Notice of Meeting of the Planning and Zoning Commission of the City of Georgetown, Texas July 21, 2026

The Georgetown Planning and Zoning Commission will meet on July 21, 2026 at 6:00 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.

Agenda Notice

Public Wishing to Address an Advisory Board

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 meeting room. Clearly print your name and the letter of the item on which you wish to speak and present it to the Board Liaison prior to the start of the meeting. You will be called forward to speak when the Board 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: A request must be received by the Advisory Board or Commission Liaisor prior to the day the agenda for this meeting is posted. Each speaker will be given three minutes to address the Board or Commission members. No action can be taken at this meeting.

Call to Order

Pledge of Allegiance
Comments from the Chair
Announcements
Action from Executive Session

Statutory Consent Agenda

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

1.A Meeting Minutes
Consideration and possible action to approve the minutes from the July 7, 2026 Planning and Zoning meeting.

Regular Agenda

2.A 2025-2-PUD - Texas Municipal Center Planned Unit Development
Public Hearing and possible action on a request for a Zoning Map Amendment to rezone 1.322 acres of Block 23, Glasscock Addition, from the Mixed-Use Downtown (MU-DT) zoning district, and 0.257 acres of Lot 4, Lot 3 (SP), Block 21, and 0.414 acres of Lots 5-6, Lot 7 (SP), Block 21 of Glasscock Addition, from the Residential Single-Family (RS) zoning district to the Planned Unit Development (PUD) zoning district with a base zoning district of Mixed-Use Downtown (MU-DT), for the properties generally located at 205 E. University Avenue, 1014 Myrtle Street, and 1009 Church Street (2025-2-PUD) -- Allyson Iiams, Preservation & Redevelopment Program Manager

2.B Unified Development Code Update
Public Hearing and possible action on a proposed adoption of a new Unified Development Code to replace existing Development Code and repealing of conflicting ordinances

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
Planning and Zoning Commission
July 21, 2026

SUBJECT:
Meeting Minutes

SUGGESTED ACTION:
Consideration and possible action to approve the minutes from the July 7, 2026 Planning and Zoning meeting.

ITEM SUMMARY:

FINANCIAL IMPACT:

SUBMITTED BY:
Stephanie Mcnickle, Planning Department

ATTACHMENTS:
07.07.2026 Minutes FINAL (33).docx

Minutes of the
Planning and Zoning Commission
City of Georgetown, Texas
Tuesday, July 7, 2026

The Georgetown Planning and Zoning Commission met on Tuesday, July 7, 2026 at 6:00 PM at Council and Court Building, 510 W. 9th Street.

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The following Members were in attendance:
Present were: Travis Perthuis, Ercel Brashear, Jen Bradac, Pierce P Macguire, Scott A Allen, David "Alan" McDonald, Joseph "joe" D. Digiacomo

Agenda Notice

Public Wishing to Address an Advisory Board

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Call to Order

Pledge of Allegiance

Comments from the Chair
Announcements
Action from Executive Session

1. Statutory Consent Agenda

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

1.A Meeting Minutes
Consideration and possible action to approve the minutes from the June 16, 2026 Planning and Zoning meeting.

Moved by Joseph "joe" D. Digiacomo; seconded by Scott A Allen to Approve the minutes from the June 16, 2026 Planning and Zoning meeting.
Motion Approved: 7- 0
Voting For: Travis Perthuis, Ercel Brashear, Jen Bradac, Pierce P Macguire, Scott A Allen, David "Alan" McDonald, Joseph "joe" D. Digiacomo
Voting Against: None

2. Regular Session

Edgar Garcia, Planning Director, announced item 2.C, case number 2025-8-SUP-QT Carwash has been postponed to the August 4, 2026 Planning and Zoning meeting.

2.A 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
Staff gave a PowerPoint presentation to the Commissioners and reviewed the initial Transportation Impact Fee ordinance was adopted by ordinance on March 23, 2021 in accordance with Local Government Code Chapter 395 and was made effective on March 1, 2023. In August 2025, the City Council accepted the 2025 Transportation Impact Fee Study Update ("2025 Report") and established new maximum fees and collection rates. The Texas Local Government Code, Sec. 395.058. requires a semiannual report on the progress of implementing the capital improvements plan or imposing the impact fee as well as advising the City Council of Georgetown on the need to conduct updates based on land use trends. The Planning and Zoning Commission is the advisory committee for the City of Georgetown.
Staff stated the purpose of the TIF is to provide a predictable per unit cost of development and associate the cost of development with the Capital Improvement Plan. Development can pay its proportionate share of the impact it is causing to the transportation system. Transportation reviews the Land Use and determines how much

roadways are needed over the next ten years and from that information is developed into an increment of cost. The TIF report has land use assumptions where the Future Land Use Map, estimate how much population is going to come from those land use assumptions, we establish how much new roadway capacity is needed from the land use assumptions and divide the land in the service area and within these service areas we establish a per unit cost. The TIF report also establishes exemptions. If the developer does some improvement off site, there is a process to provided exemption or credit or rebates for the improvements. Waggoner stated the TIF report is included in the staff report including fees collected.
Commissioner Allen stated it has been stated on social media the share is not keeping up with the actual cost or impact of the development and asked staff for their comments.

Staff stated the process by which we take the numerator, the total cost of capital improvements and the denominator of the number of trips that development is causing is a very transparent process that the local Government requires and is laid out in the staff report.
Commissioner Allen asked staff if the professionals working from home are calculated in the report.
Staff stated the ITE is historical data and have been collecting data for a while. ITE has just completed a 12th addition study recently and we would like to update our report and see if working from home affects the transportation data.
Staff stated City Council has directed staff to access fees at the time of preliminary plat for a new development and can be subjected to the new collection rates for de-annexed properties that are wanting to annex. Staff also stated there is not a recovery fee for those developments that already exist in the ETJ that are wanting to be annexed into the city.

Commissioner Brashear commented to staff that Planning and Zoning Commission was not a participant in the development of the Transportation Impact Fee. If the only opportunity for P&Z is to review it how do, we know how effective the fee has been if we have no idea what the basis is for the fee?
Staff stated between April, 2025 and August, 2025 staff worked very fast on the 2025 TIF report to meet the September 1st new legislation and local development code, so we had a very brief interaction with the Planning and Zoning Commissioners during that time.
Commissioner Brashear stated there is 175 page document and he assumes there are not any errors, but reality is that you are more likely to tell me where the inequities are than I am able to tell you.
Commissioner Brashear stated the purpose of collecting the fee is to use it, but by collecting it and not spending it you are not fulfilling the obligation you accepted when you adopted the extraction method. That to me is an inequity.
Continued discussions between Staff and Commissioners.
Motion was not needed.

Staff thanked the Commissioners and will report the feedback to Council.

2.B 2026-2-SUP - Georgetown Food Truck Park

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 C-1 Local Commercial zoning district on the property located at 750 South Interstate Highway 35, Georgetown, TX 78628, bearing the legal description of approximately 2.14 acers out Rivery Phase 1 Bloc B Lot 5C Replat (2026-2-SUP) -- Preston Gunn, Planner

Staff report by Preston Gunn, Planner

Staff gave a Powerpoint presentation and reviewed the application 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) Staff stated 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.

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.

Staff stated that 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 maybe 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.

Chair Perthuis invited the Commissioners to ask staff questions.

Chair Perthuis asked staff to explain the property history.

Staff stated the property's building previous tenant was a restaurant called "George's on the Town" but the building has been vacant for the past 5 years and the applicant considers this Special Use Permit as interim use for the property until a restaurant wants to lease the building. Staff stated in the future a restaurant could come back along with the food truck business if they meet the site requirements.
Staff presented the conceptual plans to the Commissioners.
Staff stated this application complies with three Criteria's and one Criteria partially.
Discussion between staff and Commissioners regarding the number of food trucks, traffic, customers waiting for food in the roadway and portable restroom facilities.
Staff stated if a few more food trucks are being added in the future, the applicant can apply for an Administrative Exception application. Staff also stated the food service side will be facing the sidewalk and not the street. Staff stated there isn't a requirement using portable restroom facilities. Staff will check on connectivity with the city for the portable restrooms.

Chair Perthuis invited the applicant to speak. Applicant declined.
Chair opened the Public Hearing. No one came forward. The Public Hearing was closed.

Moved by Scott A Allen; seconded by Pierce P Macguire to Approve a request for a Zoning Map Amendment to rezone Approximately 2.14 acers out Rivery Phase 1 Bloc B Lot 5C Replat from the Local Commercial (C-1) zoning district to the Local Commercial (C- 1) \ zoning district with and SUP overlay, for the property generally located at 708 N IH 35 on the conditions of 1) The restrooms shall have portable water, have electricity and are lockable. 2) Service window shall face away from the drive aisle of the parking lot.
Motion Approved: 7- 0
Voting For: Travis Perthuis, Ercel Brashear, Jen Bradac, Pierce P Macguire, Scott A Allen, David "Alan" McDonald, Joseph "joe" D. Digiacomo
Voting Against: None

The item below was postponed to the August 4, 2026 Planning and Zoning meeting.

2.C 2025-8-SUP - QT Carwash
Public Hearing and possible action 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

2.D Discussion Items
Updates, Commissioner questions, and announcements -- Edgar Garcia, Planning Director

Edgar Garcia reminded the Commissioners during the next P&Z meeting, July 21, 2026 we will have the Unified Development Code adoption up for a vote.

Adjournment

These minutes were approved at the meeting of _____

_____ _____

Chair Attest

City of Georgetown, Texas
Planning and Zoning Commission
July 21, 2026

SUBJECT:
2025-2-PUD - Texas Municipal Center Planned Unit Development

SUGGESTED ACTION:
Public Hearing and possible action on a request for a Zoning Map Amendment to rezone 1.322 acres of Block 23, Glasscock Addition, from the Mixed-Use Downtown (MU-DT) zoning district, and 0.257 acres of Lot 4, Lot 3 (SP), Block 21, and 0.414 acres of Lots 5-6, Lot 7 (SP), Block 21 of Glasscock Addition, from the Residential Single-Family (RS) zoning district to the Planned Unit Development (PUD) zoning district with a base zoning district of Mixed-Use Downtown (MU-DT), for the properties generally located at 205 E. University Avenue, 1014 Myrtle Street, and 1009 Church Street (2025-2-PUD) -- Allyson Iiams, Preservation & Redevelopment Program Manager

ITEM SUMMARY:
Item Summary: The applicant is requesting to rezone the subject properties, from the Mixed-Use Downtown (MU-DT) zoning district, the Residential Single-Family (RS) zoning district to the Planned Unit Development (PUD) zoning district with a base zoning district of Mixed-Use Downtown (MU-DT). The applicant's letter of intent, outlines their intent to establish the site as the headquarters and corporate offices for the Texas Municipal League Intergovernmental Risk Pool (TMILRP), while also contributing to the vitality of Downtown Georgetown.

Staff Analysis: 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 Section 3.06.040 for a Planned Unit Development, as outlined in Exhibit 6.

Public Comments: As required by the Unified Development Code (UDC), all property owners and registered neighborhood associations within 300-feet of the subject property were notified of the request (82 notices mailed), a legal notice advertising the public hearing was placed in the Sun Newspaper July 5, 2026 and 8 signs were posted on-site. As of the publication date of this report, staff has received 0 written comments in favor and 0 in opposition of the request.

FINANCIAL IMPACT:
N/A

SUBMITTED BY:
Allyson Iiams, Planning Department

ATTACHMENTS:
2025-2-PUD Staff Presentation.pdf
2025-2-PUD Staff Report.pdf
Exhibit 1 - Location Map.pdf
Exhibit 2 - Future Land Use Map.pdf
Exhibit 3 - Zoning Map.pdf

Exhibit 4 - Planned Unit Development Proposal.pdf
Exhibit 5 - Letter of Intent.pdf
Exhibit 6 - UDC Approval Criteria Analysis.pdf

Texas Municipal Center Planned Unit Development 2025-2-PUD

Planning & Zoning Commission

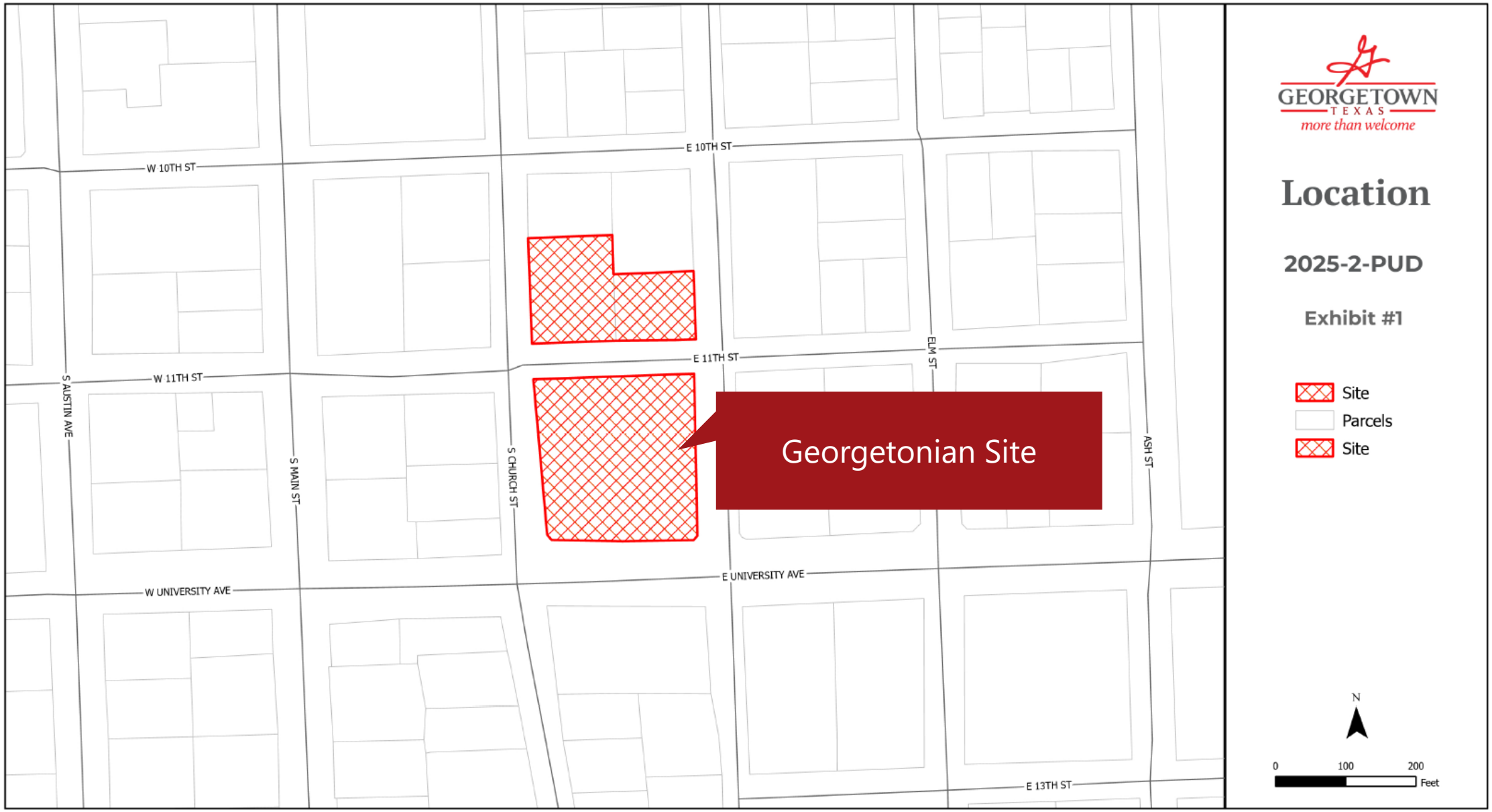
July 21, 2026

GEORGETOWN TEXAS

Item Under Consideration

2025-2-PUD

- Public Hearing and possible action on a request for a Zoning Map Amendment to rezone 1.322 acres of Block 23, Glasscock Addition, from the Mixed-Use Downtown (MU-DT) zoning district, and 0.257 acres of Lot 4, Lot 3 (SP), Block 21, and 0.414 acres of Lots 5-6, Lot 7 (SP), Block 21 of Glasscock Addition, from the Residential Single-Family (RS) zoning district to the Planned Unit Development (PUD) zoning district with a base zoning district of Mixed-Use Downtown (MU-DT), for the properties generally located at 205 E. University Avenue, 1014 Myrtle Street, and 1009 Church Street (2025-2-PUD). -- Allyson Iiams, Preservation & Redevelopment Program Manager


GEORGETOWN
TEXAS
more than welcome
Location
2025-2-PUD
Exhibit #1
Site
Parcels
Site
Georgetonian Site
W 10TH ST
E 10TH ST
W 11TH ST
E 11TH ST
S AUSTIN AVE
S MAIN ST
S CHURCH ST
ELM ST
ASH ST
W UNIVERSITY AVE
E UNIVERSITY AVE
E 13TH ST
N
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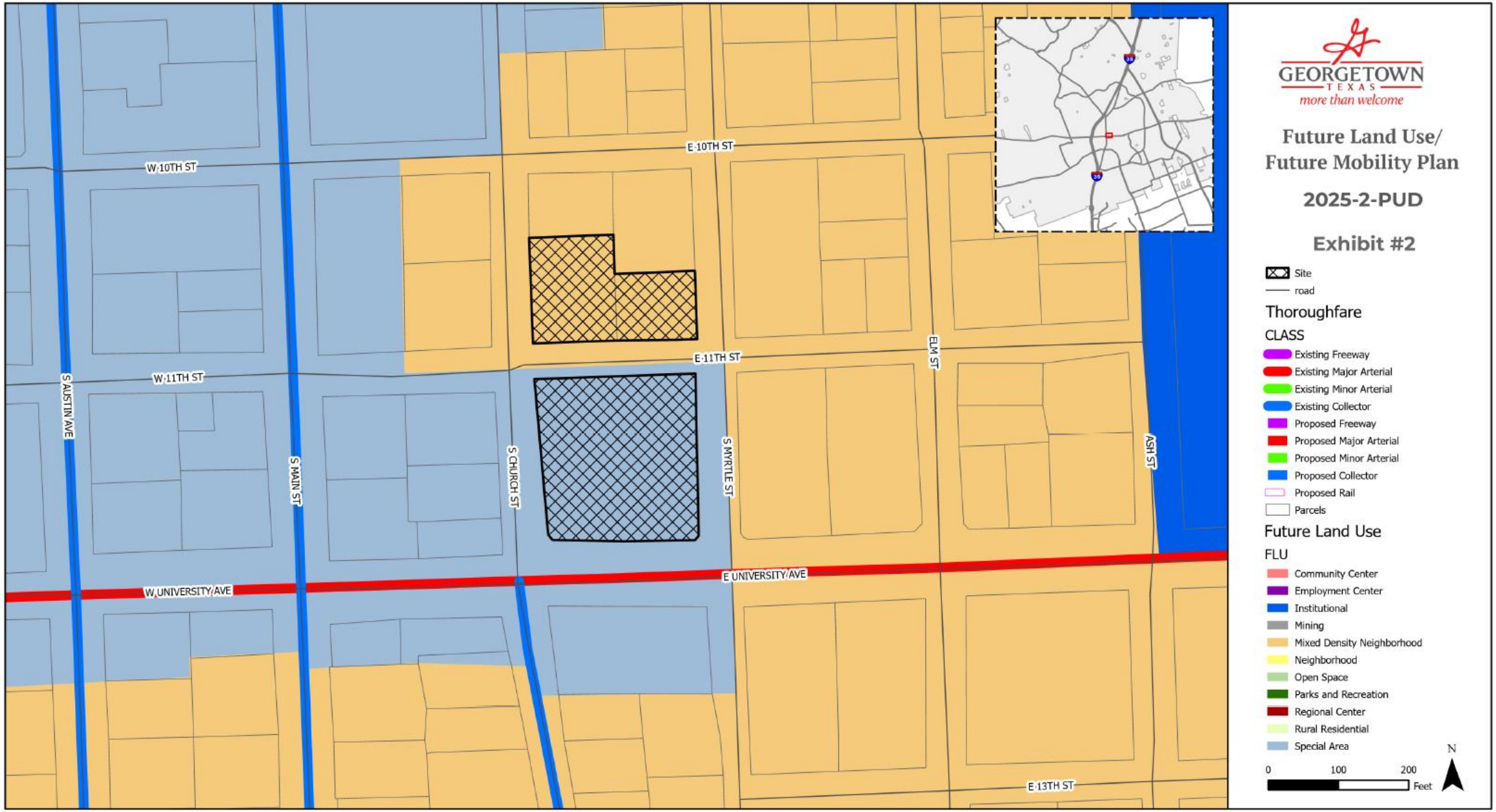
200
Feet

GEORGETOWN
TEXAS
more than welcome

Aerial

2025-2-PUD

Site
road


GEORGETOWN
TEXAS
more than welcome
Future Land Use/
Future Mobility Plan
2025-2-PUD
Exhibit #2
Site
road
Thoroughfare
CLASS
Existing Freeway
Existing Major Arterial
Existing Minor Arterial
Existing Collector
Proposed Freeway
Proposed Major Arterial
Proposed Minor Arterial
Proposed Collector
Proposed Rail
Parcels
Future Land Use
FLU
Community Center
Employment Center
Institutional
Mining
Mixed Density Neighborhood
Neighborhood
Open Space
Parks and Recreation
Regional Center
Rural Residential
Special Area
0
100
200
Feet
N
W 10TH ST
E 10TH ST
W 11TH ST
E 11TH ST
S AUSTIN AVE
S MAIN ST
S CHURCH ST
S MYRTLE ST
ELM ST
ASH ST
W UNIVERSITY AVE
E UNIVERSITY AVE
E 13TH ST

Special Area (SA)

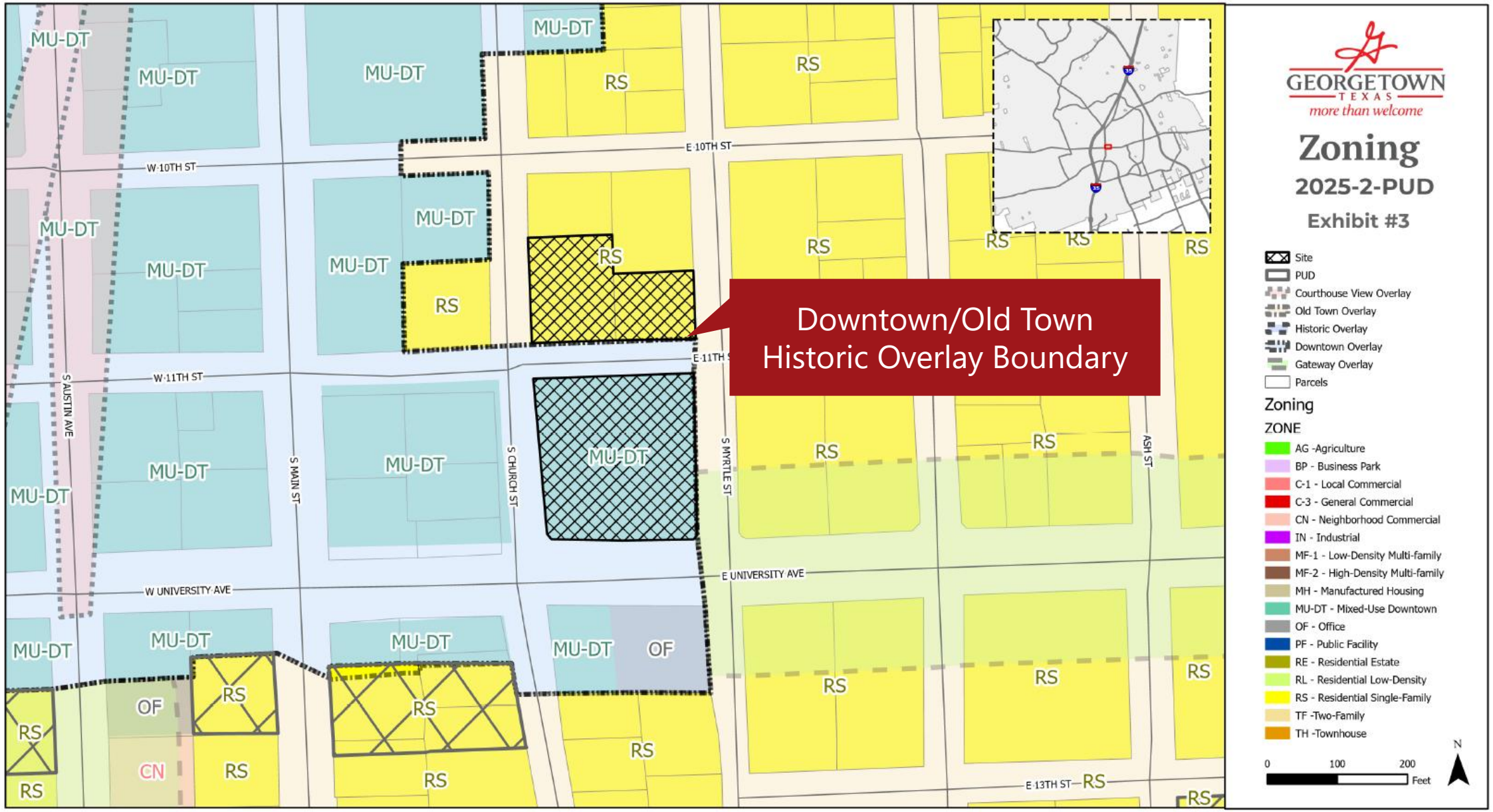
- Unique Destinations that emphasize retail, office, and entertainment uses
- Emphasis on building design, landscaping, public spaces
- Pedestrian oriented places that often include shopping streets, shared parking, and strong links to surrounding areas

- **DUA:** ⩾ 14 units or greater
- **Target Ratio:** Development Specific
- **Primary Use:** Mixed-use (high-density residential and retail)
- **Secondary Uses:** Medium-density residential, office, commercial, recreational, and civic uses

Mixed Density Neighborhood (MDN)

- Provides for a variety of single-family and medium density housing types in a compact network of complete, walkable streets
- Consistent with and complimentary to a traditional neighborhood, with an emphasis on connectivity
- Compatibility between housing types can be achieved through development standards like lot size, setbacks, and building design
- Non-residential uses located at arterials and major intersections with appropriate buffering and pedestrian elements

- **DUA:** 5.0 minimum
- **Target Ratio:** 25% detached residential (5-7 DUA), 45% Moderate density residential (townhomes, duplexes, cottage court), 30% nonresidential
- **Primary Use:** Variety of single-family home types (detached, duplex, townhome), small lot single-family detached homes
- **Secondary Uses:** Limited neighborhood-serving retail and service uses, office, institutional, civic, parks, and open space


GEORGETOWN
TEXAS
more than welcome
Zoning
2025-2-PUD
Exhibit #3
Site
PUD
Courthouse View Overlay
Old Town Overlay
Historic Overlay
Downtown Overlay
Gateway Overlay
Parcels
Zoning
ZONE
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
100
200
Feet
N
Downtown/Old Town
Historic Overlay Boundary
W 10TH ST
E 10TH ST
W 11TH ST
E 11TH ST
S AUSTIN AVE
S MAIN ST
S CHURCH ST
S MYRTLE ST
ASH ST
W UNIVERSITY AVE
E UNIVERSITY AVE
E 13TH ST
MU-DT
RS
OF
CN

Current - Residential Single-Family (RS)

- Medium density
- Primarily single-family neighborhoods
- May be located in proximity of neighborhood-friendly commercial
- Protected from incompatible uses

Dimensional Standards

- Min. lot size = 5,500 sq. ft.
- Min. lot width = 45’
- Max building height = 35’
- Front setback = 20’
- Side setback = 6’
- Rear setback = 10’
- Side/rear street setback = 15’
- Street facing garage setback = 25’

Mixed Use Downtown (MU-DT)

- Mix of land uses, including general commercial and retail
- Also includes single-family and multi-family in the downtown area
- Smaller in scale and scope
- Only appropriate in the traditional downtown area
- Shall meet design requirements of the Downtown Overlay District and Design Guidelines

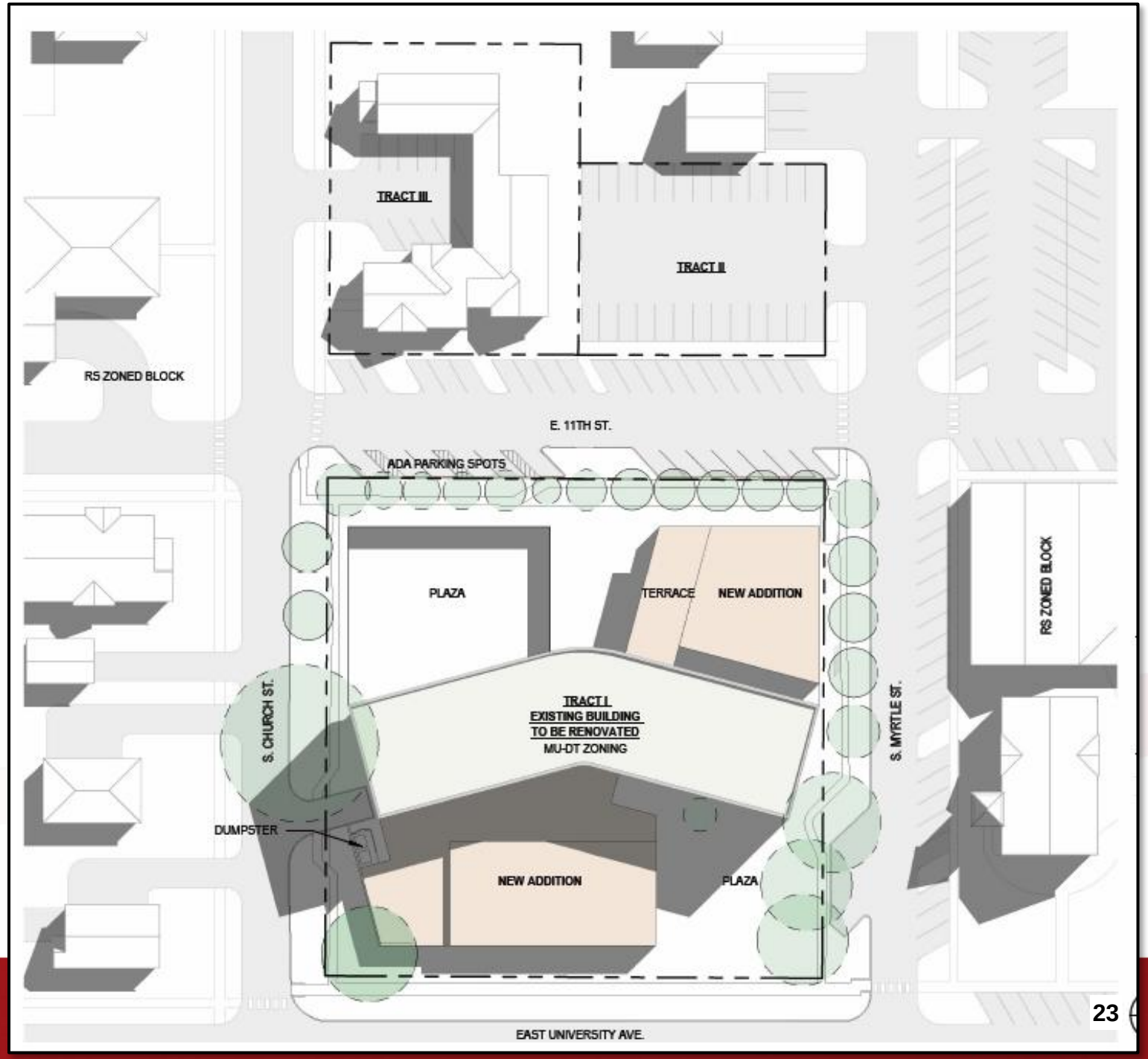
Dimensional Standards

- Max building height = 40’
- Setbacks = 0’
- 90% impervious cover
- 10’ landscape buffer to residential zoning

Planned Unit Development (PUD)

- Special purposed zoning district
- Allows flexibility in planning and design
- Can accommodate unique developments or environmentally-sensitive areas to be developed with a common scheme
- Can accommodate multiple uses

Concept Site Plan



Deviations from UDC Standards

UDC Standard	Proposed PUD Standard
UDC Sec. 5.4.020.K. Maximum Office Space	Square footage not to exceed 95,000
UDC Sec. 4.09.090 Open Space	Minimum open space of 6,000 sq ft
UDC Sec. 7.03.050.C. Horizontal & Vertical Articulation	Increase of horizontal articulation requirement to 120’ Increase in vertical articulation requirement to 4 times the building height
UDC Sec. 7.03.040 – Roof Style & Treatment	2:12 Pitch Roof, Parapets less than 2’ above roof line
UDC Sec. 9.02.010 Parking Requirements	Maximum parking requirement of 200 spaces ADA provided in ROW

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		

Approval Criteria – UDC Section 3.06.040

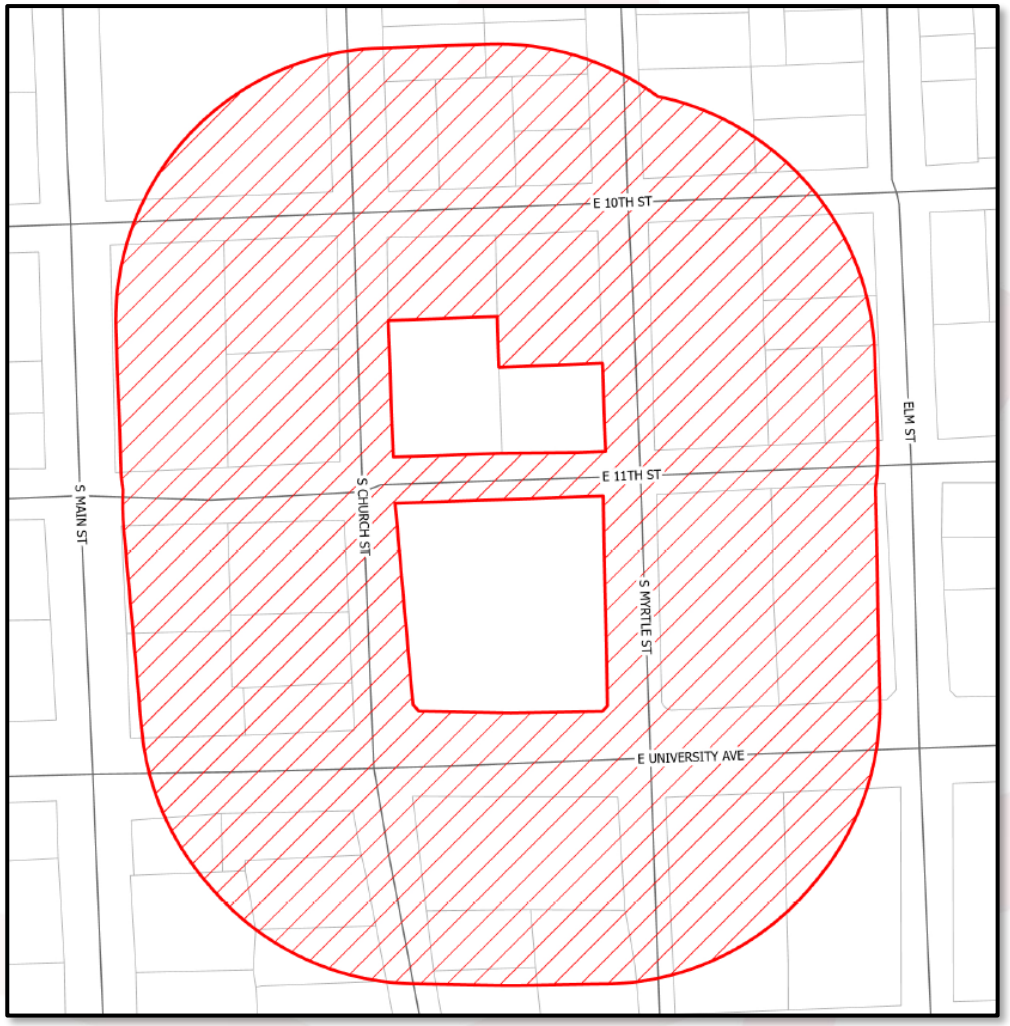
Criteria for PUDs	Complies	Partially Complies	Does Not Comply
A variety of housing types, employment opportunities, or commercial services to achieve a balanced community.	X		
An orderly and creative arrangement of all land uses with respect to each other and to the entire community.	X		
A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as roadways, bicycle ways, and pedestrian walkways.	X		

Approval Criteria – UDC Section 3.06.040

Criteria for PUDs	Complies	Partially Complies	Does Not Comply
The provisions of cultural or recreational facilities for all segments of the community.	X		
The location of general building envelopes to take maximum advantage of the natural and manmade environment.	X		
The staging of development in a manner which can be accommodated by the timely provision of public utilities, facilities, and services.	X		

Public Notifications

- 82 property owners within the 300' buffer
- Notice in Sun News on July 5, 2026
- 8 Signs posted on the property
- To date, staff has received:
  - 0 written comments IN FAVOR
  - 0 written comments OPPOSED



Summary

- Public Hearing and possible action on a request for a Zoning Map Amendment to rezone 1.322 acres of Block 23, Glasscock Addition, from the Mixed-Use Downtown (MU-DT) zoning district, and 0.257 acres of Lot 4, Lot 3 (SP), Block 21, and 0.414 acres of Lots 5-6, Lot 7 (SP), Block 21 of Glasscock Addition, from the Residential Single-Family (RS) zoning district to the Planned Unit Development (PUD) zoning district with a base zoning district of Mixed-Use Downtown (MU-DT), for the properties generally located at 205 E. University Avenue, 1014 Myrtle Street, and 1009 Church Street (2025-2-PUD

- Per UDC Section 3.06.020.E, the Planning and Zoning Commission shall hold a Public Hearing… and make a recommendation to the City Council

Planning Department Staff Report

Report Date: **July 15, 2026**
Case Number: **2025-2-PUD**
Case Manager: **Allyson Iiams, Preservation & Redevelopment Program Manager**

AGENDA ITEM DESCRIPTION

Public Hearing and possible action on a request for a Zoning Map Amendment to rezone 1.322 acres of Block 23, Glasscock Addition, from the Mixed-Use Downtown (MU-DT) zoning district, and 0.257 acres of Lot 4, Lot 3 (SP), Block 21, and 0.414 acres of Lots 5-6, Lot 7 (SP), Block 21 of Glasscock Addition, from the Residential Single-Family (RS) zoning district to the Planned Unit Development (PUD) zoning district with a base zoning district of Mixed-Use Downtown (MU-DT), for the properties generally located at 205 E. University Avenue, 1014 Myrtle Street, and 1009 Church Street (2025-2-PUD) -- Allyson Iiams, Preservation & Redevelopment Program Manager

AGENDA ITEM DETAILS

Project Name:	Texas Municipal Center Planned Unit Development
Applicant:	Jackson Walker LLP, c/o Pamela Madere
Property Owner:	Texas Municipal League Intergovernmental Risk Pool, c/o Jeffrey Snyder
Property Address:	205 E. University Street, 1014 Myrtle Street, and 1009 Church Street
Legal Description:	1.322 acres of Block 23, Glasscock Addition, 0.257 acres of Lot 4, Lot 3 (SP), Block 21, and 0.414 acres of Lots 5-6, Lot 7 (SP), Block 21 of Glasscock Addition
Current Zoning:	Mixed-Use Downtown (MU-DT), and Residential Single-Family (RS)

APPLICANT'S REQUEST

The applicant is requesting a Planned Unit Development with a base zoning of Mixed-Use Downtown (MU-DT) to allow them to establish the site as the headquarters and corporate offices for the TMLIRP.

RECOMMENDATION

Staff <u>recommend approval</u> of the request.

PROPERTY CONTEXT

Neighborhood Character:

The subject property is located within the Downtown Overlay District and the Old Town Neighborhood Overlay District. The site contains the existing Georgetonian building, which is zoned Mixed-Use Downtown (MU-DT), and two Residential Single-Family (RS) lots. The surrounding area consists of residential uses to the north and east, including St. John's Methodist Church and a four-plex adjacent to a commercial parking lot. To the south and west, the area transitions to additional MU-DT properties with a mix of office, commercial, salon, and residential uses.

Zoning Trends:

Rezoning activity in the surrounding area has been limited. The adjacent property located to the northwest of the subject site was rezoned to MU-DT in 2021. In addition, two properties further north of the site, near the intersection of 3rd and Church Streets, received MU-DT zoning in 2025 and 2026.

Present Property Description:

The project area consists of three separate properties. The southernmost parcel is improved with the historic Georgetonian building, which was previously utilized as office space, with parking located north of the structure. The northeastern parcel is developed as a surface parking lot. The northwestern parcel is improved with a historic residential structure.

STAFF ANALYSIS

Technical Review:

The southern parcel of the subject property has a Future Land Use designation of Special Area, which is intended to integrate a variety of complementary uses with an emphasis on retail, office, and entertainment activities. The two northern parcels are designated Mixed-Density Neighborhood (MDN), which is intended to accommodate medium-density residential development, neighborhood-serving commercial uses, and civic uses.

The proposed rezoning is consistent with the Future Land Use Map. The southern parcel supports the intent of the Special Area designation, while the two northern parcels will accommodate small non-residential uses, including office space and associated parking, consistent with the MDN designation.

The proposed rezoning request was reviewed by all applicable City departments to evaluate the appropriateness of the requested zoning. No comments or concerns were identified.

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 Section 3.06.040 for a Planned Unit Development, as outlined in Exhibit 6.

PUBLIC NOTIFICATION

As required by the Unified Development Code, all property owners within a 300-foot radius of the subject property were notified of the zoning request (82 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper (July 5, 2026) and 8 signs were posted on-site. To date, staff has received 0 written comment in favor, and 0 in opposition to the request.

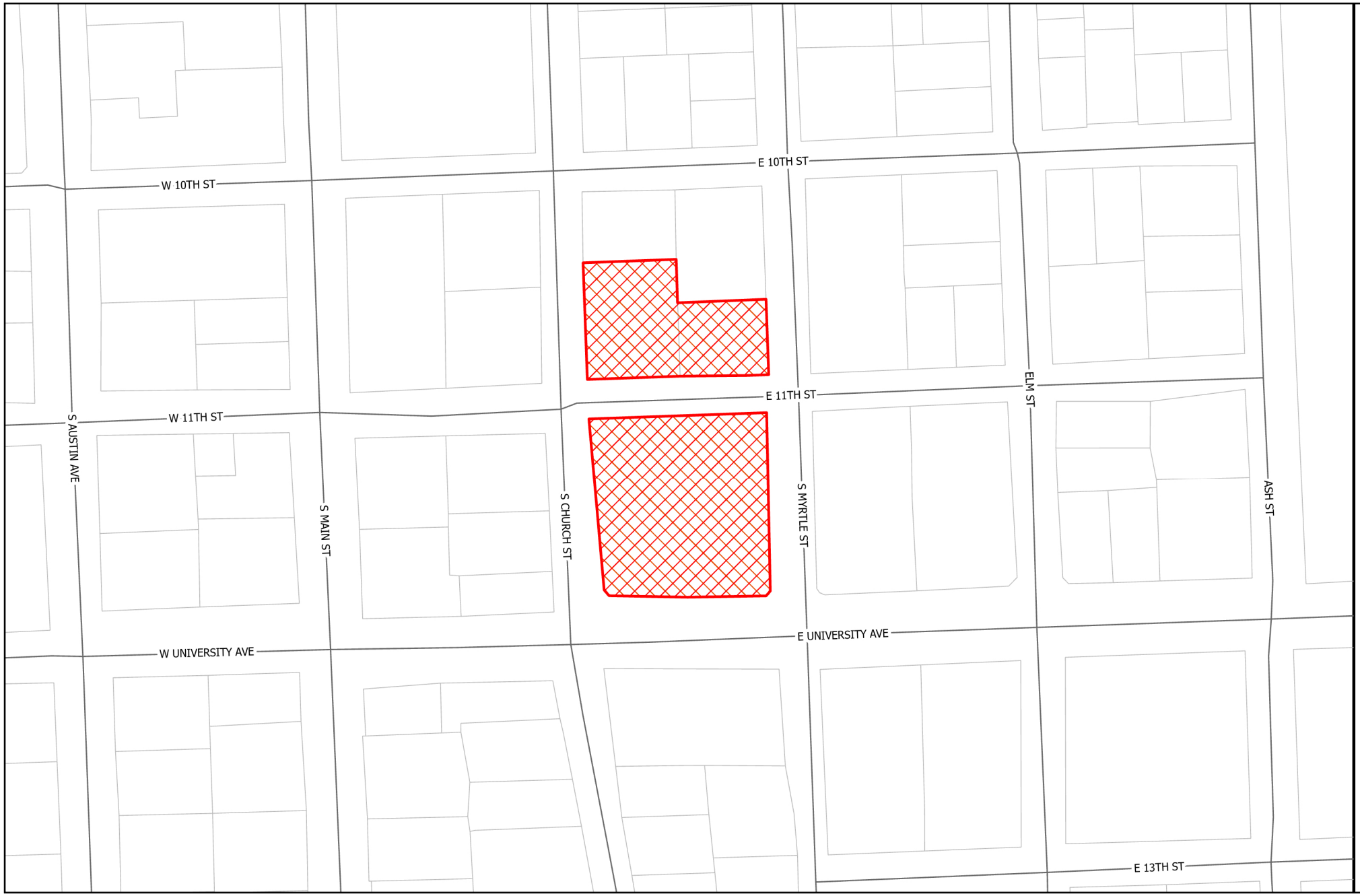
ATTACHMENTS

Exhibit 1 – Location Map
Exhibit 2 – Future Land Use Map
Exhibit 3 – Zoning Map
Exhibit 4 – Planned Unit Development Proposal
Exhibit 5 – Letter of Intent

Exhibit 6 – Criteria Analysis

SUBMITTED BY

Allyson Iiams, Preservation & Redevelopment Program Manager



GEORGETOWN
TEXAS
more than welcome

Location

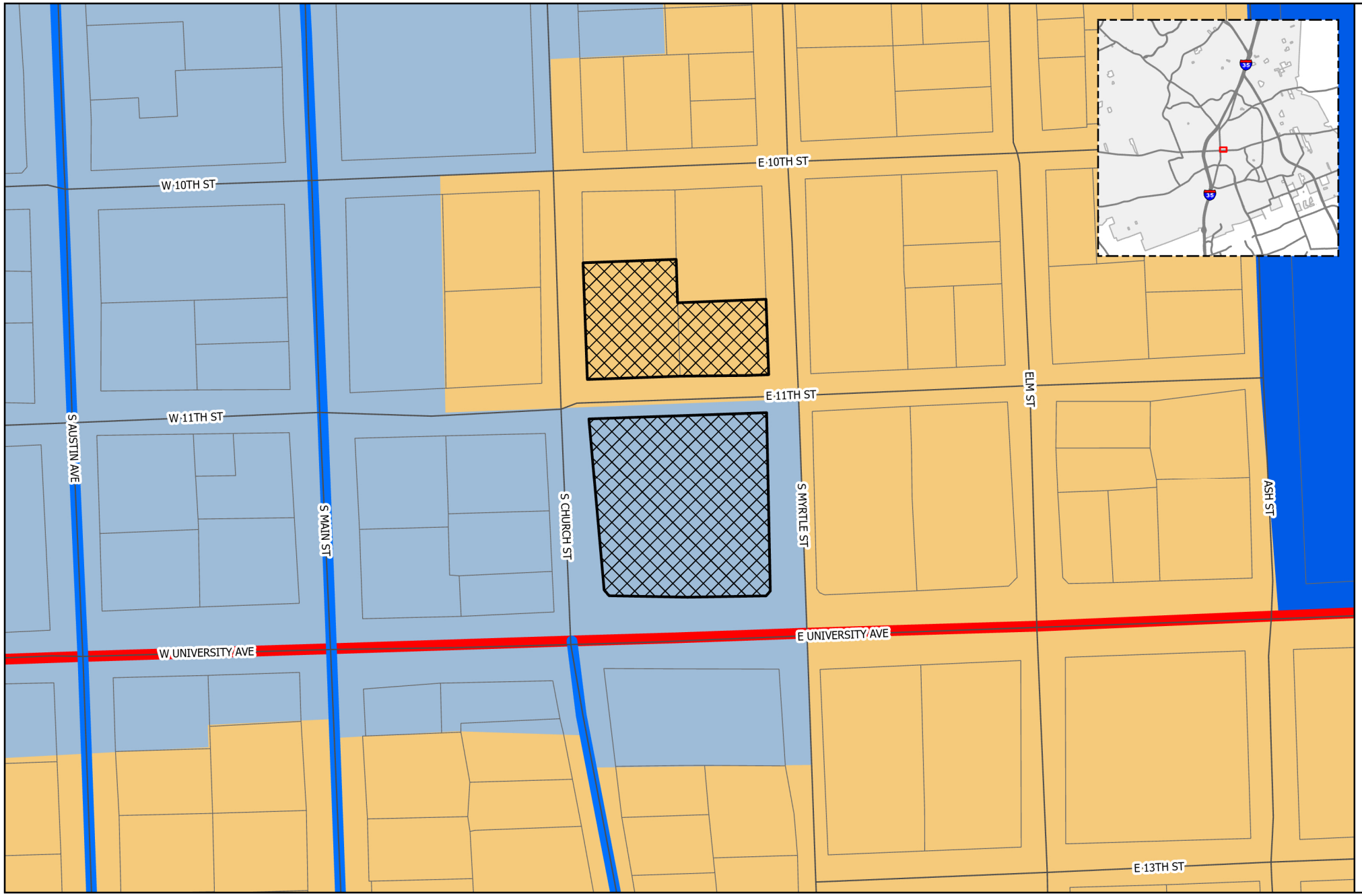
2025-2-PUD

Exhibit #1

Site
Parcels
Site

N

0 100 200 Feet



GEORGETOWN
TEXAS
more than welcome

Future Land Use/ Future Mobility Plan

2025-2-PUD

Exhibit #2

Site
road

Thoroughfare

CLASS

- Existing Freeway
- Existing Major Arterial
- Existing Minor Arterial
- Existing Collector
- Proposed Freeway
- Proposed Major Arterial
- Proposed Minor Arterial
- Proposed Collector
- Proposed Rail
- Parcels

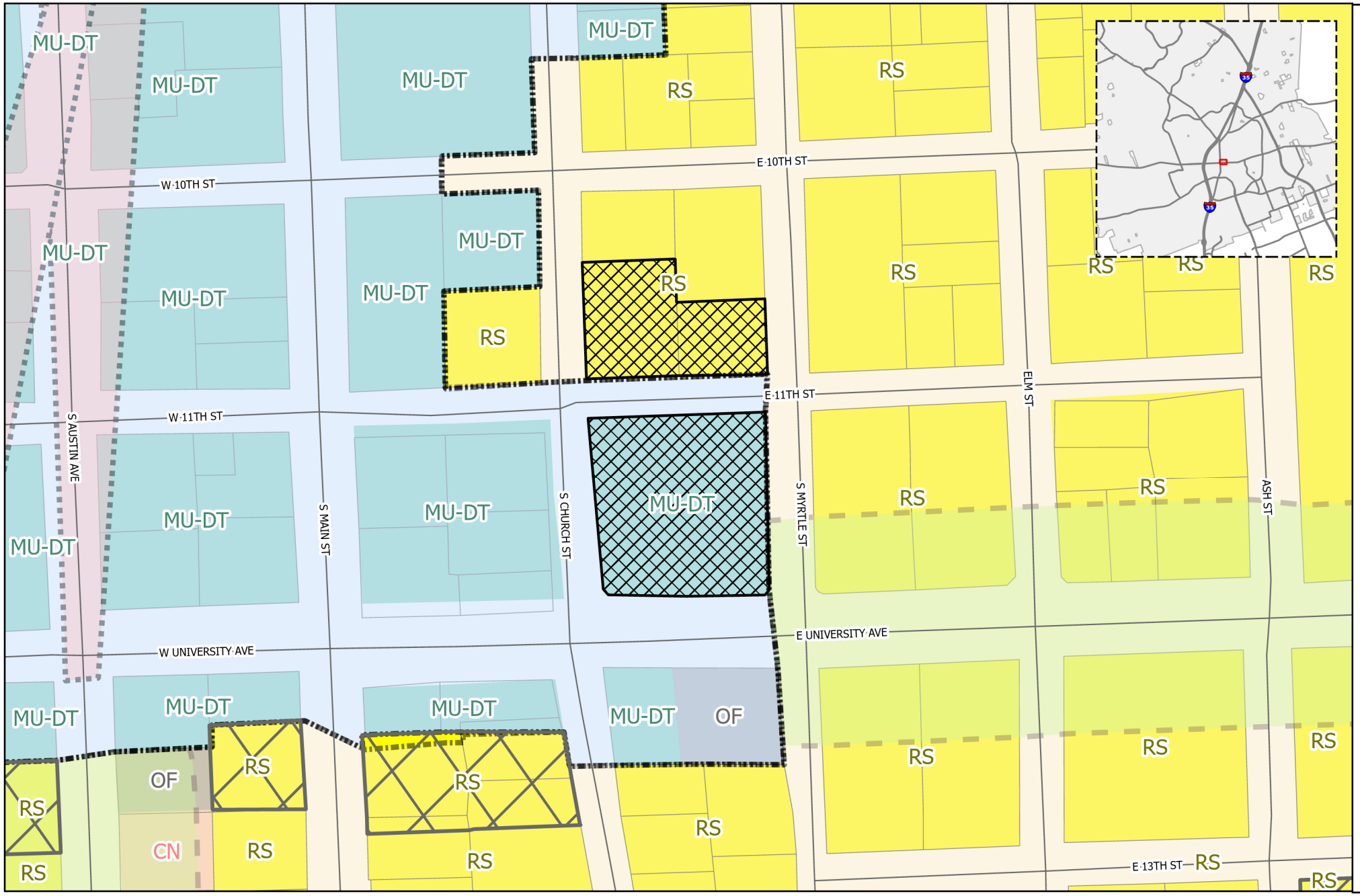
Future Land Use

FLU

- Community Center
- Employment Center
- Institutional
- Mining
- Mixed Density Neighborhood
- Neighborhood
- Open Space
- Parks and Recreation
- Regional Center
- Rural Residential
- Special Area

N

0 100 200 Feet



GEORGETOWN
TEXAS
more than welcome

Zoning

2025-2-PUD

Exhibit #3

- Site
- PUD
- Courthouse View Overlay
- Old Town Overlay
- Historic Overlay
- Downtown Overlay
- Gateway Overlay
- Parcels

Zoning

ZONE

- 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

0 100 200 Feet

N

EXHIBIT A
TEXAS MUNICIPAL CENTER
PLANNED UNIT DEVELOPMENT (PUD)
DEVELOPMENT PLAN
JULY 1, 2026

A. PROPERTY - LEGAL DESCRIPTION

Tract I: A tract or parcel containing 1.322 acres or approximately 57,600 square feet of land being all of Block 23, Glasscock Addition in the City of Georgetown conveyed to Texas Municipal League Intergovernmental Risk Pool in a general warranty deed dated January 5, 2026 and recorded in Document No. 2026001200 of the Official Public Records of Williamson County, Texas; Tract II: A tract or parcel containing 0.257 acres or approximately 11,172 square feet of land, being all of Lot 4 and a portion of Lot 3, Block 21, of the Glasscock Addition to the City of Georgetown conveyed to Texas Municipal League Intergovernmental Risk Pool in a general warranty deed dated January 5, 2026 and recorded in Document No. 2026001200 of the Official Public Records of Williamson County, Texas; and Tract III: A tract or parcel containing 0.414 acres or approximately 18,035 square feet of land being all of Lots 5 and 6, and a portion of Lot 7, Block 21, Glasscock Addition conveyed to Texas Municipal League Intergovernmental Risk Pool in a general warranty deed dated December 2, 2025 and recorded in Document No. 2025095233 of the Official Public Records of Williamson County (collectively approximately 1.993 acres, the "Property"), as reflected in **Exhibit "B"**.

B. PURPOSE

The proposed Texas Municipal Center ("TMC") development is submitted as a Planned Unit Development ("PUD"), with a base zoning district of Mixed-Use Downtown zoning ("MU-DT").

This PUD serves to augment and/or modify the standards for development outlined in the City's Unified Development Code ("UDC") in order to implement the vision for the Property and insure a cohesive, quality development not otherwise anticipated by the underlying base zoning district. In accordance with UDC this Development Plan, titled **Exhibit "A"**, is a summary of the development and design standards for the Property.

The PUD is intended to create a set of development standards for TMC consisting of three (3) existing buildings and an existing parking lot. Two (2) proposed building additions totaling a maximum of 95,000 gross square feet will be added to Tract I. The intended occupancy of these buildings will include, but is not limited to, professional and business offices, general office, and other related uses permitted within the MU-DT base zoning district.

C. APPLICABILITY AND BASE ZONING

In accordance with City of Georgetown ("City") UDC all development of the Property shall conform to the MU-DT base zoning district. Except for those requirements specifically deviated by this Development Plan, all development standards established in the most current version of the UDC at the time of development shall be applicable, including amendments or ordinances adopted after the date of this PUD. In the event that this Development Plan does not address a specific item, the UDC and any other applicable Ordinances shall apply. In the event of a conflict

between the regulations of this PUD and the regulations of the base zoning district, the PUD shall control.

D. CONCEPT PLAN

A Concept Plan is attached as **Exhibit "D"** to illustrate the building footprints, building information and design intent for the Property.

E. LAND USES

The TMC PUD is intended to establish the Property as the general headquarters and corporate office for the Texas Municipal League Intergovernmental Risk Pool ("TMLIRP"). The TMC PUD permitted uses with no limitations or Special Use Permit requirements include the following uses: (i) General Office, (ii) Integrated Office Center (iii) Office, Professional and Business, (iv) Event Facility as an accessory use to the Primary Use, and as a Primary Use, and (v) Personal Services. Uses that are not specified as permitted uses with no limitations or Special Use Permit requirements will be subject to the UDC MU-DT zoning district allowed uses. Prohibited uses are those listed in the UDC under the MU-DT zoning district.

F. DESIGN STANDARDS

1. PURPOSE

In order to provide attention in design and human scale and to minimize the appearance of large walls and structures, articulation techniques, and architectural features shall be incorporated into the building design.

2. OFFICE AREA

The total building square footage on Tract I shall not exceed 95,000.

3. OPEN SPACE

a. Additions are located on site in portions of Property where they are least likely to impact adjacent existing historic structures. The northwest corner of the Property is adjacent to historic homes and will be utilized as outdoor open space. The southeast corner adjacent to St. John's Methodist Church will also remain as open space. Both additions help to transition a large, noncompatible structure to be more compatible with the surrounding area and Old Town Character.

b. The minimum square footage of open space within the PUD will be 6,000 square feet, which will be privately maintained.

4. BUILDING ARTICULATION -HORIZONTAL (FOOTPRINT) and Vertical ARTICULATION (ELEVATION)

a. The UDC and the Historic District Design Guidelines indicate specific building

Articulation and Architectural Features for horizontal and vertical offsets. The existing building and proposed additions will not comply with vertical and horizontal articulation requirements.

b. Horizontal Articulation (Footprint).

Where the length of the wall is less than 120 feet, articulation is not required.

c. Vertical Articulation (Elevation).

No building wall shall extend laterally for a distance greater than four times the building's average height without a change in vertical elevation of at least twenty-five percent (25%) of such height.

5. BUILDING ELEMENTS

a. Roof styles for the new additions will be less than 2-to-12 pitch to be more compatible with the existing building.

b. Roof treatments for the new additions will include parapets that are less than two feet above the roof line to be more compatible with the existing building.

G. PARKING

Parking on the Property shall be in conformance with Chapter 9 of the UDC except as otherwise stated in this Development Plan.

1. Off-street parking is not required when a shared parking agreement is provided. The City of Georgetown parking garage located at East 9th Street and South Main Street will be utilized for off-street parking. The maximum required parking will be 200 spaces.

2. ADA parking will be provided in the R.O.W. along the north side of the Property on 11th Street via an accessible route subject to approval by the City. Loading and trash collection is also proposed to be located in the R.O.W. (area to be determined).

H. VEHICULAR ACCESS AND CIRCULATION

1. The site is bounded by three Local Downtown Streets to the west, north, and east: S Church Street, East 11th street, and south Myrtle Street. The site is bounded by SH 29 to the south. There are no roadway modifications planned for this project.

2. **Exhibit "E"** reflects the existing roadway network and City roadway standards.

I. TREE SURVEY

A tree survey of the Property is reflected in **Exhibit "C"**. The PUD will be subject to the Tree Ordinance 2025-54 or any modifications to the Tree Ordinance at the time of site development plan approval.

J. LANDSCAPE REQUIREMENTS

The landscape plan will comply with the requirements of the UDC as shown on **Exhibit "F"**, Concept Landscape Plan with the following exceptions:

1. The sidewalks under all heritage trees in the R.O.W. along Church and Myrtle Streets will remain in place within the ½ critical root zone to limit disturbance and impact to the root zones. In the event that the sidewalk needs to be repaired/replaced due to damage during construction or unsafe conditions, the sidewalk will be rebuilt in its current location subject to review by the City of Georgetown 8.02.030.

K. IMPERVIOUS COVER

The portion of the Property within the Downtown Overlay District effective on the date of the PUD approval is allowed a 95% maximum impervious cover. Tracts II and III, which are outside of the Downtown Overlay, will be subject to 70% impervious cover at the time either Tract is redeveloped. The existing impervious cover conditions on Tracts II and III will remain as is.

L. PUD MODIFICATIONS

In conformance with the UDC, modifications to this Development Plan shall require City Council approval of an amendment to this PUD except where the Director of Planning determines such modifications to be minor the Director may authorize such modifications. Minor modifications may include changes to building sizes or locations providing those modifications conform to the general intent of this PUD, uses authorized by this PUD, or to applicable provisions of the UDC and any other applicable regulations.

M. LIST OF EXHIBITS

Exhibit A – Development Plan
Exhibit B – Field Notes, Survey, & Legal Description
Exhibit C – Tree Survey
Exhibit D – Concept Plan
Exhibit E – Transportation
Exhibit F – Landscape Plan

EXHIBIT B
FIELD NOTES & SURVEY

EARLY LAND SURVEYING, LLC
P.O. Box 92588, Austin, TX 78709
512-202-8631
earlysurveying.com
TBPELS Firm No. 10194487

1.322 ACRES
WILLIAMSON COUNTY, TEXAS

A DESCRIPTION OF 1.322 ACRES (APPROXIMATELY 57,600 SQ. FT.), BEING ALL OF BLOCK 23, GLASSCOCK ADDITION IN THE CITY OF GEORGETOWN (NO RECORD INFORMATION FOUND), BEING ALL OF A 1.322 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL, IN A GENERAL WARRANTY DEED DATED JANUARY 5, 2026, RECORDED IN DOCUMENT NO. 2026001200 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 1.322 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2” rebar found at the intersection of the north right-of-way line of E University Avenue (public right-of-way width varies) and the east right-of-way line of S Church Street (public right-of-way width varies), being the southwest corner of said Block 23, same being the southwest corner of the said 1.322 acre tract;

THENCE North 01°58'07" West, with the east right-of-way line of S Church Street and the west line of said Block 23, same being the west line of the said 1.322 acre tract, a distance of 240.00 feet to a 1/2” rebar with “Early Boundary” cap set at the intersection of the east right-of-way line of S Church Street and the south right-of-way line of E 11th Street (apparent 60’ public right-of-way width), being the northwest corner of said Block 23, same being the northwest corner of the said 1.322 acre tract, from which an “X” in concrete found at the intersection of the east right-of-way line of S Church Street and the north right-of-way line of E 11th Street, being the southwest corner of Block 21 of said Glasscock Addition, same being the southwest corner of a 0.41 acre tract described in Document No. 2025095233 of the Official Public Records of Williamson County, Texas, bears North 01°58’07” West, a distance of 59.81 feet;

THENCE North 88°01'53" East, with the south right-of-way line of E 11th Street and the north line of said Block 23, same being the north line of the said 1.322 acre tract, a distance of 240.00 feet to a mag nail with “Early Boundary” washer set at the intersection of the south right-of-way line of E 11th Street and the west right-of-way line of S Myrtle Street (public right-of-way width varies), being the northeast corner of said Block 23, same being the northeast corner of the said 1.322 acre tract, from which a punch/drill hole in concrete found at the intersection of the north right-of-way line of E 11th Street and the west right-of-way line of S Myrtle Street, being the southeast corner

of said Block 21, same being the southeast corner of a 0.256 acre tract described in said Document No. 2026001200, bears North 01°58’07” West, a distance of 60.02 feet;

THENCE South 01°58'07" East, with the west right-of-way line of S Myrtle Street and the east line of said Block 23, same being the east line of the said 1.322 acre tract, a distance of 240.00 feet to a mag nail with “Early Boundary” washer set at the intersection of the west right-of-way line of S Myrtle Street and the north right-of-way line of E University Avenue, being the southeast corner of said Block 23, same being the southeast corner of the said 1.322 acre tract, from which a 1/2” iron pipe found at the intersection of the west right-of-way line of S Myrtle Street and the south right-of-way line of E University Avenue, being the northeast corner of Lot 4, Cody’s Subdivision of Block I of the Hughes Addition, a subdivision of record in Cabinet A, Slide 110 of the Plat Records of Williamson County, Texas, bears South 02°12’17” East, a distance of 86.55 feet, then North 87°47’43” East, a distance of 11.37 feet;

THENCE South 88°01'53" West, with the north right-of-way line of E University Avenue and the south line of said Block 23, same being the south line of the said 1.322 acre tract, a distance of 240.00 feet to the **POINT OF BEGINNING**, containing 1.322 acres of land, more or less.

Surveyed on the ground on March 4, 2026.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1253-001-SK-1.322 ACRES

3/12/2026

Joe Ben Early, Jr. Date
Registered Professional Land Surveyor
State of Texas No. 6016

SKETCH TO ACCOMPANY A DESCRIPTION OF 1.322 ACRES (APPROXIMATELY 57,600 SQ. FT.), BEING ALL OF BLOCK 23, GLASSCOCK ADDITION IN THE CITY OF GEORGETOWN (NO RECORD INFORMATION FOUND), BEING ALL OF A 1.322 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL, IN A GENERAL WARRANTY DEED DATED JANUARY 5, 2026, RECORDED IN DOCUMENT NO. 2026001200 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

LEGEND

●	1/2" REBAR FOUND (OR AS NOTED)
PCAP●	1/2" REBAR WITH AN ILLEGIBLE CAP FOUND
○	1/2" REBAR WITH "EARLY BOUNDARY" CAP SET
⦿	1/2" IRON PIPE FOUND (OR AS NOTED)
◎	PUNCH/DRILL HOLE IN CONCRETE FOUND
△	MAG NAIL WITH "EARLY BOUNDARY" WASHER SET
⊠	"X" IN CONCRETE FOUND
△	CALCULATED POINT
( )	RECORD INFORMATION

(A)

TEXAS MUNICIPAL LEAGUE
INTERGOVERNMENTAL RISK POOL
0.41 ACRES
(2025095233)

LOTS 5 AND 6
AND A PORTION OF LOT 7
BLOCK 21
GLASSCOCK ADDITION
(NO RECORD INFORMATION FOUND)

(B)

TEXAS MUNICIPAL LEAGUE
INTERGOVERNMENTAL RISK POOL
0.256 ACRES
(2026001200)

LOT 4 AND
A PORTION OF LOT 3
BLOCK 21
GLASSCOCK ADDITION
(NO RECORD INFORMATION FOUND)

(C)

LOTS 3 AND 4
AND A PORTION OF LOT 2
CODY'S SUBDIVISION OF BLOCK I
OF THE HUGHES ADDITION
(A/110)

ZULCIC, LLC.
0.4296 ACRES
(2024007656)

(D)

LOT 1
AND A PORTION OF LOT 2
CODY'S SUBDIVISION OF BLOCK I
OF THE HUGHES ADDITION
(A/110)

ZULCIC, LLC.
0.24 ACRES
(2023104807)

STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR

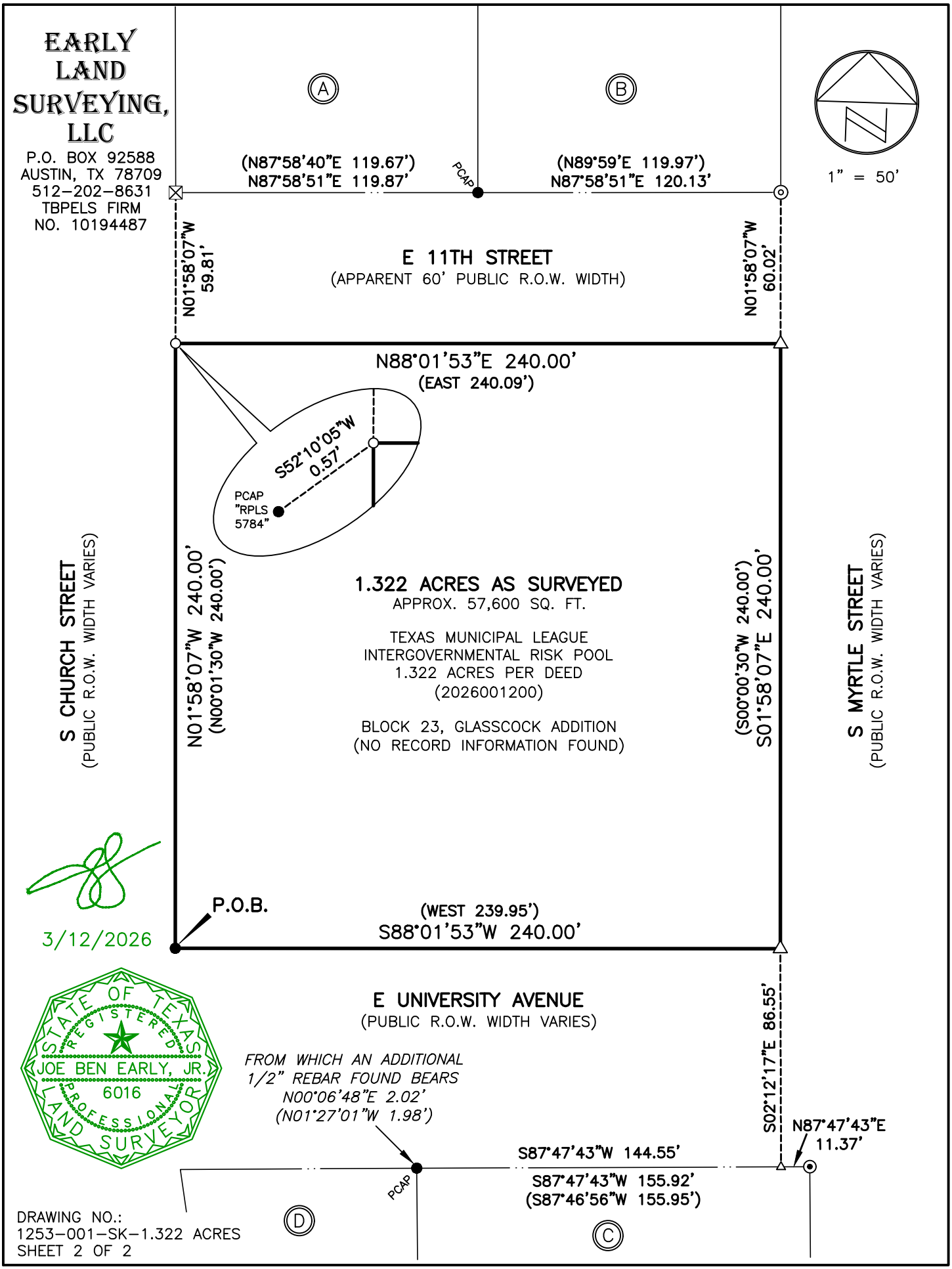
3/12/2026

DATE OF SURVEY: 3/4/26
PLOT DATE: 3/12/26
DRAWING NO.:
1253-001-SK-1.322 ACRES
DRAWN BY: JBE
SHEET 1 OF 2

EARLY LAND
SURVEYING, LLC
P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
TBPELS FIRM NO. 10194487

THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION


EARLY LAND SURVEYING, LLC
P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
TBPELS FIRM
NO. 10194487
A
B
(N87°58'40"E 119.67')
N87°58'51"E 119.87'
PCAP
(N89°59'E 119.97')
N87°58'51"E 120.13'
1" = 50'
N01°58'07"W
59.81'
E 11TH STREET
(APPARENT 60' PUBLIC R.O.W. WIDTH)
N01°58'07"W
60.02'
N88°01'53"E 240.00'
(EAST 240.09')
S52°10'05"W
0.57'
PCAP
"RPLS
5784"
S CHURCH STREET
(PUBLIC R.O.W. WIDTH VARIES)
N01°58'07"W 240.00'
(N00°01'30"W 240.00')
1.322 ACRES AS SURVEYED
APPROX. 57,600 SQ. FT.
TEXAS MUNICIPAL LEAGUE
INTERGOVERNMENTAL RISK POOL
1.322 ACRES PER DEED
(2026001200)
BLOCK 23, GLASSCOCK ADDITION
(NO RECORD INFORMATION FOUND)
(S00°00'30"W 240.00')
S01°58'07"E 240.00'
S MYRTLE STREET
(PUBLIC R.O.W. WIDTH VARIES)
3/12/2026
P.O.B.
(WEST 239.95')
S88°01'53"W 240.00'
STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR
E UNIVERSITY AVENUE
(PUBLIC R.O.W. WIDTH VARIES)
FROM WHICH AN ADDITIONAL
1/2" REBAR FOUND BEARS
N00°06'48"E 2.02'
(N01°27'01"W 1.98')
S02°12'17"E 86.55'
N87°47'43"E
11.37'
S87°47'43"W 144.55'
PCAP
S87°47'43"W 155.92'
(S87°46'56"W 155.95')
D
C
DRAWING NO.:
1253-001-SK-1.322 ACRES
SHEET 2 OF 2

EARLY LAND SURVEYING, LLC
P.O. Box 92588, Austin, TX 78709
512-202-8631
earlysurveying.com
TBPELS Firm No. 10194487

0.257 ACRES
WILLIAMSON COUNTY, TEXAS

A DESCRIPTION OF 0.257 ACRES (APPROXIMATELY 11,172 SQ. FT.), BEING ALL OF LOT 4 AND A PORTION OF LOT 3, BLOCK 21, GLASSCOCK ADDITION IN THE CITY OF GEORGETOWN (NO RECORD INFORMATION FOUND), BEING ALL OF A 0.256 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL, IN A GENERAL WARRANTY DEED DATED JANUARY 5, 2026, RECORDED IN DOCUMENT NO. 2026001200 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.257 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a punch/drill hole in concrete found at the intersection of the north right-of-way line of E 11th Street (apparent 60' right-of-way width) and the west right-of-way line of S Myrtle Street (right-of-way width varies), being the southeast corner of said Block 21, same being the southeast corner of the said 0.256 acre tract, from which a mag nail with "Early Boundary" washer set at the intersection of the south right-of-way line of E 11th Street and the west right-of-way line of S Myrtle Street, being the northeast corner of Block 23 of said Glasscock Addition, same being the northeast corner of a 1.322 acre tract described in said Document No. 2026001200, bears South 01°58'07" East, a distance of 60.02 feet;

THENCE South 87°58'51" West, with the north right-of-way line of E 11th Street and the south line of said Block 21, same being the south line of the said 0.256 acre tract, a distance of 120.13 feet to a 1/2" rebar with an illegible cap found for the southwest corner of the said 0.256 acre tract, being the southeast corner of a 0.41 acre tract described in Document No. 2025095233 of the Official Public Records of Williamson County, Texas, from which an "X" in concrete found at the intersection of the north right-of-way line of E 11th Street and the east right-of-way line of S Church Street (right-of-way width varies), being the southwest corner of said Block 21, same being the southwest corner of the said 0.41 acre tract, bears South 87°58'51" West, a distance of 119.87 feet;

THENCE North 01°58'07" West, with the west line of the said 0.256 acre tract and the east line of the said 0.41 acre tract, a distance of 93.00 feet to a 1/2" rebar with "Early Boundary" cap set for the northwest corner of the said 0.256 acre tract, being the southwest corner of a tract of land described in Document No. 2023056903 of the Official Public Records of Williamson County, Texas;

THENCE North 87°58'51" East, with the north line of the said 0.256 acre tract and the south line of the said tract described in Document No. 2023056903, a distance of 120.13 feet to a calculated point in the west right-of-way line of S Myrtle Street, being in the east line of said Block 21, being the northeast corner of the said 0.256 acre tract, being also the southeast corner of the said tract described in Document No. 2023056903;

THENCE South 01°58'07" East, with the west right-of-way line of S Myrtle Street and the east line of said Block 21, same being the east line of the said 0.256 acre tract, a distance of 93.00 feet to the **POINT OF BEGINNING**, containing 0.257 acres of land, more or less.

Surveyed on the ground on March 4, 2026.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1253-001-SK-0.257 ACRES

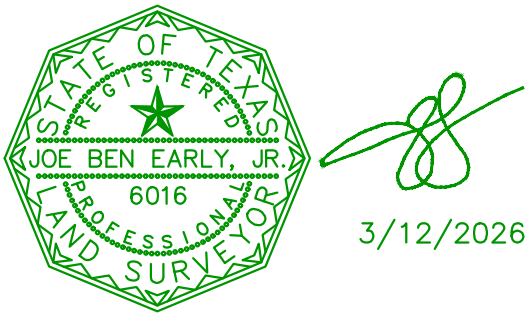
3/12/2026

Joe Ben Early, Jr. Date
Registered Professional Land Surveyor
State of Texas No. 6016

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.257 ACRES (APPROXIMATELY 11,172 SQ. FT.), BEING ALL OF LOT 4 AND A PORTION OF LOT 3, BLOCK 21, GLASSCOCK ADDITION IN THE CITY OF GEORGETOWN (NO RECORD INFORMATION FOUND), BEING ALL OF A 0.256 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL, IN A GENERAL WARRANTY DEED DATED JANUARY 5, 2026, RECORDED IN DOCUMENT NO. 2026001200 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

LEGEND

●	1/2" REBAR FOUND (AS NOTED)
PCAP●	1/2" REBAR WITH AN ILLEGIBLE CAP FOUND
○	1/2" REBAR WITH "EARLY BOUNDARY" CAP SET
◎	PUNCH/DRILL HOLE IN CONCRETE FOUND
△	MAG NAIL WITH "EARLY BOUNDARY" WASHER SET
⊠	"X" IN CONCRETE FOUND
( )	RECORD INFORMATION



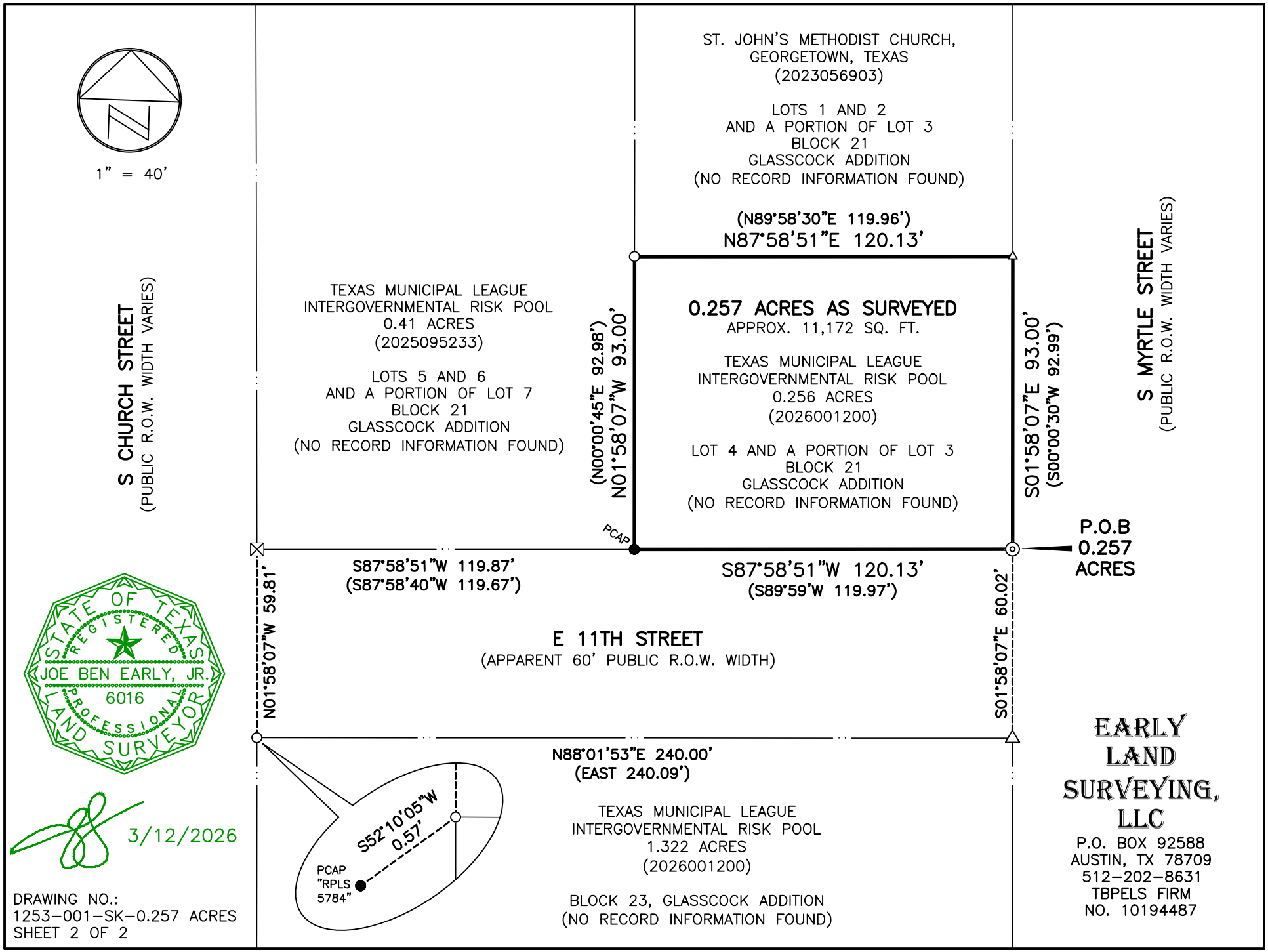
3/12/2026

DATE OF SURVEY: 3/4/26
PLOT DATE: 3/12/26
DRAWING NO.:
1253-001-SK-0.257 ACRES
DRAWN BY: JBE
SHEET 1 OF 2

EARLY LAND SURVEYING, LLC
P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
TBPELS FIRM NO. 10194487

THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1253-001-SK-0.257 ACRES


1" = 40'
S CHURCH STREET
(PUBLIC R.O.W. WIDTH VARIES)
TEXAS MUNICIPAL LEAGUE
INTERGOVERNMENTAL RISK POOL
0.41 ACRES
(2025095233)
LOTS 5 AND 6
AND A PORTION OF LOT 7
BLOCK 21
GLASSCOCK ADDITION
(NO RECORD INFORMATION FOUND)
ST. JOHN'S METHODIST CHURCH,
GEORGETOWN, TEXAS
(2023056903)
LOTS 1 AND 2
AND A PORTION OF LOT 3
BLOCK 21
GLASSCOCK ADDITION
(NO RECORD INFORMATION FOUND)
(N89°58'30"E 119.96')
N87°58'51"E 120.13'
0.257 ACRES AS SURVEYED
APPROX. 11,172 SQ. FT.
TEXAS MUNICIPAL LEAGUE
INTERGOVERNMENTAL RISK POOL
0.256 ACRES
(2026001200)
LOT 4 AND A PORTION OF LOT 3
BLOCK 21
GLASSCOCK ADDITION
(NO RECORD INFORMATION FOUND)
(N00°00'45"E 92.98')
N01°58'07"W 93.00'
S01°58'07"E 93.00'
(S00°00'30"W 92.99')
S MYRTLE STREET
(PUBLIC R.O.W. WIDTH VARIES)
PCAP
P.O.B
0.257
ACRES
S87°58'51"W 119.87'
(S87°58'40"W 119.67')
S87°58'51"W 120.13'
(S89°59'W 119.97')
N01°58'07"W 59.81'
S01°58'07"E 60.02'
E 11TH STREET
(APPARENT 60' PUBLIC R.O.W. WIDTH)
N88°01'53"E 240.00'
(EAST 240.09')
S52°10'05"W
0.57'
PCAP
"RPLS
5784"
TEXAS MUNICIPAL LEAGUE
INTERGOVERNMENTAL RISK POOL
1.322 ACRES
(2026001200)
BLOCK 23, GLASSCOCK ADDITION
(NO RECORD INFORMATION FOUND)
STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR
3/12/2026
DRAWING NO.:
1253-001-SK-0.257 ACRES
SHEET 2 OF 2
EARLY
LAND
SURVEYING,
LLC
P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
TBPELS FIRM
NO. 10194487

EARLY LAND SURVEYING, LLC
P.O. Box 92588, Austin, TX 78709
512-202-8631
earlysurveying.com
TBPELS Firm No. 10194487

0.414 ACRES
WILLIAMSON COUNTY, TEXAS

A DESCRIPTION OF 0.414 ACRES (APPROXIMATELY 18,035 SQ. FT.), BEING ALL OF LOTS 5 AND 6, AND A PORTION OF LOT 7, BLOCK 21, GLASSCOCK ADDITION TO THE CITY OF GEORGETOWN (NO RECORD INFORMATION FOUND), BEING ALL OF A 0.41 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL IN A GENERAL WARRANTY DEED DATED DECEMBER 2, 2025 AND RECORDED IN DOCUMENT NO. 2025095233 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.414 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an “X” in concrete found at the intersection of the north right-of-way line of E 11th Street (apparent 60’ right-of-way width) and the east right-of-way line of S Church Street (right-of-way width varies), being the southwest corner said Block 21, same being the southwest corner of the said 0.41 acre tract, from which a 1/2” rebar with “Early Boundary” cap set at the intersection of the south right-of-way line of E 11th Street and the east right-of-way line of S Church Street, being the northwest corner of Block 23 of said Glasscock Addition, same being the northwest corner of a 1.322 acre tract described in Document No. 2026001200 of the Official Public Records of Williamson County, Texas, bears South 01°58’07” East, a distance of 59.81 feet;

THENCE North 02°04'07" West, with the east right-of-way line of S Church Street and the west line of said Block 21, same being the west line of the said 0.41 acre tract, a distance of 150.21 feet to a 1/2” rebar with “Forest RPLS 1847” cap found for the northwest corner of the said 0.41 acre tract, being the southwest corner of a 0.247 acre tract described in Document No. 2013033121 of the Official Public Records of Williamson County, Texas;

THENCE North 87°55'32" East, crossing said Block 21, with the north line of the said 0.41 acre tract and the south line of the said 0.247 acre tract, a distance of 120.22 feet to a calculated point (corner inaccessible at time of survey) for the northeast corner of the said 0.41 acre tract, being the southeast corner of the said 0.247 acre tract, being also in the west line of a tract of land described in Document No. 2023056903 of the Official Public Records of Williamson County, Texas;

THENCE South 01°52'51" East, crossing said Block 21, with the east line of the said 0.41 acre tract and the west line of the tract of land described in said Document No. 2023056903, a distance of 57.33 feet to a 1/2” rebar with “Early Boundary” cap set for the southwest corner of the tract of land described in said Document No. 2023056903, being the northwest corner of a 0.256 acre tract described in Document No. 2026001200 of the Official Public Records of Williamson County, Texas;

THENCE South 01°58'07" East, crossing said Block 21, with the west line of the said 0.41 acre tract and the east line of the said 0.256 acre tract, a distance of 93.00 feet to a 1/2” rebar with an illegible cap found in the north right-of-way line of E 11th Street, being in the south line of said Block 21, being the southeast corner of the said 0.41 acre tract, being also the southwest corner of the said 0.256 acre tract, from which a punch/drill hole in concrete found at the intersection of the north right-of-way line of E 11th Street and the west right-of-way line S Myrtle Street (right-of-way width varies), being the southeast corner of said Block 21, same being the southeast corner of the said 0.256 acre tract, bears North 87°58’51” East, a distance of 120.13 feet;

THENCE South 87°58'51" West, with the north right-of-way line of E 11th Street and the south line of said Block 21, same being the south line of the said 0.41 acre tract, a distance of 119.87 feet to the **POINT OF BEGINNING**, containing 0.414 acres of land, more or less.

Surveyed on the ground on March 4, 2026.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1253-001-SK-0.414 ACRES

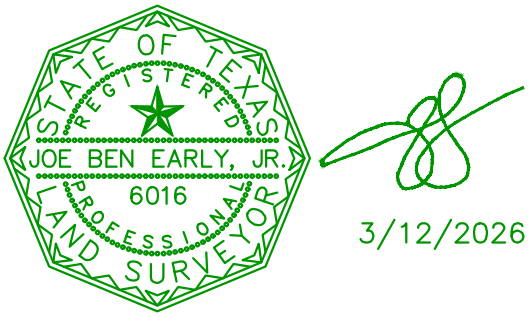
3/12/2026

Joe Ben Early, Jr. Date
Registered Professional Land Surveyor
State of Texas No. 6016

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.414 ACRES (APPROXIMATELY 18,035 SQ. FT.), BEING ALL OF LOTS 5 AND 6, AND A PORTION OF LOT 7, BLOCK 21, GLASSCOCK ADDITION TO THE CITY OF GEORGETOWN (NO RECORD INFORMATION FOUND), BEING ALL OF A 0.41 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL IN A GENERAL WARRANTY DEED DATED DECEMBER 2, 2025 AND RECORDED IN DOCUMENT NO. 2025095233 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

LEGEND

●	1/2" REBAR FOUND (AS NOTED)
F●	1/2" REBAR WITH "FOREST RPLS 1847" CAP FOUND
PCAP●	1/2" REBAR WITH AN ILLEGIBLE CAP FOUND
○	1/2" REBAR WITH "EARLY BOUNDARY" CAP SET
◎	PUNCH/DRILL HOLE IN CONCRETE FOUND
△	MAG NAIL WITH "EARLY BOUNDARY" WASHER SET
⊠	"X" IN CONCRETE FOUND
△	CALCULATED POINT
( )	RECORD INFORMATION



3/12/2026

DATE OF SURVEY: 3/4/26
PLOT DATE: 3/12/26
DRAWING NO.:
1253-001-SK-0.414 ACRES
DRAWN BY: JBE & MAW
SHEET 1 OF 2

EARLY LAND SURVEYING, LLC
P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
TBPELS FIRM NO. 10194487

THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1253-001-SK-0.414 ACRES

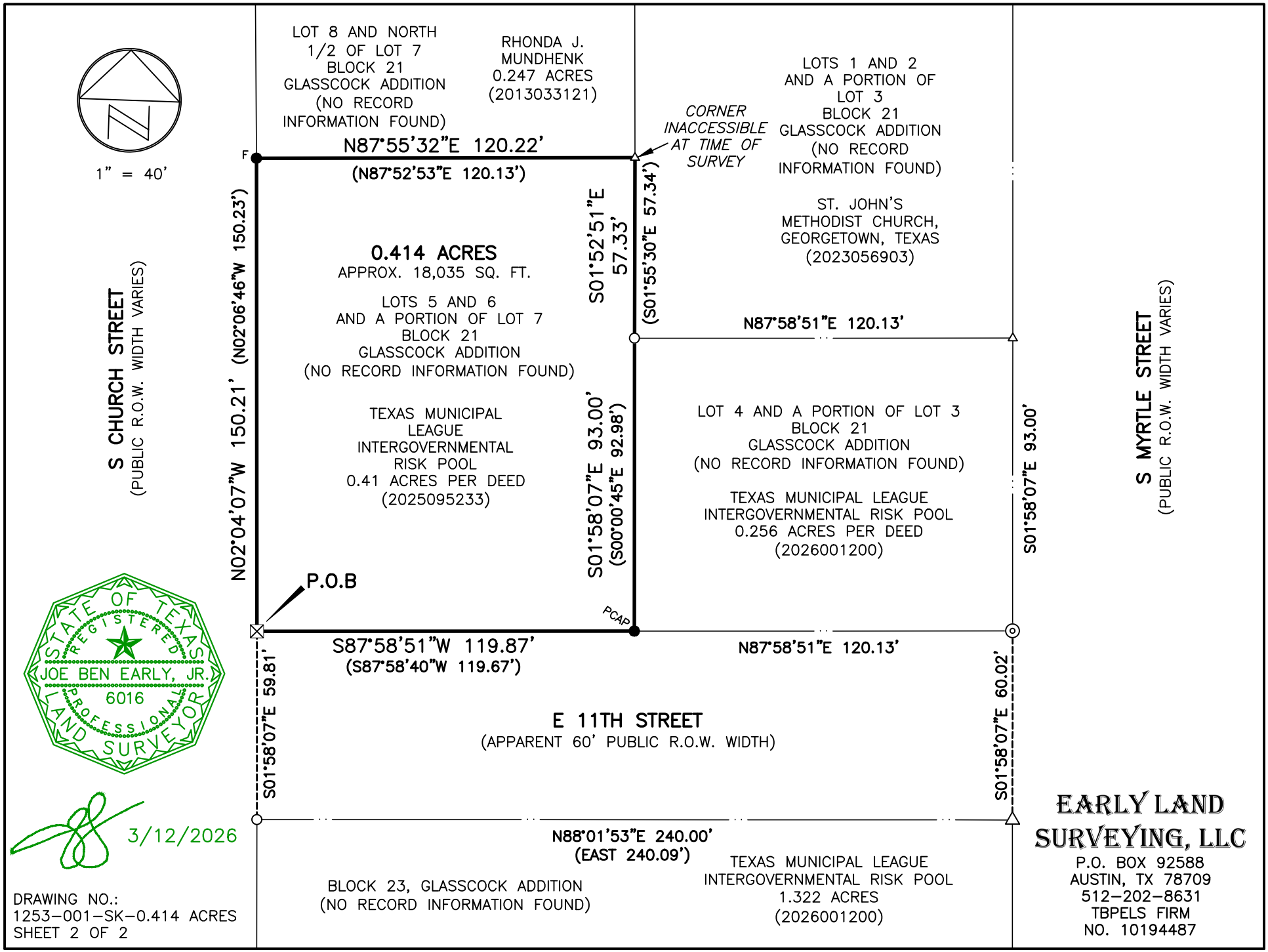
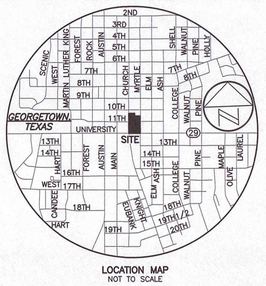
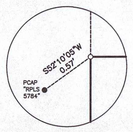
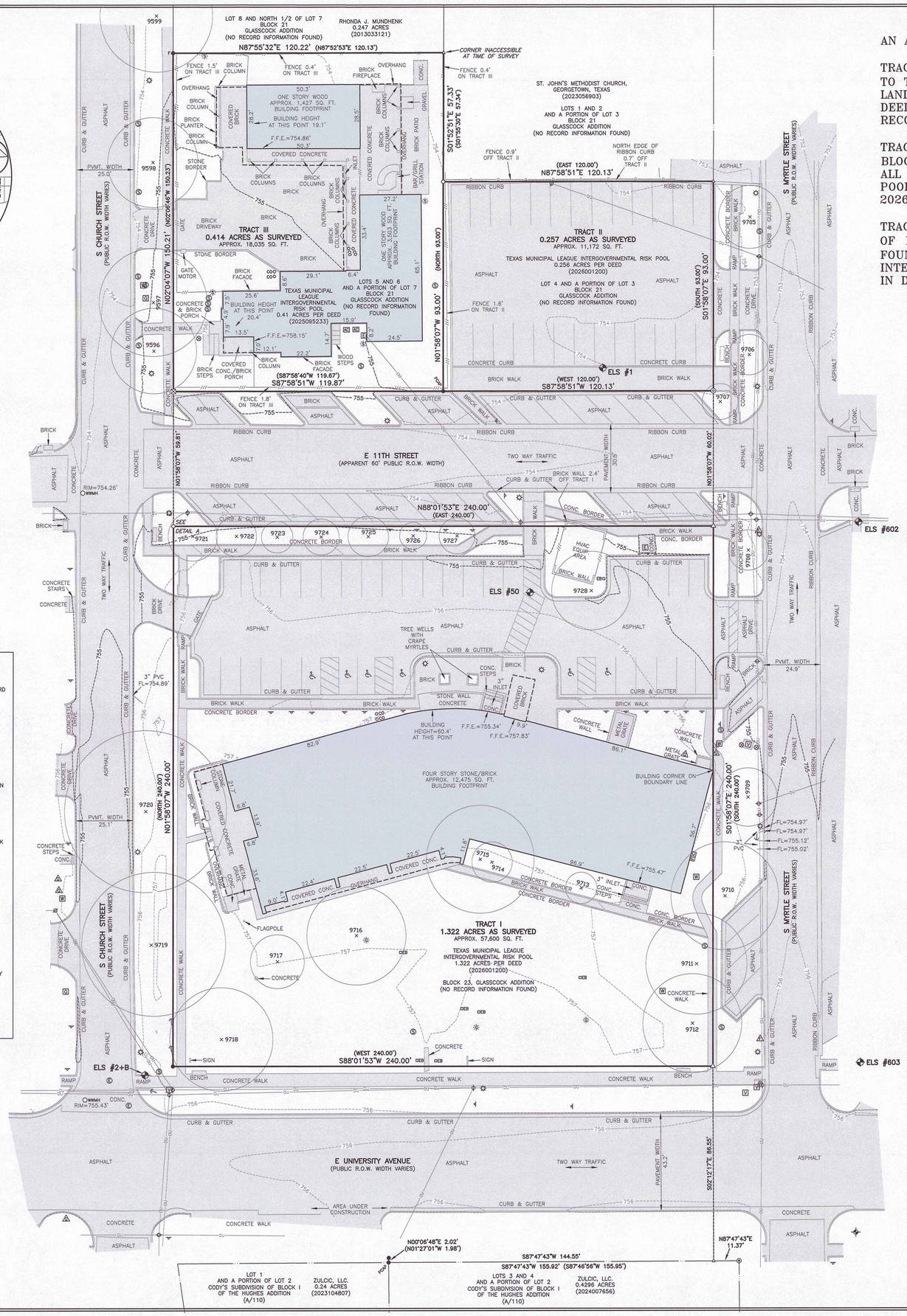

1" = 40'
LOT 8 AND NORTH 1/2 OF LOT 7 BLOCK 21 GLASSCOCK ADDITION (NO RECORD INFORMATION FOUND)
RHONDA J. MUNDHENK 0.247 ACRES (2013033121)
LOTS 1 AND 2 AND A PORTION OF LOT 3 BLOCK 21 GLASSCOCK ADDITION (NO RECORD INFORMATION FOUND)
CORNER INACCESSIBLE AT TIME OF SURVEY
ST. JOHN'S METHODIST CHURCH, GEORGETOWN, TEXAS (2023056903)
F
N87°55'32"E 120.22'
(N87°52'53"E 120.13')
N02°06'46"W 150.23'
N02°04'07"W 150.21'
S01°52'51"E 57.33'
(S01°55'30"E 57.34')
N87°58'51"E 120.13'
0.414 ACRES
APPROX. 18,035 SQ. FT.
LOTS 5 AND 6 AND A PORTION OF LOT 7 BLOCK 21 GLASSCOCK ADDITION (NO RECORD INFORMATION FOUND)
TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL 0.41 ACRES PER DEED (2025095233)
S01°58'07"E 93.00'
(S00°00'45"E 92.98')
LOT 4 AND A PORTION OF LOT 3 BLOCK 21 GLASSCOCK ADDITION (NO RECORD INFORMATION FOUND)
TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL 0.256 ACRES PER DEED (2026001200)
S01°58'07"E 93.00'
S CHURCH STREET
(PUBLIC R.O.W. WIDTH VARIES)
S MYRTLE STREET
(PUBLIC R.O.W. WIDTH VARIES)
P.O.B
PCAP
S87°58'51"W 119.87'
(S87°58'40"W 119.67')
N87°58'51"E 120.13'
S01°58'07"E 59.81'
S01°58'07"E 60.02'
E 11TH STREET
(APPARENT 60' PUBLIC R.O.W. WIDTH)
N88°01'53"E 240.00'
(EAST 240.09')
BLOCK 23, GLASSCOCK ADDITION (NO RECORD INFORMATION FOUND)
TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL 1.322 ACRES (2026001200)
STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR
3/12/2026
DRAWING NO.:
1253-001-SK-0.414 ACRES
SHEET 2 OF 2
EARLY LAND SURVEYING, LLC
P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
TBPELS FIRM
NO. 10194487

EXHIBIT C
TREE SURVEY





DETAIL A
NOT TO SCALE



AN ALTA/NSPS LAND TITLE SURVEY, TOPOGRAPHIC AND TREE SURVEY OF:

TRACT I: 1.322 ACRES (APPROXIMATELY 57,600 SQ. FT.), BEING ALL OF BLOCK 23, GLASSCOCK ADDITION TO THE CITY OF GEORGETOWN (NO RECORD INFORMATION FOUND), BEING ALL OF A 1.322 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL, IN A GENERAL WARRANTY DEED DATED JANUARY 5, 2026 AND RECORDED IN DOCUMENT NO. 2026001200 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

TRACT II: 0.257 ACRES (APPROXIMATELY 11,172 SQ. FT.), BEING ALL OF LOT 4 AND A PORTION OF LOT 3, BLOCK 21, GLASSCOCK ADDITION TO THE CITY OF GEORGETOWN (NO RECORD INFORMATION FOUND), BEING ALL OF A 0.256 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL, IN A GENERAL WARRANTY DEED DATED JANUARY 5, 2026 AND RECORDED IN DOCUMENT NO. 2026001200 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

TRACT III: 0.414 ACRES (APPROXIMATELY 18,035 SQ. FT.), BEING ALL OF LOTS 5 AND 6, AND A PORTION OF LOT 7, BLOCK 21, GLASSCOCK ADDITION TO THE CITY OF GEORGETOWN (NO RECORD INFORMATION FOUND), BEING ALL OF A 0.41 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL IN A GENERAL WARRANTY DEED DATED DECEMBER 2, 2025 AND RECORDED IN DOCUMENT NO. 2025095233 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

SCALE: 1" = 20'
GRAPHIC SCALE
20 10 0 20

SOURCE BENCHMARK:

ELS #1: MAG NAIL WITH WASHER SET ALONG EDGE OF BRICK WALK NEAR THE PARKING LOT THAT IS NORTH OF EAST 11TH STREET. APPROX. 69' N.W. OF A LIGHT STANDARD THAT IS IN THE R.O.W. OF S MYRTLE STREET.

ELEVATION = 754.26'

STATE PLANE COORDINATES:
N 10204383.77
E 3132435.25

VERTICAL DATUM: NAVD 88 (GEOID 12B)

ADDITIONAL BENCHMARKS:

ELS #2+B: MAG NAIL WITH WASHER SET IN CONCRETE SIDEWALK AT THE NORTHEAST CORNER OF THE INTERSECTION OF E UNIVERSITY AVENUE AND S CHURCH STREET.

ELEVATION = 755.83'

STATE PLANE COORDINATES:
N 10204062.82
E 3132242.92

ELS #50: MAG NAIL WITH WASHER SET IN THE CROSSWALK THAT TRAVERSES THE ASPHALT PARKING LOT IN FRONT OF THE BUILDING.

ELEVATION = 755.47'

STATE PLANE COORDINATES:
N 10204283.02
E 3132406.41

ELS #602: "x" FOUND IN CONCRETE SIDEWALK AT THE SOUTHEAST CORNER OF THE INTERSECTION OF E 11TH STREET AND S MYRTLE STREET.

ELEVATION = 754.65'

STATE PLANE COORDINATES:
N 10204319.30
E 3132551.20

ELS #603: "x" FOUND IN CONCRETE SIDEWALK AT THE NORTHEAST CORNER OF THE INTERSECTION OF E UNIVERSITY AVENUE AND S MYRTLE STREET.

ELEVATION = 756.97'

STATE PLANE COORDINATES:
N 10204079.33
E 3132560.42

VERTICAL DATUM: NAVD 88 (GEOID 12B)

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- F● 1/2" REBAR WITH "FOREST RPLS 1847" CAP FOUND
- PCAP ● 1/2" REBAR WITH AN ILLEGIBLE CAP FOUND
- ○ 1/2" REBAR WITH "EARLY BOUNDARY" CAP SET
- ⊙ 1/2" IRON PIPE FOUND (OR AS NOTED)
- ◎ PUNCH/DRILL HOLE IN CONCRETE FOUND
- △ MAG NAIL WITH "EARLY BOUNDARY" WASHER SET
- ⊠ "X" IN CONCRETE FOUND
- △ CALCULATED POINT
- CONTROL POINT/BENCHMARK LOCATION
- W WATER METER
- WV WATER VALVE
- FIRE HYDRANT
- FDC FIRE DEPARTMENT CONNECT
- SPRINKLER CONTROL VALVE
- WATER SPIGOT
- PVC STUBOUT
- UTILITY POLE
- GUY WIRE
- BOLLARD
- E ELECTRIC UTILITY
- E ELECTRIC MANHOLE
- DEB ELECTRIC PULL BOX
- LIGHT POLE
- GROUND LIGHT
- UNDERGROUND FIBER OPTIC MARKER
- G GAS METER
- UNDERGROUND GAS MARKER
- AC AC PAD
- CO CLEANOUT
- WWMH WASTEWATER MANHOLE
- HANDICAP PARKING
- SIGN
- V UTILITY VAULT
- —OU— OVERHEAD UTILITIES
- —O— CHAIN LINK FENCE
- —///— WROUGHT IRON FENCE
- —//— WOOD FENCE
- F.F.E. FINISHED FLOOR ELEVATION
- PVC POLYVINYL CHLORIDE PIPE
- ( ) RECORD INFORMATION

MANHOLE AND INLET NOTE:

THIS SURVEY SHOWS FIELD MEASURED SIZES AND DEPTHS AS OBSERVED FROM GROUND LEVEL OPENINGS. EXACT MEASUREMENTS AND DEPTHS, PARTICULARLY IN CRITICAL AREAS, SHOULD BE VERIFIED WITH UTILITY RECORD MAPS AND/OR FIELD VERIFICATION PRIOR TO FINAL PLANNING OR CONSTRUCTION.

TREE INDEX

TAG NO. TYPE INDICATES MULTI TRUNK
(514) (LO) (17 14 11) (29.5)
INDIVIDUAL TRUNK DIA. (IN INCHES) — TOTAL (ROOT ZONE)

CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.

9596 PEC 19	9715 PALM 24
9597 PEC 24	9716 CE 22
9598 RO 20	9717 TOH 12 DEAD
9599 RO 25	9718 PEC 23
9705 LO 14	9719 LO 32 DEAD
9706 LO 9	9720 LO 36
9707 LO 8	9721 LO 11
9708 LO 9	9722 LO 9
9709 LO 13	9723 LO 7
9710 CE 23.5	9724 LO 8
9711 PEC 22.5	9725 LO 9
9712 PEC 22	9726 LO 6
9713 PINE 7	9727 LO 8
9714 PINE 6 6 (9)	9728 LO 8 8 6 5 (17.5)

CE = CEDAR ELM
CYP = CYPRESS
LO = LIVE OAK
PEC = PECAN
PINE = PINE
PALM = PALM
RO = RED OAK
TOH = TREE OF HEAVEN

TREES SHOWN AS LOCATED BY EARLY LAND SURVEYING, SIZES AND TYPES PROVIDED BY BARTLETT TREE EXPERTS (ARBORIST).

TITLE COMMITMENT NOTE (TRACTS I & II):

COMMITMENT FOR TITLE INSURANCE PREPARED BY:

First American Title Guaranty Company

G.F. No.: 15374–2828066 Effective Date: 7/27/23 Issued: 8/3/23

The surveyor has relied upon the referenced Commitment for Title regarding easements, restrictions, and other matters affecting this property. No additional research was done for the purpose of this survey. Items listed are worded according to the commitment, followed by surveyor's notes and/or observations.

Schedule "B" items contained therein and re–listed below were considered:

There are no survey related matters listed in Schedule B to consider.

TITLE COMMITMENT NOTE: (TRACT III)

The Survey for Tract III was prepared without the benefit of a Commitment for Title, and may be subject to additional easements or restrictions not shown hereon. No additional easement research was done for the purpose of this survey.

FLOOD–PLAIN NOTE:

The tract shown hereon lies within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain), as identified by the Federal Emergency Management Agency, National Flood Insurance Program, as shown on map no. 48491C0293F, dated December 20, 2019, for Williamson County, Texas and incorporated areas. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

ALTA/NSPS SURVEY NOTES:

(Table A, Item 7b1)
Square footage of buildings, if shown, is based on the outside, ground floor footprint. Unless noted otherwise, the surveyor has not accessed the inside of the building for measurement purposes.

GENERAL SURVEY NOTES:

PROPERTY ADDRESS:

TRACT I: 205 E University Avenue, Georgetown, TX 78626
TRACT II: 1014 S Myrtle St, Georgetown, TX 78626
TRACT III: 1009 S Church Street, Georgetown, TX 78626

ATTACHMENTS: None

UNABLE TO SAFELY OPEN MANHOLES DUE TO VOLUME OF TRAFFIC

BEARING BASIS:

THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

SURVEYOR'S CERTIFICATE:

CERTIFIED TO:

- CPM Texas
- Texas Municipal League Intergovernmental Risk Pool
- First American Title Insurance Company
- First American Title Guaranty Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1–4, 7a, 7b1, 7c, 8, 9 and 14 of Table A thereof.

- The field work for Tracts I and II was completed on September 9, 2025.
- Updated in the office to add TRACT II on September 30, 2025.
- Updated in the office to reconcile trees with arborist determinations on December 3, 2025.
- The field work for Tract III was completed on March 3, 2026.

3/4/26
Date

Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016
joby@earlysurveying.com

STATE OF TEXAS
JOE BEN EARLY, JR.
6016
REGISTERED
PROFESSIONAL
LAND SURVEYOR

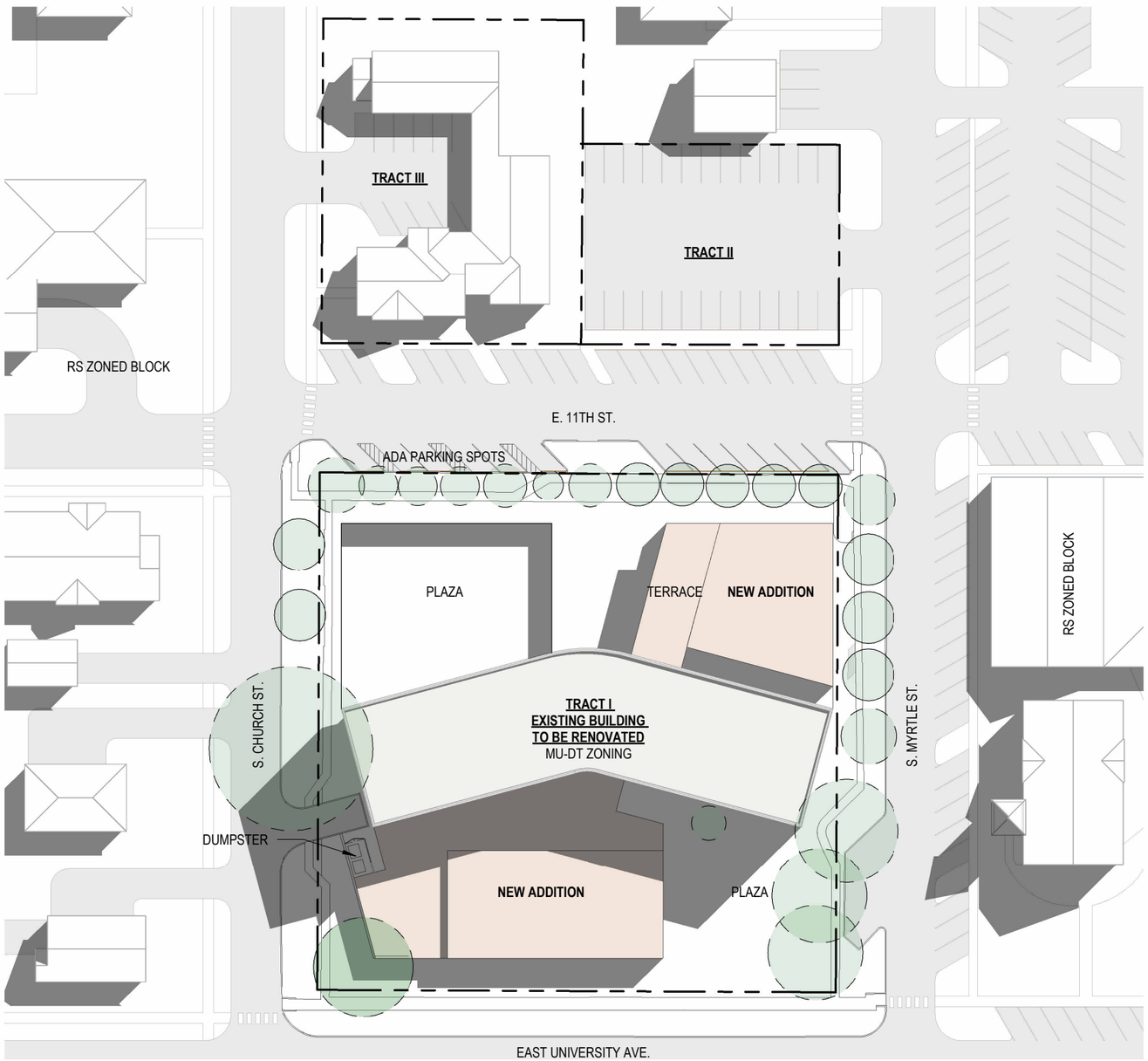
Joe Ben Early, Jr.
R.P.L.S. No. 6016

EARLY LAND SURVEYING
A LIMITED LIABILITY COMPANY
P.O. BOX 92588
AUSTIN, TX 78709
512–202–8531
TBPELS FIRM NO. 10194487

PROJECT NO.: 1253–001
DRAWING NO.: 1253–001–BASE
PLOT DATE: 3/4/26
PLOT SCALE: 1" = 20'
DRAWN BY: SAM–MAW–JBE
SHEET 01 OF 01

EXHIBIT D
CONCEPT PLAN

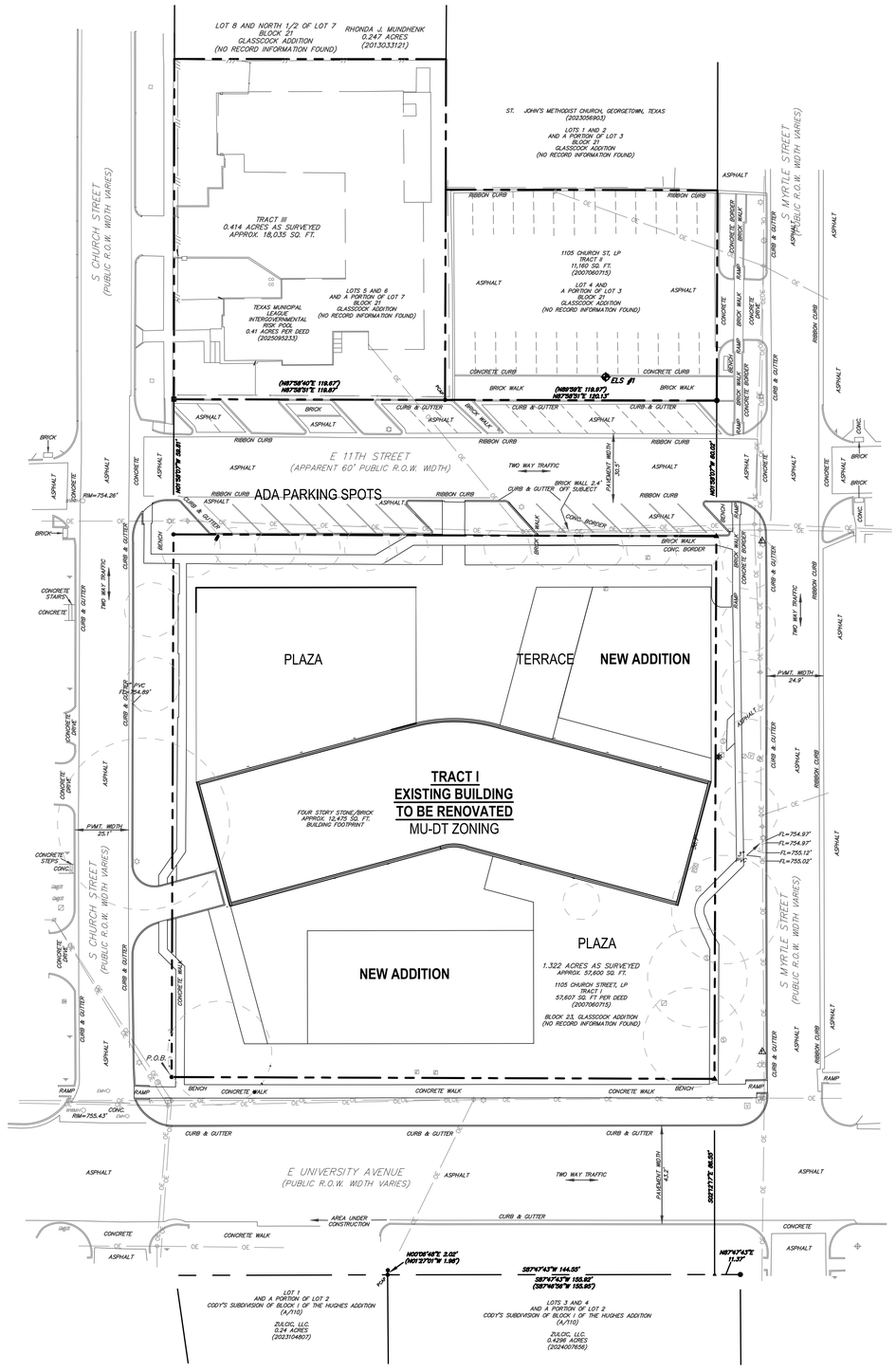
EXHIBIT D - CONCEPT SITE PLAN

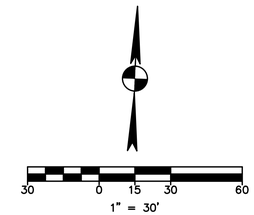


Project Description:
Renovation of a 4 story building including the renovation of an existing basement level and removal of level 5. Renovation will include two additions, an assembly space on the south and an amenity space on the north side of the existing building.

Note:
Subject to alterations due to the COG requirement.
The final concept will defer to HARC action.
This Concept Site Plan does not include tree preservation or landscaping. 1.11 8.02 8.04 8.06

EXHIBIT E
TRANSPORTATION





NO.	DATE	REVISION

garza EMC
7708 Rialto Blvd., Suite 125
Austin, Texas 78735
Tel: (512) 298-2264 Fax (512) 298-2592
TBPE: F-1406 TBPLS: F-10028-00
Garza EMC, LLC © Copyright 2026

EXHIBIT E

TEXAS MUNICIPAL CENTER
205 E UNIVERSITY AVE.

TEXAS MUNICIPAL LEAGUE

DRAWN BY:
DESIGNED BY:
QA / QC:
PROJECT NO.: 114159-00001

SHEET
EXH
OF

811 Know what's below. Call before you dig.

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

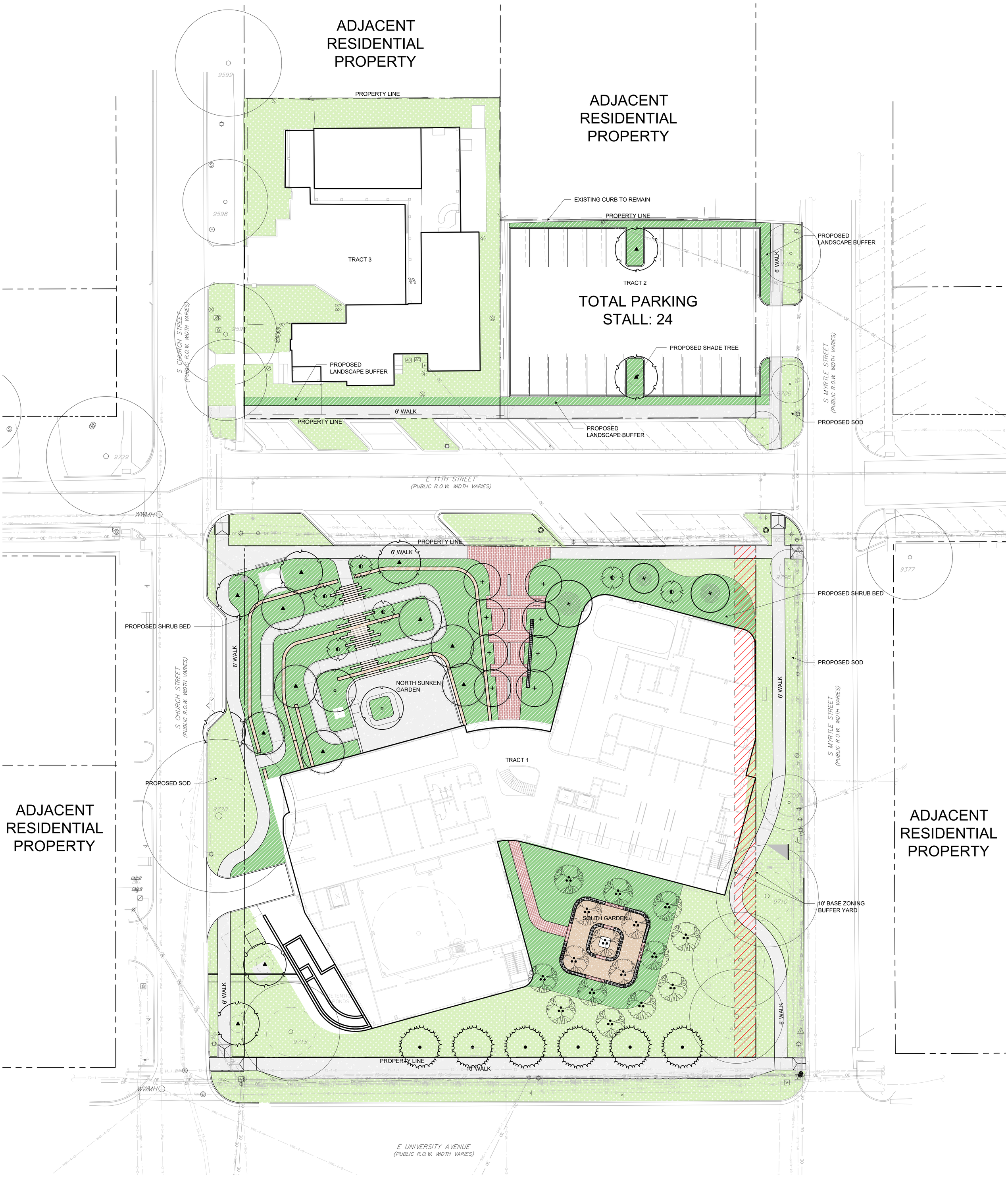
V:\114159-00001\Civil\00-CAD\EXHIBITS\0226-02-11 Transportation Exhibit.dwg modified by mhyde on Mar 11, 26 3:37 PM

EXHIBIT F
LANDSCAPE PLAN

NOTE: The landscape plan final approval is subject to review for compliance of the UDC via an SDP for approval by the City" 1.11 8.02, 8.04, 8.05, & 8.06

LEGEND:	
	PLANTING AND GROUND COVER
	SOLID SOD
	PEDESTRIAN RATED CONCRETE
	BRICK PAVER
	DECOMPOSED GRANITE
	GRAVEL
	CMU WALL WITH STONE VENEER
	BRICK WALL
	LIMESTONE BLOCK
	BIKE RACK
	BENCH
	LITTER AND RECYCLING

LEGEND:	
	CHINKAPIN OAK Quercus muehlenbergii
	MEXICAN SYCAMORE Platanus mexicana
	LACEBARK ELM Ulmus parvifolia
	MONTEREY OAK Quercus polymorpha



TEXAS MUNICIPAL CENTER

205 E University Avenue

EXHIBIT F

CONCEPTUAL LANDSCAPE PLAN

0 20' 40'
SCALE: 1"=20'

Pamela Madere
(512) 236-2048
pmadere@jw.com

October 3, 2025
Revised July 9, 2026

Kelly Triesch, Chief Development Officer
Planning Department
City of Georgetown
808 Martin Luther King, Jr. Street
Georgetown, Texas 78626

Re: Texas Municipal Center ("TMC") Planned Unit Development ("PUD") rezoning application for 205 E. University Avenue, 1014 Myrtle Street and 1009 Church Street consisting of approximately 1.993 acres (collectively the "Property")

Dear Ms. Triesch:

On behalf of Texas Municipal League Intergovernmental Risk Pool (TMLIRP), this rezoning request is for the Property locally known as the "Georgetonian Building", tax parcel #R04250, the parking lot north of the structure addressed as 1014 Myrtle Street, tax parcel #R042510 and tax parcel #R042511 as shown in the attached location map. The purpose of PUD rezoning is to establish the site as the headquarters and corporate offices for TMLIRP, while also contributing to the vitality of Downtown Georgetown.

The Property is currently zoned Mixed-Use Downtown ("MU-DT") and Residential Single-Family ("RS"). The PUD zoning will be subject to the MU-DT zoning base district regulations. The property is situated within the Downtown Overlay District as well as the Old Town Neighborhood Overlay District. The Property is served by existing City of Georgetown utilities.

Surrounding properties along the west, north and east are zoned and developed as follows:

North – RS, residential four-plex and commercial parking lot
East – RS, St. John's Methodist Church
South – MU-DT/OF - Commercial/Office
West – MU-DT/RS – Dental clinic, Salon and Residential

The project proposes the adaptive reuse and renovation of the existing Georgetonian Building, including the removal of its non-conforming fifth floor and the renovation of four stories plus a basement level. Two context-sensitive additions will be constructed: a conference center/training space on the south side of the building and an office space on the north; both of which will be connected to the existing building.

Together, these improvements will provide approximately 95,000+ gross square feet of office, training center space and related accessory uses. The design incorporates landscaped open space, public-facing improvements, and shared parking strategies that align with the City's long-

term downtown mobility vision.

The project will comply with City standards for water, wastewater, stormwater management, and electric service. Parking will be provided through a combination of off-site and shared use agreements with nearby facilities, consistent with City policies.

PUD zoning is necessary to accommodate the unique characteristics of the Georgetonian property while ensuring compatibility with the Downtown and Old Town Neighborhood Overlay Districts.

The existing conditions and zoning standards that frame both the opportunities and constraints for the proposed redevelopment are described below:

- **Existing Zoning:** 205 E. University is zoned as MU-DT (Mixed-Use Downtown), within the Downtown Overlay District. 1014 Myrtle Street is zoned RS (Residential Single Family), within the Old Town Overlay District; 1009 Church Street is zoned RS.
- **Future Land Use:** Special Area and Mixed Density Neighborhood.
- **Acreage:** Approximately 1.993 acres (1.32 acres known as 205 E. University, Lots 1-8, Block 23, Glasscock Addition, 0.26 acres known as 1014 Myrtle Street, Lots 3-4, Block 21, Glasscock Addition and 1.322 acres known as 1009 Church Street, Block 23, Glasscock Addition).
- **Existing Structures:** 64,000 square foot, five-story structure, to be renovated with removal of penthouse and basement renovation; 3,500 square feet of residential use to be converted to office use.
- **Proposed Development:** 95,000 gross square feet total after renovations and additions, serving as offices, training/conference facilities, and membership engagement center with deviations to address office square footage, building height, parking, landscaping and building articulation.

The project is consistent with the following goals and policies of the City's 2030 Comprehensive Plan:

- **Policy LU.1 (Balanced Mix of Uses):** The project delivers a mix of civic, employment, and event functions in a pedestrian-oriented setting.
- **Policy LU.4 (Reinvestment in Existing Areas):** Reuse of a prominent but underutilized downtown structure, bringing vitality back to a key urban block.
- **Policy LU.5 (Adaptive Reuse of Existing Buildings):** Preserves and modernizes the Georgetonian, aligning with the City's desire to rehabilitate historic assets.
- **Policy LU.7 (Placemaking & Gateways):** The University Avenue façade will serve as a civic landmark and visual gateway into downtown Georgetown.
- **Policy LU.13 (Partnering with Institutions):** The project represents a major institutional investment in downtown, strengthening partnerships with the City and community.
- **Policy LU.14 (Connectivity, Parks & Open Space):** On-site open space enhancements and public realm improvements increase downtown walkability and enhance the pedestrian environment.

In addition, the Downtown Master Plan identifies this area as a key opportunity for reinvestment and revitalization, and the proposed project directly supports that vision. It establishes a civic and institutional anchor in the heart of downtown, activates an underutilized site with public-facing improvements, and preserves historic architectural character while introducing

modern additions that complement the surrounding neighborhood. The project also supports economic activity through employment opportunities, training programs, and events, while advancing shared parking strategies and sustainable urban design.

The application satisfies the approval criteria of UDC Section 3.06.030 by:

1. providing a complete submittal with sufficient information for review (3.06.030.A);
2. demonstrating consistency with the 2030 Comprehensive Plan as previously described (3.06.030.B);
3. promoting the health, safety, and general welfare of the community through the revitalization of a historic structure (3.06.030.C);
4. ensuring compatibility with surrounding zoning and historic resources with the proposed building renovations (3.06.030.D); and
5. confirming that the property is suitable for the proposed uses as previously described (3.06.030.E).

The proposal also complies with the PUD criteria in UDC Section 3.06.040(A) by:

1. creating a balanced community through employment, civic, and training opportunities with the proposed renovation of Georgetonian building and new additions (3.06.040.A.1);
2. providing an orderly arrangement of land uses that respects the downtown fabric and adjacent historic properties by revitalizing the Property within the Downtown and Old Town Overlay Districts (3.06.040.A.2);
3. enhancing connectivity and transportation systems including pedestrian and shared parking strategies (3.06.040.A.3); and
4. integrating cultural and civic amenities that contribute to Georgetown's identity and sense of place (3.06.040.A.4–6).

The application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action.

The following documents are included with the PUD major amendment application:

1. Complete application
2. Property Owner's Consent Form
3. Letter of Intent
4. Property Survey
5. UDC Comparison Chart
6. Development Plan
7. Exhibits

TMLIRP are committed to working with City staff, stakeholders, and the community to ensure the success of this important project. We respectfully request approval of this PUD application.

Sincerely,

Pamela Madere

Exhibit 6
UDC Approval Criteria Review

ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA	
1. 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.	
2. The zoning change is consistent with the Comprehensive Plan.	**Complies**
The southern parcel of the subject property has a Future Land Use designation of Special Area, which is intended to integrate a variety of complementary uses with an emphasis on retail, office, and entertainment activities. The two northern parcels are designated Mixed-Density Neighborhood (MDN), which is intended to accommodate medium-density residential development, neighborhood-serving commercial uses, and civic uses. The proposed rezoning is consistent with these Future Land Use designations by expanding an established mixed-use district while preserving and adaptively reusing historic structures. The request also advances Land Use Policies #4, #5, #7, and #14 by encouraging reinvestment in downtown, supporting the continued vitality of the urban core, and revitalizing the historic Georgetonian as a prominent gateway landmark. In addition, the proposal supports Land Use Policies #1 and #13 by providing a complementary mix of civic, employment, and community-oriented uses that strengthen institutional investment and reinforce downtown Georgetown as a regional destination.	

3. The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City.	**Complies**
The requested rezoning promotes the orderly development of the area by extending the existing Mixed-Use Downtown (MU-DT) zoning to parcels that function as part of a unified redevelopment project. While this portion of historic Georgetown has long contained a mix of residential and non-residential uses, the proposed zoning better aligns with the established character of the surrounding area and supports coordinated redevelopment of the site. The project will also preserve historic structures while encouraging reinvestment, which contributes to the long-term health, safety, and general welfare of the community.	
4. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.	**Complies**

The subject property is located within both the Downtown Overlay District and the Old Town Historic Overlay District, an area characterized by a mix of residential, commercial, civic, and institutional uses. Surrounding properties include single-family residences, St. John's Methodist Church, a four-plex, surface parking, office uses, salons, and other Mixed-Use Downtown developments. The requested MU-DT zoning is compatible with the existing pattern of development and provides a logical extension of the surrounding zoning districts. The proposal also supports the adaptive reuse of historic buildings while maintaining the mixed-use character that defines this portion of downtown Georgetown.	
5. 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 is suitable for development under the proposed Mixed-Use Downtown (MU-DT) zoning district. The site is served by existing public infrastructure, has adequate access, and does not contain natural features or site constraints that would limit development. Additionally, the property's location within downtown Georgetown and adjacent to existing MU-DT zoning makes it well suited for the range of commercial, office, residential, and civic uses permitted within the district.	

PLANNED UNIT DEVELOPMENT (PUD) APPROVAL CRITERIA	
1. A variety of housing types, employment opportunities, or commercial services to achieve a balanced community.	**Complies**
The proposed PUD supports a balanced community by facilitating the adaptive reuse and redevelopment of the Georgetonian site to provide employment, civic, and community-oriented uses. The proposed development will introduce additional services and opportunities within the downtown area while contributing to the continued vitality and mixed-use character of the district.	
2. An orderly and creative arrangement of all land uses with respect to each other and to the entire community.	**Complies**
The proposed PUD provides for an orderly and creative arrangement of land uses by integrating new uses within an existing historic structure and surrounding downtown context. The redevelopment of the Georgetonian site supports the preservation of a significant historic resource while allowing for a complementary mix of uses that strengthens the connection between the Downtown and Old Town areas.	
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.	**Complies**

PLANNED UNIT DEVELOPMENT (PUD) APPROVAL CRITERIA	
The proposed PUD supports an integrated transportation system by improving pedestrian connectivity within the downtown area and incorporating shared parking strategies to maximize existing resources. The redevelopment of the Georgetonian site will enhance the pedestrian environment by creating a more active and accessible destination.	
4. The provisions of cultural or recreational facilities for all segments of the community.	**Complies**
The proposed PUD provides community-oriented amenities through the inclusion of civic and conference facilities that will expand opportunities for public gatherings, events, and community engagement. Additionally, the conceptual plan incorporates open space amenities that will enhance the pedestrian experience and provide opportunities for residents and visitors within the Downtown and Old Town areas to enjoy the open space.	
5. The location of general building envelopes to take maximum advantage of the natural and manmade environment.	**Complies**
The proposed PUD takes advantage of the existing natural and built environment by preserving heritage trees onsite, incorporating additional landscaping, and utilizing the existing Georgetonian structure. The adaptive reuse of this historic building maximizes an existing downtown asset and supports reinvestment within a prominent location near the gateway to downtown Georgetown.	
6. The staging of development in a manner which can be accommodated by the timely provision of public utilities, facilities, and services.	**Complies**
The proposed PUD is located within an established area of downtown Georgetown and is already served by existing public utilities, facilities, and services. As a redevelopment project, the proposal will utilize existing infrastructure and can be accommodated through the continued provision of municipal services.	

City of Georgetown, Texas
Planning and Zoning Commission
July 21, 2026

SUBJECT:
Unified Development Code Update

SUGGESTED ACTION:
Public Hearing and possible action on a proposed adoption of a new Unified Development Code to replace existing Development Code and repealing of conflicting ordinances

ITEM SUMMARY:

FINANCIAL IMPACT:

SUBMITTED BY:
Stephanie Mcnickle, Planning Department

ATTACHMENTS:
1. UDC Adoption Staff Report.pdf
2. P&Z Presentation.pdf
3. First vs. Final Draft Redline.pdf
4. UDC Final Draft.pdf
5. Public & Testing Comments Received.pdf

Planning Department Staff Report

Report Date: July 13, 2026

Item Details

Project & Applicant: Unified Development Code Update

Request: Public Hearing and possible action on a proposed adoption of a new 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.

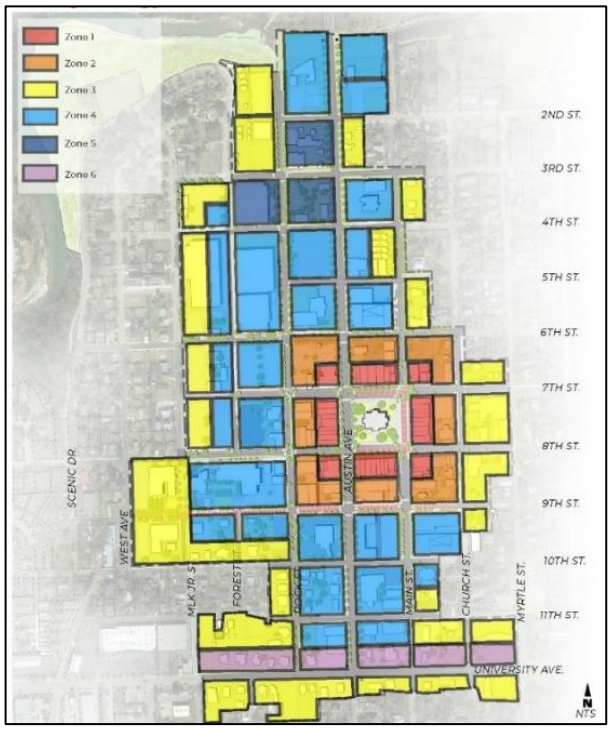
Overarching Improvements

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.

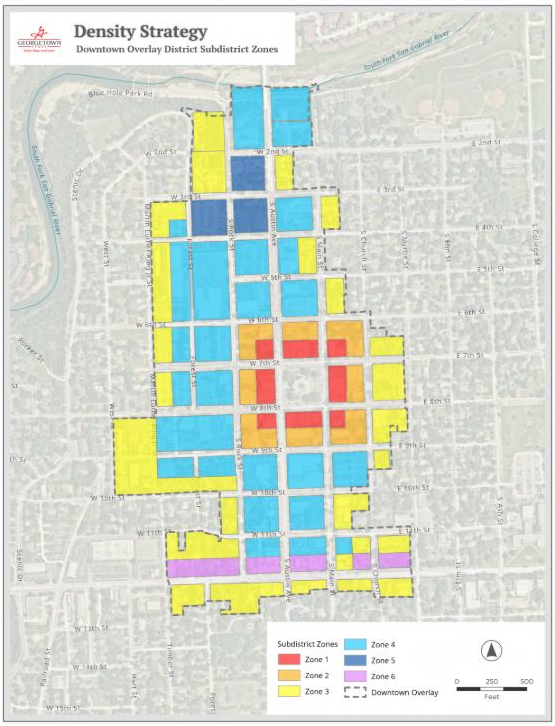
Figure 3.07.010-3.07.01-1. Rezoning Summary

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.

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 – Proposed Unified Development Code
Exhibit 2 – Compilation of public & code user comments

UDC Adoption

July 21, 2026 | Planning & Zoning Commission

GEORGETOWN TEXAS

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

- 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	Aug-Oct 2026
• UDC becomes effective	November 1, 2026

Public Comments

Thank You!

GEORGETOWN
TEXAS

~~Combined~~ UDC Draft | ~~September~~June 5, 202~~5~~6

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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, EnforcementChapter 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 ~~C~~city limits.

1.05.020. ~~1.01.02.~~Within the City's Extraterritorial Jurisdiction

As authorized by Texas Local Government Code ~~c~~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. ~~Section 1.02.~~Definitions

All definitions located in ~~CHAPTER 16~~Chapter 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 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**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 ~~T~~table.

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 ~~S~~section are adopted pursuant to Texas Local Government Code ~~c~~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.

~~*(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 hHistoric lLandmark or hHistoric oOverlay dDistrict designation, the Commission shall hold a Ppublic Hhearing 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 Ppublic Hhearing 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 Ppublic Hhearing 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 dDistrict;
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 adequatehas sufficient size, shape, and topography to accommodate for uses and development standards permitted by the proposed amendment.; and
F. Whether tThe 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 findingsfind 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, Ccounty, Sstate, or Nnation;
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 3.08.020** 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, considering 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 cChapter 211, the City Charter, the City Council and this Code, the Zoning Board of Adjustment may hear and decide an Aappeal that alleges error in an order, requirement, decision, or determination made by an aAdministrative oOfficial 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 Aappeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the Aappeal 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 aAdministrative oOfficial'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 Aappeal and shall give notice to the parties and to the public. Each Aappeal must be heard by at least 75 percent (75%) of the members of the Board.

B. Burden of Proof in Appeals

When an Aappeal 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 Aappeal 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)

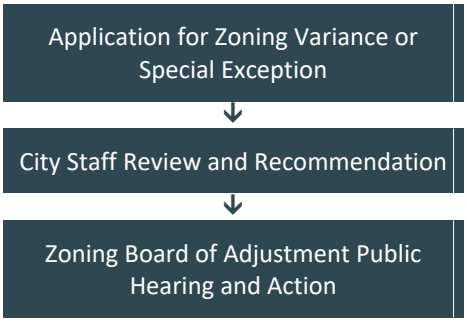
Section 3.13. Zoning Variance and Special Exception

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 dDistrict.

   2. To increase the density of a use above that permitted by the applicable dDistrict.

   3. To extend physically a nonconforming use of land.

   4. To change the zoning dDistrict 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 Vvariance 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 14.03.02**16.03.020**.

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**.

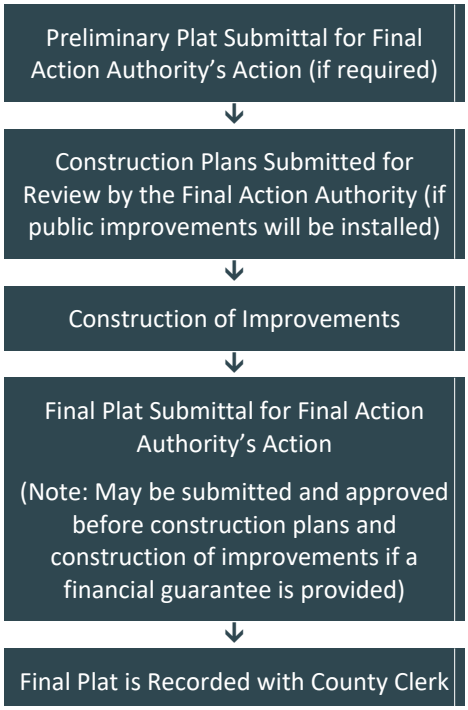
B. The owner of a tract of land located within the Ccity limits or the extraterritorial jurisdiction who divides the tract into two or more parts to lay out a subdivision of the tract or to lay out streets, parks, or other parts of the tract intended by the Oowner to be dedicated to public use shall 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**.

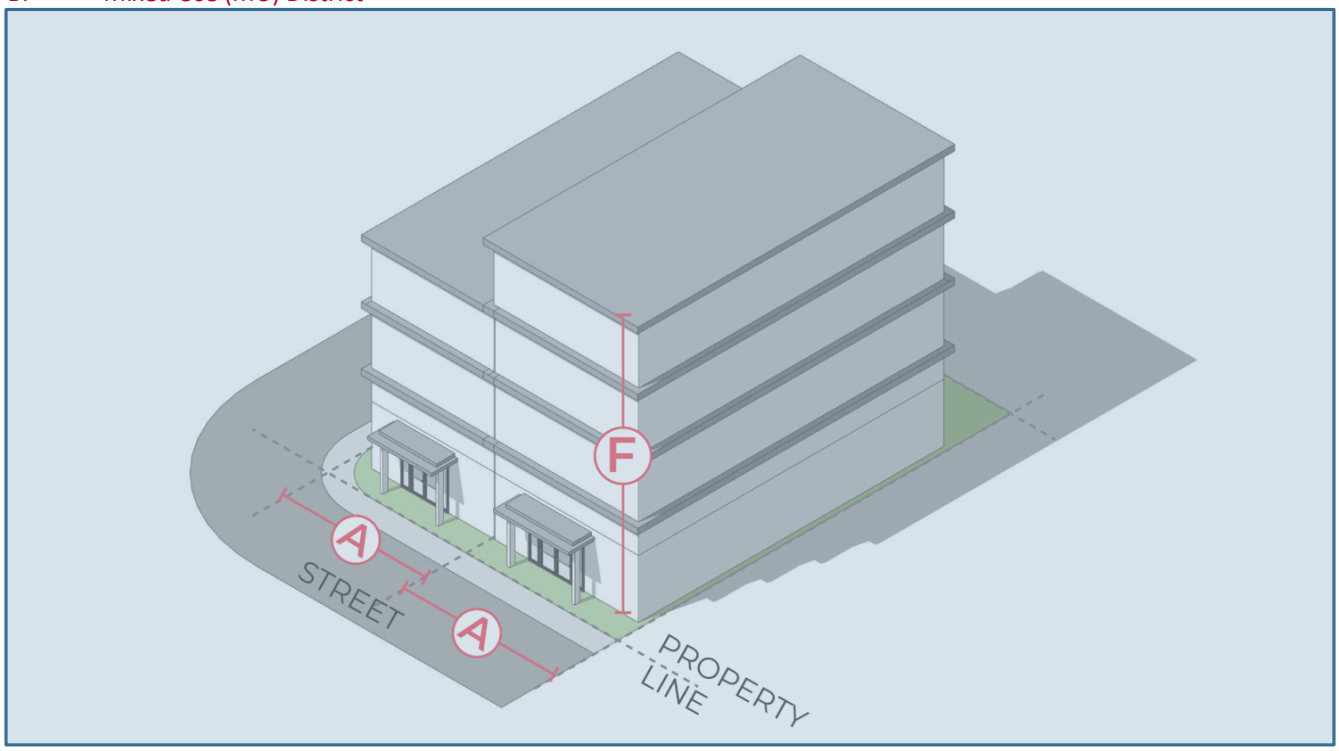
[3] Structures, lighting, scoreboards, and other elements of a stadium are exempted, but shall be set back a minimum of 120 feet.

[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.*~~

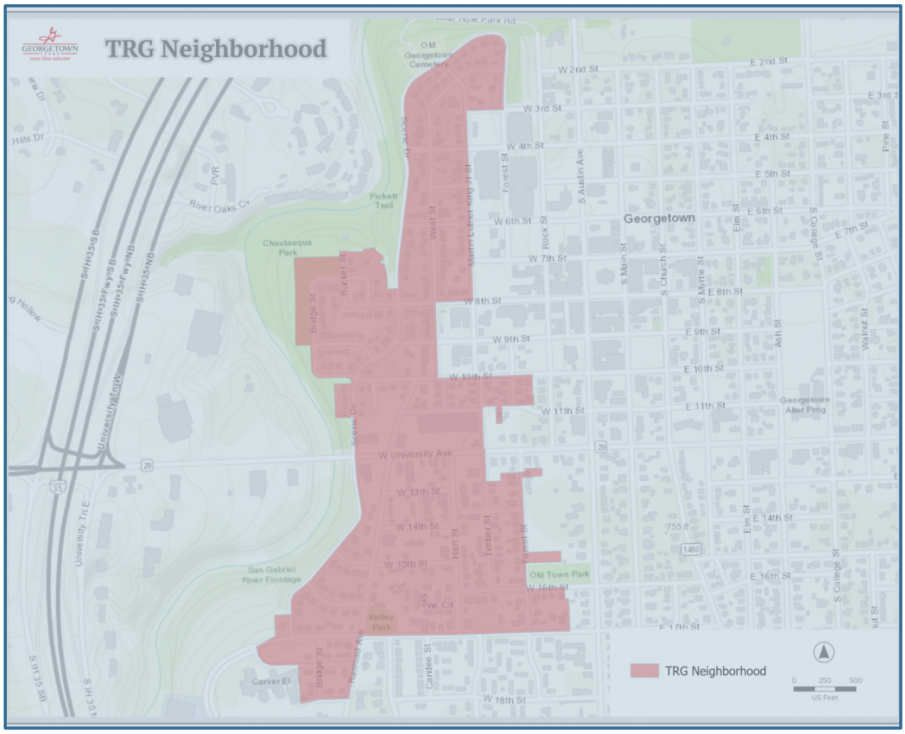
~~Note for Staff: Previously reserved sections maintained in the draft.~~

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.

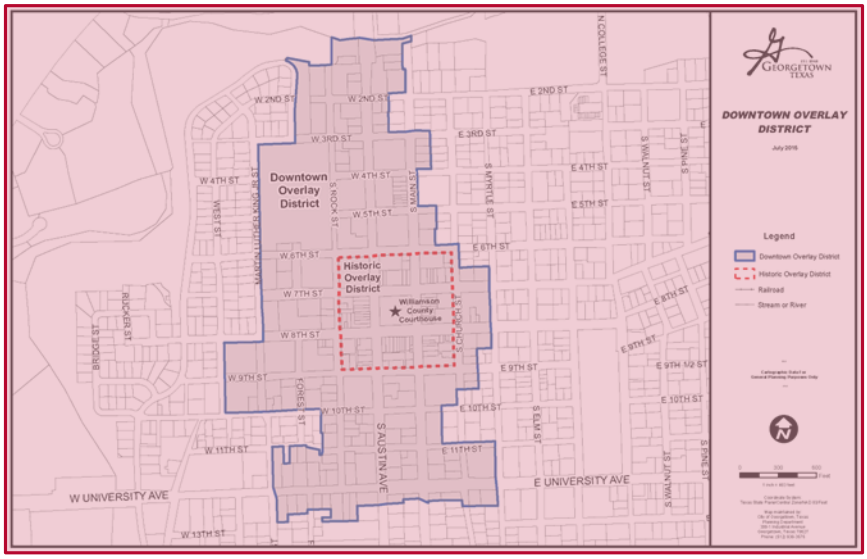
~~*(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015)*~~

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~~

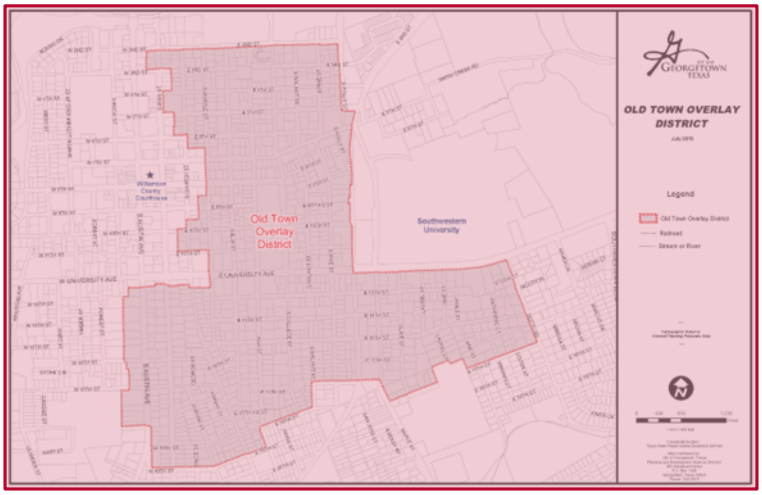
~~The Downtown Overlay District was established by the City Council as part of adoption of Ordinance No. 2001-48 on August 28, 2001 and expanded with the adoption of Ordinance No. 2014-86, adopted on October 28, 2014. The district is divided into two distinct zones, designated as Area 1 (the Town Square 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.



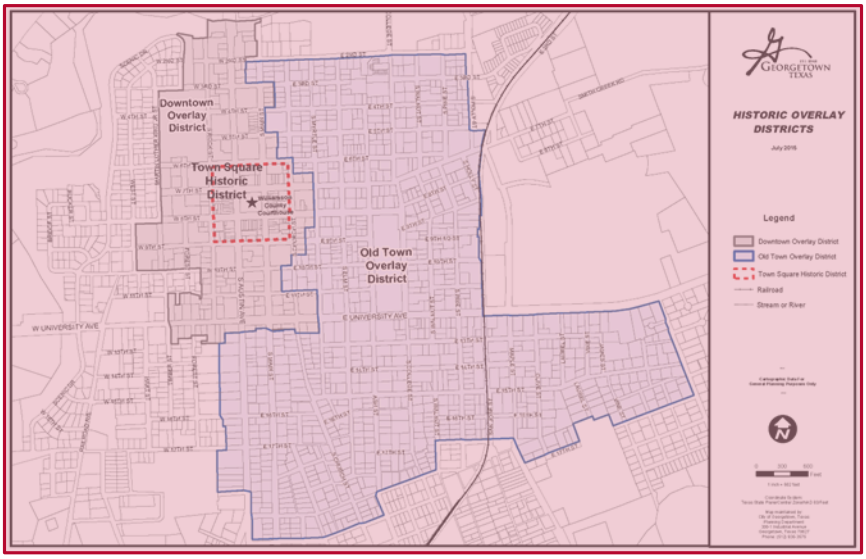
This map is available for viewing at the Planning Department office or as a downloadable map at http://maps.georgetown.org.

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

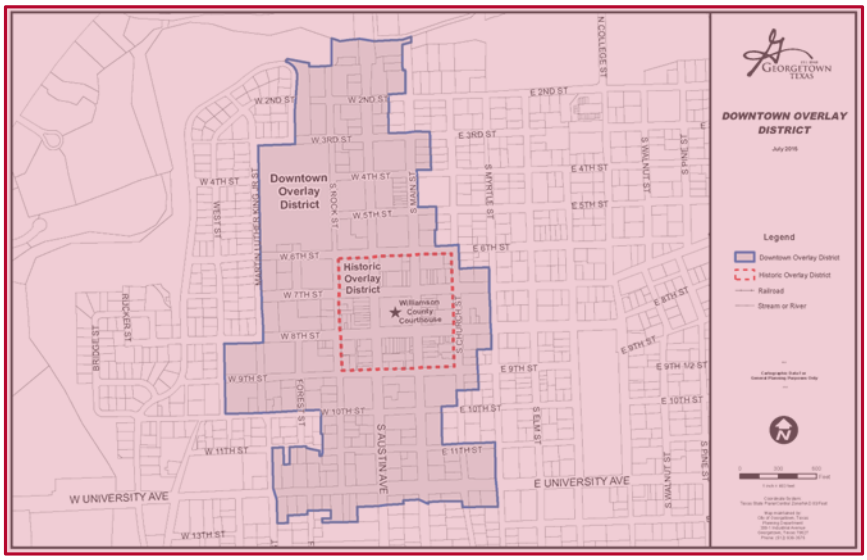
3.

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

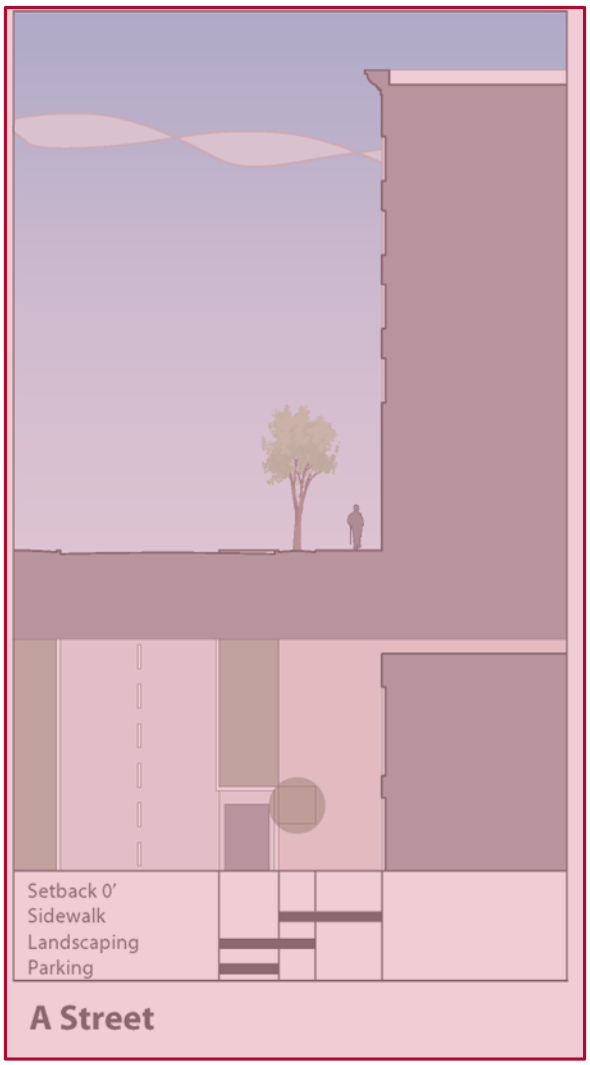
4. GN (General Neighborhood) - Generally, medium- to low-density residential properties fronting on a designated 'C' Street as defined in **4.09.03.E. STREET TYPES** below.

E. STREET TYPES

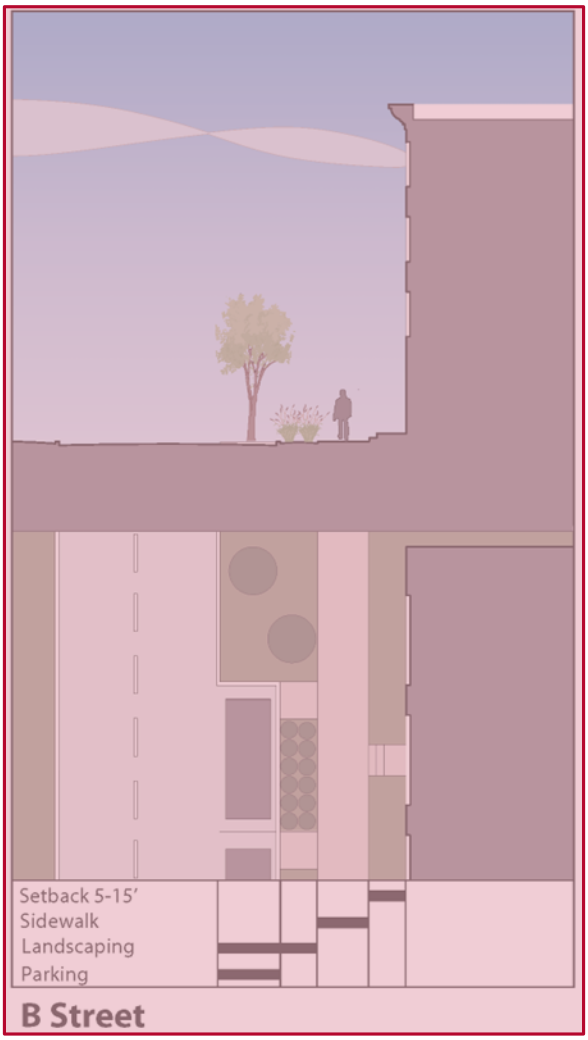
This Code recognizes that many of the key unifying and character-defining features of a neighborhood or urban area are determined by the design and function of the streets. In order to simplify what could easily be an unlimited number of variations, this Code classifies STREET TYPE according to the characteristics 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.~~

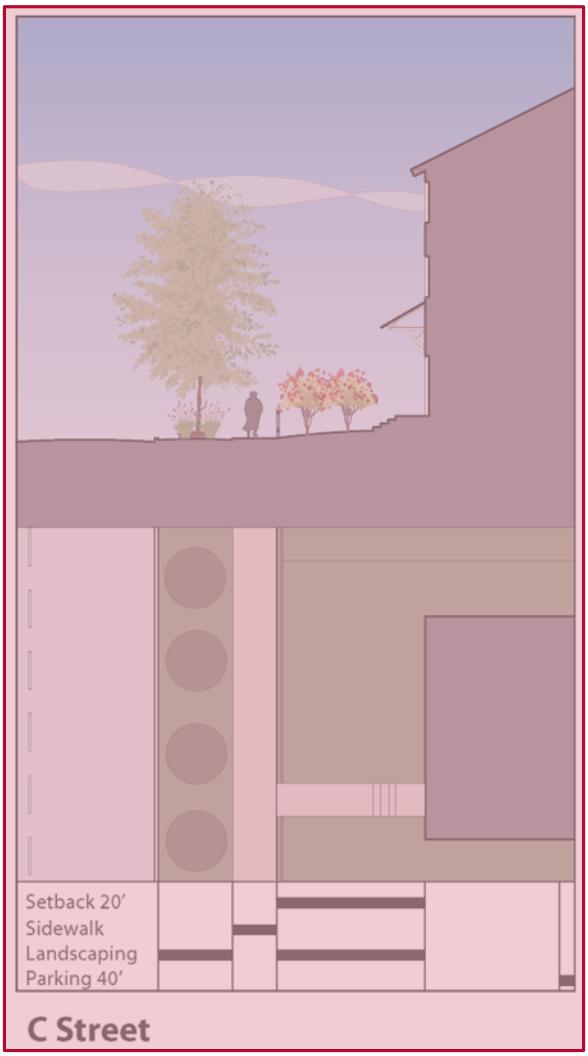
~~b. Building faces placed between five and 15 feet of the right-of-way line.~~

~~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.~~

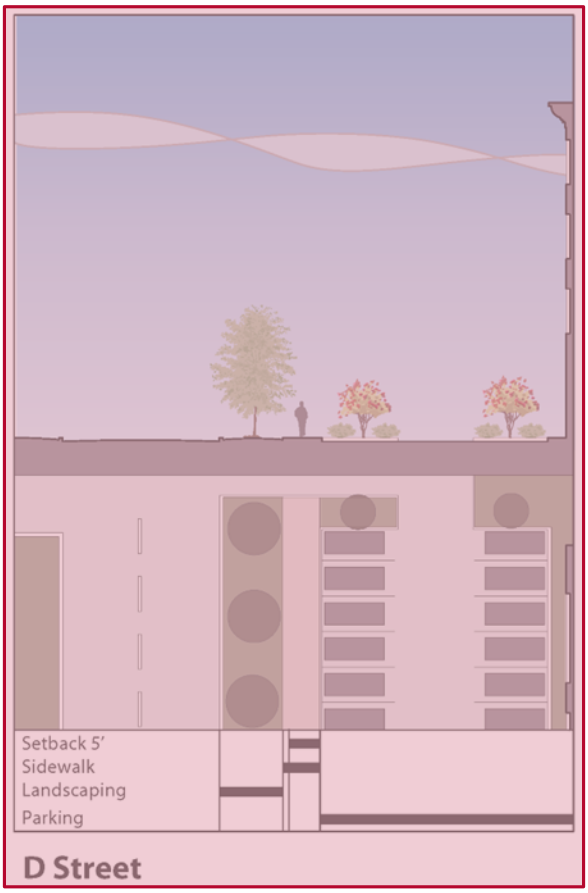
~~b. Building faces at a consistent setback of 20 feet.~~

~~c. A consistent front yard condition, which may be fenced in certain neighborhoods.~~

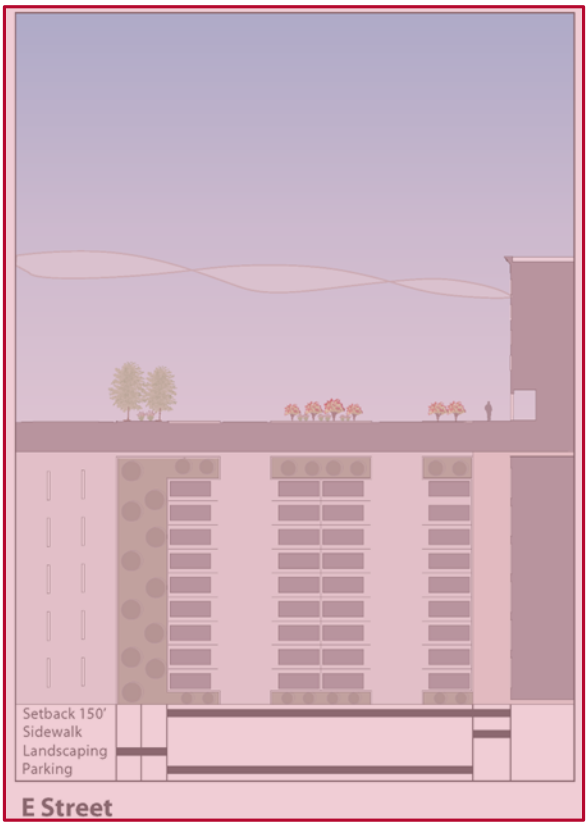
~~d. On-street parallel parking is recommended.~~

~~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.~~

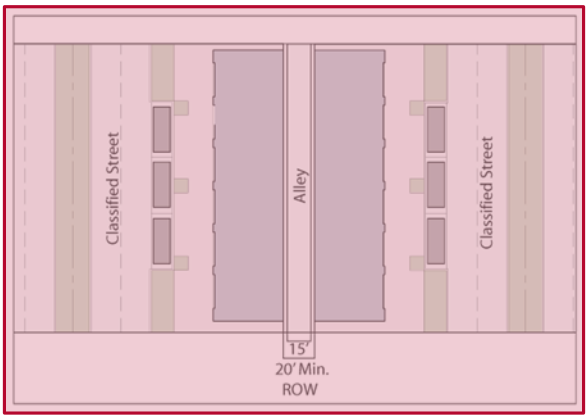


Figure 4.10.032

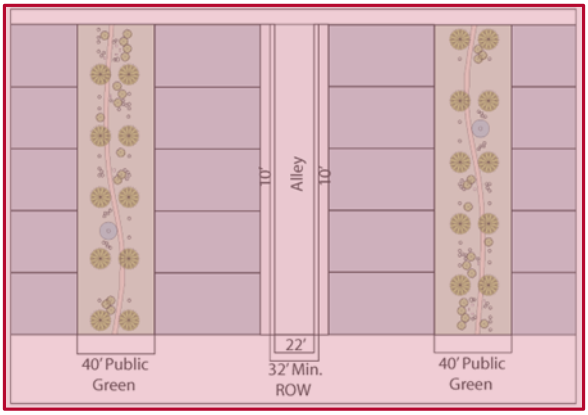


Figure 4.10.033

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:

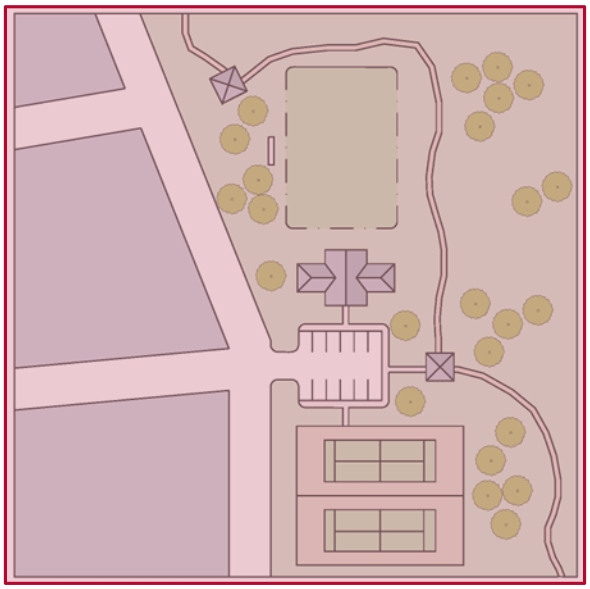
(i) The lot fronts on a public green or pedestrian mews of at least 40 feet in width, measured between building faces.

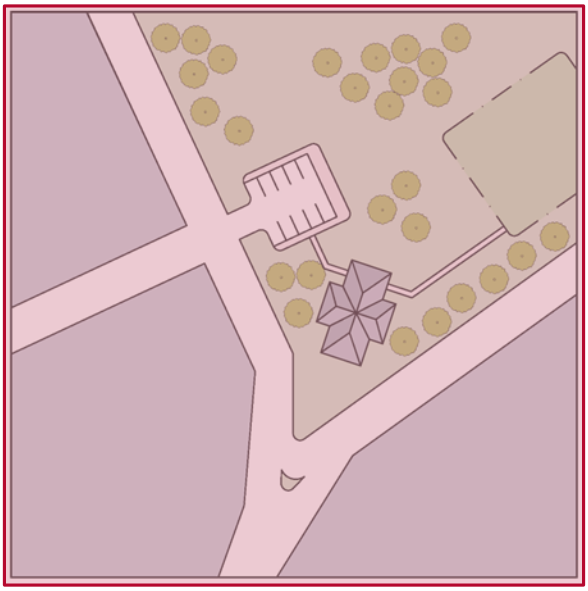
(ii) The alley shall have a minimum right-or-way width of 32 feet, with a minimum pavement width of 22 feet. All structures shall set back a minimum of ten feet from the alley right-of-way.

(iii) The alley shall be a public right-of-way and shall not allow parking on the pavement.

F. PUBLIC OPEN SPACE

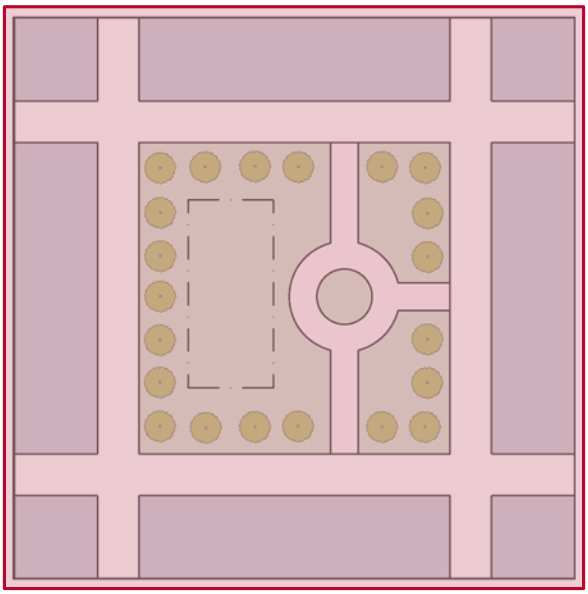
A neighborhood or urban district requires a certain amount of PUBLIC OPEN SPACE in order to function properly and provide the full range of human amenities. This Code classifies PUBLIC OPEN SPACE into the following types:





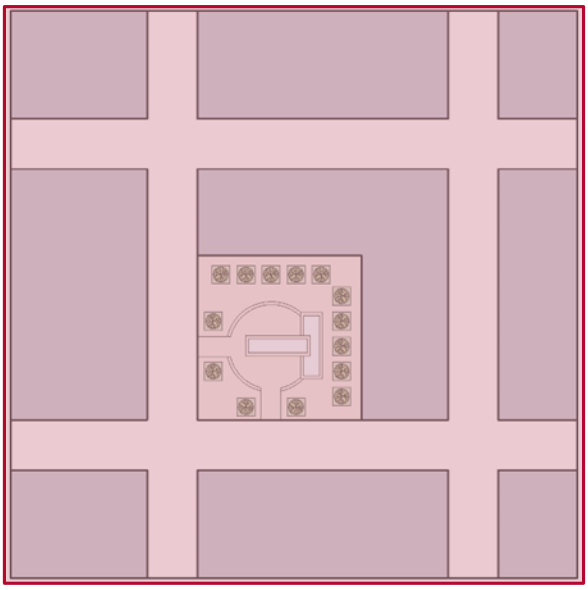
~~**Neighborhood Park**~~

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

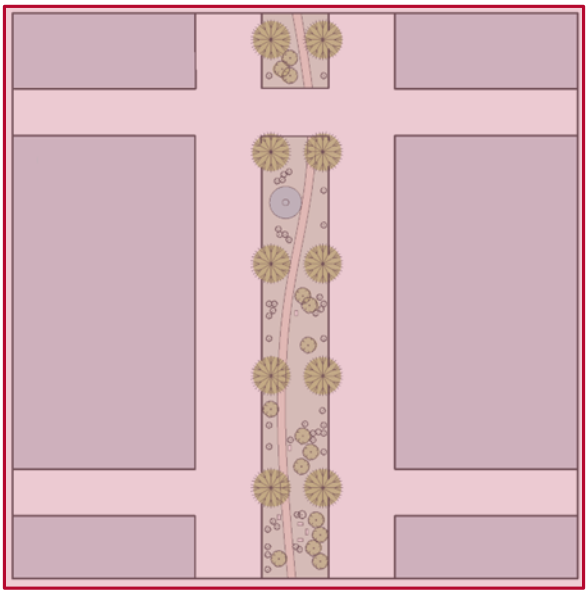
2. Square. A well-defined open space used for passive recreation and civic purposes. Generally located in denser areas of development and should be defined by building frontages on all sides. Should occur near the center of the urban activity and adjacent to at least one of the principal A or B Streets. 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

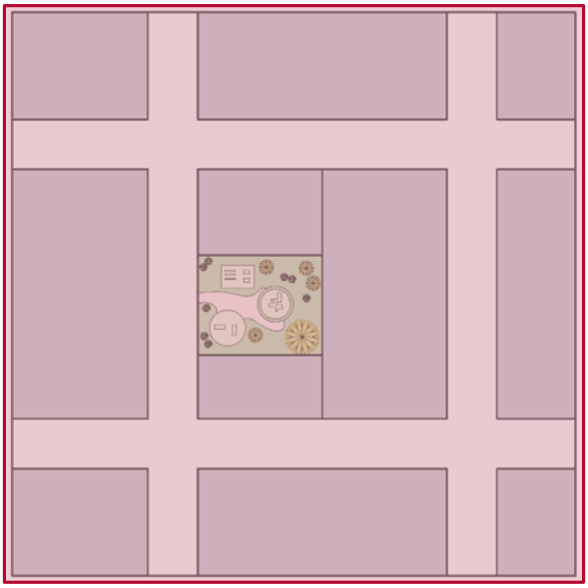
3. Plaza. A relatively small, well-defined open space used for civic purposes. Occurs in areas of dense development. Defined by building frontages, which should address the plaza as if it were an A Street. Predominantly hardscaped, although it may contain formal planting beds and regularly

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:

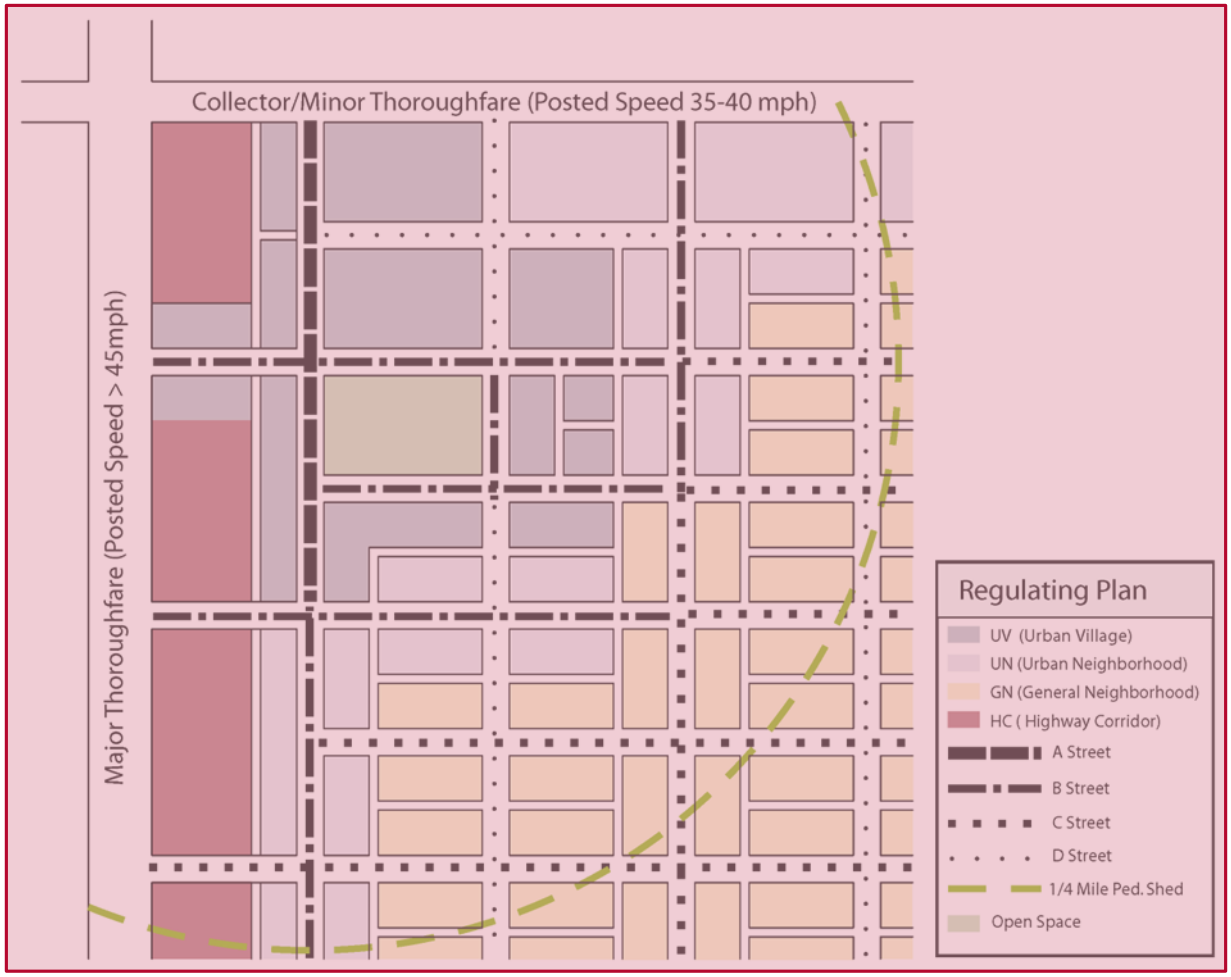


Fig. 4.10.041

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.

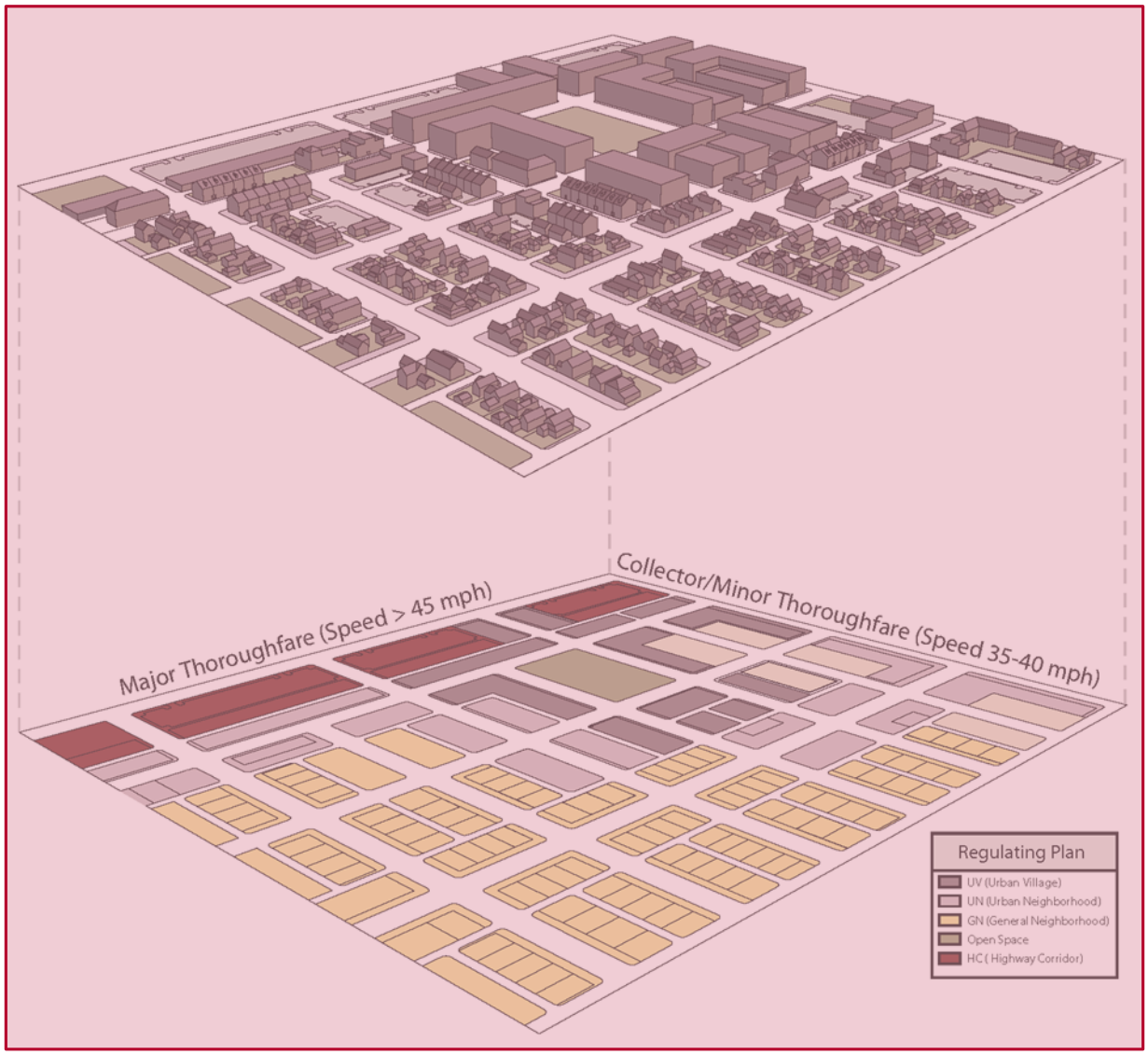


Fig. 4.10.042 A generic quadrant of a Regulating Plan, shown with a possible development scenario above.

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.

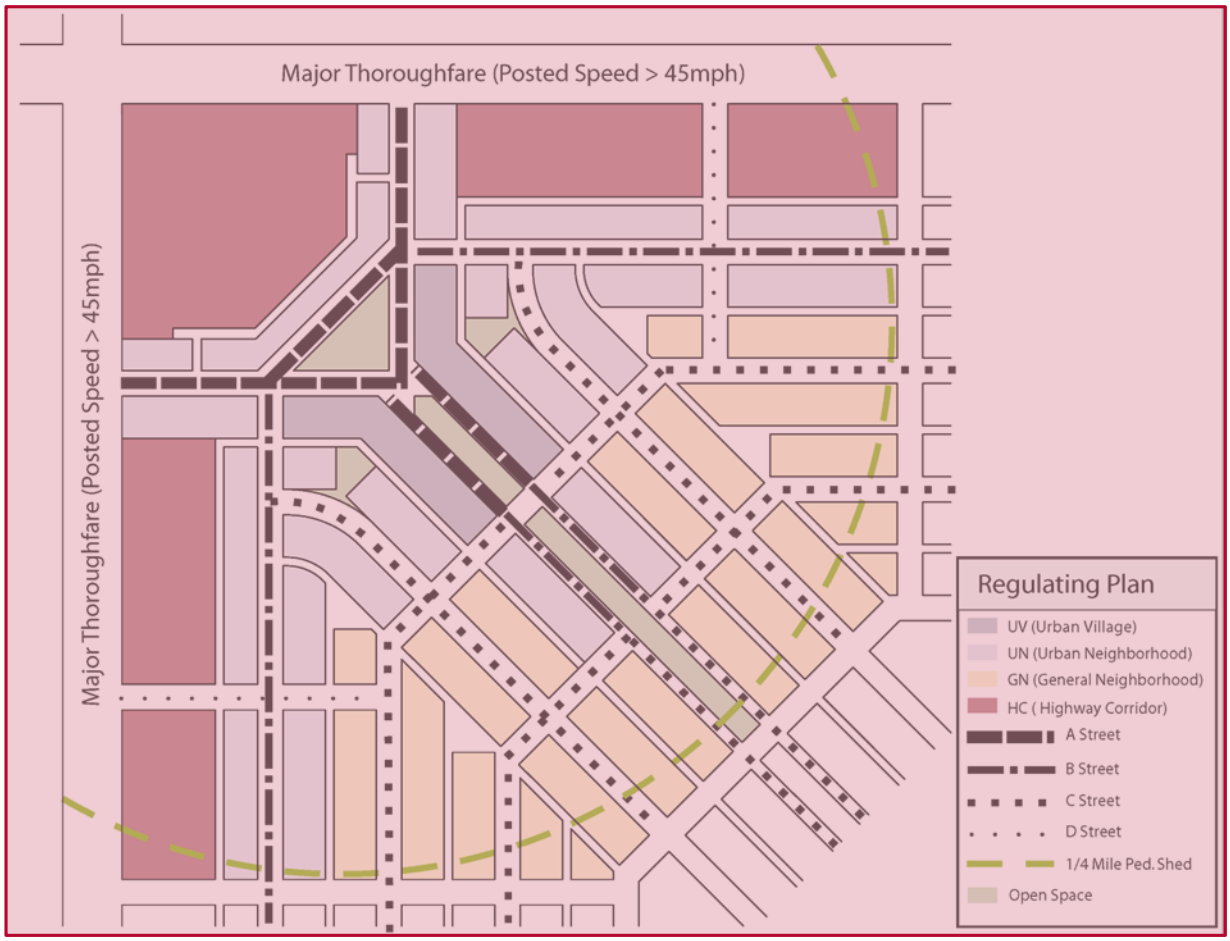
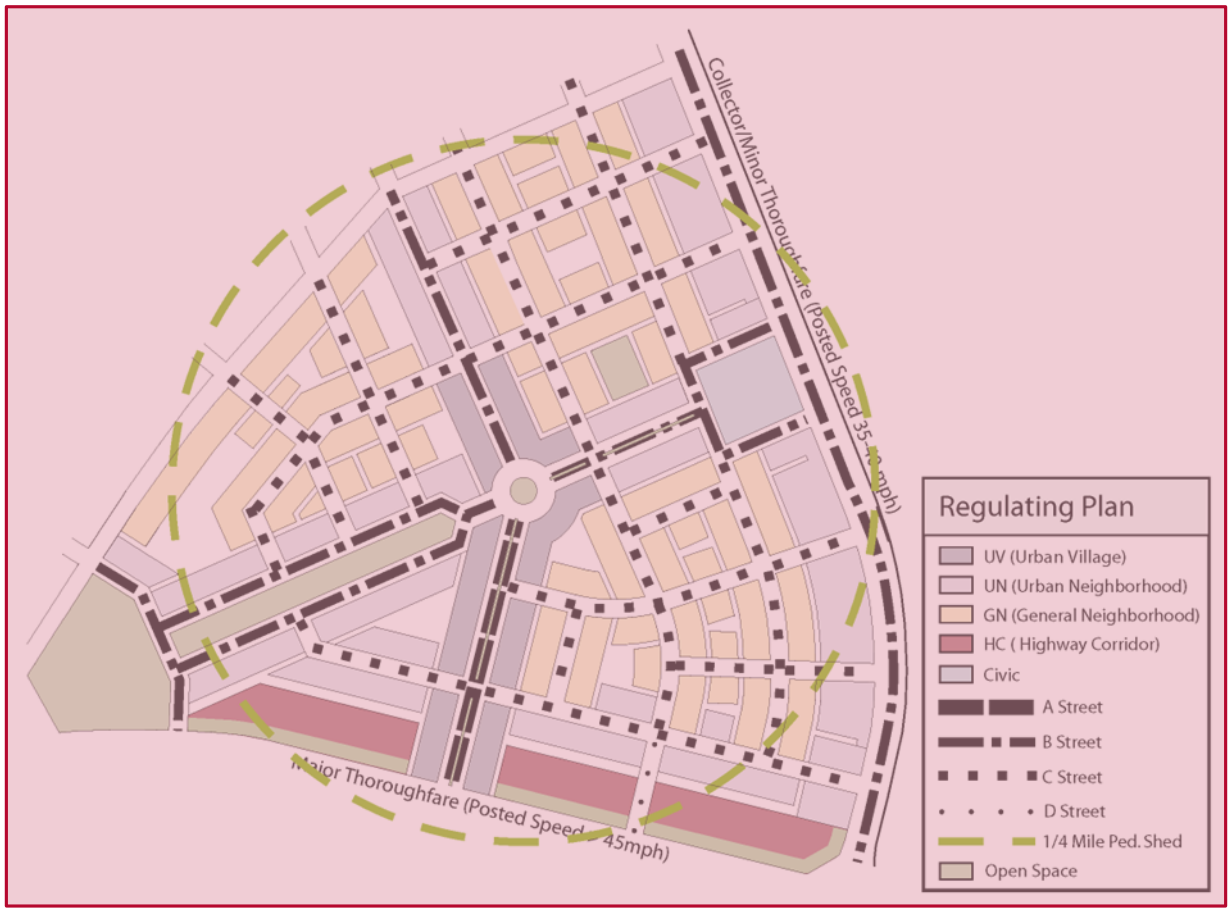


Fig. 4.10.043

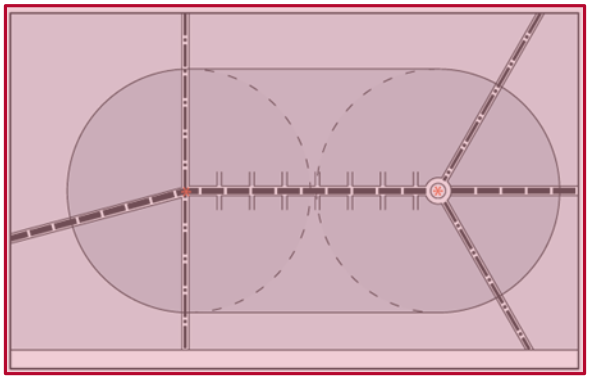
3. Figure 4.10.044 shows a less idealized situation, and one that will more likely reflect real-world conditions. This neighborhood centers on a UV - Urban Village area along a principal axis punctuated by a roundabout. A cross-axis of lesser intensity runs along an esplanade and terminates with civic 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.

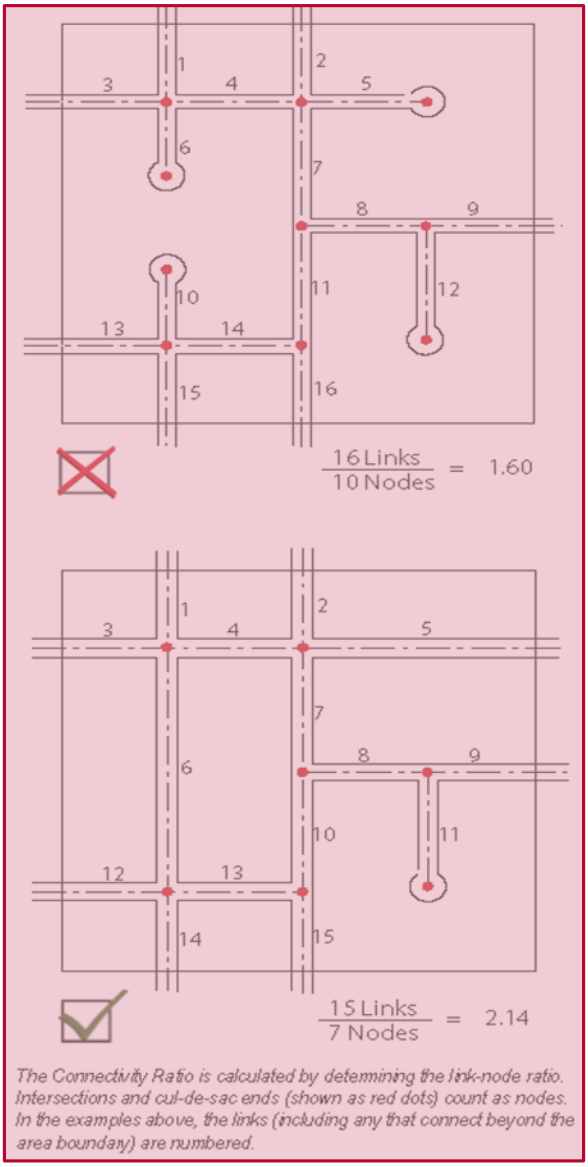


Figure XX Connectivity Ratio

   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.

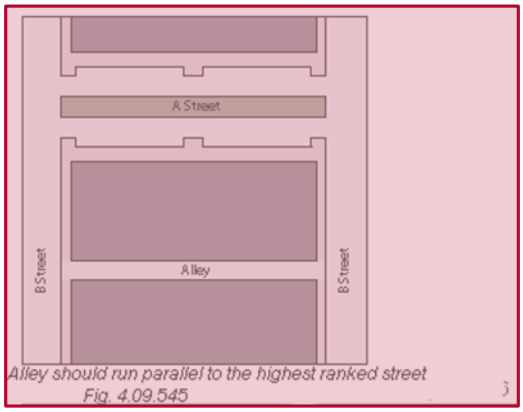


Figure 4.10.545

(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

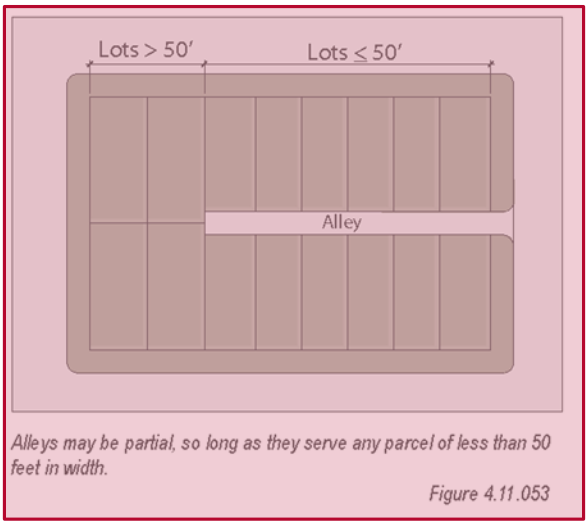


Figure 4.10.053

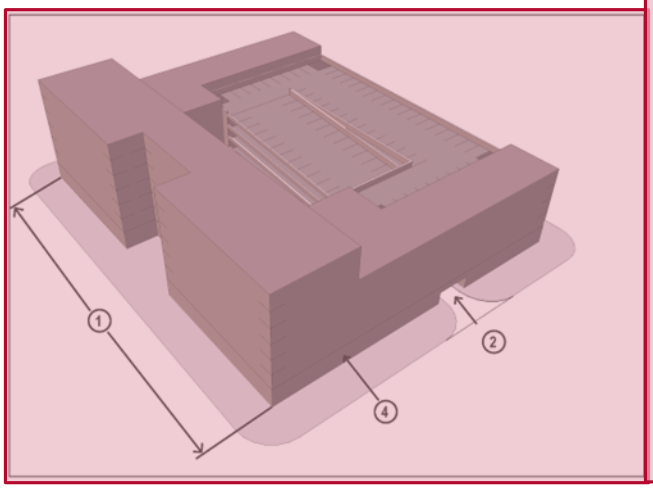
1. Full-block developments are permitted in TC and UV SUB-DISTRICTS.
2. There is no minimum or maximum required lot size, provided that:
   a. All Lots shall have a minimum 20 feet of frontage on a street or public green. The minimum street frontage is waived for residential lots fronting on a pedestrian 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.

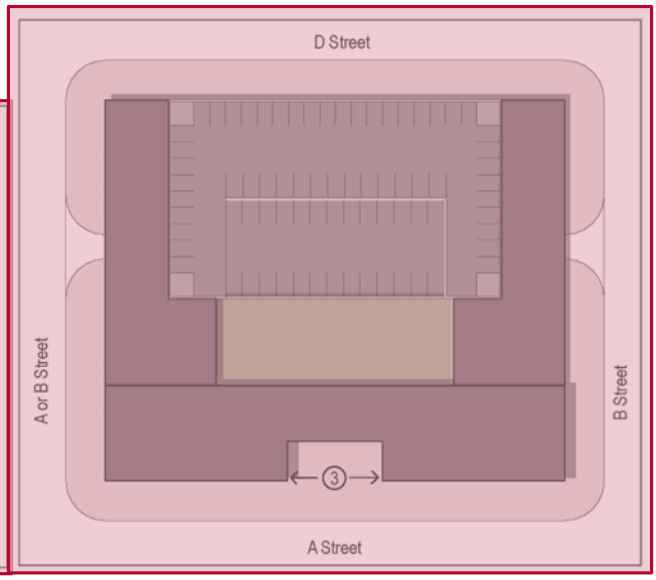
G. Summary of Regulations and Examples

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

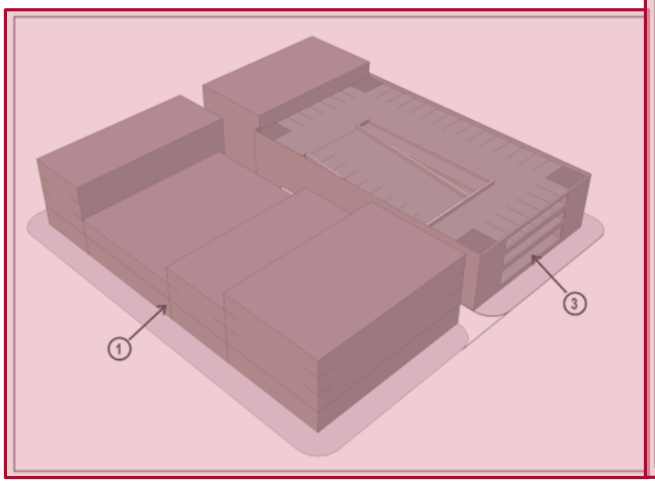


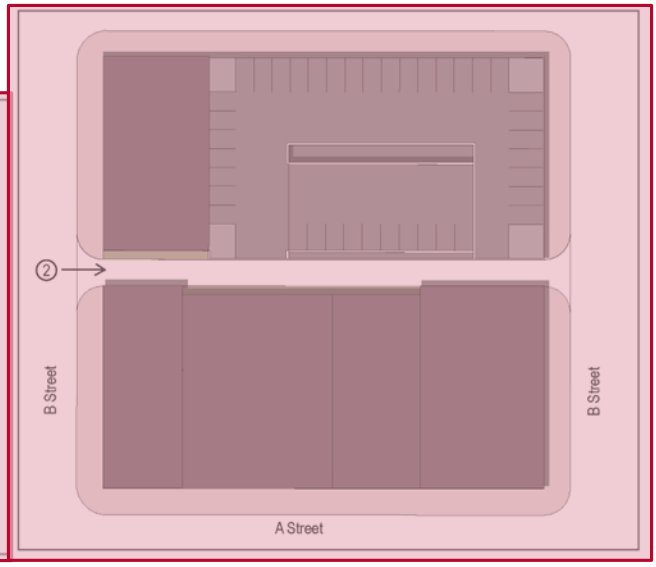


Code Summary	
Permitted Uses: (Figure 4.10.051)	
Density: (Figure 4.10.052)	
Min.20/max. Limited only by lot coverage and building height	
Lot Coverage: (Figure 4.10.052)	
90% max.	
Building Height: (4.10.052)	
100' Max/ 2 Story Min.	
Front Build-To Line: (Figure 4.10.061)	
0' for A Street 5'-15' for 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

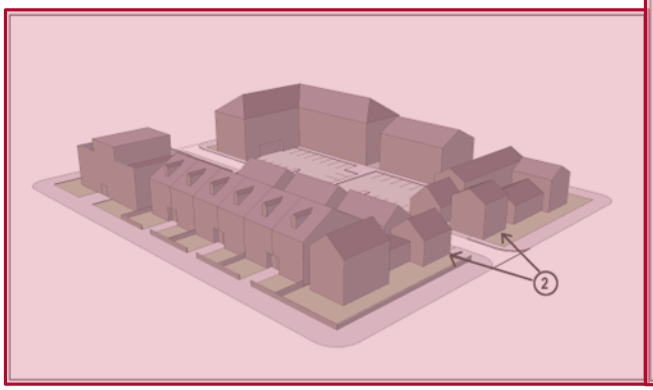


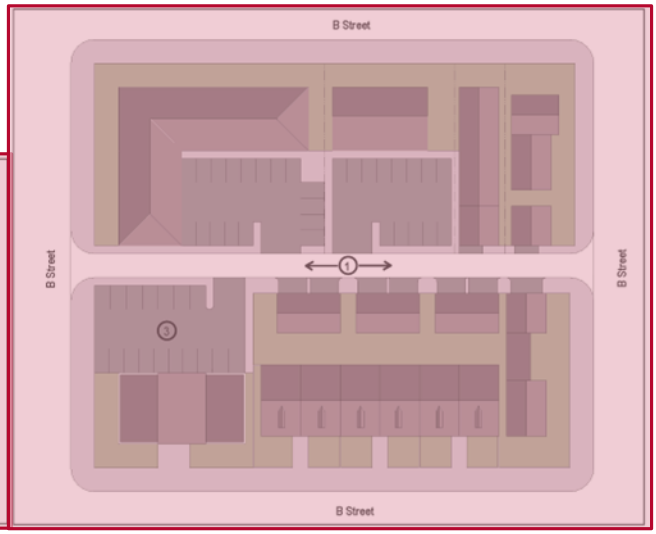


Code Summary	
Permitted Uses: (Figure 4.10.051)	
Density: (Figure 4.10.052)	
Min.16/max. Limited only by lot coverage and building height	
Lot Coverage: (Figure 4.10.052)	
80% max.	
Building Height: (4.10.052)	
65' Max/ 2 Story Min.	
Front Build-To Line: (Figure 4.10.061)	
0' for A Street 5'-15' for 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

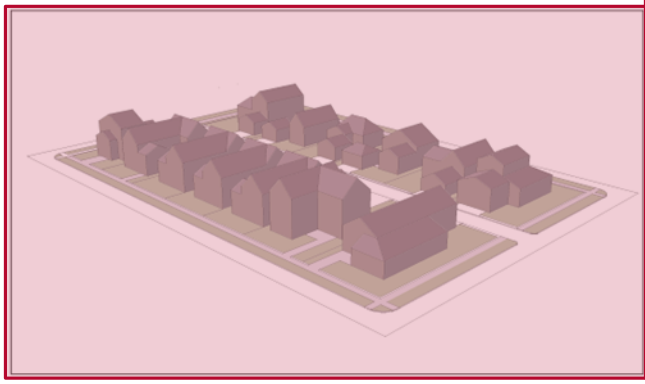


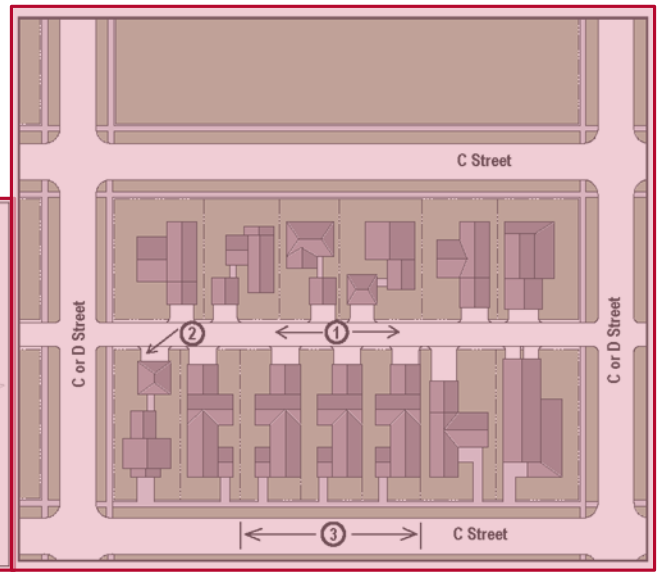


Code Summary	
Permitted Uses: (Figure 4.10.051)	
Density: (Figure 4.10.052)	
Min.10/max. 20 Units per acre	
Lot Coverage: (Figure 4.10.052)	
70% max.	
Building Height: (4.10.052)	
45' Max.	
Front Build-To Line: (Figure 4.10.061)	
5'-15' for B Street 20' for C Street	
Side and Rear Setbacks: (Figure 4.10.061)	
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

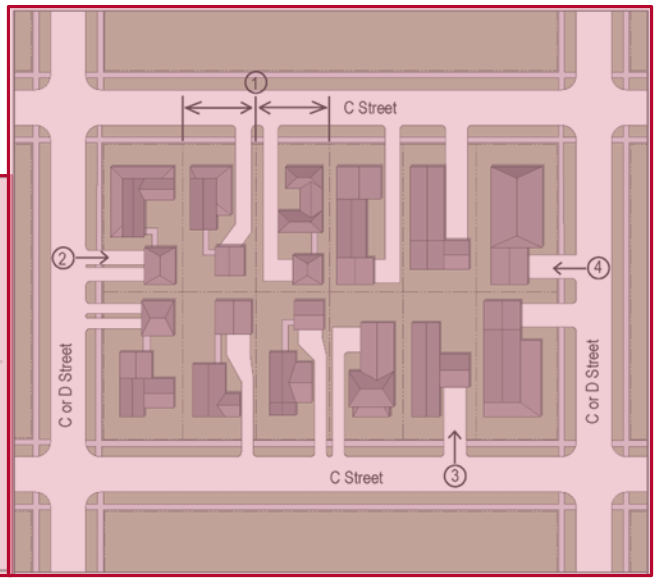




Code Summary	
Permitted Uses: (Figure 4.10.051)	
Density: (Figure 4.10.052)	
Min. 6/12 max.	
Lot Coverage: (Figure 4.10.052)	
60% max.	
Building Height: (4.10.052)	
40' Max.	
Front Build-To Line: (Figure 4.10.061)	
20' for C Street	
Side and Rear Setbacks: (Figure 4.10.061)	
Side:	5' Interior/20' corner lot for C Street

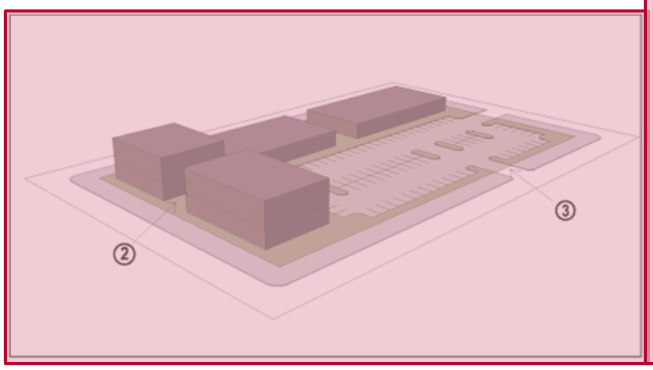
~~Rear:~~	~~10' for C Street~~
~~Parking Setback: (Figure 4.10.061)~~	
~~40' on C Street~~	
~~Curb Cuts: (Figure 4.10.061)~~	
~~0 on C street~~	
~~**Special Conditions:**~~	
~~1. Alley is required if any lot is narrower than 50'. (4.10.040.D.3)~~ ~~2. Garage Apartments are permitted; do not count toward 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)~~	

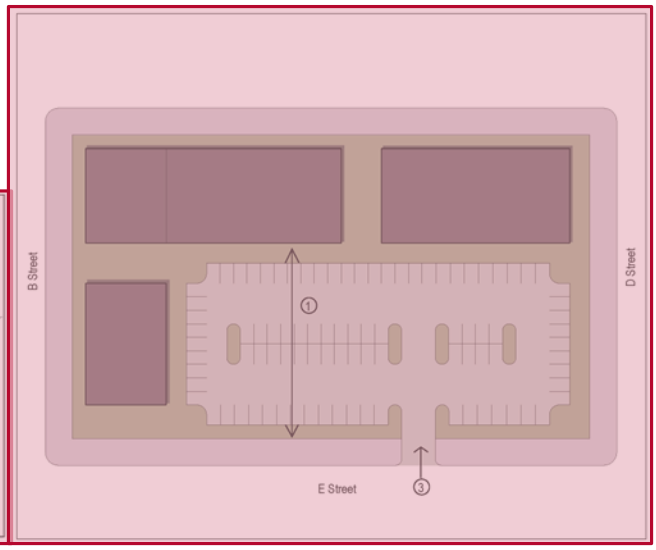
GN- General Neighborhood (Street Loaded) Example



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

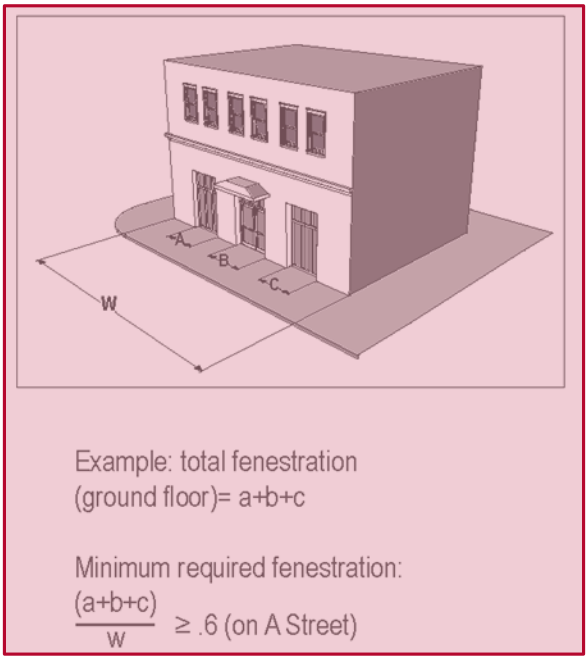
A. Intent

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.

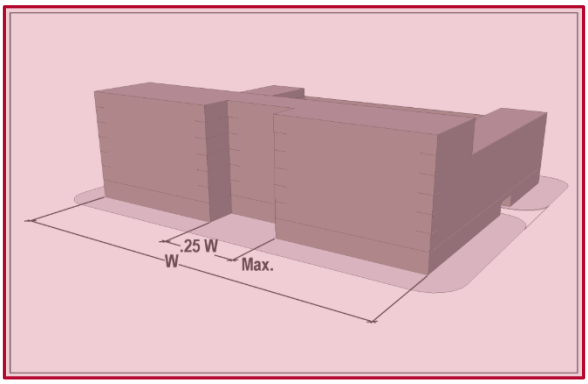
B. Development Standards

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

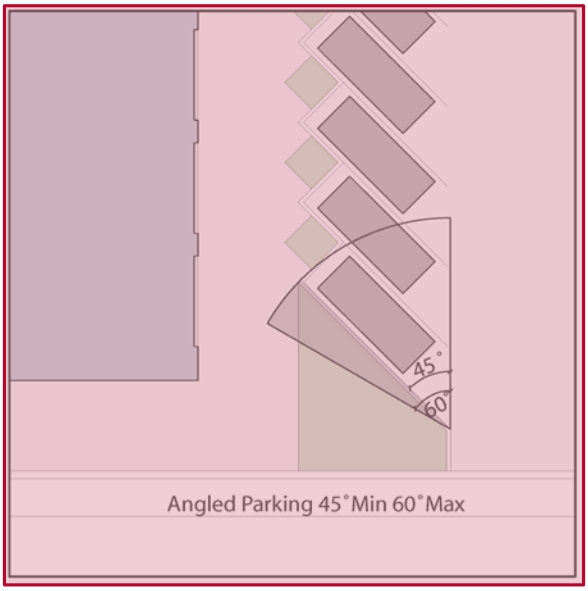
Street Type Development Standards

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~~

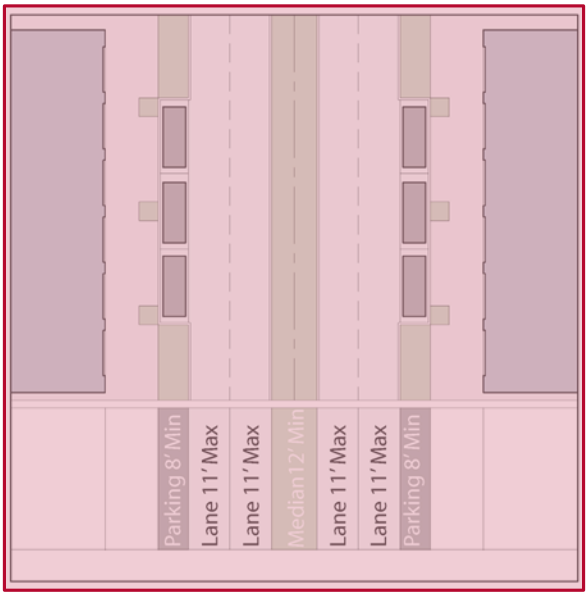
~~The following design standards apply to all streets within the District, except for E Streets. These standards are not meant to be exhaustive; rather, they are intended to establish minimum requirements to achieve an overall design consistency.~~

~~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.

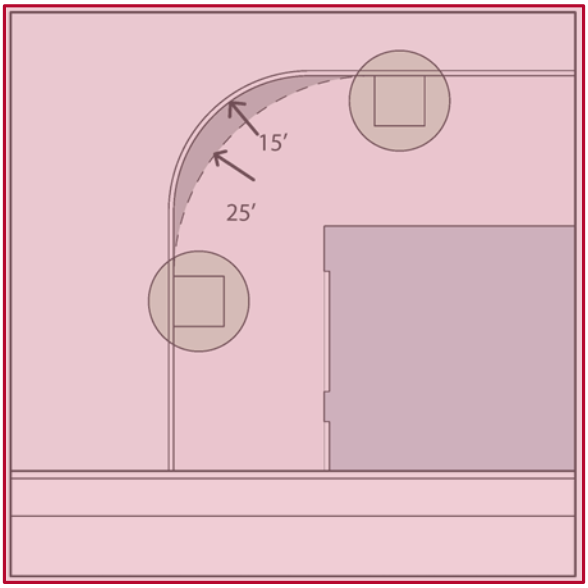


Fig. 4.10.065

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.

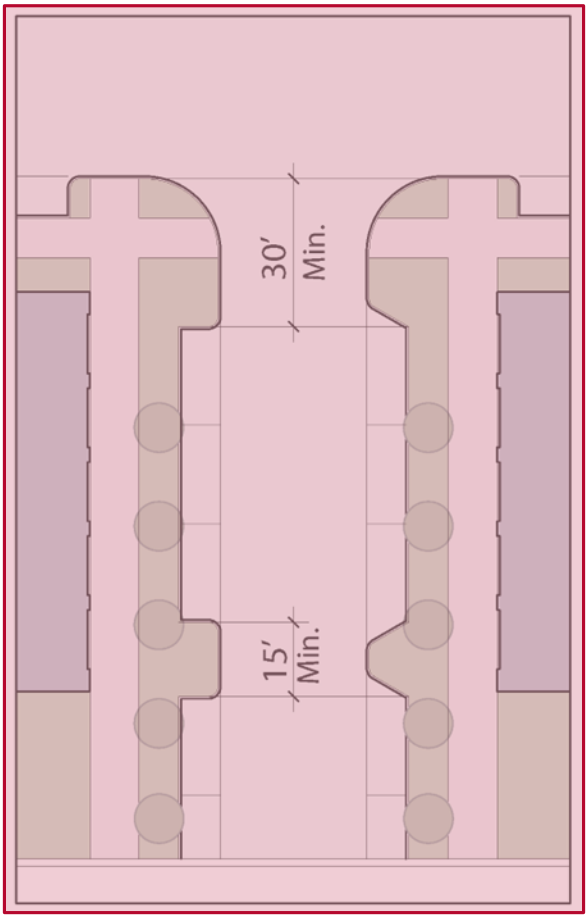


Fig. 4.10.066

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.

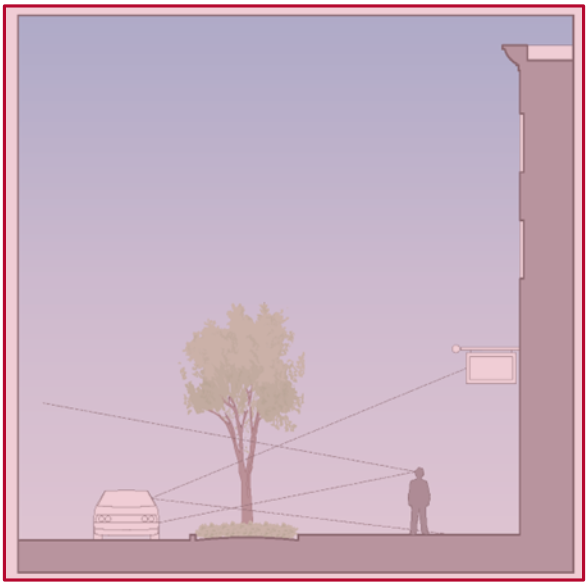


Fig. 4.10.067

   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.

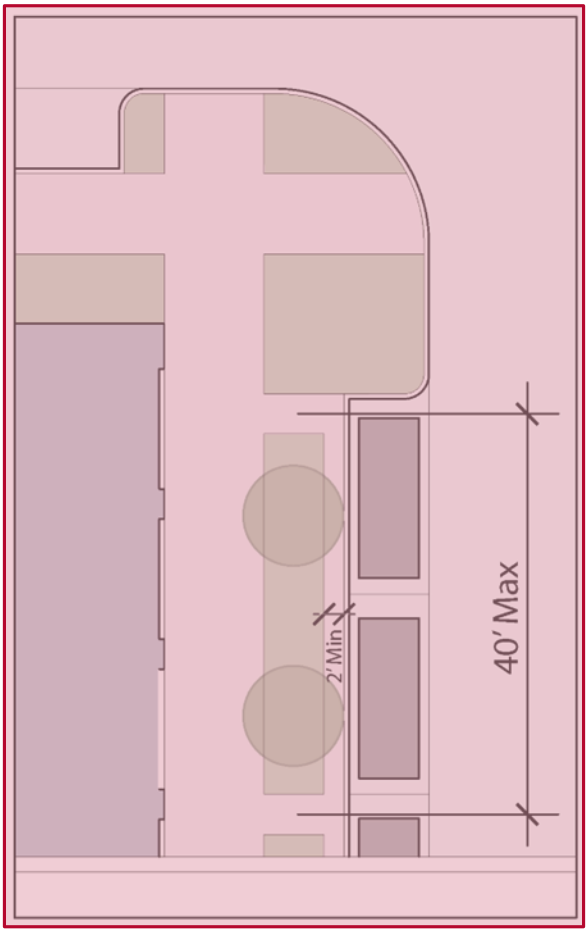


Fig. 4.10.068

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.

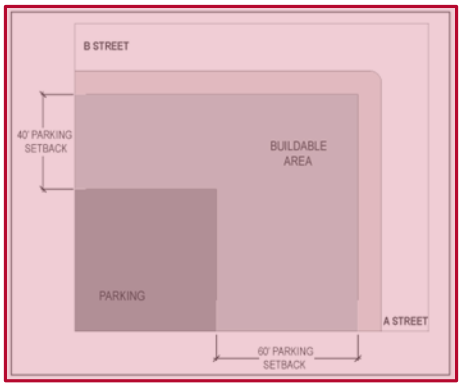
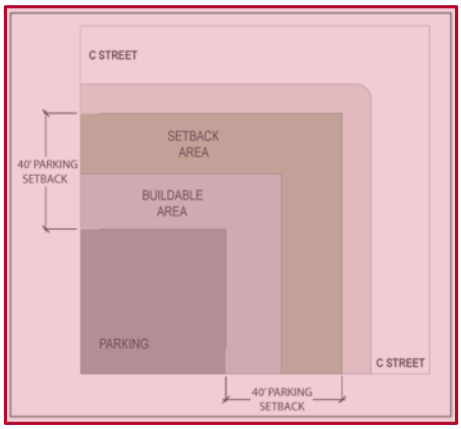


Figure 4.10.072

C. Design of Surface Parking Areas

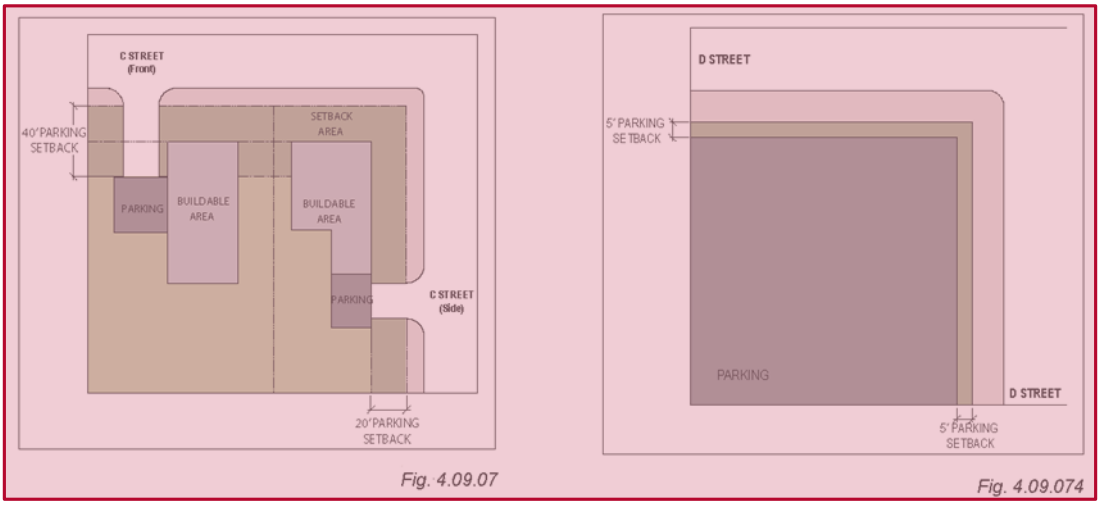
1. Surface parking areas shall be set back a minimum of 60 feet from any A or B Street frontage, and a minimum of five feet from any C or D Street frontage, and shall, to the greatest extent practicable, be located behind the principal building face. In cases where the build-to requirements for a secondary 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

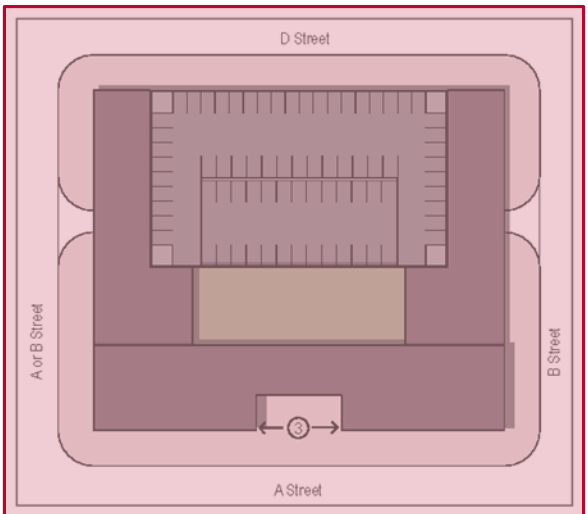


Fig. 4.09.076 Parking garages are preferably located on the interior of the blocks.

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.

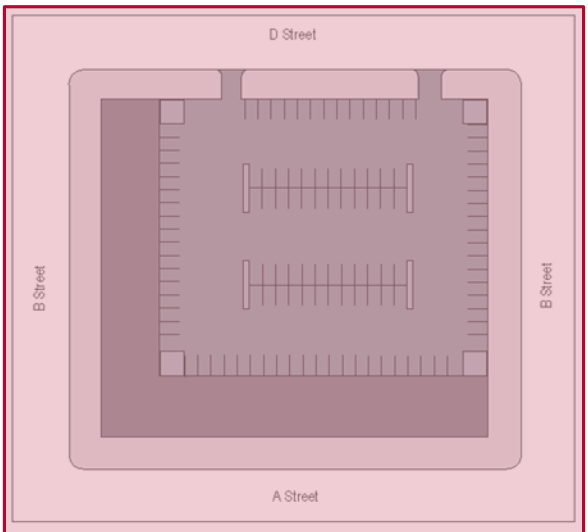


Fig. 4.09.077 Parking garages shall not front on an A street. Garages may front on a B street provided that the ground floor frontage is not parking. Ideally, they should access from a D street.

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.

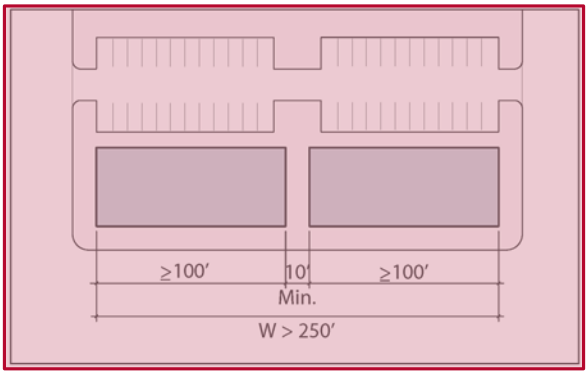
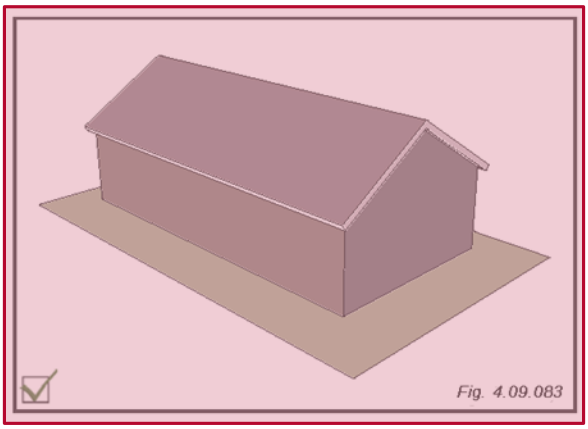


Fig. 4.10.082

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.

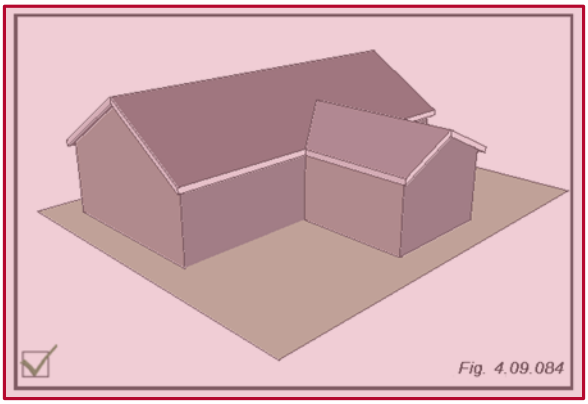


~~**Figure 4.10.083**~~

~~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.~~

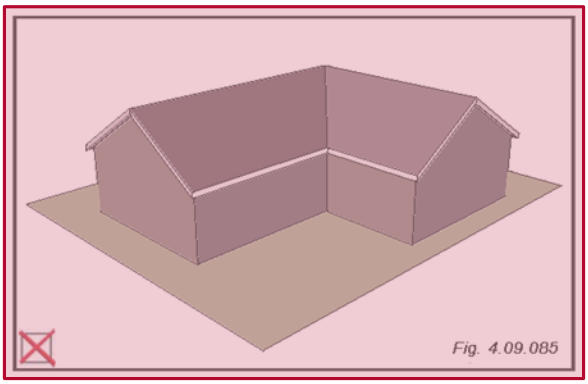


Figure 4.10.085

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.

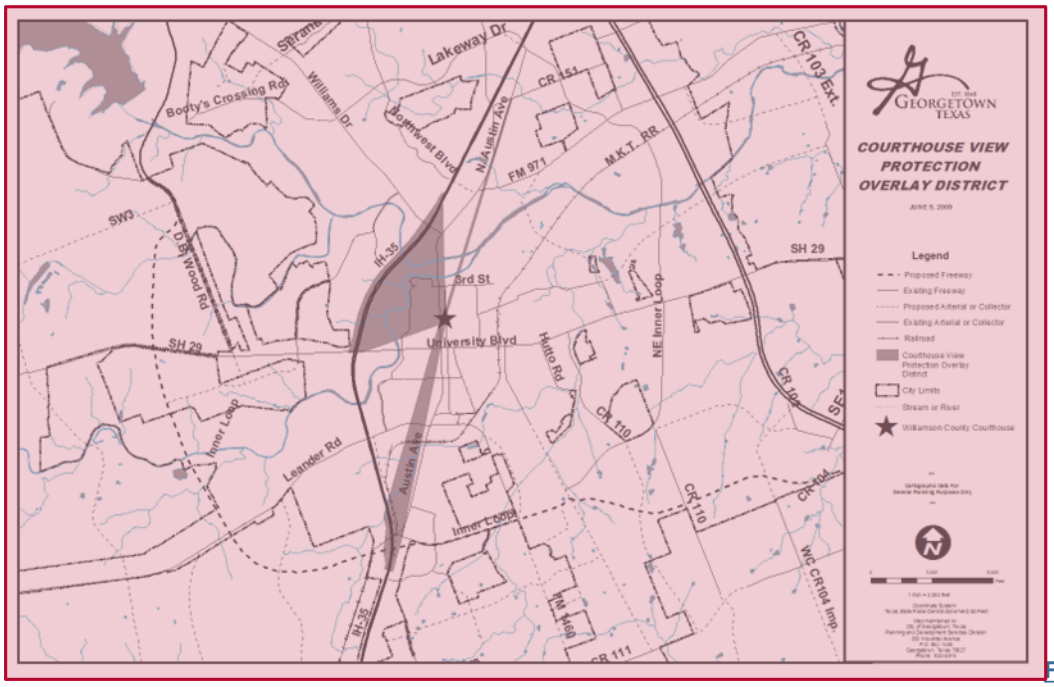


Figure 4.09.020-4.09.02-1. Courthouse View Protection Overlay District Map

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

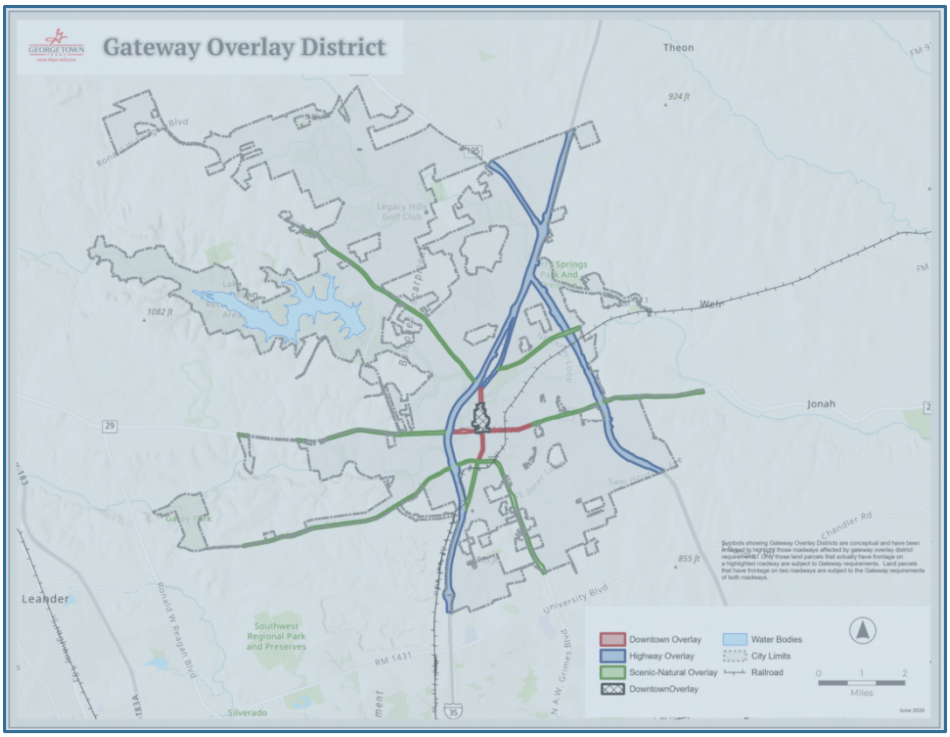
Upon completion of the administrative review and height determination the Director shall make a final determination. The applicant may request relief from the requirements of the Courthouse View Corridor using the procedures of ~~3.27~~Section 3.27.

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 Landscaping**. 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 cCode is as follows:

A. Serves as a one-stop cCode for development regulations that are applicable to these two oOverlay dDistricts.

B. Provides standards that continue the orderly growth of Downtown and Old Town dDistricts.

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 Cchapter 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.

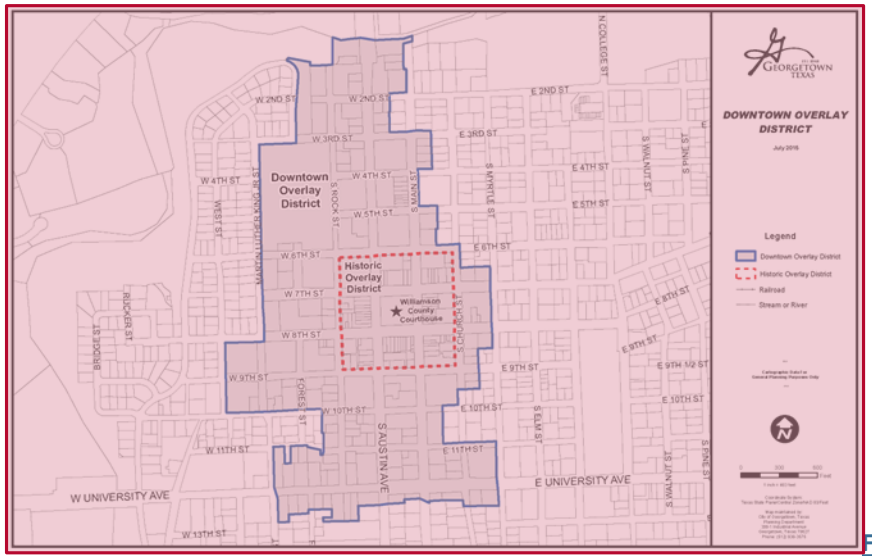
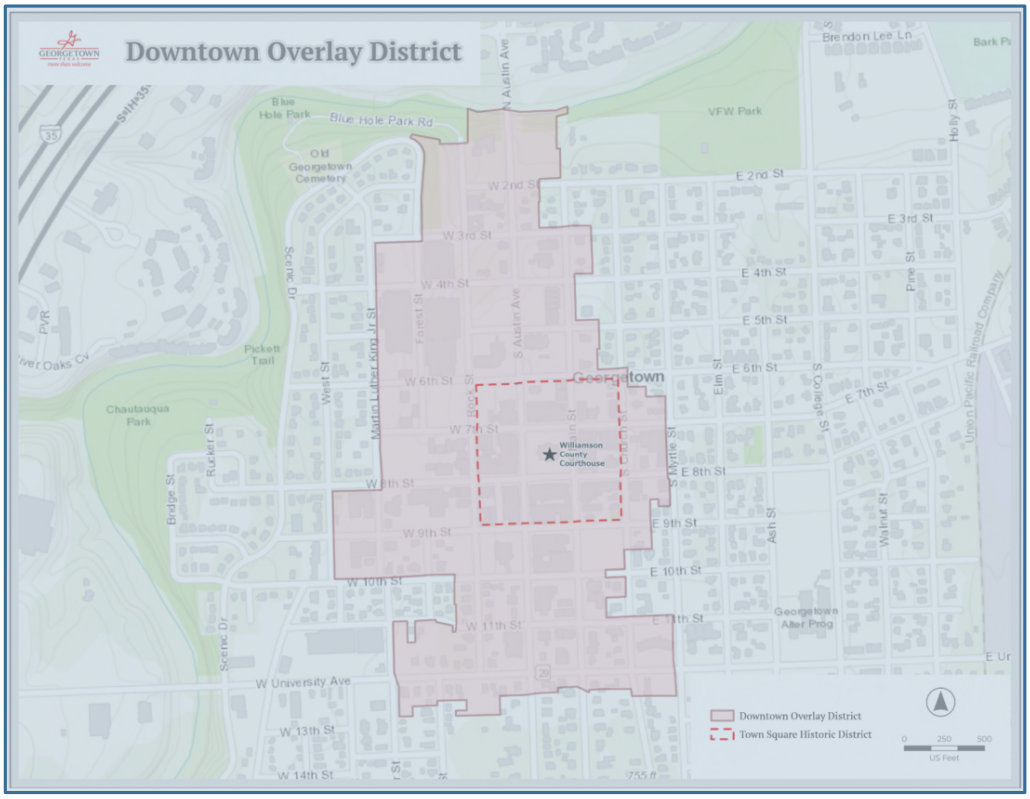


Figure 5.03.010-5.03.01-1. Downtown Overlay District Map



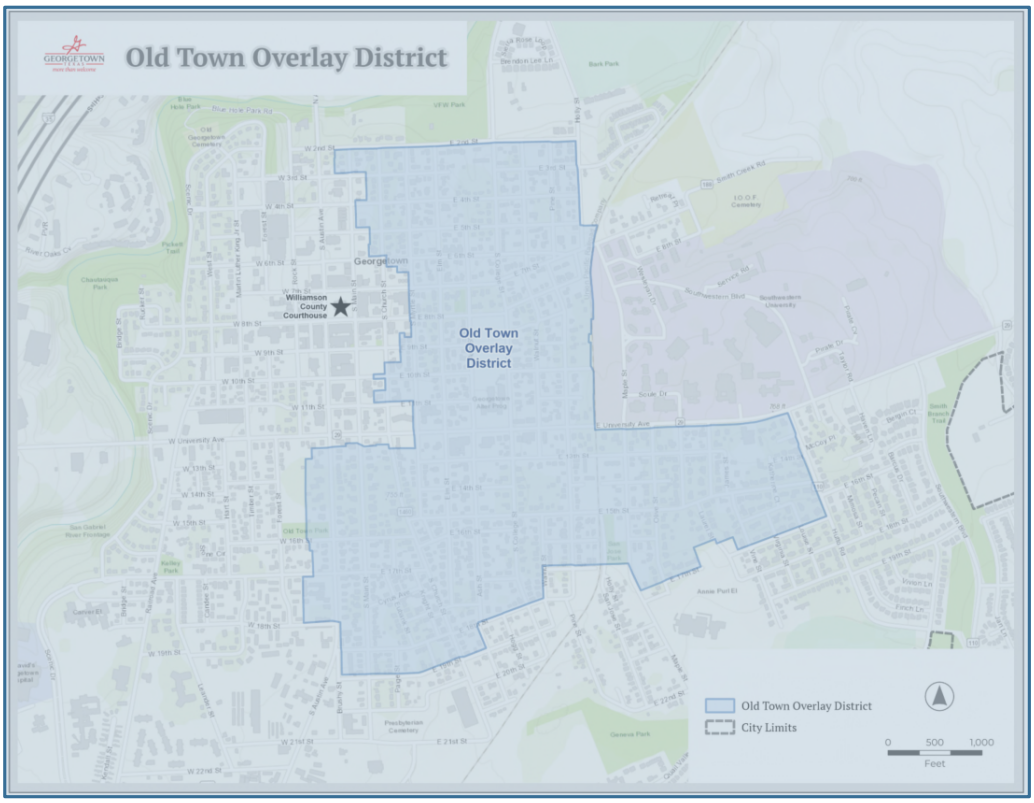
This map is available for viewing at the Planning Department office or as a downloadable map at ~~http://maps.georgetown.org~~.http://www.georgetowntexas.gov/maps.

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.

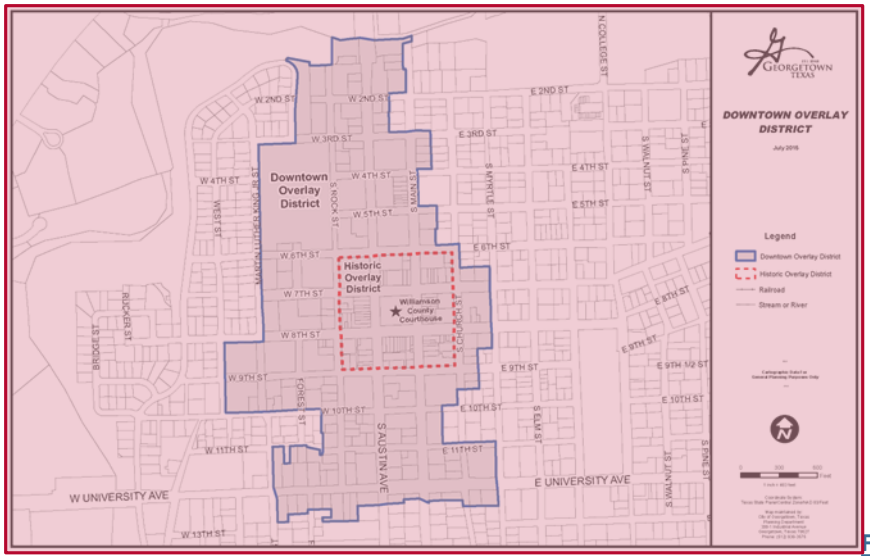
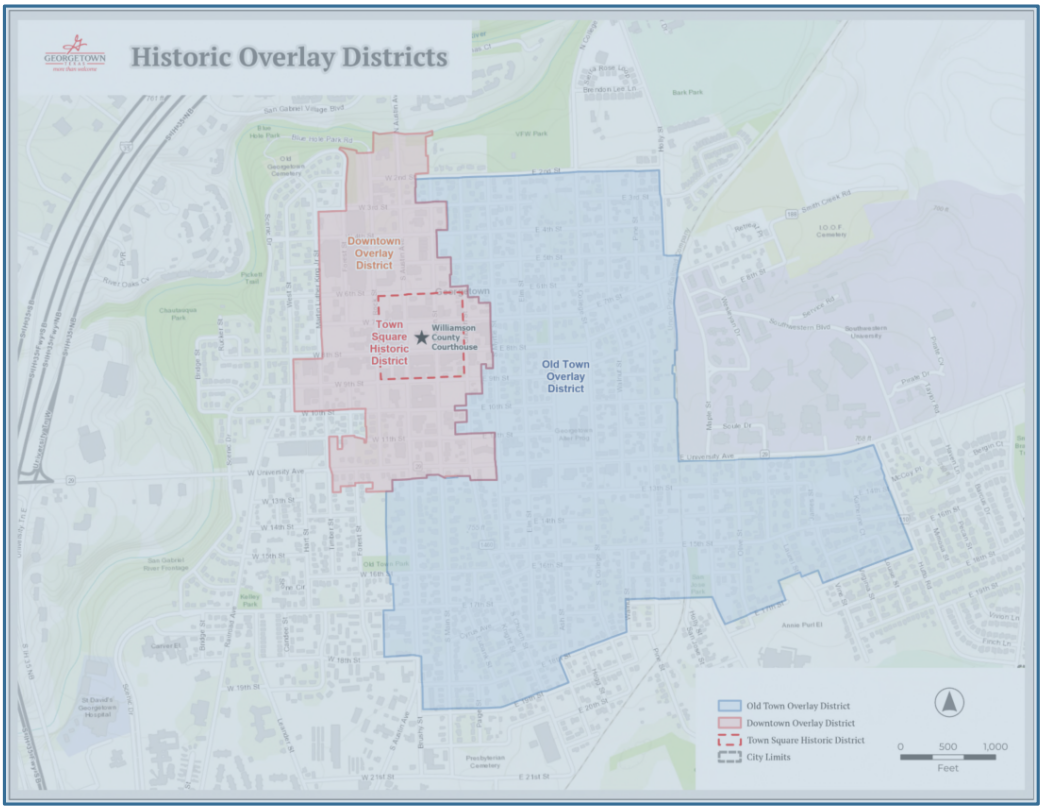


Figure 5.03.010-5.03.01-3. Historic Overlay Districts Map

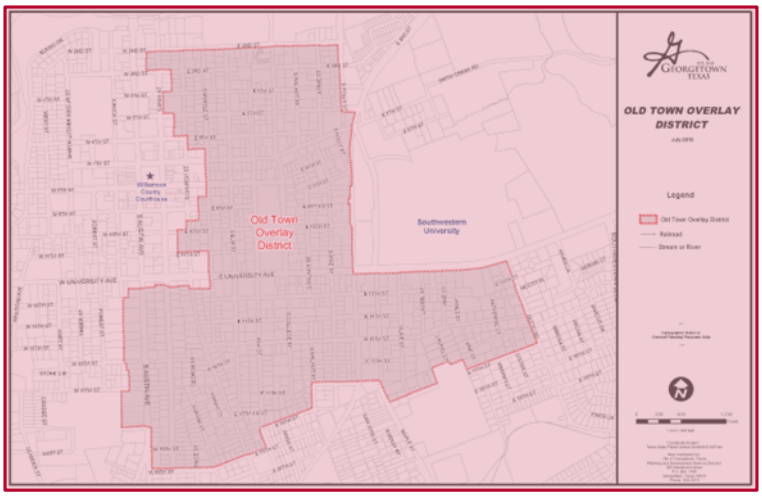


This map is available for viewing at the Planning Department office or as a downloadable map at ~~http://maps.georgetown.org~~.**http://www.georgetowntexas.gov/maps**.

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 oOfficial's zZoning mMap. 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 3.26Section 5.11 of this Code. Any activity requiring review of a Certificate of Appropriateness per Section 3.26Section 5.11 of this Code will be subject to this Ssection 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

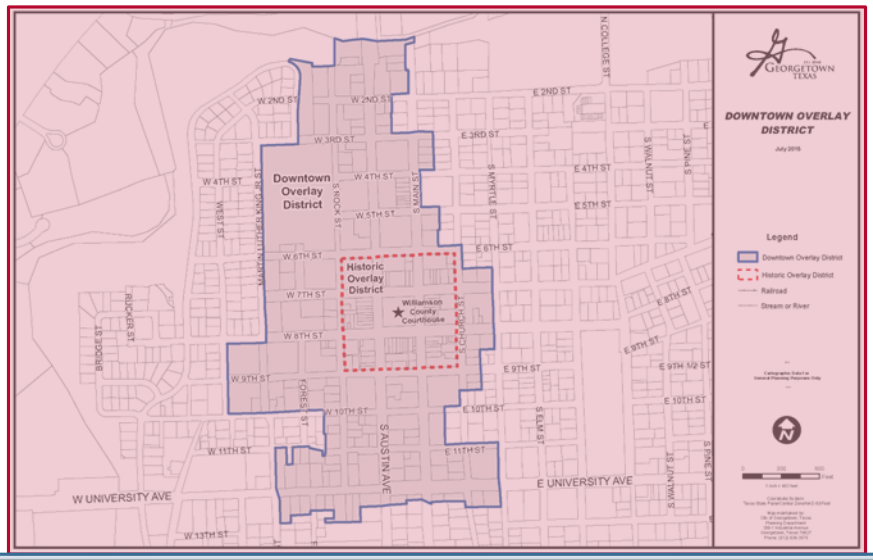
For uses allowed per zZoning dDistrict, see Chapter 5**Chapter 6**.

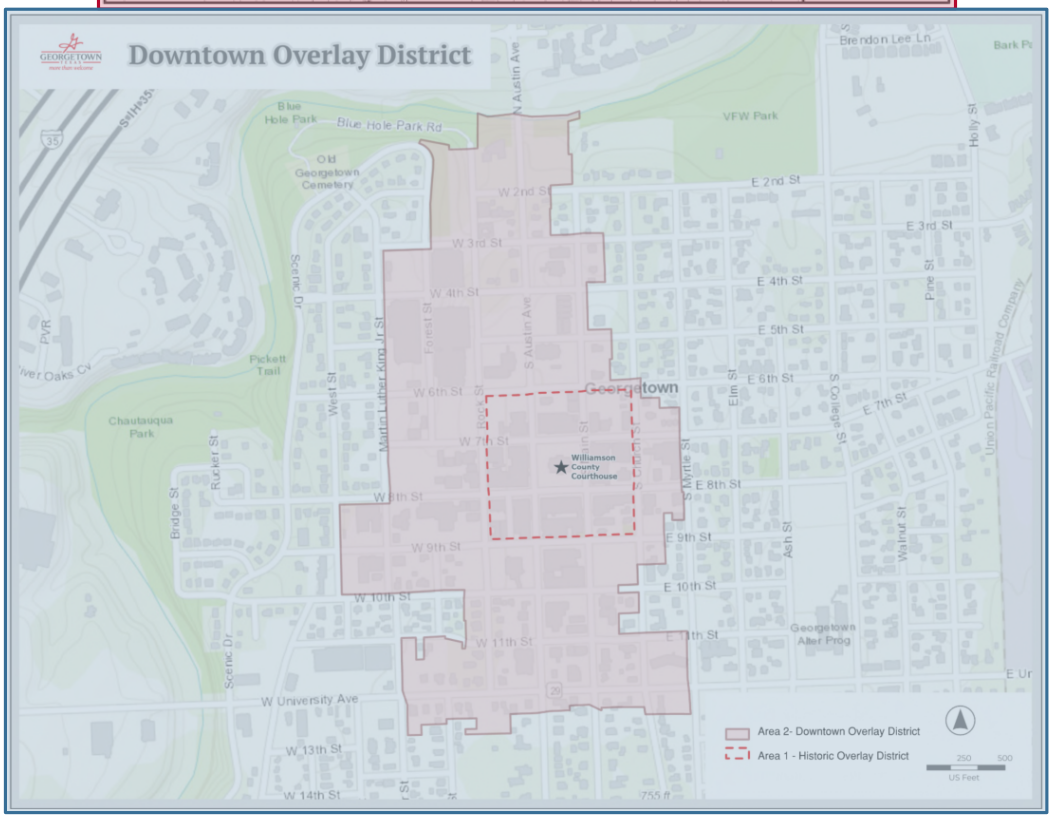
5.05.030. 5.06.03.Parking

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

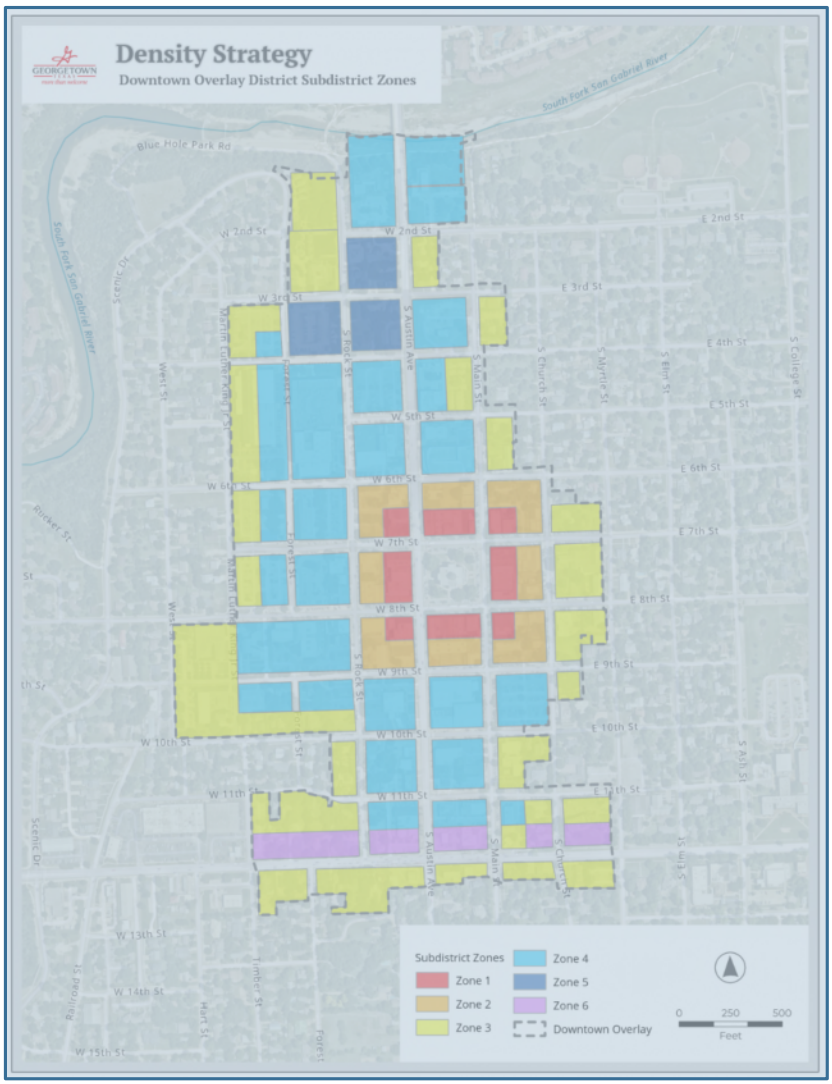
A. Purpose

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 sSquare 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

*mMaximum 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 CodeUDC 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 beare 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 beare 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~~e~~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 ~~d~~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 ~~d~~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.

~~*(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 ~~c~~Certificate of ~~a~~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 ~~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 ~~c~~Certificate of ~~a~~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~~5.11.010**. 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.A**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 3.26.03**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 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 encroachmentFAR as proposed;

f. If the proposed encroachmentFAR increase is for a structure that is replacing another structure, whether the proposed structure is significantly larger than the original;

g. If the proposed encroachmentFAR 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 Toto 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 nNon-rResidential zZoning dDistricts but may be allowed in rResidential dDistricts, 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 dDistricts.

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 Table**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 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 16**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 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 56.02** and subject to the standards and limitations:

a. 1.All Home-Based Businesses must beNothing 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 hHome-basedBase bBusiness. 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 activitiesy are visible from athe 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.All~~A Home-Based Business~~es~~ ~~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 ~~C~~code.

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;

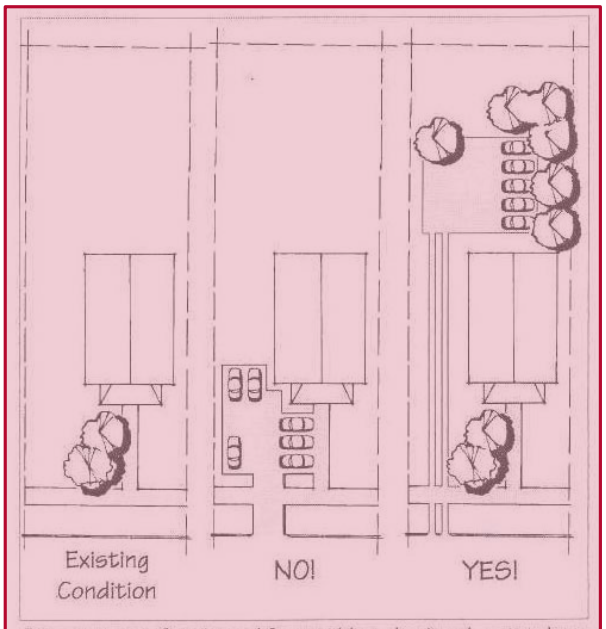
(b) ~~(ii)~~The house existed on or before February 26, 2008 (the date adopting the ordinance); and

(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.

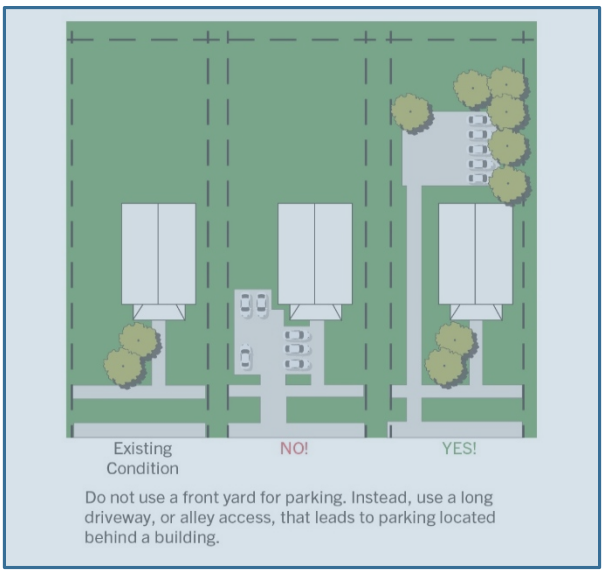
(ii) ~~b.~~In addition to the requirements for Special Use Permits set forth in Section 3.07, an applicant for a Special Use Permit under this section shall also submit a Site Plan pursuant to the requirements of Section 3.09. Further, an interior layout of the building shall be submitted with the Special 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~~ings~~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.~~

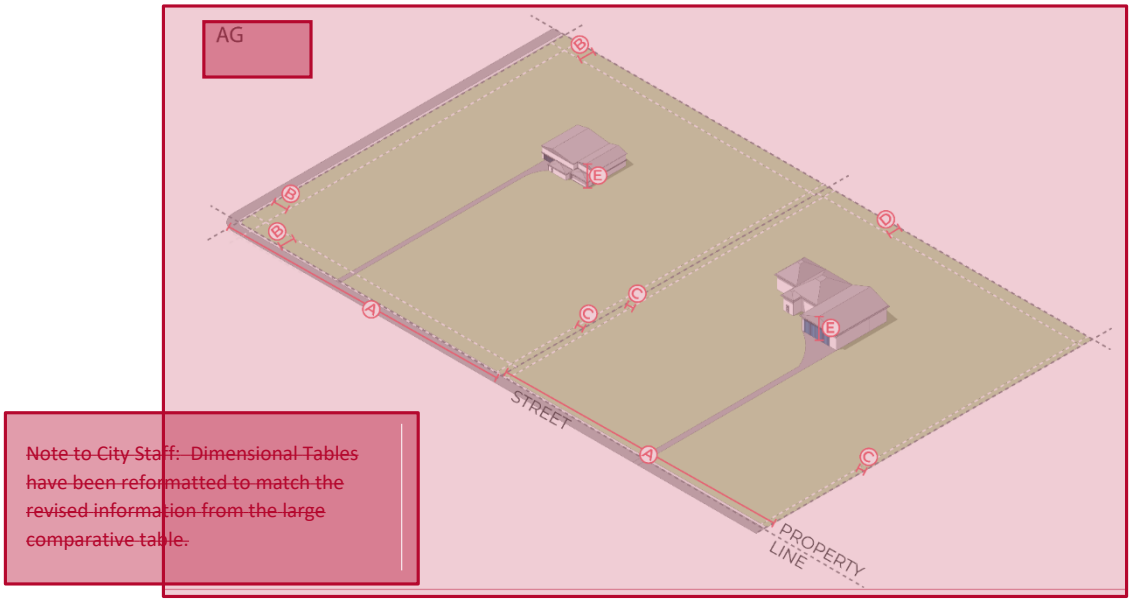
F. Other Requirements of this Chapter that Apply to all Residential Districts

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.



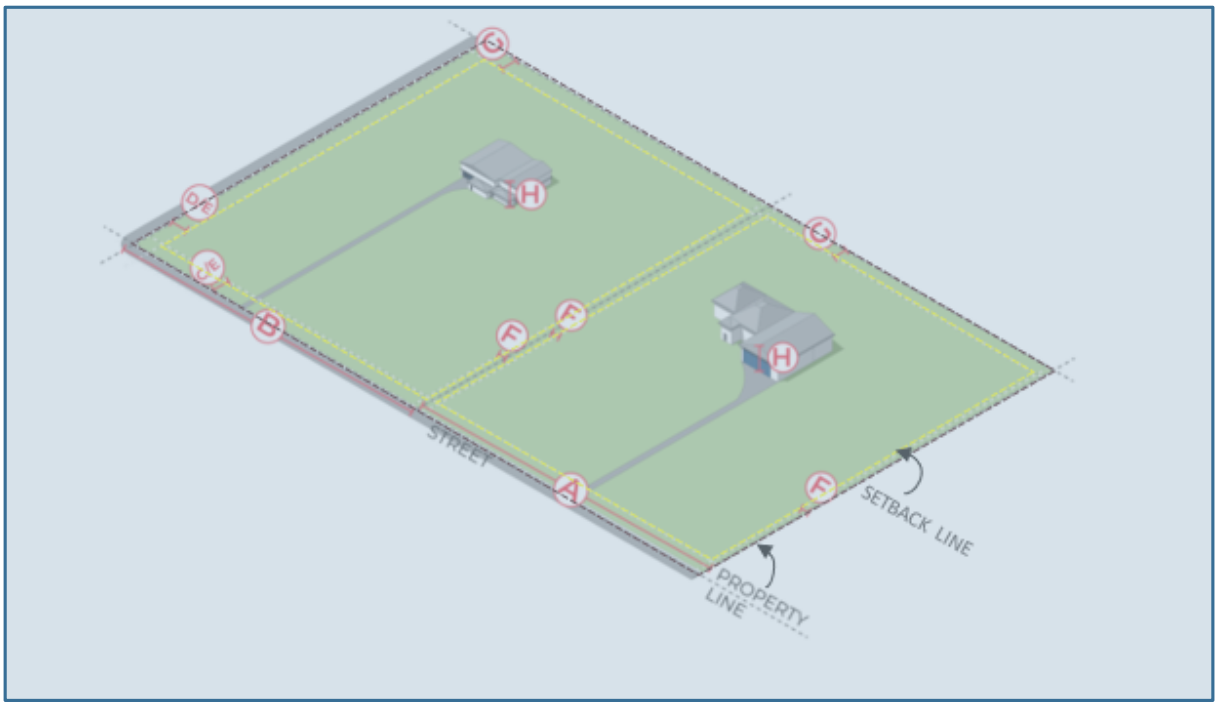
~~Note to City Staff: Dimensional Tables have been reformatted to match the revised information from the large comparative table.~~

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.~~		



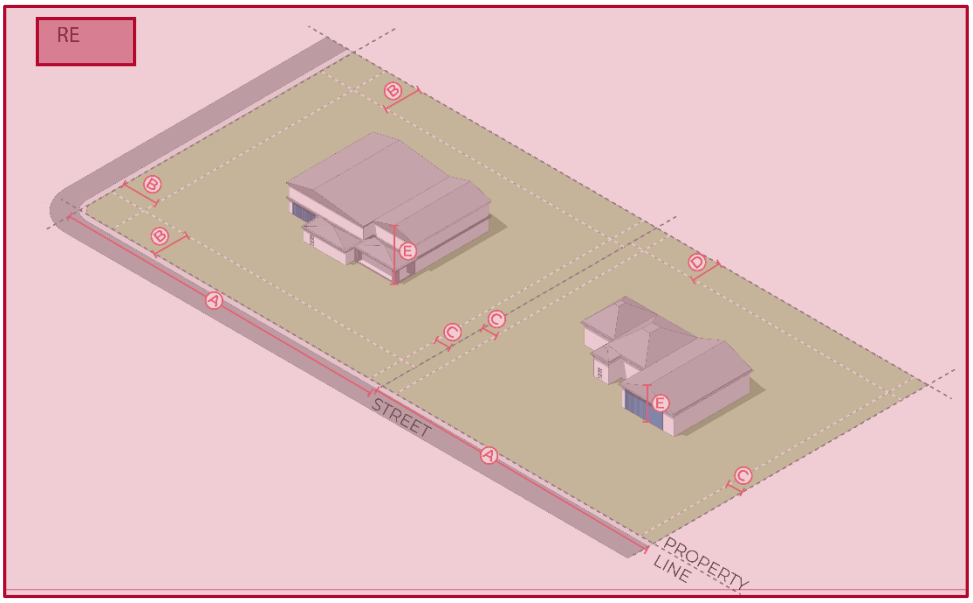
B. Non-Residential and Accessory Design Standards

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**

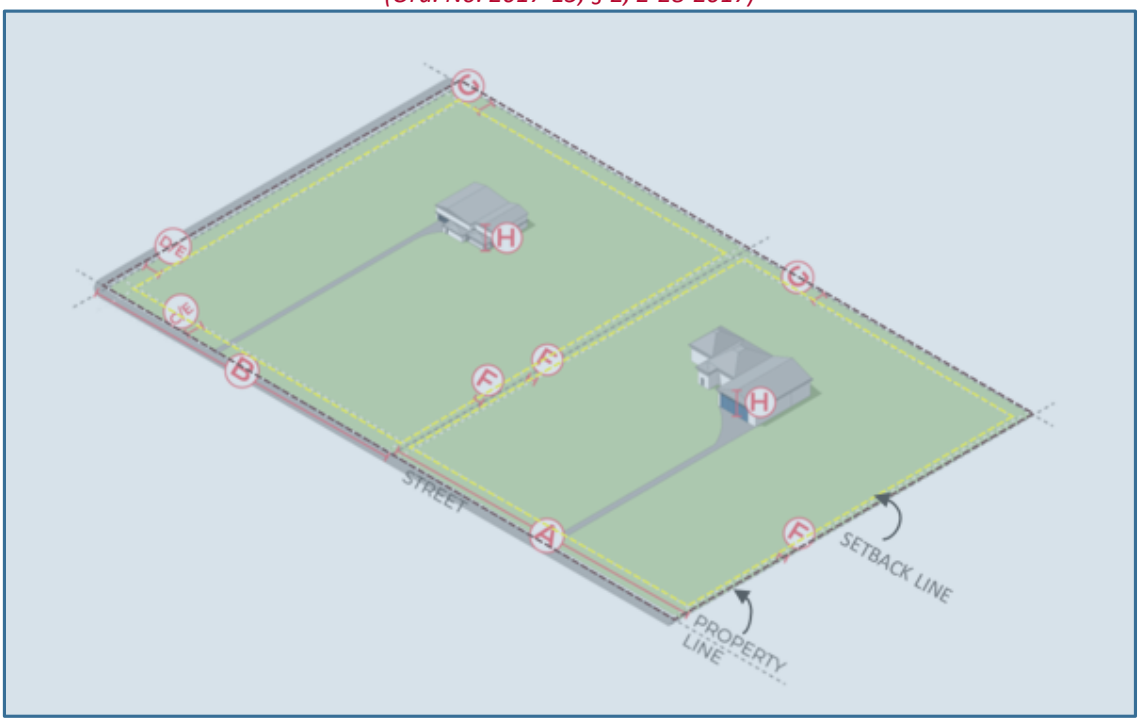
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[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]~~	~~-~~

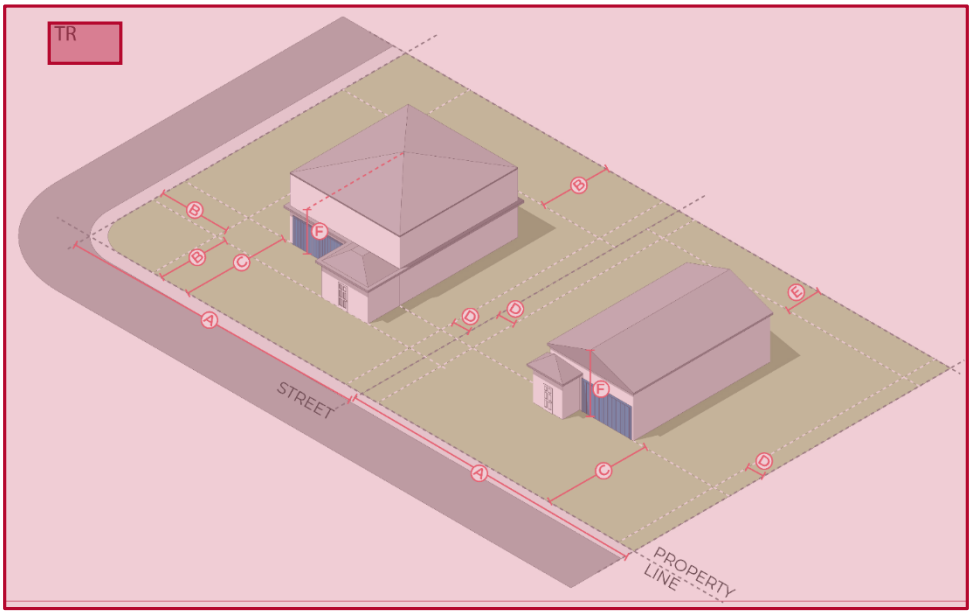
	~~RE Residential Estate District~~	
~~B~~	~~Front/Side/Rear/Unloaded street setback (Corner), minimum feet~~	~~25~~
~~-~~	~~Street Facing Garage Setback, minimum feet~~	~~-~~
~~C~~	~~Side setback, minimum feet~~	~~10~~
~~D~~	~~Rear setback, minimum feet~~	~~20~~
~~E~~	~~Building height, maximum feet~~	~~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

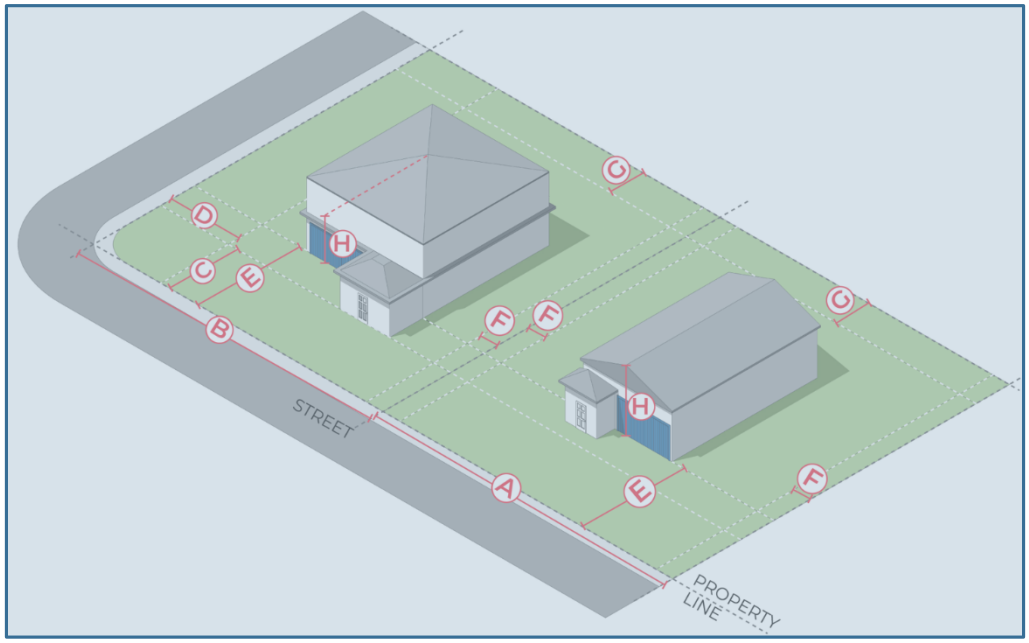
RT Residential Traditional District		
	Lot size, minimum square feet	7,500
A	Lot width, minimum feet[1]~~00~~	70
B	Corner/~~E~~end ~~L~~lot width, minimum feet[2]	70
C	Front/primary street setback, minimum feet	20
D	Corner side/secondary street setback, minimum feet	20
E	Street-facing garage setback, 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.~~		

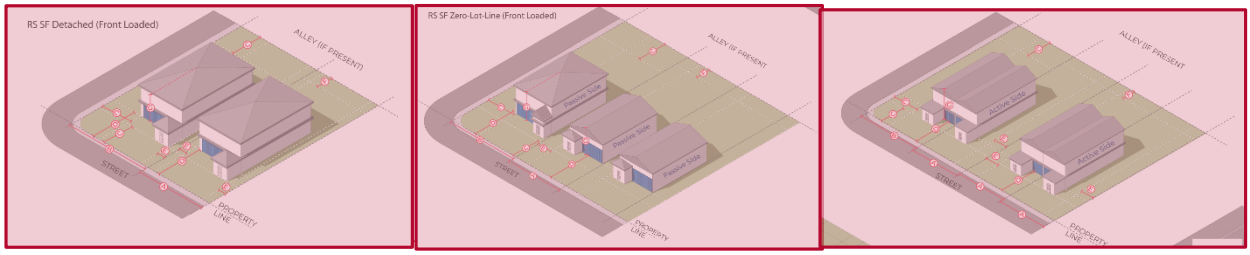
~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~



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~~e~~ilinear 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.~~

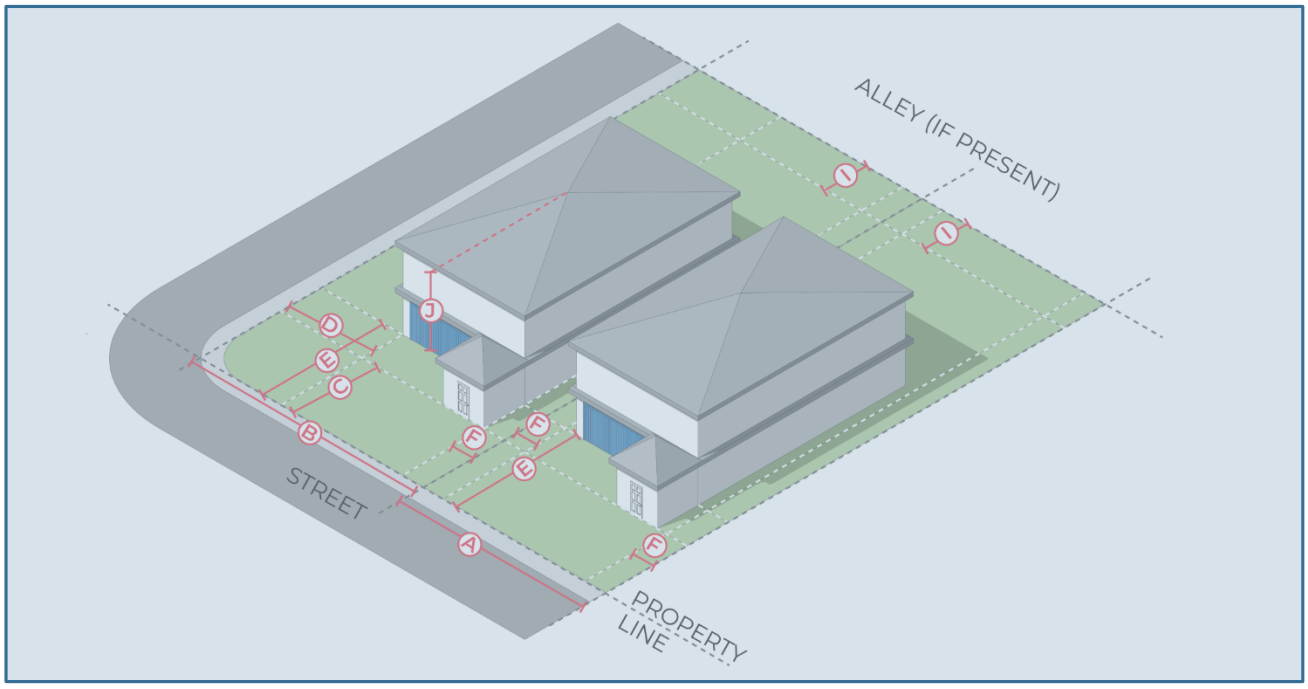
~~[3]To provide adequate spacing for planting of shade trees and installation of utility lines, no more than two lots of less than 40' width shall be platted adjacent to each another.~~

~~[4]Existing Platted Lots or new lots in Old Town may utilize a 25 foot garage setback.~~

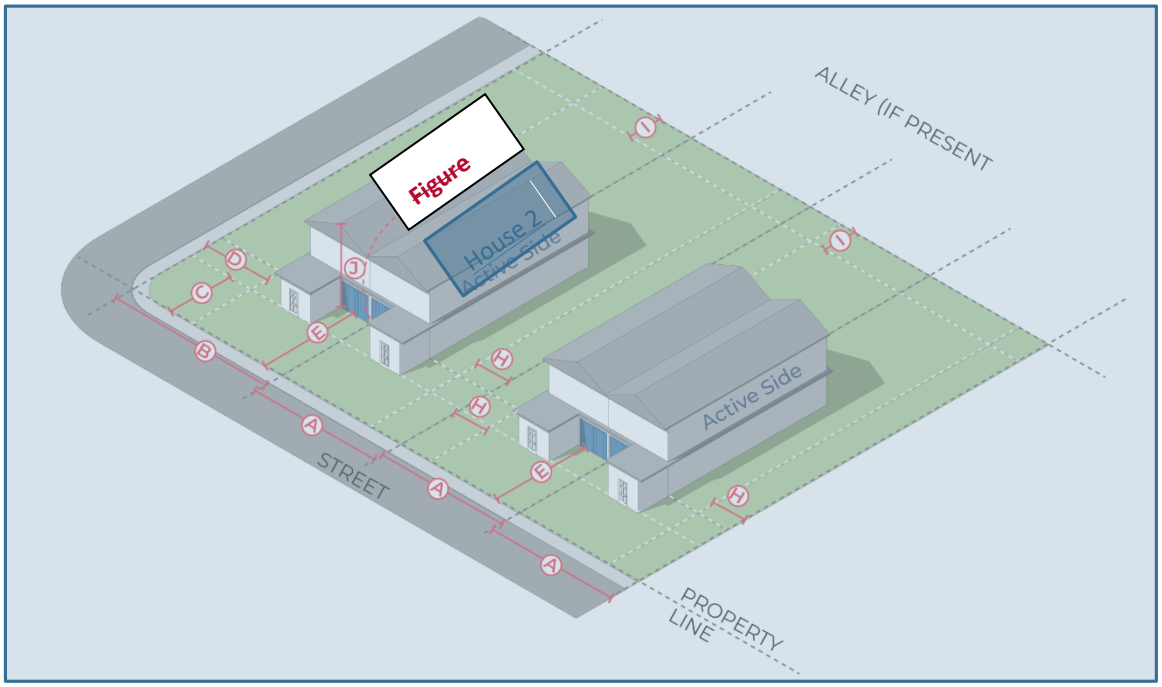
~~[5] The spacing of residential driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~

~~**B.**~~

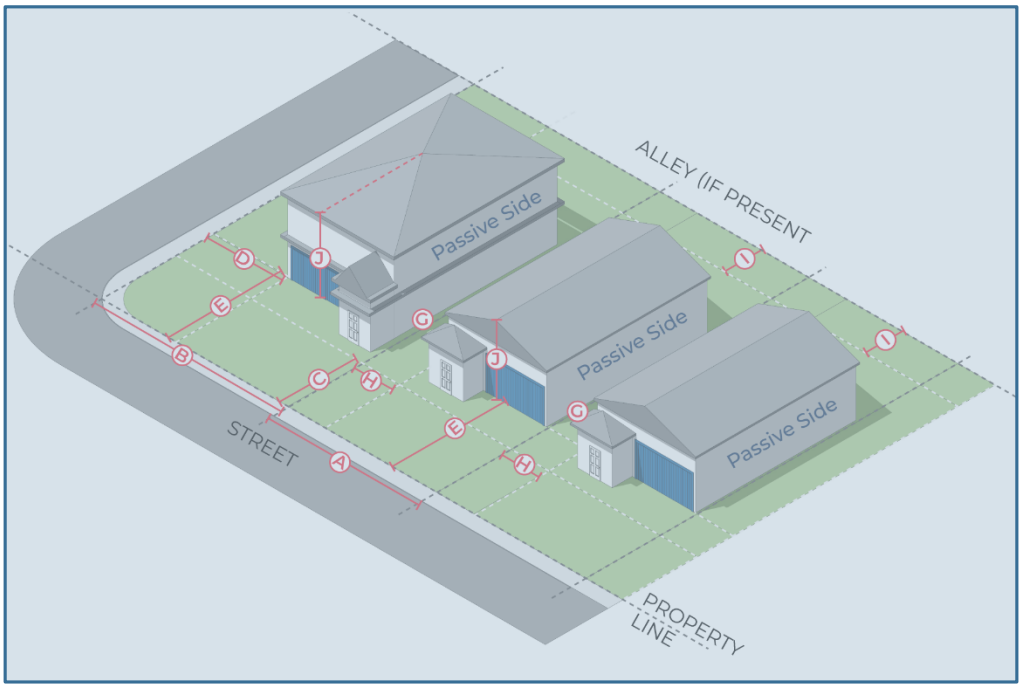
Single-Family, Detached Dimensional Graphic



Single-Family, Attached Dimensional Graphic



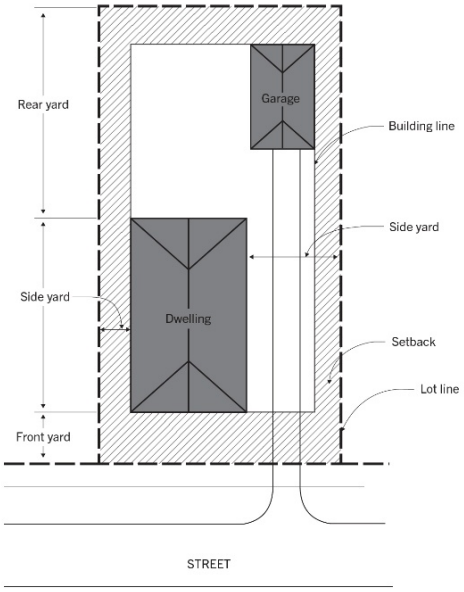
Single-Family, Zero-Lot-Line Dimensional Graphic



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.~~

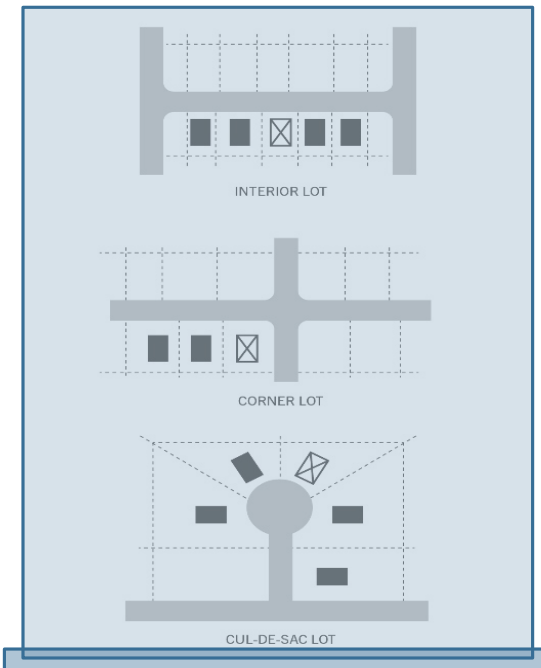
   b. Differences in Appearance

      (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.

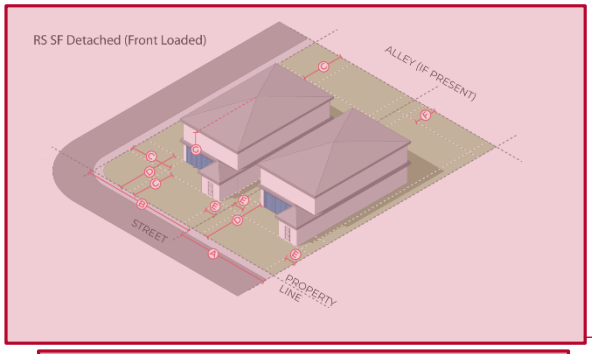
e. A recorded easement or deed restriction is provided to allow for maintenance or repair when the eaves or side wall of the house are within ~~four~~4 feet of the adjacent property line. The easement or deed restriction on the adjacent property must provide at least ~~five~~5 feet of unobstructed space 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.

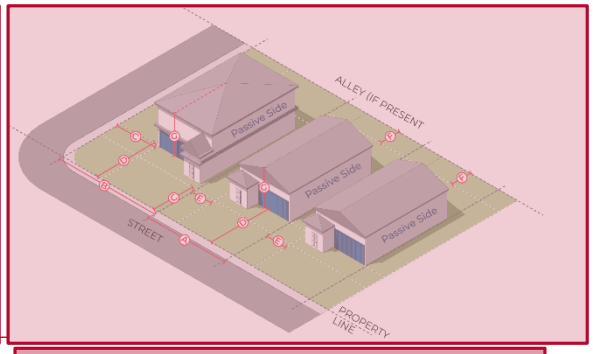
~~*(Ord. No. 2017-15, § 2, 2-28-2017)*~~

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~~



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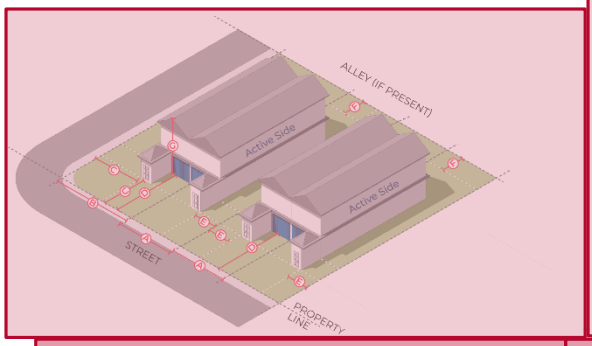
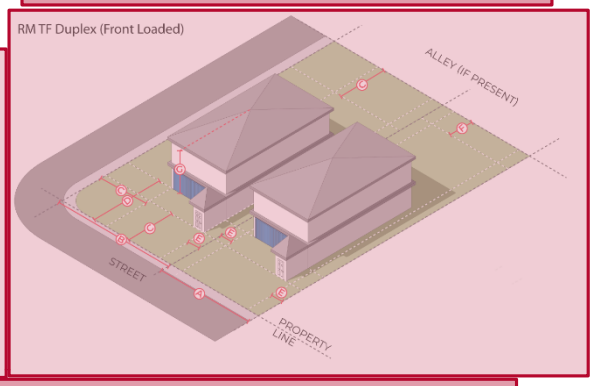


~~Single-Family, Attached~~



~~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**.

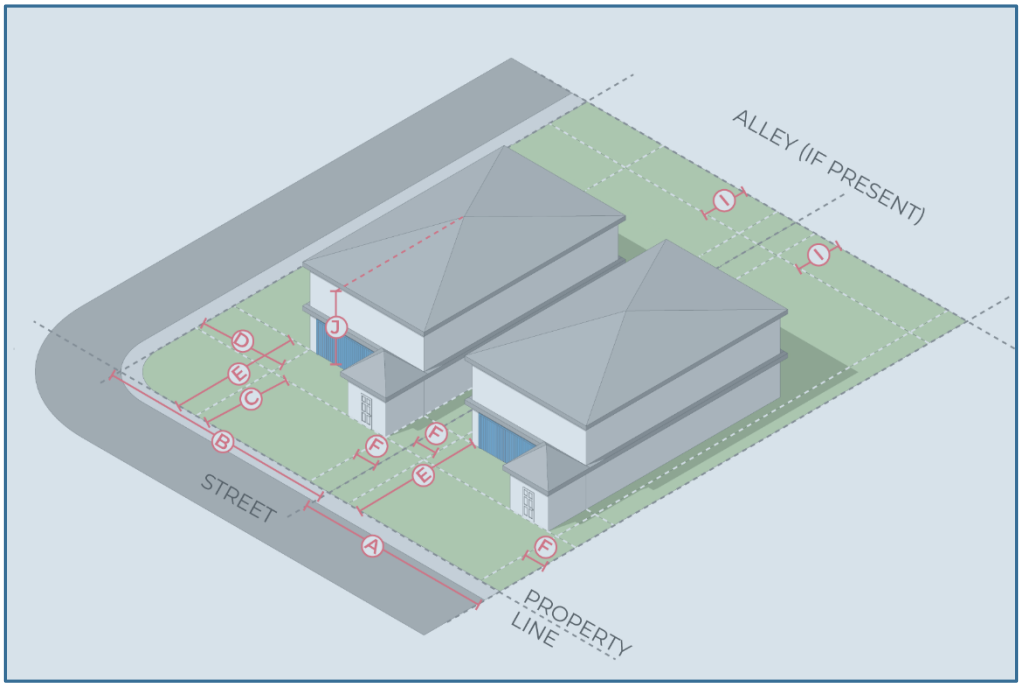
[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

~~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~~

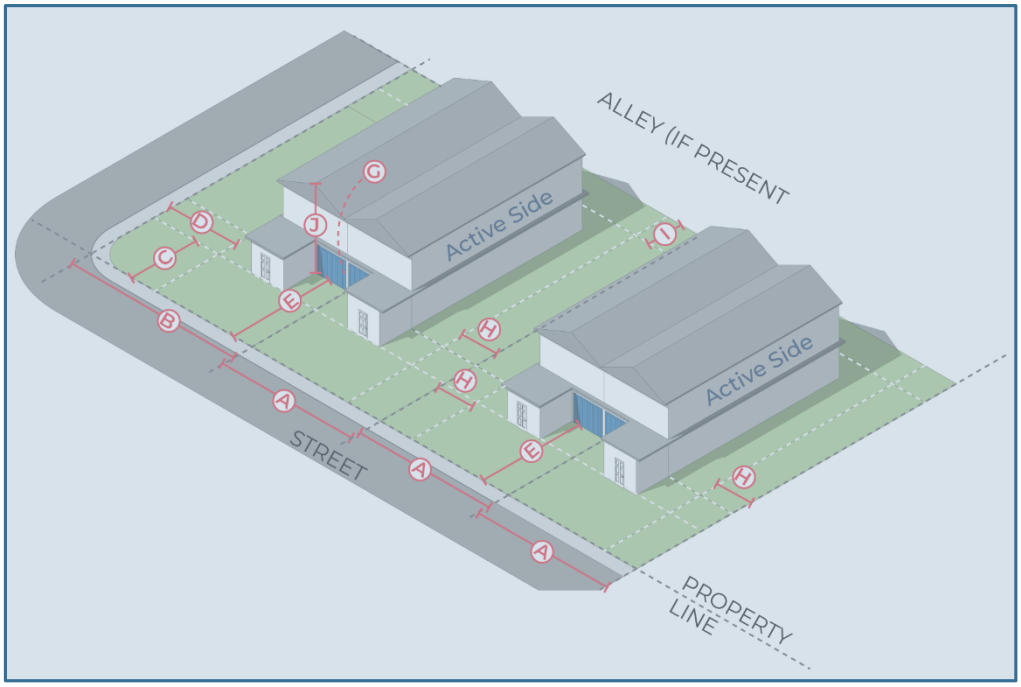
~~Street Facing Garage Setback, minimum feet~~	~~30~~	~~—~~	~~30~~	~~—~~	~~30~~	~~—~~	~~30~~	~~—~~	~~30~~	~~—~~
~~Side Setback, minimum feet~~	~~5~~	~~5~~	~~—~~	~~—~~	~~—~~	~~—~~	~~5~~	~~5~~	~~5~~	~~5~~
~~Shared/Passive Wall Setback, minimum feet~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~
~~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.~~

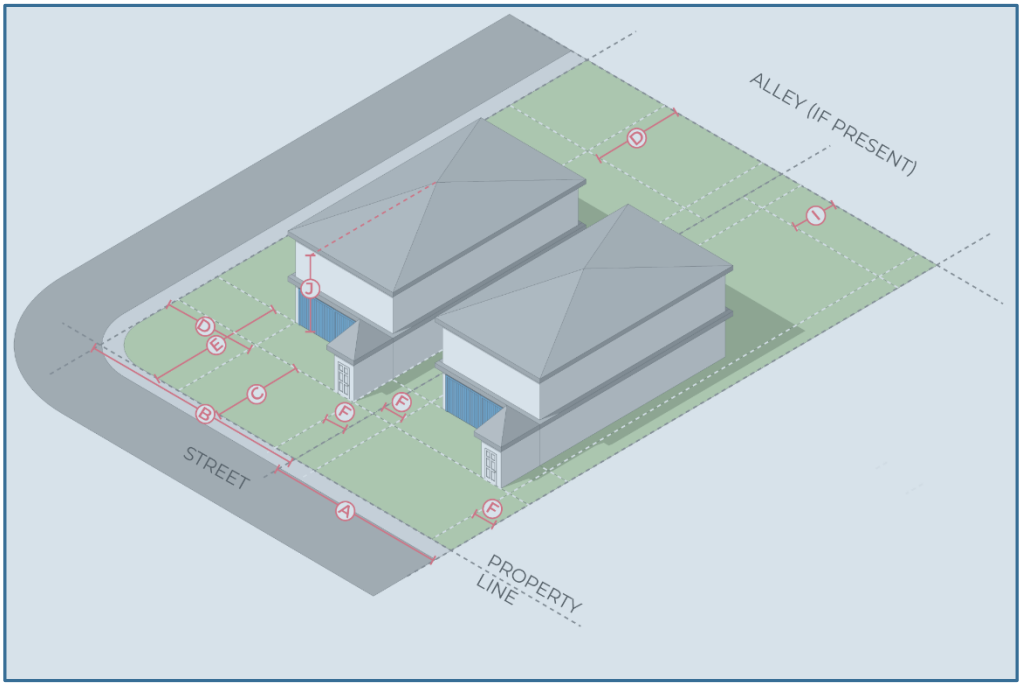
Single-Family, Detached Dimensional Graphic



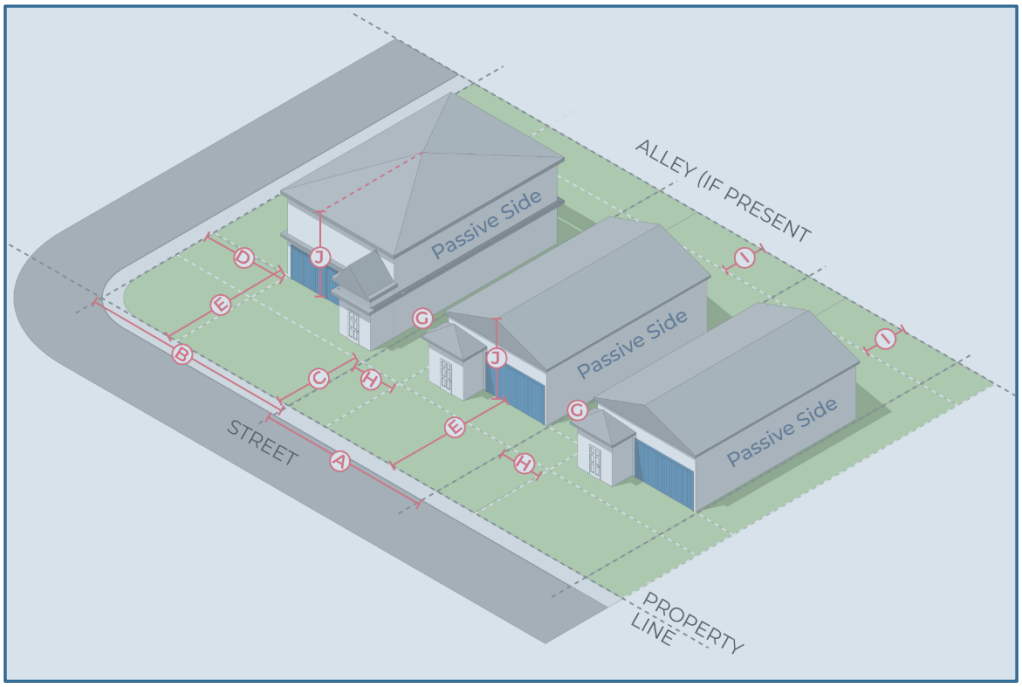
Single-Family, Attached Dimensional Graphic



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.

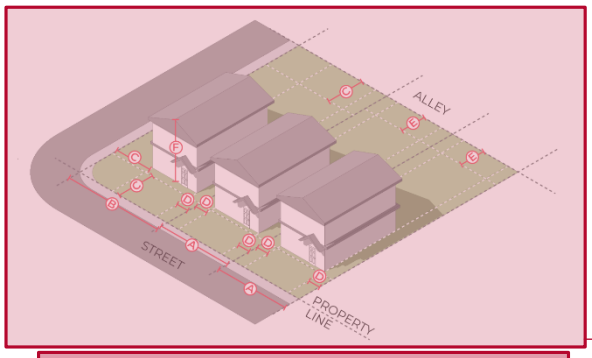
[5] Maximum impervious cover shall be calculated for the entire site. See **Section 13.02**.

[6] Building separation of 10 feet shall be maintained.

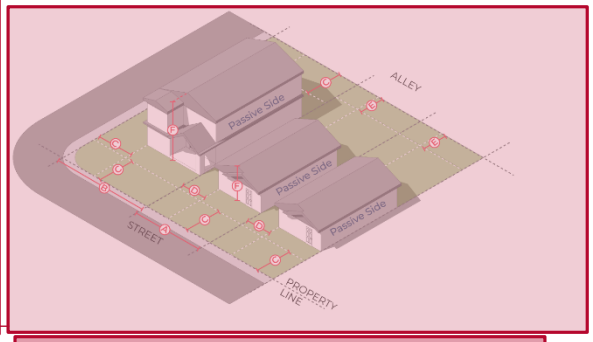
4. Design Requirements
   a. The courtyard must include a mix of pervious and impervious surfaces and may contain patios, seating, landscaping, lighting and pedestrian walkways.
   b. Courtyards shall not be parked or driven upon, except for emergency access.
   c. Fences adjacent to the main courtyard 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

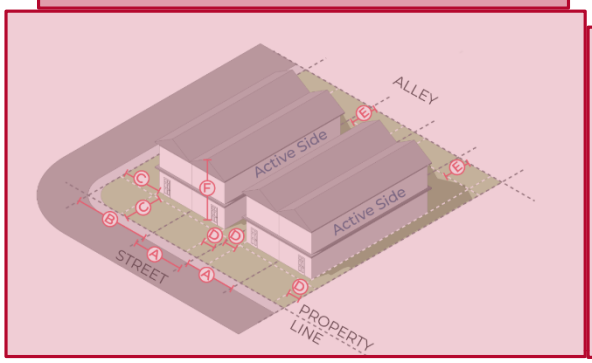
The MF-1 Medium Density Multifamily Residential District provides for an increased assortment of residential densities, housing types, and associated uses and services compatible with surrounding neighborhoods.~~–~~ This ~~d~~District can be appropriate for infill development in urban areas, particularly 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.



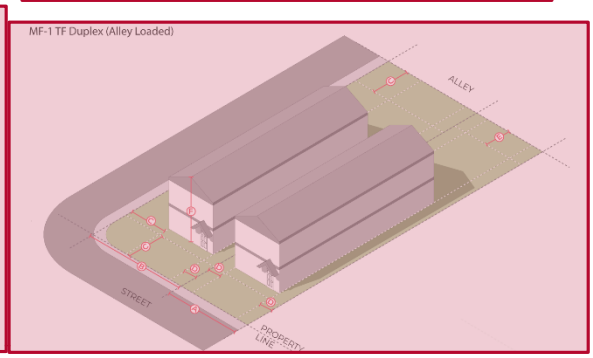
~~Single-Family, Detached~~



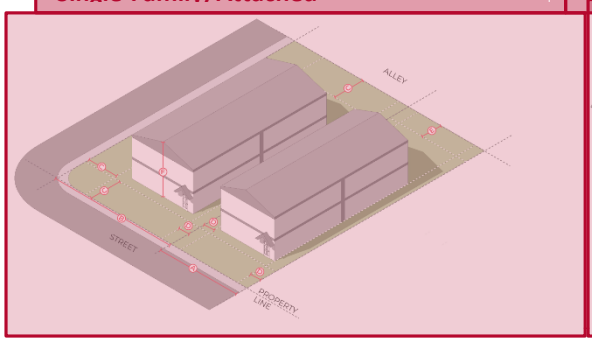
~~Single-Family, Zero-Lot-Line~~



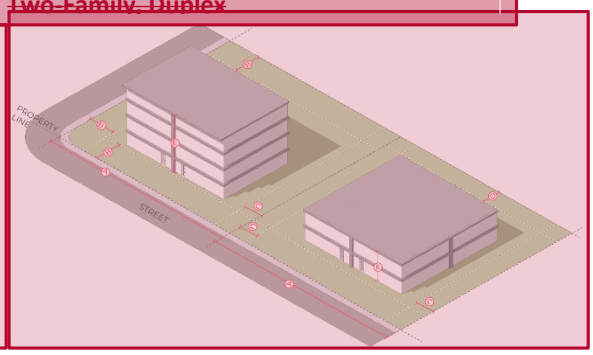
~~Single-Family, Attached~~



~~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~~

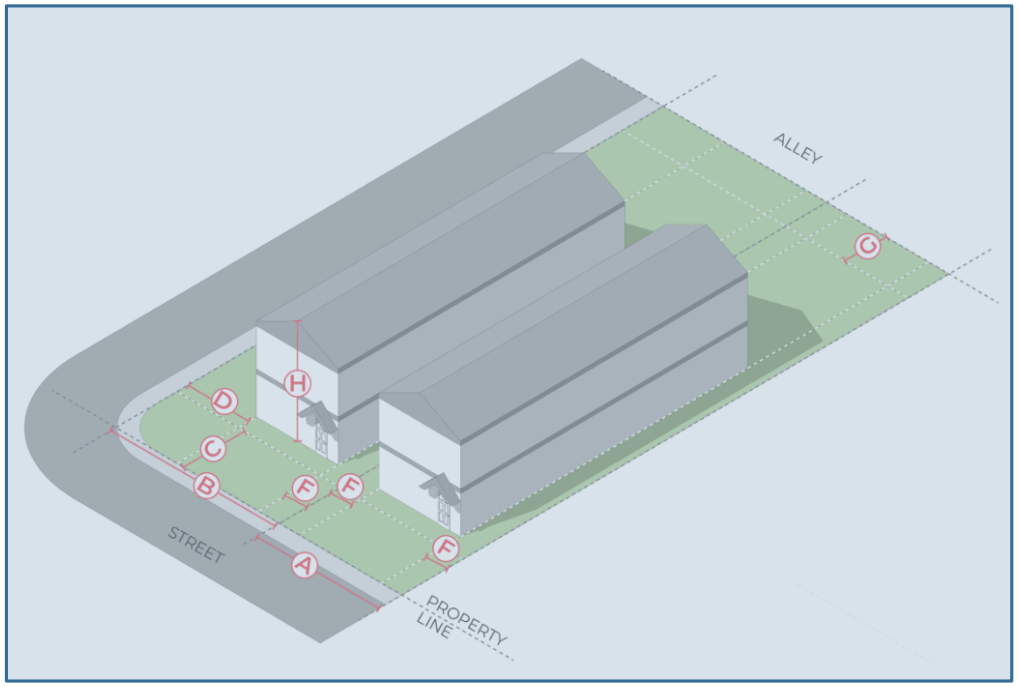
MF-1 Medium Density Multifamily Residential District							
	Lot Type	Two-Family, Duplex		Triplex and Quadplex		Multifamily Attached Apartments [4]	
	Garage/Parking Access	Front	Alley	Front	Alley	Front	Alley
~~Maximum Impervious Coverage[1]~~		~~50%~~	~~50%~~	~~70%~~	~~50%~~	~~50%~~	~~70%~~

~~[1]Refer to Section 11.02 for additional requirements~~

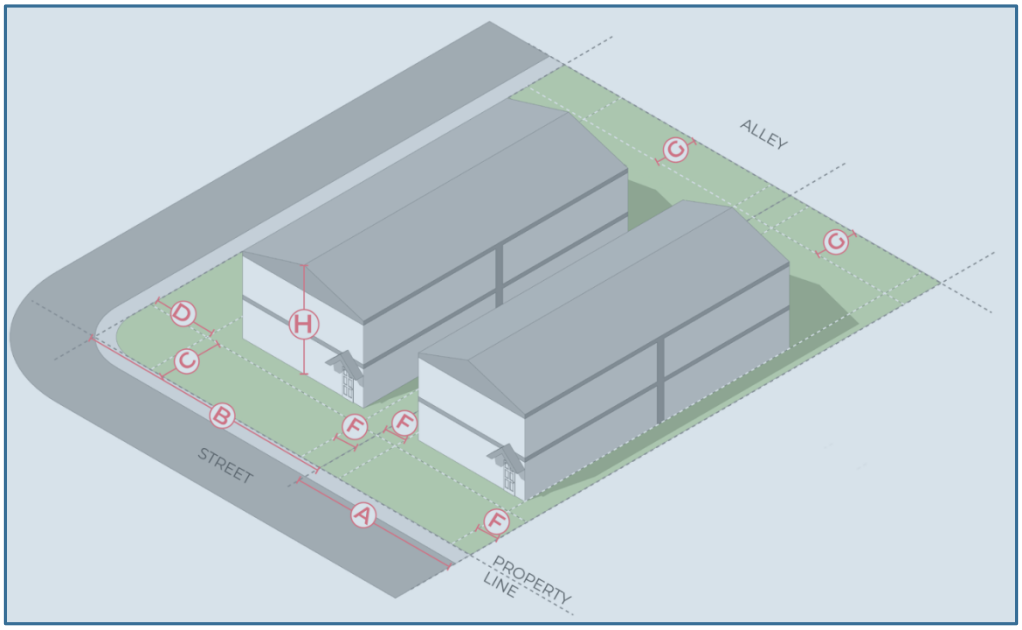
~~[2]The spacing of driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~

~~[3]Increased setback may be required to promote compatibility adjacent to residential areas. See **7.04.05. Building Articulation and Architectural Features**.~~

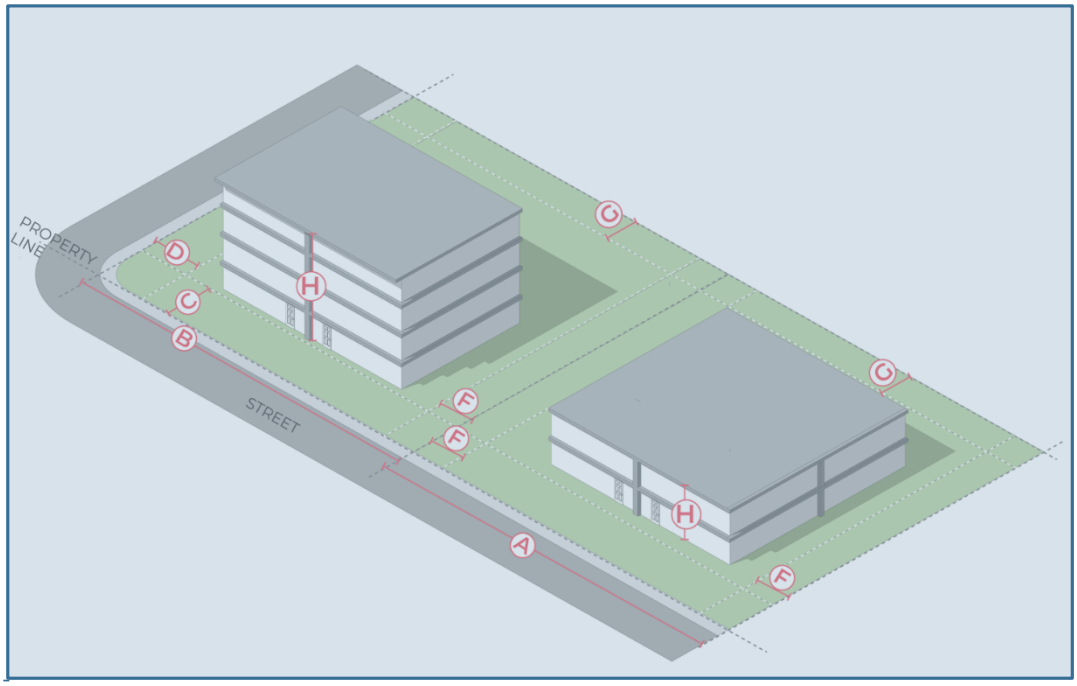
Two-Family, Duplex



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.

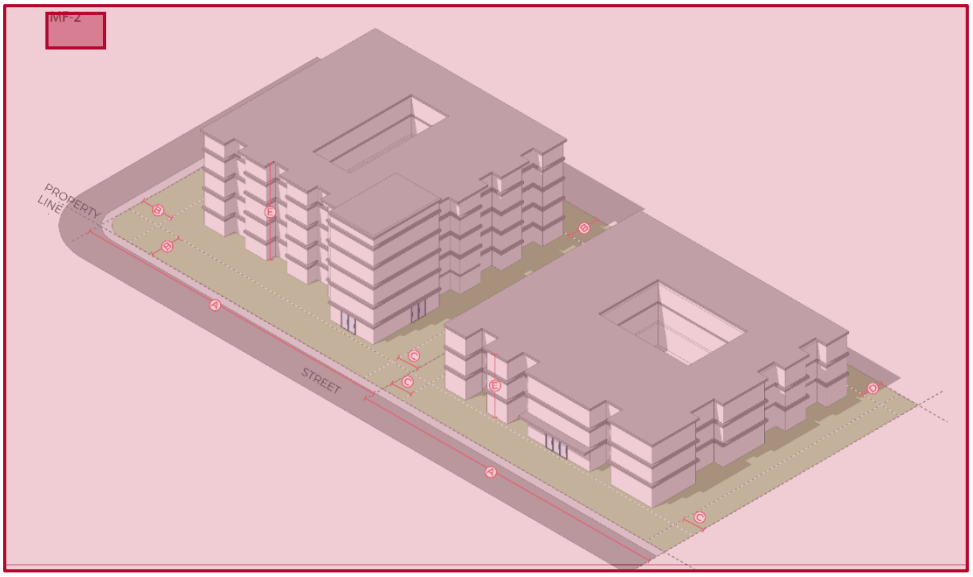
7. Access and Easements

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**.~~

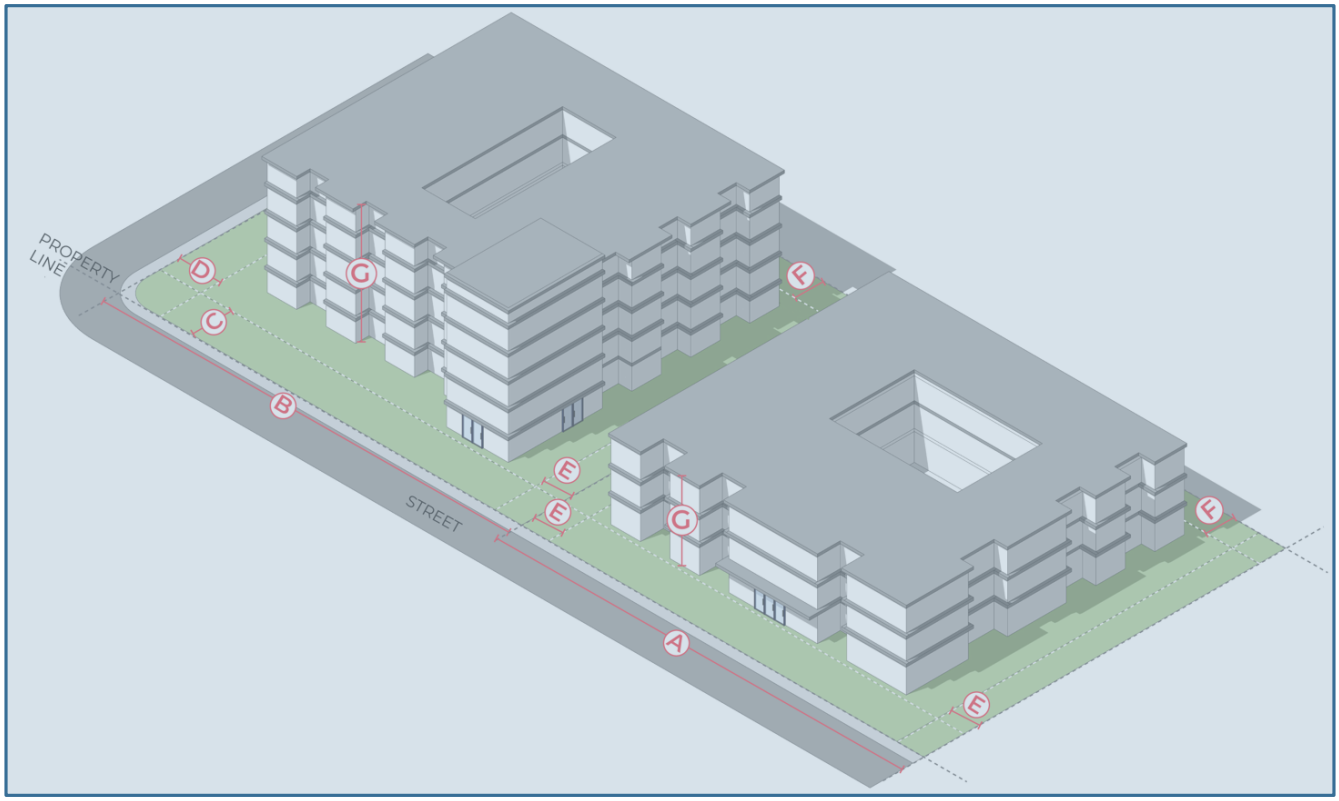
~~[3]The spacing of driveways from intersections is subject to the driveway spacing requirements in Section 12.08.~~

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.~~

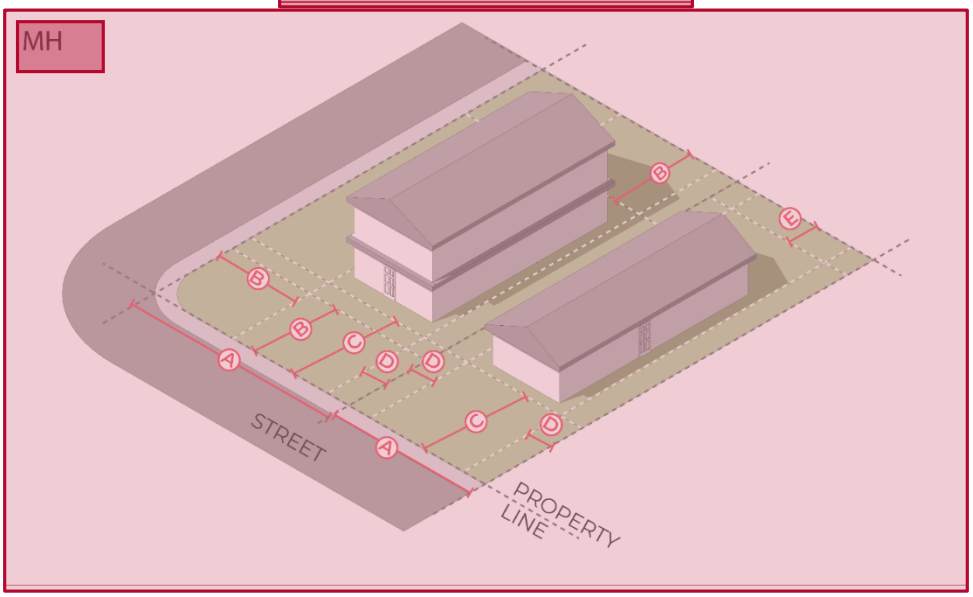
~~*(Ord. No. 2017-15, § 2, 2-28-2017; Ord. No. 2019-37 , § 2(Exh. B), 6-11-2019)*~~

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.~~



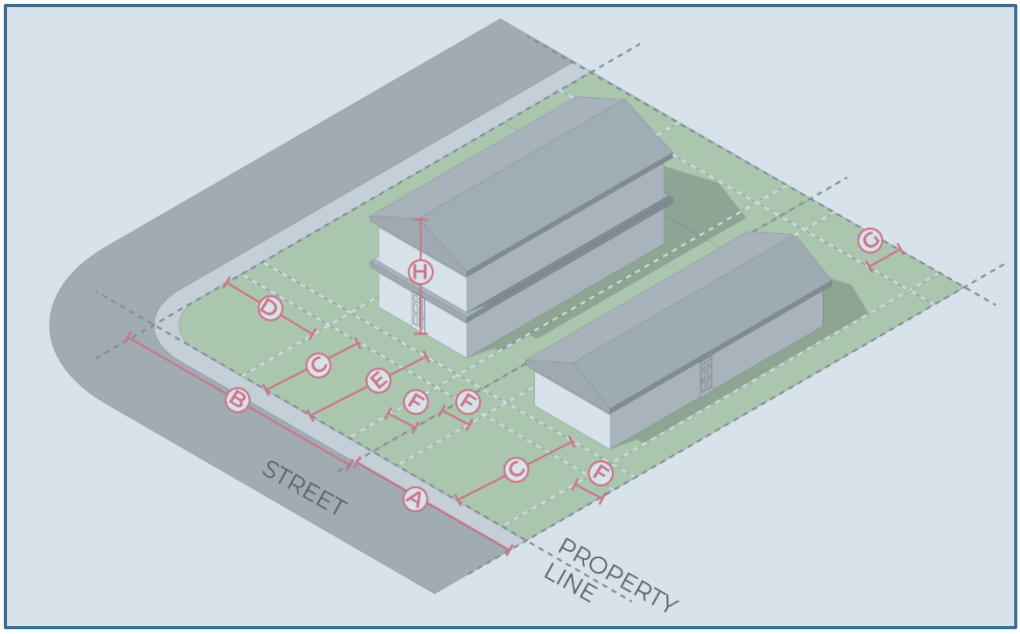
A. Lot and Dimensional Standards

	~~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)*~~

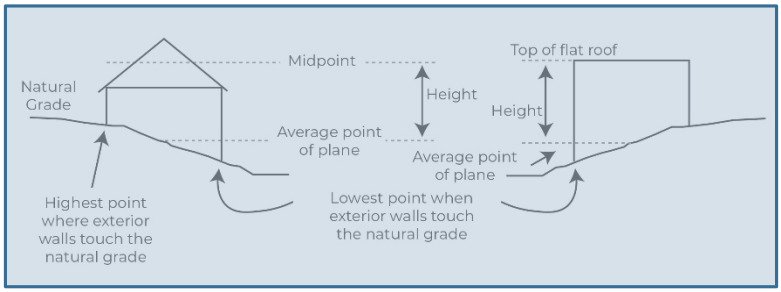
7.03.040. ~~7.04.04.~~Building Height

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.

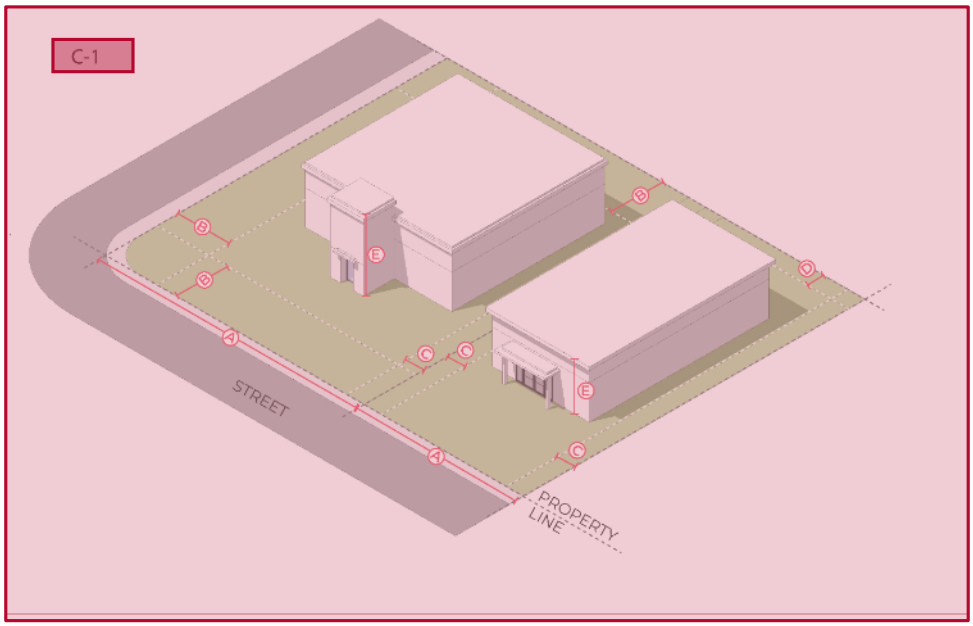
C. All new lots or tracts shall have a minimum lot width or street frontage along a public street as follows:

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**

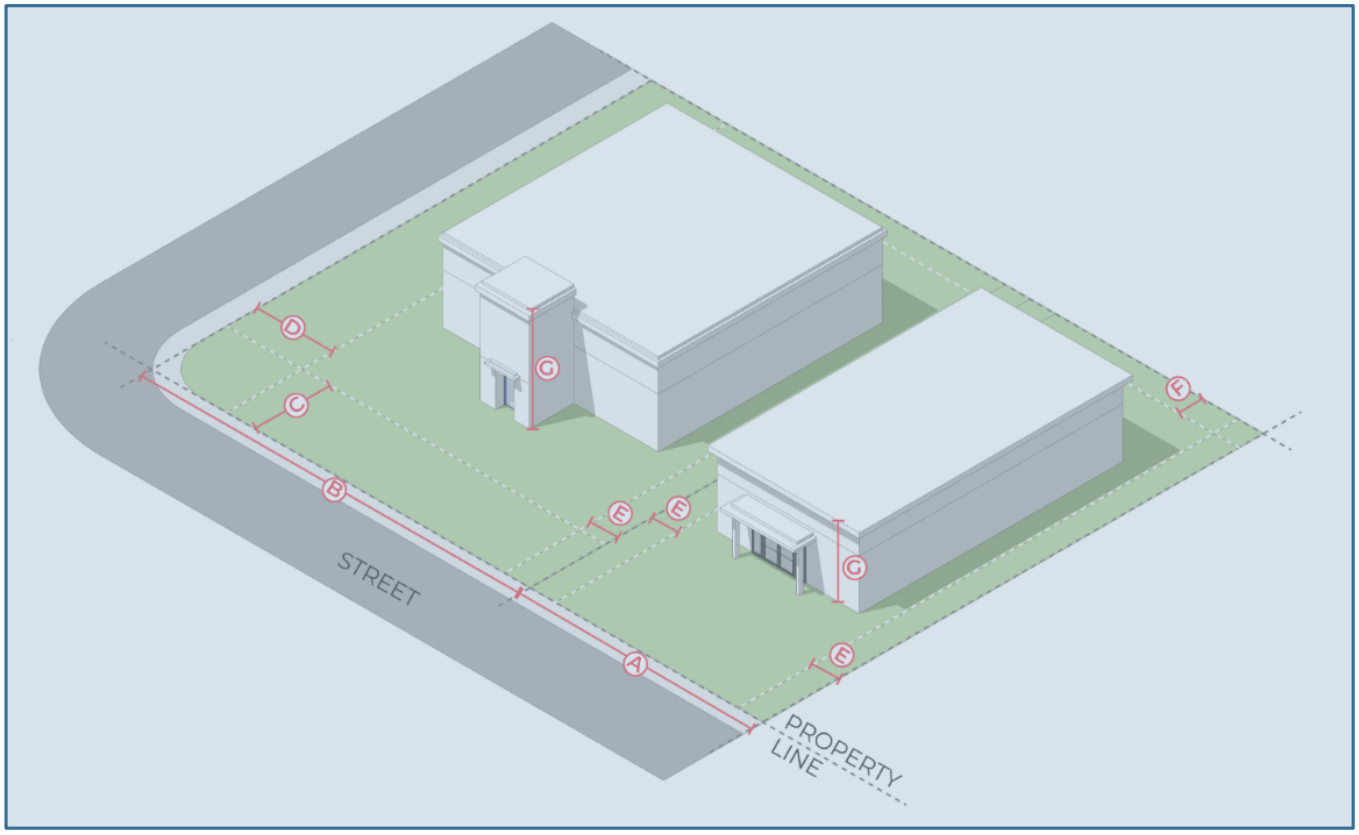
[1] Lot width shall be sufficient to allow for the minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[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**.

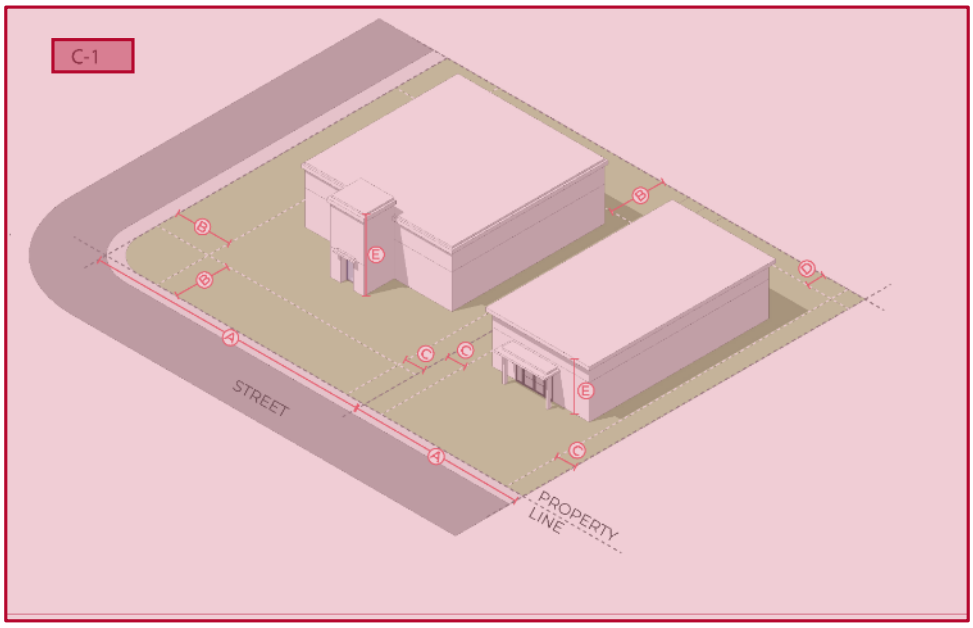
[4] Increased setbacks may be required to promote compatibility adjacent to residential areas in **Section 9.03.070**.

[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**

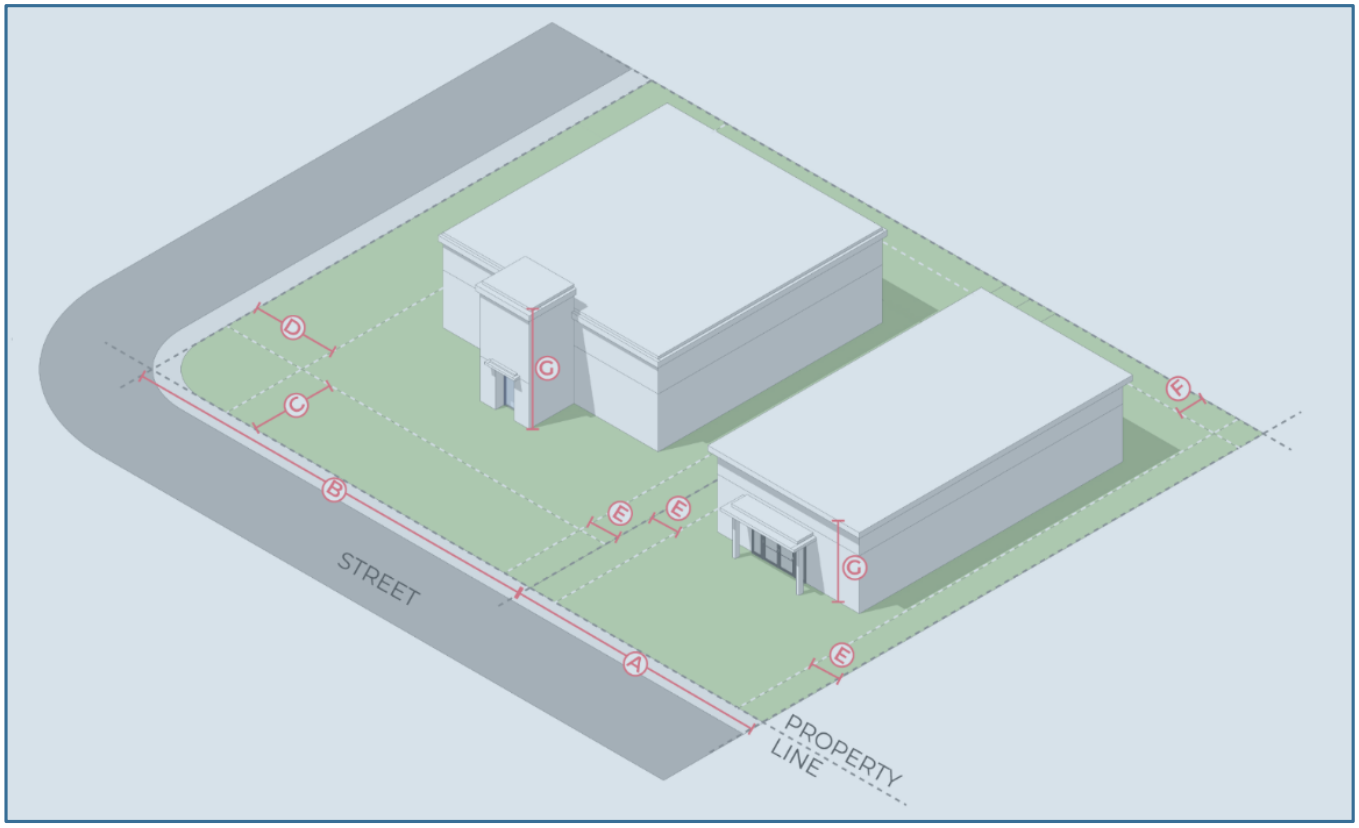
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[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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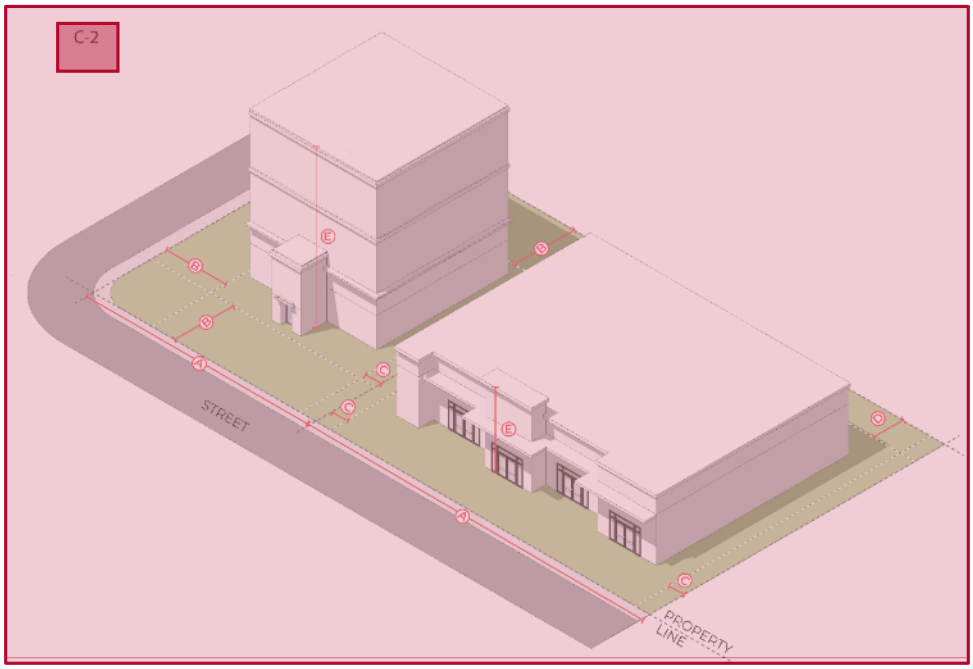
8.02.040. ~~8.02.04.~~C-2 Regional Commercial District

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**.

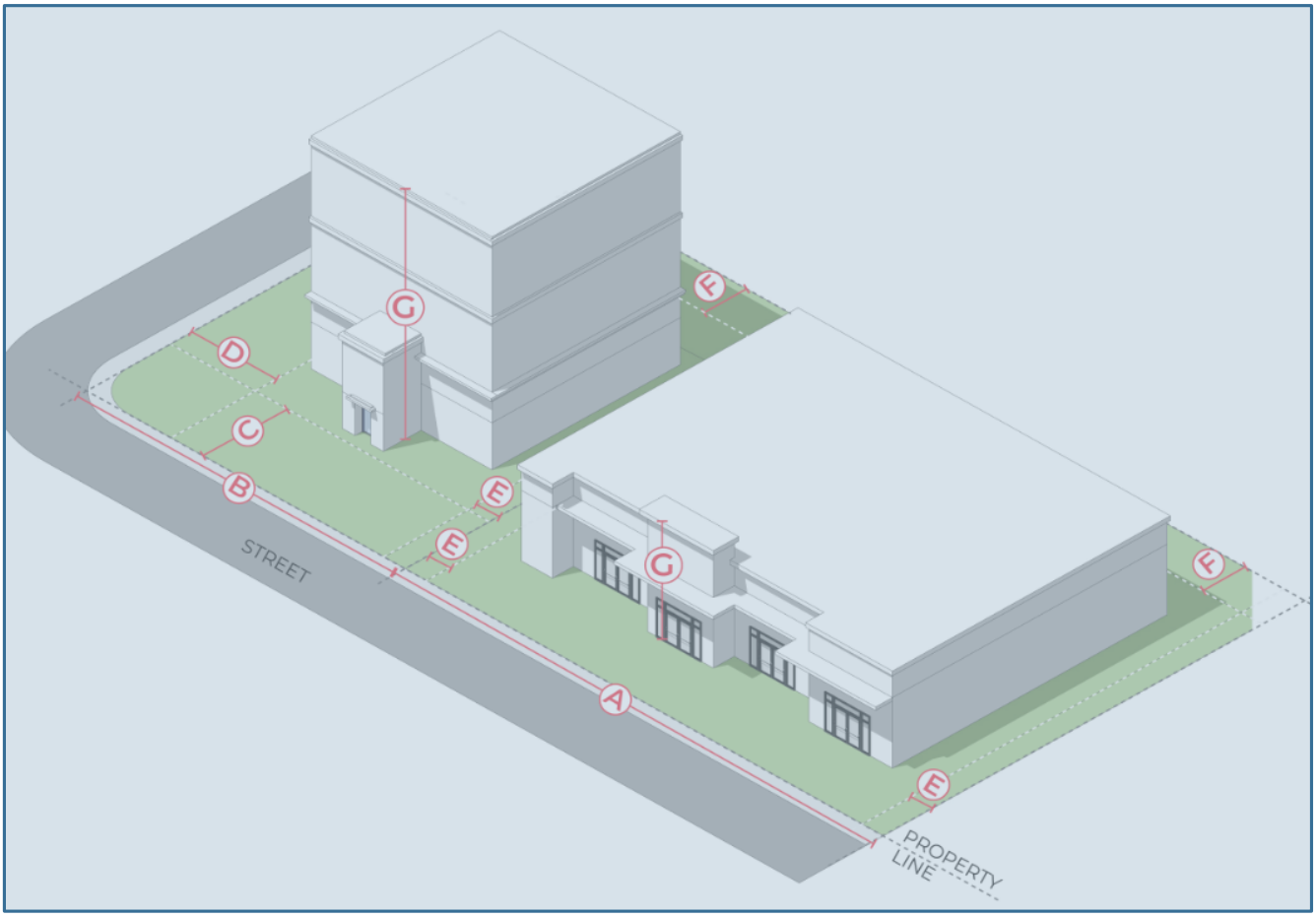
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[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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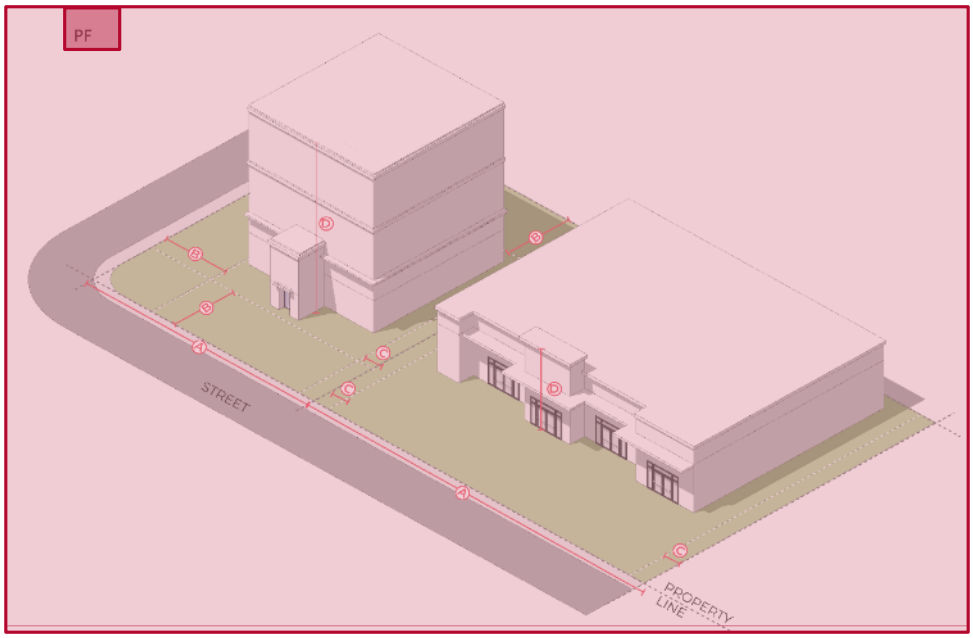
8.02.050. ~~8.02.05.~~PF Public Facilities District

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**.

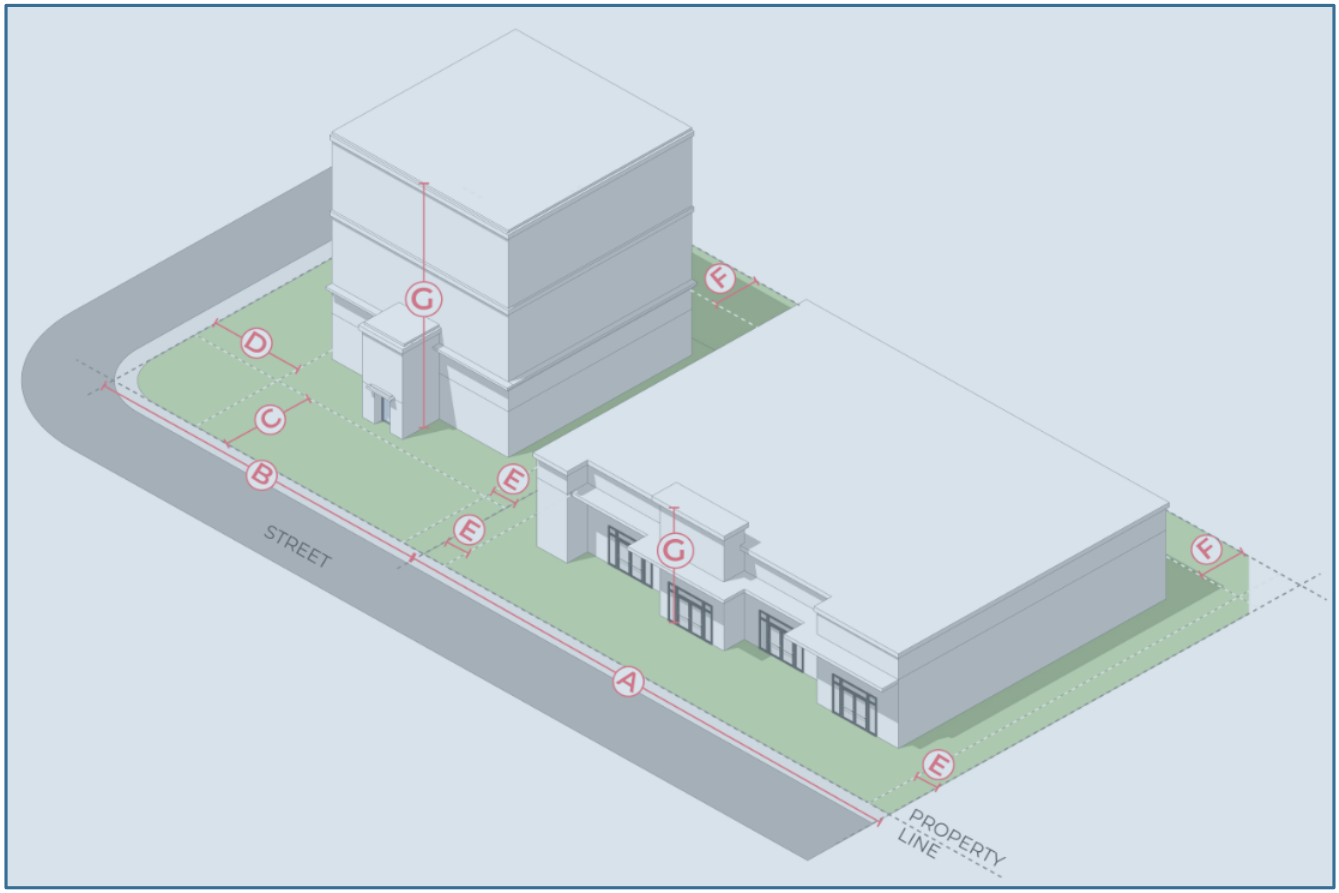
[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available~~.~~ in **Section** ~~See **7.03.03.A. Front Setback, Build-to Option**~~**8.03.020.D**.

~~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.

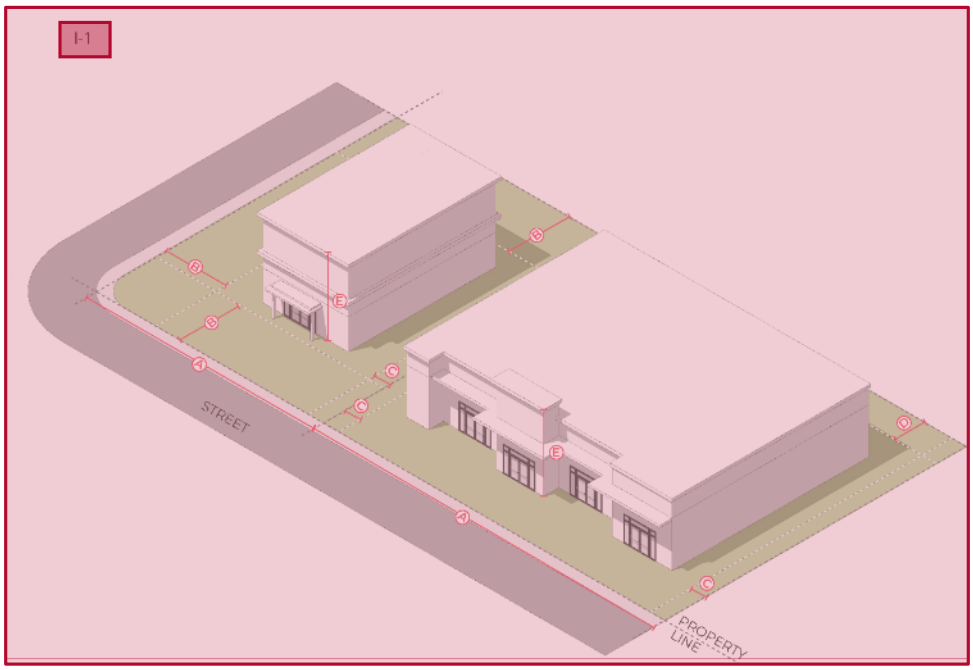
~~3~~[6] Structures, lighting, scoreboards, and other elements of a stadium are exempted, but shall be set back a minimum of 120 feet.

[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**.

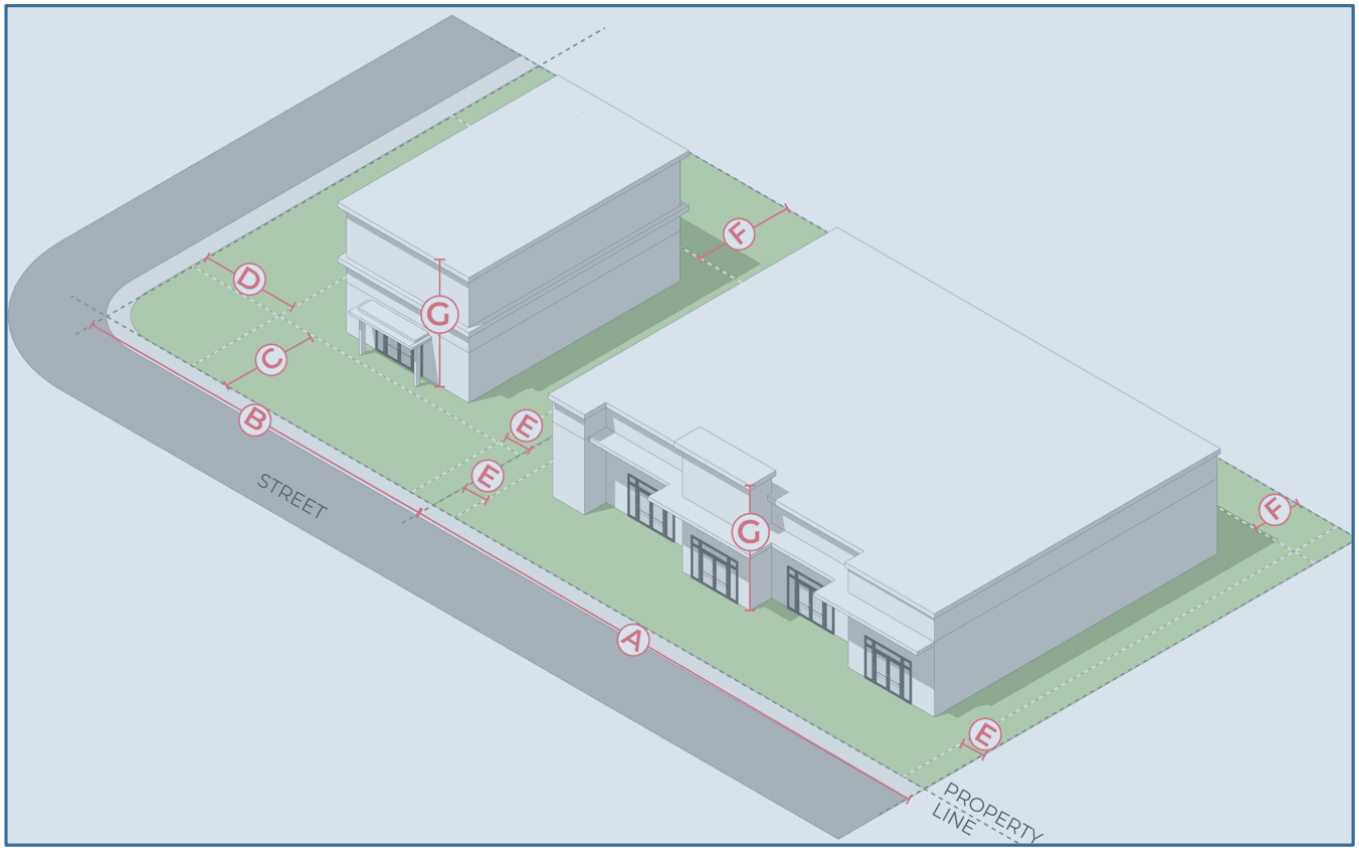
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[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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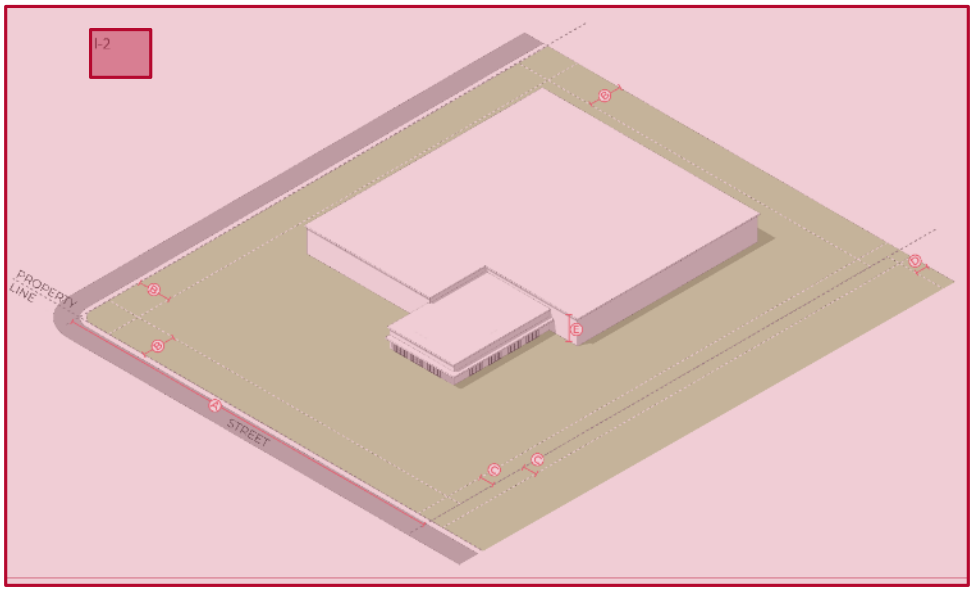
8.02.070. ~~8.02.07.~~I-2 Intensive Industrial District

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**.

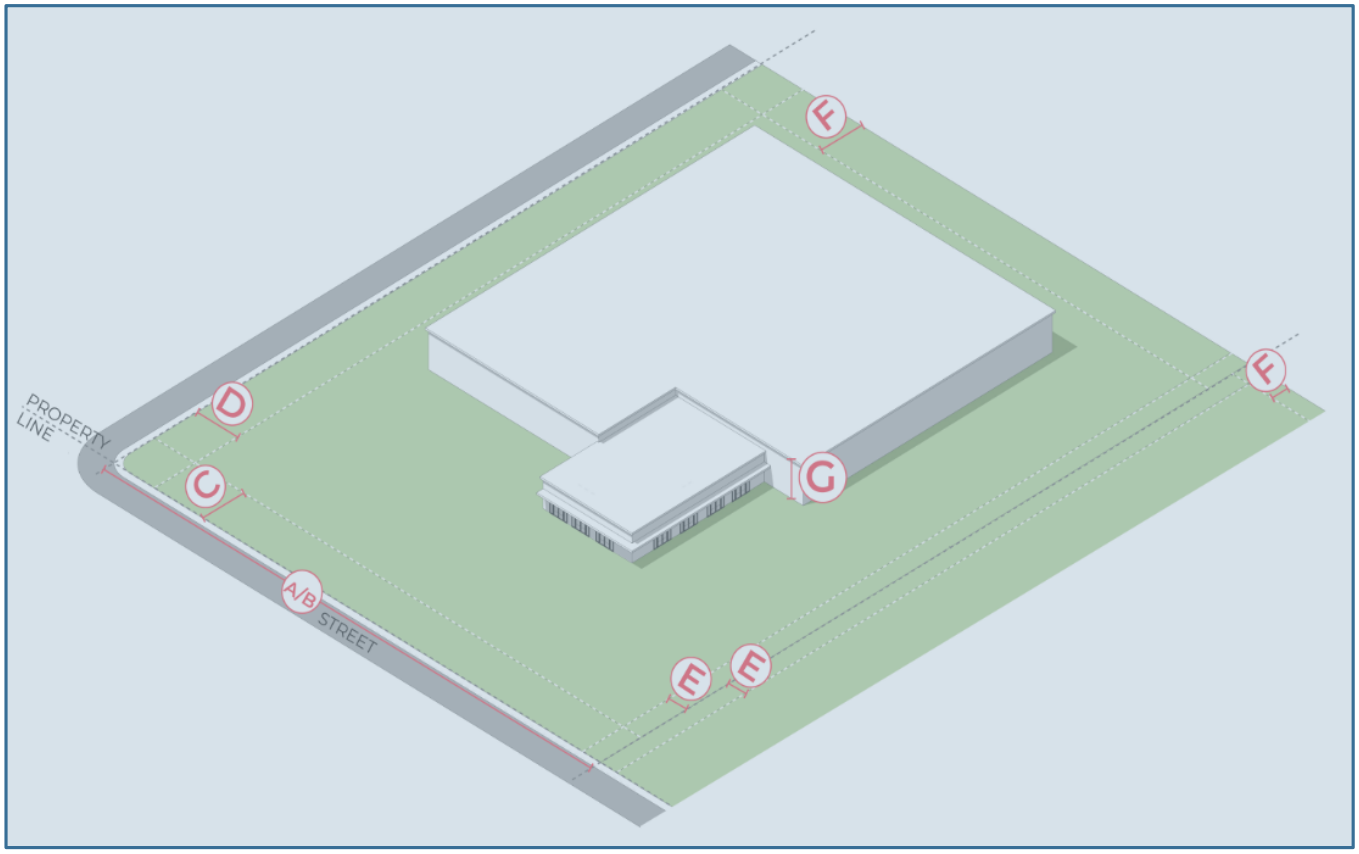
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[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.

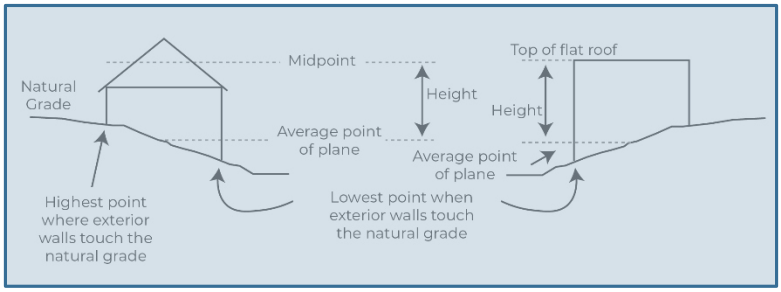
8.03.040. ~~8.03.04.~~Building Height

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)*~~

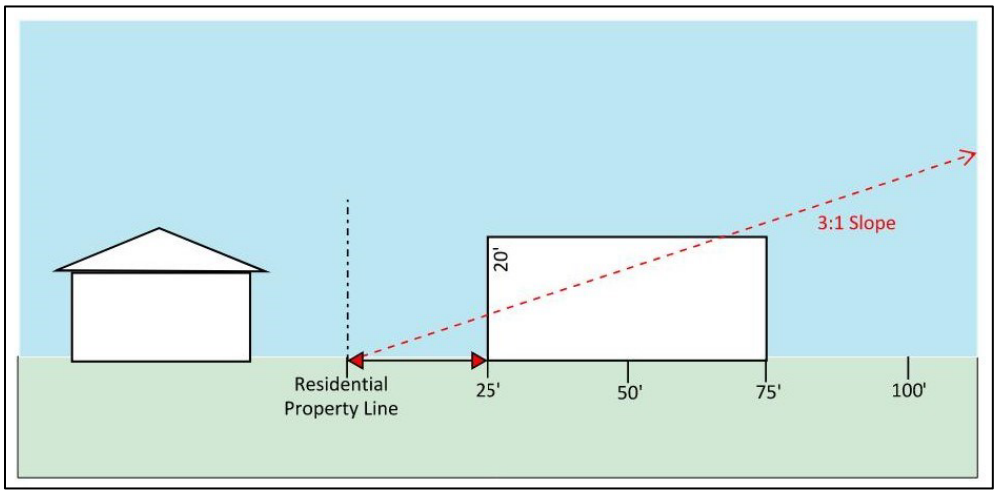
8.03.060. ~~8.03.06.~~Height Limitation for Residential Adjacency

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~~

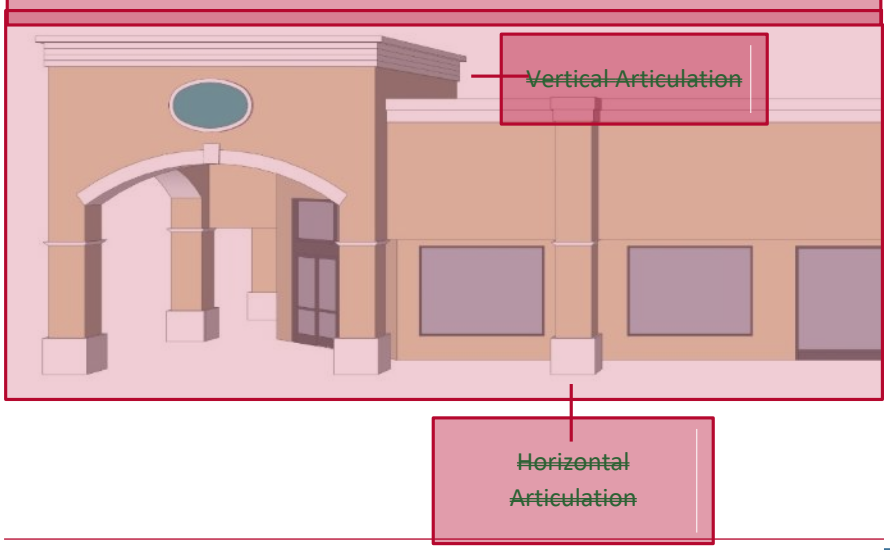
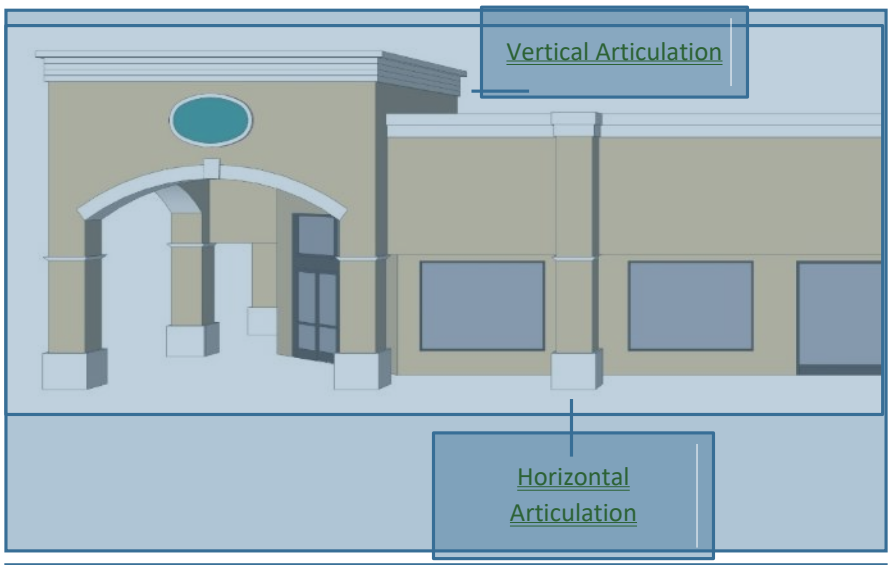


Figure 8.04.050-8.04.05-1. Articulation Types



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

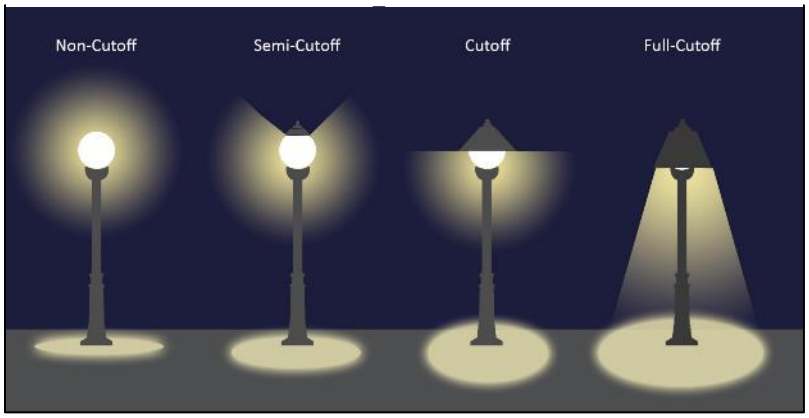
All lighting fixtures designed or placed so as to illuminate any portion of a site shall be shown on a detailed lighting plan and meet the following requirements:

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.

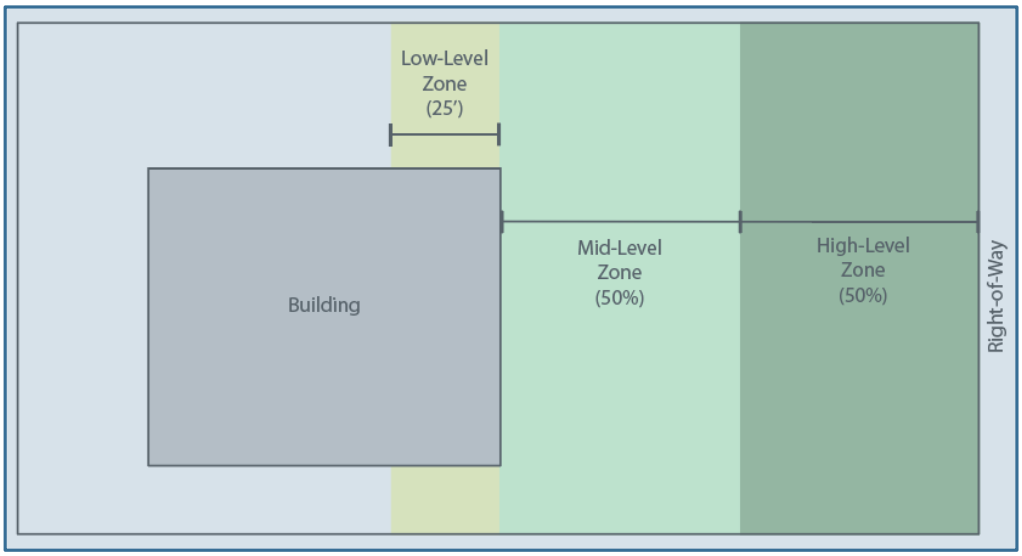
C. Street yards larger than 100,000 square feet shall provide:

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**.

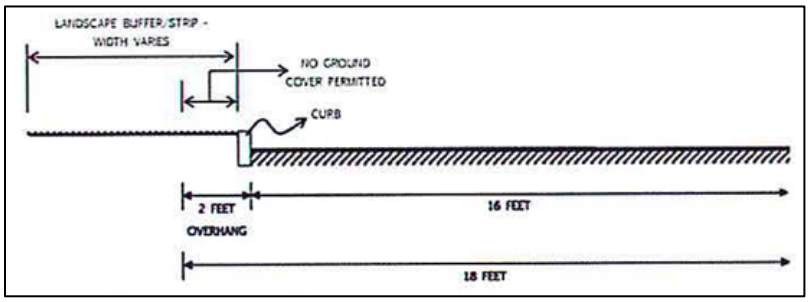
   e. Other parking space designs may be considered and shall be submitted to the Director for review.

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



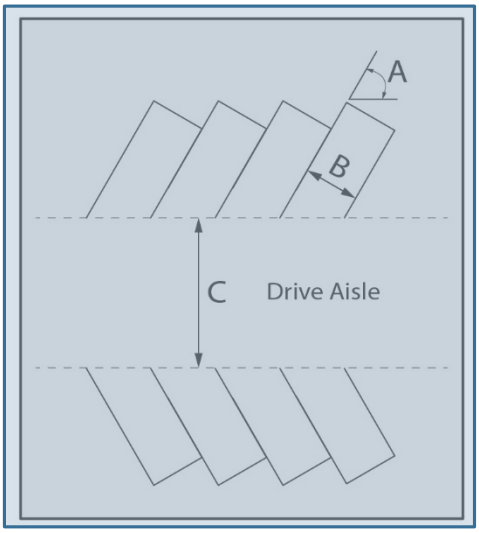
B. Aisle Widths

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~~ (**146.06**), 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~~

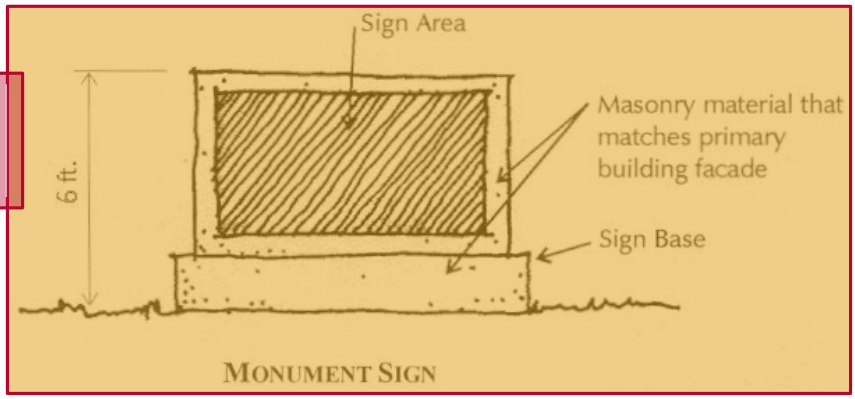
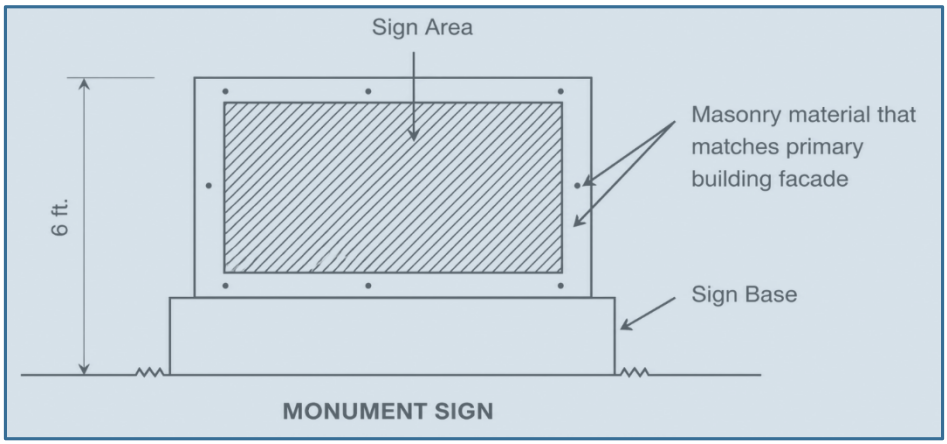


Figure 12.05.030-12.05.03-1. Monument Sign Example



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.

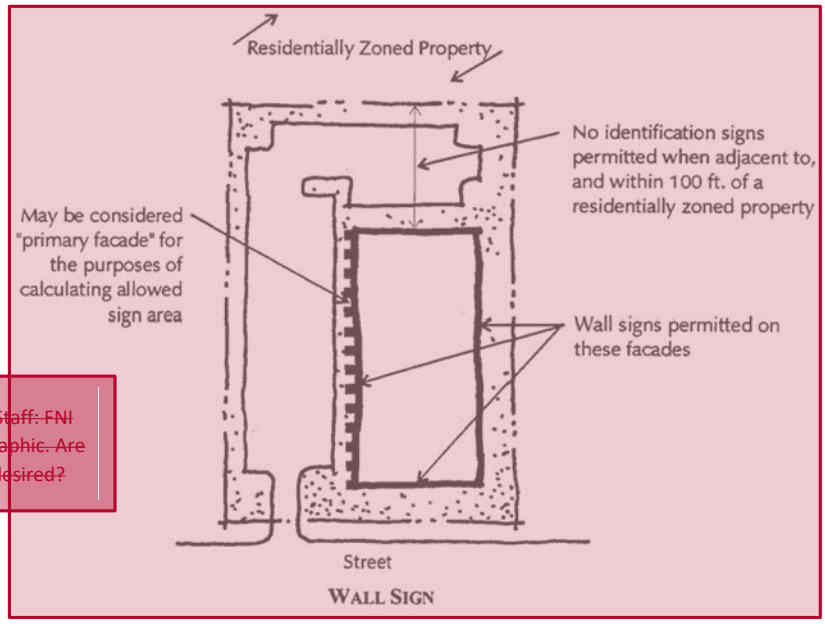
C. Building Wall Signs

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**.

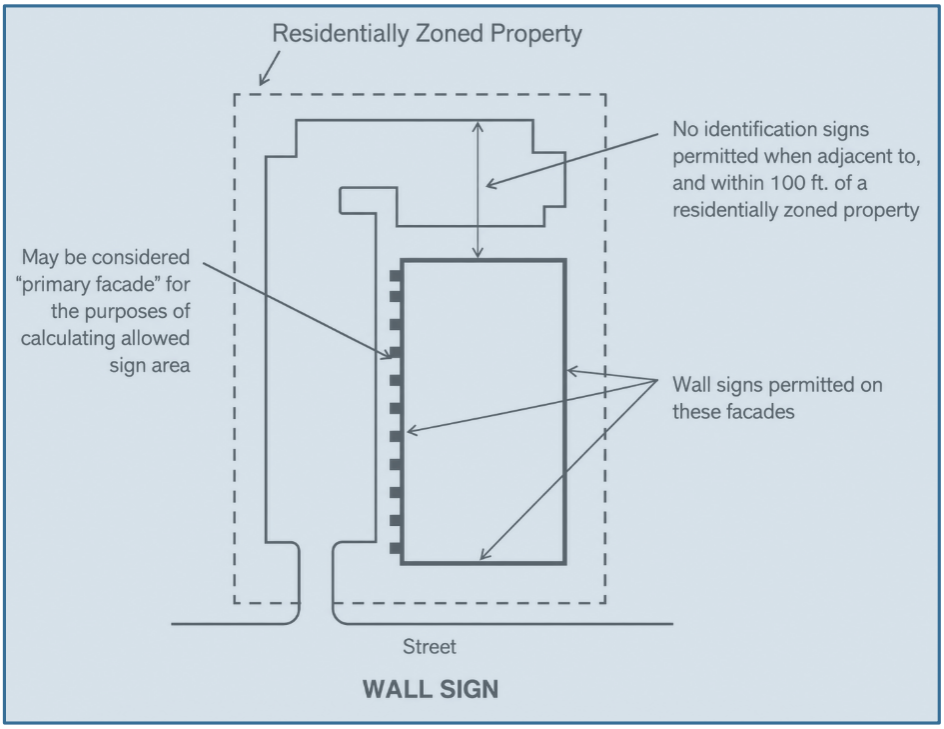
3. Building wall signs may be placed on any portion of the building wall~~,~~ but shall not exceed the height of the wall. Wall signs shall not project more than ~~eight~~8 inches from the building or structure, shall have only one sign face, and shall be affixed to the wall.
4. Building wall signs may 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.~~



~~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**.

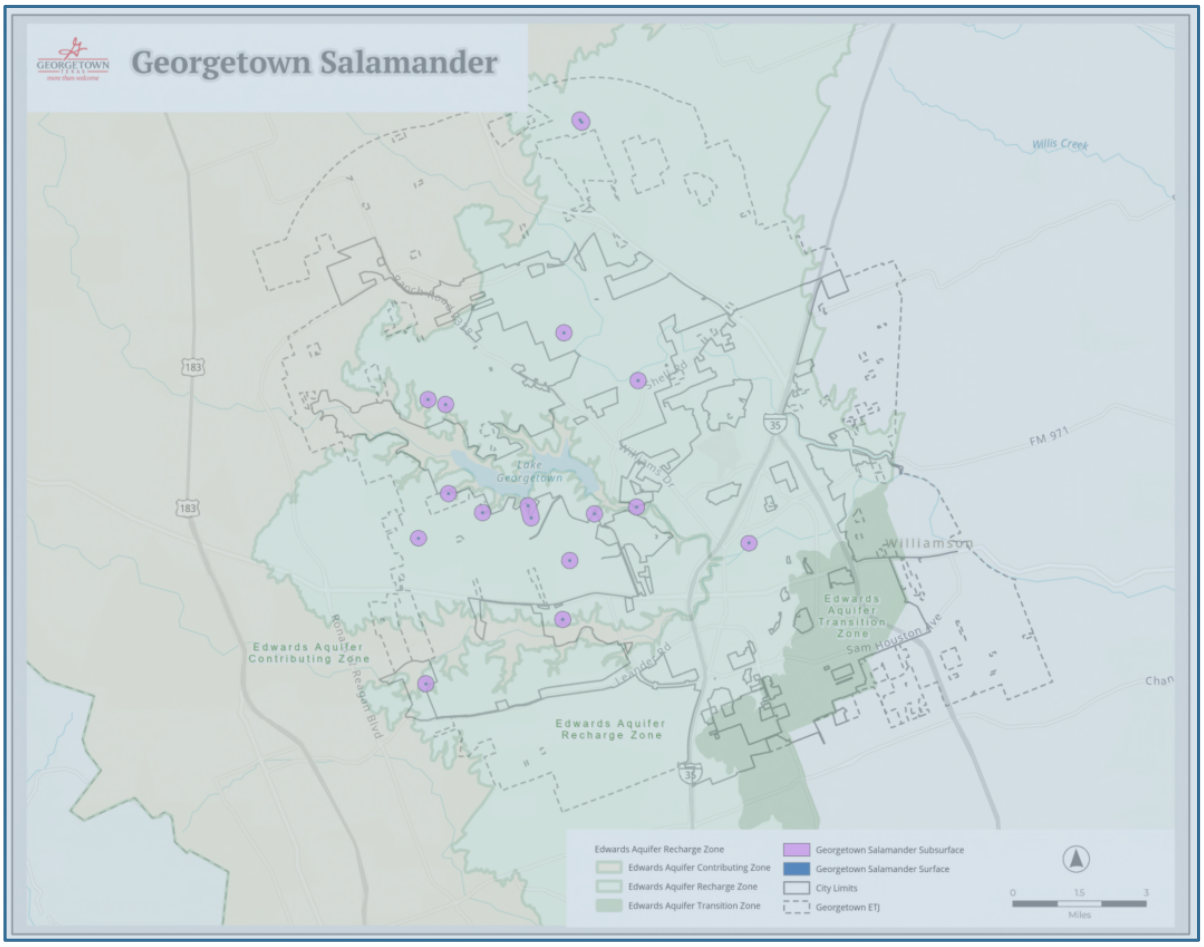
Development Engineer. A professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

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)~~

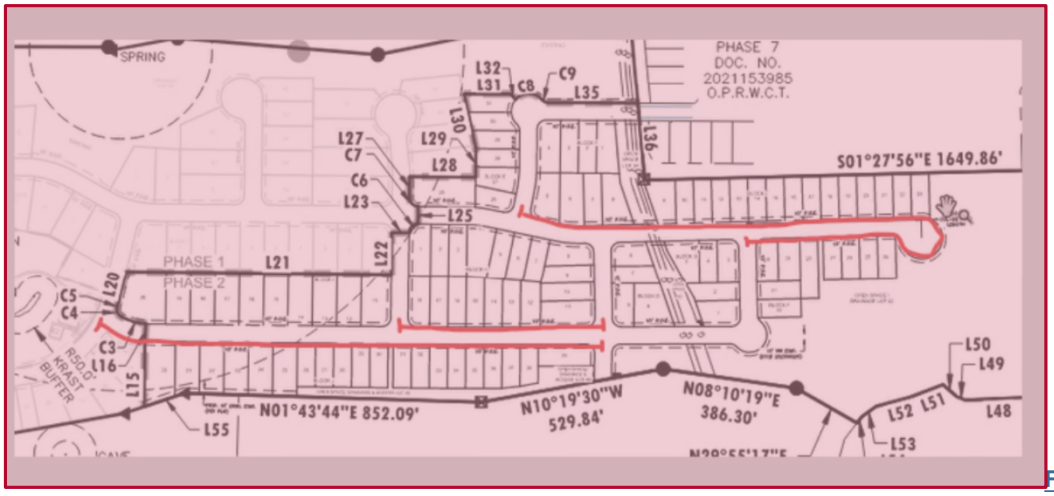
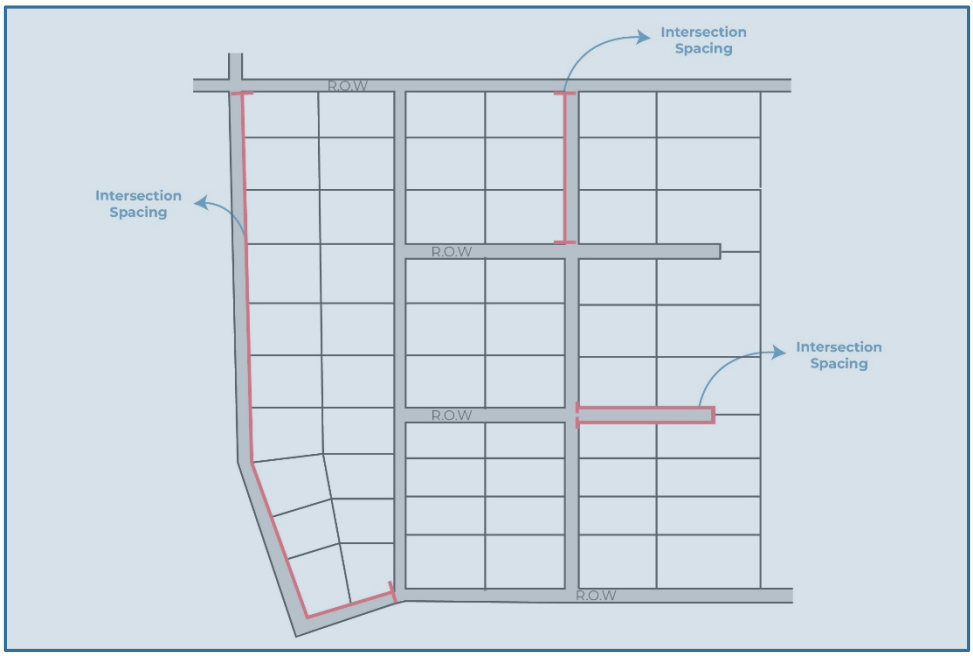


Figure 14.05.020-14.05.02-1. Intersection Spacing Measurement Diagram



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

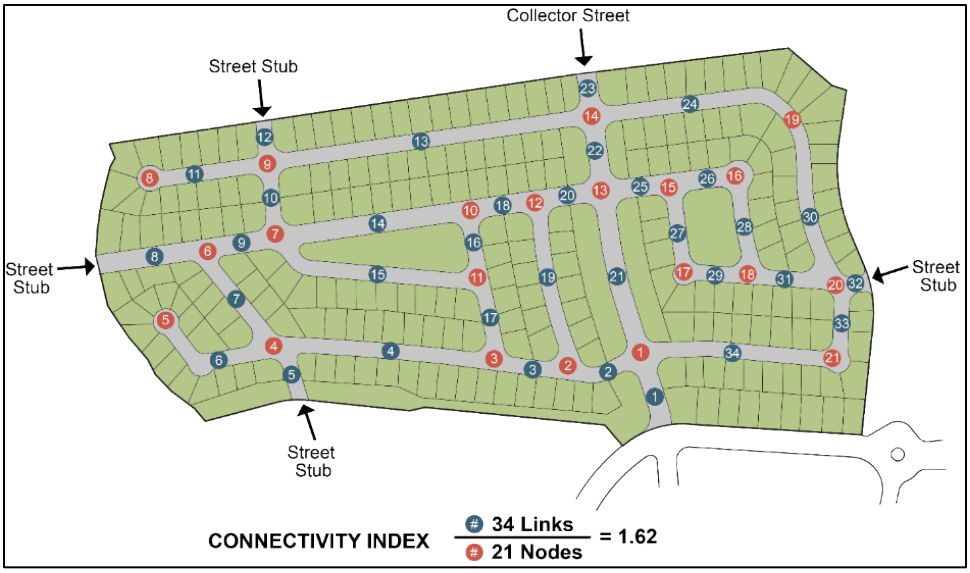
~~Note to City Staff: Inserted example of revised Connectivity Index Graphic.~~

~~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

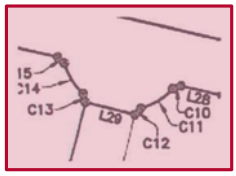
A. All streets shall intersect at a 90-degree angle. Deviations up to 10 degrees may be considered by the Development Engineer on a case-by-case basis where existing conditions will not permit.

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

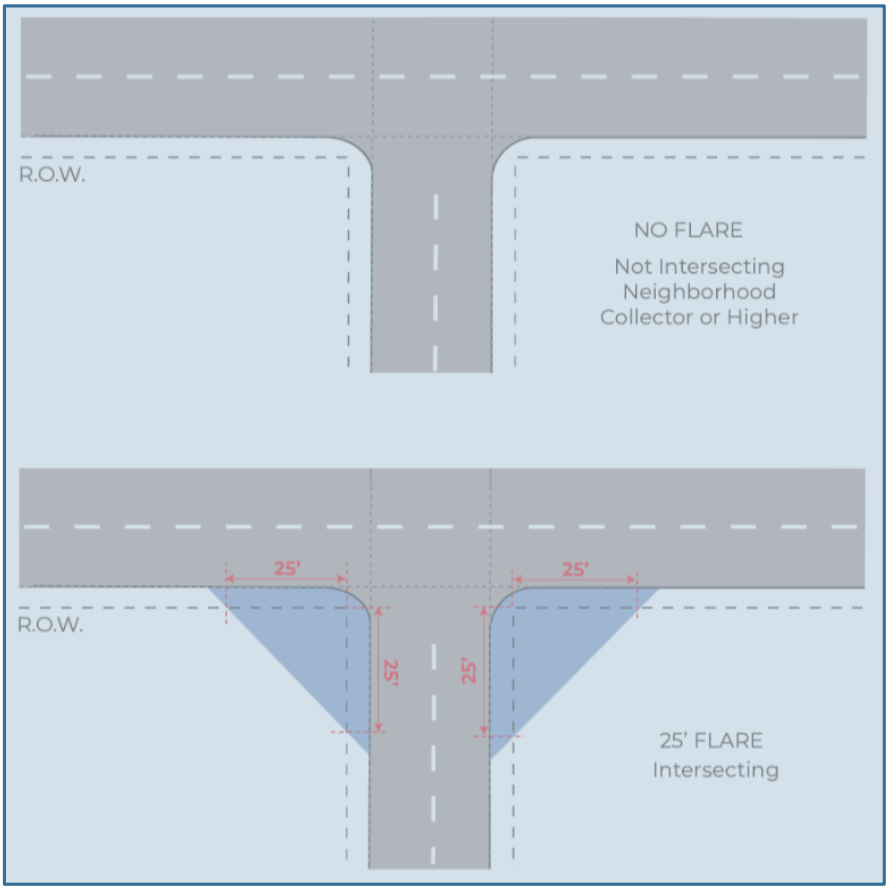
A. Local street intersections with another local street shall include a minimum curb radius of ~~15~~25 feet. All collector street intersections with both local streets and other collectors shall include a minimum curb radius of 25 feet. All arterial street intersections with any type of street shall 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.



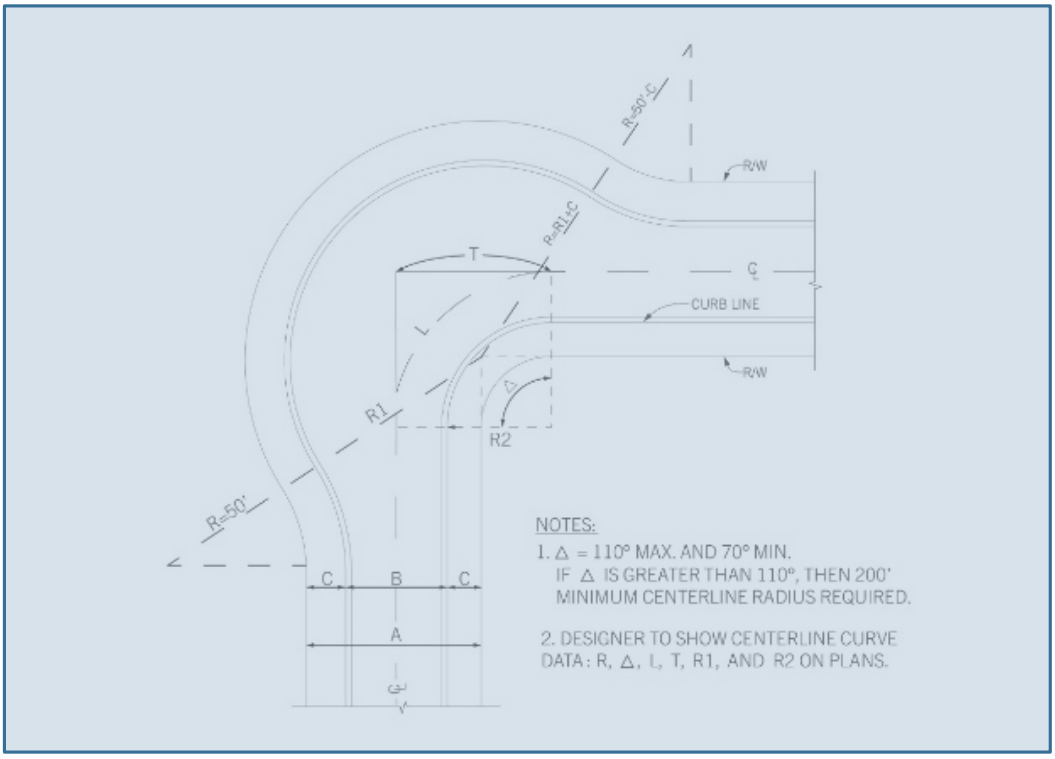
C. Street intersections containing one or more Neighborhood Collector and higher-classification streets shall include 25-foot right-of-way flares, as shown in **Figure 14.06.030-14.06.03-1. Street Intersection Right-of-Way Flares**. The 25 feet is measured along the tangents from the point of intersection 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.

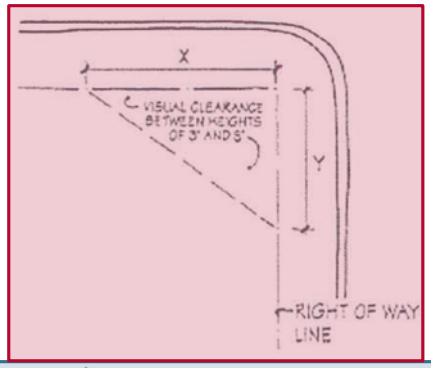
~~Graphic for D to be inserted.~~Figure 14.06.030-14.06.03-2. Knuckles

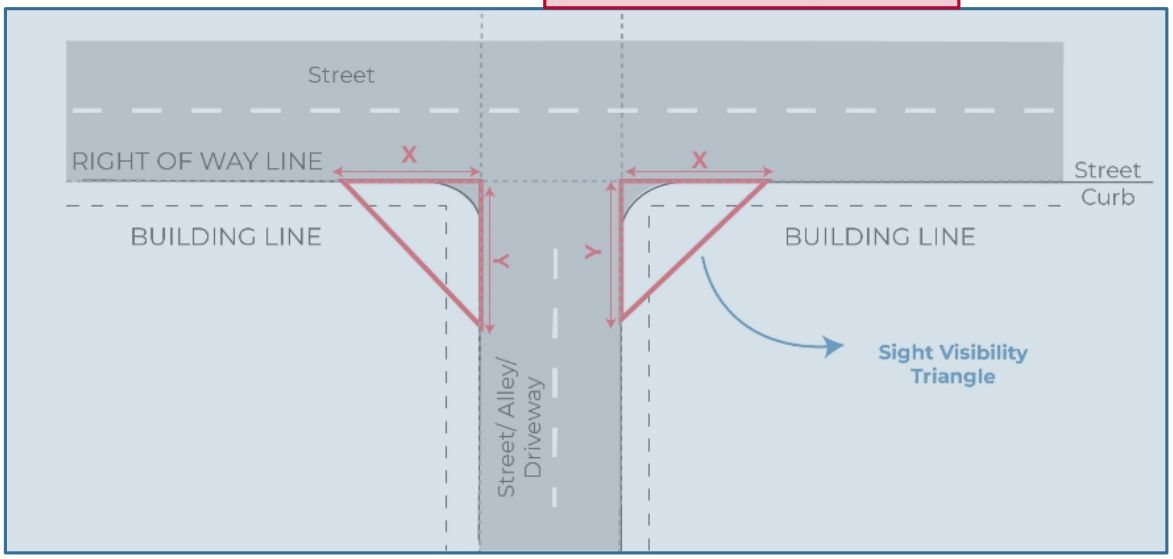


14.06.040. ~~14.06.04.~~Intersection Visibility and Sight Triangle

~~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.

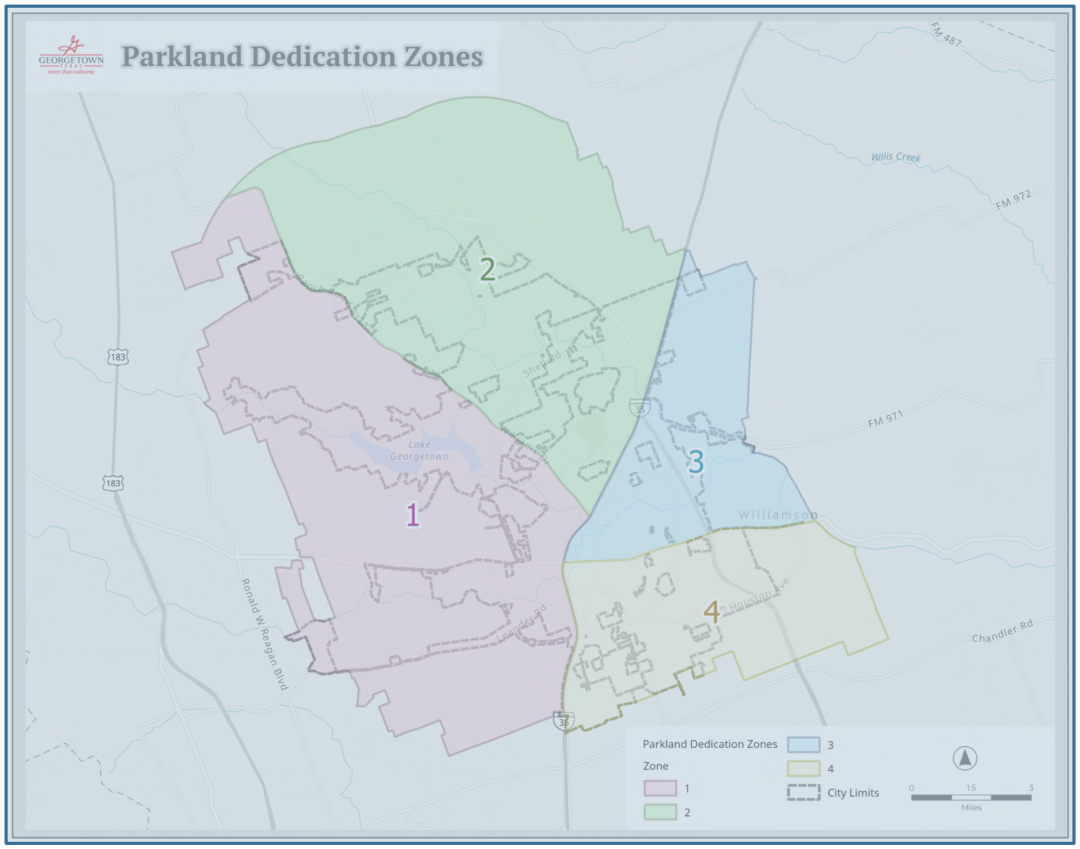
D. The water main pipe size for water distribution system improvements and extensions shall be a minimum diameter of ~~eight~~8 inches. Water infrastructure shall be of sufficient size to furnish adequate domestic water supply for fire protection in conformance with the City's adopted Fire Code, as amended. 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

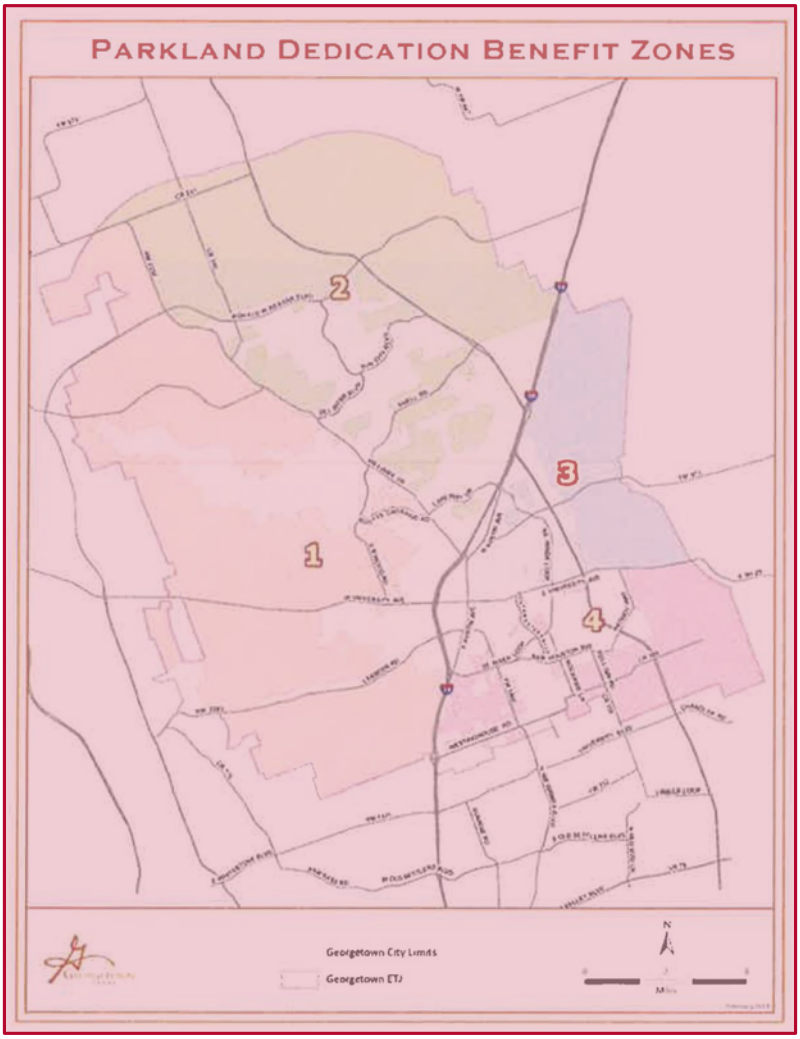
A. A separate fund entitled "Park Fund" has been created to hold in trust money paid to be used solely and exclusively for the purpose of purchasing and/or improving public parks and recreational lands~~,~~ and shall not be used for maintaining or operating park facilities or for any other purpose.

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
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2
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Georgetown City Limits
Georgetown ETJ
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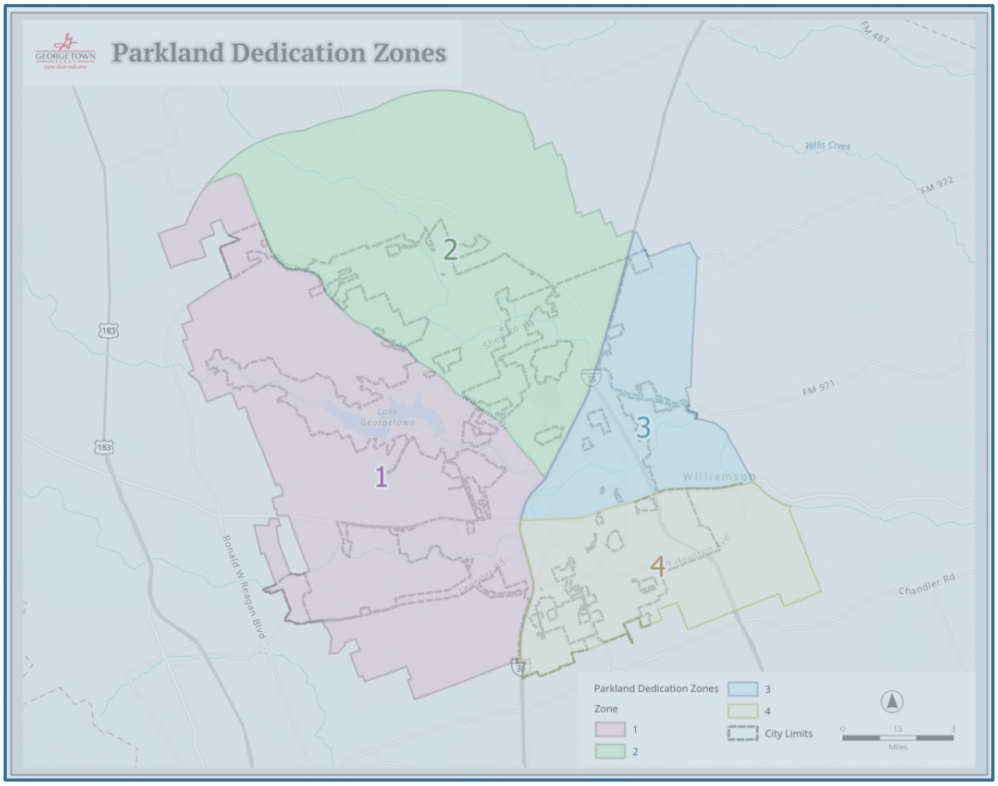


E. Any financial contribution paid in-lieu of the Parkland dedication requirements must be expended by the City within ~~ten~~10 years from the date received. If the City does not expend the financial contribution by the required deadline, the owners of the property may request a refund in the following 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**

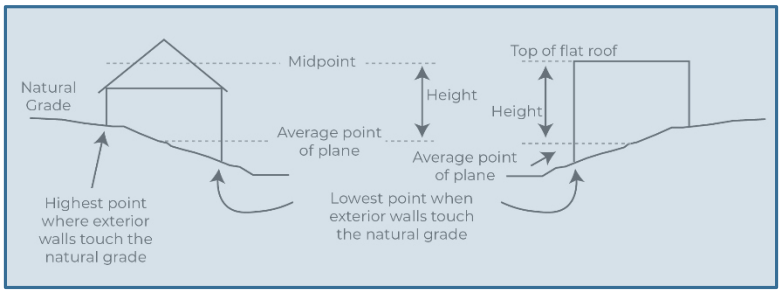
The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height of the antenna support structure. 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**.

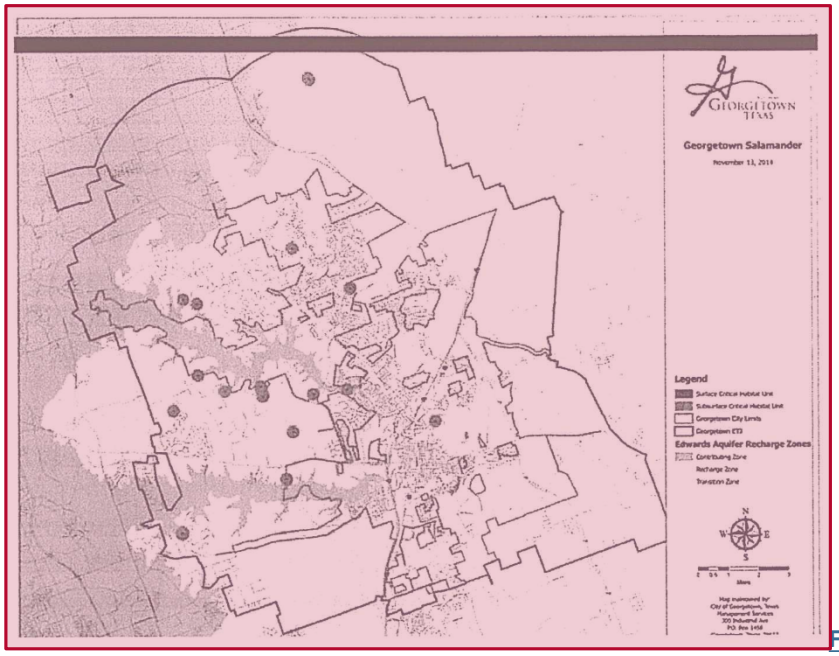
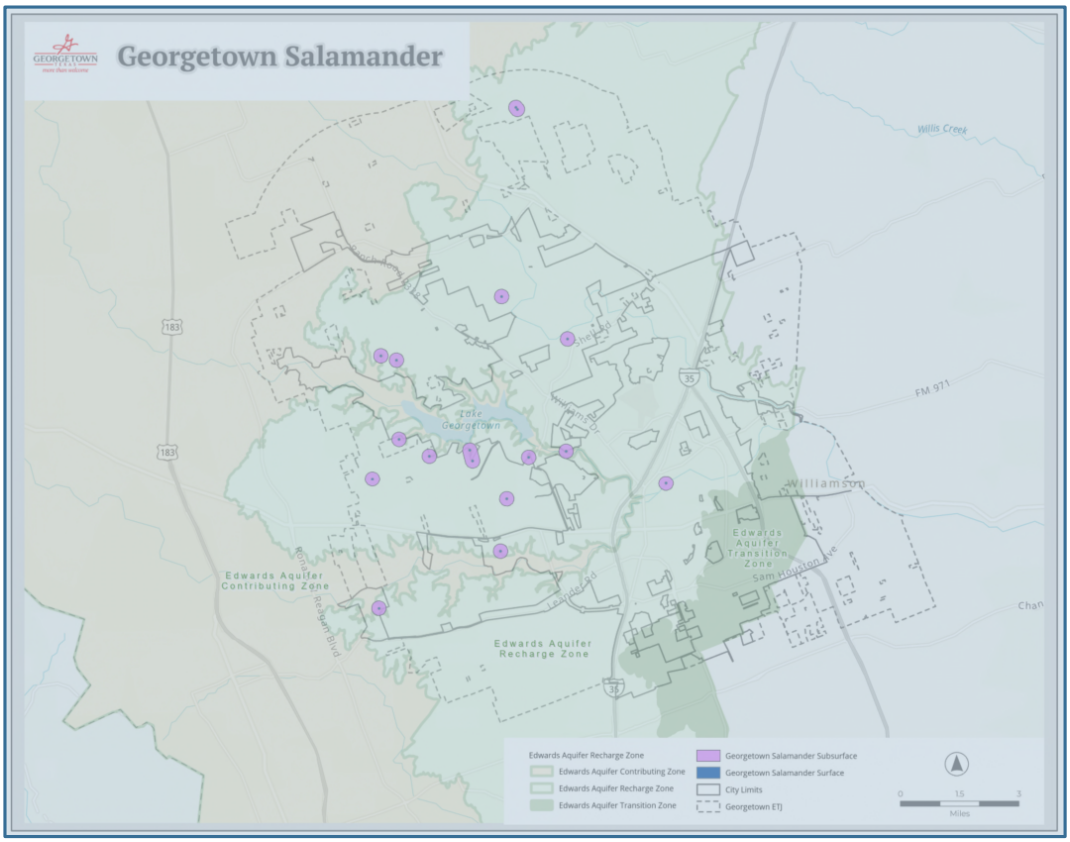


Figure 18.02.030-18.02.03-1. Salamander Critical Habitat Occupied Sites Map



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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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

Figure 3.06.020-3.06.02-1. Annexation Summary

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.
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 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 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.

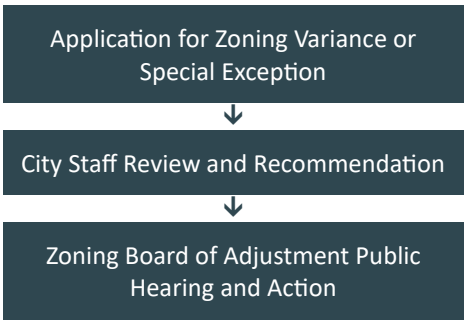
Section 3.13. Zoning Variance and Special Exception

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**.

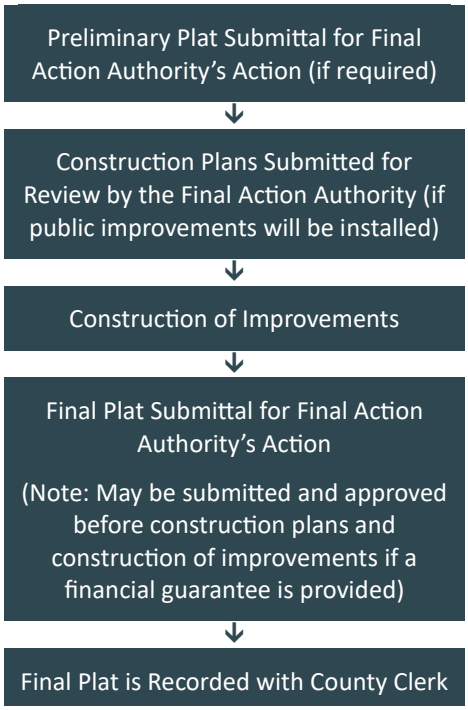
B. The owner of a tract of land located within the city limits or the extraterritorial jurisdiction who divides the tract into two or more parts to lay out a subdivision of the tract or to lay out streets, parks, or other parts of the tract intended by the owner to be dedicated to public use shall submit 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

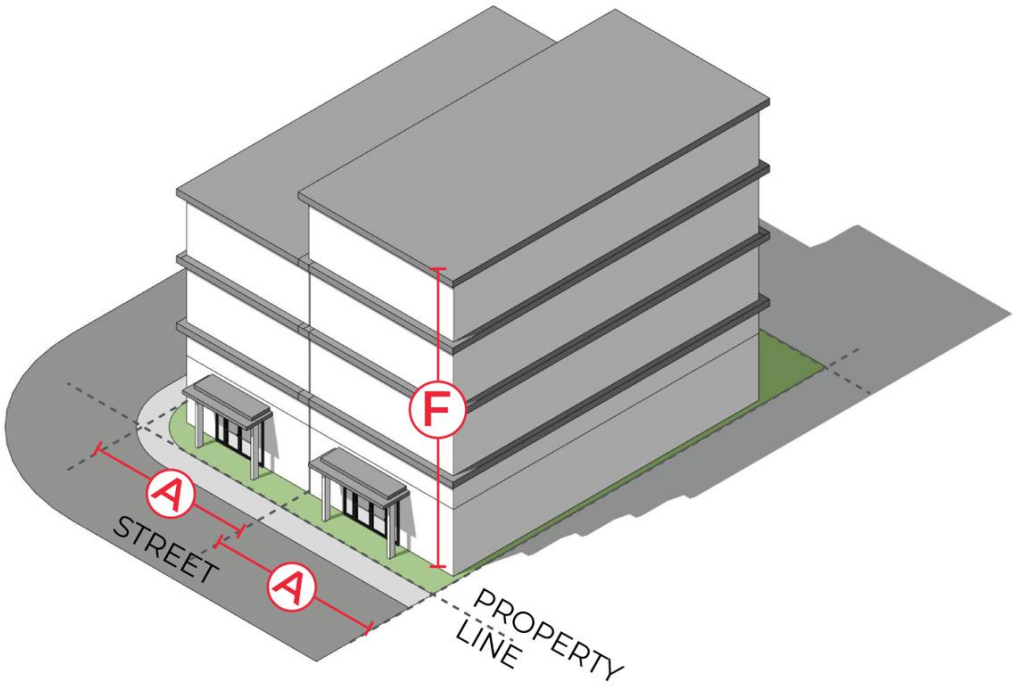
Mixed-Use Downtown (MU-DT) District		
	District size, minimum square feet	N/A
	Lot size, minimum square feet	N/A
A	Lot width, minimum feet[1]	25
B	Front/primary street setback, minimum feet	0
C	Front setback, build-to option	See **8.03.030.A**
	Front setback, Downtown Gateway Overlay	See **4.10.040.B**
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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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 2030 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).

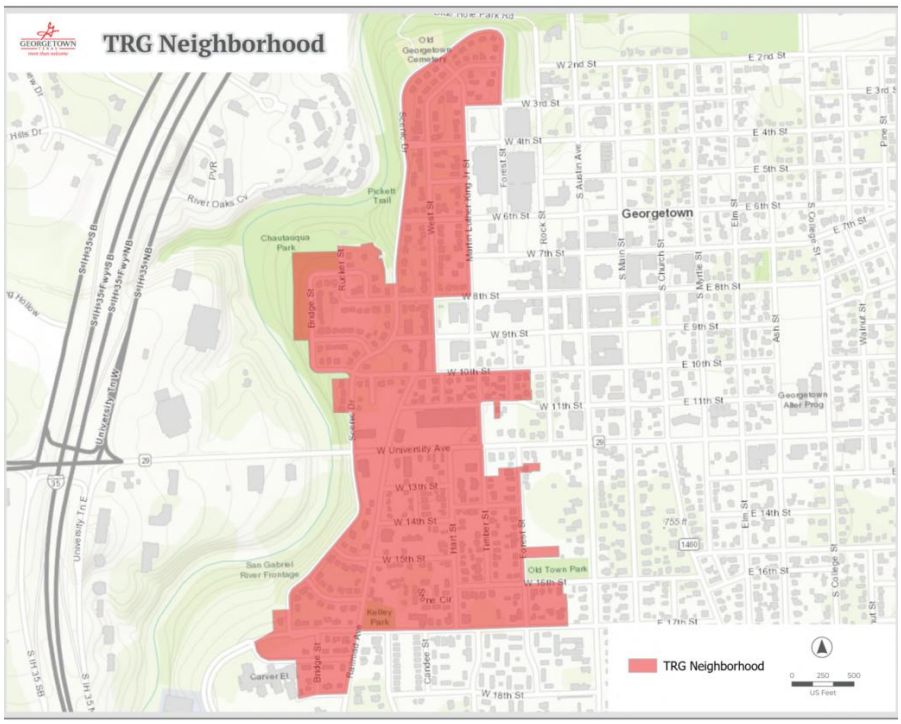
3. The design standards for the Neighborhood Conservation Overlay District must include at least one or a combination of the following elements governing the physical characteristics and features of all property (public or private) within the proposed District:
    a. Building height, number of stories;
    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

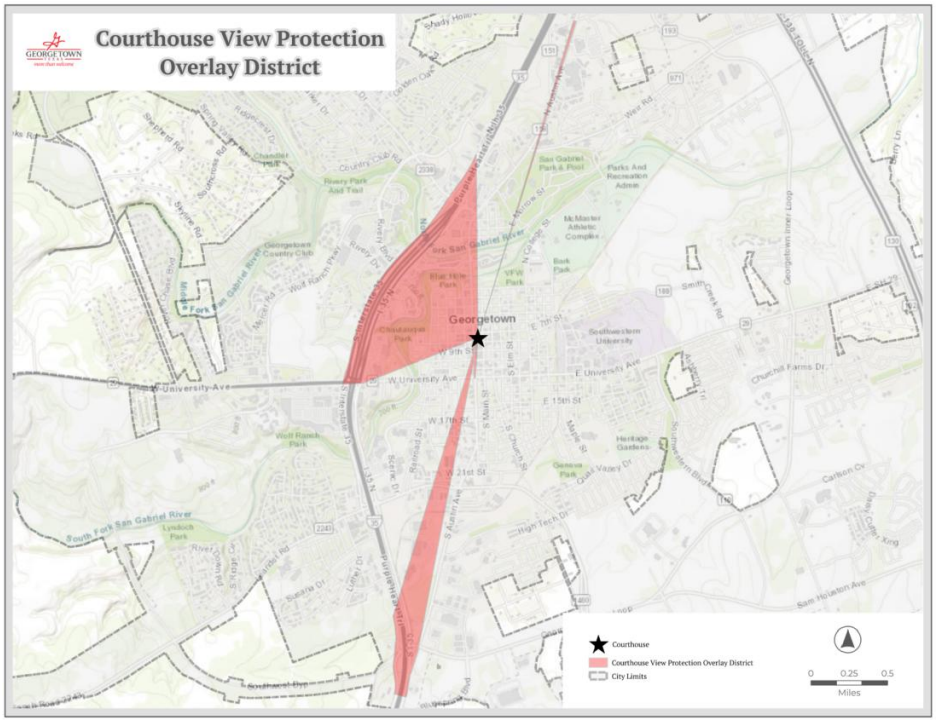
4.09.010. Purpose and Intent

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

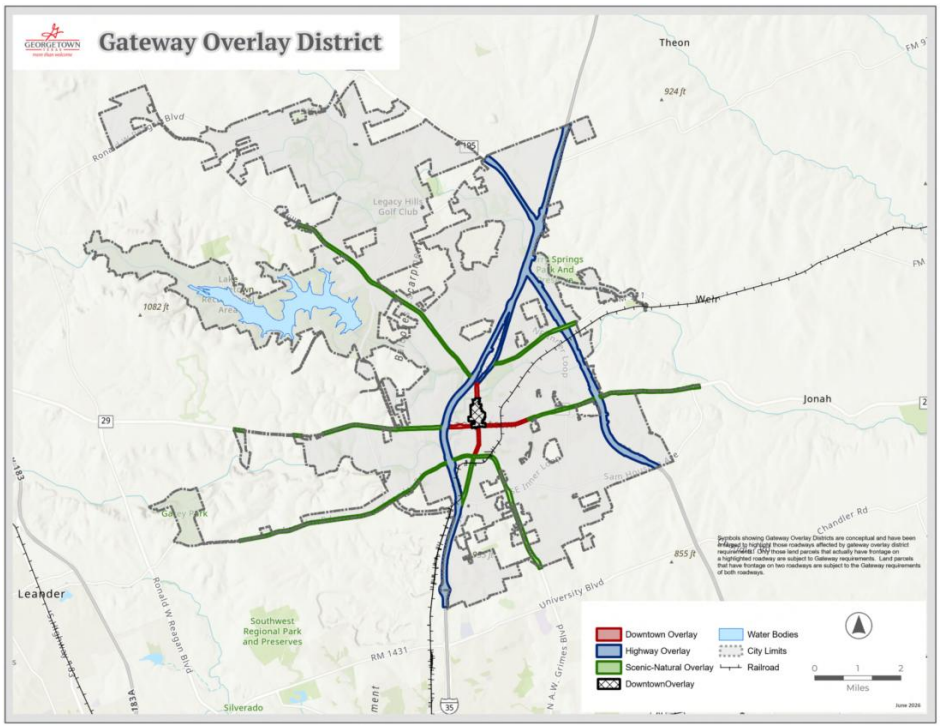
Upon completion of the administrative review and height determination the Director shall make a final determination. The applicant may request relief from the requirements of the Courthouse View Corridor using the procedures of **Section 3.27**.

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

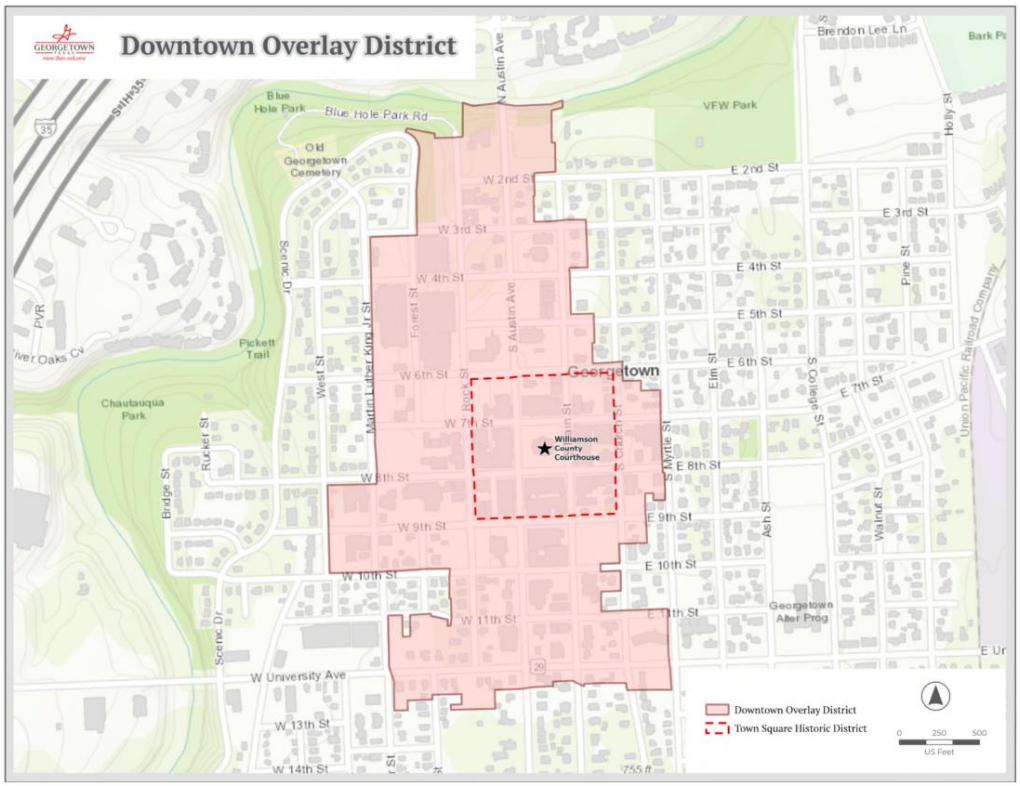
5.03.010. Historic Overlay Districts Established

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

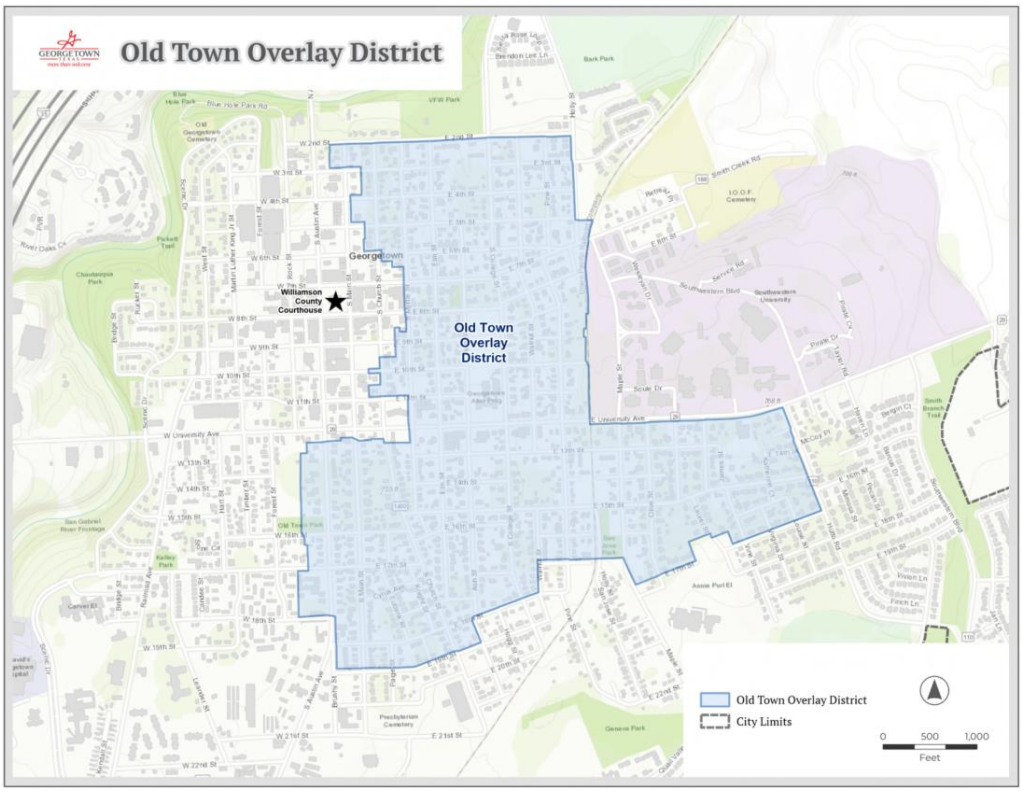


This map is available for viewing at the Planning Department office or as a downloadable map at **http://www.georgetowntexas.gov/maps**.

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**.

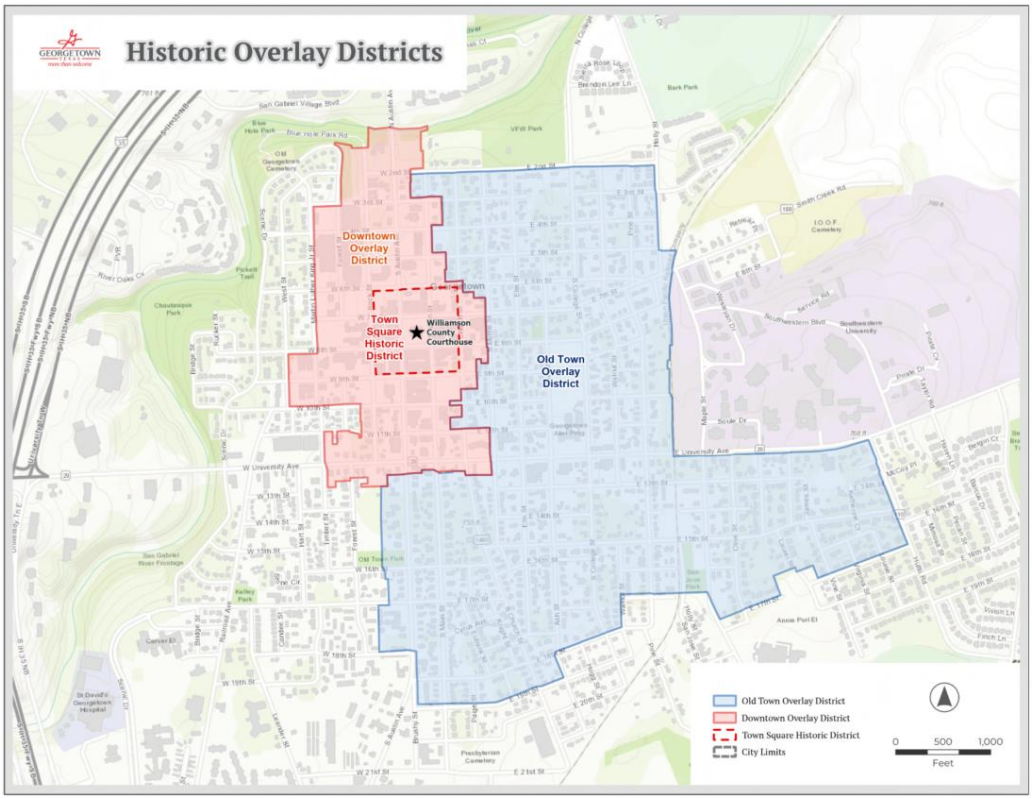
C. Designated Historic Districts

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

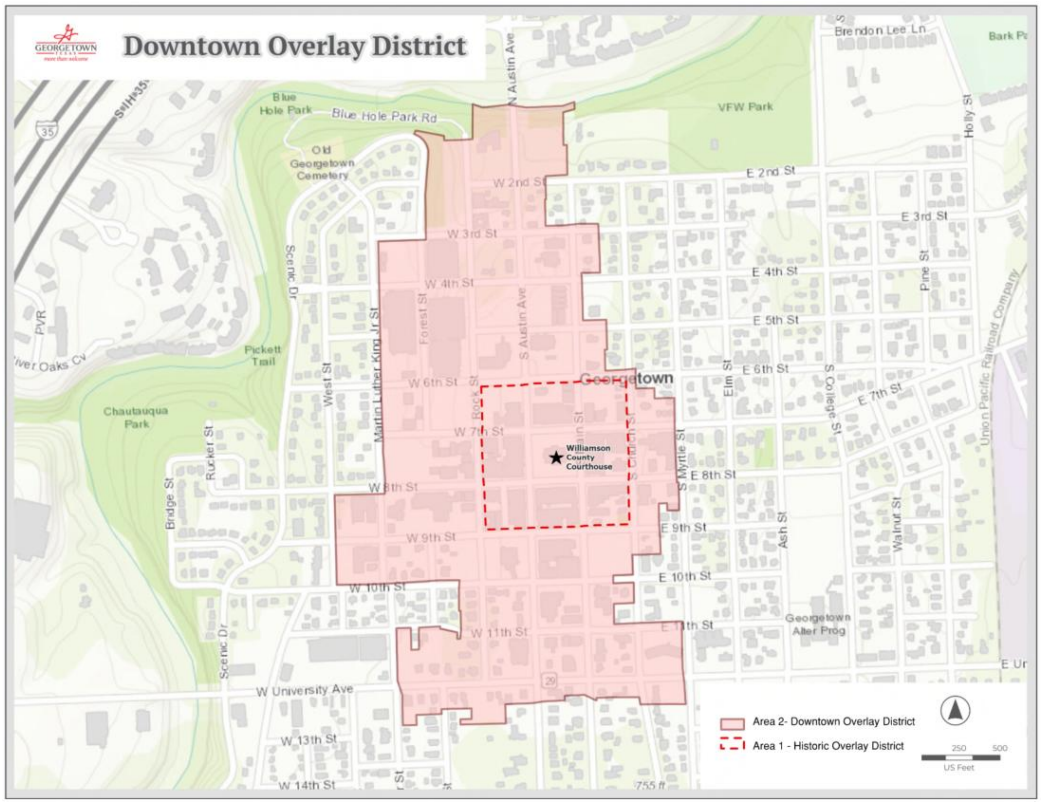
For uses allowed per Zoning District, see **Chapter 6**.

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

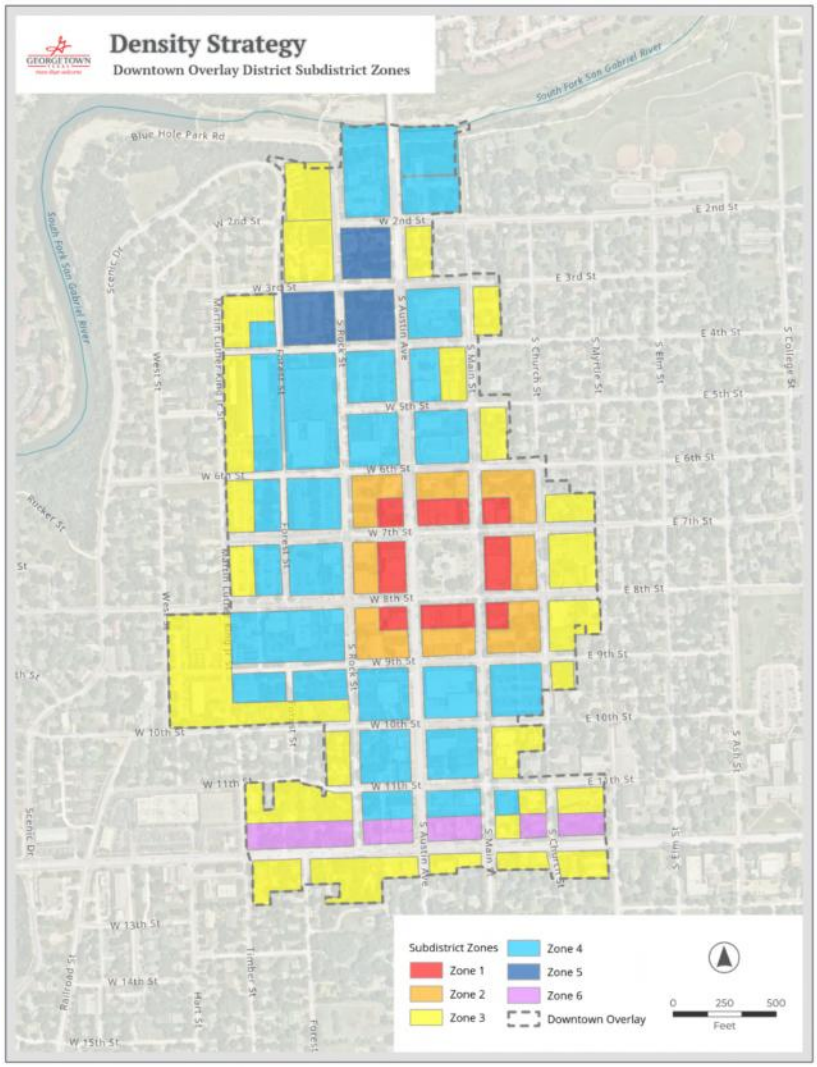
A. Purpose

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

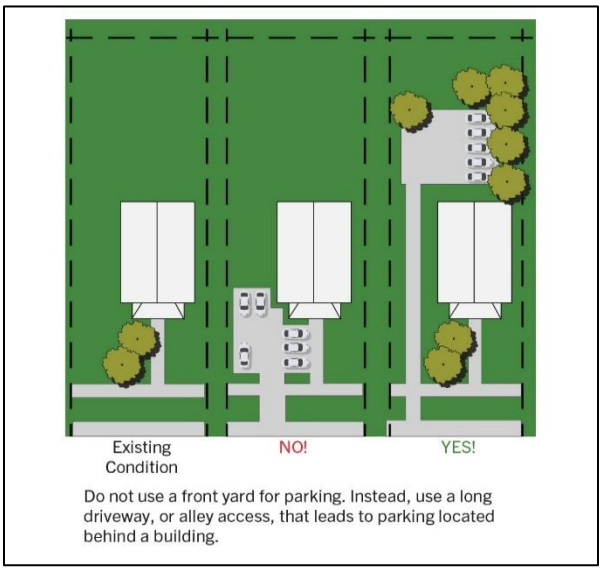
          (c) The house has a side lot line immediately adjacent to property zoned as C-1, C-3 or I-1 District that is used for commercial or industrial uses and developed without a bufferyard.

          (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**.

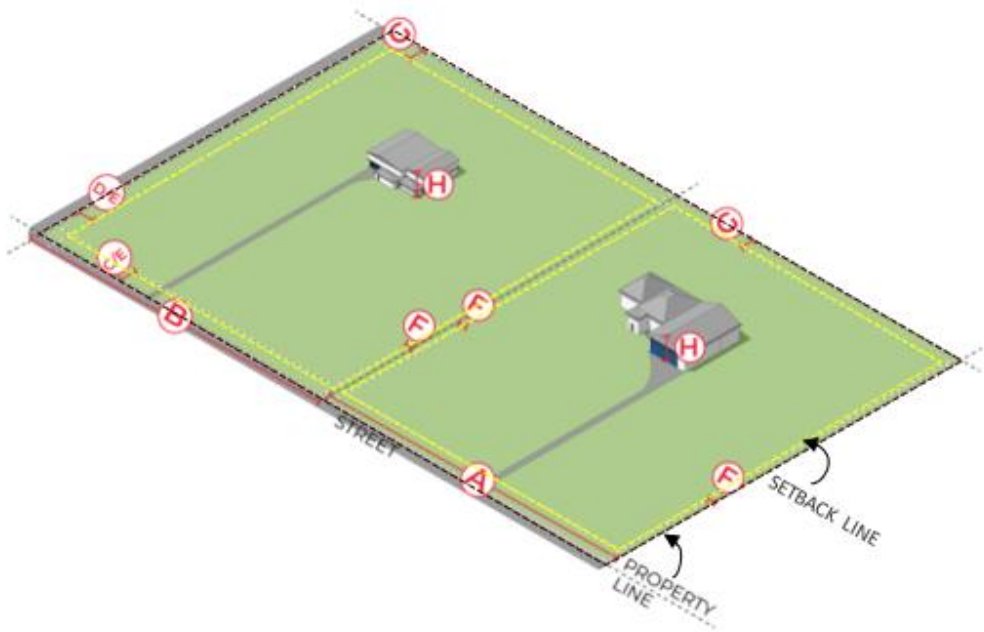
2. Accessory Structures, Garages and Carports, **Section 7.04**.

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

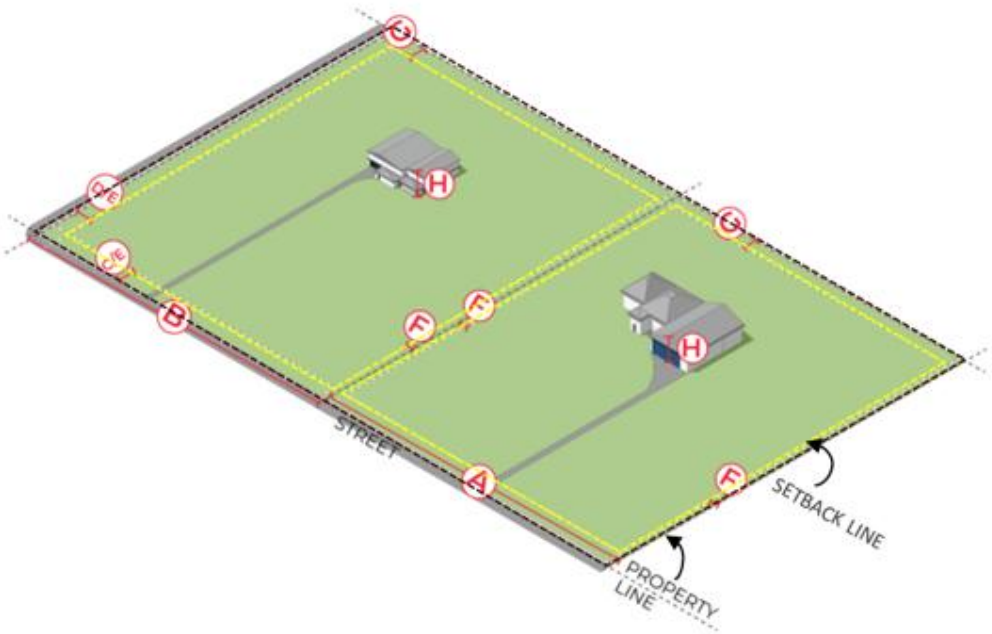
The RE Residential Estate District provides for large-lot, low-density residential development and associated uses and services. This District is appropriate where steep topography, presence of environmentally sensitive features or lack of public utilities and services may necessitate a low density.

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

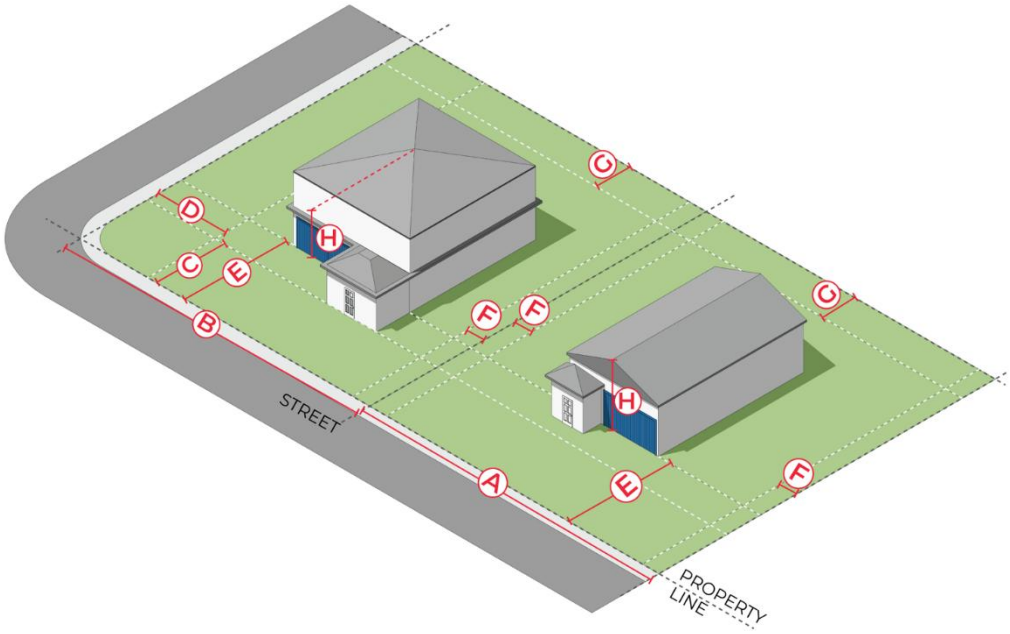
The RT Residential Traditional District provides for large-lot residential development and associated uses and services that do not have topographic challenges or environmentally sensitive features, and are served by public utilities and services. This District is appropriate as a rural-to-urban transition 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.

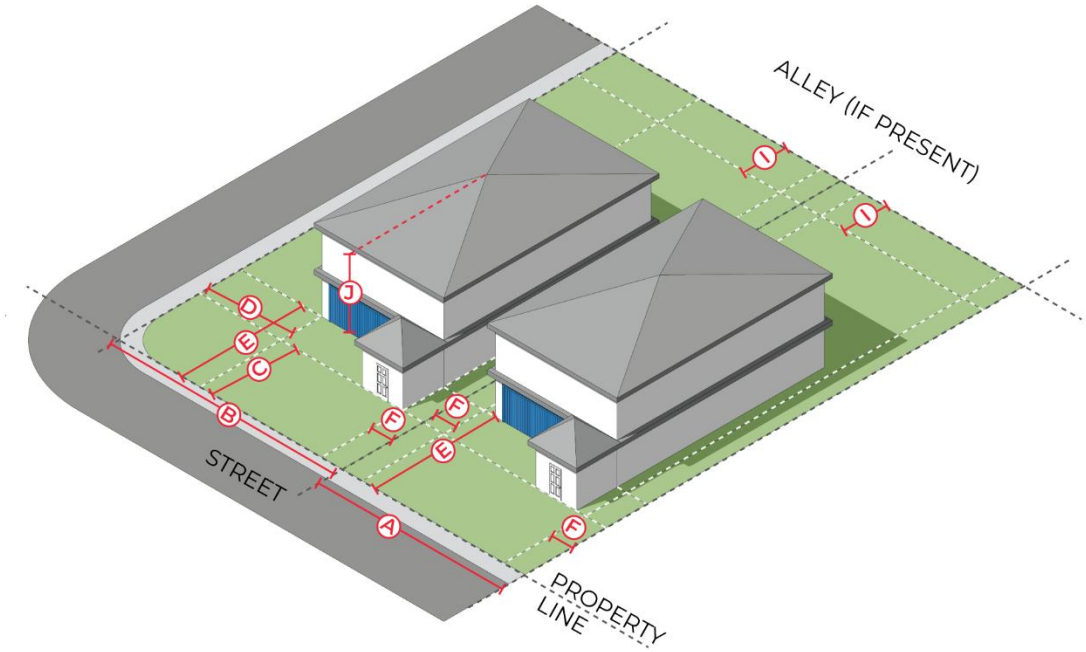
A. Lot and Dimensional Standards

	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**			

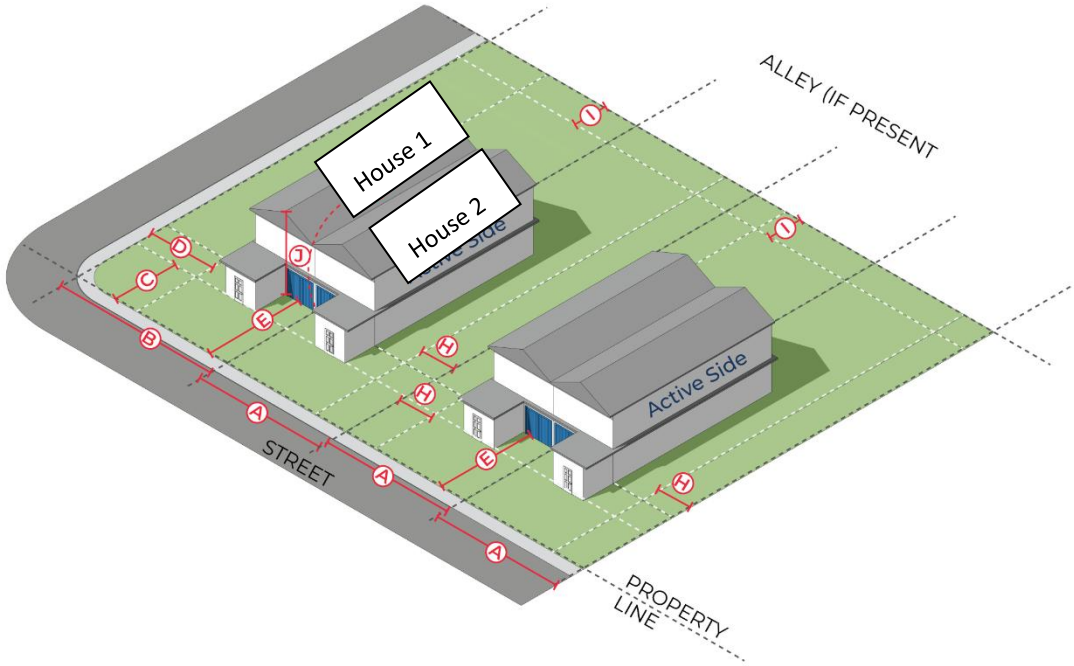
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

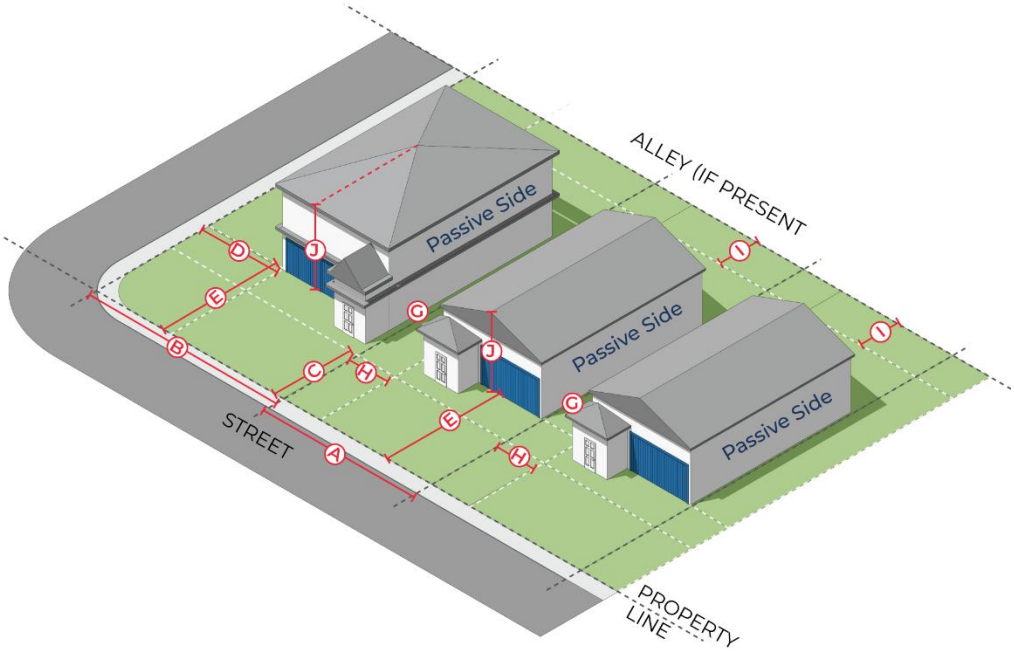
Single-Family, Detached Dimensional Graphic



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

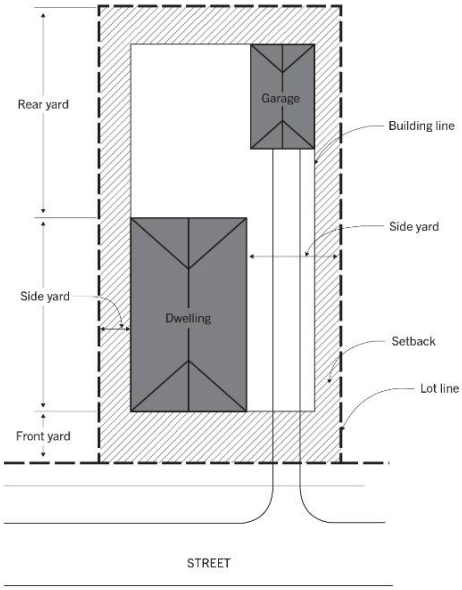
The following shall be exempt from these provisions:

(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.

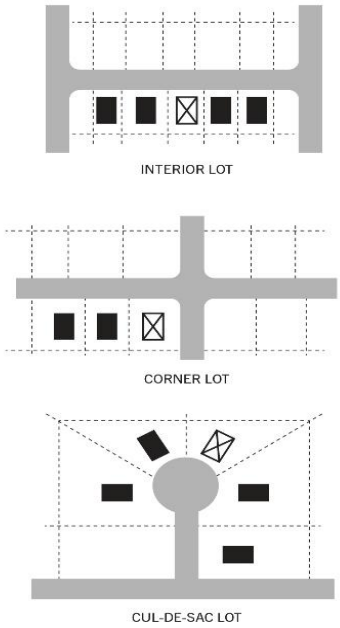
(ii) The dwelling differs in the number of full stories.

(a) Single-story; or

(b) Two-story.

(iii) The dwelling incorporates a variety of roof pitches.

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.

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 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

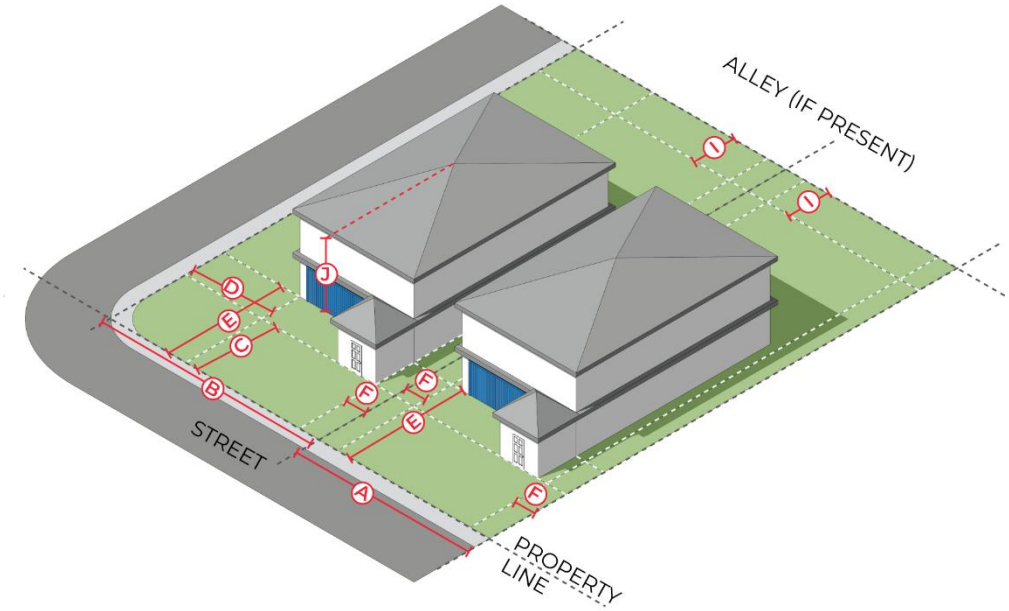
	Lot Type	**Single-Family, Detached**		**Single-Family, Attached**		**Two-Family, Duplex**		**Townhouse**	
	Garage/Parking Access	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**	**Front**	**Alley**
	Lot size, minimum square feet	4,400	4,000	2,700	2,200	6,000	5,000	1,500	1,300
A	Lot width, 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**.

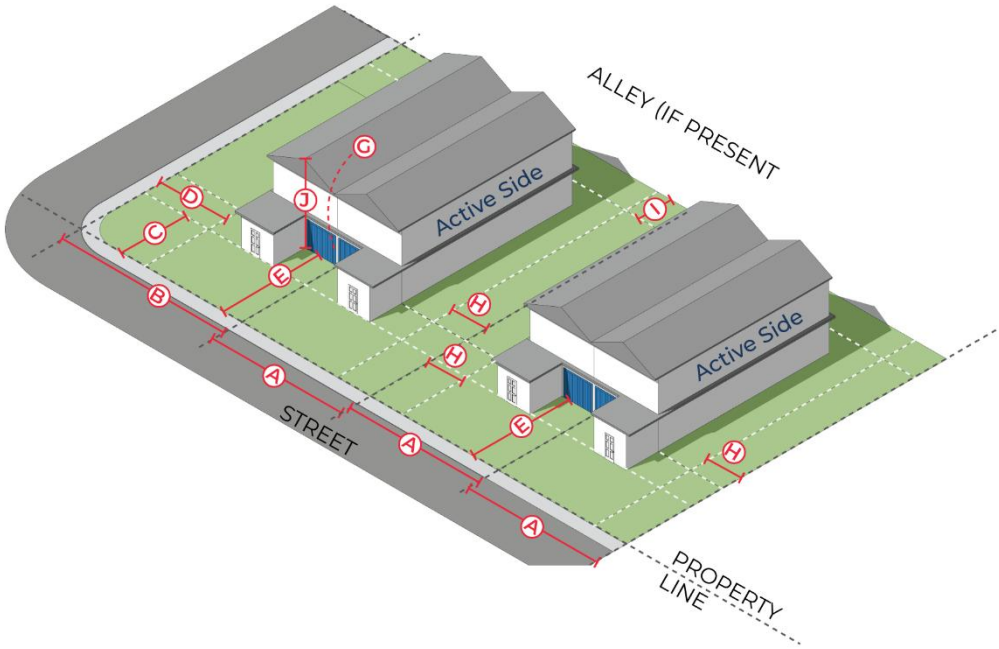
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

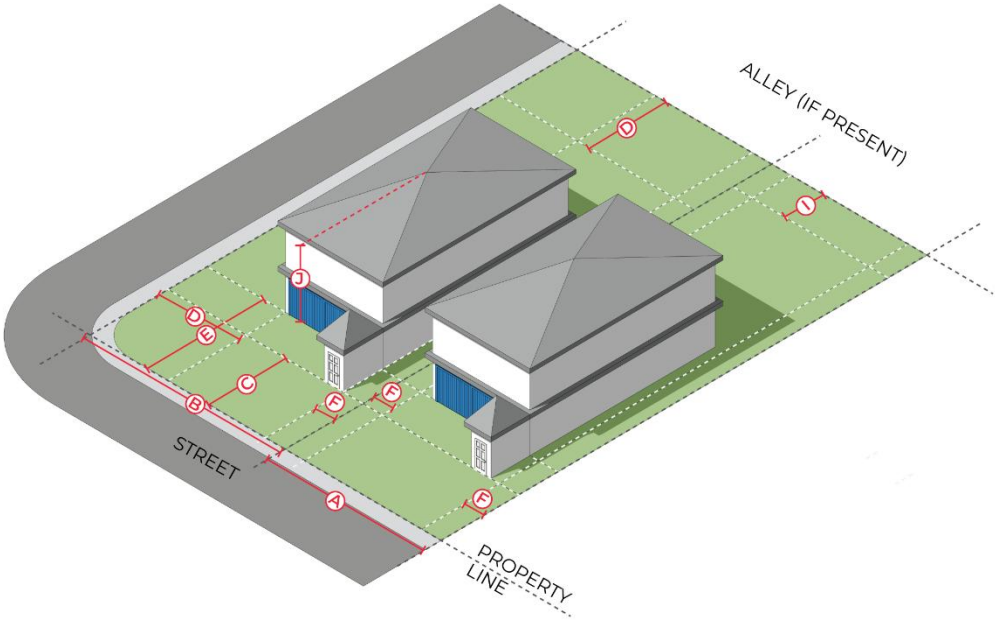
Single-Family, Detached Dimensional Graphic



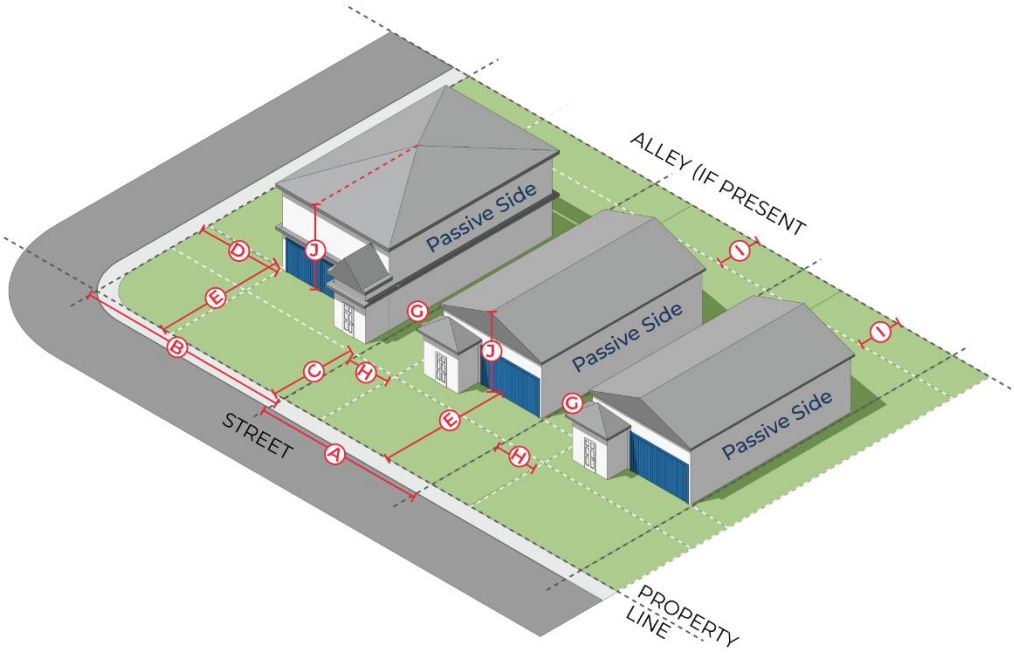
Single-Family, Attached Dimensional Graphic



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**					

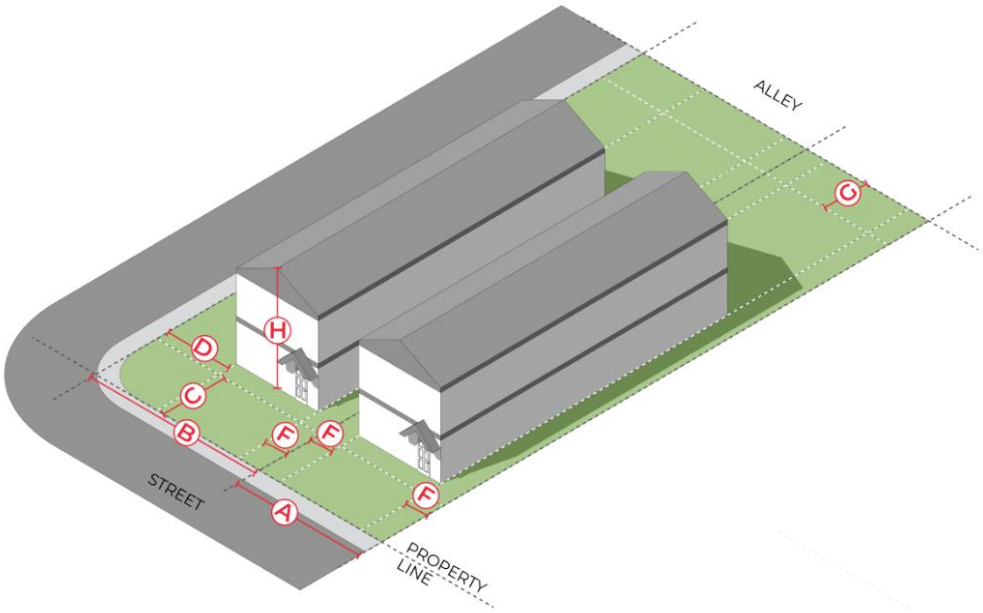
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

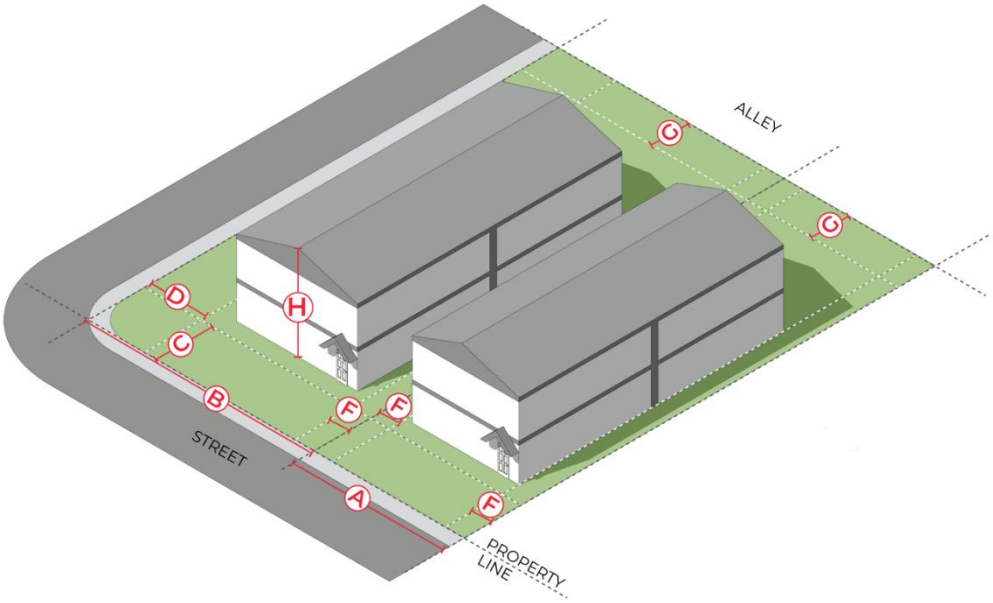
[3] Existing Platted Lots and new lots in the Old Town Overlay may use a 25-foot garage setback.

[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.

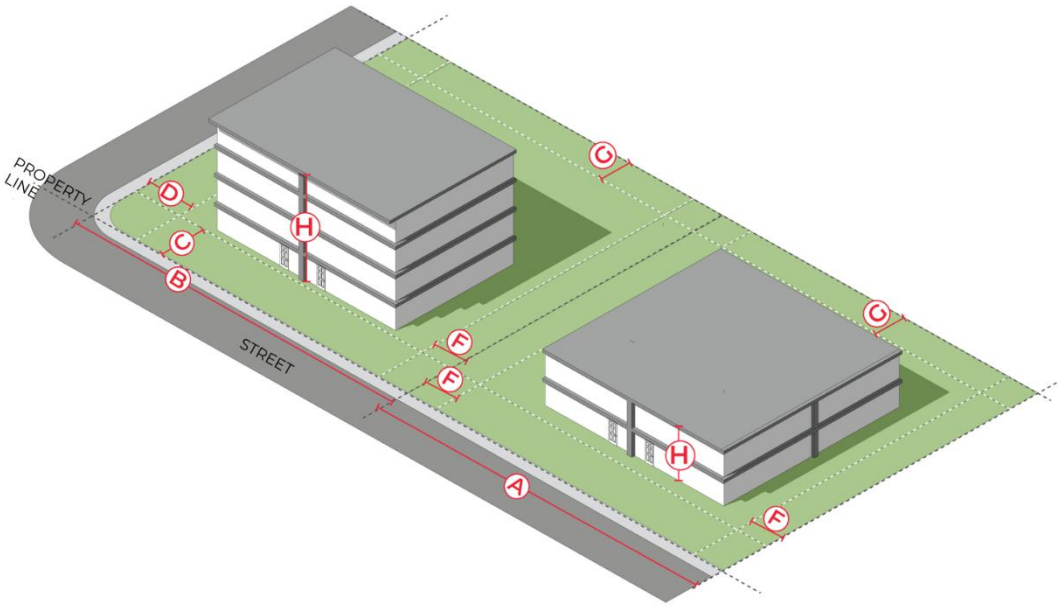
Two-Family, Duplex



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.

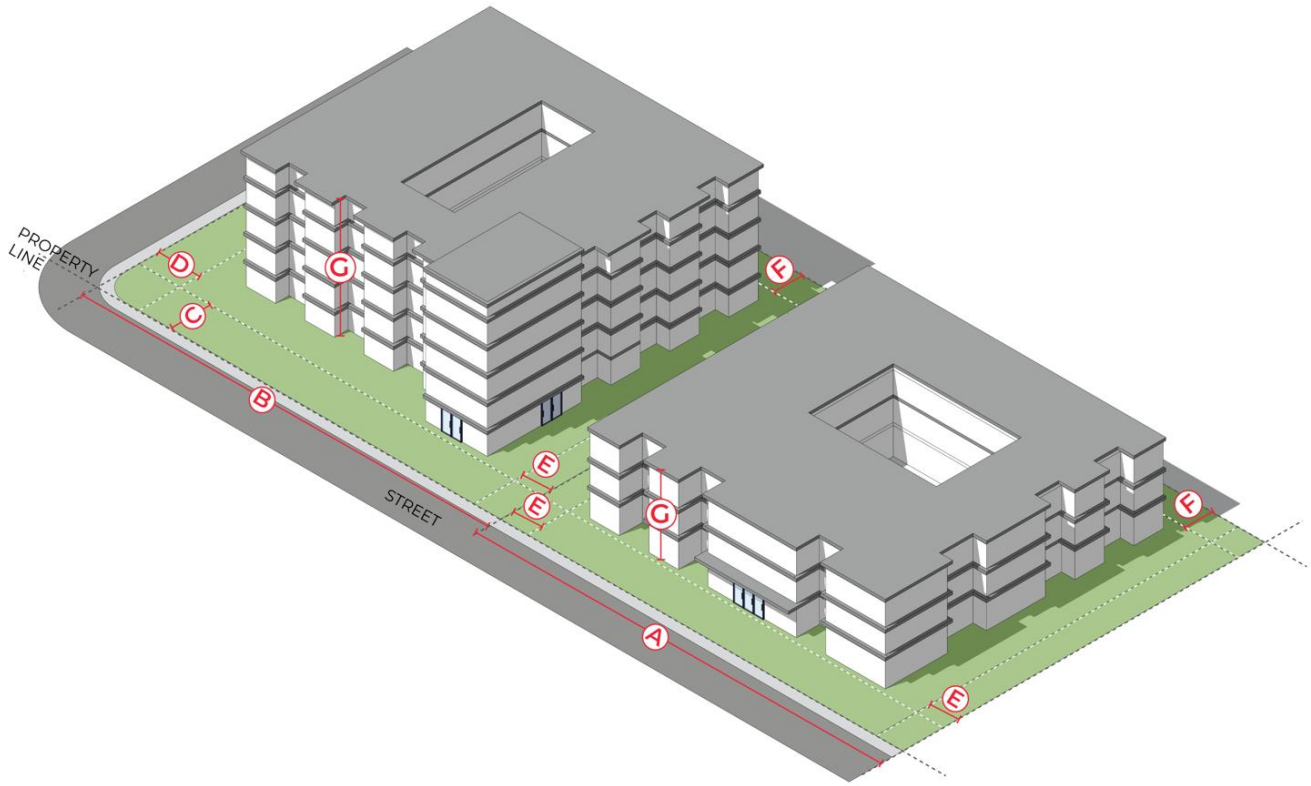
A. Lot and Dimensional Standards

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

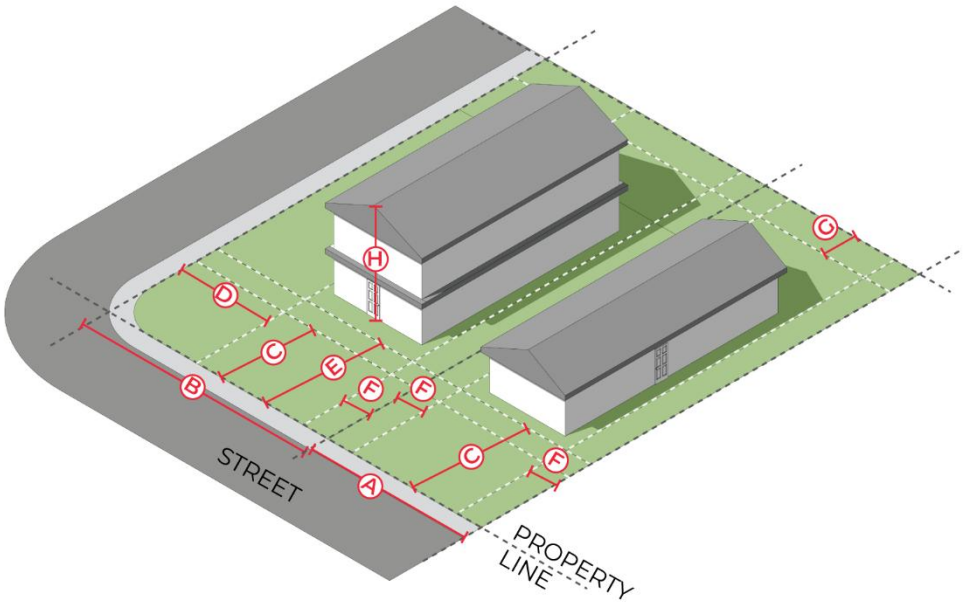
The MH Manufactured Housing District is intended for the development of manufactured, HUD-code mobile home parks and subdivisions. Manufactured housing subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured housing. The District also includes 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.

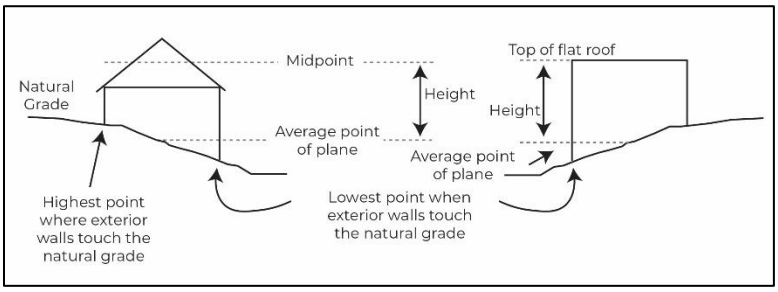
7.03.040. Building Height

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**

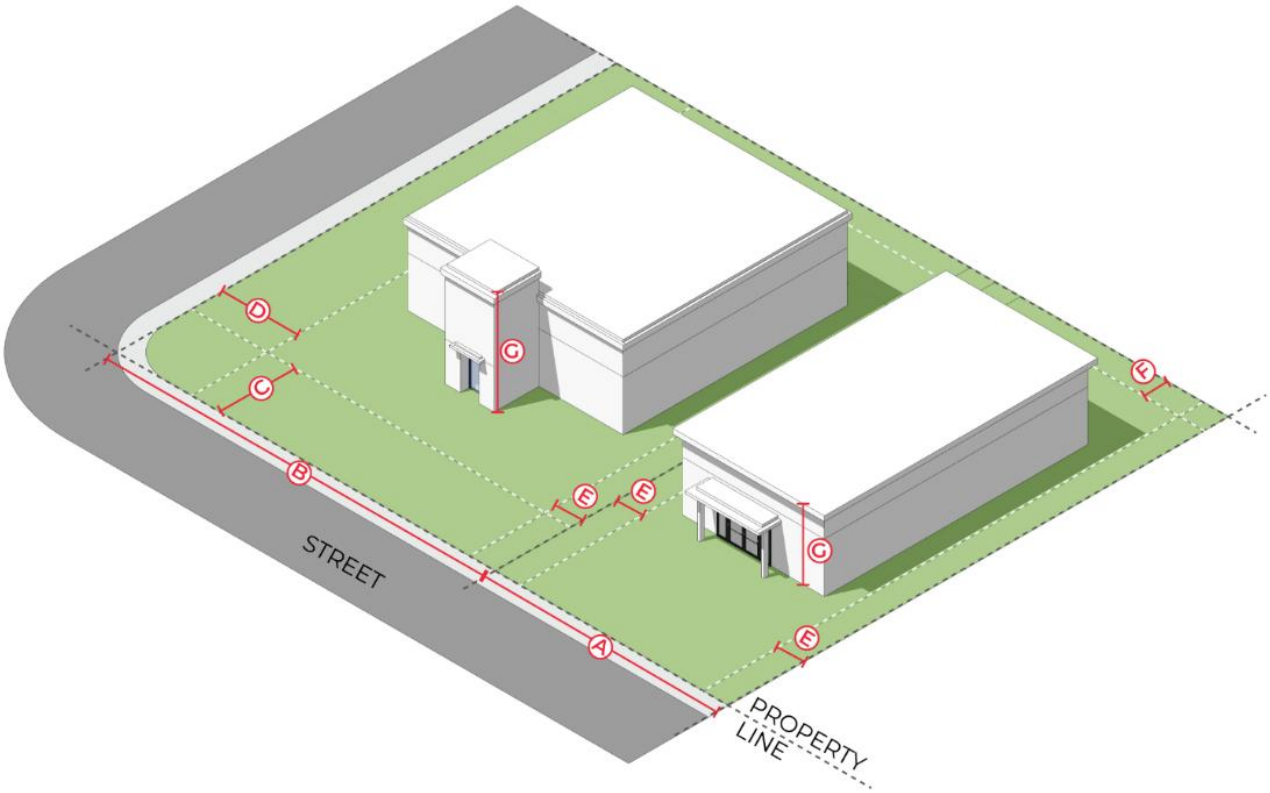
[1] Lot width shall be sufficient to allow for the minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[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**

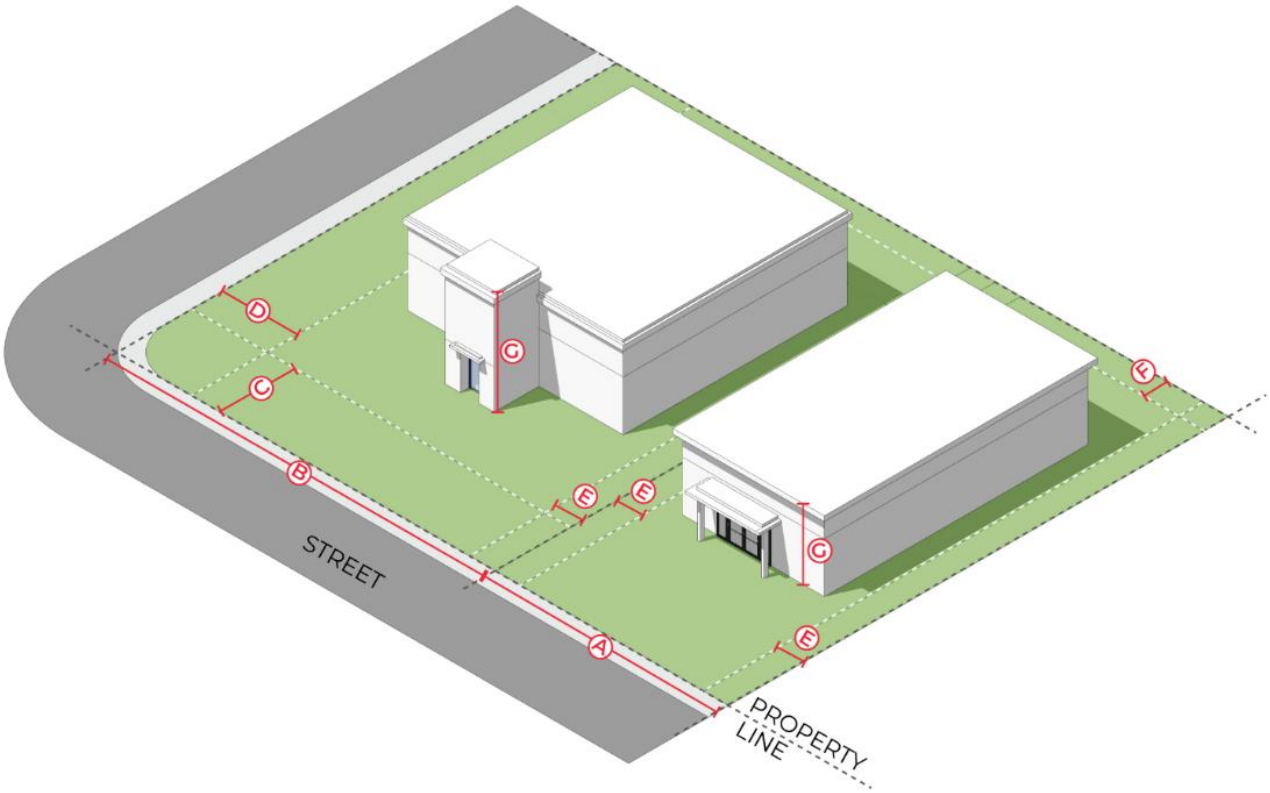
[1] Lot width shall be sufficient to allow for minimum driveway spacing required for the classification of street from which the lot is accessed, consistent with the driveway spacing requirements in **Section 14.08**.

[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**.

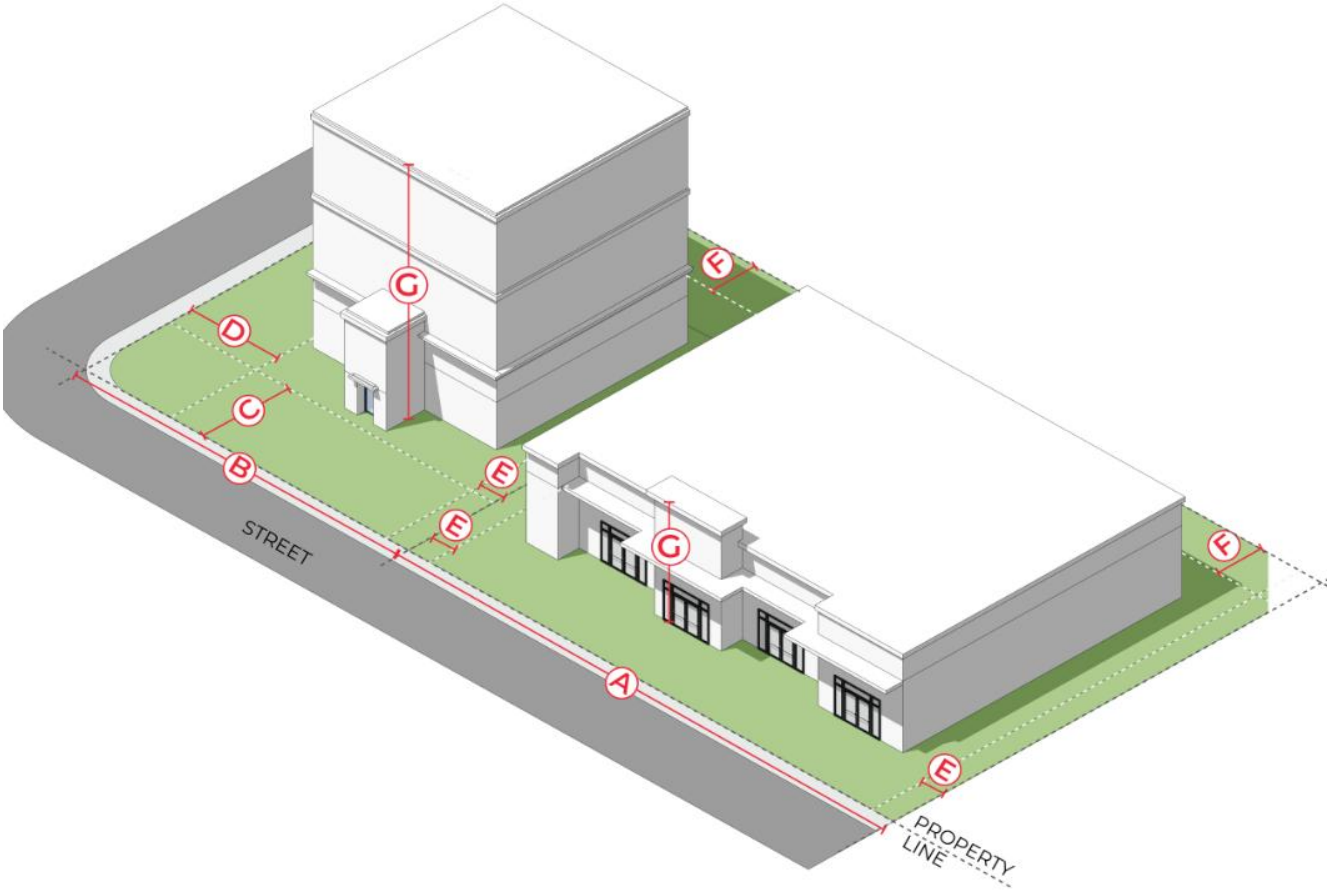
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[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**.

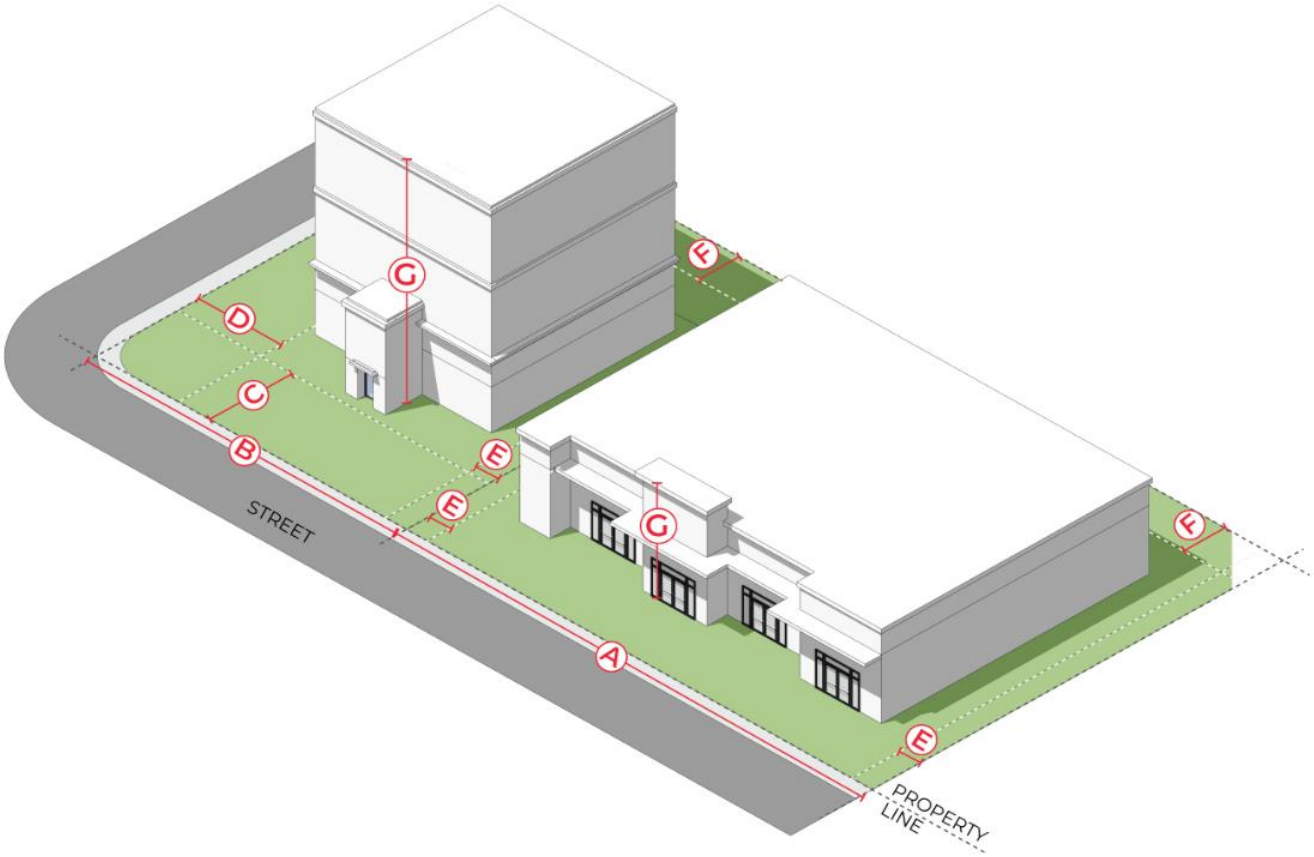
[3] Setback may be reduced to 0' in Downtown Gateway Overlay (**Section 4.10**); build-to line alternative available in **Section 8.03.020.D**.

[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**.

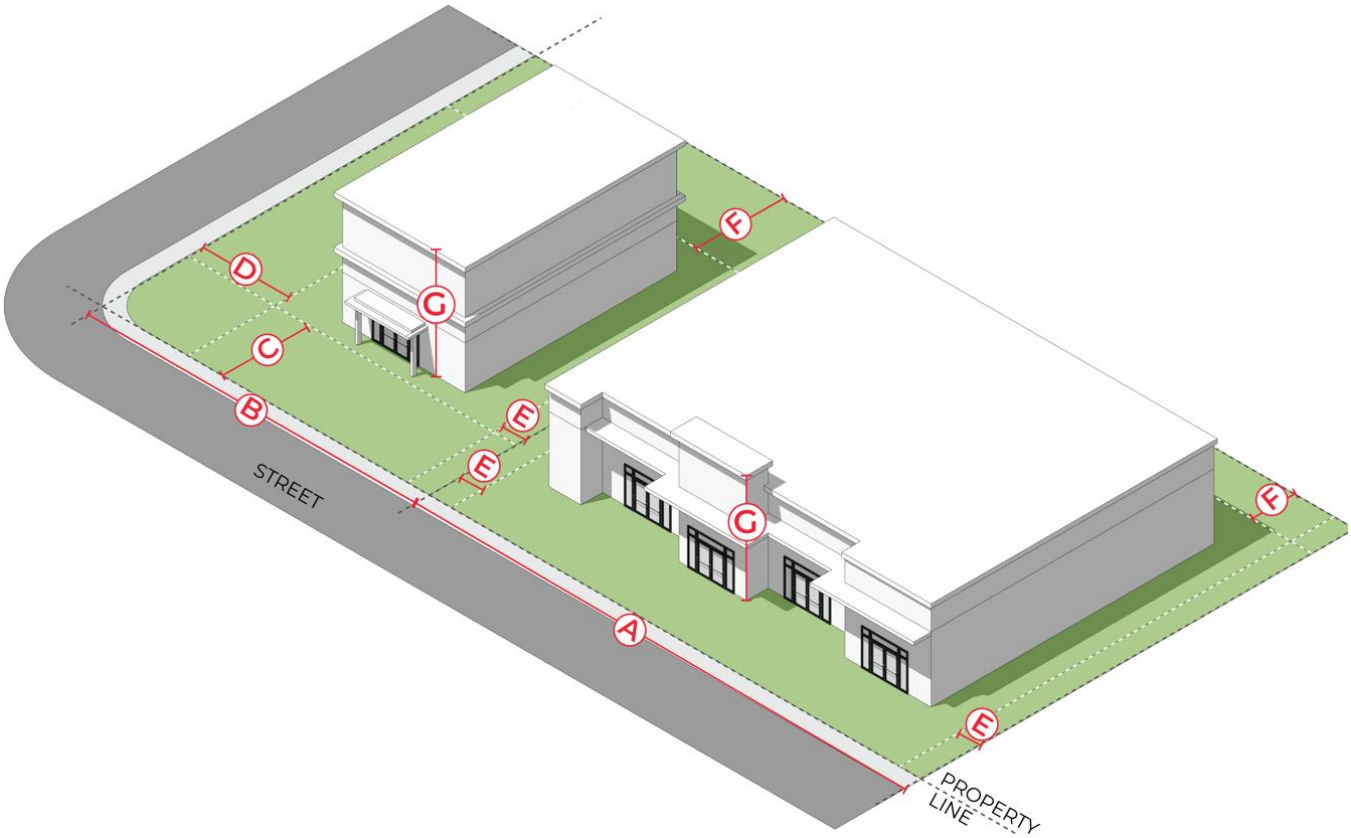
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[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**.

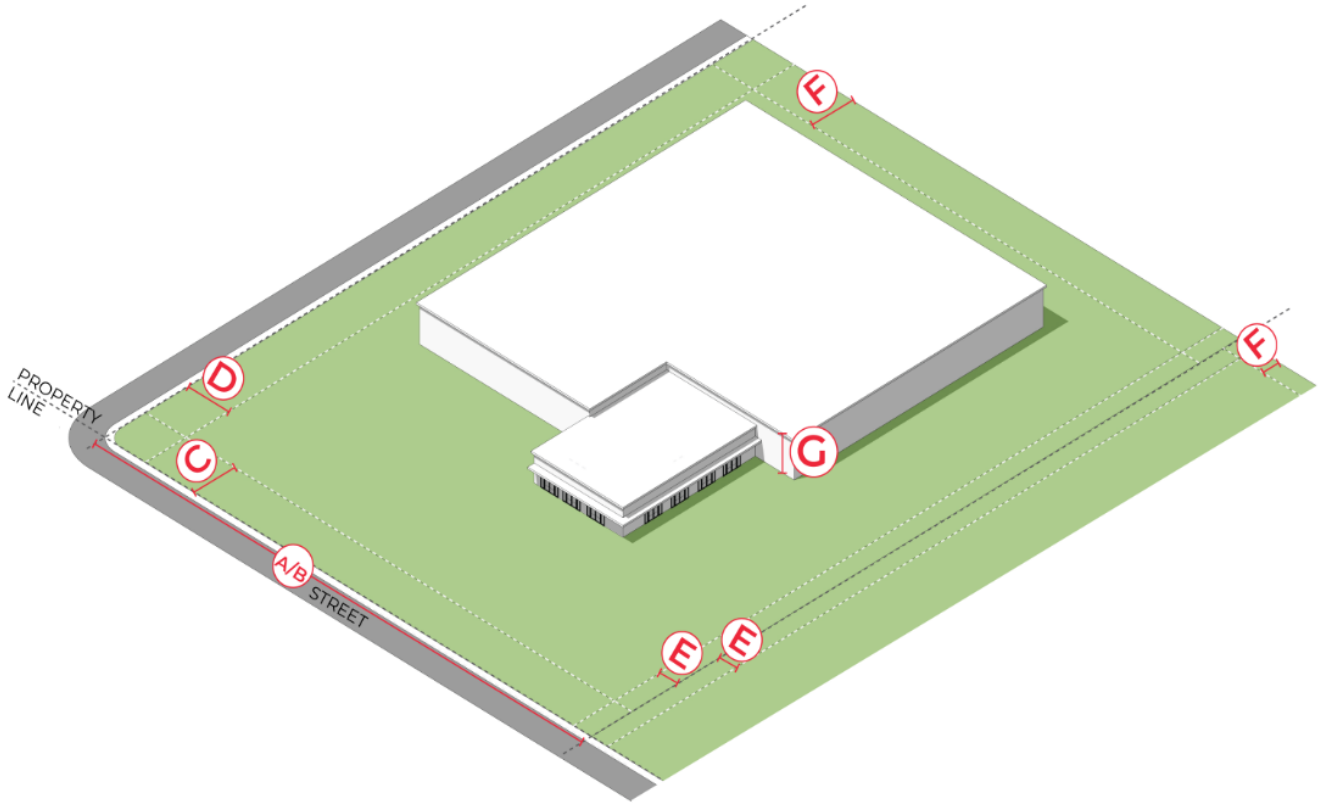
[2] The spacing of driveways from intersections is subject to the driveway spacing requirements in **Section 14.08**.

[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.

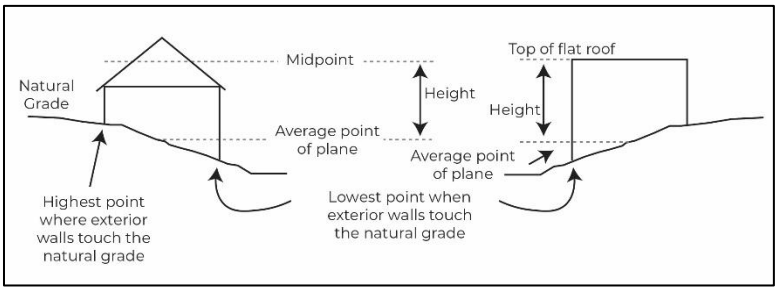
8.03.040. Building Height

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.

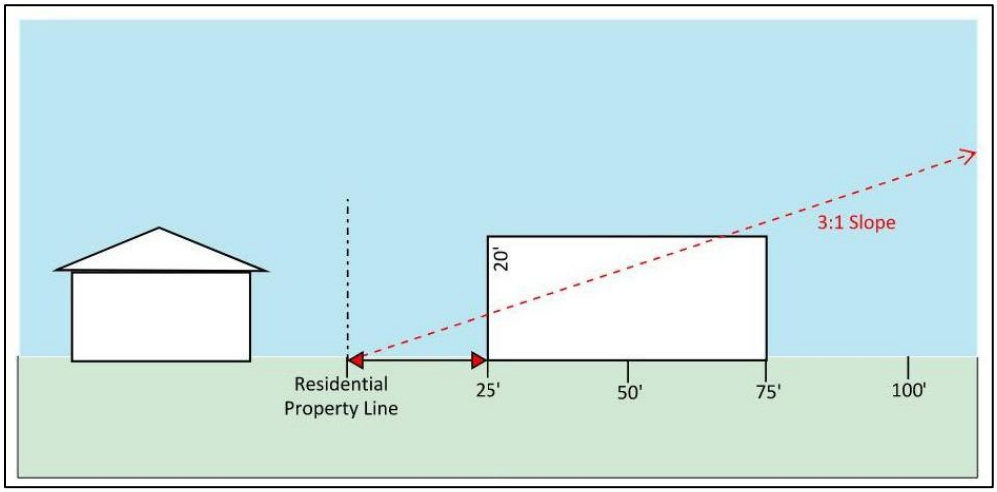
F. This subsection does not waive specific setbacks required per any applicable Planned Unit Development District (PUD) or Overlay Zoning Districts as identified in **Table 9.03.070-1. Bufferyard Level Required** of this Code, or specific setbacks and/or spacing requirements for specific uses as identified 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

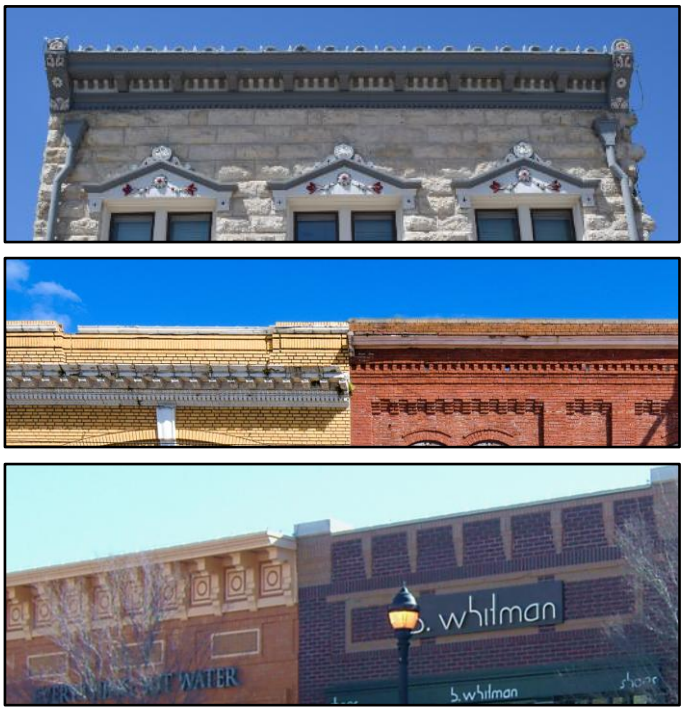
The following types of roof styles are prohibited:

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)

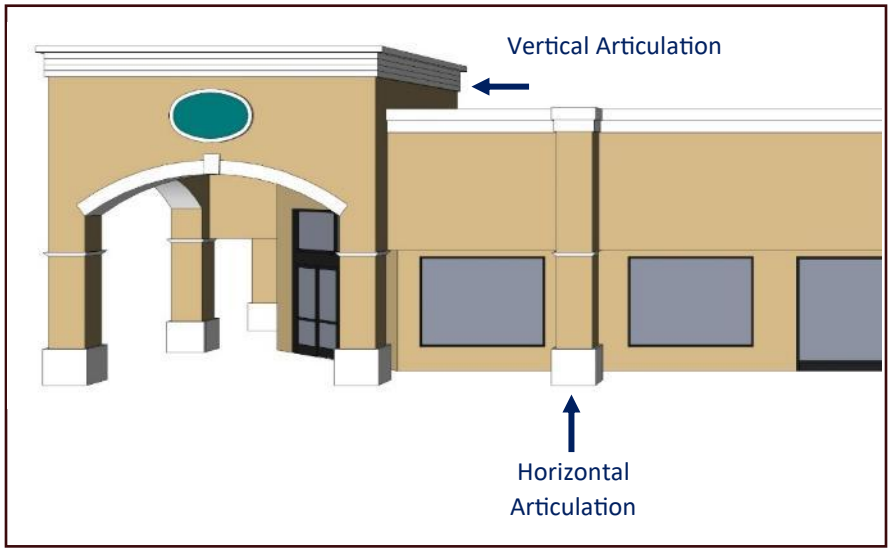
a. No building wall adjacent to or visible from a public right-of-way shall extend laterally for a distance greater than three times the building's average height without a change in vertical elevation of at least 25% of such height.

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

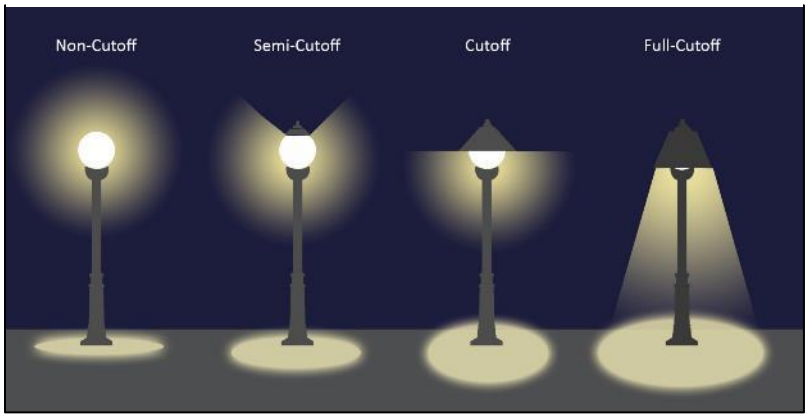
All lighting fixtures designed or placed so as to illuminate any portion of a site shall be shown on a detailed lighting plan and meet the following requirements:

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.

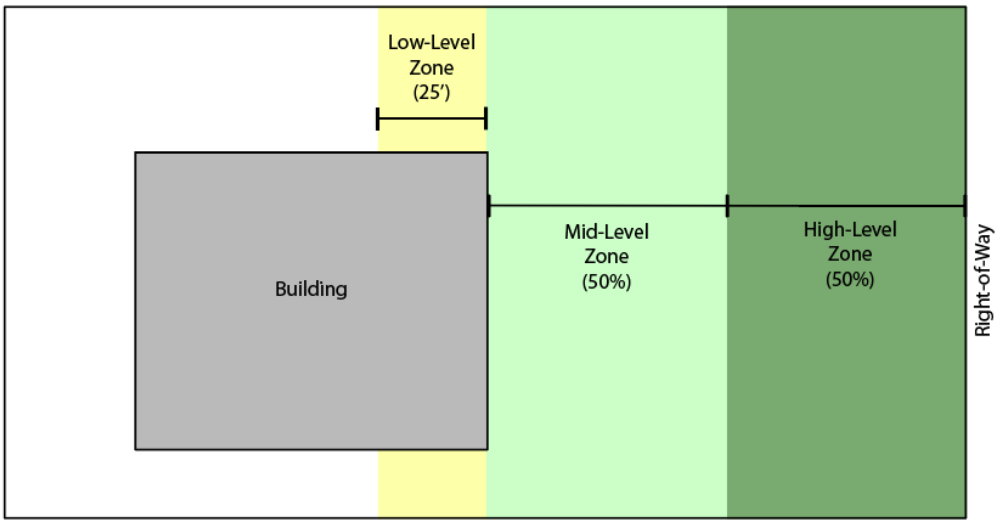
D. Plantings within a required street yard may be planted in zones to distribute the plantings throughout the street yard and focus the largest percentage of plantings along the right(s)-of-way.

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 constructed single-family and duplex dwellings.

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 measured at 4.5 feet above ground, as further defined in **Chapter 18**.

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 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. 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 Preliminary Plats, and the plat 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
All Other Uses		

Use Category	Specific Use	General Requirement
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.

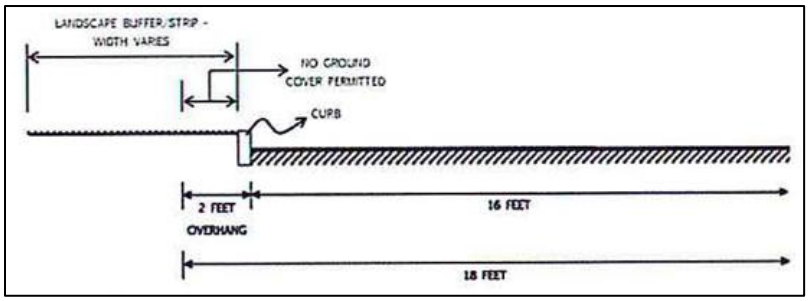
(iii) In the Downtown Overlay, tandem spaces for any use may be considered with an Alternative Parking Plan, per **Section 11.07**.

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



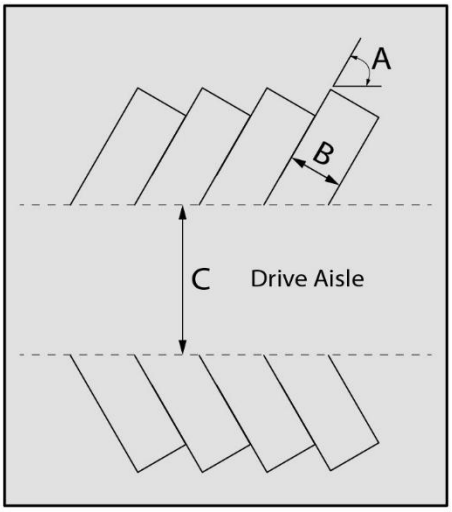
B. Aisle Widths

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

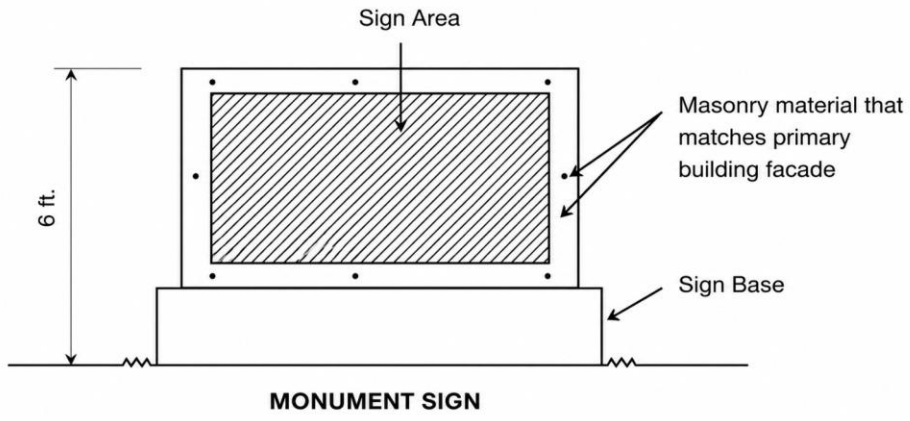
Monument signs or low-profile pole signs are the only permanent freestanding sign allowed, except on properties with I-35, SH 130, or SH 195 frontage, where pole signs are also permitted.

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.

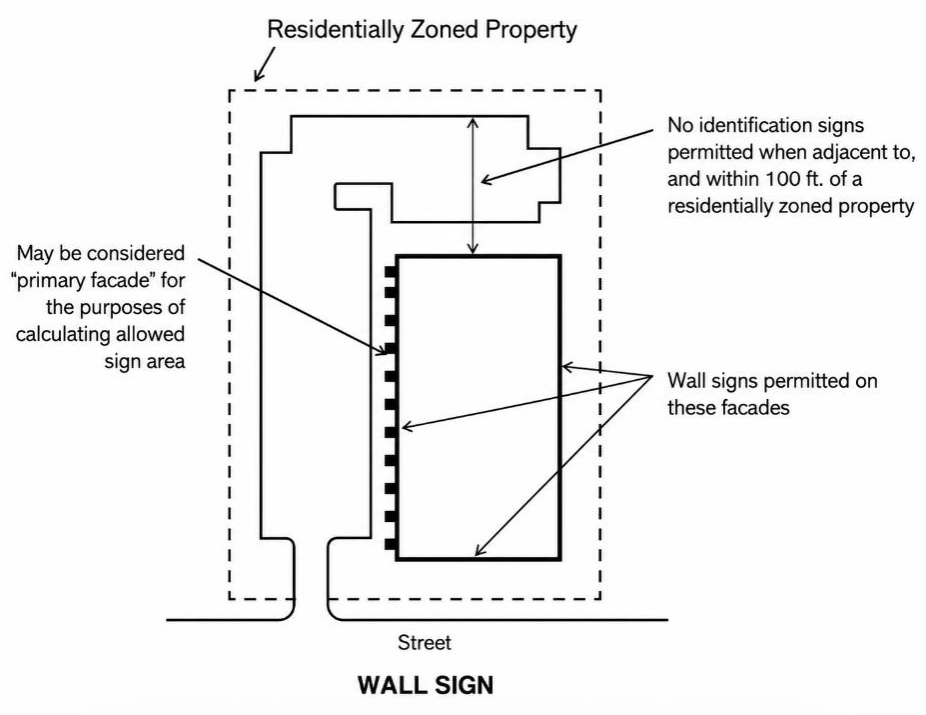
B. Landmark Signs

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.

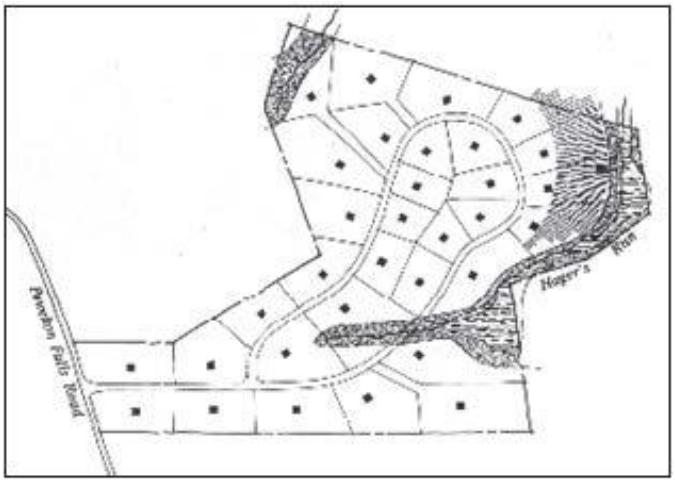
D. The open space areas shall be depicted on the Preliminary and Final Plats.

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**.

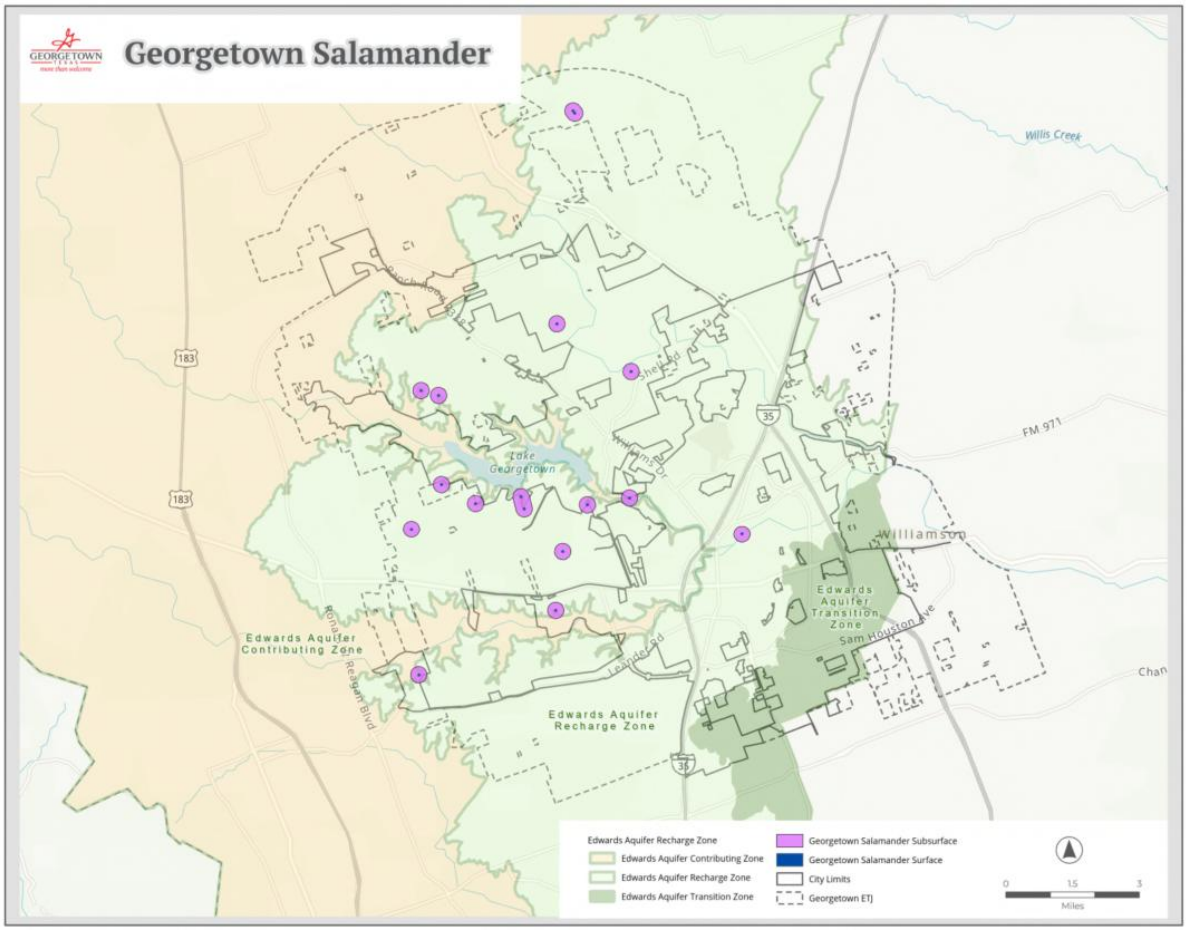
Development Engineer. A professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

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.

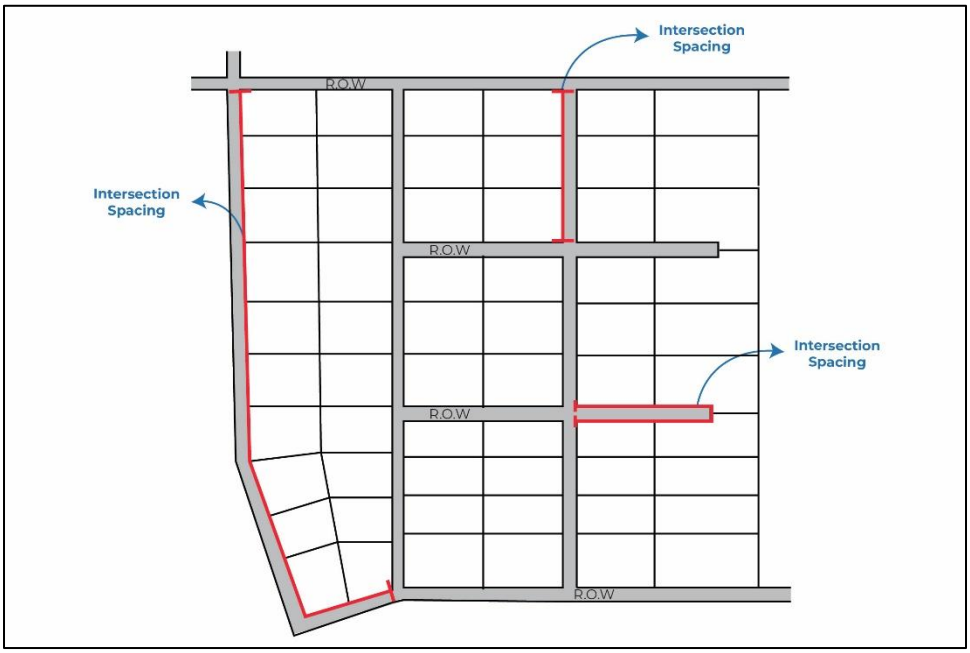
14.05.020. Streets and Blocks

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

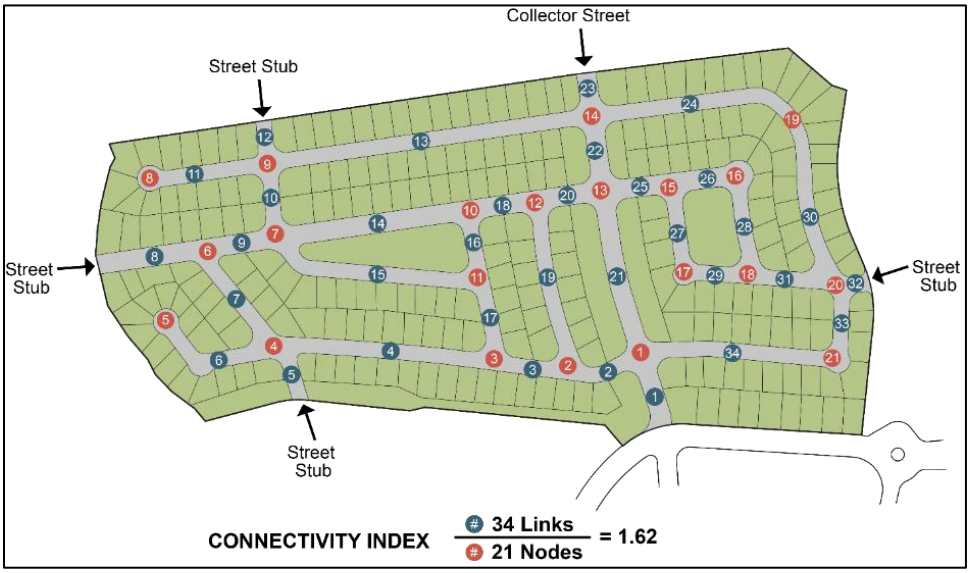
street, public school, sidewalk or trail, provided that such connection is located within the same subdivision. A pass-through lot containing a minimum 6-foot sidewalk in a public access easement shall connect on both ends to a public street and shall be owned and maintained by a property owner's association. 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.

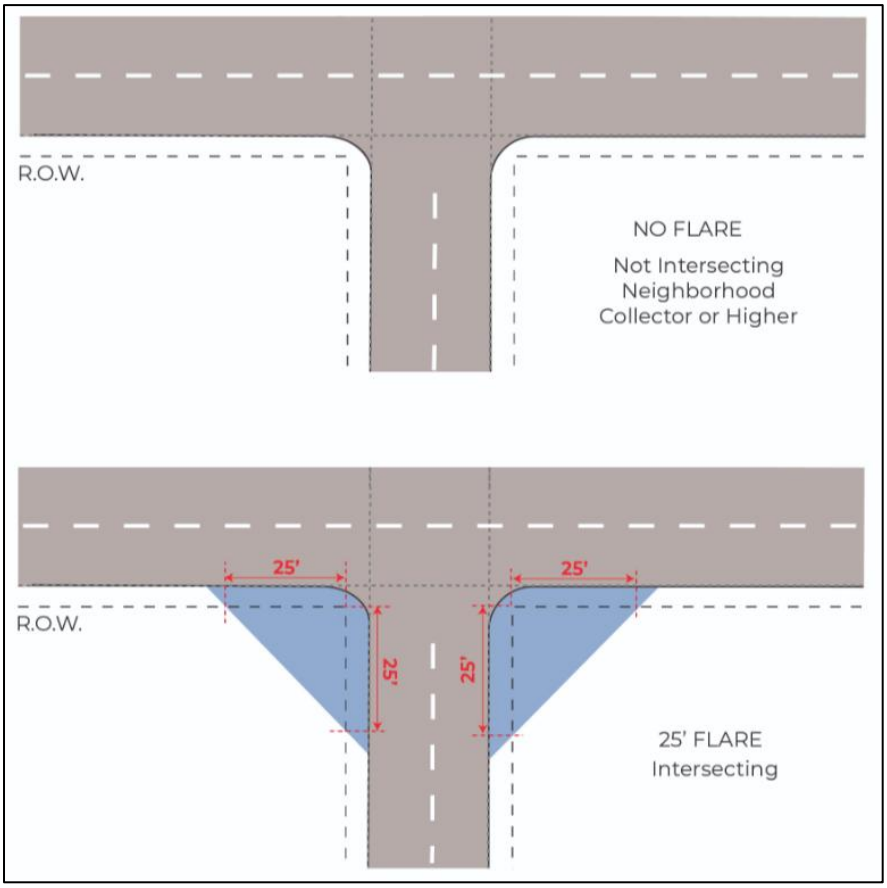
14.06.030. Turning Radius

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.

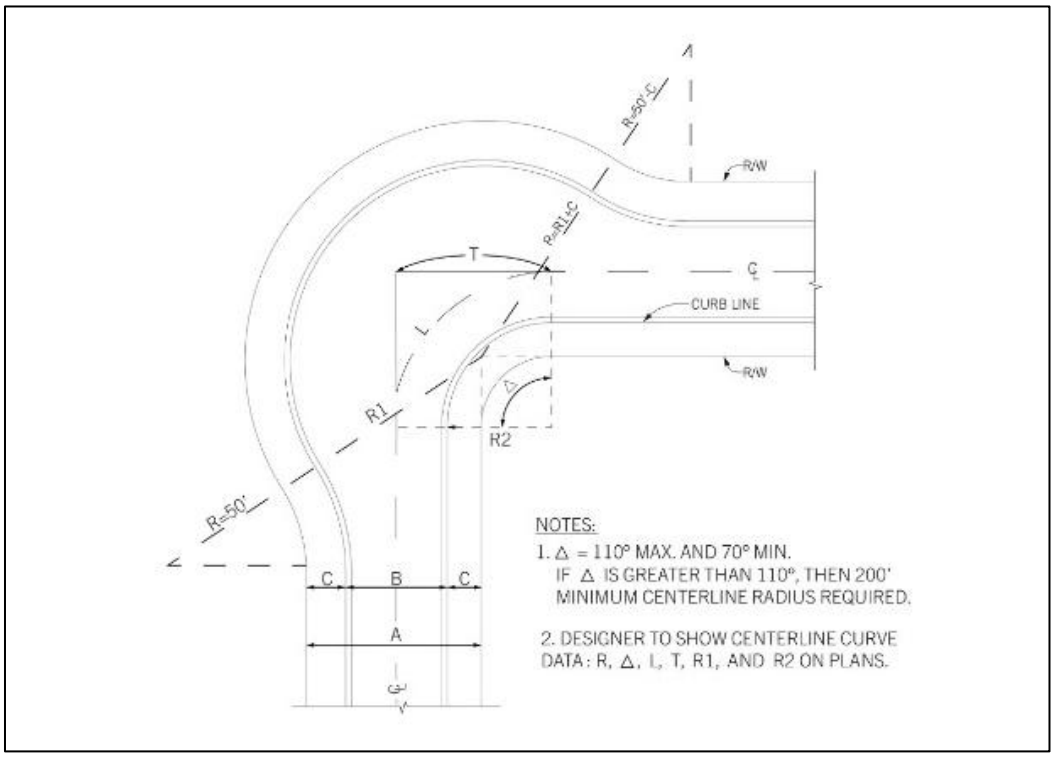
C. Street intersections containing one or more Neighborhood Collector and higher-classification streets shall include 25-foot right-of-way flares, as shown in **Figure 14.06.030-14.06.03-1. Street Intersection Right-of-Way Flares**. The 25 feet is measured along the tangents from the point of intersection of the two right-of-way lines.

Figure 14.06.030-14.06.03-1. Street Intersection Right-of-Way Flares



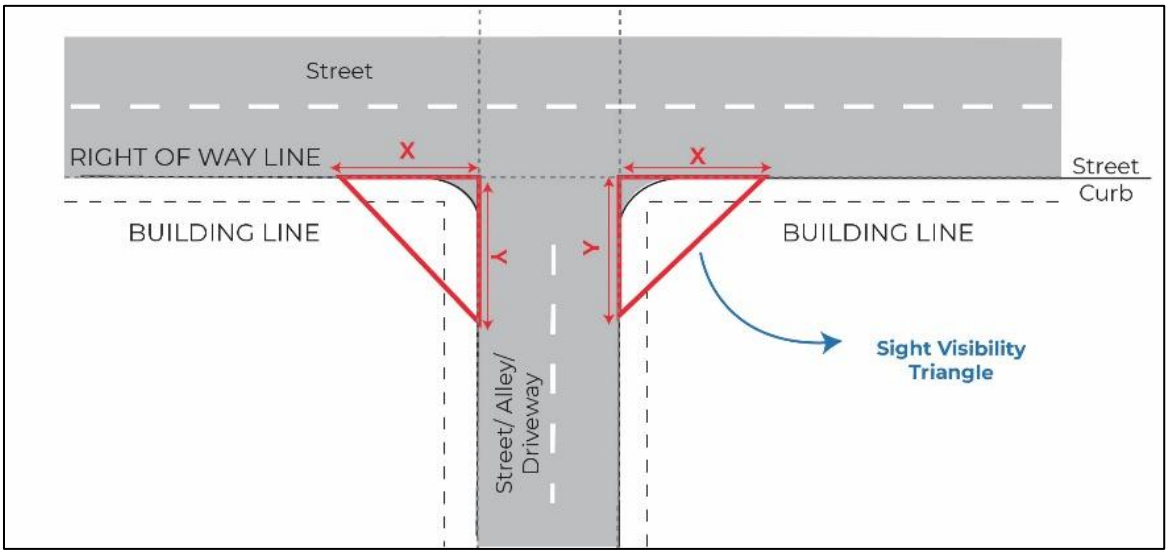
D. Knuckles shall have a minimum of minimum 60-foot right-of-way and a 50-foot paved radius for single- and two-family uses, and 70-foot right-of-way and 60-foot paved radius for all other uses. Knuckles shall include a 25-foot inside, 50-foot outside turning radius.

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.

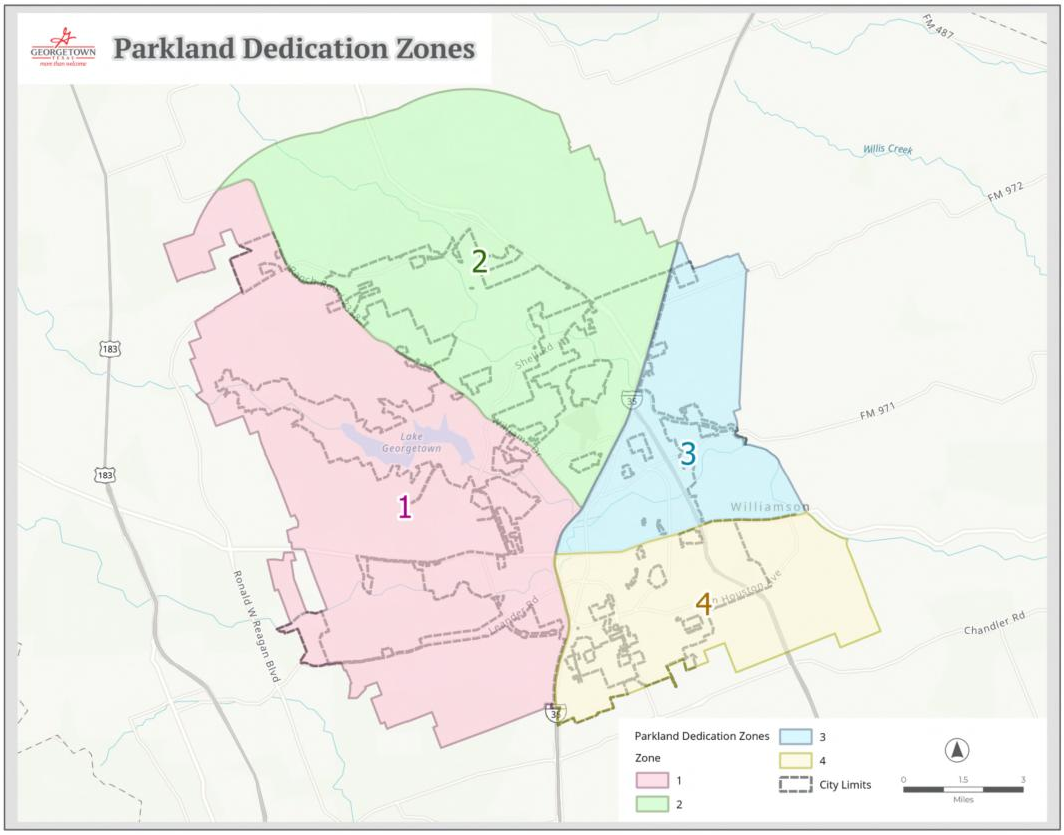
D. The water main pipe size for water distribution system improvements and extensions shall be a minimum diameter of 8 inches. Water infrastructure shall be of sufficient size to furnish adequate domestic water supply for fire protection in conformance with the City's adopted Fire Code, as amended. Fire 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 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

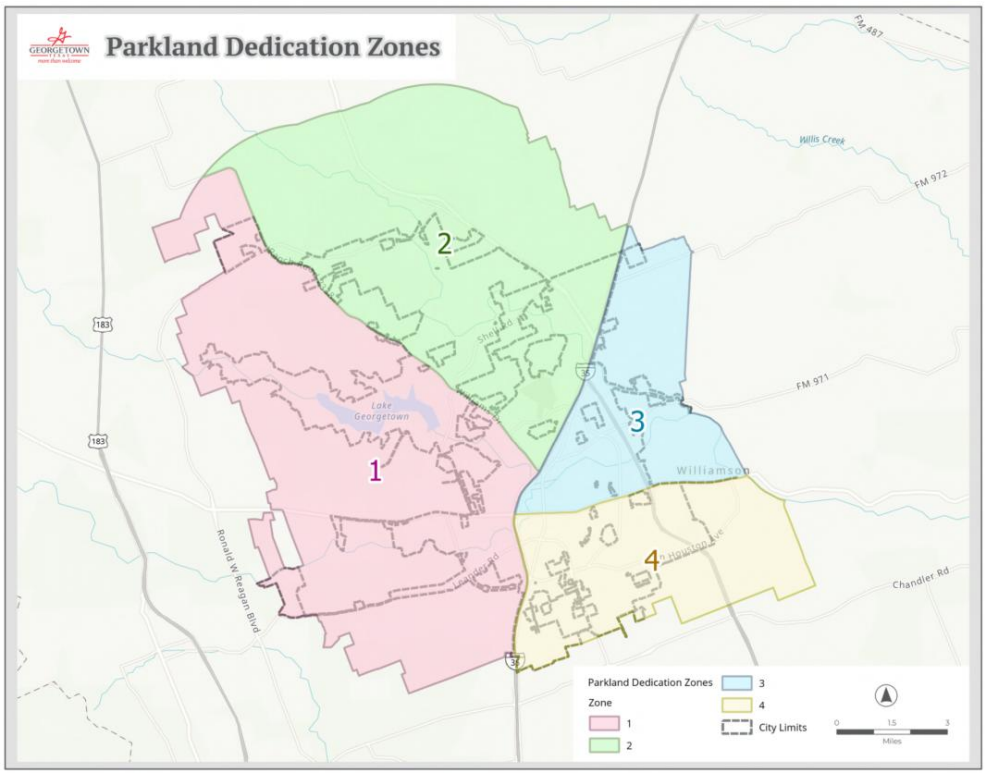
A. A separate fund entitled "Park Fund" has been created to hold in trust money paid to be used solely and exclusively for the purpose of purchasing and/or improving public parks and recreational lands and shall not be used for maintaining or operating park facilities or for any other purpose.

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 Variance, 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 3.13** 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 16.01.060** 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.

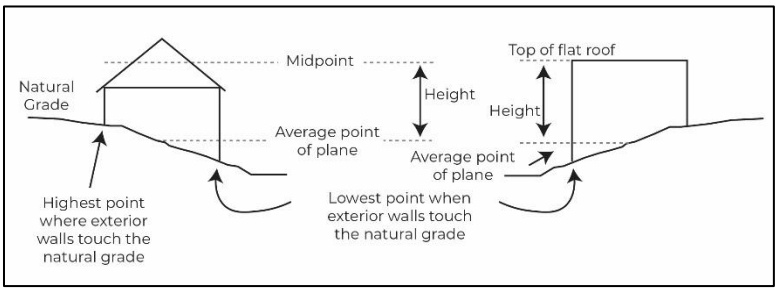
243. Height, Building

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).

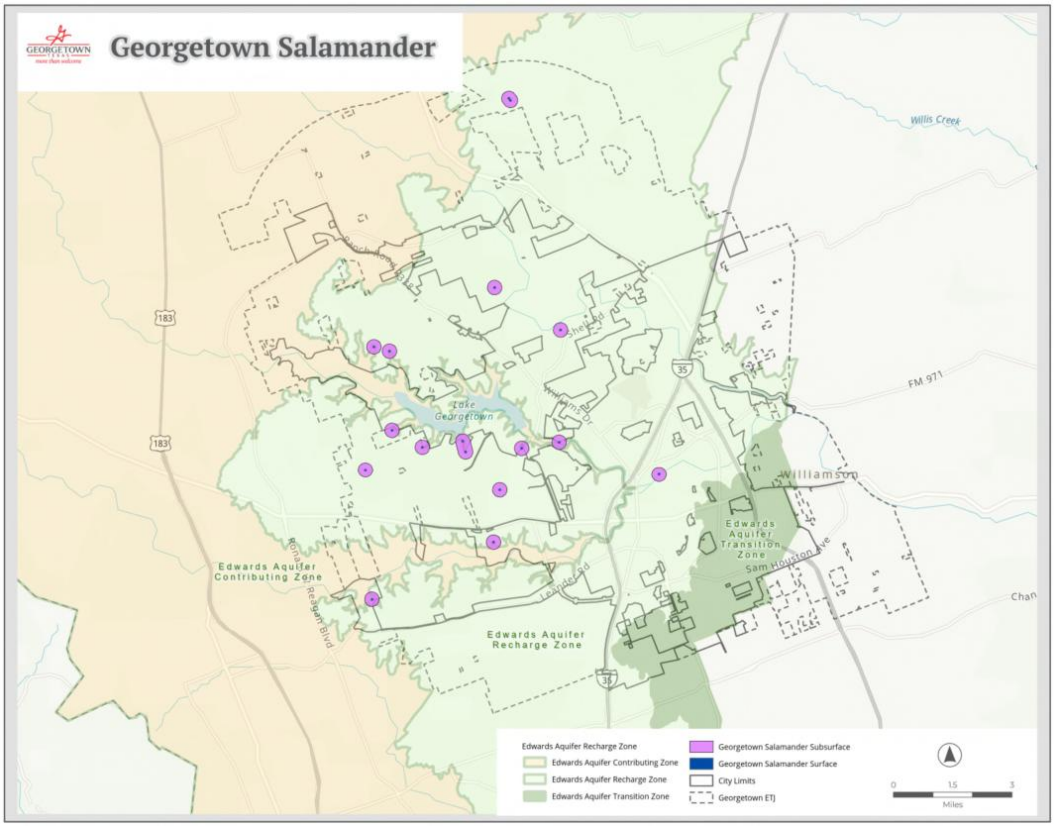
376. Nursing Home

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.