway strip that is sized and equipped with designated root barrier treatments in accordance with **Section 14.06**. The required right-of-way and street width will not be reduced for Street Tree Alternatives.

14.04.030. Downtown Overlay District Streets

All streets and sidewalks located within the Downtown Overlay District shall comply with the Downtown Master Plan, as amended. Within the Downtown Overlay District, the developer shall be responsible for the dedication of one-half of the remaining right-of-way and construction of landscaping, sidewalks, lighting and other features of the Downtown Master Plan, where such improvements are non-existent or in need of re-construction. If a development is approved for parking to be located within the right-of-way, the developer shall be responsible for any necessary paving and/or intersection improvements to conform to the standards of **Subsection A**. below.

The Director may consider a lesser right-of-way and/or street design when existing structures, trees, or other objects preclude the expansion to the minimum right-of-way. In such instance, the Director may consider reduced lanes, alternative on-street parking configurations, or other alternative design.

A. Street Standards

1. All local streets located within the Downtown Overlay District shall meet the minimum right-of-way and pavement widths in **Table 14.03.030-1**. Downtown Local Streets shall be designed with parallel parking inset by intersection bulb-outs on each side of the street and one travel lane in each direction.
2. Streets uniquely identified within the Downtown Master Plan shall be dedicated and constructed according to the cross-section in the Downtown Master Plan.
3. Intersection crosswalks shall be constructed, at a minimum, as Type B crosswalks, as depicted in the Future Mobility Plan. Street lighting shall be in accordance with **Section 14.06** of this Code.

B. Sidewalks and Trees

1. Sidewalks located within the Downtown Overlay District shall be at least 6 feet wide and constructed according to the design standards of a Level III Sidewalk, as described in the Downtown Master Plan and depicted in the Construction Manual. Level III sidewalks shall include a 4-foot vegetated strip between the

curb and sidewalk when not adjacent to head-in or angled street parking. If a sidewalk is identified in the Downtown Master Plan as a Level I or II sidewalk, it shall be constructed accordingly.

2. Street Trees shall be required at a general spacing of 40 feet for Shade Trees and 20 feet for Ornamental Trees. The Director may consider alternative spacing, species, and location based on existing conditions. Shade Trees shall be planted in a parkway strip or tree well that is sized and equipped with underground root barrier treatments in accordance with **Section 14.06**. Approved Ornamental Trees shall not require root barrier treatments.

Section 14.05. Subdivision and Street Design

To further the goals of the Future Mobility Plan of an interconnected street network, new streets shall be integrated into existing and planned streets. New subdivisions shall account for primary and secondary entry points into a subdivision, connect to streets stubbed from adjacent properties, and provide for a neighborhood street layout focused on the safety of vehicles, bicycles, and pedestrians. Street network connections shall be made based on the number of proposed residential or commercial lots/units, the size and configuration of the land, and the type of streets constructed. Connection locations shall be depicted on the Preliminary Plat, concept plan, if applicable, and any associated phasing plans, and shall conform to the standards detailed below.

14.05.010. Street Network Connections

A. Connections to Major Streets

All non-residential and residential lots and multi-family complexes shall have direct or indirect access to an existing major street, defined as a Major Collector, Minor Arterial and Major Arterial. **Table 14.05.010-1** is used to determine how many connections to an existing major street(s) are required, based on the number of lots or units. For the purposes of this section, lots and multi-family units are interchangeable for determining connections to existing major streets.

Table 14.05.010-1. Required Connections to Existing Major Streets

Minimum Lots/Units	Connections to Existing Major Streets
1-29	1
30-99	1+ Fire Code access
100-499	2
500+	3

If a subdivision or multi-family development does not directly connect to an existing major street, the number of connections can be satisfied through existing local streets as long as there are enough distinct, continuous routes to a major street through adjacent development to meet the requirements. In that situation, the number of lots in the table shall encompass the total accumulated number of lots or units sharing the street connections to the major street(s), regardless of subdivision boundary.

B. Street Network Connections Required

A proposed subdivision or development shall provide connections to the public street network in accordance with **Table 14.05.010-2**, through either existing streets or by future street stubs to an adjacent property. The minimum connections in **Table 14.05.010-2** may be increased by further requirements in this section, such as intersection spacing and street connectivity ratio. For the purposes of this section, lots and multi-family units are interchangeable for determining connections to existing major streets.

Table 14.05.010-2. Required Connections to Existing or Future Streets

Minimum Lots/Units	Minimum Connections to Existing or Future Streets
5	2
80	3
150	4
200	5
300	6
500	7

C. Additional Street Connection Requirements

1. All existing streets in adjoining areas shall be connected and continued into the new subdivision in alignment therewith, regardless of the number of street connections required. Practical downsizing or upsizing of street widths, speeds, and design will be reviewed and permitted at the discretion of the Development Engineer based on volumes in Tables 14.02.040-1 and 14.03.030-1.
2. Whenever existing or future street connections are required, the right-of-way shall be extended and all public improvements constructed to the property line boundary.
3. The Director can require that a proposed future street connection be shifted to a more suitable location in order to minimize block length, discourage cut-through traffic, align compatible uses, preserve trees, prevent reserve strips, and increase the likelihood of ultimate connection.
4. All Major Collector-designated streets and higher classifications shall connect or stub on both ends to an existing or planned collector or higher-level street. All other collectors should generally connect to another collector although, on a case-by-case basis, exceptions can be considered through an Administrative Exception.
5. A street stub cannot be used as the basis of lot frontage and/or access for an adjoining lot. Street stubs are intended only to continue through such property.
6. Streets that are planned to extend in the future shall be constructed with temporary turn-arounds when the street stub exceeds 150 feet in length and shall be depicted on the plat as a temporary easement. The following note shall be placed on the plat: "Crosshatched area is a temporary easement for turn-around until street is extended." Temporary dead-end streets shall not exceed 500 feet. Reserve strips at the end of streets are prohibited.
7. All street network connections shall be provided prior to the final phase of development.
8. A platted residential lot or portion thereof may not be used as a means to connect a proposed street to an existing street or cul-de-sac in order to satisfy the requirements of this section if the existing street was not intended to connect to the adjacent land.
9. In addition to the minimum street network connection requirements, intersection spacing and connectivity provisions in **Section 14.05.020** may increase the total connections required.

D. Street Connection Credits

Credits toward the minimum number of street connections are applicable only after the second existing street connection has been satisfied. A Neighborhood Collector counts as two local street connections and a Major Collector or higher-classification street counts as three local street connections, whether they are constructed as either an existing or future street connection.

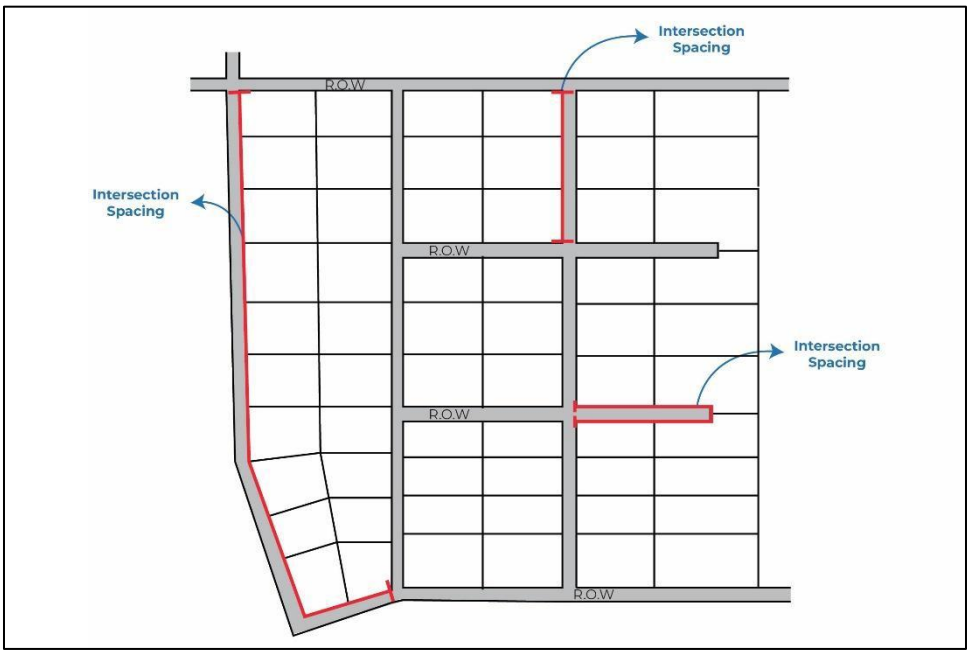
14.05.020. Streets and Blocks

A. Intersection Spacing

Intersection spacing shall not exceed the lengths specified in **Table 14.03.030-1** and adhere to the following measurement and calculation standards:

1. Intersection spacing shall apply independently to each side of a street and shall be measured independently on each side of a street along the right of way boundary to the centerlines of two through-streets, both on the same side of the street segment to be measured.
2. Cul-de-sac and other non-through-streets do not apply as an intersection when measuring length of spacing. Measurement will continue along the right-of-way boundary inclusive of non-through-street right-of-way.
3. Intersection spacing shall apply beyond each individual subdivision and measurements shall be continued into the adjacent subdivision.
4. Intersection spacing requirements do not apply to Major Collector and higher-classification streets.

Figure 14.05.020-14.05.02-1. Intersection Spacing Measurement Diagram



B. Mid-Block Pedestrian Connection

Where intersection spacing is 1,000 feet or greater in length, a minimum 15-foot-wide pass-through lot shall be required near the mid-point of the block. The length between each pass through lot or intersection shall be one-half to one-fourth of the maximum intersection spacing length shown in **Table 14.03.030-1**. The pass-through lot shall connect on both ends to a public street and shall be owned and maintained by a designated property owners association or similar entity. Within the lot, a minimum 6-foot-wide sidewalk shall be constructed in an access easement and connect on either end to public sidewalks. The Director may approve an Administrative Exception, pursuant to **Section 3.14** of this Code, if it is determined that the pass-through lot would tie into an existing development where a pedestrian connection would not be possible.

C. Culs-de-sac

A residential cul-de-sac shall not exceed 20 total lots or 500 feet in length, whichever is less. A cul-de-sac exceeding 15 lots shall provide pedestrian access from the end of the cul-de-sac through to the nearest public

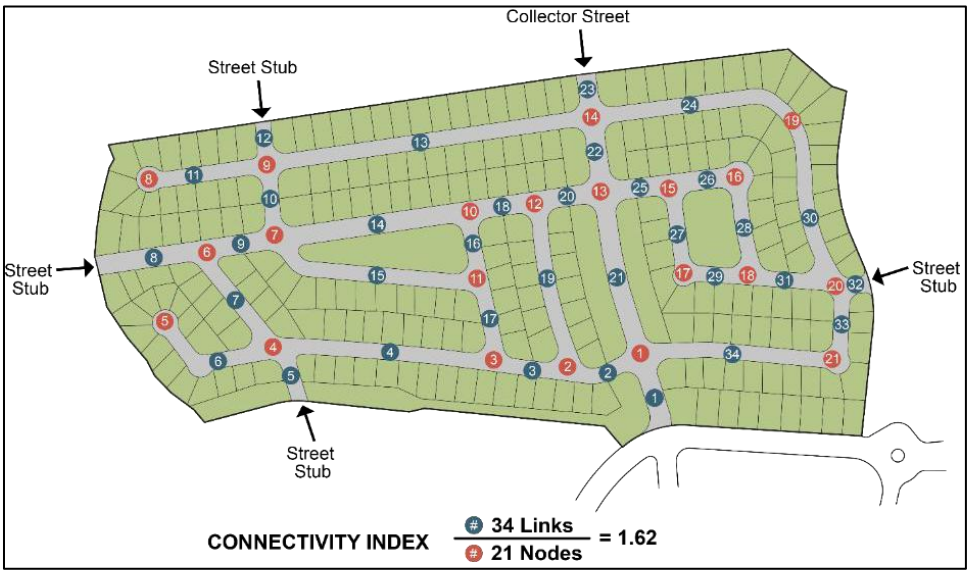
street, public school, sidewalk or trail, provided that such connection is located within the same subdivision. A pass-through lot containing a minimum 6-foot sidewalk in a public access easement shall connect on both ends to a public street and shall be owned and maintained by a property owner's association. A residential cul-de-sac is permitted only within a subdivision that has more than one public street connection and shall not take access off of an arterial street.

D. Street Connectivity

The street network for any new subdivision with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.20. A Connectivity Ratio is achieved by taking the number of street links divided by the number of nodes or end links, including cul-de-sac heads. A node is the terminus of a street or the intersection of two or more streets. A link is any portion of a street defined by a node at each end or at one end. Streets intersecting to an external collector or arterial street are not considered nodes but are considered links. Street stubs to an adjacent property are considered links, but alley intersections are not.

The adjacent graphic and sample calculation shows how the street connectivity ratio for a subdivision shall be calculated.

Figure 14.05.020-14.05.02-2. Street Connectivity Index



14.05.030. Inter-Parcel Connectivity

All new non-residential development, regardless of Zoning District, that requires a Site Development Plan and/or Stormwater Permit that require off-street parking and driveways shall provide driveway connections to adjacent non-residential zoned or developed properties or properties within the ETJ with a non-residential Future Land Use designation, parallel to any street fronting the development, whether such property is developed or undeveloped. Access Easements shall be provided where necessary to achieve such a connection. The Director may consider the following through an Administrative Exception:

A. Adjust connection locations and consider alternative connections where practical.

B. Remove the requirement for inter-parcel connectivity when determined by the Director connectivity is not feasible or desirable from a community perspective.

C. If denied by the Director, the applicant may apply for a Subdivision Waiver.

14.05.040. Exceptions

Exceptions to the requirements of **Section 14.05** may be considered by Administrative Exception, Subdivision Waiver, or by the abandonment of a right-of-way, in compliance with this Code and the City's Municipal Code.

A. Administrative Exception

The Director may consider an Administrative Exception during subdivision plat or site plan review for the following situations only: If a natural or constructed barrier such as a highway, railroad, floodplain, or severe topography would hinder the possibility of connection. The administrative exception shall not apply to meeting the minimum connections to an existing major street, as specified in **Table 14.05.010-1**. All other exceptions shall be processed as a Subdivision Waiver or Street Abandonment.

B. Subdivision Waiver

A Subdivision Waiver pursuant to **Section 3.16** can be considered for proposed and required street connections. The applicant shall demonstrate that all other administrative options have been exhausted. The following are eligible for Subdivision Waiver consideration:

1. Number of required connections, type of street connection, land use compatibility, or location.
2. A local street that would connect a commercial/industrial development to a residential development. In such instance, the applicant that is required or is proposing to make such a connection is eligible to apply for the Subdivision Waiver and must ensure that removal of such a connection does not cause detrimental effects to the streets in the adjacent subdivision.
3. A connection that would cause an existing local street to exceed the Average Daily Trip (ADT) projection specified in **Table 14.03.030-1** and cause the Level of Service (LOS) on the existing street to fall to Level "D" or worse, as determined through a Traffic Impact Analysis (TIA). The variance should be considered when efforts to re-route traffic, alter street classifications, or consider alternative connections have been exhausted.
4. When the director has denied an administrative exception for interparcel connectivity.

C. Street Abandonment

If not otherwise eligible for a Subdivision Waiver or exception provided for in this section, a City-approved public street or street stub that is proposed by any party to be closed, disconnected or never connected to another public street shall be submitted to the City Council for consideration of abandonment, following the procedures in the City's Municipal Code. No public street, right-of-way, or street approved by a plat shall be abandoned by the City or county if not in accordance with this Code. The City and county will collectively determine whether to abandon the portion of a public street that exists or is planned to be in both jurisdictions.

Section 14.06. Design and Technical Standards

Streets shall be designed in accordance with the design speed standards established in this chapter in conjunction with the *American Association of State Highway and Transportation Officials (AASHTO) Manual*, as amended. When listed in this section, the published standard shall apply. When this section is silent, the *AASHTO* standard shall apply.

14.06.010. Street Curves and Geometry

A. Vertical curves shall be designed in accordance with AASHTO standards.

B. Horizontal curves shall be separated by a minimum tangent of 100 feet for Future Mobility Plan Streets and 50 feet for all other streets.

C. Reverse curves shall be separated by a minimum tangent of 100 feet. Super-elevated curves shall not be allowed.

D. Horizontal tangents approaching an intersection shall be a minimum of 50 feet in depth.

E. Street landings shall be a minimum of 30 feet in depth with a grade of less than 2% approaching an intersection.

F. Grade breaks shall not exceed 1% without a vertical curve.

G. Longitudinal grade shall be a minimum of 0.5% for streets using a curb and gutter drainage system. Maximum grade shall conform to *AASHTO* criteria for all Future Mobility Plan Streets and shall not exceed 15% for all other streets.

H. Roundabouts and traffic circles shall be designed to accommodate emergency service vehicles and buses. Encouraged on local streets, roundabouts shall require approval by the Development Engineer for a collector-level street or higher classification. The Development Engineer shall require a license agreement from the developer to establish the developer's responsibility for the maintenance of landscaping or any art that is installed in the roundabout.

I. Traffic calming measures shall be implemented at each intersection along local and neighborhood collector streets, measuring 22 feet from curb-face to curb-face, consistent with the Engineering Design Manual. For local streets with block lengths exceeding 500 feet, a minimum of one traffic calming device shall be installed within each block, with placement at intervals not exceeding 500 feet from the nearest intersection. The Development Engineer reserves the authority to approve deviations from the 500-foot spacing requirement based on site-specific conditions.

   1. Horizontally deflecting traffic calming measures include curb extensions/bulb-outs/chokers, chicanes, raised median islands, traffic circles, and roundabouts.

   2. Culs-de-sac or streets that will not be extended within future development may be considered as qualifying traffic calming elements.

   3. Ninety-degree knuckles may be considered as qualifying traffic calming elements.

J. Collectors shall generally follow a direct path and shall not turn in a perpendicular manner after a stop or 90 degree bend, nor shall a collector end in a cul-de-sac or other permanent turn-around.

K. Exceptions to these standards, in addition to the design speeds for streets may be considered by the Development Engineer on a case-by-case basis. Approved design speeds differing from the statutory prima facie speed limits shall require signage in accordance with the Texas Manual on Uniform Control Devices.

14.06.020. Intersection Alignment

A. All streets shall intersect at a 90-degree angle. Deviations up to 10 degrees may be considered by the Development Engineer on a case-by-case basis where existing conditions will not permit.

B. New streets and driveways intersecting a street across from existing street or driveway shall be aligned with the existing street or driveway on center line with dimensions and bearings to show relationship. In unique circumstances where the Development Engineer determines that precise alignment of driveways, Local Streets, or Residential Collectors is impossible due to natural features or other unique elements of the land, such off-sets may be included provided the distance between center lines is not less than 125 feet.

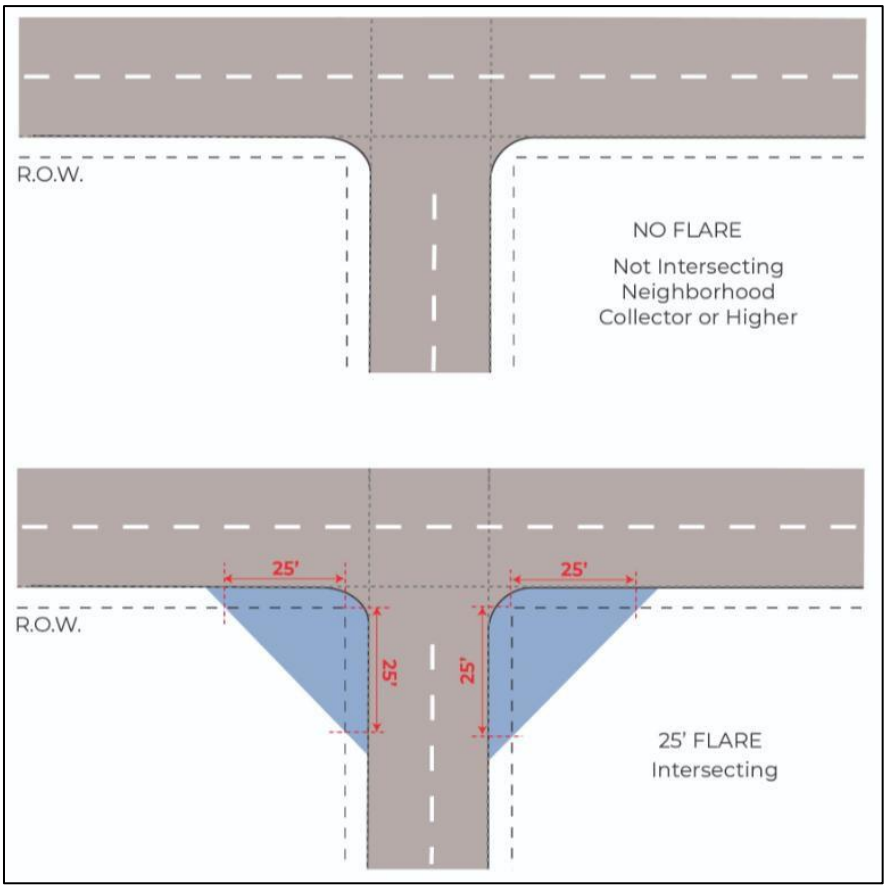
14.06.030. Turning Radius

A. Local street intersections with another local street shall include a minimum curb radius of 25 feet. All collector street intersections with both local streets and other collectors shall include a minimum curb radius of 25 feet. All arterial street intersections with any type of street shall include a minimum curb radius of 30 feet.

B. Cul-de-sac streets shall have a minimum 60-foot right-of-way and a 50-foot paved radius for single- and two-family uses, and 70-foot right-of-way and 60-foot paved radius for all other uses. Culs-de-sac shall include a 25-foot inside, 50-foot outside turning radius. Culs-de-sac, hammerheads, and all other turn-around alternatives shall meet the standards provided in the adopted Fire Code.

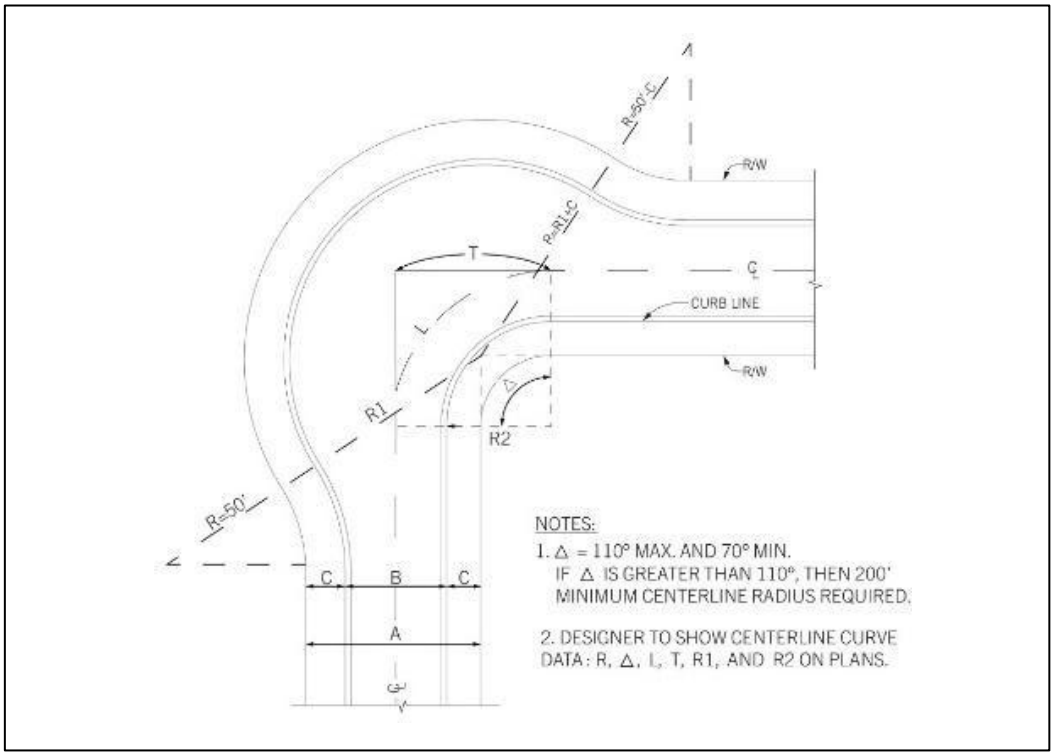
C. Street intersections containing one or more Neighborhood Collector and higher-classification streets shall include 25-foot right-of-way flares, as shown in **Figure 14.06.030-14.06.03-1. Street Intersection Right-of-Way Flares**. The 25 feet is measured along the tangents from the point of intersection of the two right-of-way lines.

Figure 14.06.030-14.06.03-1. Street Intersection Right-of-Way Flares



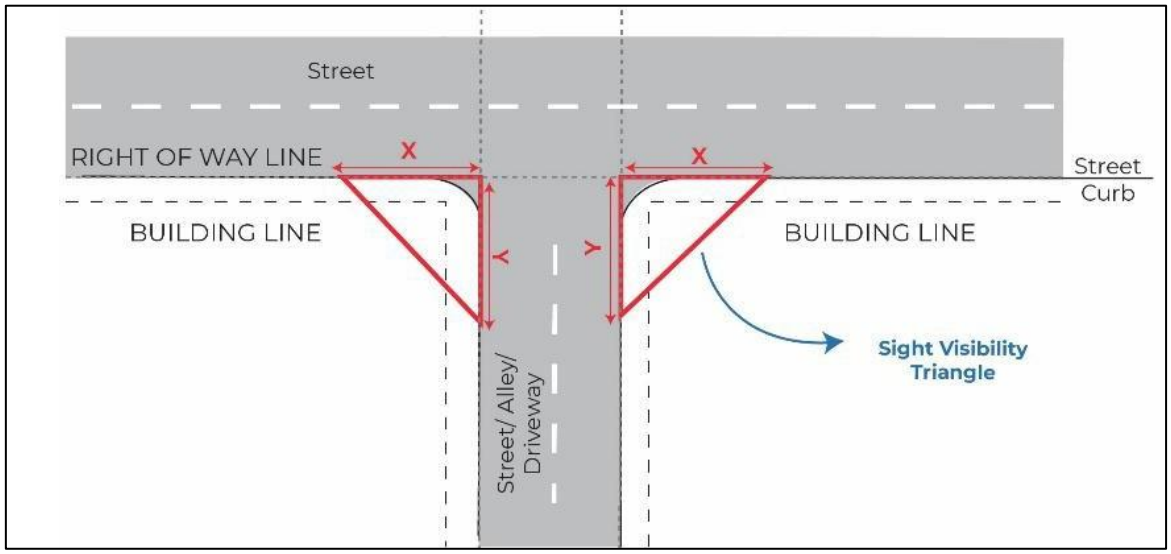
D. Knuckles shall have a minimum of minimum 60-foot right-of-way and a 50-foot paved radius for single- and two-family uses, and 70-foot right-of-way and 60-foot paved radius for all other uses. Knuckles shall include a 25-foot inside, 50-foot outside turning radius.

Figure 14.06.030-14.06.03-2. Knuckles



14.06.040. Intersection Visibility and Sight Triangle

Figure 14.06.040-14.06.04-1. Sight Triangle



1. Intersection Visibility and Sight Triangles shall be provided and maintained per AASHTO design standards.

2. For a street not containing the 25-foot right-of-way flare, a sight triangle visibility easement shall be established at all street intersections to ensure street visibility. This area shall measure 25 feet along the right-of-way in each direction from the projected intersection (shown as "x" and "y" in the graphic). At the intersection of two local streets, however, the sight triangle can be measured from the back of the curb or, where no curbs are in existence, the edge of the pavement. Where the right-of-way/curb curves at the intersection, the tangents at the points of beginning for the corner curve shall be projected to determine the origination of the sides of the sight triangle. The Development Engineer may require a larger easement if required by AASHTO or to provide adequate visibility due to unique site constraints.
3. Within the sight triangle, no construction, planting, grading or other natural or manmade object, including signs and human advertising, that interferes with street visibility shall be permitted between the heights of 3 and 8 feet, measured from the crown of the street, except as approved by the Development Engineer.
4. The Development Engineer has the authority to extend the sight triangle based on speeds, pedestrian facilities, and location of the painted stop bar at the intersecting street.

   Furthermore, the Development Engineer may make a determination that objects interfering with street visibility shall be removed or otherwise altered to restore visibility.

B. Street Curbs

1. Approved street curb types are vertical, mountable, and ribbon curbs. Each curb type shall be appropriate for the street classification, speed, drainage collection and meet the requirements of this chapter. All curbs, gutters, and inlets shall be designed and constructed in accordance with the Construction Manual.
2. Comprehensive Plan Streets, Neighborhood Collectors, and any street within a Residential Rural/Estate Subdivision may include ribbon curbs with approved drainage plans. All other streets shall be constructed with mountable or vertical curbs unless approved by the Development Engineer.
3. Local Streets and Residential Collectors may be constructed with either a mountable curb or vertical curb. Local Street cross-sections shall be in accordance with **Table 14.03.030-1**.
4. Mountable and ribbon curbs require a clear zone safety separation between sidewalks and sidepaths, in accordance with **Section 14.07**.
5. Curb Basis for all streets shall be a minimum of 9 feet, measured from the back-of-curb to the right-of-way line, to ensure that utilities, grading and drainage can be adequately provided. Unless otherwise specified, the adjacent property owner is responsible for maintenance of all pervious surface within this area, including grass, landscaping, trees, etc. per City Code Section 8.20.100. Encroachments into the right-of-way such as trees, landscaping, signage, and irrigation shall require a License to Encroach unless specified by plat or maintenance agreement.

C. Street Lights

1. Street lights shall be provided and installed by the subdivider on all public and private streets located at intervals not exceeding 300 feet, at all street intersections, and at the terminus of a cul-de-sac, except as otherwise specified herein. Subdivision of lots that do not require new streets shall also provide street lights along existing streets if street lights are non-existent. The lighting type, size of luminaire, mounting poles, location, and installation procedures shall be determined by the City's Electrical Engineer or designee, in accordance with the standards in the Construction Manual.
2. In a Residential Rural/Estate Subdivision, installation of street lights shall only be required at the entrances to the subdivision. The subdivider shall be responsible for the installation and capping of electrical conduits at all street intersections and cul-de-sacs within the subdivision so as to allow for future installation of street lights. Elevated metering transmission structures may be required within the subdivision to transmit utility meter readings.

3. In the Downtown Overlay District, street lights shall be provided using either the antique lighting or standard light poles, powder-coated and painted "Georgetown Green" in accordance with the Downtown Master Plan and the Construction Manual.

14.06.050. Mailbox Kiosks

A. Communal mailbox kiosks facing a public street shall be provided direct pedestrian access from the public sidewalk or sidepath, be set back from the public sidewalk or sidepath so as not to impede the walkway, and provide either two parallel parking spaces or a temporary loading zone that adequately accommodates two vehicles.

B. For residential developments, the mailbox kiosk shall be set back at least 500 feet from the right-of-way of a Major Street. For nonresidential and mixed-use developments, the mailbox kiosk must be located to avoid impairing visibility or safety of vehicular or pedestrian traffic.

C. The right-of-way for the adjacent public street shall be sized appropriately for such features.

14.06.060. Construction Entrances

Construction entrance/exit locations must be specified for all subdivision development. Construction traffic for subdivision public improvements shall not be routed through adjacent neighborhood streets except on rare occasions at the approval of the Development Engineer.

14.06.070. Street Naming

A. Streets shall be named according to the City's Addressing and Naming Policy.

B. Streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names within the county.

C. Driveways or approved private streets serving more than one internal lot that connect to an Arterial street shall be named and signed according to the City's Addressing and Street Naming Policy.

14.06.080. Deceleration and Left-Turn Lanes

A. Any development proposing a new driveway or street connection to a major roadway within the city limits, as listed in **Section 14.02.040** shall be required to construct a deceleration and left-turn lane at the point of connection. In cases where the proposed development does not directly connect to a major roadway listed in **Section 14.02.040**, and the added trips is 50 or greater during peak hour, a deceleration lane and a left-turn lane shall be required at the nearest intersection with the major roadway.

   1. For developments not connecting to city limits or right-of-way, the requirement, design, and installation shall conform to the requirements outlined in the *TxDOT Access Management Manual* and *TxDOT Roadway Design Manual (TxDOT Standards)*. In cases where the proposed development does not directly connect to a major roadway listed in **Section 14.02.040**, and the added trips are 50 or greater during peak hour within the city limits or right-of-way, a deceleration lane and a left-turn lane shall be required at the intersection with the nearest major roadway within the City.

B. Deceleration and left-turn lanes shall meet *TxDOT Roadway Design Manual* requirements.

C. The Development Engineer may modify length for deceleration lane that cannot meet TxDOT standards due to site constraints.

14.06.090. School Zone

A. Any development that includes a public or private school shall be required to design and construct a designated school zone to ensure the safety of students, pedestrians, and other roadway users.

B. The school zone shall include, at a minimum:

1. School zone signage consistent with the *Texas Manual on Uniform Traffic Control Devices (TMUTCD)*;
2. Flashing beacons, if warranted by a traffic engineering study;
3. Reduced speed limits during designated school hours, subject to approval by the City;
4. High-visibility crosswalks and ADA-compliant curb ramps;
5. Continuous sidewalk connectivity to adjacent street networks;
6. Advance warning signs and school zone pavement markings;
7. Pedestrian and bicycle infrastructure appropriate to the context, including but not limited to bike racks, crossing guards, and protected crossings.

C. The applicant shall coordinate the design of the school zone with the Development Engineer, the Transportation Manager and the applicable school district.

D. A School Access and Circulation Plan shall be required to determine specific traffic control measures and internal circulation needs.

E. All school zone infrastructure shall be constructed and fully operational prior to the opening of the school or as otherwise approved by the City.

14.06.100. Minimum Road Standards

All applications for plat approval, Site Plan approval, or PUD rezoning shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal streets and adjacent thoroughfares. For purposes of this section "adjacent thoroughfares" shall include thoroughfares abutting the proposed subdivision, whether located within the boundaries of the subdivision or within public rights-of-way.

1. Standards and Specifications

   The property owner shall dedicate and improve all required rights-of-way for internal streets and adjacent thoroughfares required by these regulations in accordance with the classification of streets contained in the Comprehensive Plan.

2. Dedication and Improvement of Internal Roadways and Adjacent Thoroughfares

   a. The property owner shall dedicate and improve one-half of the right-of-way necessary to meet the specifications in the Future Mobility Plan and this Code. If the property adjacent to both sides of the right-of-way has the same ownership, the property owner shall dedicate and improve the full right-of-way.

   b. The City shall require additional land and improvements for rights-of-way for adjacent thoroughfares where necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed development, depending on factors such as the impact of the development on the adjacent thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

c. In the case of adjacent frontage or service roads for state and federally designated highways, the property owner shall dedicate sufficient right-of-way and make authorized improvements in order to provide an adequate road network to serve the development.

3. Substandard Street Improvements

Where an existing thoroughfare that does not meet the City's right-of-way or design standards abuts a proposed new development, the City may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in the Future Mobility Plan or **Section 14.02** and **Section 14.03** of this Code, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

4. Capital Improvements Plan for Roads

A road improvement may be considered adequate for an application if the required improvement is included, funded, and approved in the City's, county's, or state's two-year capital improvements plan for roads or if the improvement is included, funded, and approved in the City's, county's, or state's three- to five-year capital improvements plan for roads, provided that the applicant agrees to phase development to conform to such scheduled improvement. This section shall not be construed to prevent the City from requiring dedication of rights-of-way for such roads or from assigning trips to such roads in a traffic impact study in order to determine a development project's impacts.

5. Participation in Costs of Improvements

The City may participate in the costs of improvements required by this section in order to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate streets. In such cases, the property owner shall be responsible for the entire initial costs of road improvements, including design costs. Reimbursement of the City's agreed share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the City shall be included in a subdivision improvement agreement.

Section 14.07. Pedestrian and Bicycle Mobility

14.07.010. General

All sidewalks, sidepaths, shared-use paths and trails identified in this Code, the City's Sidewalk Master Plan, Future Mobility Plan, Parks Recreation and Open Space Master Plan, Trails Master Plan, Downtown Master Plan, and any other relevant plan shall be constructed in accordance with this Code. Public sidewalks, sidepaths, shared-use paths and trails do not count against the maximum impervious cover percentage required in **Section 13.02** of this Code.

A. Public Sidewalks and Sidepaths

1. Sidewalks and sidepaths shall be constructed on both sides of all streets, including frontage roads, at the minimum widths described in **Table 14.03.030-1** and **Table 14.02.040-1** of this Code. Sidewalks shall be constructed consistent with the Construction Manual and in conformance with the requirements of the Americans with Disabilities Act (ADA) and PROWAG.

2. Sidewalks and sidepaths may be located within the street's public utility easement or right-of-way and may meander in and out of either as approved by the Development Engineer. If located within the PUE, a sidewalk maintenance and access easement shall be granted by either the recording of a plat or separate instrument and shall be identified on any subsequent plans.

3. Sidewalks and sidepaths shall be installed and meet clear zone requirements per the *TxDOT Roadway Design Manual* and shall be separated a minimum of 6 feet from the back of a ribbon curb.
4. Construction of public sidewalks on single-family and two-family lots may be deferred to the Building Permit, built to the standards and specifications at the time of the permit. Sidewalks and sidepaths located in common areas, parks and along Neighborhood Collectors and Major Streets shall be constructed at the time of street improvements.
5. Pedestrian accessways shall be provided from the public sidewalk and sidepaths to the main entrance of each building or to a sidewalk leading to the main entrance.
6. Sidewalks and sidepaths located within the Downtown Overlay District shall comply with the design standards in **Section 14.04** of this Code and the Downtown Master Plan, as amended.
7. Sidewalks and sidepaths constructed as infill, retrofitted, or rehabilitation projects should follow the standards of this Chapter where practical to do so, but consideration shall be given to the existing conditions of the built and natural environment when locating such sidewalks and sidepaths.

B. Public Trails

Regional Trails depicted as proposed Shared-Use Paths on the Trails Master Plan shall be dedicated and constructed at the time of development as a public improvement in the general locations and alignments depicted therein. Public Trails do not satisfy Parkland Dedication requirement per **Section 15.08. Parkland**.

1. If the trail is not located on public property, a minimum of 20 feet of right-of-way or public access easement, shall be dedicated as approved by the Director of Parks and Recreation.
2. The trail shall be a minimum of 10 feet in width, constructed to the standards depicted in the Trails Master Plan, or otherwise approved by the Director of Parks and Recreation.
3. A trail constructed to the City's trail standards may be constructed within the right-of-way or public utility easement as a substitute for a sidepath if the Trails Master Plan designates a trail along the street.

C. Sidewalk Fund

A designated City fund, entitled "Sidewalk Fund," shall hold any financial contributions paid in accordance with the provisions in this Code. Funds shall be held in trust by the City to be used exclusively for the purpose of purchasing and/or equipping public streets for sidewalks or sidepaths.

D. Alternative Pedestrian Improvements

1. Alternative locations or design variation(s) of sidewalks, sidepaths, pedestrian access facilities, or hike and bike trails to a standard that deviates from the Construction Manual can be requested to the Development Engineer. If approved, ownership and maintenance shall be transferred to the property owner or property/homeowner association and recorded by separate instrument, along with a public access agreement.
2. When an administrative alternative cannot be achieved, a Subdivision Waiver pursuant to **Section 3.16** may be requested for either fees-in-lieu of construction, delay of construction, or waiver. Justifications for the waiver include, but are not limited to, the location of the facility in relation to the existing or planned pedestrian network, the need for the facility, and/or topography/natural features. Prior to approval of the Final Plat, Site Development Plan, or other applicable approval stage, payment of any required fees shall be provided for deposit into the Sidewalk Fund at a cost not to exceed 125% of the estimated construction plan costs, as approved by the Development Engineer. A request may be made to City Council for City participation in any pedestrian improvements required by this chapter.

Section 14.08. Driveway Standards

All driveways accessing a street shall require a permit through either a Building Permit, Stormwater Permit, Site Development Plan, or Driveway Access Permit, in accordance with this Code. The Development Engineer may use discretion on exact driveway spacing distance and location, where warranted. A lot approved in accordance with this Code has the right to at least one driveway access point, which may or may not be full-access depending on conditions. A driveway may provide access to no more than four lots before a street is required.

14.08.010. Residential Driveways

A. Single-family and two-family platted lots shall only take access from an alley, local street, residential lane, or residential collector and shall not take access from a road that contains a county number (e.g., CR 425), arterial, or highway.

B. Residential driveways on a local street serving single-family or two-family lots shall be separated from a street intersection by a minimum of 50 feet, measured from the curb point of curvature (PC) to the center of the driveway. Residential lots with frontage on more than one non-intersecting street shall take access from the street with the lower classification, if applicable.

C. Residential driveways on a Residential Collector serving single-family or two-family lots shall be spaced a minimum of 70 feet on center and shared driveways are not permitted.

   Exceptions to this provision include:

   1. Does not apply to alley-loaded only lots fronting on Residential Collectors.
   2. Does not apply if less than 25% of the linear street frontage contains front-loaded lots.
   3. Distance separation may be reduced to 55 feet if only one side of the street is front-loaded or if the street is divided by a median.
   4. Slip roads that provide public access along a private driveway serving multiple residential lots, provided that the slip road access to the collector meets the separation.

14.08.020. Non-Residential Driveways

A. Non-residential driveways shall be no wider than 30 feet, except where a median is present within the driveway. When a median is desired or required, the driveway width shall not exceed 45 feet, and the median shall be constructed with a mountable curb. On streets operated by the Texas Department of Transportation (TxDOT), the Development Engineer may defer to TxDOT in circumstances where these standards are not practical.

B. Non-residential full-access driveways shall be separated from a street intersection and from other driveways in accordance with **Table 14.08.020-1**, measured on center or from the right-of-way to the center of the driveway. Minimum separation for right-in, right-out-only driveways shall be determined by the Development Engineer on a case-by-case basis, but in no case be spaced less than 200 feet from a street or driveway.

C. Where multiple access points to a site are desired, the Development Engineer shall have the authority to require the consolidation, closure, or relocation of an existing or planned driveway, even if consistent with the minimum spacing in **Table 14.08.020-1.**

D. Non-residential driveways on double-frontage lots located in a Residential Zoning District shall have off-setting access points from opposing streets to inhibit cut-through traffic.

E. A Driveway Access Permit may require an engineering study or a Traffic Impact Analysis in accordance with **Section 3.22** of this Code.

F. Driveway spacing in the Downtown Overlay District shall be based on sight distance.

Table 14.08.020-1. Driveway Spacing

Non-Residential Driveway Spacing	
Posted Speed (MPH)	**Driveway Spacing (Feet)**
≤30	200
35	250
40	305
45	360
50	425
55	495
60	570
65	645
70	730

Table 14.08.020-2. Minimum Connection Spacing Criteria for Highway Frontage Roads

Minimum Connection Spacing (feet)		
Posted Speed (MPH)	**One-Way Frontage Roads**	**Two-Way Frontage Roads**
≤30	200	200
35	250	300
40	305	360
45	360	435
>50	425	510

Table 14.08.020-3. Desirable Spacing between Highway Exit Ramps and Driveways

Total Volume (Frontage Road + Ramp) (vph)	Driveway or Side Street Volume (vph)	Spacing (feet)		
		Number of Weaving Lanes		
		2	3	4
< 2,500	< 250	460	460	560
	> 250	520	460	560
	> 750	790	460	560
	> 1000	1000	460	560
>2,500	< 250	920	460	560
	> 250	950	460	560
	> 750	1,000	600	690
	> 1,000	1,000	1,000	1,000

* The standards in this table are derived from the City of Georgetown Driveway Spacing Study, adopted July 2001 and based on *AASHTO* sight distance standards; and the City of Georgetown Access Management Policy, adopted December 2003.

Section 14.09. Traffic Impact Analysis

14.09.010. Purpose

To ensure that development impacts are mitigated through specified constructed public improvements and/or financial contributions thereto and that such requirements are proportional to the traffic demands created by a new development. There must be a rough proportionality between the traffic impacts created by a new development and the associated impact requirements placed on the property owner.

14.09.020. Applicability

The road adequacy regulations in this section apply to land development activities within the city limits and within the City's extraterritorial jurisdiction, as specified in this section. In addition to these road adequacy regulations, Transportation Impact Fees, as required in **Chapter 12.46** of the Code of Ordinances, shall be required for land within the transportation service areas as defined in **Section 12.46.060** of the Code of Ordinances.

14.09.030. Traffic Impact Analysis

A. When Required

1. A Traffic Impact Analysis shall be required with any application for a subdivision, Site Plan, Stormwater Permit, or Driveway Permit, for which the proposed development generates traffic in excess of 1,000 average daily trips, based upon the latest edition of the *Institute of Transportation Engineers (ITE) Trip Generation Manual*. When a development is within the transportation service areas as defined in Section 12.46.060 of the Code of Ordinances, a Traffic Impact Analysis shall only be required when the proposed development generates traffic in excess of 5,000 daily trips. In the event that specific land uses for the development are not specified at the time of subdivision or plat application, the daily trip generation rate for the most intensive land use from the *ITE Manual* for the land use classification of the application shall be used to compute the estimated average daily trips.
2. The Traffic Impact Analysis shall be prepared by a licensed professional in accordance with standard transportation engineering practices for purposes of determining the adequacy of the road network to serve the proposed development, and whether off-site road dedication and improvements should be made to mitigate the effects of the development proposed in the application.
3. An initial Traffic Impact Analysis shall be submitted with the first application for the development that triggers the requirement. An updated Traffic Impact Analysis shall be submitted with each Final Plat submitted for approval and shall be generally consistent with the initial Traffic Impact Analysis. The initial Traffic Impact Analysis shall be updated whenever a subdivision plat or Site Plan is submitted or modified to authorize more intensive development.
4. A Traffic Impact Analysis will expire after three years or when the preliminary plat, stormwater permit, or site development permit expires, whichever occurs first.
    a. For in-City developments that have an expired TIA, the development shall update and conform to the current Transportation Impact Fee (TIF) requirements.

B. Study Scope

When a Traffic Impact Analysis is required, the scope of the analysis shall be determined during a scoping meeting with the Development Engineer. No application requiring a Traffic Impact Analysis may be made until the scope of the required analysis has been determined. The Development Engineer may involve representatives of or request assessments from other agencies and departments. The elements to be determined during the scoping session shall include the following.

1. Definition of Impact Area

   The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall be determined.

2. Period of Analysis

   Periods of analysis shall include average daily traffic, peak AM and PM, or weekend peak hour.

3. Analysis Scenarios

   Scenarios for analysis include existing conditions, opening year conditions with and without development, and ten years after opening with and without development.

4. Process

   Process for determining trip generation and distribution including trip generation category, diversion assumptions, distribution assumptions, and capacity analysis.

5. Growth Rate Assumption

   The rate of growth assumed in background traffic assumptions.

6. Future Development

   Planned developments in the area that have been approved or are under review.

C. Traffic Study Elements

A letter report or special report shall only include those elements agreed upon in the scoping meeting. A full Traffic Impact Study shall include the following elements.

1. Existing Condition Survey

   a. Street System Description

      The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances, and adjacent uses and curb cuts.

   b. Traffic Volumes

      Existing traffic volumes shall be provided for the impact area including both ADT (Average Daily Traffic) and "Design" peak hour volumes. ADT shall be derived from the latest available counts taken by the City or Texas Department of Transportation. Peak hour volumes shall be obtained from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.

   c. Capacity Analysis

      Existing capacity of signalized and unsignalized intersections.

   d. Other

Other items may be required at the discretion of the Director depending upon the type and scale of the project. These may include but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.

2. Future without Development

   Capacity analysis is to be provided for opening year and plus 10-year for key intersections (and street segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the *Highway Capacity Manual* or other methodologies approved in advance by the Director.

3. Future with Development

   a. Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the *ITE Trip Generation Manual* unless the Director determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from *ITE*.

   b. The projected trips shall be distributed onto the road network as agreed in the scoping meeting.

   c. Capacity analysis for opening year and plus ten-year for key intersections (and street segments where appropriate).

   d. Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations, or similar requirements.

4. Mitigation Plan

   Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Development Engineer and, where appropriate, the Texas Department of Transportation. The mitigation plan shall also include any dedications necessary to comply with the Minimum Road Standards described below. Where the final approval authority for any procedure determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the permit or subdivision plat. Mitigation plans shall identify improvements that are eligible for TIF credits per **Chapter 12.46** of the Code of Ordinance. All improvements identified shall be required, subject to the roughly proportionate impact of development.

D. Consultants

The City may require that an independent licensed professional traffic engineer be hired by the applicant to perform the required Traffic Impact Analysis or to review all or part of a study prepared by the applicant's consultants.

E. City Evaluation and Action

The City shall evaluate the adequacy of the Traffic Impact Analysis prepared by the applicant. Based upon such evaluation, the City shall determine (1) whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare, and (2) the extent of the applicant's obligations to make such dedications or improvements. The City shall condition the approval of the subdivision application on one or more of the following performances by the applicant:

1. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
2. A reduction in the density or intensity of the proposed development sufficient to ensure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;

3. The dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development.

F. Annexation

Any development that is annexed into the City, the applicant or property owner shall pay applicable Traffic Impact Fees in accordance with Section 12.46 of the Code of Ordinances.

G. Deferral of Obligation

Upon request of the applicant or property owner, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on an application may be deferred to a later stage of the development process.

As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, which deferral shall be in the sole discretion of the City, the City shall require the developer to execute a subdivision improvement agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares.

H. Cash Contributions

In lieu of the obligation to dedicate or improve thoroughfares or make traffic control improvements to achieve road adequacy, the applicant may propose to make equivalent cash contributions. Any funds accepted by the City shall be earmarked for either transportation impact fees due at Building Permit, per Chapter 12.46 of the Code of Ordinances, or as a separate contribution tracked in a separate account earmarked for construction of the improvements for which the contribution was made. Any contributions intended for the payment of transportation impact fees must be placed in the appropriate transportation service area impact fee account in which the development is located and be spent on eligible projects within the transportation service area as required in Chapter 12.46 of the Code of Ordinances.

I. Options

Whenever the proposed development's share of the costs of a thoroughfare or traffic control improvement needed to mitigate traffic generated by the development is less than 100%, the City, in its sole discretion, may do the following:

1. Participate in the excess costs; or
2. Aggregate the costs of improving multiple thoroughfares or intersections identified in the Traffic Impact Analysis and require improvements to only some of the thoroughfares or intersections affected by the development.

J. Appeal of Traffic Impact Analysis Conditions

Any appeal of a disapproved or denied final action resulting, in full or in part, from a determination that the Mitigation Plan was insufficient shall include the following:

1. The appeal shall allege that recommended conditions requiring dedication or construction of thoroughfares or traffic control improvements are not roughly proportional to the nature and extent of the traffic impacts on the road network created by the development being proposed.
2. The appeal may also allege that the imposition of the conditions deprives the owner of the economically viable use of the land or of a vested property right.
3. The applicant shall provide a study in support of the appeal.
4. The City Council shall consider the appeal and determine whether the street or traffic control dedication and construction requirements are roughly proportional to the nature and extent of the impacts on the road

network created by the development proposed. If the petition also alleges that the proposed dedication or construction requirements constitute a deprivation of economically viable use or of a vested property right, the hearing body also shall consider such issues. Following such determinations, the appeal hearing body may take any of the following actions regarding the road adequacy portion of the appeal only:

a. Deny the appeal, upon determining that the required dedications of rights-of-way for or improvements to thoroughfares or traffic control improvements are roughly proportional to the nature and extent of the impacts created by the development, and order that such dedication or improvements be made as a condition of approval of the subdivision application.

b. Deny the appeal, finding that the dedication or improvement requirements are inadequate to achieve road adequacy, and either deny the subdivision application or require that additional dedications of rights-of-way dedication for or improvements to thoroughfares or traffic control improvements, be made as a condition of approval of the application.

c. Grant the appeal and waive in whole or in part any dedication or construction requirement that is not roughly proportional; or

d. Grant the appeal and direct that the City participate in the costs of acquiring rights-of-way or constructing improvements sufficient to achieve proportionality.

Chapter 15. Infrastructure and Public Improvements

Section 15.01. General

The purpose of this chapter is to ensure the orderly continuation of public improvements for development in Georgetown, through the planning, design, and construction thereof. The intent of this chapter is to ensure, as part of the development process, the construction of adequate public improvements in a safe, equitable, and efficient manner.

15.01.010. Applicability

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212, and the City Charter.

15.01.020. Public Improvements

A. Land proposed for development in the City's corporate limits and extraterritorial jurisdiction (ETJ) shall be adequately served by essential public facilities and services including, but not limited to, water distribution, wastewater collection and treatment, roadways, pedestrian circulation, storm drainage conveyance, and park and recreational facilities. Development seeking or requiring connection to a public utility system shall design and install public improvements in accordance with the Comprehensive Plan and shall meet the minimum requirements established by this Code, the City's Construction Standards and Specification Manual (Construction Manual) and any other adopted City design or technical criteria.

   Public improvements required for development under the provisions of this Code include, but are not limited to:

   1. Stormwater drainage system including, but not limited to, drainage easements, channels, storm sewer lines and inlets, in accordance with the provisions of **Chapter 13** of this Code.
   2. Streets, including but not limited to sidewalks, sidepaths, shared-use paths, trails, alleys, bridges, and street lighting, in accordance with the provisions of **Chapter 14** of this Code.
   3. Utility systems including, but not limited to, water, wastewater, and electric infrastructure, in accordance with the provisions of this chapter.
   4. Utility services for communications, gas, other electric providers, or other approved service shall be installed in accordance with the approved utility assignment locations and associated franchise agreements.

B. Extension of Water and Wastewater Utilities

   1. Minimum 8-inch water and wastewater extensions and current masterplan line extensions will be required during the subdivision of properties.
   2. For an unplatted site, current masterplan line extensions will be required.
   3. Site plan applications must extend a minimum 8-inch water and wastewater line, as required.

15.01.030. Public Improvement Exemptions

A. 80% Rule

   Residential subdivisions processed as a Resubdivision where four or fewer new lots are being created may provide certain public improvements to the same or similar level, as determined by the Development Engineer, as the existing improvements serving 80% of adjacent properties that contain a residential or agricultural use. For purposes of this section, "adjacent properties" include properties directly across a street right-of-way from the subject property.

The 80% Rule exemption applies to the public improvements required in this Code, except as follows:

1. **Chapter 13**, Stormwater;
2. **Section 14.02**, Comprehensive Plan roadway right-of-way dedication;
3. **Section 14.07**, Sidewalks, in the city limits only. Sidewalks in the ETJ are exempt;
4. **Section 15.03**, Public Utility Easements;
5. **Section 15.04**, Fire Flow, unless granted an exception as authorized by Sections B.103 and B.105 of the International Fire Code, considering density, on-site storage, sprinkler system, and any other authorized modifications; and
6. **Section 15.07**, Utility Master Plan infrastructure.

B. Residential Rural/Estate Subdivisions

Single-family development within the Agriculture (AG) and Residential Estate (RE) Districts, or in the City's extraterritorial jurisdiction (Residential Rural/Estate Subdivisions) qualify for certain modified standards throughout this chapter and other chapters of this Code, where specified. It is the intent that these modified standards be used to create a rural-type atmosphere for a development without sacrificing the integrity of current or future infrastructure systems. The resubdivision of a Residential Rural/Estate Subdivision to a density that does not meet the rural exemption shall be upgraded in conformance with this Code.

Section 15.02. Public Improvement Requirements

15.02.010. Developer Responsibilities

The developer is responsible for payment of all costs of materials and installation of all infrastructure and public improvements required by this Code, unless otherwise specified.

15.02.020. Continuity of Improvements

All public improvements shall be designed and installed to provide for a logical system of utilities, drainage and streets, and to create continuity of improvements for the development of adjacent properties. All required public improvements shall be extended along the boundary and/or through the subject property to the perimeter of the subject property. Utility assignments are depicted in the Construction Manual.

15.02.030. Inspection of Improvements

A. During the course of installation and construction of the required improvements, the Development Engineer or designee shall make periodic inspections of the construction to ensure that all improvements comply with the provisions of this Code. Construction that fails to comply with the standards and specifications contained or referred to herein shall not be accepted.

B. The City will charge engineering inspection fees during construction and for final inspection. The City will not provide layout work or daily inspection.

C. Compaction tests on embankments and flexible bases, depth tests on flexible bases and pavement, and pressure tests on piping systems are required prior to final approval.

15.02.040. Acceptance and Maintenance of Improvements

A. Upon completion of all required public improvements, the City may consider acceptance of the constructed public improvements only after record as-built drawings have been submitted to the City, which shall include a statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with this Code.

B. A written guarantee that all workmanship and materials associated with public improvements shall be free of defects for a period of two years from the date of acceptance by the Development Engineer shall be provided to the City. A two-year maintenance bond in the amount of 10% of the total construction cost of all workmanship and materials shall be submitted to the City per the approved City form.

C. The City shall not repair, maintain, install, or provide any streets, public utilities or services in any subdivision for which a Final Plat has not been approved and recorded, nor in which the standards contained herein or referred to herein have not been complied with in full.

D. Public improvements constructed to a standard varying from City specifications but approved by the City shall be accompanied by a maintenance agreement with a Property Owner's Association (or similar organization) for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreement(s) providing for such shall be presented to the Development Engineer and approved as to form by the City Attorney prior to recordation of a Final Plat and shall be filed of record with the plat thereof.

15.02.050. Provision of Utilities

A. The City shall not supply water, wastewater, or electricity according to the standards of this chapter for any tract of land that is not a legal lot, nor shall the City have any obligation to extend utility service to any parcel created in violation of the requirements of this Code.

B. A connection to or tap into the City water system, electric system, or wastewater system shall not be made without a permit or express prior written approval. The developer or builder shall make available all necessary materials to make the final tap or connection.

C. Temporary utility service may be provided according to the standards and procedures of the utility provider and are not subject to the requirements of this chapter.

Section 15.03. Utility Easements

A. Uniform and continuous public utility easements (P.U.E.) shall be provided along all street lot lines at a minimum of 10 feet. If not dedicated by plat, the easement shall be granted at the time of Site Development Plan or by separate instrument, at the discretion of the Development Engineer. The City may consider approval of an alternative easement location other than along the street lot line.

B. Alongside major collectors, arterials, and highways, the P.U.E. shall be a minimum of 15 feet. Shade Trees shall not be planted within these easements, unless approved by the Development Engineer. In any P.U.E. with existing overhead electric lines, Shade Trees are prohibited. Ornamental Trees are allowed within all P.U.E.s.

C. Utility easements may be required across parts of lots other than as described above, at the discretion of the Development Engineer. If situated between lots, easements for water, wastewater and storm sewer lines shall be at least 20 feet in width. Where the proposed development adjoins an unplatted area, up to a 20-foot easement may be required along the rear of lots adjoining the unplatted area.

D. Where utility easements are not straight due to curved streets, a larger easement shall be provided where needed for overhead electric, at the discretion of the Development Engineer.

E. Utility easements may be fenced if unlocked gates are provided to allow free movement of excavating machines, maintenance equipment, and personnel throughout the full length of the easement.

F. Utility Easements are not required within the Downtown Overlay District.

Section 15.04. Public Water Standards

All development shall be served with an adequate water supply and distribution systems for fire protection and domestic use, unless otherwise specified. The developer shall be responsible for providing infrastructure to an approved public water supply system, including, but not limited to, water distribution lines, fire hydrants, valves, elevated metering transmission structures, and water towers, consistent with the City's Comprehensive Plan. All improvements shall be designed and constructed according to the City's Construction Manual.

A. Where an approved public water collection main or outfall line is less than one-half mile from the property boundary, connection to the public water system shall be required and public water shall be installed throughout the development.

B. Extension of water utilities shall conform to the City's adopted Utility Extension and Improvement Policy, as amended.

C. The developer shall be responsible for the cost of extension and connection to the existing public water system.

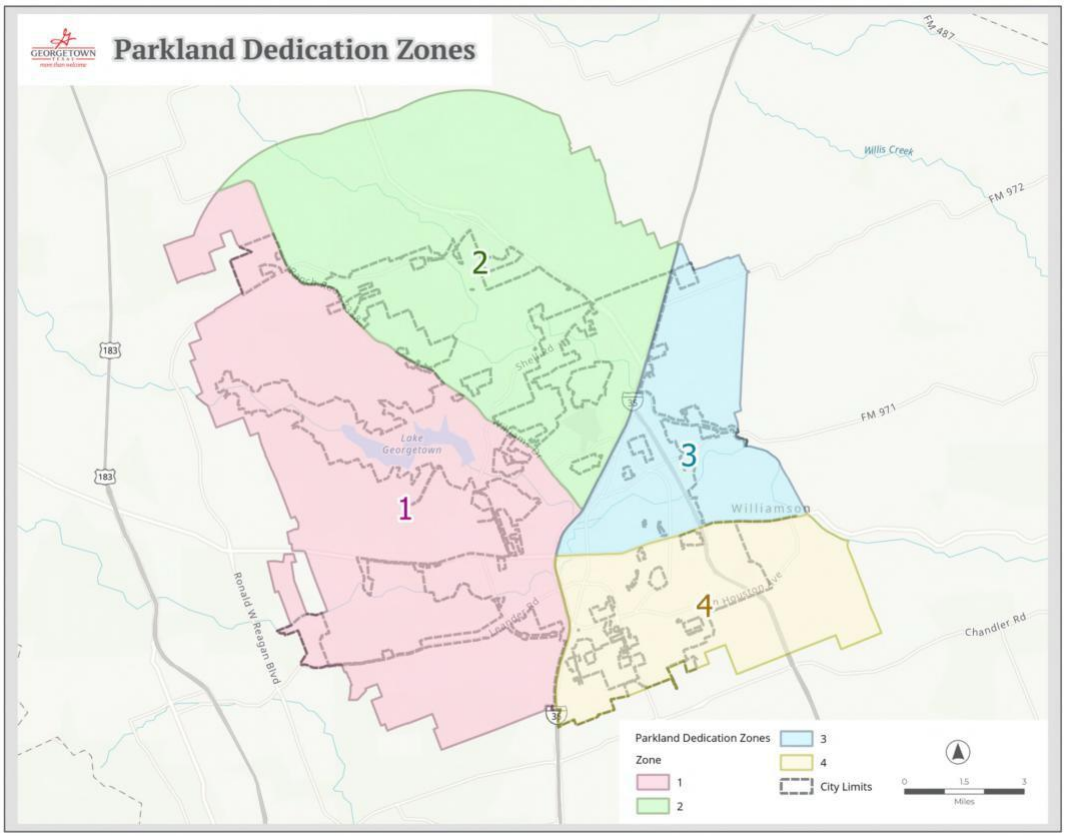
D. The water main pipe size for water distribution system improvements and extensions shall be a minimum diameter of 8 inches. Water infrastructure shall be of sufficient size to furnish adequate domestic water supply for fire protection in conformance with the City's adopted Fire Code, as amended. Fire hydrants shall be provided in accordance with the Construction Manual.

E. The design and construction of the components of the public water system shall comply with regulations covering extension of public water systems adopted by the Texas Commission on Environmental Quality (TCEQ). For development that is not served by a public water supply, proof of a safe and adequate water supply shall be provided to the Development Engineer.

F. Where an approved public water collection main or outfall line is more than one-half mile away from the property boundary, on-site wells may be utilized; however, if the City's Water Master Plan has scheduled the extension of a water collection main or outfall line to be completed to a location point within one-half mile away from the property boundary within five years from the date of the Preliminary Plat submittal, connection to the public water system is required. In such instance, the subdivider shall be required to install a public water system and shall bear the cost of connecting the subdivision to such existing water system. A subdivider may request an exception or alternative to this requirement, which shall be considered by the Development Engineer or their designee. An appeal of the decision made by the Development Engineer in this regard shall be heard by the Planning and Zoning Commission.

G. Improvements required through the Water Services Master Plan shall be designed and installed in accordance with the Water and Wastewater Criteria Manual.

H. All water lines that will be owned or maintained by the City of Georgetown and are located within the City's ETJ (Extraterritorial Jurisdiction) will require a City of Georgetown easement. This easement must be dedicated by separate instrument, unless outlined within the Utility Extension Policy



Section 15.05. Public Wastewater Standards

All development, where desired or required, shall be served with an approved public wastewater system, including but not limited to, wastewater lines, manholes, force mains, and lift stations, consistent with the Comprehensive Plan. Properties in the ETJ that desire or require wastewater service from the City of Georgetown shall first submit a petition for voluntary annexation, in accordance with **Section 3.06** of this Code. All improvements shall be designed and constructed according to the City's Construction Manual.

A. Where an approved public wastewater collection main or outfall line is less than one-half mile from the boundary of a property within the city limits, connection to the public wastewater system shall be required and a public wastewater collection system shall be installed throughout the development.

B. Extension of wastewater utilities shall conform to the City's adopted Utility Extension and Improvement Policy, as amended.

C. The developer shall be responsible for the cost of extension and connection to the existing wastewater collection system.

D. The wastewater gravity main pipe size for wastewater improvements shall be a minimum diameter of 8 inches.

E. The design and construction of all wastewater systems shall comply with regulations covering extension of public sanitary wastewater systems adopted by the Texas Commission on Environmental Quality.

F. All wastewater systems shall be designed and constructed to operate on a gravity flow basis. In extraordinary circumstances and with the approval of the Development Engineer, lots 1 acre and greater may design a low-pressure, vacuum, or gravity flow system to minimize the need for lift stations.

   1. A subdivision waiver request for a lift station may be approved if:

a. The depth is not shallower than 40 feet, and

b. The request is not due to financial hardship.

G. Where an approved wastewater collection main or outfall line is more than one-half mile away from the property boundary, on-site septic system(s) may be utilized; however, if the City's Wastewater Master Plan has scheduled the extension of a wastewater collection main or outfall line to be completed to a location point within one-half mile away from the property boundary within five years from the date of the Preliminary Plat submittal, connection to the public wastewater system is required. In such instances, the subdivider shall be required to install a public wastewater collection system and shall bear the cost of connecting to such existing wastewater collection system. A subdivider may request an exception or alternative to this requirement, which shall be considered by the Development Engineer or their designee. An appeal of the decision made by the Development Engineer in this regard shall be heard by the Planning and Zoning Commission.

H. Improvements required through the Water Services Master Plan shall be designed and installed in accordance with **Section 15.07** of this Code.

Section 15.06. Electric And Communication Standards

The City's Electrical Engineer shall design the electrical system for all development, unless otherwise authorized. Where permanent electric service is desired and/or improvements required, the electric improvements shall be installed and maintained in accordance with the following standards:

A. For residential subdivisions, all electric distribution lines and individual service lines shall be installed underground. If overhead lines existed prior to underground installation, such poles, guy wires, and related structures shall be removed following construction of the underground infrastructure.

B. For non-residential and multifamily development where no existing overhead infrastructure exists, underground electric utility lines shall be required along the street and within the site. Where existing overhead infrastructure is to be relocated, it shall be re-installed underground. Development occurring in the Downtown Overlay District should be highly encouraged to relocate overhead electric underground with the site work.

C. Underground electric and communication service lines shall be located and installed according to the Construction Manual.

D. Electric transformers and related equipment shall be mounted on pads at ground level. For non-residential development, such equipment shall be located outside of the street yard where practical and preferably located behind the front façade of the primary building structure. Such equipment shall be reasonably separated from pedestrian or vehicular access ways, shall have approved driveway or all-weather vehicular accessibility, shall not conflict with roadway sight visibility, and shall be located outside of future right-of-way.

E. Screening of pad-mounted transformers for non-residential development shall consist of barrier fencing or shrub plantings located no closer than 3 feet from the transformer, except for the entry side of the transformer, which shall have a minimum of 10 feet of unobstructed clearance. The entry side of the transformer shall not face a public street unless located behind the front façade of the primary building structure. The transformer pad shall be located with adequate room for the required landscape screening to be installed consistent with these provisions. Transformers in the Downtown Overlay District are exempt from these requirements.

F. Once utility service lines have been installed underground, the installation of new above-ground lines in that location is prohibited.

G. The installation of public street lights, and connection of electric service thereto, shall be the responsibility of the developer as provided in **Chapter 14** of this Code.

H. Installed overhead and underground electric service shall take into account Heritage and Protected Trees when locating new service lines.

I. Exceptions or alternatives to the requirements of this section may be considered by the Development Engineer or their designee. An appeal of the decision made by the Development Engineer in this regard shall be heard by the City Council.

Section 15.07. Master Plan Infrastructure

The City's Comprehensive Plan includes utility master plans for the water distribution, wastewater collection and electric utility. Each master plan identifies future system improvements that are necessary to meet or exceed treatment and transport requirements for the specific utility. The planning horizon for the plan is up to 20 years in the future.

A. Construction of Master Plan Infrastructure

When a master plan requires the installation of regional infrastructure on a property, the developer shall extend and construct such facilities at their own expense. When these facilities exceed the utility needs for the specific development beyond the utility minimum size, the facility shall be considered oversized. All necessary easements and/or rights-of-way for such infrastructure shall be dedicated at no cost to the City.

B. Oversizing Cost Participation

1. The City may, at its sole discretion, participate with a developer in the cost of oversized facilities based upon, but not limited to the following factors:
   a. The approved utility budget for the current year;
   b. The ability of the specific utility to fund any future costs;
   c. The degree to which the project conforms to and accomplishes the five-year CIP priorities;
   d. The degree to which the project accomplishes the utility Master Plan; and
   e. The impact to system operations. Any cost participation contract shall be approved by the City Council prior to approval of the Final Plat.
2. Cost participation shall be based upon the cost differential between the master plan line size and the minimum line size required to serve the development, for eligible construction costs.
3. When a line extension is included in the current five-year CIP, the approved cost participation contract shall provide for the payment to be scheduled during the same fiscal year as the CIP project that would have accomplished the line extension, and after the date of notice of acceptance by the City.
4. The fees shall be calculated by the City based on information from the developer's engineer, using a methodology that apportions the development's projected usage (based upon the minimum pipe size) to the available usage due to oversizing. The developer's engineer shall use the City's approved water or wastewater master plan as a basis for calculating residential flow per dwelling unit. Calculations for non-residential units shall be calculated using the latest edition of the "Design Criteria for Sewage Systems," as produced by the Texas Commission on Environmental Quality.
5. The calculation of cost participation shall be based on construction costs in effect at the time the connection to the system (the "tap") is made. All calculations shall be submitted to the City for appropriate review, verification, and approval.
6. A cost participation contract is not a guarantee of capacity. Guarantee of capacity is achieved through payment of impact fees.

C. Impact Fee Credits

When a line extension is included in the 10-year Capital Improvement Plan (CIP), an Impact Fee credit may be eligible on the fee assessment for each lot in the subdivision. Impact Fee credit shall be calculated based upon the number and size of service connections and the allocation of costs in the Impact Fee calculation, as amended.

Section 15.08. Parkland

15.08.010. Purpose

The purpose of this section is to provide parks, open spaces, and trails that implement the Georgetown Parks, Recreation and Trails Master Plan. The Georgetown City Council has determined that parks, open spaces and trails are necessary and in the public welfare, and that the adequate procedure to provide for same is by integrating standards into the procedures for planning and developing property.

15.08.020. Applicability

The provisions of this section shall apply to the development of a tract of land for any residential use of five or more lots or dwelling units within the city limits and the extraterritorial jurisdiction (ETJ). For the purposes of this section, lots and dwelling units are interchangeable for determining the Parkland dedication requirements.

15.08.030. Requirements for Parkland Dedication

A. Dedication of Public Parkland Required

1. A developer of a tract of land for residential use of five or more lots shall set aside and dedicate to the public sufficient and suitable land for the purpose of public Parkland.
2. The minimum acreage of Public Parkland required shall be as follows:
   a. For development with one or two dwelling units on a lot: 1 acre for each 80 dwelling units, or fraction thereof.
   b. For development with three or more dwelling units on a lot: 1 acre for each 110 dwelling units, or fraction thereof.
3. The land to be dedicated shall form a single lot with a minimum area of 3 acres.
4. Exemptions
   a. When 2 or more, but less than 3, acres of land would be required to satisfy the Public Parkland dedication requirements, the Parks and Recreation Director may approve parkland less than 3 acres if it is determined that it would be in the public interest, and/or accept a financial contribution in lieu of dedication of Public Parkland to meet the dedication requirements of this section.
   b. A developer shall make a financial contribution in lieu of dedication of Public Parkland when:
      (i) No portion of the tract of land is located within the city limits.
      (ii) A developer proposes to develop 100 or fewer lots and where no future phasing is proposed.
      (iii) Less than 2 acres of land would be required to satisfy the Parkland dedication requirements.
   c. The rate required for the financial contribution shall be in accordance with the adopted fee schedule. The fee shall be reviewed on annual basis to ensure accuracy and value.

B. Park Development Fee

1. In addition to the dedication of Public Parkland or fee-in-lieu, a developer shall pay a Park Development Fee to ensure that the Public Parkland will be sufficiently developed for park use.
2. The amount for the Park Development Fee shall be in accordance with the adopted fee schedule and based on the level of service for the Public Parkland.
3. Alternative Standards

a. When 2 or more acres of land are proposed to satisfy the Parkland dedication requirements, the Parks and Recreation Director may consider a proposal from an applicant to construct park improvements on Public Parkland in lieu of paying, in whole or in part, the Park Development Fee.

b. Park improvements shall include the minimum number of facilities listed in **Table 15.08.030-1. Minimum Number of Facilities by Parkland Acreage**:

Table 15.08.030-1. Minimum Number of Facilities by Parkland Acreage

Parkland Acreage	Minimum Number of Facilities
3 or less	4
4-6	5
7-9	6
10 or more	7

c. Park improvement facilities shall be selected from those listed below:

(i) Age appropriate playground equipment with adequate safety surfacing around the playground.

(ii) Unlighted practice fields for baseball, softball, soccer, and football.

(iii) Unlighted tennis courts.

(iv) Lighted or unlighted multi-purpose courts for basketball and volleyball.

(v) Improved multiuse green space.

(vi) Picnic areas with benches, picnic tables and cooking grills.

(vii) Shaded pavilions and gazebos.

(viii) Jogging and exercise trails.

(ix) Other facilities as approved by the Parks and Recreation Director.

d. When construction of park improvements is proposed, all park improvements shall comply with the Parks Master Plan, **Section 15.08.040** of this Code, and applicable City regulations.

C. Credit for Private Parks

1. Where privately-owned and maintained parks or other recreational facilities with non-exclusive private amenities are proposed for a single-family, two-family, townhouse, or detached multi-family residential development, the Parks and Recreation Director, after recommendation from the Parks and Recreation Board, may grant a credit of up to 50% of the required Public Parkland dedication and Park Development Fee.

2. Privately owned and maintained parks or other recreational facilities shall meet the following minimum standards:

a. The park or recreational facility shall have a minimum lot area of 2 acres; and

b. The park or recreational facility shall include the minimum number and type of facilities outlined in **Subsection 15.08.030.B.3**; and

c. The park or recreational facility shall comply with the Parks Master Plan, **Section 15.08.040**, and other applicable City regulations.

3. Privately-owned and maintained parks or other recreational facilities for a single-family, two-family, townhouse, or detached multi-family subdivision shall be identified on the Subdivision Plat as a private open space lot.

4. Privately-owned and maintained parks or other recreational facilities shall be owned and managed by a mandatory Homeowners Association (HOA), or similar permanent agency, and subject to restrictive covenants that state the following:
   a. The land shall be utilized for Parkland or open space in perpetuity.
   b. Each property owner within the subdivision encumbered by the restrictive covenants shall be required to pay dues and/or special assessments for the maintenance of the private park or recreational facility.
   c. If the responsible agency dissolves, cannot fulfill its obligations or elects to sell, transfer or otherwise divest itself of the land, the City shall have the right of first refusal on acquiring the property. If the City elects to acquire the land, said land shall be transferred at no cost to the City and in accordance with **Section 15.08.050**, Method of Dedicating Parkland.
   d. The cessation of the privately-owned and maintained park or other recreational facility shall be prohibited until such time as the declarant cedes control of the responsible agency to purchasers of properties within the subdivision, and then only upon amendment to the restrictive covenants approved by three-fourths of the members of the responsible agency.

D. Credit for Heritage Tree Preservation
   1. The parkland dedication requirement may be reduced if a Heritage Tree is saved within the dedicated Parkland lot; however, the required Parkland lot shall not be less than 3 acres, unless the Parks and Recreation Director determines it to be in the public interest.
   2. The Parkland dedication credit shall be a 15-dwelling unit reduction in the number of units used to calculate the Parkland dedication requirement for each Heritage Tree preserved within the Parkland lot.
   3. Heritage Trees counted toward this credit shall have their entire critical root zone (CRZ) located within the Parkland lot.
   4. Heritage Trees within the 100-year FEMA or calculated floodplain shall not count toward this credit.

15.08.040. Location, Site and Development Standards for Public Parkland

A. Any land to be dedicated to meet the requirements of this section shall be suitable for public parks and recreational activities as determined by the Parks and Recreation Director and comply with the following standards and requirements:
   1. The Parkland lot shall be centrally located within the development, when practicable. Where existing or accepted public Parkland is located adjacent to the development, the Parkland lot may abut the existing or accepted public Parkland provided it results in the creation of a larger park as approved by the Parks and Recreation Director.
   2. In unique circumstances, as approved by the Parks and Recreation Director, a developer may propose dedication of land located outside the development boundary to meet the provisions of this section. In this event, the land proposed to be dedicated shall be located within the same Benefit Zone as the development, and the value of the land shall be equal to the land or fee-in-lieu of land that would be dedicated within the development.
   3. Where a residential subdivision is proposed to be developed in phases, the Parkland lot shall be located within the first phase of the development. If the required public Parkland is proposed to be outside of the first phase, the first phase may be approved provided that fee-in-lieu of dedication is paid for the number of lots within that phase. In this event, the fee paid may be credited towards the required Park Development Fee for the subsequent phase(s) of the development.

4. The Parkland lot shall have a minimum lot width and street frontage of 200 feet. When practicable, the Parkland lot shall be a corner or multi-frontage lot with a minimum street frontage of 200 feet on two streets.
5. The Parkland lot shall only be located along street(s) where on-street parking may be accommodated on both sides of the street.
6. A minimum of 50% of the Parkland lot shall not exceed a 20% grade. A slope analysis exhibit shall be provided to the Parks and Recreation Director.
7. Areas within the FEMA or calculated 100-year floodplain may be dedicated in partial fulfillment of the dedication requirement not to exceed 50%. When area within the floodplain is proposed to be dedicated, a minimum of 2 acres of land, with a minimum width of 100 feet, shall be located outside the floodplain to satisfy the Parkland dedication requirements.
8. Parkland lots with the following conditions shall not be accepted unless approved by the Parks and Recreation Board:
    a. The lot is primarily accessed by a cul-de-sac.
    b. The lot is hindered by utility easements or similar encumbrances that make development of the land unfeasible. This does not include required public utility easements pursuant to **Section 15.03** of this Code.
    c. The lot is encumbered by sensitive environmental species or habitat areas.
    d. The lot contains stormwater facilities. Where stormwater facilities are proposed, stormwater facilities must be designed as a park amenity.
9. A minimum of 2-inch water service line, 6-inch gravity wastewater service line, and access to electric lines shall be provided at one of the property lines in a location approved by the Parks and Recreation Director.
10. Sidewalks and sidepaths in accordance with **Section 14.07** of this Code shall be provided along all street frontages. Sidewalks and sidepaths do not count toward the required parkland dedication.

B. Alternative Site and Development Standards
1. Alternative design standards for Public Parkland may be proposed and submitted to the Parks and Recreation Director, provided the intent of the requirements of this section are met.
2. Prior to submitting an application for development, the applicant shall complete the following:
    a. Provide a letter to the Parks and Recreation Director that details the alternative design for Parkland dedication and why it is equal to or better than the minimum standards; and
    b. Conduct a site visit with the Parks and Recreation Director to review the proposal.
3. The Parks and Recreation Director shall review the alternative design based on **Section 15.08.030**, Requirements for Parkland Dedication, and **Section 15.08.040**, Design Standards for Parkland, of this Code and present the proposed alternative design to the Parks and Recreation Board for a recommendation to the Parks and Recreation Director.
4. The Parks and Recreation Director shall approve, approve with conditions, or disapprove the request.

15.08.050. Method of Dedicating Parkland

A. Land to be dedicated for Public Parkland shall be identified on the Preliminary Plat, Final Plat, and Site Development Plan. When construction of park improvements and/or private parks is proposed, all amenities shall be identified on the Subdivision Construction Plan or Site Development Plan, as applicable. Fiscal surety in

the amount equal to the Park Improvement Fee shall be provided prior to approval of Subdivision Construction Plan or Site Development Plan, as applicable, for the park improvements on Public Parkland.

B. Prior to acceptance of the Public Parkland, the following conditions shall be met:

1. Land shall be in good condition, including the removal of all debris and dead plant materials, and utility services, sidewalks and other public improvements installed. Any land disturbed by activities not related to park development shall be restored and the soil stabilized in a method approved by the Parks and Recreation Director in accordance with the requirements of this Code.
2. Parkland Development Fee shall be paid. When construction of improvements on the public parkland is approved, park improvements shall be constructed and accepted by the City at the time of acceptance of all other public improvements, when required, or final site inspection.

C. Prior to recordation of the Final Plat, the following conditions shall be met:

1. Land accepted for dedication under the requirements of this Section shall be conveyed by warranty deed, transferring the property in fee simple to the City of Georgetown, Texas, and shall be free and clear of any mortgages or liens at the time of such conveyance.
2. A copy of the warranty deed and other Parkland dedication documents as outlined in the Development Manual shall be provided to the Parks and Recreation Director.

D. When financial contribution in lieu of dedication of public Parkland is approved as meeting the requirements of this section, no Final Plat may be recorded or Site Development Plan approved, as applicable, until payment has been accepted by the City.

15.08.060. Park Fund Established

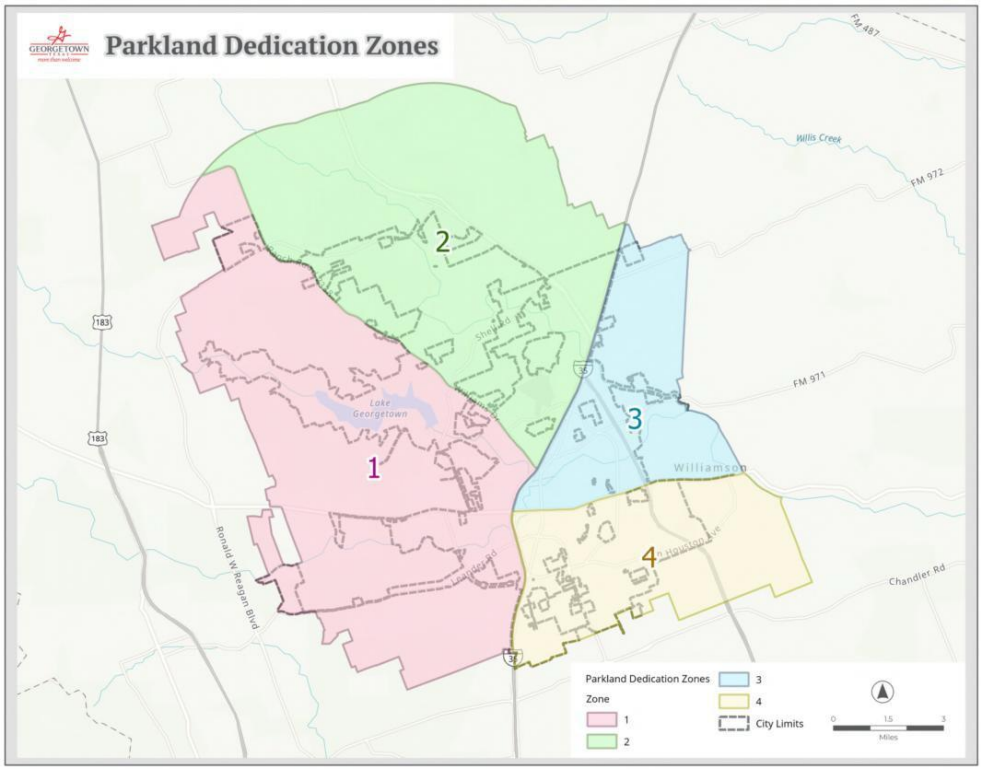
A. A separate fund entitled "Park Fund" has been created to hold in trust money paid to be used solely and exclusively for the purpose of purchasing and/or improving public parks and recreational lands and shall not be used for maintaining or operating park facilities or for any other purpose.

B. Where financial contribution is received in lieu of land dedication, the financial contribution and Park Development Fee shall be expended on a neighborhood park located in the Benefit Zone where the development is located. In the event there is not a suitable neighborhood park within the benefit zone, the amount collected shall be expended on the closest community park or regional park.

C. The City Council, based upon the recommendations of the Parks and Recreation Board, shall determine whether there are sufficient funds to acquire Public Parkland and/or construct improvements. In making a determination for the acquisition of land, the conditions of **Section 15.08.040** shall be taken into consideration.

D. Benefit Zones. Funds shall be expended within the eligible Benefit Zones as shown in **Figure 15.08.060-15.08.06-1. Parkland Dedication Benefit Zones**.

Figure 15.08.060-15.08.06-1. Parkland Dedication Benefit Zones



E. Any financial contribution paid in-lieu of the Parkland dedication requirements must be expended by the City within 10 years from the date received. If the City does not expend the financial contribution by the required deadline, the owners of the property may request a refund in the following manner:

1. The owners of such property must request in writing to the City such refund within one year of the entitlement or such right shall be waived. Refunds shall be paid by the City within 90 days of the filing of the request.
2. A refund may only be provided for the unbuilt lots for which a fee-in-lieu of dedication was paid.

Section 15.09. Subdivision Improvement Guarantee

In lieu of full construction of all public improvements prior to Final Plat recordation, a plat may be recorded without acceptance of the required public improvements through the posting of fiscal surety. Fiscal surety shall be provided in an amount of at least 125% of the cost of the required public improvements, as estimated by a licensed engineer and approved by the Development Engineer. The Development Engineer has the discretion to reduce the percentage of the fiscal surety instrument based on the amount of the construction completed.

The financial instrument shall state the name of the development or subdivision and shall list the required improvements and estimate costs thereof. A plat shall not be recorded until financial security is delivered to the City in a form provided by the City and approved as to form and legality by the City Attorney. No release of any security shall occur until the City has formally accepted the improvement that is the subject of such security.

Section 15.10. Creation of Special Purpose Districts

15.10.010. Municipal Utility District (MUD), Water Control and Improvement District (WCID) or Fresh Water Supply District (FWSD)

A. Purpose

To provide for the prudent use of a Municipal Utility District ("MUD"), Water Control and Improvement District ("WCID"), Fresh Water Supply District ("FWSD"), or similar political subdivision created pursuant to Article III, Section 52, and/or Article XVI, Section 59, of the Texas Constitution and that are authorized by law to provide water, wastewater, stormwater, and other services ("Districts"), in order to allow development within the City's corporate boundaries and extraterritorial jurisdiction that is generally consistent with the City's Comprehensive Plan.

The standards established in this this section are intended to carry out the following purposes:

1. Encourage quality development;
2. Protect the water quality within all watersheds of the City;
3. Protect the water quality of the City's drinking water sources;
4. Allow the City to enforce land use and development regulations consistent with the City's comprehensive plan;
5. Promote enhanced parks, trails, and recreational amenities for the enjoyment of public;
6. Provide for construction of infrastructure consistent with City standards and City inspection of such infrastructure;
7. Provide notice to residents of the District that the City may annex the District at some future time;
8. Facilitate cost-effective construction of infrastructure to serve the area within the District, including police and fire stations, that is consistent with City standards and plans, so that the potential financial burden on the citizens of Georgetown will be reduced, in the event of annexation of such land by the City;
9. Provide for extension of water and wastewater lines that will serve future growth in the City and its extraterritorial jurisdiction consistent with the City's regional utility planning;
10. Establish guidelines for reasonable conditions to be placed on;
11. Issuance of bonds by the District;
12. The City's consent to creation of the District, including conditions consistent with the City's water and wastewater bond ordinances regarding creation of Districts that might otherwise detrimentally compete with the City's utility systems;
13. Establish guidelines for other mutually beneficial agreements by the City and the District;
14. Provide a procedural framework for responding to an application seeking the City's consent to the creation of a District; and
15. Assist in closing the financial gap when a unique development is seeking to exceed minimum standards, provide a robust program of amenities, and where substantial off-site infrastructure improvements are required that would serve the proposed District and surrounding properties.

B. Applicability

This this section is to be equitably applied to the creation of, inclusion of land within, and operation of all proposed Districts, while allowing flexibility necessary to address unique factors that may arise with respect to each proposed District.

Prior to considering whether to consent to or support the creation of a District, the City will consider whether the City is able to provide water and/or wastewater service to the area proposed to be included in the District.

C. Conditions to City's Consent to Creation of a District

If the City Council elects to consent to the creation of or inclusion of land within a District, then it shall impose the following requirements as conditions of the City's consent, and such requirements shall be stipulated in the consent resolution and/or other ancillary agreement, unless the City Council determines that requirements are not appropriate with regard to a specific District.

1. All parks, trails, recreation amenities, water, wastewater, drainage, and road infrastructure and facilities as well as any other infrastructure or facilities to be reimbursed or paid for by the issuance of District bonds, shall be designed and constructed to City standards, including without limitation fire flow standards and utility and road design, construction and installation standards, in accordance with plans and specifications that have been approved by the City. In the event of a conflict between City water and wastewater standards and standards imposed by the Certificate of Convenience and Necessity (CCN) holder for the proposed District, City standards shall prevail, unless otherwise agreed by the City.
2. The City shall be the exclusive provider of water, wastewater, and electric utilities where it is located within the City's single or municipal certificated service area. Further, the District or applicant shall agree that the City is the exclusive provider of solid waste when in the City.
3. The City shall have the right to inspect all facilities being constructed by or on behalf of the District and to charge inspection fees consistent with the City's inspection fee schedule, as amended from time to time.
4. Bonds, including refunding bonds issued by the District, shall, unless otherwise agreed to by the City, comply with the following requirements, provided such requirements do not generally render the bonds unmarketable:
   a. Interest rate that does not exceed 2% above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period preceding the date notice of the sale of such bonds is given;
   b. The bonds shall expressly provide that the District shall reserve the right to redeem bonds at any time subsequent to the 10th anniversary of the date of issuance, without premium. No variable rate bonds shall be issued by a District without City Council approval; and
   c. Any refunding bonds of the District must provide for a minimum of 3% present value savings and that the latest maturity of the refunding bonds may not extend beyond the latest maturity of the refunded bonds unless approved by the City Council.
5. The City shall require the following information with respect to bond issuance:
   a. At least 60 days before issuance of bonds, except refunding bonds, the District's financial advisor shall certify in writing that the bonds are being issued within the existing water, wastewater, or drainage facilities in the county in which the District is located and shall deliver the certification to the City Secretary, and the City.
   b. At least 60 days before the issuance of bonds, the District shall deliver to the City Secretary, and the City Manager notice as to:
      (i) The amount of bonds being proposed for issuance;
      (ii) The projects to be funded by such bonds; and
      (iii) The proposed debt service tax rate after issuance of the bonds.
      (iv) If the District is not required to obtain TCEQ approval of the issuance of the bonds (other than refunding bonds), the District shall deliver such notice to the City Secretary, and the City Manager at

least 60 days prior to issuing such bonds. Within 30 days after the District closes the sale of a series of bonds, the District shall deliver to the City Secretary and the City Manager a copy of the final official statement for such series of bonds. If the City requests additional information regarding such issuance of bonds, the District shall promptly provide such information at no cost to City.

6. The purposes for which a District may issue bonds shall be restricted to the construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to:
   a. Provide a water supply for the District for municipal uses, domestic uses, and commercial purposes;
   b. Collect, transport, process, dispose of and control all domestic, industrial or communal wastes from the District whether in fluid, solid, or composite state;
   c. Gather, conduct, divert, and control local stormwater or other local harmful excesses of water in the District; and
   d. Pay organization and administrative expenses, operation expenses during construction, cost of issuance, interest during construction, and capitalized interest.
   e. If appropriate in a particular District, the City may consent to issuance of bonds for construction, acquisition, repair, extension, or improvement of fire stations, roads, parks, trails, recreational amenities, and/or other capital improvements that are mutually agreed upon by the City Council and the applicant.
7. The District shall contain sufficient acreage to assure the economic viability of the District but no more acreage than can feasibly be annexed at one time.
8. Development within the District shall be consistent with the City's Comprehensive Plan.
9. No District shall include land in more than one City's Extraterritorial Jurisdiction.
10. The City and the owners of all land in the proposed District shall reach agreement on the terms of a development agreement pursuant to Texas Local Government Code §§ 212.171 et seq. to extend the City's planning authority over land included in the District by providing for approval of a development plan, authorizing enforcement by the City of land use and development regulations, and including other lawful terms and considerations the parties consider appropriate. The development agreement shall include provisions relating to the following matters:
    a. Land use plan reflecting all approved land uses and residential densities;
    b. Compliance with City construction Codes, including permit requirements;
    c. Compliance with City and other applicable stormwater and water quality regulations;
    d. Development standards comparable to City zoning regulations; and
    e. Dedication and development of park land, open space, and trails.
    f. The above list is not intended to be exhaustive. It is expected that the parties will cooperate to identify those matters unique to the District that may be addressed in a consent or development agreement.
11. At least 60 days before issuance of bonds, the District shall certify in writing that the District is in full compliance with the consent resolution approved by the City Council and, to the extent such agreements impose requirements on the District, with the consent agreement, strategic partnership agreement and all other agreements executed by the City and the District, and shall deliver the certification to the City Secretary, and the City Manager.
12. No land within the District shall be allowed, at any time in the future, to incorporate, join in an incorporation, or be annexed into any incorporated city other than the City of Georgetown.
13. No land shall be annexed by the District without prior City Council approval.

14. The District shall not construct or install infrastructure or facilities to serve areas outside the District or sell or deliver services to areas outside the District without prior City Council approval.
15. After creation of the District, and unless otherwise expressly authorized by the consent agreement or development agreement, no District shall be converted into another type of District, consolidated with another District, divided into two or more new Districts or seek additional governmental powers that were beyond its statutory authority at the time the District was created, without prior City Council approval.
16. If allowed by law, the City may annex any commercial development within the District for limited purposes pursuant to Texas Local Government Code § 43.0751, and may impose a sales and use tax within the area annexed for limited purposes. If limited purpose annexation is not allowed by law, then the City may not consent to inclusion of commercial retail areas within the District. The City may consider sharing tax receipts with the District, provided the District's share is used to finance infrastructure, retire bond debt or for other purposes acceptable to the City.
17. The District shall not issue any bonds other than those authorized by the consent agreement without City Council approval.
18. The District shall file a notice in the real property records of all counties in which the District is located stating that the City has authority to annex the District. The parties may attach a form of such notice to the consent agreement or development agreement.
19. The District shall send a copy of the order or other action setting an ad valorem tax rate to the City Secretary, and the City Manager within 30 days after District adoption of the rate.
20. The District shall send a copy of its annual audit to the City Secretary, and the City Manager within 30 days after approval.
21. The District shall maintain a debt service structure that will ensure that the District's taxes are maintained at a rate at least equal to the City's tax rate, to the extent feasible.
22. The District shall provide copies of any material event notices filed under applicable federal securities laws or regulations to the City Secretary, and the City Manager within 30 days after filing such notices with the applicable federal agency.
23. Construction of capital improvements or fee-in-lieu for facilities such as fire stations and recreational amenities shall be provided.
24. Sharing of fire stations, recreational amenities, and other capital improvements by the City and the District shall be provided. Land shall be dedicated, when deemed necessary, to enhance public safety and optimize locations for service delivery.
25. If construction or expansion of a wastewater treatment facility is proposed to serve the District, the plant design shall conform to all applicable state and federal permitting and design standards. In addition, any wastewater discharge shall be permitted to meet effluent limitations no less stringent than 5-5-2-1 (five parts per million ("ppm") biochemical oxygen demand; five ppm total suspended solids; two ppm nitrogen; and one ppm phosphorus) or the current limits in permit(s) held by the City, whichever is strictest. The City reserves the right to protest any wastewater treatment facility permit application or amendment.
26. The board of directors of the District and landowners within the District shall assist the City in annexing one or more areas as reasonably necessary for the City to connect areas to the City that are outside the District and that the City intends to annex in the foreseeable future.
27. Upon the recommendation of the Development Engineer or designee the City may require the District to complete a traffic impact analysis pursuant to **Section 14.09** of this Code.

28. The City may agree not to annex and dissolve the District any earlier than the first to occur of: (i) extension of water, wastewater, and drainage facilities to serve ninety percent (90%) of the land within the District; or (ii) 15 years after creation of the District. The contract between the City and the District may provide that the City may set rates for water and/or wastewater services for property that was within the District that vary from those for other properties within the City in order to compensate the City for assumption of District obligations upon annexation, in compliance with any statutory requirements applicable to such an agreement.
29. The consent agreement and ancillary documents shall include terms providing for the District to be fully developed and ready for full purpose annexation by the City within a reasonable time period.
30. The applicant shall reimburse the City for expenses incurred by the City in connection with the City's consent to formation of the District, including but not limited to professional fees incurred in connection with negotiation and preparation of the consent resolution, consent agreement, development agreement, strategic partnership agreement, and related documents.

D. City Operations Compensation Fee

A fee shall be assessed for each residential unit within the District equal to the proportion of City operations attributed to serving residents of an ETJ District. The fee shall be calculated as outlined in the Municipal Utility District (MUD) Policy.

Chapter 16. Nonconformities

Section 16.01. General

16.01.010. Purpose

The purpose of this chapter is to regulate the continuation, maintenance, modification, replacement and termination of legally established uses, lots, structures, signs and sites that no longer conform to the provisions of this Code.

16.01.020. Authority

The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapters 43, 211 and 212 and the City Charter.

16.01.030. Applicability

The provisions of this chapter shall be applicable to all nonconforming situations within the City's incorporated limits and extraterritorial jurisdiction (ETJ).

16.01.040. Nonconforming Status

A. Determination of Nonconforming Status

Determination of nonconforming status shall be made by the Director, subject to appeal to the Zoning Board of Adjustment as outlined in **Section 3.12** of this Code.

B. Legal Nonconforming Status

A structure, lot, site, sign, or use which was lawfully in existence, constructed, and located on the effective date or applicability of this Code or any amendment thereto or was legally constructed to meet previous requirements of this Code and has been in regular and continuous use, but which does not conform to the current requirements of this Unified Development Code, shall be granted legal nonconforming status, except as specifically exempted or prohibited by other sections of this chapter. A legal nonconforming structure, lot, site, sign, or use may remain or continue, subsequent to the effective date of this Code and any amendments thereto, provided that such continuance is in accordance with the provisions of this chapter and all other applicable codes of the City.

C. Illegal Nonconforming Status

A structure, lot, site, sign, or use that is in violation of the requirements of this Code and was constructed or established since the adoption of this Code without the necessary approvals, permits, or authorizations from the City is considered illegal nonconforming. The owner and/or operator of an illegal nonconforming structure, lot, site, sign, or use shall be subject to actions and penalties allowed by this Code and all other applicable City ordinances and shall be required to correct the nonconforming situation to come into conformance with all applicable standards and regulations of this Code. Conformance with the applicable standards and regulations of this Code includes, but is not limited to, submittal of applicable permits, rezoning, and possibly redevelopment of a site/structure to comply with the applicable requirements of this UDC.

D. Types of Nonconforming Situations

The following are types of nonconforming situations for which nonconforming status shall be determined:

1. Nonconforming uses;

2. Nonconforming lots;
3. Nonconforming structures;
4. Nonconforming sites; and
5. Nonconforming signs.

E. Ownership

The lawful change of ownership of a nonconforming situation without any change in land use shall not cause the loss of legal nonconforming status.

F. Reversal Prohibited

Once a nonconforming use, structure, site, lot, or sign has been changed to conform or more nearly conform with the provisions of this Code, the use, structure, site, lot, or sign shall not thereafter be changed so as to be nonconforming again.

G. Legal Nonconforming Status for Newly Annexed Territory

After Annexation of an area, a person may continue to use the land in the newly annexed area in the same manner in which the land was used on the date Annexation proceedings were instituted if the land use was legal at the time. This includes any beginning use of land in the newly annexed area in the manner that was planned for the land before the 90th day before the effective date of Annexation if:

1. One or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned use; and
2. A completed application for the initial authorization was filed with the governmental entity before the date the Annexation proceedings were instituted, as described in Texas Local Government Code § 43.002.

H. Change in Status of Adjacent Property

A structure, site, or use that complies with the development regulations of this Code does not become nonconforming as the result of a change in the use, zoning, or development of adjacent property.

I. The burden of establishing that any nonconformity is a legal nonconformity as defined by this Chapter shall be the responsibility of the property owner.

16.01.050. Effect of Acquisition of Right-of-Way

A. Governmental Acquisition of Right-of-Way

A lawful structure, lot, site, sign, or use that is made noncompliant regarding any requirement of this Code due to the acquisition of right-of-way by eminent domain, dedication, or purchase by a city, county, state, or federal agency shall be deemed legal nonconforming. Such exemption shall apply only to noncompliance that is a direct result of the acquisition of right-of-way.

16.01.060. Abandonment of a Nonconforming Situation

A. Effect of Abandonment

Abandonment of a legal nonconforming situation shall result in the loss of the existing legal nonconforming status previously granted. All use of the premises shall cease and any future use of the premises may only occur as provided for in this chapter.

B. Vacancy

Occurrence of a combination of one or more of the following situations shall indicate vacancy or lack of occupancy for the purposes of determining abandonment:

1. The building, structure, activity or land has been unoccupied or out of use, and no permits are actively being pursued;
2. There is not an active Certificate of Occupancy;
3. The intention of the owner to discontinue the use is apparent (e.g., posted notice of going out of business);
4. One or more utility accounts have discontinued service as described by the City of Georgetown's utilities' policies;
5. Utility meters are removed;
6. The occupant or owner has allowed any taxes to not be paid thereon;
7. The site or structure has not been maintained in accordance with the requirements of this UDC, the Property Maintenance Code, or Building Code (e.g., accumulation of trash; broken windows; overgrown or dead landscaping; damaged parking surface; unsafe entrances or structures);
8. The unit has not been made available for occupancy;
9. The characteristic equipment and furnishings of a nonconforming use have been removed from the premises; or
10. A nonconforming use has been replaced by a conforming use.

C. Determination of Abandonment

1. Abandonment of a legal nonconforming use.
   a. A legal nonconforming use shall be considered abandoned after the nonconforming use has vacated the building or site for a period of 12 months.
   b. Any nonconforming use that does not involve a permanent type of structure or operation, and that is entirely moved from the site shall be considered to have been discontinued, regardless of intent.
2. Abandonment of a legal nonconforming structure.
   a. A legal nonconforming structure shall be considered abandoned after the structure has been vacant for a period of 18 months.
   b. The time period for determining abandonment of a legal nonconforming or structure may be extended to a maximum of three years if the property has been consistently maintained and the owner of the structure can prove to the satisfaction of the Director that they have been actively and continuously marketing the structure for sale or lease or have otherwise engaged in activities that would affirmatively prove there was no intent to abandon. This provision excludes the exemption of any nonconforming signage on the site.
3. Abandonment of a legal nonconforming site.
   a. A legal nonconforming site shall be considered abandoned after the site has been vacant for a period of 18 months.
   b. The time period for determining abandonment of a legal nonconforming site may be extended to a maximum of three years if the property has been consistently maintained and the owner of the land or structure can prove to the satisfaction of the Director that they have been actively and continuously marketing the land or structure for sale or lease or have otherwise engaged in activities that would affirmatively prove there was no intent to abandon. This provision excludes the exemption of any nonconforming signage on the site.

4. Abandonment of a legal nonconforming sign.

   A legal nonconforming sign shall be considered abandoned after the site on which it is located has been vacant for a period of 90 days

5. The time period for determining abandonment shall exclude any period of discontinuance of use caused by government actions impeding access to the premises without any contributing cause by the owner of the legal nonconforming use, site, or structure.

6. An owner of a legal nonconforming use located in a structure specifically constructed or modified to suit only such use may request a Special Exception from the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, to extend the time period for determining abandonment to a maximum of four years, provided:

   a. the property has been consistently maintained;

   b. the structure has not been intentionally altered to serve other uses, used to house a permitted use, or used to house another nonconforming use;

   c. and the owner can prove to the satisfaction of the Board that they have been actively and continuously marketing the structure for sale or lease to such a use.

   d. This provision excludes the exemption of any nonconforming signage on the site.

7. All of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole for the purposes of determining abandonment. A multi-tenant site, building or shopping center shall be considered occupied for the purposes of this chapter, provided it remains at least 30 percent (30%) occupied. The failure to rent one space in a nonconforming building or on a nonconforming site shall not result in a loss of the right to rent space thereafter so long as the building or site as a whole is continuously maintained and at least 30 percent (30%) of the units remain rented.

8. The Director shall be the official responsible for determining abandonment of a use, structure, site, or sign. Administrative appeals may be processed in accordance with **Section 3.12**.

16.01.070. Variance Not Precluded

Nothing within this chapter precludes the application for and approval of a Variance meeting the standards for such under **Section 3.13** of this Code.

Section 16.02. Nonconforming Uses

16.02.010. Nonconforming Uses Generally

A Nonconforming Use is one that is not permitted within the Zoning District assigned to the property upon which the use is located. In addition, a use located in a Zoning District in which it could lawfully locate with the approval of a Special Use Permit but lacking such a permit or a use allowed as a limited use that does not conform to such limitations shall also be considered nonconforming. Those Nonconforming Uses lawfully existing and located on the effective date or applicability of this Code or subsequent amendments thereto shall be considered Legal Nonconforming Uses.

16.02.020. Elimination of Nonconforming Use Status

The owner of a Nonconforming Use may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Replacing the Nonconforming Use with a conforming use;

B. Rezoning to a district where the use is permitted by right;

C. Obtaining a Special Use Permit, provided the use is listed as one that would be allowed in the zoning district with a Special Use Permit;

D. Complying with the applicable limitations for such use, provided that the use is listed as one that is allowed in the Zoning District subject to limitations set forth in **Chapter 6**; or

E. Obtaining a Special Exception from the Zoning Board of Adjustments, pursuant to **Section 3.13** of this Code, if the Special Exception is allowed by this Code and would make the use conforming.

16.02.030. Change of Use

A. A Legal Nonconforming Use may be continued under a different owner or operator, provided that use has not been abandoned or changed.

B. A change of use occurs when the current use of a site or structure is replaced with a use that is not listed as the same specific use in the Use Tables in **Chapter 6**.

C. In no event may a change of use occur that would allow a use that would increase the degree or intensity of nonconformity or result in the expansion of any existing nonconforming situation or the creation of any new nonconforming situation.

16.02.040. Abandonment of Nonconforming Use

In the event a Nonconforming use is determined to be abandoned, the structure or site shall thereafter only be occupied in accordance with the provisions of this Code. See **Section 16.01.060** of this chapter for the time frame for the determination of abandonment.

16.02.050. Expansion of a Nonconforming Use

A. A Legal Nonconforming Use may be expanded or enlarged only upon approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, except as follows:

   1. The Director may approve an Administrative Exception, pursuant to **Section 3.14** of this Code, if it is determined that the expansion or enlargement of the use or an accessory use or site modifications (for example parking) would make the use more conforming to the current standards of this Code; or

   2. Expansion or enlargement is required by City ordinance, State law, or federal law.

B. A Legal Nonconforming Use shall be considered enlarged, expanded, or increased by the following:

   1. Increasing the square footage of the building housing the Nonconforming Use;

   2. Expanding the square footage occupied by a Nonconforming Use within an existing building;

   3. Occupying a greater portion of the tract on which the use is located;

   4. Construction of additional buildings associated with the nonconforming use; or

   5. Increasing the scope, volume, or intensity of the use in a significant way.

C. For purposes of this provision, the addition or alteration of signage shall not be considered expansion of a legal nonconforming use that is made so due to lack of an approved Special Use Permit or limitation.

D. An expansion of a Legal Nonconforming Use may not create any new nonconformity.

16.02.060. Destruction or Damage of Structure Housing Nonconforming Use

In the event that a structure in which a Legal Nonconforming Use is housed, operated, or maintained is partially damaged or destroyed, the Nonconforming Use shall be allowed to continue under the following conditions.

A. Permitting for any allowed construction to support the Legal Nonconforming Use must thereafter commence within six months of the damaging event and reconstruction shall be completed, as determined by issuance of a Certificate of Occupancy, within one year of the event. The timeframes herein may be extended for good cause as proven to the Director, provided there is no adverse effect on the community.

B. A structure constructed under **Section 16.02.060** must be permitted and constructed in conformance with all applicable regulations of this code unless otherwise outlined in **Section 16.04.090**.

16.02.070. Nonconforming Telecommunications Towers

Additional telecommunications antennae and necessary equipment may be attached to a preexisting nonconforming telecommunications tower provided the addition causes no expansion of the footprint of the tower and meets the requirements of **Section 6.03** of this Code.

Section 16.03. Nonconforming Lots

16.03.010. Nonconforming Lots Generally

A Nonconforming Lot is a lot of record that does not meet the minimum area or dimensional requirements of the zoning district in which the lot is located. Those nonconforming lots lawfully existing on the effective date or applicability of this Code or subsequent amendments thereto shall be considered Legal Nonconforming Lots.

16.03.020. Use of a Nonconforming Lot

A Legal Nonconforming Lot may continue to exist indefinitely and may be developed and used as if it were a conforming lot, provided the proposed use is permitted and all development standards of the applicable Zoning District of this Code are met. If dimensional or development standards are unable to be met due to the size or configuration of the lot, the Zoning Board of Adjustment shall be authorized to grant a Special Exception (see **Section 3.13**) to reduce or otherwise modify standards as needed to accommodate the reasonable development of the property.

16.03.030. Elimination of Nonconforming Lot Status

The owner of a Nonconforming Lot may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Combine the lot with an adjacent property to conform to current standards;

B. Apply for a Special Exception, pursuant to **Section 3.13** of this Code, to allow a reduction or modification of the current standards to allow reasonable development of the lot; or

C. Rezone to a District where the lot would conform.

16.03.040. New Division

No new division of any lot or parcel shall be made which increases the level of existing nonconformity, leaves any lot, parcel, or remnant with width or area below the requirements stated in this Code or creates any new nonconforming situation.

Section 16.04. Nonconforming Structures

16.04.010. Nonconforming Structures Generally

A. A Nonconforming Structure is one that does not meet the setbacks, height limitations, or articulation as required by this Code. Those Nonconforming Structures lawfully constructed and existing on the effective date or applicability of this Code or any amendment thereto shall be considered Legal Nonconforming Structures. For the purposes of this section, the term structure means anything constructed or erected on the ground or which is attached to something located on the ground, except signs, and includes, but is not limited to, buildings, telecommunications towers, utility improvements and sheds. These provisions shall be applicable to all structures regardless of whether they are deemed principal or accessory.

16.04.020. Elimination of Nonconforming Structure Status

The owner of a Nonconforming Structure may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Modify the structure to conform to current standards;

B. Apply for a Special Exception, pursuant to **Section 3.13** of this Code, to allow the structure as built; or

C. Rezone to a district where the structure would conform.

16.04.030. Repair and Maintenance

A Legally Nonconforming Structure shall be maintained in accordance with the codes in effect when the building was constructed or as deemed necessary by the Building Official for the general safety and welfare of the occupant and the public. The repairs required by the Building Official shall not be construed as to allow an addition to or expansion of a Nonconforming Structure. Except as otherwise provided for in this chapter, no repair or maintenance may result in the expansion of any existing nonconformity or the creation of any new nonconformity.

16.04.040. Unsafe Situations

A. Nothing in this chapter shall be construed to prohibit the strengthening or repair of any part of any nonconforming structure declared unsafe by the Building Official, unless such repairs exceed fifty percent (50%) of the value of the structure. In such case the right to operate, occupy or maintain such structure may be terminated by action of the Zoning Board of Adjustment and such structure shall be demolished. The value of the structure and the percent value lost due to any destruction shall be determined by an appraisal submitted to the Building Official.

B. Nothing in this chapter shall be construed to permit the continued use of a building or structure found to be in violation of building, basic life safety, or health codes of the City. The right to continue any nonconformity shall be subject to all applicable housing, building, health, and other applicable life safety codes.

16.04.050. Abandonment of a Nonconforming Structure

In the event a Nonconforming Structure is determined to be abandoned, the structure shall be modified to conform to all applicable requirements of this Code. However, a Special Exception may be granted by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, if it is determined that conformance with all requirements of this Code will cause the expansion or creation of another nonconformity or where it is determined that all provisions of this Code cannot be reasonably met. See **Section 16.01.060** of this chapter for the time frame for the determination of abandonment.

16.04.060. Interior Alterations to a Nonconforming Structure

Interior remodeling of a Legally Nonconforming Structure is permitted and will not result in loss of legal nonconforming status regardless of the cost or extent of the interior remodel, as long as no exterior remodeling is involved. If exterior alteration in conjunction with interior remodeling is involved, loss of legal nonconforming status will be determined pursuant to the provisions set forth in this chapter related to such alteration.

16.04.070. Movement of a Nonconforming Structure

A Nonconforming Structure shall not be moved to another location on the same lot or any other lot unless the entire structure is thereafter made to conform to all requirements of this Code for the district to which the structure is being moved.

16.04.080. Expansion of a Nonconforming Structure

A. A Legal Nonconforming Structure may be expanded or enlarged up to fifty percent (50%) of its size without approval of the Zoning Board of Adjustment.

B. A Legal Nonconforming Structure may be expanded or enlarged in excess of fifty percent (50%) of its size only upon approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code.

C. If such expansion or enlargement is in excess of hundred percent (100%) of the size of the existing structure, all provisions of this Code shall be applicable to the existing structure or structures as well as any new construction on the lot or parcel. For the existing structure, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code.

D. For purposes of determining the expansion or enlargement of a Nonconforming Structure, the square footage of all previous expansions under this subsection shall be cumulative and the square footage of the original structure shall be the initial size for purposes of the calculation.

E. All expansion or enlargement of structures under this subsection shall be in compliance with all applicable regulations of the zoning district in which such structure is located. In no event may the expansion or enlargement result in the increase of any existing nonconformity or the creation of any new nonconformity.

16.04.090. Destruction or Damage of a Nonconforming Structure

A. Natural or Accidental Causes

1. A Legal Nonconforming Structure, which is damaged or destroyed by natural or accidental causes, may only be reconstructed as it was before such happening within the timelines herein.
2. Permitting for reconstruction of such structure must thereafter commence within six months of the damaging event and reconstruction shall be completed, as determined by issuance of a Certificate of Occupancy, within one year of the event. The timeframes herein may be extended for good cause as proven to the Director, provided there is no adverse effect on the community.
3. A structure restored under this Subsection must be restored or reconstructed so as to have no greater gross floor area, building footprint, or height as the damaged or destroyed structure.

B. Historic Structures

1. A nonconforming structure designated as historic at the state or national level or identified as a Medium or High Priority Structure in the Georgetown Historic Resource Survey shall be allowed to be restored in the

same location, design, and configuration immediately preceding any damage or destruction that is caused by a fire or natural disaster. Permitting for such reconstruction shall commence within 18 months of the damaging event and be completed, as determined by issuance of a Certificate of Occupancy, within three years of the event.

2. Reconstruction of a structure under this section that will not restore the structure in the same location, design, and configuration as it was immediately preceding damage, may be granted the timelines herein if the Historic and Architectural Review Commission, after a conceptual review of the proposed addition or alteration pursuant to **Section 5.11**, determines the addition or alteration appropriate and the timelines herein applicable.
3. The timeframes herein may be extended for good cause as proven to the Director, provided there is no adverse affect on the community.
4. The property owner has the burden of proof to establish the details of the structure immediately prior to the damage or destruction.

C. Intentional Destruction

A Nonconforming Structure which is damaged or destroyed by the intentional act of the owner or his agent may not be restored or reconstructed as it was before such happening.

Section 16.05. Nonconforming Sites

16.05.010. Nonconforming Sites Generally

A Nonconforming Site is one where one or more existing site improvements, including but not limited to parking areas, storm drainage facilities, sidewalks and landscaping, do not conform to one or more of the regulations of this Code applicable to the property. Those Nonconforming Sites lawfully existing on the effective date or applicability of this Code or any amendment thereto shall be considered Legal Nonconforming Sites.

16.05.020. Elimination of Nonconforming Site Status

The owner of a Nonconforming Site may employ the following mechanisms in an attempt to eliminate the nonconformity.

A. Modify the site to conform to current standards;

B. Apply for a Special Exception, pursuant to **Section 3.13** of this Code, to allow the site as built; or

C. Rezone to a District where the site would conform.

16.05.030. Repair and Maintenance

A Legally Nonconforming Site shall be maintained in accordance with the codes in effect when the site was constructed or as deemed necessary by the Director for the general safety and welfare of the occupant and the public. Any repairs or maintenance required by the Director shall not be construed as to allow an addition to or expansion of a Nonconforming Site. Except as otherwise provided for in this chapter; no repair or maintenance may result in the expansion of any existing nonconformity or the creation of any new nonconformity. Maintenance of a site may include, but is not limited to, maintenance of landscaping, pavement, lighting, or detention ponds.

16.05.040. Change in Tenant of a Legal Nonconforming Site

A change in the tenant of a Legal Nonconforming Site shall not cause the site to lose its legal nonconforming status. Nonconforming uses are subject to the provisions of **Section 16.02** of this chapter. Tenant changes are categorized into the following situations.

A. Tenant with Same Use

A change in tenant of a Legal Nonconforming Site to a tenant with the same specific use, as listed in the use tables in **Chapter 6**, is permitted without any required changes to the Nonconforming Site.

B. Tenant with Similar or Less Intense Use

A change in tenant of a legal nonconforming site to a tenant with a similar or less intense use as the previous tenant may be allowed without any required changes to a nonconforming site; provided the restrictions below are met.

1. The new use shall have a parking requirement less than or equal to the previous use.
2. The new use shall not increase the amount of outside storage or activities previously existing.
3. The average daily vehicle trips generated by the new use shall be less than or equal to the previous use.
4. The new use shall not produce more noise, vibration, dust, odor, fumes, glare, or smoke than the previous use.
5. The site shall be maintained and in conformance with any Site Plan or regulations in effect when the site was established or last improved. This includes, but is not limited to, the replacement of any dead plants or trees, the re-striping of parking spaces, and the repaving of deteriorated pavement.
6. The new use shall meet all limitations or requirements of Chapter 6 for such use without alteration to the site.

C. Tenant with Different Use

Any change in tenant that does not meet the provisions of the preceding categories shall be determined to be a change to a different use. A change in tenant of a Legal Nonconforming Site to a tenant with a different use as the previous tenant shall require the following alterations to the Nonconforming Site.

1. Any increase in parking spaces between those required for the previous use and those required for the new use shall be provided. If the previous use was deficient in the number of required parking spaces, the new use may carry over the deficiency. Construction of additional required parking spaces shall be in conformance with **Section 16.01.060**. If the additional spaces required cannot be met on site, the applicant may request the requirement be met off-site pursuant to **Section 11.04.010.B** of this Code.
2. The site shall be maintained in conformance with any Site Plan or regulations in effect when the site was established or last improved. This includes, but is not limited to, the replacement of any dead plants or trees, the re-striping of parking spaces and the repaving of deteriorated pavement as determined by the Development Engineer.
3. Those parking spaces that are accessed via public right-of-way shall be removed and those spaces replaced elsewhere on the site if those spaces are necessary to meet the minimum parking requirements. This provision does not apply to any on-street parking spaces otherwise approved by the Development Engineer.
4. The new use shall meet all limitations or requirements of **Chapter 6** for such use, including, but not limited to, setback requirements, buffers and screening.

16.05.050. Abandonment of a Nonconforming Site

In the event a Nonconforming Site is determined to be abandoned, the site shall be altered to conform to all applicable requirements of this Code upon re-occupancy, except as outlined below or as provided for in **Section 16.05.070.** However, a Special Exception may be granted by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, if it is determined that conformance with all requirements of this Code will cause the expansion or creation of another nonconformity or where it is determined that all provisions of this Code cannot be reasonably met. See **Section 16.01.060** for the time frame for the determination of abandonment.

A. Landscaping

An abandoned site shall be altered to conform to all applicable landscaping requirements of **Chapter 9** of this Code. Any area on site that is available for landscaping shall be so utilized to meet these requirements. When the City grants permission, the owner or operator of the site may also use areas within the public right-of-way to satisfy landscaping requirements. Where landscaping in accordance with the provisions of **Chapter 9** cannot be reasonably met, the applicant may request the Director consider an alternative plan that meets the intent of the requirements.

B. Impervious Coverage

Impervious coverage that exceeds the allowance for the zoning district and lot size identified in **Chapter 13** is not required to be removed in order to meet the impervious coverage requirements of this Code. However, in no case shall the impervious coverage of the tract be increased unless done so in compliance with the provisions of **Chapter 13**.

C. Incidental Site Features

All incidental site features including, but not limited to, fences, dumpsters, lighting and mechanical equipment must be altered to conform to the provisions of this Code. Where the provisions of the code cannot be reasonably met, the Director may approve an Administrative Exception pursuant to **Section 3.14**.

16.05.060. Process for Review of Required Improvements

Site improvements that are required to meet the provisions of this chapter shall be reviewed pursuant to the process detailed in **Chapter 3** of this Code.

16.05.070. Postponement of Required Improvements

Required site improvements must be made as part of the event that triggers the improvements. However, the applicant may request an Administrative Exception from the Director to phase construction of and post bond for up to half of the improvements required. Any required parking that is triggered may not be bonded and must be constructed as part of the first phase. A Conditional Certificate of Occupancy (CO) may be issued for any occupant, pending construction of these and all other required improvements of this Code. Improvements postponed under this provision shall be constructed within one year of the issuance of the Conditional CO. It is the responsibility of the applicant to document the value of the required improvements for the purposes of bonding.

16.05.080. Expansion of a Nonconforming Site

A. A Legal Nonconforming Site may be expanded or enlarged up to twenty-five percent (25%) of its size without approval of the Zoning Board of Adjustment, provided that such expansion cannot create a new nonconformity.

B. A Legal Nonconforming Site may be expanded or enlarged in excess of twenty-five percent (25%) of its size only upon approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code, except as follows:

1. The Director may approve an Administrative Exception, pursuant to **Section 3.14** of this Code, if it is determined that the expansion or enlargement of the site would make the site more conforming to the current standards of this Code; or
2. Expansion or enlargement is required by City ordinance, State law or federal law.

C. If such expansion or enlargement is in excess of fifty percent (50%) of the size of the existing site, all provisions of this Code shall be applicable to the existing site as well as any new construction on the lot or parcel. For the existing site, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request approval of a Special Exception by the Zoning Board of Adjustment, pursuant to **Section 3.13** of this Code.

D. A Legal Nonconforming Site shall be considered enlarged or expanded by the following:

1. Occupying a greater portion of the tract;
2. Construction of additional buildings; or
3. Construction of any additional improvements on a portion of the tract that was not previously developed.

E. For purposes of determining the expansion or enlargement of a nonconforming site, the square footage of all previous expansions under this subsection shall be cumulative and the square footage of the original site shall be the initial size for purposes of the calculation.

F. All expansion or enlargement of sites under **Section 16.05.080** must be in compliance with all applicable regulations of this Code. In no event may the expansion or enlargement result in the increase of any existing nonconformity or the creation of any new nonconformity.

Section 16.06. Nonconforming Signs

16.06.010. Nonconforming Signs Generally

A Nonconforming Sign is one that does not comply with the standards of this Code. Those Nonconforming Signs lawfully existing and located on the effective date or applicability of this Code or any amendments thereto shall be considered Legal Nonconforming Signs.

16.06.020. Elimination of Nonconforming Sign Status

The owner of a Nonconforming Sign may employ the following mechanisms in an attempt to eliminate the nonconformity:

A. Modify the sign to conform;

B. Apply for a Variance, pursuant to **Section 3.13** (height and location only), to allow the sign as built, if such variance is allowed by the provisions of **Chapter 12**; or

C. Rezone to a Zoning District where the sign would conform.

16.06.030. Repair and Maintenance

Repairs and maintenance may be made to a Legal Nonconforming Sign, provided that no structural alteration shall be made except those required by the Building Official in order to comply with the provisions of the Code of Ordinances

or this Code. In no event may any repair or maintenance result in the expansion of any existing nonconformity or the creation of any new nonconformity.

16.06.040. Abandonment of a Nonconforming Sign

In the event a Legal Nonconforming Sign is determined to be abandoned, the sign shall be eliminated or modified to conform to all requirements of this Code. See **Section 16.01.060** of this chapter for the time frame for the determination of abandonment.

16.06.050. Alterations to a Nonconforming Sign

A change in the information on the sign face of a Legal Nonconforming Sign is allowed; provided the change of information does not increase the area of the sign face. However, a Nonconforming Sign shall either be eliminated or made to conform to the provisions of this Code, when any alteration, modification, or improvement is more than 60 percent (60%) of the appraised value of erecting a new sign of the same type at the same location.

16.06.060. Destruction or Damage of a Nonconforming Sign

A. Natural or Accidental Causes

1. A Legal Nonconforming Sign, which is damaged or destroyed by natural or accidental causes, may only be reconstructed as it was before such cause within six months of the damaging event. The timeframes herein shall exclude any delay in commencement due to insurance or litigation.
2. A sign restored under **Section 16.02.060** must be restored or reconstructed so as to have a height and sign face area less than or equal to that of the damaged or destroyed sign. The property owner has the burden of proof to establish the height and sign face area immediately prior to the damage or destruction.
3. The value of the sign and the percent value lost due to any destruction shall be determined by an appraisal submitted to the Building Official.

B. Intentional Destruction

A right to retain a Legal Nonconforming Sign terminates when the Nonconforming Sign is destroyed by the intentional act of the owner or his agent.

16.06.070. Immediate Termination of Nonconforming Signs

Except as otherwise provided by this Code, the Building Official shall cause the immediate removal of any sign constructed, erected, or placed in violation of the provisions of this Code or expressly prohibited and any sign that represents a clear and present danger to the health or safety of the public due to its structural condition.

Chapter 17. Enforcement

Section 17.01. Administration

17.01.010. General

A. Except as otherwise provided elsewhere in this Code or in this Chapter, the Director or designee shall administer and enforce the provisions of this Code, including the receiving of applications, the inspection of premises, and the issuing of building permits and certificates of occupancy.

B. The Building Official or designee shall have the power to issue, suspend or revoke building permits, certificates of occupancy, sign permits, floodplain permits, or development permits.

C. The City's Code Enforcement Officers shall also have the authority to enforce the provisions of this Code and all currently adopted City Codes or other building or construction codes.

Section 17.02. Compliance Required

17.02.010. General

A. No person may use, occupy or develop land, buildings or other structures or authorize or permit the use, occupancy or development of land, buildings or other structures under the control of the person except in compliance with all applicable provisions of this Code. Except as otherwise allowed by this Code or other law, non-compliance is prohibited. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in that land, building, sign, or structure.

B. The owner of any building or land or part thereof, where anything in violation of this Code is placed or used, and any architect, builder, contractor, agent or any other person employed in connection therewith, who may have assisted or contributed to the commission of any such violation, is an offense and shall each be deemed guilty of a violation of this Code.

C. The Building Official shall not issue a building permit or certificate of occupancy required by this Code for any land located within the jurisdiction of the City to which this Code applies, until and unless there is full compliance with this Code and all other ordinances of the City.

D. Permits presuming to give authority to violate or cancel the provisions of this Code or other City ordinances shall not be valid. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code if the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information or in violation of any ordinance, regulation, or provision of this Code. Appeals related to the decision of the Building Official can be made in accordance with **Section 3.12** of this Code.

E. The City shall not connect City water, sewer, or electricity to any property to which the provisions of this Code apply, unless and until there is compliance with the provisions of this Code.

17.02.020. Certificates of Occupancy

A. No person shall proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, repair, convert, extend or demolish any building or structure or cause the same to be done in any zoning district in the city limits without first applying for and obtaining a building permit therefore from the Building Official. All applications for such permits shall be in accordance with the requirements of this chapter and the City's adopted building code unless upon written order of the Zoning Board of Adjustment. No such

building permit or Certificate of Occupancy shall be issued for any building where such construction, addition, alteration or use thereof would be in violation of any of the provisions of this chapter.

B. No building or structure hereafter erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Building Official stating that the building or structure and/or proposed use thereof complies with the provisions of this Code and all other applicable ordinances and codes of the City, including payment of fees, fines, and penalties and final resolution of any outstanding complaints.

C. No nonconforming use or structure shall be renewed, changed, or extended without a Certificate of Occupancy having first been issued by the Building Official.

D. The Building Official shall maintain a record of all Certificates of Occupancy. A Certificate of Occupancy shall be considered evidence of the legal existence of a legal use or a legal nonconforming use, as contrasted to an illegal use and violation of this chapter.

E. No permanent water, sewer, electrical, or gas utility connections shall be made to the land, building or structure until and after a Certificate of Occupancy has been issued by the Building Official.

F. The Building Official may issue a temporary Certificate of Occupancy for the temporary use and occupancy of all of a building or a portion of a building prior to the completion and occupancy of the building, provided such temporary occupancy or use will not in any way or manner jeopardize life or property. Such temporary Certificate may be issued for a period not exceeding six months. Such temporary Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners relating to the use or occupancy of the premises or in any other matter covered by this chapter, and such temporary Certificate shall not be issued except under such restrictions and provisions.

G. The Building Official may issue a conditional Certificate of Occupancy for the conditional use and occupancy of all of a building or a portion of a building prior to the final completion of all site improvements to the property as provided for in this Code, provided such conditional occupancy or use will not in any way or manner jeopardize life or property. Such conditional Certificate may be issued for a period not exceeding 12 months and requires the posting of a bond for any or all outstanding site improvements. Such conditional Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners relating to the use or occupancy of the premises or in any other matter covered by this chapter, and such temporary Certificate shall not be issued except under such restrictions and provisions.

H. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances.

17.02.030. Demolition by Neglect

A. Upon identification of any property in possible violation of **Section 5.04.040** of this Code, the Building Official shall notify the property owner or person with interest in the real property, of the possible violation. Such notification shall be in writing and be mailed by certified mail, return receipt requested. The notification shall state the nature of the possible violation with sufficient specificity to enable the owner or person with an interest in the real property to bring the property into compliance with this Section. The notification shall also state that the owner or person with an interest in the real property shall have 90 days to bring the property into compliance with this Code.

B. The Building Official and Historic Preservation Officer will work with the property owner to develop a rehabilitation plan. Upon completion of the 90-day grace period, the Building Official and Historic Preservation Officer will reinspect the property to determine compliance with this Code. Should the property owner or person with an interest in the real property fail to bring the property into compliance with the 90-day grace period, the

City shall seek enforcement of this Code under **Section 17.03** of this Code and any applicable provisions of the Georgetown Municipal Code.

Section 17.03. Enforcement

17.03.010. Stop Work Orders

A. Whenever any building or site development work is being done contrary to the provisions of this Code, the Building Official or designee may order the work stopped and also revoke the building permit theretofore issued by notice in writing served on any person owning such property or their agent or on any person engaged in the doing or causing of such work to be done. Such person shall forthwith stop and cause to be stopped such work until authorized by the Building Official or designee to recommence and proceed with the work or upon issuance of a building permit in those cases in which the building permit has been revoked. Such stop work order and revocation of permit shall be posted on work being done in violation of this Code.

B. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Official or designee or the Community Development Director or designee may order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued. Such person shall vacate such building or portion thereof within ten days after receipt of such notice or make the building or portion thereof comply with the requirements of this Code.

C. Whenever a posted stop work order due to a violation of any provisions of this Code is removed, penalties shall be enforced pursuant to **Section 17.03.020**.

17.03.020. Notice of Intent to Suspend or Revoke

A. Before suspension or revocation pursuant to this division, the Building Official may give notice of intent to suspend or revoke, which notice may specify a reasonable time for compliance with this Code.

B. If notice of intent is given, suspension or revocation shall not occur before the time for compliance has expired.

C. The Building Official shall not be required to provide notice of intent to suspend or revoke for violations of this Code that cause imminent destruction of property or injury to persons.

17.03.030. Penalties

A. Any person or other legal entity who shall violate any of the provisions of this Code or who shall fail to comply with any provisions hereof within the corporate limits of the City or the extraterritorial jurisdiction of the City, outside the corporate limits shall be guilty of a misdemeanor and upon conviction shall be fined with the maximum fine in the amount of $2,000.00 for a violation of any provision governing the public health, safety, and welfare and shall be fined with the maximum fine in the amount of $500.00 for any other violation. Each day any violation of noncompliance continues shall constitute a separate and distinct offense.

B. Penalties for Repeat Offenses

1. If a person or entity has previously been convicted of a violation of this Code, the person or entity shall be punished by a minimum fine of:

   a. $250 for a second conviction; or

   b. $500 for a third or subsequent conviction.

2. This subsection for repeat offenses applies only to a person or entity convicted of a second or subsequent offense within three (3) years of the date on which the most recent preceding offense was committed.

17.03.040. Other Remedies

A. The City shall have the right to withhold approval of any Certificate of Occupancy, permit, plat, or any other authorization or approval until the applicant pays all fees, fines, and penalties that have been assessed and are due and owing to the City. The withholding of the Certificate of Occupancy shall carry forward with the land to any future assessors and assigns until all penalties have been addressed.

B. Unless otherwise prohibited by law, the City may disconnect utility services for violations of this Code.

C. The penalties and other remedies set forth herein shall be cumulative of other remedies provided by State law and the power of injunction may be exercised in enforcing this Code whether or not there has been a criminal complaint filed.

Chapter 18. Definitions

Section 18.01. General

18.01.010. Purpose

The purpose of this chapter is to define words, terms, and phrases contained within this Unified Development Code, unless otherwise specifically defined elsewhere herein.

18.01.020. Word Usage

A. In the interpretation of provisions in this Code, the rules of this chapter shall be observed and applied, except when the context clearly indicates or requires otherwise. In case of a conflict between this chapter and the text of this Code, an interpretation shall be made by the Director.

B. For the purpose of this Code, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with adopted building codes, the City Code of Ordinances or their customary usage and meaning.

C. Merriam-rWebster's Unabridged Dictionary may be referenced to determine the meaning of terms not otherwise defined within this chapter, subject to approval of interpretation by the Director.

D. Terms found in this Code may be defined in this chapter in alternate order. For example, "Accessory Use" may be listed here as "Use, Accessory."

Section 18.02. General Definitions

The following definitions describe terms found in this Code.

18.02.010. Terms Defined: A-D

1. AASHTO

American Association of State Highway and Transportation Officials.

2. Abutting

Sharing a property line or common border or a portion of a property line or common border.

3. Access

A means of vehicular entry to or exit from a property.

4. Accessory Building

See "Structure, Accessory".

5. Accessory Dwelling Unit

A small separate dwelling unit, either detached or attached to the principal dwelling unit, which includes full kitchen facilities and living quarters as a fully contained dwelling unit. Often referred to as "guest homes", "granny flats", "garage apartments", or "mother-in-law units", accessory dwelling units are intended to be integrated into primarily single family neighborhoods to provide housing alternatives for a variety of age groups and income levels with minimal impact on the character of the neighborhood.

6. Accessory Use

See "Use, Accessory".

7. Activity Center, Senior

Senior centers of a public, nonprofit or charitable nature providing fraternal, social, and/or recreational programs generally open to the public and generally designed to accommodate and serve the retired or elderly segment of the community. Accessory uses may include offices, meeting areas, food preparation areas, and day care uses.

8. Activity Center, Youth

Youth club facilities of a public, nonprofit or charitable nature providing social and/or recreational programs generally open to the public and designed to accommodate and serve the adolescent segments of the community. Accessory uses may include offices, meeting areas, food preparation areas, day care uses, and athletic facilities.

9. ADT (Average Daily Trips)

The average number of vehicles or pedestrians passing a specific point in a 24-hour period; normally measured through a year. ADT is the standard measurement for vehicle traffic load on a section of road and the basis for most decisions regarding transportation planning.

10. Adjacent

Abutting and directly connected to or bordering.

11. Adjoining Property

Property that touches abuts or is adjacent to the subject property.

12. Administrative Official

A City staff member who has been appointed or assigned the positions listed in **Section 2.02** of this Code.

13. Advertise

To make something known or to draw attention to.

14. Agricultural Operations

An agricultural operation that includes cultivating the soil, producing crops or growing food, floriculture, viticulture, horticulture, silviculture, wildlife management, raising or keeping livestock or poultry, planting crops, the commercial sale of animals, or aquaculture.

15. Airport

A facility or area of land reserved, designed and improved for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including all necessary facilities for the housing, maintenance, safety, and security of aircraft, such as hangars, facilities for refueling and repair, and other related accessory structures, as well as various accommodations for passengers, baggage, or freight.

16. All Weather Driving Surface

See "Driving Surface, All Weather".

17. Alley

See “Street, Alley”.

18. Alteration

Any exterior change or modification in the architectural appearance and design, other than cosmetic or decorative, or in supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or a complete rebuilding of the roof or the exterior walls. Alteration also includes the removal, stripping,

or concealing of any significant exterior architectural feature that is integral to the historic character of a building or structure that is designated as a local historic landmark or contributing to the historic district. "Alteration" does not include modifications that qualify as "ordinance maintenance and repair," as this term is defined in this Code.

19. Alternative Parking Plan

A plan approved by the Director that allows for alternatives to the vehicular parking, stacking, and loading requirements in **Chapter 11** of this Code.

20. Animal Shelter

A public, nonprofit or not-for-profit facility at which stray, lost, homeless, abandoned, or unwanted dogs, cats, or other domesticated animals are kept for purposes of distribution to the general public.

21. Antenna

Any device used to collect or radiate radio waves, microwaves, or electromagnetic waves. An antenna could include directional or panel antennas, ancillary antenna, parabolic or panel dishes, omni-directional antennas such as whips, and other similar transmitting or receiving equipment intended for commercial use.

22. Apartment

A structure that contains three or more dwelling units that share common walls, floors or ceilings with one or more dwelling units. The land underneath the apartment structure is not divided into separate lots. See also "Multifamily, Attached Dwelling Units" .

23. Appeal

A process by which an aggrieved person may request for review of a decision made during the application of a provision of this Code.

24. Applicant

A person applying for development-related approval of any type under this Unified Development Code.

25. Aquifer

An underground bed or layer of permeable rock that retains groundwater. An aquifer often releases water to the surface through the form of springs or artesian wells.

26. Arborist, Certified

A specialist certified by the International Society of Arboriculture (ISA) in the care and maintenance of trees.

27. Architectural Feature

An architectural element attached to, contiguous to or otherwise related to a building, structure, or property including, but not limited to, awnings, pillars, posts, windows, doors, lights, overlays, moldings and other fixtures.

28. Articulation

An interruption/differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane by a measurable distance or a differentiation in the height of the wall surface.

29. Artisan Studio and Gallery

An establishment for the creation, preparation, display, and sale of individually-crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles, and related items that are either made to order or which involve considerable handwork. Artisans shall include sculptors, painters, sketch artists, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers. On-site sale of the product is required, and accessory uses may include instruction of

the particular skill to groups not exceeding five persons and sale of supplies directly related to the trade. This use excludes cabinet making or assembly shops and the use of mechanized assembly line production.

30. As-Builts

Plans and specifications that clearly denote all final construction.

31. Asphalt or Concrete Batch Plant

A permanent manufacturing facility engaged in the storing and mixing of raw materials to produce concrete or asphalt, including trucks that transport the product to job sites.

32. Assisted Living

A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen, and organized social activities. An assisted living facility may include an adult daycare as an accessory use.

33. Athletic Facility, Indoor or Outdoor

An area, field, building or combination thereof, which is constructed and equipped for use in participatory and/or spectator-oriented sports and athletics. This use includes, but is not limited to, facilities intended for the instruction, practice, and competitive events associated with basketball, volleyball, soccer, tennis, gymnastics, swimming, baseball or football. Accessory uses may include offices, snack bars, limited sales, locker rooms and incidental child care. This term excludes racetracks for dirt bikes or motorized vehicles, amusement parks, sports arenas, and any other facility otherwise categorized as Major Event Entertainment.

34. Automobile

A self-propelled passenger vehicle that usually has four wheels and an internal-combustion engine, used for land transport. Also includes vehicle or motor vehicle.

35. Automobile Parts and Accessories Sales

Retail sales of automobile related parts and accessories. The outdoor storage or display of merchandise shall only be allowed in those Districts where Automobile Parts and Accessory Sales, Outdoor is permitted.

36. Automobile Sales, Rental or Leasing Facility

A facility engaged in the sale, rental, or leasing of automobiles, noncommercial trucks, or motorcycles, including incidental storage, limited maintenance, and limited servicing. Typical uses include new or used automobile dealerships, motorcycle dealerships, and automobile or motorcycle rental agencies.

37. Automobile Repair and Service, General

General repair or replacement services for any vehicles, including commercial. In addition to those services provided under limited automobile repair and service, general automobile repair and services includes rebuilding, reconditioning or replacement of engines, transmissions or power trains; collision services such as body, frame, or fender replacement, straightening or repair; steam cleaning, undercoating and rust proofing; major painting; or similar servicing, rebuilding or repairs that normally require significant disassembly or overnight on-site storage of vehicles, excluding dismantling, wrecking, or salvage. Outdoor storage of materials such as tires, auto parts, etc. is allowed.

38. Automobile Repair and Service, Limited

Minor repair or replacement services for automobiles, light trucks, motorcycles, trailers, recreational vehicles, and similar non-commercial motor vehicles not exceeding one and one-half ton capacity. Services include engine tune-ups, oil changes and lubrication, wheel alignment or balancing, sales and installation of batteries or tires,

transmission, drive train, radiator, fuel, electrical or muffler repairs, servicing of brakes, air conditioning or exhaust systems, incidental upholstering or similar servicing or repairs not part of collision repair and normally not requiring any significant disassembly. No outdoor storage of materials such as tires, auto parts, etc. is allowed.

39. Average Daily Trip (ADT)

The projected or counted amount of traffic traversing a street. Used often as a modeled or calculated measurement of expected traffic generation for a development or neighborhood in order to determine roadway adequacy.

40. Awning

An architectural projection, which provides weather protection, identity or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached which may be of fabric or other materials.

41. Back-of-Curb

The outside edge of an approved curb type not adjacent to a travel way. The basis of measurement for paved width and curb basis within this Code.

42. Balloon

A helium-filled device, not to exceed 18 inches each, which cannot be fashioned into shapes or letters.

43. Bank (of a stream) (Edwards Aquifer Water Quality Regulations)

The ordinary high water mark of a stream, not the floodplain boundaries, as determined by the appropriate authority.

44. Banking and Financial Services

An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions and similar services. This term does not include "check cashing" or "payday loan" establishments.

45. Banner

Any sign or attention-getting device made of fabric, plastic, or other non-rigid material designed to hang from rope or wire or suspended from a pole and not mounted in a permanent, rigid frame.

46. Banner, Light Pole Mounted

Any flexible material mounted between two horizontal supports projecting at a perpendicular from a light standard in flag fashion. The term includes any rigid or semi-rigid sign face or lens mounted in a frame attached to the side of a light standard in a way to achieve the same effect.

47. Banner, Street

Any banner hung over or across a city street or other public right-of-way.

48. Bar

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, pubs, cocktail lounges, and similar uses other than a Restaurant.

49. Base Flood

The flood having 1% chance of being equaled or exceeded in any given year. This would include a 100-year flood event and may often be referred to as the 100-year floodplain.

50. Bay Window

A window forming a bay and projecting outward from the wall.

51. Beacon

Any light, either permanent or portable and either stationary or moving, with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move, whose purpose is to attract attention.

52. Bed and Breakfast (B&B)

A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated Zoning Districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. This use does not allow for events associated with the Bed and Breakfast.

53. Bed and Breakfast with Events

A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated Zoning Districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. This use allows for events associated with the Bed and Breakfast that subordinate to the Bed and Breakfast.

54. Best Management Practices

Schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of water in the state from point and non-point sources, to the maximum extent practicable. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

55. Best Management Practices (BMPs) [Edwards Aquifer Water Quality Regulations]

For **Chapter 13. Drainage and Environmental Protection**, BMPs has that meaning ascribed to it in Title 30, Texas Administrative Code § 213.3(5), as may be amended and as further defined herein.

56. Bicycle Lane

An on-street defined travel lane for the exclusive use of bicycles.

57. Block

One or more parcels together forming a unit of land bounded by through-streets, railroad rights-of-way, watercourses, public parks, cemeteries, rural land, or any other barrier to the continuity of development or any combination thereof. In cases where the platting is incomplete or disconnected, the Planning Director shall determine the outline of the block.

58. Blood or Plasma Center

A facility that obtains blood or blood plasma from voluntary donors.

59. Board of Adjustment

See "Zoning Board of Adjustment (ZBA)".

60. Boarding House

See "Rooming House".

61. Bond

A sealed instrument under which a person or entity is obligated to pay an agreed-upon amount of money on or before a specified expiration date or action. Binding security; firm assurance.

62. Branch (Tree)

A part of a tree that extends from the trunk and forms a part of the canopy.

63. Bufferyard

A combination of physical spaces and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

64. Build-to-Line

An invisible line located a precise distance from a right-of-way that a portion of a building must be built to, as established by certain Zoning Districts.

65. Buildable Area

The area of a lot available to be constructed upon after accounting for the required setbacks.

66. Building

A structure constructed, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind.

67. Building, Enclosed

A roofed building surrounded on all sides by walls.

68. Building Envelope

An area within the property boundaries of a lot or space within which a permitted structure can be placed.

69. Building Floor or Story

The part of a building from one floor to the next floor above or to the ceiling if there is no floor above.

70. Building Height

See "Height, Building".

71. Building Line

An invisible line parallel to any lot line that is established by the portion of a building that is closest to that lot line for the purposes of establishing the yard boundaries of a lot.

72. Building Official

The individual designated by the City Manager to insure compliance with the adopted Building Codes of the City of Georgetown or the Building Official's designee.

73. Building Permit

An official document or certificate signed by the Building Official or designated employee authorizing performance of a specified activity.

74. Building, Principal or Primary

A building in which the primary use of the lot is conducted.

75. Building Wall

Any vertical partition under the roof of a dwelling unit or accessory structure.

76. Bus Barn

A facility where buses or other passenger transporting fleet vehicles are housed, stored, maintained or repaired. Accessory uses may include offices or maintenance, fueling, or washing facilities.

77. Caliper

The American Association of Nurserymen standard for trunk measurement for nursery stock. Caliper of the trunk shall be taken 6 inches above the ground for up to and including 4-inch caliper size, and 12 inches above the ground for larger sizes.

78. Campground

Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes. The maximum length of stay at a camping and recreational vehicle park shall be 30 days.

79. Canopy

An awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, fuel pumps, or outdoor area.

80. Car Wash

A facility for the washing, waxing, or cleaning of automobiles, recreational vehicles, or light duty trucks. Services may be provided either by employees of the facility, where the vehicle owner leaves the vehicle or waits in a designated area while the vehicle is vacuumed, washed, dried, waxed, and/or detailed for a fee, or by the vehicle owner, through automated self-service (drive-through/rollover) wash bays or wand-type self-service (open) wash bays.

81. Cemetery

A place or ground used or intended to be used for the burial or entombment of the dead, whether human or animal, including a mausoleum or columbarium.

82. Certificate of Appropriateness (CoA)

A certificate documenting approval by the Historic and Architectural Review Commission (HARC) or the Historic Preservation Officer (HPO) to construct, reconstruct, alter, restore, remove, relocate, or demolish a building or structure that is designated as a historic landmark, non-contributing historic structure or contributing historic structure, or located in a Historic Overlay District, including specific site features such as signage and fences, as applicable.

83. Certificate of Occupancy

The written approval of the Building Official certifying that a newly constructed structure, addition to an existing structure, or an existing structure undergoing a change in use is in full compliance with the provisions of this ordinance and that such structure is habitable and in conformance with this Code and all applicable Municipal building codes, fire code, and other adopted City regulations.

84. City

The City of Georgetown, Texas.

85. City Council

The City Council of the City of Georgetown, Texas.

86. City Limits

The official corporate limits of the City of Georgetown, Texas.

87. City Manager

The chief administrative officer of the City, as appointed by the City Council or their designated representative.

88. City Secretary

That person holding the office of City Secretary, Georgetown, Texas, as appointed by the City Council or their designated representative.

89. Classroom

Any room, including laboratories, in which classes are conducted at a school, church, or other educational facility, but excluding hallways and other common areas, auditoriums, sanctuaries, gymnasiums, cafeterias, libraries, storage and maintenance areas, and administrative offices.

90. Code Enforcement

Duties designated by the City Manager to cause property owners and others responsible for buildings and related land uses to bring their properties up to standards of this Code and other required building codes.

91. Collocation

Locating wireless communications equipment from more than one provider on a single mount, tower, or support structure.

92. Columbarium

A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person.

93. Commercial Document Storage

A business providing off-site document or record storage, management, and retrieval services in a secure, temperature-controlled facility for commercial businesses or government entities.

94. Commercial Feed Lot

A lot, yard, corral, building, or other area in which livestock or other animals for food or fur are housed and confined, primarily for the purposes of feeding and growth prior to slaughter and which is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure and substantial amounts of manure or other related wastes may originate by reason of such feeding of animals. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

95. Commercial Recreation

A privately established and operated facility that provides indoor or outdoor recreational opportunities for a fee, including batting cages, bowling alleys, miniature golf courses, roller and ice skating rinks, game courts, video arcades, pool halls, laser tag, skate parks, rock climbing walls, go kart tracks, and similar uses. Accessory uses may include snack bars, limited sales, and locker rooms. This use excludes outdoor firing ranges, stadiums, amphitheaters, amusement parks, country clubs, golf courses, camping and recreational vehicle parks, fairgrounds, and swim/tennis clubs.

96. Commercial Vehicle

A vehicle or combination of vehicles used to transport passengers or property that:

- Has a manufacturer's rated carrying weight equal to or greater than one and one-half tons;
- Is designed to transport 16 or more passengers, including the driver;
- Is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F, as amended;
- Is a "road tractor" as that term is defined in Chapter 541 of the Texas Transportation Code;

- Is a "truck tractor" as that term is defined in Chapter 541 of the Texas Transportation Code;
- Is a "pole trailer" as that term is defined in Chapter 541 of the Texas Transportation Code; or
- Is a "semitrailer" as that term is defined in Chapter 541 of the Texas Transportation Code.

97. Commercial Vehicle Sales, Rental or Leasing Facility

A facility engaged in the sale, rental, or leasing of commercial vehicles, including incidental storage, limited maintenance, and limited servicing. Typical uses include commercial truck dealerships, bus sales facilities, and commercial vehicle rental agencies.

98. Commission

See "Planning and Zoning Commission".

99. Communication Tower

Any fixed, free standing, uninhabitable structure, not a shelter, built primarily to support antennas or other associated hardware. Communication towers include, but are not limited to the following:

- Lattice towers which are self-supporting structures consisting of a network of crossed metal braces, forming a tower which is usually triangular or square in cross section; or
- Monopoles which are self-supporting structures consisting of a single pole sunk into the ground and/or attached to a permanent foundation.
- Towers that are supported, in whole or in part, by guy wires and ground anchors are not allowed in the City.

100. Community Center

A building or complex of buildings typically consisting of one or more meeting or multi-purpose rooms and kitchen and/or outdoor barbecue facilities, owned and/ or operated by a governmental agency or private non-profit agency and used for and providing religious, fraternal, social, cultural, educational, athletic, recreational, or entertainment activities generally open to the public and designed to accommodate and serve significant segments of the community. Community centers may be available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

101. Community Garden

A site used for growing plants for food, fiber, herbs, and/or flowers, which is shared and maintained by community residents.

102. Comprehensive Plan

The long-range development plan for the community approved by the City Council.

103. Condominium Development

A form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of these portions. For the purposes of these Regulations, Condominiums shall include all developments created under Chapter 82 of the Texas Property Code, also known as the Uniform Condominium Act.

104. Connectivity Ratio

A numerical calculation determined by the number and linkage characteristics of streets within a subdivision.

105. Consent Agreement

An agreement between the City and owners and developers of land in a proposed District which, if agreed to, shall be attached to the consent resolution adopted by the City Council.

106. Consent Resolution

A resolution approved by the City Council setting forth terms of its consent to creation of a District .

107. Conservation Area, Primary

Open space areas that contain features which are required to be part of the Conservation Open Space, such as wetlands, endangered species habitat, etc.

108. Conservation Area, Secondary

Open space areas that contain features which are encouraged but optional for inclusion into the Conservation Open Space.

109. Conservation Development

A development where new structures are clustered onto a portion of the development parcel, so that the remainder can be preserved as open space.

110. Conservation Open Space

Open space within a conservation development that has been set aside for permanent protection.

111. Conservation Subdivision

See "Conservation Development".

112. Construction Plans

The maps, drawings, and specifications indicating the proposed location and design of improvements to be installed in a subdivision or a site.

113. Construction Specifications and Standards Manual

Referred to often in this Code as the "Construction Manual," this City of Georgetown document includes standard details and specifications for the construction of public improvements.

114. Consumer Repair

An establishment primarily engaged in the provision of repair services to individuals and households rather than firms. Typical uses include appliance repair, locksmiths, watch or jewelry repair, or musical instrument repair. This use excludes automotive and large equipment servicing or repair.

115. Consumer Retail Sales and Services

Group of commercial uses providing retail sales and services primarily to individuals, typically for frequently or recurrently needed services of a personal nature.

116. Contiguous

Adjacent property whose property lines are shared or are separated by only a property line, street, alley, easement, or right-of-way.

117. Contractor Services, General

An establishment primarily engaged in construction or related activities off-premises. This use includes offices associated with the business and the maintenance and indoor or outdoor storage of supplies, equipment, machinery, and vehicles.

118. Correctional Facility

A facility providing judicially required detention or incarceration of individuals convicted of crimes where these individuals are housed until such time as they have completed their sentences. Such facilities include minimum and maximum security prisons for adults as well as juvenile detention centers for minors.

119. Cottage Court

A series of small, detached structures located on individual lots, arranged to define a shared court that is typically perpendicular to the street. May also include common parking areas.

120. Council

See "City Council".

121. County

Williamson County, Texas.

122. Courthouse

The County Courthouse of Williamson County, Texas.

123. Courthouse Dome Protected View

A view of the dome of the Courthouse from the top of the cornice to the top of the statue.

124. Courthouse View Overlay, Allowable Height

The maximum height allowed for any building, façade, decorative feature, sign, or rooftop mechanical equipment screening.

125. Courthouse View Overlay, Distance

The distance from the View Point to either the Review Site or the Courthouse.

126. Courthouse View Overlay, Review Site

Proposed location of development.

127. Courthouse View Overlay, Sightline

A line drawn from the View Point to the lowest protected point on the Courthouse.

128. Courthouse View Overlay, View Corridor

That area projecting from the Courthouse to the farthest point of the View Point as reflected in the map in UDC **Section 4.09** or any point in between from which there is a view within public right-of-way of the protected view of the Courthouse dome.

129. Courthouse View Overlay, View Point

The point from which the Sightline establishes a maximum height which may not be exceeded by any structure. The elevation at the view point is established from four feet above the lowest elevation of any lane within the right-of-way of a View Corridor from which the protected view of the Courthouse dome is visible. A view triangle encompassing the full range of view for the complete site shall be included in the view point.

130. Creek

A stream of surface water sufficient to produce a defined channel or bed.

131. Critical Root Zone (CRZ)

A circular region measured outward from the trunk representing the essential area of roots that must be maintained or protected for the tree's survival. CRZ is calculated as 1 foot of radial distance for every inch of tree DBH.

132. Critical Root Zone Protection Plan

A plan that graphically identifies Protected Trees and Heritage Trees and clearly delineates the Critical Root Zone to be protected for each tree scheduled to remain on site.

133. Crosswalk

A strip of land dedicated for public use and which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

134. Cul-de-Sac

See "Street, Cul-de-Sac".

135. Curb

A defined concrete edge of a street, which may or may not include a stormwater gutter.

136. Curb, Mountable

Also described as a rollover or roll-up curb, a Mountable Curb is a street border that has sloping faces that allow vehicles to easily encroach upon them and is not considered a vehicular barrier curb. Mountable Curbs are considered a combined curb type that is the primary component of a stormwater conveyance system that carries alongside a roadway.

137. Curb, Ribbon

Also described as a lay-down curb, a Ribbon Curb is a street border that is generally flat and is not considered a vehicular barrier curb. Typically associated with sheet-flow or open ditch stormwater conveyance and does not carry stormwater laterally alongside a roadway.

138. Curb, Vertical

Also described as a stand-up curb or barrier curb, a Vertical Curb is a street border that is generally accepted as a safety barrier separating vehicular traffic from a building, sidewalk, or other area where vehicles are not desired. Typically paired with a defined stormwater conveyance gutter that carries stormwater laterally alongside a roadway.

139. Curb Basis

The dimensional area between the back of a street curb and the outside of the right-of-way.

140. Curb Stop

A concrete barrier secured to a parking stall to stop the tire of a moving vehicle.

141. Cut-Out Parking

A designated street parking lane with defining characteristics separating it from the primary travel way of the street. Cut-out areas are typically seen in residential neighborhoods and in the downtown area. Graphical design of cut-out parking can be found in the Future Mobility Plan.

142. Dam

All obstructions, wall embankments or barriers constructed for the purpose of storing or diverting water or creating a pool.

143. Dance Hall

An establishment open to the general public for entertainment, in particular, dancing, but excluding any entertainment otherwise included in the definition of "Sexually-Oriented Business".

144. Data Center

A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site. Data Centers will typically require large amounts of electricity, strict temperature control and high security and will generally have few employees on-site at any given time. May also be referred to as a server farm.

145. Day Care, Commercial

A day care facility that provides less than 24-hour care and supervision for 12 or more individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees. This term shall include commercial daycare for children, adults or handicapped persons. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

146. Day Care Facilities

A group of uses providing care and supervision for children or adults.

147. Day Care, Group

A day care facility that provides less than 24-hour care and supervision for seven to 12 children under 14 years of age at any one time, including those under the legal custody of the day care provider or employees.

148. Day Care, Residential Home

A home occupation in which an individual provides less than 24-hour care and supervision for six or fewer children under the age of 14, plus no more than six additional elementary school-aged children (age five to 13). The total number of children, including those under the legal custody of the day care provider, is no more than 12 at any time. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

149. Debt Instrument

An instrument, including a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments due to be paid by an issuer or other type of obligation that: (1) is issued or incurred by an issuer under the issuer's borrowing power; without regard to whether it is subject to annual appropriation; and (2) is represented by an instrument issued in bearer or registered form or is not represented by an instrument but the transfer of which is registered on books maintained for that purpose by or on behalf of the issuer.

150. Deciduous

A plant or tree with foliage that sheds annually.

151. Decision-Making Body or Authority

The entity that is authorized to finally approve or deny an application or permit required under this Code.

152. Dedication

The commitment of property interests from a private entity to a public entity for a public purpose.

153. Demolition

The intentional destruction, razing, dismantling or removal in whole or in part of a building or structure or any dismantling, intentional destruction or removal of sites, surfaces, utilities or other improvements.

154. Demolition by Neglect

Demolition of a building that is in a serious state of disrepair and deterioration due to lack of proper maintenance, and for which certain measures must be taken in order to preserve the public health, safety and welfare.

155. Density

The overall average number of units located on the gross acreage.

156. Developed Area

That portion of a lot, easement, or parcel upon which a building, structure, pavement, or other improvements have been placed.

157. Developer

A person or entity partaking in an activity governed by this Unified Development Code including, but not limited to, division of land, erection or modification of buildings, construction of public improvements, or any other alteration of land or property subject to this Code. The term "developer" may include the terms "property owner", "subdivider", "applicant", and/or "builder" as the parties responsible for successive stages of a development project may vary.

158. Development

Initiation of any activity governed by this Unified Development Code related to land or property modification whether for imminent or future construction activities including, but not limited to, division of a parcel of land into two or more parcels; alteration of the surface or subsurface of the land including grading, filling, or excavating; mining or drilling operations; clearing or removal of natural vegetation and/or trees; installation of public infrastructure including utilities, roadways, and drainage facilities; and construction or enlargement of any building, structure, or impervious surface. Exclusions from this definition include maintenance of lawns, gardens, and trees; repairs to existing utilities; minimal clearing of vegetation for surveying and testing; and bona fide agricultural activities.

159. Development Agreement

An agreement approved by the City Council for a development that could not otherwise be accomplished under this Code or the Code of Ordinances. A Development Agreement may modify or delay certain requirements of this Code (including any Manuals adopted by reference in the Code) and/or any other provisions of the City Code of Ordinances.

160. Development Engineer

A professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

161. Diameter at Breast Height (DBH)

The diameter of a tree's trunk measured at a height 4.5 feet above natural grade.

162. Director

The person or persons designed by the City Manager of the City of Georgetown, and their designated representatives, to administer and enforce this Unified Development Code.

163. Director of Georgetown Utility Systems

This term shall include the Director of Georgetown Utility Systems, the Director's designee or other City personnel assigned the responsibilities referenced in these regulations.

164. District Size, Minimum

The minimum amount of total land required to establish a particular Zoning District. A minimum District size is separate and distinctive from a minimum lot size and can be the collection of more than one lot or parcel.

165. Downtown Master Plan

A local ordinance that, in conjunction with the Historic District Design Guidelines, guides Downtown street, building, and land use projects towards an economic and visual goal, as envisioned by City Council, staff, citizens, and local preservation groups.

166. Drainage Engineer

A professional engineer licensed by the State of Texas and designated to perform duties specified in this Code.

167. Drainageway or Waterway

Any natural or man-made channel conducting storm water.

168. Drive Aisle

The vehicular travel ways within a development that provide access to buildings, parking spaces, loading spaces and other areas of the property. A drive aisle does not constitute nor equal a public or private street.

169. Driveway

A private travel way providing vehicular access from a street to the adjacent property.

170. Driveway, Non-Residential

A driveway serving typically non-residential development, including multi-family and townhouse uses.

171. Driveway, Residential

A driveway serving single- and two-family uses.

172. Driving Range

An outdoor area equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.

173. Driving Surface, All Weather

An impervious surface of asphalt or concrete applied to a compacted subgrade and compacted flexible base materials which forms a roadway. The impervious surface is applied to protect the base material against any weather conditions and provide stability for vehicular loading and weight carrying capabilities. (Refer to the Construction Standards Manual)

174. Dry Cleaning or Laundry Plant

A commercial facility at which clothes are brought to be dry cleaned, and/or laundered from individual dry cleaning service outlets. Such a facility may be a freestanding use or may be combined with a dry cleaning service outlet.

175. Dry Cleaning Service

An establishment engaged in providing laundry, dry cleaning and other related services on a pickup and drop-off basis to individual customers. The actual laundering and/or dry cleaning of clothes may take place at that facility. If laundering and/or dry cleaning of clothes from other service outlets take place, it shall be considered a "Dry Cleaning or Laundry Plant."

176. Dwelling or Dwelling Unit

A building or portion thereof that includes sleeping, cooking, eating, and sanitation facilities, designed and used for residential occupancy by a single household. Dwelling units do not include overnight accommodations.

177. Dwelling or Dwelling Unit, Accessory

See “Accessory Dwelling Unit”.

178. Dwelling or Dwelling Unit, Principal

The main residential structure or part thereof on a lot or parcel.

18.02.020. Terms Defined: E-K

179. Easement

A dedication by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction and maintenance of utilities, drainageways, driveways, and roadways.

180. Easement, Public Utility (P.U.E.)

An easement located on private property and dedicated for the construction and maintenance of a public utility purpose, including drainage easements, utility easements, roadway easements, and access easements. These easements shall be free of improvements such as, but not limited to, structures, signs, parking lots, etc. unless a License to Encroach is obtained per the provisions of **Section 3.23** of this Code.

181. Educational Facilities

A group of uses including public and private schools at the primary elementary, middle, junior high, or high school level that provides basic academic education and colleges and other institutions of higher learning that offer courses of general or specialized study.

182. Edwards Aquifer

Aquifer formation in Central Texas consisting of a Recharge Zone, Contributing Zone, and Transition Zone, all of which are often preceded in name by "Edwards Aquifer". The boundaries of the Edwards Aquifer and its divisions are determined by the Texas Commission on Environmental Quality (TCEQ). If not specifically singled out by individual zone, "Edwards Aquifer" shall be determined to encompass all three zones collectively. Also see "Aquifer".

183. Electric Utility Services Availability Letter

A letter issued by the appropriate electric distribution utility certifying the availability of electric utility service and electric distribution infrastructure to a property, together with a cover letter from the applicant or owner of the property to be served that commits that the electric service will be installed in conformance to the requirements for design and construction of electric utilities of this Code.

184. Electrical Engineer

The person designated by the City's electric utility to make decisions regarding placement, design, procedures, and other authorized determinations regarding electrical public improvements.

185. Electronic Message Center

Any sign which contains an illuminated, programmable message or graphic, whether fixed in place or moving/changing ("traveling").

186. Emergency Services Station

Facilities for the conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

187. Endangered or Threatened Species

Species that are "in danger of extinction within the foreseeable future throughout all or a significant portion of its range", while threatened refers to "those animals and plants likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges", as defined in the Endangered Species Act of 1973.

188. Engineer's Report

A signed and sealed report by a registered professional engineer licensed by the State of Texas.

189. Event Catering and Equipment Rental Services

An establishment providing large scale food catering services and the storage, rental, and supply of party, banquet, or event equipment, furnishings, or fixtures.

190. Event Facility

A building, structure, or site available for rental by the public for the primary intended purpose of hosting parties, wedding receptions, banquets, corporate meetings or similar group events. Event Facility does not include an event room available for rental in a structure housing another primary use where the event room rental is an accessory use to the primary use (i.e., General Restaurant) or a Community Center as it is defined in this Code.

191. Existing Street Connection

A public street connection to an existing public street that ultimately connects two or more locations to a Major Street.

192. Extraterritorial Jurisdiction (ETJ)

The unincorporated area, not part of any other municipality, which is outside of and contiguous to the corporate limits of the City of Georgetown, as defined and established in accordance with Texas Local Government Code Chapter 42.

193. Farm Stand

An accessory building or structure erected for the seasonal display and retail sale of fresh fruits, vegetables, flowers, herbs or plants produced on the property or neighboring property where the stand is erected. No commercially packed handicrafts or commercially processed or packaged foodstuffs shall be sold at a farm stand.

194. Farmer's Market

A permanent indoor or outdoor market where individual vendors offer produce and related items for retail sale directly to the consumer. The products are typically locally and regionally grown and may include items such as fresh fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and processed food products such as jams, honey, pickled foods, and sauces. Baked goods, handmade crafts, art, clothing, jewelry, and produce items not native to this region may also be sold but may not constitute a majority of total sales. Sale of new and used household goods, personal effects, tools, small household appliances, and similar merchandise are not included in this definition.

195. Federal Aviation Administration (FAA)

The governmental agency responsible for regulating airways in the United States.

196. Federal Communications Commission (FCC)

The government agency responsible for regulating telecommunications in the United States.

197. Fence

A constructed barrier typically designed for screening, enclosure, or prevention of entry.

198. Firing Range

Any rifle, pistol, silhouette, skeet, trap, black powder, or other similar range used for discharging firearms in a sporting event or for practice or instruction in the use of the firearm or for the testing of a firearm.

199. Fitness Center

An establishment providing exercise equipment, facilities and instruction designed to maintain or improve the physical fitness of participants. Facilities may include childcare centers, swimming pools, sports courts and similar amenities and may also include incidental food sales, retail sales, and personal care services. May also be referred to as a gym or a health club.

200. Flag

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used for the purpose of conveying a message. A flag shall be considered a sign for purposes of this Code.

201. Flag, Governmental

Flags of the United States, the state, the city, or foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.

202. Flea Market

A permanent indoor or outdoor market where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation. A flea market is different from a "Farmers Market" in that the majority of goods sold at a flea market are non-edible.

203. Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

204. Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by water from any source, including, but not limited to flooding (see "Flood").

205. Floodway or Floodplain, Regulatory

The channel of a river or other watercourse river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

206. Floor-to-Area Ratio (FAR)

The FAR is the ratio of total building floor area to the area of the lot on which it is located. When the allowed FAR is multiplied by the lot area it results in the maximum amount of floor area allowable in a building on that lot. For example, a 10,000 square foot lot with a maximum FAR of 0.65, the floor area of a building cannot exceed 6,500 square feet.

207. Food and Beverage Establishments

A group of uses including businesses that store, prepare, package, serve or otherwise provide food and beverages for human consumption. Examples include restaurants, bars, and food catering services.

208. Footcandle

A measure of light intensity, measured in lumens per square foot, which is the amount of light received by 1 square foot of a surface that is 1 foot from a point source of light equivalent to one candle of a certain type.

209. Food Catering Services

A commercial facility providing services consisting of the on-site preparation and storage of food and food utensils to be delivered and served to and consumed by customers off the premises. This term does not include the storage, rental, or supplying of party, banquet or event equipment, furnishings, or fixtures.

210. Frontage

The portion of a lot, parcel, or tract of land abutting a street right-of-way.

211. Fuel Sales

The on-site retail sales of motor vehicle fuel, including gasoline, diesel fuel, and alternative fuels.

212. Funeral Home

An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses also include mortuaries.

213. Furniture Repair and Upholstery

Establishments engaged in the repair or re-upholstering of used or antique furniture.

214. Future Street Connection

A public street stub to an adjacent property that will not immediately connect to a public street, and the ultimate connection is dependent upon the development of the adjacent property.

215. Future Transportation Plan Roadway or Thoroughfare

A street or trail identified in the City's Future Transportation Plan as an existing or future roadway needed to accommodate the current and future transportation needs of the community. Includes Major Collector, Minor Arterial, Major Arterial, and any identified public trail or railway.

216. Garage

A building or structure or part thereof, designed, used, or intended for the parking and storage of automobiles.

217. Garage, Private

An enclosed accessory building, whether attached or detached from the principal structure, housing vehicles owned and used by occupants of the building(s) on a site.

218. Garage Sale

(1) The sale of tangible personal property that is held in a garage, carport, porch, patio, driveway, sidewalk, or yard of the seller's dwelling; or (2) the sale of tangible personal property that is held in a parking lot, driveway, sidewalk, or yard of a non-residential property other than one zoned therefore and for which a current valid commercial store license has been issued by the state. The term "Garage Sale" includes the terms "yard sale," "estate sale," "occasional sale," and similar phrases.

219. Garden Center

See "Landscape Supply Sales/Garden Center".

220. Geologic Assessment (Edwards Aquifer Water Quality Regulations)

A report prepared by a geologist pursuant to Title 30, Texas Administrative Code § 213.5 and containing the additional information required by **Chapter 11**.

221. Geologist (Edwards Aquifer Water Quality Regulations)

A licensed professional geoscientist who has training and experience in ground water hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features, such as springs and streams.

222. Golf Course

A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, a driving range, putting greens, and shelters as accessory uses. This term excludes stand alone driving ranges or miniature golf facilities.

223. Good Repair

That level of maintenance and repair that clearly furthers the continued availability of buildings and structures for lawful reasonable uses and prevents deterioration, dilapidation, and decay of buildings and structures.

224. Government and Community Facilities

A group of uses focused on the provision of a public or cultural service. Typically these facilities are public or non-profit and serve a wide range of needs and patrons.

225. Government Office

Federal, state, county, or city offices containing administrative, clerical, or public contact services and may include incidental storage and maintenance of necessary vehicles.

226. Grade

The level of the finished surface of the ground or improvements.

227. Grade Plane

A reference plane representing the average of finished ground level.

228. Grass, Lawn or Turf

A type of herbaceous plant with jointed stems and slender sheathing leaves that is maintained at a uniform, low height and is typically composed of Bermuda, Zoysia, Buffalo, or St. Augustine varieties.

229. Grass, Ornamental

A type of perennial that grows individually, valued for its texture and color in the landscape as it is often used for a creative effect in landscape design.

230. Greenbelt

Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

231. Greenhouse, Wholesale

A large-scale commercial greenhouse used to grow flowers, shrubs, trees, or other plants for the wholesale trade to restaurants, farmer's markets, grocery stores. and other off-site markets. The business may have incidental retail sales in conjunction with the wholesale sales.

232. Gross Floor Area

The square feet of floor space within all exterior walls and including all floors of a building. Gross Floor Area (often referred to as GFA) does not include porches, garages or space in a basement or cellar not used for dwelling purposes.

233. Ground Cover

A dense, extensive growth of low-growing plant, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.

234. Group Home

A residence for not more than six persons with disabilities and two supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a “person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has: 1) An orthopedic, visual, speech, or hearing impairment; 2) Alzheimer's disease; 3) Pre-senile dementia; 4) Cerebral palsy; 5) Epilepsy; 6) Muscular dystrophy; 7) Multiple sclerosis; 8) Cancer; 9) Heart disease; 10) Diabetes; 11) Autism; or 12) Mental illness. Per Section 123.003, “The

use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any District zoned as residential".

235. Group Living

A group of uses characterized by the residential use of a site for occupancy by groups of persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, boarding houses or fraternal orders.

236. Halfway House

Pursuant to Texas Human Resources Code § 42.002, a halfway house is a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

237. Hardscape

The non-living elements used in landscape (i.e., decorative walls, ledges, fountains, sculpture, or stone paths).

238. Hardship

Deprivation; suffering; state of misfortune or affliction. For the purposes of this Code, hardship does not include economic hardship when in reference to a Variance to a Zoning provision, as such term is defined in this Code.

239. Hazardous Material

Any substance that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.

240. Health Services

A group of uses intended for the treatment and care of injured or ill patients, including doctor's offices and clinics, urgent care facilities, and home health care services, but excludes hospitals.

241. Heavy Equipment Sales and Repair

A facility providing retail sales, leasing, and repair of heavy or commercial vehicles or equipment such as those used in construction, farming, or manufacturing.

242. Height, Antenna Support Structure

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height of the antenna support structure. Such height measurement shall also not include lightning arresters 12 feet or less in length.

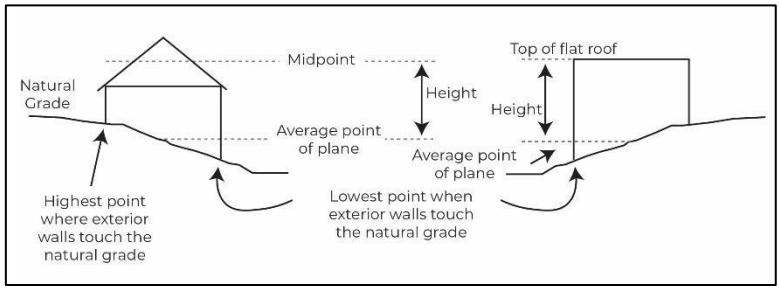
243. Height, Building

The vertical distance from the average between the highest and lowest natural grade (pre-construction/cut and fill) at the edge of the building or the base flood elevation where applicable and:

- The average height level between the eaves and ridge line of a gable, shed, hip, or gambrel roof;
- The highest point of a mansard roof;
- The highest point of the coping of a flat roof; and

- Roof parapets, as described in **Section 8.04.040.C**, may exceed the height limitations of this Code by no more than 10 feet.

Figure 18.02.020-18.02.02-1. Height Measurement



244. Height, Wireless Communication Facility

The vertical distance from grade plane or from the lowest point of attachment of the structure to any building, to the highest point of the structure, including antennas.

245. Heliport

Any landing or takeoff area intended for use by helicopters or other rotary wing type aircraft capable of vertical takeoff and landing profiles.

246. Historic and Architectural Review Commission (HARC)

A City Council-appointed board, consisting of seven members, who have decision-making authority regarding Certificates of Appropriateness, and make recommendations to the City Council on the designation of Historic Districts, in addition to other duties as identified in **Section 2.03** of this Code.

247. Historic Architectural Features

Architectural features that are unique to the design, style and period of the historic structure.

248. Historic District, Designated

Any site, District, or area of historical, archeological, or cultural importance or value which the City Council determines by action shall be protected, preserved, or enhanced in the interest of the culture, prosperity, education, and welfare of the people.

249. Historic District Design Guidelines

A Council-adopted ordinance that provides guidance and approval criteria for the Historic and Architectural Review Commission, along with the Historic Preservation Officer, when reviewing design compliance and proper preservation practices for proposed projects in the Downtown Overlay District and Old Town Overlay District, or at Historic Landmarks.

250. Historic Integrity

The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period. Not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance.

251. Historic Landmark

A building, structure or site of historical, architectural, or cultural importance or value to the City of Georgetown that has been designated as a "landmark" by ordinance of the City Council and that is to be protected, preserved, restored, and enhanced in the interest of the culture, prosperity, education, and welfare of the people.

252. Historic Places, National Register

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. The City of Georgetown, Texas, contains four Historic Districts that have been listed on the National Register of Historic Places ("National Register"):

- Williamson County Courthouse Historic District, designated in 1977, includes a period of significance ending in 1923. Its boundaries were increased in 1986.
- University Avenue-Elm Street Historic District, designated in 1979, includes a period of significance ending in 1900.
- Belford Historic District, designated in 1986, includes resources constructed prior to 1935.
- Olive Street Historic District, designated in 2013.

253. Historic Preservation Officer (HPO)

A person designated to review development applications in a Historic Overlay District. The HPO presents findings and recommendations to the Historic and Architectural Review Commission and any other duties granted by this Code.

254. Historic Structure

A building or structure that is a) 50 years or more, and b) associated with significant people or events, or c) conveys a character of building and design found during the City's period of significance. Historic structure also includes a building that has been designated as a local Historic Landmark, or that is contributing to the Historic Overlay District.

255. Historic Structure, Contributing

A building in a designated Historic Overlay District and/or National Register District that supports the District's historical significance through location, design, setting, materials, workmanship, feeling and association. Buildings identified as low, medium, and high-priority structures in the currently adopted Historic Resources Survey of Georgetown, Texas, and properties categorized as contributing resources in National Register Districts shall be considered contributing Historic Structures for purposes of this Code. For the purpose of demolition only, buildings or structures assigned a high or medium priority in this survey and located outside of a Historic Overlay District shall be considered contributing historic structures.

256. Historic Structure, Non-Contributing

A building in a designated Historic Overlay District that does not support the district's historical significance through location, design, setting, materials, workmanship, feeling, and association. Buildings that are not identified on the currently adopted Historic Resources Survey of Georgetown, Texas, shall be considered non-contributing historic structures for purposes of this Code.

257. Home-Based Business

An occupation or business activity which results in a product or service for financial gain and is conducted in whole or part in the dwelling unit or accessory building and is clearly an accessory or incidental use and subordinate to the residential use of the dwelling unit. Telecommuting from a person's regular place of employment is not a home-based business. Home-based businesses may also be called home occupations. Home-based businesses exclude uses that are otherwise addressed in **Section 6.02. Use Tables**, such as Bed and Breakfasts.

258. Home Builder

A Home Builder is an individual or company that builds single-family or two-family homes or condominiums for residential occupancy.

259. Home Health Care Services

A facility primarily engaged in providing skilled nursing services in the home along with a range of additional services to help patients live independently by taking care of activities that are essential to daily living. In addition to traditional nursing (such as changing wound dressings, checking vital signs, and providing tube feedings), these care giving services may include personal care (such as bathing, dressing, eating, and walking), homemaker and companion services (such as shopping and paying bills), physical therapy, medical social services, medications, medical equipment and supplies, 24-hour home care, counseling, dietary and nutritional services, speech therapy and audiology.

260. Homeowner Acting as Own Realtor

A Homeowner acting as their own realtor is a person who owns an existing single-family or two-family home or condominium within the corporate limits of City, or its extraterritorial jurisdiction (ETJ) which is for sale directly to the public.

261. Homeowners Association (HOA)

An incorporated non-profit organization operating under-recorded land agreements through which lot owners pays annual dues and may be subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

262. Hospice Facility

A facility licensed through the State of Texas to provide 24-hour palliative care to terminally ill persons.

263. Hospital

An institution providing primary health services and medical or surgical care, primarily on an in-patient basis, to persons suffering from illness, disease, injury, and/or other abnormal physical conditions. Services may include out-patient and emergency treatment, diagnostic services, laboratories, rehabilitation services, training or teaching facilities, medical offices, hospital administration, meeting areas, maintenance facilities, staff dormitories, and supportive services for patients, employees, and visitors such as cafeterias and ancillary retail sales.

264. Hospital, Psychiatric

Hospitals that are primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness. The treatment often requires an extended stay in the hospital.

265. Hotel

A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. All rooms are accessed via the main lobby of the building or entryways individually equipped with some form of security controlled access system. More than 75 rooms in MUDT will require an SUP.

266. Hotel, Extended Stay

A hotel offering for rent individual guest rooms or suites intended to be used for stays which may exceed 30 consecutive days. Meeting rooms, a clubhouse, and recreational facilities for the use of residents and their guests are permitted and suites may contain complete kitchen facilities.

267. House

See "Dwelling or Dwelling Unit".

268. Household

Any of the following: (1) one or more persons related by blood, marriage, adoption or legal guardianship, including foster children, living together in a dwelling; (2) up to four unrelated persons; or (3) two unrelated persons and their children living together in a dwelling.

269. Household Living

A group of uses characterized by one or more persons living together in a single dwelling as a household.

20% of

270. Illuminated

Using an artificial or a reflective light source.

271. Illumination, External

See "Sign, External Illumination".

272. Illumination, Internal

See "Sign, Internal Illumination".

273. Impact Fee

A user fee charged for connection to the public utility system.

274. Impervious Cover

Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, pavement, graveled areas, sidewalks, and paved recreation areas. Impervious Cover is subject to the determination of the Development Engineer. Includes and may be referred to as the term "Impervious Surface".

275. Improvement

Any constructed physical feature which is not a natural feature. For example, a structure, building, fence, gate, landscaping, tree, wall, parking facility, etc.

276. Infrastructure

Any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, irrigation system, water line system, sewer system, storm drainage network, electric system, telecommunications, public parkland, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

277. Inn

A property, often a former single-family residence, offering up to 15 guestrooms for rent to tourists, vacationers, and similar transients, for a period of time not to exceed 30 consecutive days. Guest quarters are typically accessible by hallways through a main entrance and do not include cooking facilities. An inn may consist of more than one building and may include a single kitchen facility to offer on-site meal service.

278. Integrated Office Center

A building, buildings, or site designed to be primarily occupied by a mixture of offices of a similar field, service, industry, or profession (i.e., medical) with ancillary establishments for workers such as a restaurant or personal services. Retail uses related to the primary field or profession and serving the general public may also be located in such structures but shall not constitute a majority of the building's gross leasable area.

279. Intermittent Stream

A stream that has a period of zero flow for at least one week during most years. Where flow records are available, a stream with a flow of less than 0.1 ft.3 /s (cubic feet per second) is considered intermittent.

280. Internal Roadway

A street that is entirely within a subdivision but not located along the boundary. Does not constitute or equal a Perimeter Street.

281. Intersection Spacing

The length of a segment of street as measured between the centerlines of two through streets (both on the same side of the street segment to be measured).

282. Irrigation Plan

The graphic depiction of a proposed mechanical watering system that illustrates the method and means of conveying appropriate water levels to the selected plantings.

283. Irrigation System

A system of pipes or other conduits that is designed to transport and distribute water to plant material based on its moisture needs for healthy and vigorous growth. An Irrigation System may be automatic, manual, or temporary as permitted by Code.

284. Janitorial Services

An establishment providing cleaning services for the interior or exterior of buildings, structures or dwellings, whether or not industrial, commercial, or income-producing real property or the contents thereof. Such services are rendered either on a scheduled, periodic basis or only on a single occasion.

285. Jurisdiction, City of Georgetown

The City's corporate limits and/or extra-territorial jurisdiction (ETJ).

286. Karst

A type of topography that is formed over limestone, dolomite, or gypsum by solution of the rock and is characterized by closed depressions or sinkholes, caves, and underground drainage.

287. Kennel

A commercial establishment in which two or more dogs, cats, or other domesticated (pet) animals not owned by the owner or occupant of the premises are temporarily housed for boarding, training or breeding purposes. Typical uses include boarding kennels, pet motels, and dog training centers. Outdoor facilities associated with this use are subject to the limitations in **Section 6.02** of this Code.

288. Kitchen

Any room or space used or designed to be used for the preparation or cooking of food and including or designed to include a cooking appliance, refrigerator, and sink. Installation of a kitchen shall constitute a dwelling unit. Does not include and is distinct from Outdoor Kitchen, as that term is defined in this Code.

289. Kitchen, Outdoor

An accessory kitchen located in the rear or side yard. The kitchen may include all of the following: stove, grill, pizza oven, sink, storage areas, refrigerator, dish washer, and/or other appliances normally found in a kitchen. The kitchen may be either open to the air or included in a covered patio area. Under no circumstances shall an outdoor kitchen area be fully enclosed.

18.02.030. Terms Defined: L-O

290. Land Disturbance

The construction or placement of buildings, roads and other structures; excavation, mining, dredging, grading, filling, clearing, or removing vegetation; and the deposit of refuse, waste, or fill. Utility, drainage, and street repair, and any construction maintenance that does not disturb land or result in additional impervious cover shall not constitute land disturbance.

291. Landscape or Landscaping

The soil, water, landscape materials and hardscape that affect the aesthetics and/or function of the land.

292. Landscape Architect

An individual currently registered and licensed by the State of Texas to practice landscape architecture, the profession which applies artistic and scientific principles to the research, planning, design, and management of both natural and built environments.

293. Landscape Area

Any area of ground that can support plant materials and that has been set aside for the preservation, installation, and maintenance of plant materials. Sidewalks and other impervious surfaces are not considered landscaped area, unless they are otherwise allowed by Code within a landscaped area.

294. Landscape Berm

An earthen mound designed to promote visual interest and topographic variety, as well as screening undesirable views and aid in noise reduction. Berms shall not encroach upon the critical root zones of existing vegetation.

295. Landscape Buffer

An area planted and maintained to promote visual aesthetics and/or reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

296. Landscape Features

Landscaping items that include a combination and placement of plant material (trees, shrubs, vines, groundcover, turf, or flowers), natural elements (berms, rocks, stones, boulders, or water) and/or structural features (not limited to walkways, fountains, pools, outdoor artwork, or benches).

297. Landscape Material

Plants such as grass, ground cover, shrubs, vines, hedges, trees and nonliving material such as rocks, pebbles, mulch, or pervious decorative paving materials.

298. Landscape Plan

The graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings (existing and new), ground and water forms, circulation, walks, irrigation, landscape lighting, erosion control, on-site drainage, and other features.

299. Landscape Planner

The individual designated by the Director to ensure compliance with the tree provisions of this Code. This term may also include the term “Urban Forester.”

300. Landscape Supply Sales/Garden Center

An establishment primarily engaged in the retail sale of feed, grain, trees, shrubs, seeds, fertilizers, pesticides, plants, pots, and other indoor or outdoor planting or gardening materials to the general public. Such establishments typically sell products purchased from others but may sell some material which they grow

themselves. Typical uses include feed stores, plant nurseries, greenhouses, plant stores, and lawn and garden centers.

301. Laundromat

A facility where patrons wash and/or dry clothing, linens, and other fabric items in machines operated by the patron.

302. Legal Lot

Either a lot recorded in the Williamson County Plat Records under the applicable subdivision regulations at the time of its creation or an unplatted tract of land having existed in its present configuration prior to May 10, 1977.

303. Level of Service (LOS)

A qualitative assessment of a road's operating conditions, indicating capacity per unit of demand a street based on and related to the operational characteristics of the facility.

304. Library

A public facility or other place containing books for reading, study, and research.

305. License to Encroach

A revocable license granted by the City for all improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, right-of-way, or public easement, including, but not limited to, buildings, piers, pools, fences, walls, patios, decks, basements, etc.

306. Licensed Professional Geoscientist [Edwards Aquifer Water Quality Regulations]

A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

307. Limits of Construction

Delineation on a Site Plan or Construction Plans, which shows the boundary of the area within which all construction activity will occur.

308. Live Music

A designated area suitable for the conduction of a live concert of vocal or musical instrument performance, which can often be heard beyond the property line of the premises.

309. Loading Space

An off-street space for the parking of a vehicle while loading or unloading merchandise or materials.

310. Lot

A single parcel of land intended as a unit for transfer of ownership or for development, which may be occupied by at least one building or use and the accessory buildings or uses customarily incidental thereto, and having frontage on a dedicated street. Lot includes the word "plot" or "parcel".

311. Lot Area

The area contained within the boundary lines of a lot, excluding any street, street easement, or street right-of-way.

312. Lot Line, Front

The lot line abutting an existing or dedicated street. For corner lots, the front lot line shall be adjacent to the shortest street dimension of the lot.

313. Lot Line, Rear

The lot line which is most distant and relatively parallel (within 45 degrees of being parallel) to the front lot line.

314. Lot Line

A legal boundary that divides one lot from another lot or from a dedicated right-of-way. (Same as "Property Line")

315. Lot, Access

A lot established only for the use of access.

316. Lot, Corner

A lot abutting two or more streets at their intersection.

317. Lot, Double-Frontage

A lot, other than a corner lot, that has frontage on two non-intersecting streets.

318. Lot, Flag

A lot containing a narrow portion of the lot fronting a public roadway. May also be referred to as a panhandle or pipe stem lot.

319. Lot, Interior

Any lot other than a corner lot.

320. Lot, Landscape

A lot generally used for landscaped open space or entry features, which are often smaller than minimum lot size requirements.

321. Lot Line, Side

Any lot line that is not a front lot line or a rear lot line.

322. Lot Line, Street

Any lot line abutting an existing or dedicated street right-of-way.

323. Lot, Median

A lot within the right-of-way.

324. Lot, Open Space

A lot that may provide space only for green belts, landscape, recreational uses, or signage.

325. Lot, Platted

A parcel of land identified as an individual lot on a subdivision plat recorded in the Williamson County Plat Records.

326. Lot, Utility

A lot primarily providing for the installation of utilities and utility facilities.

327. Lot Width

The width of a lot from one side lot line to another at the street frontage.

328. Low Impact Development (LID)

LID is an integrated site design approach for maintaining or replicating the pre-development hydrologic regime through the use of design techniques. LID practices include grading minimization, impervious area disconnections, preservation of existing landscaping and topography, increasing flow lengths, lengthening the time of concentration, and increasing opportunities to mimic pre-existing hydrology.

329. Lumber Yard

An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

330. Major Event Entertainment

A public or privately owned structure or area with a capacity of greater than 1,000 persons for the purposes of public performances, sporting events, or similar attractions that may generate heavy traffic. Major event entertainment facilities include concert halls, stadiums, sports arenas, commercial water parks, racetracks, rodeo arenas, zoos, coliseums, amusement parks, and convention centers. Accessory uses may include food preparation facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.

331. Major Street

A major street is any street designated as a Major Collector, Minor Arterial, or Major Arterial on the Thoroughfare Plan.

332. Manufactured Housing

A residential structure constructed on or after June 15, 1976, in compliance with the rules and definitions of the United States Department of Housing and Urban Development, that is transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

333. Manufactured Housing Park

A parcel of land under single entity ownership which has been planned and improved for the placement of two or more manufactured homes and their accessory uses.

334. Manufactured Housing Sales

An establishment engaged in the sales or leasing of new or used manufactured housing.

335. Manufacturing, Processing and Assembly, General

The general mass producing, processing or manufacturing of goods, materials, or products, predominately from extracted or raw materials, using mechanical power and machinery, and usually for sale to wholesalers or other industrial or manufacturing uses. This use includes procedures such as milling of grain; manufacturing, processing or assembly of wood products including cabinet and furniture production; processing of animals and animal products including slaughtering, meat packing and hide tanning; production of animal food; production of large durable goods such as motorcycles, cars, manufactured homes, or airplanes; canning or bottling of food or beverage for human consumption including brewery and distillery plants; manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; production or fabrication of metals or metal products including enameling, plating, galvanizing, and use of a foundry, welding or machining; processing of recyclable materials, production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials; clothing or textile manufacturing; tire recapping or retreading; and the production of items by means of the chemical processing of materials.

336. Manufacturing, Processing and Assembly, Limited

The assembly, processing or manufacturing of objects or items that are made from standard parts or components predominantly from previously prepared parts or materials without the use of any of the processes described within the definition of general manufacturing, processing, and assembly. This use is conducted within an enclosed building and includes the finishing, fabrication, treatment, or packaging and the incidental storage, sales, and distribution of products such as software, electronics, communication products, precision scientific and technical equipment, medical equipment and devices, and small appliances and instruments.

337. Marquee

Any permanent roof-like structure projecting beyond a building or extending from a façade, along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather including a mansard roof.

338. Master Sign Plan

A coordinated program for one or more signs on a property, identifying the size, height, location and color scheme of all signage proposed for the location, based upon total signage allocation established through this ordinance.

339. Mausoleum

An external free-standing structure constructed as a monument enclosing the interment space or burial chamber of a deceased person or persons.

340. Meat Market

An establishment that offers to the general public the sale of meat, poultry or fish and the service of processing and packaging such meats, provided the facility complies with all state, federal, and local health regulations. All processing is conducted indoors with no emission of noxious odors or noise. This definition does not include the slaughtering or boarding of live animals.

341. Mechanical Equipment

All equipment or devices installed for a primary or accessory use or structure, including, but not limited to, heating and air conditioning equipment, parabolic antennas, disc antenna, radio or TV receiving or transmitting antennas, utility huts, power generating devices, condensers, air ducts, meters, etc., that are located on the site or attached to the exterior (walls or roof) of the building.

342. Median

A raised or depressed curbed division of travel lanes. Does not include a "flush" median, which acts only as a painted division of travel lanes. May be of a pervious or impervious surface but is typically covered with grass, landscaping, trees and may contain pedestrian facilities.

343. Medical and Institutional Facilities

A group of uses designed for the treatment and care of physically or mentally ill patients, patients seeking treatment for dependency abuse, and also including centers for the receiving of blood, plasma, or other bodily fluids.

344. Medical or Dental Clinic

A facility housing the offices of more than three medical practitioners including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional services on an outpatient basis. In addition to the services offered at a "Medical or Dental Office", a clinic may include facilities providing minor outpatient surgical services requiring a stay of less than 24 hours, dialysis or cancer centers, or similar treatment facilities. Overnight stays of patients at such facilities shall not be allowed.

345. Medical or Dental Office

A facility housing the offices of no more than three medical practitioners, including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist, or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional

services on an outpatient basis. Facilities may include patient waiting rooms, treatment areas, and laboratory space. Overnight stays of patients at such facilities shall not be allowed.

346. Membership Club or Lodge

An establishment providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

347. Memorial Park

See "Cemetery".

348. Micro brewery

A retail establishment where beer is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro brewery typically produces less than 15,000 barrels annually.

349. Micro distillery

A retail establishment where alcohol is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro-distillery typically produces less than 15,000 barrels annually.

350. Micro Winery

A retail establishment where wine is produced on premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro winery is typically a small wine producer that generates up to 15,000 gallons of wine annually

351. Mitigation Calculation

The mathematical calculation of the amount of required tree or monetary compensation for removal of Protected or Heritage Trees.

352. Mitigation Plan

A plan, which may be included with the Tree Protection Plan, illustrating the trees that will serve as compensation for removed trees.

353. Mixed-Use Development

A single development that combines two or more mutually supporting land uses on a single parcel or site or within a general development plan, Overlay District, or cohesive zoning plan. Land uses may be mixed vertically within the same physical structure or horizontally with a physical and functional integration of buildings, project components, and pedestrian connections on the same lot and/or under unified control.

354. Motel

A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. Rooms are generally directly accessible from an exterior parking area. Customary hotel services and amenities, such as linen and maid service, are included.

355. Motor Vehicle

See "Automobile".

356. Movie Production

An establishment engaged in or facility used for the development, production, and creation of a film or video, including graphic design, set construction, sound and film recording, editing, etc. and storage of any equipment required thereof.

357. Multi-Lot Unified Development

A cohesive development planned for construction under a single development application on separate lots with similar zoning designations.

358. Mulch

Organic materials customarily used in landscape design to retard erosion, retard weed infestation, and retain moisture. For use in planting areas.

359. Multi-Modal

The availability of multiple modes of transportation within a system or corridor, which may include but not be limited to, vehicles, pedestrians, cyclists, and transit.

360. Multiple Corporate Tenants

More than one independent manufacturer. Does not include multiple brands produced by the same manufacturer or parent company.

361. Multifamily

The use of a single lot or parcel for three or more dwelling units regardless of whether those dwelling units are attached within one structure or detached in multiple structures. Does not constitute nor equal a Multifamily Zoning District or uses allowed therein.

362. Multifamily, Attached Dwelling Units

Three or more dwelling units located on a single lot or parcel, with each dwelling unit located in a structure containing three or more dwelling units. This term includes, but is not limited to, triplexes, quadraplexes, and apartments.

363. Multifamily, Detached Dwelling Units

Three or more dwelling units located on a single lot or parcel, with each dwelling unit located within a structure containing no more than two dwelling units.

364. Museum

A facility or area devoted to the acquisition, preservation, study and exhibition of works of artistic, historical, or scientific value.

365. Native Plant

Any plant species that is indigenous to Central Texas.

366. Natural Area

An area where the naturally grown landscape is left primarily undisturbed, except for the removal of poison ivy, greenbriar and similar vegetation and allowing for maintenance of the trees to maintain vigorous growth.

367. Natural Drainage

A stormwater runoff conveyance system not altered by development.

368. Natural State

Substantially the same conditions of the land which existed prior to its development, including but not limited to, the same type, quality, quantity, and distribution of soils, drainage, ground cover, vegetation, and topographic features.

369. Nature Preserve

An area of land that is protected and managed in order to preserve a particular type of habitat and its flora and fauna, which are often rare or endangered.

370. Neighborhood Amenity, Activity or Recreation Center.

A private facility associated with a specific residential development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of the development.

371. Nightclub

An establishment open to the general public for the purposes of entertainment, characterized by either dancing; performances by magicians, musicians, or comedians; or a combination of the two. The term "nightclub" does not include theaters or auditoriums with fixed row seating or establishments defined in this Code as a "Sexually-Oriented Business".

372. Nonconforming

A use, lot, building, site, sign or other situation which does not conform to one or more of the regulations of this Code.

373. Non-Residential District

A Zoning District established by this Code to be used for primarily nonresidential uses and purposes where non-residential uses apply.

374. Non-Residential Future Land Use

A future land use designation of Community Commercial, Regional Center, Employment Center, Special Area, Mixed Density Residential when located along a Future Mobility Plan roadway, Neighborhood when located along an arterial roadway.

375. Numbered County Road

A public roadway within the jurisdiction of a county which contains a numbered designation. (e.g., CR 140).

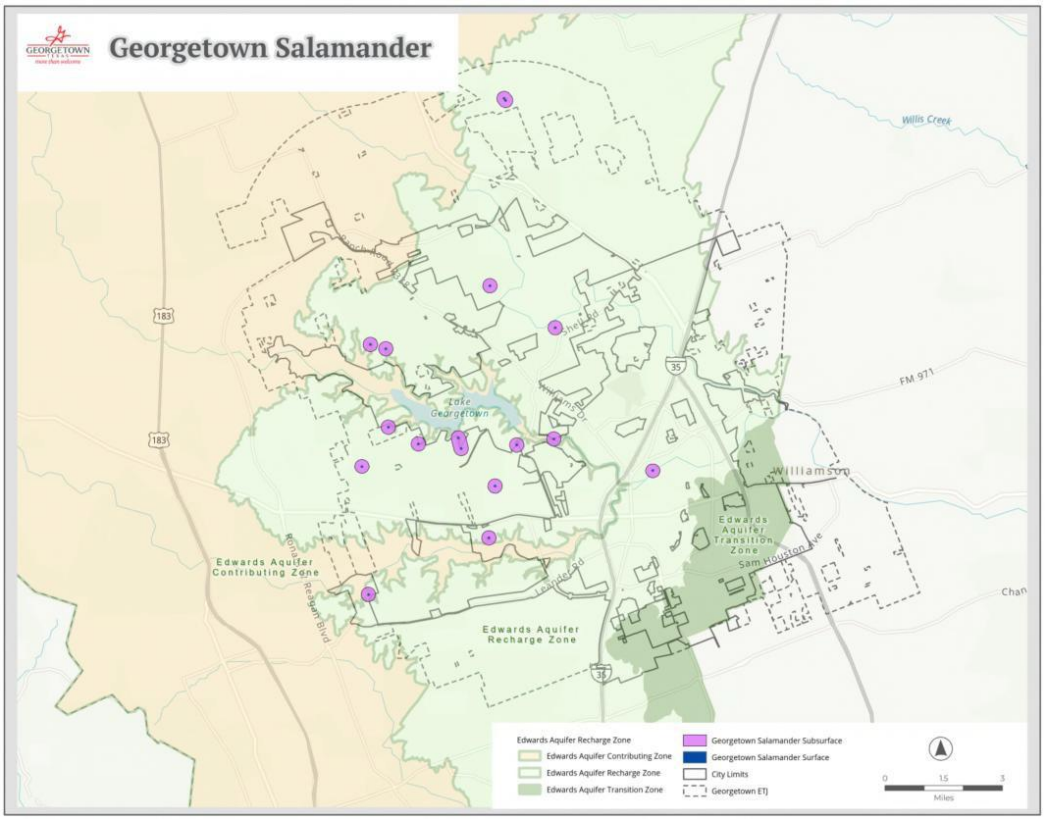
376. Nursing Home

A facility housing and providing care for persons who are aged, chronically ill, or incurable who are unable to care for themselves, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. Services typically include custodial or attendant care and meals but may or may not provide for routine and regular medical and nursing services. Nursing home includes homes for the aged, convalescent and rest homes, but does not include assisted living or senior apartments or hospitals or similar medical facilities.

377. Occupied Site [Edwards Aquifer Water Quality Regulations]

Any spring identified as a critical habitat unit by the United States Fish and Wildlife Service for the Georgetown Salamander (Eurycea naufragia), and include the following: Cobb Well, Cobb Springs, Cowen Creek Spring, Bat Well Cave, Walnut Spring, Twin Spring, Hogg Hollow Spring, Cedar Hollow Spring, Knight (Crockett Garden) Spring, Cedar Breaks Hiking Trail Spring, Water Tank Cave, Avant's (Capitol Aggregates), Buford Hollow Springs, Swinbank Spring, Shadow Canyon, San Gabriel Spring, and Garey Ranch Springs. The locations of the Occupied Sites are shown on the map incorporated below. This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

Figure 18.02.030-18.02.03-1. Salamander Critical Habitat Occupied Sites Map



378. Off-Site Improvement

Any required improvement which lies outside of the area being platted or developed.

379. Off-Street Parking Space

An area reserved exclusively for the parking of motor vehicles that is located outside of the public right-of-way.

380. Official Zoning Map

The most recent printed copy of the City's zoning map signed by the Mayor, attested by the City Secretary and bearing the Seal of City of Georgetown, in accordance with state law. The Official Zoning Map depicts the zoning status of land and water bodies, buildings and other structures throughout the city and is updated periodically using digital mapping software.

381. Office, General

The provision of executive, management or administrative services; including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices. This term excludes medical offices and the sale or storage of merchandise on the premises.

382. Offices, Professional and Business

A group of uses that includes facilities where business offices, administrative services, or data management services are provided.

383. Office/Showroom

An establishment with both a business office and associated showroom for display of sample goods or services to be delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail

sales of products associated with the primary products and/or services are permitted. This designation does not include contractor's shop or storage yard.

384. Office/Warehouse

A business office with an associated small-scale warehouse typically located at the rear of the space for the purposes of storing materials needed to supply services off-site. Limited distribution, limited contractor services, such as offices and indoor storage of supplies for construction or related activities, and indoor assembly and maintenance of equipment may be incidental to the office/warehouse use. This use can accommodate trades such as plumbers or electricians, as long as there is no processing, manufacturing, fabrication or outside storage of materials on site.

385. Oil Refinery and Distribution

An industrial plant used for the purifying and distribution of crude petroleum.

386. On-Site Wastewater System (OSS)

All systems and methods used for the disposal of sewage, other than organized sewage disposal systems. On-site wastewater facilities are usually composed of three units: the generating unit (the residence, institution, etc.), treatment unit and the disposal unit (the drainfield that may be an absorption trench or bed or an evapo-transpiration bed). Including a septic tank, seepage tile sewage disposal system or any other on lot sewage treatment device approved and installed in accordance with all local, state and federal laws and regulations. Also see "Septic System".

387. Open House/Model Home Sign (Open House Sign)

As it relates to Section 12.06 of this Code, an Open House/Model Home Sign is a sign that contains only the following information: 1) the words "Open House," 2) the words "Model Home", 3) the words "For Sale by Owner" or the Realtor's or Builder's name or logo, 4) the address of the Open House or Model Home, and 5) a directional arrow.

388. Open Space

Land within or related to a development, not individually owned or dedicated for public use that is designed and intended for the common use or enjoyment of the residents, patrons, or users of the development.

389. Ordinary Maintenance and Repair

Any work, the sole purpose and effect of which is to correct deterioration, decay, or damage, including repair of damage caused by fire or other disaster and which does not result in a change in the existing appearance and materials of a property.

390. Orphanage

A public or nonprofit institution that houses children who are orphaned, abandoned, or whose parents are unable to care for them. A school may be an accessory use to an orphanage.

391. Outparcel

An individual parcel of land associated with a non-residential group development, such as a retail mall or shopping center, planned for or including a free-standing building. May also be referred to as a pad site.

392. Overnight Accommodations

A group of uses providing facilities used for the renting of rooms or other areas intended for overnight guests.

393. Oversized Utility Line

A utility facility that is described in the City's water or electric master plan, necessary to accommodate current and future users. May be constructed by various parties with potential cost-sharing partnership opportunities.

18.02.040. Terms Defined: P-S

394. Pad Site

See "Outparcel".

395. Parcel

Continuous land area owned by or controlled by the same person or entity.

396. Parent Tract

The original tract of land as described by deed from which one or more lots are to be subdivided from.

397. Park, Community

Parks of 16 to 99 acres, serving several neighborhoods.

398. Park, Neighborhood Public

A park of 1 to 15 acres, serving one neighborhood or a ¼- to ⅕-mile radius.

399. Park, Regional Public

A park consisting of 100 or more acres, serving several communities typically within one hour driving time.

400. Park Fund

A special fund established by the City to retain monies paid by developers in accordance with the payment-in-lieu of parkland dedication provisions of this Code and to be used for the purchase of parkland or improvements in the vicinity of the subdivided property for which funds have been collected.

401. Parking Lot, Commercial

An off-street facility for the parking of automobiles on a temporary basis that may be operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

402. Parking Lot, Off-Site

An off-street facility for the parking of automobiles on a temporary basis that serves an adjacent or nearby principal use.

403. Parkland Dedication

The transfer of property from private to public ownership for public parkland. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

404. Parks and Open Spaces

Private and public areas intended for the outdoor usage of its patrons, including associated structures, playscapes, and other facilities.

405. Parks and Recreation Board

Board appointed by the City Council to advise the City on matters concerning parks and recreation activities.

406. Park-n-Ride Facility

A facility designed for parking automobiles, the occupants of which transfer to public transit, carpools, van-pools, or bus-pools to continue their trips.

407. Patio

A level surfaced area directly adjacent to a principal building no more than 3 feet above finished grade and not above the first floor level, without a permanent roof intended for outdoor entertainment. A free-standing patio

(not adjacent to the principal structure) is a level surface that may be no more than 1 foot above the finished grade, without a permanent roof, intended for outdoor entertainment.

408. Paved Surface

An area surfaced with single or multiple-course surface treatment, asphalt, concrete, pervious concrete, or grasscrete pavement constructed on a base course or similar all-weather surface. Does not include gravel, grass, stones, decomposed granite, or similar unpaved materials. Also does not include existing concrete strip driveways allowed for residential parking areas called "Approved Surfaces" in Section 10.16.010 of the City Code.

409. Paved Width

The dimensional width between the back of a street curb to the back of a curb across travel lanes. Does not include a median.

410. Pedestrian Accessway

Pedestrian Accessways are strips or sections of concrete or stone not typically located adjacent to vehicle roadways, which provide pedestrian access to or through property. This area must be kept free of obstructions, both temporary and permanent.

411. Pergola

A landscape feature consisting of vertical posts or pillars supporting an open roof of cross-beam girders and lattice system.

412. Permanent Foundation

Construction at or below the ground, including exterior walls and necessary support columns or piers, designed to support and distribute the load of any building, structure or mobile home for the usable life of that structure.

413. Permanent Mobile or Outdoor Food Vendor

The operation of one or more state-licensed mobile or outdoor food vendors where food and/or beverages are prepared and sold to the public from a motorized vehicle, trailer, pushcart, or other mobile food unit. Typical uses include food trucks, trailers, or carts that operate from a designated site and may include site amenities or improvements, subject to compliance with this Code and applicable state law.

414. Personal Communications Services (PCS)

Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Also known as personal communications network (PCN).

415. Personal Services

An establishment providing frequently or recurrently needed non-medical services of a personal nature to individuals as a primary use. This term includes barber and beauty shops, permanent makeup services, tanning salons, nail salons, day spas (including incidental massage), weight reduction centers, seamstresses, tailors, shoe repair shops, photography studios, pet grooming (no overnight stay), and services of an informational or instructional nature including driving schools, dance studios, and handicraft or hobby instruction. These uses may also include accessory retail sales of products related to the services provided. This term does not include any uses that are otherwise defined in the term "Restricted Personal Services".

416. Personal Services, Restricted

An establishment providing personal services that are generally less desirable adjacent to residential areas including, but not limited to, vape/e-cigarette shops, tattoo parlors, body piercing studios, check cashing facilities, bail bond agent, pawnshops, and palm and card readers.

417. Personal Wireless Service

Wireless communications technology that provides consumers with the ability to communicate using portable devices not physically interconnected by equipment such as wire or cable. Technologies include, but are not limited to, commercial mobile radio services (CMRS) such as personal communication systems (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (RSMR), and paging services; or any other local, regional, or global service using functionally equivalent technology.

418. Pervious Surface

Any surface that allows water to permeate through such surface. Determination of a pervious surface is made by the Development Engineer. For comparison, see "Impervious Cover".

419. Pest Control Services

An establishment primarily engaged in the off-site eradication, extermination or control of rodents, birds, mosquitoes, termites, ants, and other insects and pests (except for crop production and forestry production). Establishments providing fumigation services are included in this definition.

420. Petting Zoo

A facility where members of the public, typically for an admission fee, may view, interact with, and feed domesticated animals in a controlled environment. Typical uses include seasonal attractions, farm-based operations, and children’s educational or recreational facilities.

421. Places of Worship

A group of uses providing facilities for religious assembly.

422. Planned Unit Development (PUD)

A customizable Zoning District, represented through an adopted development plan, per the regulations of this Code, which may provide for one or more main uses or structures on a single parcel or contiguous parcels of land controlled by a single landowner or development group, and which permits flexibility from specific Code provisions related to land uses, dimensional requirements, landscaping, design, and other similar regulations in return for assurances of a comprehensive plan for overall innovation and/or quality of development.

423. Planning Department

The City Department designated by the City Council to coordinate and manage the City's land development policies and regulations.

424. Planning and Zoning Commission

The Planning and Zoning Commission of the City of Georgetown, whose duties are assigned by the City Code of Ordinances and Chapter 2 of this Code. Also referred to as the Commission or P&Z.

425. Plant List, Preferred

Those plant species listed in the Development Manual, which are proven to thrive in this region with fewer problems and requiring less care to remain healthy.

426. Plant Materials

Living trees, shrubs, vines, ground covers, sod, and flowering annuals, biennials and perennials adapted to the Georgetown soils and climate. Plastic, fibrous, silk or other non-live materials are not considered plant materials.

427. Plant Species, Controlled

Those plant species listed in the Development Manual which tend to become nuisances because of their ability to invade proximal native plant communities or native habitats, but which, if located and cultivated properly may be useful or functional as elements of landscape design.

428. Plant Species, Prohibited

Those plant species listed in the Development Manual, which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety, and welfare.

429. Planting Season

Generally, a time period when the physical conditions are conducive for the installation of plant materials to help insure their survival. In the Central Texas area, the seasons are generally March through June and October through December for general plant material and October through May for trees.

430. Plat, Administrative

A plat that is approved administratively by the Director if it meets all approval criteria, as established by this Code and the Texas Local Government Code. Administrative Plats include Amending Plats and Final Plats.

431. Plat, Amending

A plat that amends a preceding plat for minor changes or corrections, according to the specific criteria established by the Texas Local Government Code.

432. Plat, Final

The final map of all or a portion of a subdivision previously approved by the proper decision-making body. A Final Plat shall be prepared in accordance with the provisions of this Code and those of any other applicable local regulation, with the purpose of being prepared to be placed on record in the office of the County Clerk.

433. Plat, Preliminary

A document prepared in compliance with this Code, that delineates certain features required by state law and this Code including, but not limited to, property lines, lot and block dimensions, geometric layout, streets, monuments, and other landmarks for the purpose of identifying property.

434. Playscape

Any structure permanently anchored to the ground that is designed for recreational purposes such as jungle gyms, swing sets, etc. Sports courts such as basketball or tennis courts are not considered playscapes.

435. Postal Office

A facility for processing and sorting mail or bulk mail operated by either the United States Postal Service or a private mail shipping and delivery service.

436. Premises

A site or area including the improvements, buildings, or structures occupying it.

437. Primary

The basic, fundamental or most important use, activity or development of a building or site. Usually, the first activity in order of time or development. The first in rank, importance, or value. For the purposes of this Code, "Primary" is equal to, identical to, and often used interchangeably with "Principal".

438. Primary Entrance and Building Façade

The face or wall of a building that serves as the primary entrance for customers of a business, or residents within the building. This building face shall not include service areas, trash collection, loading dock, or other similar functions. The primary face of a building shall receive the highest level of architectural treatment on the building. Pursuant to this definition, a building may have no more than two primary façades.

439. Primary Structure

See "Structure, Principal".

440. Principal

See "Primary". For the purposes of this Code, "Principal" is equal to, identical to, and often used interchangeably with "Primary".

441. Principal Building

See "Building, Principal or Primary".

442. Principal Use

See "Use, Primary".

443. Printing, Mailing and Reproduction Services

A commercial establishment open to the general public that is primarily involved in the electronic duplication of graphic and printed materials for personal or business use, and which also provides other products and services including, but not limited to, photocopying, electrostatic printing, laser printing, blueprint, word processing services, computer generated graphics, computer aided design services and video imaging, and reproduction services. This use may also include limited commercial printing or publishing activities on a small scale, but off-set printing, large-scale bulk printing, or similar processes intended for mass distribution or sale shall not be permitted. These facilities may also be referred to as copy shops.

444. Private Transport Service Dispatch Facility

A facility where private passenger transport services, such as taxicabs, limousines, rideshare vehicles, or similar services, are dispatched to customers. Such facilities may include administrative offices and limited vehicle storage, but do not include the general repair, fueling, or sale of vehicles.

445. Property Line

See "Lot Line".

446. Property Owners Association

An entity established to represent the interests of property owners within a defined area and may include maintenance and enforcement responsibilities.

447. Prune or Pruning

Removal of dead, dying, diseased, crossed, crowned, or weakly attached limbs from a tree. The diameter and amount of wood removed is appropriate to size, species, and age.

448. Public Improvement

Any improvement, facility, or service together with its associated public site, right-of-way, or easement necessary to provide transportation, drainage, public or private utilities, parks, energy, or similar essential public services and facilities, for which a governmental entity may ultimately assume ownership and the responsibility for operation and maintenance.

449. Public Park, Neighborhood

A park of one to 15 acres, serving one neighborhood or a ¼- to ⅕-mile radius.

450. Public Park, Regional

A park consisting of 100 or more acres, serving several communities typically within one hour driving time.

451. Rail or Transit Yard

A facility or area for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

452. Realtor

A Realtor is a person who is licensed to sell real estate in the State of Texas.

453. Recharge Feature

Geological features, such as springs, bluffs, caves, fractures, crevices, and sinkholes; which tend to have a high degree of connectivity with the Edwards Aquifer. A recharge feature shall be considered significant if it lies within an area subject to inundation from the 100-year storm event or rapid infiltration to the subsurface may occur.

454. Recharge Zone (Edwards Aquifer Water Quality Regulations)

That portion of the City and its ETJ that overlays the EARZ as defined in Title 30, Texas Administrative Code § 213.3, as may be amended. Also see "Edwards Aquifer".

455. Reconstruction

Rehabilitation or replacement of a building or structure which has been damaged, altered, or removed, or is proposed to be altered or removed.

456. Recreational Vehicle (RV)

A unit designed as temporary living quarters for recreational, camping, or travel use that may be self-propelled or towed by an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the Director. A recreational vehicle may or may not include individual toilet and bath.

457. Recreational Vehicle (RV) Park

A parcel upon which two or more recreational vehicles are parked or any parcel upon which space for the parking of recreational vehicles is rented or offered. The term does not include premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

458. Recreational Vehicle (RV) Sales, Rental, or Service

An establishment engaged in the sales or leasing of new or used recreational vehicles.

459. Recycling Collection Center

A facility engaged in the collection, sorting, bundling, temporary storage, and/or transfer of recyclable materials. For purposes of this Code, recyclable materials include glass, paper, plastic, aluminum, clothing, or other source-separated, non-putrescible materials and do not include motor oil, chemicals, household appliances, tires, automobiles, or automobile parts. This use generally does not include incidental collection boxes or containers located at establishments with an unrelated primary use.

460. Registered Landscape Architect

An individual currently registered and licensed by the state to practice landscape architecture.

461. Regulated Activity (Edwards Aquifer Water Quality Regulations)

Shall have that meaning ascribed to it by Title 30, Texas Administrative Code § 213.3(28), as may be amended.

462. Regulatory Floodway or Floodplain

The channel of a river or other watercourse river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

463. Rehabilitation

The act or process of returning a building or structure to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of an historic resource which are significant to its historical, architectural, and cultural value.

464. Religious Assembly Facility

A facility providing regular organized religious worship and religious study. This term includes churches, synagogues, temples, mosques, and other types of religious assembly halls. Accessory uses may include community recreational facilities, classrooms, administrative offices, and similar facilities that are directly associated with and supported by the membership assembly on site. Private primary or secondary educational facilities and day care facilities are subject to the standards of **Section 6.02. Use Tables** for such uses.

465. Relocation

The act or process of moving a building or structure from one site to another site or to a different location on the same site.

466. Renovation

The act or process of returning a building or structure to a state of utility through repair or alteration which makes possible a contemporary use.

467. Research, Testing and Development Lab

An indoor facility where scientific research and development, including biotechnology and nanotechnology, is conducted and analyses performed. These uses are typically characterized by controlled uniformity of conditions (constant temperature, humidity, cleanliness).

468. Reserve Strip

A narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth, will not support development and may prevent access to a roadway or utility easement from adjacent property.

469. Reservoir

An impoundment of surface water designed to provide water to the public.

470. Residential District

A District established by this Code to be used for primarily residential uses and purposes where existing residential uses apply.

471. Residential Rural/Estate Subdivision

A subdivision that is zoned either AG (Agriculture) or RE (Residential Estate) if within the city limits or a subdivision in the extraterritorial jurisdiction (ETJ) that is platted for single-family residential development with lots of at least 1 acre in size.

472. Residential Structure

A structure used or intended to be used for residential purposes.

473. Residentially Zoned Property

Any lot or parcel located in a Residential District.

474. Resource Extraction

The extraction of surface or sub-surface mineral products or natural resources including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations and may include milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity.

475. Restaurant, Drive-Through

An establishment engaged in the preparation and retail sale of food and beverages in a ready-to-consume state, through a pass-through window accessed by a vehicle via a drive-through lane. This term also includes drive-in restaurants. For restaurants licensed to serve alcoholic beverages the gross receipts for alcoholic beverages shall not exceed 50% of the total gross receipts.

476. Restaurant, General

An establishment engaged in the preparation and retail sale of food and beverages for on-premise consumption. This term includes facilities typically referred to as diners, cafes, cafeterias, dinner-houses, coffee shops, bakeries, and ice cream parlors, but does not include fast food restaurants or drive-through services. For restaurants licensed to serve alcoholic beverages, the gross receipts for alcoholic beverages shall not exceed 50% of the total gross receipts.

477. Restoration

The act or process of accurately recovering the form and details of a building or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

478. Retail, General

An establishment engaged in the retail sale of goods and merchandise to the general public for direct consumption, usually in small quantities and not for wholesale, and not including retail facilities otherwise specifically listed in **Section 6.02. Use Tables**.

479. Review Body or Authority

Any entity that is authorized to either recommend approval or denial or be the decision-making authority of an application or permit required under this Code.

480. Riding Academy

A facility used to house equine, which may or may not be owned by the owner of the property, for the purpose of riding lessons or pleasure.

481. Right-of-Way

Land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line or oil or gas pipe line, water main, sanitary or storm sewer main, or for other special use. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use.

482. Right-of-Way Flare

A diagonal cut-back between two public street rights-of-way specified in **Chapter 14**.

483. Riparian Zone

Generally includes the area of the stream bank and out onto the floodplain that is periodically inundated by the flood waters from the stream. The limit of the zone depends on many factors including native plant community make up, soil moisture levels, and distance from the stream (or the limit of interaction between land and stream processes). It is periodically inundated by the flood waters from the stream. Interaction between the terrestrial zone and the stream is vital for the health of the stream.

484. Roadway

See "Street".

485. Roof

The top covering of a building. For the purposes of this ordinance, a roof shall be defined as having a slope of less than 65 degrees. A roof having a slope of greater than 6 degrees, including mansard roofs, shall be treated as a wall surface for the placement of signs. (See for comparison "Wall Surface Area".)

486. Rooming House

A residential building other than a hotel or apartment where lodging and possibly meals are provided by pre-arrangement for definite periods for compensation. No cooking facilities are provided in individual living units.

487. Root (Tree)

The part of a tree or plant typically underground which absorbs nutrients and moisture, stores food, and as an anchor and supports the tree or plant.

488. Rural Residential Subdivision

A subdivision that is zoned either AG (Agriculture) or RE (Residential Estate) if within the city limits or a subdivision in the extraterritorial jurisdiction (ETJ) that is platted for single-family residential development.

489. School, Boarding

Any building or group of buildings with dormitories, dining rooms, and other accessory uses for the boarding of students, the use of which meets state requirements for primary, secondary, or higher education.

490. School, Business or Trade

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, university, or public or private educational facility.

491. School, College or University

An educational institution or other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Accessory uses include offices, student housing, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

492. School, Elementary

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools.

493. School, High

A public, private, or parochial school offering instruction at the senior high school level in the branches of learning and study required to be taught in the public schools.

494. School, Middle

A public, private, or parochial school offering instruction at the middle (junior) school level in the branches of learning and study required to be taught in the public schools.

495. Screening

A method of visually obscuring structures or land uses (i.e. parking or outdoor storage) from another with the use of one or combination of fencing, walls, dense vegetation, or berms or other acceptable screening material.

496. Second Dwelling Unit

A primary dwelling that is located on a lot already developed with one primary dwelling, resulting in two separate and independent primary dwellings on the same lot. A second dwelling unit is distinct from an accessory dwelling unit, as it is equivalent in use and function to a standard single-family dwelling.

497. Secondary

For the purposes of this Code, "Secondary" is equal to, identical to, and often used interchangeably with "Accessory".

498. Secretary of the Interior's Standards for the Treatment of Historic Properties

The standards established by the Secretary of the Interior for providing guidance on the preservation, rehabilitation, restoration and reconstruction of historic properties.

499. Sedimentation and Filtration Basin

A basin that provides water quality benefits through the sedimentation or filtration of runoff.

500. Self-Storage, Indoor

A building or group of buildings in a controlled access and fenced area containing individual storage compartments of varying sizes that are leased for the storage of business and household goods. There is no conduct of sales, business or any other activity allowed within the individual storage units. May also be referred to as mini-storage or mini-warehouse.

501. Self-Storage, Outdoor

A fenced area with controlled access providing individual storage spaces, not within a fully enclosed structure, that are leased for the storage of motor vehicles, trailers, boats, and similar items. There is no conduct of sales, business or any other activity allowed within the individual storage units.

502. Septic System

See "On-Site Wastewater System (OSS)".

503. Setback

A measurable distance, dictated by Zoning District, from any property line to an invisible parallel plane, within which certain buildings and structures are prohibited. A setback is separate and distinct from, but is usually included within, a yard, as that term is defined in this Code.

504. Setback, Garage

A setback located along and generally parallel to a street right-of-way indicating the minimum distance required between front facing garage or carport access and the street right-of-way.

505. Setback, Front

The setback located along, and generally parallel to, the front lot line, extending the full width of a lot.

506. Setback, Rear

The setback located along, and generally parallel to, the rear lot line, extending the full width of a lot.

507. Setback, Side

The setback located along, and generally parallel to, any side lot line, extending the full depth of a lot.

508. Setback, Street

Any setback located along, and generally parallel to, a street right-of-way and street lot line.

509. Sexually Oriented Business

Any building, structure, or facility including, but not limited to, an arcade, bar, bookstore, cabaret, overnight accommodation, theater (including movie), bath house, massage parlor, nude modeling studio, video store, love parlor, or similar facility used entirely or partially for commercial entertainment, exchange of merchandise, or offer of a service of a sexually-explicit nature. These activities are predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to sexual activities and include the sales, rental, exhibition, or presentation of a device or other item intended to provide sexual stimulation or sexual gratification to the customer.

510. Shared-Use Path

A paved pathway accommodating pedestrians and bicyclists, meeting accessibility standards. Differentiated from a "hike-and-bike trail" which may be a pervious material and not accessible.

511. Shrub

Any self-supporting woody perennial evergreen and/or deciduous species normally growing to a height of 24 inches or greater, characterized by multiple stems and branches continuous from the base.

512. Sidepath

A Shared-Use Path adjacent to roadways that are located within a roadway corridor following the roadway alignment and that are physically separated from motorized vehicular traffic by a landscaped buffer or a barrier. Sidepaths are generally designed for two-way travel.

513. Sidewalk

A strip or section of concrete or stone a minimum of five feet in width, typically located adjacent to vehicle roadways, intended for use as a pedestrian facility. This area must be kept free of obstructions, both temporary and permanent.

514. Sidewalk Clear Zone

The dimensional area between the curb or edge of pavement (where no curb exists) and a pedestrian facility such as a sidewalk, trail or pedestrian accessway. The clear zone is established to protect pedestrians from vehicular movements, as determined by speed and street classification.

515. Sidewalk Fund

A fund established to accept and distribute revenue in accordance with the provisions of this Code for the purpose of constructing public sidewalks and/or trails.

516. Sight Triangle

The triangular area formed by an invisible diagonal line at the corner of either two intersecting street right-of-way lines, the edge of street lines, the edge of a driveway, or a combination of two thereof, as specified in **Chapter 14**. The Sight Triangle exists to prevent sight obstruction for motor vehicles, pedestrians, etc. May also be referred to as "street visibility triangle" or "sight distance triangle."

517. Sign

Any device that uses letters, numerals, emblems, pictures, outlines, characters, spectacle delineation, announcement, trademark, logo, illustrations, designs, figures, or symbols to convey a message. The term "sign" shall also include any use of color such as bands, stripes, patterns, outlines or delineations displayed for the purpose of conveying a message, including commercial identification (corporate colors), that comprises more than 20% of any façade or visible roof face. This term shall also include all flags.

518. Sign, Abandoned

A sign attached to a building or space which has been vacant for at least two years. Any sign on a vacant lot or parcel other than a legally permitted Off-Premise Sign is also considered an Abandoned Sign.

519. Sign Area

The area of a sign inclusive of the sign face, sign base and sign cabinet.

520. Sign Base

The structure supporting a sign. The sign base is a part of the sign, unless otherwise specified in **Chapter 12. Sign Standards**.

521. Sign, Off-Premise

A sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic shall be considered a single premises.

522. Sign Cabinet

The sign cabinet is the structure or border used to differentiate a sign face from the structure on or against which a sign face is placed.

523. Sign, Canopy

Any type of sign attached to in any manner or made a part of a canopy.

524. Sign, Changeable Copy

A sign designed to allow the manipulation of messages through manual or mechanical means.

525. Sign, Construction Site

A temporary sign containing graphics, symbols, text or images securely attached to, or printed directly onto the screening fabric of, a temporary fence or barrier, or on an active construction site authorized by a City or County permit, as applicable.

526. Sign, External Illumination

A sign utilizing an artificial or reflective light source mounted or operated from the outside of the frame of the sign, for the purpose of lighting the sign.

527. Sign Face

The area of a sign where the message is displayed and the background on which it is placed. Does not include the sign cabinet or frame.

528. Sign, Homebuilder Wayfinding

A sign installed by, on behalf of, the City of Georgetown that directs motorists to a model home or model homes of a participating homebuilder(s).

529. Sign, Identification

An incidental sign of identification or of informational nature.

530. Sign, Illuminated

A sign utilizing an artificial or a reflective light source.

531. Sign, Incidental

A sign that is subordinate to or associated with a permitted use on a property, rather than being the primary purpose of the structure or land itself.

532. Sign, Internal Illumination

A sign utilizing an artificial or a reflective light source mounted or operated from the inside of the frame of the sign, for the purpose of lighting the sign.

533. Sign, Low Profile Pole

A sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground. Signs shall be no higher than 10 ft.

534. Sign, Marquee

Any sign attached to, in any manner or made a part of a marquee.

535. Sign, Monument

A sign which is attached directly to the ground or is supported by a sign structure that is placed on or anchored in the ground and is independent from any building or other structure.

536. Sign, Multiple-Tenant

A sign for more than one business at the same location.

537. Sign, Pole

A sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

538. Sign, Portable

Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

539. Sign, Projecting

Any sign affixed to a wall of a building in a non-parallel manner.

540. Sign, Sandwich Board

An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Also known as A-Frame or T-Frame signs.

541. Sign, Suspended

Any type of sign that is suspended from the underside of a predominantly horizontal plane surface, such as a porch or canopy, and is supported by such surface.

542. Sign, Temporary

Any sign that is not intended to be permanent.

543. Sign, Wall

A sign which is fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

544. Sign, Window

Any sign that is placed inside a window or upon the window or upon the window panes or glass and is intended to be visible from the exterior of the window. Merchandise displays shall not be considered window signs.

545. Single-Family

The use of a single lot or parcel for one principal dwelling unit in a single building, other than a mobile home. Does not constitute nor equal the RS, Residential Single-family Zoning District.

546. Single-Family, Attached

A single-family dwelling unit located on its own lot that shares one or more common walls with one other single-family dwelling unit on a separate lot.

547. Single-Family, Detached

A single-family dwelling unit, located on its own lot that is not attached to any other dwelling unit.

548. Single-Family, Zero-Lot-Line

A single-family detached dwelling unit, located on its own lot, that is set on or relatively close to one interior side lot line to create additional side yard area on the opposite side of the unit. Zero-Lot-units must maintain the required separation from units on adjacent properties.

549. Sinkhole

A depression formed in soluble rock by the action of subterranean or surface water which is a point of recharge.

550. Site

A parcel of land for which a permit or development approval is issued or considered pursuant to this Code.

551. Site Plan, Conceptual

A concept site layout plan containing general information about a site for review of related documents, in order to provide an overview of a development plan. Is typically not binding unless adopted as an exhibit or otherwise specified.

552. Site Development Plan

A detailed site layout plan containing sufficient information to evaluate the land use, construction plans, and architectural harmony of the proposed development including compatibility of the development with nearby areas. A Site Development Plan shall follow the requirements and approval procedures of **Section 3.17** of this Code and the Development Manual.

553. Slope

The vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

554. Small Area Plan

A targeted planning document that provides a highly detailed, localized vision for a specific neighborhood or district.

555. Small Engine Repair

A business that repairs, adjusts, tunes, or modifies gasoline engines of a small horsepower commonly used to power grass trimmers, riding or push lawn mowers, chain saws, and similar service equipment. This repair service may also conduct work on electric motors commonly used in power tools, lawn maintenance equipment, and small household appliances. This term does not include work all-terrain vehicles (ATV), jet skis, or similar vehicles and does not include storage or repair work conducted outside of a building.

556. Social Service Facility

A multi-functional facility that provides assistance, advocacy, case management, guidance, counseling, or similar services on a daytime care basis to persons requiring rehabilitation assistance or those with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning, or physical disabilities, and child support issues, but does not include a rescue mission, homeless shelter, or day care.

557. Soil Aeration

The introduction of air into the soil to alleviate soil compaction and improve its structure.

558. Special District

A Municipal Utility District (MUD), Water Control And Improvement District (WCID), Fresh Water Supply District (FWSD), or similar political subdivision created to provide water, sewer or drainage utility services, roads, or other services allowed by law to a specified area, pursuant to Article III, Section 52, and/or Article XVI, Section 59, of the Texas Constitution.

559. Special Exception

An exception to certain provisions of this Code, granted by the Zoning Board of Adjustment (ZBA), for specifically defined situations and standards, pursuant to **Section 3.13**. Such exception does not constitute a Variance or Waiver, as those terms are defined in this Code.

560. Special Use Permit (SUP)

A permit that allows a use not automatically permitted by right to be located within a Zoning District, upon approval by the City Council. A Special Use Permit may be subject to specific provisions contained in this Code and/or other conditions imposed by the City Council as a condition of approval.

561. Spring

A point or zone of natural groundwater discharge having measurable flow and/or a pool.

562. Spring (Edwards Aquifer Water Quality Regulations)

Any natural setting or location where ground water flows to the surface of the earth from underground frequently enough to support spring associated vegetation such as ferns, watercress and Texas sedge.

563. State

The State of Texas.

564. Stone, Mulch or Dirt Sales Yard

A typically outdoor facility that stores and conducts retail sales of dirt, mulch, stone, or other material commonly sold to an individual or contractor.

565. Stoop

Steps leading to the entrance of a building. Typically for residential dwellings found on the first floor of townhouses, multifamily, or mixed-use structures.

566. Storage Yard

A facility primarily used for outdoor storage of equipment and materials.

567. Storm Sewer

An approved means of conveyance that carries storm, surface, and ground water drainage, but excludes sewage and residential, commercial, and industrial wastes.

568. Stormwater Management, Nonstructural

Any natural or planted vegetation or other nonstructural components of the stormwater management plan that included no excavation and provides or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space, overland flow filtration areas, natural depression, and vegetated channels.

569. Stormwater Runoff

Surplus surface water generated by rainfall that does not seep into the earth but flows into storm drains or overland to flowing or stagnant bodies of water.

570. Story

See "Building Floor or Story".

571. Strategic Partnership Agreement

An agreement between the City and a special District addressing the relationship between the City and the District, including limited purpose annexation of commercial areas and other matters pursuant to Section 43.0751 of the Local Government Code.

572. Stream (Edwards Aquifer Water Quality Regulations)

A flow of surface water sufficient to produce a defined natural channel or bed. A defined natural channel or bed is an area that demonstrates clear evidence of the passage of water.

573. Streamer

Any lightweight plastic, fabric, or other material, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

574. Street

An improved surface used for the transport of automobiles and other motor vehicles from one location to another. Includes the term "road" and "roadway"

575. Street, Alley

An alley is a passageway designed primarily to provide access to or from the rear or side of property otherwise abutting on a public street.

576. Street, Arterial

A street designed to carry large volumes of local and regional traffic into or out of the City which provides for efficient vehicular movement between distant locations, decreasing traffic on local and collector streets. Separated in this Code by Minor and Major classifications, the specific characteristics and average daily trip ranges of each can be found in **Chapter 14** of this Code.

577. Street Banner

See "Banner, Street".

578. Street Centerline

A line bisecting a street that is parallel to the edge of pavement.

579. Street, Collector

A street that connects and distributes traffic between Arterial Streets and Local Streets providing access and movement between neighborhoods, parks, schools, retail areas and the arterial street system. A collector street may serve both residential and commercial development, depending on the type of collector and average daily traffic volume. Separated in this Code by Residential, Neighborhood and Major classifications, the specific characteristics and average daily trip ranges of each can be found in **Chapter 14** of this Code.

580. Street, Cul-de-Sac

A street or series of connected streets that has a single approved vehicular access point.

581. Street Facing Façade

The building façade or wall that is parallel to a street lot line.

582. Street Frontage

The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

583. Street, Highway

A controlled-access divided street or highway that is intended to move high traffic volumes over long distances and serve as primary routes throughout the region. Includes the term "freeway" and "expressway."

584. Street Landing

The area of an intersection where the grades of the respective streets need to be sufficiently flat to accommodate an accessible crosswalk.

585. Street, Loaded

A street that allows for vehicular access driveways.

586. Street, Local

A street that provides access to residential and commercial properties with short trip lengths, low speeds, and typically serves local traffic only. Local Streets may also encompass streets classified by this Code as an Alley, Residential Lane, or Residential Local Street, the specific characteristics and average daily trip ranges of which can be found in **Section 14.03** of this Code.

587. Street, Local—Downtown

A street located within the Downtown Overlay District that carries a Local Street cross-section design. The characteristics of this street can be found in **Chapter 14** of this Code and in the Downtown Master Plan, May be designated as a collector or arterial in functionality.

588. Street, Local (Tree Alternative)

A Local Street designed to the alternative cross-section identified in this Code that accommodates Street Trees within the right-of-way.

589. Street, Major Collector

A street that connects and distributes traffic between Arterial Streets, other Collector Streets or Local Streets, but primarily serving commercial development. The specific characteristics and average daily trip ranges of Major Collectors can be found in **Section 14.03** of this Code.

590. Street, Neighborhood

A street that primarily serves the local traffic needs a subdivision, neighborhood or development, with relatively low traffic counts and lower speeds. Street types include Residential Lanes, Local Streets, Residential Collectors and Neighborhood Collectors.

591. Street, Perimeter

A street directly abutting a development or subdivision, whether the street is external to, partially or wholly within the boundary.

592. Street, Private

An improved roadway for which no public entity has jurisdiction or maintenance responsibilities. A private street may be used as the principal means of access to a lot if such lot meets the minimum required lot frontage on a public roadway, as specified in this Code.

593. Street, Public

An improved roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property and maintained by a public entity.

594. Street, Residential Collector

A residential street that connects and distributes residential traffic between Local Streets and Major Collectors and Arterials. May directly serve residential development, with limited spacing between access points. The specific characteristics and average daily trip ranges of Residential Collectors can be found in **Section 14.03** of this Code.

595. Street, Residential Lane

A local street serving a very limited number of residential dwelling units, the specific characteristics and average daily trip ranges of which can be found in **Section 12.03**. An alley is required to be included with a residential lane to provide access to the lot.

596. Street Right-of-Way

See "Right-of-Way".

597. Street, Residential Rural/Estate

A street serving Residential Rural/Estate Subdivisions that may include roadside ditches in lieu of curb and gutter and other generally rural roadway features.

598. Street Stub

A non-permanent, dead-end street intended to be extended in conjunction with the subdivision and development of adjacent land.

599. Street, Through

A street having two distinct points of ingress and egress from two other through-streets. Alleys, culs-de-sac, and loop streets shall not be considered through-streets.

600. Street Tree

See "Tree, Street".

601. Street Yard

See "Yard, Street".

602. Structural Integrity

Ability of a structure to maintain stability against natural forces experienced by said structure.

603. Structure

Anything constructed or erected on the ground or attached to something located on the ground. Examples of structures include, but are not limited to, buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel, and permanent signs. Sidewalks and paved surfaces shall not be considered structures unless located within a public easement.

604. Structure, Accessory

A structure that is subordinate to, incidental to, and is detached from, a principal building or a principal use of a lot. Also, may be referred to as "Secondary Structure".

605. Structure, Principal

A structure in which the primary use of the lot is conducted. For example, for single-family residential lots, the house is the principal structure. Also, may be referred to as "Primary Structure".

606. Subdivider

Any person, firm, partnership, corporation, or other entity, acting as a unit subdividing or proposing to subdivide land as herein defined.

607. Subdivision

The division of a tract of land where the resulting lots or parcels differ from the existing configuration for the purpose of transfer of ownership; dedication of streets, alleys, or easements; or development, as that term is defined in this Code. For example, the division of one lot into two or more lots or the division of more than two lots into a lesser number of lots. Subdivision includes "re-subdivision".

608. Subdivision Improvement Utility Agreement

A written agreement between the property owner and the City concerning the construction of improvements and cost participation to comply with the requirements of this Code.

609. Substance Abuse Treatment Facility

A facility providing 24-hour supervision, counseling, and treatment for persons not needing regular medical attention, but requiring rehabilitation services for alcohol or chemical dependency or similar disorders, including those ordered as a condition of probation.

610. Substantial Improvement

Defined as one of the following: (1) Means any construction of public improvements amounting to at least 50% of the total cost of public improvements required under the provisions of this ordinance, including engineering fees; or (2) Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

611. Supplemental Nutrients

A mixture of beneficial tree growth chemicals and naturally occurring elements that improve the overall health and vigor of a tree. Typically injected into the soil.

18.02.050. Terms Defined: T-Z

612. Tandem Parking Space

A paired parking space accommodating two or more vehicles that are parked directly behind each other that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.

613. Taxidermist

An establishment engaged in the art of preparing, stuffing, mounting, or processing the skins, feathers, or horns of animals.

614. Telecommunications

The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

615. Telecommuting

A work arrangement in which employees enjoy flexibility in working location, where the daily commute to a central place of work is replaced by telecommunication links that may be from home or other location off-site from the primary work location.

616. Temporary Event

An "Event" as that term is defined in Section 12.24.010 of the Georgetown Code of Ordinances or a public gathering held on public or private property (e.g., gem and mineral shows, quilt shows, etc.)

617. Temporary Use

See "Use, Temporary".

618. Theater, Live

An indoor facility that provides fixed seating for customers to view dramatic, musical, or live performances, including accessory snack and/or food and beverage services.

619. Theater, Movie

An indoor facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.

620. Thoroughfare

Any roadway classified on the Future Mobility Plan as a Collector, Arterial, or Highway, which functions as generally high-volume corridors throughout the city and the surrounding areas.

621. Topographic Map

A map showing all principal physical features of an area, including elevations.

622. Total Street Connections

The total number of street connections to the ultimate street network, including connections to existing public streets and future stubs to adjacent properties.

623. Tower

Any structure that is designed and constructed primarily to support one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term shall include, but will not be limited to radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

624. Tower or Antenna, Commercial

A telecommunications structure or facility operated for financial gain by a person, corporation, or business.

625. Tower, Amateur Radio or Non-Commercial

A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances for the private use and enjoyment of an individual holding a valid amateur radio (HAM) license issued by the Federal Communications Communication and not used for any commercial or industrial use. This shall also include a

structure or facility operated by a utility company or governmental entity for its own use (such as an electricity or natural gas provider, water District, or other company which is licensed or regulated by the state or the federal government).

626. Towing Service and Impound Lot

A facility in which tow trucks are utilized in the hauling of motorized vehicles and for the temporary storage or impoundment of primarily operable or repairable motor vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.

627. Townhouse

A dwelling unit on an individual lot that is part of a series of three or more dwelling units having common side walls with one or more adjoining dwelling units in a townhouse row.

628. Townhouse Lot

A lot being a portion of a townhouse development that is intended for separate ownership. A townhouse lot consists of the townhouse and associated required private open space. Townhouse lots are only applicable when three or more townhouses are grouped in a townhouse row and cannot stand alone as a single lot.

629. Townhouse Row

A series of three or more connected townhouses.

630. Traffic Impact Analysis (TIA)

An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

631. Trailer

A non-motorized apparatus intended to be towed by an automobile that is used for the carrying of materials, goods, livestock, or other objects and licensed by the state for use on public roadways. For the purposes of this Code a Trailer "does not equal a Recreational Vehicle".

632. Transient Service Facility

A facility where the principal function involves providing on-site food, clothing, shelter, or other related services primarily intended for those needing transient temporary assistance. The term includes homeless shelters, emergency lodging, charity dining facilities (soup kitchens), rescue missions, day labor hiring centers, and similar facilities and shall include the principal assistance or service facility and all appurtenant or related establishments intended for use by the patrons of the principal facility.

633. Transit Passenger Terminal

A facility for the loading and discharging of train or bus passengers and the transient parking of personal or transit vehicles.

634. Transportation Improvement Program (TIP)

Staged, multi-year program of transportation projects consistent with the Future Mobility Plan.

635. Tree

Any self-supporting woody perennial plant species usually having a single trunk diameter of no less than two inches at maturity, measured 1 foot above grade, and which normally grows in Central Texas to an overall minimum height of 12 feet.

636. Tree Canopy

The horizontal extension of a tree's branches in all directions from its trunk.

637. Tree, Credit

Existing trees on a site with a DBH between 6 and 11 inches that may be used toward the required mitigation or landscape trees.

638. Tree Damage

Excavation or disturbance within the CRZ such as by cutting roots, grading, pouring impervious material such as concrete or asphalt, installing utilities or installing irrigation that is not related to irrigating that specific Protected or Heritage Tree; chemical poisoning; utilizing the area within the tree protection fence for storage of equipment or vehicular traffic and other activities; removing bark greater than three inches; breaking or splitting of the main trunk; or any act compromising the health or structural integrity of the tree.

639. Tree, Dead

Any tree in which the canopy has died back 80% or greater as determined by the Urban Forester.

640. Tree, Diseased

A tree with a condition that impairs the performance of one or more vital functions; usually associated with infectious conditions.

641. Tree, Heritage

Any of the following trees that has a 26-inch diameter when measured at 4.5 feet above grade: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia.

Any tree or stand of trees designated by Resolution of the City Council to be of historical value or of significant community benefit.

The term "Heritage Trees" does not include Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, or Mesquite.

642. Tree Mitigation

The process to address the removal of Protected or Heritage Trees either through crediting existing trees, planting new replacement trees or paying fees-in-lieu.

643. Tree, Multi-Trunk

A tree with more than one trunk. These trees are measured according to the method established in this Code.

644. Tree, Ornamental

Smaller tree species, reaching a height of approximately 10 to 25 feet at maturity. Such trees provide screening and accent elements.

645. Tree Preservation Plan

A plan that graphically represents the Tree Schedule and identifies Protected Trees and Heritage Trees, indicating those being preserved and those being proposed for removal. The Tree Preservation Plan may be shown on the Tree Survey.

646. Tree, Protected

For purposes of this Code, a "protected" tree is any tree with a DBH of 12 inches or greater. The following species of trees are excluded from protected tree status Chinaberry, Hackberry, Ashe Juniper (Cedar), Chinese Tallow, and Mesquite.

647. Tree Removal

As it applies to protected trees means, the uprooting, severing the main trunk of a tree, or any activity which causes, or may reasonably be expected to cause a tree to die. Activities such as, but not limited to, damage

inflicted upon the root system by machinery, storage of materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete or asphalt within the CRZ or impervious materials in a manner which may reasonably be expected to kill the tree.

648. Tree Schedule

A list indicating the status of all trees on site; Protected Trees preserved, Protected Trees removal, dead, Heritage Trees preserved, proposed Heritage Tree removal, not a protected species, or Credit Tree, along with species name and tree diameter in one table. Typically, a Tree Schedule is included on the Tree Survey.

649. Tree, Shade

The largest plants in the landscape that provide the overhead structure needed for shading and under which other plants live and grow. They spread and give overhead structure when they reach maturity.

650. Tree Stand

A contiguous grouping or cluster of trees which can exhibit characteristics similar to one another including, but not limited to, size, species, health, and age.

651. Tree, Street

An approved Shade Tree planted within the right-of-way in accordance with this Code.

652. Tree Survey

A drawing showing the size, location, species and critical root zone of all existing Protected and Heritage Trees and includes a table summarizing the total number of inches, in accordance with generally accepted methods of International Society of Arboriculture (ISA). See the UDC Development Manual and the Landscape and Tree Technical Standards for more information on the submission requirements.

653. Truck Terminal

A facility where commercial trucks, including tractors and trailer units, are housed, stored, maintained or repaired. Accessory uses may include offices, fueling or washing and the temporary storage of loads prior to shipment.

654. Trunk (Tree)

The primary structural support of a tree, or the primary stem of a tree, as distinct from the branches and roots.

655. Two-Family

The use of a single lot or parcel for two dwelling units contained within a single building. See also "Duplex."

656. TxDOT

Texas Department of Transportation.

657. Unified Development Code Advisory Committee

Committee appointed by the City Council to advise the Planning and Zoning Commission and City Council on amendments to the Unified Development Code.

658. Unloaded Street

A street where vehicular access driveways are outright prohibited or provisionally allowed. Includes Neighborhood Collectors, Major Collectors, Arterials and Highways.

659. Upper-Story Residential

Dwelling units located on the second or higher floor in a building with predominately Non-Residential uses on the ground floor.

660. Urban Forester

The individual designated by the Parks and Recreation Director to ensure compliance with the tree provisions of this Code.

661. Urgent Care Facility

A medical facility where ambulatory patients can be treated on a walk-in basis, without an appointment, and receive immediate non-emergent care.

662. Use

The purpose or activity for which land or any structure thereon is designed, arranged or intended or for which it is occupied or maintained.

663. Use, Accessory

A use that is subordinate and incidental to the primary use.

664. Use, Primary

The use which is conducted as the primary activity upon the lot on which it is located. Also, may be referred to as "Principal Use".

665. Use, Secondary

See "Use, Accessory".

666. Use, Temporary

A use established for a fixed, usually short-term, period of time with the intent to discontinue the use upon the expiration of the time. Temporary uses have characteristics that require certain restrictions in order to insure compatibility with other uses in the Zoning District in which they are proposed.

667. Utility Service, Intermediate

Publicly or privately owned facilities or systems including elevated water storage tanks, lift stations, telephone switching facilities (over 100 square feet gross floor area), electric substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities; and towers erected by a public authority for public safety or emergency services communication purposes.

668. Utility Service, Major

Publicly or privately owned facilities or systems including generation, production, or treatment facilities such as power plants, water treatment plants, wastewater treatment plants (including package treatment plants), or similar utilities; and radio and television transmission towers.

669. Utility Services, Minor

Publicly or privately owned facilities or systems that are necessary to support principal development. Minor utilities include transmission lines (whether subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; and telephone switching facilities (up to 100 square feet gross floor area).

670. Vacation

The termination of (1) an interest in an easement, right-of-way or public dedication of land; or (2) a legally recorded Subdivision Plat or portion thereof.

671. Variance, Zoning

A grant of relief to a person from the Zoning requirements of this Code when specific application thereof would result in unnecessary hardship, as determined by the Zoning Board of Adjustment. A Zoning Variance, therefore,

permits construction or development in a manner otherwise prohibited by this Code. Does not constitute nor equal a Subdivision Waiver.

672. Vehicle

See "Automobile".

673. Vehicle Storage

Long-term storage (over 72 hours) of operable or inoperable vehicles. Typically includes storage of tow-aways or impound yards, but this term excludes dismantling or salvage.

674. Verification Letter, Legal Lot

A letter confirming whether or not a tract of land is a Legal Lot, as that term is defined in this Code.

675. Verification Letter, Zoning

A letter that indicates that a specified use is permitted within a particular Zoning District or confirming the established Zoning District on a particular property. A Zoning Verification Letter does not authorize the property owner to proceed with a development; the letter does not specify requirements that must be met for future development; nor does the letter include a determination that a tract of land may be developed.

676. Veterinarian Clinic

A facility, operated under the supervision of a licensed veterinarian, where domestic animals and pets are admitted for examination, observation, diagnosis, and medical treatment. This term includes those facilities with and without outdoor pens as permitted in **Section 6.02. Use Tables**.

677. Vines

A plant whose stem requires support and which climbs by tendrils or twining.

678. Wall Surface Area

The total vertical wall area, including windows, of a building when seen in an elevation view of the building. Roofs, including mansard roofs, having a slope of greater than 65 degrees shall be considered part of a wall surface for the purposes of this ordinance. See for comparison "Roof".

679. Wall, Boundary

A masonry wall bounding residential development along large roadways to present a cohesive, durable fencing enclosure, as described fully in **9.05.070.7.**

680. Wall, Building

See "Building Wall".

681. Wall, Fencing

An opaque masonry wall used for fencing and screening, not considered part of a building not used for retaining purposes.

682. Wall, Retaining

A wall not laterally supported at the top that resists lateral soil loads and other imposed loads.

683. Warehousing and Distribution, General

An establishment engaged in the open-air storage, distribution, or movement of materials, equipment, or goods for themselves or other firms. Typical uses include household moving, general freight storage where the goods are stored in containers, and grain terminals. This definition does not include truck terminals or rail yards, as herein defined.

684. Warehousing and Distribution, Limited

An establishment engaged in the storage, distribution, or movement of materials, equipment, or goods within an enclosed structure for themselves or other firms. Typical uses include separate warehouses used by retail stores such as furniture and appliance stores, household moving, and general freight storage where the goods are stored in a building, cold storage plants or frozen food lockers, major wholesale distribution centers, truck or air freight terminals, or parcel services.

685. Waste Related Uses

Uses that receive solid or liquid wastes from others for transfer to another location, collect sanitary wastes, or manufacture or produce goods or energy from the composting of organic material. Typical uses include solid or liquid waste transfer facilities, composting facilities, animal waste processing and recycling facilities.

686. Watershed

The area from which stormwater drains into a storm sewer, basin, river, or creek.

687. Wetland

Land that is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water.

688. Wholesale Showroom

An establishment engaged in selling merchandise primarily to retailers, contractors, industrial, commercial, or institutional professional business users; or to other wholesalers or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include agents, merchandise, or commodity brokers; commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; and stores primarily selling electrical, plumbing, heating and air conditioning supplies, and equipment. The facility may also include storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed wholesale showroom but rather shall be considered a retail sales operation.

689. Wireless Communication Service Provider (Service Providers)

Any company, corporation, alliance, individual, or other legal entity that provides a wireless communication service directly to the public for a fee, or to such classes of users as to be effectively available directly to the public regardless of the facilities used. Services include, but not limited to, portable phones, car phones, pagers, digital data transmission or radio, or television communication.

690. Wireless Transmission Facility (WTF)

An unstaffed facility for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider. WTFs are composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower.

691. Workforce Housing

As used in this Code, the residential dwelling units in Workforce Housing Developments are available for those whose incomes are less than or equal to eighty percent (80%) of the area median family income, as defined by the Department of Housing and Urban Development (HUD) for the Austin-Round Rock-San Marcos Metropolitan Statistical Area (MSA).

692. Wrecking, Scrap, or Salvage Yard

An establishment where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked automobiles, house wrecking and structural steel materials

and equipment, and vehicles or appliances which are inoperable, but not including the interior purchase, sale, or storage of used furniture and household equipment. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

693. Yard

The area that lies between an established building line and its parallel or semi-parallel lot line. A yard is separate and distinct from, but usually inclusive of, a required setback.

694. Yard, Front

The area that lies between the established front building line of the principal building and the front lot line.

695. Yard, Rear

The area that lies between the established rear building line of the principal building and the rear lot line.

696. Yard, Side

The area that lies between the established side building line of the principal building and the side lot line.

697. Yard, Street

The area of a lot that lies between any adjoining street right-of-way and any existing or proposed building, the portion of which is closest to the right-of-way line. Street Yard boundaries extend from the building the length of the lot, generally parallel to the right-of-way line of the street.

698. Xeriscape

A method of landscaping and gardening which conserves water through the use of specific principles of design, plant selection, installation, and maintenance.

699. Zero Lot Line

See "Single-Family, Zero-Lot-Line".

700. Zoning Board of Adjustment (ZBA)

The board that has been created by the City Council to hear and determine Appeals of Administrative Decisions and Exceptions, Special Exceptions, Variances, and any other powers granted thereto by the state, City Charter, or this Code. May be referred to as the "Board" or "ZBA" throughout this Code.

701. Zoning Map

See "Official Zoning Map".

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
First Reading - 2026 Annual Service Plan Update to the Service and Assessment Plan with updated Assessment Roll for Parks at Westhaven PID

SUGGESTED ACTION:
First Reading of an Ordinance approving the 2026 Annual Service Plan Update to the Service and Assessment Plan, including an updated Assessment Roll for Parks at Westhaven Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code -- Nick Woolery, Assistant City Manager, and Andrea Barnes, P3Works, LLC, City of Georgetown's PID Administrator

ITEM SUMMARY:
The City Council of the City of Georgetown ("City Council") adopted Resolution No. 012621-M creating the Parks at Westhaven Public Improvement District (the "District") on January 26, 2021 after notice and hearing in accordance with the requirements of the Texas Local Government Code Chapter 372 (the "PID Act").

Subsequently, the City Council adopted Ordinance No. 2021-17 ("Assessment Ordinance") on March 23, 2021 which, among other things, approved the Service and Assessment Plan ("SAP"), the levy of Assessments for Assessed Property within the District, and the Assessment Roll.

On March 22, 2022, the City Council adopted Ordinance No. 2022-30 (the "Bond Ordinance") authorizing the issuance of the City's Special Assessment Revenue Bonds, Series 2022 (Parks at Westhaven Public Improvement District) (the "Bonds") and accepting an approving an update to the SAP, as the Annual Service Plan Update for 2022, to reflect the issuance of the Bonds and the interest rates thereon.

Pursuant to the PID Act, the SAP and Assessment Roll must be reviewed and updated annually.

Attached is an Ordinance accepting and approving the 2026 Annual Service Plan Update, which updates the SAP and Assessment Roll per the PID Act and includes the Five Year Budget Forecast and Assessment Roll with the Annual Installment amount due on or before January 31, 2027.

FINANCIAL IMPACT:
None to the City.

SUBMITTED BY:
Cresta Lyons, City Manager's Office

ATTACHMENTS:
2026-07-15_GEO_Parks at Westhaven_Ordinance.pdf
2026-07-23_GEO_Parks at Westhaven_2026_SAP.pdf

2026-08-11_GEO_Parks at Westhaven_2026 SAP Update.pdf

ORDINANCE NO. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS ("CITY"), AUTHORIZING AN ANNUAL SERVICE PLAN UPDATE AND AN UPDATE TO THE ASSESSMENT ROLL FOR PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Georgetown ("City Council") adopted Resolution No. 012621-M creating the Parks at Westhaven Public Improvement District on January 26, 2021 after notice and hearing in accordance with the requirements of the Texas Local Government Code Chapter 372;

WHEREAS, the City Council adopted Ordinance No. 2021-17 ("Assessment Ordinance") on March 23, 2021, levying Assessments for costs of Improvements, approving a Service and Assessment Plan ("SAP"), approving a Construction Financing and Reimbursement Agreements, and approving a Landowner Agreement.

WHEREAS, On May 17, 2021, the Parks at Westhaven Phase 1 Plat ("Phase 1 Plat") was filed and recorded in the real property records.

WHEREAS, the SAP provided the definition for Trigger Date, Assessment Plan and Terms of the Assessments.

WHEREAS, the City Council has received an update to the SAP ("2021 Annual Service Plan Update") in accordance with the definition for Trigger Date, Assessment Plan and Terms of the Assessments.

WHEREAS, on March 22, 2022 the City Council adopted Ordinance No. 2022-30 (the "Bond Ordinance") authorizing the issuance of the City's Special Assessment Revenue Bonds, Series 2022 (Parks at Westhaven Public Improvement District) (the "Bonds") and accepting an approving an update to the SAP, as the Annual Service Plan Update for 2022 ("2022 Annual Service Plan Update"), to reflect the issuance of the Bonds and the interest rates thereon.

WHEREAS, the City Council has received an update to the SAP ("2023 Annual Service Plan Update") including an updated Assessment Roll in accordance with Chapter 372 of the Texas Local Government Code, as amended ("PID Act").

WHEREAS, the City Council has received an update to the SAP ("2024 Annual Service Plan Update") including an updated Assessment Roll in accordance with Chapter 372 of the Texas Local

Government Code, as amended ("PID Act").

WHEREAS, the City Council has received an update to the SAP ("2025 Annual Service Plan Update") including an updated Assessment Roll in accordance with Chapter 372 of the Texas Local Government Code, as amended ("PID Act").

WHEREAS, the City Council has received an update to the SAP ("2026 Annual Service Plan Update") including an updated Assessment Roll in accordance with Chapter 372 of the Texas Local Government Code, as amended ("PID Act").

NOW THEREFORE, BE IT ORDAINDED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS:

Section 1. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2. The 2026 Annual Service Plan Update attached hereto as Exhibit A, including the updated Assessment Roll contained therein, is hereby approved and accepted by the City Council.

Section 3. All ordinances or resolutions that are in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances or resolutions of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 5. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect in accordance with the provisions of the City Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the _____of _____, 2026.

PASSED AND APPROVED on Second Reading on the _____ of _____, 2026.

ATTEST:

THE CITY OF GEORGETOWN

_____

Robyn Densmore, City Secretary

_____

Josh Schroeder, Mayor

_____

Skye Masson, City Attorney

PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT

2026 ANNUAL SERVICE PLAN UPDATE

AUGUST 11, 2026

INTRODUCTION

Capitalized terms used in this 2026 Annual Service Plan Update not otherwise defined herein shall have the meanings set forth in the Amended and Restated Service and Assessment Plan (the "2022 SAP").

The District was created pursuant to the PID Act by Resolution No. 012621-M on January 26, 2021, by the governing body of the City of Georgetown (the "Governing Body") to finance certain Authorized Improvements for the benefit of the property in the District.

On March 23, 2021, the Governing Body approved the 2021 Service and Assessment Plan for the District by adopting Ordinance No. 2021-17 which (1) approved the levy of certain Assessments for Assessed Property within the District and (2) approved the District Assessment Roll.

On August 24, 2021, the Governing Body approved the 2021 Annual Service Plan Update for the District by Resolution No. 082321-J, which updated each Assessment Roll within the District for 2021.

On March 22, 2022, the Governing Body approved the 2022 SAP for the District by adopting Ordinance No. 2022-30, which approved the issuance of PID Bonds and updated the Assessment Roll for 2022.

On August 22, 2023, the Governing Body approved the 2023 Annual Service Plan Update for the District by adopting Ordinance No. 2023-40 which updated each Assessment Roll within the District for 2023.

On September 10, 2024, the Governing Body approved the 2024 Annual Service Plan Update for the District by adopting Ordinance No. 2024-43 which updated each Assessment Roll within the District for 2024.

On July 22, 2025, the Governing Body approved the 2025 Annual Service Plan Update for the District by adopting Ordinance No. 2025-39 which updated each Assessment Roll within the District for 2025.

The 2022 SAP identified the Authorized Improvements to be constructed for the benefit of the Assessed Property within the District, the costs of the Authorized Improvements, the indebtedness to be incurred for the Authorized Improvements, and the manner of assessing the property in the District for the costs of the Authorized Improvements. Pursuant to the PID Act,

the 2022 SAP must be reviewed and updated annually. This document is the Annual Service Plan Update for 2026.

The Governing Body also adopted each Assessment Roll identifying the Assessments on Parcel of Assessed Property within the District, based on the method of assessment identified in the 2022 SAP. This 2026 Annual Service Plan Update also updates the Assessment Rolls for 2026.

PARCEL SUBDIVISION

- The final plat of Bridgehaven Phase 1 was filed and recorded with the County as document number 2021073328 on May 17, 2021.
- The final plat of Bridgehaven Phase 2 was filed and recorded with the County as document number 2021180675 on November 29, 2021.
- The final plat of Bridgehaven Phase 3 was filed and recorded with the County as document number 2021180911 on November 29, 2021.
- The final plat of Bridgehaven Phase 4 was filed and recorded with the County as document number 2022070809 on June 9, 2022.

See **Exhibit C** for the Lot Type classification map.

LOT AND HOME SALES

Current ownership within the District is based on information provided by the Developer and available information and is subject to change as development occurs and property is conveyed. Updated ownership and development information for Assessments securing PID Bonds may be available through continuing disclosure filings accessible via the SEC's EMMA by searching for the District. For Assessments securing reimbursement obligations to the Developer, the summary of current ownership within the property securing such Assessment is based on information provided by the Developer and other publicly available records. See **Exhibit D** for buyer disclosures.

AUTHORIZED IMPROVEMENTS

A summary of the Authorized Improvements, including the original estimated costs of the Authorized Improvements and allocation of such costs, is provided in the 2022 SAP. The Authorized Improvements and estimated costs as described in the 2022 SAP are for Assessment purposes and do not represent a guarantee of construction timing or Actual Costs.

Information regarding the status of Authorized Improvements, including construction progress, estimated completion timing, and budget information, including any updates to the original estimates of costs, is based on information provided by the Developer and other available project information at the time such information is compiled. Such information may be updated from time to time.

OUTSTANDING ASSESSMENT

The District has an outstanding Assessment of $7,007,000.00.

Information for Assessments securing PID Bonds may be available through continuing disclosure filings accessible via EMMA website by searching for the District. For Assessments securing reimbursement obligations to the Developer, the summary of current construction status within the property securing such Assessment is based on information provided by the Developer and other publicly available records. A debt service schedule is attached as **Exhibit B**.

ANNUAL INSTALLMENT DUE 1/31/2027

- ***Principal and Interest*** – The total principal and interest required for the Annual Installment is shown below.

- ***Additional Interest*** – Additional Interest is collected and deposited into an account of the Reserve Fund. The Additional Interest is calculated in accordance with the governing documents, resulting in the Annual Installment as shown below.

District	
Due January 31, 2027	
Principal	$220,000.00
Interest	287,585.00
Additional Interest	35,035.00
Annual Collection Costs	61,578.26
Total Annual Installment	**$604,198.26**

- ***Annual Collection Costs***– The cost of administering the District shall be paid for on a pro rata basis by each Parcel based on the amount of outstanding Assessment remaining on the Parcel. The total Annual Collection Costs budgeted for the Annual Installment is shown below.

Annual Collection Costs	
PID Administrator	$ 33,122.42
City Auditor	2,500.00
City Fee	10,000.00
Filing Fees	1,000.00
County Collection	1,000.00
PID Trustee Fees	4,500.00
P3Works Dev/Issuer CDA Review	4,025.00
Collection Cost Maintenance Balance	10,000.00
Less CCMB Credit from Prior Years	(6,069.16)
Arbitrage	1,500.00
Total	**$ 61,578.26**

PREPAYMENT OF ASSESSMENTS

Information regarding any full or partial Prepayments of the Assessments are reflected in the corresponding Assessment Roll.

SERVICE PLAN – FIVE YEAR BUDGET FORECAST

The PID Act requires the annual indebtedness and projected costs for the Authorized Improvements to be reviewed and updated in the Annual Service Plan Update, and the projection shall cover a period of not less than five years, and is included below:

District						
Annual Installments Due		**1/31/2027**	**1/31/2028**	**1/31/2029**	**1/31/2030**	**1/31/2031**
Principal		$220,000.00	$228,000.00	$236,000.00	$246,000.00	$256,000.00
Interest		287,585.00	279,610.00	270,775.00	261,630.00	252,097.50
	(1)	$507,585.00	$507,610.00	$506,775.00	$507,630.00	$508,097.50
Additional Interest	(3)	$ 35,035.00	$ 33,935.00	$ 32,795.00	$ 31,615.00	$ 30,385.00
Annual Collection Costs	(2)	$ 61,578.26	$ 57,270.37	$ 58,415.78	$ 59,584.10	$ 60,775.78
Total Annual Installment	**(4) = (1) + (2) + (3)**	**$604,198.26**	**$598,815.37**	**$597,985.78**	**$598,829.10**	**$599,258.28**

ASSESSMENT ROLL

The list of current Parcels or Lots within the District, the corresponding total Assessments, and current Annual Installment are shown on the corresponding Assessment Roll attached hereto as **Exhibit A**. The Annual Installment due on each Parcel or Lot may be updated to reflect prepayments and/or redemptions paid prior to the Annual Installment being billed to the owner

of the Parcel or Lot. The Parcels or Lots of Assessed Property shown on the corresponding Assessment Roll will receive the bills for the 2026 Annual Installments which will be delinquent if not paid by January 31, 2027. The Parcel IDs shown within an Assessment Roll are subject to change based on the final certified rolls provided by the County prior to billing

ADDITIONAL INFORMATION

If the owner of a Parcel claims that an error has been made in any Assessment Roll required by the 2022 SAP, a prior Annual Service Plan Update, or this 2026 Annual Service Plan Update, the owner's sole and exclusive remedy shall be to submit a written notice of error to the Administrator (at admin@p3-works.com) by December 1st of the year in connection with the approval of such year's Annual Service Plan Update. Otherwise, the owner shall be deemed to have unconditionally approved and accepted the Annual Service Plan Update. The Administrator shall provide a written response to the Governing Body and the owner not later than 30 days after receipt of such written notice of error by the Administrator. The Governing Body shall consider the owner's notice of error and the Administrator's response at a public meeting, and, not later than 30 days after closing such meeting, the Governing Body shall make a final determination as to whether an error has been made. If the Governing Body determines that an error has been made, the Governing Body shall take such corrective action as is authorized by the PID Act, this 2026 Annual Service Plan Update, the applicable Assessment Ordinance, the applicable Indenture, or as otherwise authorized by the discretionary power of the Governing Body. The determination by the Governing Body as to whether an error has been made, and any corrective action taken by the Governing Body shall be final and binding on the owner and the Administrator.

EXHIBIT A–ASSESSMENT ROLL

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R610213	2(A)	$ 16,570.61	$ 1,501.82
R610214	2(A)	$ 16,570.61	$ 1,501.82
R610215	2(A)	$ 16,570.61	$ 1,501.82
R610216	2(A)	$ 16,570.61	$ 1,501.82
R610217	2(A)	$ 16,570.61	$ 1,501.82
R610218	2(A)	$ 16,570.61	$ 1,501.82
R610219	2(A)	$ 16,570.61	$ 1,501.82
R610220	2(A)	$ 16,570.61	$ 1,501.82
R610221	3(A)	$ 18,110.63	$ 1,641.39
R610222	Non-Benefited	$ -	$ -
R610223	3(A)	$ 18,110.63	$ 1,641.39
R610224	2(A)	$ 16,570.61	$ 1,501.82
R610225	2(A)	$ 16,570.61	$ 1,501.82
R610226	2(A)	$ 16,570.61	$ 1,501.82
R610227	2(A)	$ 16,570.61	$ 1,501.82
R610228	2(A)	$ 16,570.61	$ 1,501.82
R610229	2(A)	$ 16,570.61	$ 1,501.82
R610230	2(A)	$ 16,570.61	$ 1,501.82
R610231	Non-Benefited	$ -	$ -
R610232	2(A)	$ 16,570.61	$ 1,501.82
R610233	2(A)	$ 16,570.61	$ 1,501.82
R610234	2(A)	$ 16,570.61	$ 1,501.82
R610235	2(A)	$ 16,570.61	$ 1,501.82
R610236	2(A)	$ 16,570.61	$ 1,501.82
R610237	2(A)	$ 16,570.61	$ 1,501.82
R610238	2(A)	$ 16,570.61	$ 1,501.82
R610239	3(A)	$ 18,110.63	$ 1,641.39
R610240	2(A)	$ 16,570.61	$ 1,501.82
R610241	2(A)	$ 16,570.61	$ 1,501.82
R610242	2(A)	$ 16,570.61	$ 1,501.82
R610243	2(A)	$ 16,570.61	$ 1,501.82
R610244	2(A)	$ 16,570.61	$ 1,501.82
R610245	2(A)	$ 16,570.61	$ 1,501.82
R610246	2(A)	$ 16,570.61	$ 1,501.82
R610247	2(A)	$ 16,570.61	$ 1,501.82
R610248	2(A)	$ 16,570.61	$ 1,501.82
R610249	2(A)	$ 16,570.61	$ 1,501.82
R610250	2(A)	$ 16,570.61	$ 1,501.82
R610251	2(A)	$ 16,570.61	$ 1,501.82
R610252	2(A)	$ 16,570.61	$ 1,501.82

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R610253	2(A)	$ 16,570.61	$ 1,501.82
R610254	2(A)	$ 16,570.61	$ 1,501.82
R610255	2(A)	$ 16,570.61	$ 1,501.82
R610256	2(A)	$ 16,570.61	$ 1,501.82
R610257	2(A)	$ 16,570.61	$ 1,501.82
R610258	2(A)	$ 16,570.61	$ 1,501.82
R610259	Commercial	$ 190,233.60	$ 16,142.39
R610260	2(A)	$ 16,570.61	$ 1,501.82
R610261	2(A)	$ 16,570.61	$ 1,501.82
R610262	2(A)	$ 16,570.61	$ 1,501.82
R610263	2(A)	$ 16,570.61	$ 1,501.82
R610264	2(A)	$ 16,570.61	$ 1,501.82
R610265	2(A)	$ 16,570.61	$ 1,501.82
R610266	2(A)	$ 16,570.61	$ 1,501.82
R610267	2(A)	$ 16,570.61	$ 1,501.82
R610268	Non-Benefited	$ -	$ -
R610269	2(A)	$ 16,570.61	$ 1,501.82
R610270	2(A)	$ 16,570.61	$ 1,501.82
R610271	2(A)	$ 16,570.61	$ 1,501.82
R610272	2(A)	$ 16,570.61	$ 1,501.82
R610273	2(A)	$ 16,570.61	$ 1,501.82
R610274	2(A)	$ 16,570.61	$ 1,501.82
R610275	2(A)	$ 16,570.61	$ 1,501.82
R610276	2(A)	$ 16,570.61	$ 1,501.82
R610277	2(A)	$ 16,570.61	$ 1,501.82
R610278	2(A)	$ 16,570.61	$ 1,501.82
R610279	2(A)	$ 16,570.61	$ 1,501.82
R610280	2(A)	$ 16,570.61	$ 1,501.82
R610281	2(A)	$ 16,570.61	$ 1,501.82
R610282	2(A)	$ 16,570.61	$ 1,501.82
R610283	2(A)	$ 16,570.61	$ 1,501.82
R610284	2(A)	$ 16,570.61	$ 1,501.82
R610285	2(A)	$ 16,570.61	$ 1,501.82
R610286	2(A)	$ 16,570.61	$ 1,501.82
R610287	2(A)	$ 16,570.61	$ 1,501.82
R610288	2(A)	$ 16,570.61	$ 1,501.82
R610289	2(A)	$ 16,570.61	$ 1,501.82
R610290	2(A)	$ 16,570.61	$ 1,501.82
R610291	2(A)	$ 16,570.61	$ 1,501.82
R610292	2(A)	$ 16,570.61	$ 1,501.82

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R610293	2(A)	$ 16,570.61	$ 1,501.82
R610294	2(A)	$ 16,570.61	$ 1,501.82
R610295	2(A)	$ 16,570.61	$ 1,501.82
R610296	2(A)	$ 16,570.61	$ 1,501.82
R610297	3(A)	$ 18,110.63	$ 1,641.39
R610298	2(A)	$ 16,570.61	$ 1,501.82
R610299	2(A)	$ 16,570.61	$ 1,501.82
R610300	2(A)	$ 16,570.61	$ 1,501.82
R610301	2(A)	$ 16,570.61	$ 1,501.82
R610302	2(A)	$ 16,570.61	$ 1,501.82
R610303	2(A)	$ 16,570.61	$ 1,501.82
R610304	2(A)	$ 16,570.61	$ 1,501.82
R610305	2(A)	$ 16,570.61	$ 1,501.82
R610306	2(A)	$ 16,570.61	$ 1,501.82
R610307	2(A)	$ 16,570.61	$ 1,501.82
R610308	2(A)	$ 16,570.61	$ 1,501.82
R610309	2(A)	$ 16,570.61	$ 1,501.82
R610310	2(A)	$ 16,570.61	$ 1,501.82
R610311	2(A)	$ 16,570.61	$ 1,501.82
R610312	2(A)	$ 16,570.61	$ 1,501.82
R610313	2(A)	$ 16,570.61	$ 1,501.82
R610314	2(A)	$ 16,570.61	$ 1,501.82
R610315	2(A)	$ 16,570.61	$ 1,501.82
R610316	3(A)	$ 18,110.63	$ 1,641.39
R623103	Non-Benefited	$ -	$ -
R623104	2(B)	$ 17,073.07	$ 1,448.75
R623105	2(B)	$ 17,073.07	$ 1,448.75
R623106	2(B)	$ 17,073.07	$ 1,448.75
R623107	2(B)	$ 17,073.07	$ 1,448.75
R623108	2(B)	$ 17,073.07	$ 1,448.75
R623109	2(B)	$ 17,073.07	$ 1,448.75
R623110	2(B)	$ 17,073.07	$ 1,448.75
R623111	2(B)	$ 17,073.07	$ 1,448.75
R623112	2(B)	$ 17,073.07	$ 1,448.75
R623113	3(B)	$ 18,659.79	$ 1,583.39
R623114	3(B)	$ 18,659.79	$ 1,583.39
R623115	3(B)	$ 18,659.79	$ 1,583.39
R623116	3(B)	$ 18,659.79	$ 1,583.39
R623117	2(B)	$ 17,073.07	$ 1,448.75
R623118	2(B)	$ 17,073.07	$ 1,448.75

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R623119	2(B)	$ 17,073.07	$ 1,448.75
R623120	3(B)	$ 18,659.79	$ 1,583.39
R623121	2(B)	$ 17,073.07	$ 1,448.75
R623122	2(B)	$ 17,073.07	$ 1,448.75
R623123	2(B)	$ 17,073.07	$ 1,448.75
R623124	2(B)	$ 17,073.07	$ 1,448.75
R623125	Non-Benefited	$ -	$ -
R623126	2(B)	$ 17,073.07	$ 1,448.75
R623127	2(B)	$ 17,073.07	$ 1,448.75
R623128	2(B)	$ 17,073.07	$ 1,448.75
R623129	3(B)	$ 18,659.79	$ 1,583.39
R623130	3(B)	$ 18,659.79	$ 1,583.39
R623131	3(B)	$ 18,659.79	$ 1,583.39
R623132	3(B)	$ 18,659.79	$ 1,583.39
R623133	3(B)	$ 18,659.79	$ 1,583.39
R623134	3(B)	$ 18,659.79	$ 1,583.39
R623135	3(B)	$ 18,659.79	$ 1,583.39
R623136	Non-Benefited	$ -	$ -
R623137	2(B)	$ 17,073.07	$ 1,448.75
R623138	2(B)	$ 17,073.07	$ 1,448.75
R623139	2(B)	$ 17,073.07	$ 1,448.75
R623140	2(B)	$ 17,073.07	$ 1,448.75
R623141	2(B)	$ 17,073.07	$ 1,448.75
R623142	2(B)	$ 17,073.07	$ 1,448.75
R623143	2(B)	$ 17,073.07	$ 1,448.75
R623144	2(B)	$ 17,073.07	$ 1,448.75
R623145	2(B)	$ 17,073.07	$ 1,448.75
R623146	2(B)	$ 17,073.07	$ 1,448.75
R623147	3(B)	$ 18,659.79	$ 1,583.39
R623148	3(B)	$ 18,659.79	$ 1,583.39
R623149	3(B)	$ 18,659.79	$ 1,583.39
R623150	3(B)	$ 18,659.79	$ 1,583.39
R623151	Non-Benefited	$ -	$ -
R623152	Non-Benefited	$ -	$ -
R623153	Non-Benefited	$ -	$ -
R623154	2(B)	$ 17,073.07	$ 1,448.75
R623155	2(B)	$ 17,073.07	$ 1,448.75
R623156	2(B)	$ 17,073.07	$ 1,448.75
R623157	2(B)	$ 17,073.07	$ 1,448.75
R623158	2(B)	$ 17,073.07	$ 1,448.75

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R623159	3(B)	$ 18,659.79	$ 1,583.39
R623160	3(B)	$ 18,659.79	$ 1,583.39
R623161	3(B)	$ 18,659.79	$ 1,583.39
R623162	3(B)	$ 18,659.79	$ 1,583.39
R623163	3(B)	$ 18,659.79	$ 1,583.39
R623164	3(B)	$ 18,659.79	$ 1,583.39
R623165	3(B)	$ 18,659.79	$ 1,583.39
R623166	3(B)	$ 18,659.79	$ 1,583.39
R623167	3(B)	$ 18,659.79	$ 1,583.39
R623168	3(B)	$ 18,659.79	$ 1,583.39
R623169	3(B)	$ 18,659.79	$ 1,583.39
R623170	3(B)	$ 18,659.79	$ 1,583.39
R623171	3(B)	$ 18,659.79	$ 1,583.39
R623172	3(B)	$ 18,659.79	$ 1,583.39
R623173	3(B)	$ 18,659.79	$ 1,583.39
R623174	3(B)	$ 18,659.79	$ 1,583.39
R623175	3(B)	$ 18,659.79	$ 1,583.39
R623176	3(B)	$ 18,659.79	$ 1,583.39
R623177	3(B)	$ 18,659.79	$ 1,583.39
R623178	3(B)	$ 18,659.79	$ 1,583.39
R623179	3(B)	$ 18,659.79	$ 1,583.39
R623180	3(B)	$ 18,659.79	$ 1,583.39
R623181	3(B)	$ 18,659.79	$ 1,583.39
R623182	3(B)	$ 18,659.79	$ 1,583.39
R623183	3(B)	$ 18,659.79	$ 1,583.39
R623184	Non-Benefited	$ -	$ -
R623185	2(B)	$ 17,073.07	$ 1,448.75
R623186	2(B)	$ 17,073.07	$ 1,448.75
R623187	2(B)	$ 17,073.07	$ 1,448.75
R623188	2(B)	$ 17,073.07	$ 1,448.75
R623189	2(B)	$ 17,073.07	$ 1,448.75
R623190	2(B)	$ 17,073.07	$ 1,448.75
R623191	2(B)	$ 17,073.07	$ 1,448.75
R623192	2(B)	$ 17,073.07	$ 1,448.75
R623193	2(B)	$ 17,073.07	$ 1,448.75
R623194	2(B)	$ 17,073.07	$ 1,448.75
R623195	2(B)	$ 17,073.07	$ 1,448.75
R623196	2(B)	$ 17,073.07	$ 1,448.75
R623197	2(B)	$ 17,073.07	$ 1,448.75
R623198	2(B)	$ 17,073.07	$ 1,448.75

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R623199	2(B)	$ 17,073.07	$ 1,448.75
R623200	2(B)	$ 17,073.07	$ 1,448.75
R623383	3(B)	$ 18,659.79	$ 1,583.39
R623384	Non-Benefited	$ -	$ -
R623385	2(B)	$ 17,073.07	$ 1,448.75
R623386	2(B)	$ 17,073.07	$ 1,448.75
R623387	2(B)	$ 17,073.07	$ 1,448.75
R623388	2(B)	$ 17,073.07	$ 1,448.75
R623389	2(B)	$ 17,073.07	$ 1,448.75
R623390	Non-Benefited	$ -	$ -
R623391	3(B)	$ 18,659.79	$ 1,583.39
R623392	3(B)	$ 18,659.79	$ 1,583.39
R623393	3(B)	$ 18,659.79	$ 1,583.39
R623394	3(B)	$ 18,659.79	$ 1,583.39
R623397	2(B)	$ 17,073.07	$ 1,448.75
R623398	2(B)	$ 17,073.07	$ 1,448.75
R623399	2(B)	$ 17,073.07	$ 1,448.75
R623400	2(B)	$ 17,073.07	$ 1,448.75
R623401	2(B)	$ 17,073.07	$ 1,448.75
R623402	2(B)	$ 17,073.07	$ 1,448.75
R623403	2(B)	$ 17,073.07	$ 1,448.75
R623404	2(B)	$ 17,073.07	$ 1,448.75
R623405	2(B)	$ 17,073.07	$ 1,448.75
R623406	2(B)	$ 17,073.07	$ 1,448.75
R623407	2(B)	$ 17,073.07	$ 1,448.75
R623408	2(B)	$ 17,073.07	$ 1,448.75
R623409	2(B)	$ 17,073.07	$ 1,448.75
R623410	2(B)	$ 17,073.07	$ 1,448.75
R623411	2(B)	$ 17,073.07	$ 1,448.75
R623412	2(B)	$ 17,073.07	$ 1,448.75
R623413	2(B)	$ 17,073.07	$ 1,448.75
R623414	2(B)	$ 17,073.07	$ 1,448.75
R623415	2(B)	$ 17,073.07	$ 1,448.75
R623416	2(B)	$ 17,073.07	$ 1,448.75
R623417	2(B)	$ 17,073.07	$ 1,448.75
R623418	2(B)	$ 17,073.07	$ 1,448.75
R623419	2(B)	$ 17,073.07	$ 1,448.75
R623420	2(B)	$ 17,073.07	$ 1,448.75
R623421	2(B)	$ 17,073.07	$ 1,448.75
R623422	2(B)	$ 17,073.07	$ 1,448.75

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R623423	2(B)	$ 17,073.07	$ 1,448.75
R623424	2(B)	$ 17,073.07	$ 1,448.75
R623425	2(B)	$ 17,073.07	$ 1,448.75
R623426	2(B)	$ 17,073.07	$ 1,448.75
R623427	2(B)	$ 17,073.07	$ 1,448.75
R623428	2(B)	$ 17,073.07	$ 1,448.75
R623429	2(B)	$ 17,073.07	$ 1,448.75
R623430	2(B)	$ 17,073.07	$ 1,448.75
R623431	2(B)	$ 17,073.07	$ 1,448.75
R623432	2(B)	$ 17,073.07	$ 1,448.75
R623433	2(B)	$ 17,073.07	$ 1,448.75
R623434	2(B)	$ 17,073.07	$ 1,448.75
R623435	2(B)	$ 17,073.07	$ 1,448.75
R623436	2(B)	$ 17,073.07	$ 1,448.75
R623437	2(B)	$ 17,073.07	$ 1,448.75
R623438	2(B)	$ 17,073.07	$ 1,448.75
R623439	2(B)	$ 17,073.07	$ 1,448.75
R623440	2(B)	$ 17,073.07	$ 1,448.75
R623441	2(B)	$ 17,073.07	$ 1,448.75
R623442	2(B)	$ 17,073.07	$ 1,448.75
R623443	2(B)	$ 17,073.07	$ 1,448.75
R623444	2(B)	$ 17,073.07	$ 1,448.75
R623445	2(B)	$ 17,073.07	$ 1,448.75
R623446	2(B)	$ 17,073.07	$ 1,448.75
R629910	Non-Benefited	$ -	$ -
R629911	Non-Benefited	$ -	$ -
R629915	Non-Benefited	$ -	$ -
R629916	Non-Benefited	$ -	$ -
R629917	2(B)	$ 17,073.07	$ 1,448.75
R629918	2(B)	$ 17,073.07	$ 1,448.75
R629919	2(B)	$ 17,073.07	$ 1,448.75
R629920	2(B)	$ 17,073.07	$ 1,448.75
R629921	2(B)	$ 17,073.07	$ 1,448.75
R629922	2(B)	$ 17,073.07	$ 1,448.75
R629923	2(B)	$ 17,073.07	$ 1,448.75
R629924	2(B)	$ 17,073.07	$ 1,448.75
R629925	2(B)	$ 17,073.07	$ 1,448.75
R629926	2(B)	$ 17,073.07	$ 1,448.75
R629927	2(B)	$ 17,073.07	$ 1,448.75
R629928	2(B)	$ 17,073.07	$ 1,448.75

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R629929	2(B)	$ 17,073.07	$ 1,448.75
R629930	2(B)	$ 17,073.07	$ 1,448.75
R629931	2(B)	$ 17,073.07	$ 1,448.75
R629932	2(B)	$ 17,073.07	$ 1,448.75
R629933	2(B)	$ 17,073.07	$ 1,448.75
R629934	2(B)	$ 17,073.07	$ 1,448.75
R629935	2(B)	$ 17,073.07	$ 1,448.75
R629936	2(B)	$ 17,073.07	$ 1,448.75
R629937	2(B)	$ 17,073.07	$ 1,448.75
R629938	2(B)	$ 17,073.07	$ 1,448.75
R629939	2(B)	$ 17,073.07	$ 1,448.75
R629940	2(B)	$ 17,073.07	$ 1,448.75
R629941	2(B)	$ 17,073.07	$ 1,448.75
R629942	2(B)	$ 17,073.07	$ 1,448.75
R629943	2(B)	$ 17,073.07	$ 1,448.75
R629944	2(B)	$ 17,073.07	$ 1,448.75
R629945	2(B)	$ 17,073.07	$ 1,448.75
R629946	2(B)	$ 17,073.07	$ 1,448.75
R629947	1	$ 15,169.01	$ 1,287.18
R629948	1	$ 15,169.01	$ 1,287.18
R629949	1	$ 15,169.01	$ 1,287.18
R629950	1	$ 15,169.01	$ 1,287.18
R629951	1	$ 15,169.01	$ 1,287.18
R629952	1	$ 15,169.01	$ 1,287.18
R629953	1	$ 15,169.01	$ 1,287.18
R629954	1	$ 15,169.01	$ 1,287.18
R629955	1	$ 15,169.01	$ 1,287.18
R629956	1	$ 15,169.01	$ 1,287.18
R629957	1	$ 15,169.01	$ 1,287.18
R629958	1	$ 15,169.01	$ 1,287.18
R629959	1	$ 15,169.01	$ 1,287.18
R629960	1	$ 15,169.01	$ 1,287.18
R629961	1	$ 15,169.01	$ 1,287.18
R629962	1	$ 15,169.01	$ 1,287.18
R629963	1	$ 15,169.01	$ 1,287.18
R629964	1	$ 15,169.01	$ 1,287.18
R629965	1	$ 15,169.01	$ 1,287.18
R629966	1	$ 15,169.01	$ 1,287.18
R629967	1	$ 15,169.01	$ 1,287.18
R629968	1	$ 15,169.01	$ 1,287.18

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R629969	1	$ 15,169.01	$ 1,287.18
R629970	1	$ 15,169.01	$ 1,287.18
R629971	1	$ 15,169.01	$ 1,287.18
R629972	1	$ 15,169.01	$ 1,287.18
R629973	1	$ 15,169.01	$ 1,287.18
R629974	1	$ 15,169.01	$ 1,287.18
R629975	1	$ 15,169.01	$ 1,287.18
R629976	1	$ 15,169.01	$ 1,287.18
R629977	1	$ 15,169.01	$ 1,287.18
R629978	1	$ 15,169.01	$ 1,287.18
R629979	1	$ 15,169.01	$ 1,287.18
R629980	1	$ 15,169.01	$ 1,287.18
R629984	3(B)	$ 18,659.79	$ 1,583.39
R629985	3(B)	$ 18,659.79	$ 1,583.39
R629986	3(B)	$ 18,659.79	$ 1,583.39
R629987	3(B)	$ 18,659.79	$ 1,583.39
R629988	3(B)	$ 18,659.79	$ 1,583.39
R629989	3(B)	$ 18,659.79	$ 1,583.39
R629990	Non-Benefited	$ -	$ -
R629991	Non-Benefited	$ -	$ -
R629992	3(B)	$ 18,659.79	$ 1,583.39
R629993	3(B)	$ 18,659.79	$ 1,583.39
R629994	3(B)	$ 18,659.79	$ 1,583.39
R629995	3(B)	$ 18,659.79	$ 1,583.39
R629996	3(B)	$ 18,659.79	$ 1,583.39
R629997	3(B)	$ 18,659.79	$ 1,583.39
R629998	3(B)	$ 18,659.79	$ 1,583.39
R629999	3(B)	$ 18,659.79	$ 1,583.39
R630000	3(B)	$ 18,659.79	$ 1,583.39
R630001	3(B)	$ 18,659.79	$ 1,583.39
R630002	3(B)	$ 18,659.79	$ 1,583.39
R630003	Non-Benefited	$ -	$ -
R630004	2(B)	$ 17,073.07	$ 1,448.75
R630005	2(B)	$ 17,073.07	$ 1,448.75
R630006	2(B)	$ 17,073.07	$ 1,448.75
R630007	2(B)	$ 17,073.07	$ 1,448.75
R630008	2(B)	$ 17,073.07	$ 1,448.75
R630009	2(B)	$ 17,073.07	$ 1,448.75
R630010	2(B)	$ 17,073.07	$ 1,448.75
R630011	2(B)	$ 17,073.07	$ 1,448.75

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R630012	2(B)	$ 17,073.07	$ 1,448.75
R630013	2(B)	$ 17,073.07	$ 1,448.75
R630014	2(B)	$ 17,073.07	$ 1,448.75
R630015	2(B)	$ 17,073.07	$ 1,448.75
R630016	2(B)	$ 17,073.07	$ 1,448.75
R630017	2(B)	$ 17,073.07	$ 1,448.75
R630018	2(B)	$ 17,073.07	$ 1,448.75
R630019	2(B)	$ 17,073.07	$ 1,448.75
R630020	2(B)	$ 17,073.07	$ 1,448.75
R630021	2(B)	$ 17,073.07	$ 1,448.75
R630022	2(B)	$ 17,073.07	$ 1,448.75
R630023	2(B)	$ 17,073.07	$ 1,448.75
R630024	2(B)	$ 17,073.07	$ 1,448.75
R630025	2(B)	$ 17,073.07	$ 1,448.75
R630026	2(B)	$ 17,073.07	$ 1,448.75
R630027	Non-Benefited	$ -	$ -
R630028	Non-Benefited	$ -	$ -
R630029	3(B)	$ 18,659.79	$ 1,583.39
R630030	3(B)	$ 18,659.79	$ 1,583.39
R630031	3(B)	$ 18,659.79	$ 1,583.39
R630032	3(B)	$ 18,659.79	$ 1,583.39
R630033	Non-Benefited	$ -	$ -
R630034	3(B)	$ 18,659.79	$ 1,583.39
R630035	3(B)	$ 18,659.79	$ 1,583.39
R630036	3(B)	$ 18,659.79	$ 1,583.39
R630037	3(B)	$ 18,659.79	$ 1,583.39
R630038	3(B)	$ 18,659.79	$ 1,583.39
R630039	3(B)	$ 18,659.79	$ 1,583.39
R630040	2(B)	$ 17,073.07	$ 1,448.75
R630041	2(B)	$ 17,073.07	$ 1,448.75
R630042	2(B)	$ 17,073.07	$ 1,448.75
R630043	2(B)	$ 17,073.07	$ 1,448.75
R630044	2(B)	$ 17,073.07	$ 1,448.75
R630045	2(B)	$ 17,073.07	$ 1,448.75
R630046	2(B)	$ 17,073.07	$ 1,448.75
R630047	2(B)	$ 17,073.07	$ 1,448.75
R630048	2(B)	$ 17,073.07	$ 1,448.75
R630049	2(B)	$ 17,073.07	$ 1,448.75
R630050	2(B)	$ 17,073.07	$ 1,448.75
R630051	2(B)	$ 17,073.07	$ 1,448.75

		Parks at Westhaven[a]	
Property ID[b]	Lot Type	Outstanding Assessment[c]	Annual Installment Due 1/31/2027[d]
R630052	2(B)	$ 17,073.07	$ 1,448.75
R630053	2(B)	$ 17,073.07	$ 1,448.75
R630054	2(B)	$ 17,073.07	$ 1,448.75
R630055	2(B)	$ 17,073.07	$ 1,448.75
R630057	1	$ 15,169.01	$ 1,287.18
R630058	1	$ 15,169.01	$ 1,287.18
R630059	1	$ 15,169.01	$ 1,287.18
R630060	1	$ 15,169.01	$ 1,287.18
R630061	1	$ 15,169.01	$ 1,287.18
R630062	1	$ 15,169.01	$ 1,287.18
R630063	1	$ 15,169.01	$ 1,287.18
R630064	1	$ 15,169.01	$ 1,287.18
R630065	1	$ 15,169.01	$ 1,287.18
R630066	1	$ 15,169.01	$ 1,287.18
R630067	1	$ 15,169.01	$ 1,287.18
R630068	1	$ 15,169.01	$ 1,287.18
R630069	1	$ 15,169.01	$ 1,287.18
R630070	1	$ 15,169.01	$ 1,287.18
R630071	1	$ 15,169.01	$ 1,287.18
R630072	1	$ 15,169.01	$ 1,287.18
R630073	1	$ 15,169.01	$ 1,287.18
R630074	1	$ 15,169.01	$ 1,287.18
R630075	1	$ 15,169.01	$ 1,287.18
R630076	1	$ 15,169.01	$ 1,287.18
Total		**$ 7,007,000.09**	**$ 604,199.93**

Notes:

[a] Totals may not match the total outstanding Assessment or Annual Installment due to rounding.

[b] Subject to change based on final certified rolls provided by the county prior to billing.

[c] Outstanding Assessment prior to 1/31/2027 Annual Installment.

[d] The Annual Installment due on each Parcel or Lot may be updated to reflect prepayments and/or redemptions paid prior to the Annual Installment being billed to the owner of the Parcel or Lot.

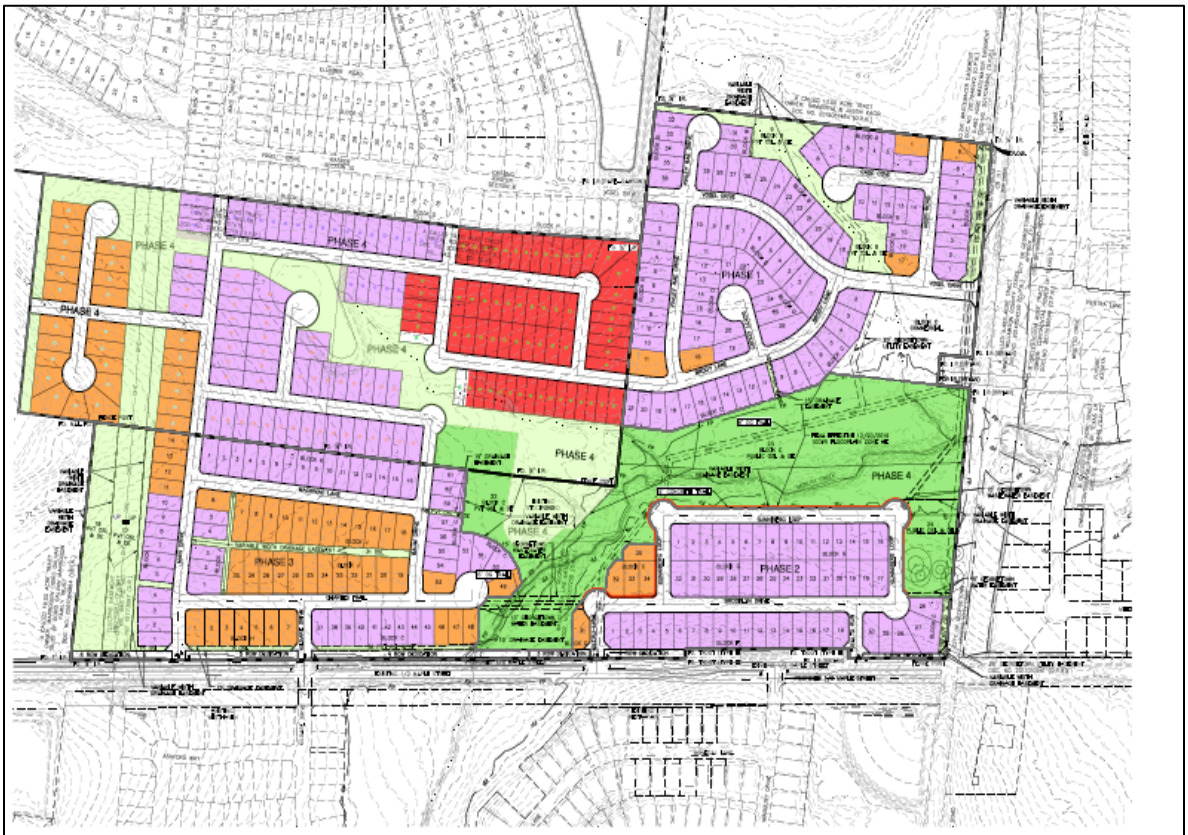
EXHIBIT B – DEBT SERVICE SCHEDULE

DEBT SERVICE REQUIREMENTS

The following table sets forth the anticipated debt service requirements for the Bonds:

Year Ending (September 30)	Principal	Interest	Total
2023	$ 62,000.00	$ 444,624.94	$ 506,624.94
2024	196,000.00	309,770.00	505,770.00
2025	204,000.00	302,665.00	506,665.00
2026	212,000.00	295,270.00	507,270.00
2027	220,000.00	287,585.00	507,585.00
2028	228,000.00	279,610.00	507,610.00
2029	236,000.00	270,775.00	506,775.00
2030	246,000.00	261,630.00	507,630.00
2031	256,000.00	252,097.50	508,097.50
2032	267,000.00	242,177.50	509,177.50
2033	278,000.00	231,831.26	509,831.26
2034	288,000.00	220,363.76	508,363.76
2035	302,000.00	208,483.76	510,483.76
2036	314,000.00	196,026.26	510,026.26
2037	327,000.00	183,073.76	510,073.76
2038	342,000.00	169,585.00	511,585.00
2039	356,000.00	155,477.50	511,477.50
2040	371,000.00	140,792.50	511,792.50
2041	388,000.00	125,488.76	513,488.76
2042	405,000.00	109,483.76	514,483.76
2043	422,000.00	92,777.50	514,777.50
2044	441,000.00	74,842.50	515,842.50
2045	461,000.00	56,100.00	517,100.00
2046	482,000.00	36,507.50	518,507.50
2047	377,000.00	16,022.50	393,022.50
Total	**$ 7,681,000.00**	**$ 4,963,061.26**	**$ 12,644,061.26**

EXHIBIT C – LOT TYPE CLASSIFICATION MAP



LAND USE SUMMARY		
	ACREAGE	LOTS
RIGHT-OF-WAY (INTERNAL)	19.80	
MAJOR ARTERIAL ROW DEDICATION	1.50	
TOTAL SINGLE FAMILY LOTS	57.55	401
PUBLIC OSL & DE LOTS	16.24	2
PVT OSL & DE LOTS	17.56	15
COMMERCIAL LOT	2.44	1
TOTAL	115.08	419

LOT INVENTORY				
PHASE	47' X 120'	52' X 120'	DUPLEX 90' X 120' (45' FEE SIMPLE LOTS)	TOTAL
PHASE 1	95	5		100
PHASE 2	55	5		60
PHASE 3	50	41		91
PHASE 4	69	27	54	150
TOTAL	269	78	54	401

LOT SUMMARY							
	SINGLE FAMILY	BLOCKS	PUBLIC OPEN SPACE LOTS & DE	PRIVATE OPEN SPACE LOTS & DE	COMMERCIAL LOT	TOTAL ROW ACREAGE	TOTAL ACREAGE
PHASE 1	100	6		3	1	9.17	24.70
PHASE 2	60	3		1		3.47	11.91
PHASE 3	91	5		7		3.82	21.83
PHASE 4	150	7	2	4		7.34	55.14
MAJOR ARTERIAL ROW DEDICATION							1.50
TOTAL	401	11	2	15	1	19.80	115.08

EXHIBIT D – BUYER DISCLOSURES

Buyer disclosures for the following Lot Types are found in this Exhibit:

- Lot Type 1
- Lot Type 2(A)
- Lot Type 2(B)
- Lot Type 3(A)
- Lot Type 3(B)
- Lot Type Commercial

PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT LOT TYPE 1 BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest.

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____
_____
_____
_____
_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
CITY OF GEORGETOWN, TEXAS
CONCERNING THE FOLLOWING PROPERTY

_____
STREET ADDRESS

LOT TYPE 1 PRINCIPAL ASSESSMENT: $15,169.01

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***Parks at Westhaven Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City of Georgetown, Texas, Governing Body in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE 1

Annual Installments Due 1/31	Principal	Interest[a]	Additional Interest[b]	Annual Collection Costs	Total Annual Installment[c]
2027	$ 467.82	$ 611.54	$ 74.50	$ 133.31	$ 1,287.18
2028	$ 484.84	$ 594.58	$ 72.16	$ 123.98	$ 1,275.56
2029	$ 501.85	$ 575.80	$ 69.74	$ 126.46	$ 1,273.84
2030	$ 523.11	$ 556.35	$ 67.23	$ 128.99	$ 1,275.68
2031	$ 544.38	$ 536.08	$ 64.61	$ 131.57	$ 1,276.64
2032	$ 567.77	$ 514.98	$ 61.89	$ 134.20	$ 1,278.85
2033	$ 591.16	$ 492.98	$ 59.05	$ 136.89	$ 1,280.08
2034	$ 612.43	$ 468.60	$ 56.10	$ 139.62	$ 1,276.74
2035	$ 642.20	$ 443.34	$ 53.03	$ 142.42	$ 1,280.98
2036	$ 667.71	$ 416.85	$ 49.82	$ 145.26	$ 1,279.65
2037	$ 695.36	$ 389.30	$ 46.48	$ 148.17	$ 1,279.31
2038	$ 727.25	$ 360.62	$ 43.01	$ 151.13	$ 1,282.01
2039	$ 757.03	$ 330.62	$ 39.37	$ 154.15	$ 1,281.17
2040	$ 788.92	$ 299.39	$ 35.59	$ 157.24	$ 1,281.14
2041	$ 825.07	$ 266.85	$ 31.64	$ 160.38	$ 1,283.95
2042	$ 861.22	$ 232.81	$ 27.52	$ 163.59	$ 1,285.14
2043	$ 897.37	$ 197.29	$ 23.21	$ 166.86	$ 1,284.73
2044	$ 937.78	$ 159.15	$ 18.72	$ 170.20	$ 1,285.85
2045	$ 980.31	$ 119.30	$ 14.03	$ 173.60	$ 1,287.24
2046	$ 1,024.96	$ 77.63	$ 9.13	$ 177.08	$ 1,288.80
2047	$ 1,070.47	$ 45.50	$ 5.35	$ 236.90	$ 1,358.22
Total[d]	**$15,169.01**	**$7,689.56**	**$ 922.20**	**$3,202.00**	**$ 26,982.78**

Notes:

[a] Interest is calculated at the actual rate of the PID Bonds.

[b] Additional Interest is calculated at a 0.50% rate.

[c] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

[d] Totals may not sum due to rounding.

PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT LOT TYPE 2(A) BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest.

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____
_____
_____
_____
_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
CITY OF GEORGETOWN, TEXAS
CONCERNING THE FOLLOWING PROPERTY

_____
STREET ADDRESS

LOT TYPE 2(A) PRINCIPAL ASSESSMENT: $16,570.61

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***Parks at Westhaven Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City of Georgetown, Texas, Governing Body in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE 2(A)

Annual Installments Due 1/31	Principal	Interest[a]	Additional Interest[b]	Annual Collection Costs	Total Annual Installment[c]
2027	$ 549.85	$ 718.77	$ 87.56	$ 145.62	$ 1,501.82
2028	$ 569.85	$ 698.84	$ 84.82	$ 135.44	$ 1,488.94
2029	$ 589.84	$ 676.76	$ 81.97	$ 138.15	$ 1,486.71
2030	$ 614.84	$ 653.90	$ 79.02	$ 140.91	$ 1,488.66
2031	$ 639.83	$ 630.08	$ 75.94	$ 143.73	$ 1,489.58
2032	$ 667.32	$ 605.28	$ 72.74	$ 146.60	$ 1,491.95
2033	$ 694.82	$ 579.42	$ 69.41	$ 149.53	$ 1,493.18
2034	$ 719.81	$ 550.76	$ 65.93	$ 152.52	$ 1,489.03
2035	$ 754.80	$ 521.07	$ 62.33	$ 155.57	$ 1,493.78
2036	$ 784.79	$ 489.94	$ 58.56	$ 158.69	$ 1,491.97
2037	$ 817.28	$ 457.56	$ 54.64	$ 161.86	$ 1,491.34
2038	$ 854.77	$ 423.85	$ 50.55	$ 165.10	$ 1,494.27
2039	$ 889.76	$ 388.59	$ 46.28	$ 168.40	$ 1,493.03
2040	$ 927.25	$ 351.89	$ 41.83	$ 171.77	$ 1,492.74
2041	$ 969.74	$ 313.64	$ 37.19	$ 175.20	$ 1,495.77
2042	$ 1,012.23	$ 273.64	$ 32.34	$ 178.71	$ 1,496.92
2043	$ 1,054.72	$ 231.88	$ 27.28	$ 182.28	$ 1,496.16
2044	$ 1,102.21	$ 187.06	$ 22.01	$ 185.93	$ 1,497.20
2045	$ 1,152.20	$ 140.21	$ 16.50	$ 189.64	$ 1,498.55
2046	$ 1,204.68	$ 91.24	$ 10.73	$ 193.44	$ 1,500.10
Total[d]	**$16,570.61**	**$ 8,984.39**	**$1,077.61**	**$3,239.08**	**$ 29,871.70**

Notes:

[a] Interest is calculated at the actual rate of the PID Bonds.

[b] Additional Interest is calculated at a 0.50% rate.

[c] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

[d] Totals may not sum due to rounding.

PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT LOT TYPE 2(B) BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest.

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____
_____
_____
_____
_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
CITY OF GEORGETOWN, TEXAS
CONCERNING THE FOLLOWING PROPERTY

_____
STREET ADDRESS

LOT TYPE 2(B) PRINCIPAL ASSESSMENT: $17,073.07

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***Parks at Westhaven Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City of Georgetown, Texas, Governing Body in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE 2(B)

Annual Installments Due 1/31	Principal	Interest[a]	Additional Interest[b]	Annual Collection Costs	Total Annual Installment[c]
2027	$ 526.55	$ 688.31	$ 83.85	$ 150.04	$ 1,448.75
2028	$ 545.69	$ 669.22	$ 81.22	$ 139.54	$ 1,435.68
2029	$ 564.84	$ 648.07	$ 78.49	$ 142.33	$ 1,433.74
2030	$ 588.78	$ 626.18	$ 75.67	$ 145.18	$ 1,435.81
2031	$ 612.71	$ 603.37	$ 72.72	$ 148.08	$ 1,436.89
2032	$ 639.04	$ 579.63	$ 69.66	$ 151.05	$ 1,439.37
2033	$ 665.36	$ 554.86	$ 66.46	$ 154.07	$ 1,440.76
2034	$ 689.30	$ 527.42	$ 63.14	$ 157.15	$ 1,437.00
2035	$ 722.81	$ 498.98	$ 59.69	$ 160.29	$ 1,441.77
2036	$ 751.53	$ 469.17	$ 56.08	$ 163.50	$ 1,440.27
2037	$ 782.64	$ 438.17	$ 52.32	$ 166.77	$ 1,439.90
2038	$ 818.54	$ 405.88	$ 48.41	$ 170.10	$ 1,442.94
2039	$ 852.05	$ 372.12	$ 44.31	$ 173.50	$ 1,441.99
2040	$ 887.95	$ 336.97	$ 40.05	$ 176.97	$ 1,441.95
2041	$ 928.64	$ 300.34	$ 35.61	$ 180.51	$ 1,445.11
2042	$ 969.33	$ 262.04	$ 30.97	$ 184.12	$ 1,446.46
2043	$ 1,010.01	$ 222.05	$ 26.12	$ 187.81	$ 1,446.00
2044	$ 1,055.49	$ 179.13	$ 21.07	$ 191.56	$ 1,447.25
2045	$ 1,103.36	$ 134.27	$ 15.80	$ 195.39	$ 1,448.82
2046	$ 1,153.62	$ 87.38	$ 10.28	$ 199.30	$ 1,450.58
2047	$ 1,204.84	$ 51.21	$ 6.02	$ 266.64	$ 1,528.71
Total[d]	**$17,073.07**	**$ 8,654.77**	**$1,037.96**	**$3,603.93**	**$ 30,369.73**

Notes:

[a] Interest is calculated at the actual rate of the PID Bonds.

[b] Additional Interest is calculated at a 0.50% rate.

[c] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

[d] Totals may not sum due to rounding.

PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT LOT TYPE 3(A) BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest.

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____
_____
_____
_____
_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
CITY OF GEORGETOWN, TEXAS
CONCERNING THE FOLLOWING PROPERTY

_____
STREET ADDRESS

LOT TYPE 3(A) PRINCIPAL ASSESSMENT: $18,110.63

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***Parks at Westhaven Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City of Georgetown, Texas, Governing Body in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE 3(A)

Annual Installments Due 1/31	Principal	Interest[a]	Additional Interest[b]	Annual Collection Costs	Total Annual Installment[c]
2027	$ 600.96	$ 785.57	$ 95.70	$ 159.16	$ 1,641.39
2028	$ 622.81	$ 763.79	$ 92.70	$ 148.02	$ 1,627.32
2029	$ 644.66	$ 739.65	$ 89.58	$ 150.98	$ 1,624.88
2030	$ 671.98	$ 714.67	$ 86.36	$ 154.00	$ 1,627.02
2031	$ 699.29	$ 688.63	$ 83.00	$ 157.08	$ 1,628.01
2032	$ 729.34	$ 661.54	$ 79.50	$ 160.23	$ 1,630.61
2033	$ 759.39	$ 633.27	$ 75.86	$ 163.43	$ 1,631.95
2034	$ 786.71	$ 601.95	$ 72.06	$ 166.70	$ 1,627.42
2035	$ 824.95	$ 569.50	$ 68.13	$ 170.03	$ 1,632.61
2036	$ 857.73	$ 535.47	$ 64.00	$ 173.43	$ 1,630.63
2037	$ 893.24	$ 500.09	$ 59.71	$ 176.90	$ 1,629.94
2038	$ 934.21	$ 463.24	$ 55.25	$ 180.44	$ 1,633.14
2039	$ 972.46	$ 424.71	$ 50.58	$ 184.05	$ 1,631.79
2040	$ 1,013.43	$ 384.59	$ 45.71	$ 187.73	$ 1,631.47
2041	$ 1,059.87	$ 342.79	$ 40.65	$ 191.48	$ 1,634.79
2042	$ 1,106.31	$ 299.07	$ 35.35	$ 195.31	$ 1,636.04
2043	$ 1,152.74	$ 253.43	$ 29.82	$ 199.22	$ 1,635.21
2044	$ 1,204.64	$ 204.44	$ 24.05	$ 203.21	$ 1,636.34
2045	$ 1,259.28	$ 153.24	$ 18.03	$ 207.27	$ 1,637.82
2046	$ 1,316.64	$ 99.72	$ 11.73	$ 211.41	$ 1,639.51
Total[d]	**$18,110.63**	**$ 9,819.37**	**$1,177.76**	**$3,540.10**	**$ 32,647.88**

Notes:

[a] Interest is calculated at the actual rate of the PID Bonds.

[b] Additional Interest is calculated at a 0.50% rate.

[c] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

[d] Totals may not sum due to rounding.

PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT LOT TYPE 3(B) BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest.

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____
_____
_____
_____
_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
CITY OF GEORGETOWN, TEXAS
CONCERNING THE FOLLOWING PROPERTY

_____
STREET ADDRESS

LOT TYPE 3(B) PRINCIPAL ASSESSMENT: $18,659.79

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***Parks at Westhaven*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City of Georgetown, Texas, Governing Body in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE 3(B)

Annual Installments Due 1/31	Principal	Interest[a]	Additional Interest[b]	Annual Collection Costs	Total Annual Installment[c]
2027	$ 575.48	$ 752.27	$ 91.65	$ 163.98	$ 1,583.39
2028	$ 596.41	$ 731.41	$ 88.77	$ 152.51	$ 1,569.10
2029	$ 617.34	$ 708.30	$ 85.79	$ 155.56	$ 1,566.99
2030	$ 643.49	$ 684.38	$ 82.70	$ 158.67	$ 1,569.25
2031	$ 669.65	$ 659.44	$ 79.48	$ 161.85	$ 1,570.43
2032	$ 698.43	$ 633.50	$ 76.13	$ 165.08	$ 1,573.14
2033	$ 727.20	$ 606.43	$ 72.64	$ 168.39	$ 1,574.66
2034	$ 753.36	$ 576.43	$ 69.01	$ 171.75	$ 1,570.55
2035	$ 789.98	$ 545.36	$ 65.24	$ 175.19	$ 1,575.77
2036	$ 821.37	$ 512.77	$ 61.29	$ 178.69	$ 1,574.12
2037	$ 855.38	$ 478.89	$ 57.18	$ 182.27	$ 1,573.72
2038	$ 894.61	$ 443.61	$ 52.91	$ 185.91	$ 1,577.04
2039	$ 931.24	$ 406.70	$ 48.43	$ 189.63	$ 1,576.00
2040	$ 970.47	$ 368.29	$ 43.78	$ 193.42	$ 1,575.96
2041	$ 1,014.94	$ 328.26	$ 38.92	$ 197.29	$ 1,579.42
2042	$ 1,059.41	$ 286.39	$ 33.85	$ 201.24	$ 1,580.89
2043	$ 1,103.88	$ 242.69	$ 28.55	$ 205.26	$ 1,580.39
2044	$ 1,153.58	$ 195.78	$ 23.03	$ 209.37	$ 1,581.76
2045	$ 1,205.90	$ 146.75	$ 17.26	$ 213.55	$ 1,583.47
2046	$ 1,260.83	$ 95.50	$ 11.24	$ 217.83	$ 1,585.39
2047	$ 1,316.81	$ 55.96	$ 6.58	$ 291.42	$ 1,670.78
Total[d]	**$18,659.79**	**$ 9,459.12**	**$1,134.43**	**$3,938.87**	**$ 33,192.20**

Notes:

[a] Interest is calculated at the actual rate of the PID Bonds.

[b] Additional Interest is calculated at a 0.50% rate.

[c] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

[d] Totals may not sum due to rounding.

PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT LOT TYPE COMMERCIAL BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest.

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____
_____
_____
_____
_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
CITY OF GEORGETOWN, TEXAS
CONCERNING THE FOLLOWING PROPERTY

_____
STREET ADDRESS

LOT TYPE COMMERCIAL PRINCIPAL ASSESSMENT: $190,233.60

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***Parks at Westhaven Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City of Georgetown, Texas, Governing Body in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE COMMERCIAL

Annual Installments Due 1/31	Principal	Interest[a]	Additional Interest[b]	Annual Collection Costs	Total Annual Installment[c]
2027	$ 5,866.96	$ 7,669.32	$ 934.31	$ 1,671.79	$ 16,142.39
2028	$ 6,080.31	$ 7,456.64	$ 904.98	$ 1,554.84	$ 15,996.76
2029	$ 6,293.65	$ 7,221.03	$ 874.58	$ 1,585.93	$ 15,975.19
2030	$ 6,560.33	$ 6,977.15	$ 843.11	$ 1,617.65	$ 15,998.24
2031	$ 6,827.01	$ 6,722.94	$ 810.31	$ 1,650.01	$ 16,010.26
2032	$ 7,120.36	$ 6,458.39	$ 776.17	$ 1,683.01	$ 16,037.93
2033	$ 7,413.71	$ 6,182.48	$ 740.57	$ 1,716.67	$ 16,053.42
2034	$ 7,680.39	$ 5,876.66	$ 703.50	$ 1,751.00	$ 16,011.55
2035	$ 8,053.74	$ 5,559.85	$ 665.10	$ 1,786.02	$ 16,064.70
2036	$ 8,373.75	$ 5,227.63	$ 624.83	$ 1,821.74	$ 16,047.95
2037	$ 8,720.44	$ 4,882.21	$ 582.96	$ 1,858.18	$ 16,043.79
2038	$ 9,120.46	$ 4,522.49	$ 539.36	$ 1,895.34	$ 16,077.65
2039	$ 9,493.81	$ 4,146.27	$ 493.76	$ 1,933.25	$ 16,067.09
2040	$ 9,893.83	$ 3,754.66	$ 446.29	$ 1,971.91	$ 16,066.69
2041	$ 10,347.19	$ 3,346.53	$ 396.82	$ 2,011.35	$ 16,101.89
2042	$ 10,800.54	$ 2,919.71	$ 345.08	$ 2,051.58	$ 16,116.92
2043	$ 11,253.90	$ 2,474.19	$ 291.08	$ 2,092.61	$ 16,111.78
2044	$ 11,760.59	$ 1,995.90	$ 234.81	$ 2,134.46	$ 16,125.76
2045	$ 12,293.95	$ 1,496.08	$ 176.01	$ 2,177.15	$ 16,143.18
2046	$ 12,853.98	$ 973.58	$ 114.54	$ 2,220.69	$ 16,162.79
2047	$ 13,424.72	$ 570.55	$ 67.12	$ 2,970.96	$ 17,033.36
Total[d]	**$190,233.60**	**$ 96,434.26**	**$11,565.30**	**$40,156.13**	**$338,389.29**

Notes:

[a] Interest is calculated at the actual rate of the PID Bonds.

[b] Additional Interest is calculated at a 0.50% rate.

[c] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

[d] Totals may not sum due to rounding.

Parks at Westhaven Public Improvement District

2026 Annual Service Plan Update

AUGUST 11, 2026

2259

Parks at Westhaven Development

- Location
  - 113 (+/-) acres at Maple Street at Westinghouse Road (northeast corner)
- Developer
  - Westinghouse77, LP
- General Features
  - 401 residential lots
  - 1 commercial lot
  - Approx. 16.24 acres Parkland
  - Approx. 17.56 acres Open Space

2026 Annual Service Plan Update

- On March 23, 2021, the City Council adopted Ordinance No. 2021-17 (“Assessment Ordinance”) levying the Assessment and approving the SAP.

- Pursuant to the PID Act, the Service and Assessment Plan (SAP) must be review and updated annually.

- This 2026 Annual Service Plan Update is the update to the SAP and includes the updated Assessment Roll.

Lot and Homes Sales

- The District consists of 401 residential lots and one commercial lot.
- The Developer owns the commercial lot that is currently undeveloped.
- All 401 homes have been constructed and closed to end-users.

Service Plan

District						
Annual Installments Due		**1/31/2027**	**1/31/2028**	**1/31/2029**	**1/31/2030**	**1/31/2031**
Principal		$220,000.00	$228,000.00	$236,000.00	$246,000.00	$256,000.00
Interest		287,585.00	279,610.00	270,775.00	261,630.00	252,097.50
	(1)	$507,585.00	$507,610.00	$506,775.00	$507,630.00	$508,097.50
Additional Interest	(3)	$ 35,035.00	$ 33,935.00	$ 32,795.00	$ 31,615.00	$ 30,385.00
Annual Collection Costs	(2)	$ 56,578.26	$ 57,709.83	$ 58,864.03	$ 60,041.31	$ 61,242.14
Total Annual Installment	**(4) = (1) + (2) + (3)**	**$599,198.26**	**$599,254.83**	**$598,434.03**	**$599,286.31**	**$599,724.64**

Assessment Roll

- The total Annual Installment as shown on the Assessment Roll due January 31, 2027 is $599,198.26.

- The Assessment Roll includes all the properties in the District and each property's corresponding Annual Installment amount that will be billed as a line item on the Williamson County property tax bill.

Council Action

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS ("CITY"), AUTHORIZING AN ANNUAL SERVICE PLAN UPDATE AND AN UPDATE TO THE ASSESSMENT ROLL FOR PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
First Reading - 2026 Annual Service Plan Update to the Service and Assessment Plan with Updated Assessment Roll for the Preserve at Water Oak PID

SUGGESTED ACTION:
First Reading of an Ordinance approving the 2026 Annual Service Plan Update to the Service and Assessment Plan, including an updated Assessment Roll for the Preserve at Water Oak Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code -- Nick Woolery, Assistant City Manager, and Andrea Barnes, P3Works, LLC, City of Georgetown's PID Administrator

ITEM SUMMARY:
The City Council of the City of Georgetown ("City Council") adopted Resolution No. 121024-6D creating the Preserve at Water Oak Public Improvement District (the "District") on December 10, 2024 after notice and hearing in accordance with the requirements of the Texas Local Government Code Chapter 372 (the "PID Act").

Subsequently, the City Council adopted Ordinance No. 2025-36 ("Assessment Ordinance") on July 22, 2025 which, among other things, approved the Service and Assessment Plan ("SAP"), the levy of Assessments for Assessed Property within the District, and the Assessment Roll.

Pursuant to the PID Act, the SAP and Assessment Roll must be reviewed and updated annually.

Attached is an Ordinance accepting and approving the 2026 Annual Service Plan Update, which updates the SAP and Assessment Roll per the PID Act and includes the Five Year Budget Forecast and Assessment Roll with the Annual Installment amount due on or before January 31, 2027.

FINANCIAL IMPACT:
None to the City.

SUBMITTED BY:
Cresta Lyons, City Manager's Office

ATTACHMENTS:
2026-07-17_GEO_Preserve at Water Oak_Ordinance.pdf
2026-08-11_GEO_Preserve at Water Oak_2026 SAP.pdf
Preserve at Water Oak_ 2026 SAP.pdf

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS ("CITY"), AUTHORIZING AN ANNUAL SERVICE PLAN UPDATE AND AN UPDATE TO THE ASSESSMENT ROLL FOR THE PRESERVE AT WATER OAK PUBLIC IMPROVEMENT DISTRICT, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Georgetown ("City Council") adopted Resolution No. 121024-6.D creating the Preserve at Water Oak Public Improvement District on December 10, 2024 after notice and hearing in accordance with the requirements of the Texas Local Government Code Chapter 372;

WHEREAS, the City Council adopted Ordinance No. 2025-36 ("Assessment Ordinance") on July 22, 2025, levying Assessments for costs of Improvements, approving a Service and Assessment Plan ("SAP"), and approving a Landowner Consent Certificate.

WHEREAS, the City Council has received an update to the SAP ("2026 Annual Service Plan Update") including an updated Assessment Roll in accordance with Chapter 372 of the Texas Local Government Code, as amended ("PID Act").

NOW THEREFORE, BE IT ORDAINDED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS:

Section 1. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2. The 2026 Annual Service Plan Update attached hereto as Exhibit A, including the updated Assessment Roll contained therein, is hereby approved and accepted by the City Council.

Section 3. All ordinances or resolutions that are in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances or resolutions of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or

application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 5. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect in accordance with the provisions of the City Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the _____of _____, 2026.

PASSED AND APPROVED on Second Reading on the _____ of _____, 2026.

ATTEST:

THE CITY OF GEORGETOWN

_____
Robyn Densmore, City Secretary

_____
Josh Schroeder, Mayor

_____
Skye Masson, City Attorney

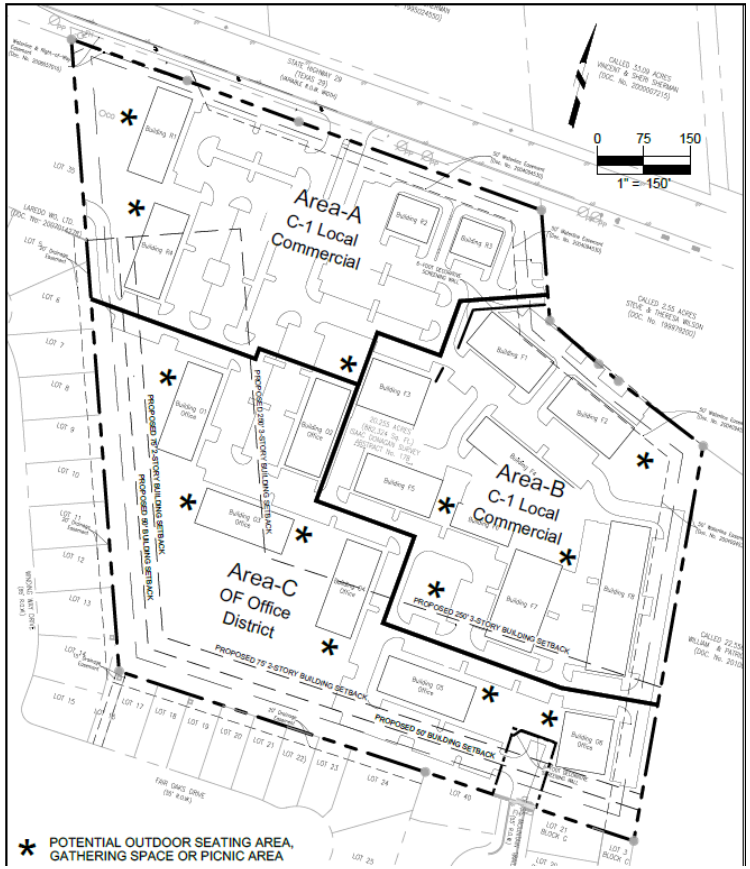
Preserve at Water Oak Public Improvement District

2026 Annual Service Plan Update

AUGUST 11, 2026

2269

Preserve at Water Oak Development



- Location
  - 19 (+/-) acres at 3701 TX-29
- Developer
  - 3701 SH29 LLC
- General Features
  - 18,139 Sq Ft Multi-Tenant Retail
  - 7,900 Sq Ft Quick Service Retail
  - 111,997 Sq Ft Office
  - 70,597 Sq Ft Flex Office

2026 Annual Service Plan Update

- On July 22, 2025, the City Council adopted Ordinance No. 2025-36 (“Assessment Ordinance”) levying the Assessment and approving the SAP.

- Pursuant to the PID Act, the Service and Assessment Plan (SAP) must be review and updated annually.

- This 2026 Annual Service Plan Update is the update to the SAP and includes the updated Assessment Roll.

Service Plan

Annual Installments Due		1/31/2027	1/31/2028	1/31/2029	1/31/2030	1/31/2031
Principal		$ 92,000.00	$ 97,000.00	$ 102,000.00	$ 107,000.00	$ 113,000.00
Interest		255,540.00	250,020.00	244,200.00	238,080.00	231,660.00
	(1)	$ 347,540.00	$ 347,020.00	$ 346,200.00	$ 345,080.00	$ 344,660.00
Annual Collection Costs	(2)	$ 40,680.00	$ 36,393.60	$ 37,121.47	$ 37,863.90	$ 38,621.18
Additional Interest [a]	(3)	$ -	$ -	$ -	$ -	$ -
Total Annual Installment	**(4)=(1)+(2)+(3)**	**$ 388,220.00**	**$ 383,413.60**	**$ 383,321.47**	**$ 382,943.90**	**$ 383,281.18**

[a] If PID Bonds are issued, Additional Interest will be charged and collected.

Assessment Roll

- The total Annual Installment as shown on the Assessment Roll due January 31, 2027 is $388,220.00.

- The Assessment Roll includes all the properties in the District and each property's corresponding Annual Installment amount that will be billed as a line item on the Williamson County property tax bill.

Council Action

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS ("CITY"), AUTHORIZING AN ANNUAL SERVICE PLAN UPDATE AND AN UPDATE TO THE ASSESSMENT ROLL FOR PARKS AT WESTHAVEN PUBLIC IMPROVEMENT DISTRICT, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

The Preserve at Water Oak Public Improvement District

SERVICE AND ASSESSMENT PLAN

JULY 22, 2025

TABLE OF CONTENTS

Table of Contents 1
Introduction 0
Section I: Definitions 1
Section II: The District 7
Section III: Authorized Improvements 7
Section IV: Service Plan 10
Section V: Assessment Plan 10
Section VI: Terms of the Assessments 13
Section VII: Assessment Roll 19
Section VIII: Additional Provisions 19
List of Exhibits 21
Appendices 22
Exhibit A – District Legal Description 23
Exhibit B – District Boundary Map 24
Exhibit C – Project Costs 25
Exhibit D – Service Plan – Five Year Plan 26
Exhibit E – Service Plan – Sources and Uses 27
Exhibit F – Assessment Roll 28
Exhibit G – Annual Installments 29
Exhibit H – Maximum Assessment per Lot Type 30
Exhibit I-1 – Map of Authorized Improvements 31
Exhibit I-2 – Map of Private Improvements 43
Exhibit J – Lot Type Classification Map 44
Exhibit K – Condo Final Plat 45
Exhibit L – Notice of PID Assessment Termination 57
Appendix A – Engineer's Report 60
Appendix B – Buyer Disclosures 61
Initial Parcel Buyer Disclosure 62
Preserve at Water Oak public Improvement District - Lot Type 1 Buyer Disclosure 68

Preserve at Water Oak public Improvement District - Lot Type 2 Buyer Disclosure..... 74
Preserve at Water Oak public Improvement District - Lot Type 3 Buyer Disclosure..... 80
Preserve at Water Oak public Improvement District - Lot Type 4 Buyer Disclosure..... 86
Preserve at Water Oak Public Improvement District - Remainder Parcel Buyer Disclosure..... 92

INTRODUCTION

Capitalized terms used in this Service and Assessment Plan shall have the meanings given to them in **Section I** unless otherwise defined in this Service and Assessment Plan or unless the context in which a term is used clearly requires a different meaning. Unless otherwise defined, a reference to a "Section" or an "Exhibit" shall be a reference to a Section of this Service and Assessment Plan or an Exhibit attached to and made a part of this Service and Assessment Plan for all purposes.

On December 10, 2024, the City passed and approved Resolution No. 121024-6.D authorizing the creation of the District in accordance with the PID Act, which authorization was effective upon approval.

On July 22, 2025, the City adopted Ordinance No. _____ approving this Service and Assessment Plan and the Assessment Roll for the Preserve at Water Oak Public Improvement District.

The purpose of the District is to finance the Actual Costs of Authorized Improvements that confer a special benefit on approximately 19.77 acres comprising the District located within the corporate limits of the City, as described by metes and bounds on **Exhibit A** and depicted on **Exhibit B**.

The PID Act requires a Service Plan must (i) cover a period of at least five years; (ii) define the annual indebtedness and projected cost of the Authorized Improvements; and (iii) include a copy of the buyer disclosure notice form required by Section 5.014 of the Texas Property Code, as amended. The Service Plan is contained in **Section IV** and the form of Buyer Disclosure notice is attached as **Exhibit L**.

The PID Act requires that the Service Plan include an Assessment Plan that assesses the Actual Costs of the Authorized Improvements against Assessed Property within the District based on the special benefits conferred on such property by the Authorized Improvements. The Proposed Assessment Plan is contained in **Section V**.

The PID Act requires an Assessment Roll that states the Assessment against each Parcel determined by the method chosen by the City. The Assessment against each Assessed Property must be sufficient to pay the share of the Actual Costs apportioned to the Assessed Property and cannot exceed the special benefit conferred on the Assessed Property by the Authorized Improvements. The Assessment Roll is contained in **Exhibit F**.

SECTION I: DEFINITIONS

"Actual Costs" mean, with respect to Authorized Improvements, the actual costs paid or incurred by or on behalf of the Owner of the District: (1) to plan, design, acquire, construct, install, and dedicate such improvements to the City; (2) to prepare plans, specifications (including bid packages), contracts, and as-built drawings; (3) to obtain zoning, licenses, plan approvals, permits, inspections, and other governmental approvals; (4) for third-party professional consulting services including but not limited to, engineering, surveying, geotechnical, land planning, architectural, landscaping, legal, accounting, and appraisals; (5) of labor, materials, equipment, fixtures, payment and performance bonds and other construction security, and insurance premiums; and (6) to implement, administer, and manage the above-described activities, including a 4% construction management fee. Actual Costs shall not include general contractor's fees in an amount that exceeds a percentage equal to the percentage of work completed or construction management fees in an amount that exceeds an amount equal to the construction management fee amortized in approximately equal monthly installments over the term of the applicable construction management contract. Amounts expended for costs described in subsection (3), (4), and (6) above shall be excluded from the amount upon which the general contractor and construction management fees are calculated.

"Additional Interest" means the amount collected by application of the Additional Interest Rate if PID Bonds are issued.

"Additional Interest Rate" means the 0.50% additional interest rate charged on an Assessment as authorized by Section 372.018 of the PID Act. The Additional Interest Rate is not charged on Assessments securing the Reimbursement Obligation.

"Administrator" means the City or the person or independent firm designated by the City who shall have the responsibility provided in this Service and Assessment Plan, the Indenture, or any other agreement or document approved by the City Council related to the duties and responsibility of the administration of the District. The initial Administrator is P3Works, LLC.

"Annual Collection Costs" means the actual or budgeted costs and expenses relating to collecting the Annual Installments, including, but not limited to, costs and expenses for: (1) the Administrator and City staff; (2) legal counsel, engineers, accountants, financial advisors, and other consultants engaged by the City; (3) calculating, collecting, and maintaining records with respect to Assessments and Annual Installments; (4) preparing and maintaining records with respect to Assessment Rolls and Annual Service Plan Updates; (5) paying, and redeeming PID Bonds, if issued; (6) investing or depositing Assessments and Annual Installments; (7) complying with this Service and Assessment Plan and the PID Act with respect to the administration of the

District, including continuing disclosure requirements; and (8) the paying agent/registrar and Trustee in connection with PID Bonds, if issued, including their respective legal counsel. Annual Collection Costs collected but not expended in any year shall be carried forward and applied to reduce Annual Collection Costs for subsequent years.

"Annual Installment" means the annual installment payment of an Assessment as calculated by the Administrator and approved by the City Council, that may include: (1) principal; (2) interest; (3) Annual Collection Costs; and (4) Additional Interest, if applicable.

"Annual Service Plan Update" means an update to this Service and Assessment Plan prepared no less frequently than annually by the Administrator and approved by the City Council, in accordance with the PID Act.

"Assessed Property" means any Parcel within the District that benefits from the Authorized Improvements and on which an Assessment is levied as shown on the Assessment Roll and which includes any and all Parcels within the District other than Non-Benefitted Property.

"Assessment" means an assessment levied against Assessed Property to pay the costs of certain Authorized Improvements as specific herein, which Assessment is imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on the Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and in the PID Act.

"Assessment Ordinance" will mean that certain Ordinance adopted by the City Council in accordance with the PID Act that approves the final Service and Assessment Plan and levies the Assessment on Assessed Property within the District, as shown on the Assessment Roll.

"Assessment Plan" means the methodology employed to assess the Actual Costs of the Authorized Improvements against Assessed Property within the District based on the special benefits conferred on such property by the Authorized Improvements, as more specifically described in **Section V.**

"Assessment Roll" means the Assessment Roll for the Assessed Property within the District and included in this Service and Assessment Plan as **Exhibit F**, as updated, modified, or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of PID Bonds, if issued, or in connection with any Annual Service Plan Update.

"Authorized Improvements" means the improvements authorized by Section 372.003 of the PID Act, and described in **Section III.A, III.C and III.D** and depicted on **Exhibit C**. Authorized

Improvements include the Major Improvements, Bond Issuance Costs, and First Year Annual Collection Costs.

"Bond Issuance Costs" mean the costs associated with issuing PID Bonds, including but not limited to attorney fees, financial advisory fees, consultant fees, appraisal fees, printing costs, publication costs, City costs, reserve fund requirements, underwriter discount, fees charged by the Texas Attorney General, and any other cost or expense directly associated with the issuance of PID Bonds, if bonds are issued. The Bond Issuance Costs shown in **Exhibit C** are estimates, and subject to change upon the issuance of PID Bonds.

"City" means the City of Georgetown, Texas.

"City Council" means the governing body of the City.

"Condo Final Plat" means the Preserve at Water Oak Condo Plat that was recorded with the County on April 11, 2025. This plat is shown on **Exhibit K**.

"County" means Williamson County, Texas.

"Delinquent Collection Costs" mean, for an Assessed Property, interest, penalties, and other costs and expenses authorized by the PID Act that directly or indirectly relate to the collection of delinquent Assessments, delinquent Annual Installments, or any other delinquent amounts due under this Service and Assessment Plan, including costs and expenses to foreclose liens.

"District" means the Preserve at Water Oak Public Improvement District containing approximately 19.77 acres within the corporate limits of the City, as described legally by metes and bounds on **Exhibit A** and as depicted by the map on **Exhibit B**.

"Engineer's Report" means the report provided by a licensed professional engineer that describes the Authorized Improvements, including their costs, location, and benefit, and is attached hereto as **Appendix A.**

"Estimated Buildout Value" means the estimated buildout value of an Assessed Property with fully constructed buildings, as provided by the Owner, and confirmed by the City Council by considering such factors as density, lot size, proximity to amenities, view premiums, location, market conditions, historical sales, builder contracts, discussions with homebuilders, reports from third party consultants, or any other information that may impact value. The Estimated Buildout Value for each Lot Type is shown on **Exhibit H.**

"First Year Annual Collection Costs" means the estimated Annual Collection Costs for the first year following the levy of Assessments.

"Indenture" means an Indenture of Trust entered into in connection with the issuance of PID Bonds, as amended or supplemented from time to time, between the City and the Trustee setting forth terms and conditions related to the PID Bonds, if issued.

"Initial Parcel" means all of the Assessed Property against which the entire Assessment is levied, as shown on the Assessment Roll.

"Landowner Consent Certificate" means a Landowner Consent Certificate by any Owner dated _____, as may be further amended.

"Lot" means (1) for any portion of the District for which a final subdivision plat has been recorded in the official public records of the County, a tract of land described by "lot" in such final and recorded subdivision plat, and (2) for any portion of the District for which a horizontal condominium regime has been created, a tract of land described by "unit" in the final declaration of condominium regime.

"Lot Type" means a classification of final building Lots with similar characteristics (e.g. lot size, product type, Estimated Buildout Value, etc.), as determined by the Administrator and confirmed and approved by the City Council.

"Lot Type 1" means Assessed Property intended for use as Multi-Tenant Retail within the District.

"Lot Type 2" means Assessed Property intended for use as Quick Service Retail within the District.

"Lot Type 3" means Assessed Property intended for use as Office within the District.

"Lot Type 4" means Assessed Property intended for use as Flex Office within the District.

"Major Improvements" mean improvements that confer a special benefit to all of the Assessed Property within the District, more specifically described in **Section III.A** and shown on **Exhibit C**.

"Maximum Assessment" means the amount shown for each Lot Type on **Exhibit H**. The Maximum Assessment shall be reduced annually by the principal portion of the Annual Installment.

"Non-Benefitted Property" means Parcels within the boundaries of the District that accrue no special benefit from Authorized Improvements as determined by the City Council.

"Owner" means 3701 SH29 LLC, a Texas limited liability company, and their successors and assigns.

“Parcel(s)” means a property within the boundaries of the District, identified by either a tax map identification number assigned by the Williamson Central Appraisal District for real property tax purposes, by metes and bounds description, by lot and block number in a final subdivision plat recorded in the official public records of the County, or by any other means as determined by the City Council.

“PID Act” means Chapter 372, Texas Local Government Code, as amended.

“PID Bonds” means any bonds issued in accordance with the PID Act, if applicable, that are secured in whole or in part by Assessments.

“Private Improvements” means those improvements which are not Major Improvements, including internal streets and monument signage within the proposed District. Private Improvements are not Authorized Improvements, are not eligible for reimbursement, and will be paid by the Owner as shown in **Exhibit E**.

“Prepayment” means the payment of all or a portion of an Assessment before the due date thereof. Amounts received at the time of a Prepayment which represent a payment of principal, interest, or penalties on a delinquent installment of Assessment are not to be considered a Prepayment, but rather are to be treated as a payment of the regularly scheduled Assessment.

“Prepayment Costs” means interest, including Additional Interest (if applicable), and Annual Collection Costs incurred up to the date of Prepayment.

“Reimbursement Agreement” means that certain “PID Construction, Financing, and Reimbursement Agreement The Preserve at Water Oak Public Improvement District” effective July 8, 2025, entered into by and between the City and Owner, whereby all or a portion of the Actual Costs not paid to Owner from PID Bonds, will be paid to the Owner from Assessments to reimburse the Owner for Actual Costs paid by the Owner, plus interest, that are eligible to be paid with Assessments.

“Reimbursement Obligation” means an amount not to exceed $4,347,000 secured by Assessments to be paid to Owner pursuant to the Reimbursement Agreement, but excluding any payments from the net proceeds of PID Bonds. The Annual Installments for the Reimbursement Obligation are shown on **Exhibit G**. The Reimbursement Obligation is anticipated to be satisfied and financed by a portion of the Improvement Area #1 Bonds. At the time that PID Bonds are issued, the Bonds will be sized so that the Tax Rate Equivalent will not exceed $0.55.

"Remainder Parcel" means all the Assessed Property within the buildings labeled “Unit 3”, “Unit 15”, “Unit 13”, “Unit 11”, “Unit 9”, “Unit 7”, “Unit 6” “Unit 14”, “Unit 12”, “Unit 10”, and “Unit 8” on the Condo Final Plat, as shown on **Exhibit K**.

"Remaining Property" shall have the meaning assigned to such term in **Section VI.F**.

“Service and Assessment Plan” means this Preserve at Water Oak Service and Assessment Plan approved by City Council on July 22, 2025, as updated, amended or supplemented from time to time.

“Service Plan” means the plan more specifically described in **Section IV** that covers a period of at least five years and defines the annual indebtedness and projected costs of the Authorized Improvements.

"Taken Property" shall have the meaning assigned to such term in **Section VI.F**.

"Taking" shall have the meaning assigned to such term in **Section VI.F**.

"Tax Rate Equivalent" means the equivalent tax rate of the average Annual Installment of the Assessment per $100 of Estimated Buildout Value of the respective Lot, as shown on **Exhibit H**. The Assessment is not a tax.

“Trustee” means the trustee (or successor trustee) under an Indenture.

SECTION II: THE DISTRICT

The District includes approximately 19.77 acres within the corporate limits of the City, as described legally by metes and bounds on **Exhibit A** and as depicted by the map on **Exhibit B**. Development of the District is anticipated to include 18,139 square feet of Lot Type 1, approximately 7,900 square feet of Lot Type 2, approximately 111,997 square feet of Lot Type 3, as well as approximately 70,597 square feet of Lot Type 4.

SECTION III: AUTHORIZED IMPROVEMENTS

The City, based on information provided by the Owner and its engineer and reviewed by the City staff in its regulatory capacity and by third-party consultants retained by the City, determined that the Authorized Improvements confer a special benefit on the Assessed Property. Major Improvements will be designed and constructed in accordance with City standards and will be owned and operated by the City once accepted unless specifically stated below. The budget for the Authorized Improvements, as well as the allocation of the Actual Costs of the Authorized Improvements, is shown on **Exhibit C**.

A. Major Improvements

- Drainage

  Peak runoff rates for the existing and proposed drainage areas were determined using HEC-HMS 4.3. The program's SCS methodology for this analysis utilized the Atlas 14 frequency estimates provided by the National Oceanic and Atmospheric Administration's National Weather Service and the 24-hour SCS type III rainfall distribution for the 2, 5, 10, 25, 50, and 100-year storm events. The existing and developed conditions were divided into two drainage basins each, one that drained towards the existing culvert west of the proposed site and one that drained towards the existing culvert to the east. The proposed site drains to a single drainage facility (Detention/Water Quality Pond) located in the southwest corner of the developed site.

- *Water*

  The project lies within the City of Georgetown water services boundary. Water service will be provided by connecting to an existing 24-inch public water pipe along State Highway 29. Internal water utilities will be provided to the individual buildings by a proposed 4-inch PVC C-900 water main and an 8-inch PVC C-900 for the fire water line.

- *Wastewater*

  The project lies within the City of Georgetown wastewater services boundary. Internal wastewater utilities will be provided by connecting to the 8-inch public wastewater main in the existing Cross Creek Mountain public ROW. The public 8" wastewater main is routed throughout the development within public easements and provides a public wastewater manhole near the main entrance at SH-29 for future public connections. The internal lines will be constructed in accordance with the City of Georgetown water and wastewater system design criteria and specifications.

- *Streets*

  A deceleration/right turn lane is proposed along W. State Highway 29. This lane will allow the traffic to merge over and decelerate from the normal SH29 speed to make the right turn into the development.

  The primary driveway constructed within the Public ROW of W. State Highway 29 will be a commercial grade driveway as required by the City and will serve as the primary access for the development with secondary access to Cross Mountain Trail and two proposed "cross-access" points to the neighboring commercial properties. The primary access driveway will be constructed of rigid pavement (concrete) design and will meet the TxDOT requirements, will have a minimum slab thickness of 8" and will also use standard CRCP (1)-13, Continuously Reinforced Concrete Pavement, One-Layer Steel Bar Placement.

- *Landscaping*

  Construction techniques and standards will be compliant with the City of Georgetown codes and criteria manuals. Code compliant landscaping including, but not limited to, existing tree preservation, new tree plantings, shrubs, foundation plant screening, mulch protection and grass cover throughout. A City required irrigation system is installed throughout the project to provide the watering for the required landscaping.

  Typical erosion and sedimentation control measures to be utilized during construction include silt fence, rock berms, stabilized construction entrances, inlet protection, and hydro-mulching. These controls are required to remove pollutants from a rainfall event during and after construction.

- *Signage*

  Entrance signage will be in the form of 3-4'x'4x10' tall rock pillars. The pillars will contain signage for the name of the development "PRESERVE" and the address. There will also be

wayfinding signage throughout the development to allow better access to the businesses within the development.

- *District Formation Expenses*

  Costs and expenses directly associated with forming the District.

B. Private Improvements

- *Internal Streets and Private Parking Areas*

  There are numerous private drive aisle with associated parking spaces constructed for the internal buildings. There is approximately 5,400 linear feet of 26-foot wide private drive aisle with approximately 687 parking spaces.

- *Private Monument Signage*

  There will be a monument sign placed near the entrance of the property for the purpose of displaying retail tenant signage.

C. Bond Issuance Costs

- *Debt Service Reserve Fund*

  Equals the amount required to fund a reserve under the Indenture in connection with the issuance of PID Bonds, if issued. This amount may be updated or revised at the time of issuance if PID Bonds are issued.

- *Capitalized Interest*

  Equals the amount of capitalized interest available for payment of interest on PID Bonds, if issued, as reflected in the Indenture. This amount may be updated or revised at the time of issuance if PID Bonds are issued.

- *Underwriter's Discount*

  Equals a percentage of the par amount of a particular series of PID Bonds, if issued, and includes a fee for underwriter's counsel. This amount may be updated or revised at the time of issuance if PID Bonds are issued.

- *Cost of Issuance*

  Costs associated with issuing PID Bonds, if issued, including but not limited to attorney fees, financial advisory fees, consultant fees, appraisal fees, printing costs, publication costs, City costs, fees charged by the Texas Attorney General, and any other cost or

expense directly associated with the issuance of PID Bonds. This amount may be updated or revised at the time of issuance if PID Bonds are issued.

D. Other Costs

- *First Year Annual Collection Costs*

  Estimated cost of the First Year Annual Collections Costs.

SECTION IV: SERVICE PLAN

The PID Act requires the Service Plan to cover a period of at least five years. The Service Plan is required to define the projected costs and annual indebtedness for the Authorized Improvements undertaken within the District during the five-year period. The Service Plan is also required to include a copy of the buyer disclosure notice form required by Section 5.014 of the Texas Property Code, as amended. The Service Plan shall be updated in each Annual Service Plan Update. **Exhibit D** summarizes the Service Plan for the District. Per the PID Act and Section 5.014 of the Texas Property Code, as amended, this Service and Assessment Plan, and any future Annual Service Plan Updates, shall include a form of the buyer disclosure for the District. The buyer disclosures are attached hereto as **Appendix B.**

PID Bonds may be issued by the City to pay all or a portion of the Reimbursement Obligation owed under the Reimbursement Agreement. If and when PID Bonds are issued, the PID Bonds will fund costs of issuance of the PID Bonds and other costs set forth in **Section III** above. Assessments may be collected in an amount sufficient to pay principal, interest, and Additional Interest on the PID Bonds, costs of issuance of the PID Bonds, and to fund the debt service reserve requirement, as defined in the applicable Indenture.

Exhibit E summarizes the sources and uses of funds required to construct certain Authorized Improvements and Private Improvements, as well as the amounts required to fund the required reserves and pay the estimated Bond Issuance Costs. The sources and uses of funds shown on **Exhibit E** shall be updated in each Annual Service Plan Update.

SECTION V: ASSESSMENT PLAN

The PID Act requires the City to apportion the Actual Costs of the Authorized Improvements to the Assessed Property based on the special benefit received from the Authorized Improvements. The PID Act provides that such costs may be apportioned: (1) equally per front foot or square foot; (2) according to the value of property as determined by the City, with or without regard to improvements constructed on the property; or (3) in any other manner approved by the City that results in imposing equal shares of such costs on property similarly benefited. The PID Act further

provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

This section of this Service and Assessment Plan describes the special benefit received by each Assessed Property within the District as a result of the Authorized Improvements and provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments levied on the Assessed Property for such Authorized Improvements.

The determination by the City of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Owner and all future owners and developers of the Assessed Property.

A. Assessment Methodology

The City Council, acting in its legislative capacity based on information provided by the Owner and its engineer and reviewed by the City staff in its regulatory capacity and by third-party consultants retained by the City, determined that the costs of the Authorized Improvements shall be allocated entirely to the Initial Parcel. Upon Subdivision of an Assessed Property, the Actual Costs of the Authorized Improvements shall be reallocated based on Estimated Buildout Value as further described in **Section VI**.

B. Assessments

Assessments are levied on the Assessed Property according to the Assessment Roll attached hereto as **Exhibit F**. The projected Annual Installments are shown on **Exhibit G,** subject to revisions made during the preparation of the final Service and Assessment Plan any Annual Service Plan Update.

The Maximum Assessment for each Lot Type is shown on **Exhibit H**. In no case will the Assessment for any Lot Type exceed the Maximum Assessment.

C. Findings of Special Benefit

The City Council, acting in its legislative capacity based on information provided by the Owner and its engineer and reviewed by the City staff in its regulatory capacity and by third-party consultants retained by the City, has found and determined:

- The estimated cost of the Authorized Improvements equals $5,930,359 as shown on **Exhibit C**; and
- The Assessed Property receives special benefit from the Authorized Improvements equal to or greater than the Actual Costs of the Authorized Improvements; and
- The Assessed Property was allocated 100% of the Assessments levied for the Authorized Improvements, which equals $4,347,000 as shown on **Exhibit F;** and

- The special benefit (≥ $5,930,359) received by the Assessed Property from the Authorized Improvements is greater than the amount of Assessments ($4,347,000) levied on the Assessed Property for the Authorized Improvements; and
- When the City Council approves the Assessment Ordinance, it is anticipated that the Owner will still own 100% of the Assessed Property. In a Landowner Consent Certificate with the City, the Owner acknowledged that the Authorized Improvements confer a special benefit on the Assessed Property and consented to the imposition of the Assessments to pay for the Actual Costs associated therewith. The Owner ratified, confirmed, accepted, agreed to, and approved (1) the determinations and findings by the City Council as to the special benefits described herein and in the Assessment Ordinance, (2) this Service and Assessment Plan and the proposed Assessment Ordinance to be adopted in conformance therewith, and (3) the levying of the Assessments on the Assessed Property.

D. Annual Collection Costs

The Annual Collection Costs shall be paid for on a pro rata basis by each Assessed Property based on the amount of outstanding Assessment remaining on the Assessed Property. The Annual Collection Costs shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Assessment Roll, which may be revised based on actual costs incurred in Annual Service Plan Updates.

E. Additional Interest

Additional Interest will not be collected as part of the Reimbursement Obligation. If PID Bonds are issued, the interest rate on Assessments levied on the Assessed Property may exceed the interest rate on the PID Bonds by the Additional Interest Rate. If and when PID Bonds are issued, Additional Interest shall be collected as part of each Annual Installment and shall be deposited pursuant to the applicable Indenture.

F. Interest

The interest on the Assessment securing the Reimbursement Obligation shall be collected at rates established under the Reimbursement Agreement as part of the Annual Installment pursuant to the Reimbursement Agreement.

SECTION VI: TERMS OF THE ASSESSMENTS

A. Reallocation of Assessments

1. Upon Division Prior to Recording of Subdivision Plat

Upon the division of any Assessed Property (without the recording of subdivision plat), the Administrator shall reallocate the Assessment for the Assessed Property prior to the division among the newly divided Assessed Properties according to the following formula:

$A = B \times (C \div D)$

Where the terms have the following meanings:

A = the Assessment for the newly divided Assessed Property
B = the Assessment for the Assessed Property prior to division
C = the Estimated Buildout Value of the newly divided Assessed Property
D = the sum of the Estimated Buildout Value for all the newly divided Assessed Properties

The calculation of the Assessment of an Assessed Property shall be performed by the Administrator and shall be based on the Estimated Buildout Value of that Assessed Property, as provided by the Owners, relying on information from homebuilders, market studies, appraisals, Official Public Records of the County, and any other relevant information regarding the Assessed Property. The Estimated Buildout Values for Lot Type 1, Lot Type 2, Lot Type 3, and Lot Type 4 are shown on **Exhibit H** and will not change in future Annual Service Plan Updates but **Exhibit H** may be updated in future Annual Service Plan Updates to account for additional Lot Types. The calculation as confirmed by the City Council shall be conclusive and binding.

The sum of the Assessments for all newly divided Assessed Properties shall equal the Assessment for the Assessed Property prior to subdivision. The calculation shall be made separately for each newly divided Assessed Property. The reallocation of an Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Assessment prior to the reallocation. Any reallocation pursuant to this section shall be reflected in the next Annual Service Plan Update immediately following such reallocation.

2. Upon Subdivision by a Recorded Subdivision Plat

Upon the subdivision of any Assessed Property based on a recorded subdivision plat, the Administrator shall reallocate the Assessment for the Assessed Property prior to the subdivision among the new subdivided Lots based on Estimated Buildout Value according to the following formula:

$A = [B \times (C \div D)]/E$

Where the terms have the following meanings:

A = the Assessment for the newly subdivided Lot
B = the Assessment for the Parcel prior to subdivision
C = the sum of the Estimated Buildout Value of all newly subdivided Lots with the same Lot Type
D = the sum of the Estimated Buildout Value for all the newly subdivided Lots excluding Non-Benefitted Property
E= the number of Lots with the same Lot Type

Prior to the recording of a subdivision plat, the Owner shall provide the City an Estimated Buildout Value as of the date of the recorded subdivision plat for each Lot created by the recorded subdivision plat. The calculation of the Assessment for a Lot shall be performed by the Administrator and confirmed by the City based on Estimated Buildout Value information provided by the Owner, homebuilders, third party consultants, and/or the Official Public Records of the County regarding the Lot. The Estimated Buildout Values for Lot Type 1, Lot Type 2, Lot Type 3 and Lot Type 4 are shown on **Exhibit H** and will not change in future Annual Service Plan Updates. The calculation as confirmed by the City Council shall be conclusive and binding.

The sum of the Assessments for all newly subdivided Lots shall not exceed the Assessment for the portion of the Assessed Property subdivided prior to subdivision. The calculation shall be made separately for each newly subdivided Assessed Property. The reallocation of an Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Assessment prior to the reallocation. Any reallocation pursuant to this section shall be reflected in the next Annual Service Plan Update immediately following such reallocation and approved by the City Council.

3. Upon Consolidation

If two or more Lots or Parcels are consolidated, the Administrator shall allocate the Assessments against the Lots or Parcels before the consolidation to the consolidated Lot or Parcel, which allocation shall be approved by the City Council in the next Annual Service Plan Update immediately following such consolidation. The Assessment for any resulting Lot will not exceed the Maximum Assessment, shown on **Exhibit H** for the applicable Lot Type, and compliance may require a mandatory prepayment of Assessments pursuant to **Section VI.B**.

B. True-up of Assessments if Maximum Assessment Exceeded

Prior to the City approving a final subdivision plat, the Administrator will certify that such plat will not result in the Assessment per Lot for any Lot Type to exceed the Maximum Assessment. If the Administrator determines that the resulting Assessment per Lot for any Lot Type will exceed the Maximum Assessment, then (i) the Assessment applicable to each Lot Type exceeding the Maximum Assessment shall be reduced to the Maximum Assessment, and (ii) the person or entity filing the plat shall pay to the City, or cause to be paid to the City, the amount the Assessment was reduced, plus Prepayment Costs and Delinquent Collection Costs, prior to the City approving the final plat. The City's approval of a final subdivision plat without payment of such amounts does not eliminate the obligation of the person or entity filing the plat to pay the amounts referenced in (ii) in the immediately preceding sentence. At no time shall the aggregate Assessments for any Lot exceed the Maximum Assessment.

C. Mandatory Prepayment of Assessments

If Assessed Property or portion thereof is transferred to a person or entity that is exempt from payment of the Assessments, the owner transferring the Assessed Property shall pay to the City or the Administrator on behalf of the City the full amount of the outstanding Assessment, plus Prepayment Costs and Delinquent Collection Costs, if any, for such Assessed Property, prior to such conveyance or act, and no such conveyance shall be effective until the City receives such payment. If the owner of the Assessed Property causes the Assessed Property to become Non-Benefitted Property, the owner causing the change in status shall pay the full amount of the outstanding Assessment, plus Prepayment Costs and Delinquent Collection Costs, if any, prior to the change in status, and no such change shall be effective until the City receives such payment. Following the payment of the foregoing costs in full, the City shall provide the owner with a recordable "Notice of Assessment Termination," a form of which is attached hereto as **Exhibit L.**

D. Reduction of Assessments

If as a result of cost savings or Authorized Improvements not being constructed, the Actual Costs of completed Authorized Improvements are less than the Assessments, (i) in the event PID Bonds are not issued for the purpose of financing Authorized Improvements affected by such reduction in Actual Costs, the City Council shall reduce each Assessment on a pro-rata basis such that the sum of the resulting reduced Assessments for all Assessed Property equals the reduced Actual Costs, or (ii) in the event PID Bonds are issued for the purpose of financing Authorized Improvements affected by such reduction in Actual Costs,, the Trustee shall apply amounts on deposit in the applicable account of the project fund, relating to the PID Bonds, that are not expected to be used for purposes of the project fund to redeem outstanding PID Bonds, in accordance with the applicable Indenture. The Assessments shall not, however, be reduced to

an amount less than the amount required to pay all outstanding desbt service requirements on all outstanding PID Bonds.

If PID Bonds to refinance the Reimbursement Obligation are not issued within two years from the date the Assessments are levied, the Assessments will be reduced in an amount equal to the estimated Bond Issuance Costs related to costs of issuing PID Bonds, as shown on **Exhibit C** hereto and only to the extent that the Bond Issuance Costs exceed the proven costs. The City Council shall reduce the Assessments in the same way they were levied on all Assessed Properties.

The Administrator shall update (and submit to the City Council for review and approval as part of the next Annual Service Plan Update) the Assessment Roll and corresponding Annual Installments to reflect the reduced Assessments.

E. Prepayment of Assessments

The owner of any Assessed Property may pay, at any time, all or any part of an Assessment in accordance with the PID Act. If PID Bonds are issued, interest costs from the date of prepayment to the date of redemption of the applicable PID Bonds, may be paid from a reserve established under the applicable Indenture. If an Annual Installment has been billed prior to the Prepayment, the Annual Installment shall be due and payable and shall be credited against the Prepayment.

If an Assessment is pre-paid in full, with Prepayment Costs: (1) the Administrator shall cause the Assessment to be reduced to zero and the Assessment Roll to be revised accordingly; (2) the Administrator shall cause the revised Assessment Roll to be approved by the City Council as part of the next Annual Service Plan Update; (3) the obligation to pay the Assessment and corresponding Annual Installments shall terminate with respect to said Assessed Property; and (4) the City shall provide the owner with a recordable "Notice of PID Assessment Termination," a form of which is attached as **Exhibit K**.

If an Assessment is pre-paid in part, with Prepayment Costs: (1) the Administrator shall cause the Assessment to be reduced and the Assessment Roll revised accordingly; (2) the Administrator shall cause the revised Assessment Roll to be approved by the City Council as part of the next Annual Service Plan Update; and (3) the obligation to pay the Assessment and corresponding Annual Installments shall be reduced to the extent of the Prepayment made.

G. Prepayment as a result of Eminent Domain Proceeding or Taking

Subject to applicable law, if any portion of any Parcel of Assessed Property is taken from an owner as a result of eminent domain proceedings or if a transfer of any portion of any Parcel of Assessed Property is made to an entity with the authority to condemn all or a portion of the Assessed Property in lieu of or as a part of an eminent domain proceeding (a "**Taking**"), the portion of the Assessed Property that was taken or transferred (the "**Taken Property**") shall be reclassified as Non-Benefitted Property.

For the Assessed Property that is subject to the Taking as described in the preceding paragraph, the Assessment that was levied against the Assessed Property (when it was included in the Taken Property) prior to the Taking shall remain in force against the remaining Assessed Property (the Assessed Property less the Taken Property,) (the "**Remaining Property**"), following the reclassification of the Taken Property as Non-Benefitted Property, subject to an adjustment of the Assessment applicable to the Remaining Property after any required Prepayment as set forth below. The owner of the Remaining Property will remain liable to pay in Annual Installments, or payable as otherwise provided by this Service and Assessment Plan, as updated, or the PID Act, the Assessment that remains due on the Remaining Property, subject to an adjustment in the Assessment applicable to the Remaining Property after any required Prepayment as set forth below. Notwithstanding the foregoing, if the Assessment that remains due on the Remaining Property exceeds the Maximum Assessment, the owner of the Remaining Property will be required to make a Prepayment in an amount necessary to ensure that the Assessment against the Remaining Property does not exceed the Maximum Assessment, in which case the Assessment applicable to the Remaining Property will be reduced by the amount of the partial Prepayment. If the City receives all or a portion of the eminent domain proceeds (or payment made in an agreed sale in lieu of condemnation), such amount shall be credited against the amount of prepayment, with any remainder credited against the assessment on the Remainder Property.

In all instances the Assessment remaining on the Remaining Property shall not exceed the Maximum Assessment.

By way of illustration, if an owner owns 100 acres of Assessed Property subject to a $100 Assessment and 10 acres is taken through a Taking, the 10 acres of Taken Property shall be reclassified as Non-Benefitted Property and the remaining 90 acres of Remaining Property shall be subject to the $100 Assessment, (provided that this $100 Assessment does not exceed the Maximum Assessment on the Remaining Property). If the Administrator determines that the $100 Assessment reallocated to the Remaining Property would exceed the Maximum Assessment on the Remaining Property by $10, then the owner shall be required to pay $10 as a Prepayment of the Assessment against the Remaining Property and the Assessment on the Remaining Property shall be adjusted to be $90.

Notwithstanding the previous paragraphs in this subsection (F), if the owner of the Taken Property notifies the City and the Administrator that the Taking prevents the Remaining Property from being developed for any use which could support the Estimated Buildout Value requirement, the owner shall, upon receipt of the compensation for the Taken Property, be required to prepay the amount of the Assessment required to buy down the outstanding Assessment to the Maximum Assessment on the Remaining Property to support the Estimated Buildout Value requirement. Said owner will remain liable to pay the Annual Installments on both

the Taken Property and the Remaining Property until such time that such Assessment has been prepaid in full.

Notwithstanding the previous paragraphs in this subsection (F), the Assessments shall not, however, be reduced to an amount less than the outstanding PID Bonds, if issued.

H. Payment of Assessment in Annual Installments

Assessments that are not paid in full shall be due and payable in Annual Installments. **Exhibit G** shows the projected Annual Installments for the District. In no case will the Assessment for any Lot Type exceed the Maximum Assessment. Annual Installments are subject to adjustment in each Annual Service Plan Update.

Prior to the recording of a final subdivision plat, if any Parcel shown on the Assessment Roll is assigned multiple tax parcel identification numbers for billing and collection purposes, the Annual Installment shall be allocated pro rata based on the acreage of the Parcel not including any Non-Benefitted Property, as shown by the Williamson Central Appraisal District for each tax parcel identification number.

The Administrator shall prepare and submit to the City Council for its review and approval an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include updated Assessment Rolls and updated calculations of Annual Installments. The Annual Collection Costs for a given Assessment shall be paid by the owner of each Parcel pro rata based on the ratio of the amount of outstanding Assessment remaining on the Parcel to the total outstanding Assessment. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes. Annual Installments shall be subject to the penalties, procedures, and foreclosure sale in case of delinquencies as set forth in the PID Act and in the same manner as ad valorem taxes due and owing to the City. To the extent permitted by the PID Act or other applicable law, the City Council may provide for other means of collecting Annual Installments, but in no case shall the City take any action, or fail to take any action, that would cause it to be in default under any Indenture. Assessments shall have the lien priority specified in the PID Act. For billing purposes only, until a plat has been recorded within the Initial Parcel, the Annual Installment will be billed to each property ID within the Initial Parcel based on the Williamson Central Appraisal District acreage.

Sales of the Assessed Property for nonpayment of Annual Installments shall be subject to the lien for the remaining unpaid Annual Installments against the Assessed Property, and the Assessed Property may again be sold at a judicial foreclosure sale if the purchaser fails to timely pay the Annual Installments as they become due and payable.

The City reserves the right to refund PID Bonds, if issued in accordance with the PID Act, if such bonds are issued. In the event of a refunding, the Administrator shall recalculate the Annual

Installments so that total Annual Installments will be sufficient to pay the refunding bonds, and the refunding bonds shall constitute "PID Bonds."

Each Annual Installment of an Assessment, including interest on the unpaid principal of the Assessment, shall be updated annually. Each Annual Installment shall be due when billed and shall be delinquent if not paid prior to February 1 of the following year. The initial Annual Installments shall be due when billed and shall be delinquent if not paid prior to February 1, 2026.

Failure of an owner of Assessed Property to receive an invoice for an Annual Installment on the property tax bill or otherwise shall not relieve the owner of Assessed Property of the obligation to pay the Assessment. Assessments, or Annual Installments thereof, that are delinquent shall incur Delinquent Collection Costs.

SECTION VII: ASSESSMENT ROLL

The Assessment Roll is attached as **Exhibit F**. The Administrator shall prepare and submit to the City Council for review and approval, proposed revisions to the Assessment Roll and Annual Installments for each Parcel within the Assessed Property before levying the Assessments and thereafter as part of each Annual Service Plan Update.

SECTION VIII: ADDITIONAL PROVISIONS

A. Calculation Errors

If the owner of an Assessed Property claims that an error has been made in any calculation required by this Service and Assessment Plan, including, but not limited to, any calculation made as part of any Annual Service Plan Update, the sole and exclusive remedy of the owner of Assessed Property shall be to submit a written notice of error to the Administrator by December 1st of each year following City Council approval of the calculation; otherwise, the owner shall be deemed to have unconditionally approved and accepted the calculation. Upon receipt of a written notice of error from an owner the Administrator shall provide a written response to the City Council and the owner within 30 days of such referral. The City Council shall consider the owner's notice of error and the Administrator's response at a public meeting, and within 30 days after adjourning such meeting, the City Council shall make a final determination as to whether an error has been made. If the City Council determines that an error has been made, the City Council shall take such corrective action as is authorized by the PID Act, this Service and Assessment Plan, the applicable Assessment Ordinance, or the applicable Indenture, or as otherwise authorized by the discretionary power of the City Council. The determination by the City Council as to whether an error has been made, and any corrective action taken by the City Council, shall be final and binding on the owner and the Administrator.

B. Amendments

Amendments to this Service and Assessment Plan must be made by the City Council in accordance with the PID Act. To the extent permitted by the PID Act, this Service and Assessment Plan may be amended without notice to owners of the Assessed Property: (1) to correct mistakes and clerical errors; (2) to clarify ambiguities; and (3) to provide procedures to collect Assessments, Annual Installments, and other charges imposed by this Service and Assessment Plan.

C. Administration and Interpretation

The Administrator shall: (1) perform the obligations of the Administrator as set forth in this Service and Assessment Plan; (2) administer the District for and on behalf of and at the direction of the City Council; and (3) interpret the provisions of this Service and Assessment Plan. Interpretations of this Service and Assessment Plan by the Administrator shall be in writing and shall be appealable to the City Council by owners of Assessed Property adversely affected by the interpretation. Appeals shall be decided by the City Council after providing an opportunity for all interested parties to be heard at a public meeting of the City Council. Decisions by the City Council shall be final and binding on the owners and developers and their successors and assigns.

D. Form of Buyer Disclosure

Per Section 5.014 of the Texas Property Code, as amended, this Service and Assessment Plan, and any future Annual Service Plan Updates, shall include a form of the buyer disclosures for the District. The buyer disclosures are attached hereto in **Appendix B**. Within seven days of approval by the City Council, the City shall file and record in the real property records of the County the executed ordinance of this Service and Assessment Plan, or any future Annual Service Plan Updates. The executed ordinance, including any attachments approving this Service and Assessment Plan or any future Annual Service Plan Updates shall be filed and recorded in their entirety.

E. Severability

If any provision of this Service and Assessment Plan is determined by a governmental agency or court to be unenforceable, the unenforceable provision shall be deleted and, to the maximum extent possible, shall be rewritten to be enforceable. Every effort shall be made to enforce the remaining provisions.

LIST OF EXHIBITS

The following Exhibits are attached to and made a part of this Service and Assessment Plan for all purposes:

Exhibit A	District Legal Description
Exhibit B	District Boundary Map
Exhibit C	Project Costs
Exhibit D	Service Plan – Five Year Plan
Exhibit E	Service Plan – Sources and Uses
Exhibit F	Assessment Roll
Exhibit G	Annual Installments
Exhibit H	Maximum Assessment per Lot Type
Exhibit I-1	Map of Authorized Improvements
Exhibit I-2	Map of Private Improvements
Exhibit J	Lot Type Classification Map
Exhibit K	Condo Preliminary Plat
Exhibit L	Notice of PID Assessment Termination
Exhibit M	Buyer Disclosures

APPENDICES

The following Appendices are attached to and made a part of this Service and Assessment Plan for all purposes:

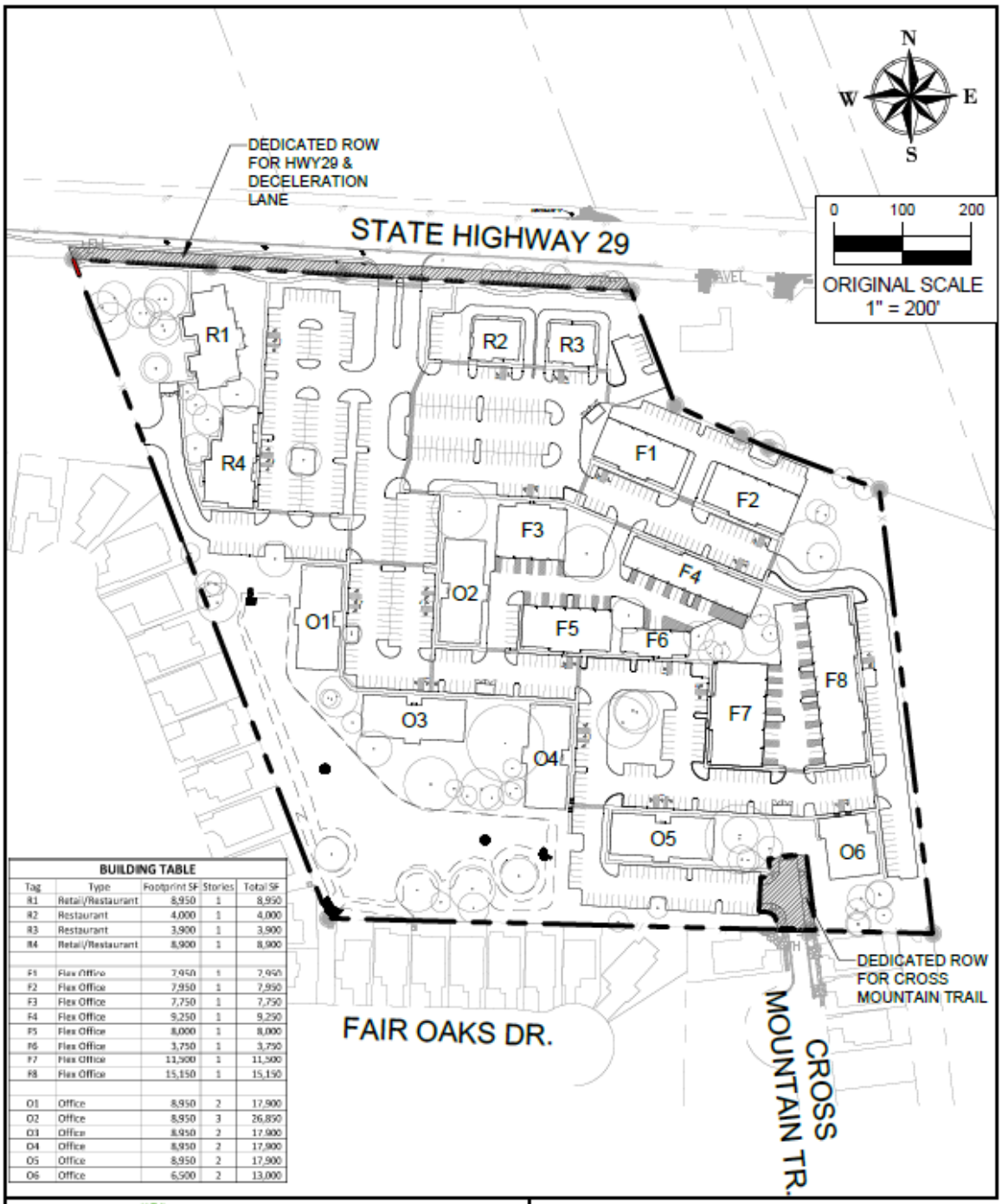
Appendix A Engineer's Report

Appendix B Buyer Disclosures

EXHIBIT A – DISTRICT LEGAL DESCRIPTION

LEGAL DESCRIPTION
A 19.77 ACRE TRACT OF LAND BEING OUT OF THE 20.26 ACRES CONVEYED TO 3701 SH29, LLC IN A WARRANTY DEED, RECORDED IN DOCUMENT NO. 2019030375 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING ALL OF 19.77 ACRES, LOT 1, BLOCK 1, RECORDED AS THE PRESERVE AT WATER OAK, OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY TEXAS DOCUMENT NO. 2022098031.

EXHIBIT B – DISTRICT BOUNDARY MAP



BUILDING TABLE				
Tag	Type	Footprint SF	Stories	Total SF
R1	Retail/Restaurant	8,950	1	8,950
R2	Restaurant	4,000	1	4,000
R3	Restaurant	3,900	1	3,900
R4	Retail/Restaurant	8,900	1	8,900
F1	Flex Office	7,950	1	7,950
F2	Flex Office	7,950	1	7,950
F3	Flex Office	7,750	1	7,750
F4	Flex Office	9,250	1	9,250
F5	Flex Office	8,000	1	8,000
F6	Flex Office	3,750	1	3,750
F7	Flex Office	11,500	1	11,500
F8	Flex Office	15,150	1	15,150
O1	Office	8,950	2	17,900
O2	Office	8,950	3	26,850
O3	Office	8,950	2	17,900
O4	Office	8,950	2	17,900
O5	Office	8,950	2	17,900
O6	Office	6,500	2	13,000

2P CONSULTANTS, LLC
203 E. MAIN STREET, SUITE 204
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351

THE PRESERVE AT WATER OAK
PUBLIC IMPROVMENT DISTRICT
December 12, 2024

EXHIBIT C – PROJECT COSTS

	Authorized Improvements [a]	Private Costs	Total Costs
Major Improvements			
Drainage [b]	$ 1,226,553	$ -	$ 1,226,553
Water [b]	1,481,352	-	1,481,352
Wastewater [b]	694,925	-	694,925
Cross Mountain Trail Access [b]	164,453	-	164,453
Streets [b]	267,509	-	267,509
Landscaping [b] [c]	818,499	-	818,499
Signage [b] [c]	179,417	-	179,417
District Formation [c]	300,000	-	300,000
	$ 5,132,709	$ -	$ 5,132,709
Private Improvements			
Internal Streets and Private Parking Areas	$ -	$ 2,250,000	$ 2,250,000
Private Monument Signage	-	50,000	50,000
	$ -	$ 2,300,000	$ 2,300,000
Bond Issuance Costs [d]			
Debt Service Reserve Fund	$ 357,060	$ -	$ 357,060
Capitalized Interest	-	-	-
Underwriter's Discount	133,530	-	133,530
Cost of Issuance	267,060	-	267,060
	$ 757,650	$ -	$ 757,650
Other Costs			
First Year Annual Collection Costs	$ 40,000	$ -	$ 40,000
	$ 40,000	$ -	$ 40,000
Total	**$ 5,930,359**	**$ 2,300,000**	**$ 8,230,359**

Footnotes:

[a] Costs were determined per the Engineer's Opinion of Probable Cost prepared by 2P Consultants, LLC.

[b] Costs are inclusive of Soft Costs, Contingency Costs, and Project Management Fees.

[c] Prior to the issuance of PID Bonds, if issued, such costs will be reviewed and updated. The Owner Contribution as set forth in Exhibit E herein may be allocated to such costs in accordance with the Reimbursement Agreement and as determined by the City.

[d] The amounts shown for Bond Issuance Costs are estimates and are subject to change if PID Bonds are issued.

EXHIBIT D – SERVICE PLAN – FIVE YEAR PLAN

Annual Installments Due		1/31/2026	1/31/2027	1/31/2028	1/31/2029	1/31/2030
Principal		$ 88,000.00	$ 92,000.00	$ 97,000.00	$ 102,000.00	$ 107,000.00
Interest		260,820.00	255,540.00	250,020.00	244,200.00	238,080.00
	(1)	$ 348,820.00	$ 347,540.00	$ 347,020.00	$ 346,200.00	$ 345,080.00
Annual Collection Costs	(2)	$ 40,800.00	$ 41,616.00	$ 42,448.32	$ 43,297.29	$ 44,163.23
Additional Interest [a]	(3)	$ -	$ -	$ -	$ -	$ -
Total Annual Installment	**(4)=(1)+(2)+(3)**	**$ 389,620.00**	**$ 389,156.00**	**$ 389,468.32**	**$ 389,497.29**	**$ 389,243.23**

[a] If PID Bonds are issued, Additional Interest will be charged and collected.

EXHIBIT E – SERVICE PLAN – SOURCES AND USES

	Major Improvements	Private Costs	Total
Sources of Funds			
Total Reimbursement Obligation [a] [b]	$ 4,347,000	$ -	$ 4,347,000
Owner Funded Private Improvements [c]	-	2,300,000	2,300,000
Owner Contribution [c]	1,583,359	-	1,583,359
Total Sources	**$ 5,930,359**	**$ 2,300,000**	**$ 8,230,359**
Uses of Funds			
Major Improvements	$ 5,132,709	$ -	$ 5,132,709
Private Improvements	-	2,300,000	2,300,000
	$ 5,132,709	$ 2,300,000	$ 7,432,709
Bond Issuance Costs [d] [e]			
Debt Service Reserve Fund	$ 357,060	$ -	$ 357,060
Capitalized Interest	-	-	-
Underwriter's Discount	133,530	-	133,530
Cost of Issuance	267,060	-	267,060
	$ 757,650	$ -	$ 757,650
Other Costs [d] [e]			
First Year Annual Collection Costs	$ 40,000	$ -	$ 40,000
	$ 40,000	$ -	$ 40,000
Total Uses	**$ 5,930,359**	**$ 2,300,000**	**$ 8,230,359**

Footnotes:

[a] Reimbursable to Owner pursuant to Reimbursement Agreement.

[b] At the time that PID Bonds are issued, the Bonds will be sized so that the Tax Rate Equivalent will not exceed $0.55.

[c] Represents Actual Costs expended or to be expended by the Owner to construct the Public Improvements in excess of the Assessment. Not subject to reimbursement to Owner. Prior to the issuance of PID Bonds, if issued, the Owner Contribution may be allocated to certain public improvement costs in accordance with the Reimbursement Agreement and as determined by the City.

[d] Estimates only. Bond Issuance Costs and Other Costs associated with PID Bonds issued to refinance all or a portion of the Reimbursement Obligation are to be determined and incurred at the time such PID Bonds are issued.

[e] If Bonds to refinance the Reimbursement Obligation are not issued, the Developer may use the amount equal to the Bond Issuance Costs to pay for qualified Authorized Improvements provided the costs are proven by the Developer within two years from the date the Assessments are levied. If costs aren't proven within two years of the date the Assessments are levied, the Assessments will be reduced in an amount equal to the estimated Bond Issuance Costs related to costs of issuing the Bonds, as shown in this table, only to the extent that the Bond Issuance Costs exceed the proven costs. The City Council shall reduce the Assessments in the same way they were levied on all Assessed Properties.

EXHIBIT F – ASSESSMENT ROLL

						Preserve at Water Oak PID[c]			
						Outstanding Assessment[a]		Annual Installment due 1/31/26[a],[b]	
Property ID[d]	TBD Parcel ID	Lot Type	Building	Legal Description	Square Ft.[e]	Initial Parcel	Condo Regime	Initial Parcel	Condo Regime
R634491		Initial Parcel				$ 4,347,000.00		$ 389,620.00	
	TBD	1	18	Unit 18	9,162		$ 252,822.58		$ 22,660.39
	TBD	2	1	Unit 1	4,000		$ 139,813.11		$ 12,531.40
	TBD	2	2	Unit 2	3,900		$ 136,317.78		$ 12,218.11
	TBD	1	17	Unit 17	8,977		$ 247,717.56		$ 22,202.83
	TBD	3	16	Unit 16101	1,463		$ 28,259.73		$ 2,532.91
	TBD	3	16	Unit 16102	1,431		$ 27,641.60		$ 2,477.51
	TBD	3	16	Unit 16103	2,014		$ 38,903.00		$ 3,486.86
	TBD	3	16	Unit 16104	1,986		$ 38,362.14		$ 3,438.38
	TBD	3	16	Unit 16105	1,430		$ 27,622.29		$ 2,475.78
	TBD	3	16	Unit 16106	1,461		$ 28,221.09		$ 2,529.45
	TBD	3	16	Unit 16201	847		$ 16,360.89		$ 1,466.42
	TBD	3	16	Unit 16202	900		$ 17,384.66		$ 1,558.18
	TBD	3	16	Unit 16203	617		$ 11,918.15		$ 1,068.22
	TBD	3	16	Unit 16204	647		$ 12,497.64		$ 1,120.16
	TBD	3	16	Unit 16205	1,209		$ 23,353.39		$ 2,093.16
	TBD	3	16	Unit 16206	1,209		$ 23,353.39		$ 2,093.16
	TBD	3	16	Unit 16207	1,319		$ 25,478.18		$ 2,283.60
	TBD	3	16	Unit 16208	1,045		$ 20,185.52		$ 1,809.22
	TBD	3	16	Unit 16209	869		$ 16,785.85		$ 1,504.51
	TBD	4	4	Unit 4101	2,507		$ 49,963.26		$ 4,478.19
	TBD	4	4	Unit 4102	2,032		$ 40,496.75		$ 3,629.71
	TBD	4	4	Unit 4103	2,469		$ 49,205.94		$ 4,410.31
	TBD	4	5	Unit 5101	2,600		$ 51,816.70		$ 4,644.31
	TBD	4	5	Unit 5102	1,388		$ 27,662.15		$ 2,479.35
	TBD	4	5	Unit 5103	1,394		$ 27,781.72		$ 2,490.07
	TBD	4	5	Unit 5104	1,289		$ 25,689.13		$ 2,302.51
	TBD	4	5	Unit 5105	1,318		$ 26,267.08		$ 2,354.31
	TBD	Remainder Parcel	N/A	N/A	149,150		$ 2,915,118.73		$ 261,281.01
	Total Initial Parcel				208,633	**$ 4,347,000.00**		**$ 389,620.00**	

[a] For billing purposes only, until a plat has been recorded within the Initial Parcel, the Annual Installment will be billed to each Tax Parcel within the Initial Parcel based on the acreage of the Tax Parcel as calculated by the Williamson Central Appraisal District.
[b] The Bond Par shall be reduced to ensure the fixed PID Tax Rate Equivalent of $0.55 isn't exceeded should the interest rates on the bonds plus Additional Interest at bond sale be higher than the Reimbursement Obligation rate.
[c] For a version of the Assessment Roll broken out on a per lot basis by legal description per the Preliminary Condo Regime submitted by the Developer, see below. Note, Property ID numbers will be added when assigned by Williamson County.
[d] The Initial Parcel is intended to be a Condo Regime. The Developer must record the Condo Regime with the Williamson County Appraisal District prior to the issuance of PID Bonds.
[e] The Developer has an obligation to build the square footage above for each Unit. Should the square footage change, a mandatory prepayment may be required.

EXHIBIT G – ANNUAL INSTALLMENTS

Annual Installments Due	Principal	Interest [a]	Additional Interest [b] [c]	Annual Collection Costs	Total Annual Installment [c] [d]
2026	$ 88,000.00	$ 260,820.00	$ -	$ 40,800.00	$ 389,620.00
2027	92,000.00	255,540.00	-	41,616.00	389,156.00
2028	97,000.00	250,020.00	-	42,448.32	389,468.32
2029	102,000.00	244,200.00	-	43,297.29	389,497.29
2030	107,000.00	238,080.00	-	44,163.23	389,243.23
2031	113,000.00	231,660.00	-	45,046.50	389,706.50
2032	119,000.00	224,880.00	-	45,947.43	389,827.43
2033	125,000.00	217,740.00	-	46,866.38	389,606.38
2034	131,000.00	210,240.00	-	47,803.70	389,043.70
2035	138,000.00	202,380.00	-	48,759.78	389,139.78
2036	146,000.00	194,100.00	-	49,734.97	389,834.97
2037	153,000.00	185,340.00	-	50,729.67	389,069.67
2038	161,000.00	176,160.00	-	51,744.27	388,904.27
2039	170,000.00	166,500.00	-	52,779.15	389,279.15
2040	179,000.00	156,300.00	-	53,834.73	389,134.73
2041	189,000.00	145,560.00	-	54,911.43	389,471.43
2042	199,000.00	134,220.00	-	56,009.66	389,229.66
2043	210,000.00	122,280.00	-	57,129.85	389,409.85
2044	221,000.00	109,680.00	-	58,272.45	388,952.45
2045	233,000.00	96,420.00	-	59,437.90	388,857.90
2046	246,000.00	82,440.00	-	60,626.65	389,066.65
2047	260,000.00	67,680.00	-	61,839.19	389,519.19
2048	274,000.00	52,080.00	-	63,075.97	389,155.97
2049	289,000.00	35,640.00	-	64,337.49	388,977.49
2050	305,000.00	18,300.00	-	65,624.24	388,924.24
Total	**$ 4,347,000.00**	**$ 4,078,260.00**	**$ -**	**$ 1,306,836.23**	**$ 9,732,096.23**

[a] Interest is calculated at a rate of 6.00% which is less than 2% above the 30-year Municipal Market Data Index, which was 4.54% as of June 20, 2025, as required by the PID Act. If PID Bonds are issued, the interest rate on the Assessment will adjust to the interest rate on the Bonds plus Additional Interest.

[b] If PID Bonds are issued, Additional Interest will be charged and collected.

[c] The Bond Par shall be reduced to ensure the fixed PID Tax Rate Equivalent of $0.55 isn't exceeded should the interest rates on the bonds plus Additional Interest at bond sale be higher than the Reimbursement Obligation rate.

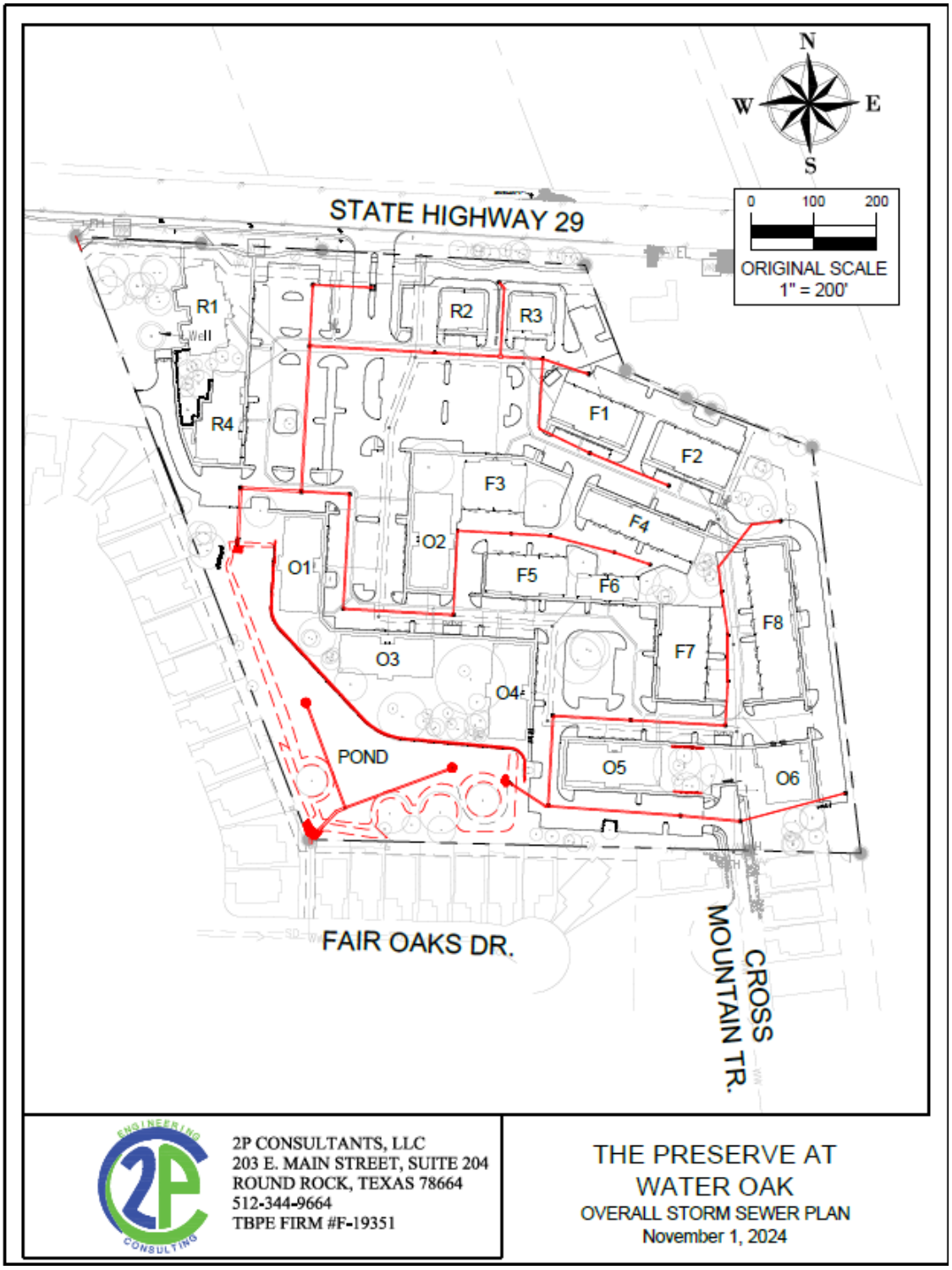
[d] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

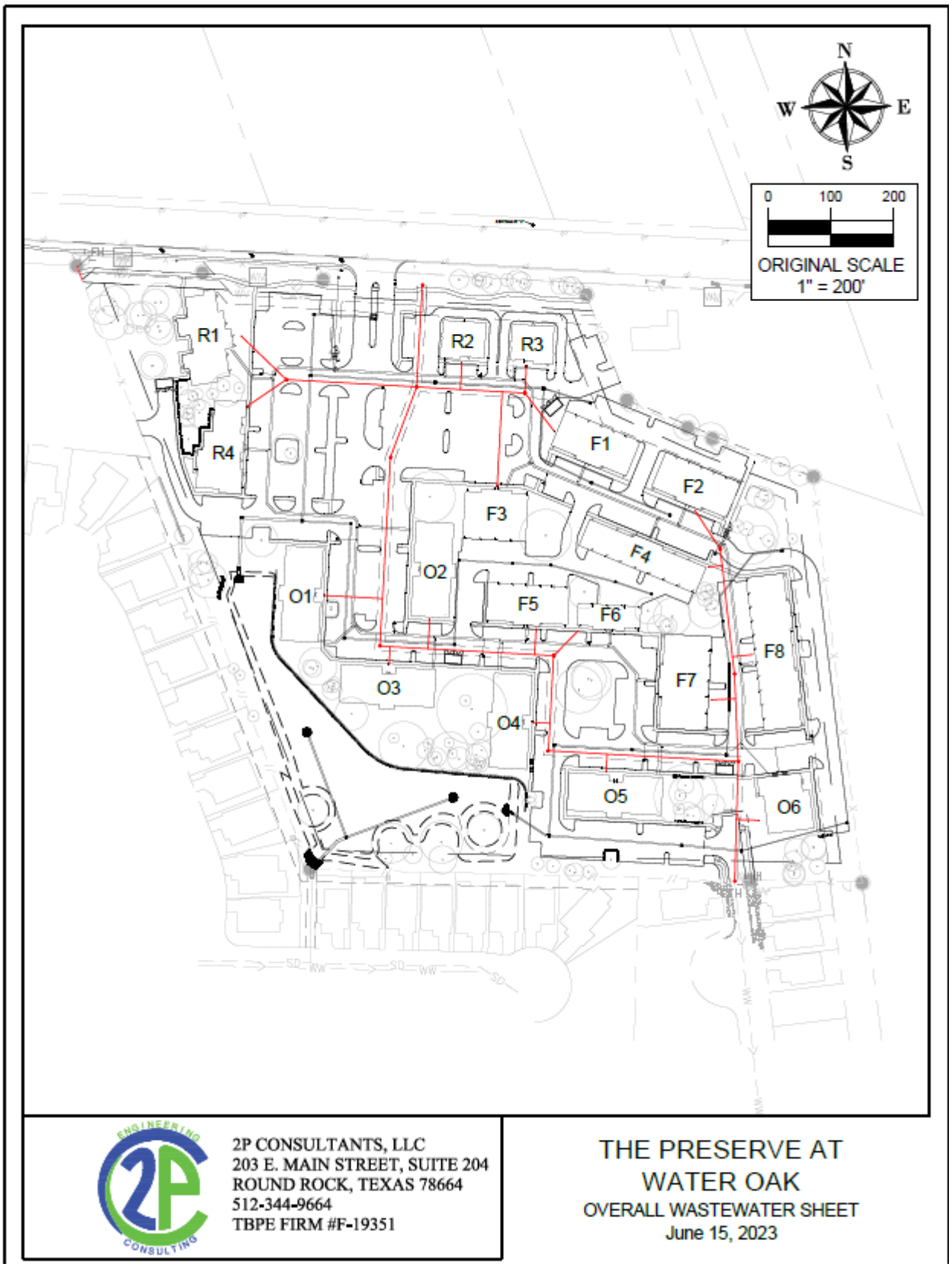
EXHIBIT H – MAXIMUM ASSESSMENT PER LOT TYPE

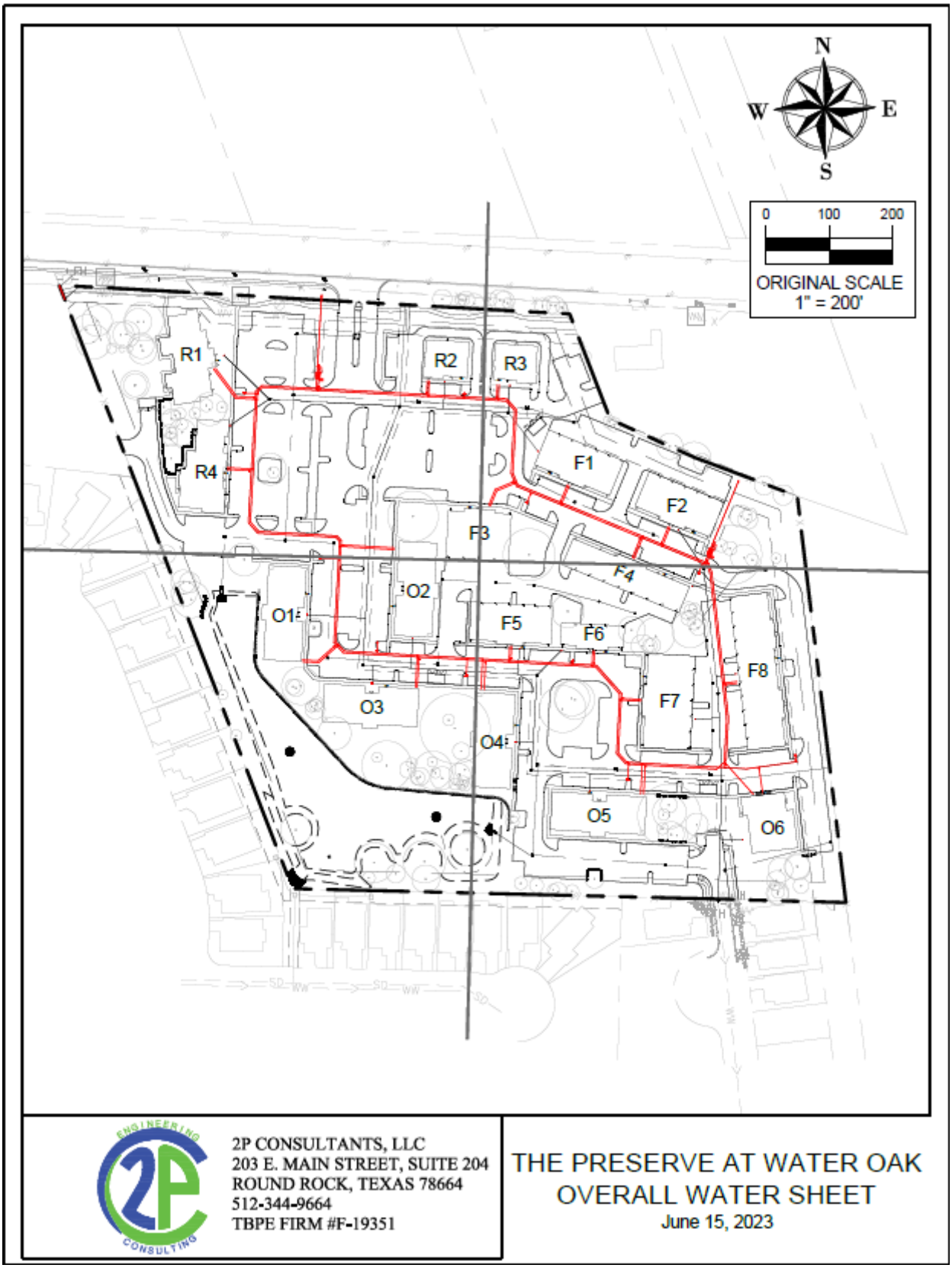
Lot Type	Square Feet [a]	Maximum Assessment per Lot Type	Total Assessment [b]	Estimated Tax Rate Equivalent
1	18,139	$27.59 per SF	$ 500,540.14	$ 0.55
2	7,900	$34.95 per SF	$ 276,130.90	$ 0.55
3	111,997	$19.32 per SF	$ 2,163,366.00	$ 0.55
4	70,597	$19.93 per SF	$ 1,406,962.96	$ 0.55
Total			**$ 4,347,000.00**	

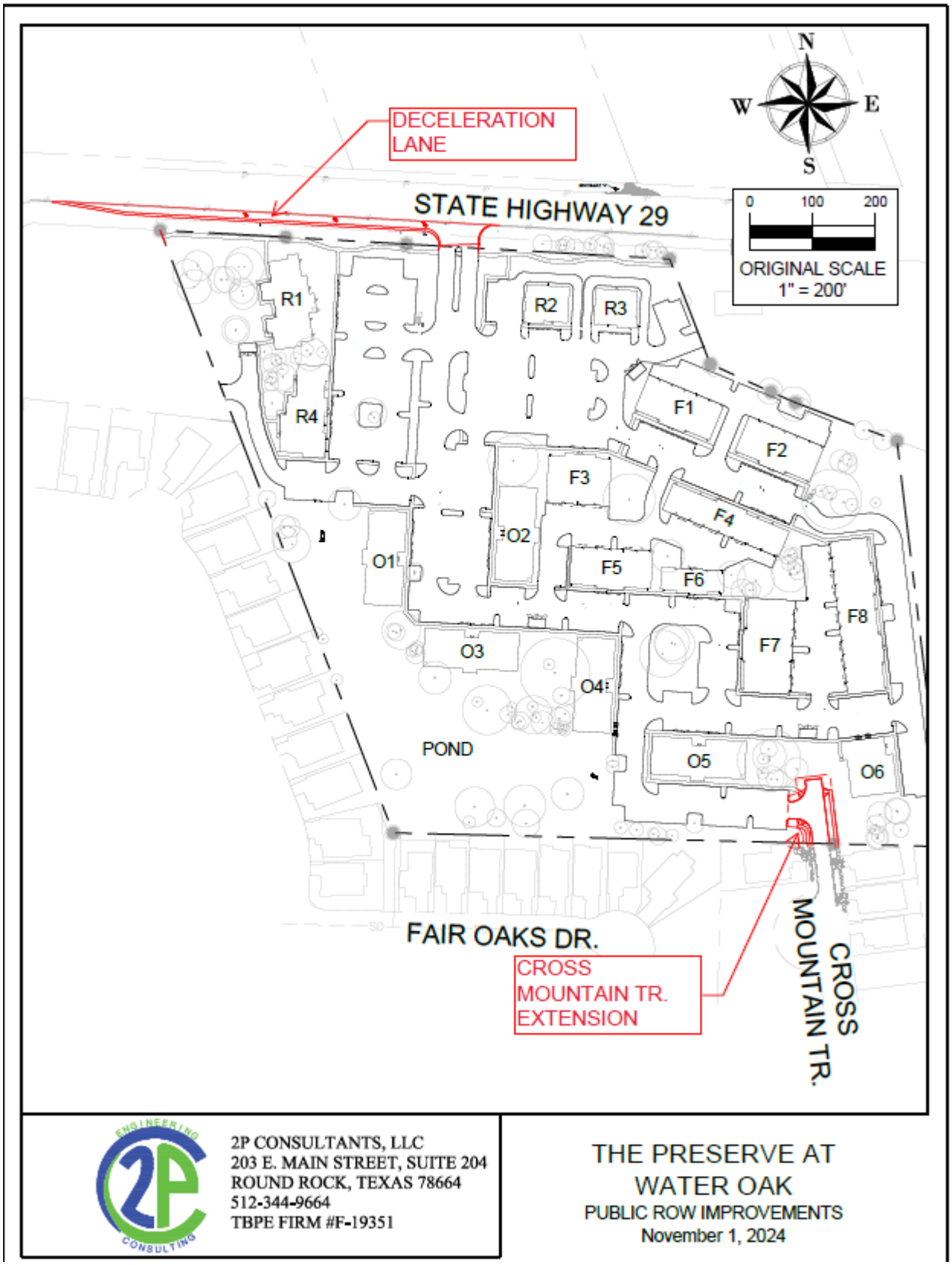
[a] Square footage and buildout value will not change in future updates to the Service and Assessment Plan, and if square footage requirements are not met, a mandatory prepayment may be required pursuant to **Section VI.B** of the Service and Assessment Plan.
[b] Prior to Bond Pricing, the Condominium Regime must be filed and recorded with Williamson County.

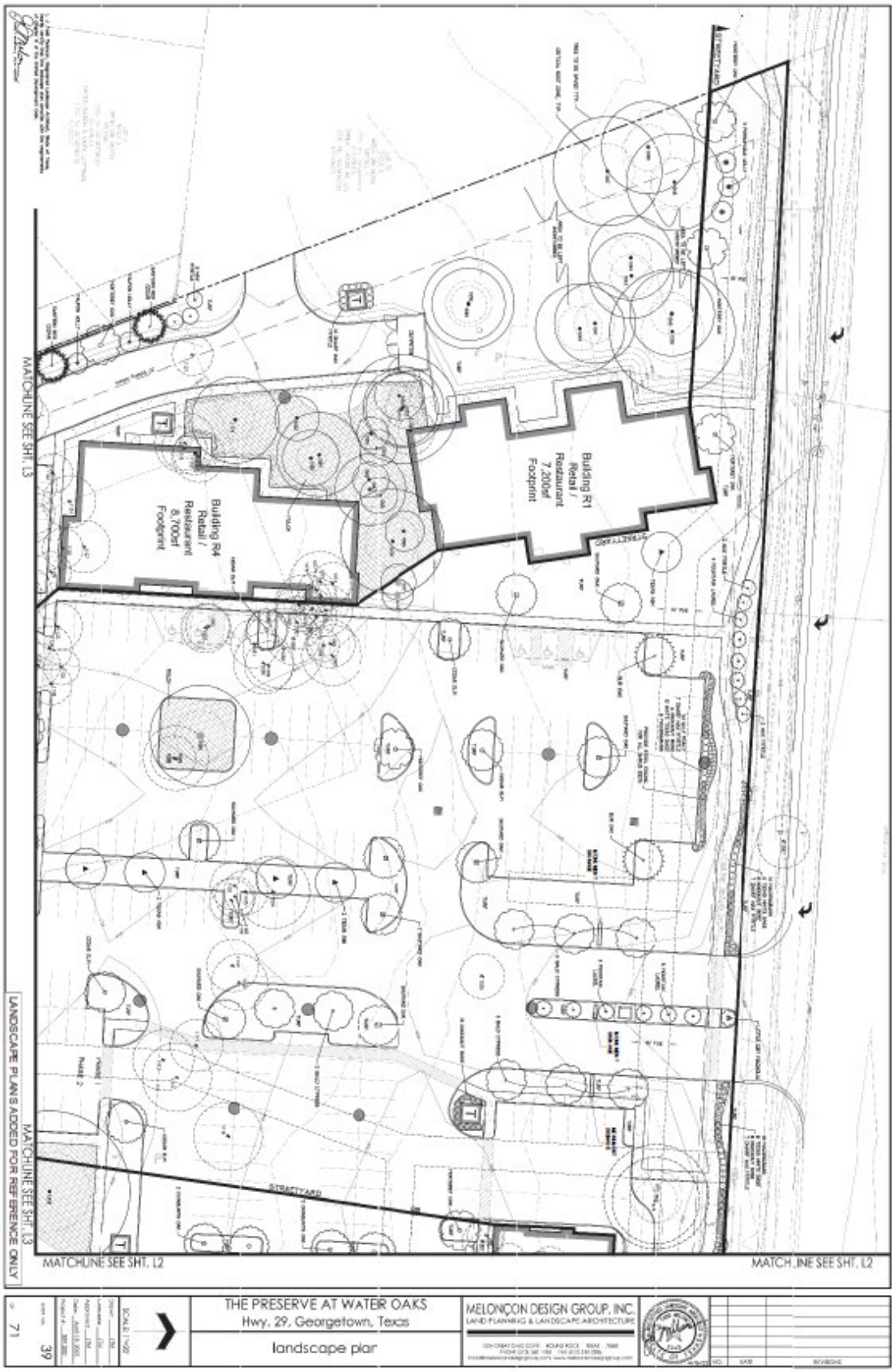
EXHIBIT I-1 – MAP OF AUTHORIZED IMPROVEMENTS

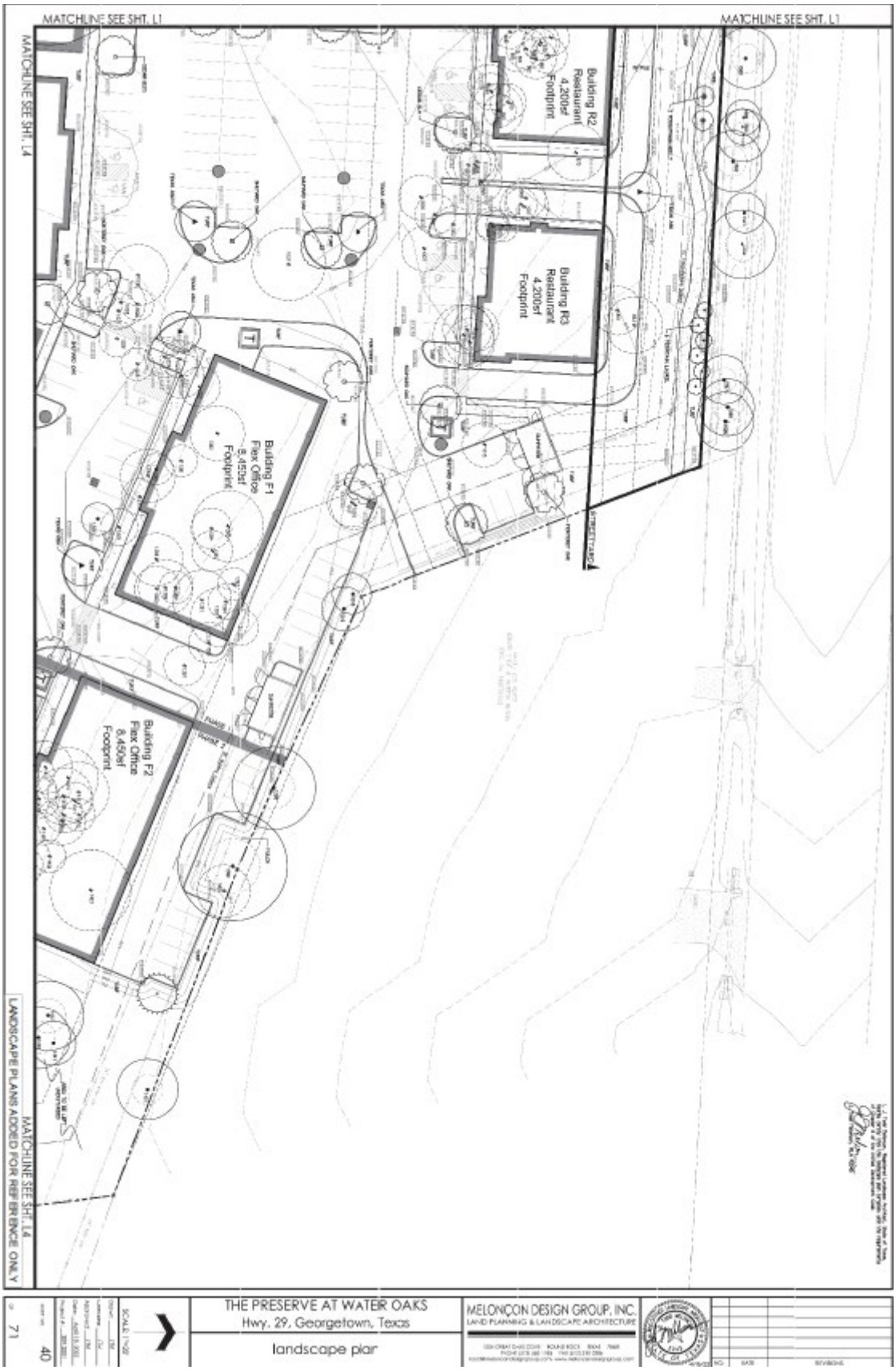


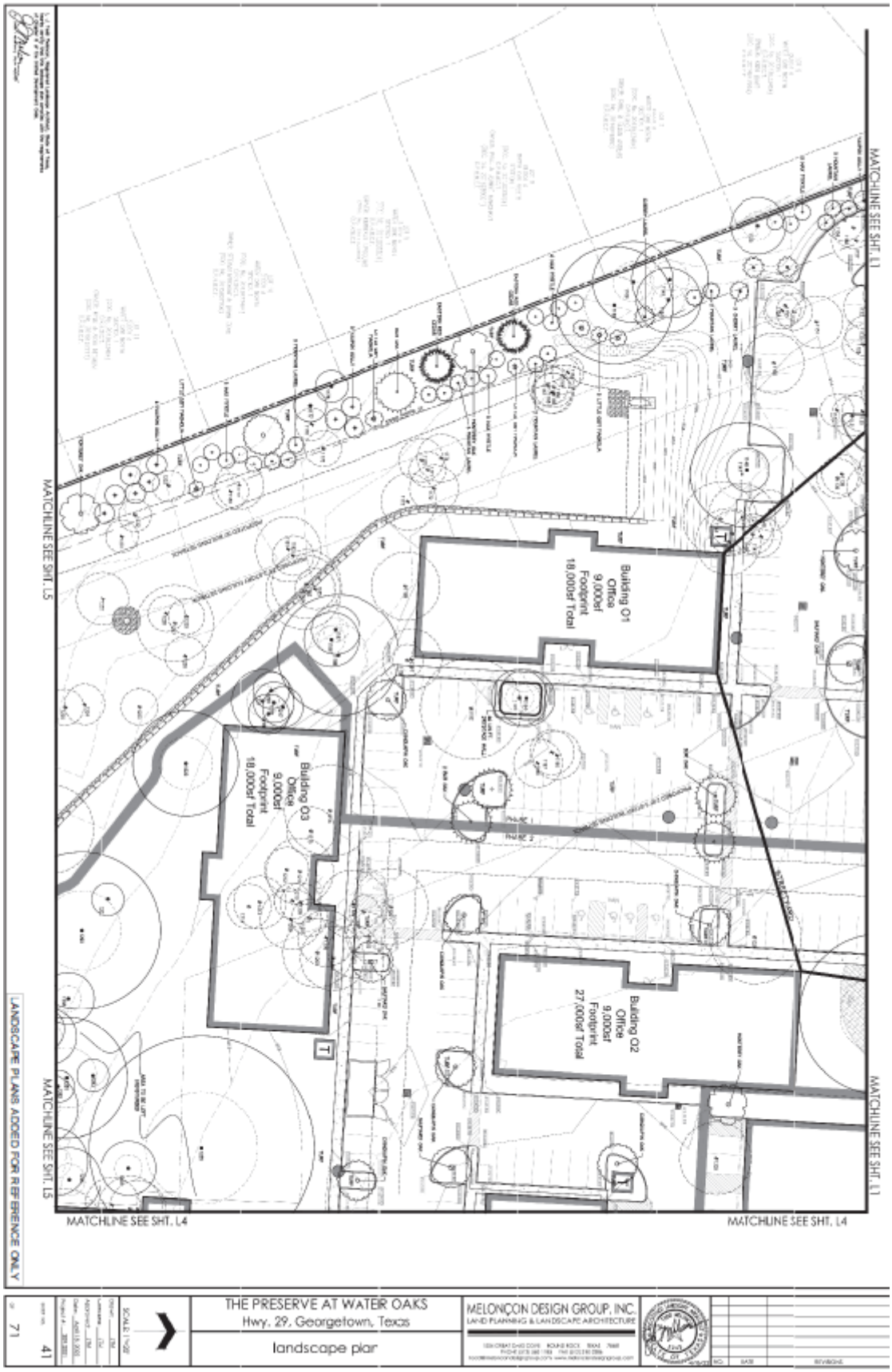

N
W
E
S
0
100
200
ORIGINAL SCALE
1" = 200'
R1
R2
R3
R4
F1
F2
F3
F4
F5
F6
F7
F8
O1
O2
O3
O4
O5
O6
2P CONSULTANTS, LLC
203 E. MAIN STREET, SUITE 204
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351
THE PRESERVE AT
WATER OAK
OVERALL WASTEWATER SHEET
June 15, 2023

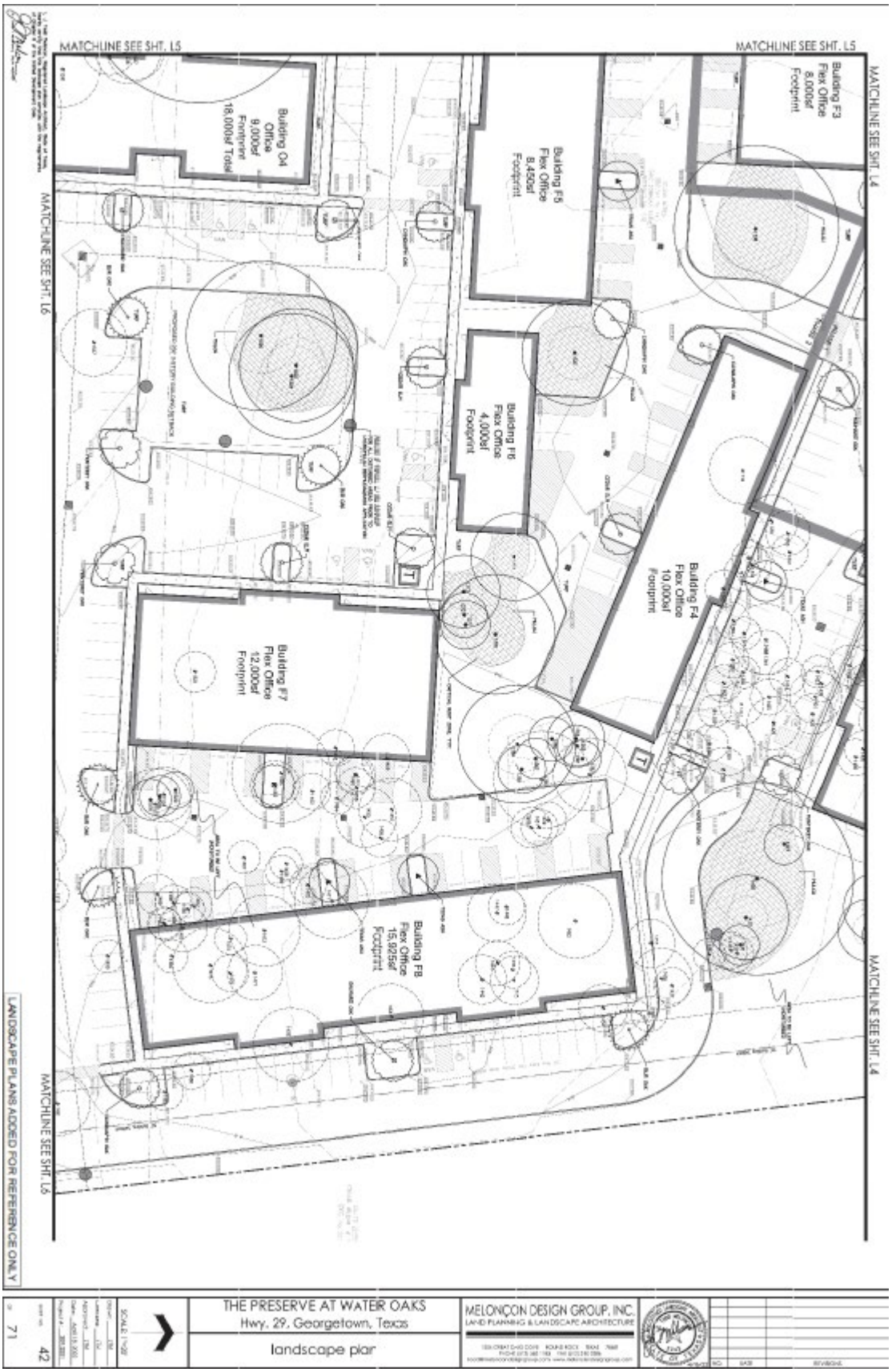

N
W
E
S
0
100
200
ORIGINAL SCALE
1" = 200'
R1
R2
R3
R4
F1
F2
F3
F4
F5
F6
F7
F8
O1
O2
O3
O4
O5
O6
2P CONSULTANTS, LLC
203 E. MAIN STREET, SUITE 204
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351
THE PRESERVE AT WATER OAK
OVERALL WATER SHEET
June 15, 2023

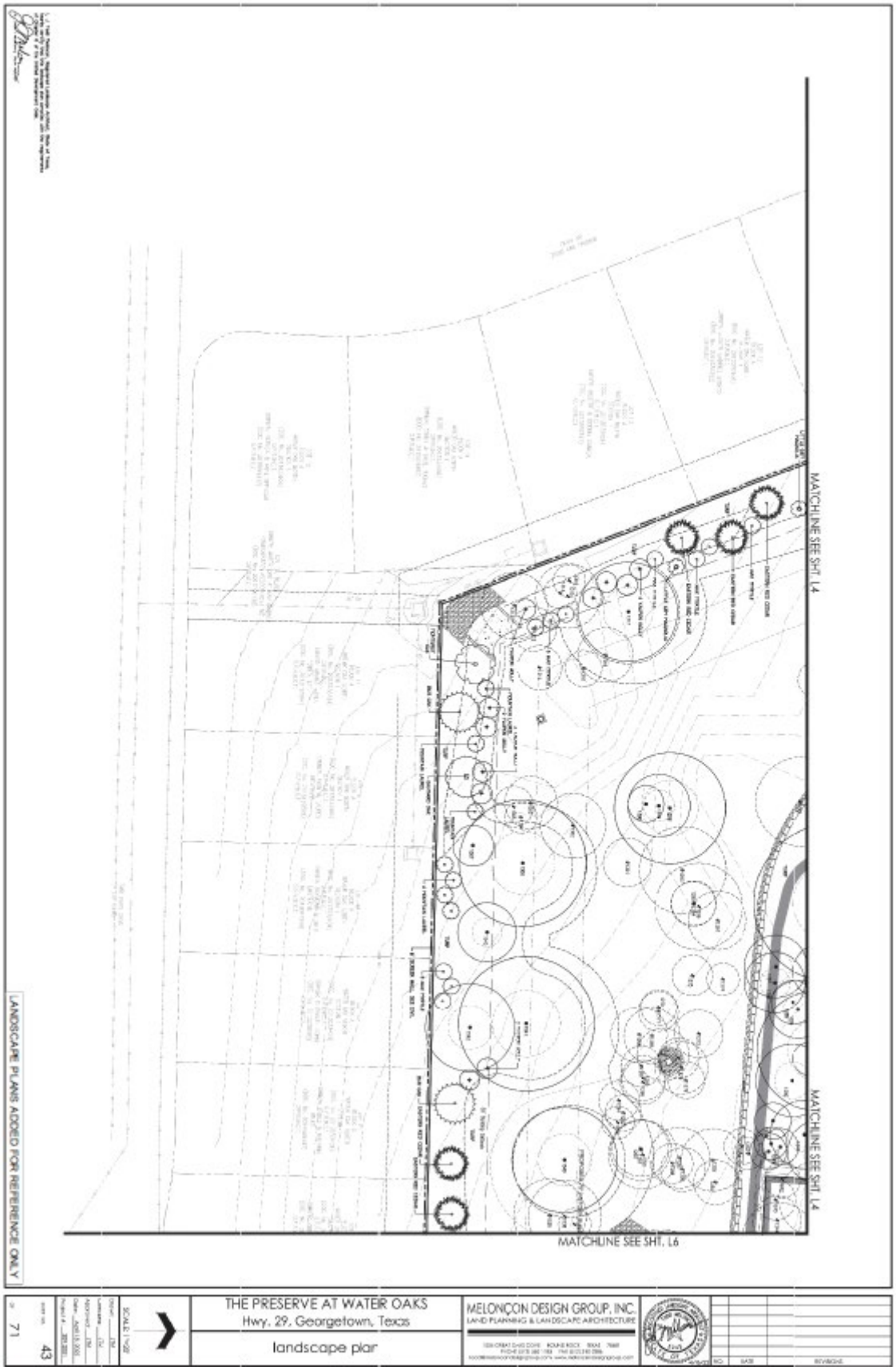

DECELERATION LANE
STATE HIGHWAY 29
N
W
E
S
0
100
200
ORIGINAL SCALE
1" = 200'
R1
R2
R3
R4
F1
F2
F3
F4
F5
F6
F7
F8
O1
O2
O3
O4
O5
O6
POND
FAIR OAKS DR.
CROSS MOUNTAIN TR. EXTENSION
CROSS MOUNTAIN TR.
2P CONSULTANTS, LLC
203 E. MAIN STREET, SUITE 204
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351
THE PRESERVE AT WATER OAK
PUBLIC ROW IMPROVEMENTS
November 1, 2024

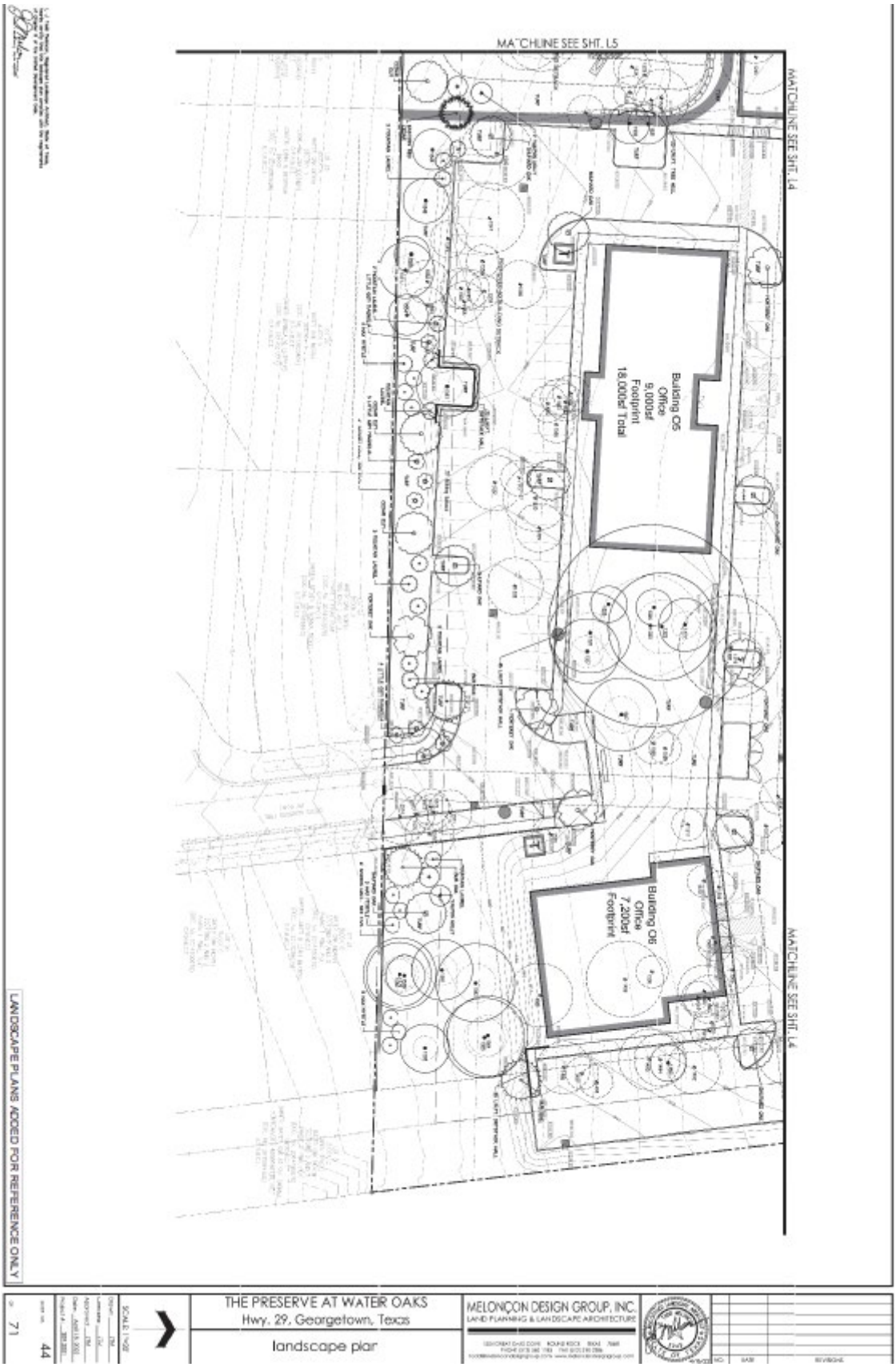

Building R1
Retail /
Restaurant
7,200sf
Footprint
Building R4
Retail /
Restaurant
6,700sf
Footprint
STRAWTYARD
MATCHLINE SEE SHT. L3
MATCHLINE SEE SHT. L2
MATCH LINE SEE SHT. L2
LANDSCAPE PLAN IS ADDED FOR REFERENCE ONLY
THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas
landscape plan
MELONÇON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
SCALE: 1"=20'
71
39

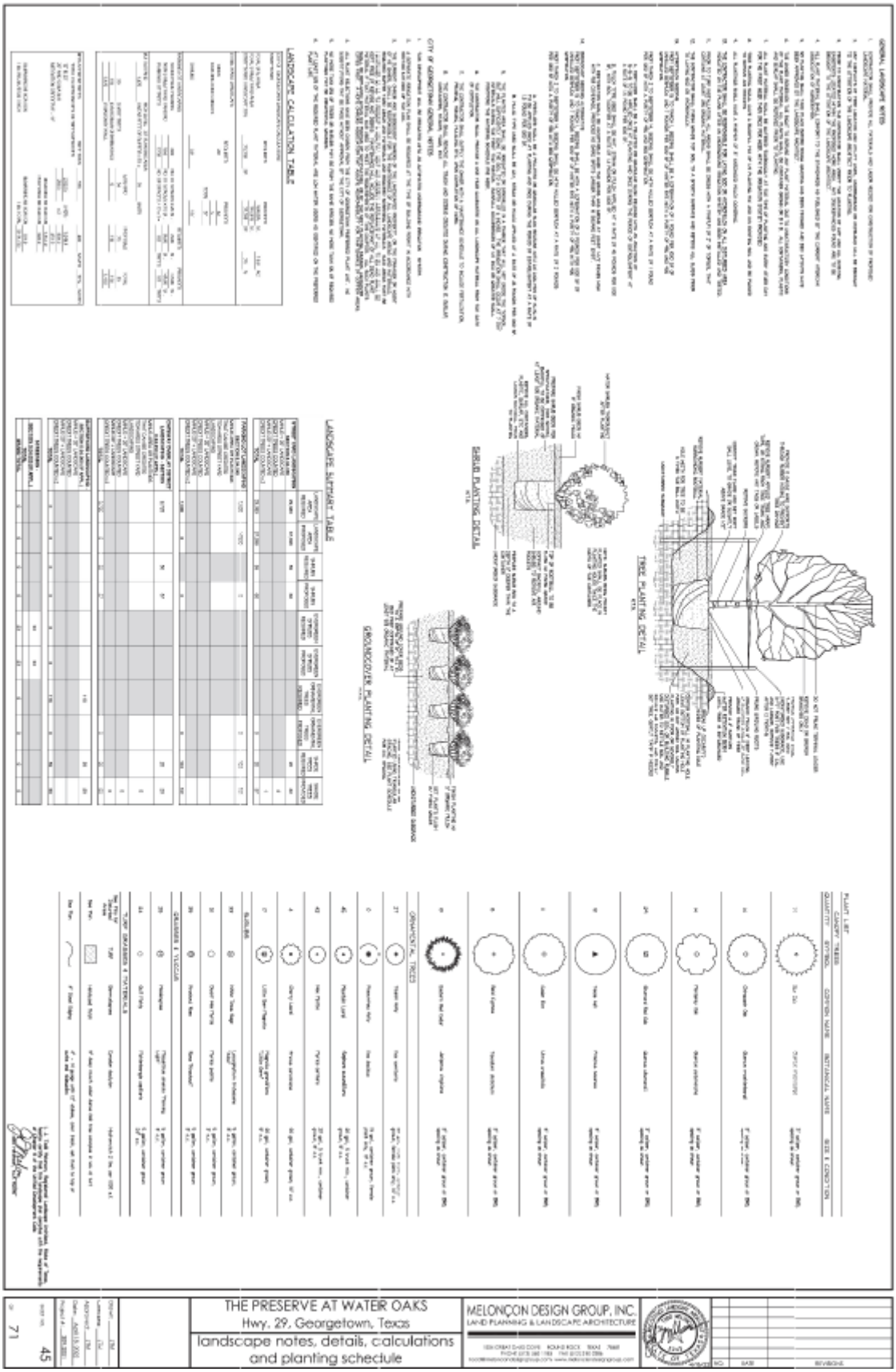

MATCHLINE SEE SHT. L1
MATCHLINE SEE SHT. L1
MATCHLINE SEE SHT. L4
Building R2
Restaurant
4,200sf
Footprint
Building R3
Restaurant
4,200sf
Footprint
Building F1
Flex Office
8,450sf
Footprint
Building F2
Flex Office
8,450sf
Footprint
MATCHLINE SEE SHT. L4
LANDSCAPE PLANS ADDED FOR REFERENCE ONLY
THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas
landscape plan
MELONÇON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
SCALE: 1"=50'
71
40


MATCHLINE SEE SHT. L1
MATCHLINE SEE SHT. L1
Building O1
Office
9,000sf
Footprint
18,000sf Total
Building O3
Office
9,000sf
Footprint
18,000sf Total
Building O2
Office
9,000sf
Footprint
27,000sf Total
MATCHLINE SEE SHT. L5
MATCHLINE SEE SHT. L5
MATCHLINE SEE SHT. L4
MATCHLINE SEE SHT. L4
LANDSCAPE PLANS ADDED FOR REFERENCE ONLY
THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas
landscape plan
MELONÇON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
SCALE: 1"=20'
41
71


MATCHLINE SEE SHT. L5
MATCHLINE SEE SHT. L5
MATCHLINE SEE SHT. L4
Building F3
Flex Office
8,000sf
Footprint
Building F5
Flex Office
8,450sf
Footprint
Building O4
Office
9,000sf
Footprint
18,000sf Total
Building F6
Flex Office
4,000sf
Footprint
Building F4
Flex Office
10,000sf
Footprint
Building F7
Flex Office
12,000sf
Footprint
Building F8
Flex Office
15,925sf
Footprint
MATCHLINE SEE SHT. L6
MATCHLINE SEE SHT. L6
MATCHLINE SEE SHT. L4
LANDSCAPE PLANS ADDED FOR REFERENCE ONLY
THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas
landscape plan
MELONÇON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
71
42


MATCHLINE SEE SHT. L4
MATCHLINE SEE SHT. L4
MATCHLINE SEE SHT. L6
LANDSCAPE PLANS ADDED FOR REFERENCE ONLY
THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas
landscape plan
MELONÇON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
71
43


MATCHLINE SEE SHT. L4
MATCHLINE SEE SHT. L5
MATCHLINE SEE SHT. L4
Building C6
Office
9,000sf
Footprint
18,000sf Total
Building C8
Office
7,200sf
Footprint
LANDSCAPE PLANS ADDED FOR REFERENCE ONLY
THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas
landscape plan
MELONÇON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
71
44


THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas
landscape notes, details, calculations and planting schedule
MELONÇON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
LANDSCAPE CALCULATION TABLE
LANDSCAPE SUMMARY TABLE
TREE PLANTING DETAIL
SHRUB PLANTING DETAIL
GROUNDCOVER PLANTING DETAIL
PLANT LIST
45
71

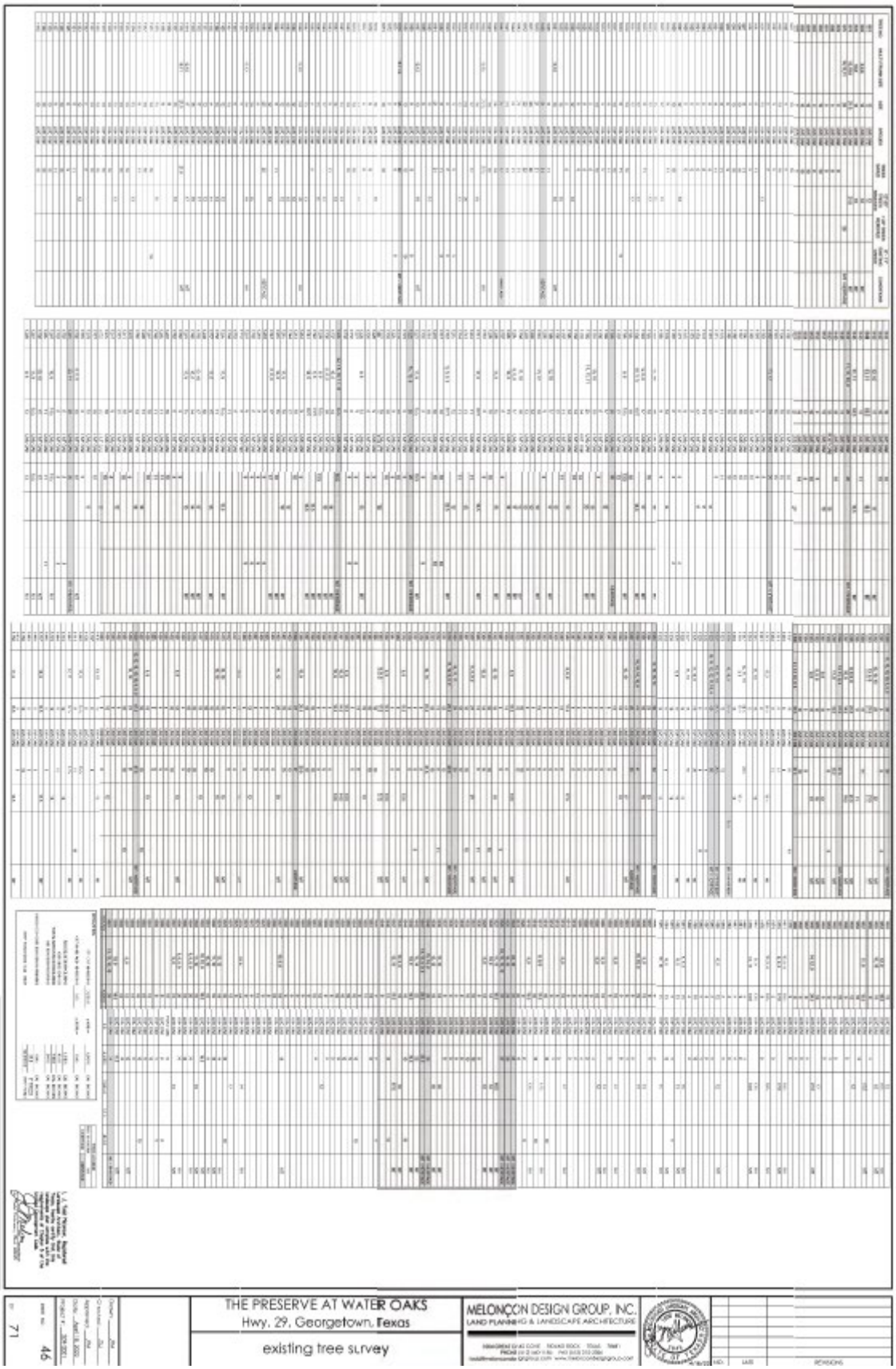
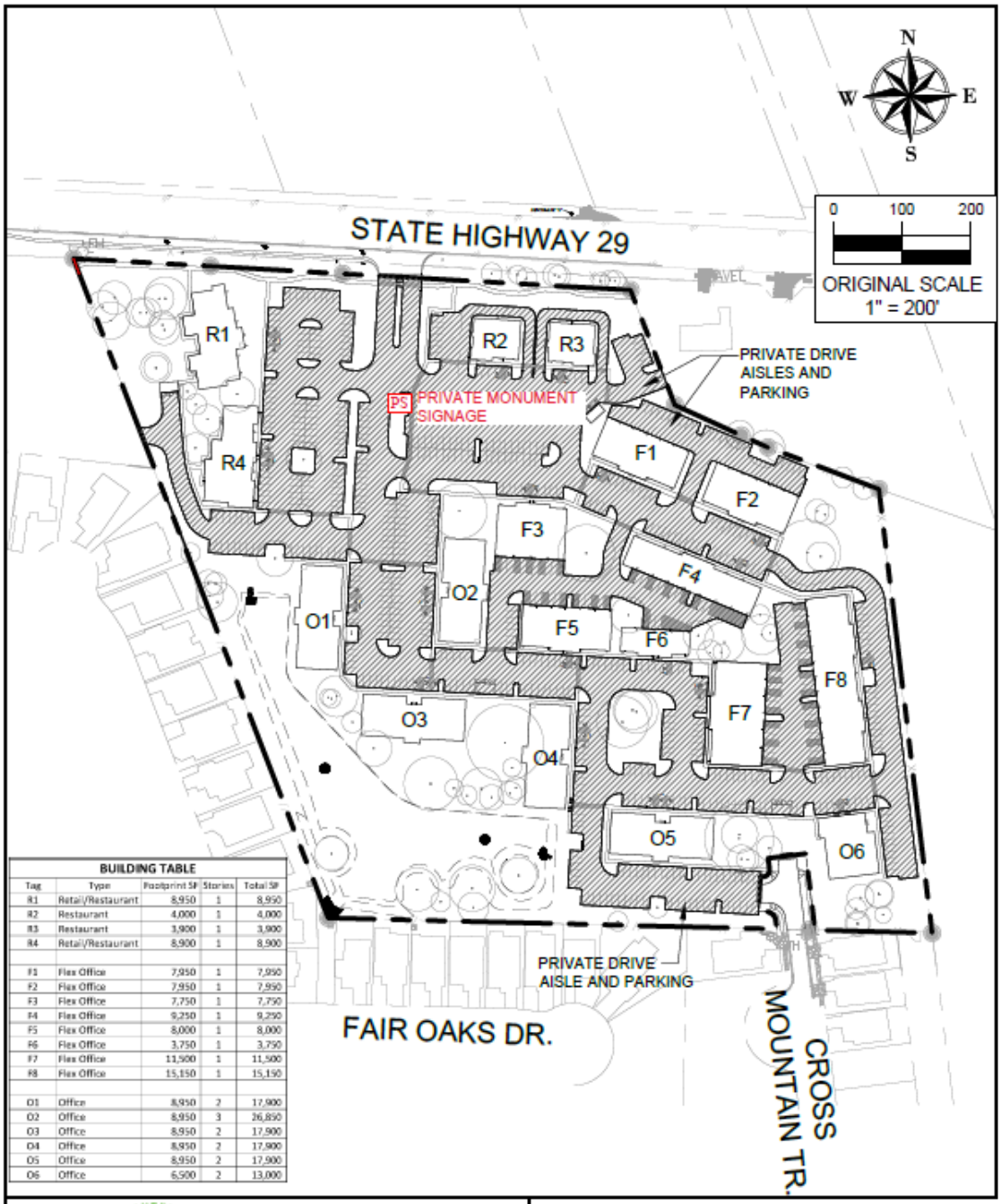

THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas
existing tree survey
MELONÇON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
46
71

EXHIBIT I-2 – MAP OF PRIVATE IMPROVEMENTS

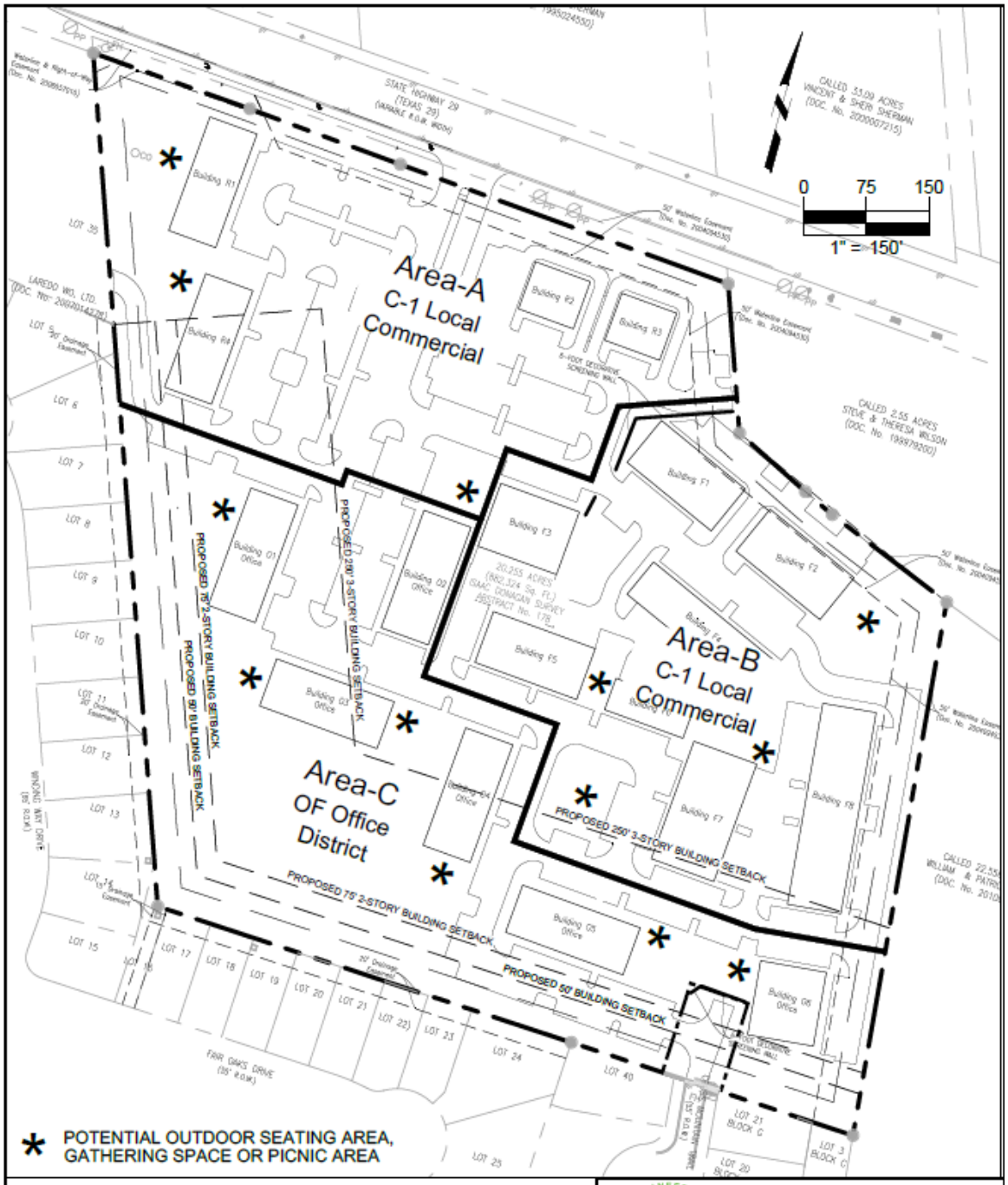


BUILDING TABLE				
Tag	Type	Footprint SF	Stories	Total SF
R1	Retail/Restaurant	8,950	1	8,950
R2	Restaurant	4,000	1	4,000
R3	Restaurant	3,900	1	3,900
R4	Retail/Restaurant	8,900	1	8,900
F1	Flex Office	7,950	1	7,950
F2	Flex Office	7,950	1	7,950
F3	Flex Office	7,750	1	7,750
F4	Flex Office	9,250	1	9,250
F5	Flex Office	8,000	1	8,000
F6	Flex Office	3,750	1	3,750
F7	Flex Office	11,500	1	11,500
F8	Flex Office	15,150	1	15,150
O1	Office	8,950	2	17,900
O2	Office	8,950	3	26,850
O3	Office	8,950	2	17,900
O4	Office	8,950	2	17,900
O5	Office	8,950	2	17,900
O6	Office	6,500	2	13,000

2P CONSULTANTS, LLC
203 E. MAIN STREET, SUITE 204
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351

THE PRESERVE AT WATER OAK
PRIVATE IMPROVEMENTS
March 10, 2025

EXHIBIT J – LOT TYPE CLASSIFICATION MAP



The Preserve at Water Oak
O.M. Development
June 18, 2020

203 E. MAIN STREET, SUITE 204
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351

EXHIBIT K – CONDO FINAL PLAT

THE PRESERVE AT WATER OAK
CONDO PLAT

LOCATION MAP

1" = 2000'

SHEET INDEX

SHEET 1–2:	COVER SHEETS
SHEET 3:	SITE PLAN
SHEET 4–7:	SITE DETAIL
SHEET 8–25:	BUILDING DETAILS

SURVEYOR'S CERTIFICATION

THE PLATS, ATTACHED HERETO, CONTAIN THE INFORMATION REQUIRED BY SECTIONS 82.052 AND 82.059 OF THE TEXAS UNIFORM CONDOMINIUM ACT

ABRAM C. DASHNER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5901
MANHARD CONSULTING

Manhard CONSULTING

1120 S Capital of Texas Hwy, Bldg. 1, Ste. 210, Austin, TX 78746 ph:737.377.0500 manhard.com
Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
Construction Managers | Environmental Scientists | Landscape Architects | Planners
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194754 (Surv), F-22053 (Eng)

THE PRESERVE AT WATER OAK
3701 HWY 29 W, GEORGETOWN, TX, 78626
COVER PAGE-1

PROJ. MGR.: AD
DRAWN BY: TZ
DATE: 04/11/25
SCALE:

SHEET 1 OF 12
617.258001

THE PRESERVE AT WATER OAK CONDO PLAT

LEGAL DESCRIPTION

LOT 1, BLOCK 1, FINAL PLAT OF THE PRESERVE AT WATER OAK, A SUBDIVISION OF RECORD IN DOCUMENT NO. 2022098031, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(2011), EPOCH 2010 DATUM, UTILIZING THE ALTERRA CENTRAL RTKNET VIRTUAL REFERENCE NETWORK

LEGEND

= PROPERTY LINE
= EASEMENT LINE
= ADJOINING PROPERTY LINE
● = FOUND 1/2-INCH IRON ROD
○ = SET 1/2-INCH IRON ROD WITH "MANHARD CONSULTING" CAP
▲ = MAG NAIL FOUND
△ = CALCULATED POINT
F.R.R. = FIRE RISER ROOM
LCE = LIMITED COMMON ELEMENT
GCE = GENERAL COMMON ELEMENT
C.M.D. = CROSS MOUNTAIN DRIVE

GENERAL NOTES

1. ALL IMPROVEMENTS AND LAND REFLECTED ON THE PLAT ARE DESIGNATED AS GENERAL COMMON ELEMENTS, SAVE AND EXCEPT PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS OR UNITS: (I) IN THE DECLARATION OF CONDOMINIUM REGIME FOR THE PRESERVE AT WATER OAK CONDOMINIUMS (THE "DECLARATION") OR (II) ON THE PLATS AND PLANS OF THE REGIME.

2. OWNERSHIP AND USE OF CONDOMINIUM UNITS IS SUBJECT TO THE RIGHTS AND RESTRICTIONS CONTAINED IN THE DECLARATION.

3. THE UNITS, LIMITED COMMON ELEMENTS AND GENERAL COMMON ELEMENTS ARE SUBJECT TO ALL SPECIAL DECLARANT RIGHTS AS SET FORTH IN SECTION 82.003(A)(22) OF THE TEXAS PROPERTY CODE AND CERTAIN ADDITIONAL RIGHTS AND RESERVATIONS IN FAVOR OF THE DECLARANT AS SET FORTH IN THE DECLARATION.

4. COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(2011), EPOCH 2010 DATUM, UTILIZING THE ALTERRA CENTRAL RTKNET VIRTUAL REFERENCE NETWORK

5.THE CONFIGURATION REPRESENTED IN THE DRAWINGS IS BASED UPON THE CONSTRUCTION DOCUMENTS AND PROVIDED ELECTRONIC FILES AND ARE NOT BASED UPON ACTUAL ON-SITE OBSERVATIONS AND MEASUREMENTS.

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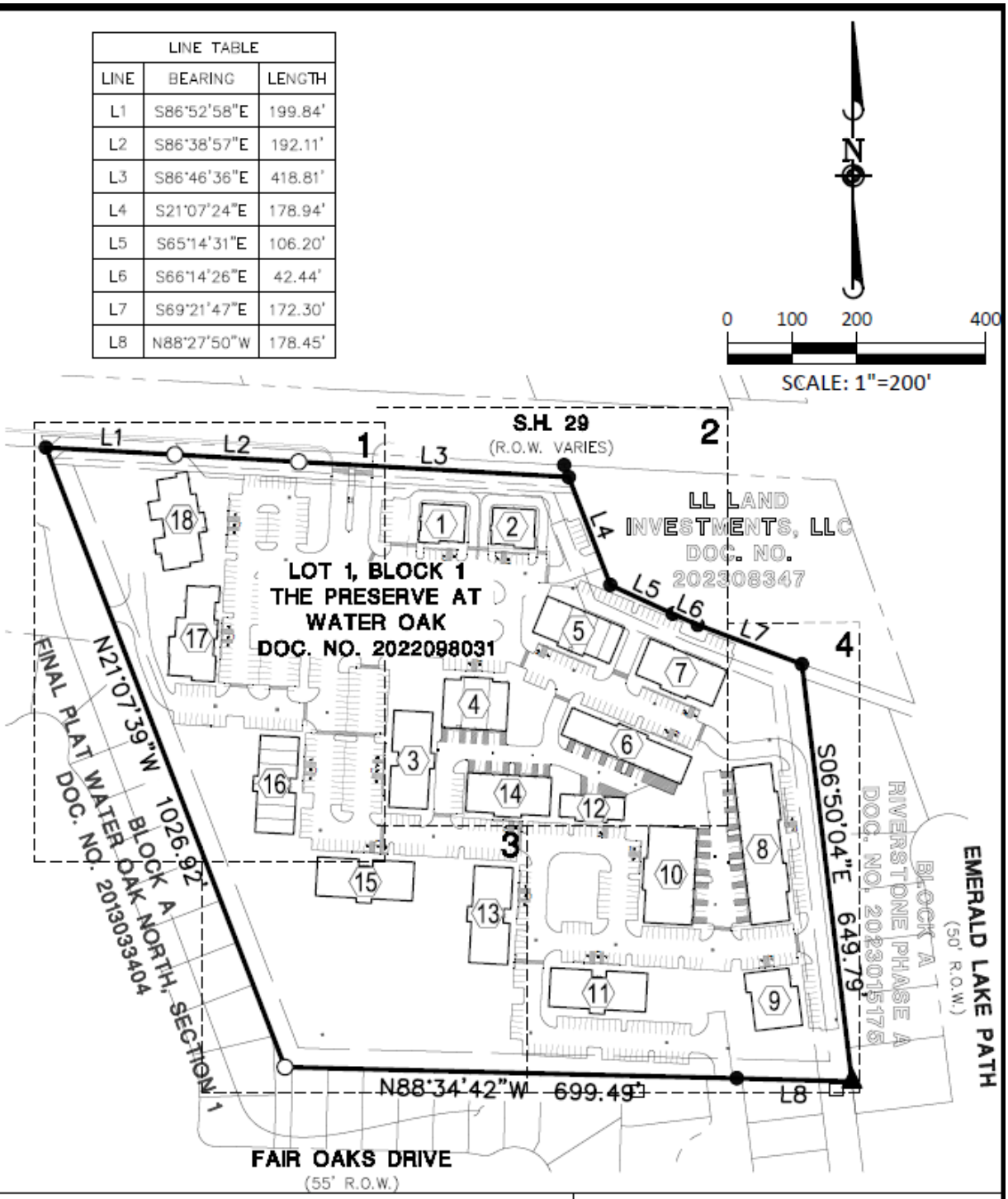
THE PRESERVE AT WATER OAK
3701 HWY 29 W, GEORGETOWN, TX, 78626
COVER PAGE-2

PROJ. MGR.: AD
DRAWN BY: TZ
DATE: 04/11/25
SCALE:

SHEET 2 OF 12
617.258001

LINE TABLE		
LINE	BEARING	LENGTH
L1	S86°52'58"E	199.84'
L2	S86°38'57"E	192.11'
L3	S86°46'36"E	418.81'
L4	S21°07'24"E	178.94'
L5	S65°14'31"E	106.20'
L6	S66°14'26"E	42.44'
L7	S69°21'47"E	172.30'
L8	N88°27'50"W	178.45'



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THE PRESERVE AT WATER OAK

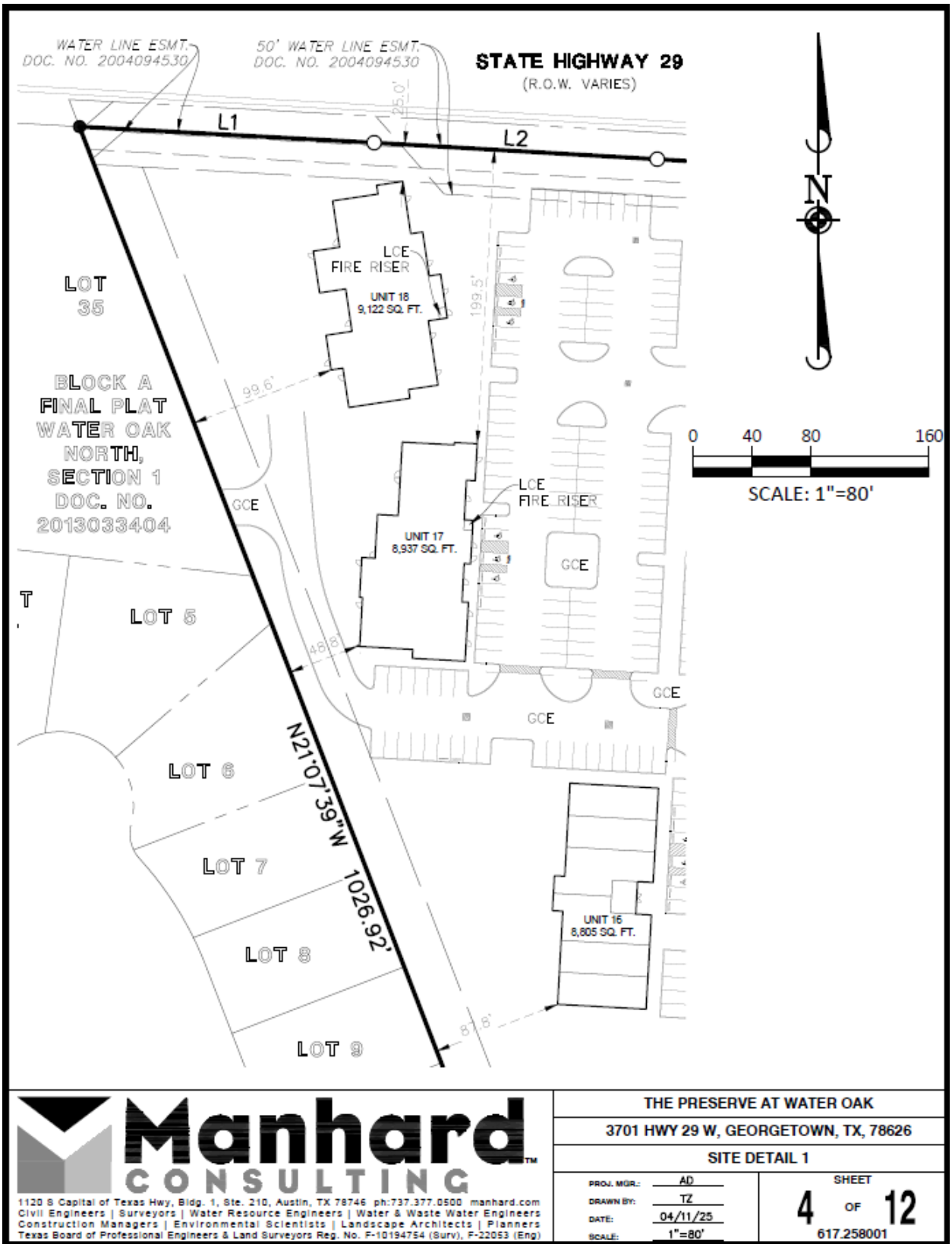
3701 HWY 29 W, GEORGETOWN, TX, 78626

SITE PLAN

PROJ. MGR.: AD
DRAWN BY: TZ
DATE: 04/11/25
SCALE: 1"=200'

SHEET 3 OF 12

617.258001


WATER LINE ESMT.
DOC. NO. 2004094530
50' WATER LINE ESMT.
DOC. NO. 2004094530
STATE HIGHWAY 29
(R.O.W. VARIES)
L1
L2
25.0'
N
LOT 35
LCE
FIRE RISER
UNIT 18
9,122 SQ. FT.
199.5'
99.6'
BLOCK A
FINAL PLAT
WATER OAK
NORTH,
SECTION 1
DOC. NO.
2013033404
GCE
LCE
FIRE RISER
UNIT 17
8,937 SQ. FT.
GCE
0 40 80 160
SCALE: 1"=80'
T
LOT 5
48.8'
GCE
GCE
LOT 6
N21°07'39"W
1026.92'
LOT 7
UNIT 16
8,805 SQ. FT.
LOT 8
8.8'
LOT 9
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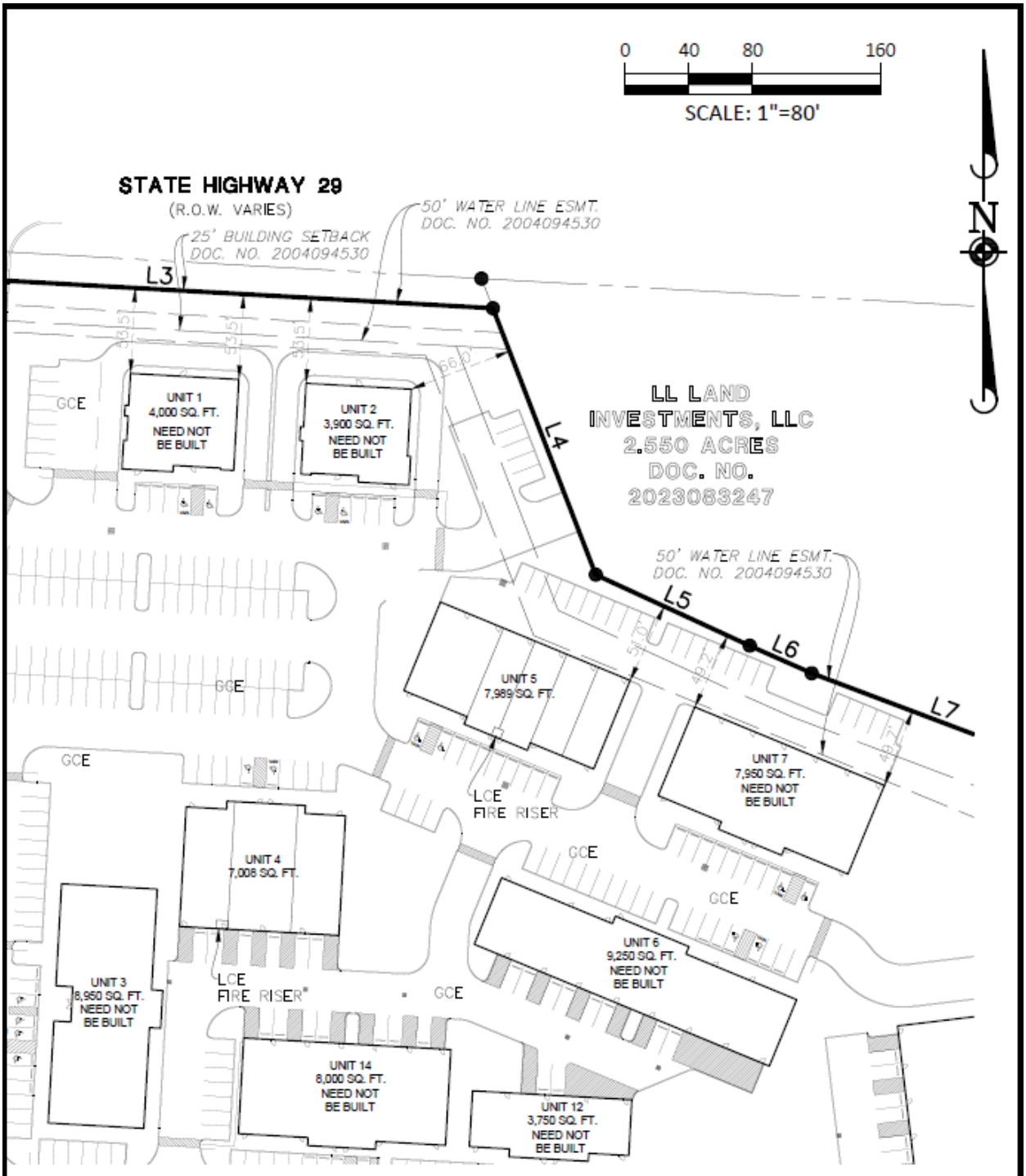
THE PRESERVE AT WATER OAK
3701 HWY 29 W, GEORGETOWN, TX, 78626
SITE DETAIL 1
PROJ. MGR.: AD
DRAWN BY: TZ
DATE: 04/11/25
SCALE: 1"=80'
SHEET
4 OF 12
617.258001



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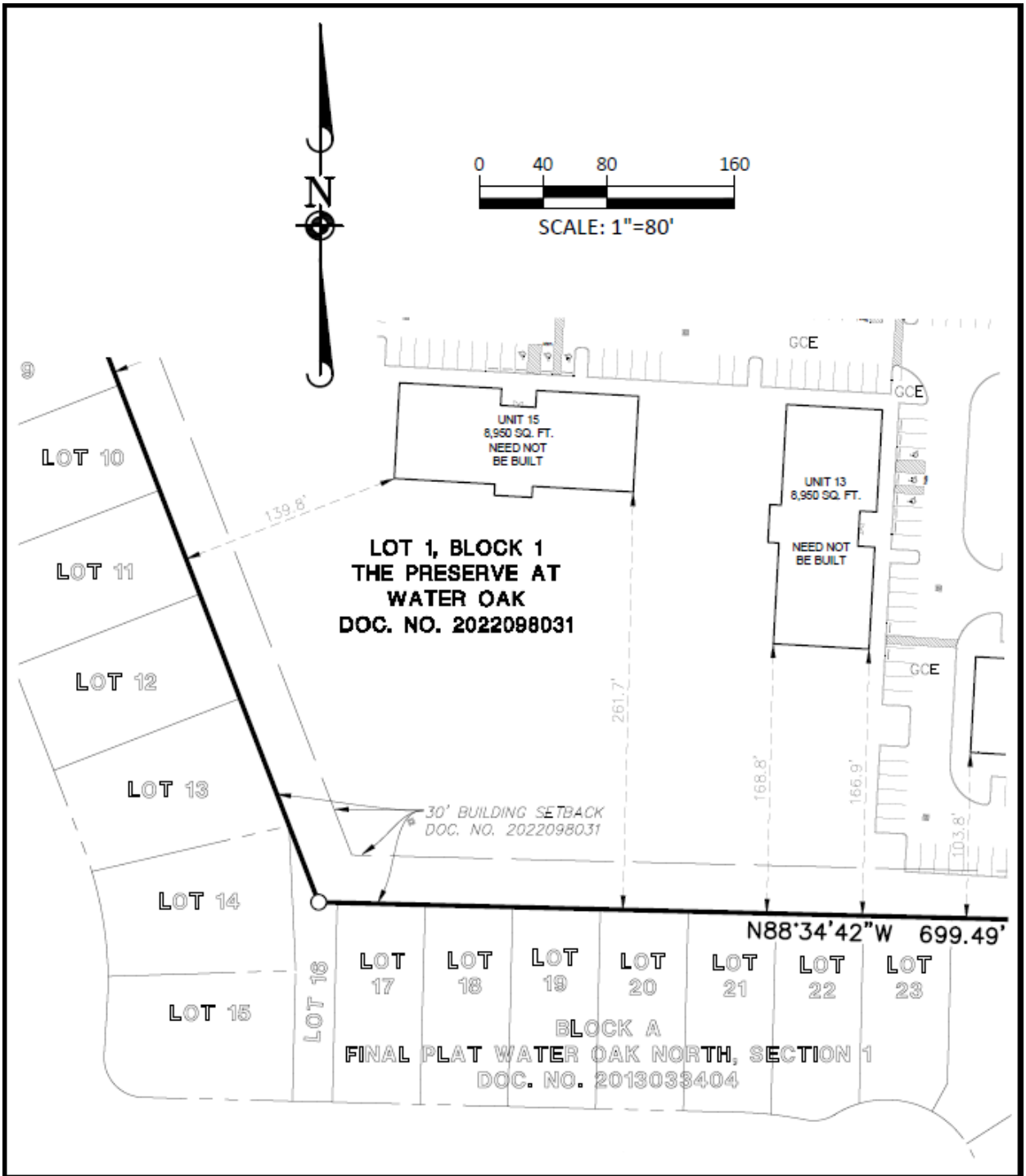
THE PRESERVE AT WATER OAK	
3701 HWY 29 W, GEORGETOWN, TX, 78626	
SITE DETAIL -2	
PROJ. MGR.: AD DRAWN BY: TZ DATE: 04/11/25 SCALE: 1"=80'	SHEET 5 OF 12 617.258001



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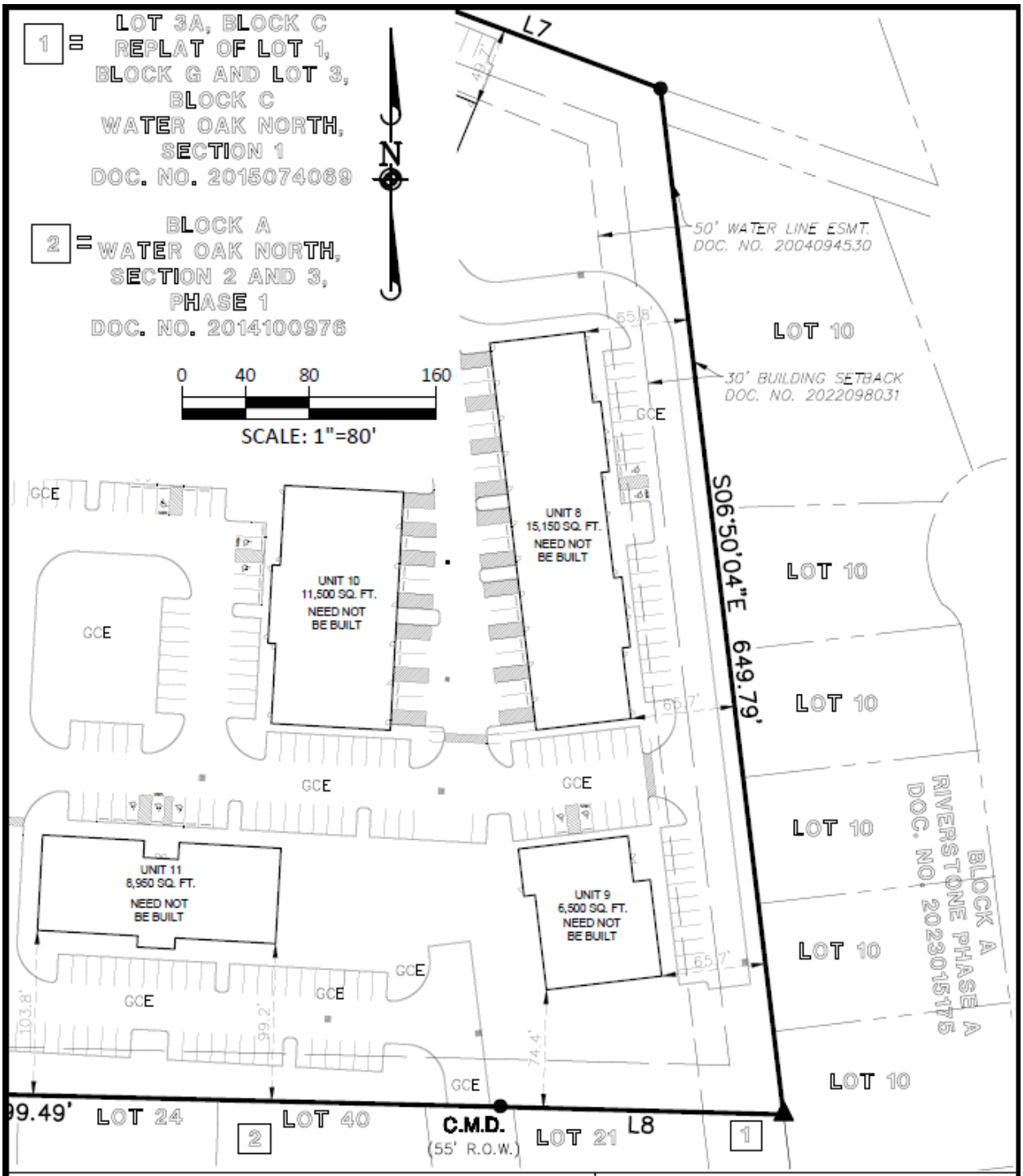
THE PRESERVE AT WATER OAK	
3701 HWY 29 W, GEORGETOWN, TX, 78626	
SITE DETAIL -3	
PROJ. MGR.: AD DRAWN BY: TZ DATE: 04/11/25 SCALE: 1"=80'	SHEET 6 OF 12 617.258001


1 = LOT 3A, BLOCK C REPLAT OF LOT 1, BLOCK G AND LOT 3, BLOCK C WATER OAK NORTH, SECTION 1 DOC. NO. 2015074069
2 = BLOCK A WATER OAK NORTH, SECTION 2 AND 3, PHASE 1 DOC. NO. 2014100976
N
0 40 80 160
SCALE: 1"=80'
L7
50' WATER LINE ESMT. DOC. NO. 2004094530
30' BUILDING SETBACK DOC. NO. 2022098031
LOT 10
GCE
UNIT 8 15,150 SQ. FT. NEED NOT BE BUILT
UNIT 10 11,500 SQ. FT. NEED NOT BE BUILT
UNIT 11 8,950 SQ. FT. NEED NOT BE BUILT
UNIT 9 6,500 SQ. FT. NEED NOT BE BUILT
S06°50'04"E 649.79'
BLOCK A RIVERSTONE PHASE A DOC. NO. 2023015175
99.49'
LOT 24
LOT 40
C.M.D. (55' R.O.W.)
LOT 21
L8
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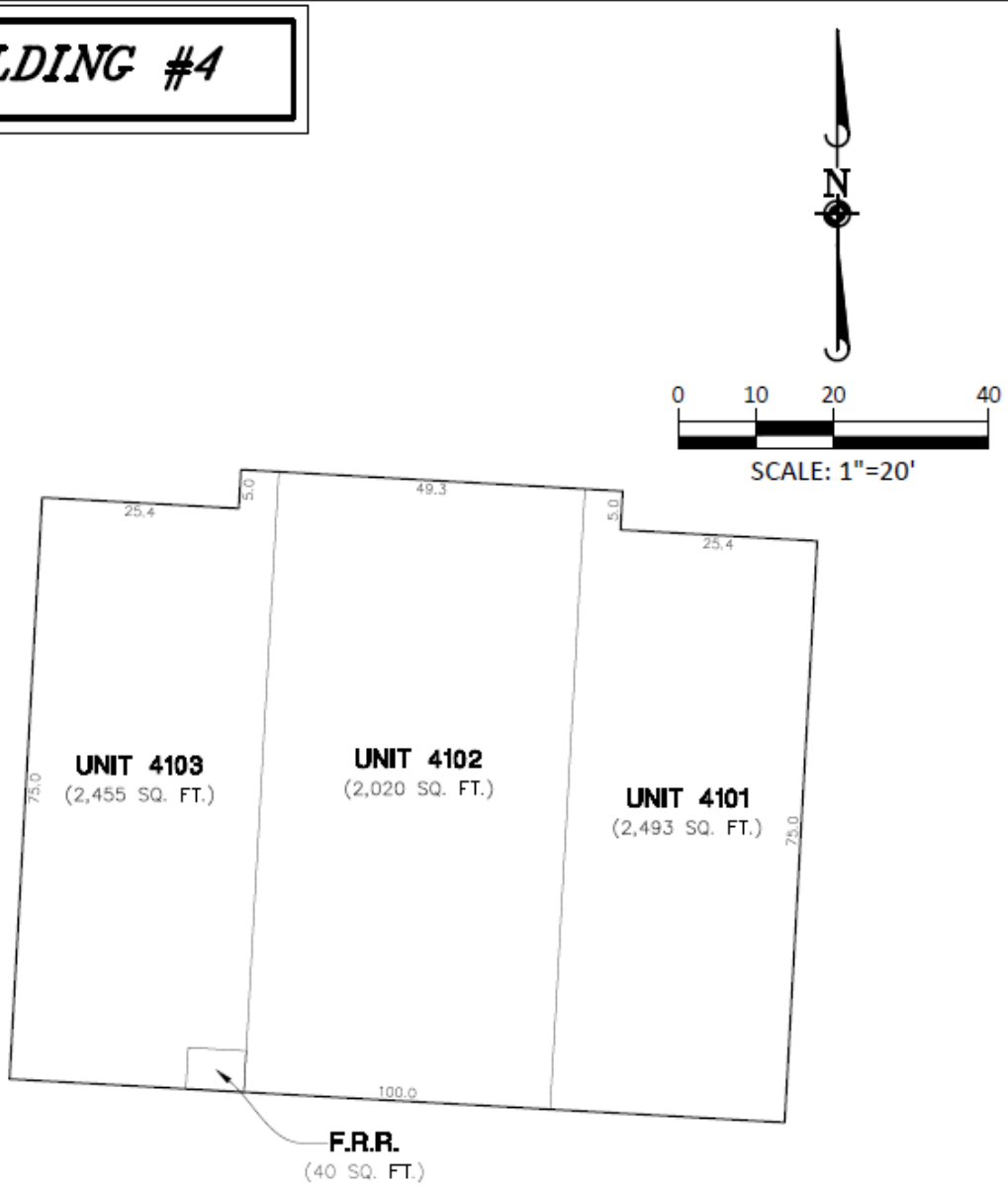
THE PRESERVE AT WATER OAK
3701 HWY 29 W, GEORGETOWN, TX, 78626
SITE DETAIL -4
PROJ. MGR.: AD
DRAWN BY: TZ
DATE: 04/11/25
SCALE: 1"=80'
SHEET 7 OF 12
617.258001

BUILDING #4



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THE PRESERVE AT WATER OAK

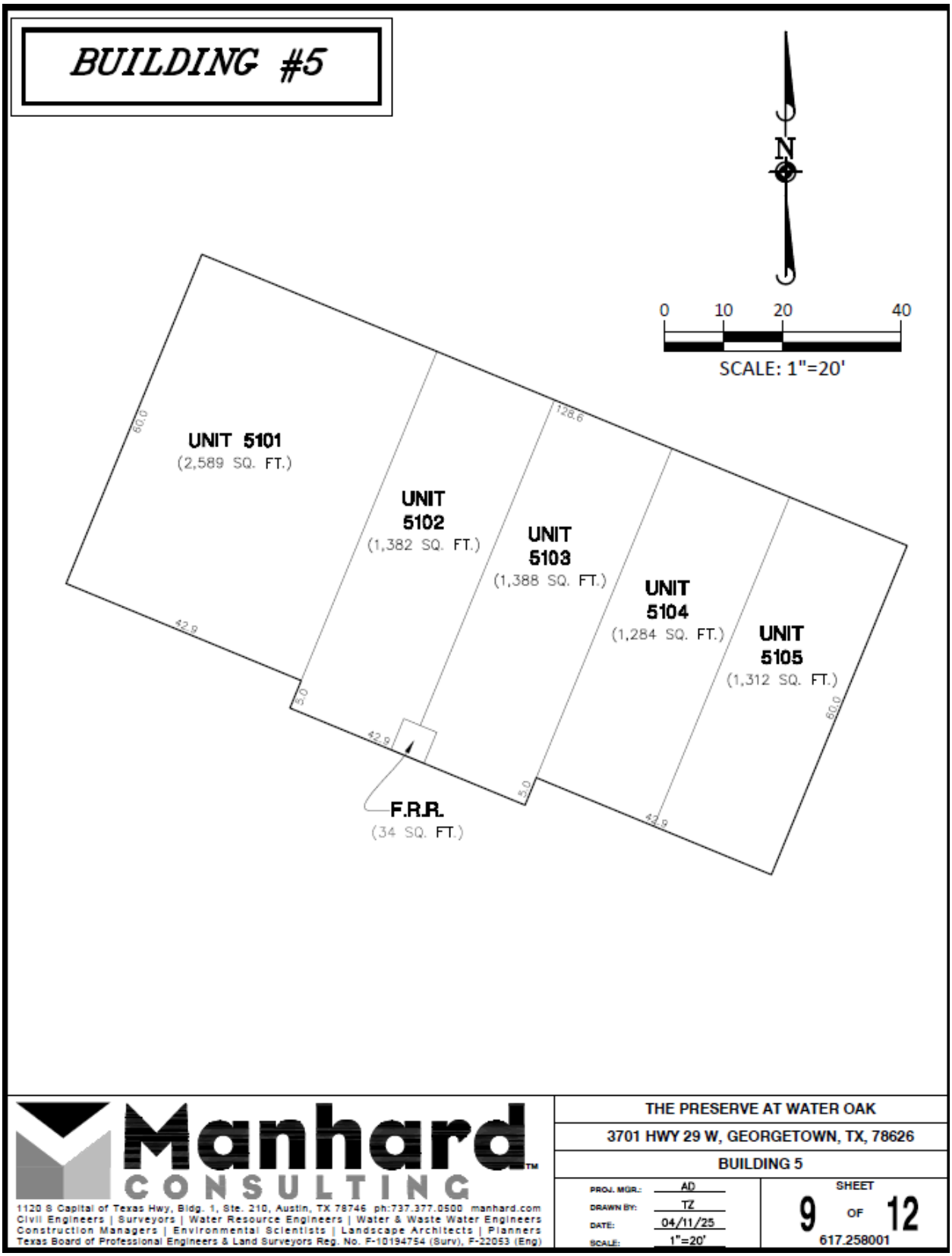
3701 HWY 29 W, GEORGETOWN, TX, 78626

BUILDING 4

PROJ. MGR.:	AD
DRAWN BY:	TZ
DATE:	04/11/25
SCALE:	1"=20'

SHEET 8 OF 12

617.258001


BUILDING #5
N
0
10
20
40
SCALE: 1"=20'
UNIT 5101
(2,589 SQ. FT.)
UNIT 5102
(1,382 SQ. FT.)
UNIT 5103
(1,388 SQ. FT.)
UNIT 5104
(1,284 SQ. FT.)
UNIT 5105
(1,312 SQ. FT.)
60.0
128.6
42.9
5.0
42.9
5.0
42.9
60.0
F.R.R.
(34 SQ. FT.)
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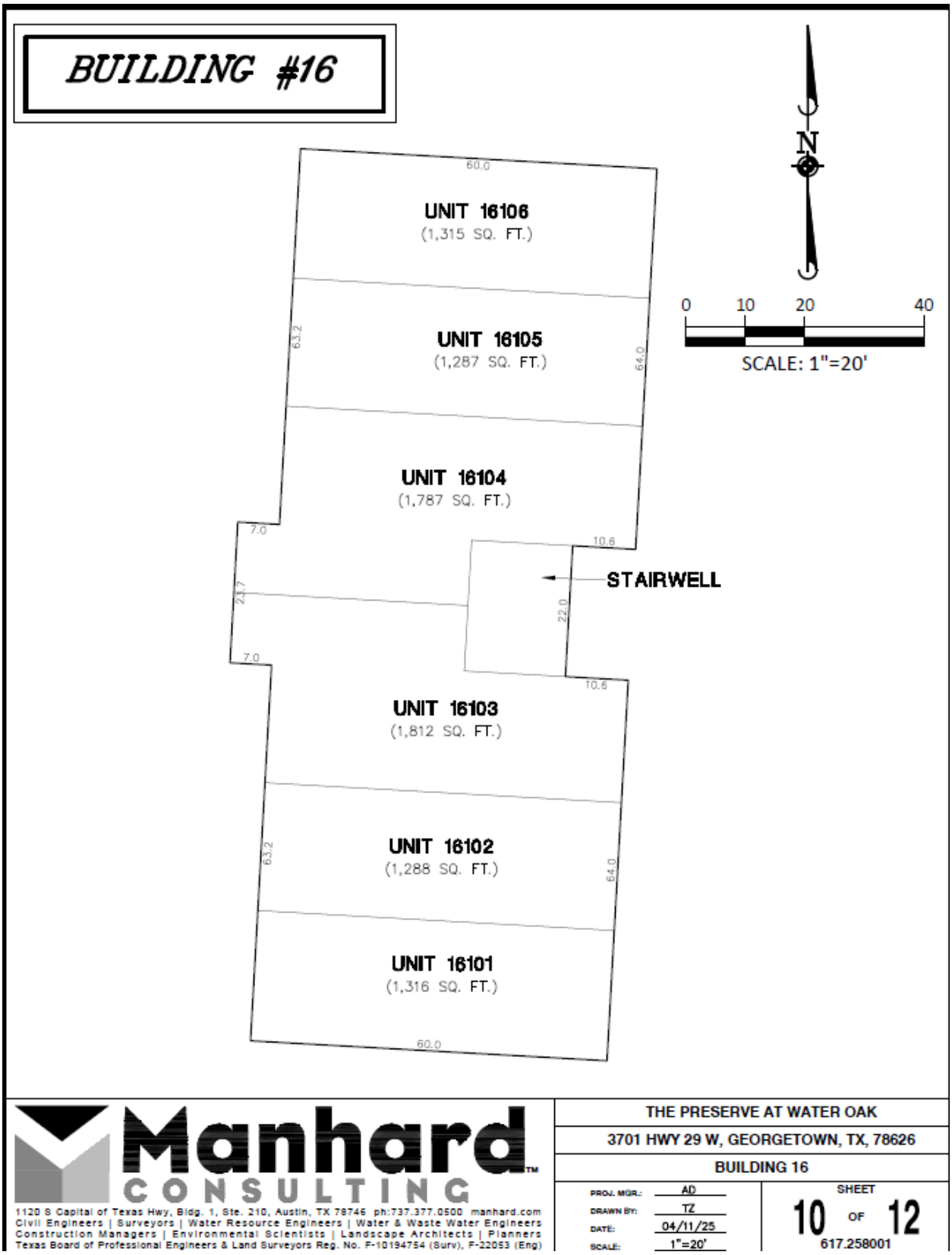
Construction Managers | Environmental Scientists | Landscape Architects | Planners
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194754 (Surv), F-22053 (Eng)
THE PRESERVE AT WATER OAK
3701 HWY 29 W, GEORGETOWN, TX, 78626
BUILDING 5
PROJ. MGR.: AD
DRAWN BY: TZ
DATE: 04/11/25
SCALE: 1"=20'
SHEET 9 OF 12
617.258001


BUILDING #16
N
0 10 20 40
SCALE: 1"=20'
60.0
UNIT 16106
(1,315 SQ. FT.)
63.2
UNIT 16105
(1,287 SQ. FT.)
64.0
UNIT 16104
(1,787 SQ. FT.)
7.0
10.6
STAIRWELL
24.7
22.0
7.0
10.6
UNIT 16103
(1,812 SQ. FT.)
63.2
UNIT 16102
(1,288 SQ. FT.)
64.0
UNIT 16101
(1,316 SQ. FT.)
60.0
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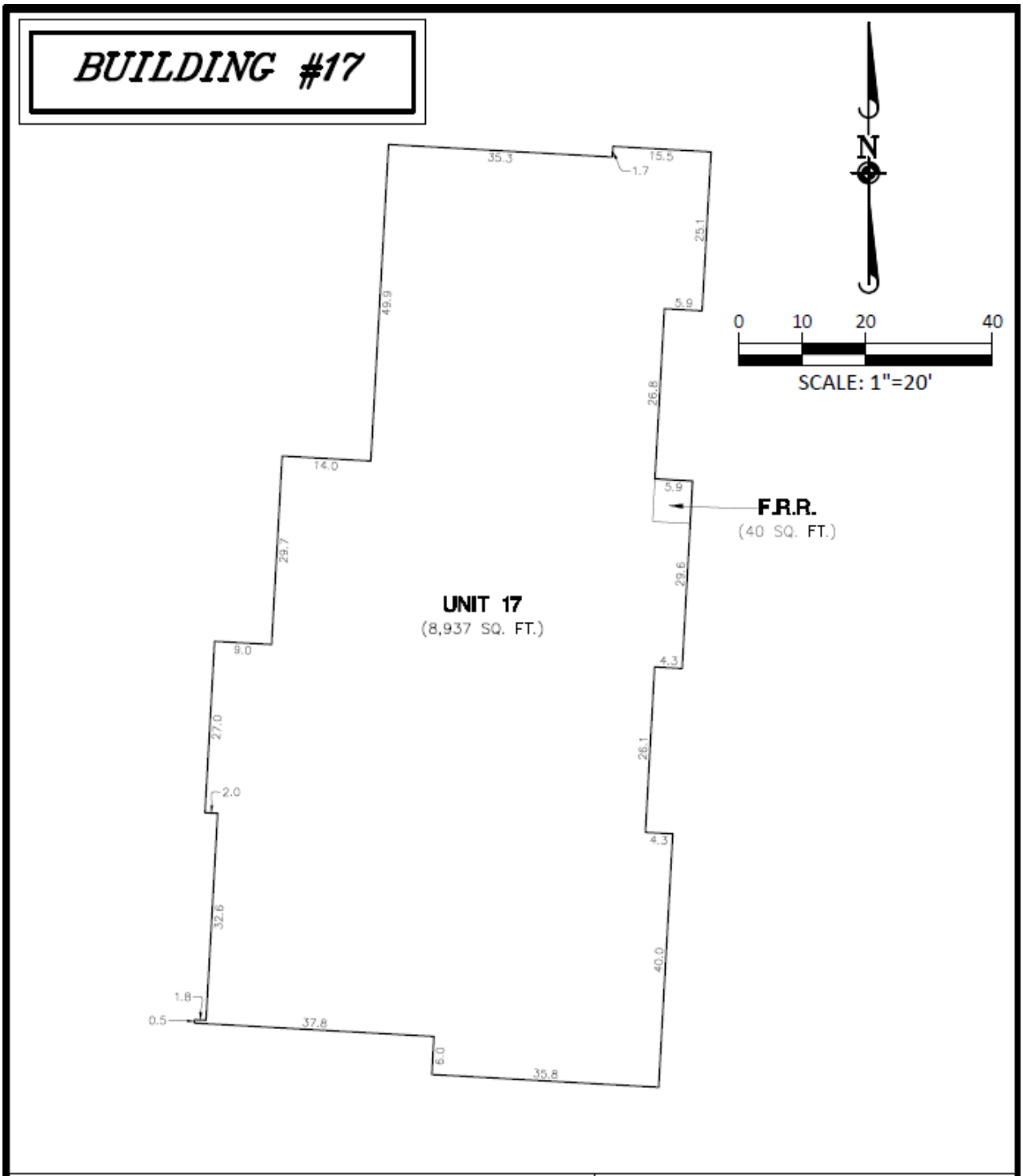
THE PRESERVE AT WATER OAK
3701 HWY 29 W, GEORGETOWN, TX, 78626
BUILDING 16
PROJ. MGR.: AD
DRAWN BY: TZ
DATE: 04/11/25
SCALE: 1"=20'
SHEET
10 OF 12
617.258001



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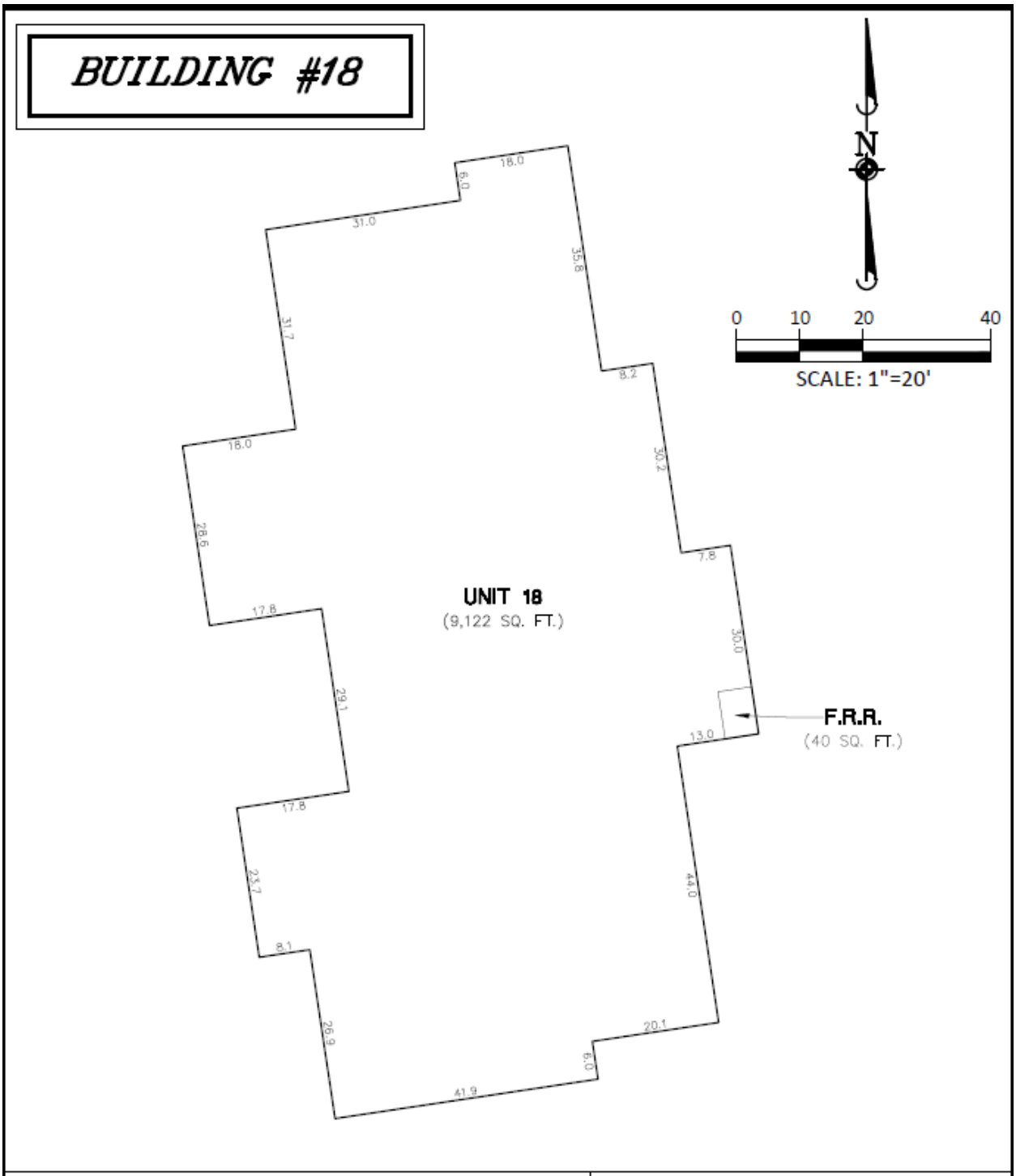
THE PRESERVE AT WATER OAK

3701 HWY 29 W, GEORGETOWN, TX, 78626

BUILDING 17

PROJ. MGR.:	AD	SHEET
DRAWN BY:	TZ	11 OF 12
DATE:	04/11/25	
SCALE:	1"=20'	617.258001



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THE PRESERVE AT WATER OAK

3701 HWY 29 W, GEORGETOWN, TX, 78626

BUILDING 18

PROJ. MGR.:	AD
DRAWN BY:	TZ
DATE:	04/11/25
SCALE:	1"=20'

SHEET 12 OF 12

617.258001

EXHIBIT L – NOTICE OF PID ASSESSMENT TERMINATION

P3Works, LLC
9824 Huntington Square, Suite 100
North Richland Hills, TX 76182

[Date]
Williamson County Clerk's Office
Honorable [County Clerk Name]
Williamson County Justice Center County Clerk
405 Martin Luther King, Jr. St.
Georgetown, TX 78626

Re: City of Georgetown Lien Release documents for filing

Dear Ms./Mr. [County Clerk Name],

Enclosed is a lien release that the City of Georgetown is requesting to be filed in your office. Lien release for [insert legal description]. Recording Numbers: [Plat]. Please forward copies of the filed documents below:

City of Georgetown
Attn: [City Secretary]
808 Martin Luther King, Jr. St.
Georgetown, TX 78626

Please contact P3Works, LLC if you have any questions or need additional information.

P: (817) 393-0353
admin@p3-works.com

AFTER RECORDING RETURN TO:

[City Secretary Name]
808 Martin Luther King, Jr. St.
Georgetown, TX 78626

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

FULL RELEASE OF PUBLIC IMPROVEMENT DISTRICT LIEN

STATE OF TEXAS	§	
	§	**KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF WILLIAMSON	§	

THIS FULL RELEASE OF PUBLIC IMPROVEMENT DISTRICT LIEN (this "Full Release") is executed and delivered as of the Effective Date by the City of Georgetown, Texas.

RECITALS

WHEREAS, the governing body (hereinafter referred to as the "City Council") of the City of Georgetown, Texas (hereinafter referred to as the "City "), is authorized by Chapter 372, Texas Local Government Code, as amended (hereinafter referred to as the "Act"), to create public improvement districts within the corporate limits and extraterritorial jurisdiction of the City; and

WHEREAS, on or about, December 10, 2024, the City Council for the City, approved Resolution No. 121024-6.D creating The Preserve at Water Oak Public Improvement District; and

WHEREAS, The Preserve at Water Oak Public Improvement District consists of approximately 19.77 contiguous acres located within the City; and

WHEREAS, on or about _____, the City Council, approved Ordinance No. _____, (hereinafter referred to as the "Assessment Ordinance") approving a service and assessment plan and assessment roll for the Property within The Preserve at Water Oak Public Improvement District, the Assessment Ordinance being recorded on _____, as Instrument No. _____ in the Official Public Records of Williamson County, Texas; and; and

WHEREAS, the Assessment Ordinance imposed an assessment in the amount of $_____ (hereinafter referred to as the "Lien Amount") and further imposed a lien to secure the payment of the Lien Amount (the "Lien") against the following property located within the District, to wit:

[legal description], a subdivision in Williamson County, Texas, according to the map or plat of record in Document/Instrument No. _____ of the Plat Records of Williamson County, Texas (hereinafter referred to as the "Property"); and

WHEREAS, the property owners of the Property have paid unto the City the Lien Amount.

RELEASE

NOW THEREFORE, for and in consideration of the full payment of the Lien amount, the City hereby releases and discharges, and by these presents does hereby release and discharge, the Lien to the extent that it affects and encumbers the Property.

EXECUTED to be **EFFECTIVE** this the _____ day of _____, 20__.

CITY OF GEORGETOWN, TEXAS,

By: _____
[City Official Name], City Official Title

ATTEST:

_____
[Secretary Name], City Secretary

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the ____ day of _____, 20__, by [City Official Name], [City Official Title] for the City of Georgetown, Texas, on behalf of said municipality.

_____
Notary Public, State of Texas

APPENDIX A – ENGINEER'S REPORT

[to be provided by Owner]

PID Engineering Report

The Preserve at Water Oak

3701 West State Highway 29
Georgetown, Texas 78628

Prepared by
2P Consultants, LLC.
203 E. Main Street, Suite 204
Round Rock, Texas 78664

March 11, 2025

TBPE FIRM REGISTRATION # F-19351

2P CONSULTANTS, LLC
203 E. Main Street, Ste 204
Round Rock, Texas 78664
512-344-9664
TBPE FIRM #F-19351

Introduction

The proposed development is located at 3701 W State Highway, Georgetown, Texas 78628. The current legal description for the property is "Lot 1 Block 1 of the Final Plat of the Preserve at Water Oak" as recorded in Document No. 2022098031 OPRWCT. The project consists of 18 buildings with a mix of office, warehouses, restaurant and retail along with their corresponding improvements and over 680 parking spaces. The overall project encompasses 20.26 acres, with 0.33 acres being dedicated by a recorded plat as Public ROW along the frontage of SH 29 and 0.16 acres of Public ROW being dedicated by a recorded plat for the extension of Cross Mountain Trail on the backside (South) portion of the overall project. The removal of the dedicated Public ROW's leave the remaining acreage of 19.77 acres, which is fully contained and legally platted as Lot 1, Block 1, The Preserve at Water Oak, recorded in Document No. 2022098031 OPRWCT.

Development Improvements

This report focuses on the internal improvements that will be reimbursed with the proposed Public Improvement District. District and improvement area maps and legal descriptions are in the appendices.

Public Street Improvements and Deceleration Lane

Proposed streets have been designed to city standards, consisting of curbs and gutters and a hot-mix asphaltic concrete pavement surface. Five-foot sidewalks will be constructed along the local driveways to access the buildings, according to the approved Site Development Plan following the City of Georgetown standard details.

A deceleration/right turn lane is proposed along W. State Highway 29, this lane will allow the traffic to merge over and decelerate from the normal SH29 speed to make the right turn into the development.

Cross Mountain Trail is proposed to extend onto our property with a provided "Hammer Head" as required for public safety access.

The primary driveway constructed within the Public ROW of W. State Highway 29 will be a commercial grade driveway as required by the City and will serve as the primary access for the development with secondary access to Cross Mountain Trail and two proposed "cross-access" points to the neighboring commercial properties. The primary access driveway will be constructed of rigid pavement (concrete) design and will meet the TxDOT requirements, will have a minimum slab thickness of 8" and will also use standard CRCP (1)-13, Continuously Reinforced Concrete Pavement, One-Layer Steel Bar Placement.

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512-344-9664
TBPE FIRM #F-19351

Water and Wastewater

The project lies within the City of Georgetown water services boundary and the City of Georgetown wastewater services Boundary. Water service will be provided by connecting to an existing 24-inch public water pipe along State Highway 29. Internal water utilities will be provided to the individual buildings by a proposed 4-inch PVC C-900 water main and an 8-inch PVC C-900 for the fire water line.

Internal wastewater utilities will be provided by connecting to the 8-inch public wastewater main in the existing Cross Creek Mountain public ROW. The public 8" wastewater main is routed throughout the development within public easements and provide a public wastewater manhole near the main entrance at SH-29 for future public connections.

The internal lines will be constructed in accordance with the City of Georgetown water and wastewater system design criteria and specifications.

Drainage and Detention

Peak runoff rates for the existing and proposed drainage areas were determined using HEC-HMS 4.3. The program's SCS methodology for this analysis utilized the Atlas 14 frequency estimates provided by the National Oceanic and Atmospheric Administration's National Weather Service and the 24-hour SCS type III rainfall distribution for the 2, 5, 10, 25, 50, and 100-year storm events. The existing and developed conditions were divided into two drainage basins each, one that drained towards the existing culvert west of the proposed site and one that drained towards the existing culvert to the east. The proposed site drains to a single drainage facility (Detention/Water Quality Pond) located in the southwest corner of the developed site.

A Detention Basin Complying with the Edwards Aquifer Rules is proposed as part of the development to improve stormwater runoff water quality and deter runoff so that it will have no adverse impact on properties downstream. The detention/WQ basin is about 1.80 acres and averages about 6-feet deep, although the Northeastern side of the pond required a 10-foot tall rock wall to allow for the development. Existing stormwater structures and pipes located adjacent to the southwest corner of the site will be used for stormwater disposal.

The pond contains 2-Batch Detention Systems that are required for the water quality aspects of the pond. The Batch Detention systems operate as a bucket that rotates to allow certain rainfall events to be released to accommodate the required TCEQ and City TSS removals. The basin was sized to treat the upstream developed conditions. This contributing basin is 16.61 acres, which includes 11.74 acres of impervious cover. The TCEQ Technical Guidance Manual for onsite stormwater BMP's must be designed to remove at least 80% of the increased total suspended

solids (TSS) from the proposed project. The City of Georgetown requires an additional 5%, for a minimum requirement of 85% TSS removal.

Erosion Control

Construction techniques and standards will be compliant with the City of Georgetown codes and criteria manuals. Typical erosion and sedimentation control measures to be utilized during construction include silt fence, rock berms, stabilized construction entrances, inlet protection, and hydro-mulching. These controls are required to remove pollutants from a rainfall event during and after construction.

Landscape

Construction techniques and standards will be compliant with the City of Georgetown codes and criteria manuals. Code compliant landscaping including, but not limited to, existing tree preservation, new tree plantings, shrubs, foundation plant screening, mulch protection and grass cover throughout. A City required irrigation system is installed throughout the project to provide the watering for the required landscaping.

Signage

Entrance signage will be in the form of 3-4'x'4x10' tall rock pillars. The pillars will contain signage for the name of the development "PRESERVE" and the address. There will also be wayfinding signage throughout the development to allow better access to the units within the development.

Funding Sources

There are no oversized improvements, cost sharing or outside funding sources contributing to any portion of the project. An Engineer's Opinion of Probable Cost (OPC) with descriptions of each internal improvement is included in this report.

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Private Development Improvements

This portion of the report focuses on the internal improvements that are NOT to be reimbursed with the proposed Public Improvement District.

Private Street Improvements

There are technically no private streets within the development. There are numerous private drive aisle with associated parking spaces constructed for the internal buildings. There is approximately 5,400 linear feet of 26-foot wide private drive aisle with approximately 687 parking spaces.

Private Monument Signage

There will be a monument sign placed near the entrance of the property for the purpose of displaying retail tenant signage.

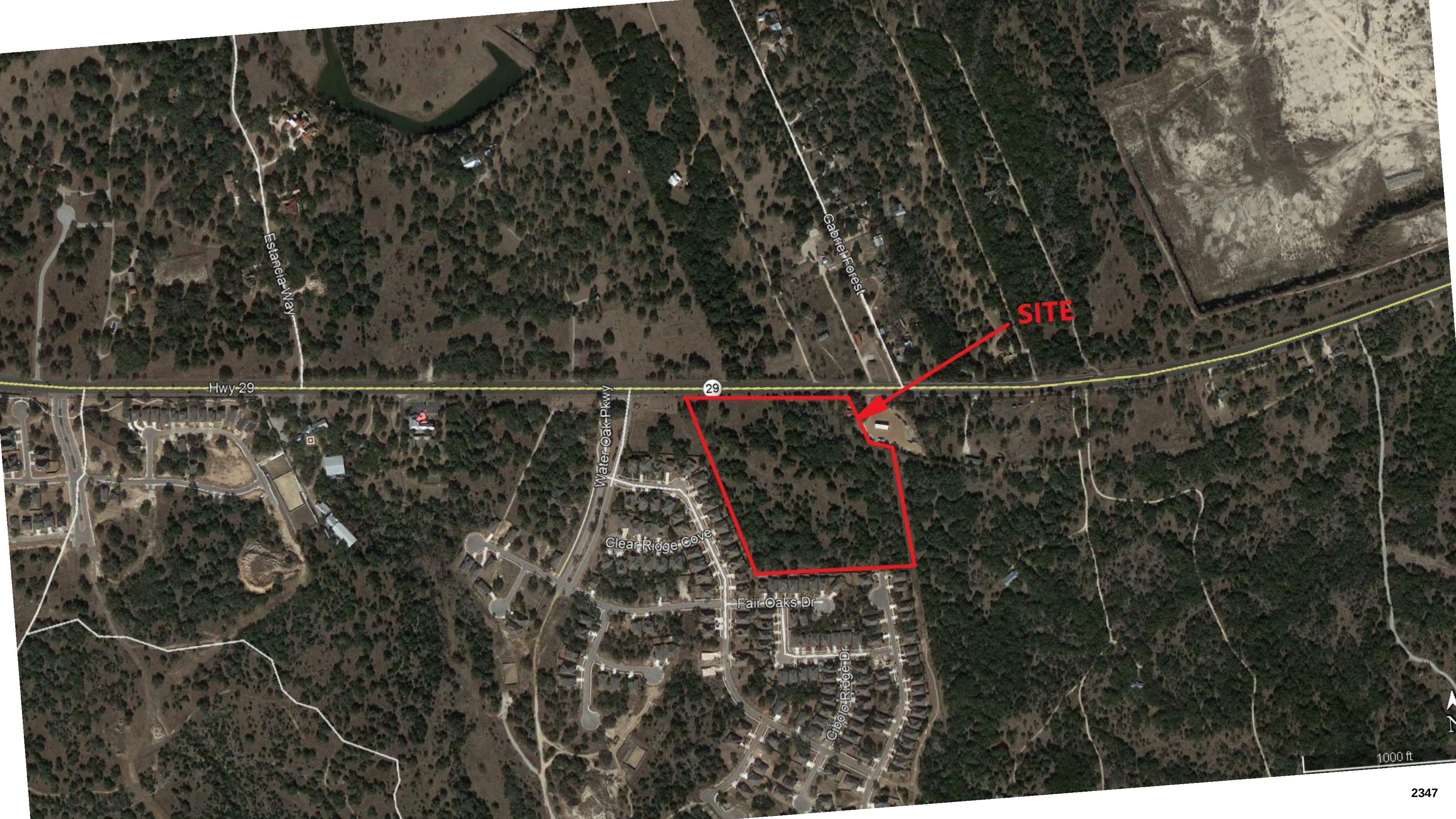
The Preserve at Water Oak
Engineering Report

LIST OF ATTATCHMENTS

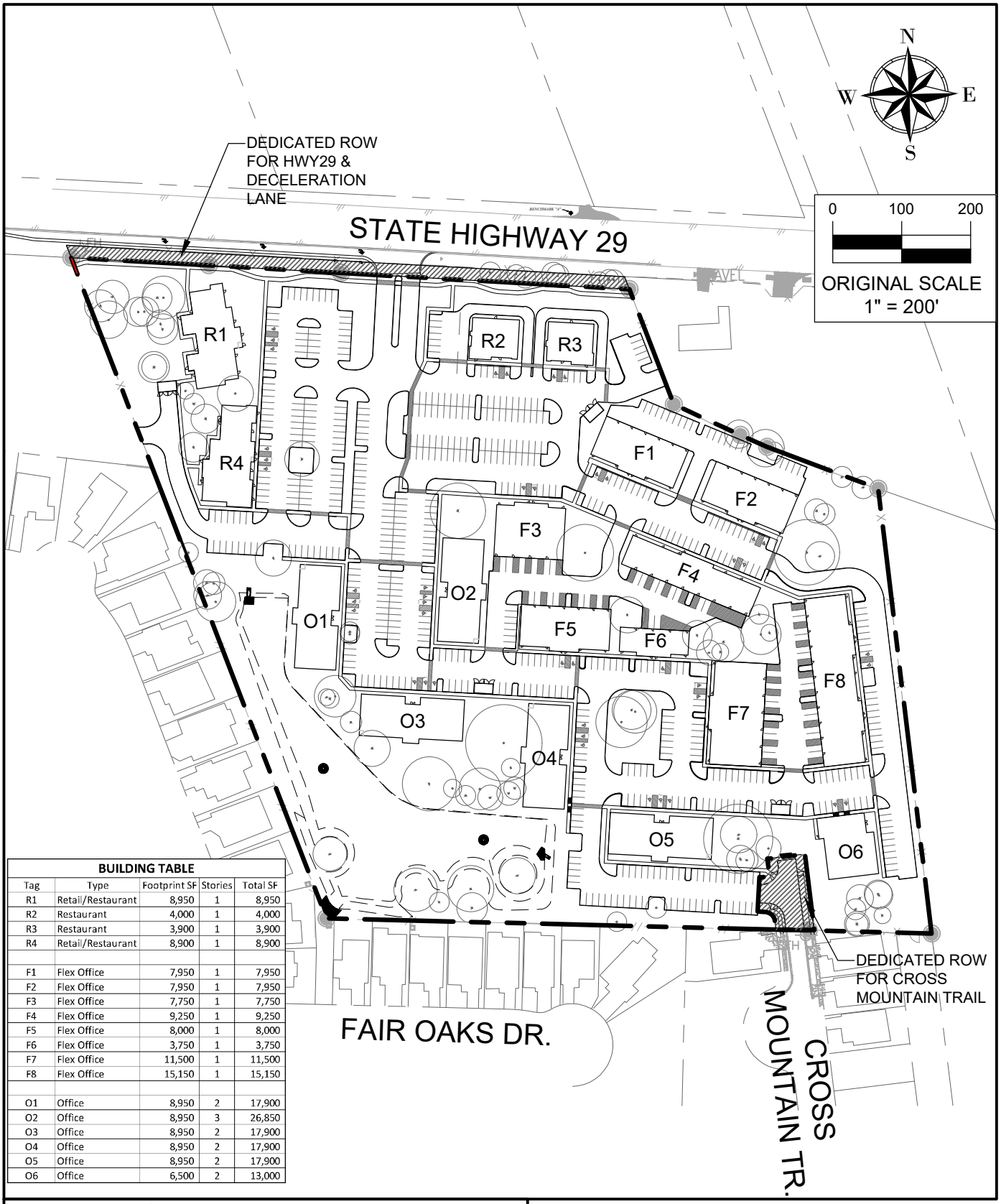
Appendix A Location Map
Appendix B District Boundary Map
Appendix C District Legal Description
Appendix D Land Use Map
Appendix E Public Right of Way Improvements
Appendix F Water Utility Plan
Appendix G Wastewater Utility Plan
Appendix H Storm Sewer Plan
Appendix I Landscaping and Signage
Appendix J Engineer's Opinion of Probable Cost
Appendix K Construction Schedule
Appendix L Private Improvements

APPENDICES

APPENDIX A
Location Map


SITE
Estancia Way
Gabriel Forest
Hwy 29
29
Water Oak Pkwy
Clear Ridge Cove
Fair Oaks Dr
Cibolo Ridge Dr
1000 ft
N

APPENDIX B
District Boundary Map



BUILDING TABLE

Tag	Type	Footprint SF	Stories	Total SF
R1	Retail/Restaurant	8,950	1	8,950
R2	Restaurant	4,000	1	4,000
R3	Restaurant	3,900	1	3,900
R4	Retail/Restaurant	8,900	1	8,900
F1	Flex Office	7,950	1	7,950
F2	Flex Office	7,950	1	7,950
F3	Flex Office	7,750	1	7,750
F4	Flex Office	9,250	1	9,250
F5	Flex Office	8,000	1	8,000
F6	Flex Office	3,750	1	3,750
F7	Flex Office	11,500	1	11,500
F8	Flex Office	15,150	1	15,150
O1	Office	8,950	2	17,900
O2	Office	8,950	3	26,850
O3	Office	8,950	2	17,900
O4	Office	8,950	2	17,900
O5	Office	8,950	2	17,900
O6	Office	6,500	2	13,000

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TBPE FIRM #F-19351

THE PRESERVE AT WATER OAK

PUBLIC IMPROVMENT DISTRICT

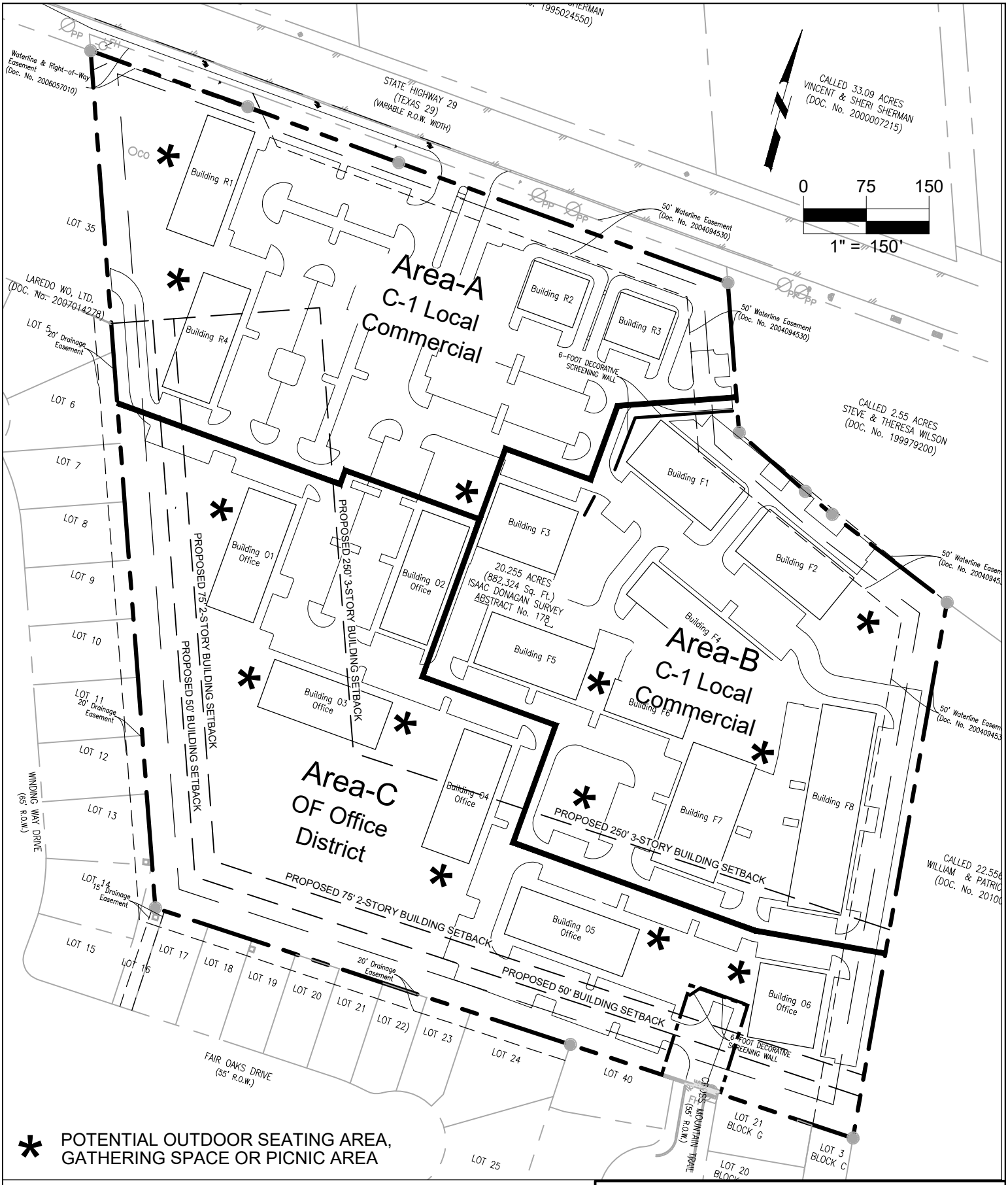
December 12, 2024

APPENDIX C
District Legal Description

LEGAL DESCRIPTION

A 19.77 ACRE TRACT OF LAND BEING OUT OF THE 20.26 ACRES CONVEYED TO 3701 SH29, LLC IN A WARRANTY DEED, RECORDED IN DOCUMENT NO. 2019030375 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING ALL OF 19.77 ACRES, LOT 1, BLOCK 1, RECORDED AS THE PRESERVE AT WATER OAK, OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY TEXAS DOCUMENT NO. 2022098031.

APPENDIX D
Land Use Map



* POTENTIAL OUTDOOR SEATING AREA, GATHERING SPACE OR PICNIC AREA

The Preserve at Water Oak

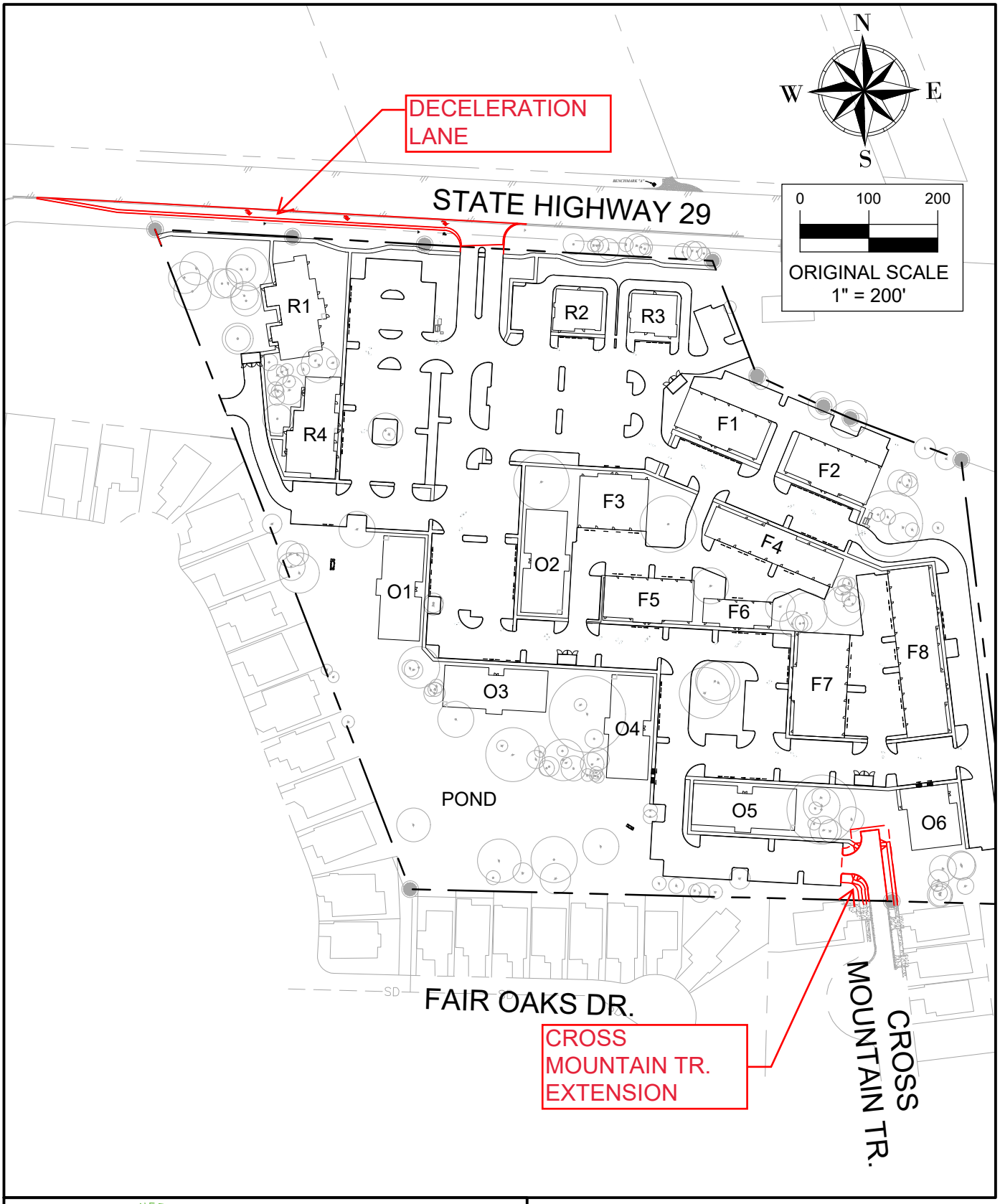
O.M. Development

June 18, 2020

ENGINEERING 2P CONSULTING

203 E. MAIN STREET, SUITE 204
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351

APPENDIX E
Public Right of Way Improvements



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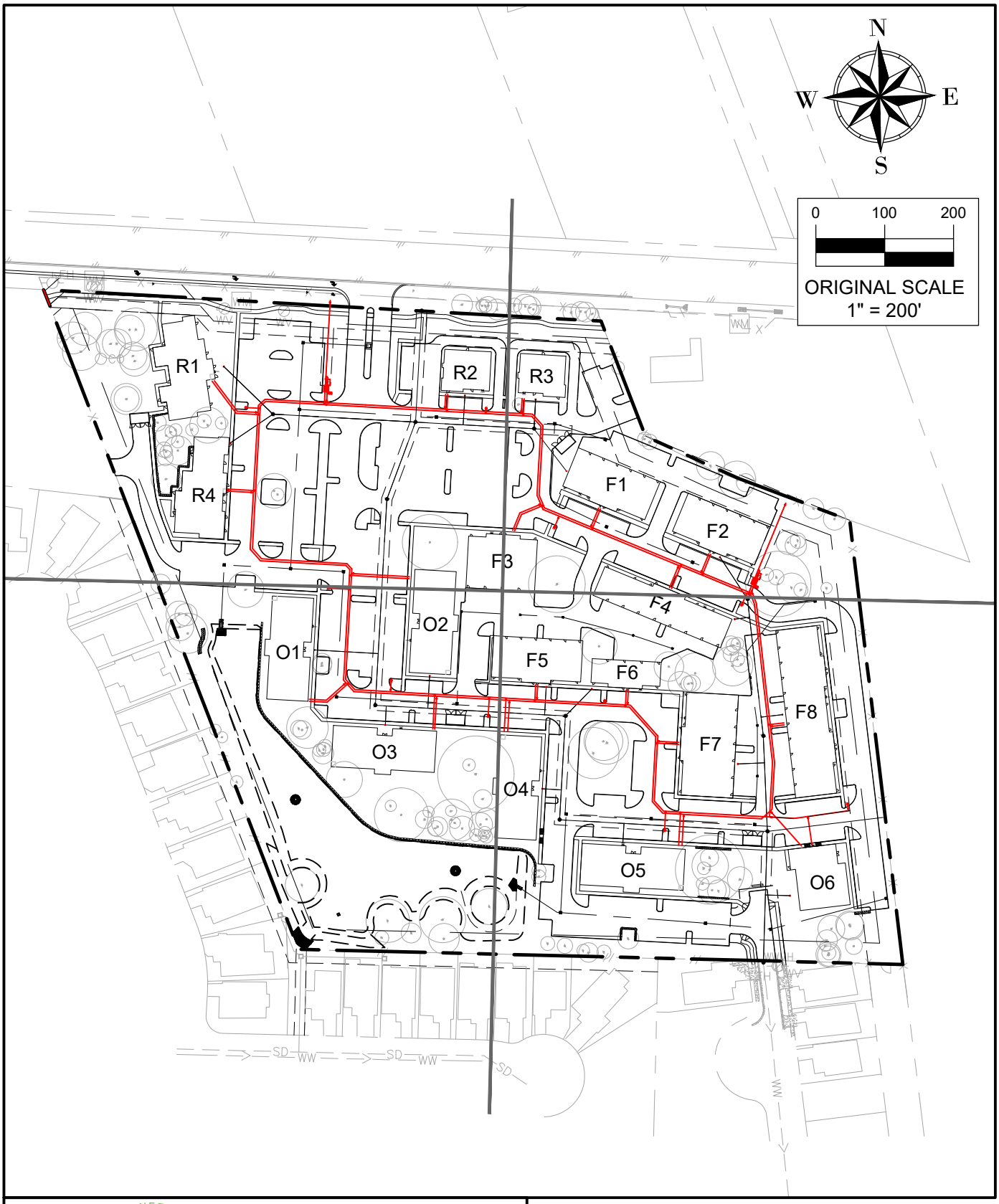
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351

THE PRESERVE AT WATER OAK

PUBLIC ROW IMPROVEMENTS

November 1, 2024

APPENDIX F
Water Utility Plan



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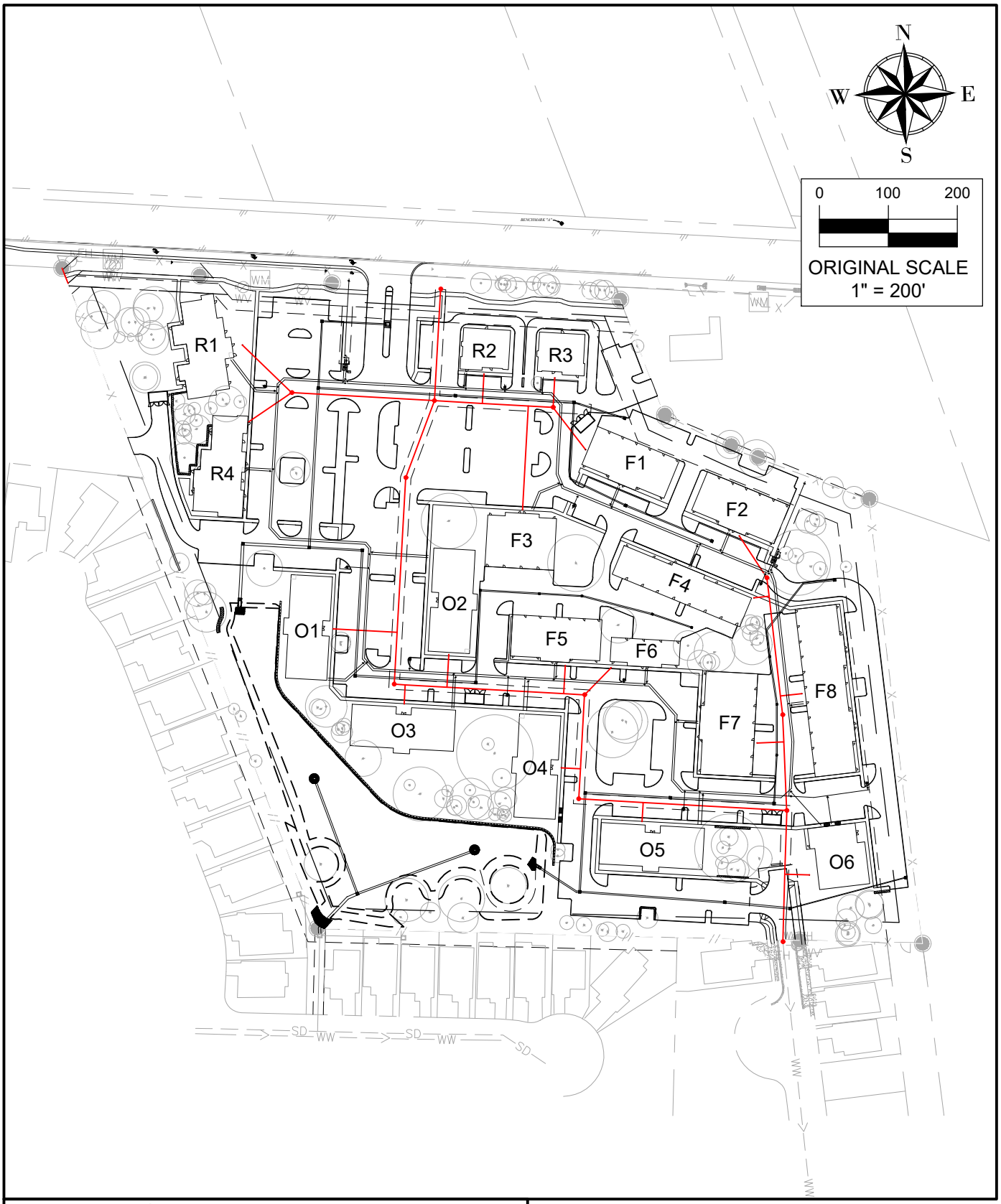
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351

THE PRESERVE AT WATER OAK
OVERALL WATER SHEET

June 15, 2023

N:\Projects\OM Developers\W SH 29\Documents\Application and Fees\PID\WATER PLAN.dwg

APPENDIX G
Wastewater Utility Plan



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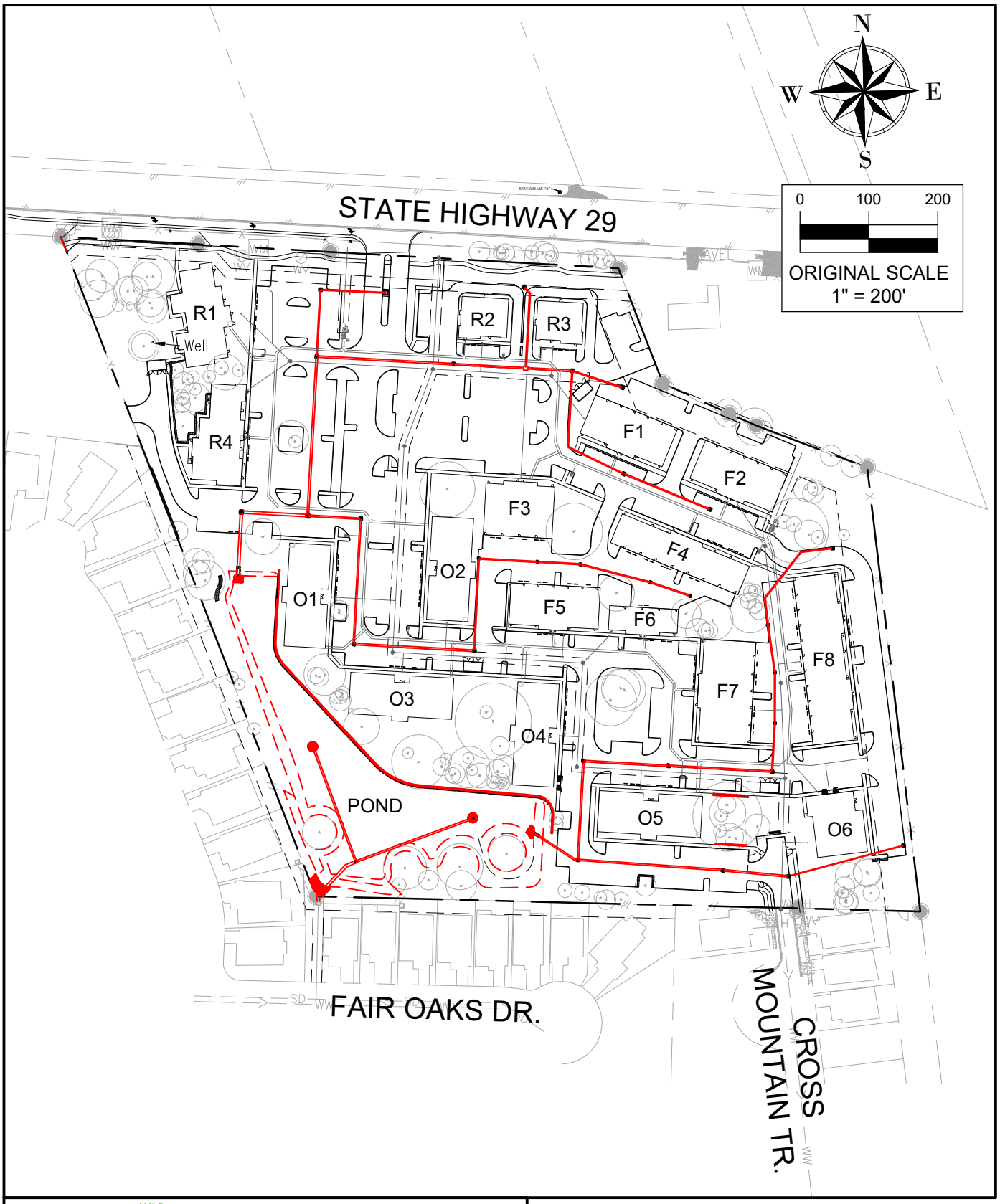
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351

THE PRESERVE AT WATER OAK

OVERALL WASTEWATER SHEET

June 15, 2023

APPENDIX H
Storm Sewer Plan



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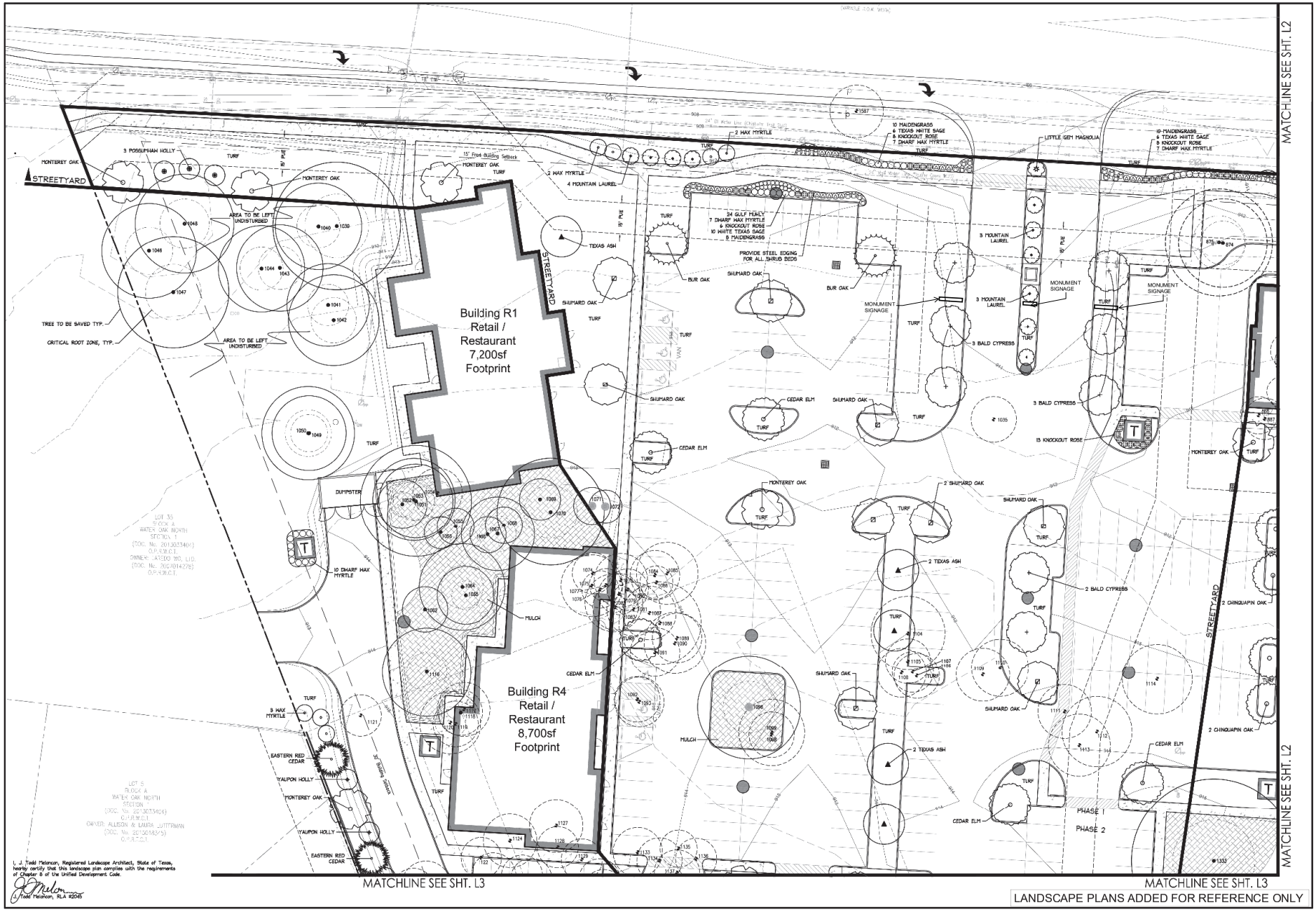
203 E. MAIN STREET, SUITE 204
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351

THE PRESERVE AT WATER OAK

OVERALL STORM SEWER PLAN

November 1, 2024

APPENDIX I
Landscaping and Signage



I, J. Todd Melancon, Registered Landscape Architect, State of Texas, hereby certify that this landscape plan complies with the requirements of Chapter 8 of the Unified Development Code.

J. Todd Melancon, RLA #2045

NO.	DATE	REVISIONS

REGISTERED LANDSCAPE ARCHITECT J. TODD MELANCON STATE OF TEXAS 2045

MELONCON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
1024 GREAT OAKS COVE ROUND ROCK TEXAS 78681
PHONE (512) 560.1185 FAX (512) 310-2384
bob@melancondesigngroup.com www.melancondesigngroup.com

THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas

landscape plan

SCALE: 1"=20'

Drawn: JTM
Checked: JTM
Approved: JTM
Date: April 18, 2022
Project #: 309-2001

SHEET NO. 39
OF 71

I, J. Todd Meloncon, Registered Landscape Architect, State of Texas, hereby certify that this landscape plan complies with the requirements of Chapter 8 of the Unified Development Code.

J. Todd Meloncon, RLA #2045

MATCHLINE SEE SHT. L1

MATCHLINE SEE SHT. L1

MATCHLINE SEE SHT. L4

MATCHLINE SEE SHT. L4

LANDSCAPE PLANS ADDED FOR REFERENCE ONLY

Building R2
Restaurant
4,200sf
Footprint

Building R3
Restaurant
4,200sf
Footprint

Building F1
Flex Office
8,450sf
Footprint

Building F2
Flex Office
8,450sf
Footprint

STREETYARD

PHASE 1

PHASE 2

DUMPSTER

MULCH

AREA TO BE LEFT UNDISTURBED

TURF

TEXAS ASH

MONTEREY OAK

SHUMARD OAK

CEDAR ELM

2 POSSUMHAW HOLLY

6 MOUNTAIN LAUREL

15' Total Building Setback

20' Building Setback

24" Water Line

GRAVEL

TABLE: 2.55 ACRES
OWNER: STEVE & THERESA WILSON
(DOC. No. 1999079302)

REVISIONS

NO.	DATE

MELONCON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
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bcc@meloncondesigngroup.com www.meloncondesigngroup.com

THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas

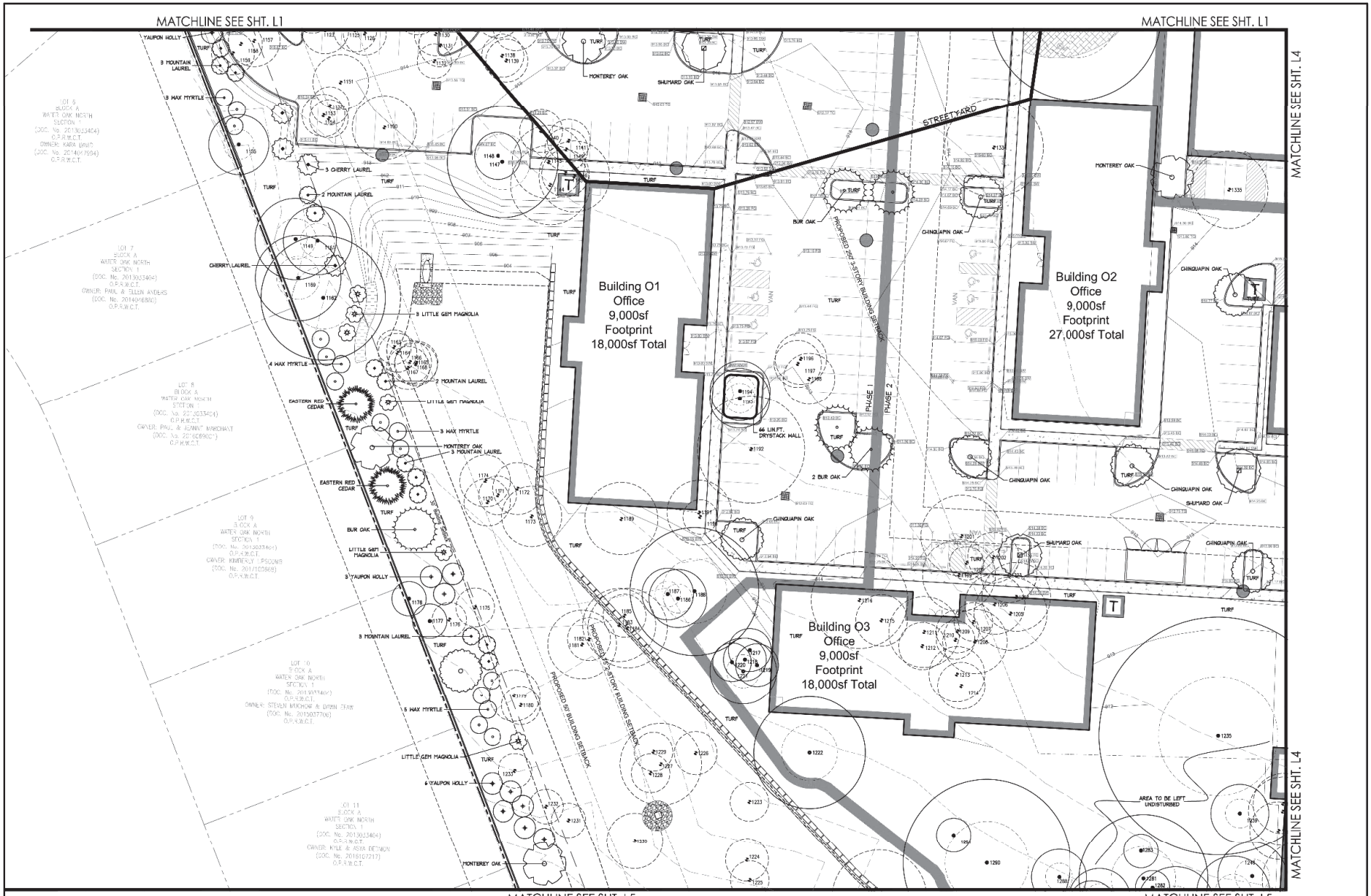
landscape plan

SCALE: 1"=20'

Drawn: JTM
Checked: JTM
Approved: JTM
Date: April 18, 2022
Project #: 309-2001

SHEET NO. 40
OF 71

2364



I, J. Todd Meloncon, Registered Landscape Architect, State of Texas, hereby certify that this landscape plan complies with the requirements of Chapter 8 of the Unified Development Code.

J. Todd Meloncon, RLA #2045

LANDSCAPE PLANS ADDED FOR REFERENCE ONLY

NO.	DATE	REVISIONS

REGISTERED LANDSCAPE ARCHITECT J. TODD MELONCON 2045 STATE OF TEXAS

MELONCON DESIGN GROUP, INC.
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THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas

landscape plan

SCALE: 1"=20'

Drawn: JTM
Checked: JTM
Approved: JTM
Date: April 18, 2022
Project #: 309-2001

SHEET NO. 41
OF 71

MATCHLINE SEE SHT. L4

MATCHLINE SEE SHT. L5

Building F3
Flex Office
8,000sf
Footprint

Building F4
Flex Office
10,000sf
Footprint

Building F5
Flex Office
8,450sf
Footprint

Building F6
Flex Office
4,000sf
Footprint

Building F7
Flex Office
12,000sf
Footprint

Building F8
Flex Office
15,925sf
Footprint

Building O4
Office
9,000sf
Footprint
18,000sf Total

PHASE 1
PHASE 2

TURF
MULCH
SHUMARD OAK
TEXAS ASH
CHINQUAPIN OAK
CEDAR ELM
MONTEREY OAK
BUR OAK
AREA TO BE LEFT UNDISTURBED
CRITICAL ROOT ZONE, TYP.
PROVIDE 2" TOPSOIL W/ 25% COMPOST FOR ALL DISTURBED AREAS PRIOR TO HYDROMULCH BERMUDAGRASS APPLICATION
PROPOSED 250' 3-STORY BUILDING SETBACK
VAN
T
20.235 ACRES (881,324 Sq. Ft.) SAM DONAGAN SURVEY
CALLTD 22.551 OWNER WILLIAM & F DOCC No. 201
JC Walters Sidewalk

MATCHLINE SEE SHT. L6

MATCHLINE SEE SHT. L4

MATCHLINE SEE SHT. L5

MATCHLINE SEE SHT. L6

I, J. Todd Melancon, Registered Landscape Architect, State of Texas, hearby certify that this landscape plan complies with the requirements of Chapter 8 of the Unified Development Code.

J. Todd Melancon, RLA #2045

LANDSCAPE PLANS ADDED FOR REFERENCE ONLY

NO.	DATE	REVISIONS

REGISTERED LANDSCAPE ARCHITECT J. TODD MELANCON 2045 STATE OF TEXAS

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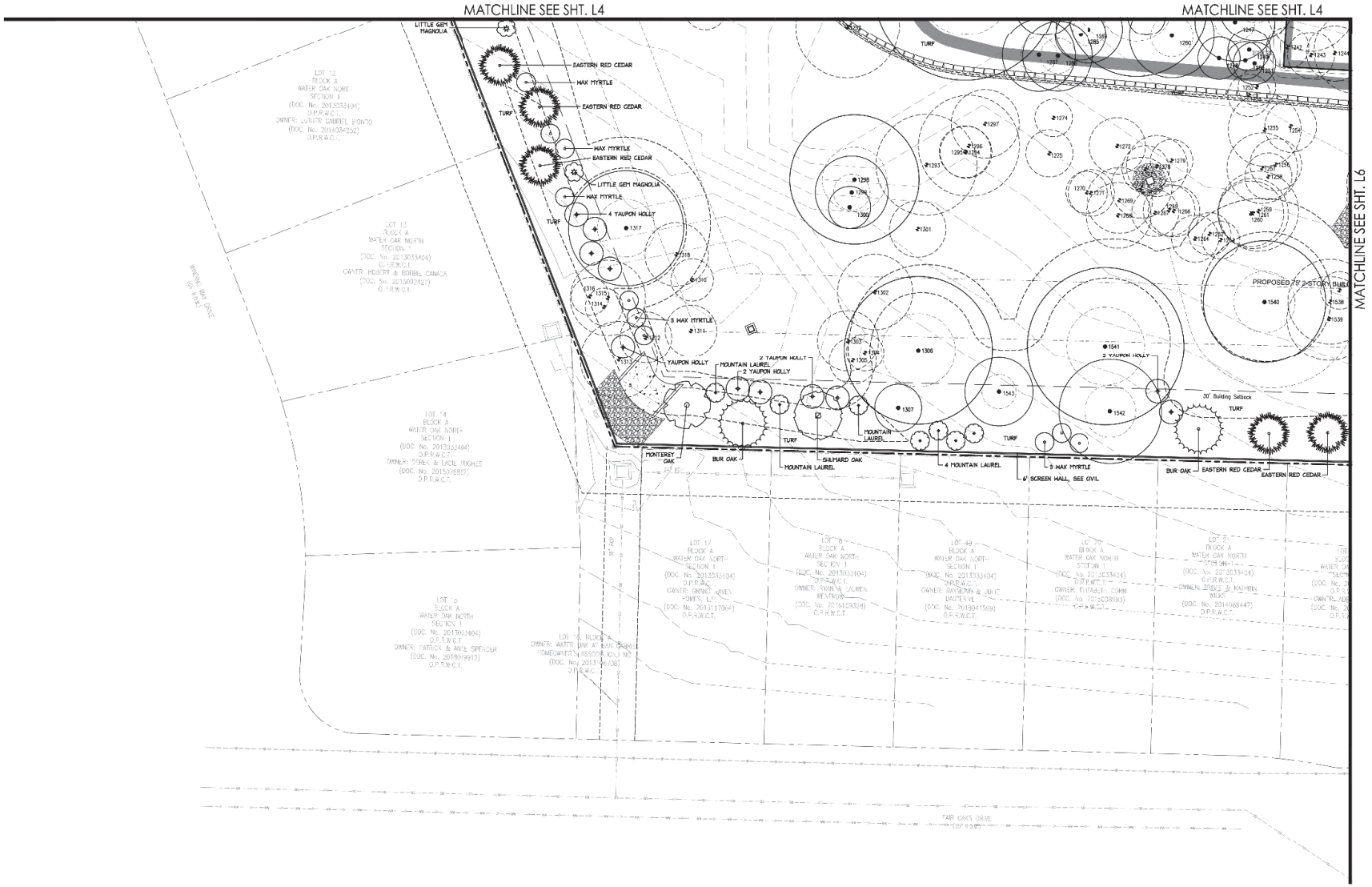
THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas

landscape plan

SCALE: 1"=20'

Drawn: JTM
Checked: JTM
Approved: JTM
Date: April 18, 2022
Project #: 309-2001

SHEET NO. 42
OF 71



I, J. Todd Melancon, Registered Landscape Architect, State of Texas, hereby certify that this landscape plan complies with the requirements of Chapter 8 of the Unified Development Code.

J. Todd Melancon, RLA #2045

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NO.	DATE	REVISIONS

MELONCON DESIGN GROUP, INC.
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THE PRESERVE AT WATER OAKS

Hwy. 29, Georgetown, Texas

landscape plan

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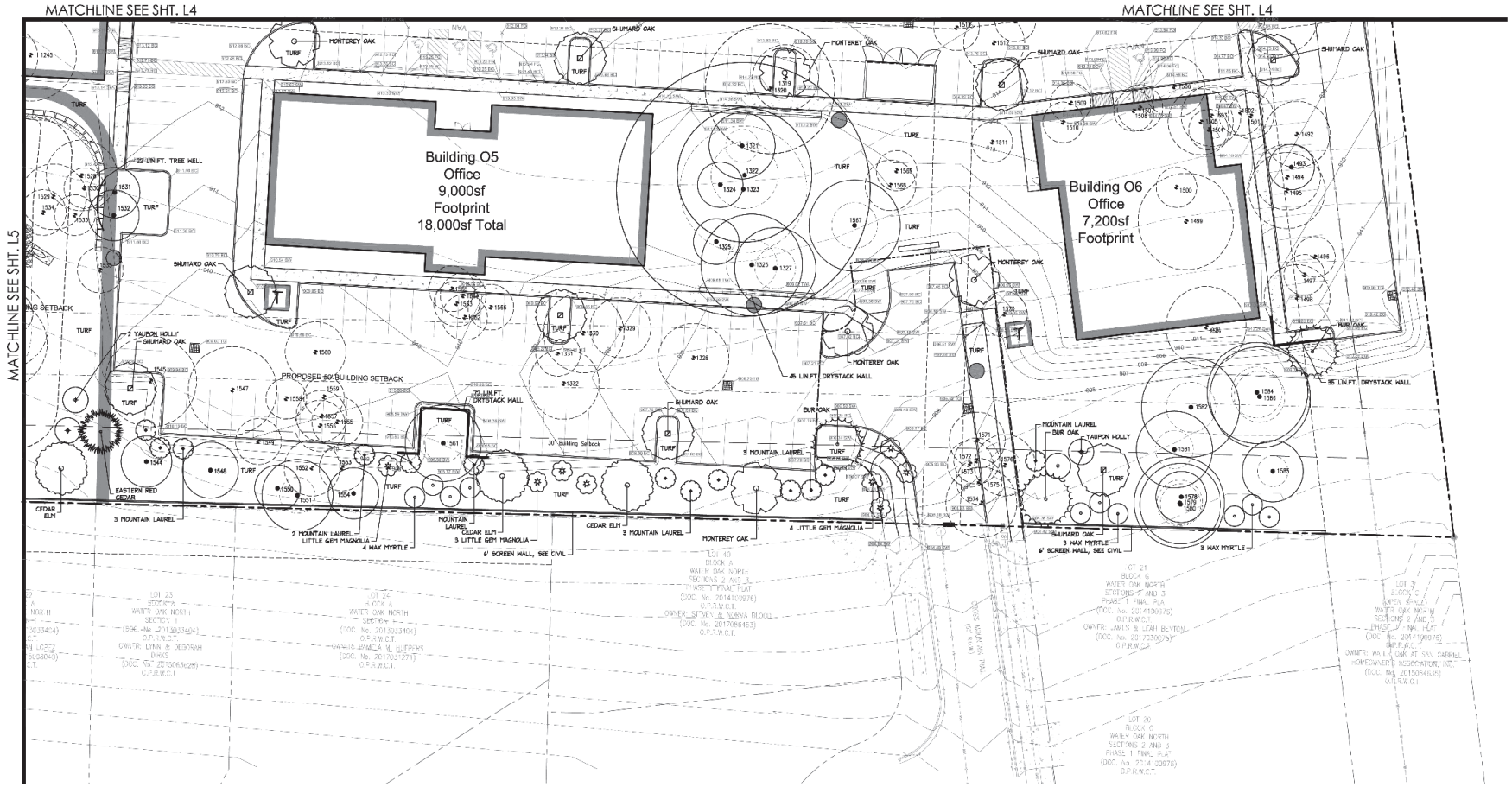
Approved: JTM
Date: April 18, 2022
Project #: 309-2001

SHEET NO. 43
OF 71



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J. Todd Melancon, RLA #2045

LANDSCAPE PLANS ADDED FOR REFERENCE ONLY

NO.	DATE	REVISIONS

REGISTERED LANDSCAPE ARCHITECT J. TODD MELANCON 2045 STATE OF TEXAS

MELONCON DESIGN GROUP, INC.
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1201 GREAT OAKS COVE ROUND ROCK TEXAS 78681
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THE PRESERVE AT WATER OAKS
Hwy. 29, Georgetown, Texas

landscape plan

SCALE: 1"=20'

Drawn: JTM
Checked: JTM
Approved: JTM
Date: April 18, 2022
Project #: 309-2001

SHEET NO. 44
OF 71

GENERAL LANDSCAPE NOTES

1. CONTRACTOR SHALL PROVIDE ALL MATERIALS AND LABOR NEEDED FOR CONSTRUCTION OF PROPOSED LANDSCAPE MATERIAL.
2. ANY CONFLICTS OF TREE LOCATION AND UTILITY LINES, UNDERGROUND OR OVERHEAD WILL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.
3. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL VERIFY THE LOCATION OF ANY AND ALL EXISTING EASEMENTS LOCATED WITHIN THE PROPOSED WORK AREA. ANY DISCREPANCIES FOUND ARE TO BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT.
4. ALL PLANT MATERIAL SHALL CONFORM TO THE STANDARDS AS PUBLISHED BY THE CURRENT AMERICAN ASSOCIATION OF NURSERYMEN.
5. NO PLANTING SHALL TAKE PLACE BEFORE ROUGH GRADING HAS BEEN FINISHED AND BED LAYOUTS HAVE BEEN APPROVED BY THE LANDSCAPE ARCHITECT.
6. THE OWNER RESERVES THE RIGHT TO REFUSE ANY PLANT MATERIAL DUE TO UNSATISFACTORY CONDITIONS OF THE PLANT MATERIAL. ALL PLANTS SHALL BE CONTAINER GROWN OR B & B. ALL CONTAINERS, PLASTIC AND BURLAP SHALL BE REMOVED PRIOR TO PLANTING.
7. ALL PLANT MATERIAL SHALL BE WATERED THOROUGHLY AT THE TIME OF PLANTING AND EVERY OTHER DAY FOR THE FIRST WEEK THEN ONCE PER WEEK WITH THE IRRIGATION SYSTEM PROVIDED.
8. TREE PLANTING SHALL HAVE A BACKFILL MIX OF 1/3 PLANTING MIX AND 2/3 EXISTING SOIL AND BE PACKED TO REMOVE AIR POCKETS.
9. ALL PLANTINGS SHALL HAVE A MINIMUM OF 3" HARDWOOD MULCH COVERING.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LAYING SOD OR HYDROMULCH ON ALL DISTURBED AREA INDICATED ON THE PLANS AFTER AN UNDERGROUND IRRIGATION SYSTEM HAS BEEN INSTALLED AND TESTED.
11. PRIOR TO TURF INSTALLATION, ALL AREAS SHALL BE DRESS WITH A MINIMUM OF 2" OF TOPSOIL THAT CONTAINS AT LEAST 25% ORGANIC MATERIAL.
12. THE CONTRACTOR SHALL FINISH GRADE TOP SOIL TO A SMOOTH SURFACE AND REMOVE ALL CLODS PRIOR TO LAYING SOD OR HYDROMULCH.
13. HYDROMULCH SEEDING
    FROM SEPTEMBER 15 TO MARCH 1, SEEDING SHALL BE A COMBINATION OF 1 POUND PER 1000 SF OF UNHULLED BERMUDA AND 7 POUNDS PER 1000 SF OF WINTER RYE WITH A PURITY OF 49% AND 90% GERMINATION.

    FROM MARCH 2 TO SEPTEMBER 14, SEEDING SHALL BE WITH HULLED BERMUDA AT A RATE OF 1 POUND PER 1000 SF WITH A PURITY OF 95% AND 85% GERMINATION.

    A. FERTILIZER SHALL BE A PELLETED OR GRANULAR SLOW RELEASE WITH AN ANALYSIS OF 15-15-15 TO BE APPLIED ONCE AT PLANTING AND ONCE DURING THE PERIOD OF ESTABLISHMENT AT A RATE OF 1.5 POUND PER 1000 SF.

    B. MULCH TYPE USED SHALL BE HAY, STRAW OR MULCH APPLIED AT A RATE OF 45 POUNDS PER 1000 SF, WITH SOIL TACKIFIER AT A RATE OF 1.4 POUNDS PER 1000 SF

    C. RESTORATION SHALL BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1-1/2 INCHES HIGH WITH 95% COVERAGE, PROVIDED NO BARE SPOTS LARGER THAN 16 SQUARE FEET EXIST.
14. BROADCAST SEEDING ALTERNATIVE
    FROM SEPTEMBER 15 TO MARCH 1, SEEDING SHALL BE WITH A COMBINATION OF 2 POUNDS PER 1000 SF OF UNHULLED BERMUDA AND 7 POUNDS PER 1000 SF OF WINTER RYE WITH A PURITY OF 49% WITH 90% GERMINATION.

    FROM MARCH 2 TO SEPTEMBER 14, SEEDING SHALL BE WITH HULLED BERMUDA AT A RATE OF 2 POUNDS PER 1000 SF WITH A PURITY OF 95% WITH 85% GERMINATION.

    A. FERTILIZER SHALL BE A PELLETED OR GRANULAR SLOW RELEASE WITH AN ANALYSIS OF 15-15-15 TO BE APPLIED ONCE AT PLANTING AND ONCE DURING THE PERIOD OF ESTABLISHMENT AT A RATE OF 1.5 POUND PER 1000 SF.

    B. MULCH TYPE USED SHALL BE HAY, STRAW OR MULCH APPLIED AT A RATE OF 45 POUNDS PER 1000 SF.
15. THE PLANTED AREA SHALL BE IRRIGATED OR SPRINKLED IN A MANNER THAT WILL NOT ERODE THE TOPSOIL, BUT WILL SUFFICIENTLY SOAK THE SOIL TO A DEPTH OF 6 INCHES. THE IRRIGATION SHALL OCCUR AT 7 DAY INTERVALS DURING THE FIRST TWO MONTHS. RAINFALL OCCURRENCES OF 1/2 INCH OR GREATER SHALL POSTPONE THE WATERING SCHEDULE ONE WEEK.
16. THE CONTRACTOR SHALL PROVIDE A ONE YEAR GUARANTEE ON ALL LANDSCAPE MATERIAL FROM THE DATE OF COMPLETION.
17. THE CONTRACTOR SHALL SUPPLY THE OWNER WITH A MAINTENANCE SCHEDULE TO INCLUDE FERTILIZATION, PRUNING, MOWING, MULCHING ETC. UPON COMPLETION OF WORK.
18. THE CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS CREATED DURING CONSTRUCTION IE. BURLAP, CONTAINERS, STAKES, TAGS, ECT.

CITY OF GEORGETOWN GENERAL NOTES

1. THIS DEVELOPMENT WILL BE IRRIGATED WITH AN AUTOMATED UNDERGROUND IRRIGATION SYSTEM.
2. A SEPARATE IRRIGATION PLAN SHALL BE REQUIRED AT THE TIME OF BUILDING PERMIT IN ACCORDANCE WITH SECTION 8.07.000 OF THE UDC.
3. THE CURRENT OWNER AND SUBSEQUENT OWNERS OF THE LANDSCAPED PROPERTY, OR THE MANAGER OR AGENT OF HE OWNER, SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE AREAS AND MATERIALS, REQUIRED BUFFER YARD AREAS AND MATERIALS AND REQUIRED SCREENING MATERIALS. SAID AREAS MUST BE MAINTAINED SO AS TO PRESENT A HEALTHY, NEAT AND ORDERLY APPEARANCE AT ALL TIMES AND SHALL BE KEPT FREE OF REFUSE AND DEBRIS. MAINTENANCE WILL INCLUDE THE REPLACEMENT OF ALL DEAD PLANT MATERIAL IF THAT MATERIAL WAS USED TO MEET THE REQUIREMENTS OF THIS CHAPTER. ALL SUCH PLANTS SHALL BE REPLACED WITHIN SIX MONTHS OF NOTIFICATION, OR BY THE NEXT PLANTING SEASON, WHICHEVER COMES FIRST. A HOME OWNERS ASSOCIATION MAY ASSUME RESPONSIBILITY FOR MAINTENANCE OF COMMON AREAS.
4. ALL PLANT SELECTIONS HAVE BEEN CHOSEN FROM THE CITY OF GEORGETOWN PREFERRED PLANT LIST. NO SUBSTITUTIONS MAY BE MADE WITHOUT APPROVAL BY THE CITY OF GEORGETOWN.
5. NO MORE THAN 25% OF TREES OR SHRUBS MAY BE FROM THE SAME SPECIES. NO MORE THAN 10% OF REQUIRED PLANTINGS MAY BE ORNAMENTAL GRASSES.
6. AT LEAST 50% OF THE REQUIRED PLANT MATERIAL ARE LOW WATER USERS AS IDENTIFIED ON THE PREFERRED PLANT LIST.

LANDSCAPE CALCULATION TABLE

CITY OF GEORGETOWN LANDSCAPE CALCULATIONS

STREETYARD

	REQUIRED		PROVIDED			
TOTAL SITE AREA			828,816 SF		19.9	AC.
TOTAL STREETYARD AREA			146,953 SF			
STREETYARD LANDSCAPE 20%	29,389	SF	37,398	SF	25	%

STREETYARD LANDSCAPE

	REQUIRED	PROVIDED
TREES	20	32
EXISTING TREE CREDITS		5
TOTAL		37
SHRUBS	59	117

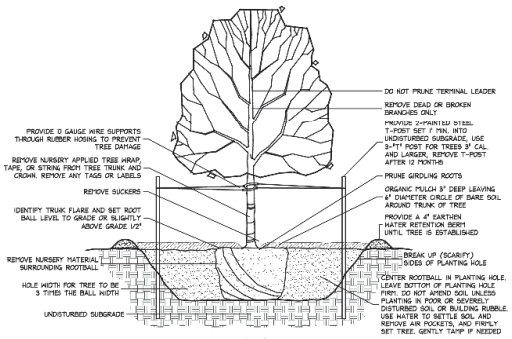
PARKING LOT LANDSCAPING			REQUIRED		PROVIDED	
STREETYARD PARKING	382	NO. OF SPACES x 20 SF =	7600	SF	>7600	SF
NON STREETYARD PARKING	860	NO. OF SPACES x 10 SF =	8600	SF	>8600	SF
PARKING LOT TREES	1736	NO. OF SPACES / 17 x 1 =	103	TREES	101	TREES

BUFFERYARD	HIGH LEVEL 30' PLANTING AREA	
1,470	LINEAR FEET OF BUFFER / 50' =	29 UNITS

	EXISTING	PROPOSED	TOTAL
59 SHADE TREES	34	25	59
118 EVERGREEN ORNAMENTALS	0	118	118
1,470 6' MASONRY WALL			1,470

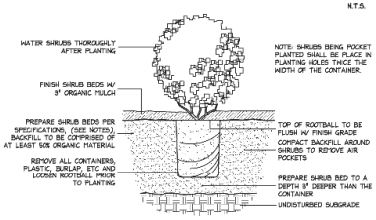
REPLACEMENT TREES

TREE TOTAL	578		400	SAVED	71%	SAVED
TOTAL CALIPER INCHES OF TREES REMOVED						
12" to 25"	2,023.0	X 40%	1,018.4			
26" AND GREATER	286.5	X 3	859.5			
MITIGATION CREDITS 6" - 11"			451.8			
		REQUIRED MITIGATION	1,879.7			
		PROPOSED MITIGATION	983.8			
REMAINING MITIGATION		REMAINING MITIGATION	895.9			
FEE IN LIEU $150 / INCH		FEE TOTAL	$134,385			



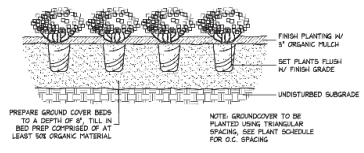
TREE PLANTING DETAIL

N.T.S.



SHRUB PLANTING DETAIL

N.T.S.



GROUNDCOVER PLANTING DETAIL

N.T.S.

LANDSCAPE SUMMARY TABLE

	LANDSCAPE AREA REQUIRED	LANDSCAPE AREA PROPOSED	SHRUBS REQUIRED	SHRUBS PROPOSED	EVERGREEN SHRUBS REQUIRED	EVERGREEN SHRUBS PROPOSED	EVERGREEN ORNAMENTAL TREES REQUIRED	EVERGREEN ORNAMENTAL TREES PROPOSED	SHADE TREES REQUIRED	SHADE TREES PROVIDED
STREET YARD LANDSCAPING SECTION 8.04.038	29,389	37,398	59	60					20	32
MINUS < 20' LANDSCAPE CREDIT TREES COUNTED										4
MINUS 20' + LANDSCAPE CREDIT TREES COUNTED x 2										1
TOTAL	29,389	37,398	59	60				0	20	37
PARKING LOT LANDSCAPING SECTION 8.04.049	7,600	>7600		0				0	103	101
MINUS AREA OR PLANTINGS THAT CAN BE CREDITED TOWARDS STREET YARD LANDSCAPING										
MINUS < 20' LANDSCAPE CREDIT TREES COUNTED										
MINUS 20' + LANDSCAPE CREDIT TREES COUNTED x 2										
TOTAL	7,600	0		0				0	103	101
GATEWAY OVERLAY DISTRICT LANDSCAPING - SECTION 8.04.050 (IF APPL.)	9,725		50	57					20	20
MINUS AREA OR PLANTINGS THAT CAN BE CREDITED TOWARDS STREET YARD LANDSCAPING										0
MINUS < 20' LANDSCAPE CREDIT TREES COUNTED										0
MINUS 20' + LANDSCAPE CREDIT TREES COUNTED x 2										0
TOTAL	9,725	0	50	57				0	20	20
BUFFERYARD LANDSCAPING - SECTION 8.04.060 (IF APPL.)							118		59	59
MINUS < 20' LANDSCAPE CREDIT TREES COUNTED										
MINUS 20' + LANDSCAPE CREDIT TREES COUNTED x 2										
TOTAL	0	0	0	0	0	0	118	0	59	59
SCREENING - SECTION 8.04.060 (IF APPL.)					23	23				
TOTAL										
GRAND TOTAL	0	0	0	0	23	23	0	0	0	0

PLANT LIST

QUANTITY	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE & CONDITION
CANOPY TREES				
14		Bur Oak	Quercus macrocarpa	3" caliper, container grown or B&B, spacing as shown
14		Chinquapin Oak	Quercus muehlenbergii	3" caliper, container grown or B&B, spacing as shown
14		Monterey Oak	Quercus polymorpha	3" caliper, container grown or B&B, spacing as shown
29		Shumard Red Oak	Quercus shumardii	3" caliper, container grown or B&B, spacing as shown
12		Texas Ash	Fraxinus texensis	3" caliper, container grown or B&B, spacing as shown
11		Cedar Elm	Ulmus crassifolia	3" caliper, container grown or B&B, spacing as shown
8		Bald Cypress	Taxodium distichum	3" caliper, container grown or B&B, spacing as shown
10		Eastern Red Cedar	Juniperus virginiana	3" caliper, container grown or B&B, spacing as shown
ORNAMENTAL TREES				
27		Taupon Holly	Ilex vomitoria	20 gal., multi-trunk, container grown, female plant only, 10' o.c.
0		Possumhaw Holly	Ilex decidua	15 gal., container grown, female plant only, 10' o.c.
45		Mountain Laurel	Sophora secundiflora	20 gal., 5 trunk min., container grown, 8' o.c.
42		Wax Myrtle	Myrica cerifera	20 gal., 5 trunk min., container grown, 8' o.c.
4		Cherry Laurel	Prunus caroliniana	20 gal., container grown, 10' o.c.
17		Little Gem Magnolia	Magnolia grandiflora "Little Gem"	20 gal., container grown, 8' o.c.
SHRUBS				
22		White Texas Sage	Leucophyllum frutescens "Alba"	5 gallon, container grown, 3' o.c.
51		Dwarf Wax Myrtle	Myrica pusilla	5 gallon, container grown, 3' o.c.
35		Knockout Rose	Rosa "Knockout"	5 gallon, container grown 3' o.c.
GRASSES & YUCCAS				
28		Maidengrass	Miscanthus sinensis "Morning Light"	5 gallon, container grown 3' o.c.
24		Gulf Muhly	Muhlenbergia capillaris	5 gallon, container grown 24" o.c.
TURF GRASSES & MATERIALS				
See Plns for Disturbed Areas	TURF	Bermudagrass	Cynodon dactylon	Hydromulch 2 lbs. per 1000 s.f.
See Plan		Hardwood Mulch	3" deep mulch under dense Oak tree canopies in lieu of turf	
See Plan		4" Steel Edging	4' - 14 gauge with 12" stakes, color black, set flush to top of curbs and sidewalks	

I, J. Todd Melancon, Registered Landscape Architect, State of Texas, hereby certify that this landscape plan complies with the requirements of Chapter 8 of the Unified Development Code.

J. Todd Melancon, RLA #2045

LANDSCAPE PLANS ADDED FOR REFERENCE ONLY

NO.	DATE	REVISIONS

MELONCON DESIGN GROUP, INC.
LAND PLANNING & LANDSCAPE ARCHITECTURE
1001 GREAT OAKS COVE ROUND ROCK TEXAS 78681
PHONE (512) 560.1185 FAX (512) 310-2384
bcc@meloncondesigngroup.com www.meloncondesigngroup.com

THE PRESERVE AT WATER OAKS

Hwy. 29, Georgetown, Texas

landscape notes, details, calculations and planting schedule

Drawn: JTM
Checked: JTM
Approved: JTM
Date: April 18, 2022
Project #: 309-2001

SHEET NO. 45
OF 71

2369

TREE NO.	MULTI-TRUNK SIZE	SIZE	SPECIES	TREES SAVED	12"-25" TREES REMOVED	> 25" TREES REMOVED	6" - 11" EXISTING CREDIT	CONDITIONS
861		12	LIVE OAK		12			
863	8,8,6	14	LIVE OAK		14			MT
870	10,8	14	LIVE OAK		14			MT
874	12,10,9	21.5	LIVE OAK		21.5			MT
875	14,13,11	26	LIVE OAK			26		MT / HERITAGE
879		9	LIVE OAK	9				
880		9	LIVE OAK	9				
881		9	LIVE OAK	9				
882		10	LIVE OAK	10				
883		8	LIVE OAK	8				
884		10	LIVE OAK	10				
885		10	LIVE OAK	10				
886		8	LIVE OAK	8				
887		10	LIVE OAK	10				
888		9	LIVE OAK	9				
889		10	LIVE OAK	10				
890		9	LIVE OAK	9				
891		8	LIVE OAK	8				
892		13	LIVE OAK		13			
895		11	LIVE OAK	11				
896		9	LIVE OAK	9				
897		11	LIVE OAK	11				
898		10	LIVE OAK	10				
899		10	LIVE OAK	10				
900		9	LIVE OAK	9				
1000		11	LIVE OAK	11				
1001		11	LIVE OAK	11				
1002		9	LIVE OAK	9				
1003		6	LIVE OAK	6				
1004		6	LIVE OAK	6				
1005		6	LIVE OAK	6				
1006		6	LIVE OAK	6				
1007		12	LIVE OAK		12			
1009		10	LIVE OAK	10				
1010		11	LIVE OAK	11				
1011		12	LIVE OAK		12			
1012		15	LIVE OAK		15			
1013		12	LIVE OAK		12			
1014		12	LIVE OAK	11				
1015		12	LIVE OAK		12			
1016		12	LIVE OAK		12			
1017		12	LIVE OAK		12			
1018		10	LIVE OAK	10				
1019		11	LIVE OAK	11			11	
1021		10	LIVE OAK	10				
1022		11	LIVE OAK	11				
1023		11	LIVE OAK	11				
1024		10	LIVE OAK	10				
1025		6	LIVE OAK	6				
1026		9	LIVE OAK	9				
1027		9	LIVE OAK	6				
1028		12	LIVE OAK		12			
1029		6	LIVE OAK	6				
1030		15	LIVE OAK		15			
1031	13,10	10	LIVE OAK		10			MT
1035		11	LIVE OAK	11				
1038		31	LIVE OAK	31				HERITAGE
1040		21	LIVE OAK	21				
1041		20	LIVE OAK	20				
1042		22	LIVE OAK	22				
1043		21	LIVE OAK	21				
1044		21	LIVE OAK	21				
1045		23	LIVE OAK	23				
1046		22	LIVE OAK	22				HERITAGE
1048		24	LIVE OAK	24				
1049		18	LIVE OAK	18				
1050	11, 11	22.5	LIVE OAK	22.5				MT
1051		18	LIVE OAK		18			
1052		12	LIVE OAK	12				
1053		20	LIVE OAK		20			
1054		17	LIVE OAK		17			
1055		9	LIVE OAK	9			9	
1056		8	LIVE OAK	8			8	
1060		11	LIVE OAK	11			11	
1061		21	LIVE OAK	21				
1065		11	LIVE OAK		11			
1066		9	LIVE OAK				9	
1067	12,12	13	LIVE OAK		13			MT
1069		9	LIVE OAK	9			9	
1070		10	LIVE OAK	10			10	
1073	16,11,9	26	LIVE OAK	26				MT / HERITAGE
1071		9	LIVE OAK	9			9	
1072		6	LIVE OAK					
1074		10	LIVE OAK	10				
1075		15	LIVE OAK		15			
1076		6	LIVE OAK	6				
1077		8	LIVE OAK	8				
1079		13	LIVE OAK		13			
1080		10	LIVE OAK	10				
1082		10	LIVE OAK	10				
1083		13	LIVE OAK		13			
1084		14	LIVE OAK		14			
1085		11	LIVE OAK	11				
1086		12	LIVE OAK		12			
1087		15	LIVE OAK		15			
1088		8	LIVE OAK	8				
1090		13	LIVE OAK		13			
1098	11, 10	20	LIVE OAK		20			MT
1099		12	LIVE OAK		12			
1090		15	LIVE OAK		15			
1091		12	LIVE OAK		12			
1092		11	LIVE OAK	11				
1093		12	LIVE OAK		12			
1096		25	LIVE OAK	25				HERITAGE
1098		11	LIVE OAK					
1099		16	LIVE OAK		16			
1104	17,12	18	LIVE OAK		18			MT
1106		11	LIVE OAK					
1108		11	LIVE OAK					
1110		10	LIVE OAK					
1109		12	LIVE OAK		12			
1108		13	LIVE OAK		13			
1110		14	LIVE OAK		14			
1111		13	LIVE OAK		13			
1112		17	LIVE OAK		17			
1113		15	LIVE OAK		15			
1114	12,10	17	LIVE OAK		17			MT
1116	16,11	21.5	LIVE OAK	21.5				MT
1117		13	LIVE OAK		13			
1118		11	LIVE OAK					
1119		11	LIVE OAK					
1120		15	LIVE OAK		15			
1121		10	LIVE OAK	10			10	
1122		10	LIVE OAK	10				
1123		11	LIVE OAK	11				
1124		13	LIVE OAK		13			
1125		10	LIVE OAK	10				
1126		10	LIVE OAK	10				
1127		13	LIVE OAK		13			
1128		10	LIVE OAK	10				
1129		10	LIVE OAK	10				
1130		10	LIVE OAK	10				
1131		10	LIVE OAK	10				
1132		8	LIVE OAK	8				
1133		12	LIVE OAK		12			
1134		11	LIVE OAK	11				
1135		9	LIVE OAK	9				
1136		10	LIVE OAK	10				
1137		11	LIVE OAK	11				
1138		10	LIVE OAK	10				
1139		10	LIVE OAK	10				
1140		10	LIVE OAK	10				

1141		10	LIVE OAK	10				
1142		10	LIVE OAK	10				
1143	12, 10	17	LIVE OAK		17			MT
1144	13, 11	18.5	LIVE OAK		18.5			MT
1145		11	LIVE OAK	11				
1146	11, 11	16.5	LIVE OAK		16.5			MT
1147	11, 11, 10, 9	26	LIVE OAK	26				MT / HERITAGE
1148		11	LIVE OAK					
1149		19	LIVE OAK	19				
1150		15	POST OAK		15			
1151		13	LIVE OAK		13			
1152		9	LIVE OAK	9				
1153		10	LIVE OAK	10				
1154		9	LIVE OAK	9				
1155		14	LIVE OAK	14				
1156		12	LIVE OAK		12			
1158		10	LIVE OAK	10				
1159		10	LIVE OAK	10				
1160		10	LIVE OAK	10				
1161		10	LIVE OAK	10				
1162	23, 17	29	LIVE OAK	29				MT / HERITAGE
1163		8	LIVE OAK	8				
1164		9	LIVE OAK	9				
1165		9	LIVE OAK	9				
1166		10	LIVE OAK	10				
1167		10	LIVE OAK	10				
1168		10	LIVE OAK	10				
1169		10	LIVE OAK	10				
1170	11, 10	15.5	LIVE OAK	15.5				MT
1171		6	LIVE OAK	6				
1172		14	LIVE OAK		14			
1174		12	LIVE OAK		12			
1175		6	LIVE OAK					
1176		8	LIVE OAK					
1177		6	LIVE OAK	6			6	
1178		6	LIVE OAK	6			6	
1179		12	LIVE OAK		12			
1180		9	LIVE OAK	9				
1181	11, 10	16	LIVE OAK		16			MT
1182		10	LIVE OAK	10				
1183	9, 8, 8	17	LIVE OAK		17			MT
1184	10, 9, 8	16.5	LIVE OAK		16.5			MT
1185		10	LIVE OAK	10				
1186	9, 9	13.5	LIVE OAK	13.5				MT
1187		11	LIVE OAK	11				
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1189		11	LIVE OAK	11				
1190		8	LIVE OAK	8				
1191		9	LIVE OAK	9				
1192		9	LIVE OAK	9				
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1198		8	LIVE OAK	8				
1199		11	LIVE OAK	11				
1200		8	LIVE OAK	8				
1201	13, 12	19	LIVE OAK		19			MT
1202		12	LIVE OAK		12			
1203		13	LIVE OAK		13			
1204	11, 10	16	LIVE OAK		16			MT
1205	12, 9, 9	17	LIVE OAK		17			MT
1206	10, 9	14	LIVE OAK		14			MT
1207		9	LIVE OAK	9				
1208	11, 8	15	LIVE OAK		15			MT
1209		10	LIVE OAK	10				
1210		9	LIVE OAK	9				
1211	12, 8	16.5	LIVE OAK		16.5			MT
1212		11	LIVE OAK	11				
1213		13	LIVE OAK		13			
1214		11	LIVE OAK	11				
1215		12	LIVE OAK		12			
1216	9, 9, 9, 9	22.5	LIVE OAK		22.5			MT
1217		10	LIVE OAK	10			10	
1218		10	LIVE OAK	10			10	
1219		10	LIVE OAK					
1220		9	LIVE OAK	9			9	
1221	11, 9	15.5	LIVE OAK	15.5				
1222	15, 13, 9	26	LIVE OAK	26				MT / HERITAGE
1223		9	LIVE OAK	9				
1224		10	LIVE OAK	10				
1225		9	LIVE OAK	9				
1226		10	LIVE OAK	10				
1227		19	LIVE OAK		19			
1228		9	LIVE OAK	9				
1229		9	LIVE OAK	9				
1230	9, 8	13	LIVE OAK		13			MT
1231		8	LIVE OAK	8			8	
1232		8	LIVE OAK	8			8	
1233		6	LIVE OAK					
1235	22, 19, 18, 17, 14	55.5	LIVE OAK	55.5				MT / HERITAGE
1237	10, 8	14	LIVE OAK		14			MT
1238	8, 8, 8	18	LIVE OAK		18			MT
1239	9, 9	13.5	LIVE OAK	13.5				MT
1240	9, 9	13.5	LIVE OAK		13.5			MT
1241	14, 9	18.5	LIVE OAK		18.5			MT
1242		9	LIVE OAK	9				
1243		10	LIVE OAK	10				
1244		12	LIVE OAK		12			
1245	14, 8	18	LIVE OAK		18			MT
1246	12, 8	16	LIVE OAK	16				MT
1247	8, 8, 8	17	LIVE OAK	17				MT
1248		9	LIVE OAK	9			9	
1249		9	LIVE OAK	9			9	
1250		8	LIVE OAK	8			8	
1251		9	LIVE OAK	9			9	
1252		8	LIVE OAK					
1253		8	LIVE OAK					
1254		11	LIVE OAK					
1255	11, 9	15.5	LIVE OAK		15.5			MT
1256		11	LIVE OAK					
1257	11, 8	15	LIVE OAK		15			MT
1258		10	LIVE OAK					
1259	12, 10	17	LIVE OAK		17			MT
1260	10, 8	14	LIVE OAK		14			MT
1261	11, 9	15	LIVE OAK		15			MT
1262		8	LIVE OAK	8				
1263		8	LIVE OAK	8				
1264		10	LIVE OAK	10				
1265		11	LIVE OAK	11				
1266		11	LIVE OAK	11				
1267		10	LIVE OAK	10				
1268		14	LIVE OAK		14			
1269		14	LIVE OAK		14			
1270		9	LIVE OAK	9				
1271		10	LIVE OAK	10				
1272		12	LIVE OAK		12			
1273		8	LIVE OAK	8				
1274		10	LIVE OAK	10				
1275		13	LIVE OAK		13			
1276		8	LIVE OAK	8				
1277		10	LIVE OAK	10				
1278		13	LIVE OAK		13			
1279		6	LIVE OAK	6				
1280	9, 9, 9	18	LIVE OAK	18				MT
1281	23, 14	30	LIVE OAK	30				MT / HERITAGE
1282		8	LIVE OAK	8			8	
1283		8	LIVE OAK	8			8	
1284	10, 9	14.5	LIVE OAK	14.5				MT
1285		11	LIVE OAK	11			11	
1286	10, 10	15	LIVE OAK	15				MT
1287	11, 9	15.5	LIVE OAK	15.5				MT
1288	9, 8	13	LIVE OAK	13				MT

1290	11, 10, 10, 10, 9, 9, 8	39	LIVE OAK	39				MT / HERITAGE
1291		8	LIVE OAK	8			8	
1292	12, 10, 10	22	LIVE OAK		22			MT
1293	13, 9, 8	21.5	LIVE OAK		21.5			MT
1294		11	LIVE OAK	11				
1295		11	LIVE OAK		11			
1296	9, 9, 8, 8	21.5	LIVE OAK		21.5			MT
1297	10, 9	14.5	LIVE OAK		14.5			MT
1298	13, 11, 9, 9	27.5	LIVE OAK	27.5				MT / HERITAGE
1299	11, 9	15.5	LIVE OAK	15.5				MT
1300		9	LIVE OAK	9			9	
1301	8, 8	12	LIVE OAK		12			MT
1302	8, 8, 8	16	LIVE OAK		16			MT
1303	9, 8	13	LIVE OAK		13			MT
1304		8	LIVE OAK	8				
1305		10	LIVE OAK	10				
1306	15, 15, 15, 9, 8	34.5	LIVE OAK	34.5				MT / HERITAGE
1307		10	LIVE OAK	10			10	
1310		9	LIVE OAK	9				
1311		11	LIVE OAK	11				
1312		11	LIVE OAK	11				
1313	17, 11	16.5	LIVE OAK		16.5			MT
1314		8	LIVE OAK					
1315	11, 10	16	LIVE OAK		16			MT
1316		8	LIVE OAK					
1317	14, 11, 10	24.5	LIVE OAK	24.5				MT
1318	9, 9	13.5	LIVE OAK		13.5			MT
1319		13	LIVE OAK		13			
1320	15, 13, 9	26.5	LIVE OAK			26.5		MT / HERITAGE
1321		13	LIVE OAK	13				
1322	11, 11, 10	26.5	LIVE OAK	26.5				MT / HERITAGE
1323	16, 14, 12, 12, 11, 10, 8	55	LIVE OAK	55				MT / HERITAGE
1324		9	LIVE OAK	9			9	
1325		9	LIVE OAK	9			9	
1326	11, 10, 8	26	LIVE OAK	26				MT
1327	11, 10	16	LIVE OAK	16				MT
1328		16	LIVE OAK		16			
1329	8, 8	12	LIVE OAK		12			MT
1330		16	LIVE OAK		16			
1331		9	LIVE OAK	9				
1332		14	LIVE OAK		14			
1333	17, 16, 15, 15	40	LIVE OAK	40				MT / HERITAGE
1334		23	LIVE OAK		23			
1335		18	LIVE OAK		18			
1336	16, 16, 10, 8	41	LIVE OAK	41				MT / HERITAGE
1337		26	LIVE OAK	26				HERITAGE
1338	12, 10	17	LIVE OAK		17			MT
1339		13	LIVE OAK		13			
1340		11	LIVE OAK	11				
1341		9	LIVE OAK	9				
1342		9	LIVE OAK	9				
1343		9	LIVE OAK	9				
1344		9	LIVE OAK	9				
1345		9	LIVE OAK	9				
1346		9	LIVE OAK	9				
1347		8	LIVE OAK	8				
1348	9, 9, 8	17.5	LIVE OAK		17.5			MT
1349		11	LIVE OAK	11				
1350		8	LIVE OAK	8				
1351		9	LIVE OAK	9				
1353		9	LIVE OAK	9				
1354		11	LIVE OAK	11				
1355		8	LIVE OAK	8				
1356		9	LIVE OAK	9				
1357		10	LIVE OAK	10				
1358		10	LIVE OAK	10				
1359	9, 9	13.5	LIVE OAK		13.5			MT
1360		11	LIVE OAK	11				
1361		9	LIVE OAK	9			9	
1362	13, 10	18	LIVE OAK		18			MT
1363		10	LIVE OAK	10			10	
1364	10, 8	14	LIVE OAK	14				MT
1365		11	LIVE OAK	11			11	
1366	11, 9, 9, 8	24	LIVE OAK		24			MT
1367		10	LIVE OAK	10			10	
1368		12	LIVE OAK	12				
1369	18, 11, 11	29	LIVE OAK	29				MT / HERITAGE
1370	11, 10, 9, 9, 9	29.5	LIVE OAK	29.5				MT / HERITAGE
1371		12	LIVE OAK	12				
1372		11	LIVE OAK	11			11	
1373		18	LIVE OAK	18				
1375	15, 13	21.5	LIVE OAK	21.5				MT
1376		9	LIVE OAK	9				
1377		8	LIVE OAK	8			8	
1378		9	LIVE OAK	9				
1379	9, 9	13.5	LIVE OAK		13.5			MT
1380		8	LIVE OAK	8				
1381		8	LIVE OAK	8				
1382	9, 9	13.5	LIVE OAK		13.5			MT
1383	9, 9, 8	17.5	LIVE OAK		17.5			MT
1384		10	LIVE OAK	10				
1385		10	LIVE OAK	10				
1386		13	LIVE OAK		13			
1387		11	LIVE OAK	11				
1388		8	LIVE OAK	8				
1389	9, 9	13.5	LIVE OAK		13.5			MT
1391	10, 9	14.5	LIVE OAK		14.5			MT
1392	10, 9	14.5	LIVE OAK		14.5			MT
1393		8	LIVE OAK	8				
1394		9	LIVE OAK	9				
1395		9	LIVE OAK	9				
1396		10	LIVE OAK	10				
1397		10	LIVE OAK	10				
1398	16, 9	20.5	LIVE OAK	20.5				MT
1399		27	LIVE OAK	27				HERITAGE
1400		13	LIVE OAK	13				
1401		15	LIVE OAK	15				
1403	14, 12	20	LIVE OAK		20			MT
1404		8	LIVE OAK	8				
1405		9	LIVE OAK	9				
1406		9	LIVE OAK	9				
1407		8	LIVE OAK	8				
1408		12	LIVE OAK	12				
1409		9	LIVE OAK	9				
1410	16, 9	18	LIVE OAK		18			MT
1411		9	LIVE OAK	9				
1412		8	LIVE OAK	8				
1413	10, 10	15	LIVE OAK		15			MT
1414	10, 10	15	LIVE OAK		15			MT
1416		10	LIVE OAK	10				
1416		10	LIVE OAK	10				
1417		13	LIVE OAK		13			
1418		10	LIVE OAK	10				
1419		10	LIVE OAK	10				
1420		9	LIVE OAK	9				
1421	9, 8	13	LIVE OAK		13			MT
1422		10	LIVE OAK	10				
1423		8	LIVE OAK	8				
1424		9	LIVE OAK	9				
1425		9	LIVE OAK	9				
1426	9, 8	13	LIVE OAK		13			MT
1427		10	LIVE OAK	10			10	
1429	13, 12, 10, 10, 9, 9, 9	47.5	LIVE OAK	47.5				MT / HERITAGE
1430	14, 14	21	LIVE OAK	21				MT
1431		10	LIVE OAK	10			10	
1432		9	LIVE OAK					
1433		9	LIVE OAK					
1434		12	LIVE OAK		12			
1436		8	LIVE OAK	8				
1437	11, 11	15	LIVE OAK		15			MT
1438		9	LIVE OAK	9				
1439		8	LIVE OAK					
1440	11, 11	15.5	LIVE OAK		15.5			MT
1441		11	LIVE OAK	11			11	
1442	17, 11	17.5	LIVE OAK	17.5				MT
1443		12	LIVE OAK		12			
1444		11	LIVE OAK	11				
1445		12	LIVE OAK		12			
1446		9	LIVE OAK	9				
1447	13, 9	14.5	LIVE OAK		14.5			MT
1448		9	LIVE OAK	9				
1449		9	LIVE OAK	9				
1450		10	LIVE OAK	10				
1451		10	LIVE OAK	10				
1452	11, 9	15.5	LIVE OAK		15.5			MT

1453		12	LIVE OAK		12			
1454	12, 9	16.5	LIVE OAK		16.5			MT
1455	10, 10	15	LIVE OAK		15			MT
1456		9	LIVE OAK	9				
1457	11, 9	15.5	LIVE OAK		15.5			MT
1458		10	LIVE OAK	10				
1459		12	LIVE OAK		12			
1460		9	LIVE OAK	9				
1461		10	LIVE OAK					
1462		9	LIVE OAK	9				
1463		9	LIVE OAK	9				
1464		8	LIVE OAK	8				
1465		12	LIVE OAK		12			
1466	14, 12, 9	24.5	LIVE OAK		24.5			MT
1467		8	LIVE OAK	8				
1468		8	LIVE OAK	8				
1469		9	LIVE OAK	9				
1470		9	LIVE OAK	9				
1471	10, 9, 8	14.5	LIVE OAK		14.5			MT
1472	8, 8, 8	17.5	LIVE OAK		17.5			MT
1474		8	LIVE OAK	8				
1475	10, 9, 8	14.5	LIVE OAK		14.5			MT
1476		9	LIVE OAK	9				
1477	9, 9	13.5	LIVE OAK		13.5			MT
1478	13, 11	18.5	LIVE OAK		18.5			MT
1480		9	LIVE OAK	9				
1481		9	LIVE OAK	9				
1482		8	LIVE OAK	8				
1483		8	LIVE OAK	8				
1484		8	LIVE OAK	8				
1485	8, 6	12	LIVE OAK		12			MT
1486		8	LIVE OAK	8				
1487		9	LIVE OAK	9				
1488	9, 8	13	LIVE OAK		13			MT
1489	10, 10, 8	19	LIVE OAK		19			MT
1500		8	LIVE OAK	8				
1501		9	LIVE OAK	9				
1502		9	LIVE OAK	9				
1503	8, 8	12	LIVE OAK		12			MT
1504		8	LIVE OAK	8				
1505	9, 8	13	LIVE OAK		13			MT
1506	8, 8	12	LIVE OAK		12			MT
1507		9	LIVE OAK	9				
1508		8	LIVE OAK	8				
1509		8	LIVE OAK	8				
1510		8	LIVE OAK	8				
1511		8	LIVE OAK	8				
1512	8, 8	12	LIVE OAK		12			MT
1513		8	LIVE OAK	8				
1514		9	LIVE OAK	9				
1516		10	LIVE OAK	10		10		
1517	9, 9, 8	17.5	LIVE OAK		17.5			MT
1518		10	LIVE OAK	10		10		
1519	9, 9	13.5	LIVE OAK		13.5			MT
1520		9	LIVE OAK	9		9		
1521		10	LIVE OAK	10				
1524	23, 16	31	LIVE OAK	31				MT / HERITAGE
1525	19, 18	28	LIVE OAK	28				MT / HERITAGE
1526	16, 15, 15, 12	37	LIVE OAK	37				MT / HERITAGE
1527	11, 11	16.5	LIVE OAK		16.5			MT
1528	10, 8	14	LIVE OAK		14			MT
1529	9, 8	13	LIVE OAK		13			MT
1530		8	LIVE OAK	8				
1531		10	LIVE OAK	10				
1532	

APPENDIX J
Engineer's Opinion of Probable Cost

Prepared for OM Developers, LLC.
Prepared By 2P Consultants, LLC

The Preserve at Water Oak

Item	Updated Construction costs				
No.		***Unit***	***Cost***	***Qty.***	***Total***
1.0	**DRAINAGE IMPROVEMENTS**				
1.1	Masonry wall	LF	$ 168.50	649	$ 109,356.50
1.2	Concrete Footers	LF	$ 200.00	649	$ 129,800.00
1.3	Detention Pond	LS	$ 93,760.00	1	$ 93,760.00
1.4	Batch System	EA	$ 50,000.00	2	$ 100,000.00
1.5	2'x2' Grate Inlet	LS	$ 3,900.00	8	$ 31,200.00
1.6	3'x3' Grate Inlet	EA	$ 6,200.00	13	$ 80,600.00
1.7	3'x3' Area Inlet	EA	$ 7,500.00	1	$ 7,500.00
1.8	4'x4' Junction Box	EA	$ 11,500.00	1	$ 11,500.00
1.9	Sloped Headwall 42"	EA	$ 13,100.00	1	$ 13,100.00
1.10	Sloped Headwall 24"	EA	$ 8,150.00	1	$ 8,150.00
1.11	12" HDPE Pipe	LF	$ 50.00	173	$ 8,650.00
1.12	18" HDPE Pipe	LF	$ 65.00	1443	$ 93,795.00
1.13	24" HDPE Pipe	LF	$ 72.00	1606	$ 115,632.00
1.14	30" HDPE Pipe	LF	$ 85.00	232	$ 19,720.00
1.15	42" HDPE Pipe	LF	$ 107.00	191	$ 20,437.00
1.16	Rock Excavation	LF	$ 50.00	3645	$ 182,250.00
				Subtotal	***$ 1,025,450.50***
2.0	**WATER IMPROVEMENTS**				
2.1	Connect to existing 24"	EA	$ 32,000.00	1	$ 32,000.00
2.2	8" Backflow preventer	EA	$ 42,000.00	1	$ 42,000.00
2.3	8" Gate Valve M.J.	EA	$ 3,500.00	7	$ 24,500.00
2.4	6" Gate Valve M.J.	EA	$ 2,600.00	18	$ 46,800.00
2.5	4" Gate Valve M.J.	EA	$ 1,800.00	2	$ 3,600.00
2.6	2" Gate Valve M.J.	EA	$ 1,476.00	18	$ 26,568.00
2.7	2" Service Line	EA	$ 2,795.00	18	$ 50,310.00
2.8	Fire Hydrant Assambly	EA	$ 6,938.00	9	$ 62,442.00
2.9	4" PVC C-900 water main	LF	$ 70.00	2553	$ 178,710.00
2.10	6" Ductile Iron	LF	$ 135.00	968	$ 130,680.00
2.11	8" PVC (Fire water line)	LF	$ 105.00	2875	$ 301,875.00
2.12	Rock Excavation	LF	$ 50.00	6396	$ 319,800.00
2.13	Trench safety	LF	$ 3.00	6396	$ 19,188.00
				Subtotal	***$ 1,238,473.00***
3.0	**WASTEWATER IMPROVEMENTS**				
3.1	8" PVC pipe	LF	$ 95.00	2221	$ 210,947.50
3.2	6" PVC pipe	LF	$ 82.00	1098	$ 90,019.60
3.3	Trench safety	LF	$ 3.00	3318	$ 9,954.90
3.4	Rock Excavation	LF	$ 50.00	3318	$ 165,915.00
3.5	4' Dim. Manhole Standard	EA	$ 7,500.00	10	$ 75,000.00
3.6	4' Dim. Drop Manhole	EA	$ 11,500.00	1	$ 11,500.00
3.7	Connect to existing 4" Manhole	EA	$ 1,400.00	1	$ 1,400.00
3.8	Extra depth manhole	VF	$ 650.00	25	$ 16,250.00
3.9	Single wastewater service	EA	$ 2,755.00	18	$ 49,590.00
				Subtotal	***$ 580,987.00***

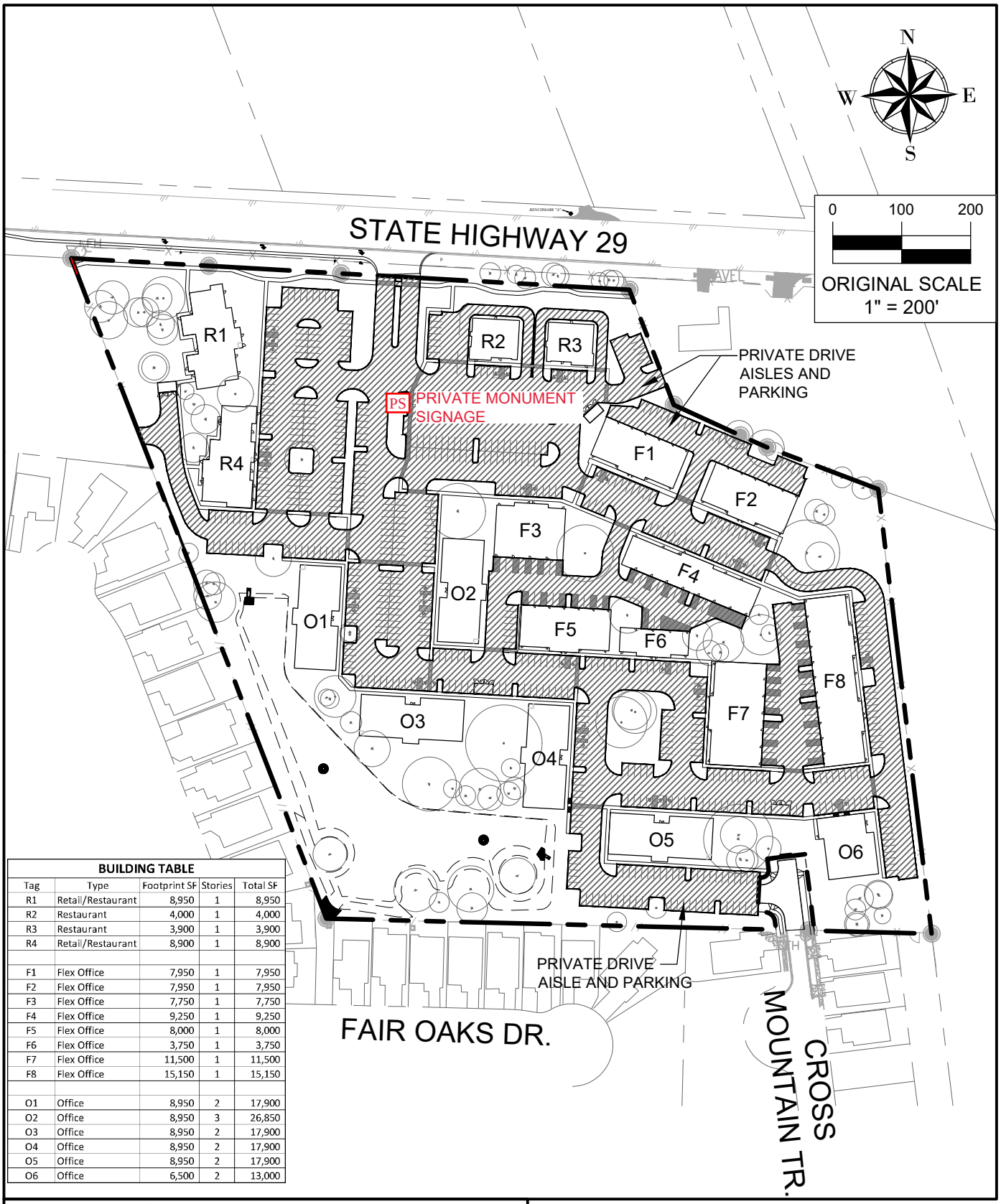
4.0	**CROSS MOUNTAIN TRAIL ACCESS (hammerhead in ROW)**				
4.1	Clear & Grub (ROW-ROW)	SY	$ 15.00	423.6666667	$ 6,355.00
4.2	Excavation/Embankment (ROW-ROW)	SY	$ 30.00	423.6666667	$ 12,710.00
4.3	Subgrade Preparation (3' BOC)	SY	$ 17.25	423.6666667	$ 7,308.25
4.4	Lime Stabilization (8" Thick) (3' BOC)	SY	$ 25.00	423.6666667	$ 10,591.67
4.5	Crushed Limestone Base (8" Thick) (3' BOC)	SY	$ 22.00	423.6666667	$ 9,320.67
4.6	H.M.A.C. (2.0" Thick)	SY	$ 37.00	423.6666667	$ 15,675.67
4.7	6" Standard Curb & Gutter w/Base	LF	$ 28.00	326	$ 9,128.00
4.10	5' Concrete Sidewalk	LF	$ 175.00	140	$ 24,500.00
4.11	Type 1 Sidewalk Ramps	EA	$ 2,100.00	4	$ 8,400.00
4.12	Street End Barricade	EA	$ 7,500.00	2	$ 15,000.00
4.13	Sawcut and Tie to Existing Street	EA	$ 3,500.00	1	$ 3,500.00
4.14	Paint Pavement Marking	LS	$ 15,000.00	1	$ 15,000.00
				Subtotal	***$ 137,489.25***
7.0	**DECEL LANE and IMPROVEMENTS ALONG SH 29**				
7.1	Clear & Grub (ROW-ROW) (Includes all Mobilization and Supervision)	SY	$ 15.00	242	$ 3,625.00
7.2	Excavation/Embankment (ROW-ROW)	SY	$ 30.00	242	$ 7,250.00
7.3	Subgrade Preparation (3' BOC)	SY	$ 17.25	242	$ 4,168.75
7.4	Lime Stabilization (8" Thick) (3' BOC)	SY	$ 25.00	242	$ 6,041.67
7.5	Crushed Limestone Base (8" Thick) (3' BOC)	SY	$ 22.00	242	$ 5,316.67
7.6	H.M.A.C. (2.0" Thick)	SY	$ 37.00	242	$ 8,941.67
7.10	5' Concrete Sidewalk	LF	$ 175.00	817	$ 142,975.00
7.13	Concrete Driveways for Access	EA	$ 27,615.00	1	$ 27,615.00
7.16	Sawcut and Tie to Existing Street	EA	$ 5,715.00	1	$ 5,715.00
7.19	Paint Pavement Marking	LS	$ 12,000.00	1	$ 12,000.00
				Subtotal	***$ 223,648.75***
8	**Landscaping & Irrigation**	**LS**	**$ 684,300.00**	**1**	**$ 684,300.00**
9	**Gateway/Momument signage**	**LS**	**$ 150,000.00**	**1**	**$ 150,000.00**
10	**Soft cost**	**LS**	**$ 250,000.00**	**1**	**$ 250,000.00**
11	**District Formation**	**LS**	**$ 300,000.00**	**1**	**$ 300,000.00**
12	**Contingency**	**LS**	**$ 400,000.00**	**1**	**$ 400,000.00**
13	**Project Management fees**	**LS**	**$ 142,360.00**	**1**	**$ 142,360.00**
				Subtotal	***$ 1,926,660.00***
	Total Authorized for PUBLIC Improvements				**$ 5,132,708.50**

14.0	**PRIVATE IMPROVEMENTS**				
14.1	Internal Street (Drive Aisles)	LS	$ 1,500,000.00	1	$ 1,500,000.00
14.1	Private Parking Areas	LS	$ 750,000.00	1	$ 750,000.00
7.3	Private Monument Signage	LS	$ 50,000.00	1	$ 50,000.00
				Subtotal	***$ 2,300,000.00***

APPENDIX K
Construction Schedule

The Preserve at Water Oak			
Appendix K - Construction Schedule Nov-24			
	Construction Start Date	Phase 1 Completion Date	Phase 2 Completion Date
A. Water Utility	Nov-23	Mar-25	
B. Wastewater Utility	Nov-23	Mar-25	
C. Storm Sewer	Nov-23	Mar-25	
D. Public Row Improvements	Nov-23	Mar-25	
E. Landscaping	Nov-23		Nov-26
F. Signage	Nov-23		Nov-26

APPENDIX L
Private Iimprovements



BUILDING TABLE

Tag	Type	Footprint SF	Stories	Total SF
R1	Retail/Restaurant	8,950	1	8,950
R2	Restaurant	4,000	1	4,000
R3	Restaurant	3,900	1	3,900
R4	Retail/Restaurant	8,900	1	8,900
F1	Flex Office	7,950	1	7,950
F2	Flex Office	7,950	1	7,950
F3	Flex Office	7,750	1	7,750
F4	Flex Office	9,250	1	9,250
F5	Flex Office	8,000	1	8,000
F6	Flex Office	3,750	1	3,750
F7	Flex Office	11,500	1	11,500
F8	Flex Office	15,150	1	15,150
O1	Office	8,950	2	17,900
O2	Office	8,950	3	26,850
O3	Office	8,950	2	17,900
O4	Office	8,950	2	17,900
O5	Office	8,950	2	17,900
O6	Office	6,500	2	13,000

2P CONSULTANTS, LLC
203 E. MAIN STREET, SUITE 204
ROUND ROCK, TEXAS 78664
512-344-9664
TBPE FIRM #F-19351

THE PRESERVE AT WATER OAK

PRIVATE IMPROVEMENTS

March 10, 2025

APPENDIX B – BUYER DISCLOSURES

The buyer disclosures for the following Lot Type are found in this Exhibit:

- Initial Parcel
- Lot Type 1
- Lot Type 2
- Lot Type 3
- Lot Type 4
- Remainder Parcel

INITIAL PARCEL BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.0035), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____

_____

_____

_____

_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO

GEORGETOWN, TEXAS

CONCERNING THE FOLLOWING PROPERTY

_____

PROPERTY ADDRESS

INITIAL PARCEL PRINCIPAL ASSESSMENT: $4,347,000.00

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***The Preserve at Water Oak Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City of Georgetown. The exact amount of each annual installment will be approved each year by the Georgetown City Council in the annual service plan update for the district. More information about the assessments, including the amounts and due dates, may be obtained from the City of Georgetown.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - INITIAL PARCEL

Annual Installments Due	Principal	Interest [a]	Additional Interest [b] [c]	Annual Collection Costs	Total Annual Installment [c] [d]
2026	$ 88,000.00	$ 260,820.00	$ -	$ 40,800.00	$ 389,620.00
2027	92,000.00	255,540.00	-	41,616.00	389,156.00
2028	97,000.00	250,020.00	-	42,448.32	389,468.32
2029	102,000.00	244,200.00	-	43,297.29	389,497.29
2030	107,000.00	238,080.00	-	44,163.23	389,243.23
2031	113,000.00	231,660.00	-	45,046.50	389,706.50
2032	119,000.00	224,880.00	-	45,947.43	389,827.43
2033	125,000.00	217,740.00	-	46,866.38	389,606.38
2034	131,000.00	210,240.00	-	47,803.70	389,043.70
2035	138,000.00	202,380.00	-	48,759.78	389,139.78
2036	146,000.00	194,100.00	-	49,734.97	389,834.97
2037	153,000.00	185,340.00	-	50,729.67	389,069.67
2038	161,000.00	176,160.00	-	51,744.27	388,904.27
2039	170,000.00	166,500.00	-	52,779.15	389,279.15
2040	179,000.00	156,300.00	-	53,834.73	389,134.73
2041	189,000.00	145,560.00	-	54,911.43	389,471.43
2042	199,000.00	134,220.00	-	56,009.66	389,229.66
2043	210,000.00	122,280.00	-	57,129.85	389,409.85
2044	221,000.00	109,680.00	-	58,272.45	388,952.45
2045	233,000.00	96,420.00	-	59,437.90	388,857.90
2046	246,000.00	82,440.00	-	60,626.65	389,066.65
2047	260,000.00	67,680.00	-	61,839.19	389,519.19
2048	274,000.00	52,080.00	-	63,075.97	389,155.97
2049	289,000.00	35,640.00	-	64,337.49	388,977.49
2050	305,000.00	18,300.00	-	65,624.24	388,924.24
Total	**$ 4,347,000.00**	**$ 4,078,260.00**	**$ -**	**$ 1,306,836.23**	**$ 9,732,096.23**

[a] Interest is calculated at a rate of 6.00% which is less than 2% above the 30-year Municipal Market Data Index, which was 4.54% as of June 20, 2025, as required by the PID Act. If PID Bonds are issued, the interest rate on the Assessment will adjust to the interest rate on the Bonds plus Additional Interest.

[b] If PID Bonds are issued, Additional Interest will be charged and collected.

[c] The Bond Par shall be reduced to ensure the fixed PID Tax Rate Equivalent of $0.55 isn't exceeded should the interest rates on the bonds plus Additional Interest at bond sale be higher than the Reimbursement Obligation rate.

[d] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

PRESERVE AT WATER OAK PUBLIC IMPROVEMENT DISTRICT - LOT TYPE 1 BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.0035), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____

_____

_____

_____

_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO

GEORGETOWN, TEXAS

CONCERNING THE FOLLOWING PROPERTY

_____

PROPERTY ADDRESS

LOT TYPE 1 PRINCIPAL ASSESSMENT: $27.59 per Square Foot "inclusive of common area allocation"

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***The Preserve at Water Oak Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City of Georgetown. The exact amount of each annual installment will be approved each year by the Georgetown City Council in the annual service plan update for the district. More information about the assessments, including the amounts and due dates, may be obtained from the City of Georgetown.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE 1

Installments Due	Principal	Interest [a]	Additional Interest [b]	Collection Costs	Total Annual Installment [c] [d]
2026	$ 0.56	$ 1.66	$ -	$ 0.26	$ 2.47
2027	0.58	1.62	-	0.26	2.47
2028	0.62	1.59	-	0.27	2.47
2029	0.65	1.55	-	0.27	2.47
2030	0.68	1.51	-	0.28	2.47
2031	0.72	1.47	-	0.29	2.47
2032	0.76	1.43	-	0.29	2.47
2033	0.79	1.38	-	0.30	2.47
2034	0.83	1.33	-	0.30	2.47
2035	0.88	1.28	-	0.31	2.47
2036	0.93	1.23	-	0.32	2.47
2037	0.97	1.18	-	0.32	2.47
2038	1.02	1.12	-	0.33	2.47
2039	1.08	1.06	-	0.34	2.47
2040	1.14	0.99	-	0.34	2.47
2041	1.20	0.92	-	0.35	2.47
2042	1.26	0.85	-	0.36	2.47
2043	1.33	0.78	-	0.36	2.47
2044	1.40	0.70	-	0.37	2.47
2045	1.48	0.61	-	0.38	2.47
2046	1.56	0.52	-	0.38	2.47
2047	1.65	0.43	-	0.39	2.47
2048	1.74	0.33	-	0.40	2.47
2049	1.83	0.23	-	0.41	2.47
2050	1.94	0.12	-	0.42	2.47
Total	**$ 27.59**	**$ 25.89**	**$ -**	**$ 8.30**	**$ 61.78**

[a] Interest is calculated at a rate of 6.00% which is less than 2% above the 30-year Municipal Market Data Index, which was 4.54% as of June 20, 2025, as required by the PID Act. If PID Bonds are issued, the interest rate on the Assessment will adjust to the interest rate on the Bonds plus Additional Interest.

[b] If PID Bonds are issued, Additional Interest will be charged and collected.

[c] The Bond Par shall be reduced to ensure the fixed PID Tax Rate Equivalent of $0.55 isn't exceeded should the interest rates on the bonds plus Additional Interest at bond sale be higher than the Reimbursement Obligation rate.

[d] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

PRESERVE AT WATER OAK PUBLIC IMPROVEMENT DISTRICT - LOT TYPE 2 BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.0035), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____

_____

_____

_____

_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO

GEORGETOWN, TEXAS

CONCERNING THE FOLLOWING PROPERTY

_____

PROPERTY ADDRESS

LOT TYPE 2 PRINCIPAL ASSESSMENT: $34.95 per Square Foot "inclusive of common area allocation"

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***The Preserve at Water Oak Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City of Georgetown. The exact amount of each annual installment will be approved each year by the Georgetown City Council in the annual service plan update for the district. More information about the assessments, including the amounts and due dates, may be obtained from the City of Georgetown.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE 2

Installments Due	Principal	Interest [a]	Additional Interest [b]	Collection Costs	Total Annual Installment [c] [d]
2026	$ 0.71	$ 2.10	$ -	$ 0.33	$ 3.13
2027	0.74	2.05	-	0.33	3.13
2028	0.78	2.01	-	0.34	3.13
2029	0.82	1.96	-	0.35	3.13
2030	0.86	1.91	-	0.36	3.13
2031	0.91	1.86	-	0.36	3.13
2032	0.96	1.81	-	0.37	3.13
2033	1.01	1.75	-	0.38	3.13
2034	1.05	1.69	-	0.38	3.13
2035	1.11	1.63	-	0.39	3.13
2036	1.17	1.56	-	0.40	3.13
2037	1.23	1.49	-	0.41	3.13
2038	1.29	1.42	-	0.42	3.13
2039	1.37	1.34	-	0.42	3.13
2040	1.44	1.26	-	0.43	3.13
2041	1.52	1.17	-	0.44	3.13
2042	1.60	1.08	-	0.45	3.13
2043	1.69	0.98	-	0.46	3.13
2044	1.78	0.88	-	0.47	3.13
2045	1.87	0.78	-	0.48	3.13
2046	1.98	0.66	-	0.49	3.13
2047	2.09	0.54	-	0.50	3.13
2048	2.20	0.42	-	0.51	3.13
2049	2.32	0.29	-	0.52	3.13
2050	2.45	0.15	-	0.53	3.13
Total	**$ 34.95**	**$ 32.79**	**$ -**	**$ 10.51**	**$ 78.25**

[a] Interest is calculated at a rate of 6.00% which is less than 2% above the 30-year Municipal Market Data Index, which was 4.54% as of June 20, 2025, as required by the PID Act. If PID Bonds are issued, the interest rate on the Assessment will adjust to the interest rate on the Bonds plus Additional Interest.

[b] If PID Bonds are issued, Additional Interest will be charged and collected.

[c] The Bond Par shall be reduced to ensure the fixed PID Tax Rate Equivalent of $0.55 isn't exceeded should the interest rates on the bonds plus Additional Interest at bond sale be higher than the Reimbursement Obligation rate.

[d] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

PRESERVE AT WATER OAK PUBLIC IMPROVEMENT DISTRICT - LOT TYPE 3 BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.0035), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____

_____

_____

_____

_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO

GEORGETOWN, TEXAS

CONCERNING THE FOLLOWING PROPERTY

_____

PROPERTY ADDRESS

LOT TYPE 3 PRINCIPAL ASSESSMENT: $19.32 per Square Foot "inclusive of common area allocation"

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***The Preserve at Water Oak Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City of Georgetown. The exact amount of each annual installment will be approved each year by the Georgetown City Council in the annual service plan update for the district. More information about the assessments, including the amounts and due dates, may be obtained from the City of Georgetown.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE 3

Installments Due	Principal	Interest [a]	Additional Interest [b]	Collection Costs	Total Annual Installment [c] [d]
2026	$ 0.39	$ 1.16	$ -	$ 0.18	$ 1.73
2027	0.41	1.14	-	0.18	1.73
2028	0.43	1.11	-	0.19	1.73
2029	0.45	1.09	-	0.19	1.73
2030	0.48	1.06	-	0.20	1.73
2031	0.50	1.03	-	0.20	1.73
2032	0.53	1.00	-	0.20	1.73
2033	0.56	0.97	-	0.21	1.73
2034	0.58	0.93	-	0.21	1.73
2035	0.61	0.90	-	0.22	1.73
2036	0.65	0.86	-	0.22	1.73
2037	0.68	0.82	-	0.23	1.73
2038	0.72	0.78	-	0.23	1.73
2039	0.76	0.74	-	0.23	1.73
2040	0.80	0.69	-	0.24	1.73
2041	0.84	0.65	-	0.24	1.73
2042	0.88	0.60	-	0.25	1.73
2043	0.93	0.54	-	0.25	1.73
2044	0.98	0.49	-	0.26	1.73
2045	1.04	0.43	-	0.26	1.73
2046	1.09	0.37	-	0.27	1.73
2047	1.16	0.30	-	0.27	1.73
2048	1.22	0.23	-	0.28	1.73
2049	1.28	0.16	-	0.29	1.73
2050	1.36	0.08	-	0.29	1.73
Total	**$ 19.32**	**$ 18.12**	**$ -**	**$ 5.81**	**$ 43.25**

[a] Interest is calculated at a rate of 6.00% which is less than 2% above the 30-year Municipal Market Data Index, which was 4.54% as of June 20, 2025, as required by the PID Act. If PID Bonds are issued, the interest rate on the Assessment will adjust to the interest rate on the Bonds plus Additional Interest.

[b] If PID Bonds are issued, Additional Interest will be charged and collected.

[c] The Bond Par shall be reduced to ensure the fixed PID Tax Rate Equivalent of $0.55 isn't exceeded should the interest rates on the bonds plus Additional Interest at bond sale be higher than the Reimbursement Obligation rate.

[d] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

PRESERVE AT WATER OAK PUBLIC IMPROVEMENT DISTRICT - LOT TYPE 4 BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.0035), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____

_____

_____

_____

_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO

GEORGETOWN, TEXAS

CONCERNING THE FOLLOWING PROPERTY

_____

PROPERTY ADDRESS

LOT TYPE 4 PRINCIPAL ASSESSMENT: $19.93 per Square Foot "inclusive of common area allocation"

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***The Preserve at Water Oak Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City of Georgetown. The exact amount of each annual installment will be approved each year by the Georgetown City Council in the annual service plan update for the district. More information about the assessments, including the amounts and due dates, may be obtained from the City of Georgetown.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - LOT TYPE 4

Installments Due	Principal	Interest [a]	Additional Interest [b]	Collection Costs	Total Annual Installment [c] [d]
2026	$ 0.40	$ 1.20	$ -	$ 0.19	$ 1.79
2027	0.42	1.17	-	0.19	1.78
2028	0.44	1.15	-	0.19	1.79
2029	0.47	1.12	-	0.20	1.79
2030	0.49	1.09	-	0.20	1.78
2031	0.52	1.06	-	0.21	1.79
2032	0.55	1.03	-	0.21	1.79
2033	0.57	1.00	-	0.21	1.79
2034	0.60	0.96	-	0.22	1.78
2035	0.63	0.93	-	0.22	1.78
2036	0.67	0.89	-	0.23	1.79
2037	0.70	0.85	-	0.23	1.78
2038	0.74	0.81	-	0.24	1.78
2039	0.78	0.76	-	0.24	1.78
2040	0.82	0.72	-	0.25	1.78
2041	0.87	0.67	-	0.25	1.79
2042	0.91	0.62	-	0.26	1.78
2043	0.96	0.56	-	0.26	1.79
2044	1.01	0.50	-	0.27	1.78
2045	1.07	0.44	-	0.27	1.78
2046	1.13	0.38	-	0.28	1.78
2047	1.19	0.31	-	0.28	1.79
2048	1.26	0.24	-	0.29	1.78
2049	1.32	0.16	-	0.29	1.78
2050	1.40	0.08	-	0.30	1.78
Total	**$ 19.93**	**$ 18.70**	**$ -**	**$ 5.99**	**$ 44.62**

[a] Interest is calculated at a rate of 6.00% which is less than 2% above the 30-year Municipal Market Data Index, which was 4.54% as of June 20, 2025, as required by the PID Act. If PID Bonds are issued, the interest rate on the Assessment will adjust to the interest rate on the Bonds plus Additional Interest.

[b] If PID Bonds are issued, Additional Interest will be charged and collected.

[c] The Bond Par shall be reduced to ensure the fixed PID Tax Rate Equivalent of $0.55 isn't exceeded should the interest rates on the bonds plus Additional Interest at bond sale be higher than the Reimbursement Obligation rate.

[d] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

PRESERVE AT WATER OAK PUBLIC IMPROVEMENT DISTRICT - REMAINDER PARCEL BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.0035), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

1) under a court order or foreclosure sale;
2) by a trustee in bankruptcy;
3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6) from one co-owner to another co-owner of an undivided interest in the real property;
7) to a spouse or a person in the lineal line of consanguinity of the seller;
8) to or from a governmental entity; or
9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING[1] RETURN TO:

_____

_____

_____

_____

_____

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO

GEORGETOWN, TEXAS

CONCERNING THE FOLLOWING PROPERTY

_____

PROPERTY ADDRESS

REMAINDER PARCEL PRINCIPAL ASSESSMENT: $2,915,118.73

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Georgetown, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***The Preserve at Water Oak Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City of Georgetown. The exact amount of each annual installment will be approved each year by the Georgetown City Council in the annual service plan update for the district. More information about the assessments, including the amounts and due dates, may be obtained from the City of Georgetown.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:	DATE:
_____	_____
SIGNATURE OF PURCHASER	SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:	DATE:
_____	_____
SIGNATURE OF SELLER	SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

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DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §

§

COUNTY OF WILLIAMSON §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____ , 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

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SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §

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COUNTY OF WILLIAMSON §

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Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Williamson County.

ANNUAL INSTALLMENTS - REMAINDER PARCEL

Annual Installments Due	Principal	Interest [a]	Additional Interest [b] [c]	Annual Collection Costs	Total Annual Installment [c] [d]
2026	$ 59,013.22	$ 174,907.12	$ -	$ 27,360.67	$ 261,281.01
2027	61,695.63	171,366.33	-	27,907.89	260,969.85
2028	65,048.66	167,664.59	-	28,466.04	261,179.29
2029	68,401.68	163,761.67	-	29,035.36	261,198.72
2030	71,754.71	159,657.57	-	29,616.07	261,028.35
2031	75,778.33	155,352.29	-	30,208.39	261,339.02
2032	79,801.96	150,805.59	-	30,812.56	261,420.11
2033	83,825.59	146,017.47	-	31,428.81	261,271.87
2034	87,849.22	140,987.94	-	32,057.39	260,894.54
2035	92,543.45	135,716.98	-	32,698.54	260,958.97
2036	97,908.29	130,164.38	-	33,352.51	261,425.17
2037	102,602.52	124,289.88	-	34,019.56	260,911.96
2038	107,967.36	118,133.73	-	34,699.95	260,801.04
2039	114,002.80	111,655.69	-	35,393.95	261,052.44
2040	120,038.25	104,815.52	-	36,101.83	260,955.59
2041	126,744.29	97,613.22	-	36,823.86	261,181.38
2042	133,450.34	90,008.57	-	37,560.34	261,019.25
2043	140,826.99	82,001.55	-	38,311.55	261,140.08
2044	148,203.64	73,551.93	-	39,077.78	260,833.35
2045	156,250.90	64,659.71	-	39,859.33	260,769.94
2046	164,968.76	55,284.65	-	40,656.52	260,909.94
2047	174,357.23	45,386.53	-	41,469.65	261,213.41
2048	183,745.69	34,925.09	-	42,299.04	260,969.83
2049	193,804.76	23,900.35	-	43,145.02	260,850.14
2050	204,534.44	12,272.07	-	44,007.93	260,814.43
Total	**$ 2,915,118.73**	**$ 2,734,900.41**	**$ -**	**$ 876,370.55**	**$ 6,526,389.68**

[a] Interest is calculated at a rate of 6.00% which is less than 2% above the 30-year Municipal Market Data Index, which was 4.54% as of June 20, 2025, as required by the PID Act. If PID Bonds are issued, the interest rate on the Assessment will adjust to the interest rate on the Bonds plus Additional Interest.

[b] If PID Bonds are issued, Additional Interest will be charged and collected.

[c] The Bond Par shall be reduced to ensure the fixed PID Tax Rate Equivalent of $0.55 isn't exceeded should the interest rates on the bonds plus Additional Interest at bond sale be higher than the Reimbursement Obligation rate.

[d] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Public Hearing and First Reading - Reinvestment Zone No. 2026-002

SUGGESTED ACTION:
Public Hearing and First Reading of an Ordinance designating Reinvestment Zone No. 2026-002 -- Cameron Goodman, Economic Development Director

ITEM SUMMARY:
An Ordinance of the City Council of the City of Georgetown, Texas, designating Reinvestment Zone No. 2026-002; providing eligibility of the zone for commercial-industrial tax abatement; containing findings that the area qualifies to be designated as a reinvestment zone and the improvements sought are feasible and practicable and of benefit to the land and the City; providing a repealing clause; providing a severability clause; and providing an effective date

FINANCIAL IMPACT:

SUBMITTED BY:
Shelly Sommerfeld, Economic Development plus

ATTACHMENTS:
Georgetown 2026 Ord Designating Tax Abatement Reinvestment Zone 2026-002-Flex Zone 4924-0993-6575 v.1.pdf
Reinvestment Zone 2026-002 - Presentation.pdf

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, DESIGNATING REINVESTMENT ZONE NO. 2026-002; PROVIDING ELIGIBILITY OF THE ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; CONTAINING FINDINGS THAT THE AREA QUALIFIES TO BE DESIGNATED AS A REINVESTMENT ZONE AND THE IMPROVEMENTS SOUGHT ARE FEASIBLE AND PRACTICABLE AND OF BENEFIT TO THE LAND AND THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Georgetown, Texas, has caused notice to be published in a newspaper having general circulation in the City and has delivered such notice to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property described herein that is to be included in the proposed reinvestment zone described herein; and

Whereas, the City Council of the City of Georgetown, Texas, has conducted a public hearing on the designation of the area described herein as a reinvestment zone on August 11, 2026 at 6:00 p.m. in the Council Chambers at the City Hall at which interested parties were allowed to speak and present evidence for or against the designation;

Now, therefore, be it ordained by the City Council of the City of Georgetown, Texas, that:

Section 1**.** The City Council of the City of Georgetown, Texas, finds that the area described herein will, if designated as a reinvestment zone, be reasonably likely to contribute to the retention or expansion of primary employment, or to attract major investment in the zone that will be of benefit to the property and contribute to the economic development of the City. The City Council further finds that the improvements sought are feasible and practicable and would be of benefit to the land to be included in the zone and to the City after the expiration of a tax abatement agreement.

Section 2. Pursuant to the provisions of Section 312.201 of the Texas Tax Code, the property described in Exhibit "A" attached hereto and made a part hereof for all purposes is hereby designated as a reinvestment zone and for identification is assigned the name "Reinvestment Zone No. 2026-002" or the "Flex Zone".

Section 3. The property within Reinvestment Zone No. 2026-002 is eligible for commercial-industrial tax abatement effective on January 1, 2027.

Section 4. All provisions of the ordinances of the City of Georgetown, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Georgetown not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or a part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

APPROVED on First Reading on the 11h day of August 2026.

APPROVED AND ADOPTED on Second Reading on the 25th day of August 2026.

THE CITY OF GEORGETOWN:

_____
Josh Schroeder
Mayor

ATTEST:

_____
Robyn Densmore
City Secretary

APPROVED AS TO FORM:

_____
Skye Masson, City Attorney

<u>Exhibit "A"</u>
Reinvestment Zone Location

Lot 2, Block A, Replat of Lot 1, Block A, Blue Springs Business Park, LLC, a subdivision in Williamson County, Texas according to the map or plat thereof recorded under Document No. 2025055690 of the Deed/Map/Plat/Official Public Records of Williamson County, Texas.

Item Under Consideration

- Public Hearing and First Reading of an Ordinance designating Reinvestment Zone No. 2026-002; providing eligibility of the zone for commercial-industrial tax abatement; containing findings that the area qualifies to be designated as a reinvestment zone and the improvements sought are feasible and practicable and of benefit to the land and the City; providing a repealing clause; providing a severability clause; and providing an effective date.

Location of Zone

- Address of Zone:
  - Lot 2, Block A, Replat of Lot 1, Block A, Blue Springs Business Park, LLC, a subdivision in Williamson County, Texas.

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
First Reading - Electric Rate Ordinance Updates

SUGGESTED ACTION:
First reading of an Ordinance amending the Electric Rate Ordinance (Chapter 13.04) -- Daniel Bethapudi, Electric Utility General Manager

ITEM SUMMARY:
First reading of an ordinance amending Chapter 13.04 of the City Code relating to electric rates, fees, and service provisions. The proposed amendments modernize the Electric Rate Ordinance, improve administrative clarity, enhance electric system reliability, and align the ordinance with current utility operations, industry practices, and the City's long-term financial objectives. The proposed revisions were presented to the Electric Utility Advisory Board (EUAB) during its June 2026 meeting.

The ordinance updates utility service requirements, customer rate classifications, and electric system operations by requiring utility access rights for new electric services, adding a Definitions section, establishing a Power Pedestal rate class, clarifying authority during ERCOT-directed curtailments and emergency operations, assigning customer responsibility for damage caused by excessive load or voltage disturbances, and requiring City authorization for participation in demand response programs that may affect electric system operations.

The ordinance also updates the Very Large Commercial and Industrial (VLC&I) Rate Schedule by revising the Energy Rate Rider calculation methodology, adjusting the Energy Rate Rider, Customer Charge, and Account Set-Up Fee, establishing a month-to-month energy rate for customers without an executed Electric Service Agreement (ESA), and clarifying the Primary Voltage Discount. In addition, it establishes a Large Commercial and Industrial (LC&I) month-to-month energy charge, effective September 1, 2026, for customers without an executed ESA.

Approval of the first reading is recommended to strengthen operational and financial safeguards, improve cost recovery, protect utility infrastructure, and support the continued safe, reliable, and fiscally responsible delivery of electric service.

FINANCIAL IMPACT:
The proposed amendments are expected to improve cost recovery, strengthen the Electric Utility's financial position, and reduce financial risk by aligning rates, fees, and service provisions with the cost of providing electric service. The fiscal impact will vary based on customer demand and participation.

SUBMITTED BY:
Rene Bywater-Barajas, Electric Department

ATTACHMENTS:
City of Georgetown_Municipal Pumping Primary Voltage Discount Methodology Memo_08-03-26 (1).pdf
City of Georgetown_VLCI ERR Review_08-03-26 (1).pdf
Ord_Chapter13.04 Electric Rate Update_2026.pdf
Redline_Title 1 Chapter 13.04 Electrict Rate August Update (1).pdf
Exhibit A_Title 1 Chapter 13.04 Electric Rates August 2026 Update (1).pdf
Electric Rate Ordinance Changes Presentation

NewGen Strategies & Solutions
225 Union Boulevard
Suite 450
Lakewood, CO 80228
Phone: (720) 633-9514

Memorandum

To: Daniel N Bethapudi, General Manager – Electric Utility, City of Georgetown, Texas

From: NewGen Strategies and Solutions, LLC

Date: August 3, 2026

Re: Municipal Pumping Primary Voltage Service Discount

The City of Georgetown (City) and Georgetown Electric Utility (Utility) have retained NewGen Strategies and Solutions, LLC (NewGen) to document the methodology used to develop the proposed primary voltage service discount for the Municipal Water and Wastewater Pumping (Municipal Pumping) customer class. This memorandum describes how the discount is calculated, presents the resulting value of the discount, and provides NewGen's opinion regarding the voltage discount.

Background

Electric utilities incur distribution costs to provide service at multiple voltage levels. As electricity moves from the transmission system (high voltage) to most end-use customers (low voltage), it passes through substations, primary-voltage distribution lines (primary lines), line transformers, and secondary-voltage distribution lines (secondary lines). However, not all customers take service at the same voltage level. A customer that takes service at primary voltage does not rely on the Utility's secondary voltage equipment (line transformers and secondary lines) to receive electrical service. Because primary voltage customers do not use these facilities, they should not bear the associated costs.

A primary voltage service discount is designed to remove the secondary-level distribution costs from the customer's demand rate. A new customer in the Municipal Pumping class will take service at primary voltage, and therefore, the Utility proposes an appropriate primary voltage service discount so that this customer pays only for the portion of the distribution system they use.

Methodology

The proposed discount was developed using the standard embedded cost of service (COS) process of functionalizing, classifying, and allocating the Utility's revenue requirement to customer classes. Within the distribution function, demand-related distribution costs are allocated into four components: substations, primary lines, secondary lines, and line transformers. A customer served at primary voltage is allocated the substation and primary line costs but is excluded from the secondary line and line transformer costs because it does not rely on those facilities to receive service.

For the Municipal Pumping customer class, the proposed primary voltage service discount is calculated as the sum of the allocated secondary line and line transformer demand costs, divided by the class billing demand (in kilowatts, or kW). This produces a $/ kW discount value that is applied as a credit to the class demand charge. Table 1 summarizes the calculation.

Table 1
Municipal Pumping Primary Voltage Service Discount

Row	Item	Units	Value
A	Secondary Lines (Demand)	$	97,788
B	Line Transformers (Demand)	$	94,321
C	Total Secondary-Level Costs (A + B)	$	192,110
	Billing Determinants		
D	Billing Demand (Sum of Maximum Demands)	kW	85,896
	Primary Voltage Service Discount		
E	Discount (−C / D)	$/kW	(2.24)

As shown in Table 1, the secondary line and line transformer demand costs allocated to the Municipal Pumping class in the Utility's COS total $192,110. This value is divided by the class billing demand of 85,896 kW, which results in a primary voltage service discount of approximately $2.24/kW. This discount is applied as a reduction to the Municipal Pumping demand rate for those customers taking service at primary voltage. The resulting rate for Municipal Pumping customers taking service at primary voltage is shown in Table 2.

Table 2
Municipal Pumping Primary Voltage Rate

Row	Item	Units	Value
A	Customer Charge	$/month	$199.10
B	Demand Charge	$/kW	$19.99
C	Primary Voltage Demand Discount	$/kW	($2.24)
D	Energy Charge	$/kWh	$0.0460
E	Power Cost Adjustment	$/kWh	$0.01375

Conclusion

NewGen reviewed the methodology used to develop the proposed Municipal Pumping primary voltage service discount and is of the opinion that the methodology is defensible, grounded in the principle of cost causation, and follows industry standards for COS analysis.

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Lakewood, CO 80228
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Memorandum

To: Daniel N Bethapudi, General Manager – Electric Utility, City of Georgetown, Texas

From: NewGen Strategies and Solutions, LLC

Date: August 3, 2026

Re: Review of the VLC&I Energy Rate Rider Standard Operating Procedure

The City of Georgetown (City) and Georgetown Electric Utility (Utility) have retained NewGen Strategies and Solutions, LLC (NewGen) to review the proposed methodology developed to update the Very Large Commercial and Industrial (VLC&I) Energy Rate Rider (ERR). This memorandum summarizes the background and purpose of the ERR, describes the changes reflected in the revised methodology and the corresponding rate revisions, and provides NewGen's opinion that the proposed changes are prudent, defensible, and consistent with industry standards.

Background

The VLC&I rate class was established to serve customers with an installed capacity greater than 10 megawatts (MW) but less than 50 MW. These customers have different costs and risks associated with serving them. Their energy requirements are large relative to the Utility's total load and are challenging to accurately forecast. Errors in energy forecasting can expose the Utility to financial risks in the real-time (RT) energy market where power prices can be volatile.

The ERR was implemented in June 2025 as a dollar per kilowatt-hour ($/kWh) charge applied only to VLC&I customers. The purpose of the ERR is to ensure the recovery of purchased power costs attributable to the VLC&I class, so that the financial risks associated with the potential market exposure created by serving these customers are borne by these customers. The ERR funds a reserve that allows the Utility to manage the potential power market price volatility incurred to serve the VLC&I class customers.

When VLC&I power costs exceed VLC&I energy revenues, the reserve fund balance is drawn down to cover these shortfalls; when power costs are below energy revenues, the reserve fund balance increases. The City Manager, the General Manager, or their respective designees are responsible for making periodic adjustments to the ERR to ensure proper reserve fund balances are maintained.

As originally adopted, the rate ordinance calculated the future ERR as follows, using two months of historical data and six months of forecasted data:

$$FERR = (((ER + ERR) \times TL) - HG/L - FHC - SMP - FLH - AS + (TAB - AAB)) / TL$$

where:

- FERR is the Future Energy Rate Rider, or the rider being calculated.
- ER is the VLC&I Energy Rate in effect at the time of the calculation.
- ERR is the Energy Rate Rider in effect at the time of the calculation.

- TL is the VLC&I Total Load over the eight-month period, consisting of the two historical months and the six forecast months.
- HG/L is the Hedge Gains or Losses realized on VLC&I hedges during the two historical months.
- FHC is the Future Hedge Costs for hedges covering the six-month forecast period.
- SMP is the Spot Market Purchases required to serve VLC&I load in excess of hedged volumes.
- FLH is the Future Load Hedges to be procured for the VLC&I class.
- AS is the Ancillary Service Costs allocated to the VLC&I class.
- TAB is the Target Account Balance established as a fixed dollar target for the fund.
- AAB is the Actual Account Balance, or the fund balance at the time of the calculation.

Since implementation, Utility staff have identified several refinements to the calculation based on operating experience. The proposed revised formula is:

$$\text{ERR (\$/kWh)} = ((\text{Power Costs} - \text{Energy Revenues}) + (\text{TAB} - \text{AAB})) / \text{TL}$$

where:

- Power Costs are all forecasted power supply costs allocable to the VLC&I class over the six-month forecast period.
- Energy Revenues are the forecasted revenues from the VLC&I energy charge over the same six-month period.
- TAB is the highest month of forecasted VLC&I Power Costs in the 12 months following the ERR update.
- AAB is the Actual Account Balance of the ERR reserve fund at the beginning of adjustment period.
- TL is the forecasted VLC&I energy sales during the six-month forecast period.

Changes from the Previous Procedure

The proposed ERR calculation methodology includes six substantive changes to the previous methodology, as identified below.

Explicit Inclusion of PPA Net Settlements, ERCOT Charges, and Miscellaneous Costs

The previous methodology assumed that VLC&I load would be served entirely through bilateral hedges, day-ahead (DA) market purchases, and RT market purchases. In practice, a portion of the class's load is hedged by the Utility's long-term power purchase agreements (PPAs). The VLC&I class also incurs Electric Reliability Council of Texas (ERCOT) charges and administrative costs that were not included in the original ERR formula. The revised methodology includes Power Costs within the following five components:

- Net settlement of VLC&I bilateral hedges.
- Forecasted VLC&I DA market (DAM) and RT energy purchases.

- The class's Load Ratio Share (LRS) of the net settlement of the Utility's long-term PPAs, including PPA net settlements, net settlement of congestion revenue rights (CRR), renewable energy credit (REC) revenues, resource Qualified Scheduling Entity (QSE) fees and resource administrative charges, and point-to-point (PTP) obligations.
- Sub-QSE and ERCOT charges, including ancillary services, other ERCOT fees (such as black start), reliability must run, revenue neutrality allocation, reliability unit commitment, firm fuel supply, voltage support, DA make whole charges, and the LRS of CRR Auction Revenue Distribution (CARD) revenues.
- Miscellaneous costs, including the LRS of purchased power consulting costs, the ERCOT annual membership fee, the quarterly Electric Reliability Organization (ERO) fee, Subchapter M securitization charges, and other incidental costs incurred to provide electric service to VLC&I customers not already collected through the VLC&I Account Set Up Fee and/or monthly customer charges.

Elimination of Double Counting of Historical Data

The original ERR rider required the inclusion of two months of historical data and six months of forecasted data. Because the AAB reflects historical activity through the end of the preceding operating month, including two historical months in the numerator double counts the same over or under-recovery amounts. The revised methodology uses six months of forecasted data only, with all historical results reflected in the AAB.

Correction of the Revenue Requirement Formula

The original ERR formula subtracted forecasted costs from forecasted revenues. The revised formula calculates the required ERR revenue as Power Costs less Energy Revenues, so that a projected cost shortfall produces a positive rider. The proposed changes correct the sign of the cost recovery term and ensure the ERR recovers the potential revenue shortfall it is intended to recover.

Redefinition of the Target Account Balance

The new methodology defines the TAB as equal to the highest month of forecasted VLC&I Power Costs in the 12 months following the ERR update. The target therefore is scaled with changes in the class load and market conditions. The 12-month look-forward period reduces the influence of seasonal price variation, which could otherwise cause the target to move substantially from one update to the next, depending on the point in the year at which the calculation is performed.

Monthly Model Updates

The ERR was evaluated quarterly. Under the proposed methodology, the ERR calculation will be updated monthly with ERR changes made at the discretion of the City Manager, the General Manager, or their respective designees. More frequent updating limits the magnitude of potential over or under-recovery of revenues and reduces volatility in the ERR.

Documented Forecasting Methodologies and Data Sources

The previous process specified a formula but did not include the specific mechanics behind the ERR-related forecasts. The proposed methodology documents these mechanics, including the source of the forward price curves, the hourly price scalars used to shape monthly forward prices into hourly prices, the settlement point basis differentials used to convert market hub prices to resource node prices, the generation-weighted price adjustment applied to PPA revenues, and the conversion of customer demand forecasts into hourly energy forecasts using historical load factors and load shapes. For forecast months beyond the customer-provided demand schedule, demand is assumed to be equal to 50% of installed capacity, with a six-month lag to reflect ramp-up time. Under the new methodology, price scalars are refreshed in the first quarter of each fiscal year using up to three years of trailing actual data, and basis differentials are refreshed annually using 12 months of historical data.

NewGen Review

Each of the six proposed changes described above refines a specific element of the ERR methodology based on the Utility's operating experience. The ERR is a class-specific purchased power cost recovery mechanism tied with a balancing account (reserve fund). Adjustment clauses are a long-established practice among electric utilities, and the balancing account that tracks cumulative over and under-recovery is a standard feature of those risk management mechanisms.

The revised methodology strengthens the alignment between the ERR and cost causation, which is among the ratemaking principles specified by James Bonbright in his seminal work *Principles of Public Utility Rates* (1961), which is the foundation for modern utility ratemaking in the United States. The allocation of LRS associated with the Utility's long-term PPAs is reasonable in NewGen's opinion. Those PPAs were entered into for the benefit of all customers and function as hedges against all load, including existing and future VLC&I load. The proposed LRS allocation to the ERR assigns the costs and the benefits of PPAs proportionally. Because the PPAs do not necessarily cover the VLC&I load every hour, the Utility continues to supplement them with bilateral blocks and market purchases, and the proposed methodology accounts for both power sources.

The proposed changes to the ERR methodology result in a calculation that is easily reproducible. Every input is traceable to a documented source, and the process for updating the scalar and basis inputs is specified rather than left to judgment at each quarterly update. NewGen believes these changes support the defensibility of the ERR rider calculation.

NewGen recommends that the Utility includes the ability to exclude power market price anomalies from the calculation of the price scalars and basis differentials in the ERR. The historical lookback used to develop price scalars and basis differentials does not appear to specifically exclude extreme market events, which often result in very high hourly market power prices and could impact future ERR calculations. Future events of the magnitude of the 2021 Winter Storm Uri would likely distort the price scalars and basis differential values included in the historical three-year ERR period. NewGen recommends that the methodology provide guidelines to exclude anomalous pricing events from the historic lookback period.

Conclusions

NewGen is of the opinion that the proposed changes reflected in the revised VLC&I ERR methodology are reasonable, equitable, defensible, and follow industry best practices. The revised formula is designed to improve specific elements identified by Utility staff in the original ERR calculation based on experience and expected results. The cost components included in the revised ERR methodology reflect the costs incurred by the Utility to serve the VLC&I class. The proposal to include documented data sources and forecasting methodologies results in a value that is reproducible and reviewable, which is a prudent utility practice.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, AMENDING CHAPTER 13.04, TITLE 1 ENTITLED "ELECTRIC RATES" OF THE CODE OR ORDINANCES OF THE CITY OF GEORGETOWN RELATING TO ELECTRIC SERVICE RATES FOR VARIOUS CUSTOMER CLASSES; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Georgetown periodically reviews and adjusts its electric service rates; and

WHEREAS, the City of Georgetown established its current electric rates in 2025; and

WHEREAS, the City of Georgetown has completed a cost-of-service study for the electric utility; and

WHEREAS, the City Council desires to implement rates which fully recover the cost of electric service; and

WHEREAS, the City Council of the City of Georgetown wishes to amend the current electric service rates and adopt the proposed rates, effective on all electric utility services for the entire service period at the rate that was effective on the end date of the service period, on and after **October 1, 2026**.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

Section 1. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 3. Title 1 of Chapter 13.04 entitled "Electric Rates" of the Code of Ordinances is hereby amended and replaced in its entirety as shown in **Exhibit A**.

Section 4. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 5. That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect on October 1, 2026, in accordance with the provisions of the Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the _____ day of _____, 2026.

PASSED AND APPROVED on Second Reading on the _____ day of _____, 2026.

ATTEST: **THE CITY OF GEORGETOWN**

_____ By: _____

Robyn Densmore, City Secretary Josh Schroeder, Mayor

APPROVED AS TO FORM:

_____

Skye Masson, City Attorney

EXHIBIT "A"

Sec. 13.04.010. Rates and charges—Electricity—Schedule.

The monthly rates and charges for the sales made of services rendered by the electric system of the City are established, levied, fixed, and prescribed as set forth in Sections 13.04.010 through 13.04.100. ~~Service~~Electric service rendered under this Article is subject to the City's Rules and Regulations~~.~~, engineering standards and service standards.

By applying for or accepting electric service, the customer shall provide the City access to the customer's premises and electric facilities as necessary for the installation, inspection, operation, maintenance, repair, replacement, reading, disconnection, or removal of City facilities, meters, and equipment, subject to the City's Rules and Regulations. The City may require easements, access rights, or other documentation as a condition of service where necessary to provide safe and reliable service.

Sec. 13.04.011 Definitions

For purposes of this Article, the following terms shall have the meanings set forth below:

1. **Actual Demand.** Actual Demand means the maximum rate at which electric energy is used by a customer, expressed in kilowatts (kW), and measured over a 15-minute interval during the billing period, or such other interval as established by the City's metering standards. Demand is a measure of power and is not a measure of total energy consumption.

2. **Allocated Capacity.** Allocated Capacity means the maximum allowed distribution infrastructure capacity designed and allocated to the Facility based on the Customer's specified load requirements, including Peak Demand and energy needs. This capacity ensures sufficient distribution capacity to meet Peak Demand under normal operating conditions, including substation and feeder capacity.

3. **Billed Demand.** Billed Demand means the kilowatt (kW) demand used to calculate the customer's demand charge under the applicable rate schedule. Billed Demand may be based on measured Peak Demand, minimum demand, ratcheted demand, power factor adjustment, or other provisions of the applicable rate schedule or electric service agreement.

4. **City**. The City of Georgetown, Texas, [a home rule municipal corporation that owns and operates a municipal electric utility system known as Georgetown Utility Systems].

5. **City's Rules and Regulations**. City's ordinances, policies, rate schedules, including description of utility services, billing adjustments, policies, service rules and regulations, and other regulatory measures enacted or adopted by City, including its departments, boards and commissions, as may be amended from time to time by the City in its sole discretion, all said regulations being duly adopted.

6. **Connected Load.** Connected Load means the combined electrical capacity or rating of the customer's motors, equipment, appliances, devices, and other electric-consuming facilities that are or will be connected to the customer's electrical system, whether expressed in kilowatts (kW), kilovolt-amperes (kVA), horsepower, amperes, or other electrical units, as converted or evaluated by the City.

7. **Customer or customer**. A person who is currently receiving retail electric service from City in the person's own name or the name of the person's spouse, or the name of an authorized representative of a partnership, corporation, or other legal entity receiving retail electric service from City.

8. **Design Load.** Design Load means the City's estimate of the customer's expected maximum demand, expressed in kilowatts (kW), after applying applicable diversity factors, operating assumptions, and engineering judgment to the customer's Requested Load, Connected Load, and

Load Analysis. Design Load may be used to determine initial rate classification, transformer size, service requirements, and other facilities necessary to serve the customer.

9. **Installed Capacity.** Installed Capacity means the maximum allowed distribution infrastructure capacity, including site-specific infrastructure, designed and installed by City at the Facility and designated to serve the Customer's load requirements, including Peak Demand and energy needs. This capacity ensures sufficient distribution capacity to meet Peak Demand under normal operating conditions. Installed Capacity includes substation and feeder capacity. Installed Capacity may be expressed in kilowatts (kW) or kilovolt-amperes (kVA).

10. **Load Analysis.** Load Analysis means the documentation, engineering review, and evaluation used by the City to determine expected load characteristics, service requirements, rate classification, metering requirements, transformer sizing, system impacts, and any required customer-specific facilities. A Load Analysis may include Requested Load, Connected Load, operating schedules, diversity factors, power factor, motor-starting characteristics, load factor, planned expansions, and other information required by the City.

11. **Peak Demand.** Peak Demand means the highest Actual Demand recorded for a customer during the applicable billing period, expressed in kilowatts (kW), and measured over a 15-minute interval, or such other interval as established by the City's metering standards.

12. **Requested Load.** Requested Load means the total electrical load requested by the customer or the customer's representative as part of a service request, Load Analysis, Electric Line Extension, and Electric Metering Policy application, plans, specifications, or other documentation submitted to the City. Requested Load may include existing load, proposed load, future load, and any planned expansion identified by the customer.

Sec. 13.04.012. Customer classification and demand determination.

A. Customer Classification

1. Regardless of Design Load, Actual Demand, Installed Capacity, or other classification criteria, a customer shall be assigned to the rate schedule applicable to the premises' final intended use, which may differ from the use during construction, as determined by the City from the customer's application and other reasonably required documentation.

B. Initial Rate Classification

1. For new or modified service under 2,000 kW, the City shall assign the applicable rate class based on the customer's Design Load, as determined from the customer's Load Analysis, except as otherwise provided herein.

2. For new or modified service with a Design Load of 2,000 kW or greater, the City shall assign the applicable rate class based on the customer's Installed Capacity or Allocated Capacity on the date of initial energization, as determined solely by the City.

3. For Customers requesting service at existing premises, the City shall not automatically assign the prior customer's rate classification. The City shall consider the following in determination the appropriate rate classification:

   i. If the new customer's expected use is substantially similar to the prior use, the City may use recent demand history to establish the initial rate classification.

   ii. If demand history is unavailable or not representative, the City may require a Load Analysis and classify the customer based on Design Load or Installed Capacity, as applicable. Existing meters, transformers, or other service facilities do not determine the customer's rate classification or service entitlement.

iii. The City may require the customer, at the customer's expense, to make or fund electric distribution infrastructure changes necessary to provide safe and reliable service and comply with the City's service and engineering standards.

iv. The City may reclassify the customer's initial rate classification based on actual usage and Demand data as outlined in Section C below.

C. Rate Class Reclassification based on Demand

1. This subsection applies only to customers with a Design Load or Installed Capacity under 2,000 kW.

2. The City shall reclassify a customer to a higher rate class if the customer's Actual Demand exceeds the applicable demand threshold for that rate class in three (3) or more billing periods within a consecutive twelve (12) month period . The City may require the customer, at the customer's expense, to make or fund electric distribution infrastructure changes necessary to provide safe and reliable service and comply with the City's service and engineering standards.

3. Upon customer's request, the City may reclassify a customer to a lower rate class if the customer's Actual Demand remains below the applicable demand threshold for twelve (12) consecutive months. The City may require the customer, at the customer's expense, to make or fund electric distribution infrastructure changes necessary to provide safe and reliable service and comply with the City's service and engineering standards.

4. Reclassification shall be applied prospectively beginning with the next billing cycle following determination by the City and shall not be applied retroactively.

5. A customer shall not operate electric load in excess of its Installed Capacity, Allocated Capacity, contract demand, or other capacity limit established by the City without the City's prior written approval. If a customer exceeds such limit, the City may require load reduction, additional infrastructure, additional credit support, revised forecasts, a revised electric service agreement, payment of all incremental costs, or a separate service arrangement. The customer shall be responsible for all costs, charges, penalties, ERCOT settlement amounts, procurement costs, infrastructure costs, and administrative costs incurred by the City as a result of such excess load.

6. A customer shall not be eligible for a reduction in rate class based on Actual Demand if the customer has incurred two or more delinquencies within the preceding twelve-month period.

Sec. 13.04.015. Residential service.

A. Availability. This schedule is available to single-phase residential customers for all domestic uses in residences, individual family apartments, and private rooming houses. This schedule is not available to single metered multi-family dwellings. For residential customers other than single-phase, the City, at its sole discretion, may review and apply another appropriate rate schedule for such customer. .

Where a portion of a residential unit is used for nonresidential purposes, the appropriate nonresidential service schedule is applicable to all uses of electric service. However, this rate schedule ~~maybe~~may be applied to the residential portion of such use provided the customer's wiring is so arranged that use of the electric service for residential purposes can be metered separately from the nonresidential use. Service rendered under this rate is subject to the City's Rules and Regulations.

B. Net Monthly Rate.

1. Customer Charge: $25.32 per month.

2. Energy Charge: $0.0978 per kWh.

3. Minimum Bill: $25.32 per month.

4. Multiple Dwelling Units. Where served under one meter shall be billed under the applicable commercial rate.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

F. Residential customers may request a low-income electric discount that is 30 percent below the current customer charge (base rate) as follows:

1. ~~1.~~ Request for low-income discount must be made in writing.

2. ~~2.~~ To qualify for the discount, customer or a permanent resident in the household must participate in the Medicaid Program or such other federal, state, and local government entitlement programs that meet the 200 percent Federal Poverty Income Level (FPIL) eligibility guidelines and are approved by City, and provide verifiable proof of that participation, such as an award letter or other official documentation.

~~3.~~ Requests for the low-income discount must be renewed annually.

Sec. 13.04.018. Net energy metering (NEM) service.

A. Availability. Available to residential and small general service customers within the ~~City of Georgetown (COG)~~City's electric service area that own distributed energy resource (DER) facilities.

The following requirements must be met for customers to be served under NEM:

- Customer has executed an interconnection agreement with ~~COG~~City, and ~~COG~~City has approved their completed net metering service application.
- DER facility is customer owned and powered by a renewable resource, including, but not limited to, solar, wind, and geothermal sources.
- For all DER facilities approved by the City after October 1, 2020, the DER facility's ~~installed capacity~~Installed Capacity must be no greater than ten kW-DC (~~kilo watts~~kilowatts direct current) and ~~receives~~receive service at 600 volts or less.
- DER facility is located at the customer's premises, or that is appropriately connected to ~~COG's~~City's electric distribution system, as solely determined by ~~COG~~City.

B. Metering. For DER installations before June 22, 2021, customers served under NEM will have two electric meters installed by ~~COG~~City at the customer's premises: a DER Meter, which measures the total amount of generated electricity from the customer's DER facility, and a bi-directional meter that measures both the volumetric energy and renewable energy - received, as defined herein. These bi-directional meter readings are used for generating the NEM customer's monthly bill. For all DER installations for NEM customers after June 22, 2021, DER meters are not required; only bi-directional meters will be installed.

C. Meter Definitions.

"Bi-directional meter." An electric meter with separate registers that measures and records, on an interval basis, the flow of electricity from ~~COG~~City to the NEM customer (volumetric energy) as well as the flow of electricity from the customer's DER facility to ~~COG~~City (renewable energy - received), as applicable.

"DER ~~meter~~Meter." The DER meter measures the total amount of energy generated by the customer's DER facility. The meter records "renewable energy - generated."

D. Energy Definitions.

"Renewable energy generated." The total energy produced by the customer's DER facility for the billing period, as measured and recorded by the DER meter. No charges or credits are associated with the renewable energy - generated. This information is provided to ~~COG~~City, and is identified on the customer's bill, for informational purposes only.

"Renewable energy received." Any excess metered energy generated from the customer's DER facility that is not used on-site at the customer's premises and flows back to ~~COG~~City during a billing cycle. The renewable energy - received is measured by the bi-directional meter and recorded on an interval basis. ~~COG~~City pays NEM customers a credit per kilowatt hour of the renewable energy - received.

"Volumetric energy." The amount of metered energy delivered by ~~COG~~City to the customer's premises during a billing cycle. This value is measured by the bi-directional meter and recorded on an interval basis. NEM customers pay ~~COG~~City per kilowatt hour for volumetric energy.

E. Charges for Service Definitions.

"Base rate." The base rate is the customer charge for the applicable customer class in which the NEM customer exists. The base rate is a per customer charge on a $/month basis.

"Volumetric energy charge." The volumetric energy charge is the energy charge for the applicable customer class in which the NEM customer exists. The volumetric energy charge is applied to the volumetric energy on a $/kWh basis.

"Renewable energy received credit." The renewable energy - received credit is an energy rate ($/kWh) applied to the NEM customer's renewable energy - received. ~~COG~~City pays NEM customers a credit per kilowatt hour for renewable energy - received. The credit on the customer's bill is subject to the limitations discussed in item I.

"Power cost adjustment (PCA)." The PCA charge under this rate schedule shall be increased or decreased to reflect the application of a PCA per kWh of energy delivered by ~~COG~~City (volumetric energy) during the billing cycle, as calculated in accordance with Section 13.04.075.

"Transmission delivery cost adjustment (TDCA)." The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy delivered by ~~COG~~City (volumetric energy), as calculated in accordance with Section 13.04.080.

F. Reserved.

G. Monthly Rates for NEM Customers. Rates are subject to change ~~and~~ as described herein.

Residential Service:

1. Base Rate: $25.32 per month.
2. Volumetric Energy Charge: $0.0978 per kWh.
3. Renewable Energy. The received credit shall be calculated on an annual basis according to the following formula:

$$Credit\left(\frac{\$}{kWh}\right) = \frac{Weighted\ Avg.\ Market\ Price\left(\frac{\$}{kWh}\right) + Avg.Transmission\ Capacity\ Cost\ (\frac{\$}{kWh})}{1 - Losses\ (\%)}$$

Where "weighted avg. market price" represents the previous year's weighted average locational marginal prices coincident with solar producing hours at the Electric Reliability Council of Texas (ERCOT) South Load zone. The periods coincident with ERCOT and/or Public Utility Commission of Texas declared controlled outages and/or grid emergencies are not included in the weighted avg. market price calculation. The "avg. transmission capacity cost" represents the previous year's average transmission-cost-of-service (TCOS) charges ($/kWh) paid by the Utility for transmission, and "losses" represents the most recently calculated value for ~~COG's~~City's distribution system losses as a percent.

4. PCA: (as determined in Section 13.04.075).

5. TDCA: (as determined in Section 13.04.080).

Small General Service:

1. Base Rate as a ~~COG~~City Electric Customer: $51.05 per month.

2. Volumetric Energy Charge: $0.0921 per kWh.

3. Renewable Energy. The received credit shall be calculated on an annual basis according to the following formula:

$$Credit\left(\frac{\$}{kWh}\right) = \frac{Weighted\ Avg.\ Market\ Price\left(\frac{\$}{kWh}\right) + Avg.Transmission\ Capacity\ Cost\ (\frac{\$}{kWh})}{1 - Losses\ (\%)}$$

Where "weighted avg. market price" represents the previous year's weighted average locational marginal prices coincident with solar producing hours at the Electric Reliability Council of Texas (ERCOT) South Load zone. The periods coincident with ERCOT and/or Public Utility Commission of Texas declared controlled outages and/or grid emergencies are not included in the weighted avg. market price calculation. The "avg. transmission capacity cost" represents the previous year's average transmission-cost-of-service (TCOS) charges ($/kWh) paid by the Utility for transmission, and "losses" represents the most recently calculated value for ~~COG's~~City's distribution system losses as a percent.

4. PCA: (as determined in Section 13.04.075).

5. TDCA: (as determined in Section 13.04.080).

H. Renewable Energy—Received Credit—Annual Update. The renewable energy - received credit will be reviewed and may be adjusted on an annual basis by ~~COG~~City according to the formula above.

I. Limit on Renewable Energy—Received Credit. For a billing cycle, and for the purposes of calculating the renewable energy - received credit, the excess renewable energy (kWh) ~~COG~~City receives from NEM customers cannot be greater than the volumetric energy (kWh) ~~COG~~City delivers to the customer's premises. Renewable energy - received that is in excess of the volumetric energy during the billing cycle is not eligible for compensation to the NEM customer by ~~COG~~City. Such excess energy may not be banked by the NEM customer nor rolled over to the following or future billing period(s). Further, such excess energy cannot be utilized to offset other ~~COG~~City charges on the NEM customer bill.

J. Sales Taxes. Sales taxes, where applicable, will be charged to the customer, as appropriate, in addition to the above rates.

Sec. 13.04.020. Small general service.

A. ~~A.~~ Availability. Applicable to ~~all commercial and general service consumers~~nonresidential customers whose ~~demands for all uses are~~Actual Demand is equal to or less than ~~50~~ 49 kilowatts (kW) and whose uses are not covered by ~~a~~another specific rate schedule~~ and the metered outdoor lighting of sports fields and arenas in which 85 percent of the connected electric load is attributable to the lighting as verified by the City, up to 75 kW of connected load. Service rendered under this rate is subject to the City's Rules and Regulations.~~ .

B. Net Monthly Rate.

1. Customer Charge: $51.05 per month.

2. Energy Charge: $0.0921 per kWh.

3. Minimum Bill: $51.05 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.025. School services.

A. Availability. ~~Available~~Applicable to electric ~~services required by those customers designated as~~ service provided to a school ~~by the City. Service rendered~~, defined as an educational institution that is recognized, accredited, or otherwise authorized by the State of Texas, including but not limited to:

1. Public school districts and open-enrollment charter schools governed under the Texas Education Code; and

2. Institutions of higher education recognized by the Texas Higher Education Coordinating Board.

Eligibility for service under this rate ~~is subject to the City's Rules and Regulations.~~ shall be determined by the City based on documentation demonstrating such recognition or authorization under applicable state law.

Electric service provided to facilities or portions of facilities used for non-educational, commercial, residential, or revenue-generating purposes shall be separately metered and billed under the applicable rate schedule. If such uses are not separately metered, the City may determine the appropriate rate classification.

B. Net Monthly Rate.

1. Customer Charge: $204.02 per month.

2. Energy Charge: $0.1174 per kWh.

3. Minimum Bill: $204.02 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.030. Municipal water and wastewater pumping service.

A. Availability. Applicable to City-owned facilities with electric service furnished for water and wastewater pumping. Service rendered under this rate is subject to the City's Rules and Regulations.

B. Net Monthly Rate.

1. Customer Charge: $199.10 per month.

2. Energy Charge: $0.04600 per kWh.

3. Demand Charge: $19.99 per kW per month.

4. Minimum Bill: $199.10 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

~~E.~~ E. Primary Voltage Discount.

Primary Voltage is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.

A Primary Voltage Customer is a customer that receives electric service directly from the City's electric distribution system at 24.9 kV / 14.4 kV.

1. Applicable to Municipal water and wastewater pumping service locations that receive electric service at primary distribution voltage and that own, operate, and maintain all facilities on the customer side of the point of interconnection, including but not limited to transformation, protection, and distribution equipment.

2. Monthly Demand Discount Rate. Primary voltage customers' Actual Demand will be reduced (credited) by $2.24/kW.

~~A. F~~~~Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.~~

. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.035. Large general service.

A. ~~A.~~ Availability. Applicable to nonresidential customers whose ~~design load~~ Actual Demand is equal to or ~~actual usage exceeds~~greater than 50 kilowatts (kW~~ of peak demand,~~) but ~~does not exceed 500~~ less than 499 kilowatts (kW~~ of peak demand,~~), and whose uses are not covered by ~~a~~another specific rate schedule~~. Service rendered under this rate is subject to the City's Rules and Regulations.~~ , as determined in accordance with Section 13.04.012.

B. Net Monthly Rate.

1. Customer Charge: $178.68 per month.

2. Energy Charge: $0.0668 per kWh.

3. Demand Charge: $11.23 per kW per month, but not less than $561.50 per month.

4. Minimum Bill: $740.18 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

~~E~~E. Minimum Bill. The minimum bill for Large general service shall consist of the customer charge plus the minimum Billed Demand charge.

F. Minimum Billed Demand. The minimum demand for the Large general service class is 50 kW.

G. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.040. Commercial and industrial (C&I).

B.A. A. Availability. Applicable to nonresidential customers whose design load Actual Demand is equal to or actual usage exceeds greater than 500 kilowatts (kW of peak demand,) but does not exceedless than 1,999 kilowatts (kW), and whose Installed Capacity is less than 2,000 kW of peak demandkVa, and whose uses are not covered by aanother specific rate schedule. Service rendered under this rate is subject to the City's Rules and Regulations. , as determined in accordance with Section 13.04.012.

C.B. B. Net Monthly Rate.

1. 1. Customer Charge: $357.35 per month.
2. 2. Energy Charge: $0.0577 per kWh.
3. 3. Demand Charge: $16.34 per kW per month, but not less than $8,170.00 per month.
4. 4. Minimum Bill: $8,527.35 per month.

D.C. C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

E.D. D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Minimum Bill. The minimum bill for commercial and industrial service shall consist of the customer charge plus the minimum demand charge.

F. Minimum Billed Demand. The minimum demand for the commercial and industrial class is 500 kW.

G. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

E

, Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.045. Large commercial and industrial (C&I) service

A. Availability. Applicable to large commercial and industrial customers whose installed capacity is 2,000 kW or greater but less than 10,000 kW and whose uses are not covered by another specific rate schedule. Service rendered under this rate is subject to the City's rules and regulations. "Installed capacity" means the maximum allowed distribution infrastructure capacity designed, installed, and allocated for a customer based on their specified load requirements, including peak demand and energy needs. This capacity ensures sufficient distribution infrastructure to meet peak demand under normal operating conditions.

A. B. Availability. Applicable to non-residential customers whose Installed Capacity or Allocated Capacity is equal to or greater than 2,000 kilowatts (kW) but less than 9,999 kilowatts (kW), as determined in accordance with Section 13.04.012. The City reserves the right in its sole discretion to require certain customers eligible for this rate schedule to enter into an electric service agreement with the City ("Electric Service Agreement").

A.B. Monthly Rate.

1. Customer Charge: $520.71 per month.
2. Energy Charge: $0.0543 per kWh.
3. Demand Charge: $19.65 per kW per month but not less than $39,300.00 per month.
4. Minimum Bill: $39,820.71 per month.

~~B.~~C. ~~C.~~ Power Cost Adjustment. The power cost adjustment charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

~~C.~~D. ~~D.~~ Transmission Delivery Cost Adjustment. The transmission delivery cost adjustment charge under this rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

~~D.~~E. ~~E.~~ Minimum Bill. The minimum bill for large commercial and industrial service shall consist of the customer charge plus the minimum demand charge.

~~E.~~F. ~~F.~~ Minimum Billed Demand. The minimum demand for the large commercial and industrial class is 2,000 kW.

~~F.~~G. ~~G.~~ Power Factor. Should the power factor be lower than 0.95 lagging, the City may adjust the ~~billed demand~~Billed Demand (kW) by the ratio of target power factor in the numerator (0.95) divided by the actual power factor in the denominator (less than 0.95). If the power factor ratio is greater than a value of 1.0, it will be multiplied by the billing ~~cycle billed demand~~cycle's Billed Demand applicable to the customer.

~~G.~~H. ~~H.~~ Primary Voltage Discount.

Primary Voltage is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.

A Primary Voltage Customer is a customer that receives electric service directly from the City's electric distribution system at 24.9 kV / 14.4 kV.

1. ~~Applicability.~~ Applicable to large commercial and industrial customers ~~taking~~that receive electric service at primary distribution voltage ~~("primary voltage customers").~~ and that own, operate, and maintain all facilities on the customer side of the point of interconnection, including but not limited to transformation, protection, and distribution equipment.

2. Monthly Demand Discount Rate. Primary voltage ~~customers demand rate~~customers' Actual Demand will be reduced (credited) by $2.11/kW.

3. Minimum Bill. The minimum bill for primary voltage customers will be based on the minimum bill for their applicable customer class, as described herein. To the extent that the minimum bill includes the demand charge, calculation of the demand charge will reflect the applicable monthly demand discount rate.

4. Primary Voltage Discount~~—~~ Update. The primary voltage discount will be reviewed and may be adjusted ~~on an annual or less frequent basis~~periodically as determined by the City.

I. ~~I.~~ Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.0451. Month-to-Month Large Commercial & Industrial Service.

A. Availability. Applicable to any customer who is required to enter into an Electric Service Agreement and fails to do so within a reasonable period of time, as determined by the City. The customer shall be subject to all provisions herein, as well as the following applicable rates. The customer shall be billed under the Month-to-Month Large Commercial & Industrial Service rates set forth below. Such rates are intended to recover the City's costs, risks, and administrative burdens associated with serving a very large load without agreed forecasting, credit support, operational controls, and wholesale market protections. Month-to-Month Large Commercial & Industrial Service shall continue until an electric service agreement is executed by both the City and the customer or service is otherwise terminated in accordance with this Article and the City's Rules and Regulations.

These rates will be in effect for Customer's electric service until such time as an Electric Service Agreement is signed by both Customer and City, at which time the rates provided in the Electric Service Agreement will apply. The City will make a good-faith effort to complete its review of the Electric Service Agreement and obtain approval in a timely manner.

B. Monthly Rate.

1. Customer Charge: $520.71 per month.
2. Energy Charge: $0.08755 per kWh.
3. Demand Charge: $19.65 per kW per month subject to Billed Demand as outlined in Section G below.
4. Minimum Bill: $39,820.71 per month.

C. Power Cost Adjustment. The power cost adjustment charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The transmission delivery cost adjustment charge under this rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Minimum Bill. The minimum bill for large commercial and industrial service shall consist of the customer charge plus the minimum demand charge.

F. Minimum Billed Demand. The minimum demand for the large commercial and industrial class is 2,000 kW.

G. Power Factor. Should the power factor be lower than 0.95 lagging, the City may adjust the Billed Demand (kW) by the ratio of target power factor in the numerator (0.95) divided by the actual power factor in the denominator (less than 0.95). If the power factor ratio is greater than a value of 1.0, it will be multiplied by the billing cycle Billed Demand applicable to the customer.

H. Primary Voltage Discount.

Primary Voltage is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.

A Primary Voltage Customer is a customer that receives electric service directly from the City's electric distribution system at 24.9 kV / 14.4 kV.

1. Applicable to large commercial and industrial customers that receive electric service at primary distribution voltage and that own, operate, and maintain all facilities on the customer side of the point of interconnection, including but not limited to transformation, protection, and distribution equipment.
2. Monthly Demand Discount Rate. Primary voltage customers' Actual Demand will be reduced (credited) by $2.11/kW.
3. Minimum Bill. The minimum bill for primary voltage customers will be based on the minimum bill for their applicable customer class, as described herein. To the extent that the minimum bill includes the demand charge, calculation of the demand charge will reflect the applicable monthly demand discount rate.
4. Primary Voltage Discount Update. The primary voltage discount will be reviewed and may be adjusted, as determined by the City.

~~A.~~I. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.046. Very large commercial and industrial (C&I) service.

A. A. Availability.

1. Applicable to very large commercial and industrialnonresidential customers whose installedInstalled Capacity is equal to or greater than 10,000 kW but less than 49,999 kW, including classification based on Installed Capacity where applicable.

2. Customers served under this rate shall be required to receive electric service directly from City's electric distribution system at "Primary Voltage" and they are eligible for the "Primary Voltage Discount"

   "Primary Voltage" is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.

3. Customers served under this rate shall be required, as determined by the City, to enter into an electric service agreement, provide load forecasts, or meet additional operational, metering, or financial requirements necessary to support service to large loads and participation in wholesale power markets.

4. Customers shall enter into an Electric Service Agreement (ESA) with a maximum term of three (3) years, including any renewals, unless terminated in accordance with the ESA. In order to maintain a guarantee of future electric service capacity is greater than ten MW but less than 51 MW. , the ESA must be signed, and the customer must comply with all Line Extension policy requirements and other obligations required within the ESA.

5. As a condition of initial or continued service under this rate, the City may require, prior to energization, execution of an electric service agreement, completion of all required studies, installation of required metering and telemetry, satisfaction of all credit and performance assurance requirements, payment of all applicable fees or contributions, and demonstration that the customer's operation will not adversely affect system reliability or other customers.

6. If a customer's Installed Capacity exceeds 49,999 kW, the City may require the customer to take service under a separate service arrangement and a separate rate schedule.

7. Service rendered under this rate is subject to the City'sCity's Rules and Regulations, provided that Section 13.04.230 shall not apply. All customers eligible for this rate schedule must also enter into an electric service agreement with the City ("Electric Service Agreement"). "Installed

1.8. If Customer fails to utilize the full Initial Infrastructure Capacity, the full Additional Infrastructure Capacity, or the full amount of any Expansion Request for six (6) consecutive months during the applicable Service Agreement for Electric Service period, then to the extent such capacity" means the maximum allowed distribution infrastructure is not utilized, City shall have the right in its sole discretion to use the available feeder and substation capacity designed, installed, and allocated for a customer based on their specified load requirements, including peak demand and energy needs. Thisto serve other customers. Customer's utilization of capacity ensures sufficient distribution infrastructure to meet peakshall be the maximum kilowatt demand established by Customer for any fifteen (15) minute period during the month, as indicated or recorded by a demand under normal operating conditions. meter.

B. B. Energy Forecast. By the tenth of each month prior to and after beginning service, Customer must submit to the City an energy forecast of its projected energy usage for the following six months. This energy forecast is a projection of the future forecasted energy consumption by Customer and shall be in the form of an hourly energy profile of expected energy consumption (kWh) for each hour of the following six months.

C. ~~C.~~ Failure to Submit Energy Forecast. Any Customer who fails to submit an energy forecast when due shall be subject to interruption or termination of electric service, and any other remedies available to the City under its Rules and Regulations. In addition, the City shall have the right to forecast ~~customer's~~the customers' projected energy load for the energy forecast term, subject to other provisions in this Section 13.04.046.

D. ~~D.~~ Invoices. Invoices are due and payable immediately upon receipt and considered late if not paid within ~~seven~~five days after receipt. The City ~~can~~ immediately ~~apply~~applies any cash prepayment amount (defined below) or ~~draw~~draws on any letter of credit provided by the customer for any late or unpaid amounts owed to the City by the customer, or take any other action provided for under the City's Rules and Regulations. If a Customer needs additional time to pay an invoice, they may post an additional Prepayment Amount to ensure minimum required prepayment balances are constantly maintained. VLC&I customers shall enroll in and maintain electronic billing (e-bill) for all electric service accounts. Delivery of bills by mail shall not extend, delay, or otherwise affect the date a bill is issued, received, or due.

E. ~~E.~~ Prepayment Amount. Prior to activation of electric service, customer shall provide to the City a minimum cash prepayment amount ("prepayment amount") equal to three months of the highest projected total cost of energy deliveries pursuant to the Electric Service Agreement and this rate schedule, including the customer charge, energy charge, billed demand, power cost adjustment, energy rate rider, transmission delivery cost adjustment, and any other authorized charges. The billed demand shall be calculated pursuant to Section O below, the applicable billed demand multiplied by three months or such additional period of time as the City may require ("prepayment term"). The City shall apply the prepayment amount monthly to the customer's invoice for electric service, and the customer shall pay any amounts owed to the City in addition to the prepayment amount and replenish the prepayment amount each month equal to the amount of the then-current prepayment amount for the then-current prepayment term. The City reserves the right to require additional amounts above the prepayment amount based on the creditworthiness of the customer, energy market volatility, previous payment defaults, or business history of the customer, each as determined by the City in its sole discretion. Any prepayment amounts under this Section 13.04.046 (Very large commercial and industrial service) shall not bear interest and shall be applied to each invoice and replenished by the customer in accordance with this subsection (E). The prepayment amount shall remain in place until December 31 of the year following the year of the termination date, and Customer's payment in full to City of verifiably documented charges attributable to providing the service prior to termination of this Agreement, including, but not limited to demand charges assessed by ERCOT for usage during peak demand periods.

F. ~~F.~~ Credit Support. In addition to the prepayment amount in Section E, Customer shall also provide performance assurance pursuant to Section G herein in an amount equal to or greater than three months of the projected revenues to City based on the highest three months of customer's energy forecast. The performance assurance shall remain in place until December 31 of the year following the year of the termination date, and customer's payment in full to City of verifiably documented charges attributable to providing the service prior to termination of this agreement, including, but not limited to demand charges assessed by ERCOT for usage during peak demand periods.

G. ~~G.~~ Performance Assurance. Customer shall provide to the City either an unconditional irrevocable letter of credit ("letter of credit") or a form of guarantee approved by City ("parental guarantee") letter of credit and parental guarantee are collectively referred to as "performance assurance." Both the letter of credit and the parental guarantee must: (1) be made payable to the City; (2) require at least 60 days written notice to the City upon nonrenewal or termination; and (3) allow for immediate draw by the City for the nonpayment of any invoice by the due date or any other payment default by customer. In the event the City applies all or part of the performance assurance related to any late payment or nonpayment by customer, or any other payment default by the customer, the City may immediately request additional performance assurance from customer in order for the continuance of electric service by the City.

1. The letter of credit shall comply with V.T.C.A., Business and Commerce Code § 5.106 issued by a bank or financial institution with a ~~minimal~~minimum credit rating of A-from ~~either~~ S&P or Fitch, or

a ~~minimal~~minimum rating of A3 from Moody, and that has a physical location or address in the United States in which the letter of credit can be drawn, and that is otherwise acceptable to the City in its sole discretion. The City reserves the right in its sole discretion to require an increase in the amount of the letter of credit, including, but not limited to an increase based on market volatility, creditworthiness of the customer, previous payment defaults, or business history of the customer.

2. A Customer may only provide a parental guarantee if the corporate, or other entity, providing such guarantee has an investment grade rating at least one notch above Baa3 by Moody's, BBB-by S&P Global or BBB- by Fitch Ratings. In the event that the entity ~~proving~~providing the parental guarantee drops below investment grade, customer must replace the parental guarantee with a letter of credit within two business days. The City reserves the right in its sole discretion to require an increase in the amount of the parental guarantee, including, but not limited to, an increase based on market volatility, creditworthiness of the customer, previous payment defaults, or business history of the customer.

H. ~~H.~~ Equipment. Customers under this Rate Ordinance shall also be responsible for all the costs including, but not limited to the cost of any and all additional equipment that the City's City Manager, City's General Manager of Electric Utilities ("General Manager") or each of their respective designees, determines is needed, including, but not limited to advanced metering equipment, to manage the customer's energy load and usage to ensure reliable energy service to all customers of the City.

~~I.~~ City shall have no obligation to provide redundant feeders, transformer redundancy, automatic transfer capability, alternate feeder supply, or service from another substation except pursuant to a written agreement.

I. Curtailment Events. Customer understands and agrees that it has no guarantee of an uninterrupted supply of power. City shall have the right to curtail or interrupt delivery of energy to customer (i) in response to curtailment instructions from ERCOT as a result of imminent system reliability need; (ii) during periods of force majeure (defined herein); (iii) during unplanned outages, including failure of transmission or distribution facilities or other equipment, partial or complete forced outage, breakage of or damage to machinery or equipment, or (iv) during planned outages as agreed by City and customer ("curtailment event"). "Force majeure" means an event or circumstance which (i) prevents a party from performing its obligations under this Rate Ordinance, (ii) which event or circumstance is beyond the reasonable control of such party, (iii) was not reasonably foreseeable by such party, or if reasonably foreseeable could not have been overcome with the exercise of due diligence, (iv) is not the result of such party's negligence or fault, and (v) which by the exercise of due diligence, such party is unable to overcome or avoid or cause to be avoided. If customer is notified of a curtailment event and fails to comply with the curtailment event directives received from City, customer shall be liable to City for any uplift charges, securitization charges, penalties, fines or any other ERCOT charges related to a curtailment event imposed on City (directly or indirectly) as a result of customer's failure to comply with the curtailment event notice, which is in addition to any and all costs and fees for the provision of electric service during the curtailment event under this Rate Ordinance and-any and all related ERCOT fees, settlement costs, sub-QSE fees, ERCOT load ratio share charges, ERCOT administration fees, Electric Reliability Organization fees, ERCOT uplifts to load, ERCOT miscellaneous invoices (collectively, "ERCOT Settlement Amounts"), and any other charges, fees and costs assessed or implemented by any Governmental Authority. "Governmental Authority" means (i) any federal, state, local, municipal, or other government or (ii) any other governmental, quasi-governmental, regulatory or administrative agency, commission, or other authority (including the Texas Attorney General, PUCT, ERCOT, Federal Energy Regulatory Commission, NERC, or Texas Reliability Entity) lawfully exercising or entitled to exercise any administrative, executive, judicial, legislative, police, policy, regulatory, or taxing authority or power. "PUCT" means the Public Utility Commission of Texas. City shall have the right, but not the obligation, to disconnect the electricity supply to Customer to force compliance with the curtailment event directives, subject to any shutdown requirements designed to protect the customer facilities or the ERCOT grid. Subject to the aforementioned notice and shutdown requirements, City shall have no liability for exercising such right, nor shall customer be excused from any damages that

may arise in the case that City fails to do so. For purposes of clarity, all customers served by City are subject to curtailment events.

J. ~~J.~~ Very Large Load Account Set-Up Fee. Prior to the commencement of service, customer shall pay a nonrefundable account set-up fee in the amount of $~~25,645~~27,349.00, which may be updated from time to time by the City, for installation of ERCOT EPS meter(s) and any other initiation, installation, or other fees levied by ERCOT or otherwise incurred by the City as a result of providing energy service to the customer.

K. ~~K.~~ Monthly Rate.

1. Customer Charge: $~~5,615.50~~8,125 per month.
2. Energy Charge: $0.0543 per kWh.
3. Demand Charge: $19.65 per kW per month subject to ~~billed demand~~Billed Demand as outlined in Section O below.

L. ~~L.~~ Power Cost Adjustment. The power cost adjustment charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

~~B.~~A. ~~Power Cost Adjustment. The power cost adjustment charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.~~

~~L.~~M. ~~M.~~ Energy Rate Rider. In addition to the charges identified in K and L, Customers shall pay the energy rate rider ($/kWh) ("ERR") for all energy consumed. The City Manager, General Manager or their respective designees are responsible for making periodic adjustments to the ERR, which will be based upon ~~two months of~~ historical actual power supply costs since the implementation of the energy rate rider and six months of forecasted future costs to serve the customers in the very large commercial and industrial service class ~~and the cumulative ERR account balance.~~. Changes to the ERR shall have the objective of maintaining a positive cumulative ERR account balance.

The energy rate rider shall be calculated pursuant to the following equation:

~~FERR = ({(EC +~~ ERR~~) × TL] HG/L - FHC - SM - FLH - AS)+(~~ ($/kWh) = ((Power Costs – Energy Revenues) + (TAB-AAB))/TL

Where:

~~FERR = Future energy rate rider rounded to the nearest $0.0001/kWh. In no event shall the FERR be less than zero ($0.00)~~

~~EC =~~ **ERR** = New Energy ~~charge~~ Rate Rider

Power Costs = All forecasted power supply costs for the VLC&I class ~~(currently at $0.05317/kWh) - subject to revision by rate ordinance~~during the 6-month forecast period, broken down into five components:

~~ERR = Energy rate rider in effect for the historical load period~~

~~TL = Total load = $\Sigma_{i=1}^{n}$ Aggregate VLC&I Energy in kWh adjusted for distribution and transmission losses.~~

~~Where n = the number of hours in the eight month calculation period.~~

~~HG/L = Historical hedge gains or losses = $\Sigma_{i=1}^{n}$ (HPi * HVi) + (HVi * (HPi - RTPi))~~

~~Where HPi = Hedge price for hour i~~

~~ALi = Actual load for the class for hour i~~

~~HVi = Hedge volume for hour i~~

~~RTPi = Real time price for the ERCOT South Load Zone~~

~~FHC = Future hedge cost = $\Sigma_{i=1}^{n}$ FHVi * FHPi~~

~~Where:~~

~~FHVi = Hedged volume in hour i~~

~~FHPi = Hedge price in hour i~~

~~SMP = Spot market purchases (historic and future) = $\Sigma_{i=1}^{n}$ SMPi * LMPi~~

~~Where:~~

~~SMPi = spot market purchases in hour i (can be real-time LMP or day-ahead LMP)~~

~~LMPi = LMP for the ERCOT South Load Zone in hour i~~

~~LMP means the locational marginal price~~

~~FLH = Future load hedges = $\Sigma_{i=1}^{n}$ FLHi * FPi~~

~~Where:~~

~~FLHi = Future forecasted load to be hedged in hour i~~

~~FPi = Future price in hour i (for future prices the imputed real-time LMP will be used) FLH and SMP are mathematically the same if there are no future hedge volumes to be traded.~~

~~AS = Ancillary service costs = $\Sigma_{i=1}^{n}$ ASi * TLi~~

~~Where:~~

~~ASi = Historical ancillary service costs in hour i and the forecasted ancillary service costs for hour i for future load~~

~~TLi = Total Load served, or to be served in hour i~~

~~TAB = Target account balance - the targeted energy rate rider account balance established by the City Manager, General Manager or their respective designees to stabilize the cost of wholesale power to the VLC&I rate class.~~

1. ~~AAB = Actual account balance - the~~ Net Settlement of VLC&I Bilateral Hedges
2. Forecasted VLC&I DAM/RT energy purchases
3. Load ratio share (LRS) portion of net settlement of existing long term PPA contracts, including:
    a. Net settlement of PPA contracts
    b. Settlement of CRR hedges
    c. REC revenues
    d. Resource QSE fees and resource administrative charges.
    e. PTP obligations
4. ERCOT Fees and Ancillary Services, including:
    a. Ancillary services
    b. Other ERCOT fees
    c. LRS and/or directly allocated CARD revenues.
5. Miscellaneous Costs, including:
    a. LRS and/or directly allocated allocation of purchased power consulting costs
    b. LRS and/or directly allocated allocation of ERCOT annual membership fee
    c. LRS and/or directly allocated allocation of quarterly ERO fee
    d. LRS and/or directly allocated allocation of securitization costs
    e. Any other additional unrecovered costs that are incurred to provide electric service to VLC&I customers.

Energy Revenues = Forecasted revenues from the energy charge for the VLC&I class during the 6-month forecast period. Equal to the energy charge multiplied by the forecasted load.

TAB = Target Account Balance. Equal to the highest month of forecasted energy costs for the VLC&I class in the 12 months following the rate update.

AAB = Actual Account Balance. Equal to the cumulative operating income from the collection of the ~~energy rate rider~~Energy Rate Rider between inception of the ERR and the end of the operating month preceding the ERR calculation update. Operating income for historical months is defined as Energy Revenues plus ERR revenues minus Power Costs for each historical month.

TL = Total Load. Equal to the forecasted VLC&I energy sold during the 6-month forecast period.

The ERR ~~(and the FERR above)~~ may not be less than zero. The City Manager, General Manager or their respective designees are responsible for making periodic adjustments to the ERR.

~~M.~~N. ~~N.~~ Ratcheted Demand. In the event that the ~~actual monthly peak~~maximum kilowatt (kW) demand ~~of~~measured over a 15-minute interval, or such other interval as established by the City's metering standards, during the billing period of the customer exceeds (i) 80 percent of the ~~installed capacity~~Installed Capacity or (ii) the minimum demand as defined in the Electric Service Agreement, such ~~new higher peak~~ demand shall be used to determine the ~~billed demand~~Billed Demand and shall be applicable for a period of 12 consecutive months from the month in which ~~the highest peak~~such demand is measured ("~~demand ratchet~~Demand Ratchet").

~~N.~~O. ~~O.~~ Billed Demand. The billed demand shall be the greater of:

1. The measured maximum 15-minute ~~(or 30-minute, as applicable)~~ demand in kilowatts (kW) recorded during the billing period, or
2. The contract minimum demand, if applicable, or
3. The ~~demand ratchet~~Demand Ratchet, if specified in Section N of this rate schedule.

Billed ~~demand~~Demand may be adjusted for power factor if the actual power factor falls below the threshold specified in this tariff.

~~C.A.~~P. ~~Transmission Delivery Cost Adjustment. The transmission delivery cost adjustment charge under this rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.~~

P. ~~Q.~~ Transmission Delivery Cost Adjustment. The transmission delivery cost adjustment charge under this rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

~~O.~~Q. Minimum Billed Demand. The minimum demand charge shall be 80 percent of the ~~installed capacity~~Installed Capacity, or as otherwise provided in the Electric Service Agreement between customer and City.

~~P.~~R. ~~R.~~ Power Factor. If the customer's power factor during a billing cycle is less than 0.95 lagging, the City may adjust the ~~billed demand~~Billed Demand (kW) by applying a multiplier. This multiplier is calculated by dividing the target power factor (0.95) by the customer's actual power factor (which is less than 0.95). The resulting ratio will be multiplied by the ~~billed demand~~Billed Demand for that billing cycle.

~~Q.~~S. ~~S.~~ Primary Voltage Discount.

"Primary Voltage" is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.

A "Primary Voltage Customer" is a customer that receives electric service directly from City's electric distribution system at 24.9 kV / 14.4 kV.

1. ~~Applicability.~~ Applicable to very large commercial and industrial customers ~~taking~~that receive electric service at primary distribution voltage ~~("primary voltage customers").~~ and that own, operate, and maintain all facilities on the customer side of the point of interconnection, including but not limited to transformation, protection, and distribution equipment.

2. Monthly Demand Discount Rate. ~~Primary voltage customers~~The demand ~~rate will~~charge for a Primary Voltage Customer shall be reduced ~~(credited)~~ by $2.11~~/~~ per kW~~.~~ of Actual Demand.

~~R.~~T. ~~T.~~ Minimum Bill. The monthly minimum bill amount related to any customer whose load capacity is between ~~ten MW~~10,000 kW and less than ~~51 MW~~49,999 kW shall be an amount equal to the sum of the customer charge, energy charge, the greater of the demand charge or minimum demand charge, power cost adjustment, energy rate rider, transmission delivery cost adjustment, and any other authorized charges.

~~S.~~U. ~~U.~~ Sales Taxes. Sales taxes, where applicable, will be charged to Customer in addition to the above rates.

~~(Ord. No. 2025-47, § 3(Exh. A); Ord. No. 2025-33, § 3(Exh. A); Ord. No. 2024-46, § 4(Exh. B))~~

Sec. 13.04.0461. Month-to-Month Very Large Commercial & Industrial Service.

A. **Availability:** If a customer eligible for service under this section receives service without an executed electric service agreement, whether due to expiration, refusal, failure to execute, or other circumstance, the customer shall be billed under the Month-to-Month Very Large Commercial & Industrial Service rates set forth below. Such rates are intended to recover the City's costs, risks, and administrative burdens associated with serving a very large load without agreed forecasting, credit support, operational controls, and wholesale market protections. Month-to-Month Very Large Commercial & Industrial Service shall continue until an electric service agreement is executed by both the City and the customer or service is otherwise terminated in accordance with this Article and the City's Rules and Regulations.

These rates will be in effect for Customer's electric service until such time as an Electric Service Agreement is signed by both Customer and City, at which time the rates provided in the Electric Service Agreement will apply. The City will make a good faith effort to complete its review of the Electric Service Agreement and obtain approval in a timely manner.

B. Monthly Rate:

1. Customer Charge: $8,125 per month.

2. Energy Charge: $0.08755 per kWh.

3. Demand Charge: $19.65 per kW per month subject to Billed Demand as outlined in Section F below.

C. Power Cost Adjustment. The power cost adjustment charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Energy Rate Rider. In addition to the charges identified in B and C, Customers shall pay the energy rate rider ($/kWh) ("ERR") for all energy consumed.

E. Ratcheted Demand. In the event that the maximum kilowatt (kW) demand measured over a 15-minute interval, or such other interval as established by the City's metering standards, during the billing period of the customer exceeds (i) 80 percent of the Installed Capacity or (ii) the minimum demand as defined in the Electric Service Agreement, such demand shall be used to determine the Billed Demand and shall be applicable for a period of 12 consecutive months from the month in which such demand is measured ("Demand Ratchet").

F. Billed Demand. The billed demand shall be the greater of:

1. The measured maximum 15-minute demand in kilowatts (kW) recorded during the billing period, or

2. The contract minimum demand, if applicable, or

3. The Demand Ratchet, if specified in Section E of this rate schedule.

G. Billed Demand may be adjusted for power factor if the actual power factor falls below the threshold specified in this tariff.

H. Transmission Delivery Cost Adjustment. The transmission delivery cost adjustment charge under this rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

I. Minimum Billed Demand. The minimum demand charge shall be 80 percent of the Installed Capacity, or as otherwise provided in the Electric Service Agreement between customer and City.

J. Power Factor. If the customer's power factor during a billing cycle is less than 0.95 lagging, the City may adjust the Billed Demand (kW) by applying a multiplier. This multiplier is calculated by dividing the target power factor (0.95) by the customer's actual power factor (which is less than 0.95). The resulting ratio will be multiplied by the Billed Demand for that billing cycle.

Sec. 13.04.050. Electric vehicle (EV) charger service.

A. ~~A.~~ Availability. ~~Available to~~

1. Applicable to nonresidential customers operating electric vehicle charging infrastructure ~~providers~~ whose design load is equal to or ~~actual usage exceeds~~greater than 500 kW ~~of peak demand,~~ but ~~does not exceed~~less than 2,000 kW ~~of peak demand, within~~during any billing period, as determined in accordance with Section 13.04.012.

2. This rate is available only where the ~~City of Georgetown~~customer's electric service ~~area and whose uses are not covered by a specific~~is primarily used to supply electric vehicle charging load, as determined by the City.

3. Customers must provide sub metered or equivalent data, in a form and frequency acceptable to the City, sufficient to identify electric vehicle charging load and support rate administration.

~~1.~~4. If a customer does not meet the requirements of this section, the City may require the customer to take service under the otherwise applicable rate schedule. ~~Companies must share sub-metered data to qualify for this rate.~~

~~A.~~B. ~~B.~~ Net Monthly Rate.

1. ~~1.~~ Customer Charge: $357.35 per month.

2. ~~2.~~ Energy Charge: $0.0577 per kWh.

3. ~~3.~~ Demand Charge: $16.34 per kW per month, ~~**~~(applied to Billed ~~on greater of actual demand OR~~ Demand.

i. Billed Demand. The Billed Demand for each billing period shall be the greatest of:

1. The customer's Actual Demand, as defined in Section 13.04.012;

2. Five hundred kilowatts (500 kW ~~OR~~); or

3. The Ratcheted Demand.

i.ii. Ratcheted Demand. The Ratcheted Demand shall be equal to 80 percent of peakthe highest Demand recorded during the most recent twelve (12) billing periods. Once established, such Ratcheted Demand shall remain in effect for twelve (12) consecutive billing months from the month demand over previous 12-month period). First month demand will be equal to system design demand. in which the highest Demand is measured.

4. Minimum Bill: $8,527.35 per month.

iii. C. Initial Demand Charge. For a new customer or a customer without twelve (12) months of demand history, the Billed Demand shall be the greater of the customer's Actual Peak Demand or the customer's Design Load, as determined by the City.

4. Minimum Bill: The minimum bill shall consist of the customer charge plus the minimum demand charge.

B.C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

C.D. D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

H.A. E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

E. Sec. 13.04. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.055. Municipal.

A. Availability. Applicable to City-owned and operated facilities whose uses are not covered by a specific rate schedule. Service rendered under this rate is subject to the City's Rules and Regulations.

B. Net Monthly Rate.

1. Customer Charge: $134.77 per month.

2. Energy Charge: $0.0715 per kWh.

3. Minimum Bill: $134.77 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.060. Economic development ratePower Pedestal service.

A. *Availability.* Applicable to entities eligible for economic development incentives from the City in the City's service territory. Service rendered under this rate is subject to the City's Rules and Regulations.

A. *Availability.* This rate is available for electric service provided through temporary or permanent power pedestal installations used to supply electricity for temporary, intermittent, or seasonal uses, including but not limited to festivals, public events, and decorative lighting. This rate shall apply only where such service:

1. Is provided through pedestal-type distribution infrastructure designed to serve multiple temporary or variable loads; and

2. cannot be reasonably billed to end users under another applicable rate schedule; and

3. Does not qualify for service under any other established rate schedule based on the nature of the load, metering configuration, or customer classification, as determined by the City.

This rate is intended for unique service configurations where standard rate schedules are not practicable. The City reserves the right to determine eligibility for service under this rate.

B. *Net Monthly Rate.*

~~1. Determined by contractual agreement with the City.~~1. Customer Charge: $0.00 per month.

2. Energy Charge: $0.1205 per kWh.

3. Minimum Bill: $0.00 per month.

C. *Power Cost Adjustment.* The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. *Transmission Delivery Cost Adjustment.* The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. *Sales Taxes.* Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.065. Retail outdoor lighting service.

A. *Applicability.* This rate applies to all unmetered retail outdoor lighting services installed on the customer premises, including municipal premises.

B. *Installation and maintenance.* The customer must request in writing, and the City must approve in writing, any installation of retail outdoor lighting to be installed on the customer's premises. Further, the customer must pay for all costs associated with installation, including, but not limited to all materials, labor, and installation costs. For new installations, a customer must agree to a term of service of not less than one year. The City reserves the right in its sole discretion to refuse or discontinue service at locations where excessive maintenance or lamp replacements occur. The City will maintain all lighting facilities incidental to providing this service.

C. *Billing.* Customer shall be billed monthly for retail outdoor lighting service as set forth in the monthly rates in Subsection D. Service rendered under this rate is subject to the City's ~~rules~~Rules and ~~regulations~~Regulations.

D. *Monthly rate.* High pressure sodium (HPL) lighting:

1. 100 watt HPL or equivalent—$8.50 per month, per light.

2. 200 watt HP or equivalent L—$14.50 per month, per light.

3. 250 watt HPL or equivalent—$16.70 per month, per light.

4. 400 watt HPL or equivalent—$23.50 per month, per light.

E. *Power cost adjustment.* The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used or estimated, calculated in accordance with Section 13.04.075.

F. *Transmission delivery cost adjustment.* The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used or estimated, calculated in accordance with Section 13.04.080.

G. *Sales taxes.* Sales taxes, where applicable, will be charged to the customer in addition to the above rates.

Sec. 13.04.070. Municipal street lighting service fee.

A. Applicability. This fee applies to all residents within the corporate boundaries of the City.

B. Purpose. This fee shall pay for City-owned and operated street lighting on all dedicated public streets, highways, expressways, and thoroughfares within the City limits, from dusk to dawn, or as determined by the City in its sole discretion.

C. Monthly Fee. Streetlight fee per account within City limits: $2.40. In instances where a single account provides service to multiple units (like a master-metered property), the monthly fee shall be assessed per individual unit served by that account.

D. Service. The City will maintain all municipal street lighting facilities within the corporate boundaries of the City. Service rendered under this Section is subject to the City's ~~rules~~Rules and ~~regulations~~Regulations.

Sec. 13.04.071. Reserved.

Sec. 13.04.075. Power cost adjustment factor.

A. *Availability.* The Power Cost Adjustment Factor (PCAF) shall be applied uniformly to the sales to all customers of the City.

B. *Calculation Method.* The purpose of this schedule is to accurately recover from City customers the cost of wholesale power purchases in excess of the base amount included in the City's electric retail rate schedules. Wholesale power purchases shall not include transmission charges, ERCOT Fees, delivery charges, and any other delivery fees necessary. Wholesale power purchases shall include but are not limited to fuel charges and substation charges. All wholesale power cost realized above the base amount shall be billed by the City on its monthly bills as a power cost adjustment, determined in accordance with the provisions set forth below. Periodically, the City will compare the total amount of power cost adjustment revenue to the actual energy costs and adjust the power cost adjustment factor (PCAF). The General Manager of the Utility is responsible to set the PCAF to recover the shortfall from customers or to refund the excess to customers and will report the financial status of the electric fund to the Council on a quarterly basis.

The formula for calculation of the power cost adjustment factor is as follows:

$$PCAF = \frac{WC - (P)(K) - CF}{S}$$

C. *Definitions.*

PCAF = Power cost adjustment ($ per kWh) rounded to the nearest $0.0001/kWh

WC = Total cost of power, not including transmission charges, ERCOT Fees, and delivery charges purchased by the City from its supplier for the immediately preceding wholesale billing period ($).

(P) = Total energy (kWh) purchased by the City from its supplier for the immediately preceding wholesale billing period (kWh).

(S) = Total estimated sales (kWh) to City customers for the current City billing period (kWh).

(K) = Base wholesale power cost included in the City's retail electric rate schedules.

CF = Correction factor adjustment to be applied in the current City billing period to provide for correction of the variance between power cost adjustment expenses which should have been recovered and actual power cost adjustment revenues received for the immediately preceding City billing period prior to the current City billing period ($).

The formula for calculation of the correction factor (CF) is as follows:

CF = (A) - (B)

Where:

(A) = The actual power cost adjustment revenues in dollars received from power cost adjustment for the immediately preceding City billing period.

(B) = The actual wholesale power cost not including transmission, ERCOT, congestion charges and other fees associated with delivery in dollars paid by the City in excess of the base amount of wholesale power cost included in the City's electric retail rate schedules for the second preceding wholesale billing record.

Sec. 13.04.080. Transmission delivery cost adjustment factor.

A. *Availability.* The Transmission Delivery Cost Adjustment Factor (TDCAF) shall be applied uniformly to the sales to all customers of the City, except sales made to guard light or municipal streetlight services.

B. *Calculation Method.* The purpose of this schedule is to accurately recover from City customers the cost of the transmission and delivery of wholesale power purchases in excess of the base amount included in the City's electric retail rate schedules. Transmission and delivery shall include but is not limited to transmission charges, ERCOT Fees, delivery charges, and any other delivery fees necessary. All transmission delivery cost realized above the base amount shall be billed by the City on its monthly bills as a transmission delivery adjustment, determined in accordance with the provisions set forth below. Periodically, the City will compare the total amount of transmission delivery adjustment revenue to the actual transmission delivery costs and adjust the TDCAF. The General Manager of the Utility is responsible to set the TDCAF to recover any shortfall from customers and refund any excess to customers.

The formula for calculation of the transmission delivery adjustment factor is as follows:

$$TDCAF = \frac{TC - (P)(K) - CF}{S}$$

C. *Definitions.*

TDCAF = Transmission delivery cost adjustment ($ per kWh) rounded to the nearest $0.0001/kWh.

TC = Total estimated transmission delivery cost including but not limited to transmission charges, ERCOT Fees, congestion fees, ancillary costs, QSE fees and any other costs associated with delivery of wholesale power purchased by the City from its supplier for the immediately preceding wholesale billing period ($).

(P) = Total energy (kWh) purchased by the City from its suppliers for the immediately preceding wholesale billing period (kWh).

(S) = Total estimated sales (kWh) to City customers for the current City billing period (kWh).

(K) = Base transmission delivery cost included in the City's retail electric rate schedules ($0.0048 per kWh).

CF = Correction factor adjustment to be applied in the current City billing period to provide for correction of the variance between transmission delivery adjustment expenses which should have been recovered and actual transmission delivery adjustment revenues received for the immediately preceding City billing period prior to the current City billing period ($).

The formula for calculation of the correction factor (CF) is as follows:

CF = (A) - (B)

Where:

(A) = The actual transmission delivery adjustment revenues in dollars received from transmission delivery cost adjustment for the immediately preceding City billing period.

(B) = The actual transmission delivery costs in dollars paid by the City in excess of the base amount of transmission delivery cost included in the City's electric retail rate schedules for the second preceding wholesale billing record.

Sec. 13.04.081. ~~Reserved.~~ Curtailment, interruption of service, and ERCOT-related charges

A. No Guarantee of Uninterrupted Service. Electric service is provided subject to the availability of supply and system conditions. The City does not guarantee an uninterrupted supply of electric service.

B. Curtailment and Interruption Authority. The City reserves the right to curtail, reduce, or interrupt delivery of electric service to any customer, in whole or in part (each, a "curtailment event"), under any of the following circumstances:

1. In response to directives, protocols, or emergency actions issued by the Electric Reliability Council of Texas (ERCOT) or other applicable reliability authority due to system reliability needs;
2. During events of force majeure;
3. During unplanned outages, including but not limited to failure of transmission or distribution facilities, equipment malfunction, forced outages, or damage to infrastructure; or
4. During planned outages or maintenance activities.

All customers served by the City are subject to curtailment events.

C. Force majeure. "Force majeure" means an event or circumstance that:

1. Prevents a party from performing its obligations under this Article;
2. Is beyond the reasonable control of such party;
3. Was not reasonably foreseeable, or if foreseeable could not have been avoided through the exercise of due diligence;
4. Is not the result of such party's negligence or fault; and
5. Cannot be overcome or avoided through the exercise of due diligence.

D. Customer Compliance. Customers shall comply with all curtailment or interruption directives issued by the City during a curtailment event, including directives to reduce load, cease usage, or otherwise modify consumption as directed.

E. Liability for Non-Compliance. A customer who fails to comply with curtailment directives shall be responsible for any costs, charges, penalties, or liabilities incurred by the City as a result of such non-compliance, including but not limited to ERCOT uplift charges, securitization charges, settlement charges, penalties, fines, or other market-related costs imposed directly or indirectly on the City.

F. ERCOT settlement amounts and cost responsibility. All customers shall be responsible for costs and expenses incurred by the City associated with providing electric service that are attributable to such customer's load, including but not limited to: ERCOT settlement costs; sub-QSE fees; load ratio share charges; ERCOT administrative fees; Electric Reliability Organization fees; uplift charges to load; ancillary service costs; ERCOT miscellaneous invoices; and any other charges, fees, or costs assessed by ERCOT or any governmental authority (collectively, "ERCOT settlement amounts").

Such costs may include verifiably documented incremental administrative or procurement costs incurred by the City in serving the customer's load. Customers shall also be responsible for costs associated with energy usage that exceeds the customer's designated or reasonably expected load characteristics, including any additional costs incurred by the City to procure energy or ancillary services.

G. Market risk acknowledgment. Customers acknowledge that wholesale electric markets, including the ERCOT market, are subject to price volatility and regulatory change. Such risks may include, but are not limited to, exposure to day-ahead and real-time market prices, changes in ERCOT protocols or pricing structures, transmission constraints, generation availability, weather-related conditions, and changes in regulatory or market requirements. The City does not control such conditions and shall not be responsible for impacts to customer costs resulting from such conditions.

H. Disconnection for Non-Compliance. The City shall have the right to disconnect or otherwise limit electric service to enforce compliance with curtailment directives.

I. Limitation of Liability. The City shall not be liable for any damages resulting from curtailment, interruption, disconnection of service, or market-related costs. Customers shall not be relieved of their obligation to pay for electric service and associated charges during a curtailment event.

J. Governmental authority. "Governmental authority" means any federal, state, local, or municipal government, or any governmental, quasi-governmental, regulatory, or administrative agency, commission, or authority, including but not limited to ERCOT, the Public Utility Commission of Texas (PUCT), the Federal Energy Regulatory Commission (FERC), the North American Electric Reliability Corporation (NERC), or the Texas Reliability Entity.

Sec. 13.04.082. ~~Reserved~~ Customer responsibility for interference and damage to electric system.

A. Customer responsibility for system impacts. Customers shall operate their equipment and facilities in a manner that does not cause voltage fluctuations, disturbances, harmonics, waveform distortion, interference, or other conditions that adversely affect the City's electric system, other customers, or telecommunication facilities.

B. Determination of interference. If the City determines that a customer's equipment or operations are causing or contributing to such conditions, and such conditions are reasonably identified, documented, and capable of verification, the City may require the customer to take corrective action.

C. Corrective action required. The City may require the customer, at the customer's sole cost and expense, to install, operate, and maintain equipment or take other measures necessary to eliminate or mitigate such conditions, including but not limited to power conditioning equipment, filtering devices, or other corrective apparatus.

D. Failure to correct. If the customer fails to take corrective action within a reasonable period after notice from the City, the City shall have the right to take such actions as it deems necessary to protect the electric system and other customers, including but not limited to:

1. Implementing operational restrictions;
2. Temporarily disconnecting or limiting electric service; or
3. Undertaking corrective measures directly.

The customer shall be responsible for all expenses incurred by the City in connection with such actions.

E. Immediate disconnection for safety. The City may disconnect electric service immediately and without prior notice if the customer's equipment or operations create conditions that pose an imminent threat to the safety of persons, the integrity of the electric system, or the protection of property.

F. Limitation of liability. The City shall not be liable for any damages resulting from actions taken under this section.

Sec. 13.04.083. ~~Reserved~~Demand response and third-party load commitments.

A. Applicability. This section applies to customers served under the Large Commercial and Industrial, Very Large Commercial and Industrial, or any electric service agreement rate or service arrangement, and to any other customer whose load the City determines may affect wholesale power supply, ERCOT settlement, system reliability, or City resource obligations.

B. City Consent Required.: Customer shall not enroll in, participate in, or otherwise commit Load served to any Demand Response Program, including (i) current or future ERCOT programs as a Load Resource or Controllable Load Resource, or in Emergency Response Service or (ii) other third-party demand response programs without the prior written consent of City, which consent City may withhold in its sole discretion..

a. Maximum Permissible Load Participation. To the extent that City consents to Customer's participation in ERCOT or other third-party Demand Response Programs, Customer shall obtain the required authorization and approval from the City at least annually, including the Non-Opt-In Entity ("**NOIE**") form or the appropriate authorization from the City, to participate in any demand-side management or load-provided service programs offered by ERCOT or any other third party, and City will determine, in its sole discretion, the maximum permissible participation by Customer in such programs ("**Maximum Permissible Load Participation**"). City has the right to withdraw attestation of NOIE authorization or its approval of participation in any DR program or adjust the Maximum Permissible Load Participation at any time. Customer shall be responsible for all metering and QSE requirements in connection with such programs and shall comply with the requirements for participation in such programs

b. Customer shall be solely responsible for all liabilities, costs, expenses and penalties in connection with Customer's participation in these programs.

C. Customer Minimum Load.

a. Customer shall be required to maintain a minimum base Load (the "**Customer Minimum Load**"), which represents the Customer's load shed obligations to meet their portion of the City's overall load shed obligations.. This amount of Load may not be eligible to participate in DR Programs, as the Load must be available to shed during ERCOT emergency events. The Customer Minimum Load amount may be updated by the City in its sole discretion. If Customer use falls below any Customer Minimum Load, City reserves the right to assess penalties Notwithstanding the foregoing, the Parties recognize that the foregoing minimum load requirement of Customer during emergency events is subject to actual ERCOT Protocols and Applicable Law at the time of the event, which ERCOT and any other Governmental Authority may revise from time to time, and Customer agrees to comply with the actual ERCOT Protocols and Applicable Law at the time of the event and any applicable revisions to the ERCOT Protocols or Applicable Law. City and Customer will comply with all emergency load shedding obligations imposed by ERCOT, Applicable Law and any Change in Law related to the provision of retail electric service to Customer.

b. Customer shall maintain any Customer Minimum Load at all times (24/7/365) until instructed by City for interruption to meet a load shed requirement. If Customer fails to maintain its Customer

Minimum Load at any time during an ERCOT settlement interval in which a Customer Minimum Load is required, then Customer shall pay as a liquidated remedy for such failure, within thirty (30) days of notification of violation by City, a deficiency amount for the deficiency period which shall be measured as the difference between (x) the Customer Minimum Load and (y) the lowest actual Customer Load during such settlement interval, times the ERCOT HCAP, summed for all affected settlement intervals during the applicable payment period. The Customer Minimum Load shall be measured at the Point of Service..

D. Interruption of Service and Participation in DR Programs. City shall have the right in its sole discretion to curtail or interrupt Service to Customer without liability to Customer for any reason, including but not limited to Customer's inability to participate and perform in DR Programs during such curtailment.

E. Conditions of Consent. The City may condition consent on metering, telemetry, operational controls, scheduling protocols, communication requirements, financial assurance, indemnity, or other requirements necessary to protect the City, its customers, and the electric system.

F. Customer Responsibility. A customer that participates in a demand response program without City consent, or fails to comply with conditions of consent, shall be responsible for all costs, charges, penalties, settlement amounts, losses, or liabilities incurred by the City arising from such participation or failure.

G. Participation in any demand response program shall not limit the City's right to curtail, interrupt, reduce, or disconnect service in accordance with the City's Rules and Regulations, ERCOT requirements, or the customer's electric service agreement.

Sec. 13.04.084. Energy efficiency and energy conservation fee.

A. Availability. This monthly fee will be charged to all electric meters for all rate classes.

B. Monthly Rate.

Rate Class	Fee
Residential	$1.00
Net Energy Metering—Residential	$1.00
Small General	$1.00
Net Energy Metering—Small General	$1.00
School	$5.00
Municipal Water and Wastewater Pumping	$5.00
Municipal	$5.00
Large General	$10.00
Commercial & Industrial	$15.00
Large Commercial & Industrial	$25.00
Very Large Commercial & Industrial	$25.00

C. Sales taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above fee.

D. Use of Funds. Use of funds collected from the energy efficient and energy conservation fee, including all funds previously collected pursuant to this Section, shall be limited to energy efficiency and conservation program costs, activities, and financial incentives, including, but not limited to the following:

1. Program Design and Administration Costs.

a. Staffing and Administrative Costs. Salaries and benefits for program managers, coordinators, analysts, and administrative support personnel, along with the associated administrative costs to support such personnel.

b. Consulting Fees. Costs for hiring external consultants or firms to assist with program design, evaluation, and implementation.

2. Incentives and Rebates.

a. Direct Incentives. Payments or rebates provided to consumers, businesses, or utilities for adopting certain energy-efficient technologies or practices.

b. Equipment. Costs for purchasing and dispersing certain energy-efficient appliances to certain customers.

3. Marketing and Outreach Costs.

a. Public Awareness Campaigns. Costs associated with advertising, media outreach, and educational materials to promote energy efficiency among consumers and businesses.

b. Workshops and Training. Expenses related to organizing workshops, seminars, and training sessions for stakeholders related to energy-saving practices.

4. Evaluation and Measurement Costs.

a. Impact Evaluation. Costs associated with conducting studies or evaluations to measure the effectiveness and outcomes of energy efficiency programs.

b. Data Collection. Expenses for collecting and analyzing data related to energy consumption, savings, and program participation.

5. Regulatory and Compliance Costs. Fees or costs associated with regulatory filings, compliance reporting, and meeting regulatory requirements set by state or local authorities.

6. Long-Term Maintenance and Monitoring Costs. Costs associated with ongoing maintenance, monitoring, and evaluation of installed energy-efficient measures or technologies.

Sec. 13.04.085. Reserved.

Sec. 13.04.090. Reserved.

Secs. 13.04.095, 13.04.100. Reserved.

Sec. 13.04.010. Rates and charges—Electricity—Schedule.

The monthly rates and charges for the sales made of services rendered by the electric system of the City are established, levied, fixed, and prescribed as set forth in Sections 13.04.010 through 13.04.100. Electric service rendered under this Article is subject to the City's Rules and Regulations, engineering standards and service standards.

By applying for or accepting electric service, the customer shall provide the City access to the customer's premises and electric facilities as necessary for the installation, inspection, operation, maintenance, repair, replacement, reading, disconnection, or removal of City facilities, meters, and equipment, subject to the City's Rules and Regulations. The City may require easements, access rights, or other documentation as a condition of service where necessary to provide safe and reliable service.

Sec. 13.04.011 Definitions

For purposes of this Article, the following terms shall have the meanings set forth below:

1. **Actual Demand.** Actual Demand means the maximum rate at which electric energy is used by a customer, expressed in kilowatts (kW), and measured over a 15-minute interval during the billing period, or such other interval as established by the City's metering standards. Demand is a measure of power and is not a measure of total energy consumption.

2. **Allocated Capacity.** Allocated Capacity means the maximum allowed distribution infrastructure capacity designed and allocated to the Facility based on the Customer's specified load requirements, including Peak Demand and energy needs. This capacity ensures sufficient distribution capacity to meet Peak Demand under normal operating conditions, including substation and feeder capacity.

3. **Billed Demand.** Billed Demand means the kilowatt (kW) demand used to calculate the customer's demand charge under the applicable rate schedule. Billed Demand may be based on measured Peak Demand, minimum demand, ratcheted demand, power factor adjustment, or other provisions of the applicable rate schedule or electric service agreement.

4. **City**. The City of Georgetown, Texas, [a home rule municipal corporation that owns and operates a municipal electric utility system known as Georgetown Utility Systems].

5. **City's Rules and Regulations**. City's ordinances, policies, rate schedules, including description of utility services, billing adjustments, policies, service rules and regulations, and other regulatory measures enacted or adopted by City, including its departments, boards and commissions, as may be amended from time to time by the City in its sole discretion, all said regulations being duly adopted.

6. **Connected Load.** Connected Load means the combined electrical capacity or rating of the customer's motors, equipment, appliances, devices, and other electric-consuming facilities that are or will be connected to the customer's electrical system, whether expressed in kilowatts (kW), kilovolt-amperes (kVA), horsepower, amperes, or other electrical units, as converted or evaluated by the City.

7. **Customer or customer**. A person who is currently receiving retail electric service from City in the person's own name or the name of the person's spouse, or the name of an authorized representative of a partnership, corporation, or other legal entity receiving retail electric service from City.

8. **Design Load.** Design Load means the City's estimate of the customer's expected maximum demand, expressed in kilowatts (kW), after applying applicable diversity factors, operating assumptions, and engineering judgment to the customer's Requested Load, Connected Load, and

Load Analysis. Design Load may be used to determine initial rate classification, transformer size, service requirements, and other facilities necessary to serve the customer.

9. **Installed Capacity.** Installed Capacity means the maximum allowed distribution infrastructure capacity, including site-specific infrastructure, designed and installed by City at the Facility and designated to serve the Customer's load requirements, including Peak Demand and energy needs. This capacity ensures sufficient distribution capacity to meet Peak Demand under normal operating conditions. Installed Capacity includes substation and feeder capacity. Installed Capacity may be expressed in kilowatts (kW) or kilovolt-amperes (kVA).

10. **Load Analysis.** Load Analysis means the documentation, engineering review, and evaluation used by the City to determine expected load characteristics, service requirements, rate classification, metering requirements, transformer sizing, system impacts, and any required customer-specific facilities. A Load Analysis may include Requested Load, Connected Load, operating schedules, diversity factors, power factor, motor-starting characteristics, load factor, planned expansions, and other information required by the City.

11. **Peak Demand.** Peak Demand means the highest Actual Demand recorded for a customer during the applicable billing period, expressed in kilowatts (kW), and measured over a 15-minute interval, or such other interval as established by the City's metering standards.

12. **Requested Load.** Requested Load means the total electrical load requested by the customer or the customer's representative as part of a service request, Load Analysis, Electric Line Extension, and Electric Metering Policy application, plans, specifications, or other documentation submitted to the City. Requested Load may include existing load, proposed load, future load, and any planned expansion identified by the customer.

Sec. 13.04.012. Customer classification and demand determination.

A. Customer Classification

1. Regardless of Design Load, Actual Demand, Installed Capacity, or other classification criteria, a customer shall be assigned to the rate schedule applicable to the premises' final intended use, which may differ from the use during construction, as determined by the City from the customer's application and other reasonably required documentation.

B. Initial Rate Classification

1. For new or modified service under 2,000 kW, the City shall assign the applicable rate class based on the customer's Design Load, as determined from the customer's Load Analysis, except as otherwise provided herein.

2. For new or modified service with a Design Load of 2,000 kW or greater, the City shall assign the applicable rate class based on the customer's Installed Capacity or Allocated Capacity on the date of initial energization, as determined solely by the City.

3. For Customers requesting service at existing premises, the City shall not automatically assign the prior customer's rate classification. The City shall consider the following in determination the appropriate rate classification:

   i. If the new customer's expected use is substantially similar to the prior use, the City may use recent demand history to establish the initial rate classification.

   ii. If demand history is unavailable or not representative, the City may require a Load Analysis and classify the customer based on Design Load or Installed Capacity, as applicable. Existing meters, transformers, or other service facilities do not determine the customer's rate classification or service entitlement.

iii. The City may require the customer, at the customer's expense, to make or fund electric distribution infrastructure changes necessary to provide safe and reliable service and comply with the City's service and engineering standards.

iv. The City may reclassify the customer's initial rate classification based on actual usage and Demand data as outlined in Section C below.

C. Rate Class Reclassification based on Demand

1. This subsection applies only to customers with a Design Load or Installed Capacity under 2,000 kW.

2. The City shall reclassify a customer to a higher rate class if the customer's Actual Demand exceeds the applicable demand threshold for that rate class in three (3) or more billing periods within a consecutive twelve (12) month period . The City may require the customer, at the customer's expense, to make or fund electric distribution infrastructure changes necessary to provide safe and reliable service and comply with the City's service and engineering standards.

3. Upon customer's request, the City may reclassify a customer to a lower rate class if the customer's Actual Demand remains below the applicable demand threshold for twelve (12) consecutive months. The City may require the customer, at the customer's expense, to make or fund electric distribution infrastructure changes necessary to provide safe and reliable service and comply with the City's service and engineering standards.

4. Reclassification shall be applied prospectively beginning with the next billing cycle following determination by the City and shall not be applied retroactively.

5. A customer shall not operate electric load in excess of its Installed Capacity, Allocated Capacity, contract demand, or other capacity limit established by the City without the City's prior written approval. If a customer exceeds such limit, the City may require load reduction, additional infrastructure, additional credit support, revised forecasts, a revised electric service agreement, payment of all incremental costs, or a separate service arrangement. The customer shall be responsible for all costs, charges, penalties, ERCOT settlement amounts, procurement costs, infrastructure costs, and administrative costs incurred by the City as a result of such excess load.

6. A customer shall not be eligible for a reduction in rate class based on Actual Demand if the customer has incurred two or more delinquencies within the preceding twelve-month period.

Sec. 13.04.015. Residential service.

A. Availability. This schedule is available to single-phase residential customers for all domestic uses in residences, individual family apartments, and private rooming houses. This schedule is not available to single metered multi-family dwellings. For residential customers other than single-phase, the City, at its sole discretion, may review and apply another appropriate rate schedule for such customer. .

Where a portion of a residential unit is used for nonresidential purposes, the appropriate nonresidential service schedule is applicable to all uses of electric service. However, this rate schedule may be applied to the residential portion of such use provided the customer's wiring is so arranged that use of the electric service for residential purposes can be metered separately from the nonresidential use. Service rendered under this rate is subject to the City's Rules and Regulations.

B. Net Monthly Rate.

1. Customer Charge: $25.32 per month.

2. Energy Charge: $0.0978 per kWh.

3. Minimum Bill: $25.32 per month.

4. Multiple Dwelling Units. Where served under one meter shall be billed under the applicable commercial rate.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

F. Residential customers may request a low-income electric discount that is 30 percent below the current customer charge (base rate) as follows:

1. Request for low-income discount must be made in writing.
2. To qualify for the discount, customer or a permanent resident in the household must participate in the Medicaid Program or such other federal, state, and local government entitlement programs that meet the 200 percent Federal Poverty Income Level (FPIL) eligibility guidelines and are approved by City, and provide verifiable proof of that participation, such as an award letter or other official documentation.
3. Requests for the low-income discount must be renewed annually.

Sec. 13.04.018. Net energy metering (NEM) service.

A. Availability. Available to residential and small general service customers within the City's electric service area that own distributed energy resource (DER) facilities.

The following requirements must be met for customers to be served under NEM:

- Customer has executed an interconnection agreement with City, and City has approved their completed net metering service application.
- DER facility is customer owned and powered by a renewable resource, including, but not limited to, solar, wind, and geothermal sources.
- For all DER facilities approved by the City after October 1, 2020, the DER facility's Installed Capacity must be no greater than ten kW-DC (kilowatts direct current) and receive service at 600 volts or less.
- DER facility is located at the customer's premises, or that is appropriately connected to City's electric distribution system, as solely determined by City.

B. Metering. For DER installations before June 22, 2021, customers served under NEM will have two electric meters installed by City at the customer's premises: a DER Meter, which measures the total amount of generated electricity from the customer's DER facility, and a bi-directional meter that measures both the volumetric energy and renewable energy - received, as defined herein. These bi-directional meter readings are used for generating the NEM customer's monthly bill. For all DER installations for NEM customers after June 22, 2021, DER meters are not required; only bi-directional meters will be installed.

C. Meter Definitions.

"Bi-directional meter." An electric meter with separate registers that measures and records, on an interval basis, the flow of electricity from City to the NEM customer (volumetric energy) as well as the flow of electricity from the customer's DER facility to City (renewable energy - received), as applicable.

"DER Meter." The DER meter measures the total amount of energy generated by the customer's DER facility. The meter records "renewable energy - generated."

D. Energy Definitions.

"Renewable energy generated." The total energy produced by the customer's DER facility for the billing period, as measured and recorded by the DER meter. No charges or credits are associated with the renewable energy - generated. This information is provided to City, and is identified on the customer's bill, for informational purposes only.

"Renewable energy received." Any excess metered energy generated from the customer's DER facility that is not used on-site at the customer's premises and flows back to City during a billing cycle. The renewable energy - received is measured by the bi-directional meter and recorded on an interval basis. City pays NEM customers a credit per kilowatt hour of the renewable energy - received.

"Volumetric energy." The amount of metered energy delivered by City to the customer's premises during a billing cycle. This value is measured by the bi-directional meter and recorded on an interval basis. NEM customers pay City per kilowatt hour for volumetric energy.

E. Charges for Service Definitions.

"Base rate." The base rate is the customer charge for the applicable customer class in which the NEM customer exists. The base rate is a per customer charge on a $/month basis.

"Volumetric energy charge." The volumetric energy charge is the energy charge for the applicable customer class in which the NEM customer exists. The volumetric energy charge is applied to the volumetric energy on a $/kWh basis.

"Renewable energy received credit." The renewable energy - received credit is an energy rate ($/kWh) applied to the NEM customer's renewable energy - received. City pays NEM customers a credit per kilowatt hour for renewable energy - received. The credit on the customer's bill is subject to the limitations discussed in item I.

"Power cost adjustment (PCA)." The PCA charge under this rate schedule shall be increased or decreased to reflect the application of a PCA per kWh of energy delivered by City (volumetric energy) during the billing cycle, as calculated in accordance with Section 13.04.075.

"Transmission delivery cost adjustment (TDCA)." The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy delivered by City (volumetric energy), as calculated in accordance with Section 13.04.080.

F. Reserved.

G. Monthly Rates for NEM Customers. Rates are subject to change as described herein.

Residential Service:

1. Base Rate: $25.32 per month.

2. Volumetric Energy Charge: $0.0978 per kWh.

3. Renewable Energy. The received credit shall be calculated on an annual basis according to the following formula:

$$Credit\left(\frac{\$}{kWh}\right) = \frac{Weighted\ Avg.\ Market\ Price\left(\frac{\$}{kWh}\right) + Avg.Transmission\ Capacity\ Cost\ (\frac{\$}{kWh})}{1 - Losses\ (\%)}$$

Where "weighted avg. market price" represents the previous year's weighted average locational marginal prices coincident with solar producing hours at the Electric Reliability Council of Texas (ERCOT) South Load zone. The periods coincident with ERCOT and/or Public Utility Commission of Texas declared controlled outages and/or grid emergencies are not included in the weighted avg. market price calculation. The "avg. transmission capacity cost" represents the previous year's average transmission-cost-of-service (TCOS) charges ($/kWh) paid by the Utility for transmission, and "losses" represents the most recently calculated value for City's distribution system losses as a percent.

4. PCA: (as determined in Section 13.04.075).

5. TDCA: (as determined in Section 13.04.080).

Small General Service:

1. Base Rate as a City Electric Customer: $51.05 per month.
2. Volumetric Energy Charge: $0.0921 per kWh.
3. Renewable Energy. The received credit shall be calculated on an annual basis according to the following formula:

$$Credit\left(\frac{\$}{kWh}\right) = \frac{Weighted\ Avg.\ Market\ Price\left(\frac{\$}{kWh}\right) + Avg.Transmission\ Capacity\ Cost\left(\frac{\$}{kWh}\right)}{1 - Losses\ (\%)}$$

Where "weighted avg. market price" represents the previous year's weighted average locational marginal prices coincident with solar producing hours at the Electric Reliability Council of Texas (ERCOT) South Load zone. The periods coincident with ERCOT and/or Public Utility Commission of Texas declared controlled outages and/or grid emergencies are not included in the weighted avg. market price calculation. The "avg. transmission capacity cost" represents the previous year's average transmission-cost-of-service (TCOS) charges ($/kWh) paid by the Utility for transmission, and "losses" represents the most recently calculated value for City's distribution system losses as a percent.

4. PCA: (as determined in Section 13.04.075).
5. TDCA: (as determined in Section 13.04.080).

H. Renewable Energy—Received Credit—Annual Update. The renewable energy - received credit will be reviewed and may be adjusted on an annual basis by City according to the formula above.

I. Limit on Renewable Energy—Received Credit. For a billing cycle, and for the purposes of calculating the renewable energy - received credit, the excess renewable energy (kWh) City receives from NEM customers cannot be greater than the volumetric energy (kWh) City delivers to the customer's premises. Renewable energy - received that is in excess of the volumetric energy during the billing cycle is not eligible for compensation to the NEM customer by City. Such excess energy may not be banked by the NEM customer nor rolled over to the following or future billing period(s). Further, such excess energy cannot be utilized to offset other City charges on the NEM customer bill.

J. Sales Taxes. Sales taxes, where applicable, will be charged to the customer, as appropriate, in addition to the above rates.

Sec. 13.04.020. Small general service.

A. Availability. Applicable to nonresidential customers whose Actual Demand is equal to or less than 49 kilowatts (kW) and whose uses are not covered by another specific rate schedule.

B. Net Monthly Rate.

1. Customer Charge: $51.05 per month.
2. Energy Charge: $0.0921 per kWh.
3. Minimum Bill: $51.05 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.025. School services.

A. Availability. Applicable to electric service provided to a school, defined as an educational institution that is recognized, accredited, or otherwise authorized by the State of Texas, including but not limited to:

1. Public school districts and open-enrollment charter schools governed under the Texas Education Code; and
2. Institutions of higher education recognized by the Texas Higher Education Coordinating Board.

Eligibility for service under this rate shall be determined by the City based on documentation demonstrating such recognition or authorization under applicable state law.

Electric service provided to facilities or portions of facilities used for non-educational, commercial, residential, or revenue-generating purposes shall be separately metered and billed under the applicable rate schedule. If such uses are not separately metered, the City may determine the appropriate rate classification.

B. Net Monthly Rate.

1. Customer Charge: $204.02 per month.
2. Energy Charge: $0.1174 per kWh.
3. Minimum Bill: $204.02 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.030. Municipal water and wastewater pumping service.

A. Availability. Applicable to City-owned facilities with electric service furnished for water and wastewater pumping. Service rendered under this rate is subject to the City's Rules and Regulations.

B. Net Monthly Rate.

1. Customer Charge: $199.10 per month.
2. Energy Charge: $0.04600 per kWh.
3. Demand Charge: $19.99 per kW per month.
4. Minimum Bill: $199.10 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Primary Voltage Discount.

Primary Voltage is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.

A Primary Voltage Customer is a customer that receives electric service directly from the City's electric distribution system at 24.9 kV / 14.4 kV.

1. Applicable to Municipal water and wastewater pumping service locations that receive electric service at primary distribution voltage and that own, operate, and maintain all facilities on the customer side of the point of interconnection, including but not limited to transformation, protection, and distribution equipment.

2. Monthly Demand Discount Rate. Primary voltage customers' Actual Demand will be reduced (credited) by $2.24/kW.

F. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.035. Large general service.

A. Availability. Applicable to nonresidential customers whose Actual Demand is equal to or greater than 50 kilowatts (kW) but less than 499 kilowatts (kW), and whose uses are not covered by another specific rate schedule, as determined in accordance with Section 13.04.012.

B. Net Monthly Rate.

1. Customer Charge: $178.68 per month.

2. Energy Charge: $0.0668 per kWh.

3. Demand Charge: $11.23 per kW per month, but not less than $561.50 per month.

4. Minimum Bill: $740.18 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Minimum Bill. The minimum bill for Large general service shall consist of the customer charge plus the minimum Billed Demand charge.

F. Minimum Billed Demand. The minimum demand for the Large general service class is 50 kW.

G. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.040. Commercial and industrial (C&I).

A. Availability. Applicable to nonresidential customers whose Actual Demand is equal to or greater than 500 kilowatts (kW) but less than 1,999 kilowatts (kW), and whose Installed Capacity is less than 2,000 kVa, and whose uses are not covered by another specific rate schedule, as determined in accordance with Section 13.04.012.

B. Net Monthly Rate.

1. Customer Charge: $357.35 per month.

2. Energy Charge: $0.0577 per kWh.

3. Demand Charge: $16.34 per kW per month, but not less than $8,170.00 per month.

4. Minimum Bill: $8,527.35 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Minimum Bill. The minimum bill for commercial and industrial service shall consist of the customer charge plus the minimum demand charge.

F. Minimum Billed Demand. The minimum demand for the commercial and industrial class is 500 kW.

G. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.045. Large commercial and industrial (C&I) service

A. Availability. Applicable to non-residential customers whose Installed Capacity or Allocated Capacity is equal to or greater than 2,000 kilowatts (kW) but less than 9,999 kilowatts (kW), as determined in accordance with Section 13.04.012. The City reserves the right in its sole discretion to require certain customers eligible for this rate schedule to enter into an electric service agreement with the City ("Electric Service Agreement").

B. Monthly Rate.

1. Customer Charge: $520.71 per month.

2. Energy Charge: $0.0543 per kWh.

3. Demand Charge: $19.65 per kW per month but not less than $39,300.00 per month.

4. Minimum Bill: $39,820.71 per month.

C. Power Cost Adjustment. The power cost adjustment charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The transmission delivery cost adjustment charge under this rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Minimum Bill. The minimum bill for large commercial and industrial service shall consist of the customer charge plus the minimum demand charge.

F. Minimum Billed Demand. The minimum demand for the large commercial and industrial class is 2,000 kW.

G. Power Factor. Should the power factor be lower than 0.95 lagging, the City may adjust the Billed Demand (kW) by the ratio of target power factor in the numerator (0.95) divided by the actual power factor in the denominator (less than 0.95). If the power factor ratio is greater than a value of 1.0, it will be multiplied by the billing cycle's Billed Demand applicable to the customer.

H. Primary Voltage Discount.

Primary Voltage is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.

A Primary Voltage Customer is a customer that receives electric service directly from the City's electric distribution system at 24.9 kV / 14.4 kV.

1. Applicable to large commercial and industrial customers that receive electric service at primary distribution voltage and that own, operate, and maintain all facilities on the customer side of the point of interconnection, including but not limited to transformation, protection, and distribution equipment.
2. Monthly Demand Discount Rate. Primary voltage customers' Actual Demand will be reduced (credited) by $2.11/kW.
3. Minimum Bill. The minimum bill for primary voltage customers will be based on the minimum bill for their applicable customer class, as described herein. To the extent that the minimum bill includes the demand charge, calculation of the demand charge will reflect the applicable monthly demand discount rate.
4. Primary Voltage Discount Update. The primary voltage discount will be reviewed and may be adjusted periodically as determined by the City.

I. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.0451. Month-to-Month Large Commercial & Industrial Service.

A. Availability. Applicable to any customer who is required to enter into an Electric Service Agreement and fails to do so within a reasonable period of time, as determined by the City. The customer shall be subject to all provisions herein, as well as the following applicable rates. The customer shall be billed under the Month-to-Month Large Commercial & Industrial Service rates set forth below. Such rates are intended to recover the City's costs, risks, and administrative burdens associated with serving a very large load without agreed forecasting, credit support, operational controls, and wholesale market protections. Month-to-Month Large Commercial & Industrial Service shall continue until an electric service agreement is executed by both the City and the customer or service is otherwise terminated in accordance with this Article and the City's Rules and Regulations.

These rates will be in effect for Customer's electric service until such time as an Electric Service Agreement is signed by both Customer and City, at which time the rates provided in the Electric Service Agreement will apply. The City will make a good-faith effort to complete its review of the Electric Service Agreement and obtain approval in a timely manner.

B. Monthly Rate.

1. Customer Charge: $520.71 per month.
2. Energy Charge: $0.08755 per kWh.
3. Demand Charge: $19.65 per kW per month subject to Billed Demand as outlined in Section G below.
4. Minimum Bill: $39,820.71 per month.

C. Power Cost Adjustment. The power cost adjustment charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The transmission delivery cost adjustment charge under this rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Minimum Bill. The minimum bill for large commercial and industrial service shall consist of the customer charge plus the minimum demand charge.

F. Minimum Billed Demand. The minimum demand for the large commercial and industrial class is 2,000 kW.

G. Power Factor. Should the power factor be lower than 0.95 lagging, the City may adjust the Billed Demand (kW) by the ratio of target power factor in the numerator (0.95) divided by the actual power factor in the denominator (less than 0.95). If the power factor ratio is greater than a value of 1.0, it will be multiplied by the billing cycle Billed Demand applicable to the customer.

H. Primary Voltage Discount.

Primary Voltage is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.

A Primary Voltage Customer is a customer that receives electric service directly from the City's electric distribution system at 24.9 kV / 14.4 kV.

1. Applicable to large commercial and industrial customers that receive electric service at primary distribution voltage and that own, operate, and maintain all facilities on the customer side of the point of interconnection, including but not limited to transformation, protection, and distribution equipment.
2. Monthly Demand Discount Rate. Primary voltage customers' Actual Demand will be reduced (credited) by $2.11/kW.
3. Minimum Bill. The minimum bill for primary voltage customers will be based on the minimum bill for their applicable customer class, as described herein. To the extent that the minimum bill includes the demand charge, calculation of the demand charge will reflect the applicable monthly demand discount rate.
4. Primary Voltage Discount Update. The primary voltage discount will be reviewed and may be adjusted, as determined by the City.

I. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.046. Very large commercial and industrial (C&I) service.

A. Availability

1. Applicable to nonresidential customers whose Installed Capacity is equal to or greater than 10,000 kW but less than 49,999 kW, including classification based on Installed Capacity where applicable.
2. Customers served under this rate shall be required to receive electric service directly from City's electric distribution system at "Primary Voltage" and they are eligible for the "Primary Voltage Discount"

   "Primary Voltage" is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.
3. Customers served under this rate shall be required, as determined by the City, to enter into an electric service agreement, provide load forecasts, or meet additional operational, metering, or financial requirements necessary to support service to large loads and participation in wholesale power markets.
4. Customers shall enter into an Electric Service Agreement (ESA) with a maximum term of three (3) years, including any renewals, unless terminated in accordance with the ESA. In order to maintain a guarantee of future electric service capacity, the ESA must be signed, and the customer must comply with all Line Extension policy requirements and other obligations required within the ESA.

5. As a condition of initial or continued service under this rate, the City may require, prior to energization, execution of an electric service agreement, completion of all required studies, installation of required metering and telemetry, satisfaction of all credit and performance assurance requirements, payment of all applicable fees or contributions, and demonstration that the customer's operation will not adversely affect system reliability or other customers.

6. If a customer's Installed Capacity exceeds 49,999 kW, the City may require the customer to take service under a separate service arrangement and a separate rate schedule.

7. Service rendered under this rate is subject to the City's Rules and Regulations, provided that Section 13.04.230 shall not apply.

8. If Customer fails to utilize the full Initial Infrastructure Capacity, the full Additional Infrastructure Capacity, or the full amount of any Expansion Request for six (6) consecutive months during the applicable Service Agreement for Electric Service period, then to the extent such capacity is not utilized, City shall have the right in its sole discretion to use the available feeder and substation capacity to serve other customers. Customer's utilization of capacity shall be the maximum kilowatt demand established by Customer for any fifteen (15) minute period during the month, as indicated or recorded by a demand meter.

B. Energy Forecast. By the tenth of each month prior to and after beginning service, Customer must submit to the City an energy forecast of its projected energy usage for the following six months. This energy forecast is a projection of the future forecasted energy consumption by Customer and shall be in the form of an hourly energy profile of expected energy consumption (kWh) for each hour of the following six months.

C. Failure to Submit Energy Forecast. Any Customer who fails to submit an energy forecast when due shall be subject to interruption or termination of electric service, and any other remedies available to the City under its Rules and Regulations. In addition, the City shall have the right to forecast the customers' projected energy load for the energy forecast term, subject to other provisions in this Section 13.04.046.

D. Invoices. Invoices are due and payable immediately upon receipt and considered late if not paid within five days after receipt. The City immediately applies any cash prepayment amount (defined below) or draws on any letter of credit provided by the customer for any late or unpaid amounts owed to the City by the customer, or take any other action provided for under the City's Rules and Regulations. If a Customer needs additional time to pay an invoice, they may post an additional Prepayment Amount to ensure minimum required prepayment balances are constantly maintained. VLC&I customers shall enroll in and maintain electronic billing (e-bill) for all electric service accounts. Delivery of bills by mail shall not extend, delay, or otherwise affect the date a bill is issued, received, or due.

E. Prepayment Amount. Prior to activation of electric service, customer shall provide to the City a minimum cash prepayment amount ("prepayment amount") equal to three months of the highest projected total cost of energy deliveries pursuant to the Electric Service Agreement and this rate schedule, including the customer charge, energy charge, billed demand, power cost adjustment, energy rate rider, transmission delivery cost adjustment, and any other authorized charges. The billed demand shall be calculated pursuant to Section O below, the applicable billed demand multiplied by three months or such additional period of time as the City may require ("prepayment term"). The City shall apply the prepayment amount monthly to the customer's invoice for electric service, and the customer shall pay any amounts owed to the City in addition to the prepayment amount and replenish the prepayment amount each month equal to the amount of the then-current prepayment amount for the then-current prepayment term. The City reserves the right to require additional amounts above the prepayment amount based on the creditworthiness of the customer, energy market volatility, previous payment defaults, or business history of the customer, each as determined by the City in its sole discretion. Any prepayment amounts under this Section 13.04.046 (Very large commercial and industrial service) shall not bear interest and shall be applied to each invoice and replenished by the customer in accordance with this subsection (E). The prepayment amount shall remain in place until December 31 of the year following the year of the

termination date, and Customer's payment in full to City of verifiably documented charges attributable to providing the service prior to termination of this Agreement, including, but not limited to demand charges assessed by ERCOT for usage during peak demand periods.

F. Credit Support. In addition to the prepayment amount in Section E, Customer shall also provide performance assurance pursuant to Section G herein in an amount equal to or greater than three months of the projected revenues to City based on the highest three months of customer's energy forecast. The performance assurance shall remain in place until December 31 of the year following the year of the termination date, and customer's payment in full to City of verifiably documented charges attributable to providing the service prior to termination of this agreement, including, but not limited to demand charges assessed by ERCOT for usage during peak demand periods.

G. Performance Assurance. Customer shall provide to the City either an unconditional irrevocable letter of credit ("letter of credit") or a form of guarantee approved by City ("parental guarantee") letter of credit and parental guarantee are collectively referred to as "performance assurance." Both the letter of credit and the parental guarantee must: (1) be made payable to the City; (2) require at least 60 days written notice to the City upon nonrenewal or termination; and (3) allow for immediate draw by the City for the nonpayment of any invoice by the due date or any other payment default by customer. In the event the City applies all or part of the performance assurance related to any late payment or nonpayment by customer, or any other payment default by the customer, the City may immediately request additional performance assurance from customer in order for the continuance of electric service by the City.

1. The letter of credit shall comply with V.T.C.A., Business and Commerce Code § 5.106 issued by a bank or financial institution with a minimum credit rating of A-from S&P or Fitch, or a minimum rating of A3 from Moody, and that has a physical location or address in the United States in which the letter of credit can be drawn, and that is otherwise acceptable to the City in its sole discretion. The City reserves the right in its sole discretion to require an increase in the amount of the letter of credit, including, but not limited to an increase based on market volatility, creditworthiness of the customer, previous payment defaults, or business history of the customer.

2. A Customer may only provide a parental guarantee if the corporate, or other entity, providing such guarantee has an investment grade rating at least one notch above Baa3 by Moody's, BBB-by S&P Global or BBB- by Fitch Ratings. In the event that the entity providing the parental guarantee drops below investment grade, customer must replace the parental guarantee with a letter of credit within two business days. The City reserves the right in its sole discretion to require an increase in the amount of the parental guarantee, including, but not limited to, an increase based on market volatility, creditworthiness of the customer, previous payment defaults, or business history of the customer.

H. Equipment. Customers under this Rate Ordinance shall also be responsible for all the costs including, but not limited to the cost of any and all additional equipment that the City's City Manager, City's General Manager of Electric Utilities ("General Manager") or each of their respective designees, determines is needed, including, but not limited to advanced metering equipment, to manage the customer's energy load and usage to ensure reliable energy service to all customers of the City.

City shall have no obligation to provide redundant feeders, transformer redundancy, automatic transfer capability, alternate feeder supply, or service from another substation except pursuant to a written agreement.

I. Curtailment Events. Customer understands and agrees that it has no guarantee of an uninterrupted supply of power. City shall have the right to curtail or interrupt delivery of energy to customer (i) in response to curtailment instructions from ERCOT as a result of imminent system reliability need; (ii) during periods of force majeure (defined herein); (iii) during unplanned outages, including failure of transmission or distribution facilities or other equipment, partial or complete forced outage, breakage of or damage to machinery or equipment, or (iv) during planned outages as agreed by City and customer ("curtailment event"). "Force majeure" means an event or circumstance which (i) prevents a party from performing its

obligations under this Rate Ordinance, (ii) which event or circumstance is beyond the reasonable control of such party, (iii) was not reasonably foreseeable by such party, or if reasonably foreseeable could not have been overcome with the exercise of due diligence, (iv) is not the result of such party's negligence or fault, and (v) which by the exercise of due diligence, such party is unable to overcome or avoid or cause to be avoided. If customer is notified of a curtailment event and fails to comply with the curtailment event directives received from City, customer shall be liable to City for any uplift charges, securitization charges, penalties, fines or any other ERCOT charges related to a curtailment event imposed on City (directly or indirectly) as a result of customer's failure to comply with the curtailment event notice, which is in addition to any and all costs and fees for the provision of electric service during the curtailment event under this Rate Ordinance and-any and all related ERCOT fees, settlement costs, sub-QSE fees, ERCOT load ratio share charges, ERCOT administration fees, Electric Reliability Organization fees, ERCOT uplifts to load, ERCOT miscellaneous invoices (collectively, "ERCOT Settlement Amounts"), and any other charges, fees and costs assessed or implemented by any Governmental Authority. "Governmental Authority" means (i) any federal, state, local, municipal, or other government or (ii) any other governmental, quasi-governmental, regulatory or administrative agency, commission, or other authority (including the Texas Attorney General, PUCT, ERCOT, Federal Energy Regulatory Commission, NERC, or Texas Reliability Entity) lawfully exercising or entitled to exercise any administrative, executive, judicial, legislative, police, policy, regulatory, or taxing authority or power. "PUCT" means the Public Utility Commission of Texas. City shall have the right, but not the obligation, to disconnect the electricity supply to Customer to force compliance with the curtailment event directives, subject to any shutdown requirements designed to protect the customer facilities or the ERCOT grid. Subject to the aforementioned notice and shutdown requirements, City shall have no liability for exercising such right, nor shall customer be excused from any damages that may arise in the case that City fails to do so. For purposes of clarity, all customers served by City are subject to curtailment events.

J. Very Large Load Account Set-Up Fee. Prior to the commencement of service, customer shall pay a nonrefundable account set-up fee in the amount of $27,349.00, which may be updated from time to time by the City, for installation of ERCOT EPS meter(s) and any other initiation, installation, or other fees levied by ERCOT or otherwise incurred by the City as a result of providing energy service to the customer.

K. Monthly Rate.

1. Customer Charge: $8,125 per month.
2. Energy Charge: $0.0543 per kWh.
3. Demand Charge: $19.65 per kW per month subject to Billed Demand as outlined in Section O below.

L. Power Cost Adjustment. The power cost adjustment charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

M. Energy Rate Rider. In addition to the charges identified in K and L, Customers shall pay the energy rate rider ($/kWh) ("ERR") for all energy consumed. The City Manager, General Manager or their respective designees are responsible for making periodic adjustments to the ERR, which will be based upon historical actual power supply costs since the implementation of the energy rate rider and six months of forecasted future costs to serve the customers in the very large commercial and industrial service class. Changes to the ERR shall have the objective of maintaining a positive cumulative ERR account balance.

The energy rate rider shall be calculated pursuant to the following equation:

ERR ($/kWh) = ((Power Costs – Energy Revenues) + (TAB-AAB))/TL

Where:

ERR = New Energy Rate Rider

Power Costs = All forecasted power supply costs for the VLC&I class during the 6-month forecast period, broken down into five components:

1. Net Settlement of VLC&I Bilateral Hedges
2. Forecasted VLC&I DAM/RT energy purchases
3. Load ratio share (LRS) portion of net settlement of existing long term PPA contracts, including:
    a. Net settlement of PPA contracts
    b. Settlement of CRR hedges
    c. REC revenues
    d. Resource QSE fees and resource administrative charges.
    e. PTP obligations
4. ERCOT Fees and Ancillary Services, including:
    a. Ancillary services
    b. Other ERCOT fees
    c. LRS and/or directly allocated CARD revenues.
5. Miscellaneous Costs, including:
    a. LRS and/or directly allocated allocation of purchased power consulting costs
    b. LRS and/or directly allocated allocation of ERCOT annual membership fee
    c. LRS and/or directly allocated allocation of quarterly ERO fee
    d. LRS and/or directly allocated allocation of securitization costs
    e. Any other additional unrecovered costs that are incurred to provide electric service to VLC&I customers.

Energy Revenues = Forecasted revenues from the energy charge for the VLC&I class during the 6-month forecast period. Equal to the energy charge multiplied by the forecasted load.

TAB = Target Account Balance. Equal to the highest month of forecasted energy costs for the VLC&I class in the 12 months following the rate update.

AAB = Actual Account Balance. Equal to the cumulative operating income from the collection of the Energy Rate Rider between inception of the ERR and the end of the operating month preceding the ERR calculation update. Operating income for historical months is defined as Energy Revenues plus ERR revenues minus Power Costs for each historical month.

TL = Total Load. Equal to the forecasted VLC&I energy sold during the 6-month forecast period.

The ERR may not be less than zero. The City Manager, General Manager or their respective designees are responsible for making periodic adjustments to the ERR.

N. Ratcheted Demand. In the event that the maximum kilowatt (kW) demand measured over a 15-minute interval, or such other interval as established by the City's metering standards, during the billing period of the customer exceeds (i) 80 percent of the Installed Capacity or (ii) the minimum demand as defined in the Electric Service Agreement, such demand shall be used to determine the Billed Demand and shall be applicable for a period of 12 consecutive months from the month in which such demand is measured ("Demand Ratchet").

O. Billed Demand. The billed demand shall be the greater of:

1. The measured maximum 15-minute demand in kilowatts (kW) recorded during the billing period, or
2. The contract minimum demand, if applicable, or
3. The Demand Ratchet, if specified in Section N of this rate schedule.

Billed Demand may be adjusted for power factor if the actual power factor falls below the threshold specified in this tariff.

P. Transmission Delivery Cost Adjustment. The transmission delivery cost adjustment charge under this rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

Q. Minimum Billed Demand. The minimum demand charge shall be 80 percent of the Installed Capacity, or as otherwise provided in the Electric Service Agreement between customer and City.

R. Power Factor. If the customer's power factor during a billing cycle is less than 0.95 lagging, the City may adjust the Billed Demand (kW) by applying a multiplier. This multiplier is calculated by dividing the target power factor (0.95) by the customer's actual power factor (which is less than 0.95). The resulting ratio will be multiplied by the Billed Demand for that billing cycle.

S. Primary Voltage Discount.

"Primary Voltage" is the nominal electrical voltage of 24.9 kV / 14.4 kV, expressed as a ratio of phase-to-phase voltage over phase-to-neutral voltage, at which the City delivers three-phase medium-voltage AC power to the Point of Service, measured immediately upstream of the Customer-owned transformation equipment utilized to step down such electrical energy for final utilization.

A "Primary Voltage Customer" is a customer that receives electric service directly from City's electric distribution system at 24.9 kV / 14.4 kV.

1. Applicable to very large commercial and industrial customers that receive electric service at primary distribution voltage and that own, operate, and maintain all facilities on the customer side of the point of interconnection, including but not limited to transformation, protection, and distribution equipment.

2. Monthly Demand Discount Rate. The demand charge for a Primary Voltage Customer shall be reduced by $2.11 per kW of Actual Demand.

T. Minimum Bill. The monthly minimum bill amount related to any customer whose load capacity is between 10,000 kW and less than 49,999 kW shall be an amount equal to the sum of the customer charge, energy charge, the greater of the demand charge or minimum demand charge, power cost adjustment, energy rate rider, transmission delivery cost adjustment, and any other authorized charges.

U. Sales Taxes. Sales taxes, where applicable, will be charged to Customer in addition to the above rates.

Sec. 13.04.0461. Month-to-Month Very Large Commercial & Industrial Service.

A. **Availability:** If a customer eligible for service under this section receives service without an executed electric service agreement, whether due to expiration, refusal, failure to execute, or other circumstance, the customer shall be billed under the Month-to-Month Very Large Commercial & Industrial Service rates set forth below. Such rates are intended to recover the City's costs, risks, and administrative burdens associated with serving a very large load without agreed forecasting, credit support, operational controls, and wholesale market protections. Month-to-Month Very Large Commercial & Industrial Service shall continue until an electric service agreement is executed by both the City and the customer or service is otherwise terminated in accordance with this Article and the City's Rules and Regulations.

These rates will be in effect for Customer's electric service until such time as an Electric Service Agreement is signed by both Customer and City, at which time the rates provided in the Electric Service Agreement will apply. The City will make a good faith effort to complete its review of the Electric Service Agreement and obtain approval in a timely manner.

B. Monthly Rate:

1. Customer Charge: $8,125 per month.

2. Energy Charge: $0.08755 per kWh.

3. Demand Charge: $19.65 per kW per month subject to Billed Demand as outlined in Section F below.

C. Power Cost Adjustment. The power cost adjustment charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Energy Rate Rider. In addition to the charges identified in B and C, Customers shall pay the energy rate rider ($/kWh) ("ERR") for all energy consumed.

E. Ratcheted Demand. In the event that the maximum kilowatt (kW) demand measured over a 15-minute interval, or such other interval as established by the City's metering standards, during the billing period of the customer exceeds (i) 80 percent of the Installed Capacity or (ii) the minimum demand as defined in the Electric Service Agreement, such demand shall be used to determine the Billed Demand and shall be applicable for a period of 12 consecutive months from the month in which such demand is measured ("Demand Ratchet").

F. Billed Demand. The billed demand shall be the greater of:

1. The measured maximum 15-minute demand in kilowatts (kW) recorded during the billing period, or
2. The contract minimum demand, if applicable, or
3. The Demand Ratchet, if specified in Section E of this rate schedule.

G. Billed Demand may be adjusted for power factor if the actual power factor falls below the threshold specified in this tariff.

H. Transmission Delivery Cost Adjustment. The transmission delivery cost adjustment charge under this rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

I. Minimum Billed Demand. The minimum demand charge shall be 80 percent of the Installed Capacity, or as otherwise provided in the Electric Service Agreement between customer and City.

J. Power Factor. If the customer's power factor during a billing cycle is less than 0.95 lagging, the City may adjust the Billed Demand (kW) by applying a multiplier. This multiplier is calculated by dividing the target power factor (0.95) by the customer's actual power factor (which is less than 0.95). The resulting ratio will be multiplied by the Billed Demand for that billing cycle.

Sec. 13.04.050. Electric vehicle (EV) charger service.

A. Availability.

1. Applicable to nonresidential customers operating electric vehicle charging infrastructure whose design load is equal to or greater than 500 kW but less than 2,000 kW during any billing period, as determined in accordance with Section 13.04.012.
2. This rate is available only where the customer's electric service is primarily used to supply electric vehicle charging load, as determined by the City.
3. Customers must provide sub metered or equivalent data, in a form and frequency acceptable to the City, sufficient to identify electric vehicle charging load and support rate administration.
4. If a customer does not meet the requirements of this section, the City may require the customer to take service under the otherwise applicable rate schedule.

B. Net Monthly Rate.

1. Customer Charge: $357.35 per month.
2. Energy Charge: $0.0577 per kWh.

3. Demand Charge: $16.34 per kW per month, applied to Billed Demand.
    i. Billed Demand. The Billed Demand for each billing period shall be the greatest of:
        1. The customer's Actual Demand, as defined in Section 13.04.012;
        2. Five hundred kilowatts (500 kW); or
        3. The Ratcheted Demand.
    ii. Ratcheted Demand. The Ratcheted Demand shall be equal to 80 percent of the highest Demand recorded during the most recent twelve (12) billing periods. Once established, such Ratcheted Demand shall remain in effect for twelve (12) consecutive billing months from the month in which the highest Demand is measured.
    iii. Initial Demand Charge. For a new customer or a customer without twelve (12) months of demand history, the Billed Demand shall be the greater of the customer's Actual Peak Demand or the customer's Design Load, as determined by the City.
4. Minimum Bill: The minimum bill shall consist of the customer charge plus the minimum demand charge.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.055. Municipal.

A. Availability. Applicable to City-owned and operated facilities whose uses are not covered by a specific rate schedule. Service rendered under this rate is subject to the City's Rules and Regulations.

B. Net Monthly Rate.

1. Customer Charge: $134.77 per month.

2. Energy Charge: $0.0715 per kWh.

3. Minimum Bill: $134.77 per month.

C. Power Cost Adjustment. The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. Transmission Delivery Cost Adjustment. The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. Sales Taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.060. Power Pedestal service.

A. *Availability.* This rate is available for electric service provided through temporary or permanent power pedestal installations used to supply electricity for temporary, intermittent, or seasonal uses, including but not limited to festivals, public events, and decorative lighting. This rate shall apply only where such service:

1. Is provided through pedestal-type distribution infrastructure designed to serve multiple temporary or variable loads; and
2. cannot be reasonably billed to end users under another applicable rate schedule; and
3. Does not qualify for service under any other established rate schedule based on the nature of the load, metering configuration, or customer classification, as determined by the City.

   This rate is intended for unique service configurations where standard rate schedules are not practicable. The City reserves the right to determine eligibility for service under this rate.

B. *Net Monthly Rate.*

1. Customer Charge: $0.00 per month.
2. Energy Charge: $0.1205 per kWh.
3. Minimum Bill: $0.00 per month.

C. *Power Cost Adjustment.* The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.075.

D. *Transmission Delivery Cost Adjustment.* The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used, calculated in accordance with Section 13.04.080.

E. *Sales Taxes.* Sales taxes, where applicable, will be charged to the consumer in addition to the above rates.

Sec. 13.04.065. Retail outdoor lighting service.

A. *Applicability.* This rate applies to all unmetered retail outdoor lighting services installed on the customer premises, including municipal premises.

B. *Installation and maintenance.* The customer must request in writing, and the City must approve in writing, any installation of retail outdoor lighting to be installed on the customer's premises. Further, the customer must pay for all costs associated with installation, including, but not limited to all materials, labor, and installation costs. For new installations, a customer must agree to a term of service of not less than one year. The City reserves the right in its sole discretion to refuse or discontinue service at locations where excessive maintenance or lamp replacements occur. The City will maintain all lighting facilities incidental to providing this service.

C. *Billing.* Customer shall be billed monthly for retail outdoor lighting service as set forth in the monthly rates in Subsection D. Service rendered under this rate is subject to the City's Rules and Regulations.

D. *Monthly rate.* High pressure sodium (HPL) lighting:

   1. 100 watt HPL or equivalent—$8.50 per month, per light.
   2. 200 watt HP or equivalent L—$14.50 per month, per light.
   3. 250 watt HPL or equivalent—$16.70 per month, per light.
   4. 400 watt HPL or equivalent—$23.50 per month, per light.

E. *Power cost adjustment.* The PCA charge under the above rate schedule shall be increased or decreased to reflect the application of a power cost adjustment per kWh of energy used or estimated, calculated in accordance with Section 13.04.075.

F. *Transmission delivery cost adjustment.* The TDCA charge under the above rate schedule shall be increased or decreased to reflect the application of a transmission delivery cost adjustment per kWh of energy used or estimated, calculated in accordance with Section 13.04.080.

G. *Sales taxes.* Sales taxes, where applicable, will be charged to the customer in addition to the above rates.

Sec. 13.04.070. Municipal street lighting service fee.

A. Applicability. This fee applies to all residents within the corporate boundaries of the City.

B. Purpose. This fee shall pay for City-owned and operated street lighting on all dedicated public streets, highways, expressways, and thoroughfares within the City limits, from dusk to dawn, or as determined by the City in its sole discretion.

C. Monthly Fee. Streetlight fee per account within City limits: $2.40. In instances where a single account provides service to multiple units (like a master-metered property), the monthly fee shall be assessed per individual unit served by that account.

D. Service. The City will maintain all municipal street lighting facilities within the corporate boundaries of the City. Service rendered under this Section is subject to the City's Rules and Regulations.

Sec. 13.04.071. Reserved.

Sec. 13.04.075. Power cost adjustment factor.

A. *Availability.* The Power Cost Adjustment Factor (PCAF) shall be applied uniformly to the sales to all customers of the City.

B. *Calculation Method.* The purpose of this schedule is to accurately recover from City customers the cost of wholesale power purchases in excess of the base amount included in the City's electric retail rate schedules. Wholesale power purchases shall not include transmission charges, ERCOT Fees, delivery charges, and any other delivery fees necessary. Wholesale power purchases shall include but are not limited to fuel charges and substation charges. All wholesale power cost realized above the base amount shall be billed by the City on its monthly bills as a power cost adjustment, determined in accordance with the provisions set forth below. Periodically, the City will compare the total amount of power cost adjustment revenue to the actual energy costs and adjust the power cost adjustment factor (PCAF). The General Manager of the Utility is responsible to set the PCAF to recover the shortfall from customers or to refund the excess to customers and will report the financial status of the electric fund to the Council on a quarterly basis.

The formula for calculation of the power cost adjustment factor is as follows:

$$PCAF = \frac{WC - (P)(K) - CF}{S}$$

C. *Definitions.*

PCAF = Power cost adjustment ($ per kWh) rounded to the nearest $0.0001/kWh

WC = Total cost of power, not including transmission charges, ERCOT Fees, and delivery charges purchased by the City from its supplier for the immediately preceding wholesale billing period ($).

(P) = Total energy (kWh) purchased by the City from its supplier for the immediately preceding wholesale billing period (kWh).

(S) = Total estimated sales (kWh) to City customers for the current City billing period (kWh).

(K) = Base wholesale power cost included in the City's retail electric rate schedules.

CF = Correction factor adjustment to be applied in the current City billing period to provide for correction of the variance between power cost adjustment expenses which should have been recovered and actual power cost adjustment revenues received for the immediately preceding City billing period prior to the current City billing period ($).

The formula for calculation of the correction factor (CF) is as follows:

CF = (A) - (B)

Where:

(A) = The actual power cost adjustment revenues in dollars received from power cost adjustment for the immediately preceding City billing period.

(B) = The actual wholesale power cost not including transmission, ERCOT, congestion charges and other fees associated with delivery in dollars paid by the City in excess of the base amount of wholesale power cost included in the City's electric retail rate schedules for the second preceding wholesale billing record.

Sec. 13.04.080. Transmission delivery cost adjustment factor.

A. *Availability.* The Transmission Delivery Cost Adjustment Factor (TDCAF) shall be applied uniformly to the sales to all customers of the City, except sales made to guard light or municipal streetlight services.

B. *Calculation Method.* The purpose of this schedule is to accurately recover from City customers the cost of the transmission and delivery of wholesale power purchases in excess of the base amount included in the City's electric retail rate schedules. Transmission and delivery shall include but is not limited to transmission charges, ERCOT Fees, delivery charges, and any other delivery fees necessary. All transmission delivery cost realized above the base amount shall be billed by the City on its monthly bills as a transmission delivery adjustment, determined in accordance with the provisions set forth below. Periodically, the City will compare the total amount of transmission delivery adjustment revenue to the actual transmission delivery costs and adjust the TDCAF. The General Manager of the Utility is responsible to set the TDCAF to recover any shortfall from customers and refund any excess to customers.

The formula for calculation of the transmission delivery adjustment factor is as follows:

$$TDCAF = \frac{TC - (P)(K) - CF}{S}$$

C. *Definitions.*

TDCAF = Transmission delivery cost adjustment ($ per kWh) rounded to the nearest $0.0001/kWh.

TC = Total estimated transmission delivery cost including but not limited to transmission charges, ERCOT Fees, congestion fees, ancillary costs, QSE fees and any other costs associated with delivery of wholesale power purchased by the City from its supplier for the immediately preceding wholesale billing period ($).

(P) = Total energy (kWh) purchased by the City from its suppliers for the immediately preceding wholesale billing period (kWh).

(S) = Total estimated sales (kWh) to City customers for the current City billing period (kWh).

(K) = Base transmission delivery cost included in the City's retail electric rate schedules ($0.0048 per kWh).

CF = Correction factor adjustment to be applied in the current City billing period to provide for correction of the variance between transmission delivery adjustment expenses which should have been recovered and actual transmission delivery adjustment revenues received for the immediately preceding City billing period prior to the current City billing period ($).

The formula for calculation of the correction factor (CF) is as follows:

CF = (A) - (B)

Where:

(A) = The actual transmission delivery adjustment revenues in dollars received from transmission delivery cost adjustment for the immediately preceding City billing period.

(B) = The actual transmission delivery costs in dollars paid by the City in excess of the base amount of transmission delivery cost included in the City's electric retail rate schedules for the second preceding wholesale billing record.

Sec. 13.04.081. Curtailment, interruption of service, and ERCOT-related charges

A. No Guarantee of Uninterrupted Service. Electric service is provided subject to the availability of supply and system conditions. The City does not guarantee an uninterrupted supply of electric service.

B. Curtailment and Interruption Authority. The City reserves the right to curtail, reduce, or interrupt delivery of electric service to any customer, in whole or in part (each, a "curtailment event"), under any of the following circumstances:
   1. In response to directives, protocols, or emergency actions issued by the Electric Reliability Council of Texas (ERCOT) or other applicable reliability authority due to system reliability needs;
   2. During events of force majeure;
   3. During unplanned outages, including but not limited to failure of transmission or distribution facilities, equipment malfunction, forced outages, or damage to infrastructure; or
   4. During planned outages or maintenance activities.

   All customers served by the City are subject to curtailment events.

C. Force majeure. "Force majeure" means an event or circumstance that:

   1. Prevents a party from performing its obligations under this Article;
   2. Is beyond the reasonable control of such party;
   3. Was not reasonably foreseeable, or if foreseeable could not have been avoided through the exercise of due diligence;
   4. Is not the result of such party's negligence or fault; and
   5. Cannot be overcome or avoided through the exercise of due diligence.

D. Customer Compliance. Customers shall comply with all curtailment or interruption directives issued by the City during a curtailment event, including directives to reduce load, cease usage, or otherwise modify consumption as directed.

E. Liability for Non-Compliance. A customer who fails to comply with curtailment directives shall be responsible for any costs, charges, penalties, or liabilities incurred by the City as a result of such non-compliance, including but not limited to ERCOT uplift charges, securitization charges, settlement charges, penalties, fines, or other market-related costs imposed directly or indirectly on the City.

F. ERCOT settlement amounts and cost responsibility. All customers shall be responsible for costs and expenses incurred by the City associated with providing electric service that are attributable to such customer's load, including but not limited to: ERCOT settlement costs; sub-QSE fees; load ratio share charges; ERCOT administrative fees; Electric Reliability Organization fees; uplift charges to load; ancillary service costs; ERCOT miscellaneous invoices; and any other charges, fees, or costs assessed by ERCOT or any governmental authority (collectively, "ERCOT settlement amounts").

   Such costs may include verifiably documented incremental administrative or procurement costs incurred by the City in serving the customer's load. Customers shall also be responsible for costs associated with

energy usage that exceeds the customer's designated or reasonably expected load characteristics, including any additional costs incurred by the City to procure energy or ancillary services.

G. Market risk acknowledgment. Customers acknowledge that wholesale electric markets, including the ERCOT market, are subject to price volatility and regulatory change. Such risks may include, but are not limited to, exposure to day-ahead and real-time market prices, changes in ERCOT protocols or pricing structures, transmission constraints, generation availability, weather-related conditions, and changes in regulatory or market requirements. The City does not control such conditions and shall not be responsible for impacts to customer costs resulting from such conditions.

H. Disconnection for Non-Compliance. The City shall have the right to disconnect or otherwise limit electric service to enforce compliance with curtailment directives.

I. Limitation of Liability. The City shall not be liable for any damages resulting from curtailment, interruption, disconnection of service, or market-related costs. Customers shall not be relieved of their obligation to pay for electric service and associated charges during a curtailment event.

J. Governmental authority. "Governmental authority" means any federal, state, local, or municipal government, or any governmental, quasi-governmental, regulatory, or administrative agency, commission, or authority, including but not limited to ERCOT, the Public Utility Commission of Texas (PUCT), the Federal Energy Regulatory Commission (FERC), the North American Electric Reliability Corporation (NERC), or the Texas Reliability Entity.

Sec. 13.04.082. Customer responsibility for interference and damage to electric system.

A. Customer responsibility for system impacts. Customers shall operate their equipment and facilities in a manner that does not cause voltage fluctuations, disturbances, harmonics, waveform distortion, interference, or other conditions that adversely affect the City's electric system, other customers, or telecommunication facilities.

B. Determination of interference. If the City determines that a customer's equipment or operations are causing or contributing to such conditions, and such conditions are reasonably identified, documented, and capable of verification, the City may require the customer to take corrective action.

C. Corrective action required. The City may require the customer, at the customer's sole cost and expense, to install, operate, and maintain equipment or take other measures necessary to eliminate or mitigate such conditions, including but not limited to power conditioning equipment, filtering devices, or other corrective apparatus.

D. Failure to correct. If the customer fails to take corrective action within a reasonable period after notice from the City, the City shall have the right to take such actions as it deems necessary to protect the electric system and other customers, including but not limited to:

    1. Implementing operational restrictions;
    2. Temporarily disconnecting or limiting electric service; or
    3. Undertaking corrective measures directly.

    The customer shall be responsible for all expenses incurred by the City in connection with such actions.

E. Immediate disconnection for safety. The City may disconnect electric service immediately and without prior notice if the customer's equipment or operations create conditions that pose an imminent threat to the safety of persons, the integrity of the electric system, or the protection of property.

F. Limitation of liability. The City shall not be liable for any damages resulting from actions taken under this section.

Sec. 13.04.083. Demand response and third-party load commitments.

A. Applicability. This section applies to customers served under the Large Commercial and Industrial, Very Large Commercial and Industrial, or any electric service agreement rate or service arrangement, and to any other customer whose load the City determines may affect wholesale power supply, ERCOT settlement, system reliability, or City resource obligations.

B. City Consent Required.: Customer shall not enroll in, participate in, or otherwise commit Load served to any Demand Response Program, including (i) current or future ERCOT programs as a Load Resource or Controllable Load Resource, or in Emergency Response Service or (ii) other third-party demand response programs without the prior written consent of City, which consent City may withhold in its sole discretion..

a. Maximum Permissible Load Participation. To the extent that City consents to Customer's participation in ERCOT or other third-party Demand Response Programs, Customer shall obtain the required authorization and approval from the City at least annually, including the Non-Opt-In Entity ("**NOIE**") form or the appropriate authorization from the City, to participate in any demand-side management or load-provided service programs offered by ERCOT or any other third party, and City will determine, in its sole discretion, the maximum permissible participation by Customer in such programs ("**Maximum Permissible Load Participation**"). City has the right to withdraw attestation of NOIE authorization or its approval of participation in any DR program or adjust the Maximum Permissible Load Participation at any time. Customer shall be responsible for all metering and QSE requirements in connection with such programs and shall comply with the requirements for participation in such programs

b. Customer shall be solely responsible for all liabilities, costs, expenses and penalties in connection with Customer's participation in these programs.

C. Customer Minimum Load.

a. Customer shall be required to maintain a minimum base Load (the "**Customer Minimum Load**"), which represents the Customer's load shed obligations to meet their portion of the City's overall load shed obligations.. This amount of Load may not be eligible to participate in DR Programs, as the Load must be available to shed during ERCOT emergency events. The Customer Minimum Load amount may be updated by the City in its sole discretion. If Customer use falls below any Customer Minimum Load, City reserves the right to assess penalties Notwithstanding the foregoing, the Parties recognize that the foregoing minimum load requirement of Customer during emergency events is subject to actual ERCOT Protocols and Applicable Law at the time of the event, which ERCOT and any other Governmental Authority may revise from time to time, and Customer agrees to comply with the actual ERCOT Protocols and Applicable Law at the time of the event and any applicable revisions to the ERCOT Protocols or Applicable Law. City and Customer will comply with all emergency load shedding obligations imposed by ERCOT, Applicable Law and any Change in Law related to the provision of retail electric service to Customer.

b. Customer shall maintain any Customer Minimum Load at all times (24/7/365) until instructed by City for interruption to meet a load shed requirement. If Customer fails to maintain its Customer Minimum Load at any time during an ERCOT settlement interval in which a Customer Minimum Load is required, then Customer shall pay as a liquidated remedy for such failure, within thirty (30) days of notification of violation by City, a deficiency amount for the deficiency period which shall be measured as the difference between (x) the Customer Minimum Load and (y) the lowest actual Customer Load during such settlement interval, times the ERCOT HCAP, summed for all affected

settlement intervals during the applicable payment period. The Customer Minimum Load shall be measured at the Point of Service..

D. Interruption of Service and Participation in DR Programs. City shall have the right in its sole discretion to curtail or interrupt Service to Customer without liability to Customer for any reason, including but not limited to Customer's inability to participate and perform in DR Programs during such curtailment.

E. Conditions of Consent. The City may condition consent on metering, telemetry, operational controls, scheduling protocols, communication requirements, financial assurance, indemnity, or other requirements necessary to protect the City, its customers, and the electric system.

F. Customer Responsibility. A customer that participates in a demand response program without City consent, or fails to comply with conditions of consent, shall be responsible for all costs, charges, penalties, settlement amounts, losses, or liabilities incurred by the City arising from such participation or failure.

G. Participation in any demand response program shall not limit the City's right to curtail, interrupt, reduce, or disconnect service in accordance with the City's Rules and Regulations, ERCOT requirements, or the customer's electric service agreement.

Sec. 13.04.084. Energy efficiency and energy conservation fee.

A. Availability. This monthly fee will be charged to all electric meters for all rate classes.

B. Monthly Rate.

Rate Class	Fee
Residential	$1.00
Net Energy Metering—Residential	$1.00
Small General	$1.00
Net Energy Metering—Small General	$1.00
School	$5.00
Municipal Water and Wastewater Pumping	$5.00
Municipal	$5.00
Large General	$10.00
Commercial & Industrial	$15.00
Large Commercial & Industrial	$25.00
Very Large Commercial & Industrial	$25.00

C. Sales taxes. Sales taxes, where applicable, will be charged to the consumer in addition to the above fee.

D. Use of Funds. Use of funds collected from the energy efficient and energy conservation fee, including all funds previously collected pursuant to this Section, shall be limited to energy efficiency and conservation program costs, activities, and financial incentives, including, but not limited to the following:

1. Program Design and Administration Costs.

   a. Staffing and Administrative Costs. Salaries and benefits for program managers, coordinators, analysts, and administrative support personnel, along with the associated administrative costs to support such personnel.

   b. Consulting Fees. Costs for hiring external consultants or firms to assist with program design, evaluation, and implementation.

2. Incentives and Rebates.

a. Direct Incentives. Payments or rebates provided to consumers, businesses, or utilities for adopting certain energy-efficient technologies or practices.

b. Equipment. Costs for purchasing and dispersing certain energy-efficient appliances to certain customers.

3. Marketing and Outreach Costs.

a. Public Awareness Campaigns. Costs associated with advertising, media outreach, and educational materials to promote energy efficiency among consumers and businesses.

b. Workshops and Training. Expenses related to organizing workshops, seminars, and training sessions for stakeholders related to energy-saving practices.

4. Evaluation and Measurement Costs.

a. Impact Evaluation. Costs associated with conducting studies or evaluations to measure the effectiveness and outcomes of energy efficiency programs.

b. Data Collection. Expenses for collecting and analyzing data related to energy consumption, savings, and program participation.

5. Regulatory and Compliance Costs. Fees or costs associated with regulatory filings, compliance reporting, and meeting regulatory requirements set by state or local authorities.

6. Long-Term Maintenance and Monitoring Costs. Costs associated with ongoing maintenance, monitoring, and evaluation of installed energy-efficient measures or technologies.

Sec. 13.04.085. Reserved.

Sec. 13.04.090. Reserved.

Secs. 13.04.095, 13.04.100. Reserved.

Electric Rate Ordinance Updates: First Reading

Daniel Bethapudi | Electric Utility General Manager

GEORGETOWN TEXAS

Electric Rate Ordinance Changes

The utility is proposing to make several changes to our rate ordinance, including:

1. Sec. 13.04.010: Requirement for new customers to provide service access rights to the Utility for installation and maintenance.
2. Sec. 13.04.011: Adding a "Definitions" section to clearly define the terms used within the rate ordinance, such as:
    a. Difference between "Actual Demand" and "Billed Demand"
    b. Difference between "Requested Load", "Connected Load", "Design Load", and "Installed Capacity".
3. Sec. 13.04.012: Adding a "Initial Rate Classification" section to explain how new customers are assigned to their initial rate classes
    a. Includes description of how customers may be reassigned to a new rate class based on actual operating history.
4. Sec. 13.04.030: Adding a Primary Voltage Discount for Municipal water and wastewater pumping service.
5. Sec. 13.04.060: Creation of a "Power Pedestal" Rate Class
6. Sec. 13.04.081: New section detailing the City's right to curtail energy due to ERCOT directives, force majeure, and outages.
7. Sec. 13.04.082: New Section detailing customer's financial liability for causing damage to the electric system
    a. Damage caused by usage exceeding installed capacity, or usage which causes voltage disturbances
8. Sec. 13.04.083: Requirement for customers to receive the City's authorization prior to participating in demand response programs.
9. Sec. 13.04.046: Updated VLC&I Rate Ordinance
    A. ERR Calculation Methodology
    B. Customer Charge
    C. Account Set-Up Fee
    D. Month-to-Month Rate
    E. Other provisions

Sec. 13.04.046: VLC&I RATE ORDINANCE CHANGES

Staff is proposing six updates to the VLC&I Rate ordinance:

1. Updating the VLC&I Energy Rate Rider Calculation based on lessons learned since implementation in June 2025.
2. Increasing the VLC&I Energy Rate Rider to $0.0110/kWh
   a. Currently $0.0082/kWh
3. Increasing the VLC&I Customer Charge to $8,125/Month
   a. Currently $5,615/Month
4. Increasing the VLC&I Set-Up Fee to $27,349
   a. Currently $25,645
5. Creation of a VLC&I "Month-to-Month" rate for customers who do not sign ESAs
   a. Current VLC&I Energy Rate: $0.0543/kWh
   b. Rate for customers on a month-to-month rate: $0.08755/kWh
6. More descriptive Primary Voltage Discount definition
7. Requirement for VLC&I Customers to take service at the Primary Voltage.

Sec. 13.04.045: LC&I RATE ORDINANCE CHANGES

Staff is proposing one update to the LC&I Rate Class:

1. Creation of a LC&I "Month-to-Month" rate for customers who do not sign ESAs
    a. Current LC&I Energy Rate: $0.0543/kWh
    b. Rate for customers on a month-to-month rate: $0.08755/kWh

Sec. 13.04.060: POWER PEDESTAL

Staff is proposing to create a "Power Pedestal" rate class to better serve temporary or seasonal loads related to festivals or public events.

Applicability

Unmetered power pedestals designed to serve multiple temporary loads, which do not qualify for any other established rate schedule.

Proposed Rates:

Customer Charge - $0 / Month

Energy Charge - $0.1205 / kWh

Power Cost Adjustment - $0.01375 / kWh

Sec. 13.04.030: MUNICIPAL WATER & WASTEWATER PUMPING RATE ORDINANCE CHANGES

Staff is proposing one update to the Municipal Water & Wastewater Pumping rate:

1. Addition of the Primary Voltage Discount for Municipal Water & Wastewater Pumping locations that take service at the primary meter.
    1. Proposed discount of $2.24/kW on the demand charge.

Staff Recommendations

I. These Ordinance updates were presented to the Electric Board on July 16, 2026, and the Electric Board recommends the proposed options.

II. These Ordinance updates were presented at City Council during Workshop on July 14, 2026.

III. Staff recommends these updates to the Electric Rate Ordinance.

IV. These Ordinance updates will be effective October 1, 2026.

Electric Rate Ordinance First Reading

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, AMENDING CHAPTER 13.04, TITLE 1 ENTITLED “ELECTRIC RATES” OF THE CODE OR ORDINANCES OF THE CITY OF GEORGETOWN RELATING TO ELECTRIC SERVICE RATES FOR VARIOUS CUSTOMER CLASSES; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
First Reading - Call for Election of Street Maintenance Sales Tax renewal

SUGGESTED ACTION:
First Reading of an Ordinance ordering a Special Election to be held on November 3, 2026 for the purpose of seeking voter response to the proposition of "The Reauthorization of the Local Sales and Use Tax in the City of Georgetown, Texas, at the Rate of One-Fourth of One Percent to Continue Providing Revenue for Maintenance and Repair of Municipal Streets", providing for the City to contract with the Williamson County Elections Administrator to conduct said Election, making other provisions relating to the Election and providing an effective date – Robyn Densmore, City Secretary and Wesley Wright, Systems Engineering Director -- Robyn Densmore, City Secretary, and Wesley Wright, Director of Systems Engineering

ITEM SUMMARY:
This is the renewal of the 1/4 Cent Sales Tax for maintenance and repair of municipal streets. Notice of the Special Election shall be made as required by law.

The 1/4 Cent Street Maintenance Sales Tax is the primary funding source for street maintenance within the City of Georgetown. Section 327.007 of the Texas Tax Code requires the Street Maintenance Sales Tax be approved in a general election to be held every four years, with the last election occurring in November 2018.

Georgetown voters initially approved the sales tax for street maintenance in 2002 by 57 percent of the vote. The sales tax was reauthorized in 2006 by 72 percent approval; reauthorized in 2010 by 80 percent approval; reauthorized in 2014 by 82 percent approval; reauthorized in 2018 by 80 percent approval; and reauthorized in 2022 by 80 percent approval.

Communications Plan for the 2026 Street Sales Tax Election includes utilizing social media platforms, an information video spot, and print advertising in local publications.

Current Status
Since April 2003, quarter-cent sales tax revenue of over $60 million has been dedicated to street maintenance in Georgetown. The sales tax will generate an estimated $7.2 million in FY2026. The street network in the city continues to expand and has approximately 500 centerline miles (approximately 1,200 total lane miles) as of 2026.

The Joint Election Agreement and Contract for Services will be provided once received from Williamson County.

FINANCIAL IMPACT:
The Cost of the Election will be determined by the Williamson County Elections Office and is based on shared costs among the Cities in Williamson County participating in the November 3, 2026

election.

SUBMITTED BY:
Karen Frost, City Secretary

ATTACHMENTS:
Ordinance Street Tax Special Election 2026_First Reading_8.11.2026.pdf
2026 Sales Tax Election Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2026, FOR THE PURPOSE OF SEEKING VOTER RESPONSE TO THE PROPOSITION OF "THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF GEORGETOWN, TEXAS, AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS;" PROVIDING FOR THE CITY TO CONTRACT WITH THE WILLIAMSON COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT SAID ELECTION; MAKING OTHER PROVISIONS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 327 of the Texas Tax Code authorizes a municipality to adopt and reauthorize a sales and use tax by an election held in the municipality;

WHEREAS, pursuant to Chapter 327 of the Texas Tax Code, revenue from this sales and use tax may only be used to maintain and repair municipal streets or sidewalks existing on the date of the election to adopt the tax;

WHEREAS, per Ordinance No. 2002-56, the City Council ordered a Special Election to adopt a Local Sales and Use Tax in the City of Georgetown at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets;

WHEREAS, pursuant to an election called by the City Council, on November 5, 2002, the citizens of Georgetown approved, by a majority vote, a proposition stating that the sales and use tax should be one-quarter of one percent to support street maintenance as authorized by Chapter 327 of the Texas Tax Code;

WHEREAS, Section 327.007 of the Texas Tax Code provides that, unless reauthorized, the sales and use tax expires on the fourth anniversary of the date the tax originally took effect or on the first day of the first calendar quarter occurring after the fourth anniversary of the date the tax was last reauthorized; and

WHEREAS, the City Council of the City of Georgetown, Texas hereby finds and determines that an election should be held to determine whether the Council shall be reauthorized to levy and collect city sales and use tax by one-quarter (1/4) of one percent for the maintenance and repair of existing municipal streets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS THAT:

SECTION 1. VERIFICATION OF FACTS

The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION 2. CONFORMANCE WITH GEORGETOWN 2030 PLAN

The City Council has found that this action is not in conflict with the Georgetown 2030 Plan.

SECTION 3. CONDUCT OF ELECTION

By approval of this ordinance, the City Council appoints the Williamson County Elections Administrator as the Elections Officer to conduct the City of Georgetown Special Election in conjunction with the November 3, 2026, State and County General Election. This appointment includes services as Early Voting Clerk for the Election and coordination with the Counting Station Manager, Presiding Judge of the Central Counting Station and Tabulation Supervisor and other election officers approved by the Commissioners Court. In addition, and in accordance with Chapter 66 and Chapter 31 of the Texas Election Code, the City Council hereby appoints Williamson County Elections Administrator Christopher Davis as agent for the Custodian of Records for the November 3, 2026, Special Election for the purpose of preserving voted ballots and other election records as required by the Texas Election Code. A copy of the Joint Election Agreement and Contract for Election Services is attached hereto as **Exhibit "A".** Notice of Special Election shall be made as required by law.

SECTION 4. EARLY VOTING

The Williamson County Voter Registrar is hereby appointed as Clerk for Early Voting. Early voting by personal appearance shall take place at the times and locations as indicated by the Williamson County Elections Administrator.

Applications for ballot by mail shall be mailed to:

Williamson County Elections Administrator
P. O. Box 209
Georgetown, Texas 78627-0209

SECTION 5. ELECTION DAY VOTING

Election Day voting will be held from 7:00 a.m. to 7:00 p.m. at the locations designated by the Williamson County Elections Administrator.

SECTION 6. ELECTION JUDGES, CLERKS AND EARLY VOTING BALLOT BOARD

A. The Election Judges shall be the same as are appointed by the Commissioners Court. Each of the respective presiding judges is hereby authorized to appoint the necessary election clerks to assist in conducting the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge named above, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

B. The early voting ballot board consists of the Presiding Judge and Alternate Judge as are appointed by the Commissioners Court.

SECTION 7. PROPOSITION AND BALLOT

Pursuant to Chapter 327 of the Texas Tax Code, this election shall be held to determine citizen approval of the reauthorization of the one-quarter of one percent in sales and use tax to be used only for maintenance and repairs to municipal streets or sidewalks existing on the date of the election.

The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the following PROPOSITION, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITION to be expressed as follows:

PROPOSITION

THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF GEORGETOWN, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS. THE TAX EXPIRES ON THE FOURTH ANNIVERSARY OF THE DATE OF THIS ELECTION UNLESS THE IMPOSITION OF THE TAX IS REAUTHORIZED.

SECTION 8. VOTING DEVICES

Voting shall be conducted with optical scan ballots prepared in conformity with the Texas Election Code. The City may also utilize a central counting station as provided by Section 127.000 *et seq*., as amended, Texas Election Code, and the Williamson County Voter Registrar is designated the manager of such station.

SECTION 9. RESULTS

The Williamson County Voter Registrar shall conduct an unofficial tabulation of results after the closing of the polls of the Special Election on November 3, 2026. The official canvass and tabulation of the results of the Special Election shall be conducted by the City Council at a Regular or Special Council Meeting between November 6, 2026, and November 17, 2026, as required by Section 67.003 of the Texas Election Code.

SECTION 10. EFFECTIVE DATE

The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective and be in full force and effect in accordance with the provisions of the Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the 11th day of August 2026.

PASSED AND APPROVED on Second Reading on the _____ day of August 2026.

ATTEST: THE CITY OF GEORGETOWN

_____ By: _____

Robyn Densmore, City Secretary Josh Schroeder, Mayor

APPROVED AS TO FORM:

_____

Skye Masson, City Attorney

Exhibit A

Joint Election Agreement and Contract for Election Services

Special Election Reauthorization of Sale and Use Tax

Maintenance and Repair of Municipal Streets

November 3, 2026 – Election Date

GEORGETOWN TEXAS

Purpose

- The 1/4 Cent Street Maintenance Sales Tax is the primary funding source for street maintenance within the City of Georgetown. Section 327.007 of the Texas Tax Code requires the Street Maintenance Sales Tax be approved in a general election to be held every four years, with the last election occurring in November 2022.

GEORGETOWN TEXAS

Previous Voter Approvals

- Initially approved in 2002
  - 57% approval
- Reauthorized in 2006
  - 72% approval
- Reauthorized in 2010
  - 80% approval
- Reauthorized in 2014
  - 82% approval
- Reauthorized in 2018
  - 80% approval
- Reauthorized in 2022
  - 80% approval

Current Status

- Since April 2003, quarter-cent sales tax revenue of over $60 million has been dedicated to street maintenance in Georgetown.
  - The sales tax will generate an estimated $7.2 million in FY2026.
  - The street network in the city continues to expand and has approximately 500 centerline miles (approximately 1,200 total lane miles) as of 2026.
- Communications Plan for the 2026 Street Sales Tax Election includes utilizing social media platforms, an information video spot, and print advertising in local publications.
- The Joint Election Agreement and Contract for Services will be provided once received from Williamson County.

Questions?

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Set the Maximum Property Tax Rate for FY2027

SUGGESTED ACTION:
Consideration and possible action to set the maximum tax rate and adopt the proposed 2026 (FY2027) property tax rate on a future agenda -- Randi Cormack, Budget Manager

ITEM SUMMARY:
State law requires that all taxing jurisdictions participate in the process of Truth-In-Taxation. When a proposed property tax rate exceeds the lower of 100 percent of the No New Revenue rate or the Voter Approval rate, the Council must adopt a maximum proposed tax rate that it will consider and provide notice to the public. State law requires that the vote to adopt a proposed maximum rate must be a roll call vote, indicating any absences from the dais. Even though the Council votes to consider a proposed tax rate above the No New Revenue rate, the Council may, as a result of deliberations, adopt a tax rate below the rate stated in the published notices.

The City of Georgetown collects sales taxes in lieu of property taxes for Operations and Maintenance. The following rates are based on the tax code's calculation for property tax rates adjusted for sales tax.

The No New Revenue Rate is $0.362168/$100.00
The Voter Approval Rate is $0.363167/$100.00

The proposed tax rate for 2026 (FY2027) of $0.363167 is greater than the No New Revenue Rate. Therefore, the City Council will publish notices and hold a public hearing.

This is a vote to set the maximum property tax rate of $0.363167 cents per $100 valuation (the Voter Approval Rate), equaling $0.112630 cents for Maintenance and Operation and $0.250537 cents for Debt Service, and adopt the tax rate as an action item at the August 25, 2026 and September 8, 2026 Council meetings to be held at 6 p.m. at City Council Chambers, at 9th and Martin Luther King Jr Streets, Georgetown, TX.

This is a record vote, meaning the voting record for this item will be published with the required notices. This item only sets the maximum rate to be considered, and the date of the vote to adopt the rate. This item today does not commit Council to adopting the Voter Approval Rate or the Proposed Rate.

The Williamson Central Appraisal District (WCAD) certified the tax roll on July 23, 2026, and City staff have worked with the Williamson County Tax Assessor Collector's office to calculate the tax rates according to the tax code.

FINANCIAL IMPACT:

SUBMITTED BY:
Aaron St Pierre, Finance/Purchasing

ATTACHMENTS:
Item XX - Set the Maximum Property Tax Rate for FY2026.pdf

ITEM XX: Set the Maximum Property Tax Rate for FY2027

Consideration and possible action to set the maximum tax rate and adopt the proposed 2026(FY2027) property tax rate on a future agenda

-- Randi Cormack, Budget Manager

City of Georgetown, Texas
City Council
August 11, 2026

SUBJECT:
Set Public Hearing Date for Property Tax Rate

SUGGESTED ACTION:
Consideration and possible action to set the date for the public hearing on the proposed 2026 (FY2027) property tax rate -- Randi Cormack, Budget Manager

ITEM SUMMARY:
State law requires that all taxing jurisdictions participate in the process of Truth-In-Taxation. When a proposed property tax rate exceeds the lower of 100 percent of the No New Revenue rate or the Voter Approval rate, the Council must adopt a maximum proposed tax rate that it will consider and hold a public hearing.

The City of Georgetown collects sales taxes in lieu of property taxes for Operations and Maintenance. The following rates are based on the tax code's calculation for property tax rates adjusted for sales tax.

The No New Revenue Rate is $0.362168/$100.00
The Voter Approval Rate is $0.363167/$100.00

The proposed tax rate for 2026 (FY2027) of $0.363167 is greater than the No New Revenue Rate. Therefore, the City Council will publish notices and hold a public hearing.

This item sets the date for the public hearing on the property tax rate, as required by law, to be held on Tuesday, August 25, 2026 at 6:00 p.m. at City Council Chambers, at 9th and Martin Luther King Jr Streets, Georgetown, TX.

This item is a regular vote.

FINANCIAL IMPACT:

SUBMITTED BY:
Aaron St Pierre, Finance/Purchasing

ATTACHMENTS:
Item XX - Set Public Hearing Date for Property Tax Rate.pdf

ITEM XX: Set Public Hearing Date for Property Tax Rate

Consideration and possible action to set the date for the public hearing on the proposed 2026 (FY2027) property tax rate

-- Randi Cormack, Budget Manager

Form 50-882

Certification of Additional Sales and Use Tax to Pay Debt Services

THE STATE OF TEXAS,
County of Williamson

Chief Financial Officer or Auditor: Leigh Wallace, CFO

For the taxing unit: City of Georgetown, TX

Hereby certifies that the amount of additional sales and use tax revenue collected to pay debt service has been deducted from the total amount described by Tax Code Section 26.05(e-1), 26.04(e)(3)(C) and 26.05(a)(1).

This certification is submitted to the governing body of City of Georgetown, TX on 8/11/26.

Leigh.Wallace Digitally signed by Leigh.Wallace
Date: 2026.07.23 09:06:57 -05'00'

Signature of Financial Officer or Auditor