

37 **WHEREAS**, the City Council finds and determines that Part I, Chapter 24 – Signs and
38 Advertising and Part II, Chapters 101 – Building and Construction, 103 – Environmental
39 Protection and Control, and 107 – Zoning of the City’s Code of Ordinances shall be amended as
40 provided in Exhibit A.

41
42 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
43 **OF ROLLINGWOOD, TEXAS THAT:**

44 **SECTION 1.** The foregoing recitals are found to be true and correct legislative and factual
45 findings of the City Council and are hereby approved and incorporated into the body of this
46 Ordinance.

47
48 **SECTION 2.** Part I, Chapter 24 and Part II, Chapters 101, 103, and 107 of the City’s Code of
49 Ordinances are hereby amended as set forth in **Exhibit A** attached hereto.

50
51 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with the
52 provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other
53 provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this
54 ordinance shall remain in full force and effect.

55
56 **SECTION 4.** If any provision of this Ordinance is illegal, invalid, or unenforceable under present
57 or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal,
58 invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or
59 unenforceable provision as is possible and is legal, valid, and enforceable will be added to this
60 Ordinance.

61
62 **SECTION 5.** This Ordinance shall be construed and enforced in accordance with the laws of the
63 State of Texas and the United States of America.

64
65 **SECTION 6.** It is officially found, determined, and declared that the meeting at which this
66 Ordinance is adopted was open to the public as required and that public notice of the time, place,
67 and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551,
68 Texas Government Code, as amended.

69
70 **SECTION 7.** This Ordinance shall take effect immediately from and after its passage and the
71 publication of the caption as the law provides.

72
73 **APPROVED, PASSED, AND ADOPTED** by the City Council of the City of Rollingwood, Texas
74 on the ____ day of _____, 2024.

75

76

APPROVED:

77

78

79

Gavin Massingill, Mayor

80

81 ATTEST:

82

83

84 Desiree Adair, City Secretary

1 **Exhibit A**

2
3 All text which is underlined denotes addition of new text. All text which is ~~stricken through~~
4 denotes removal of existing text. All other text is existing, unchanged text. Any existing text
5 which has been omitted shall be considered unchanged. All text which is both between braces {
6 and *italicized*, is for document organization and reference only and is not intended to be adopted.
7 The Code of Ordinances of City of Rollingwood, Texas, Part I, Chapter 24 and Part II, Chapters
8 101,103 and 107 are hereby amended as follows:

9
10 {Revisions to Chapter 24. Signs and Advertising, Article II. Sign Regulations}

11 **CHAPTER 24 – SIGNS AND ADVERTISING**

12 **ARTICLE II. – SIGN REGULATIONS**

13 **DIVISION I. GENERALLY**

14 **Sec. 24-19. Definitions.**

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

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

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

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

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

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

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

32 *Changeable electronic variable message sign* or *CEVMS* means a sign which permits light
33 to be turned on or off intermittently or which is operated in a way whereby light is turned on or
34 off intermittently, including any illuminated sign on which such illumination is not kept
35 stationary or constant in intensity and color at all times when such sign is in use, including an
36 LED (light emitting diode) or digital sign, and which varies in intensity or color. The term
37 "changeable electronic variable message sign" does not include a sign located within the right-of-

38 way that functions as a traffic control device and that is described and identified in the Manual
39 on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator
40 as the national standard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75 *Multiple-establishment complex* means a building or series of buildings located on a
76 common site or contiguous sites designed as a unified development occupied by more than one

77 establishment. A shopping center containing more than one establishment, or an office building
78 containing more than one establishment, are examples of multiple-establishment complexes.

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

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

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

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

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

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

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

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

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

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

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

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

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

113 *Surface area of a sign* means the total surface area of a sign with a distinguishable frame or
114 background edge includes the surface area within the frame or edge plus the front surface of any
115 frame. The total surface area of a sign without a distinguishable frame or background edge
116 includes the surface area of all letters or symbols in the sign plus all space within and between

117 the letters or symbols. The surface area shall be calculated using an imaginary rectangle which
118 fully contain all extremities of the sign, including the frame, all words, numbers, figures, designs,
119 or trademarks. Only one surface of a two-sided ~~freestanding~~ sign is counted if the two sides are
120 back to back, have identical content, and are not separated by more than four feet at the widest
121 point. See exhibit in the Commercial Lighting and Signage Manual for examples of calculating
122 sign area.

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

124 *UL* means underwriters' laboratory.

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

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

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

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

135 **Sec. 24-20. Administration.**

136 (a) The building official will administer and enforce the provisions of this article. The duties of
137 the building official will include the issuance of permits as required by this article, as well
138 as the responsibility for ensuring that all signs comply with this article.

139 (b) The building official will make such inspections as necessary to initiate appropriate action
140 to bring about compliance with this article if any inspection discloses any instance of
141 noncompliance.

142 (c) The building official will investigate any complaints of alleged violations of this article.

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

144 (a) If the building official finds that any sign is erected or maintained in violation of the
145 provisions of this article, the building official will give written notice by certified mail to
146 the owner of the sign and the owner of the property on which the sign is located.

147 (b) If the owner of the sign fails to remove or alter the sign as required by the building official
148 within 15 days after the mailing of a written notice as required in subsection (a) of this
149 section, the city may remove the sign at the expense of the owner of the sign or the owner of
150 the property on which the sign is located and may use other legal remedies available to the
151 city.

152 (c) Any person convicted of a violation of any provision of this article by a court of competent
153 jurisdiction shall be fined in an amount not to exceed \$500.00 for each violation. Each day
154 of violation after the 15-day period allowed under subsection (b) of this section constitutes
155 one violation.

156 **Sec. 24-22. Appeals.**

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

173 **Sec. 24-23. General requirements.**

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

194 **Sec. 24-24. Prohibited signs.**

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

- 198 (1) Animated signs;
- 199 (2) Exposed neon signs;
- 200 (3) Front-lit channel letter signs;
- 201 (4) Illuminated awnings;
- 202 (5) Wrap-around awnings;
- 203 (6) Menu/message/marquee signs;
- 204 (7) Off-premises signs;
- 205 (8) Painted wall signs;
- 206 (9) Portable signs;
- 207 (10) Roof-mounted signage;
- 208 (11) Wall/pole-mounted cabinet signs;
- 209 (12) Externally illuminated signs; and
- 210 (13) Changeable electronic variable message signs.

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

- 212 (a) All signs must be properly maintained in good repair and appearance. The sign and all
213 braces, bolts, supports, frame and fastenings must be free from deterioration, termite
214 infestation, rot, or loosening. The building official is authorized and directed to order the
215 painting, repair, or removal of a sign, or make other improvements as necessary to alleviate
216 a hazard to public health, safety or welfare.
- 217 (b) The provisions of this article will not be construed as relieving or limiting in any way the
218 responsibility or liability of any person erecting or owning any sign from personal injury or
219 property damage resulting from the placing of the sign, or resulting from the negligence or
220 willful acts of such person, or such person's agents, employees or workers, in the design,
221 construction, maintenance, repair or removal of any sign erected in accordance with a
222 permit issued under the provisions of this article. Nor should this article be construed as
223 imposing upon the city or its officers, employees or representatives any responsibility or
224 liability by reason of the approval of any signs, materials, or devices, or taking any other
225 action under the provisions of this article.

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

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

- 228 (1) Memorial signs or tablets, or names of buildings and date of erection when cut into any
229 masonry surface or when constructed of cast bronze or other metal;

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

247 **Secs. 24-27—24-55. Reserved.**

248 *DIVISION 2. PERMIT*

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

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

253 **Sec. 24-57. Application.**

254 (a) *Application requirements.*

- 255 (1) A person desiring to erect a sign requiring a permit under this article must file a written
256 application for the permit. The permit application must be filed with the building
257 official and must be accompanied by the fee prescribed by the city, together with the
258 following information:
 - 259 a. The name, address and telephone number of the person making application and
260 the owner of the premises upon which the proposed sign is to be located;
 - 261 b. Written consent to the application from the owner of the premises upon which the
262 proposed sign is to be located;
 - 263 c. A site plan depicting the exact location of the proposed sign on the premises, if
264 applicable; and

- 265 d. An elevation and specification drawing, to scale, of the proposed sign showing the
 266 message to be depicted on the sign, the dimensions of the sign, the materials that
 267 will be used in the construction of the sign, lighting devices (if any) that will be
 268 used to illuminate the sign, and the method by which the sign will be constructed,
 269 attached to the building or placed in the ground, and any associated landscaping.
- 270 (2) The specification drawing for a monument sign must bear the signature and seal of a
 271 registered professional engineer.
- 272 (b) *Date of filing.* The application will not be deemed to have been filed until all information,
 273 documentation and fees required by this article have been received by the building official.

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

- 275 (a) The building official will approve, approve with conditions, or disapprove an application to
 276 erect a sign within 30 working days following the day the application was filed. Failure of
 277 the building official to approve, approve with conditions, or disapprove an application
 278 within the prescribed time will constitute approval of the application.
- 279 (b) The applicant must comply with all conditions imposed by the building official with respect
 280 to approval of an application.
- 281 (c) No sign requiring a permit may be erected until such permit is issued by the building
 282 official.

283 **Secs. 24-59—24-89. Reserved.**

284 *DIVISION 3. STANDARDS FOR SPECIFIC TYPES OF SIGNS*

285 **Sec. 24-90. Monument signs.**

- 286 (a) *Monument sign table.*

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

287

288 Table legend:

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

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

- 291 (b) *Information on sign.* The information display on a monument sign is limited to the name
 292 and logo of residing establishments (except, during such time the premises is ~~for held~~ for
 293 lease, it may include a "for lease" display).
- 294 (c) *Design and construction standards.* Monument signs must be designed and constructed in
 295 accordance with the following standards:

- 296 (1) If internally illuminated, the monument sign must:
- 297 a. Be designed and constructed in accordance with applicable UL specifications and
- 298 requirements and must exhibit the appropriate UL certification; ~~and-~~
- 299 b. ~~Use either 30 milliamp neon glass tubing that is 15 millimeters in size and~~
- 300 ~~Lighting must be white in color~~ ~~6500 white in color or high output fluorescent~~
- 301 ~~lamps.~~
- 302 (2) Monument sign materials must be noncorrosive, including, but not limited to, the
- 303 frame, bolts, shields, brackets, paint, vinyl, and aluminum.
- 304 (3) Monument sign faces must be either back-lit channel letters or routed aluminum panel
- 305 faces that are backed with either Plexiglas or up to a maximum one-half inch push-
- 306 through type Plexiglas.
- 307 (4) A monument sign containing a routed aluminum panel face may have an internally lit
- 308 or back-lit lighting application.
- 309 (5) Monument signs must display the building street address number, in four-inch metal
- 310 letters, on all visible sign faces.
- 311 (d) *Number of signs permitted; dimensions and setback requirements.*
- 312 (1) For properties with less than 100 lineal feet of right-of-way frontage, the surface area
- 313 of the monument sign may not exceed 24 total square feet.
- 314 (2) For properties with more than 100 lineal feet of right-of-way frontage, the surface area
- 315 of the monument sign may not exceed 48 total square feet.
- 316 (3) A monument sign may not exceed eight feet in height above the highest point in the
- 317 natural grade immediately adjacent to the base of the sign.
- 318 (4) A monument sign must be set back at least ten feet from the boundary line of the
- 319 property.
- 320 (5) Properties with less than 400 lineal feet of right-of-way frontage may have only one
- 321 monument sign on the premises. Properties with more than 400 lineal feet of right-of-
- 322 way frontage may have up to two monument signs on the premises; provided, however,
- 323 the monument signs must be spaced at least 100 feet apart.

324 **Sec. 24-91. Building-mounted signs.**

325 (a) *Building-mounted sign table.*

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

Dimensional letter (nonilluminated)	Yes	Yes	Yes	Not permitted
-------------------------------------	-----	-----	-----	---------------

326

327 Table legend:

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

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

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

332 (1) Channel letters:

- 333 a. If illuminated, must have opaque side walls.
- 334 b. If illuminated, must be designed and constructed in accordance with applicable
 335 UL specifications and requirements and must exhibit the appropriate UL
 336 certification.
- 337 c. If illuminated, ~~lighting must be white in color must use 30 milliamp neon glass~~
 338 ~~tubing that is 15 millimeters in size and 6500 white in color.~~
- 339 d. Must be constructed of aluminum faces that are at least 0.090 inches thick,
 340 aluminum returns that are at least 0.063 inches thick and have a depth of at least
 341 three inches.
- 342 e. Must contain clear Lexan backs that are at least 0.019 inches thick.
- 343 f. Must be mounted using an individual reverse mounting method that has at least a
 344 two-inch standoff.
- 345 g. Must be painted with two-stage automotive acrylic paint.
- 346 h. Must have a painted white interior.

347 (2) Channel letter displays on a building-mounted sign may contain:

- 348 a. One horizontal line of lettering, not to exceed 24 inches in height, with no more
 349 than one 24-inch-in-height logo that may not exceed four square feet in total
 350 surface area; or
- 351 b. Two horizontal lines of lettering, not to exceed 30 inches in height, with no more
 352 than one 30-inch-in-height logo that may not exceed six square feet in total
 353 surface area.

354 (c) *Channel logos*. Channel logos must be designed and constructed in accordance with the
 355 following standards:

356 (1) A channel logo:

- 357 a. If illuminated, must contain opaque side walls.
- 358 b. If illuminated, ~~lighting must be white in color must use 30 milliamp neon glass~~
 359 ~~tubing that is 15 millimeters in size and 6,500 white in color.~~

- 360 c. If illuminated, must be designed and constructed in accordance with applicable
361 UL specifications and requirements and must exhibit the appropriate UL
362 certification.
- 363 d. Must be constructed of aluminum backs that are at least 0.063 inches thick,
364 aluminum returns that are at least 0.040 inches thick and have a depth of at least
365 five inches.
- 366 e. Must contain clear Lexan backs that are least 0.019 inches thick.
- 367 f. Must contain a translucent Plexiglas face that is at least 3/16-inch thick with an
368 ultraviolet light-resistant vinyl overlay that is designed to resist fading for five
369 years.
- 370 g. Must contain a trim cap that is at least one inch thick, but not more than two
371 inches thick.
- 372 h. Must be mounted using an individual mounting method that has at least a two-
373 inch standoff.
- 374 i. Must be painted with two-stage automotive acrylic paint.
- 375 j. Must have a painted white interior.
- 376 (2) A channel logo display on a building-mounted sign may contain:
- 377 a. One logo, not to exceed 24 inches in height or four square feet in total area; or
378 b. One logo, not to exceed 30 inches in height or six square feet in total area.
- 379 (d) *Dimensional letters*. Dimensional letters may not be illuminated. Dimensional letters must
380 be designed and constructed in accordance with the following standards:
- 381 (1) Dimensional letters must:
- 382 a. Be constructed of noncorrosive metal, including, but not limited to, the bolts,
383 mounting brackets, and sign faces.
- 384 b. Be mounted using an individual mounting method that has at least a one-quarter
385 inch standoff.
- 386 c. Be painted with two-stage automotive acrylic paint.
- 387 d. Have ultraviolet light-resistant vinyl overlay faces that are designed to resist
388 fading for five years.
- 389 (2) Dimensional letters on a building-mounted sign must be at least one inch deep, but no
390 more than three inches deep.
- 391 (e) *General standards for signs on commercial buildings*. General guidelines and restrictions
392 for building-mounted signs on a commercial building are as follows:
- 393 (1) Channel letter type building-mounted signs may be internally illuminated.
- 394 (2) Dimensional letter type building-mounted signs may not be illuminated.
- 395 (3) Each establishment is limited to one building-mounted sign per building façade with a
396 public entrance and each building-mounted sign may contain only one logo. Buildings

397 with more than 10,000 square feet but less than 25,000 square feet in total gross floor
 398 area may have up to two building-mounted signs on the front façade. Buildings with
 399 more than 25,000 square feet in total gross floor area may have up to three building-
 400 mounted signs on the front façade.

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

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

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

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

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

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

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

415 (4) Total surface area of each building-mounted sign, including any logo, may not exceed
 416 60 square feet in area.

417 (5) Each building-mounted sign may contain either one or two lines of horizontal lettering,
 418 which will not exceed 30 inches in overall height. The content of the display text is
 419 limited to the building name or the establishment names.

420 (6) Buildings with less than 10,000 square feet may have one building-mounted sign.
 421 Buildings with more than 10,000 square feet but less than 25,000 square feet in total
 422 gross floor area may have up to two building-mounted signs. Buildings with more than
 423 25,000 square feet in total gross floor area may have up to three building-mounted
 424 signs.

425 (7) The width of each building-mounted sign may not exceed 75 percent of the linear
 426 width of the front facade of the premises structure.

427 **Sec. 24-92. Secondary signs.**

428 (a) *Secondary sign table.*

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

429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463

Table legend:

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

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

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

(1) *Materials and construction.* Awning signs must:

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

(2) *Number of signs permitted.* Each establishment may have one awning sign.

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

(1) *Materials and construction.* Projecting signs must:

- a. Be constructed of durable noncorrosive materials, and, if painted, must be painted using two-stage automotive acrylic paint.
- b. Be mounted so that there is at least eight feet of clearance between the bottom of the projecting sign and the natural grade.
- c. Project no more than four linear feet from the building facade.
- d. Have ultraviolet light-resistant vinyl overlay faces that are designed to resist fading for five years, if such vinyl materials are used in the projecting sign.

(2) *Number of signs permitted, dimensions and contents.*

- a. Total surface area of the projecting sign face may not exceed six square feet in area.
- b. Each establishment may have only one projecting sign.
- c. Display text is limited to the name, logo, crest, or insignia of the business or organization.

d. Projecting signs may be illuminated using internal lighting that is white in color.

(d) *Wayfinding signs.* Wayfinding signs must be designed and constructed in accordance with the following standards:

(1) *Materials and construction.* Wayfinding signs must:

- 464 a. Be constructed of noncorrosive metal, including, but not limited to, bolts,
- 465 mounting brackets and posts and sign faces.
- 466 b. Be mounted so that there are no more than two exposed posts.
- 467 c. Be painted with two-stage automotive acrylic paint.
- 468 d. Contain directional display graphics that are made of ultraviolet light-resistant
- 469 vinyl overlay faces designed to resist fading for five years.

470 (2) *Dimensions and maximum height.*

- 471 a. The total surface area of a wayfinding sign face may not exceed two square feet in
- 472 area.
- 473 b. Wayfinding signs may not exceed six feet in height above the highest point in the
- 474 natural grade immediately adjacent to the base of the sign.

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

476 (a) *Temporary sign with prior approval table.*

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

477
478 Table legend:

- 479 "Yes" indicates this sign type is allowable under the conditions outlined below.
- 480 "Not permitted" indicates this sign type is not allowed.

481 (b) *Standards.* The temporary signs described below are allowable, but require prior approval

482 of the building official:

- 483 (1) *Commercial real estate sign.* One commercial real estate sign may be located on the
- 484 premises being held for sale, lease or rent. A commercial real estate sign may not be
- 485 displayed for longer than six months. Commercial real estate signs may not exceed ten
- 486 square feet in surface area. Commercial real estate signs must be at least ten feet from
- 487 the public right-of-way.
- 488 (2) *Banners.* One banner is permitted at a time per establishment. No banner may be
- 489 displayed for longer than 30 days from the date it is first displayed. No more than three
- 490 banners may be displayed per establishment per calendar year. The surface area of the
- 491 banner may not exceed 32 square feet.

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

493 (a) *Temporary sign table.*

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

494

495 Table legend:

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

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

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

500 (1) *Residential real estate sign*. One residential real estate sign may be located on the
 501 premises being held for sale, lease or rent. A residential real estate sign may be
 502 displayed only while the premises are for sale, lease or rent. Residential real estate
 503 signs may not exceed five square feet in total surface area. Residential real estate signs
 504 must be at least ten feet from the public right-of-way unless, due to unusual
 505 circumstances created by the premises configuration, frontage, size or slope, the ten-
 506 foot setback would create a hardship.

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

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

517 (3) *Contractor sign*. One contractor sign will be allowed on the premises being improved.
 518 Contractor signs in a residential zoning district may not exceed five square feet in
 519 surface area. Contractor signs in nonresidential zoning districts may not exceed ten
 520 square feet in surface area per contractor or subcontractor, and must be at least ten feet
 521 from the public right-of-way, unless affixed to temporary security/jobsite fencing being

522 used in conjunction with the improvements. The contractor sign must be removed
523 immediately after the improvements on the premises are completed.

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

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

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

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

547 **Secs. 24-96—24-118. Reserved.**

548 *DIVISION 4. VARIANCES*

549 **Sec. 24-119. Purpose; limitations.**

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

561 **Sec. 24-120. Application.**

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

565 **Sec. 24-121. Fee.**

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

568 **Sec. 24-122. Hearing.**

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

571 **Sec. 24-123. Action on application.**

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

577 **Sec. 24-124. Criteria for approval.**

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

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

595

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

597 **Sec.101-94. Site plan requirements.**

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

603

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

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

608 ~~(a) Continuation of existing use, structure, or lot. A lawful use, building, structure, or lot~~
609 ~~existing prior to a dedication of right of way that is rendered nonconforming due to a~~
610 ~~voluntary dedication of right of way for Bee Cave Road may be continued after the~~
611 ~~dedication as if the dedication had not occurred.~~

612 ~~(b) Completion of approved development. A proposed use, building, structure, or lot for which a~~
613 ~~preliminary plat, building permit, site plan, certificate of occupancy or other similar~~
614 ~~application for development approval was approved prior to a voluntary dedication of~~
615 ~~right of way for Bee Cave Road may be completed in accordance with the approved plan~~
616 ~~or application as if the dedication had not occurred.~~

617 ~~(c) Calculation of impervious cover. If a property owner voluntarily dedicates right of way for~~
618 ~~Bee Cave Road, the property owner will be entitled to calculate impervious cover based~~
619 ~~upon the property owned prior to the dedication, as if the dedication had not occurred.~~

620 ~~(d) Adjustment of setbacks, parking requirements, etc. If a property owner voluntarily~~
621 ~~dedicates right of way for Bee Cave Road, the property owner will be entitled to reduced~~
622 ~~setbacks and reduced parking requirements and other adjustments approved by the city~~
623 ~~council in order, to the extent possible, to place the property owner in the same position as~~
624 ~~if the dedication had not occurred. These reduced setbacks, parking requirements and other~~
625 ~~adjustments may be approved by the city council upon a finding that they are necessary in~~
626 ~~order to place the property owner in the same position as if the dedication had not occurred.~~

627 ~~(e) Repair or reconstruction. If a building or structure rendered nonconforming due to~~
628 ~~voluntary dedication of right of way for Bee Cave Road is destroyed by fire or other~~
629 ~~means, the owner may repair or reconstruct the building or structure regardless of the~~
630 ~~extent of the damage, but may not increase the degree of nonconformity beyond that~~
631 ~~existing immediately prior to the destruction. The owner must obtain a building permit~~
632 ~~before initiating repair or reconstruction.~~

633 ~~(f) Conflicting regulations. In the event of a conflict between this section and any other~~
634 ~~provision of chapters 105, 107 or this chapter, this section will control to the extent of the~~
635 ~~conflict.~~

636 ~~(g) — Applicability. This section will only apply to right-of-way necessary for the widening of~~
637 ~~Bee Cave Road (RM 2244) and which is accepted by the city and the state department of~~
638 ~~transportation.~~

639
640 *{Addition of required engineer certification of stormwater compliance to Sec.103-206 Permit}*

641 **Sec.103-206 Permit**

642 (a) When a permit is required pursuant to this article, an applicant's design engineer shall
643 prepare and seal and submit with an application for a permit construction drawings in
644 compliance with all applicable regulations of this article and accepted engineering practices.
645 Only one building permit shall be necessary for construction of all proposed improvements.
646 If no building permit is otherwise required for other improvements, a building permit
647 applicable only to proposed drainage facilities must be obtained. For developments
648 requiring drainage facilities, construction plans and all associated documents shall be
649 provided to the city and shall conform to the requirements of this article. Drainage facilities
650 located on private property shall be maintained by the property owner. Construction or
651 installation of facilities required by this article or by any building permit issued pursuant to
652 this article shall constitute a condition to the issuance of the building permit and a condition
653 to lawful occupancy of improvements that are the subject of such required facilities. An
654 owner is responsible to provide notice of all maintenance requirements to subsequent
655 purchasers of any part of the affected property.

656 (b) Alternative methods of design of drainage facilities may be considered where performance
657 is demonstrated through sound engineering practices to meet the performance requirements
658 of this article. If any condition requiring some additional measure of protection is identified
659 as necessary to conform to the purpose identified in section 103-199, the applicant's
660 engineer shall make provision therefor in the design of the development.

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

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

669
670 *{Amendments to Chapter 107 Zoning, Article I. In General, Sec.107-3. Definitions and addition*
671 *of Sec.107-4. Commercial lighting and signage manual}*

672 **Sec. 107-3. Definitions.**

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

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

677

678 **Sec. 107-4. Commercial lighting and signage manual.**

679 The Commercial Lighting and Signage Manual is a supporting document to the applicable
680 lighting and signage regulations contained in this Chapter and the Code of Ordinances of the
681 City of Rollingwood and may contain illustrations, graphical representations, and examples. The
682 Commercial Lighting and Signage Manual may be adopted and updated from time to time by
683 resolution approved by the City Council.

684

685 **Secs. 107-~~45~~ – 107-24. - Reserved.**

686

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

689 **Sec. 107-25. Districts designated.**

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

691 (1) Residential District (R);

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

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

694 ~~(3)(4)~~ — Park District (P); ~~and~~

695 ~~(4)(5)~~ Governmental and Institutional District (GI);

696 ~~(5)(6)~~ Hospital District (H); ~~and~~

697 ~~(6)(7)~~ Planned Unit Development District (PUD).

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

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

706

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

709 **Sec. 107-36. Driveways.**

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

714 (b) Driveways in C district.

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

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

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

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

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

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

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

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

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

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

747

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

750 **Sec. 107-39. Lighting requirements.**

751 (a) Definitions: As used herein:

752 (i) "Shielded" means "installed in such a manner that all light emitted by the fixture, either
753 directly from the bulb or a diffusing element, or indirectly by reflection or refraction from
754 any part of the fixture, is projected below the horizontal plane immediately beneath the
755 fixture's lowest light-emitting part." See exhibit in the Commercial Lighting and Signage
756 Manual for examples of conforming and nonconforming lights.

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

759

760 (b) Applicability.

761 (1) The regulations contained in this section are applicable to outdoor lighting fixtures
762 installed on structures within the non-residential zoning districts of the City.

763 (2) All outdoor lighting fixtures existing and legally installed and operating before the
764 effective date of this section, or installed pursuant to a permit approved prior to the
765 effective date of this Section, shall be brought into conformance with this Section upon
766 the earlier of: (1) an application for a site plan or building permit for construction of a
767 new building or modification of 50% or more of an existing structure; or (2) replacement
768 or modification of an existing non-conforming fixture.

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

772

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

774 (1) publicly maintained traffic control devices;

775 (2) street lights installed prior to the effective date of this section;

776 (3) temporary emergency lighting (fire, police, repair crews);

777 (4) lighting fixtures and illumination requirements imposed by TxDOT within TxDOT
778 rights-of-way (ROW);

779 (5) moving vehicle lights;

780 (6) navigation lights (aircraft warning beacons on water towers and wireless transmission
781 facilities) required by State or Federal law;

782 (7) signs and associated lighting that conform to the city's sign regulations in Chapter 24;

783 (8) seasonal decorations with lights in place no longer than sixty (60) days; and

784 (9) other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time
785 construction);

786

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

789 (1) Lighting must be shielded and aimed downward so as to ensure that the illumination is
790 only pointing downward onto the ground surface or into the building.

791 (2) The source of the light (the light bulb, light emitting diode, or any other light emitting
792 device), a refractive or non-refractive lens cover, or reflector shall not be visible in a
793 direct line of sight from any other property or public right-of-way.

794 (3) Lighting must have a color temperature of no more than 3000 Kelvins (K).

795 (4) For properties other than automotive service stations, the maximum allowable intensity of
796 lighting measured at the lot line shall be 0.25 footcandle.

797 (5) For automotive service stations and other fueling facilities, the maximum allowable
798 intensity shall not exceed 10.0 footcandle in the area surrounding pump islands. Canopy
799 lighting shall be recessed into the canopy. The maximum allowable intensity of lighting
800 measured at the lot line shall be 0.25 footcandle.

801 (6) Any lighting to illuminate parking lots, buildings, or other structures shall not exceed the
802 height of such buildings or structures, if attached thereto, or, if pole-mounted, a height of
803 24 feet to top of fixture. All lighting shall be installed in a manner which directs or
804 shields the light away from nearby dwellings.

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

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

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

819 (10) No light or illumination that flashes, moves, scrolls, rotates, scintillates, blinks, flickers,
820 or uses intermittent electrical pulsations is permitted.

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

- 825 (1) plans indicating the location, type, and height of lighting fixtures including both building
826 mounted and ground mounted fixtures;
- 827 (2) a description of the lighting fixtures, including lamps, poles or other supports and
828 shielding devices, which may be provided as catalog illustrations from the manufacturer;
- 829 (3) photometric data, which may be furnished by the manufacturer, showing the angle of
830 light emission;
- 831 (4) detailed site lighting plan illustrating the footcandle power measured throughout the site;
832 and
- 833 (5) a certification by an engineer registered in the state as conforming to applicable
834 requirements of this code.
- 835 (f) Enforcement. The city shall have the power to administer and enforce the provisions of this
836 Section, as provided in this code. Any violation of this Section is hereby declared to be a
837 nuisance. A civil penalty of up to \$2,000 for each day a violation occurs may be assessed
838 when it is shown that the defendant was actually notified of the provisions of this article and
839 after receiving notice failed to take action necessary for compliance with this article.

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

841

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

844 **DIVISION 3. COMMERCIAL DISTRICT (C)~~C-1 AND C-2 ZONING DISTRICTS~~**

845 **Sec. 107-102. Purpose and applicability. Applicability.**

- 846 (a) Purpose. The Commercial District (C) is intended to provide suitable areas for the
847 development of non-residential uses which offer a wide variety of retail and service
848 establishments that are generally oriented toward serving the overall needs of the entire
849 community.
- 850 (b) Applicability. The regulations set forth in this division shall apply to land, buildings and
851 structures located in the Commercial District (C). ~~professional and business office district (C-~~
852 ~~1) or the business district (C-2).~~

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

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

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

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

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

867 ~~(3)(1) It is located on a lot or contiguous lots under common or affiliated ownership at~~
868 ~~least ten acres in size;~~

869 ~~(4)(2) It is located on property that was the subject of an application for a preliminary~~
870 ~~plat filed after September 1, 1997, and before March 16, 2000;~~

871 ~~(5)(3) That preliminary plat did not expire during that time nor was a final plat recorded~~
872 ~~for the property during that time; and~~

873 ~~(6)(4) Any final plat includes all public facilities identified on the preliminary plat and~~
874 ~~the final plat is processed or the public facilities are dedicated to the city by July 31,~~
875 ~~2000.~~

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

881 (1) Is freestanding and not attached to a building having an independent use; or

882 (2) Has an elevation higher than the highest point of any building located on the same lot.

883 **Sec. 107-104. Minimum lot size.**

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

885 **Sec. 107-105. Minimum floor area.**

886 (a) Except as provided under subsection (b) of this section, each building shall be at least 1,800
887 square feet in area.

888 (b) Separate commercial buildings of at least 800 square feet may be constructed on a lot of one
889 acre or larger size upon approval by the city council of the development plans for the lot.

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

891 (a) Each application for approval of development plans for commercial buildings shall include
892 the following information, prepared and sealed where applicable by a registered
893 professional engineer or registered professional land surveyor:

894 (1) Date, scale, north point, title, name of the owner of the property and the name of the
895 person preparing the plans;

896 (2) A legal description of the lot, including a deed reference, a plat reference and, where
897 applicable, a metes and bounds description;

- 898 (3) Drainage plan: The development drainage plan will ensure that for the two-, ten-, 25-,
899 and 100-year frequency storm events, the stormwater runoff peak flow rates shall not
900 be increased above the pre-developed condition and shall not cause increased
901 inundation of any building or roadway surface. The drainage plan shall include, as a
902 minimum: determination of stormwater flows will be according to the drainage criteria
903 manual. Any applicant seeking an increase to impervious cover limits under Section
904 107-115 shall submit the documentation as required by that section to demonstrate
905 compliance with the requirements of that section.
- 906 (4) A topographical survey of the site on two-foot vertical contours showing the
907 centerlines of existing watercourses;
- 908 (5) A comprehensive grading plan shall be included with the development plan.
- 909 a. The grading plan shall be designed to ensure all lots will adequately drain upon
910 completion of the development improvements.
- 911 b. The engineer will set the elevation of lot corners in conjunction with preparation
912 of the drainage plan. Lot corner elevations shall be shown on the grading plan.
- 913 c. All lots shall be graded from rear to front at which point the drainage shall be
914 intercepted by the street. Alternate grading schemes may be utilized if it can be
915 demonstrated by generally accepted engineering practices that grading from rear
916 to front would be detrimental to trees or other natural features; or it would be
917 prohibitive according to generally accepted engineering practice because of the
918 existing topography because of excessive cuts and fills, or future lot development
919 (i.e. commercial, industrial or multifamily lots).
- 920 d. All lots shall be graded at a minimum of one percent. Grading of lots with existing
921 slopes of one percent or greater will not be required provided the conditions under
922 subsection (5)c of this section have been satisfied and it is demonstrated by
923 generally accepted engineering practice that there are no existing or proposed
924 features that will prevent the lots from adequately draining.
- 925 e. Unless otherwise demonstrated by generally accepted engineering practice,
926 surface swales shall be designed and provided along lot lines when more than two
927 lots will be contributing to stormwater runoff at any given point. Side slopes for
928 swales shall not exceed 3:1 (horizontal:vertical) unless otherwise accepted by the
929 city engineer.
- 930 f. Minimum finished floor slab elevations shall be shown for all lots. Such
931 elevations shall be a minimum of two feet above the ultimate 100-year floodplain.
- 932 g. Fills shall be placed in maximum 12-inch lifts and adequately compacted. The
933 permit applicant shall be responsible for determining any special fill requirements.
- 934 h. Following final grading, all exposed areas shall be permanently stabilized.
935 Earthen areas shall be seeded or sodded and erosion controls shall remain in place
936 until grass growth reaches 1½ inches, is of a density where it can be reasonably
937 expected to be self-sustaining and there are no bare areas in excess of ten square
938 feet.

- 939 (6) The location and type of proposed drainage features, drainage systems, detention ponds
940 and filtration ponds;
- 941 (7) Erosion control: brush berms, silt fences, sedimentation basins, stabilized construction
942 entrances/exits and similar recognized techniques shall be employed during and after
943 construction to prevent point source sedimentation loading of downstream facilities.
944 Such installations shall be in accordance with the approved engineered erosion control
945 plan required by the approved development plan. Additional measures may be required
946 during and after construction if, in the opinion of the city engineer, they are warranted.
947 All disturbed and exposed areas due to construction shall be permanently stabilized.
948 All such areas shall be dressed with topsoil and vegetated by seeding or sodding as
949 appropriate. Where the city engineer determines that future maintenance is materially
950 impaired or erosion is a distinct possibility, the developer shall be required to use
951 concrete or similar permanent cover in lieu of vegetation. Erosion control matting
952 (either pre-seeded or seeded after placement) may also be required if the city engineer
953 determines that such protection of slopes is required to ensure that seeding or soil will
954 not wash off of slopes;
- 955 (8) The shape, size, location, height and floor area of all existing and proposed buildings
956 and structures;
- 957 (9) The location and size of existing and proposed streets, private or shared drives,
958 driveways and parking spaces; and
- 959 (10) The size and location of all existing and proposed public and private utilities.
- 960 (11) Any impervious cover and design features as proposed under Sections 107-115 and
961 107-116.
- 962 (b) Each application for approval of development plans shall first be submitted to the building
963 official commission, and shall be subject to all of the notice, hearing and other procedures
964 provided under this article for proposed changes in zoning.

965 **Sec. 107-107. Reserved.**

966 **Sec. 107-108. Minimum setbacks.**

- 967 (a) No building may be closer than 75 feet from any area within a residential district.
- 968 (b) No building may be closer than 20 feet from any public street or right-of-way.
- 969 (c) Notwithstanding subsection (b),
- 970 i. No building may be closer than 30 feet from Rollingwood Drive.
- 971 ii. A building may be closer than 20 feet, but no closer than 5 feet, from a
972 property line adjacent to Bee Cave Road if the property owner has been
973 approved to implement a landscape plan in conformance with Sections 107-
974 116(d).
- 975 (d) As necessary to implement this chapter, the building official may designate the front or
976 side lot lines.

- 977 (a) ~~No building may be located closer than 20 feet from the front lot line nor closer than 30~~
978 ~~feet from the rear lot line.~~
- 979 (b) ~~There is no setback requirement with respect to side lot lines.~~
- 980 (c) ~~No building may be constructed or extended into an area that is closer than 100 feet~~
981 ~~from any lot line of a lot within a residential district.~~
- 982 (d) ~~If there is a question as to which lot line is the front lot line, the building official shall~~
983 ~~designate the front lot line.~~

984
985

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

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

- 990 (1) A ~~10075~~-foot greenbelt, measured horizontally, shall be provided between the boundary
991 of a residential district and the impervious cover, including parking and buildings, on
992 every lot located in the Commercial District (C) a professional and business office
993 district (C-1) or a business district (C-2). Vegetation within the 10075-foot greenbelt
994 shall be left in its undisturbed natural state or shall be landscaped as required by the city
995 council. Clear cutting of native vegetation is prohibited within the 75-foot greenbelt.
996 ~~Notwithstanding anything contained herein to the contrary, the building official will,~~
997 ~~upon application by the owner thereof, issue a permit for repair, remodeling or~~
998 ~~reconstruction of the building or structure and its related parking, provided that the use~~
999 ~~(as defined in the zoning ordinance) of such building or structure will not be changed~~
1000 ~~and the repair, remodeling or reconstruction conforms with the construction materials~~
1001 ~~standards set forth in section 107-107. A nonconforming building or structure and its~~
1002 ~~related parking may not be enlarged or otherwise altered in a manner that increases the~~
1003 ~~square footage of the building or structure or the square footage of the building or~~
1004 ~~structure's parking or the extent of their nonconformity.~~
- 1005 (2) In areas where the natural vegetation, terrain and other features do not provide a visual
1006 screen between a lot in a commercial district and an abutting lot in a residential district,
1007 landscaping shall be planted and maintained in accordance with the following
1008 specifications: terrain and other features do not provide a visual screen between a lot in a
1009 commercial district and an abutting lot in a residential district, screening shall be
1010 provided by a cedar or redwood privacy fence at least eight feet high, with its smooth
1011 side facing the residential lot. If the building official determines that the privacy
1012 afforded by such fencing does not meet the minimum reasonable expectations of a
1013 typical residential occupant, he may then require, in addition to the privacy fencing, that
1014 landscaping be planted and maintained in accordance with specifications prescribed by
1015 the city council.
- 1016 a. A minimum of one native species shade tree shall be planted for each 25 linear feet of
1017 landscape buffer.

- 1018 b. A minimum of ten native species large shrubs (of a size of at least 5 gallons) shall be
1019 planted for each 50 linear feet of landscape buffer. Three small shrubs (of a size of at
1020 least one-gallon) may be planted for up to two required large shrubs.
- 1021 c. Existing preserved trees and shrubs located within the greenbelt may be credited
1022 toward these requirements.
- 1023 d. All plantings shall be supported by irrigation necessary to sustain growth and good
1024 health of the trees and shrubs.
- 1025 e. All required landscape screening shall be, or shall achieve, at least six feet (6') in
1026 height and at least ninety percent (90%) opacity within two (2) years of initial
1027 installation.
- 1028 (3) No ~~fences or~~ landscaping required under this section shall be ~~constructed~~ installed
1029 without prior approval of the ~~landscaping construction~~ plans by the city ~~council~~ and the
1030 ~~installation construction~~ shall ~~be in compliance~~ comply with such approval and with all
1031 other applicable requirements of the city.
- 1032 (4) No building shall be constructed with windows, porches or other features which provide
1033 a view from the building into a dwelling located on an abutting lot.
- 1034 (5) Any lighting to illuminate parking lots, buildings or other structures shall not exceed the
1035 height of such buildings or structures, and shall be installed in a manner consistent with
1036 the lighting standards of this Division and which directs or shields the light downward
1037 and away from nearby dwellings.

1038

1039 **Sec. 107-110. Parking spaces.**

- 1040 (a) Except as otherwise provided in ~~section 107-317~~ this chapter, off-street parking shall be
1041 provided in the following ratios: ~~of not less than one parking space~~:
- 1042 (1) When the front face of the building is separated from the front lot line by a drive isle or
1043 parking lot, one parking space for each 250 square feet of gross floor area in the
1044 particular building shall be provided.
- 1045 (2) When the front face of the building is located on the front lot line or separated by only
1046 a sidewalk and or landscaped area from the front lot line, one parking space for each
1047 500 square feet of gross floor area in the particular building shall be provided.
- 1048 ~~(1) For each 250 square feet of gross floor area in the particular building in a C-1 district;~~
1049 ~~and~~
- 1050 ~~(2) For each 200 square feet of gross floor area in the particular building in a C-2 district.~~
- 1051 (b) Where possible, shared parking is encouraged. Parking areas which are adjacent to a
1052 residential district or a required greenbelt buffer shall be limited to a maximum of one drive
1053 isle with one row of parking on each side.
- 1054 (c) Parking requirement reduction. The building official may reduce the amount of required
1055 parking by a maximum of 40 percent upon a written request from the property owner
1056 demonstrating that if the reduction is granted:

- 1057 (1) The reduced parking is sufficient for the proposed use;
1058 (2) The granting of the reduction will not result in increased on-street parking in adjoining
1059 neighborhoods;
1060 (2) There will not be a detrimental impact to adjacent properties; and
1061 (3) The reduction in available parking will not create traffic congestion or public safety
1062 hazards.
1063 (4) Trail Incentives for property on the north side of Bee Cave Road abutting Eanes Creek.
1064 Property located north of Bee Cave Road adjacent to Eanes Creek where land or a
1065 trail/pedestrian easement has been dedicated to and accepted by the City for the Eanes
1066 Creek trail may claim a 10% reduction in minimum parking requirements.
1067 ~~(d)(b)~~ Required parking spaces shall be located on the same lot as the building for which the
1068 parking spaces are required or within 300 feet of such building. Where required parking
1069 spaces are located at a place other than the lot on which the building to which the space
1070 pertains is located, there must be a valid, binding written commitment that such property
1071 shall be used to fulfill the parking requirement in a form acceptable to the city council. Such
1072 commitment shall be made enforceable by the city council.

1073 **Sec. 107-111. Signs.**

1074 Except as otherwise provided under this article, signs shall be governed by the regulations
1075 of the city sign ordinance.

1076 **Sec. 107-112. Other requirements.**

1077 Each permitted use shall:

1078 (1) Be conducted wholly within an enclosed building appropriate to such use (except in the
1079 case of a personal wireless telephone service facility for which a special use permit is
1080 issued); and

1081 (2) Where a special use permit is granted for cafes, cafeterias, or restaurants, such permit
1082 may also authorize outdoor dining.

1083 ~~(2) Provide for the temporary storage of solid waste in an unobtrusive manner approved by~~
1084 ~~the building official.~~

1085 **Sec. 107-113. Reserved. Prohibitions.**

1086 ~~The following are specifically prohibited:~~

1087 ~~(1) Accessory or temporary buildings;~~

1088 ~~(2) The manufacture of any product for sale;~~

1089 ~~(3) Activities involving the conduct of major automobile repairs, body repair or painting,~~
1090 ~~welding, storage of dismantled or nonoperational vehicles, sale of used automobile~~
1091 ~~parts, or the sale of new or used motor vehicles;~~

- 1092 ~~(4) The use of parking lots or front yards for the display, sale or storage of merchandise,~~
1093 ~~motor vehicles, equipment, containers or waste material;~~
- 1094 ~~(5) The wholesale processing of food;~~
- 1095 ~~(6) Activities which create odors, excessive light, electronic interference, smoke, dust, dirt,~~
1096 ~~noise, fumes, glare, vibration, the presence of vermin or rodents, or other undesirable~~
1097 ~~or hazardous conditions; or~~
- 1098 ~~(7) The provision of personal services, or the display, sale or advertisement of any product~~
1099 ~~that adversely affects the health, safety, or general welfare of the city; or~~
- 1100 ~~(8) Retail establishments, other than restaurants, may not be open to the public between~~
1101 ~~the hours of 10:00 p.m. and 7:00 a.m. the following day. These restrictions do not~~
1102 ~~apply to automated retail services, including, but not limited to, automated teller~~
1103 ~~machines and gasoline pumps. Restaurants will be subject to hours of operation as set~~
1104 ~~forth in the special use permit.~~

1105 **Sec. 107-114. ~~Reserved. Use and buildings.~~**

1106 ~~Notwithstanding any provision in this division, any use that would be permitted in a~~
1107 ~~residential district, but which is conducted in a commercial district, shall comply only with the~~
1108 ~~regulations that would be applicable to the use if it were conducted in the residential district, to~~
1109 ~~the extent applicable.~~

1110 **Sec. 107-115. Impervious cover.**

1111 (a) Impervious cover shall not exceed 50 percent of the total area of any lot in the Commercial
1112 District (C) a commercial district except as provided in subsection (b).

1113 (b) Exceptions:

1114 (1) A total of 55% of the total area of any lot in the C district may be impervious cover if the
1115 increase in impervious cover does not create any increase in stormwater runoff (either
1116 volume or rate of flow of runoff).

1117 (2) A total of 60% of the total area of any lot in a commercial district may be impervious
1118 cover upon the following conditions: (i) if the site plan includes permanent low impact
1119 development (LID) stormwater practices (such as rainwater harvesting, green roofs, bio-
1120 retention, rain gardens, infiltration/filter strips, and conservation landscaping using native
1121 plants and trees that promote the area's natural habitat, and natural area preservation)
1122 above and beyond any required preservation of natural areas that reduce stormwater
1123 discharge such that the increase in impervious cover does not create any increase in
1124 stormwater runoff either volume or rate of flow of runoff; (ii) the site plan meets all
1125 TCEQ best management practices for water quality, and (iii) the site plan meets the
1126 design criteria specified in Sections 107-39, 107-109, 107-116.

1127 (c) An application under subsection (b) shall include a drainage plan certified by a registered
1128 professional engineer as consistent with city requirements and all permanent low impact
1129 development (LID) stormwater practices required under subsection (b)(1) or (2), as
1130 applicable, along with a proposed plan describing the manner in which the LID practices and

1131 facilities and design criteria specified in Sections 107-39, 107-109, 107-116 will be
1132 implemented and maintained for throughout the useful life of the project.

1133 (d) Prior to the issuance of a Certificate of Occupancy in connection with such a permit, the
1134 applicant shall submit a letter of certification from a registered professional engineer stating
1135 that the site's stormwater management and drainage facilities as built meet all impervious
1136 cover, city and LID stormwater management and water quality requirements, and were
1137 constructed in accordance with the approved permit.

1138 ~~(be) Grass-crete set in sand shall be deemed to be 50 percent impervious cover; paving stones,~~
1139 ~~ungrouted, set in sand, are deemed to be 75 percent impervious cover. Revisions to these~~
1140 ~~materials and other materials and applications may be reviewed by the city council and their~~
1141 ~~appropriate impervious cover assigned by the council. City Council may establish a list of~~
1142 ~~materials and corresponding impervious cover values. This list may be reviewed and revised~~
1143 ~~by City Council from time to time. An approved and current list of such revisions shall be on~~
1144 ~~file with the city.~~

1145 (f) No variance may be granted to exceed the maximum impervious cover limitations of this
1146 section

1147

1148 **Sec. 107-116. Compatibility standards.**

1149 (a) Screening of storage and mechanical equipment. All storage areas and mechanical equipment
1150 must be screened from view from any adjacent residential district lot and any public street.
1151 Ground level facilities and equipment may be screened with wood fencing (with a smooth
1152 side of the fencing facing the residential district lot or public right-of-way), or brick,
1153 limestone, or other native stone walls. All mechanical equipment (including AC units, vents,
1154 and wireless facilities) must be located in the following manner:

1155 (1) Under the roof;

1156 (2) Contained within the building;

1157 (3) On the ground and screened from view from any adjacent residential district lot and any
1158 public street by wood fencing (with a smooth side of the fencing facing the residential
1159 district or public right-of-way), or materials compatible with the exterior of the building
1160 as may be approved by the building official; or

1161 (4) On the roof and shielded from view from any adjacent property and any public street with
1162 an enclosure constructed of the same exterior materials as the building.

1163 (5) The permit application shall include an exhibit demonstrating compliance with these
1164 screening requirements and adjacent sightlines.

1165 (b) Roof design. Except for buildings with a ground floor area of 8,000 square feet or more, all
1166 roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a
1167 minimum pitch of 3:12). For buildings with a ground floor area of 8,000 square feet or more,
1168 all roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a
1169 minimum pitch of 3:12) or have architectural elements that give the appearance of pitched-
1170 roof construction. Roofs generally must be a combination of pitched, gabled, or sloped
1171 elements. Pitched and "flat" roof areas must be designed and arranged to provide maximum

1172 aesthetic appeal and provide screening of equipment, AC units, vents, wireless facilities, and
1173 accessories from any view from a lot in a residential district of the city and any view from
1174 Bee Cave Road. Roof mounted solar panels shall be designed so as to be consistent in pitch
1175 or slope with the roof or masked in such a manner as to be unobtrusive when viewed from
1176 any adjacent lot.

1177 (c) Screening of trash receptacles. All trash receptacles shall be screened from public view and
1178 neighboring property view with wood fencing (with the smooth side of the fencing facing the
1179 residential district or public right-of-way), or brick, limestone, or other native stone walls.
1180 The enclosure shall be a minimum of eight feet (8') in height with gates. Gates shall be of a
1181 solid sight obscuring material and shall be closed at all times except when loading or
1182 unloading.

1183 (d) Landscaping buffers. The following landscaping and buffers are required:

1184 (1) Along public rights-of-way. A landscaping buffer is required along any public right-of-
1185 way. The landscape buffer along public rights-of-way shall be located between the lot
1186 line adjacent to the right-of-way and any impervious cover on the lot, including parking,
1187 and along any rear lot pedestrian paths or trail along Eanes Creek. The landscaping
1188 buffer shall consist of trees with a mature height of at least six feet planted at a ratio of 1
1189 tree per 25 feet of linear frontage along the public right-of-way to shade adjacent
1190 sidewalks and any pedestrian path and may include shrubs with a mature height of at
1191 least three feet. The grouping or clustering of trees as necessary to accommodate
1192 driveway spacing, utilities, drainage facilities, or similar site features is permitted.

1193 (2) Parking area landscaping. Parking areas shall be screened from any adjacent public right-
1194 of-way with a ten-foot deep landscaping buffer.

1195 a. The landscaping buffer shall be planted with trees planted at a ratio of 1 tree per 25
1196 feet of linear frontage along the right of way, and with shrubs and other landscaping
1197 with a mature height of at least three (3) feet, planted at sufficient density to disrupt
1198 sightline into the parking area and screen vehicular headlights.

1199 b. One tree is required for every six parking spaces and may be located in landscaped
1200 islands, peninsulas, or medians. Tree preservation is encouraged, thus preservation of
1201 an existing protected tree shall be provided credit in accordance with Section 107-
1202 121(c)(3).

1203 c. No parking space shall be located further than 50 feet from a tree.

1204 d. Impervious paving over the critical root zone of any existing tree is prohibited, and
1205 any approved paving shall be porous pavement to allow water and air exchange, or
1206 other acceptable means to preserve the health of the tree.

1207 e. All required tree plantings shall be installed prior to the occupancy or use of property.
1208 Where compliance is not practicable due to the season of the year, the building
1209 official or his/her designee may grant a temporary certificate of occupancy. Any
1210 temporary certificate of occupancy may be revoked, after 30 days' written notice to
1211 the occupant and the owner of the affected property, if tree plantings are not
1212 undertaken as required under this article.

- 1213 (3) Each required tree shall be at least 12 feet high when planted and shall be maintained in a
1214 healthy condition. Said trees shall not be pruned except either to remove dead wood, or to
1215 prevent growth or to remove existing growth lower than 15 feet above the ground.
1216 Existing trees having a height of at least 11 feet may be counted as required trees,
1217 provided that the ground beneath the canopy remains unimproved. Any species of tree
1218 which does not normally grow to a height of 15 feet in the city, as determined by the city
1219 arborist or other competent person designated by the city administrator, shall not qualify
1220 as a required tree under this section. Any required buffer areas or trees required to be
1221 planted by this chapter shall be counted toward satisfying this requirement. All
1222 landscaping and buffering required by this section must be maintained by the property
1223 owner. If at any time after the issuance of a Certificate of Occupancy, the approved
1224 landscaping is found to be in nonconformance with standards and criteria of this section,
1225 notice by the City may be issued to the owner, citing the violation and imposing a fine
1226 pending compliance with this section.
- 1227 (4) An exception to the requirements of this subsection (d) may be approved by the building
1228 official for the location of a driveway in required landscaped areas.
- 1229 (e) Removal of vegetation from the city right-of-way. Any excavation, grading, or site clearance
1230 of a lot that involves the removal of vegetation from the city's right-of-way is prohibited
1231 without prior approval of the city building official.
- 1232 ~~(a) Trash disposal, storage and mechanical equipment. All trash disposal areas, storage areas and~~
1233 ~~mechanical equipment must be screened from view from any residential district and any~~
1234 ~~public street by wood fencing (with a smooth side of the fencing facing the residential district~~
1235 ~~or public right of way), or brick, limestone, or other native stone walls for ground-level~~
1236 ~~facilities, and an enclosure constructed of the same exterior materials as the building for any~~
1237 ~~mechanical equipment located on the roof.~~
- 1238 (b) Roof design. Except for buildings with a ground floor area of 8,000 square feet or more, all
1239 roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a
1240 minimum pitch of 3:12). For buildings with a ground floor area of 8,000 square feet or more,
1241 all roofs of buildings must be of pitched-type construction (hip or gable-type roofs with a
1242 minimum pitch of 3:12) or have architectural elements that give the appearance of pitched-
1243 roof construction. Roofs generally must be a combination of pitched, gabled or sloped
1244 elements, and the materials used must be compatible and complementary to the masonry.
1245 These pitched areas may be metal with nonreflective finishes or nonmetallic clay or concrete
1246 tile. Except for buildings less than 8,000 square feet of floor space, composition or wood
1247 shakes and shingles may not be utilized. Exposed metal roof decks that reflect light in a
1248 glaring manner, such as galvanized steel sheets, are specifically prohibited. Pitched and "flat"
1249 roof areas must be designed and arranged to provide maximum aesthetic appeal and provide
1250 screening of undesirable roof surfaces, equipment and accessories from any view from a lot
1251 in a residential district of the city and any view from Bee Cave Road. All mechanical
1252 equipment must be located in the following manner: under the roof; contained within the
1253 building; on the ground; or shielded from view as approved by the city council.
- 1254 (c) Lighting. Lighting fixtures installed to illuminate parking lots, buildings or other structures
1255 may not exceed the height of the buildings or structures, if attached thereto, or, if pole-
1256 mounted, a height of 24 feet. All exterior lighting must be shielded and down turned to direct

1257 light away from nearby dwellings and to concentrate the light within the lot. Exterior
1258 lightbulbs may not exceed 400 watts.

1259 (d) Landscaping buffers. A ten-foot landscaping buffer is required between buildings on separate
1260 lots in a professional and business office district (C-1) or the business district (C-2) with a
1261 minimum of five feet of such buffer located on each such lot, as well as between all parking
1262 lots in a commercial district and any public right-of-way. The landscaping buffer must
1263 consist of shrubs or trees with a mature height of at least six feet planted at sufficient density
1264 to visually disrupt the outlines of buildings, pavement, and other structures; provided,
1265 however, that plant material located at the front of a site or between buildings (as determined
1266 by the building official) may consist of shrubs or trees with a mature height of at least three
1267 feet.

1268

1269 **Sec. 107-117. Permitted uses.**

1270 (a) No area, building, or structure within the land may be used, constructed, or altered, except as
1271 follows:

1272 (1) Uses permitted in the residential district, excluding dwelling uses or subdivision sales
1273 offices;

1274 (2) Administrative, professional, and business offices and services, including account,
1275 architecture, attorney, computer services (including research and design) engineer,
1276 physician, veterinary services, broker, consultant, insurance agent, property
1277 management, investment, personnel, travel, secretarial, telephone answering,
1278 photocopy and reproduction, real estate agent, or similar administrative, professional,
1279 and business offices;

1280 (3) Accessory structures, other than buildings, and uses customarily incidental to these
1281 administrative, professional, or business offices;

1282 (4) Retail bakeries;

1283 (5) Barbershops or beauty shops;

1284 (6) Craft or hobby shops;

1285 (7) Department, sporting goods, novelty, variety, or toy stores;

1286 (8) Drugstores;

1287 (9) Laundry pickup and dry cleaning pickup stations;

1288 (10) Florist shops;

1289 (11) Antique stores;

1290 (12) Household or office furniture, furnishings, or appliance stores;

1291 (13) Jewelry or optical goods stores;

1292 (14) Shoe repair shops;

1293 (15) Variety stores;

- 1294 (16) Wearing apparel shops;
- 1295 (17) Health & wellness / fitness center;
- 1296 (18) Camera or photography supply stores;
- 1297 (19) Art and photography studios; and
- 1298 (20) Retail uses which supply the everyday shopping needs of residents of the city.

1299

1300 **Sec. 107-118. Special uses.**

1301 (a) Subject to approval by the city council, the following special uses may be permitted in the C
1302 district:

- 1303 (1) Facilities for assembling of and testing electronics components;
- 1304 (2) Child day care facilities, provided this is the only use on the particular lot;
- 1305 (3) Banks or savings and loan associations, including automated teller machines (ATMs);
- 1306 (4) Parking garages, provided that the garage is an accessory to the primary use on the
1307 same lot or an adjacent commercial lot;
- 1308 (5) For lots with frontage on Bee Caves Road, a personal wireless telephone service
1309 facility;
- 1310 (6) Research laboratories;
- 1311 (7) Cafes, cafeterias, or restaurants without outdoor dining;
- 1312 (8) Cafes, cafeterias, or restaurants with outdoor dining;
- 1313 (9) Convenience stores;
- 1314 (10) Grocery or food specialty stores;
- 1315 (11) Package liquor stores;
- 1316 (12) Automotive service stations;
- 1317 (13) Parking garages, provided that the garage is an accessory to the primary use on the
1318 same lot or an adjacent commercial lot;
- 1319 (14) Clinics without overnight facilities;
- 1320 (15) Hardware stores; and
- 1321 (16) Facilities for assembling computer software products.

1322

1323 **Sec. 107-119. Prohibited uses.**

1324 (a) All uses not specifically permitted under section 107-117 and section 107-118 are prohibited,
1325 including, but not limited to, the following:

- 1326 (1) Accessory and Temporary buildings;
- 1327 (2) The manufacture of any product for sale;

- 1328 (3) Activities involving the conduct of major automobile repairs, body repair or
1329 painting, welding, storage of dismantled or nonoperational vehicles, sale of used
1330 automobile parts, or the sale or rental of new or used motor vehicles;
- 1331 (4) The use of parking lots or front yards for the display, sale, or storage of merchandise,
1332 motor vehicles, equipment, containers, or waste material;
- 1333 (5) The wholesale processing of food;
- 1334 (6) Activities which create odors, excessive light, electronic interference, smoke, dust,
1335 dirt, noise, fumes, glare, vibration, the presence of vermin or rodents, or other
1336 undesirable or hazardous conditions;
- 1337 (7) Kennel services;
- 1338 (8) The repair, sale, resale, manufacture, refurbishment, or storage of boats, trailers,
1339 mobile homes, or recreational or sport vehicles;
- 1340 (9) Laundries or dry cleaning plants;
- 1341 (10) Music studios;
- 1342 (11) Monument sales or funeral homes and related services;
- 1343 (12) Warehouses or the rental of storage space for personal or commercial property;
- 1344 (13) Junkyards;
- 1345 (14) Painting sales or service, except to the extent incidental to an otherwise permissible
1346 use;
- 1347 (15) Assisted living, retirement, nursing home, or convalescent services or facilities;
- 1348 (16) Tire retread facilities;
- 1349 (17) Sexually oriented businesses, including, but not limited to, modeling studios and
1350 dating or escort services businesses;
- 1351 (18) Hotel and motel; and
- 1352 (19) Dwelling uses or subdivision sales offices.
- 1353 (b) Retail establishments, other than restaurants, may not be open to the public between
1354 the hours of 10:00 p.m. and 7:00 a.m. the following day. These restrictions do not
1355 apply to automated retail services, including, but not limited to, automated teller
1356 machines and gasoline pumps. Restaurants will be subject to hours of operation as set
1357 forth in the special use permit.

1358 **Secs. 107-~~120~~117—107-145. Reserved.**

1359
1360 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 4. RESERVED}*

1361
1362 *DIVISION 4. ~~RESERVED. PROFESSIONAL AND BUSINESS OFFICE ZONING DISTRICT (C-~~*
1363 *4)*

1364 **~~Sec. 107-146. Applicability.~~**

1365 ~~The regulations set forth in this division shall apply to all land, buildings and structures in a~~
1366 ~~professional and business office district (C-1).~~

1367 **~~Sec. 107-147. Purpose.~~**

1368 ~~This district is intended to provide sites for quiet, low density commercial office uses.~~

1369 **~~Sec. 107-148. Permitted uses.~~**

1370 ~~No area, building or structure within the land may be used, constructed or altered, except as~~
1371 ~~follows:~~

1372 ~~(1) Uses permitted in a residential district, excluding dwelling uses or subdivision sales~~
1373 ~~offices;~~

1374 ~~(2) Administrative, professional and business offices and services, including account,~~
1375 ~~architecture, attorney, computer services (including research and design) engineer,~~
1376 ~~physician, veterinary services, broker, consultant, insurance agent, property~~
1377 ~~management, investment, personnel, travel, secretarial, telephone answering,~~
1378 ~~photocopy and reproduction, real estate agent, or similar administrative, professional~~
1379 ~~business offices.~~

1380 ~~(3) Accessory structures, other than buildings, and uses customarily incidental to these~~
1381 ~~administrative, professional or business offices.~~

1382 **~~Sec. 107-149. Special uses.~~**

1383 ~~Subject to approval by the city council, the following special uses may be permitted in a C-1~~
1384 ~~district:~~

1385 ~~(1) Facilities for assembling of and testing electronics components;~~

1386 ~~(2) Child day care facilities, provided this is the only use on the particular lot;~~

1387 ~~(3) Banks or savings and loan associations;~~

1388 ~~(4) Parking garages, provided that the garage is an accessory to the primary use on the~~
1389 ~~same lot or an adjacent commercial lot; and~~

1390 ~~(5) For lots with frontage on Bee Caves Road, a personal wireless telephone service~~
1391 ~~facility.~~

1392 **~~Secs. 107-15046—107-166. Reserved.~~**

1393
1394 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 5. Reserved}*

1395

1396 *DIVISION 5. RESERVED. BUSINESS ZONING DISTRICT (C-2)*

1397 **~~Sec. 107-167. Applicability.~~**

1398 ~~The regulations set forth in this division shall apply to all land, buildings and structures in a~~
1399 ~~business district (C-2).~~

1400 **~~Sec. 107-168. Permitted uses.~~**

1401 ~~No area, building or structure may be used, constructed or altered, except as follows:~~

- 1402 ~~(1) Uses permitted in a C-1 zoning district;~~
- 1403 ~~(2) Retail bakeries;~~
- 1404 ~~(3) Barbershops or beauty shops;~~
- 1405 ~~(4) Craft or hobby shops;~~
- 1406 ~~(5) Department, sporting goods, novelty, variety or toy stores;~~
- 1407 ~~(6) Drugstores;~~
- 1408 ~~(7) Laundry pickup and dry cleaning pickup stations;~~
- 1409 ~~(8) Florist shops;~~
- 1410 ~~(9) Antique stores;~~
- 1411 ~~(10) Household or office furniture, furnishings, or appliance stores;~~
- 1412 ~~(11) Jewelry or optical goods stores;~~
- 1413 ~~(12) Shoe repair shops;~~
- 1414 ~~(13) Variety stores;~~
- 1415 ~~(14) Wearing apparel shops; and~~
- 1416 ~~(15) Retail uses which supply the everyday shopping needs of residents of the city.~~

1417 **~~Sec. 107-169. Special uses.~~**

1418 ~~Subject to approval by the city council, the following special uses may be permitted in a C-2~~
1419 ~~district:~~

- 1420 ~~(1) Research laboratories;~~
- 1421 ~~(2) Other special uses that meet the criteria set forth in this article;~~
- 1422 ~~(3) Cafes, cafeterias or restaurants;~~
- 1423 ~~(4) Convenience stores;~~
- 1424 ~~(5) Grocery or food specialty stores;~~
- 1425 ~~(6) Package liquor stores;~~
- 1426 ~~(7) Automotive service stations;~~
- 1427 ~~(8) Parking garages, provided that the garage is an accessory to the primary use on the~~
1428 ~~same lot or an adjacent commercial lot;~~

- 1429 ~~(9) Camera or photography supply stores;~~
- 1430 ~~(10) Clinics without overnight facilities;~~
- 1431 ~~(11) Hardware stores;~~
- 1432 ~~(12) Art and photography studios;~~
- 1433 ~~(13) Facilities for assembling computer software products; and~~
- 1434 ~~(14) For lots with frontage on Bee Caves Road, a personal wireless telephone service~~
- 1435 ~~facility.~~

1436 **~~Sec. 107-170. Prohibited uses.~~**

1437 ~~All uses not specifically permitted under section 107-168 or 107-169 are prohibited,~~
1438 ~~including, but not limited to, the following:~~

- 1439 ~~(1) Temporary buildings;~~
- 1440 ~~(2) The manufacture of any product for sale;~~
- 1441 ~~(3) Activities involving the conduct of major automobile repairs, body repair or painting,~~
- 1442 ~~welding, storage of dismantled or nonoperational vehicles, sale of used automobile~~
- 1443 ~~parts, or the sale of new or used motor vehicles;~~
- 1444 ~~(4) The use of parking lots or other outdoor areas for the display, sale or storage of~~
- 1445 ~~merchandise, motor vehicles, equipment, containers or waste material;~~
- 1446 ~~(5) The wholesale processing of food;~~
- 1447 ~~(6) Activities which create a nuisance;~~
- 1448 ~~(7) Veterinarian services and kennel services;~~
- 1449 ~~(8) The repair, sale, resale, manufacture, refurbishment or storage of boats, trailers, mobile~~
- 1450 ~~homes or recreational or sport vehicles;~~
- 1451 ~~(9) Laundries or dry cleaning plants;~~
- 1452 ~~(10) Music studios;~~
- 1453 ~~(11) Monument sales or funeral homes and related services;~~
- 1454 ~~(12) Warehouses or the rental of storage space for personal or commercial property;~~
- 1455 ~~(13) Pawnshops;~~
- 1456 ~~(14) Junkyards;~~
- 1457 ~~(15) Painting sales or service, except to the extent incidental to an otherwise permissible~~
- 1458 ~~use;~~
- 1459 ~~(16) Assisted living, retirement, nursing home or convalescent services or facilities;~~
- 1460 ~~(17) Tire retread facilities;~~
- 1461 ~~(18) Sexually oriented businesses, including, but not limited to, modeling studios and dating~~
- 1462 ~~or escort services businesses;~~

1463 ~~(19) The display, sale or advertisement of any product that adversely affects the health,~~
1464 ~~safety, or general welfare of the residents of the city;~~
1465 ~~(20) Hotel and motel; and~~
1466 ~~(21) Dwelling uses or subdivision sales offices.~~

1467 **Secs. 107-~~171~~67—107-193. Reserved.**

1468
1469 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 9. Planned Unit*
1470 *Developments, Sections 107-313 & 107-314}*

1471 *DIVISION 9. Planned Unit Developments*

1472 **Sec. 107-313. Purpose.**

1473 A planned unit development (PUD) is a permitted use within the C-~~1~~ district ~~or the C-2~~
1474 ~~district~~, the purpose of which is to encourage planned developments as a means of creating a
1475 superior community environment through unified planning and building operations; to provide
1476 adequate community facilities well located with respect to needs; to protect the natural beauty of
1477 the landscape; to encourage the preservation and more efficient use of open space; and to offer
1478 an opportunity for greater flexibility and, consequently, more creative and imaginative design for
1479 the development of the city than is generally possible under the zoning regulations established
1480 elsewhere in this article.

1481 **Sec. 107-314. General regulations.**

1482 Regulations that apply in a C-~~1~~ district ~~or a C-2 district~~ shall apply to planned unit
1483 developments except as otherwise provided in this division.

1484
1485 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 9. Planned Unit*
1486 *Developments, Sections 107-316 & 107-317}*

1487 **Sec. 107-316. Permitted uses.**

1488 Except for uses permitted in a residential district, all uses permitted in a C-~~1~~ district ~~or a C-2~~
1489 ~~district~~ shall be permitted in a PUD, and all special uses permitted in a C-~~1~~ district ~~or a C-2~~
1490 ~~district~~, subject to the procedures for application and approval, and any restrictions provided
1491 therefor, shall be permitted in a PUD.

1492 **Sec. 107-317. Parking adjustment for storage and warehouse areas. ~~Mixed use zoning.~~**

1493 ~~Limited C-2 zoning may be granted for specified areas within the buildings or structures~~
1494 ~~located in C-1 zoning. A property owner unable to comply with parking requirements may~~
1495 ~~designate one or more specific areas within the buildings or structures for storage or warehouse~~
1496 ~~purposes. Such areas~~ Areas within a building designated as storage or warehouse areas shall have

1497 parking spaces allocated in a ratio of one parking space for each 1,000 feet of storage or
1498 warehouse area.

1499
1500 *{Amendments to Chapter 107 Zoning, Article II. District Regulations, Division 10. Landscaping,*
1501 *Subdivision 1. Non-Residential Regulations}*

1502
1503 *DIVISION 10. LANDSCAPING*

1504 **Subdivision 1. Landscaping Non-Residential Regulations for zones other than Residential**
1505 **District (R) and Commercial District (C)**

1506 ~~**Sec. 107-340. Removal of vegetation from right-of-way.**~~

1507 ~~Any excavation, grading or site clearance of a lot zoned for commercial use, including~~
1508 ~~planned unit development, which involves the removal of vegetation from the city's right-of-way~~
1509 ~~is prohibited without prior written approval of the city building official. Damaged, destroyed or~~
1510 ~~removed trees having a height of 11 feet or more shall be restored in accordance with the~~
1511 ~~landscape provisions of section 107-341 of this division.~~

1512 **Sec. 107-340~~1~~. Landscape requirements.**

1513 (a) ~~This subdivision is applicable to every lot in the city zoned for a use other than Residential~~
1514 ~~District (R) or Commercial District (C), including a Planned Unit Development, with~~
1515 ~~respect to which a building permit for any new structure or enlargement of any existing~~
1516 ~~structure is issued. The provisions of this section are applicable to every lot zoned for a use~~
1517 ~~other than residential, with respect to which a building permit for any new structure or~~
1518 ~~enlargement of any existing structure is issued.~~

1519 (b) ~~Any excavation, grading, or site clearance of a lot that involves the removal of vegetation~~
1520 ~~from the city's right-of-way is prohibited without prior written approval of the city building~~
1521 ~~official. Damaged, destroyed, or removed trees having a height of 11 feet or more shall be~~
1522 ~~restored.~~

1523 (c~~b~~) ~~Twenty (20) percent of the total area of each lot shall be devoted to landscaped open space,~~
1524 ~~with one tree being required for each 2,000 square feet of area, or fraction thereof, of each~~
1525 ~~lot. Each required tree shall be at least 12 feet high when planted and shall be maintained in~~
1526 ~~a healthy condition. Said trees shall not be pruned except either to remove dead wood, or to~~
1527 ~~prevent growth or to remove existing growth lower than 15 feet above the ground. Existing~~
1528 ~~trees having a height of at least 11 feet may be counted as required trees, provided that the~~
1529 ~~ground beneath the canopy remains unimproved. Any species of tree which does not~~
1530 ~~normally grow to a height of 15 feet in the city, as determined by the city arborist or other~~
1531 ~~competent person designated by the city administrator, shall not qualify as a required tree~~
1532 ~~under this section. Any required buffer areas or trees required to be planted by this chapter~~
1533 ~~shall be counted toward satisfying this requirement.~~

1534 (d~~e~~) When off-street parking for ten or more vehicles is provided, there shall be landscaped open
1535 space within the perimeter of the parking area or areas, in the minimum amount of 18

1536 square feet for each parking space. Said landscaped open space need not be contiguous, but
1537 there shall be at least one tree in each separate area. Said trees shall be included in
1538 computing the number of trees required in subsection (b) of this section.

1539 ~~(e)~~ All required tree plantings shall be installed prior to the occupancy or use of property.
1540 Where compliance is not practicable due to the season of the year, the building official may
1541 grant a temporary certificate of occupancy providing an appropriate delay period in the
1542 installation of the required plantings ~~shall grant an appropriate delay~~. Any temporary
1543 certificate of occupancy may be revoked, after 30 days' written notice to the occupant and
1544 the owner of the affected property, if tree plantings are not undertaken ~~or maintained~~-as
1545 required under this article.

1546 (f) All landscaping and buffering required by this section must be maintained by the property
1547 owner. If at any time after the issuance of a Certificate of Occupancy, the approved
1548 landscaping is found to be in nonconformance with standards and criteria of this section,
1549 notice by the City may be issued to the owner, citing the violation and imposing a fine
1550 pending compliance with this section.

1551 ~~(e)~~ A ~~nonresidential~~ lot to which this Section applies that is adjacent to a public street or right-
1552 of-way or that is adjacent to a residential property line shall have a landscaped greenbelt at
1553 least 20 feet in width measured from the property line parallel with and adjacent to each
1554 such street, right-of-way or residential property line. An exception may be approved by the
1555 city council for the location of a driveway in such required landscaped greenbelt if the city
1556 council finds that special traffic conditions affect the property, and that the interest of safety
1557 of the driving public and pedestrians would better be protected by the location of a
1558 driveway. ~~in the area of the required greenbelt. Such greenbelt shall contain a minimum of~~
1559 ~~one tree, not less than 12 feet in height, for every 500 square feet of greenbelt.~~

1560 **Secs. 107-3432 - 107-35968. Reserved.**

1561

1562 **Subdivision 2. FEMA Floodplain Management in Zones Other Than Residential**

1563 **Sec. 107-360. Clearing of vegetation in a floodplain.**

1564 (a) This section applies to all zoning districts other than Residential District (R).

1565 (b) Within a floodplain or special flood hazard area as identified by the Federal Emergency
1566 Management Agency, the removal of native vegetation is prohibited.

1567 (c) This section does not prohibit:

1568 a. trimming or other ordinary maintenance of vegetation,

1569 b. removing dangerous, diseased, damaged, dead, or dying vegetation, or

1570 c. removing, trimming, or maintaining vegetation as necessary to protect public
1571 health and safety.

1572 (d) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed
1573 \$1,000.00. An offense committed intentionally, knowingly, recklessly, or with criminal
1574 negligence shall be punishable by a fine not to exceed \$2000.00 per offense. Each tree

1575 damaged or removed in violation of this division shall constitute a separate offense. Each
1576 day a violation continues shall constitute a separate offense.

1577 (e) The City Arborist, City Council, or other duly authorized city official may issue a stop
1578 work order in connection with site clearing, site preparation, or any permitted
1579 development of the property upon the occurrence of any other violation of this
1580 subdivision. It shall be unlawful for any person to do any work on the site covered by the
1581 stop work order unless and until a new permit, application, or site plan has been filed and
1582 processed in accordance with the provisions of this chapter and the City Council has
1583 granted approval to a new permit, application, or site plan which corrects the violations
1584 covered in the stop work order.

1585 (f) Injunction and other remedies. Any vegetation removal or other work done contrary to
1586 any of the provisions of this Section is hereby declared to be unlawful and shall constitute
1587 a violation of this Section. The City Council may direct the City Attorney to initiate
1588 injunction, mandamus, abatement or any other action available in law or equity to
1589 prevent, enjoin, abate or correct unlawful tree removal or other work.

1590

1591 **Secs. 107-361 - 107-368. Reserved.**

1592

1593 **Sec. 107-343. Variances.**

1594 ~~The city council is authorized, upon written appeal of a property owner or developer subject~~
1595 ~~to the requirements of this division, to grant a variance from the requirements of this division as~~
1596 ~~will not be contrary to the public interest, where, due to special conditions, literal enforcement of~~
1597 ~~the requirements of this division will result in unnecessary hardship, and so that the spirit of this~~
1598 ~~division shall be observed and substantial justice done. In considering any proposed variance, the~~
1599 ~~following rules shall be observed:~~

1600 ~~(1) The applicant for the variance must present to the city council a set of plans setting out~~
1601 ~~the applicant's proposal and the nature of the proposed variance.~~

1602 ~~(2) The proposed variance may not substantially adversely affect any adjoining property or~~
1603 ~~the general welfare of the community.~~

1604 ~~(3) The city council must find that the granting of the variance will not merely serve as a~~
1605 ~~convenience to the applicant but will serve to alleviate some demonstrable and unusual~~
1606 ~~hardship or difficulty based on the condition of the affected property or surrounding~~
1607 ~~areas.~~

1608 **Secs. 107-343 — 107-368. Reserved.**

1609

1610 *{Amendments to numbering of Chapter 107 Zoning, Article II. District Regulations, Division 10.*
1611 *Landscaping, Subdivision 2. Residential Tree Canopy Management}*

1612 **Subdivision 23. Residential Tree Canopy Management**

1613

1614 **Secs. 107-381 - 107-385~~96~~. Reserved.**

1615

1616 *{Addition of Chapter 107 Zoning, Article II. District Regulations, Division 10. Landscaping,*
1617 *Subdivision 4. Non-Residential Tree Canopy Management}*

1618

1619 **Subdivision 4. Non-residential Tree Canopy Management**

1620 **Sec. 107-386 Non-residential tree canopy management.**

1621 (a) Definitions. For purposes of this section,

1622 (1) A "protected tree" shall be a tree of a "protected species" tree as defined in Part II, Land
1623 Development Code, Chapter 107, Division 10, Subdivision 3 (Sections 107-369 through
1624 107-385) having a trunk with a diameter not less than 12 inches nor more than 24 inches,
1625 measured 4 1/2 feet above natural grade, as measured by an arborist.

1626 (2) "Heritage tree" means a tree of a "protected species" as defined in Part II, Land
1627 Development Code, Chapter 107, Division 10, Subdivision 3 (Sections 107-369 through
1628 107-385) having a diameter of 24 inches or more, measured 4½ feet above natural grade,
1629 or a tree cluster, as measured by an arborist.

1630 (3) "Diameter at breast height" or (DBH) means the diameter of a tree at a height of 4 1/2
1631 feet above natural grade.

1632 (4) "Critical root zone" means "the area around and under a tree having a radius of one foot
1633 per inch of DBH from the trunk of the tree outwards and twenty-four inches in depth.
1634 For example, for a tree having a 10-inch DBH, the critical root zone is 10 feet out from
1635 the trunk and twenty-four inches deep.

1636 (5) "Tree Cluster" means a cluster of two or more trees of a "protected species" located less
1637 than ten feet apart having a combined total diameter of 24 inches or more.

1638 (b) Part II, Land Development Code, Chapter 107, Division 10, Subdivision 3 (Sections 107-369
1639 through 107-385) addressing protection of protected trees, shall apply to any property within
1640 any zoning district other than the residential zoning district. To the extent of any conflict
1641 between Part II, Land Development Code, Chapter 107, Division 10, Subdivision 3 (Sections
1642 107-369 through 107-385) and this Section, this Section shall control.

1643 (c) In addition to the requirements of subsection (b), the following requirements for the
1644 preservation and protection of protected and heritage trees shall apply to any property,
1645 including any property within the city's rights-of-way, within any zoning district other than
1646 the residential zoning district.

1647 (1) Permit required. A grading plan, tree survey, and tree protection plan shall be submitted
1648 prior to any tree removal, clearing or grading, filling, or other form of site development.
1649 No tree may be removed, nor shall any clearing or grading permit, site development plan,
1650 building permit, or tree removal permit be issued until a tree survey is submitted and tree
1651 protection plan is submitted and approved.

1652 (2) Tree survey requirements. The tree survey shall address all requirements specified in
 1653 Section 107-376, Development Application Requirements, indicate all existing, live,
 1654 healthy trees with an eight-inch or larger diameter and all protected and heritage trees,
 1655 and shall indicate the diameter, location, and species of each tree. Trees observed to be
 1656 distressed will be indicated with an asterisk on the tree list. Trees shall be represented by
 1657 circles indicating the diameter of the tree. Unbroken circles indicate trees that are to
 1658 remain. Dashed circles indicate trees that are to be removed, including trees identified to
 1659 be distressed. Protected trees proposed to be removed to accommodate the development
 1660 shall be indicated, along with the proposed replacement trees.

1661 (3) Credit for preservation of existing trees. Preservation of existing protected species trees
 1662 and heritage trees that are located outside the required 75-foot greenbelt may be credited
 1663 toward required plantings (for example, landscape requirements, street trees, trees in
 1664 parking areas) but not for required mitigation according to the following table:

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

1666 *Credit factor provides tree credits per tree preserved.

1667 Where the application of a credit factor produces a fractional number, rounding up to the
 1668 next whole number of "credited" trees is permitted.

1669 Example: Preservation of one 10-inch diameter protected species tree produces a credit
 1670 equal to 1.5 trees of required planting.

1671 (4) Mitigation. Any protected or heritage trees that are removed as a result of approval of a
 1672 Tree Removal Permit must be mitigated by planting of a tree of the same species on the
 1673 same property in the following ratios:

- 1674 a. for each protected tree removed, one new tree of a protected species having a similar
 1675 mature canopy spread as the removed tree, with a DBH of at least four inches and
 1676 fourteen feet in height,
- 1677 b. for each heritage tree removed, three new trees of a protected species having a similar
 1678 mature canopy spread as the removed tree, with a DBH of at least four inches and
 1679 fourteen feet in height.

1680 An exception to the mitigation requirements may be granted by the Building Official,
 1681 with the approval of the City Arborist, if the applicant demonstrates: (1) the existing tree
 1682 canopy would prohibit the growth of the replacement tree(s); or (2) the required
 1683 replacement trees to be installed would be planted under the canopy of an existing tree.
 1684 A permit authorizing the removal of a protected or heritage tree shall require mitigation
 1685 as specified above.

- 1686 (5) Prohibition on removal of heritage trees. Removal of a heritage tree is prohibited unless a
1687 Heritage Tree Removal Special Exception is granted under Subsection (6) or a certified
1688 arborist confirms that the heritage tree is either: (i) dead; (ii) is an imminent hazard to life
1689 or property, and the hazard cannot reasonably be mitigated without removing the tree, in
1690 whole or in part; or (iii) is diseased and restoration to sound condition is not practicable
1691 or the disease may be transmitted to other trees and endanger their health. The city
1692 administrator shall have the authority to determine whether such documentation is in
1693 order and may consider specific safety situations in light of potential hazards to life or
1694 property. In the case of an imminent hazard to life or property under subsection (ii),
1695 documentation may be submitted within 72 hours after the action is taken.
- 1696 (6) Heritage Tree Removal Special Exception. Except as provided in subsection (5), removal
1697 of a heritage tree is prohibited unless a Heritage Tree Removal Special Exception is
1698 granted by the Board of Adjustment upon a finding that: (i) all reasonable efforts have
1699 been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable
1700 access to the property or all reasonable use of the property, and (iii) removal of the tree is
1701 not based on a condition caused by the method or design chosen by the applicant to
1702 develop the property.
- 1703 (7) Limitation on removal of a protected tree. A protected tree may be removed upon the
1704 determination of the City Arborist and approval of the Building Official if: (i) the tree is
1705 damaged by natural causes or is diseased beyond the point of recovery, (ii) the tree is in
1706 danger of falling, or (iii) the tree is dead. Any application to remove a protected tree shall
1707 be supported by certification by a certified arborist that one or more of these conditions
1708 exists and such conditions shall be reviewed by the City Arborist. In addition, removal
1709 may be approved upon the grant of a special exception by the Board of Adjustment upon
1710 a finding that (i) all reasonable efforts have been made to avoid removing the tree, (ii) the
1711 location of the tree precludes all reasonable access to the property or all reasonable use of
1712 the property, and (iii) removal of the tree is not based on a condition caused by the
1713 method or design chosen by the applicant to develop the property.
- 1714 (d) Pre- and post-construction tree protection plan. A pre- and post-construction tree protection
1715 plan shall be submitted with the tree permit and shall include the following:
- 1716 (1) Irrigation and fertilization are required for any protected or heritage tree that will be or
1717 have been disturbed by construction activities, including disturbance of the critical root
1718 zone. Fertilizers must be phosphate-free. The tree protection plan shall describe the plan
1719 for irrigation and fertilization during the construction period until final installation of all
1720 landscaping.
- 1721 (2) The tree protection plan shall describe all measures to be taken during construction to
1722 protect any protected and heritage trees from damage during construction, including rigid
1723 fencing, shielding, and signage, as necessary. Tree protection shall include rigid fencing
1724 placed with a radius of at least ten feet from the trunk or at the critical root zone,
1725 whichever is greater, unless property lines or other features prohibit a complete radius.
1726 Rigid fencing shall consist of chain link or wood fencing not less than four feet high at
1727 the drip line of the tree. Stakes shall be no more than six feet apart and at least 1½ deep
1728 into the ground. Rigid fencing shall be at least three feet in height. Tree protection shall

1729 remain in place until final landscaping installation is approved by the city administrator
1730 or designee.

1731 (3) Protection of critical root zone. Construction within or impervious paving over the
1732 critical root zone of any protected or heritage tree is prohibited. A minimum of 50% of
1733 the critical root zone of any protected tree or heritage tree must be preserved at natural
1734 grade and with natural ground cover. No cut or fill nor any deposit or stockpiling of
1735 earthen materials in their natural state greater than four inches will be located closer to
1736 the tree trunk than one-half the CRZ radial distance. No grade changes, excavation or
1737 trenching shall be permitted within the limits of the critical root zone unless adequate
1738 construction methods are approved by the city arborist.

1739 (4) Parking or storing of vehicles, equipment or materials allowed within the critical root
1740 zone or any protected or heritage tree is prohibited. The plan shall designate where all
1741 construction equipment and materials will be stored outside the critical root zone.

1742 (5) Activities requiring approval of the city arborist shall be identified in the tree protection
1743 plan and shall be submitted for review and comment to the city arborist, along with such
1744 fees as are required by the city to cover all costs of the review process.

1745 (e) Violations/Penalties.

1746 (1) It shall be an offense for a person:

1747 a. To fail to perform an act required by the provisions of this section;

1748 b. To fail to timely comply with any term of a permit issued pursuant to this section,
1749 including terms regarding the preservation of heritage trees and the planting and
1750 maintenance of required replacement trees;

1751 c. To hire, engage, or permit any person engaged in the business of tree planting,
1752 maintenance, or removal to perform such services on property in the city without a
1753 permit issued by the city pursuant to this Code;

1754 d. Except as expressly allowed pursuant to this subdivision, to remove or to cause the
1755 removal of a heritage or protected tree without first obtaining a permit therefor;

1756 e. To transfer property subject to obligations arising from a permit issued pursuant to
1757 this section if all obligations with respect to such permit are not then fulfilled unless
1758 the transferee of the property agrees in writing submitted to the city secretary to
1759 assume such permit and all obligations with respect to the protection of heritage trees
1760 and the planting and maintenance of required replacement trees; or

1761 f. To fail to submit an application for a permit as required by this section.

1762 (2) An offense shall constitute a Class C misdemeanor punishable by a fine not to exceed
1763 \$1,000.00. An offense committed intentionally, knowingly, recklessly, or with criminal
1764 negligence shall be punishable by a fine not to exceed \$2000.00 per offense. Each tree
1765 damaged or removed in violation of this division shall constitute a separate offense. A
1766 failure to plant and maintain a required replacement tree shall constitute a separate
1767 offense. Each day a violation continues shall constitute a separate offense. The owner or
1768 tenant of any building, structure, or premises and any designer, builder, contractor, agent
1769 or other person who knowingly commits, participates in, assists in or maintains such

1770 violation may each be found guilty of a separate offense and subject to the penalties as
1771 provided herein.

1772 (3) The City Arborist, City Council, or other duly authorized city official may issue a stop
1773 work order in connection with site clearing, site preparation, any permitted development
1774 of the property from which a heritage tree is removed without authorization or upon the
1775 occurrence of any other violation of this subdivision or of any term of a permit issued
1776 pursuant to this subdivision. Any person, including a workman on the site, who fails to
1777 comply with a stop work order shall be guilty of a misdemeanor punishable as provided
1778 for in the penalty section hereof. It shall be unlawful for any person to do any work on
1779 the site covered by the stop work order unless and until a new permit, application, or site
1780 plan has been filed and processed in accordance with the provisions of this chapter and
1781 the City Council has granted approval to a new permit, application, or site plan which
1782 corrects the violations covered in the stop work order and all fees and fines have been
1783 paid.

1784 (4) No certificate of occupancy shall be issued for a building or other structure that is not
1785 then in compliance with any permit issued pursuant to this subdivision. No certificate of
1786 occupancy shall be issued for a building or other structure that is not then in compliance
1787 with any permit issued pursuant to this subdivision for removal of a protected tree.

1788 (5) Any temporary occupancy permit issued pending any completion of any required
1789 planting due to seasonal suitability of planting shall state the day by which planting shall
1790 be completed or an extension requested, and shall be revoked if the required planting is
1791 not completed or an extension granted by the stated date.

1792 (6) Injunction and other remedies. Any tree removal or other work done contrary to any of
1793 the provisions of this Section or to any of the details contained in any final site plan
1794 approved by the City or to any of the conditions imposed in connection with the granting
1795 of any application required by this Section is hereby declared to be unlawful and shall
1796 constitute a violation of this Section. The City Council may direct the City Attorney to
1797 initiate injunction, mandamus, abatement, or any other action available in law or equity to
1798 prevent, enjoin, abate, or correct unlawful tree removal or other work.

1799 (f) To the extent of conflict with another section of the Code, this section controls.

1800

1801 **Secs. 107-387 - 107-396. Reserved.**

1802

1803

1804 *{Amendments to Chapter 107 Zoning, Article III. Special Uses, Section 107-397 Applicability}*

1805

ARTICLE III. – SPECIAL USES

Sec. 107-397. Applicability.

1807 The regulations set forth in this article shall apply to land, buildings and structures located
1808 in a commercial district (C), professional and business office district (C-1), a business district (C-
1809 2), a governmental and institutional zoning district (GI), a park zoning district (P), a hospital
1810 zoning district (H), and a PUD.

1811

1812 *{Amendments to Chapter 107 Zoning, Article III. Special Uses, Section 107-401 Criteria*
1813 *applicable to individual special uses}*

1814 **Sec. 107-401. Criteria applicable to individual special uses.**

1815 (a) Alcoholic beverages sold in a restaurant for on-premises consumption. A proposal to sell
1816 alcoholic beverages in a restaurant for on-premises consumption must comply with the
1817 following specific criteria and conditions, as well as the general criteria prescribed under
1818 section 107-400:

- 1819 (1) The restaurant where alcoholic beverages are proposed to be sold is not located within
1820 300 feet of a church or school;
- 1821 (2) The restaurant where alcoholic beverages are proposed to be sold is not located on
1822 property, two or more sides of which abut property in a residential district;
- 1823 (3) The gross receipts derived from the sale of alcoholic beverages shall not exceed the
1824 gross receipts derived from the sale of food; and
- 1825 (4) The permit shall be reviewed annually by the city secretary and if reissued, reissued at
1826 the end of the city's fiscal year.

1827 (b) Alcoholic beverages sold in grocery stores for off-premises consumption.

- 1828 (1) The grocery store where the alcoholic beverages are proposed to be sold is not located
1829 within 300 feet of a church or school;
- 1830 (2) The grocery store where the alcoholic beverages are proposed to be sold is not located
1831 on property, two or more sides of which abut property in a residential district;
- 1832 (3) The permit shall be reviewed annually by the city secretary and if reissued, reissued at
1833 the end of the city's fiscal year;
- 1834 (4) Additional fees are to be collected after three years' operation in accordance with
1835 alcoholic beverage commission permit rules; and
- 1836 (5) A permit shall only be granted if:
 - 1837 a. The applicant agrees that all litter associated with off-premises consumption of
1838 alcoholic beverages within 200 feet of the applicant's premises is presumed to be
1839 the applicant's; and
 - 1840 b. The applicant agrees to collect and dispose of all litter within 200 feet of the
1841 boundary line of the premises from which alcoholic beverages are sold.

1842 (c) Banks/savings and loan associations in C-~~1~~ districts. A proposed bank or savings and loan
1843 association in a C-~~1~~ district must comply with the following specific criteria and conditions,
1844 as well as the general criteria prescribed under section 107-400:

- 1845 (1) The site plan must provide adequate stack space for motor vehicles;
- 1846 (2) The site shall be designed and developed in a manner that will not impede the flow of
1847 traffic in the vicinity of the bank or savings and loan association;

- 1848 (3) The site plan shall provide for adequate landscaping and the maintenance of
 1849 landscaped areas shall be governed by the provisions of restrictive covenants
 1850 enforceable by the city; and
- 1851 (4) There shall be no more than one curb cut for access to the office complex unless
 1852 otherwise approved by the city council.
- 1853 (d) Personal wireless telephone service facility in certain parts of a C-1, C-2, and H district, and
 1854 a PUD. A proposed personal wireless telephone service facility on a lot with frontage on
 1855 Bee Caves Road in a C-1, C-2 or H district or in a PUD must comply with the following
 1856 specific criteria and conditions as well as the general criteria prescribed under section 107-
 1857 400:
- 1858 (1) The facility shall have a design and appearance that mimics other uses and ancillary
 1859 structures in the vicinity, such as a flagpole, tree trunk or other object compatible with
 1860 surrounding buildings and uses, or, in lieu thereof, the lower 15 feet of a freestanding
 1861 facility shall be screened by vegetation;
- 1862 (2) The use or operation of the facility shall not be attended by noise or light that is
 1863 incompatible with surrounding uses, or other attributes constituting a nuisance to
 1864 surrounding uses;
- 1865 (3) The facility will at all times be operated in compliance with applicable federal and state
 1866 law, including law regulating radio frequencies, microwaves, and other electronic or
 1867 magnetic emissions or transmissions; and
- 1868 (4) No auxiliary generator or power source producing excessive noise or polluting
 1869 emissions shall be included.

1870 (e) Cafes, cafeterias, restaurants, and bakeries. A proposed café, cafeteria, restaurant, or
 1871 bakery must comply with the general criteria prescribed under section 107-400 and must provide
 1872 adequate exhaust air filtration systems as needed to control and capture smells created by the use
 1873 prior to release to the outside atmosphere.

1874
 1875 *{Amendments to Chapter 107 Zoning, Article IV. Nonconforming Structures and Uses, Section*
 1876 *107-422 Nonconforming buildings, structures}*

1877 **ARTICLE IV. – NONCONFORMING STRUCTURES AND USES**

1878 **Sec. 107-422. Nonconforming buildings, structures.**

1879 Any nonconforming building or structure may, so long as it remains otherwise lawful, be
 1880 continued subject to the following requirements and limitations:

- 1881 (1) Except as otherwise required by ordinance or law, a nonconforming building or
 1882 structure may not be altered in a manner that increases the extent of its nonconformity.
- 1883 (2) Except as otherwise required by ordinance or law, a nonconforming building or
 1884 structure must be brought into conformity if:
- 1885 a. Fifty percent of the square footage of the building or structure is demolished,
 1886 excluding a permit for interior construction or remodeling only; or

1924 hereunder, or who shall build any project or facility in violation of any detailed statement of
1925 specification or plans submitted and approved hereunder, or any certificate or permit issued
1926 hereunder, shall, for each and every violation and noncompliance respectively be deemed
1927 guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed
1928 \$2,000 or the appropriate legal maximum as determined by statute. Each and every day that
1929 such violation and/or noncompliance shall exist shall be deemed a separate offense. In case
1930 any person, firm, or corporation violates any of the provisions of this Chapter or any permit
1931 or fails to comply therewith, the city, in addition to imposing the penalties above provided
1932 may institute any appropriate action or proceedings in court to prevent, restrain, correct, or
1933 abate or to prevent any illegal act, conduct, business, or use in or about any land, and the
1934 definition of any violation of the terms of this Chapter or any permit as a misdemeanor,
1935 shall not preclude the city from invoking the civil remedies given it by law in such cases,
1936 but same shall be cumulative of and in addition to the penalties prescribed for such
1937 violation.

- 1938 (c) The owner or owners of any land, building or structure, or part thereof, where anything in
1939 violation of this ~~article~~ Chapter or any permit shall be placed or shall exist, and any person
1940 employed in connection therewith and who assists in the commission of such violation,
1941 shall be guilty of a misdemeanor and shall be liable to a fine not to exceed \$2,000.00.
- 1942 (d) Nothing herein contained shall prevent the city from taking such other lawful action as
1943 necessary to prevent or remedy any violation of this ~~article~~ Chapter or any permit.

1944

1945 **Secs. 107-443—107-459. Reserved.**

1946

1947 *{Amendments to Chapter 107 Zoning, Article V. Administration and Enforcement, Division 3.*
1948 *Board of Adjustment, Sec.107-491 Special Exception to add a special exception for 75-greenbelt*
1949 *reduction}*

1950

DIVISION 3. BOARD OF ADJUSTMENT

Sec. 107-491.- Special exceptions

- 1952 (a) The board of adjustment may, in a specific case, where the board of adjustment makes the
1953 findings required under subsection (c) herein, grant the following special exceptions from the
1954 requirements of this division:
- 1955 (1) Permit the reconstruction of a nonconforming building or structure that has been
1956 damaged by fire or other cause;
- 1957 (2) Permit the enlargement or extension of a nonconforming use or nonconforming building
1958 upon the lot occupied by such use or building at the time of the passage of this division;
- 1959 (3) In undeveloped sections of the city, grant temporary and conditional permits for not more
1960 than two years, provided that the grant of a temporary or conditional permit shall not be
1961 reason or cause for extension of such permit;

- 1962 (4) Permit such modifications of yard, open space, lot area, or lot width regulations as may
 1963 be necessary to improve a parcel of land, if the parcel is of such restricted size that it
 1964 cannot be appropriately improved without such modification; or
- 1965 (5) Permit a public utility or public service building of a ground area or height at variance
 1966 with those provided for the district in which such public utility or public service building
 1967 is permitted to be located, when found reasonably necessary for the public health,
 1968 convenience, safety or general welfare.
- 1969 (6) Permit a reduction or modification in the 75-foot setback requirements of Section 107-
 1970 108(a) and/or the 75-foot greenbelt requirements of Section 107-109(a), provided that:
- 1971 a. In addition to the notice and hearing required under Subsection 107-494(a), the board
 1972 of adjustment shall conduct a public hearing on the application to consider public
 1973 comment and any alternative to the proposed application. The public hearing required
 1974 by this subsection shall be held no less than 30 days prior to the date of any hearing at
 1975 which the board of adjustment will consider action on the application. Upon the
 1976 decision of the board of adjustment or upon request of the applicant, the board of
 1977 adjustment may recess such public hearing, from time to time, to consider any
 1978 alternative proposal. In the event the Applicant requests the board of adjustment to
 1979 consider an alternative proposal, notice of the alternative proposal shall be given in
 1980 the manner required by Subsection 107-491(a), and the hearing on the alternative
 1981 proposal shall be set no less than 30-days prior to the date notice is given; and
- 1982 b. The board of adjustment finds all of the following:
- 1983 (i) The lot to be developed has no existing 75-foot greenbelt or the existing greenbelt
 1984 is less than the required 75-feet;
- 1985 (ii) The proposed alternative, as compared to the existing development, mitigates the
 1986 impact of the existing development upon adjacent residential properties and/or
 1987 improves to the greatest extent practicable the buffering of the adjacent residential
 1988 properties, and preserves or enhances existing landscaping to the greatest
 1989 reasonable extent;
- 1990 (iii) The proposed alternative, as compared to the existing development, is consistent
 1991 with and promotes the recommendations and policies within the city's
 1992 comprehensive plan;
- 1993 (iv) The proposed alternative enhances the site, as compared to the existing
 1994 development, without detriment to the adjacent residential properties, and
 1995 therefore, the overall environment of the city; and
- 1996 (v) The proposed alternative if granted will not have a detrimental impact on any
 1997 adjacent properties.
- 1998 (b) The board of adjustment may grant such other special exceptions as may be provided for
 1999 elsewhere in this division, subject to the terms and conditions therein set out.
- 2000 (c) Prior to granting a special exception, the board shall make a finding that it is empowered
 2001 under this chapter to grant the special exception, that the public convenience and welfare will
 2002 not be substantially or permanently injured in the granting of the special exception, and that

2003 the grant of the special exception will not adversely affect the public health, convenience,
2004 safety or general welfare.

2005 (d) In granting a special exception, the board of adjustment may prescribe appropriate conditions
2006 and safeguards in conformity with this division.

2007 (e) The board of adjustment shall prescribe a time limit within which the action for which the
2008 special exception is required shall be begun or completed, or both. Failure to comply with the
2009 time limits set by the board shall void the special exception.