

# Chapter 1 General Provisions

## Section 1.1 Purposes and Intent

- (1) Generally, references to external documents and materials are intended to provide for the convenience of the user and facilitate navigation of these regulations. External documents referenced by these regulations exist in their own right and are not part of these regulations unless specifically incorporated by reference or by application.
- (2) The purpose of the Unified Development Code (UDC or Code) is to promote the public health, safety, welfare and quality of life of the present and future citizens of the City of Blanco.
- (3) For the purposes of these regulations, the words and terms used herein shall be interpreted as follows:
  - (a) Words used in the present tense include the future tense;
  - (b) Words used in the singular include the plural and the plural includes the singular, unless the context clearly indicates the contrary;
  - (c) The term “shall” is always mandatory;
  - (d) The term “may” is discretionary;
  - (e) The term “city” shall refer to the City of Blanco, “county” shall refer to Blanco County, “state” shall refer to the State of Texas, and “federal” shall refer to the United States of America, unless otherwise indicated;
  - (f) All public officials, bodies, and agencies reference those of the City of Blanco, unless otherwise indicated;
  - (g) Terms and words not expressly defined in the Definitions section; are those having meaning unique to the purposes of these regulations. All words, terms, and phrases not expressly defined, or otherwise within these regulations, are to be construed in accordance to adopted ordinances, codes, or standards of the City, or according to the customary meaning and usage of such word, term, or phrase.
- (4) References to State and Federal Statutes
  - (a) References to the Texas Local Government Code and the United States Code shall be interpreted to mean the most current version of the referenced section at the time the reference is applied.
  - (b) If referenced statutes of the Texas Local Government Code or United States Code are repealed and replaced by another statute with comparable subject matter, the replacement statute shall control.

- (c) If referenced statutes of the Texas Local Government Code or United States Code are repealed and not replaced by another statute, the repealed statute shall control if it is within the statutory authority of the City to effectuate such results, or the application shall be held (and not considered officially filed) for up to 12 weeks for the City to revise these regulations to resolve the reference and establish an appropriate rule or policy.
- (d) References to the Texas Local Government Code and the United States Code as the source of authority of administrative rules, such references shall be interpreted to include the rules and statutes provided thereunder.

## **Section 1.2 Consistency with the Comprehensive Plan**

The Blanco Comprehensive Plan, as adopted and as amended and periodically updated, is a policy guide intended to inform the formulation and implementation of development regulations found in the Unified Development Code. The following general land use policies drawn from the Comprehensive Plan have been used in the development of this Code. If there is a Code, the Unified Development Code will govern:

- (1) Maintain the appearance and rural character of Blanco.
  - (a) Ensure that regulations are consistent with Blanco priorities and enforced according to standard policy in order to maintain the town character.
  - (b) Ensure that the public is educated on the purposes and procedures of such regulations.
  - (c) Maintain public areas to high standards of cleanliness and aesthetics.
- (2) Protect the small-town character of Blanco as growth occurs.
  - (a) Promote affordable housing.
  - (b) Implement challenging projects in a professional manner that does not conflict with the community's values.
  - (c) Ensure adequate infrastructure, including water, sewer, and street facilities for growing demand, including planned annexation areas.
  - (d) Preserve open space and agricultural lands for rural character.
- (3) Promote positive growth.
  - (a) Promote a mix of businesses in the downtown area.
  - (b) Provide public facilities and amenities in the downtown area including sidewalks, parking, public restrooms, and landscaping.

- (c) Protect the heritage of Blanco through preservation of historic resources in appropriate design regulations for construction and renovation in the Blanco community.
- (d) Develop a variety of recreation facilities, including Community Center and various types of parks, to serve the needs of the entire community.
- (e) Develop safe pedestrian access throughout Blanco.
- (f) Provide for responsible growth throughout Blanco including residential and non-residential uses in the City and the Extraterritorial Jurisdiction as appropriate.
- (g) Ensure adequate infrastructure for new and existing development in Blanco.

### **Section 1.3 Authority**

Chapter 2 sets forth the specific responsibilities and authority for each administrative official and review entity as it relates to the implementation of this Code. Chapters 211 and 212 of the Texas Local Government Code together with the general police powers of municipalities empower the City to adopt this Unified Development Code.

### **Section 1.4 Jurisdictions**

#### (1) Within City Limits

The City of Blanco has the statutory authority to exercise a broad range of powers within its city limits. Pursuant to such authority, all chapters and sections of the UDC shall apply to all areas within the city limits of Blanco. All structures, land uses constructed or commenced after the effective date of the UDC and all enlargements of, additions to, changes in, relocations of existing structures and uses occurring after the effective date of the UDC are therefore subject thereto.

#### (2) Within Extraterritorial Jurisdiction (ETJ)

- (a) The City of Blanco shall be the primary platting authority of the City's ETJ.
- (b) Generally, the following standards shall apply to all properties within the City Limits of Blanco and the City's ETJ:
  - i. Lot Design and Site Development Standards (Chapter 5—certain sections)
  - ii. Infrastructure and Public Improvements (Chapter 6 & 7)
  - iii. Sign Standards (Section 4.8)
  - iv. See Chapter 3 for further information about how the procedures and regulations of this Code apply to the extraterritorial jurisdiction.

### **Section 1.5 Applicability**

(1) Future Development

This Code shall apply to all matters pertaining to the use and development of land within the jurisdiction described in Section 1.4 above. The Code applies to all public buildings and private property, and uses thereon, over which the City has jurisdiction under the constitution and laws of the State of Texas and of the United States.

(2) Existing Development

Hereafter, no building or structure shall be erected, demolished, remodeled, reconstructed, altered, enlarged, or relocated in the City of Blanco and ETJ except in compliance with the provisions of this Code; and then only after securing all required permits and licenses, as applicable. Any building, structure, or use lawfully existing at the time of passage of this Code, although not in compliance therewith, may be maintained as provided in Chapter 4, Zoning, Section 4.9, and Nonconforming Uses.

**Section 1.6 Minimum Requirements**

- (1) The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion of public health, safety, and general welfare.
- (2) Whenever the requirements of this Code are in conflict with the requirements of any State and Federal regulations, the State or Federal regulation shall rule and govern instead. If a requirement of this Code is in conflict with any other City ordinance, the requirement that is most restrictive will apply and govern.
- (3) The issuance of any permit, certificate, or approval in accordance with the standards and requirements of the Code shall not relieve the recipient of such permit, certificate, or approval from the responsibility of complying with all other applicable requirements of any other municipality, special district, private association, deed restrictions, state, or federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

**Section 1.7 Effective Dates**

This Code shall become effective and be in full force and effect immediately following its passage and approval by the City Council, as duty attested by the Mayor and City Secretary.

## **Section 1.8 Severability**

If any section or part of this Code is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Code but shall be confined in its effect to the specific sections of this Code that are held unconstitutional or invalid. The invalidity of any section of this Code in any one or more instances shall not affect or prejudice in any way the validity of this Code in any other instance.

## **Section 1.9 Projects in Transition**

The purpose of this section is to provide guidance to those development projects that have received some form of municipal approval prior to the date of enactment of the Code. More detailed information regarding Vested Rights and Nonconforming uses can be found in Chapter 4.

### **(1) Projects in Construction**

- (a) Building Permits-Nothing in this Code shall require any change in plans, construction, size, or designate use of any building, structure, or part thereof that has been granted a building permit prior to the effective date of this Code, or any amendment to Code, provided construction has begun consistent with the terms and conditions of the building permit and proceed to completion in a timely manner.
- (b) Approved Site Plans-Nothing in this Code shall require a change in site plan approved prior to the effective date of this Code, provided a building permit is issued prior to expiration of the site plan, and construction begins consistent with the terms and conditions of the building permit and proceeds to completion in a timely manner.
- (c) Violations Continue-Any violation of the previous land use or similar regulations of the City shall continue to be a violation under this Code and shall be subject to penalties and enforcement under Chapter 8, Compliance and Enforcement, unless the use, development, construction, or other activity is consistent with the express terms of this Code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred prior to the effective date of this Code.

### **(2) Dormant Plats**

Any minor plat, replat, amending plat, preliminary plan, or final plat approved pursuant to Subdivision Regulations in effect prior to the date of enactment of this Code that is dormant according to the provisions of Texas Local Government Code § 245.005 shall lose its vested status five (5) years after the permit was issued and the permit shall expire. The City Staff shall review all such cases and send written notice to an applicant stating when an issued permit will expire as provided in Section 4.10.

### (3) Legal Nonconformities Under Prior Ordinances

Any legal nonconformity under the previous Zoning Ordinance will be a legal nonconformity under this Code as provided in Section 4.09, as long as the situation that resulted in the nonconformity under the previous Zoning Ordinance still exists.

### **Section 1.10 Annual Updates or Amendment**

- (1) The purpose of this section is to provide for annual updates to the Code in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or state of the art tools, methods and practices in land use planning and urban design.
- (2) In the sixty (60) day period prior to September 1<sup>st</sup> of each year, any person may provide a request for a Code amendment. Said request shall be labeled an “Annual Update Request” and shall include a summary of the proposed changes, the portion of the Code to which said changes are thought to apply, the reason for the proposed changes, and suggested text amendments and be submitted by mail or in person to the attention of the City Secretary.
- (3) The City Secretary shall receive the proposed amendments within the sixty (60) days preceding September 1<sup>st</sup> and shall refer the proposed amendments to the Planning and Zoning Commission by October 1<sup>st</sup> of each year.
- (4) The City Secretary or the Planning and Zoning Commission may conduct workshops to informally discuss the Annual Update Requests with neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.
- (5) The Planning and Zoning Commission shall refer the Annual Update Request to the City Council with recommendations for amendments to the Code by December 1<sup>st</sup> of each year.
- (6) Annual Update Requests shall serve a legitimate purpose. The City Secretary will review each request and make a determination on whether or not a request serves a legitimate purpose. The City Attorney will review any Annual Update Request for legality under the law as it exists at the time of the request and shall assist with drafting of any revisions as requested by City Staff, Planning and Zoning Commission, or City Council. City Staff will forward the requests as described above and notify individuals whose request is denied by the City Staff. Should an individual disagree with the decision, they may petition the City Council to consider the individual’s request. The City Council will make a final determination as to whether the request should be forwarded to the Planning and Zoning Commission per the procedure described above. No Update shall be approved without following all notice and hearing requirements provided by state law or this Code.

## Section 1.11 Violations

See Chapter 8, Compliance and Enforcement

## Section 1.12 Validity

The issuance or granting of a permit or approval of plans or plats, site or facility designs, or specifications shall not be construed to be a permit for, or an approval of, any violation of any provision of this Code, nor shall they violate or cancel the provisions of this Code, except in so far as the work or use granted by the permit or approval it authorizes is lawful and conforms to the requirements of this Code or a variance or modification granted pursuant to this Code.

## Section 1.13 Definitions

**Abandonment:** Means to discontinue a use or activity for 6 months or after destruction of 50% of total appraised value, excluding temporary or short-term interruptions such as seasonal closures, or due to remodeling, maintenance, or otherwise improving a facility.

**Abutting:** When referring to lots, parcels, or property, is next to and having some portion of a boundary that is conterminous with the parcel proposed for development. Lots or parcels that are separated only by an alley are abutting if their property lines would be shared if they extended to the centerline of the alley.

**Access Point:** Means a point of vehicular entry to or exist from a property or lot. See also “Cross Access”.

**Accessory Building or Structure:** A building or structure that is subordinate to the principal building, which serves purpose that is customarily associated with the principal use. Examples of accessory buildings and structures include pergolas, gazebos, storage sheds, and detached residential garages. The phrase “accessory building or structure” does not include a parking structure.

**Accessory Dwelling Unit:** A separate dwelling unit located in a detached accessory building or as an attached independent unit to the principal dwelling unit. An accessory dwelling unit includes independent living quarters with cooking facilities, sanitation, and sleeping spaces and is limited in size by the standards of these regulations. An accessory dwelling unit may be commonly referred to as “guest home,” “granny flat,” “garage apartment,” or “mother-in-law suite,” etc.

**Attached ADU:** Means a unit that is created within an attached or a principal building such as it appears to be an integrated part of it.

**One-Story Detached ADU:** Means a detached accessory building that contains an accessory dwelling unit. It may or may not also include a garage or storage area.

**Second-Story Detached ADU:** Means an accessory dwelling unit which is located on the second floor of an accessory building. A typical example is a dwelling unit located above a detached garage.

**Accessory Use:** Means a use incidental to and customarily associated with a specific principal use located on the same lot or parcel.

**Adjacent:** Means “next to” or “closest to” but shall not necessarily mean “touching”.

**Activity Center:** centers of a public, nonprofit or charitable nature providing fraternal, social, and/or recreational programs generally open to the public and generally designed to accommodate and serve the retired or elderly segment of the community. Accessory uses may include offices, meeting areas, food preparation areas, and day care uses.

**Administrative Approval:** Means an application process for permit or approval whereby the decision is made by an administrative representative of the City.

**Agriculture Uses:** Means a category of uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production and ranching.

**Agriculture Sales:** An establishment engaged in sale from the premises of feed, grain, fertilizers, pesticides, and similar goods.

**Alley:** A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties that derive primary access from a street. The length of an alley segment is to be measured from the right-of-way lines of the streets from which the alley is provided access, or from the center point of an intersection with another alley which connects to a street. An alley is not the same as a street for purposes of the setback or design requirements of these regulations.

**Alteration:** A physical change in or to a building.

**Amateur Radio Antennas:** An antenna for the private use and enjoyment of an individual holding a valid amateur radio (HAM) license issued by the Federal Communications Commission and not used for any commercial or industrial use.

**Amending Plat:** See “Plat, Amending Plat”.

**Amenity:** An improvement to be dedicated to the public or to the common ownership of the lot owners of the subdivision that provides an aesthetic, recreational or other benefit, other than those prescribed by these regulations.

**Animal Raising or Production:** The on-site raising and breeding of animals for the purpose of food or production of food. The phrase “animal raising or production” includes commonly used terms such as ranching, poultry farm, fish farm, beekeeping, and dairy farm.

**Animal Shelter:** A public, nonprofit or not-for-profit facility at which stray, lost, homeless, abandoned, or unwanted dogs, cats, or other domesticated animals are kept for purposes of distribution to the general public.



**Annexation:** The process by which a City, by ordinance, annexes land into the City limits pursuant to the various processes of Chapter 43, Municipal Annexations, of the Tex. Local Gov't Code and the Home Rule Charter.

**Annexation, Voluntary:** An annexation initiated by an annexation petition application by the property owner(s) or their authorized representatives.

**Antenna:** Any apparatus designed for the transmitting and/or receiving of electromagnetic waves that includes but is not limited to telephonic, radio, or television communications. Types of antennas include, but are not limited to, omnidirectional (whip) antennas, sectorized (panel) antennas, multi or single bay (AM/FM/TV/DTV), Yagi, or parabolic (dish) antennas.

**Antenna-supporting structure:** A vertical projection composed of metal or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than ten (10) feet.

**Apartment:** A multifamily building type that is comprised of five or more dwelling units. Apartments may be leased, rented, or owned in a condominium style of ownership.

**Apartment, Loft:** Multifamily residential dwelling units which are housed on the second floor and above of a building where the first floor contains a nonresidential use.

**Appeal:** The process of reviewing a decision of an application that may be requested by a person aggrieved by such decisions.

**Applicant:** A person or entity who submits to the city a request for a development permit or agreement or application for approval as authorized by this article and Texas Local Government Code, as may be amended. To be qualified as an applicant under this article, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this article. The term shall be restricted to include only the property owner(s), or a duly authorized agent and representative of the property owner. In other jurisdictions, the term is sometimes referred to as the "developer," "subdivider," "builder," or a similar title.

**Application:** A written request and submission of materials for an approval as required by these regulations.

**Appurtenance:** A feature related to a parcel of land or to a building structure, object, site, or a related group thereof. The term includes, but is not limited to, buildings, structures, objects, sites, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings, and signs.

**Architectural Control:** Regulations governing the appearance or architectural style of buildings or structures. Architectural control is a form of aesthetic zoning. (PAS Report No.322, p4)

**As-Built Plans:** Plans and specifications prepared and certified by a registered land surveyor, licensed landscape architect, or licensed engineer, as appropriate to the type of plans, that clearly depict the completed improvements as they were constructed or installed on a lot. Also known as record drawing.

**Asphalt or Concrete Batch Plant:** A permanent manufacturing facility engaged in the storing and mixing of raw materials to produce concrete or asphalt, including trucks that transport the product to job sites.

**Athletic Facility, Indoor or Outdoor:** An area, field, building or combination thereof, which is constructed and equipped for use in participatory and/or spectator-oriented sports and athletics. This use includes, but is not limited to, facilities intended for the instruction, practice, and competitive events associated with basketball, volleyball, soccer, tennis, gymnastics, swimming, baseball or football. Accessory uses may include offices, snack bars, limited sales, locker rooms and incidental childcare. This term excludes racetracks for dirt bikes or motorized vehicles, amusement parks, sports arenas, and any other facility otherwise categorized as Major Event Entertainment.

**Authorized Representative:** Any person showing written verification that he or she is acting for and with the knowledge and consent of a property owner.

**Average Daily Trips (ADT):** The average number of vehicles or pedestrians passing a specific point in a 24-hour period, normally measured through a year. ADT is the standard measurement for vehicle traffic load on a section of road and is the basis for most decisions regarding transportation planning.

**Automobile:** A self-propelled passenger vehicle that usually has four wheels and an internal-combustion engine, used for land transport. Also includes vehicle or motor vehicle.

**Automobile Parts and Accessories Sales, Indoor:** Retail sales of automobile related parts and accessories.

**Automobile Repair and Service, General:** General repair or replacement services for any vehicles, including commercial. In addition to those services provided under limited automobile repair and service, general automobile repair and services includes rebuilding, reconditioning or replacement of engines, transmissions or power trains; collision services such as body, frame, or fender replacement, straightening or repair; steam cleaning, undercoating and rust proofing; major painting; or similar servicing, rebuilding or repairs that normally require significant disassembly or overnight on-site storage of vehicles, excluding dismantling, wrecking, or salvage. Outdoor storage of materials such as tires, auto parts, etc. is allowed.

**Automobile Sales, Rental or Leasing Facility:** The sale of automobiles, noncommercial trucks, or motorcycles, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships or motorcycle dealerships.

**Awning:** An architectural projection, which provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. It is composed of a lightweight

rigid or retractable skeleton structure over which a covering of fabric or other materials are attached.

**Banking and Financial Service:** An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. This term does not include "check cashing" or "payday loan" establishments.

**Bar or Nightclub:** A commercial establishment where the primary purpose is to sell alcoholic beverages for on premise consumption where more than 75-percent of the sales proceeds are for the sale of alcoholic beverages and may include dancing and/or musical entertainment.

**Base Flood:** A flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE):** The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one (1) percent chance of equaling or exceeding that level in any given year (also called the base flood).

**Bed and Breakfast:** A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated zoning districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. The events associated with a Bed and Breakfast shall be subordinate to the Bed and Breakfast.

**Block:** A tract or parcel of land bounded on all sides by streets or other transportation rights-of way, or by physical boundaries such as waterbodies, water courses, open spaces etc., or any or by a combination thereof. Blocks are typically divided into lots.

**Block Length:** for a residential subdivision, means the distance measured along the centerline of the street from the intersection center point of one (1) through street to the intersecting center point of another through street. The through street referred to above shall not be a cul-de-sac, an alley, a dead-end street, or a looped street, but shall be a street which clearly has two (2) points of ingress from two (2) different directions. Also known as "street length".

**Board of Adjustment:** A citizens' commission appointed by the city council to perform the functions established by Texas Local Government Code Chapter 211, and other duties assigned by ordinance. As the governing body of a type A general-law municipality, the city council is statutorily authorized to perform this function and serve in this capacity.

**Bond:** Any form of a surety bond in an amount and form satisfactory to the City.

**Brewery/Distillery/Winery:** An establishment where beer, liquor, or wine is produced on the premises and may include in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales.

**Buffer:** Physical spaces or improvements that physically and visually separate one use or property from an abutting property in order to mitigate the impacts of noise, light, or other nuisance as required by these regulations. Buffers may include but are not limited to open spaces, landscaped areas, fences, walls, berms, or any combination thereof.

**Build-to Line:** The line located a distance from a right-of-way that a portion of a building must be built to.

**Buildable Area:** Also known as “building envelope,” means the area of a lot or parcel that is buildable, as determined by setback requirements.

**Building:** An improvement or change to the property which substantially reduces the permeability of the natural ground underneath the building or structure to absorb rainfall. A building such as a house, barn, church, hotel, or similar construction that is created to shelter any form of human activity. Building also may be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. (*National Register Bulletin 24*, p.1)

**Building Articulation:** A variation or change in the plane of a building wall. Horizontal Articulation means a variation in the height of a wall surface of a building or structure. Vertical Articulation means a variation in the depth of a wall surface.

**Building Height:** The vertical distance measured from "grade" to the highest point of the coping of a flat roof or the deck line or a mansard roof or to the average height of the highest gable on a pitched or hipped roof, or to the highest point of a structure.

**Building Official:** means a representative of the City staff appointed by the City Manager to be the administrator of these regulations.

**Building Setback Line:** means the line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street right-of-way line, property line, a creek, or some other specific feature. See “Setback”.

**Bus Barn:** A facility where buses or other passenger transporting fleet vehicles are housed, stored, maintained or repaired. Accessory uses may include offices or maintenance, fueling, or washing facilities.

**Business or Trade School:** A Facility or campus of facilities that provide educational training in business, commerce, language, or other similar activity or occupational pursuit. The term does not include educational activities associated with home enterprises, college/university, or education uses.

**Caliper:** The diameter of a tree measured 12 inches above the ground when planted.

**Campground:** Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes. The maximum length of stay at a camping and recreational vehicle park shall be 30 days.

**Canopy:** A roof-like structure, often attached to and supported by a building, that provides architectural detail or weather protection over a door, entrance, window, fuel pumps, or outdoor area.

**Car Wash:** A facility for the washing, waxing, or cleaning of automobiles, recreational vehicles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. This term includes a wash facility providing automated self-service (drive-through/rollover) wash bays and an apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed and a wash facility providing wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

**Cemetery:** A place or ground used or intended to be used for the burial or entombment of the dead, whether human or animal, including a mausoleum or columbarium.

**Certificate of Appropriateness:** A document evidencing the approval of the Historical Preservation Commission, signed and dated by the Chairman of the Historical Preservation Commission, for the installation, construction, alteration, change, restoration, removal, or demolition of any Exterior Architectural Feature Resource or other significant appurtenance of any Historic Landmark or of any building or structure located within the Historic District to be issued in cases further defined in this ordinance, where approval for the same is required.

**Certificate of Occupancy:** A process and permit required prior to the occupancy of a building. Certificates of Occupancy are approved administratively.

**Child-Care Facility, Day Care:** Commonly referred to as “day care,” means a facility licensed, certified, or registered by the state to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

**City Council:** means the duly elected governing body of the City of Blanco, Texas.

**City Engineer:** shall apply only to such licensed professional engineers, or firm of licensed professional consulting engineers, that has been specifically employed by the City to assist in engineering-related matters. This term shall also apply if the City retains a person to perform the functions of City Engineer as an official City employee.

**City limits:** The incorporated municipal boundary of the city.

**Co-location:** The locating of wireless communications equipment (antenna) from more than one provider on an existing single mount or antenna-supporting structure. The term “co-location” shall not be applied to a situation where two or more wireless communications service providers independently place equipment on an existing building.

**Commercial:** is a term that describes activities that are non-residential in nature and generally involve the exchange of goods or services.

**Commercial Feed Lot:** A lot, yard, corral, building, or other area in which livestock or other animals for food or fur are housed and confined, primarily for the purposes of feeding and growth prior to slaughter and which is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure and substantial amounts of manure or other related wastes may originate by reason of such feeding of animals. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

**Commercial Recreation / Entertainment:** A privately established and operated facility that provides indoor or outdoor entertainment, amusement, or recreation for a fee. The phrase “commercial recreation / entertainment” includes, but is not limited to, commonly used terms such as:

- (1) Bowling alley, an establishment providing facilities for the sport of bowling.
- (2) Movie theater, an indoor facility that provides fixed seating for customers to view motion pictures.
- (3) Performance venue, an indoor or outdoor facility that provides fixed seating for customers to view dramatic, comedic, musical, lectures or others live performances including concert halls and amphitheaters.
- (4) Dance hall, an establishment offering to the general public facilities for dancing.
- (5) Billiards or Pool hall, an establishment providing facilities for playing billiards or cue sports.
- (6) Gaming center, an establishment offering facilities for amusement game devices, such as video arcades, pinball machines, LAN gaming centers, laser tag, and similar mechanical and electronic amusement devices.
- (7) Skating rink or skate park, an establishment providing facilities for ice skating, roller skating or skate boarding.
- (8) Amusement park, an establishment providing various entertainment activities including, but not limited to, miniature golf, go kart tracks, Ferris wheels, roller coasters, and/or rock-climbing walls.
- (9) Golf driving range, an establishment equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.
- (10) Shooting range (indoor only), an establishment that operates an indoor area for the discharge or other use of firearms for recreational shooting.

**Commercial Stables:** A leasing facility intended for the sheltering and care of domestic animals such as horses and mules.

**Commercial Uses:** A category of uses that includes businesses that facilitate the buying and selling of manufactured goods or provide consumer and professional sales and services.

**Community Center:** A building or complex of buildings typically consisting of one or more meeting or multi-purpose rooms and kitchen and/or outdoor barbecue facilities, owned and/or operated by a governmental agency or private non-profit agency and used for and providing

religious, fraternal, social, cultural, educational, athletic, recreational, or entertainment activities generally open to the public and designed to accommodate and serve significant segments of the community. Community centers may be available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

**Comprehensive Plan:** The Comprehensive Plan of the City and adjoining areas as adopted by the City Council, including all its revisions and plan elements (including, but not limited to, the Future Land Use Plan, Thoroughfare Plan, Parks and Open Space Plan, etc.). This plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements.

**Comprehensive Historic Preservation Plan:** A document that integrates the various preservation activities and gives them coherence and direction, as well as relates the community's preservation efforts to community development planning as a whole.

**Concept Plan:** means a general plan for the development of property which demonstrates the nature of the parcel proposed for development to evaluate the impacts of the development on abutting uses and compliance with the City's long-range plans.

**Condominium:** A form of real property ownership that combines separate ownership of individual dwelling units within common ownership of other elements such as land or accessory buildings.

**Construction Plans:** The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision in accordance with the requirements of the City as a condition of approval of the Preliminary Plat. May also be referred to as "engineering plans."

**Contiguous:** Two lots where at least one boundary line or point of one (1) lot touches a boundary line, or lines, or point of another lot.

**Continuance:** A request to delay or "table" a decision on a completed application.

**Contractor Services:** An establishment primarily engaged in construction or related activities off-premises. This use includes offices associated with the business and the maintenance and indoor or outdoor storage of supplies, equipment, machinery, and vehicles.

**Correctional Facility:** A facility providing judicially required detention or incarceration of individuals convicted of crimes where these individuals are housed until such time as they have completed their sentences. Such facilities include minimum- and maximum-security prisons for adults as well as juvenile detention centers for minors.

**Crop Production and Sales:** The cultivation, harvesting, production, and sales of produce such as vegetables, fruits, trees, and grain or similar crops and the cultivation of plants and trees for commercial distribution.

**Cross Access:** An access point between abutting lots. Also known as inter-parcel cross access.

**Cul-de-sac:** A street having only one (1) outlet to another street and terminated on the opposite end by a vehicular turnaround or "bulb". The length of a cul-de-sac is to be measured from the intersection center point of the adjoining through street to the midpoint of the cul-de-sac bulb.

**Data Center:** A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site. Data Centers will typically require large amounts of electricity, strict temperature control and high security and will generally have few employees on-site at any given time. May also be referred to as a server farm.

**Day Care, Commercial:** A day care facility that provides less than 24-hour care and supervision for 12 or more individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees. This term shall include commercial daycare for children, adults or handicapped persons. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

**Dead-End Street:** A street, other than a cul-de-sac, with only one (1) outlet.

**Dedication:** The commitment of property interest from a private entity to a public entity for a public purpose.

**Demolition:** An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

**Design Review:** The decision-making process conducted by an established review committee of a local government that is guided by the terms set in the historic preservation ordinance.

**Design Review Guidelines:** These are a set of guidelines adopted by the commission that details acceptable alterations of designated properties. They are usually generously illustrated and written in a manner that would be understood by most property owners.

**Developed Area:** The portion of a lot or parcel upon which a building, structure, pavement, or other improvements have been placed.

**Developer:** A person seeking to construct buildings or structures, or otherwise improve a parcel proposed for development as defined in these regulations.

**Development:** Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures (including, but not limited to, parking, fencing, pools, and signs), land disturbing activity (including mining, dredging, filling, grading, paving, excavation or drilling operations), or storage of equipment or materials.

**District:** A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. (National Register Bulletin 24, p.1)



**Drive-Through:** A commercial facility where transactions of services, goods, food, or beverages are conducted from a vehicle either parked or in a drive-through lane. May also be referred to as “drive-in” or “drive-up”.

**Driveway:** A surfaced area providing vehicular access from a public street and within a property.

**Due Process (of law):** A requirement that legal proceedings be carried out in accordance with established rules and principles. (PAS, Report No. 322, p14)

**Duplex:** A residential structure containing two attached dwelling units which share common walls and are designed exclusively for the use and occupancy of two families living independently of each other. The land underneath the structure is not divided into separate lots.

**Dwelling Unit:** A residential unit providing complete, independent living facilities for one family, including permanent sleeping, eating, cooking, and sanitation facilities.

**Easement:** An area for restricted use on private property upon which the City or a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs and other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within said easements. The City and public utilities shall, at all times, have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of their respective systems without the necessity at any time of procuring the permission of anyone.

**Effective Date:** The date that these regulations became effective and when individual Articles, Divisions, or Sections were amended.

**Emergency Services Station:** Facilities for the conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

**Encroachment:** Generally, building or structure or portion thereof that crosses a lot line, building line, or setback line into a setback area, right-of-way, abutting property under separate ownership, or any other area which does not allow for the building or structure.

**Engineer:** A person duly authorized and licensed under the provisions of the Texas Engineering Practice Act to practice the profession of engineering.

**Equipment Sales and Repair, Heavy:** A facility providing retail sales, leasing, and repair of heavy or commercial vehicles or equipment such as those used in construction, farming, or manufacturing.

**Escrow:** A deposit of cash with the City in accordance with these regulations.

**Extraterritorial Jurisdiction:** The area of land adjacent to the City Limits which through the authorities provided by state law allows the City to extend some regulatory provisions into the unincorporated area as a means to protect the general health, safety, and welfare of persons residing

in and adjacent to the City, and to provide the City with some control over its growth area. Sometimes referred to as “ETJ.”

**Event Facility:** A building, structure, or site available for rental by the public for the primary intended purpose of hosting parties, wedding receptions, banquets, corporate meetings or similar group events. Event Facility does not include an event room available for rental in a structure housing another primary use where the event room rental is an accessory use to the primary use (i.e., General Restaurant) or a Community Center as it is defined in this Code.

**Extension:** A request to extend an application for permit or approval that is subject to expire.

**Exterior Architectural Feature:** The architectural style, design, general arrangement and components of all of the outer surfaces of a building or structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Exterior Architectural Features shall include, by way of example but not limitation, the kind, color, texture of the building material and the type and/or style of all windows, doors, lights, signs and other fixtures appurtenant to such building or structure.

**Façade:** Any face of a building, including front, side, or rear faces.

**Farm Stand:** An accessory building or structure erected for the seasonal display and retail sale of fresh fruits, vegetables, flowers, herbs or plants produced on the property or neighboring property where the stand is erected. No commercially packed handicrafts or commercially processed or packaged foodstuffs shall be sold at a farm stand.

**Farmer’s Market:** A permanent indoor or outdoor market where individual vendors offer produce and related items for retail sale directly to the consumer. The products are typically locally and regionally grown and may include items such as fresh fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and processed food products such as jams, honey, pickled foods, and sauces. Baked goods, handmade crafts, art, clothing, jewelry, and produce items not native to this region may also be sold but may not constitute a majority of total sales. Sale of new and used household goods, personal effects, tools, small household appliances, and similar merchandise are not included in this definition.

**Fall Zone:** The area around a wireless transmission facility or communication facility that has the potential for being damaged in the event that such facility should fall or collapse, including the scattering of equipment debris.

**FEMA:** The Federal Emergency Management Agency of the U.S. government.

**Fill:** To deposit or stockpile dirt, stone, construction debris or other material in order to modify land or alter current drainage patterns.

**Final Plat:** See “Plat, Final Plat.”

**Fitness Center:** An establishment providing exercise equipment, facilities and instruction designed to maintain or improve the physical fitness of participants. Facilities may include childcare centers, swimming pools, sports courts and similar amenities and may also include

incidental food sales, retail sales, and personal care services. May also be referred to as a gym or a health club.

**Floodplain Administrator:** A representative of the City staff appointed by the City Manager to administer and implement all floodplain management provisions of these regulations and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management. See also Section 11.1.12, Floodplain Administrator, Section 11.3.8, Floodplain Development Variance, and Section 11.5.2, Floodplain Development Permit.

**Floodplain Development Permit:** An administrative process and permit required for development that encroaches in the floodplain.

**Food and Drink Establishment:** A place where food and beverages are prepared and served to patrons for consumption on-site or off-site and may include live indoor or outdoor entertainment subject to the development standards set out in these regulations. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses, and similar establishments.

**Frontage:** The portion of a lot, parcel, or tract that abuts a street right-of-way.

**Fuel Sales:** The on-site retail sales of motor vehicle fuel, including gasoline, diesel fuel, and alternative fuels.

**Funeral Home:** An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses also include mortuaries.

**Garage:** The building or structure or part thereof designed, used, or intended for the parking and storage of automobiles.

**Golf Course, Country Club:** A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, a driving range, putting greens, and shelters as accessory uses. This term excludes standalone driving ranges or miniature golf facilities.

**Governing Body:** The City Council of the City of Blanco.

**Government:** Federal, state, county or City governing entities. The term “government” could mean an individual entity or a grouping of entities.

**Government or Postal Office:** Federal, State, County, or City offices containing administrative, clerical, or public contact services and may include incidental storage and maintenance of necessary vehicles.

**Grade:** The highest pre-development elevation of the surface of the ground within each proposed or existing building footprint on a lot. Each building shall have separate and individual grade applicable to each building. If permitted site development grading is (was) done in conjunction with subdivision of five acres or more, then the resulting finished ground surface shall be allotted as the surface of the ground for grade determination.

**Greenhouse, Wholesale:** A large-scale commercial greenhouse used to grow flowers, shrubs, trees, or other plants for the wholesale trade to restaurants, farmer's markets, grocery stores, and other off-site markets. The business may have incidental retail sales in conjunction with the wholesale sales.

**Group Home:** A facility or home licensed by the State to provide shared residential living arrangements for the 24-hour protective care of the mentally and/or physically impaired, developmentally disabled, or victims of abuse or neglect. This term includes foster homes, congregate living facilities for persons 62 years of age or older, and maternity homes. This term does not include post-incarceration facilities or facilities for those who are a danger to themselves or others.

**Historic District:** An area of the City designated by the City Council under Section 6 of this ordinance, as having definable geographic boundaries, a significant concentration, linkage, or continuity of sites, buildings, or structures united historically or aesthetically by plan, appearance, or physical development historic buildings, structures, accessory buildings, fences, or other appurtenances of the district are of basic and vital importance for the preservation of culture and neighborhoods and economic development and promotion of tourism.

**Historic Landmark:** An individual property designated by the City Council under Section 5 of this ordinance, as having outstanding historical and cultural significance in the nation, region, or community. The designation "Historic Landmark" recognizes that the historic place, or the building(s), structure(s), accessory building(s), fences, or other appurtenances at the site are of basic and vital importance for the preservation of culture and neighborhoods and economic development and promotion of tourism.

**Historic resource survey (Blanco):** A comprehensive architectural survey of all properties with the City's Historic District and adjoining area. Future amendments to the same shall be automatically included herein.

**Home Health Care Services:** A facility primarily engaged in providing skilled nursing services in the home along with a range of additional services to help patients live independently by taking care of activities that are essential to daily living. In addition to traditional nursing (such as changing wound dressings, checking vital signs, and providing tube feedings), these care giving services may include personal care (such as bathing, dressing, eating, and walking), homemaker and companion services (such as shopping and paying bills), physical therapy, medical social services, medications, medical equipment and supplies, 24-hour home care, counseling, dietary and nutritional services, speech therapy and audiology.

**Horticulture:** The growing of fruits, vegetables, or ornamental plants such as flowers, shrubs, or trees. This use excludes on-site retail sales.

**Hospice Facility:** A facility licensed through the State of Texas to provide 24-hour palliative care to terminally ill persons.

**Hospital:** An institution providing primary health services and medical or surgical care, primarily on an in-patient basis, to persons suffering from illness, disease, injury, and/or other abnormal

physical conditions. Services may include out-patient and emergency treatment, diagnostic services, laboratories, rehabilitation services, training or teaching facilities, medical offices, hospital administration, meeting areas, maintenance facilities, staff dormitories, and supportive services for patients, employees, and visitors such as cafeterias and ancillary retail sales.

**Hotel/Lodging:** A building(s) providing transient overnight lodging including four or more guest rooms to the general public for an established rate or fee.

**HUD-code manufactured home (also known as a manufactured home):** See manufactured home.

**Impervious Cover:** Any material that prevents absorption of stormwater into the ground.

**Improvement:** Any constructed physical feature which is not a natural feature such as but not limited to, a structure, building, fence, gate, landscaping, tree, wall, parking area, etc.

**Industrialized Housing or modular housing:** A residential building that:

- (1) Includes the structure's plumbing, heating, air conditioning, and electrical systems and is:
  - (a) Designed for the occupancy of one or more families;
  - (b) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
  - (c) Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- (2) Industrial housing does not include:
  - (a) A residential structure that exceeds three stories or 49 feet in height;
  - (b) Housing constructed of a sectional or panelized system that does not use a modular component; or
  - (c) A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location. *See* Tex. Occ. Code § 1202, Industrialized Housing and Buildings.

**Industrial Uses:** A category of uses that range from light manufacturing and assembly, equipment servicing, storage/freight management to waste related services.

**Infrastructure:** Any street, alley, roadway, sidewalk, storm drainage, water and wastewater facilities, utilities, lighting transportation, or any other facility or portion thereof as required by the City.

**Irrigation Plan:** A plan that graphically depicts a proposed mechanical water system that illustrates the method and means of conveying appropriate water levels to the selected landscape plantings.

**Integrity:** The authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the properties historic or prehistoric period.

**Inventory:** A list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

**Kennel:** A commercial establishment in which two or more dogs, cats, or other domesticated (pet) animals not owned by the owner or occupant of the premises are temporarily housed for boarding, training or breeding purposes. Typical uses include boarding kennels, pet motels, and dog training centers.

**Landmark:** This refers to any individual building, structure, or object that is significant for historical, architectural, or archeological reasons.

**Landscape Plan:** A graphic and written representation of criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings (existing and new), ground and water forms, circulation, walks, irrigation, landscape lighting, erosion control, on-site drainage, and other features.

**Landscaped:** An area devoted to or developed predominately with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone, aggregate, or other inorganic materials shall not predominate over the use of plant material.

**Landscaped Area:** means any area of ground that can support vegetative groundcover and other landscaping plant materials that has been set aside for the preservation or installation and maintenance of plant materials. Sidewalks and other impervious surfaces are not considered landscaped areas. For the purposes of these regulations, the landscaped edge and landscaped areas within parking lots are contained within this definition.

**Landscape Supply, Sales/Garden Center:** An establishment primarily engaged in the retail sale of trees, shrubs, seeds, fertilizers, pesticides, plants, pots, and other indoor or outdoor planting or gardening materials to the general public. Such establishments typically sell products purchased from others but may sell some material which they grow themselves. Typical uses include plant nurseries, greenhouses, plant stores, and lawn and garden centers. Landscaping means the improvement of a section of ground by contouring the land and planting live shrubs, trees, groundcover, and/or flowers.

**Lateral Lines:** means those electric or telephone lines used to distribute services from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

**Legal Nonconformity:** means any structure, lot, site, sign, or use that does not meet the requirements of the current regulations or amendment hereto but was legally established on the effective date of these regulations or any effective date of any amendment hereto and has been in regular and continuous use.

**Laundromat:** A facility where patrons wash and/or dry clothing, linens, and other fabric items in machines operated by the patron.

**Library or Museum:** A public facility or other place containing books for reading, study, and research.

**Live Music or Entertainment:** A designated area suitable for the conduction of a live concert of vocal or musical instrument performance, which can often be heard beyond the property line of the premises.

**Lot:** A divided or undivided tract or parcel of land having frontage on a public street, and which is, or which may in the future be, offered for sale, conveyance, transfer, or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record at the County.

**Lot Area:** The area of a lot contained within its boundaries, exclusive of any portion within a public or private street or street right-of-way.

**Lot Corner** means a lot located at the junction of two or more streets.

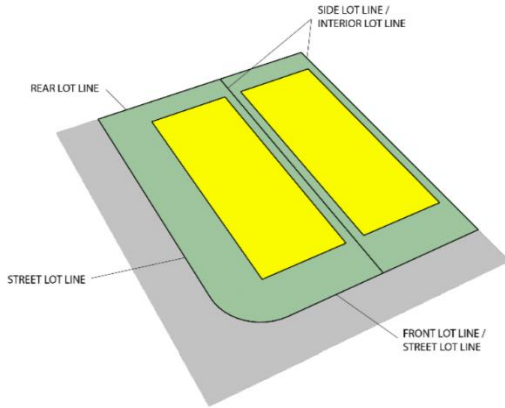
**Lot Coverage:** means the ratio of gross floor area of all buildings, structures, and all areas associated with driveways and parking lots on a lot to the total lot area, expressed as a percentage.

**Lot Depth:** means the distance between the front lot line and rear lot line, measured at the mid-points of the front and rear lines.

**Lot Frontage:** means the distance between the side lot lines, measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abuts a street shall be considered frontage.

**Lot, Interior** means a lot other than a corner lot.

**Lot Line:** means a line or series of lines bounding a lot as defined herein.



**Lot Line, Front:** means a lot line abutting a public or private street, or access easement. On a corner lot, the shorter lot line abutting public or private street or access easement shall be considered the front lot line. On a through lot, the lot line abutting the public or private street providing the primary access to the lot shall be considered the front lot line. On a flag lot, subdivision plat or parcel map shall designate an interior lot line as a front lot line or left to the discretion of City Staff or their designee.

**Lot Line, Rear:** means a lot line defined as other than a front or side lot line. In the case of an irregularly shaped lot or a lot bounded by only three (3) lot lines, a line within the lot having a length of ten (10) feet, parallel to and most distant from the front lot line, shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of these regulations.

**Lot Line, Side:** means any lot line that is not a front lot line or a rear lot line.

**Lot Line, Street:** means any lot line abutting an existing or dedicated street right-of-way.

**Lot of Record:** means a lot that is part of a subdivision, the plat of which has been recorded in the office of the Blanco County Clerk, or a parcel of land the deed (including metes and bounds description) for which was recorded in the office of the Blanco County Clerk.

**Lot Width:** The distance between the side lot lines, measured at the front setback line.

**Lumber Yard:** An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.



**Major Event Entertainment:** A public or privately-owned structure or area with a capacity of greater than one thousand (1,000) persons for the purposes of public performances, sporting events, or similar attractions that may generate heavy traffic. Major event entertainment facilities include concert halls, stadiums, sports arenas, commercial water parks, racetracks, rodeo arenas, zoos, coliseums, amusement parks, and convention centers. Accessory uses may include food preparation facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.

**Manufactured Home:** Manufactured Home, also known as a "HUD-code manufactured home" means: 1. A structure that is:

- (1) Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
- (2) Built on a permanent chassis;
- (3) Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- (4) Transportable in one or more sections; and
- (5) In the traveling mode, at least eight body feet (8) in width or at least forty body feet (40') in length or, when erected on site, at least three hundred and twenty (320) square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; does not include a recreational vehicle as defined by Chapter 24 of the Code of Federal Regulations, Section 3282.8(g). *See* Tex. Occ. Code § 1201, Manufactured Housing.

**Manufactured housing community:** A subdivision, lot, or parcel of land containing spaces with improvements and utilities that are sold or leased for short- or long-term occupancy and placement of HUD-code manufactured homes, and that includes services and facilities for the residents.

**Manufactured Housing Park:** A parcel of land under single entity ownership which has been planned and improved for the placement of two or more manufactured homes and their accessory uses.

**Manufactured Housing Sales:** An establishment engaged in the sales or leasing of new or used manufactured housing.

**Manufacturing, Processing and Assembly:** The general mass producing, processing, or manufacturing of goods, materials, or products, predominately from extracted or raw materials, using mechanical power and machinery, and usually for sale to wholesalers or other industrial or manufacturing uses. This use includes procedures such as milling of grain; manufacturing, processing or assembly of wood products including cabinet and furniture production; processing of animals and animal products including slaughtering, meat packing and hide tanning; production of animal food; production of large durable goods such as motorcycles, cars, manufactured homes, or airplanes; canning or bottling of food or beverage for human consumption including brewery and distillery plants; manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; production or fabrication of metals or metal products including enameling, plating, galvanizing, and use of a foundry, welding or machining; processing of recyclable materials, production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials; clothing or textile manufacturing; tire recapping or retreading; and the production of items by means of the chemical processing of materials.

**Master Planned Community:** A land development process permitted by these regulations which promotes the mixture of multiple housing types with neighborhood oriented nonresidential uses.

**Meat Market:** An establishment that offers to the general public the sale of meat, poultry, or fish and the service of processing and packaging such meats, provided the facility complies with all state, federal, and local health regulations. All processing is conducted indoors with no emission of noxious odors or noise. This definition does not include the slaughtering or boarding of live animals.

**Mechanical Equipment:** All equipment or devices installed for a primary or accessory use or structure, including, but not limited to, heating and air conditioning equipment, antennas, utility huts, power generating devices, condensers, air ducts, meters, etc., that are located on the site or attached to the exterior (walls or roof) of the building.

**Minor Plat:** See “Plat, Minor Plat”

**Mixed Use:** The horizontal or vertical mix of residential and nonresidential uses or a mix of nonresidential uses located on the same property.

**Mobile home:** A prefabricated housing unit built prior to July 15, 1976, that is primarily constructed at an assembly facility and transported to its location for permanent installation. The housing code enacted by the Department of Housing and Urban Development in 1976 renamed mobile homes to manufactured homes. See also “Manufactured Home”

**Model Homes / Model Apartments and Sales:** Permanent structures built initially for the intent to showcase exterior and interior features of new homes or apartment structures for sale or lease. Models are designed and built for the eventual conversion to a residential dwelling unit and are located within the subdivision or construction area of the products for sale or lease.

**Modular Home:** See “Industrialized Housing”.

**Monopole:** A freestanding pole that requires no additional structural support from guyed wires or other appurtenance that may exist between the ground surface and the pole for structural support.

**Multifamily:** A building(s) that contains three or more dwelling units that are accessed by from interior hallways or from individual exterior entrances (e.g., an apartment complex), including apartments, triplexes, and fourplexes intended for rental, lease, or condominium ownership. The term multifamily does not include bed and breakfast lodging, manufactured housing, single-family detached or attached residential uses, or hotels/lodging.

**Multi-Lot Unified Development:** A development that is designed and approved as a cohesive, planned project located on multiple abutting properties established under a single development application such as a Site Development Plan or subdivision plat.

**Natural Area:** An area of naturally grown landscape that is left primarily undisturbed, except for the removal of poison ivy, invasive species, diseased or dead trees, and similar vegetation, and allowing for maintenance of the trees to encourage vigorous growth.

**Nonconformity:** Any structure, lot, site, sign, or use that does not meet the requirements of these regulations or other local, state, or federal ordinances or technical manuals. In order to be considered a legally nonconforming status, the nonconforming structure, lot, site, sign, or use must have been legally established on the effective date of these regulations or any effective date of any amendment hereto and has been in regular and continuous use. See also “Legal Nonconformity”.

**Nonconforming Use:** A use that is not permitted within the zoning district of the subject property upon which the use is located, including a use that contains restrictions or requires a Special Use Permit, but lacks such permit or is operating outside the restrictions of such use.

**Nonconforming Structure:** Any structure that does not meet the requirements of these regulations, such as building placement, setback requirements, height limitations, material requirements or articulation, or does not meet any other local ordinances or technical manuals. The term structure applies to anything constructed or erected on the ground or which is attached to something located on the ground, except signs. This includes, but is not limited to, buildings, telecommunications towers, utility improvements, and sheds, and is applicable to all structures regardless of whether they are deemed principal or accessory.

**Nonconforming Lot:** A lot of record that does not meet the minimum area or dimensional requirements of the zoning district in which the lot is located.

**Nonconforming Site:** A property with existing site improvements that do not conform to one or more of the regulations of these regulations applicable to the property. Site improvements may include, but not limited to, parking areas, storm drainage facilities, sidewalks, landscaping, screening, and buffers.

**Nonresidential:** Any use, building, or structure (or portion of a building or structure) occupied or intended to be occupied, in whole or in part, for a use other than a residential dwelling unit.

**Nursing Home:** A facility housing and providing care for persons who are aged, chronically ill, or incurable who are unable to care for themselves, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. Services typically include custodial or attendant care and meals but may or may not provide for routine and regular medical and nursing services. Nursing home includes homes for the aged, convalescent, and rest homes, but does not include assisted living or senior apartments or hospitals or similar medical facilities.

**Office, General:** The provision of executive, management or administrative services; including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices. This term excludes medical offices and the sale or storage of merchandise on the premises.

**Medical or Dental Office:** A facility housing the offices of no more than three medical practitioners, including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapists, respiratory therapists, or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional services on an outpatient basis. Facilities may include patient waiting rooms, treatment areas, and laboratory space. Overnight stays of patients at such facilities shall not be allowed.

**Office Warehouse:** A business office with an associated small-scale warehouse located at the rear of the space for the purposes of storing materials needed to supply service off-site. This use can accommodate trades such as plumbers or electricians, as long as there is no processing, manufacturing, fabrication, or outside storage of materials on site.

**Official Zoning Map:** The map showing the location and boundaries of the zoning districts established by these regulations.

**Off-Street Parking:** An area reserved exclusively for the parking of motor vehicles that is located outside of the public right-of-way.

**Open Space:** The areas of a lot or parcel proposed for development that are set aside to be used for the common use or enjoyment of the residents, patrons, or users of the development.

**Outdoor Display:** The display of merchandise, goods, or materials that are actively for sale.

**Outdoor Storage:** The storage of merchandise, goods, or materials that are not actively for sale.

**Ordinary Maintenance:** This generally refers to activities relating to a property that would be considered ordinary or common for maintaining the property, such as the replacement of a porch floor with identical or in-kind materials. It also may include other activities such as painting.

**Ordinary Repairs and Maintenance:** Work done to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage and by using where possible like materials.

**Overlength Street or Alley:** A street segment, or a cul-de-sac or alley segment, which exceeds the maximum length allowed by these regulations, as measured along the centerline of the street from the intersection center point of one through street, which shall not be a cul-de-sac or dead-end or looped street, to the intersecting center point of another through street or, in the case of a cul-de-sac, to the midpoint of the cul-de-sac. For an alley segment, the measurement shall be to the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts, or from the center point of an intersection with another alley which connects to a street.

**Parcel:** A legally described area of land.

**Parking Lot, Offsite:** An off-street facility for the parking of automobiles on a temporary basis that may be operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers, or employees of an establishment or premises.

**Passive Outdoor Recreation:** Open space areas or parks with limited manipulation of the natural landscape that provide opportunities for passive enjoyment of the natural environment, which may include walking/jogging trails, picnic areas, benches, playgrounds, and similar features generating limited traffic demand and lighting.

**Pavement Width:** The portion of a street that is available for vehicular traffic. Where curbs are used, it is the portion from the back of one curb to the back of the opposite curb.

**Pawn Shop:** An establishment that is engaged in the business of: lending money on the security of pledged goods or purchasing goods on the condition that they may be repurchased by the seller at a fixed price within a fixed period of time. *See* Texas Finance Code § 371.003

**Permanent Mobile or Outdoor Food Vendor:** A vehicle-mounted food service establishment that is designed to be readily movable, including push carts, mobile kitchens, hot dog carts, pretzel wagons, concession trailer, etc. Foods are limited to prepackaged or commissary prepared food unless the unit is equipped and approved by the Blanco County Environmental Services to handle food preparation. Any unit that requires direct hand contact with the food shall have a hand washing sink.

**Permit:** A license, certificate, approval, registration, consent, permit, contract, or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

**Permitted Use:** a use that is allowed in a specific zoning district.

**Person:** Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

**Planning and Zoning Commission:** The Planning and Zoning Commission of the City of Blanco, Texas. May be referred to as “P&Z” or “Commission”.

**Personal Services:** An establishment providing frequently or recurrently needed non-medical services of a personal nature to individuals as a primary use. This term includes barber and beauty shops, tanning salons, nail salons, day spas (including incidental massage), weight reduction centers, seamstresses, tailors, shoe repair shops, photography studios, pet grooming (no overnight stay), and services of an informational or instructional nature including driving schools, dance studios, and handicraft or hobby instruction. These uses may also include accessory retail sales of products related to the services provided.

**Place of Worship:** A group of uses providing facilities for religious assembly.

**Planned Development District:** A zoning district which may be created anywhere in the city for the purpose of permitting property to be developed with a) one or more uses not otherwise permitted or conditional in the zoning district in which the property is located, subject to certain development regulations and one or more development site plans; b) subject to development regulations not otherwise permitted in the zoning district in which the property is located; and c) to provide flexibility for complex projects utilizing creative land use and preservation techniques.

**Plat:** A document, prepared by a registered land surveyor or professional engineer, that depicts the subdivision of land into lots and blocks (and sometimes the combination of land) for the purpose of identifying property. For the purposes of these regulations, the following definitions are included:

**Amending Plat:** A subdivision plat which includes a plat revision to correct errors or make minor changes to a recorded plat.

**Final Plat:** The official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. The Final Plat of any lot, tract or parcel of land shall be recorded in the land records of Blanco County, Texas.

**Minor Plat:** A subdivision resulting in four or fewer lots, provided that the plat does not require the creation of new streets or the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a Minor Plat shall already be served or be able to be served by all required City utilities and services, and all lots will have access from a public street that has already been improved to City standards. Also known as Minor Subdivision.

**Major Plat:** All plats not classified as Minor Plats, including, but not limited to, subdivisions of more than four lots, or any plat that requires the construction of a new street (or portion thereof) or the extension of a municipal facility as required by these regulations or any other City ordinance.

**Preliminary Plat:** A subdivision plat which is the graphic expression of the proposed overall plan for subdividing, improving and developing a parcel proposed for development, showing the proposed street and lot layout, easements, dedications and other pertinent

features, with such notations as are sufficient to substantially identify the general scope and detail of the parcel proposed for development.

**Replat:** means a subdivision plat which involves the re-subdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot or tract.

**Plat Vacation:** An instrument declaring that a plat and its dedication be vacated or cancelled and that the land be converted to acreage. An applicant of a Plat Vacation may remove, in whole or partially, subdivisions, dedicated easements, notes, covenants, or restrictions from a plat.

**Preliminary Plat:** See “Plat, Preliminary Plat”

**Preservation:** The actor or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

**Primary:** The basic, fundamental, or most important use, activity, or development of a building or site. For the purposes of these regulations, “primary” is equal to, identical to, and often used interchangeably with “principal.”

**Printing, mailing, and reproduction services:** A commercial establishment open to the general public that is primarily involved in the electronic duplication of graphic and printed materials for personal or business use, and which also provides other products and services including, but not limited to, photocopying, electrostatic printing, laser printing, blueprint, word processing services, computer generated graphics, computer aided design services and video imaging, and reproduction services. Off-set printing or similar printing processes shall not be permitted. These facilities may also be referred to as copy shops.

**Principal Building:** A building in which a principal use of the parcel or property is conducted.

**Principal Structure:** A structure in which a principal use of the parcel or property can be associated.

**Principal Use:** The use which is conducted as the primary activity on the parcel of property.

**Private Street:** A private vehicular access way, including an alley, that is shared by and that serves two (2) or more lots, which is not dedicated to the public, and which is not publicly maintained.

**Prohibited Use:** A use that is not allowed in the specified zoning district and in some cases the entire City.

**Project:** means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

**Property Line:** See “Lot Line”.

**Property Owner:** means any person or firm, association, syndicate, general or limited partnership, corporation, trust or other legal entity, or any agent thereof, that has sufficient proprietary interest in the land subject to these regulations. In any event, the term “property owner” shall be restricted to include only the owner(s) or authorized agent(s) of such owner(s), such as a developer. Can also be known as “Applicant,” “Subdivider,” or “Developer”.

**Public Improvement:** Any improvement, facility, or service together with its associated public site, right-of-way, or easement necessary to provide transportation, drainage, public or private utilities, parks, energy, or similar essential public services and facilities, for which a governmental entity may ultimately assume ownership and the responsibility for operation and maintenance.

**Public Service and Emergency Systems:** Communication systems that are legally required by any governmental agency having jurisdiction.

**Quadplex:** A parcel developed with four dwelling units in a single structure. Quadplexes are designed exclusively for the use and occupancy of four families living independently of each other. The land underneath the structure is not divided into separate lots.

**Recreational Vehicle:** Any motor home, mobile trailer, camper, recreational unit or any similar vehicle principally designated for temporary habitation, regardless of size, that does not qualify as a HUD-code manufactured home.

**Recreational Vehicle Sales, Rental or Service:** An establishment engaged in the sales or leasing of new or used recreational vehicles.

**Recreational Vehicle Park (RV Park):** A property or parcel of land developed for the use of short- or long-term occupancy of two or more recreational vehicles in designated spaces.

**Recycling Collection Center:** A facility engaged in the collection, sorting, bundling, temporary storage, and/or transfer of recyclable materials. For purposes of this Code, recyclable materials include glass, paper, plastic, aluminum, clothing, or other source-separated, non-putrescible materials and do not include motor oil, chemicals, household appliances, tires, automobiles, or automobile parts. This use generally does not include incidental collection boxes or containers located at establishments with an unrelated primary use.

**Rehabilitation:** The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

**Remodel:** To construct an addition or alter the design or layout of a building or make substantial repairs or alterations so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved.

**Repair:** The maintenance of or the return to a state of utility of a building, object, site or structure.

**Replat:** See “Plat, Replat”.



**Residential:** Any use, building or structure (or portion of a building or structure) that contain habitable rooms for non-transient occupancy. Residential uses are typically contained within detached and attached residential structures, duplex, and multifamily dwelling units. The term “residential” is separate and distinct from “hotel/lodging” and other overnight accommodations.

**Residential and Neighborhood Uses:** A category of uses that are intended for residential dwellings and related accessory uses.

**Resource:** A landmark, landmark site, and all land or water within a preservation district, together with the appurtenances and improvements, if any. The term resource includes, but is not limited to, separate districts, buildings, structures, sites, objects, landscape features, and related groups thereof.

**Restaurant, Drive-Through:** An establishment engaged in the preparation and retail sale of food and beverages in a ready-to-consume state, through a pass-through window accessed by a vehicle via a drive-through lane. This term also includes drive-in restaurants. For restaurants licensed to serve alcoholic beverages the gross receipts for alcoholic beverages shall not exceed 50 percent (50%) of the total gross receipts.

**Restaurant, General:** An establishment engaged in the preparation and retail sale of food and beverages for on-premise consumption. This term includes facilities typically referred to as diners, cafes, cafeterias, dinner-houses, coffee shops, bakeries, and ice cream parlors, but does not include fast food restaurants or drive-through services. For restaurants licensed to serve alcoholic beverages, the gross receipts for alcoholic beverages shall not exceed 50 percent (50%) of the total gross receipts.

**Restoration:** The act or process of accurately recovering the form and details of a property and its setting as it appeared at particular period of time by means of the removal of later work or by the replacement of missing earlier work.

**Retail Sales, General:** The sale of goods directly to a consumer, typically in small quantities and not for wholesale. Accessory uses may include drive-in or drive-through facilities, which may be further limited in certain zoning districts. The phrase “retail sales” includes, but is not limited to, such uses as:

- (1) *Agricultural sales and services*, establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered.
- (2) *Alcohol sales*, the retail sale of beer, wine, and/or other alcoholic beverages for off-premises consumption.
- (3) *Clothing, clothing accessory*, and jewelry stores, the retail sales of clothing, clothing accessories, or jewelry merchandise.
- (4) *Convenience store*, a retail establishment that sells consumable and non-consumable convenience products for off-premise use or consumption and fuel sales.
- (5) *Electronics and appliance stores*, the retail sales of appliance and other consumer electronics.
- (6) *Florist, card, and gift shops*, the retail sale of gift-related merchandise.

- (7) *Food sales*, establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
- (8) *Furniture and home furnishings stores*, retail sales of furniture or home furnishings.
- (9) *General merchandise stores*, retail sale of multiple lines of merchandise.
- (10) *Hardware stores*, plumbing supplies, electrical supplies, lighting stores, retail sales of household goods or services.
- (11) *Sporting goods, hobby, book, and music stores*, retail sales of personal recreational goods, such as books, sporting goods, hobby and crafts, instruments, and similar merchandise.

**Review:** “To read, analyze, assess and, as appropriate, act upon” a development application.

**Review Body or Authority:** The entity that is authorized to either recommend approval or denial or be the decision-making authority of an application for permit or approval required by these regulations.

**Rezoning:** See “Zoning Map Amendment”.

**Right-of-Way:** A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, “right-of-way” may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities, water and sanitary and storm sewer facilities; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and shall not be included within the dimensions or areas of such lots or parcels. The term “Street Right-of-Way” means the width of the right-of-way for any roadway is the shortest perpendicular distance between the lines which delineate the rights-of-way of the street.

**School:** A facility where persons regularly assemble for the purpose of instruction or education. Accessory uses may include playgrounds, cafeterias, stadiums, and other structures or grounds used in conjunction therewith.

**Scrap and Salvage Yard:** An establishment where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including inoperable vehicles, house materials, appliances, and structural steel equipment. The use does not include the purchase, sale, or storage of used furniture and household equipment.

**Secretary of the Interior’s Standards for Rehabilitation:** A set of ten basic philosophical principles created by the U.S. Secretary of Interior and administered by the National Park Service, to help preserve the distinctive character of a historic building and its site, while allowing for reasonable chance to meet new needs. The Standards for Rehabilitation are codified at 36 CFR 37 of the Code of Federal Regulations, as the same may be amended from time to time.

**Secondary:** For the purposes of these regulations, equal to, identical to, and often used interchangeably with “accessory.”

**Service Lines:** Those lines used to connect between the utility's system or lateral lines and the end user's meter box.

**Setback:** The distance between a lot line and a building line. Setback Area means the open area between building setback lines and lot lines.

**Setback, Front:** A yard that extends across the full width of the lot between the front lot line and the required front setback line.

**Setback, Interior Side:** A yard between the principal building and the sideline of the lot, extending from the front yard to the rear yard.

**Setback, Rear:** A yard extending the full width of the lot between the rear lot line and the rear setback line. For a corner lot, the rear yard does not extend beyond the street side setback line.

**Setback, Street Side:** A yard extending from the front setback line to the rear lot line, located between the side street lot line and the street side setback line.

**Setback Line:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot. Also known as “Building Setback Line.”

**Sexually Oriented Businesses:** Any building, structure, or facility including, but not limited to, an arcade, bar, bookstore, cabaret, overnight accommodation, theater (including movie), bath house, massage parlor, nude modeling studio, video store, love parlor, or similar facility used entirely or partially for commercial entertainment, exchange of merchandise, or offer of a service of a sexually-explicit nature. These activities are predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to sexual activities and include the sales, rental, exhibition, or presentation of a device or other item intended to provide sexual stimulation or sexual gratification to the customer.

**Sight Triangle:** The triangular area formed by an invisible diagonal line at the corner of either two intersecting street right-of-way lines, the edge of street lines, the edge of a driveway or combination of two thereof. The sight triangle exists to prevent sight obstruction for motor vehicles, pedestrians, etc. May also be referred to as “street visibility triangle” or “sight distance triangle.”

**Single-Family Attached:** A single-family dwelling unit located on its own lot that shares one or more common walls with one other single-family dwelling unit on a separate lot.

**Single-Family Detached:** A single-family dwelling unit, located on its own lot that is not attached to any other dwelling unit.

**Site:** A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure. (National Register Bulletin 24 p.1)

**Site Development Plan:** A detailed, scaled plan, or set of plans, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land. The Site Development Plan is the basis for site development and is intended to demonstrate compliance with the development standards and other requirements, as applicable, of these regulations.

**Special Exception:** An exception to certain provisions of these regulations, granted by the Board of Adjustment (BOA), for specifically defined situations and standards. Such exceptions do not constitute a Variance, as those terms are defined.

**Storage, Self:** A controlled-access building or group of buildings housing individual storage spaces that are used to house personal property or records. There is no conduct of sales, business or any other activity allowed within the individual storage units. Does not include storage of any hazardous materials. The phrase may also be referred to as convenience storage, mini-storage, or mini-warehouse.

**Stormwater Management:** The mitigation of the hydrologic impacts of lost natural runoff storage by the use of conventional stormwater conveyance systems or Low Impact Development.

**Stormwater Runoff:** Surplus surface water generated by rainfall that does not seep into the earth but flows into storm drains or overland to flowing or stagnant bodies of water

**Street:** A right-of-way, whether public or private and however designated, which provides vehicular access to adjacent land. Streets may be of the following categories:

- (1) **Major thoroughfares**, also known as arterial streets or primary thoroughfares, which provide vehicular movement from one neighborhood to another or to distant points within the City, and including freeways or highways leading to other communities.
- (2) **Collector streets**, also known as feeder streets or secondary thoroughfares, which provide vehicular circulation within neighborhoods, and from local streets to major thoroughfares.
- (3) **Local residential streets**, also known as minor thoroughfares or streets, which primarily provide direct vehicular access to abutting residential property.
- (4) **Private streets** are streets which are owned and maintained by a homeowners' association or property owners' association, and which are not dedicated to the public.

**Street Improvements:** Any street or thoroughfare, together with all appurtenances required by City regulations to be provided with such street or thoroughfare, and including but not limited to curbs and gutters, walkways (sidewalks), drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic control devices, street lights and street signs, for which facilities the City will ultimately assume the responsibility for maintenance and operation.

**Street Length:** See "Block Length".

**Street Right-of-Way:** The shortest perpendicular distance of a roadway between the lines which delineate the rights-of-way of the street.

**Street Yard:** That area between the building façade and any lot line along a public street. Structure means anything constructed or erected which requires a permanent location on, above, or below the ground; or attached to something that has a permanent location on, above, or below the ground (e.g., fences, waste enclosures, signs, kiosks, etc.). A “structure” may sometimes also be a building. For floodplain management purposes, a structure may also include a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**Subdivider:** Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land sought to be subdivided.

**Subdivision:** A division or re-division of any tract of land situated within the City's corporate limits or its extraterritorial jurisdiction into two (2) or more parts, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. "Subdivision" includes re-subdivisions of land or lots which are part of a previously recorded subdivision.

**Subdivision Plat:** A general term that shares the meaning of “plat.”

**Supermajority:** A vote of three-fourths ( $\frac{3}{4}$ ) of the full City Council.

**Surveyor:** A licensed land surveyor or a registered public land surveyor, as authorized by state statutes to practice the profession of surveying.

**Swale Block:** Installed build ups at intervals along a vegetated swale to allow stormwater to build up in a series of pools, slowing water flow and providing opportunities for vegetated filtration and infiltration.

**SWPPP:** A Storm Water Pollution Prevention Plan.

**TCEQ:** The Texas Commission on Environmental Quality.

**TCSS:** The City of Blanco's Technical Construction Standards and Specifications for the construction of subdivision improvements. The TCSS shall be comprised of the provisions for trenching and backfilling, concrete, water system, sewer system, streets, sidewalks, and driveways, storm drainage, trench safety and the standard details (and as hereby amended) that are in effect at the time of submission of the plat application. The TCSS shall also include any additional provisions or policies the City of Blanco implements that pertain to the construction of site improvements such as street, parking lot, driveway and sidewalk paving, storm drainage structures, utility lines and facilities, screening walls/fences, retaining walls, landscaping and irrigation improvements, street lighting or signage, restricted access (gated) entrances to any type of development, and other similar improvements. The City Engineer shall have the authority to determine whether or not the engineering plans for any type of site improvement are in conformance with the City's TCSS.

**Telecommunications:** The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

**Text Amendment:** A change of the text of these regulations and does not include change or modification to the boundaries of any zoning district.

**Theater:** An indoor facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.

**Towing Services and Impound Lots:** A facility in which tow trucks are utilized in the hauling of motorized vehicles and for the temporary storage or impoundment of primarily operable or repairable motor vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.

**Townhome:** A dwelling unit on an individual lot that is part of a series of three or more dwelling units having common side walls with one or more adjoining dwelling units in a townhouse row.

**Traffic Impact Analysis (TIA):** An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

**Transportation Facilities:** Facilities intended for the loading, unloading, and/or interchange of passengers, baggage and incidental freight or package express between modes of transportation, including bus terminals, rail or freight loading and/or unloading areas, and other public forms of transportation.

**Tree Survey:** A plan that graphically identifies the location, size, and species of all existing protected and heritage trees on a parcel proposed for development.

**Triplex:** A parcel developed with three dwelling units in a single structure. It is designed exclusively for the use and occupancy of three families living independently of each other. The land underneath the structure is not divided into separate lots.

**Unreasonable Economic Hardship:** The inability of an owner to obtain a reasonable return or a reasonable beneficial use from a resource as required by the United States Supreme Court in *Penn Central Transportation Company vs. New York City*, 438 U.S. 104 (1978), and subsequent decisions.

**Urgent Care Facility:** A medical facility where ambulatory patients can be treated on a walk-in basis, without an appointment, and receive immediate non-emergent care.

**Use:** The purpose or activity for which land or any structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Utility Easement:** An interest in land granted to the City to the public generally and/or to a private utility corporation for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

**Utility Services:** Facilities of any person, firm or corporation providing electric, natural gas, telephone, cable television, or any other such item or service for public use approved but not provided by the City of Blanco.

**Utility Services, Major:** Publicly or privately-owned facilities or systems including generation, production, or treatment facilities such as power plants, water treatment plants, wastewater treatment plants (including package treatment plants), or similar utilities, and radio and television transmission towers.

**Utility Services, Minor:** Publicly or privately-owned facilities or systems that are necessary to support principal development. Minor utilities include transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; cable television and telephone transmission lines or similar utility lines; pumping stations; lift stations; and telephone switching facilities (up to 100 square feet gross floor area).

**Variance:** See “Zoning Variance.”

**Vegetated Filter Strip:** means a band of vegetation surrounding a waterway that acts as a buffer between the body of water and impervious surface. Vegetated filter strips provide stormwater management and quality benefits through reducing velocity of runoff, promoting infiltration, and removing pollutants by sedimentation and horizontal filtration through vegetation.

**Vegetated Swale:** means a shallow, open grass channels designed to convey runoff while reducing velocity of runoff, promoting infiltration, and removing pollutants by sedimentation and horizontal filtration through vegetation.

**Vehicle Sales and Rentals:** A place that sells or leases new and used automobiles, trucks, boats, construction equipment, all-terrain vehicles, and motorcycles, and where such inventory is stored and/or displayed on-site for any length of time. The phrase “vehicle sales and rentals” may also include accessory uses such as vehicle fueling or charging stations, inventory vehicle washing stations, and general vehicle services. Does not include body shops (e.g., collision repair), paint booths, or reupholstering unless they are approved as principal uses on the same site.

**Vehicle Services:** A place designed, used or intended to be used for the purpose of providing general repair and servicing of all types of motor vehicles, including commercial. Such repair or servicing may include reconditioning of engines, air conditioning systems and transmissions; wrecker service; collision services, including body, frame or fender straightening or repair; painting, undercoating and rust proofing; replacement or repair of brakes, shock absorbers, tires, batteries, mufflers, or upholstery; and other similar services that may require overnight on-site storage of vehicles, excluding dismantling, wrecking, or salvage.

**Vested Rights:** A request for relief from the standards or requirements of the current land development regulations based on the premise that the applicant has acquired a vested right under previous regulations.

**Veterinary Clinic:** A facility, operated under the supervision of a licensed veterinarian, where domestic animals and pets are admitted for examination, observation, diagnosis, and medical treatment. This term includes those facilities with and without outdoor pens as permitted in the Use Table.

**Vineyard:** An agricultural establishment that cultivates and processes grapes or other berries on premises for the purpose of producing wine or similar spirits containing not more than 24 percent (24%) alcohol by volume. Processing includes crushing, fermenting, blending, bottling, aging, labeling, packaging, storing, and/or warehousing. A winery may include wholesale sales of the wine product, administrative offices for the wine operations, tasting rooms, retail sales of wine and wine paraphernalia, meeting or banquet facilities, and incidental food sales.

**Voluntary Annexation:** See “Annexation, Voluntary.”

**Warehouse:** A facility storing goods, materials, and equipment either within an enclosed building or structure or in containers or terminals for subsequent distribution to off-site wholesalers, retailers, or consumers. The term “warehouse” includes the storage of general freight storage, food, parcels, furniture and appliances but does not include self-storage, wholesale, or warehousing that is accessory to an industrial facility, nor parcel service drop-off locations that are not accessory to a parcel service processing facility.

**Waste Related Services:** A use involving the collection, transportation, recycling, or disposal of waste, either on-site or at a transfer station.



**Wholesale Trade:** An establishment engaged in selling merchandise primarily to retailers, contractors, industrial, commercial, or institutional professional business users, or to other wholesalers or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include agents, merchandise, or commodity brokers; commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; and stores primarily selling electrical, plumbing, heating and air conditioning supplies, and equipment. The facility may also include storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed wholesale showroom but rather shall be considered a retail sales operation.

**Wireless:** A method of transmitting and receiving data without direct connection through wires and cables.

**Wireless transmission facility (WTF):** An unstaffed facility for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider. Wireless Transmission Facilities are composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower.

**Zoning:** A police power measure by a municipality, including the City, in which the community is divided into zoning districts that establishes permitted and special uses and regulations governing lot size, building bulk, placement, and other development standards.

**Zoning District:** An area of the City identified with an abbreviated symbol and delineated on the official zoning map. The districts establish the permitted uses and development standards in these defined areas of the City. Zoning districts are established in the following ways:

**Base Zoning:** District is the series of general districts that apply across the whole incorporated City.

**Overlay District:** is defined set of regulations established for specific areas of the City that are applied in addition to the base zoning district standards.

**Zoning Map:** See “Official Zoning Map.”

**Zoning Map Amendment:** A change or modification of the boundaries of any zoning district within the City’s Zoning Map. Annexations require a public hearing, notification, and approval by City Council. Also known as a rezoning.

**Zoning Variance:** A request for relief from the terms of the zoning requirements of these regulations due to a special circumstance applicable to the property, granted by the Zoning Board of Adjustment. Such procedures are in accordance with Chapter 211, Municipal Zoning, and Chapter 213, Municipal Comprehensive Plans, of the Tex. Local Gov’t Code.

# Chapter 2 Review Authority

## Section 2.1 General

### (1) Purpose

The purpose of this Chapter is to establish the responsibilities and structure for administering and enforcing this Unified Development Code (Code), including the reviewing authority and minimum review procedures that will be followed by each reviewing authority. Chapter 3 provides supplemental information to the review procedures described in Chapter 2.

### (2) Conformity with Development Regulations

All City officials and employees with the responsibility or authority to issue a permit, certificate, or license are prohibited from issuing a permit or license for any use, building, or purpose that conflicts with any provision of this Code. Any permit certificate or license issued in conflict with the provisions of this Code shall be null and void.

## Section 2.2 Responsibility of Property Owner and/or Applicant

- (1) It is the responsibility of an applicant to provide accurate and complete information and plans to comply with the requirements of this Code and all applicable laws and regulations. The City of Blanco is not responsible for the accuracy of information or plans provided to the City for its review or approval.
- (2) The City or its representatives may inspect any development activity to enforce the provisions of this Code. By submitting an application to the City, the applicant consents to entry upon the site by the City or its representatives during regular business hours for the purpose of making reasonable inspection to verify information provided by the applicant and to verify that work is being performed in accordance with the approved plans and permits and the requirements of this Code.
- (3) The use of the following term in this Code refers to the person, entity, or agent thereof who may apply for an approval or a permit or another decision of the City under the Code. All such terms shall be considered interchangeable. The terms include the following: owner, owner's agent, landowner, property owner, applicant, developer, and subdivider.

## Section 2.3 Administrative Officials and Review Entities

### (1) City Council (Council)

(a) General

The regulations and restrictions of the City Council for the City of Blanco will be pursuant to the provisions of applicable statutory requirements of the State of Texas.

(b) Powers and Duties

The City Council (Council) has the following powers and duties:

i. Appointments and Removal

The City Council is responsible for appointing and removing any member of the Planning and Zoning Commission, Board of Adjustment, and Historic Preservation Commission. Appointments and Removals will be made on the recommendation of the Mayor and a vote of approval by the City Council. Any Commission or Board may recommend appointment or removal of any member to the City Council.

ii. The City Council has responsibility for hearing and taking final action in the following procedures described in this Code.

1. Comprehensive Plan Amendment
2. Unified Development Code Text Amendment
3. Annexation
4. Zoning Map Amendment
5. Historic District Designation
6. Special Use Permit
7. Final Plat
8. Development Agreement
9. Variances from Chapter 5: Site Development
10. Dedication of land and community
11. Any other specific procedure or legislative action that requires City Council action as specified in this Code or required by state or federal law.

(c) City Council Final Action

The Council will review the application, any underlying Advisory Board (such as the Planning & Zoning Commission) recommendations, as well as the City Staff's report, conduct a hearing in accordance with the Council's established procedures and state law, and take final action on the application.

(d) Criteria for Approval

The Council will approve an application only once determined that:

- i. The application is complete, and the information contained within the application is sufficient and has been rendered in good faith to allow adequate review and final action; and
- ii. The application meets the specific criteria for procedures provided in Chapter 3.

(e) Appeals

A person aggrieved by a final action on a Council procedure may appeal to a competent court of record.

(2) Planning and Zoning Commission

(a) General

- i. The regulations and restrictions of the Planning and Zoning Commission for the City of Blanco will be pursuant to the provisions of applicable statutory requirements of the State of Texas.
- ii. No requirement or procedure of the Planning and Zoning Commission action may govern if it conflicts with specific provisions of this Code.

(b) Powers and Duties

- i. The Planning and Zoning Commission has the powers and duties of a Planning and Zoning Commission in accordance with Texas Local Government Code Section 211.007 and Section 371.042, provided, however, that it serves only in an advisory capacity to the City Council.
- ii. The Planning and Zoning Commission's authority extends to and includes review and recommendation of the following:
  1. Comprehensive Plan Amendment
  2. Unified Development Code Text Amendment
  3. Zoning Map Amendment
  4. Historic District Designation
  5. Special Use Permit
  6. Concept Plan
  7. Preliminary Plat
  8. Final Plat
  9. Development Agreement
  10. Variance Request
  11. Dedication of land and community facilities

(c) Membership and Voting

The Planning and Zoning Commission (also known as the “P&Z”) will be formed and conduct all activities in accordance with this Code and other applicable City Code requirements, the ordinance creating the Commission, and any adopted By-Laws that have been approved by City Council.

The Planning and Zoning Commission shall be composed of seven (7) commissioners, which include the Chair, who are appointed by the City Council. Five (5) voting commissioners shall be residents of the City of Blanco or its extraterritorial jurisdiction (ETJ). Two (2) of the foregoing five (5) voting members may live outside the city limits so long as they own businesses or are employed within the city limits of Blanco or its ETJ. The remaining two (2) of the seven (7) Commissioners may reside outside of the City of Blanco city limits or its ETJ. Each member shall serve a term of two (2) years. The Planning and Zoning Commission shall choose its own Vice-Chair. All members, including the Chair, shall be entitled to one (1) vote upon each question.

(d) Planning and Zoning Commission Review Process

The Planning and Zoning Commission review process will be required for any permit application that requires review and recommendations from the Planning and Zoning Commission, as described in this Code.

- i. Initiation of a Planning and Zoning Commission process may be made upon application by the property owner of the affected property or its authorized agent.
- ii. An application must be made in a format consistent with requirements determined by the City in accordance with this Code. Applications must include materials determined necessary by the Commission including but not limited to a copy of the most recent plat and/or deed of the property. Information regarding the format requirements and submittal materials required for the application shall be delineated by the City and available to Applicants either in this Code or by inquiring with the City Secretary. Incomplete submissions will not be heard by the Planning and Zoning Commission.

(e) Planning and Zoning Commission Final Action

The Planning and Zoning Commission will serve as an Advisory Body to the City Council. The Planning and Zoning Commission will have no authority for final action.

(f) Criteria for Recommendation

An application will not be recommended for approval until the Commission determines that:

- i. The application is complete, and the information contained within the application is sufficient and correct so as to allow adequate review and a decision on a recommendation by the appropriate review authority.
- ii. The application conforms to the requirements of this Code and any applicable state law.
- iii. The application conforms to the Unified Development Code and any other standards set forth in this Code:
  1. The City's current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and
  2. The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
  3. Any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code Section 212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.
- iv. The tract of land subject to the application is adequately served by public improvements and infrastructure or will be adequately served upon completion or required improvements.

(3) Board of Adjustment (BOA or Board)

(a) General

The regulations and restrictions of the Board of Adjustment (BOA) for the City of Blanco will be pursuant to the provisions of applicable statutory requirements the State of Texas. No BOA action may govern if in conflict with specific provisions of this Code.

(b) Powers and Duties

- i. The BOA has the powers and duties of a BOA in accordance with the Texas Local Government Code Section 211.008.
- ii. The BOA's jurisdiction extends to and includes the following final actions:

1. Appeal of an Administrative Decision
2. Nonconforming Use
3. Variances from Chapter 4: Zoning

(c) Membership and By-Laws

The BOA will be constituted and conduct all activities in accordance with the Code and all other applicable Codes, and any adopted By-Laws approved by City Council. The City Council of the City of Blanco will act as the BOA until such time as a separate BOA has been created.

(d) BOA Review Process

The BOA review process will be required for any permit or application that requires final action from the BOA, as described in this Code.

- i. Initiation of a BOA process may be made upon:
  1. Application by the property owner of the affected property or its authorized agent.
  2. An administrative exception requested by the City Engineer.
  3. Appeal of an administrative decision may be initiated by any person aggrieved by the administrative decision, in compliance with Section 211.010 of the Texas Local Government Code.
- ii. Applications must be made in a format consistent with requirements determined by the City and contained within this Code. Applications must include all materials determined necessary by the City and set forth within this Code. Information regarding format requirements and submittal materials required for the application will be made available by the City Staff in advance of any application.
- iii. Appeal of an administrative decision must be made to the BOA in a format acceptable to the BOA.
- iv. Completeness Determination. Upon submission of an application, the City Staff will determine whether the application is complete, as described in Chapter 3.
- v. Appeals of administrative decisions will be forwarded to the BOA regardless of completeness. The BOA will determine whether the appeal is complete.
- vi. Staff Review. Once a procedure has been initiated and the application has been deemed as complete, the City Staff will review the application, considering any applicable criteria for approval and prepare a report for the BOA.
- vii. The City Staff may establish procedures for administrative review necessary to ensure compliance with this Code and state law.

viii. The City Staff's report may include a recommendation for final action.

(e) BOA Final Action

The BOA will review the application, the City Staff's report, conduct a hearing in accordance with the BOA's established procedures and state law, and take final action on the application. **In accordance with Texas Local Government Code Section 211.009, the concurring vote of seventy-five percent (75%) of the members of the board are necessary to:**

- i. Reverse an order, requirement, decision, or determination of an administrative official;
- ii. Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
- iii. Authorize a variation from the terms of the zoning ordinance.

(f) Criteria for Approval

The Board of Adjustment may authorize a Zoning Variance from the requirements of the zoning provisions of this Unified Development Code if the Variance from the terms of the zoning provisions is not contrary to the public interest and, due to special conditions, a literal enforcement of the requirements would result in unnecessary hardship, so the spirit of this Code is preserved, and substantial justice is done. No Zoning Variance shall be granted unless the BOA finds all of the following:

- i. **Extraordinary conditions:** That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Unified Development Code will deprive the applicant of the reasonable use of their land. For example, a Zoning Variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
- ii. **No Substantial Detriment:** That the granting of the Zoning Variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area or to the City in administering this Code.
- iii. **Other Property:** That the conditions that create the need for the Zoning Variance do not generally apply to other property in the vicinity.
- iv. **Applicant's Actions:** That the conditions that create the need for the Zoning Variance are not the result of the applicant's own actions.



- v. **Comprehensive Plan:** That the granting of the Zoning Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.
- vi. **Utilization:** That because of the conditions that create the need for the Zoning Variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- vii. **Insufficient Findings:** The following types of possible findings do not constitute sufficient grounds for granting a Zoning Variance:
  - 1. That the property cannot be used for its highest and best use.
  - 2. That there is a financial or economic hardship.
  - 3. That there is a self-created hardship by the property owner or their agent.
  - 4. That the development objectives of the property owner are or will be frustrated.
- viii. **Profitability Not to Be Considered:** The fact that the property may be utilized more profitably should a Zoning Variance be granted may not be considered grounds for a Zoning Variance.

(g) Appeals

A person aggrieved by a final action on a BOA procedure may appeal to a competent court of record within ten (10) days of the final action (see Texas Local Government Code, Section 211.011).

- i. Failure to appeal within ten (10) days shall cause the action to become. The action will be abated upon request of either party mediation if appealed within ten (10) days.
- ii. Prior to filing an appeal with a competent court of record, any party to an appeal may request that alternative resolution of the dispute is attempted.

(4) Historic Preservation Commission (HPC)

(a) General regulations and restrictions of the Historic Preservation Commission (HPC) for the City of Blanco shall be pursuant to the provisions of applicable statutory requirements of the State of Texas.

(b) Powers and Duties

- i. The HPC shall be responsible for hearing and making recommendations to the Planning and Zoning Commission.
  - 1. Historic District Designation
  - 2. Certificate of Historic Design Compliance

ii. Additional Duties

The HPC has the following additional duties:

1. To act and assist the City in formulating design guidelines and other supplemental materials relevant to historic preservation or design review.
2. To render advice and guidance, upon request of the property owner, its authorized agent, or occupant, on new construction or the restoration, alteration or maintenance of any historic resource or other building within the District; and
3. To perform any other functions requested by the City Council

(c) Membership and By-Laws

The HPC will be constituted and conduct all activities in accordance with this Code and any by-laws approved by City Council. The Historic Preservation Commission will consist of Six (6) members. Each member shall serve a term of two (2) years. The Chair shall be appointed from the members by City Council. All members, including the Chair, shall be entitled to one (1) vote upon each question.

(d) HPC Review Process

- i. The HPC review process will be required for any permit or application for a property located within a Historic District, as described in this Code.
- ii. Initiation of an HPC review process may be made upon application by the property owner of the affected property or its authorized agent, or the occupant, to the City Secretary.
- iii. Upon submission of an application, the City Secretary will determine whether the application is complete, as described in Chapter 3.
  1. Application must be submitted in a format consistent with requirements determined by the City.
  2. Applications must include all materials required by the City. Format requirements and submittal materials required for the application will be available on the City website or at City Hall, during its normal hours of business.
- iv. Once a procedure has been initiated and the application deemed complete, the appropriate City Staff will review the application, considering any applicable criteria for approval and then prepare a report to the HPC. The City Staff may establish procedures for administrative review necessary to facilitate the most efficient determination of their completeness and processing them to the HPC.

(e) HPC Final Action.

The HPC will review the application and the Staff's report, conduct a hearing in accordance with the HPC's established procedures and state law, and make recommendations to the Planning and Zoning Commission and City Council on the application. An application before the HPC will be considered recommended for approval by a simple majority.

(f) Criteria for Recommendation.

The application must be complete and contain all information and forms listed as necessary by the City in this section to allow for adequate review. Specific criteria for granting a certificate of design compliance are provide Chapter 3.

(g) Appeal

- i. Appeal to Planning and Zoning Commission. An applicant for a permit or application for property located within a Historic District dissatisfied with the action of the HPC relating to the issuance or denial of a permit or application shall have the right to appeal to the Planning and Zoning Commission within thirty (30) days after receipt of notification of such action. The Planning and Zoning Commission shall conduct a hearing within thirty (30) days of receipt of a written letter of appeal.

The Planning and Zoning Commission shall give notice to the applicant by mail. The Planning and Zoning Commission shall make its decision within thirty (30) days of the hearing.

- ii. Appeal to City Council. An applicant for a permit or application for a property located within a Historic District dissatisfied with the action of the Planning and Zoning Commission relating to the issuance or denial of a permit or application shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall conduct a hearing within thirty (30) days of receipt of a written letter of appeal. The City Council shall give notice to the applicant by mail. The City Council shall make its decision within thirty (30) days of the hearing.

## (5) City Staff

### (a) General

- i. The administrative official for the purposes of this Code shall be the City Secretary, or any other City employee designated to be so. The City Council may designate any assistants, deputies, consultants, and department heads insofar as they may be charged by the City Staff and the provisions of this chapter with duties and responsibilities referenced in this Chapter and Chapter 3.
- ii. The City Staff, and those members of City Staff deemed most appropriate, shall ordinarily administer the provisions of this Code.
- iii. The City Staff shall serve as staff to the Planning and Zoning Commission, Board of Adjustment (BOA), Historic Preservation Commission, and the City Council except where otherwise provided by this Chapter; provided, however, the City Staff may not be charged with the responsibility to record the official minutes of Planning and Zoning Commission, Board of Adjustment (BOA), or the Historic Preservation Commission.

### (b) Powers and Duties

The City Staff has the following powers and duties:

#### i. Action

The City Staff is responsible for taking final action on the following procedures described in this Code and according to the specific criteria for each procedure as described in the Code.

1. Administrative Plat Review
2. Written Interpretation of UDC
3. Certificate of Historic Design Compliance
4. Administrative Exception
5. Temporary Use Permit
6. Building Permit
7. Certificate of Occupancy
8. Sign Permit

#### ii. Review and Report

The City Staff may review and make a report for recommendation to the Historic Preservation Commission, BOA, Planning and Zoning Commission, or City Council, as required pursuant to the Code, on the following procedures:

1. Comprehensive Plan Amendment
2. Unified Development Code Text Amendment
3. Annexation
4. Zoning Map Amendment
5. Historic District Designation
6. Special Use Permit
7. Concept Plan
8. Final Plat
9. Development Agreement
10. Variance Request (all variance requests including those that go to City Council and Board of Adjustment)

ii. Additional Duties

The City Staff shall have the following additional Duties and Rights:

1. To comply with any other duty or responsibility clearly assigned to the City Staff elsewhere in the Code;
2. To follow all provisions of this Code;
3. To meet all potential applicants in pre-application conferences as described in this Code;
4. To act and serve as staff for each review body designated by this Code;
5. To render reasonable guidance, upon reasonable request of any property owner, or its agent, or occupant on development, or new construction or the restoration, alteration or maintenance of any historic resource or other building within the City; and
6. To provide notice of hearings as required by state law and this Code.

(c) Administrator Review Process

- i. The City Staff shall comply with any specific procedures described in this Code.
- ii. The City Staff may develop administrative rules or additional procedures to clarify implementation of this Code, provided that such rules or procedures are set out and approved by the City Council prior to their implementation or enforcement, and provided further those additional procedures do not violate any other provisions of this Code.
- iii. The City Staff will develop administrative procedures for application requirements for all procedures described within or developed pursuant to this Code. Such requirements must be sufficient to permit the staff to effectively review the application and for the final approving authority to render an informed decision.

1. Application requirements must be consistent with state law.

2. The City staff may waive application requirements when appropriate but may not require additional submission requirements after an application has been determined to be complete.
- iv. Whenever there appears to be an uncertainty, vagueness, or conflict in the terms of the Code, the City, in consultation with City staff, the City Engineer, or City Attorney, as may be appropriate, shall make every effort to interpret the Code in such a way that it fulfills the goals of Comprehensive Plan and the UDC. The interpretation given by the City Staff shall be final unless Applicant has new information to introduce in an Appeal that could materially affect the City's interpretation as it applies to their Application.

(d) Administrator Final Action

The Administrator will review the application and take final action on the application.

(e) Criteria for Approval

The Administrator will approve an application only once determined that:

- i. The application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action; and
- ii. The application meets the specific criteria for procedures provided in Chapter 3.

(f) Appeals

A person aggrieved by a final action on an Administrative procedure may appeal to the BOA within ten (10) days of the final action

(6) City Engineer

(a) General

- i. The City Engineer must be a registered professional engineer, licensed by the State of Texas and competent in the design and review of land development and urban public works. The City Staff will appoint a City Engineer to function as described in this Code.

- ii. The City Engineer is an advisor to the City Staff. As such, the City Engineer's powers are delegated by the City Staff, and in the case of conflict, the City Staff's decisions will prevail. This does not allow the City Staff to make decisions that require the certification of a registered professional engineer, only that the authority delegated to the City Engineer stems from the City Staff and can be revoked in the case of conflict.

(b) Powers and Duties

i. Final Action

The City Engineer is responsible for taking final action on the following procedure described in this Code, subject to the specific criteria for the procedure as described the Code:

1. Approval of Drainage Plans
2. Approval of Water Distribution Plans and Water Quality Controls
3. Approval of Wastewater Plans
4. Approval of Electric, Telephone and Telecommunications Plans
5. Approval of Street Plans

ii. Review and Report

The City Engineer will review and make either a report or recommendation to the City Staff and Planning and Zoning Commission on the following procedures, subject to the terms and conditions set forth for such procedures in this Code:

1. Concept Plan and Final Plat Review
2. Administrative Plat Review
3. Building Permit
4. Certificate of Occupancy

(c) Compliance with Rules and Procedures

- i. The City Engineer shall comply with any specific procedures or technical criteria described in this Code.
- ii. The City Engineer may develop and implement additional procedures or technical criteria to clarify implementation of this Code, provided that such procedures or criteria are approved by the City Staff prior to their implementation and enforcement, and provided further that the additional procedures do not violate any other provision of this Code.

## **Section 2.4 Summary of Review Authority**

Table 3.1 summarizes the decision-making authority of each review body for the City of Blanco (outlined above in Chapter 2 and further described in Chapter 3). A review authority with decision-making authority for a procedure is considered the Final Action Authority for that procedure.



# Chapter 3 Applications and Procedures

## Section 3.1 Purpose and Intent

The purpose of this Chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City of Blanco.

## Section 3.2 Types of Applications and Permits

### (1) General

- (a) Review authorities for applicable development applications and permits are described in Table 3.1 below.
- (b) Applicable fees and timelines for review will be established and may be adjusted periodically by City Ordinance.
- (c) Certain procedures apply inside city limits that do not apply in the ETJ. Table 3.1 also provides guidelines for the procedures that apply in the city limits or ETJ.

### (2) Policy- Related Applications and Permits

- (a) Approval of applications for development is based upon the proposed development's conformance with existing regulations.
  - i. Such regulations include the Comprehensive Plan, Zoning Map, this Code, and any other bases for consideration described in this Code.
  - ii. In cases where a proposed development is not in accordance with these policies, changes to policies made by the appropriate review entity (either the City Council or Board of Adjustment) before any subdivision development not in accordance with existing policies may proceed.
- (b) Procedures for each Policy-Related application are discussed in Section 3.5 and include:
  - i. Comprehensive Plan Amendment,
  - ii. Code Text Amendment Procedures,
  - iii. Annexation,
  - iv. Zoning Map Amendment,
  - v. Special Use Permit,
  - vi. Historic district Designation, and

vii. Letters of Regulatory Compliance.

(3) Subdivision-Related Applications and Permits

- (a) Subdivision-related procedures are necessary to establish individual lots appropriate for development. These procedures are used to establish what is commonly referred to as a Legal Lot, on which development may occur. Subdivision activities and project must be in compliance with this Code.
- (b) Procedures for each Subdivision-Related application are discussed in Section 3.6 and include:
  - i. Concept Plan,
  - ii. Final Plat,
  - iii. Administrative Plat, and
  - iv. Development Agreement.

(4) Development-Related Applications and Permits

- (a) Development in the City must occur in compliance with all regulations of this Code, and development in the extraterritorial jurisdiction must occur in compliance with certain elements of this Code (See Section 1.4 for applicability of requirements to the ETJ).
  - i. Any necessary modification to those standards must occur before a development project may be permitted that deviates from existing plans, standard or requirements.
  - ii. Land must be appropriately subdivided and platted before any development project may occur.
- (b) Procedures for each Development-Related application are discussed in Section 3.7 and include:
  - i. Letter of Regulatory Compliance,
  - ii. Certificate of Historic Design Compliance,
  - iii. Building Permit,
  - iv. Variance,
  - v. Temporary Use Permit,
  - vi. Certificate of Occupancy,
  - vii. On-Site Wastewater Permit,

- viii. Sign Permit,
- ix. Administrative Decision or Exception, and
- x. Appeal of an Administrative Decision.

**Table 3.1 Summary of Review Authority**

Permit or Application	Within ETJ	Administrative Review	Historic Preservation Commission	Board of Adjustment	Planning & Zoning Commission	City Council	Blanco County
<b>POLICY RELATED APPLICATIONS AND PERMITS</b>							
Comprehensive Plan Amendment	+	R			R	X	
UDC Text Amendment	+	R			R	X	
Annexation	+	R				X	
Zoning Map Amendment		R	R		R	X	
Special Use Permit		R	R		R	X	
Historic District Designation		R	R		R	X	
Written Interpretation	+	X					
<b>SUBDIVISION RELATED APPLICATIONS AND PERMITS</b>							
Concept Plan (if applicable)	+	R			R	X	
Final Plat	+	R			R	X	
Administrative Plat	+	X					
Development Agreement	+	R			R	X	
<b>DEVELOPMENT RELATED APPLICATIONS AND PERMITS</b>							
Letter of Regulatory Compliance	+	X					
Cert. of Hist. Design Compliance		R	R		R	X	
Temporary Use Permit	+	R			R	X	
Special Use Permit	+	X			R	X	
Building Permit	+	X					
Certificate of Occupancy	+	X					
On-Site Wastewater Permit	+	X					
Sign Permit	+	R		X			
Appeal of Admin. Decision				X			
Administrative Exception				X	R		
Variance		R		X	R		

+: Applicable

X: Final Action

R: Review and Recommend

## (5) Development Applications Requiring Multiple Approvals

- (a) Policy-related applications for permits required for a particular project may occur in any order but shall be sequenced so that when final actions occur, each approval provides any requisite requirement for a subsequent related approval.
- (b) Subdivision applications may generally be considered concurrently.
  - i. The Certificate of Compliance review should occur before any Subdivision Application.
  - ii. No application for final plat review will be considered complete and accepted for submittal until final action on the Concept Plan (if applicable) has occurred.
  - iii. Approval of the final plat shall not be granted until written approval of associated construction plans and plans for dedication of land and community facilities has been given by the City Staff.
- (c) Development applications may generally be considered concurrently.
  - i. No development or permit application may be considered if there is pending subdivision activity for the same tract of land, except for administrative determinations.

### (d) Simultaneous Subdivision of Related Applications

Submittal of different applications related to the same development may be made simultaneously, although the review and processing of applications must remain in sequence as described in Table 3.1 above and elsewhere in this Code.

- i. Applications may file multiple applications for non-concurrent actions/approval, provided, however, that applications shall be reviewed and processed in the sequence required pursuant to this Code.
- ii. After each application receives final action, the next consecutive application in the Code process will be reviewed for completeness pursuant to the appropriate process.
- iii. Any application submitted simultaneously with other applications is subject to approval of all other related applications that are prerequisite(s) to consideration of another application in the development process.
- iv. Denial or disapproval of any concurrently submitted application shall prevent consideration of any related applications unless and until the denied or disapproved application is resolved or approved.
- v. An applicant may withdraw any individual application from a group of simultaneously submitted applications.

### Section 3.3 Review of Applications

#### (1) Pre-Application Conference

- (a) Prior to submission of an application, a pre-application conference (a meeting between the potential applicant and City Staff) may be required. The conference is an opportunity for an applicant to describe the development that will be submitted and for the City Staff representative to explain the development process (i.e. which application is appropriate, which review body is responsible for final action, what the potential timelines for review may be, and what criteria will be used to determine whether the application may be approved). The pre-application conference can be held in person or via telephone.
- (b) Completion of a pre-application conference does not imply or indicate subsequent City approval of the permit.
- (c) The pre-applicant conference shall proceed as follows:
  - i. The applicant may request, or the City may require, a pre-application conference.
  - ii. Upon completion of the conference, the applicant must attest to whether or not the applicant is satisfied it has received adequate information to proceed with its application.
  - iii. Pre-application conferences may be combined when an applicant will be making simultaneous applications for the same project. Completion of a combined pre-application conference does not imply or indicate City approval of any requisite application.
- (d) A pre-application conference is recommended for the following applications; provided, however, that one pre-application conference may suffice for a project involving multiple submittals of development applications.
  - i. Comprehensive Plan Amendment
  - ii. Code Text Amendment
  - iii. Zoning Map Amendment
  - iv. Special Use Permit
  - v. Historic District Designation
  - vi. Concept Plan
  - vii. Final Plat
  - viii. Administrative Plat

- ix. Development Agreement
- x. Variance
- xi. Planned Development District (PDD)

(2) Application Forms and Fees

The following regulations shall apply to all applications.

(a) Forms

- i. Applications required under this Code shall be submitted on forms with any requested information and attachments and in such numbers as required by the City.
- ii. The City shall have the authority to request any pertinent information required to ensure compliance with this Code.
- iii. The City must make any submission requirements and applicable fee requirements available to the applicant.
- iv. The City may require that applications be prepared and submitted initially in paper and electronic format and finally in Mylar and digital formats acceptable to the City.
- v. The City council may, from time to time, adopt by resolution specific forms and submission requirements. Such resolution shall be incorporated as an Appendix to this Code.

(b) Fees

- i. Application fees shall be established from time to time by ordinance of the City Council.
- ii. An applicant who has paid the appropriate fee pursuant to submission of a subdivision or development application, but who chooses to withdraw such application prior to the formal written notification of completeness or incompleteness, shall be entitled to a refund of fifty percent (50%) of the total amount paid upon written request to the City. The applicant is responsible for payment of consultant fees incurred for reviewing the subdivision or development submission, even in the case of application withdrawal.
- iii. The application fee required for all policies related applications are not refundable.
- iv. Fee for certificate or mailing costs.

### (3) Determination of Application Completeness

- (a) All applications shall be completed and submitted to the City in accordance with established procedures. An application shall not be considered as officially submitted or accepted for filing until it is determined to be complete as specified below.
- (b) A determination of whether an application is complete will be made by the City Staff within fifteen (15) business days of submittal of the application. City Holidays will not be counted towards the fifteen (15) business days.
- (c) The determination of completeness shall take into account the following:
  - i. Completeness status of required submission materials,
  - ii. Incomplete submission materials, and
  - iii. Any required prior action or approval by any City Approval Board, Commission, or Administrator.
- (d) If the application is determined to be incomplete, the City shall notify the applicant in writing.
  - i. The notification shall list missing or incomplete items and provide a specific period of time (fifteen (15) business days) for the applicant to resubmit the outstanding material. The applicant may request an additional meeting for explanation of the missing or incomplete items.
  - ii. If the application is not resubmitted within the period specified by the City Staff, a new application and fee shall be required.
- (e) Determination that an application is complete only assures that the documents and materials required to be submitted under this Code have been received. A determination of completeness does not preclude any negative final action by the City and does not include any implied determination that the application successfully meets any of the review criteria.

### (4) Standard Review Period

- (a) The City is required to establish a standard time period for review and final action on all applications.
  - i. This review period will be used to determine the number of days for all time limits within this Code.
  - ii. If the City Staff fails to establish review periods for each procedure, the default review period will be ninety (90) days, unless state law imposes a shorter period, in which event the shorter period will prevail.

- (b) All time requirements are guidelines, and do not require final action within a specified period of time. The following rules describe administration of time requirements.
- i. If a final action has not been taken on an application the appropriate City Staff, board, or commission at the end of the time requirement for that application:
    1. There will be no penalty assessed to the applicant or final review authority,
    2. Consideration of the application continues, and
    3. The application becomes eligible for final action upon written request of the applicant.
  - ii. Ongoing consideration of an application beyond the standard review period allows a review body or the final action authority to work in good faith with the applicant to make changes, modifications, and corrections in order to continue consideration of an application that might otherwise be disapproved without the changes, modifications. or corrections.
  - iii. If the applicant elects to proceed without making any changes, modifications, or corrections to the application, the applicant may request final action.
    1. Once consideration of an application has continued past the standard review period and is eligible for final action upon request of the applicant, the applicant may request in writing a final action decision from the final action authority.
    2. An administrative final action authority must respond with written notification of setting the application for final action within ten (10) days.

(c) Exception to Standard Review Period

- i. The standard review period for any application may be extended one time for a period not to exceed thirty (30) days if a review body or final action authority requests additional studies or information concerning the application. Such an extension may not be granted after an applicant has requested final action.
- ii. Standard review periods may be extended by the City when, in the opinion of the City, conditions beyond the City's control exist that prevent the City or any final action authority from effectively reviewing and considering all applications in a timely manner.
  1. Typical conditions may include an excessive number of applications received by the City during a certain period of time, inadequate staff time due to temporary limitations of personnel resources or lack of availability of a required professional staff member or consultant such as the City Engineer and City Attorney.



2. The City may initially declare that such conditions exist without approval of the City Council and must provide timely notice to all affected applicants.
  3. The City will report the action requiring the extended review period to the Mayor or the Mayor's designee.
  4. In order to have the review period officially changed, the Mayor or the Mayor's designee must determine the need for an extended review period in writing. The period must have a time limit not to exceed ninety (90) days.
  5. If the Mayor or Mayor's designee does not determine that an extended review is needed, then the authority of the City Staff to set aside standard review periods for this exception is no longer valid.
- iii. During these periods, all applications being considered are subject to the extended review period.
1. No submittal of an application may be refused during the extended review period.
  2. Review and processing of applications will continue during this extended review period, pursuant to the implementation of the extended review period.
- iv. If the conditions causing the delay are not resolved, the process may be repeated. An applicant may request final action, as specified in Section 3.3(4)(b) above if the City has not taken final action on the application one hundred and twenty (120) days after the date the standard review period would have expired.
- v. The delay of standard review periods may not be implemented as a moratorium.

#### (5) Written Decision after Final Action

- (a) Within ten (10) days after a final decision is made by the authority authorized to make the final determination under the requirements of this Code, a copy of the written decision will be sent to the applicant.
- (b) The written decision will also state the final action findings, conclusions, and supporting reasons or facts whenever this Code requires such findings as a prerequisite to the final action.
- (c) A copy of the notice will be filed at the office of the Blanco City Clerk, where it will be available for public inspection during regular office hours.

#### (6) Expiration of Permits and Approvals

- (a) Approvals and permits issued pursuant to this Code shall expire according to the following table unless the proposed development, project, or use for which the approval was given is considered to be in process, defined as follows:

- i. A complete building permit application has been submitted; or,
  - ii. A certificate of occupancy has been issued, if no building permit is required.
- (b) A lapse of a period equal to or greater than the period set forth in Table 3.2 shall cause the related approvals or permits to expire and be of no further force and effect.
- i. Notification of the expiration of permits may be provided to the applicant as part of the notification of approval of the development-related permit.
  - ii. The City Staff may extend the expiration date of any permit one time for a period not to exceed one (1) year in length upon payment of a new fee.
  - iii. The extension period may not begin later than the original expiration date.
- (c) Reinstatement of a lapsed approval shall require the applicant to pursue the same submittal and to obtain approval as an original application.
- (d) Expiration of Certain Applications
- i. In case of projects where more than one building or phase is to be built, the applicant may submit a series of building permit applications.
    - 1. The first application must be submitted within twelve (12) months from the date site plan approval is granted.
    - 2. Each subsequent application must be submitted within twelve (12) months from the date of issuance of a certificate of occupancy for the previous building or phase.
  - ii. A Written Interpretation remains in effect indefinitely where no related development is proposed.
  - iii. Upon submission of a proposed development application related to Letters of Regulatory Compliance or Written Interpretation, the Letter of Regulatory Compliance or Written Interpretation shall expire according to Table 3.2 unless the proposed development is not pursued.
  - iv. Any Concept Plan, final plat, or administrative plat approved prior to the adoption of this Code that is dormant in accordance with the provisions of Texas Local Government Code Section 245.005 will expire upon adoption of this Unified Development Code by the City Council.

**Table 3.2 Expiration of Inactive Permits or Approvals**

Procedure	Expiration
Comprehensive Plan Amendment	No Expiration
UDC Text Amendment	No Expiration
Annexation	No Expiration
Zoning Map Amendment (Zoning or Rezoning)	No Expiration
Special Use Permit	12 Months
Historic District Designation	No Expiration
Written Interpretation	12 Months
Concept Plan	24 Months
Final Plat	12 Months
Administrative Plat	12 Months
Development Agreement	(as specified in Agreement)
Letter of Regulatory Compliance	12 Months
Certificate of Design Compliance	12 Months
Variance	12 Months
Temporary Use Permit	2 Months (or as specified in Permit)
Building Permit	12 Months
Certificate of Occupancy	No Expiration
Sign Permit	12 Months
Administrative Exception	12 Months
Appeal of Administrative Decision	12 Months

**(7) Reapplication**

- (a) If any development permit application or other application for approval, and petition for a plan amendment or any petition for an amendment to this Code is disapproved by the final action authority another application or petition for the same permit, approval, or amendment for the same property or any portion thereof may not be filed within a period of six (6) months from the date of final disapproval, except with written approval of the City Council.
- (b) In the case of zoning change applications, another application may not be filed within a period of twelve (12) months from the date of final disapproval.
- (c) A reapplication must demonstrate:

- i. There is a substantial change in circumstances relevant to the issues and/or facts considered during the original review of the application that might reasonably affect the decision-making body’s review of the relevant standards to the development described in application; or
- ii. New or additional information is available that was not available at the time of the original application that might reasonably affect the decision-making body’s review of the relevant standards to the proposed development; or
- iii. A new application is proposed to be submitted that is materially different (e.g., proposes new uses or a substantial decrease in proposed densities and intensities) from the prior application; or
- iv. The final decision on the application was based on a material mistake of fact.

**Section 3.4 Public Hearing and Notice**

(1) Required Public Hearing

Public hearings shall be required for applications in accordance with Table 3.3.

**Table 3.3 Summary of Required Public Hearing**

Type of Application	Historic Preservation Committee	Board of Adjustment	Planning & Zoning Comm.	City Council
Comprehensive Plan Amendment			X	X
UDC Amendment			X	X
Annexation				X
Zoning Map Amendment			X	X
Special Use Permit			X	X
Variance		X	X	
Historic District Designation	X		X	X
Development Agreement			X	X
Certificate of Design Compliance	X		X	X
Appeal of Administrative Decision		X		
Appeal of Denial of Sign Permit		X		

X-Public Hearing Required

(2) Summary of Notice Required

Notice shall be required for a public hearing on an application as shown in Table 3.4.

(a) Published Notice

The City Staff shall publish public notice at least once in a local newspaper of general circulation within the City at least fifteen (15) days in advance of the meeting or hearing. The notice will contain the time and place of such public meeting or hearing and description of the agenda items that may be considered or reviewed.

(b) Mailed Notice

A Notice of Public Hearing shall be sent by the City Staff through U.S. mail to owners of record of real property within two hundred (200) feet of the parcel under consideration and within the City Limits of Blanco determined by the most recent tax rolls from the Blanco County Central Appraisal District. The notice must be mailed at least eleven (11) days prior to the date set for the public hearing.

(c) Posted Notice

The applicant shall be responsible for posting notice along rights-of-way frontage of the subject property in a format approved by the City Staff not less eleven (11) days prior to the scheduled public hearing.

(d) Internet Notice

Any notice shall also be posted on the City's website at least fifteen (15) days prior to a public hearing.

**Table 3.4 Summary of Notice Requirements**

<b>Procedure</b>	<b>Published</b>	<b>Mailed</b>	<b>Posted</b>	<b>Internet</b>
Comprehensive Plan Amendment	X			X
UDC Text Amendment	X			X
Annexation (must follow procedural requirements under Texas Local Government Code, Ch. 43)	X	X	X	X
Zoning Map Amendment (Zoning or Rezoning)	X	X	X	X
Special Use Permit	X	X	X	X
Historic District Designation	X	X	X	X
Development Agreement	X	X	X	X
Certificate of Design Compliance			X	X
Variance	X	X	X	X
Appeal of Administrative Decision	X			X
Appeal of Denial of Sign Permit			X	X

X- Notice Required

### (3) Conduct of Public Hearing

- (a) All public hearings shall follow the procedures set forth by the City of Blanco. (See Section 3.4(2)(a) above and Texas Local Government Code Sections 211.006 and 211.007)
  - (b) Modifications of the application during a public hearing may be made if assurances can be given by the applicant that the changes will be made. The City Council or other review authority holding the public hearing may approve or recommend action on the application subject to the suggested changes being incorporated into the application.
- (4) Decision(s) of the Planning and Zoning Commission shall be delivered by the chairperson of the Planning and Zoning Commission or their delegate to the City Secretary for consideration so that said decision may be included in the next city council's agenda.

### **Section 3.5 Policy-Related Applications**

This section provides specific approval criteria for policy related applications:

#### (1) Comprehensive Plan Amendment

##### (a) Applicability

The City of Blanco Comprehensive Plan 2005 (the "Comprehensive Plan") reflects Blanco's long-term plan for growth and development. The City Council may, from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal the regulations, restrictions, and boundaries contained in the Comprehensive Plan.

##### (b) Review Process

- i. Initiation of a City Council Review of a Comprehensive Plan Amendment may be made upon:
  - 1. Recommendation of the City Council;
  - 2. Recommendation of the Planning and Zoning Commission; or
  - 3. Recommendation of the City Staff.
- ii. Staff Review
  - 1. Once a procedure has been initiated, the City Staff will review the application, considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and City Council.
  - 2. The City Staff may establish procedures for administrative review necessary to ensure compliance with this Code and state statutes.

3. The City Staff's report may include a recommendation for final action.

iii. Planning and Zoning Commission Review

The Planning and Zoning Commission will hold a public hearing, in accordance with its rules and state law, and make a recommendation to the City Council.

iv. City Council Final Action

The City Council will hold a public hearing, in accordance with its rules and state law, and may take final action on the proposed amendment.

(c) Criteria for Approval

In determining whether to approve, with modifications, or disapprove a proposed amendment, the City Council shall consider the following matters regarding the proposed amendment:

- i. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- ii. The proposed amendment is consistent with other goals and objectives of the Comprehensive Plan. The proposed amendment is consistent with the specific provisions of the Unified Development Code. Any potential conflicts of proposed amendments with the UDC or Comprehensive Plan shall be considered and resolved prior to the review and adoption of any amendment.
- iii. The City Council may consider other criteria it deems relevant and important in taking final action on the amendment.

(d) Responsibility for Final Action

The Planning and Zoning Commission shall make recommendations regarding Comprehensive Plan amendments and shall forward their recommendation to the City Council. The City Council is responsible for final action on Comprehensive Plan Amendments.

(2) Unified Development Code Text Amendment

(a) Applicability

Amendments to this Code may be made from time to time in order to establish and maintain sound, stable, and desirable development within the jurisdiction of the City or to correct errors in the text or to account for changing conditions in a particular area or in the City.

(b) Review Process

- i. Initiation of a City Council Review of a UDC Amendment may be made in accordance with Section 1.10, Annual Updates or Amendments and upon:
  1. Recommendation of the City Council;
  2. Recommendation of the Planning and Zoning Commission; or
  3. Recommendation of the City Staff.

ii. Staff Review

1. Once a procedure has been initiated, the City Staff will review the application, considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and City Council.
2. The City Staff may establish procedures for administrative review necessary to ensure compliance with the Code and State statutes.
3. The City Staff's report may include a recommendation for final action.

iii. Planning and Zoning Commission Review

The Planning and Zoning Commission will hold a public hearing, in accordance with its rules and state law, and make a recommendation to the City Council.

iv. City Council Final Action

The City Council will hold a public hearing, in accordance with its rules and state law, and may take final action on the proposed amendment.

(c) Criteria for Approval

In determining whether to approve, approve with modifications, or disapprove a proposed amendment, the City Council shall consider the following matters regarding the proposed amendment:

- i. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- ii. The proposed amendment is consistent with the Future Land Use element and with other goals and objectives of the Comprehensive Plan.
- iii. The proposed amendment is consistent with specific provisions of this Code. Any potential conflicts of proposed amendments with the UDC shall be considered and dealt with prior to the review and adoption of any amendment.

(d) Responsibility for Final Action



The Planning and Zoning Commission shall make recommendations regarding UDC amendments and shall forward their recommendation to the City Council. The City Council is responsible for final action on UDC Amendments.

(3) Zoning Map Amendment (Rezoning)

(a) Applicability

- i. For the purpose of establishing and maintaining sound, stable and desirable development within the corporate limits of the City, the Official Zoning Map may be amended based upon changed or to rezone an area, or to extend the boundary of an existing zoning district.
- ii. Zoning changes must be made by Zoning Map Amendment.

(b) Review Process

- i. Initiation of a Zoning Change may be made upon:
  1. Recommendation of the City Council;
  2. Recommendation of the Planning and Zoning Commission;
  3. Application by the property owner of the affected property or its authorized agent.
- ii. Application
  1. Upon submission of an application, the City Staff will determine whether the application is complete, as described in Section 3.3(3).
  2. Information regarding the format requirements and materials required for the application will be made available by the City Staff in advance of any application.
  3. Application on behalf of a property owner must be made in a format consistent with requirements established by the City Staff Applications and must include all materials determined necessary by the City Staff.
  4. Applications prepared by the City Staff on behalf of the City Council or Planning and Zoning Commission shall be considered complete. The City Staff is responsible for ensuring that a complete application is prepared for changes initiated by the City Council or Planning and Zoning Commission such that all material necessary for the City Council to render an informed decision is provided.

iii. Staff Review

1. Once a procedure has been initiated and the application deemed complete, the City Staff will review the application, considering any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and the City Council.
2. The City Staff may establish procedures for administrative review necessary to ensure compliance with this Code and state law.
3. The City Staff's report to the Planning and Zoning Commission and City Council may include a recommendation for final action.

iv. Historic Preservation Commission Review

The Historic Preservation Commission will review and make a recommendation to the Planning and Zoning Commission and City Council regarding any zoning changes within a Historic District.

v. Planning and Zoning Commission Review

The Planning and Zoning Commission will hold a public hearing, in accordance with its rules and state law, and make a recommendation to the City Council.

vi. City Council Final Action

The City Council will hold a public hearing, in accordance with its rules and state law, and take final action on the application, according to the following rules:

1. The rezoning or initial zoning of annexed territory will become effective by a simple majority vote of the City Council.
2. If a proposed rezoning of a tract of land has been protested in writing by the owners of at least twenty percent (20%) of the area within two hundred feet (200') of the tract (who are also residents inside the City Limits), the rezoning will become effective by a supermajority: three-fourths ( $\frac{3}{4}$ ) vote of the City Council.
3. A three-fourths ( $\frac{3}{4}$ ) vote of the City Council is required to overrule a recommendation by the Planning and Zoning Commission that a regulation or boundary be denied.

(c) Criteria for Approval

Zoning changes may be approved when the following standards are met:

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

- ii. The zoning change is consistent with the Future Land Use element of the Comprehensive Plan, which may be amended according to the procedure in the Section;
- iii. The zoning change promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City;
- iv. The zoning change is compatible with and conforms with uses of nearby property and the character of the neighborhood;
- v. The property affected by the zoning change is suitable for uses permitted by the proposed amendment to the zoning map;
- vi. Infrastructure, including roadway adequacy, sewer, water and storm water facilities, is or is committed to be available that is generally suitable and adequate for the proposed use; and
- vii. Newly annexed areas shall have a base zoning of Agriculture. A property owner may submit a zoning application for a different base zoning district to run concurrently with the annexation process.

(d) Responsibility for Final Action

The Planning and Zoning Commission shall make recommendations regarding Zoning Map amendments and shall forward their recommendation to the City Council. The City Council is responsible for final action on Zoning Map Amendments.

(4) Special Use Permit

(a) Applicability

- i. Special use permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Code.
- ii. Such uses may locate in districts as indicated in Table 4.2 and under special conditions described in a special use permit recommended by the Planning and Zoning Commission and approved by the City Council.
- iii. No such use shall commence without prior approval of a Special Use Permit.

(b) Review Process

i. Initiation

Initiation of a Special Use Permit may be made upon petition by the property owner.

ii. Application

A binding site plan for the Special Use Permit must be submitted for review by the City Council in order to approve issuance of a Special Use Permit. The Site Plan must be reviewed by the City Staff for compliance with this Code.

iii. Staff Review

Once a procedure has been initiated and the application deemed complete, the City Staff will review the application, considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and the City Council.

iv. City Council Final Action

The City Council will hold a public hearing, in accordance with its rules and state law, and take final action on the application.

(c) Criteria for Approval

i. In addition to the criteria for zoning changes found in this Section, the City Council will review the Special Use Permit application based on the potential use's impact on:

1. The health, safety and welfare of the surrounding neighborhood;
2. Public infrastructure such as roads, parking facilities and water and sewer systems;
3. Public services such as police and fire protection and solid waste collection; and
4. The ability of existing infrastructure and services to adequately provide services.

ii. The City Council may approve an application for a Special Use Permit where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public.

(d) Responsibility for Final Action

The City Council is responsible for final action on applications for Special Use Permits.

(5) Historic District Designation

(a) Applicability

Application of a Historic District Designation shall have the effect of applying historic preservation restrictions to the area, parcel, or landmark district.

- i. An historic overlay may also specify additional criteria or development standards that apply to the specific historic overlay.
- ii. Any area, parcel, or landmark may be designated as historic if it meets the Historic District criteria.

(b) Review Process

i. Initiation

Initiation of a Historic District Designation may be made upon

1. Recommendation of the City Council,
2. Recommendation of the Historic Preservation Commission, or
3. Petition by the property owner.

ii. Interim Control during Historic District Consideration

1. No building permit may be issued by the City for alteration, construction, demolition, or removal of any property or structure within an area proposed for designation to the historic district. The designation is not deemed complete until a final decision is made by the City Council.
2. Alterations, removal, or demolition shall be authorized by formal action of the City Staff as necessary for preservation of the public health, welfare, or safety as provided for in this Code.
3. In no event will the delay to issuance of the building permit exceed one hundred and twenty (120) days, unless a moratorium is then in effect.

iii. Staff Review

Once a procedure has been initiated and the application deemed complete, the City Staff will review the application, considering any applicable criteria for approval and prepare a report to the City Council.

iv. Historic Preservation Commission Review

1. The Historic Preservation Commission will hold a public hearing, in accordance with its rules and state law, and make a recommendation on the application.
2. In recommending the application of an historic overlay designation to an area of the City, the Historic Preservation Commission (HPC) shall recommend express findings to the Planning and Zoning Commission and City Council regarding the specific structures, landscapes, or other physical aspects of the district on which it bases the determination required by the above criteria.

v. City Council Final Action

The City Council will hold a public hearing, in accordance with its rules and state law, and take final action on the application.

(c) Criteria for Approval

In addition to the approval criteria for zoning changes in this Section, the City Council will consider the following in determining whether the Historic District Designation should be applied to a structure, site, or area of the City:

- i. Character, interest, and/or value of the structure, site and/or area because of its unique role in the development, heritage, or cultural characteristics of the City of Blanco, State of Texas, nation, or other society.
- ii. Occurrence of a notable historical event at the structure or site of area.
- iii. Identification or relationship of a structure, site, or area with a person or persons who contributed notably to the culture and development of the City, State, nation, or other society.
- iv. Multiple buildings in a structure or site under consideration of distinctive elements of architectural design, detail, material, or craftsmanship related to uniqueness to area or the related distinctiveness of craftsmen, master builder or architect, or a style.
- v. Archaeological value in the sense that the structure, site, or area has produced or can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory of the area.
- vi. Other unique historical value.

(d) Responsibility for Final Action

- i. The Historical Preservation Commission shall make recommendations regarding Historic District Designation and shall forward their recommendation to the Planning and Zoning Commission.
- ii. The Planning and Zoning Commission shall make and forward a recommendation to the City Council.
- iii. The City Council is responsible for final action on Historic District Designation.

(6) Written Interpretation of the Unified Development Code

(a) Applicability

- i. The City Staff shall have the authority to make all written interpretations of this Code.

- ii. Whenever there appears to be an uncertainty, vagueness, or conflict in the terms of the Code, the Mayor or designee, in consultation with the City Engineer or City Attorney as may be appropriate, shall make every effort to interpret the Code in such a way that it fulfills the goals of the Unified Development Code.
- iii. The interpretation given by the Administrator shall be final unless an appeal is made by the applicant to the Board of Adjustment to overturn the decision. In such a case, the burden shall be on the applicant to prove that the Administrator's interpretation is unreasonable and in clear conflict with the governing law and the goals of the Comprehensive Plan.

(b) Review Process

- i. The City Staff will determine, based on analysis of the requested interpretation and considering this Code, the correct interpretation for whatever question is raised.
- ii. Submission requirements for written interpretations will be developed by the City Staff.
- iii. The City Staff will first determine that the application does not request a written interpretation that is already clear in this Code or that the application could more appropriately be decided through another procedure in this Code. If this is the case, the City Staff shall reject the applicant's proposed written interpretation and refer the applicant to the appropriate section of the Code. This reference will serve as the written interpretation.

(c) Criteria for Approval

In making a written interpretation, the City Staff may consider, but is not limited to the following:

- i. Any previous written interpretations.
- ii. Best practices in the planning and land development professions.
- iii. Current practices of the City of Blanco.
- iv. Any other relevant source.

(d) Responsibility for Final Action

The City Staff is responsible for final action regarding Written Interpretation of this Code. The applicant may appeal this decision to the Board of Adjustment within ten (10) days of a final decision.

### **Section 3.6 Subdivision-Related Applications**

This section applies to subdivision-related applications within the City of Blanco and within the City's ETJ:

#### **(1) General Requirements for Approval of Plats**

- (a) No land may be subdivided or platted through the use of any legal description other than with reference to a plan approved by the City Council or the City Staff in accordance with these regulations.
  - i. It is an offense to offer and cause to be filed any plan, plat, or replat of land within the City limits or ETJ of Blanco of record with the County Clerk unless the plan, plat, or replat bears the endorsement and approval of the City Staff.
  - ii. The platting or subdivision of any lot or any parcel of land, by the use of GPS using the Texas State Plane Coordinate System as a substitute for metes and bounds for the purpose of sale, transfer, lease, or development is prohibited.
  - iii. The Texas State Plan Coordinate System may be used as supporting documentation only and the datum source must be referenced.
- (b) No person shall transfer, lease, sell, or receive any part of a parcel before an administrative plat or final plat of such parcel and the remaining parcel has been approved by the City Council in accordance with the provisions of these regulations in this Code and filed of record with the County Clerk of Blanco County.
  - i. No land described in this Section, except for property exempt from platting under state law, shall be platted or sold, leased, transferred, or developed until the property owner has obtained approval of the applicable Concept Plan, final plat, or development agreement from the City Council or the City Staff as required by these regulations.
  - ii. No building permit or certificate of occupancy may be issued for any parcel or tract of land until such property has received final plat or development agreement approval and is in conformity with the provisions of this Code, the plat has been recorded, and public improvements have been accepted by the City (if applicable).
  - iii. No private improvements will take place or be commenced except in conformity with these regulations in this Code.
- (c) Prior to the subdivision, re-subdivision, or development of any land within the City, or its extraterritorial jurisdiction, all plans, plats, and construction plans for infrastructure improvements must first be approved in accordance with regulations specified below except for:



- i. Construction of additions or alterations to an existing building where no drainage, street, utility extension or improvement, additional parking, or street access change required to meet the standards of this Code are necessary to support such building addition or alterations.
- ii. Divisions of land created by order of a court of competent jurisdiction.
- iii. A change in ownership of a property through inheritance or the probate of an estate.
- iv. Cemeteries in compliance with all state and local laws and regulations.

## (2) Concept Plan

### (a) Applicability

- i. A Concept Plan is intended to provide the City Council with a plan of the proposed subdivision for review by the City Council and City Staff for initial approval to form the basis for final plats.
- ii. A Concept Plan is required for:
  - 1. All land being divided into separate parcels,
  - 2. All plats with six (6) or more lots, and
  - 3. All plats that require dedication of land to the City.
- iii. All subsequent phases of development must be in accordance with the approved Concept Plan and any modifications required by the City Council.
- iv. Approved Concept Plans may be revised and resubmitted for review in the same manner with the same documentation as a new Concept Plan. Revised Concept Plans will not be binding unless approved by City Council. If disapproved by the City Council, the original Concept Plan will control.

### (b) Review Process

- i. Requirements for Concept Plan applications shall be established by the City Staff and will include basic engineering information necessary for the Planning and Zoning Commission to render an informed recommendation and for the City Council to render an informed decision.
- ii. Once a procedure has been initiated and the application deemed complete, the City Staff will review the application, considering any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and the City Council.

(c) Criteria for Approval

A Concept Plan may be approved when the standards for subdivisions and plats of land found in Section 3.6(1) is met.

(d) Responsibility for Final Action

- i. The Planning and Zoning Commission shall make recommendations regarding Concept Plan approvals and shall forward their recommendation to the City Council. The City Council is responsible for final action on Concept Plan approval and may, by simple majority vote:
  1. Approve the Concept Plan,
  2. Approve the Concept Plan contingent on modifications to the Plan, or
  3. Reject the plan as not conforming to the requirements herein.

(e) Action Following Approval

- i. If the City Council approves the Concept Plan, the Subdivider may submit a Final plat for the first phase of development and supporting documentation as provided for herein. The Final plat shall reflect any modifications required by the City Council in approving the Concept Plan.
- ii. If the City Council rejects the Concept Plan, the Subdivider may resubmit the Concept Plan to City Staff with the appropriate fees and other required documentation for consideration by the Planning and Zoning Commission and the City Council.

(3) Final Plat (including replats and development plats)

(a) Applicability

- i. Final plat review is required to ensure that a final recorded plat includes final engineering diagrams and descriptions that conform to the Concept Plan as approved by the City Council. The final plat must incorporate all changes from the Concept Plan that were considered and approved by the City Council.
- ii. Replats and Development Plats shall follow the same process as a Final Plat.

(b) Final Plat Application Requirements

- i. Submission requirements for the final plat will be developed by the City Staff and will include detailed engineering information necessary for the Planning and Zoning Commission to render an informed recommendation and for the City Council to render an informed decision.
- ii. When filed, the final plat must also provide all support documentation required by the County Clerk's office for recordation.

- iii. Estimates for posting fiscal surety for landscaping requirements, maintenance, erosion and sedimentation control, roads, and utilities are also required for final plat review. Fiscal security format shall be in form approved by City Staff and the City Attorney.

(c) Approval Criteria

Subdivisions and plats of land shall be reviewed using the criteria in this Code and any technical criteria referenced by this Code.

- i. A final plat must be determined to be consistent with a previously approved Concept Plan.
- ii. A construction plan for any required or agreed improvements must be approved by the City Staff or designee as required in this Code.

(d) Responsibility for Final Action

The Planning and Zoning Commission shall make recommendations regarding Final Plat approval and shall forward their recommendation to the City Council. The City Council is responsible for final action on Final Plat approval.

(e) Recordation

If the City Council has approved the plat, the City Staff or his designee has approved the construction plans, and the subdivider has either posted fiscal surety and assurance of construction or completed the required infrastructure and public improvements, the final plat becomes the instrument to be recorded in the Office of the County Clerk when all requirements have been met. The subdivider shall pay the record filing fee and the City shall file the final plat with the County Clerk. The City shall provide a copy of the filed final plat to the subdivider within ten (10) days of recordation.

(4) Administrative Plat Review

(a) Applicability

- i. Minor plats or amending plats may be approved by the City Staff following an evaluation for plan compliance and technical compliance with this Code.
- ii. Any plat that requires a waiver from Subdivision Design and Improvement Standards, any utility dedication, or any dedication of land must be reviewed as a Concept Plan by the Planning and Zoning Commission.
- iii. Minor Plat: A plat for five or fewer lots and that does not require any dedication of land to the City of Blanco.

- iv. Amending Plat: A plat that complies with Texas Local Government Code Section 212.016, as amended, which is generally submitted to correct errors and omissions when agreed to by all adjacent property owner.

(b) Review Process

Submission requirements for the Administrative Plat will be developed by City Staff and will include any engineering information necessary for the City Staff to render an informed decision. The City Staff will review the application, considering any applicable criteria for approval.

(c) Criteria for Approval

An Administrative Plat may be approved when the standard for subdivisions and plats of land found in Section 3.6(1) is met.

(d) Responsibility for Final Action

- i. The City Staff is responsible for final action on Administrative Plat Reviews.
- ii. If the City Staff determines the Administrative Plat does not meet the approval criteria, the applicant may request that the application be forwarded to the Planning and Zoning Commission for its review and recommendation to City Council, which will take final action.

(e) Action Following Plat Approval

After approval of an administrative plat, the subdivider shall notify the City Engineer within ten (10) days which of the following construction procedure(s) the subdivider proposes to follow:

- i. The subdivider may proceed with construction of streets, alleys, sidewalks, and utilities that the subdivider is required to install.
  - 1. The City will inspect the work as progresses.
  - 2. Upon completion and final acceptance by the City and upon written request by the subdivider, the final plat may be approved and filed of record with the County Clerk; or
- ii. The Subdivider may elect to post fiscal surety and assurance of construction as provided in Chapter 8.
  - 1. The surety of assurance shall be filed with the City, together with a request that the plat be filed for record. The final plat will be approved and filed with the County Clerk. The subdivider shall pay the record filing fee.

2. The City Engineer's signature on the construction documents provides the requisite authority for the subdivider to proceed with the construction of streets and utilities.
3. The City will inspect the construction work as it progresses and will make the final inspection to assure compliance with City requirements.
4. Upon completion of construction, the subdivider shall deliver to the City a Maintenance Bond for two (2) years from acceptance of improvements as a guarantee of workmanship and materials as provided in Chapter 8.

(f) Recordation

After the City Staff has approved the plat, the City Engineer has approved the Construction Plan, and the subdivider has either posted fiscal surety and assurance of construction as provided in Chapter 8 or completed provision of infrastructure and public improvements, the final plat shall be recorded in the Office of the County Clerk. The subdivider will pay the record filing fee.

### **Section 3.7 Development Related Applications**

This section applies to development-related applications within the City of Blanco and with the City's ETJ:

(1) Zoning Verification Letter

- (a) A Zoning Verification Letter may be issued by the City Staff to indicate to a property owner that a specified use, clearly identified in the application, is permitted within the zoning district.
- (b) A Zoning Verification Letter does not vest the property owner with permission to proceed with a development, does not specify requirements that must be met for future development, and does not include a determination that a tract of land may be developed.
- (c) The City Staff may include additional information about the uses and standards required for a development to proceed; however, any such additional information does not constitute permission to proceed with development.

i. Legal Lot verification Letter

A Legal Lot Verification Letter may be issued by the City to indicate that a lot has been properly platted in accordance with Section 212.0115 of the Texas Local Government Code.

ii. Responsibility for Final Action

The City Staff is responsible for final action on Letters of Regulatory Compliance.

(2) Certificate of Historic Design Compliance

(a) Applicability

i. A Certificate of Historic Design Compliance from the City Staff is required before the commencement of development within or work upon any building or structure located within the historic Overlay District:

1. Such work includes the erection, movement, demolition, reconstruction, restoration, or alteration of the exterior of any structure or site, except when such work satisfies all the requirements of ordinary maintenance and repair as defined in Appendix B Glossary.

2. No building permit shall be issued by the City for any structure or site located within a Historic Overlay District or other applicable Overlay District until the application for such permit has been reviewed by the HPC and a Certificate of Historic Design Compliance has been approved by the City Staff.

ii. Certificate of Design Compliance for Demolition

No building or structure within any Historic or other applicable Overlay District shall be demolished or removed unless such demolition is reviewed by the HPC and approved by the City Staff and a Certificate of Historic Design Compliance for such demolition has been granted.

(b) Review Process

Submission requirements for the Certificate of Design Compliance will be developed by the City Staff and will include any information necessary to render an informed decision. The City Staff will review the application, considering any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and the City Council.

(c) Criteria for Approval-General

The Historic Preservation Commission shall determine whether to recommend the issuance of a Certificate of Design Compliance based on the criteria set forth for Historic District Designation and the following criteria:

- i. The development complies with any design standards of this Code.
- ii. The development complies with any adopted Design Guidelines specific to the applicable or Overlay District.
- iii. The integrity of an individual historic structure is preserved.
- iv. New buildings or additions are designed to be compatible with surrounding historic properties.
- v. The overall character of the Historic or applicable Overlay District is protected.
- vi. Signs that are out of keeping with the character of the site or landmarks within the Historic or applicable Overlay District in question will not be permitted.
- vii. The value of the Historic or applicable Overlay District as an area of unique interest and character will not be impaired.
- viii. The following may also be considered by the Historic Preservation Commission when determining whether to recommend issuance of a certificate for design compliance:
  - 1. The effect of the proposed change upon the general historic, cultural, and architectural nature of the site, landmark, or district.
  - 2. The appropriateness of exterior features, including parking and loading spaces, that can be seen from a public street, alley or walkway.
  - 3. The exterior features of the building or structure and the relation of such factors to similar features of buildings or structures in the district, contrast or other relation of such factors to other landmarks built at or during the same period, as well as the uniqueness of such features, considering the remaining examples of architectural, historical and cultural values.

(d) Supplemental Demolition Criteria

In determining whether to recommend issuance of a certificate of design compliance for demolition, the Historic Preservation Commission, and, on appeal, a court of competent jurisdiction, shall consider the following criteria, in addition to the criteria specified above:

- i. The uniqueness of the structure as a representative type of style of architecture, historic association, or other element of the original designation criteria applicable to such structure or tract.
- ii. The condition of the structure from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.

- iii. The economically viable alternatives available the demolition applicant, including:
  - 1. Donation of a part of the value of the subject structure or it to a public or nonprofit agency, including the conveyance of development rights and façade easement.
  - 2. Possibility of the sale or relocation of the structure or sale of the site, or any part thereof, to prospective purchaser capable of preserving such structure or site.
- iv. The potential of such structure or site for renovation and its potential for continuing use.
- v. The potential of the subject structure of site for rezoning in an effort to render such property more compatible with the physical potential of the structure. The ability of the subject structure or site to produce a reasonable economic return on investment for its owner may also be considered, provided, however, that it is specifically intended that this factor shall not have exclusive control and effect but shall be considered along with all other criteria contained in this section.

(e) Responsibility for Final Action

The Historic Preservation Commission is responsible for recommending to the City Staff an issuance of a Certificate of Historic Design Compliance, and the City Staff is then responsible for its issuance, based on the criteria specified in this Section.

(3) Building Permit

(a) Applicability

- i. The Building Permit application and review process ensures that the plans for construction comply with the City of Blanco land use and construction standards and includes a site plan showing lot boundaries, set back lines, and improvements to include dimensions, locations of improvements on lot, etc.
- ii. A Building Permit application and review process ensures the plans for construction comply with the City of Blanco land use and construction standards and includes a site plan showing lot boundaries, set back lines, and improvements on lot, etc.

(b) Review Process

- i. A request for review of a Building Permit application may be submitted after all subdivision applications have been accomplished and prior to the commencement of work on a development.
- ii. The City Staff or Consultant will review the application, considering any applicable criteria for approval.



(c) Criteria for Approval

A Building Permit application may be approved if the development proposal includes:

- i. Appropriate zoning,
- ii. Legally subdivided lots,
- iii. Provision of utility and transportation infrastructure, and
- iv. Sound construction plans in compliance with building, plumbing, electrical, fire, health, mechanical, and energy Codes.

(d) Responsibility for Final Approval

The City Staff or designated Consultant is responsible for final approval for a Certificate of Occupancy.

(4) Certificate of Occupancy

(a) Applicability

- i. A Certificate of Occupancy shall be required prior to the use or occupancy of any building or structure.
- ii. No change in the existing occupancy classification of a building or structure or portion thereof shall be made without reissuing the Certificate of Occupancy.

(b) Review Process

- i. A request for review of a Certificate of Occupancy application may be submitted upon completion of construction of the building or structure, including all required improvements.
- ii. The Building Official or Official's designee will conduct an inspection and the City Staff will review the application, considering any applicable criteria for approval.

(c) Criteria for Approval

All required electrical, gas, mechanical, plumbing, and fire protection systems must be inspected for compliance with the technical Codes and other applicable laws and ordinances and released by the Building Official.

(d) Responsibility for Final Approval

The City Staff is responsible for final approval for a Certificate of Occupancy.

## (5) Temporary Use Permit

### (a) Applicability

Temporary uses, as identified in Section 3.7, are required to obtain a temporary use permit from the City Staff. The permit specifies the use, the period of time for which it is approved, and any special condition attached to the approval.

### (b) Review Process

Submission requirements for the Temporary Use Permit will be developed by the City Staff and will include any information necessary to render an informed decision. The City Staff will review the application, considering any applicable criteria for approval.

### (c) Criteria for Approval

In addition to the general criteria for consideration of administrative procedures, the City Staff shall consider whether the application complies with the following standards:

- i. The temporary use must be compatible with the purpose and intent of this Code and the zoning district in where it will be located.
- ii. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site.
- iii. The temporary use shall not endanger or be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
- iv. The temporary use shall not cause undue traffic congestion or safety concerns, as determined by the City Engineer, given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
- v. Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on or near the site.
- vi. Adequate on-site restroom facilities and solid waste containers may be required.
- vii. The temporary use shall not cause any temporary or permanent nuisance. The temporary use shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

- viii. The City Staff shall consider any other conditions that may arise as a result of the temporary use.

(d) Compliance with Other Regulations

- i. A Building Permit or temporary certificate of occupancy may be required before any structure to be used in conjunction with the temporary use is constructed or modified.
- ii. All structures and the site as a whole shall meet all applicable building Code, zoning district, and fire Code standards.
- iii. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all structures, trash, debris, and signage, attention attracting devices, or other evidence of the special event or use).
  - 1. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed within reasonable and appropriate time frame at no expense to the City.
  - 2. The guarantee shall be in a form and substance approved by the City Staff, which may include the requirement of a fiscal posting.
- iv. The City Staff shall review all signage in conjunction with the issuance of the permit.
- v. The City Staff may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.

(e) Duration

The duration of the temporary use shall be consistent with the intent of the use and compatible with the surrounding land uses. The duration shall be established by the City Staff at the time of approval of the temporary use permit. A temporary use shall not be longer than ninety (90) days.

(f) Responsibility for Final Action

The City Staff is responsible for final action on Temporary Use Permits.

(6) Administrative Exception

(a) Applicability

- i. In order to provide a method by which human error (e.g., miscalculations) may be corrected, administrative exceptions or adjustment may be permitted.

- ii. Special exceptions are specified deviations from otherwise applicable development standards where development is proposed that would be:
  - 1. Compatible with surrounding land uses,
  - 2. Harmonious with the public interest, and
  - 3. Consistent with the purposes of this Code.
- iii. The City Staff shall have the authority to authorize an adjustment of up to ten percent (10%) of any numerical standard.
- iv. Administrative exceptions require compliance with all other elements of this Code not specifically excused or permitted by the administrative exception.

(b) Review Process

- i. Upon written receipt of an application requesting an administrative exception or Adjustment, the City Staff may consider an administrative exception or adjustment.
- ii. Submission requirements for administrative exceptions will be developed by the City Staff but applications must include:
  - 1. A description of the need for an administrative exception, and
  - 2. An affidavit from the owners or authorized agents of any property abutting the area subject to the administrative exception attesting to the applicant's exception.

(c) Approval Criteria

To approve an application for an administrative exception, the City Staff must determine that the following criteria are met:

- i. That granting the administrative exception serves an obvious and necessary purpose.
- ii. That granting the administrative exception will ensure an equal or better level of land use compatibility than the otherwise applicable standards.
- iii. That granting the administrative exception will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, or other land use considerations.
- iv. That granting the administrative exception will be generally consistent with the purposes and intent of this Code.

(d) Responsibility for Final Action

The City Secretary is responsible for final action on Administrative Exceptions.

## (7) Appeal of an Administrative Decision

### (a) Applicability

- i. An applicant may appeal an adverse decision by an administrative official in accordance with this section to the Board of Adjustment (BOA).
- ii. An applicant may only appeal the specific reasons given for the administrative disapproval or denial.
- iii. An applicant may not appeal the disapproval or denial without effectively establishing that the specific basis for the administrative disapproval or denial was incorrect through material evidence not originally presented to the City, or by establishing a material and distinct fact-finding error.

### (b) Effect of Appeal

All development activities permitted by the action being appealed, or any subsequent approval, must stop upon appeal, and remain inactive until the appeal is resolved.

### (c) Alternative Dispute Resolution

- i. Prior to hearing or deciding an appeal of an administrative decision, the Chairperson of the Board of Adjustment (BOA) may request the applicant and administrative official(s) agree to mediation or other alternative form of resolution of the dispute prior to a public hearing.
- ii. If the applicant refuses to accept alternative resolution of the dispute, the appeal will be heard and acted upon by the BOA no later than its next meeting.
- iii. If the applicant and administrative official(s) cannot agree on a format or mediator for the appeal within thirty (30) days, the Chairperson of the BOA may assign a mediator.
- iv. The mediator will coordinate the mediation or other alternative form of resolution with the parties, including the date, time, and place of meetings.
- v. The mediator may invite any person, organization, or governmental unit with relevant information to participate in the mediation. The parties may suggest person, organizations, or governmental units that should be requested to participate.
- vi. Both parties will equally share any costs associated with the alternative dispute resolution process, unless they agree otherwise in writing.
- vii. If no alternative resolution of the dispute can be agreed to by both parties, or if a party is not participating in good faith, the mediator may declare an impasse. The appeal will then be heard and decided at the next BOA meeting.

- viii. The Board of Adjustment (and/or City Council) must approve in a public hearing any alternative resolution of the appeal that involves a minimal change in development standards of this Code and consistent with all legal requirements.

(d) Approval Criteria

- i. The Board of Adjustment shall consider whether the City Staff's official action was appropriate considering the facts of the case and the requirements contained in this Code.
- ii. The Board will make its decision based on this Code and the information presented to the BOA by the applicant and the City Staff or other administrative official.
- iii. Burden of Proof in Appeals
  - 1. When an appeal is taken to the Board of Adjustment, the City Staff's or other administrative official's action is presumed to be valid.
  - 2. The applicant shall present sufficient evidence and have the burden to justify a reversal of the action being appealed. The City Staff may present evidence and argument to the contrary.
  - 3. All findings and conclusions necessary to the permit or appeal decision (crucial findings) shall be based upon reliable evidence.
  - 4. Competent evidence will be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence, unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

(e) Responsibility for Final Action

The Board of Adjustment is responsible for final action.

(8) Sign Permit

(a) Applicability

A Sign Permit shall be required prior to erection or alteration of any sign within the City of Blanco as required in Article 26.02 of the City of Blanco Code of Ordinances: Signs. (Ordinance 2001-392) (See also City of Blanco ordinance 365).

(b) Review Process

A request of review of a Sign Permit application may be submitted for an existing or proposed development. The City Staff will review the application, considering any applicable criteria for approval.

(c) Criteria for Approval

A Sign Permit may be approved if the application complies with all location, size, and construction requirements found in Article 26.02 of the City of Blanco Code of Ordinances: Signs. (Ordinance 2011-392) (See also City of Blanco ordinance 365).

(d) Responsibility for Final Approval

The City Staff is responsible for final approval for a Sign Permit.

(9) On-Site Wastewater Permit

(a) Applicability

On-site Wastewater permits shall be required from Blanco County for any development that applies for a development permit to use a septic tank or similar type of on-site wastewater system.

(b) Approval Criteria

Blanco County has established their own criteria for review and approval for an on-site wastewater permit application. Consult Blanco County Environmental Health Department for further information.

(c) Responsibility for Final Action

Blanco County is responsible for final action for on-site wastewater permits.

**Section 3.8 Development Agreement**

(1) Development Agreement Ordinance: This article shall be commonly cited as the Development Agreement Ordinance.

(2) Purpose: This Section establishes the process and standards by which the city may negotiate, formulate, consider, and adopt development agreements.

(3) Scope: This Section applies to all property within the city limits and the extraterritorial jurisdiction (ETJ).

(4) Objectives: Development agreements executed by the city pursuant to this article may:

(a) Guarantee the continuation of the extraterritorial status of the land and its immunity from annexation by the city for a period not to exceed fifteen (15) years;

(b) Extend the city's planning authority over the land by providing for a development plan to be prepared by the landowner and approved by the municipality under which certain general uses and development of the land are authorized;

- (c) Authorize enforcement by the City of certain municipal land use and development regulations (e.g., zoning and building codes) in the same manner the regulations are enforced within the municipality's boundaries;
  - (d) Authorize enforcement by the City of land use and development regulations other than those that apply within the municipality's boundaries, as may be agreed to by the landowner and the municipality;
  - (e) Provide for infrastructure for the land, including:
    - i. Streets and roads;
    - ii. Street and road drainage;
    - iii. Land drainage; and
    - iv. Water, wastewater, and other utility systems;
  - (f) Authorize enforcement of environmental regulations;
  - (g) Provide for the annexation of the land as a whole or in parts and provide for the terms of annexation, if annexation is agreed to by the parties;
  - (h) Specify the uses and development of the land before and after annexation, if annexation is agreed to by the parties; or
  - (i) Include other lawful terms and considerations the parties consider appropriate.
- (5) Requirements for agreements:

An agreement must:

- (a) Be in writing;
  - (b) Contain an adequate legal description of the land;
  - (c) Be publicly considered by the P&Z;
  - (d) Be subject to a public hearing;
  - (e) Be approved by the City Council and the landowner; and
  - (f) Be recorded in the real property records of the county.
- (6) Extensions: The parties to an agreement may renew or extend it for successive periods not to exceed fifteen (15) years each. The total duration of the original agreement and any successive renewals or extensions may not exceed forty-five (45) years.



- (7) Binding nature of agreement: The agreement shall be binding on the City and the landowner and on their respective successors and assigns for the term of the agreement.
- (8) Payment of City's expenses: The City may require the applicant to reimburse the City, or place a sum in escrow, for payment of all of the City's expenses related to preparation of the agreement, including administrative costs and professional services fees.
- (9) Notice of hearing
- (a) The applicant must provide written notification of the first public hearing or public meeting of the P&Z at which the proposed agreement will be considered.
  - (b) General notice must be published in the form of an announcement in the City's official newspaper. Notice must be given not more than thirty (30) nor less than fifteen (15) days prior to the hearing/meeting.
  - (c) Personal notice must be provided to each property owner within three hundred feet (300') of the periphery of the land subject to the agreement. Notice must be given not more than thirty (30) nor less than fifteen (15) days prior to the hearing/meeting. When delivering notice by mail, three (3) days shall be added to the prescribed time period. Property owners shall be those identified by the most recently approved property tax records of the county. Personal notice may be served by:
    - i. Hand delivery;
    - ii. Registered or certified U.S. mail;
    - iii. Overnight mail; or
    - iv. Such other manner reasonably calculated to provide notice as approved in advance by the City Administrator.
- (10) Approval by City
- (a) Following a public hearing, the P&Z shall consider the agreement and make a recommendation to the City Council prior to final action by the City Council.
  - (b) The City Council may take final action on the agreement only after receiving a recommendation from the P&Z. For purposes of this article, the minutes of a P&Z meeting may constitute a report.
  - (c) Factors to be considered by the City in approving an agreement include, but shall not be limited to:
    - i. Public benefits;
    - ii. Adequate environmental protection;
    - iii. Burden on the City's infrastructure;

- iv. Consistency with the City's comprehensive plan;
- v. Conformance of the agreement with the intent and purposes of City regulations;  
and
- vi. Fiscal impact of the agreement and resulting development on the City.

(11) The City's approval of an agreement shall take the form of an ordinance approved by the City Council directing the Mayor to execute the agreement on behalf of the City.

(12) The City Secretary shall be instructed to publish the agreement in and among the official records of the City.

(13) The applicant shall be instructed to file the agreement or a memorandum of the agreement in and among the official records of the County.

(14) Enforcement

(a) An agreement must provide specific enforcement mechanisms to ensure compliance.

(b) Among other remedies, the City may withhold development approvals in accordance with an agreement in order to ensure compliance.

(c) Among other remedies, the City is authorized to issue stop work orders to halt construction in violation of an agreement.

# Chapter 4 Zoning Districts and Use Regulations

## Section 4.1 Purpose and Intent

The purpose of this Chapter is to establish zoning districts within the City Limits of Blanco, allowable uses within each district, and procedures for special uses within each district.

## Section 4.2 Official Zoning Map Use

### (1) Creation of Official Zoning Map

The City is divided into zoning districts, shown on the Official Zoning Map and described in Sections 4.3, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Code. The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the City Secretary and bear the Seal of the City of Blanco under the following words:

“This is to certify that this is the Official Zoning Map referred to in Section 3.5 of the Unified Development Code, Ordinance 2011-392 of the City of Blanco, Texas.”

### (2) Interpreting Zoning District Boundaries

The City Staff shall provide clarification when uncertainty exists as to the current boundaries of districts as shown on the Official Zoning Map.

### (3) Change to the Official Zoning Map

- (a) If, in accordance with the provisions of this Code and Section 211.006 of the Texas Local Government Code, as amended, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be effective immediately and shall be entered on the Official Zoning Map, within fifteen (15) business days after the amendment has been approved by the City Council and signed by the Mayor.
- (b) Approved zoning changes shall be entered on the Official Zoning Map by the City Staff or a designated representative and each change shall be identified on the Map with the date and number of the Ordinance making the change.
- (c) No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this Code.
- (d) Any decision to amend the Official Zoning Map shall be made based on the criteria in Chapter 2 and 3. No reasoning action may specifically vary from the Permitted Uses Table 4.2 found in Section 4.5.

- (e) Newly annexed territory shall be added to the Official Zoning Map and zoned as follows:
- i. If a landowner petitions the City for annexation, then the landowner will request the desired zoning for the parcel(s) of land being considered.
  - ii. Newly annexed territory that is part of a lot already annexed or within City Limits will be zoned directly to the zoning designation of the portion of the lot already within the City.
  - iii. All new undeveloped territory hereinafter annexed involuntarily to the City shall have the Agriculture (AG) zoning district classification.
    1. No special action or hearing will be required for zoning upon annexation into the Agriculture (AG) district.
    2. Rezoning of such territory may begin upon completion of annexation of the area. Public hearing for rezoning may only be after annexation is complete, yet the City reserves the right to change this procedure, while staying within guidelines set forth by the State.

### Section 4.3 Zoning Districts

Portions of the City of Blanco, as specified on the Official Zoning Map on the City, are hereby divided into the following zoning districts. The following Zoning Districts reflect the recommended future land use are as currently included in the Blanco Comprehensive Plan. Refer to Table 4.2 for allowable uses within each District and Table 5.1 for Lot Standards per District:

**Table 4.1 Zoning Districts Established**

<b>District Type</b>	<b>Name</b>	<b>Symbol</b>	<b>Purpose</b>
Residential	Low Density Residential	R1	The Low-Density Residential District (R1) is intended to include land subdivided for residential purposes and associated uses. The lots are generally large and may or may not be served by city infrastructure. This district is intended to retain a rural character while having the potential for urban growth and increased density. These lots are typically farthest from the city center.

	Medium Density Residential	R2	The Medium Density Residential District (R2) is intended to include land subdivided for residential purposes and associated uses. The mid-sized lots allow for denser development and are generally served by public infrastructure. Medium Density Residential lots provide further options for housing and neighborhood development in the City of Blanco.
	High Density Residential	R3	The High-Density Residential District (R3) is intended to provide the densest residential development that is appropriate for Blanco. The smaller lots are intended to encourage a variety of housing options including affordable housing and duplex development under certain conditions and are typically nearest the city center.
	Multi-Family Residential	R4	The Multifamily Residential District (R4) is a residential district that includes land subdivided for multifamily residential purposes and associated uses. The district is intended to allow occupation of smaller and more financially-accessible dwelling units than the other residential districts. It is the only residential district that permits more than two dwelling units per lot.

	High Density Residential – Transition	R5	The High Density Residential – Transition (R5) incorporates the characteristics of the High Density Residential (R3) zone and is intended to serve as a transition, or buffer, zone between residential and non-residential zones, particularly Commercial (C1) zones. In addition to residential uses, it provides for light commercial uses either in a mix with residential uses on the adjacent properties or in a mix on the same property. It is intended to provide for a mix of uses which are compatible with, and proportionate to, each other and surrounding uses.
	Manufactured Housing	MH	The Manufactured Housing District (MH) is a residential district intended to allow manufactured housing. The district permits site-built homes in addition to serving as the only residential district allowing manufactured housing.
	R- Existing	R	Any property within the City of Blanco that was not already zoned at the time of the November 7, 2006 UDC update was automatically zoned to the Existing-R Zoning District. As of the date of the 2019 UDC update, this is no longer considered an active Zoning District.
Nonresidential Districts	Commercial	C1	The commercial District (C1) is intended to provide areas for offices, retail activities, commercial services, and other commercial activities in the City of Blanco.

	Industrial	II	The Industrial District (II) is intended to provide an area for light industry, warehousing, and manufacturing activities. The district provides the opportunity for such activities while requiring efforts to minimize nuisance-like activities such as noise, smoke, or heavy traffic volumes.
	Government/Utility/Institutional	GUI	Government/Utility/Institutional (GUI) District is intended to provide for the siting of government buildings of the State, County, City, or Federal governments. It is also intended to provide classification for public utility installations, EMS stations, fire stations, health care facilities, schools and churches, without regard to public or private ownership. This zoning classification may, with City Council approval, be applied to properties situated anywhere within the city limits.
	Mixed Use Development	MX (MX is existing but no longer active, see R5)	The Mixed-Use Development District (MX) is intended to encourage a mixture of uses that are compatible with a proportionate to each other and the surrounding uses. This includes a horizontal or vertical mix of residential and nonresidential uses or a mix of nonresidential uses located on the same property.

	Park	PR	The Park District (PR) designates land that is dedicated to open space and recreation. Property in the district should be developed for these purposes rather than remaining vacant. The Park may be held by the City of Blanco, Blanco County, or the State of Texas, or by a private individual or entity.
<b>Special Districts</b>	Agricultural	AG	The Agriculture District (AG) includes lands within the corporate limits of the City that are not subdivided and relatively undeveloped. This is also the initial Zoning Classification applied to an annexed tract that is newly annexed by the City. The Agriculture District is intended to retain a rural character and reserve areas where future growth is anticipated to occur. Agriculture uses are encouraged to be continued when at all possible.
	Historic District	HD	The Historic District (HD) is comprised of the City's Historic Downtown District as defined in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.



	Planned Development District	PDD	A zoning district which may be created anywhere in the city for the purpose of permitting property to be developed with a) one or more uses not otherwise permitted or conditional in the zoning district in which the property is located, subject to certain development regulations and one or more development site plans; b) subject to development regulations not otherwise permitted in the zoning district in which the property is located; and c) to provide flexibility for complex projects utilizing creative land use and preservation techniques.
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#### Section 4.4 Permitted Uses

Generally. This division identified the land uses that may be allowed within each of the specified zoning districts established in 4.3, Zoning Districts Established, and sets out supplemental use regulations. Uses shall not be permitted, and buildings and structures associated with such use shall not be erected, structurally altered, or enlarged on a property, unless said use is permitted within the zoning district applicable to the property located within the City Limits of Blanco, and in accordance to the provisions of these regulations.

- (1) A “Permitted Use” is permitted by right in a district and is subject to all other applicable regulations of this Code.
- (2) A “Special Use” is allowed only if approved by a special use permit issued by the City Council in accordance with the procedures of Section 3.5 (5). Special uses are subject to all other applicable regulations of this Code.
- (3) **To determine how an unlisted use should be treated the City Staff shall produce an administrative policy for addressing unlisted uses. This will be consistent** with all other provisions of this Code, either allowing for administrative decisions by the City Staff or requiring legislative action by the City Council, or a combination of both the above, depending on the circumstance.

**Table 4.2 Uses by Zoning Districts**

<b>Agriculture Uses by Zoning Districts</b>													
Zoning Districts													
P = Permitted      S = Special Use Permit      -- = Prohibited													
	Residential							Nonresidential				Special District	
<b>Land Use</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>MH</b>	<b>R</b>	<b>C1</b>	<b>I1</b>	<b>GUI</b>	<b>PR</b>	<b>HD</b>	<b>AG</b>
Animal Raising or Production	--	--	--	--	--	--	--	--	S	--	--	--	P
Commercial Stables	--	--	--	--	--	--	--	--	S	--	--	--	P
Crop Production and Sales	--	--	--	--	--	--	--	--	S	--	--	--	P

<b>Civic Uses by Zoning Districts</b>													
Zoning Districts													
	P = Permitted							S = Special Use Permit			-- =		
	Residential							Nonresidential				Special District	
Land Use	R	R2	R3	R4	R5	MH	R	C1	I1	GUI	PR	HD	AG
Animal Shelter	--	--	--	--	--	--	--	--	--	P	--	--	--
Bus Barn	--	--	--	--	--	--	--	--	--	P	--	--	--
Cemetery	--	--	--	--	--	--	--	--	--	S	--	--	--
Child-Care Facility, Day Care	--	--	--	--	S	--	--	P	--	P	--	--	--
College / University	--	--	--	--	--	--	--	--	--	P	--	--	--
Community Assembly	--	--	--	--	--	--	--	P	--	P	--	--	--
Correctional Facility	--	--	--	--	--	--	--	--	--	S	--	--	--
Education	--	--	--	--	--	--	--	--	--	P	--	--	--
Emergency Services Station	--	--	--	--	--	--	--	--	--	P	--	--	--
Government Office	--	--	--	--	--	--	--	--	--	P	--	--	--
Housing Services for the Aging	--	--	--	--	--	--	--	S	--	P	--	--	--
Hospital	--	--	--	--	S	--	--	S	S	P	--	--	--
Library or Museum	--	--	--	--	P	--	--	P	--	P	--	--	--
Parks, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P

<b>Civic Uses by Zoning Districts</b>													
Zoning Districts													
	P = Permitted							S = Special Use Permit			-- = Prohibited		
	Residential							Nonresidential				Special District	
<b>Land Use</b>	<b>R</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>MH</b>	<b>R</b>	<b>C1</b>	<b>I1</b>	<b>GUI</b>	<b>PR</b>	<b>HD</b>	<b>AG</b>
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	P
Social Service Institution	--	--	--	--	--	--	--	S	--	P	--	--	--
Transportation Facilities	--	--	--	--	--	--	--	--	S	S	--	--	--
Utilities, Local / Neighborhood	--	--	--	--	--	--	--	S	--	P	--	--	--
Utilities, Major	--	--	--	--	--	--	--	S	--	P	--	--	--
Wireless Transmission Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S

<b>Commercial Uses by Zoning Districts</b>													
Zoning Districts													
	P = Permitted							S = Special Use Permit				-- = Prohibited	
	Residential							Nonresidential				Special District	
Land Use	R	R2	R3	R4	R5	MH	R	C1	I1	GUI	PR	HD	AG
Banking and Financial Services	--	--	--	--	P	--	--	P	--	--	--	P	--
Bar or Night Club	--	--	--	--	--	--	--	P	--	--	--	S	--
Brewery / Distillery / Winery	--	--	--	--	--	--	--	S	S	--	--	S	--
Business / Trade School	--	--	--	--	S	--	--	S	S	--	--	--	--
Campground	--	--	--	--	--	--	--	--	--	--	P	--	--
Car Wash	--	--	--	--	--	--	--	P	--	--	--	--	--
Commercial Recreation / Entertainment	--	--	--	--	--	--	--	S	--	--	--	--	--
Data Center	--	--	--	--	--	--	--	S	S	--	--	--	--
Event Facility	--	--	--	--	--	--	--	S	S	--	--	--	--
Farmer's Market	--	--	--	--	S	--	--	S	--	--	--	S	S
Fitness Center	--	--	--	--	P	--	--	P	S	--	--	P	--
Food and Drink Establishment	--	--	--	--	S	--	--	P	--	--	--	P	--
Fuel Sales	--	--	--	--	--	--	--	P	--	--	--	--	--
Funeral Home	--	--	--	--	--	--	--	P	--	--	--	--	--

## Commercial Uses by Zoning Districts

Zoning Districts													
	P = Permitted    S = Special Use Permit    -- = Prohibited												
	Residential							Nonresidential				Special District	
Land Use	R	R2	R3	R4	R5	MH	R	C1	I1	GUI	PR	HD	AG
Golf Course, Country Club	S	S	S	S	S	--	--	P	--	--	--	--	--
Hotel / Lodging	--	--	--	--	--	--	--	P	--	--	--	S	--
Kennel	--	--	--	--	--	--	--	S	S	--	--	--	--
Landscaping Supply Sales / Garden Center	--	--	--	--	--	--	--	P	S	--	--	--	--
Live Music or entertainment	--	--	--	--	--	--	--	S	--	--	--	S	--
Manufactured Housing Sales	--	--	--	--	--	--	--	S	P	--	--	--	--
Mobile Food	--	--	--	--	P	--	--	P	S	S	S	S	--
Nursing Home	--	--	--	--	S	--	--	P	--	--	--	--	--
Office, General	--	--	--	--	P	--	--	P	--	--	--	P	--
Office, Medical	--	--	--	--	P	--	--	P	--	--	--	P	--
Pawn Shop	--	--	--	--	--	--	--	S	--	--	--	--	--
Personal Services	--	--	--	--	P	--	--	P	--	--	--	P	--
Printing, Mailing, and Reproduction Services	--	--	--	--	P	--	--	P	P	--	--	--	--

## Commercial Uses by Zoning Districts

Zoning Districts													
	P = Permitted							S = Special Use Permit			-- = Prohibited		
Land Use	Residential							Nonresidential				Special Districts	
	R1	R2	R3	R4	R5	MH	R	C1	I1	GUI	PR	HD	AG
Restaurant, Drive-Through	--	--	--	--	S	--	--	S	--	--	--	S	--
Restaurant, General Services	--	--	--	--	P	--	--	P	--	--	--	P	--
Retail Sales and Services, Heavy Equipment	--	--	--	--	--	--	--	--	P	--	--	--	--
Retirement Center	--	--	--	--	P	--	--	P	--	--	--	--	--
Theater	--	--	--	--	--	--	--	P	--	--	--	P	--
Vehicle Sales and Rentals	--	--	--	--	--	--	--	S	S	--	--	--	--
Vehicle Services	--	--	--	--	--	--	--	P	S	--	--	--	--
Veterinary Clinic, Indoor and Outdoor Pens	--	--	--	--	--	--	--	--	S	--	--	--	--
Veterinary Clinic, Indoor Pens Only	--	--	--	--	--	--	--	P	--	--	--	--	--

<b>Industrial Uses by Zoning Districts</b>														
Zoning Districts														
	P = Permitted							S = Special Use Permit				-- = Prohibited		
	Residential							Nonresidential				Special Districts		
Land Use	R1	R2	R3	R4	R5	MH	R	C1	I1	GUI	PR	HD	AG	
Contractor Services	--	--	--	--	--	--	--	S	P	--	--	--	--	
Industrial Services	--	--	--	--	--	--	--	--	P	--	--	--	--	
Lumber Yard	--	--	--	--	--	--	--	--	P	--	--	--	--	
Manufacturing, Processing, and Assembly	--	--	--	--	--	--	--	--	P	--	--	--	--	
Scrap and Salvage Yard	--	--	--	--	--	--	--	--	P	--	--	--	--	
Storage, Self	--	--	--	--	--	--	--	S	P	--	--	--	--	
Storage Yard	--	--	--	--	--	--	--	--	S	--	--	--	--	
Warehouse	--	--	--	--	--	--	--	--	P	--	--	--	--	
Waste Related Services	--	--	--	--	--	--	--	--	S	--	--	--	--	



Residential Uses by Zoning Districts													
Zoning Districts													
	P = Permitted							S = Special Use Permit			-- = Prohibited		
	Residential						Nonresidential				Special Districts		
Land Use	R	R2	R3	R4	R5	MH	R	C1	I1	GUI	PR	HD	AG
Accessory Dwelling Unit	P	P	P	--	P	P	P	--	--	--	--	--	P
Bed and Breakfast	S	S	S	--	P	--	--	S	--	--	--	S	--
Duplex	--	--	P	P	P	--	--	--	--	--	--	--	--
Group Home	S	S	S	--	S	--	--	--	--	--	--	--	S
Home Day Care	P	P	P	P	P	P	P	--	--	--	--	--	P
Industrialized Housing	P	P	P	P	P	P	P	--	--	--	--	--	P
Manufactured Home Park	--	--	--	--	--	P	--	--	--	--	--	--	--
Multi-Family	--	--	--	P	S	--	--	--	--	--	--	--	--
Quadplex	--	--	S	P	S	--	--	--	--	--	--	--	--
Single-Family Attached	P	P	P	--	P	P	P	--	--	--	--	P	P
Single-Family Detached	P	P	P	--	P	P	P	--	--	--	--	P	P
Townhome	--	--	S	P	P	--	--	S	--	--	--	--	--
Triplex	--	--	S	P	P	--	--	--	--	--	--	--	--

## **Section 4.5 Reserved**

## **Section 4.6 Supplemental Use Regulations**

### **Special Uses Criteria and Development Standards**

#### **Agriculture Uses**

(1) Animal Raising or Production

- (a) There are no specific restrictions applicable to the Special Use Permit requirement.

(2) Commercial Stables

- (a) There are no specific restrictions applicable to the Special Use Permit requirement.

(3) Crop Production and Sales

- (a) Crop production

#### **Civic Use Standards**

(1) Cemetery

- (a) New cemeteries shall be accessed from an arterial or collector level street, be setback from any residentially used or zoned property by 100 feet and enclosed by a wall or fence.

(2) Child Care Facility, Day Care

- (a) The parcel proposed for development shall take access from an arterial or collector street. Access to the site shall be designed in a manner to facilitate safe and expedient pick-up and drop-off circulation without otherwise interfering with the parking lot. Outdoor activities shall be setback from any residentially used or zoned property by 100 feet and enclosed by a wall or fence.
- (b) The owner/operator shall maintain all certification and licensing requirements by the state.
- (c) Off-street parking and loading: Day care centers shall provide two off-street parking spaces plus one off-street parking space for every five hundred (500) square feet of the facility. Loading zones must be off-street, drive-through and paved to a minimum width of ten (10) feet and a maximum width of twenty (20) feet. Loading zones shall have a holding capacity of one vehicle per five hundred (500) square feet of the facility, exclusive of parking spaces, provided that no facility shall be required to have a loading zone with a capacity in excess of six (6) spaces for eighteen (18) foot long vehicles.

(3) Community Assembly

- (a) Parking shall be accommodated on-site.
- (b) Off-site parking can be established through a shared parking agreement provided the off-site parking lot is within 300 feet of the parcel proposed for development and connected via a sidewalk.

(4) Correctional Facility

- (a) Correctional Facilities shall be setback from any residentially used or zoned property by 200 feet and enclosed by a wall or fence.
- (b) Fencing for a correctional facility may utilize razor ribbon or razor tape. Such fencing shall be located a minimum of 40 feet from a public right-of-way.

(5) Education

- (a) Parking shall be accommodated on site. Access to the site shall be designed to facilitate safe and expedient pick-up and drop-off circulation without otherwise interfering with the parking lot.
- (b) Access to secondary schools shall be located on a collector or arterial level roadway.
- (c) Outdoor activities shall be setback from any residentially used or zoned property by 25 feet and enclosed by a wall or fence.
- (d) Queuing of vehicles shall comply with off-street stacking requirements.
- (e) An elementary school established in a residential district shall have a front yard setback of not less than fifty (50) feet.
- (f) All other schools established in the residential districts shall have a front yard setback of no less than seventy-five (75) feet.

(6) Assisted Living Housing

- (a) Facilities that house more than 10 people shall be required to take access from an arterial or collector level street. No facility shall be permitted at the intersection of two arterial streets.
- (b) The owner/operator shall maintain all certification and licensing requirements by the state.

(7) Hospital

- (a) Hospitals shall take access from an arterial or collector level road.
- (b) Where adjacent to residentially used or zoned properties, a six (6) foot masonry fence shall be required.

(8) Park

- (a) Any structure constructed in connection with such uses shall be set back at least thirty (30) feet from any property adjacent to a residentially used or zoned property.

(9) Religious Assembly

- (a) Every religious assembly shall be set back at least thirty-five (35) feet from all property lines in residential districts provided, however, that any wall which is unbroken by doors, windows, or other openings shall be setback an additional fifteen (15) feet from the setback.
- (b) A religious assembly located in or adjacent to any residential district shall have its principal vehicular entrance and exit either on an arterial street or on a collector street as a site located within two hundred fifty (250) feet of this intersection with an arterial street.

(10) Social Service Institution

- (a) There are no specific restrictions applicable to the Special Use Permit requirements.

(11) Transportation Facilities

- (a) An airport shall be separated from all residential districts and schools by a minimum of one thousand five hundred (1,500) feet.
- (b) A heliport shall only be utilized as an accessory use to hospitals or government facilities.
- (c) Bus terminals will be separated from all residential districts and schools by a minimum of one thousand five hundred feet (1,500'). Rail stops will be negotiated with the City Staff and forwarded to the City Council for approval.
- (d) There are no specific restrictions applicable to the Special Use Permit requirements.

(12) Utilities, Major

- (a) A major or minor utility facility is permitted in accordance with Table 4.2 and subject to the following standards:
  - i. Such uses must be accompanied by an eight (8') foot high masonry fence (or alternate material approved in writing by the City Staff) with landscaping in compliance with Section 5.11.
  - ii. The facility must be secured so as not to pose a threat to the health or safety of human life.
  - iii. There are no specific restrictions applicable to the Special Use Permit requirements.

(4) Wireless Transmission Facilities

- (a) Height is limited to 80' in residential zoning districts and limited to 160' in the nonresidential zoning districts.
- (b) Ground mounted equipment shall be screened with a fence or wall.

## **Commercial Use Standards**

### **(1) Bar or Nightclub**

- (a) Outdoor seating areas, if present, and parking shall be set back at least 100 feet and physically separated from any residentially used or zoned property and screened by a wall or fence.
- (b) No amplified sound is allowed between the hours of 11 p.m. and 12 p.m. the following day.
- (c) Outdoor live music cannot be performed in the public right-of-way (sidewalks) in the Historic District.
- (d) The nearest property line of a bar or tavern shall be located no less than seven hundred fifty (750) feet from the nearest property line of any existing place of worship, public or private school, or residential district, or no less than minimum distance prescribed by TABC, whichever is less.

### **(2) Brewery/Distillery/Winery**

- (a) Outdoor seating areas, if present, and parking shall be set back at least 100 feet and physically separated from any residentially used or zoned property and screened by a wall or fence.
- (b) Facilities more than 40,000 gross square feet shall provide truck loading areas located to the rear of the building with direct access to an arterial or collector level street.
- (c) Facilities must provide a customer component, which may include a retail storefront, tasting room, or a food or beverage servicing area.

### **(3) Business/Trade School**

- (a) There are no specific restrictions applicable to the Special Use Permit requirements.

### **(4) Campground**

- (a) There are no specific restrictions applicable to the Special Use Permit requirements.

### **(5) Car Wash**

- (a) A fence or wall shall be constructed where adjacent to residentially used or zoned properties.

- (b) The car wash shall be configured in such a way that a vehicle's headlights do not shine directly toward a residentially zoned or used property.

(6) Commercial Recreation/Entertainment

- (a) Facilities shall be located a minimum of 500 feet from a residentially used or zoned property.
- (b) Access to any service and parking area with more than 50 vehicles must be accessed from a collector or higher classification level street.

(7) Data Center

- (a) There are no specific restrictions applicable to the Special Use Permit requirements.

(8) Event Facility

- (a) Event facilities with an occupancy greater than 75 shall take access from a collector level street or higher classification level street.
- (b) Event facilities with an occupancy greater than 300 shall be located a minimum of 500 feet from a residentially zoned or used property.
- (c) Outdoor seating and live entertainment shall not be allowed within 100 feet of a residentially zoned or used property.

(9) Farmers Market

- (a) There are no specific restrictions applicable to the Special Use Permit requirements.

(10) Food and Drink Establishment

- (a) In the C-1 zoning district, restaurants with a drive-thru are only permitted by Special Use Permit.
- (b) Outdoor seating areas, if present, shall be set back at least 100 feet and physically separated from any residentially zoned or used property and screened by a wall or fence.
- (c) No outdoor live music is allowed.
- (d) Eating establishments permitted in the C-1 District or R5 District shall not exceed 12,000 square feet of gross floor area.
- (e) The hours of operation may be 24 hours, deliveries limited to 6 a.m. to 12 p.m.
- (f) Eating establishments permitted in the I-1 district shall not exceed 16,000 square feet of gross floor area.
- (c) Eating establishments permitted in a PR district must be approved by the City Staff.

(11) Fuel Sales

- (a) No more than four multi-fuel dispensers (eight fuel positions) shall be permitted except where one of the following conditions are met:
  - i. The property is located on a corner of a major arterial and a major collector or higher-level roadway;
  - ii. The proposed fuel sales establishment is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square-feet or more; or
  - iii. The property is adjacent to SH 281.
- (b) When one of the conditions outlined is met, in no case shall a fuel sales establishment be permitted more than 10 multi-fuel dispensers or 20 fuel positions.
- (c) No more than four multi-fuel dispensers (eight fuel positions) shall be located within 100 feet of a residentially zoned or used property.
- (d) A wall or fence is required at the property line of residentially zoned property.
- (e) A Special Use Permit is required for fuel sales establishments proposing more than ten multi-fuel dispensers (20 fuel positions).
- (f) No signs shall be located on any canopy over the pumps.
- (g) No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

(12) Golf Course, Country Club

- (a) Any structure established in connection with such uses shall be set back at least one hundred (100) feet from any property line adjacent to a residentially used or zoned property.
- (b) There are no specific restrictions applicable to the Special Use Permit requirements.

(13) Hotel/Lodging

- (a) There are no specific restrictions applicable to the Special Use Permit requirements.

(14) Kennel

- (a) The kennel operation, including all structures, are required to be at least 100 feet from the property line of a residentially zoned or used property.
- (b) Outdoor kennels are prohibited in the C-1 district.

(15) Landscaping Supply Sales/Garden Center

- (a) All outdoor storage and displays shall be shown on the site plan and screened from the public right-of-way and residentially used and zoned properties.
- (b) Where adjacent to residentially zoned or used property, a wall or fence shall be constructed on the property line.

(16) Medical Office

- (a) Limited to a maximum of 8,000 square feet of gross floor area in the R5 district.

(17) Pawn Shop

- (a) The parcel proposed for development shall be located no closer than 500 feet from any residentially used or zoned property.
- (b) The owner/operator shall maintain compliance with Chapter 371, Pawnshops, of the Texas Finance Code.

(18) Vehicle Sales and Rentals

- (a) All outdoor storage and displays shall be shown on the site plan and screened from public right-of- way and residentially used and zoned property.
- (b) A wall or fence is required along the property boundary where adjacent to residentially used or zoned property.
- (c) Fixed lighting shall be arranged to prevent direct glare of beams onto any adjacent public or private property or street and shall be compliant with the City's Outdoor Lighting Ordinance.
- (d) Repairs shall be performed only within the principal building on the premises, unless it can be shown that a separate building containing parts or accessories can achieve the intended aesthetic purpose of this section.
- (e) Outdoor display of rental vehicles shall be set back a minimum of fifty (50) feet from all lot lines abutting residentially zoned or developed property.



(19) Vehicle Services

- (a) All vehicle and outdoor storage areas shall be screened and located to the side and/or rear of the principal building.
- (b) All repair of service work requiring six (6) or more consecutive hours (i.e. major repair) shall take place either within an enclosed structure or behind a suitable screening device.

(20) Veterinary Clinic, Indoor and Outdoor Pens

- (a) All outdoor pens shall be setback behind the principal structure and not visible from the public right-of-way.
- (b) If the parcel is adjacent to a residentially zoned or used property, pens shall be setback from the property line by 100 feet.
- (c) A wall or fence shall be provided along the rear and side property boundaries if outdoor pens are shown on the approved site plan.

**Industrial Uses**

(1) Contractor Services

- (a) Outdoor storage is not allowed in the C-1 zoning district.
- (b) This use shall be conducted entirely in an enclosed building.
- (c) There are no specific restrictions applicable to the Special Use Permit requirements.

(2) Lumber Yard

- (a) All outdoor storage areas shall be shown on the Site Plan and setback a minimum of 200 feet from any residentially zoned or used property.
- (b) A wall or fence shall be required on the rear and side property lines.
- (c) All outdoor storage shall be screened from the public right-of-way, setback behind the principle structure, or screened with landscaping and/or fencing.

(3) Scrap and Salvage Yard

- (a) The parcel proposed for development shall be located no closer than 500 feet from any residentially used or zoned property and take access from an arterial or collector level street. All outdoor storage areas used for scrap and salvage storage shall be completely screened by a wall or fence at least eight feet in height and a 15' landscape buffer.
- (b) Wrecked cars, junk, salvage, scrap, or other materials shall not be visible from adjacent properties or public right-of-way above the required wall or fence.

#### (4) Storage, Self

- (a) Unit doors shall not be visible from public rights-of-way nor residentially zoned or used property.
- (b) No outdoor storage shall be allowed.
- (c) The use will be conducted entirely within an enclosed building.
- (d) The used shall not contain an interior electrical outlet.
- (e) Self-storage units shall be used solely for the purpose of storage and shall not be used for conducting or operating a business.
- (f) Where adjacent to an arterial level street, the principal structure shall be setback from the public right-of-way 150 feet.
- (g) No direct glare from any illumination on the site shall be visible from lots in any adjacent residential zoning district.

#### (5) Storage Yard

- (a) Outdoor storage shall be completely screened from view from the public right-of-way and residentially zoned or used properties.
- (b) Where adjacent to a major arterial street, the principal structure shall be setback 150 feet.
- (c) An eight-foot wall or fence and 10-foot landscape buffer shall be located along all parcel boundaries to screen from adjacent properties and public right-of-way.

#### (6) Waste Related Services

- (a) The facility shall be set back at least 200 feet from residentially zoned or used property.
- (b) Any outdoor recycling storage (bins) or activities shall be visually screened from adjacent roadways, residentially zoned or used properties, and any other nonindustrial uses by an eight-foot perimeter fence constructed of brick, stone, or similar masonry product.
- (c) All solid, liquid, or sanitary waste collected shall be stored and all manufacturing or production of goods or energy from solid, liquid, or sanitary waste or recycled materials shall be conducted in an enclosed building.

### **Residential Uses**

#### (1) Accessory Dwelling Unit

- (a) There are no specific restrictions applicable to the Special Use Permit requirements.

(2) Apartment

- (a) If multiple apartment complexes are located on parcels adjacent to one another, cross access shall be provided to the adjacent parcels.
- (b) Limited to 24 units per dwelling acre.
- (c) Apartments developed within a High Density Residential Transition District (R-5) shall have a minimum lot area of three thousand (3,000) square feet per living unit.
- (d) A minimum of three amenities shall be provided for the overall development.

(3) Bed and Breakfast

- (a) Bed and Breakfast establishments in any residential district shall be subject to the following additional standards:
  - i. A maximum of four guest rooms shall be provided in any one bed and breakfast establishment.
  - ii. No exterior evidence of the Bed and Breakfast shall be allowed, except for one attached sign which meets the requirements of the City's Sign Ordinance. No additional outdoor advertising of any kind is allowed on site.
  - iii. All parking areas on property (except driveways) shall be located behind any building lines and must be screened from the view of adjacent residences to a height of six (6) feet by a solid screening fence, or dense shrubs and vegetation. Additional parking requirements may apply.
  - iv. No food preparation, except beverages, is allowed within individual guest rooms.
  - v. Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas, Blanco County, and the City of Blanco.
  - vi. Parking standards for Bed and Breakfasts in Agricultural or Low-Density Residential areas may provide an alternative parking plan as approved by City Staff.

(4) Duplex

- (a) All units shall have separate entrances and driveways, driveway apron can be shared between units as long each unit has adequate off-street parking of at least 2 vehicles and adequate utility infrastructure.
- (b) There are no specific restrictions applicable to the Special Use Permit requirements.

(5) Group Home

- (a) A group home, as defined and regulated by State agency, is permitted in accordance with this Code provided that the home is the only permitted use on a legally platted single lot.

(6) Industrialized housing

- (a) All single-family detached or duplex industrial housing units shall be required to have similar exterior siding, roofing, roofing pitch, foundation fascia, and fenestration.
- (b) A complete set of designs, plans, and specifications shall be submitted to City Staff with the Building Permit bearing a stamp of approval from the Texas Industrialized Building Code Council and confirmation that each module or modular component bears an approved decal or insignia by the Texas Department of Licensing and Regulation signifying that each module or component has received a post-construction inspection in conformance with state mandated building codes. This requirement is in addition to general Building Permit requirements for all housing.

(7) Manufactured Home

- (a) Placement of manufactured homes types
  - i. Manufactured homes, as defined by the State of Texas, must be placed a minimum of 150 feet from the boundaries of an R1 or R2 residential district.

(8) Manufactured Home Park

- (a) All manufactured home subdivisions or developments will be consistent with all other provisions of this Code.
- (b) For each manufactured home moved into a manufactured housing district, all proper permitting shall be obtained through the City.
- (c) Any person whose application for a permit under this section has been denied may request a hearing as provided in Chapter 3.
- (d) In calculating the impervious cover for lots the manufactured home will be treated as a part of the impervious percentage calculation.
- (e) The City is authorized to make inspections as are necessary to determine compliance with the Code. **(NEED CLARIFICATION:) Residential and a Certified Building Inspector for Commercial Property.** The City Staff will determine the appropriate fee.
  - i. The inspection shall include the following:
    - 1. Gas system. System to meet the requirements of the Uniform Plumbing Code, 1997 Edition.

2. Electrical system. System to meet the requirements of the National Electrical Code. 1997 Edition.
  3. Water supply. Hookups shall be made with schedule #40 PVC pipe or equivalent piping.
  4. Sewer system piping shall be installed to connect the manufactured home to the subdivision sewer and to provide for gravity flow. Only rigid pipes shall be used, and piping shall be protected against damage.
  5. Manufactured home stand. The area beneath the manufactured home shall be graded so that water will not stand under the home. The stand shall provide a stable area for placing a tie-down anchors and blocking.
  6. Tie-downs. The manufactured home shall be tied down as required by state standards.
  7. Blocking. The manufactured home shall be blocked as required by state standards.
  8. Skirting shall be required on all Manufactured homes and will consist of one of the following materials: Vinyl, Stone, Stucco, or Fiber Cement or equivalent and approved by the City Staff.
- ii. Upon completion and approval of required inspections a certificate of occupancy will be issued for the manufactured home.
  - iii. A manufactured home may only be imported into the City of Blanco if it's on an MH zoned lot or replacing a unit in a Manufactured Home Park.
  - iv. Signs: A sign shall be permitted at entrance to the Manufactured Home Park except that not more than one sign shall be permitted for one park, and sign shall be subject to the following provisions:
    1. Signs may be illuminated but the source of light shall not be visible and shall not be intermittent or flashing, revolving signs shall not be permitted. Signs shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.
    2. Such signs may be freestanding but shall have no more than two supports and the top of the sign shall be no more than eight feet above the grade.
    3. Each sign shall be single-faced and shall be limited to a maximum area of 12 square feet.
    4. All signs shall conform to the requirements concerning setback from public streets that are applicable to structures, except that such signs may be attached flat against a wall or fence surrounding the manufactured home park, no portion of which shall extend into the public right-of-way.
- (f) Parking: Two spaces per dwelling unit in a manufactured housing subdivision and two spaces per dwelling unit in a manufactured home park.

- (g) Landscaping: For manufactured home parks, generally 4 percent of net site area or 30-foot deep landscaped area adjacent to public right-of-way.
- i. Property Development standards for Manufactured Housing Subdivision and Parks will be as follows:

**“MH” District: Manufactured Home Subdivision**

<b>Land Area</b>	4 acre minimum
<b>Lot Area</b>	4,000 square feet minimum per unit
<b>Lot Width</b>	30 feet minimum
<b>Lot Coverage</b>	50 percent maximum
<b>Front Yard</b>	20 feet minimum
<b>Rear Yard</b>	5 feet minimum
<b>Side Yard</b>	
Interior lot	5 feet minimum
Corner lot	10 feet minimum
<b>Height</b>	30 feet maximum

(9) Recreational Vehicle Park

- (a) Recreational Vehicle Parks are allowed in the PR district as approved by a Special Use Permit.

(10) Triplex

- (a) There are no specific restrictions applicable to the Special Use Permit requirement.

(11) Quadplex

- (a) There are no specific restrictions applicable to the Special Use Permit requirement.

(12) Single Family Attached

- (a) A single-family, attached dwelling is permitted in accordance with Table 4.2 provided that all dwelling units are situated on separate legally platted lots.

## Section 4.7 Temporary Use Permits

### (1) Temporary Sales, Construction Officers and Model Homes

The following conditions must be met before the Model Home use will be permitted in accordance with Section 3.7(5) Temporary Use Permit:

- (a) A model home may be located within any zoning district provided it is located within the legal subdivision for which lots are being sold. In addition, the sales office occupying the Model Home shall only market homes within the legal subdivision in which the Model Home is located. (For example, a Model Home built in New Subdivision, Phase I cannot market home located in New Subdivision, Phase II or in Other Subdivision, etc.)
- (b) A conditional certificate of occupancy permit to operate the model home as a sales office will expire after twelve (12) months unless it is renewed by the respective business, which shall have the burden to demonstrate that the conditions of approval still exist. The City Staff will then evaluate the renewal request and determine its status. An unlimited number of extensions can be applied for and considered.
- (c) The following exceptions to Section 3.7(6) above may apply:
  - i. The City may extend the permit for a model home which was constructed to market one phase of a phased development to market new phases of the same development when this results in no increase in the total number of model homes within all of the phases and is less intrusive to the developing neighborhood by maintaining the most direct access to the model home from outside of the neighborhood;
  - ii. A permit model home in one legal subdivision where a builder is actively marketing lots may be used to market lots in another legal subdivision if the builder has no model in the second subdivision and when such sales are clearly secondary, as demonstrated through signs and advertisements, to the marketing of lots within the subdivision in which the model is located;
  - iii. A model home constructed to market one legal subdivision may be granted a temporary permit to market a new legal subdivision for the period during which a new model home is being constructed in the new legal subdivision. Such temporary permit shall be valid for a period not to exceed six (6) months.
- (d) Construction of the model home must be consistent with the character of the subject neighborhood. Signs must comply with sign regulations in this Code, and the zoning district in which the model home located.

- (e) A conditional construction permit for the model home may be issued once the streets to the subdivision have been constructed to sub grade and water service and a fire hydrant has been located within five hundred (500) feet of the lot on which the model home is located. The Building Official shall note on the permit that the property owner accepts all responsibility for commencing construction prior to completion of the public improvements and City acceptance of the subdivision. The conditional certificate of occupancy for the model home will not be issued until the subdivision and all public improvements have been accepted by the City, a final plat has been filed with the County, and all utilities are connected to the home.
- (f) The model home must be constructed in such a manner that it can be converted, without structural changes, and used as a single family or duplex (if applicable) residence after certificates of occupancy have been issued to eighty (80) percent of the associated residential units or when use as a sales office or model home has ceased. This includes the provision of adequate off-street parking outside the front building line.
- (g) There is no restriction on the number of model homes permitted in each subdivision.
- (h) A temporary building for use as a sale or construction office is permitted on a twelve (12) month or shorter basis, subject to the renewal policy outlined for model homes, but only if a model home has not been constructed. Once a model home has been constructed, the temporary building must be removed.
- (i) If the operation of the model home or temporary building used as a sales office violates any City ordinances including the provisions of this Code, the Certificate of Occupancy shall be revoked, unless satisfactory compliance is achieved.
- (j) Temporary site storage or trash bins shall be located so as not to create a nuisance (see Chapter 6 & 7 for guidelines for concealment).

## (2) Temporary Concrete Products

- (a) Temporary facilities for manufacturing concrete or concrete products may be located in all zoning districts where they are directly associated with construction in the area.
- (b) Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. The production site must be returned to its pre-construction state following completion of the associated project.
- (c) The City Staff may impose specific terms and conditions on the issuance of a temporary use permit for concrete products based on the need to control dust and concrete waste materials and other forms of pollution, noise, and hours of operation, and obstruction or interference with automobile and other transportation.



(d) A site plan is required for the site with the submittal for the temporary use permit.

(3) Temporary Travel Trailer & Recreational Vehicle Use

(a) The temporary use of travel trailers and recreational vehicles by visitors to the City of Blanco on private property for up to thirty (30) days is allowed. Extensions must be approved by City Council.

**Section 4.8 Accessory Uses**

(1) General

Any accessory use may be permitted provided there is association with a primary use that may be permitted in accordance with Table 4.2 of this Code. The establishment of such accessory uses shall be consistent with any or all of the following standards:

- (a) The accessory use shall be subordinate to and support a primary use principal;
- (b) The accessory use shall be subordinate in area, extent or purpose to the primary use;
- (c) The accessory use shall contribute to the comfort, convenience or necessity of the use;
- (d) The accessory use shall be located within the same zoning district as the primary use; and/or
- (e) Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations.

(2) Home Occupations

- (a) A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.
- (b) Home occupations are permitted provided the occupation meets the following provisions and approved by the City Staff.
  - i. Is conducted entirely within a dwelling or integral part thereof and has no outside storage of any kind related to the home occupation;
  - ii. Is clearly incidental and secondary to the principal use of the dwelling;
  - iii. Is conducted only by persons residing on the premises (nonresident employees are not permitted);

- iv. Does not affect the residential character of the dwelling or cause the dwelling to be extended or altered, internally or externally;
- v. No identification sign or advertising of the home occupations placed or situated on the site or structures, except those permitted in the City's Sign Ordinance;
- vi. Does not generate traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
- vii. Do not create disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, electrical interference, or other hazard to persons or property within the vicinity;
- viii. Does not involve any on-site retail sales.

(c) The following are prohibited as Home Occupations:

- i. Animal hospitals, stables, or kennels;
- ii. Mortuaries;
- iii. Private clubs;
- iv. Repair shops;
- v. Restaurants (excluding Bed and Breakfasts);
- vi. Automobile or mechanical paint or repair shops;
- vii. Doctor, dentist, veterinarian or other medically related office;
- viii. Rooming/Boarding House;
- ix. Barber shops and Beauticians

(d) Home Day Care facilities will comply with the provisions found in Section 4.6.

## **Section 4.9 Special Requirements**

### **(1) Outdoor Storage**

- (a) Outdoor display and storage shall be allowed in nonresidential districts in accordance with this Section. Any merchandise, material or equipment situated outdoors in nonresidential districts shall be subject to the requirements of this Section. For the purpose of this section, outdoor storage and display shall be classified into three categories.

(b) Categories of Outdoor Storage and Display

i. Outdoor Display

1. Outdoor display is a display of items actively for sale.
2. Outdoor display shall require a special use permit in the C-1 District.
3. Outdoor display shall be allowed adjacent to a principal building wall, may not extend into the right-of-way, and may only extend a distance of no greater than five (5) feet from the wall. Such storage shall not be permitted to block windows, entrances, or exits and shall not impair the ability of pedestrians to use the building.
4. Outdoor display may not occupy more than thirty (30) percent of the linear distance along any principal building wall facing a public right-of-way.
5. All outdoor display shall be screened from any adjacent residentially used or zoned property, or public right-of-way.

ii. Limited Outdoor Storage

1. Limited outdoor storage is temporary storage of goods in individual packaging and not in storage containers. Organic materials stored on pallets are considered limited outdoor storage.
2. Limited outdoor storage shall require a special use permit in the C-1 District.
3. Limited outdoor storage shall be to the side or rear and not exceed one thousand (1,000) square feet or ten (10) percent of the total site area (whichever is greater), except in the I-1 districts where additional outdoor storage and display is allowed so long as it is completely screened from view from outside the site by a solid opaque wall or fence at least six feet in height. Such area may extend from the primary building, but not for a distance greater than fifty (50) feet, and not into a public right-of-way.
4. Limited outdoor storage may not occupy more than thirty (30) percent of the linear distance along any principal building wall facing a public right-of-way.
5. Limited outdoor storage shall not be allowed in required off-street parking spaces.
6. All limited storage shall be required to be shown on a site plan approved by the city.

iii. Outdoor Display and Storage Requirements

1. Required in Site Plan: All outdoor display and storage areas must be clearly shown in the site plan submitted for the property.

2. Right-of-Way: Unless specifically authorized elsewhere in this Code, all outdoor storage and display shall be located outside the public right of way and/or at least fifteen (15) feet from the back edge of the adjacent curb or street pavement and outside of any required landscape area. Additionally, all outdoor display and storage shall only be on pavement, and still within the maximum impervious cover limitations set forth in Chapter 5, Lot Standards.
3. Side Yards: No form of outdoor display and storage shall be allowed in required side setback or buffer yards. Landscaping and Buffers shall be provided as set forth in Section 5.11 of this Code.

(c) Exceptions

- i. Vehicles for sale within part of a properly permitted vehicle sales use (including boats and recreational vehicles) shall not be considered outdoor display or storage.
- ii. Such vehicles must be located and displayed on a paved vehicle use area, clearly indicated on the site plan, and screened under the same requirements for a parking lot.
- iii. Waste generated on-site and properly deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.

(2) Residential Use of Non-residential Property

- (a) A residential dwelling on nonresidential property is permitted in accordance with Table 4.2 and Section 5.9(5), and subject to the following standards:
  - i. The residential use shall not be the primary use of a lot in a nonresidential district
  - ii. The gross floor area of the entire building on a lot zoned C-1 shall include not more than fifty percent (50%) residential uses.
  - iii. The gross floor area of the entire building on a lot zoned R-5 shall include not more than sixty five percent (65%) residential uses.
- (b) Separate designated parking spaces use by the residential units is required. Shared parking calculations shall not be permitted.
- (c) A first-floor residential use in a nonresidential district is allowed as a secondary use.
  - i. The residential use must be either a detached unit or an attached unit with rear access only.

## Section 4.10 Planned Development Districts

### (1) General Provisions.

- (a) Popular Name. This article shall be commonly cited as the “planned development district ordinance.”
- (b) This article applies to all property within the incorporated municipal boundaries (i.e., “city limits”), and may also extend to the extraterritorial jurisdiction (“ETJ”) to the extent property owners are willing to be voluntarily annexed into the city concurrently with the adoption of the planned development district.

### (2) Purpose; nature of district

#### (a) Purpose.

- i. This article provides standards and procedures for the legislative creation of specialized zoning districts that are crafted specifically for certain land endeavors. Planned development districts are intended to allow flexibility and encourage creative land use and site development while providing natural resource preservation and protecting adjoining properties. Through planned development districts the city is better able to give developers the flexibility they need for complicated projects, while protecting the public interest by mitigating externalities related to traffic, noise, aesthetics, lighting and drainage.
  - 1. Planned development districts are established by ordinance and, thus, are not agreements, although often they are developed through negotiations between the city and property owners.
  - 2. Unless clearly stated in the ordinance creating the PD district, the development project must comply with all applicable city regulations. PD districts are intended to implement generally the goals and objectives of the city’s comprehensive plan. PD districts are also intended to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:
    - a. To provide for a superior design of lots or buildings;
    - b. To provide for increased recreation and/or open space opportunities for public use;
    - c. To provide amenities or features that would be of special benefit to the property users or community;
    - d. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats;
    - e. To protect or preserve existing historical buildings, structures, features or places;

- f. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- g. To meet or exceed the present standards of this article.

(b) Nature of district. Each PD district shall be a freestanding zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses.

### (3) Minimum Standards

(a) Standards by ordinance. Minimum standards proposed for the PD district must be incorporated within an ordinance adopted by the city council. In the adopting ordinance, the city council may incorporate minimum standards by making reference to a standard zoning district.

(b) Land use.

- i. Uses. An application for a PD district shall specify the use or the combination of uses proposed, particularly if any of the proposed uses are not allowed by right in the base zoning district.
- ii. Base district. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The particular zoning district must be stated in the granting ordinance.
- iii. Variances. All applications to the city shall list all requested variances from the standard requirements set forth throughout this article (applications without this list will be considered incomplete).
- iv. Special uses. Special Use Permits allowed in a base zoning district may be allowed in a PD only if specifically cited as an “additional use” in the ordinance establishing the PD. Additional uses included in the PD ordinance shall then be allowed by right in the PD district.
- v. Location. The location of all authorized uses shall be consistent with the PD master plan and the PD district site plan.
- vi. Residential uses. Unless otherwise provided for by the PD ordinance, **the following standards shall apply** to all residential uses within a PD district:

**xxx**

- vii. Density. Except on the basis of exceptional design and provision of enhanced open space, residential density shall be no smaller than the lot sizes allowed in the base zoning district for each type of housing except for minor changes in a small percentage of the lots in order to provide improved design or flexibility in the layout of the subdivision.

viii. Drainage. Drainage features shall be integrated into the design of the development and shall be contained within ponds and streams with a natural appearance wherever possible.

(c) Open space standards.

i. Public or private. Unless otherwise provided for by the PD ordinance, site-appropriate area or areas within the entire PD District shall be devoted to open space. Open space for PD districts may be satisfied by space that can be classified as public, such as a central gathering space, or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to the city's general requirements for landscaping and buffering. Public open space shall be dedicated to the city.

ii. Preservation of natural features. Unless otherwise provided by the PD district ordinance of master plan:

1. Floodplain areas shall be preserved and maintained as open space; and
2. Significant strands of native trees shall be preserved and protected from destruction or alteration pursuant to a tree preservation plan submitted to the city by the applicant.

iii. Open space allocation and preservation. Open space requirements shall be satisfied for each phase of a multi-phased development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the city that such open space will be provided. The city may require that all open space within the PD district must be provided prior to completion of development within the PD district.

(d) Height regulations. Unless otherwise provided by the PD ordinance, height regulations for uses shall be those established within the city's zoning regulations for the base district.

(e) Area regulations. Unless otherwise provided by the PD ordinance, area regulations for uses shall be those established within the city's zoning regulations for the base zoning district. The minimum allowable size for a PD shall be one acre.

(4) Master Plan

(a) Mandatory. The PD master plan is mandatory step in the creation of a PD district. It establishes general guidelines for the PD district by identifying the proposed land uses and intensities, building locations, building footprints, thoroughfare locations, and open space boundaries, including any proposed public trail systems. The PD master plan, as incorporated in the PD ordinance and together with the text of the ordinance, establishes the development standards for the PD district.

- (b) Compliance with approved plans. Except as otherwise provided by the city's subdivision regulations, no development shall begin, and no building permit shall be issued for any land within a PD district until a PD site plan that is substantially consistent with the PD master plan has been approved. Each PD district shall be developed, used, and maintained in compliance with the approved PD master plan, and subsequently conforming site plans, for the PD district, as per the city's site development ordinance.
- (c) Establishment of District.
- i. Zoning Amendment. The procedures for establishing a PD district shall be as for any other type of zoning request, except that more information is typically needed along with the request, and a master plan shall be submitted along with the request.
  - ii. Application. An application for the establishment of a PD district shall be in accordance with this article. The application shall include:
    1. A PD Master Plan;
    2. A list of proposed PD district development standards;
    3. Identification of a zoning district, if any, which shall apply to the extent not otherwise provided by the PD master plan or by the proposed PD district development standards;
    4. A master plan informational statement; and
    5. A traffic impact analysis, unless waived by the City Council.
  - iii. Governing regulations. Except to the extent provided by the PD master plan and the PD ordinance, development within the PD district shall be governed by all of the ordinances, rules, and regulations of the city in effect at the time of such development, including the standards of the zoning district identified in the application.
  - iv. Conflict. In the event of any conflict between the PD master plan, the PD ordinance, and/or the ordinances, rules, and regulations of the city in effect at the time of the establishment of the PD, the terms, provisions, and intent of the PD master plan and PD ordinance shall control.
  - v. PD master plan requirements.
    1. A master plan shall be submitted along with a PD zoning request and shall be processed simultaneously with the PD zoning request. The master plan shall be reviewed by the city's development review team. If the PD zoning application is approved, the PD master plan shall be incorporated and made a part of the PD ordinance.



2. Development standards. Proposed PD district development standards shall be processed simultaneously with the PD zoning application, and if the PD zoning application is approved, such standards shall be incorporated as part of the PD ordinance. Such proposed development standards may include, but shall not be limited to, uses; density; lot size; building size; lot dimensions; setbacks; coverage; height; landscaping; lighting; screening; fencing; parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD ordinance, shall be considered as regulatory standards. In the event of any conflict, the more stringent standards shall apply. At the city administrator's discretion, the city administrator may waive any of items listed in this subsection. The city council may require submission of the above information or any other item deemed necessary by the council for creation of a PD district.
- vi. Informational statement. A PD master plan shall be accompanied by an informational statement containing the information set forth below. If the PD zoning application is approved, the informational statement shall be binding on the applicant or the landowner but shall not be considered part of the PD master plan or the PD ordinance. If the PD master plan and the PD ordinance conflict in any way, the PD ordinance shall be considered the controlling document. Informational statements shall be updated concurrently with any amendment to the PD master plan. Each statement shall include the following:
    1. A general statement setting forth how the proposed PD district will relate to the city's comprehensive plan;
    2. The total acreage within the proposed PD district;
    3. If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
    4. An aerial photograph with the boundaries of the PD master plan clearly delineated.

(d) Master plan amendments.

- i. PD master plans. PD master plans, excluding informational statements, are considered part of the PD ordinance. Any substantive amendment to a PD master plan, as determined by the city administrator, shall be considered a zoning change. Nonsubstantive modifications may be approved by the city administrator.

- ii. PD site plans. PD site plans are not considered part of a PD ordinance. Except as otherwise provided within this subsection, any amendment/revision to an approved site plan shall be in accordance with the city's site development ordinance.
- (e) Lapse of master plan. A PD master plan shall be effective for a period of one year (365 calendar days).
- (f) Extension and reinstatement. Extension of a PD master plan or site plan shall be in accordance with the following:
- i. Prior to the lapse of approval for a PD master plan, the applicant may request that the city, in writing, extend the plan approval. Such request shall be considered at a public meeting before the P&Z and the city council, and an extension may be granted by city council at such meeting. Two (2) extensions of six (6) months each in length may be granted, unless otherwise specified by ordinance. If no petition for extension of PD master plan approval is submitted, then the plan shall be deemed to have automatically expired by operation of law and shall become null and void.
  - ii. Determination of extension. In determining whether to grant a request for extension, the city council shall take into account the reasons for the lapse, the ability of the applicant to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the concept plan or site plan at that point in time. The P&Z and city council shall either extend the PD master plan or deny the request, in which instance the originally approved plan shall be deemed null and void. However, the two (2) aforementioned extensions shall not be unreasonably withheld without due cause.
- (g) Contents and format of master plan.
- i. A title block within the lower right-hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer, architect or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of the county;
  - ii. A vicinity or location map that shows the location of the proposed development within the city or its extraterritorial jurisdiction and in relationship to existing roadways;
  - iii. The boundary survey limits of the tract and scale distances with north clearly indicated;

- iv. The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the property owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;
  1. The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-way; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year floodplain, if applicable; any other important natural features (such as rock outcroppings, wildlife habitats, etc.); all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries;
  2. Proposed strategies for tree preservation, which may include showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
  3. The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
  4. A general arrangement of land uses and buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, and public or private open space; floodplains and drainageways; and other pertinent development-related features; and
  5. The phasing scheduled for the development.

## (5) Submission and Review Process

### (a) Submission of complete application.

- i. For the purpose of this article, the “official submission date” shall be the date upon which a complete application for approval of a PD, that contains all elements and information required by this article, is first submitted to the city administrator. No application shall be deemed officially submitted until the city administrator determines that the application is administratively complete, and a fee receipt is issued by the city.

- ii. PD master plan applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a P&Z agenda until the proper information is provided to city staff.
- (b) Additional information. The city's staff may require information and data other than that set out in this section for specific PD master plans. This information data may include but is not limited to: geologic information, water yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, historic structure(s) and/or land, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a PD may establish conditions for construction based upon such information.
- (c) Principles and standards for review.
- i. The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the city, and to ensure that all developments are, to the best extent possible, constructed according to the city's codes and ordinances.
  - ii. The city administrator shall review the PD for compliance with all applicable city ordinances and with the comprehensive plan; for harmony with surrounding uses and with long-range plans for the future development of the city; for the promotion of the health, safety, order, efficiency, and economy of the city; and for the maintenance of property values and the general welfare.
  - iii. PD review and evaluation by the city administrator shall be performed with respect to the following:
    - 1. The plan's compliance with all provisions of the zoning ordinance and other ordinances of the city.
    - 2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
    - 3. The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
    - 4. The provision of a safe and efficient vehicular and pedestrian circulation system.
    - 5. The general design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
    - 6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
    - 7. The coordination of streets so as to arrange a convenient system consistent with the transportation plan of the city.

8. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of watercourses and areas subject to flooding.
13. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
14. Consistency with the comprehensive plan.

(d) Approval process.

- i. Pre-application conference. The applicant(s) shall consult with the city administrator, city development coordinator and/or other designated administrative officers before preparing a concept plan in order to save time, money and to avoid potential unnecessary delays.
- ii. Prior to formal application for approval of any PD, the applicant(s) shall request and attend a pre-application conference with the city administrator, city development coordinator and any other pertinent city official(s) in order to become familiar with the city's development regulations and the development process.

(e) City staff review. Upon official submission of a complete application for PD approval, the city shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the city administrator, development coordinator and any other pertinent city official(s). Development review team members shall review the application and shall ascertain its compliance with these and other applicable city regulations.

(f) Supplementation and corrections. Following city staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected or supplemented plan to the city administrator within sixty (60) calendar days following the date on which the applicant received official notification of the completion of the review by the city administrator.

- (g) Approval by administrator. Prior to consideration by the P&Z or City Council, all PD proposals must be reviewed by City Staff. At staff's discretion, the request may forward a PD proposal to the P&Z and council with or without a recommendation.
- (h) Action by P&Z/City Council.
- i. The P&Z shall review the PD application and shall recommend approval, approval subject to certain conditions, or disapproval of the PD. If the P&Z recommends approval, with or without conditions, of the plan, then it will be forwarded to the city council for consideration.
  - ii. The city council shall consider the PD application at a public meeting following receipt of a determination by the P&Z. The city council may also, where appropriate, remand the PD application back to the P&Z for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony.
- (i) Public hearing & notice.
- i. The P&Z shall hold at least one public hearing on proposed amendments to the PD ordinance.
  - ii. Notice of the P&Z hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the city before the 15th day before the date of the hearing date of the public hearing.
  - iii. Written notice of the public hearing to occur before the P&Z shall also be sent to all owners of property, as indicated by the most recently approved city tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the 10th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.
- (j) Administrative fees. The city shall impose its standard fees for the negotiation, preparation and implementation of PDs. These fees shall be established by the city council in accordance with the city's rate schedule. The city may also recoup from applicants any out-of-pocket expenses related to professional services the city requires in order to design the PD.
- (k) Grandfathering. PD districts are an option available to developers and the city. PD districts do not constitute a permit required by law. For purposes of Texas Local Government Code chapter 245, the "project" shall be the endeavor described in an approved PD master plan for an approved PD district.

## **Section 4.11 Historic Preservation**

### **Historic District Regulations**

- (1) The City Council of Blanco hereby declares that as matter of public policy the protection, enhancement, and perpetuation of landmarks or district of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the Blanco Historic District represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This act is intended to:
  - (a) Protect and enhance the landmarks and districts which represent distinctive elements of Blanco’s historic, architectural, and cultural heritage;
  - (b) Foster civic pride in the accomplishments of the past;
  - (c) Protect and enhance Blanco’s attractiveness to visitors and the support and stimulus to the economy thereby provided;
  - (d) Insure the harmonious, orderly, and efficient growth and development of the city;
  - (e) Encourage stabilization, restoration, and improvements of such properties and their values.

### **Historic Preservation Commission**

- (1) The Blanco Historic Preservation Commission (hereafter referred to as “Commission”) was created in 1986 by Blanco City Ordinance #263. The Contents of City Ordinance #263 were amended in 1991 by City Ordinance #298.
- (2) The Commission shall consist of six (6) members to be appointed from the residents in the City of Blanco and its extra-territorial jurisdiction by the City Council. Up to two (2) members may live outside the extra-territorial jurisdiction but inside the Blanco Independent School District. Skills listed below should be used as available when making these appointments. The commission may appoint two (2) to four (4) longtime residents of the area to serve as advisors/historians on local historic matters. These advisors/historians shall serve in a non-voting capacity for a term of two (2) years. These are preferred representatives.
  - (a) An architect, planner, or representative of a design profession;
  - (b) A historian;
  - (c) A licensed real estate broker;
  - (d) An attorney;
  - (e) An owner of a landmarked or a property in a historic district;

- (f) A member of the Blanco County Historical Commission; and
  - (g) An archeologist or a related discipline.
- (3) All Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Blanco and shall actively participate in special historic projects and assignments.
- (4) In so far as practicable the Commission as a whole shall represent the ethnic makeup of the city.
- (5) Commission members shall not serve on the Commission, City Council, and Planning and Zoning Commission concurrently.
- (6) Commission members shall serve for a term of two (2) years, with the exception that the members of the first commission to be appointed, two (2) shall be appointed to serve for two (2) years and four (4) for one (1) year. The term shall expire on the first day of July of the appropriate year. Any vacancy on the Commission shall be filled by the Mayor for the remainder of the non-expired term. Recommendations for members to serve shall be made by the Blanco Historic Preservation Commission and appointed by the City Council. Any member of the Commission who fails to attend at least seventy-five percent (75%) of all meetings of the Commission within any twelve (12) months period shall be removed from the board, unless such failure to attend was the result of illness or other acceptable excuse as determined by the City Council.
- (a) City Council will appoint all Commission members, the City Council shall reappoint HPC members as their terms expired, only for the remainder of the term. HPC member will serve until reappointed or a new appointment is made. The HPC is authorized to recommend new members to Council.
  - (b) Any member may resign by submitting a letter of intent to the HPC that has been read into the official BHPC minutes. Any member of the Commission who fails to attend 75% of the meetings in one (1) calendar year shall be removed from the Commission.
  - (c) The mayor shall be required to timely address any vacancies in order that the Commission may always have a quorum.
  - (d) The Chair, Vice-Chair, and Secretary of the Commission shall be elected by and from the members of the Commission.
- (7) The Commission shall be empowered to:
- (a) Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the Commission.
  - (b) Prepare rules and procedures as necessary to carry out the business of the Commission, which shall be submitted to the City Council for ratification.



- (c) Adopt criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which shall be ratified by the City Council.
  - (d) Conduct historic resource surveys and maintain an inventory with photographs of significant historic, architectural, and cultural landmarks and all properties located in historic district within the city
  - (e) Recommend the designation of resources as landmarks and historic districts.
  - (f) Create committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this ordinance.
  - (g) Maintain written minutes which record all actions taken by the Commission and the reasons for taking such actions.
  - (h) Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
  - (i) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
  - (j) Make recommendations to the city government concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.
  - (k) Approve or disapprove applications for Certificates of Appropriateness pursuant to this act, as related to repair or renovation of historic landmarks and construction of new buildings in the Historic District.
  - (l) Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
  - (m) Prepare specific Design Guidelines for the review of landmarks and districts.
  - (n) Recommend the acquisition of a landmark structure by the city government where its preservation is essential to the purpose of this act and where private preservation is not feasible.
  - (o) Propose tax abatement program(s) for landmarks or districts.
  - (p) Accept on behalf of the city government the donation of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of the City Council.
- (8) The Commission shall meet at least quarterly or more frequently, if business is at hand. Special meeting may be called at any time by the Chair, City Council, or on the written request of any two Commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 552 of the Texas Government Code Annotated.

- (9) A quorum for the transaction of business shall consist of not less than four (4) members present at a meeting.
- (10) A member of the Commission is responsible for coordination the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.
- (11) A member of the Commission shall not vote on an issue if he or she has a direct or indirect financial interest in it.

### **Appointment of Historic Preservation Officer**

The City Council shall appoint a qualified city employee to serve as a Historic Preservation Officer. In making this appointment the Council shall be sure the appointee is aware of the liability issues involved in serving in this capacity. This officer shall administer this ordinance and advise the Commission on matters submitted to it.

### **Designation of Historic Landmarks**

- (1) These provisions pertaining to the designation of historic landmarks will be applied in conjunction with the Unified Development Code of the City of Blanco.
- (2) Property owners of proposed historic landmarks shall be notified by certified mail fourteen (14) days prior to the Commission hearing on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.
- (3) A property outside of the Historic District shall not be designated a historic landmark without the property owner's approval.
- (4) Upon recommendation of the Commission, the proposed historic landmark shall be submitted to the Planning and Zoning Commission within thirty (30) days from the date of submittal of designation request. The Planning and Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the Unified Development Code of the City of Blanco. The Planning and Zoning Commission shall make its recommendation to the City Council within forty-five (45) days subsequent to the hearing on the proposed designation.
- (5) The City Council shall schedule a hearing on the Commission's recommendation to be held within forty-five (45) days of receipt of the recommendation of the Planning and Zoning Commission. The City Council shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided in the Unified Development Code of the City of Blanco.

- (6) Upon designation of a building, object, site, or structure as a historic landmark or district, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Blanco County, the tax records of the City of Blanco, and the Blanco County Appraisal District as well as the official zoning maps of the City of Blanco. All zoning maps should indicate the designated landmarks with an appropriate mark.
- (7) A copy of this ordinance will be provided via certified mail to each owner, or new owner, or each historic landmark. Records will be maintained by the Blanco Historic Preservation Commission to assure all owners have been apprised of their responsibilities regarding historic landmarks of the City of Blanco. All records will be kept at the city office.

### **Designation of Historic Districts**

- (1) These provisions pertaining to the designation of a historic district will be applied in conjunction with the Unified Development Code of the City of Blanco.
- (2) Property owners within a proposed historic district shall be notified by certified mail fifteen (15) days prior to the Commission's hearing on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence, which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic district. A majority vote must be obtained from affected properly owners before an area can be designation historic.
- (3) The City Council may, from time to time, following recommendation either for or against such designation by the Blanco Historic Preservation Commission, designate certain areas in the City as Historic Districts and define, amend, or eliminate the boundaries of same. Initially this area shall encompass the area shown on the attached map (appendix C). Changes to the same may be initiated by any person by request submitted to the Blanco Historic Preservation Commission, which will forward its recommendation to the City Council.
- (4) The Commission may recommend the designation of a District if it contains properties and environmental setting that meets two or more of the criteria for designation of a landmark and constitutes a distance section of the city.
- (5) Upon recommendation of the Commission, the proposed Historic District shall be submitted to the Planning and Zoning Commission within thirty (30) days from the date of submittal of designation request. The Planning and Zoning Commission shall give notice and conduct a hearing on the proposed designation within forty-five (45) days of receipt of receipt of such recommendation from the Commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the Unified Development Code of the City of Blanco. The Planning and Zoning commission shall make its recommendation to the City Council within forty-five (45) days subject to the hearing on the proposed designation.

- (6) The City Council shall schedule a hearing on the Commission's recommendation to be held within forty-five (45) days of receipt of the recommendation of the Planning and Zoning Commission. The City Council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the Unified Development Code of the City of Blanco.
- (7) Upon designation of a historic district the City Council shall cause the designated boundaries to be recorded in the Official public Records of real property of Blanco County, the tax records of the City of Blanco and the Blanco County Appraisal District as well as the official zoning maps of the City of Blanco. All zoning maps should indicate the designated historic district by an appropriate mark.
- (8) Properly used classifications of all property included in a historic district shall continue to be governed by the Unified Development Code of the City of Blanco
- (9) Blanco Historic landmarks and map showing Blanco Historic District are show in Appendices B and C.

### **Criteria for Designation of Historic Landmarks and Districts**

- (1) A historic landmark or district may be designated if it:
  - (a) Possesses significance in history, architecture, and culture.
  - (b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
  - (c) Is associated with events that have made a significant impact in our past.
  - (d) Embodies the distinctive characteristics of a type, period, or method of construction.
  - (e) Represents the work of a master designer, builder, or craftsman.
  - (f) Represents an established and familiar visual feature of the neighborhood or city.

### **Certificate of Appropriateness for Alteration or New Construction Affecting Landmarks or Historic Districts (See Appendix D for copy of Certificate of Appropriateness)**

- (1) A proved Certificate of Appropriateness is required before beginning any work, other than ordinary maintenance, on historical landmarks or property in a historical district. No person shall carry out any new construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic district, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any historic landmark or any property within a historic district or other historical landmarks specified in the Ordinance without an approved Certificate of Appropriateness.

- (2) Nothing in this ordinance prevents the maintenance, repair, alteration or modification of the interior of any landmark or property in a historic district.

### **Criteria for Approval of a Certificate of Appropriateness**

- (1) In considering an application for a Certificate of appropriateness, the Commission shall be guided by any adopted design guidelines, and where applicable, the following from *The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings* (see appendix E). Any adopted Design Guidelines and *Secretary of the Interior's Standards* shall be made available to the property owners of historic landmarks or within historic districts.
- (a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
  - (b) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
  - (c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
  - (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own light, and this significance shall be recognized and respected.
  - (e) Distinctive stylistic feature or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
  - (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
  - (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
  - (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

- (i) Contemporary design for alterations and additions do not destroy significant, historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood environment.
- (j) Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

### **Certificate of Appropriateness Application Procedure**

- (1) Prior to the commencement of any work requiring a Certificate of Appropriateness the owner shall file an application for such a certificate with the Commission. The application shall contain: (See [Appendix D](#))
- (2) No building permit shall be issued for such proposed work until a Certificate of Appropriateness has first been approved by the Commission.
- (3) The Commission shall review the application at a regularly scheduled meeting or a called meeting on the second Monday of the month, whichever comes first, at which time an opportunity will be provided for the applicant to be heard. The Commission shall approve, deny or approve with modifications the permit at the next regular meeting or the second Monday of the month, whichever comes first after the review meeting. In the event the Commission does not act within forty (40) business days of the receipt of the application, a permit may be granted. (Passed by City Council on 6/14/2016)
- (4) All decisions of the Commission shall be in writing. The Commission's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate departments, e.g., building inspector.
- (5) Existing structure and any new structure design must be inspected and approved by a registered professional engineer. Copies of the final report of the supervising registered professional engineer will be provided to the City of Blanco and made a part of the building records file.
- (6) An applicant dissatisfied with the action of the Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the Unified Development Code of the city.

## **Certificate of Appropriateness Required for Demolition**

- (1) A permit for the demolition of a historic landmark or property within a historic district, including secondary buildings and landscape features, shall not be granted by the building inspector or other city official without the review of a completed application for a Certificate of Appropriateness by the Commission, as provided for in Sections § 8,9, and 10 of the ordinance.

## **Economic Hardship Application Procedure**

- (1) After receiving written notification from the Commission of the denial of Certificate or Appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that hardship exists.
- (2) When a claim of economic hardship is made due to the effect of this ordinance, the City Council shall require the owner to prove that:
  - (a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - (b) The property cannot be adapted for any other use, whether by the current owner or by the purchaser, which would result in a reasonable return; or
  - (c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (3) The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.
- (4) The Commission shall hold public hearing on the application at a regularly scheduled meeting or a called meeting on the second Monday of the month whichever comes first. Following the hearing, the Commission has until the next regularly scheduled meeting or a called meeting on the second Monday of the month, whichever comes first, in which to prepare a written recommendation to the Building Inspector. In the event the Commission does not act within forty (40) business days of the receipt of the application a permit or permits may be granted. *(Passed by City Council on 06/14/2016)*
- (5) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by certified mail and a copy filed with the city clerk's office for public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application.

- (6) An applicant for a Certificate of Appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the Unified Development Code of the city.

### **Enforcement**

- (1) All work performed pursuant to a Certificate of Appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Commission, the building inspector shall issue a Stop Work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a Stop Work is in effect.
- (2) A property owner dissatisfied with the action of the Commission relating to the enforcement of a Certificate of Appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the Unified Development Code of the city.

### **Ordinary Maintenance**

- (1) Nothing in this ordinance shall be construed to prevent ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.

### **Demolition by Neglect**

- (1) No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.
- (2) Examples of such deterioration include:
  - (a) Deterioration of exterior walls or other vertical supports.
  - (b) Deterioration of roof or other horizontal members.
  - (c) Deterioration of exterior chimneys
  - (d) Deterioration or crumbling of exterior stucco or mortar.



- (e) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- (f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

## **Penalties**

- (1) Failure to comply with any of the provisions of this ordinance shall be deemed a violation and the violator shall be liable for a misdemeanor charge and be subject to a fine determined by the city for each day the violation continues.

## **Section 4.12 Nonconforming Uses**

- (1) Purpose.

Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this Code when it is adopted, or when any amendments thereto, take effect. The purpose of this section is to provide for recognition of such uses and procedures for bringing such uses into conformance.

- (2) Description

- (a) Any use of property existing at the time of the passage of this section of the Code or that exists when land is annexed into the city that does not conform with regulations prescribed in the preceding sections of this Code shall be deemed a nonconforming use.
- (b) A nonconforming use of land may be continued, but if said nonconforming use is discontinued for a period of time in excess of six (6) consecutive months, any future use of said premises shall be in conformance with the provisions of this Code.
- (c) A nonconforming use of a building may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein.
  - i. If no structural alterations are made, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted classification.
  - ii. If a nonconforming use of a building is changed to a nonconforming use of a more restricted classification (ex. from high density residential to low density residential), it shall not later be reverted to the less restricted classification.
- (d) The right to maintain the nonconforming use shall be subject to such regulations related to maintenance of the premises and conditions of operation as may be reasonably required for the protection of adjacent property in the judgment of the Board of Adjustment.

- (e) A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In cases of partial destruction by fire or other causes, not exceeding fifty (50) percent of its value, the building inspector shall issue a permit for reconstruction. If greater than fifty (50) percent and less than the total the Board of Adjustment may grant a permit for repair after public hearing and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and of the conservation and preservation of property.
- (f) A violation of this code provision and a request for nonconforming designation or request for relief under this designation shall not create estoppels of the trial of any lawsuit which may be filed in any court.
- (g) Notwithstanding any other provisions of this chapter, any legal nonconforming use of property existing as of July 9, 2019 that does not conform to the regulations prescribed in this Code shall be deemed a non-conforming use, subject to the provisions contained in this section.

### **Section 4.13 Vested Rights**

#### (1) Applicability:

The provision of this Section applies to any Application for Development Approval in which the Applicant claims an exemption from any provision of this Chapter based on common law or statutory vested right.

#### (2) Criteria:

- (a) Common law vested rights shall be acknowledged by the City Staff after consultation with the City Attorney if the applicant for common law vested rights does not demonstrate entitlement to statutory vested rights as provided in this section. A request for such an acknowledgement must include documents establishing the criteria listed below together with an application review fee to offset the City's costs. The City Staff may request additional relevant material prior to issuing the acknowledgement. The applicant for common law vested rights must show compliance with the following criteria for the specific project to obtain such rights:
  - i. In reliance upon properly issued permits or approvals the applicant made substantial financial commitments or assumed substantial financial obligations within the purview of the activities authorized by said permit or approvals; and
  - ii. The applicant proceeded in good faith, and no approvals or permits have lapsed or been revoked; and
  - iii. The applicant has sufficiently and legally established any other factor that may demonstrate vested rights under State or Federal law.

(b) Statutory Vested Rights:

No Vested Rights Determination that is requested as a basis for approval of an Application for Development Approval shall be issued unless the applicant demonstrates entitlement to common law vested rights as provided in the subsection above and demonstrates compliance with the following criteria for statutory vested rights:

- i. The applicant used its property or filed an application as provided in Texas Local Government Code §43.002 prior to annexation by the City of Blanco, and the regulations against which vested rights are claimed are not subject to an exemption as provided in Texas Local Government Code §43.0002 (c).
- ii. The applicant filed an application as provided in Texas Local Government Code Chapter 245 prior to adoption of the regulations pursuant to which vested rights are claimed, that the regulations which are the basis for the claim of vested rights are not subject to an exemption as provided in Texas Local Government Code §245.004 and that the project has not become dormant as defined in Texas Local Government Code § 245.005 and this Chapter.

(3) Consent Agreements:

(a) Any Applicant for Vested Rights Determination may apply for Consent Agreement Approval provided that the requirements of subsection (d) of this Section are satisfied or the required approval is for one (1) or more, but less than all phases of the proposed development.

- i. An application for Consent Agreement Approval may be approved subject to compliance with requirements of a Consent Agreement.
- ii. An application for a Consent Agreement Approval may be filed concurrent with an Application for a Vested Rights Determination, or at any time prior to approval of a final decision relating to an Application for a Vested Rights Determination by the City Attorney or the City Council.

(b) Terms and Conditions Consent Agreement shall be signed by the City Attorney, the City Staff, and the Applicant and shall include the following terms and conditions:

- i. A legal description of the subject property and the names of the legal and equitable owners;
- ii. The duration of the consent agreement and the conditions that will result in revocation;
- iii. The uses permitted on the property, including population densities and/or building intensities and height;

- iv. A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure that public facilities are available concurrent with the impacts of the development;
- v. A description of any preservation or dedication of land for public purposes;
- vi. A description of all development approvals, permits, or other local or State approvals needed for the proposed development;
- vii. A description of any conditions, terms restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;
- viii. A statement indication that the omission of a limitation or restriction shall not relieve the Applicant of the necessity of complying with all applicable local, state and federal laws;
- ix. A phasing plan indication the anticipated commencement and completion date of all phases of the proposed development; and
- x. A statement that the City Attorney and City Staff shall review progress pursuant to the consent agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the consent agreement.

(c) Failure to comply with Consent Agreement:

If the City Council finds, on the basis of substantial competent evidence that the applicant has failed to comply with the terms of the Consent Agreement, the Consent Agreement may be revoked or modified by the City Council after public hearing which has been noticed by publication, and for which written notice has been expressly provided to the Applicant.

**Section 4.14 Recognition of Vested Rights, TLGC Chapter 245**

(1) Purpose

- (a) This section provides a methodology for the registration of permits, and permit applications, with the City Staff so that a determination can be made as to whether that permit or permit application is one that would afford a project with the “vested rights” as provided in Chapter 245 and § 43.002 of the Texas Local Government Code. The purpose for such registration and determination is to assist City Staff in their review of the applicability of Chapter 245 or §43.002 to a particular project.
- (b) This section shall not apply to a claim or right under common law, a federal or state statute, other than Chapter 245 or §43.002, or the state or federal constitutions.
  - i. Any claim or right made under any law or authority, other than Chapter 245 or §43.002, shall be made to the City Staff in writing.

- ii. The City Staff shall advise the City Attorney of the claim, and the City Attorney shall make a determination of the validity of the claim within twenty (20) days of its receipt by the City; provided, however, that the twenty (20) day period shall not begin to run until all requisite information to support the claim has been submitted.
- iii. Additionally, as provided in subsection (g) of the section, this section shall not apply to the types of ordinances, or other governmental action, enumerated in VTCA Local Government Code §245.004 or exempt from the requirements of Local Government Code §43.002.

(2) Vested rights recognition process:

(a) Initiation:

An application may be made to the City Staff for recognition of vested rights for a particular project by completion of a form provided by the City Staff that indicates which permit or permits are being relied upon by the applicant for establishment of vested rights. The applicant shall provide the City Staff with a completed application together with a permit application review fee required by the City and two (2) copies of any document's applicant is relying upon to establish vested rights.

(b) Review and Approval:

- i. After receiving an application for recognition of vested rights, the City Staff shall review the application and approve, deny or request additional information to be provided by the applicant for consideration within twenty (20) business days.
- ii. Should the permit, which is the basis for vested rights recognition, have been issued by a governmental agency other than the City, the City Staff shall request the City Attorney to determine whether the permit establishes rights under Chapter 245 of the Texas Local Government Code.
- iii. In the event the City Staff does not respond to an application for vested rights within (20) business days, the application will be considered denied. Provided, however, the time period may be extended upon the written request of the applicant.
- iv. Upon review of the application, if the City Staff finds that the applicant has provided sufficient information to establish that one(1) or more legally sufficient and applicable permit(s) exists on a project, the City Staff shall issue a certificate to the applicant recognizing vested rights for the project which shall be dated and signed by the City Staff.
- v. The City Staff shall review all certificates prior to issuance to ensure it clearly indicates the term and conditions (indicated above) required for the continuation of the recognition of the vested rights.

- vi. In the event the City Staff requests additional information for consideration of an application, the applicant shall be notified in writing within the required time period of specifically what information must be submitted in order to complete the review of the application.
- vii. Should the application be denied, the City Staff may enumerate in writing any and all reasons for such denial, which shall be delivered to the applicant within the time period allowed for review.

(c) Recordation:

The City Staff shall create a file of all certificates issued pursuant to this Section of the Code that will be available for the public's review during regular business hours. At a minimum the file should contain all certificates issued for a three-calendar year period and should be reviewed annually to remove certificates more than three (3) years old. Certificates more than three (3) years old may be made available in conformance with the Public Information Act.

(d) Vested rights recognition process appeal:

In the event an applicant for recognition of vested rights is denied recognition of a vested right by the City Staff and is aggrieved by such action or by the application of the above requirements, the applicant may appeal the decision of the City Staff to the City Council by filing a request for appeal with the City Staff within fifteen(15) calendar days from the date the applicant is notified of the adverse decision or action taken. The application for appeal shall be made in writing and shall contain the applicant's factual and/or legal rationale for the appeal. The City Staff shall place the appeal on the next agenda of the City Council and the City Council shall hold a hearing on the appeal and make its ruling within thirty (30) days from the date the hearing is held by the City Council. The city clerk shall schedule the hearing of the final appeal at the earliest regularly scheduled meeting of the City Council and comply with the requirements of the Texas Open Meetings Act. The decision of the City Council shall be final.

(e) Waiver:

- i. An individual, or business entity, that has applied for a vested rights determination may request a waiver from the time limit required action, or term that would otherwise cause the vested rights to expire. An individual requesting a waiver shall make written application to the City Staff and pay the required fee. A request for waiver shall identify the specific provisions for which a waiver is being requested and the reasons that justify granting the waiver. The City Staff shall review the application for waiver and provide a written recommendation with regard to whether the waiver should be granted, conditionally granted or denied to the City Council within thirty (30) days from the date the application for waiver is filed. In the event the City Council fails to make a ruling on the waiver within sixty (60) days from the date the application for waiver is filed, the application for waiver shall be deemed denied.

Provided, however, the time period may be extended upon the written request of the applicant. In order to grant a waiver from the provisions of this section, the City Council must find, that:

1. The applicant would suffer a hardship in the absence of a variance that is not the result of the applicant's own negligence; and
  2. The applicant has been actively and diligently attempting to pursue and complete development of the project that is the subject of the vested rights; and
  3. Compliance with rules and regulations that were enacted after the application for recognition of vested rights would cause a substantial economic hardship to the developer/property owner that would preclude the capability of completing the project in a reasonable and prudent manner.
- ii. The City Staff shall schedule the hearing of the appeal at the earliest regularly scheduled meeting of the City Council that will allow compliance with the requirements of the Texas Open Meeting Act. The decision of the City Council shall be final.
- (f) Exemption from vested rights:
- i. The types of ordinances enumerated in Local Government Code Section 245.004 are exempt from this section and will apply to a project or ordinance or the existence of vested rights for the project.
  - ii. Future ordinances: Any ordinance that concerns the development of real property and is adopted after the adoption of this Code, which incorporates this section into the Code, may specifically state whether it is the type of ordinance that is exempted by Section 245.004. However, the absence of such a statement shall not be determinative as to whether the ordinance is or not exempted.
  - iii. Existing ordinances: The section shall not be applicable to any ordinance that concerns the development of real property; as adopted prior to the adoption of this chapter and is exempted by Section 245.004 from the protection provided by Chapter 245.
  - iv. Determination by City Attorney: Should a question arise as Government Code Chapter 245 the City Staff shall request an opinion from the City Attorney and the City Attorney shall render a decision.

(g) Duration:

This section shall not extend the time of validity for any permit. Any rights recognized by the application of this section shall not extend beyond the time periods prescribed for the validity of the permit or permits that were submitted for recognition except by the granting of a variance from the time limit as provided herein.

(h) Voluntary compliance:

Nothing herein would prohibit any applicant from the voluntary compliance with any future ordinance, regulation or incentive.

- (i) Chapter 245 of Texas Local Government Code adopted. Chapter 245 of the Texas Local Government Code, As adopted in 2001 by the 77<sup>th</sup> Legislature Regular session is hereby adopted and incorporated by reference herein. Should 245 be repealed by the Legislature it shall remain effective as part of this Code for one year from the date of such repeal. During said period City Council shall take action it deems necessary to provide municipal protection for ongoing projects from the adverse impact of unanticipated subsequent regulations.

#### **4.15 Mobile Food Vendors**

(1) General

(a) Purpose

This section is adopted so that the city council may enact the appropriate administrative and regulatory rules and procedures pertaining to mobile food vendors.

(b) Scope of jurisdiction

All of the provisions of this article shall apply within the city limits (i.e., incorporated municipal boundary) of the city.

(c) Definitions

City. The City of Blanco, a municipality located in Blanco County, Texas.

City limits. The incorporated municipal boundary of the city.

Food court. Two or more mobile food vendors in the same location.

Food establishment. An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

- i. Such as a restaurant; retail food store; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
- ii. That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.



- iii. Exemptions: Non-profit food distribution organizations such as Good Samaritan food distribution, Meals on Wheels, and Lunches of Love.

Location. Any place a food vendor parks to initiate business shall be considered a location.

Mobile food establishment. A vehicle-mounted food establishment that is readily moveable.

Mobile store/mobile vendor. A vehicle-mounted retail store that is readily moveable and provides goods and/or services directly to a consumer. A mobile store includes (but is not limited to) a self-propelled motor vehicle or trailer, including a recreational vehicle, motor home, travel trailer or camper trailer. A mobile food establishment is an example of a mobile store. The term mobile store includes a mobile vendor.

Permit. A license, certificate, approval, registration, consent, contract or other form of authorization required by law, rule, regulation, order or ordinance that a person shall obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

Person. A human individual, agency, association, corporation, partnership or sole proprietorship.

Site. A platted or unplatted lot in the city limits treated as a single tract for purposes of the assessment of property taxes. A site may be identified by its address, or legal property description.

(d) Electricity

Electricity shall be only from a generator or an electrical outlet via a portable cord that conforms to the city's electrical code and permitted by any provider.

(e) Fire safety

Mobile food vendors shall comply with all City fire safety standards. This requirement also applies to mobile food establishments that:

- i. Maintain food at a hot holding temperature by mechanical means; and
- ii. Use a pressurized fuel system or container.

(f) Trash

All mobile food vendors shall:

- i. Be equipped with an attached trash receptacle approved by the City staff;

- ii. Hold, store, and dispose of solid and liquid waste in a receptacle approved by the city and that complies with any other applicable City code requirements;
- iii. Provide a trash receptacle for use by customers; and
- iv. Maintain the area around the mobile unit clear of litter and debris at all times.

(g) Provisions

- i. All mobile food vendors shall comply with all City and state adopted health regulations regarding:
  - 1. Time, temperature, plumbing, operation and maintenance requirements for mobile food establishments;
  - 2. A mandatory central preparation facility, serving area, and operations;
  - 3. All requirements prohibiting alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility of the mobile food establishment unit.
  - 4. All sanitary requirements must be met,
- ii. All mobile food vendors shall acquire a food handling permit from a training program of the American National Standards Institute or Department of State Health Services; but rules are more substantial, as deemed appropriate by the city, if vendor is at a same location for at least 10 days out of a month.
- iii. If any mobile food vendor remains at a same location for longer than 10 days, a special use permit is required.
- iv. The city may require a mobile food vendor to come, on an annual basis, to a location designated by the health authority for an inspection.
- v. The city may require that mobile food vendors found to violate this section shall come for a reinspection at a location designated by the city.
- vi. All mobile food vendors are required to store all food and supplies within the mobile unit or associated trailer/truck bed.
- vii. All mobile food vendors are required to have displayed on the mobile unit the proper city-issued permits and licenses in order to operate within the city.
- viii. All mobile food vendors are permitted to operate only in the zoning districts specified in UDC Chapter 4, Table 4.2: Use Table.
- ix. All mobile food vendors are prohibited from operating between the hours of 11:00 p.m. and 6:00 a.m. unless allowed to operate between those hours for a special reason by permit.

- x. All mobile food vendors are prohibited from being located within 150 feet of a restaurant (drive-in service; with drive-through service; with no drive-through service) unless granted permission from all said restaurants. The noise level of mechanical equipment or outside sound equipment used in association with any mobile food vendor may not exceed 70 decibels when measured at the property line that is across the street from or abutting a residential use. An exemption to this provision for permission is made when a mobile food vendor is set up for and during the occurrence of a temporary and City-sanctioned festival and/or musical or art event, in which case a permit is covered by the event.
- xi. A drive-in service is not permitted for any mobile food vendor.
- xii. All mobile food vendors are limited to signs attached to the exterior of the mobile vendor. This does not include signage that wraps around a vehicle, for which there is no limitation. The signs attached to the exterior of the vehicle shall:
  - 1. Be secured and mounted flat against the mobile unit;
  - 2. Not project more than six inches from the exterior of the mobile unit; and
  - 3. Also not exceed one (1) sandwich board sign.
- xiii. All mobile food vendors shall comply with the federal Americans with Disabilities Act.

(h) Mobile food courts.

- i. Permanent Food Courts Authorized by Special Use Permit.

A Special Use Permit (SUP) is required to establish a permanent food court, following procedures for a Special Use Permit (SUP) is required to establish a permanent food court, following procedures for SUPs in the City Code of Ordinances.

- ii. Permanent mobile food courts shall comply with the following requirements:
  - 1. All mobile food establishments situated on the property shall be located on an impermeable surface, such as concrete or rolled asphalt, or a stable permeable surface such as decomposed granite;
  - 2. All mobile food establishments that remain on the property overnight shall have:
    - a. Temporary connections for electricity;
    - b. Pavilions with shade and similar seating areas (i.e. shaded picnic tables) for customers shall be provided

(2) Special Event Temporary Food Court.

A mobile food court at which a mobile food vendor shall be in place for no more than 10 days may apply for a mobile food court permit without applying for a special use permit, but only in districts in which a mobile food court is allowed in the Use Chart. Temporary food courts shall provide all information required by the Permit Application before establishing the temporary food court.

(3) Enforcement

(a) Civil and criminal penalties. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.

(b) Criminal offense.

- i. It is a criminal offense to erect, install, park or operate a mobile food store in violation of this article.
- ii. Per section 6.02(b) of the Texas Penal Code, an offense under this article is a strict liability offense requiring no showing of a culpable mental state.
- iii. An offense under this article is a misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000.00).

(c) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- i. Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
- ii. A civil penalty up to five hundred dollars (\$500.00) a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
- iii. Other available relief.

(4) Permits, Prohibitions, and Exceptions

(a) City authority

The city's acceptance, review, and approval of all permits for mobile vendors is hereby enacted.

(b) Permit required

- i. It is an offense for a person to operate a mobile food store in the city limits without a mobile food vendor permit.
- ii. It is an offense for a person to conduct sales at a mobile food store in the city limits without a mobile food vendor permit.
- iii. It is an offense for a person to erect or install a mobile food store in the city limits without a mobile food vendor permit.

(c) Permit application

A person who seeks to operate a mobile food establishment, including a mobile food vendor or a mobile food court, shall:

- i. Submit a written application to the city, which shall include the following information:
  1. Zoning District for proposed mobile food vendor location
  2. Map of location and diagram/concept plan
  3. Proposed Signage
  4. Copy of event permit, if applicable
  5. Parking plan
  6. Access to roads/driveways
  7. Any variances or special exceptions being requested
  8. Utilities specifications (gas, electricity)
  9. SUP application if mobile food vendor will stay at same location for over ten (10) consecutive days
  10. Bathroom access
  11. Proposed hours and days of operation
  12. Solid waste disposal (both for mobile food vendor and trash receptacle for patrons)
  13. Location and name of individual mobile food vendors, if more than one vendor is requested.
  14. Additional information as required by staff if deemed necessary
- ii. Include with the application proof of:
  1. Sales tax certificate; and
  2. Be given a sales tax report form by the city.

(5) Tax certificate

Mobile food vendors shall possess during hours of operation a city tax certificate showed as paid.

(6) Permit revocation

A vendor's mobile food vendor permit shall be revoked if any of the provisions of this article are not strictly adhered to.

## (7) Special Use Permits for Mobile Food Vendors

- (a) Special Use Permits are required for any mobile food vendor that remains at a same location for longer than 10 days. Regulations for SUPs that mobile food vendors must adhere to are as follows:

Description: A special use is a land use that, because of its unique nature, is compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include a determination that the external effects of the special use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of additional standards and conditions. This subsection sets forth the standards used to evaluate proposed special uses and the procedures for approving Special Use Permit (SUP) applications.

- (b) SUP Required: No special use for a mobile food vendor that remains for longer than ten days shall be established within a zoning district until a Special Use Permit is issued by the City. An application for a Mobile Food Vendor SUP shall be accompanied by a site plan prepared in the manner described in this section. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth below in this section.

- (c) Status of a Special Permitted Mobile Food Vendor Use:

- i. The designation of the mobile food vendor use in a zoning district as a special use does not constitute an authorization or assurance that such use will be approved.
- ii. Approval of a SUP shall authorize only the particular mobile food vendor for which the specific SUP is issued.
- iii. No mobile food vendor authorized by a SUP shall be enlarged, extended or relocated, nor may the number of mobile food vendors be increased, unless an application is made for approval of a new SUP in accordance with the procedures set forth in this Section.
- iv. Development of the mobile food vendor shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, or any permits required by regional, State and Federal agencies.

- (d) Application for SUP:

Application Requirements: An application for a SUP may be submitted by the property owner or by the property owner's designated representative to the City. The application shall be accompanied by a site plan prepared in accordance with the requirements of this Chapter. If a zoning amendment is required or requested in writing, such application shall accompany the application for a SUP.

(e) Procedures for SUPs:

- i. P&Z Recommendation: Upon receipt of the recommendation from the City Administrator or Mayor, the P&Z shall conduct a public hearing in order to formulate its recommendations to the City Council on the SUP application. Following the public hearing, the P&Z shall recommend approval, approval subject to modification, or denial of the proposal to the City Council. If the appropriateness of the use cannot be assured at the location, the P&Z shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district. P&Z Recommendation will not be used for non-permanent food court/mobile food vendors for city-sponsored events.
- ii. City Council Action: The City Council shall be the final decision-maker on applications for SUPs. Following a public hearing, and in consideration of the P&Z's recommendations, the City Council shall approve, modify or deny the proposal for a SUP. If the appropriateness of the use cannot be assured at the location, the application for SUP shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.

(f) Standards: Factors for Consideration:

When considering applications for a SUP for mobile food vendor, the P&Z and the City Council shall evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the mobile food vendor at a particular location. Decisions shall be rendered on the basis of the site plan and other information submitted. The P&Z and the City Council shall specifically consider the extent to which:

- i. The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Concept Plan;
- ii. The proposed mobile food vendor is consistent with the general purpose and intent of the applicable zoning district regulations;
- iii. The proposed use meets all development, utility, and infrastructure standards specifically applicable to the use, as established in Chapter 6: Infrastructure and Public Improvements of the UDC;
- iv. The proposed mobile food vendor is compatible with and preserves the character and integrity of adjacent development and neighborhoods.
- v. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

(8) Conditions:

In approving the application, the P&Z may recommend, and the City Council may impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this Section. Any conditions imposed shall be set forth in the motion approving the special use and shall be incorporated into or noted on the site plan for final approval. The City Administrator or designee shall verify that the site plan incorporates all conditions set forth in the special use and shall sign the plan to indicate final approval. The City shall maintain a record of such approved special uses and the site plans and conditions attached thereto.

(9) Expiration, Extension & Termination: The expiration, extension and termination of a SUP shall be governed by the following rules:

- (a) A SUP may be approved for a term not to exceed two (2) years.
- (b) SUPs for existing uses and/or structures shall automatically renew for successive two (2) year periods unless an objection is raised by the City Administrator or Mayor based on either:
  - i. A history of poor code compliance; or
  - ii. A revision to the Comprehensive Plan that renders the SUP incompatible.
- (c) Extension of SUP: If a SUP expires, or if the requisites of subsection (b) above are not met, two (2) extensions of six (6) months each in length may be granted, unless otherwise specified by ordinance. If no request for extension of a SUP is submitted, then the SUP shall be null and void.
- (d) Determination of Extension: In determining whether to grant a request for extension of a SUP, the City Council shall take into account the following factors:
  - i. Reasons for the lapse;
  - ii. Ability of the property owner to comply with any special conditions attached to the original approval;
  - iii. Extent to which development regulations would apply to the plan at that point in time;
  - iv. History of code compliance at the premises;
  - v. Consistency of the SUP with the current Comprehensive Plan.

The City Council shall either extend the SUP or deny the request, in which instance the originally approved SUP shall be deemed null and void. The property owner may thereafter submit a new plan application for rezoning or a SUP and shall conform to the regulations then in effect.



- (e) Revocation: The City Administrator may revoke a SUP for failure to comply with municipal regulations and the conditions placed on the use.
- (f) Amendment: No proposed or existing mobile food vendor shall be altered, or otherwise changed from that approved in the special use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Section, and the SUP and approved site plan are amended accordingly.
- (g) Transferability: A SUP is issued to a specific person or entity, and as such is nontransferable. A SUP is personal to a particular applicant. It does not run with the land. Subsequent purchasers or tenants seeking to continue the special use on the premises may apply for a new SUP.

#### (10) Food Courts

##### (a) Food Courts Authorized by Special Use Permit

Any Food Court shall obtain a special use permit as listed above before establishing a Food Court and shall submit all information required by the Permit Application to the City before the City shall review its application for a Special Use Permit.

##### (b) Portable Restrooms

All mobile food vendor courts with multiple vendors set up shall provide city-approved portable restrooms for customers.

##### (c) Special Event Temporary Food Court

A mobile food court at which no mobile food vendor shall be in place for more than 10 days may apply for a mobile food court permit without applying for a special use permit, but only in districts in which a mobile food court is allowed in the Use Chart. Temporary food courts shall provide all information required by the Permit Application before establishing the temporary food court.

#### (11) Currently Operating Mobile Food Vendors

##### (a) Any mobile food vendor who has been continuously operating within the City of Blanco for two (2) years prior to September 2018 has until September 2021 to come into compliance with the permit application and location requirements of this ordinance. In order to be eligible for deferral of compliance the Mobile Food Vendor shall:

- i. Provide a copy of a current food handler license as addressed above; and
- ii. Provide proof that the mobile food vendor has operated in the City of Blanco for two (2) years.

##### (b) All mobile food vendors shall still comply with all other City ordinances including those related to health inspections for restaurants.

# Chapter 5 Subdivision and Land Development

## Section 5.1 Purpose

The purpose of this Chapter is to describe lot development standards for both residential and non-residential lots.

- (1) This chapter contains standards on lot size, minimum setback requirements, and maximum building heights in order to provide for a variety of housing and land development patterns and to meet the diverse needs of the current and future residents of Blanco, all in a manner consistent with the goals and objectives set forth in the Comprehensive Plan.
- (2) This Chapter also contains standards on maximum impervious cover, both for entire subdivisions as they are developed as well as for individual lots as they are built upon. The impervious cover standards are essential in order to manage or avoid the adverse problems of excessive quantity and degraded quality of urban storm water runoff, the increased erosion of downstream channels and waterways, the reduced interception and absorption of rainfall and runoff by the soil and vegetative cover, increased reradiating of excessive heat from pavement surfaces, and other problems that may arise as a result of extensive development.
- (3) Additional standards that pertain to both residential and non-residential lots.
- (4) Collectively, these standards exist in order to achieve a variety of housing and building types, as well as achieve the goals and policies identified in the City of Blanco's Comprehensive Plan.

## Section 5.2 Applicability

- (1) This Chapter identifies minimum standards for areas within the City Limits. Lot design standards within the Blanco City limits are categorized by Zoning District.
- (2) This Chapter also identifies minimum standards for lots outside the City limits.
  - (a) Standards related to zoning are nonbinding guidelines for development in the ETJ. However, these lot standards shall apply to areas previously outside the City limits after they are incorporated and then zoned through annexation procedures.
  - (b) Standards are defined in the ETJ in order to maintain on-site wastewater treatment standards. For developments planning to utilize on-site treatment systems, please consult the Blanco County rules for On-site treatment standards.
- (3) This Chapter does not apply to development authorized by the City pursuant to subdivision final plat and approved construction plan.

### Section 5.3 Minimum Requirements

Every building erected or moved and every lot platted for development must conform to the following minimum requirements:

- (1) Meet the minimum lot requirements of at least one type of lot described in this Chapter;
- (2) Have direct access to an approved public or private street or street right of way, as specified in this Code;
- (3) Provide safe parking and fire and police access; and
- (4) Meet the minimum dimensional; environmental, parking, landscaping, and water conservation requirements of this Code.

### Section 5.4 Lot Standards

Table 5.1 identifies the standards for lots within each zoning district that has been identified in Chapter 4. These standards apply to all developments but may be adjusted based on usage conditions and zoning overlays found in this Chapter.

**Table 5.1 Lot Standards**

Zoning District	Allowable Density (units/ac)	Min. Lot Area (ft 2)	Min. Lot Width	SETBACKS			Max Building Height	Max Lot Cover (%)	Maximum Impervious Cover (%)	On-Site Sewage
				Min. Front Yard	Min Back Yard	Min Side Yard				
Residential									Central Waste Water	
Residential 1	1 unit/ 1 acres	32,500	100	40	25	15	35	25	30	25
Residential 2	3 units/ acre	11,000	80	30	20	7.5	35	45	45	30
Residential 3	5 units/ acre	6,500	60	20	10	5	35	50	50	30
Residential 4	20 units/ acre	20,000	75	25	20	15	35	65	55	40
Residential 5	5 units/ acre	6,500	60	20	10	10**	35	50	65	50
MH	8 units/ acre	5,000	45	15	5	5	35	50	50	30
R (Existing)	-	-	-	25*	20	5	35	-		
Commercial			100	40	35	20	45		70	50
Industrial			100	40	35	20	45	35	75	55
Park			70	15	15	15	35		70	65
Agricultural		3 acres	200	35	30	20	35	25	25	20

\*\*Minimum Side Yard Setback is increased to 20' if the structure is adjacent to residential zoning, or if the structure is greater than one story.

(1) Allowable Density

Each Zoning District has a maximum number of dwelling units per acre that can be placed on a tract, without regard for any land area needed to accommodate infrastructure and environmental factors such as right-of-way, drainage, floodplains, steep slopes, impervious cover limitations, minimum lot size standards, yard setbacks, and maximum lot coverage.

(2) Minimum Lot Area

(a) Minimum Lot Area is the minimum amount of square footage allowed within a lot, based on its zoning district classification.

(b) The Minimum Lot Area in the ETJ shall be seven-thousand-five hundred (7,500) square feet.

(3) Minimum Lot Width

The Minimum Lot Width is the minimum width of a lot (in feet), measured parallel to and along the front property line.

(a) The average depth of any lot shall not exceed four times the average width of the lot.

(b) Residential lots on cul-de-sacs and eyebrows may have a reduced minimum lot width at the front property line as found in Table 5.2.

**Table 5.2 Reduced Lot Width**

Zoning District            Cul-de-Sac and Eyebrow Minimum Lot Frontage (ft)

Low Density Residential: 45

Medium Density Residential: 35

High Density Residential: 30

Multi-Family Residential: NA

Manufactured Housing Residential: 30

(4) Setback Measurements

A setback is the minimum distance, extending across the full width of the lot, between the property line and the nearest exterior wall or structure.

(a) Front, side, and rear yard setbacks are measured to the foundation from the front, side, and rear lot lines, respectively.

- (b) For corner lots, the side yard setback on side facing public right-a-way shall be the same as the front yard setback.

(5) Maximum Building Height

Maximum building height is the maximum allowed distance measured from finished grade to the highest point on a flat roof or the midpoint between the cornice and the eave on a pitched roof.

(6) Maximum Lot Coverage

Each buildable residential lot has a Maximum Lot Cover, expressed as a percentage which represents the maximum percentage of impervious surface area allowed on a lot within each particular Zoning District.

- (a) Impervious surfaces on a lot include buildings, driveways, garages, porches, patios, private walks, accessory buildings, and any other impervious surfaces constructed on the lot. Building coverage is measured from the faces of the walls, not the eaves of the roof. Maximum Lot Coverage is computed as the total amount of impervious surface on the lot divided by the total lot area.

(7) Maximum Impervious Cover, Subdivision

Each development has a Maximum Impervious Cover standard based on zoning district that limits the intensity of development over the entire tract or proposed subdivision.

- (a) Impervious cover includes the infrastructure for the development (streets, sidewalks, parking areas, walkways, etc.) plus specific improvements on each lot (buildings, driveways, patios) and any other constructed surfaces that are impenetrable to stormwater.
- (b) The formula for computing Maximum Impervious Cover is a two-step process as follows:

- i. Calculate Net Site Area

The Net Site Area is calculated by summing those portions of the tract or subdivision that are readily developable- lands outside of floodplain areas and having a flat or moderately sloping surface. It is defined as follows:

1. One hundred percent (100%) of land with a gradient of fifteen percent (15%) or less and located outside of the one hundred (100) year floodplain; and
2. Fifty percent (50%) of the land with a slope of more than fifteen percent (15%) and not more than twenty-five percent (25%) and located outside the one hundred (100) year floodplain; and
3. Land with a slope of more than twenty-five percent (25%) of the land percentage and located outside the one hundred (100) year floodplain.

- ii. Apply the Maximum Impervious Cover standard to the Net Site Area.

The maximum impervious cover, measured as a percent, is multiplied by the Net Site Area to calculate the Total Allowable Impervious Cover for the entire tract or proposed subdivision.

**Section 5.5 Lot Standard Development Incentives**

The purpose of this section is to provide incentives to developers for incorporating specific additional features beneficial to the community.

(1) Rear Parking

Minimum front yard setbacks within all Commercial Districts may be decreased by fifty percent (50%) if rear parking is provided.

(2) Cluster Development

(a) The purpose of this lot standard modification is to encourage clustered subdivisions in conjunction with the preservation of open space. It is not intended to increase the overall density of the subdivision.

(b) All areas within the City are eligible for consideration and approval for this flexible benefit so long as the requisite criteria are met.

(c) Modification Criteria

- i. Lot standard modifications may be made based on the percentage of the Gross Site Area that is accepted as dedicated parkland or open space in addition to the Parkland Dedication generally required by Chapter 6 of this Code.

- ii. Open Space Dedications may only be accomplished with a conservation restriction approved by the City in the form of a legal covenant prohibiting future development in a particular area, and separate from any utility easements, drainage easements, right-of-way, or other essential improvements that directly support the associated development.

**Table 5.3 Open Space Preservation Incentive**

Open Space Preservation (% of Gross Site Area)	Reduction in Minimum Lot Size	OR	Increase in Maximum Lot Coverage
25-30%	Up to 15%		Up to 10%
>30%	Up to 20%		Up to 20%

### (3) Density Bonus

(a) A density bonus may be granted on any parcel subject to an application subdivision plat and modifies the allowable density and intensity on that parcel.

- i. The total density bonus shall not exceed twenty (20) percent of the allowable density of the underlying zoning district or of the applicable future land use classification in the Comprehensive Plan based on Gross Site Area. (i.e., in a Medium Density District, no more than 4.8 units, or one-hundred twenty percent (120%) of 4 units per acre would be allowed).
- ii. To calculate the number of permitted units, the City shall consider any environmental, safety, or health constraints that density bonuses may result in. In such cases, dedication of lands would result in a smaller bonus.

### (b) Open Space Bonus Criteria

For each whole acre dedicated to and accepted by the City as useable parkland, and in excess of the required Parkland Dedication, A Density Bonus equal to one half of the allowable density (units/acre) that would have been permitted on the area may be granted. See Parkland Dedication requirements and standards in Chapter 6.

## **Section 5.6 General Design Standards**

(1) All buildings shall front on public streets unless they front on a plaza or a courtyard.

(2) Building within a particular development shall reflect a continuity of treatment in the following:

- (a) Building scale
- (b) Maintaining a front yard build-to line
- (c) Maintaining the cornice line in buildings of the same height
- (d) Extending horizontal lines of windows and doors
- (e) Echoing architectural styles and details, design themes, building materials, and colors of the local context (in particular neighboring buildings)

### (3) Sidewalks

Sidewalks shall be constructed along all streets in subdivisions and Site developments, in accordance with the standards specified in Section 7.5 of this Code.

(4) Screening

All A/C units, HVAC systems, exhaust pipes and stacks, elevator housing, satellite dishes and other such devices shall be screened from view at from the public street by walls, fencing, roof elements, penthouse-type screening devices, or landscaping.

(5) Corner Lots

On a corner lot in any district, nothing shall be erected, placed, or planted or allowed to grow in such a manner so as to materially impair vehicle drivers' vision at intersections.

- (a) The clear vision area includes a triangle defined by the property lines and a line joining two points located twenty-five (25) feet from the intersection of the property lines;
- (b) Fences, walls, and /or hedges may be permitted provided that such items do not impair vision from three (3) feet to six (6) feet above the curb line elevation.

**Section 5.7 Residential Design Standards**

The purpose of these standards is to implement selected goals and policies identified in the Blanco Comprehensive Plan and to achieve a minimum level of quality and compatibility in new and existing developments while maintaining significant flexibility in site layout and design.

(1) Residential Lot Organization

Blocks shall be laid out to provide effective connectivity within and among subdivision and neighborhoods.

- (a) All lots must be numbered consecutively within each block.
- (b) The total block length shall not exceed one-thousand-three-hundred-twenty (1,320) feet
- (c) The total block length in Non-residential, Multifamily, and Agricultural Residential Zoning Districts may not exceed ten (10) times the minimum lot width permitted in the district as provided in Table 5.1.
- (d) Residential lots with frontage on an arterial street shall also have frontage on a local street so that such lot(s) have vehicular access to a local street and not only to an arterial.

(2) Garages and Driveways

- (a) All residences must provide for the ability of at least two (2) vehicles to be parked on an all-weather surface within the lot boundaries accessible by an all-weather access driveway. (Reference Section 7.4 Driveway Design and Construction Requirements)



### (3) Fences and Walls

- (a) Fences, fence posts, and freestanding walls within or bordering residential lots shall not exceed six feet (6') in height as measured from the ground level at the base of the fence or wall.
- (b) The maximum height may be increased to eight feet (8') for a semitransparent fence where the open and unobstructed area in proportion to the total fence area (measured perpendicular to the fence) is four-to one (4/1) or greater.

### (4) Accessory Buildings

#### (a) Number of Structures

- i. The combined floor area of all accessory structures on any residential lot shall not exceed ten percent (10%) of the total lot area.
- ii. There shall be not more than one (1) accessory structure used for, or intended to be used for, living quarters on any residential lot.
- iii. There shall be not more than two (2) accessory structures located on a single-family residential lot in high density and medium density residential zoning districts

#### (b) Setbacks

- i. Accessory buildings on residential lots shall meet all front, side, and rear yard setback requirements for primary structures.
- ii. Accessory buildings located behind the rear façade of the primary structure may meet the following setback:
  - 1. If the accessory building is two hundred (200) square feet or less in area and eight feet (8') or less in height, then it shall be setback a minimum of three feet (3') from the property line.
  - 2. If the accessory structure is greater than two hundred (200) square feet in area or eight feet (8') in height, then it shall be set back one (1) additional foot (1') from the property line for each one foot (1') in height up to the minimum setback for a primary structure.
- iii. Notwithstanding the above, any garage or carport shall be setback a minimum of ten feet (10') from a right-of-way.

### (5) Portable Building Standards

No portable storage building shall be erected in any required setback area.

## (6) Multifamily Residential Buildings

- (a) A multifamily building is any residential development containing more than two (2) dwelling units.
- (b) Building Size
  - i. The maximum building height shall be thirty-five feet (35') or two and one-half (2.5) stories, whichever is shorter.
  - ii. Townhouse buildings shall have a minimum of four (4) dwelling units and a maximum of eight (8) dwelling units in a row along a block face.
- (c) Façade
  - i. The first floor of the front façade shall have as a minimum thirty percent (30%) of the surface area constructed in windows, doors, or other opening to facilitate compatibility with single-family uses.
  - ii. Apartment buildings may reduce such minimum to fifteen percent (15%) of the façade surface area.
  - iii. Townhouse and apartment buildings shall comply with the buffering requirements in Section 5.11.

## Section 5.8 Nonresidential Design Standards

### (1) Nonresidential Buildings Façade

- (a) Buildings shall be designed to face the street, courtyards may exist within or between buildings, and buildings may open up to the courtyard, however the front façade of the building must nonetheless address the street.
- (b) All sides of a building shall be architecturally consistent in regard to style, colors, and details.
- (c) All nonresidential building facades within two-hundred feet (200') of the property line along a roadway shall be clad in masonry, decorative metal, or wood.
- (d) No building façade shall extend horizontally for a distance greater than three (3) times its height without a change in elevation of fifteen percent (15%) of such height. This height change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.
- (e) Blank wall or service area treatment of side and/or rear elevations visible from the public right-of-way is not allowed. If the building code necessitates such walls, the walls shall be articulated as specified above and/or textured and landscaped.

## (2) Building Entrances

- (a) All entrances and exits shall have a continuous pedestrian walkway that is connected to a public sidewalk on the primary street and intersecting secondary street.
- (b) All building entrances shall be defined and articulated by architectural elements such as lintels, pediments, columns, porticos, porches, overhangs, railings, and other such elements which are compatible with the style and details of the building as a whole.
- (c) At least thirty percent (30%) of the façade facing an arterial roadway shall be comprised of apertures (doors, windows, and other openings); this requirement shall be reduced to fifteen percent (15%) in industrial zones.

## (3) Roofs and Other Coverings.

The following types of roofing materials and designs are prohibited:

- (a) Roofs less than or equal to a two-to-twelve (2/12) pitch unless they utilize full parapet coverage;
- (b) Mansard roofs and canopies without a minimum vertical distance of eight feet (8') and at an angle not less than twenty-five (25) degrees, and not greater than seventy (70) degrees;
- (c) Back-lit awning used as a mansard or canopy roof; and
- (d) Steel and aluminum awnings facing a public street.

## (4) Water Conservation and Landscaping

Water conservation measures such as xeriscape are recommended.

## (5) Commercial Buildings (does this include R-5?)

- (a) Commercial uses may be contained in multi-story, **mixed-use** structures with commercial/retail uses on the ground level and apartment dwelling or offices on the upper levels.
  - i. Commercial uses may only be integrated with dwelling units on the first floor if the dwelling is occupied by the owner or principal commercial tenant for the building.
  - ii. Building shall have a separate and direct entry into residential area.
- (b) In order to maintain an integrated overall character of the building façade, storefronts and other commercial facades on the first floors of a building shall be integrally designed with the upper floors.

- i. Any large pane display windows on ground floor retail, service, and restaurant uses shall not exceed seventy-five percent (75%) of the ground level façade area. Large panes shall rest on a base of at least eighteen inches (18”) at the ground level.
  - ii. Any building design with multiple storefronts shall be coordinated through the use of architecturally compatible materials, colors, details awnings, signage, and lighting fixtures.
- (c) Buildings on a development site shall be situated in a manner that allows pedestrians to directly reach their destinations within the site, or to directly reach continuous pedestrian walkway linking destinations outside the development. Site design shall provide direct access into the buildings from the public sidewalk.

#### (6) Shopping Center and Superstores

In addition to the other standards in this Chapter that apply to commercial and retail site developments, the following standards and guidelines shall apply to large stores and shopping centers that contain more than fifty-thousand (50,000) square feet in one building or more than eighty-thousand (80,000) square feet in one shopping center site development.

- (a) Developments shall create a continuous public edge and streetscape on all frontages using, among other techniques, active building faces (windows and doors and covered entries for viewing into and entering the building), landscaping on the sides of buildings, sidewalks and street furniture, and low walls, canopies and decorative fencing or screening.
- (b) Pedestrian walkways shall be protected from vehicular intrusions with elements integrated into the overall streetscape design, including curbs, landscaping, bollards or other elements.
- (c) Large building facades shall be articulated with projections or indentations and with clearly marked and well-designed entries (as required above).
- (d) Blank facades shall not be exposed to public streets.
  - i. Buildings with long facades shall be massed and articulated by design elements including texture, canopies, transparency, and the vertical expression of structural bays so that the scale of the building does not overwhelm the streetscape as described in Section 5.9(1) above.
  - ii. The building design shall provide differentiation between bottom floor, top floor, and any floors in between.
  - iii. Buildings shall incorporate horizontal design elements to add interest and reduce the massive scale of the building and to complement the character of adjacent buildings including, for example, building bases, sills, cornices and rooflines.

- (e) Vehicular and pedestrian access to adjacent current and future uses shall be incorporated in the initial site planning stages. Driving aisles and vehicular access routes shall be designed with connections to adjacent existing as well as future roads, sidewalks connecting to public sidewalks, curbs, street furniture and protective landscaping.

## **Section 5.9 Site Development Permit**

### **(1) Purpose and Scope.**

- (a) This Section establishes a site plan review process for all proposed nonresidential and certain residential developments. Generally, this chapter applies to horizontal improvements necessary to develop a site, rather than the vertical improvements involved with erecting buildings. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with the comprehensive plan, appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and stormwater management, sanitary facilities, coverage, and other utilities and services.
- (b) This chapter applies to all property within the incorporated municipal boundaries (i.e., City limits) and the extraterritorial jurisdiction (ETJ).

### **(2) Site Development Permit Required**

No development shall be undertaken on any land, tract, parcel, or lot within the corporate limits or ETJ of the City until a site development permit for said development has been obtained from the City. Exceptions to this prohibition are enumerated below.

- (a) Approval requirements.
  - i. Site plan review and approval shall be required for all nonresidential and specified residential projects and any planned development district (PD) or special use permit (SUP) public hearings may also be required, as set forth in these regulations.
  - ii. No building permit shall be issued for any of the above developments in the City limits until a site plan and all other required engineering or construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City. The site plan review process shall include three (3) steps:
    - 1. Pre-application conference;
    - 2. Site plan review; and
    - 3. Construction of the project after City approval of the required site plan and other associated plans, including engineering plans.

(b) Exemptions. Site plan review shall not be required for the following:

- i. The cultivation of land for agricultural purposes, fence building or rebuilding.
- ii. Street construction and maintenance projects that do not increase the impervious cover beyond that of the original street.
- iii. Construction or reconstruction of duplex residential housing and associated buildings, drives, and other appurtenances provided:
  1. No more than one structure is constructed per legal lot;
  2. No proposed improvement is located in the 100-year floodplain;
  3. The City Engineer has determined that the proposed improvement would not have an effect on the waterway; and
  4. City erosion and sedimentation control regulations are complied with.
- iv. Structural repairs or replacements to existing structures.
- v. Construction or reconstruction of barns, silos, livestock pens, sheds, and other agriculturally related structures.
- vi. Selective clearing of vegetation performed in conjunction with subdivision development, and in compliance with the permitting and platting requirements of the subdivision ordinance of the City.
- vii. Any site fully developed prior to the effective date of this chapter.
- viii. Any site for which a permit was issued under a previous version of this Chapter.
- ix. Single-family detached residential developments, unless the proposed subdivision will include a private amenity or facility comprised of one or more buildings, such as a private recreation or swimming facility or clubhouse or a golf course. Also, this exemption shall not apply if the proposed subdivision will have private (not public) streets. In these instances, site plan submission and approval are required for the private amenity or facility, the golf course clubhouse/hospitality area, and the gated entrances.

(3) Required submissions. Plan submission shall be comprised of the items set forth below:

- (a) An application form, in the format provided by the City, with notarized signatures of the owner.
- (b) Filing fee.
- (c) Verification that all taxes and assessments on the subject property have been paid.
- (d) Copies of the plan, on 24" x 36" sheets, and drawn to a known engineering scale that is large enough to be clearly legible, and other required information, the quantity of which shall be determined by the City.

- (e) General layout for the required public improvements, including water, wastewater, grading and storm drainage, streets, water quality, alleys, fire lanes and hydrants, the quantity of which shall be determined by the City.
  - (f) Reduced copies (11" x 17" or smaller) of the site plan as required by the City.
  - (g) Building facade (elevation) plans drawn to scale, the quantity of which shall be determined by the City.
  - (h) Any additional information/materials, such as plans, maps, exhibits, legal description of property, and information about proposed uses, as deemed necessary by the City, in order to ensure that the written request is understood.
  - (i) Sign plan and requests for any variances from the City's sign ordinance.
  - (j) Exterior design plan and explanation of how the project complies with the City's exterior design standards.
  - (k) A statement listing the utilities that will service the project.
  - (l) Any variances requested for development of the project.
- (4) Incomplete submissions. All required items and information must be received by the City Secretary in order for site plan submission to be considered complete. Incomplete submissions will not be reviewed until all deficient items or information has been received.
- (5) Official submission date.
- (a) For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for approval of a site plan, that contains all elements and information required by this chapter, including all related administrative fees, is first submitted to the City Secretary.
  - (b) No application shall be deemed officially submitted until the City Secretary or the City Secretary's designee determines that the application is administratively complete, and a fee receipt is issued by the City.
  - (c) Site plan applications that do not include all required information and materials designated under this chapter will be considered incomplete. Such incomplete plans shall not be accepted for official submission by the City and shall not be scheduled for any action by the City until the proper information is provided to City Staff.
  - (d) Notice of submittal. An applicant must provide written notification in accordance with this subsection. Notice must be distributed not more than thirty (30) nor less than fifteen (15) days after a completed application has been submitted to the City. This notice shall be distributed as follows:
    - i. Delivery to all property owners within two hundred feet (200') of the periphery of the land subject to the site development permit application.

ii. Notice on the City's Website including address, contact information, and the location where the site development permit application may be obtained.

(e) Notice of hearing. An applicant must provide written notification in accordance with this subsection if the application is scheduled for a public hearing. Notice of the hearing must be published in the City's official newspaper no more than thirty (30) nor less than fifteen (15) days before the first hearing at the P&Z.

(f) Additional information. The City Staff or officers may require information and data other than that set out in this section for specific site plans. This information and data may include but is not limited to geologic information, water yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, historic structure(s) and/or land, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based upon such information.

#### (6) Evaluation Standards

The City Secretary or the City Secretary's designee shall review the site plan for compliance with all applicable City ordinances and with the comprehensive plan; for harmony with surrounding uses and with long-range plans for the future development of the City; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of its property values and the general welfare. The site plan review and evaluation by the City shall be performed with respect to the following:

(a) The plan's compliance with all provisions of the zoning ordinance and other ordinances of the City.

(b) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.

(c) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.

(d) The provision of a safe and efficient vehicular and pedestrian circulation system.

(e) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

(f) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

(g) The coordination of streets so as to arrange a convenient system consistent with the transportation plan of the City.



- (h) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
- (i) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties (in compliance with the City's Outdoor Lighting Ordinance).
- (j) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (k) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- (l) Protection and conservation of watercourses and areas subject to flooding.
- (m) The adequacy of water, drainage, sewer facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (n) Consistency with the comprehensive plan.

(7) Approval Process.

- (a) Informal consultation. The applicant(s) shall consult with the City Secretary, the City Engineer, and/or other designated administrative officers before preparing a site plan in order to save time and money and to avoid potential unnecessary delays.
- (b) City Staff review. Upon official submission of a complete application for site plan approval, the City shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the City Engineer, planning consultant, and any other pertinent City Official(s). Development review team members shall review the application and shall ascertain its compliance with these and other applicable City regulations. Following City Staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plan to the City Secretary within sixty (60) calendar days following the date on which the applicant received official notification of the completion of the review by the City.
- (c) The City may, after review of applications, approve applications for small projects, being those consisting of 3,500 square feet of improvement area, cumulative or smaller. Applications reviewed under this subsection shall be exempt from all public notice requirements stated above. At the discretion of City Staff, small projects may be referred to the P&Z and Council for approval or denial. Improvement area includes where any of the site is disturbed for the project including parking areas, landscaping, and the actual building site.

- (d) Denial by City Staff. The City Staff's denial of a plan shall then be reviewed by the P&Z and City Council through the review process outlined herein. The plan that was denied shall be submitted to the City Secretary no later than seven (7) calendar days prior to the P&Z meeting. Copies of the plan resubmitted to the City less than seven days prior to the meeting date shall not be accepted or forwarded to the P&Z. If the City Secretary determines that the application is still incomplete or not correct, the plan application shall be subject to denial.
- (e) Action by P&Z and City Council.
  - i. The City Secretary shall schedule consideration of the site plan on the regular agenda of the P&Z, within forty-five (45) days after a complete submission is received. The P&Z shall review the site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the site plan. If the P&Z recommends approval, with or without conditions, of the plan, then it will be forwarded to the City Council for consideration. If the P&Z recommends disapproval of a plan application, the P&Z shall state such disapproval and the reasons thereof.
  - ii. All applications shall be reviewed by the P&Z under this subsection and then shall be referred to the City Council for approval or denial.
  - iii. The City Council shall consider an application for a site development permit that involves a variance, PD, or SUP at a public meeting no later than thirty (30) calendar days after the completed application was heard by the P&Z.
  - iv. The City Council shall make the final decision on any site plan submission.

(8) Revisions to site development permit.

- (a) Minor deviations or design modifications requiring changes in a site development permit may be approved by the Mayor, after review by City Staff, without formal application or public hearing. For purposes of this subsection, minor deviations or design modifications are determined by the City Engineer to have no significant impact on neighboring properties, the public, or persons who will occupy or use the proposed development. An applicant requesting changes to a released site plan shall submit a written request identifying the requested changes to the City Engineer. Any changes approved by the City Engineer shall be in writing.
- (b) All other requests for modifications to a site development permit shall be processed as a new application. If the Council acts on the request, new conditions may be imposed, but the applicant may reject the additional conditions by withdrawing the request for an amendment and proceeding in accordance with the previously released site development permit.

(9) Plan Duration.

The approval of a site plan shall be effective for two (2) years. Plans expire if the applicant has not begun construction within that two (2) year period.

(10) Site Plan.

- (a) Applicability and purpose. Submission of a site plan and City approval of a site development permit is required as stated above. The purpose of the site plan approval is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction. Approval of the site plan, landscape plan, building facade plan, and engineering plans is required prior to site construction.
- (b) Area in site plan. When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed or constructed.
- (c) Submission requirements. The site plan shall be prepared at a scale no smaller than one-inch equals one hundred feet (1" = 100') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall clearly show in detail how the site will be constructed such as paving, buildings, landscaped areas, and utilities. The site plan shall include but not be limited to the following:
  - i. A title block within the lower right-hand corner of the plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer, architect or surveyor responsible for the plan, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of the county;
  - ii. A vicinity or location map that shows the location of the proposed development within the City or its ETJ and in relationship to existing roadways;
  - iii. The boundary survey limits of the tract and each proposed lot, and scale distances with north clearly indicated;
  - iv. The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements, with recording information; existing buildings; railroad rights-of-way; topography with contours at two-foot intervals with existing drainage channels or creeks, including the 100-year floodplain, if applicable; any other important natural features;
  - v. The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways, showing driveway widths and distances between driveways, and proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;

- vi. Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights; square footages, which for multi-tenant or multi-purpose buildings must show square footage for each intended use; massing, orientation, loading and service areas, including proposed screening, recycling containers, compactors and dumpster enclosures, including proposed screening, pedestrian walkways, and parking areas including parking ratio calculations; any proposed sites for parks, schools, public facilities, public or private open space; floodplains and drainageways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development-related features;
  - vii. A landscape plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule, including species, planted height, spacing, container and caliper size, numbers of each plant material, any existing wooded areas, trees to be planted, and irrigation plans, if required; and
  - viii. Building facade (elevation) plans showing elevations with any wall-mounted signage to be used, as determined appropriate by the Mayor.
- (d) Conformance to requirements. Provision of the above items shall conform to the principles and standards of this chapter and the comprehensive plan. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the Mayor shall have the authority to update such requirements for site plan and development review application forms. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.
- (e) Effect of review. Approval of the site plan shall result in the issuance of a site development permit. The permit shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained, such as engineering plans, landscape plan, building facade plans, and building permits.

#### (11) Variances

- (a) Presumption. There shall be a presumption against variances. However, if the applicant requests a variance in writing, the city council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.
- (b) Identification. All variances requested for a project must be identified during the site plan approval process.
- (c) Conditions. In granting a variance, the city council shall prescribe upon the applicant only conditions that it deems necessary to or desirable in the public interest.

- (d) General criteria. In making the findings required below, the city council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- (e) Required findings. No variance shall be granted unless the city council finds that all of the following provisions are met, and the burden shall be on the developer to show that the following provisions are met:
  - i. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;
  - ii. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
  - iii. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - iv. That the granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.
- (f) Restrictions. When the city council determines that a variance is warranted, the variance permitted shall be the minimum departure from the terms of this article necessary to avoid such deprivation of privileges enjoyed by such other property to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences.
- (g) Recommendation by P&Z and City Engineer. The city council shall seek the recommendation of the P&Z and the City Engineer prior to taking any action on a proposed variance.
- (h) Record. Such findings of the city council, together with the recommendation of the P&Z, and the specific facts upon which such findings are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety, and welfare may be secured, and substantial justice is done.

(12) Clearing and rough-cutting

- (a) Prohibition. No right-of-way clearing or rough cutting shall be permitted prior to the issuance of a site development permit by the Council. Limited clearing for soil testing and surveying shall be allowed.

(b) Inclusion in plan. Clearing for the temporary storage of spoil or construction equipment, or for permanent disposal of fill material or spoils, shall be so designated on the site plan. The developer must provide erosion and sedimentation controls and the continuing maintenance thereof acceptable to the City Engineer.

(c) Initial brush removal.

i. Applicants may mechanically remove brush without material soil surface disruption prior to receiving approval of plats in order to determine the location of roads, lots, utilities and drainage areas with regard to preservation of environmental features. Applicants may exercise this option only by utilizing rubber-tired equipment for brush removal.

ii. Agricultural and farming operations on land subject to the Ag exemption for tax purposes are exempt from the restrictions of this section.

### (13) Cuts and fills

(a) No fill on any building site shall exceed a maximum of six feet (6') of depth, except as approved by the City Engineer, in the areas designated as permanent on-site spoils disposal sites; provided, however, that fill placed under foundations with sides perpendicular to the ground, or with pier and beam construction, need not comply with this requirement.

(b) No cut on any building site shall be greater than six feet (6'), unless approved by the City Council, except for structural excavation.

(c) All new drainage channels on the site shall be designed to minimize potential erosion. All constructed and altered drainage channels shall be stabilized and vegetated immediately after final grading.

### (14) Inspections

(a) Consent. Any person or successor and assigns who has filed a site development plan for approval pursuant to this article agrees to allow entry on the tract or premises which are the subject of such applications for the purpose of inspection of conditions during the approval stage and during development and construction by duly authorized inspectors of the City.

(b) Costs. Inspections mandated under this section shall be at the applicant's expense, or at the expense of the owner, at the time the inspection is performed, in accordance with the fee schedule adopted by the City Council.

(c) Construction phase. The City shall cause such inspection to be made of the land or premises during development and construction so as to assure full compliance with all terms, conditions, requirements, and agreements to which the person obtaining approval of a site development plan under this article is bound.

- (d) Notices. The applicant shall designate one person or legal entity, with a current address, to which any notice of noncompliance shall be given pursuant to this section.

(15) Expert Review of Site Plan Applications

The applicant shall reimburse the City within fifteen (15) business days of the date of receipt of an invoice for actual expenses associated with the third-party expert's review of the application. Failure by the applicant to make reimbursement pursuant to this section shall abate the pending application until paid in full. The City may, at its discretion, require a deposit by the applicant prior to the commencement of the expert review.

**Section 5.10 RESERVED**

**Section 5.11 Landscaping**

**Division 1 In General**

**Section 5.11-1 Findings, purpose and intent**

- (1) The City of Blanco is situated in the Hill Country of Texas. Landscaping shall be provided to maintain a rural character, provide stability and enhance the visual and aesthetic image of the City of Blanco.
- (2) The City Council finds that trees are important public resources that contribute to the unique character of the city and its physical, historical, cultural, aesthetic, ecological and economic environment. Trees reduce the effects of pollutants, provide wildlife habitat, shade and cooling, and add value to real property. It is the goal of the City Council to secure these benefits by maintaining the urban forest canopy over a significant area of the city.
- (3) This article is intended to prevent the indiscriminate cutting of trees in advance of development, to require the consideration of trees as a component of site design, and to allow for the commercially reasonable development of private property subject to minimum standards for the preservation and planting of trees. The provisions of this article shall not be construed or applied to preclude development or. Prohibit ingress or egress.

**Section 5.11-2 Definitions**

*"Caliper"* refers to the trunk diameter of nursery stock trees planted to satisfy a requirement of this article. Caliper is measured six inches above the root ball for trees that are four inches in diameter or smaller, and twelve inches above the root ball for larger nursery stock.

*"Critical root zone"* means the area within a radius extending out from the trunk of a tree one foot per each diameter inch of the trunk as measured at breast height.

*"Diameter at breast height or DBH"* means the diameter of a tree trunk to the nearest inch measured 4.5 feet above ground level at the base of the tree. On sloping terrain the measurement is made on the uphill side of the tree.

*"Director"* means the City Administrator, or the officer or employee designated by the director to administer the provisions of this article.

*"Development"* means the process of altering the condition of land by clearing, grading, construction or any activity that requires or results in the removal of protected trees. The term includes but is not limited to any action that requires a building permit.

*"Hazard tree"* means a tree determined by the Director that endangers the public health, safety or welfare or that poses a threat of Injury to persons or property, including other trees, by virtue of damage, disease, insect infestation, instability or other injurious conditions.

*"Healthy tree"* means a tree that is free from significant stress, damage, disease, insect infestation or other conditions that substantially reduce the prospect of long-term viability. The tree shall have a fair to well-developed crown and less than 20% deadwood.

*"Heritage tree"* means a tree of a species listed on the Texas Forest Service list of native and naturalized trees of Texas that has a circumference not less than 75% of the threshold circumference required for classification as a "big tree"

*"Infrastructure"* means streets, sidewalks, drainage, water, sewer or other public utility improvements.

*"Manufacturing"* means or refers to an activity within sectors 31-33 of the North American Industry Classification System.

*"Non-residential property"* means property that is development for any purpose other than one- or two-family residential use. The term includes property developed for multi-family residential use such as apartments, condominiums or other similar forms.

*"Protected tree"* means a tree that is six inches (6") or greater in DBH, or a smaller tree minimum three inches (3") but less than six inches (6") DBH that has been planted or preserved in conformity with a canopy plan approved in connection with a permit issued under this article.

*"Residential property"* means property that is actually used for or is dedicated or restricted to use for one- or two-family residential use. The term does not include multifamily residential use such as apartments, condominiums or other similar forms.

*"Understory"* means the underlying layer of vegetation growing below the forest canopy including smaller trees, saplings and native shrubs, but not including grasses or other ground covering vegetation.



*“Warehousing”* means an activity within subsector 419 of the North American Industry Classification System. This definition specifically excluded self-storage businesses that rent storage spaces or units to the public.

*“Woodland tree stand”* means an area of contiguous wooded vegetation covering at least two thousand five hundred (2,500) square feet where trees are at a density of at least one protected tree per five hundred (500) square feet of land and where the branches and leaves form a canopy over substantially all the area.

### **Section 5.11-3 Applicability and exemptions**

- (1) Except as otherwise provided by this section the requirements of this article are applicable throughout the corporate limits of the city and apply to all types of development or development activity by both public and private entities, including but not limited to:
  - (a) The removal of any protected tree;
  - (b) Clearing of all or a portion of property;
  - (c) Subdivision of land for any purpose,
  - (d) Additions to non-residential buildings or parking lots that expand the footprint of the structure by thirty percent (30% } or more, or that add at least three thousand (3,000} square feet of area to the existing structure;
  - (e) Construction of new non-residential structures for which a building permit is required; and
  - (f) Construction of new one- or two-family residential structures.
- (2) This article does not apply to:
  - (a) Changes in the use or configuration of existing non-residential buildings or parking lots that does not expand the structure beyond the limits provided in (a)(4) of this section;
  - (b) Property located within the central business district;
  - (c) Clearing, maintenance or tree trimming within an easement or right-of-way by a utility company;
  - (d) The construction of streets or highways by or on behalf of a state or local government entity; and
  - (e) The removal or trimming of trees or other vegetation within or adjacent to street rights-of - way to conform to traffic safety rules requiring unobstructed views.

### **Section 5.11-4 Technical standards and specifications**

The director is authorized to prepare technical standards and specifications to ensure the proper implementation of the provisions of this article. The technical standards and specifications may include standards for tree preservation during construction, standards for planting, irrigation, maintenance, replacement and other related matters. When approved by the City Council such technical standards and specifications shall be incorporated into this article by reference and shall have the force of ordinance.

In the event of any conflict between the provisions of this article and the provisions of the technical standards and specifications, the provisions of this article shall control.

### **Section 5.11-5 Permit required for removal of protected tree**

- (1) No person may cut down, harvest or remove any protected tree unless authorized to do so under a permit issued as provided by this article. Only the following permits may issue to authorize the removal of a protected tree:
  - (a) A protected tree removal permit;
  - (b) A timber harvesting permit; or
  - (c) A subdivision plat, building permit or other form of development permit that incorporates a tree preservation and landscape plan approved under this article.
- (2) It is an exception to the requirement of this section that the removed tree was a hazard tree and posed an imminent threat to the safety of persons or property so that immediate removal was warranted.
- (3) It is an exception to the requirement of this section that the tree was removed from a residential lot by or at the direction of the homeowner residing on the property.
- (4) It is an exception to the requirement of this section that the tree removed is a Hackberry, Mesquite or Ash Juniper.

### **Section 5.11-6 Protected Tree Removal Permit**

- (1) A protected tree removal permit may be issued to authorize the removal of:
  - (a) Any protected tree that is dead or dying;
  - (b) Any protected tree that has become a hazard tree;
  - (c) Any protected tree that obstructs the only practicable means of ingress or egress to or from property; or
  - (d) Any other protected tree located on previously developed property provided that removal of the protected tree does not reduce the tree canopy below the required minimum tree canopy applicable to the property under section 5.11-11.
- (2) A protected tree removed from previously developed property under a permit issued in accordance with this section must be replaced elsewhere upon the property unless the minimum canopy requirements of this article are satisfied without the necessity of replacement.
- (3) The director shall prescribe the form of application for a tree removal permit. An application fee in the amount of \$100,00 must accompany each application.

## **Division 2 Tree Preservation and Development Planning**

### **Section 5.11-10 Preservation of Protected Trees in Preservation Zones on Non-Residential Property**

- (1) The following areas of all non-residential tracts or parcels are designated tree preservation zones:
  - (a) A strip twenty-five (25) feet deep along the front of the property, running parallel and adjacent to the rear line of any easement or series of easements abutting the street right-of-way, or adjacent to the right-of-way if there are no abutting easements; and
  - (b) A strip eighteen (18) feet deep along any side street, running parallel and adjacent to the rear line of any easement or series of easements abutting the street right-of-way, or adjacent to the right-of-way if there are no abutting easements.
- (2) Where non-residential property is developed adjacent to existing one- or two-family residential developments, a preservation zone is required along the common boundary. The preservation zone adjacent to residential development shall be a strip not less than eighteen (18) feet deep running parallel and adjacent to the common boundary and not less than fifteen (15) feet deep behind the back line of any easement or series of abutting parallel easements along the common boundary.
- (3) Protected trees located within a preservation zone are subject to mandatory preservation and no permit shall issue to authorize the removal of any healthy protected tree except where the removal is necessary for the construction of infrastructure, driveways or on-premise advertising signs.

### **Section 5.11-11 Minimum Tree Canopy Required for Development**

- (1) All property developed for any purpose must meet the minimum tree canopy requirements of this section. Where the canopy of protected trees in preservation zones on non-residential property is insufficient to meet the required minimum, then additional canopy shall be provided by new tree planting or the voluntary preservation of protected trees in the interior of the property.
- (2) The minimum required tree canopy for non-residential development is:
  - (a) 20% of the gross area of property developed for use by manufacturing or warehousing establishments; and
  - (b) 30% of the gross area of property developed for all other non-residential purposes.
- (3) The minimum required tree canopy for residential property development is 30% of the gross area of each section of a subdivision developed for residential purposes. Not less than one-third of the required canopy must be provided through preservation of existing trees.

### **Section 5.11-12 Parking Lot Trees**

In the case of new parking lots or additions to existing parking lots sixty (60) square feet of tree canopy must be preserved or planted for each additional parking space. Parking lot trees must be located in the interior of the parking lot or in an area immediately adjacent to the parking lot. For parking lots of 250 spaces or more, at least fifty percent (50%) of the parking lot canopy must be located within the interior of the parking lot. Only trees of the preferred species listed in section 5.11-17 may be used to satisfy the planting requirements of this section and all such trees must be at least three-inch caliper and a minimum of six (6) feet in height.

### **Section 5.11-13 Required Buffering of Parking Lots**

- (1) New parking lots shall be effectively buffered from street view. Buffering shall consist of native shrubs planted along each perimeter line of a parking lot which faces a public street, exclusive of driveway entrances and pedestrian walkways.
- (2) Native shrubs shall be planted, maintained and replaced as necessary to ensure compliance with the minimum number applicable to each perimeter line based upon the following formula:

$$\text{Required Native Shrubs} = \text{Perimeter in Feet} / 3$$

- (3) Native shrubs in the number required by this section should be placed uniformly to provide substantially the same density of ground cover along the entire perimeter line. Native shrubs shall be maintained at a height of not more than 36 inches or less than 24 inches as measured from the surrounding soil line.

### **Section 5.11-14 Pre-Development Planning Process**

- (1) No development may occur unless the site of the proposed work is covered by an approved tree preservation and landscape plan. The location of all proposed buildings and improvements shall be oriented by the applicant at the applicant's sole discretion, taking into consideration the existing tree stock and other relevant characteristics of the site. The applicant must preserve protected trees within the tree preservation zones and is encouraged to consider the voluntary preservation of trees in other spaces visible from abutting streets and public spaces.
- (2) Based on the applicant's proposed site plan a tree survey will initially be performed by the applicant to document the tree canopy area resulting from preservation of protected trees in preservation zones and other areas that are not disturbed by the applicant's plan of development. New tree stock shall be planted where the required minimum canopy is not met through preservation alone. Preservation credits shall be calculated prior to calculating the canopy area to be supplemented by new tree stock.

### **Section 5.11-15 Tree Survey Requirements**

- (1) Each tree survey shall be performed by the applicant and the results submitted on a scaled diagram of the property. The diagram shall be at a scale of not less than one inch to one hundred feet and may be an engineered drawing, survey, aerial photograph or other accurate illustration of the existing conditions which includes the following information:
  - (a) An aera map locating the property within the community;
  - (b) The boundaries of the property and its calculated areas;
  - (c) The location of all existing streets, drainage and utility easements that are on or adjacent to the property;
  - (d) The location of the required tree preservation zones on non-residential property and the approximate location and identification number of any healthy protected trees located within such zones;
  - (e) The approximate location and identification number of each healthy protected tree that is to be preserved under the applicant's plan of development; and
  - (f) Where the preservation of woodland tree stands is defined by this article is proposed, the boundary and total area of woodland tree stand.
- (2) Each protected tree that is individually located by the survey will be tagged with a blue sequentially numbered aluminum tag and flagged with blue plastic flagging. The tree survey submittals must include a table cross referenced to the diagram with the identification number, species, DBH and canopy area of each such tree. The table must note each protected tree for which heritage credits will be claimed. Only healthy trees will receive canopy credits.
- (3) The tree survey must be accompanied by a reasonably current aerial photograph reflecting the pre-development condition of the property.

### **Section 5.11-16 Canopy Measurement**

- (1) Tree stand delineation is the required method of canopy measurement for trees within a woodland tree stand. The canopy area of a woodland tree stand is the area within a perimeter that contains all trees in the tree stand. The tree stand area may be surveyed on the ground or estimated from an aerial photograph depicting existing conditions. The city registered urban forest professional that performs the tree survey must verify the character of the tree stand through an on the ground inspection.

- (2) Individual protected trees not located within a woodland tree stand are classified by trunk size (DBH) and receive the canopy area credit applicable to their size classification as provided in Table I. Only healthy trees of a species on the Texas Forest Service list of native and naturalized trees of Texas, excluding those classified as shrubs, may receive preservation credits.

**TABLE I. CANOPY AREA CREDITS FOR INDIVIDUAL TREES**

<b>DIAMETER AT BREAST HEIGHT</b>	<b>CANOPY CREDIT</b>
At least 6”, but less than 12” DBH	600 square feet
At least 12”, but less than 18” DBH	800 square feet
At least 18” DBH	1200 square feet
Heritage Tree	1800 square feet

**Section 5.11-17 New and Replacement Trees**

- (1) Only trees of the preferred species listed in Table II of this section are considered acceptable for new and replacement tree planting. Additional tree species may be considered and approved on a case by case basis by the director and such trees will receive the canopy credit applicable to the species height class. New trees must be a minimum of three inches in caliper at planting and receive the canopy credit listed in Table II. Each new tree must be planted in a previous area containing not less than 162 square feet per tree.

**TABLE II. PREFERRED SPECIES LIST**

<b>Tree Species &amp; Height at Maturity</b>	<b>Leaf Type</b>	<b>Canopy Credit</b>
<b>A. Large – Over 40’ Tall</b>		
Texas Ash*	deciduous	600 Square feet
Bald Cypress	deciduous	600 Square feet
Cedar Elm*	deciduous	600 Square feet
Maple*	deciduous	600 Square feet
Bigtooth Maple*	deciduous	600 Square feet
Oak*	deciduous	600 Square feet
Oak, Bur*	deciduous	600 Square feet
Oak, Chinquapin*	deciduous	600 Square feet
Oak, Live*#	evergreen	600 Square feet
Oak, Escarpment Live*	deciduous	600 Square feet
Oak, Shumard*	deciduous	600 Square feet

**B. Medium 25-40' Tall**

Mesquite Honey	deciduous	400 Square feet
Oak, Lacey	deciduous	400 Square feet
Oak, Texas Red	deciduous	400 Square feet

**C. Small Less Than 25' Tall**

Buckeye, Mexican Pwrl.	deciduous	150 Square feet
Buckeye, Red Pwrl.	deciduous	150 Square feet
Carolina, Buckthorn Pwrl.	deciduous	150 Square feet
Desert Willow Pwrl.	deciduous	150 Square feet
Eve's Necklace Pwrl.	deciduous	150 Square feet
Goldenball Pwrl.	deciduous	150 Square feet
Holly, Possumhaw Pwrl.	deciduous	150 Square feet
Hop Tree Pwrl.	deciduous	150 Square feet
Kidneywood Pwrl.	deciduous	150 Square feet
Mountain Laurel, Texas Pwrl.	deciduous	150 Square feet
Persimmon, Texas Pwrl.	deciduous	150 Square feet
Plum, Mexican Pwrl.	deciduous	150 Square feet
Redbud, Mexican Pwrl.	deciduous	150 Square feet
Redbud, Texas Pwrl.	deciduous	150 Square feet
Silktassel, Mexican Pwrl.	deciduous	150 Square feet
Sumac, Evergreen Pwrl.	deciduous	150 Square feet
Viburnum, Sandankwa Pwrl.	deciduous	150 Square feet

\*Denotes required species suitable for residential planting

#Residential planting credit for Live Oaks shall be limited to one tree per lot

Pwrl. denotes trees only suitable for planting under or adjacent to power lines

(2) Not less than fifty percent (50%) of the new trees planted shall be evergreen and not more than seventy-five percent (75%) may be of the large tree category.

(3) Only small trees may be planted under or near overhead power lines. Large species trees may not be planted within thirty feet (30') of overhead power lines. Medium species trees may not be planted within twenty feet (20') of overhead power lines.



## **Section 5.11-18 Understory Credits**

- (1) Woodland tree stand areas with preserved understory shall be entitled to a canopy credit for understory preservation that is equal to one-half of the understory area.
- (2) For purposes of achieving the required minimum coverage, the canopy attributable to woodland tree stands and preserved trees shall be determined first, then adjusted based on any credits applicable under this article. New planting shall be used to supplement the preserved canopy to achieve the required minimum. Trees preserved or planted to meet the parking lot requirement of section 5.11-12 will be fully credited towards the required canopy.

## **Section 5.11-19 Tree Preservation and Landscape Plan**

- (1) The tree preservation and landscape plan shall be a scaled diagram overlaying the approved tree survey and drawn to the same scale. Two copies of the plan shall be provided. The landscape plan shall be a plat plan which shows the proposed development including all necessary calculations, specifications and details necessary for preservations of existing trees during construction and for the installation of any new trees or other required landscape improvements required by this article. The landscape plan must be prepared, signed, and sealed by a licensed landscape architect. The tree preservation and landscape plan must show the following:
  - (a) The location and identification number of each protected tree to be removed from a preservation zone to accommodate utility improvements, sidewalks, driveways or signs;
  - (b) The proposed location of all new utility easements necessary to serve the property;
  - (c) The footprint of all proposed buildings, parking lots and detention ponds;
  - (d) The outline of each woodland tree stands to be preserved; ·
  - (e) The location of each additional protected tree that will be preserved; and
  - (f) The location of each tree to be planted to achieve the required minimum canopy.
- (2) The landscape and tree preservation plan must include or be accompanied by an irrigation plan designed and sealed by an irrigator licensed by the State of Texas. No irrigation shall be required for undisturbed natural areas or for existing trees to be preserved.
- (3) Where supplemental tree planting is required priority shall be given to planting within preservation zones adjacent to streets and other areas visible from public places. Trees may be planted or preserved within storm water detention areas provided that the trees do not interfere with the drainage or substantially impair the storm water detention function.



- (4) A tree preservation and landscape plan may only be approved in conjunction with the approval or issuance of a subdivision plat, building permit or other form of development permit. Compliance with the tree preservation and landscape plan is a condition of the development permit and no certificate of occupancy or certificate of acceptance for subdivision improvements may be issued until the director confirms that the development has been completed in conformity with the tree preservation and landscape plan.

### **Section 5.11-20 Accommodation of Development Standards**

- (1) The City Council recognizes that in certain instances the goal of this article must be balanced against potentially conflicting objectives arising from other development regulations. The director may modify or waive the application of development standards as provided in this section when the director determines that the modification will facilitate the tree preservation requirement of this article and will not substantially increase the risk of unsafe traffic conditions or congestion, inconvenience to pedestrians, or flooding.
- (2) Up to fifteen percent (15%) of required parking spaces may be waived if compliance with the canopy requirements cannot otherwise be achieved through preservation and if the reduction in parking area results in an equivalent increase in the area of preserved canopy.
- (3) Sidewalks may be relocated, reduced in width or otherwise modified, where the application of sidewalk standards would otherwise conflict with tree preservation and canopy objectives.
- (4) The director may consider the effect on site drainage of low impact development strategies incorporating tree preservation and tree planting and, guided by generally accepted engineering standards and practices, may approve offsetting reductions to the size of onsite storm water detention facilities.

### **Section 5.11-21 Protection of Critical Root Zone During Construction**

- (1) Not more than thirty percent (30%) of the area within the critical root zone of a protected tree may be encroached with temporary or permanent improvements and the remaining area shall be kept free of improvements and be protected during construction. Prior to development activities the contractor shall construct a protective fence which encircles the critical root zone area to be preserved around each protected tree or tree stand. Protective fencing must at a minimum consist of four (4) feet high orange plastic mesh net with t-posts, including a top rail or other type of support. Protective fencing shall remain in place through the completion of development activities.
- (2) The following activities within the critical root zone are prohibited:
  - (a) The zone shall be maintained at natural grade and no cutting, filling, trenching or other disturbance of the soil is permitted unless otherwise authorized by this article;
  - (b) No construction or waste materials shall be placed or stored within the zone;
  - (c) No harmful liquids shall be allowed to flow into the zone, including without limitation, vehicle or equipment wash water, paint, oil, solvents, asphalt, concrete, mortar or other materials;
  - (d) No vehicle or equipment traffic or parking shall be allowed within the zone; and

- (e) No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.
- (3) Utility installation through a critical root zone may be accomplished by boring where it is not possible to trench around the critical root zone of a protected tree. When necessary the bore shall be at a minimum depth of forty-eight (48) inches under the entire length of the zone. Irrigation trenching within a critical root zone shall be minimized and placed radially to the tree trunk in a manner that minimizes damage to the roots.
- (4) All irrigation trenching within the critical root zone shall be by hand work with no roots over one-inch diameter being cut.

### **Section 5.11-22 Post Development Maintenance and Replacement**

- (1) Protected trees, parking lot trees and shrubs, and replacement or mitigation trees must be maintained in a healthy condition for at least thirty-six (36) months following the issue of a certificate of occupancy. The property owner is responsible for irrigating, fertilizing, pruning and other maintenance of such trees and shrubs as needed. Preserved or planted trees that die within the maintenance period must be replaced within 90 days with new trees meeting the requirements of Section 5.11-17. Planted trees that die during the maintenance period must be replaced on a one to one basis. Preserved trees that die during the maintenance period must be replaced with new trees having a total canopy value that is not less than the canopy of the tree to be replaced. Replacement trees and shrubs planted to satisfy the requirements of this section are subject to a one-year maintenance period and must be replaced if they fail to survive the extended maintenance period.
- (2) Understory preserved for canopy credits may not be removed during the maintenance period unless the removal is mitigated by planting new trees with an equivalent canopy area. Understory removal must be accomplished in a manner that avoids damage to protected trees. Acceptable techniques for understory removal include the use of hand tools, hydro axe or hydro chippers.

### **Section 5.11-23. Additional requirements for residential development.**

- (1) Each building permit for a new one- or two-family dwelling shall require the preservation or planting of at least three trees. At least one such tree must be located in the front' yard of the dwelling and must have a minimum caliper of four inches. The two remaining trees must have a, minimum caliper of three inches and may be placed in either the front or rear of the lot. The trees must be one of the preferred species suitable for residential development listed in Section 5.11-17. No certificate of occupancy shall issue for any new one- or two-family dwelling until this requirement has been satisfied.

- (2) A canopy credit of 1800 square feet per lot shall be applied toward the total canopy requirement applicable to the subdivision section without requiring a survey of the trees located on each lot. Additional canopy credit for on lot preservation shall not be allowed unless the total on lot canopy exceeds 1800 square feet due to the preservation of healthy protected trees having a minimum diameter at breast height of six inches and the protected trees are included in the tree survey and shown on the landscape and tree preservation plan. Protected trees that are preserved for additional on lot credit must be protected from removal by a preservation easement.
- (3) Where canopy credit in excess of that allowed under (b) of this section is required to achieve the required minimum, then off lot preservation and planting within the same subdivision section shall be required. Proposed preservation areas should, to the extent practical, be evenly distributed throughout the subdivision.

### **Division 3 Administration and Enforcement**

#### **Section 5.11-30 Urban Forest Professionals**

- (1) Urban forest professionals wishing to perform tree surveys in accordance with this article must register with the City of Blanco. The director shall review the applicant's credentials and either approve or deny the registration.
- (2) Each applicant must complete a registration application. The application shall be submitted to the director for review, accompanied by the fee of \$100.00. Each applicant must successfully show proof of the following:
  - (a) Applicant has a Bachelor of Science degree in Urban Forestry, Landscape Architecture, Horticulture or a closely related field;
  - (b) Applicant has a minimum of one year of experience in tree surveys and evaluations;
  - (c) Applicant has a working knowledge of trees in the southeast Texas region and is able to perform tree surveys and evaluations in accordance with the provisions of this article;
  - (d) Applicant has the ability to create a computer aided tree survey/evaluation;
  - (e) Applicant must carry a minimum of \$500,000 general liability insurance;
  - (f) Applicant must provide three professional references to attest to the applicant's ability and character; and
  - (g) Applicant agrees and authorizes a criminal background history of the applicant.
- (3) Within thirty (30) working days of receipt of a completed registration application, the director shall either approve or deny the registration. An approved registration shall be valid for an indefinite term unless suspended or revoked by the director. A registration shall automatically be suspended if the registrant fails to maintain the minimum liability insurance required by this section. A registration may be revoked if the registrant commits and is convicted of a felony offense; the registrant is found to have falsified any information that was submitted to the city for review; the registrant is found to be incapable of performing/creating the tree survey required by this article. A minimum of fifteen (15) working days prior to revocation of a registration, the director shall inform the registrant in writing stating the reason for the revocation. Any appeal to the director's decision shall be made to planning commission.

### **Section 5.11-31 Variance Procedure**

- (1) The director may grant a variance to the requirements of this article where literal enforcement will result in unnecessary hardship. No variance may be granted unless:
  - (a) The variance is not contrary to public interest;
  - (b) The variance will be in harmony with the spirit and purpose of this article;
  - (c) The variance will not substantially weaken the general purposes of the regulations herein established for the protection of trees and the promotion of canopy; and
  - (d) The variance granted is limited in scope to that relief which is necessary to relieve the hardship condition.
- (2) All variance requests must be made in writing to the director and must include the subject of the requested variance and the justification for granting the variance, including a description of the hardship condition that will result if the requested relief is not granted. The applicant has the burden of demonstrating that sufficient evidence exists for granting the variance. The director may *deny* or grant the variance as requested or may allow an alternate form of relief. The director shall issue a decision in writing not later than thirty (30) days following the date the variance request is received.
- (3) An applicant seeking approval for the development of a tract of land that is two (2) acres in size or less shall, as a matter of right, be entitled to a variance relieving the applicant of the preservation requirements of this article. Tract size shall be determined by considering all contiguous property under common ownership. An applicant entitled to a variance of the preservation requirement may be required to comply with the minimum canopy standard through any combination of new tree planting or mitigation payments.
- (4) An applicant who disputes the decision of the director may appeal the variance decision to the municipal planning commission. Any appeal must be made in writing and must be filed with the director within ten (10) days following the date of the initial written decision. The director shall refer the appeal to the planning commission and the decision of the planning commission shall be final.

### **Section 5.11-32 Mitigation Payments in Lieu of Preservation or Planting**

- (1) An applicant may seek a variance as to all or a portion of the tree preservation or planting requirements upon the condition that the applicant pay mitigation fees in lieu of preservation or planting. An applicant for a variance bears the burden of demonstrating that application of the preservation or planting requirement will result in unnecessary hardship.
- (2) Mitigation fees authorized by this section shall be payable at the rate of \$1.50 per square foot of additional canopy necessary to achieve the coverage applicable to the property after allowance for all other credits.

### **Section 5.11-33 Tree Mitigation Fund**

- (1) The director of finance shall establish a dedicated account to be known as the Tree Mitigation Fund. Mitigation fees paid as provided by section 5.11-32 of this article shall be recorded for the benefit of the fund and accounted for in a manner that distinguishes such funds from other general funds of the city. The balance of such fund remaining at the end of each fiscal year shall be appropriated as the beginning balance of the fund for the following fiscal year. The assets of the fund may be used as provided by this section, and for no other purpose.
- (2) The assets of the fund shall be expended under the direction of the director of parks and recreation and may be used to purchase and plant new trees in the public parks, parkways, medians and rights-of-way of public streets and upon the grounds of other public property of the city. Planting costs payable from the fund include the installation of related irrigation equipment and other measures necessary to the protection and subsequent maintenance of new trees for a period of up to three years following planting. An amount not to exceed 20% of the fund balance at the beginning of each fiscal year may be expended to promote public awareness of the objectives of this article, including Earth Day or Arbor Day programs for the distribution of sapling trees to the general public.

### **Section 5.11-34 Penalties for Violation**

- (1) Any person, firm or corporation who violates a provision of this article shall be guilty of a misdemeanor and upon conviction thereof may be fined in any amount not exceeding five hundred dollars (\$500). In cases of offences involving the illegal removal of trees, the removal each tree constitutes a separate offense. In cases of continuing violation, each separate day that a violation continues constitutes a separate offense.
- (2) Any person, firm or corporation who removes a protected tree without having secured a permit to authorize such removal shall be subject to a civil penalty in the amount of two hundred dollars (\$200) times the total diameter inches of all unlawfully removed protected trees. The civil penalty authorized by this paragraph may be imposed by the director in addition to the misdemeanor penalty in paragraph (a) of this section. The imposition of a civil penalty may be appealed to the municipal planning commission. Any appeal must be made in writing and must be filed with the director within ten (10) days following the date of the initial written decision. The director shall refer the appeal to the planning commission and the decision of the planning commission shall be final.
- (3) Where illegal tree removal has occurred, and the physical evidence has been removed from the site the civil penalty may be assessed based on the estimated diameter of removed trees. For purposes of such estimation the aggregate diameter of trees per acre is assumed to be 200 diameter inches per acre.
- (4) The imposition of the civil penalty under this section suspends all permits or permit applications issued to or for the benefit of the party responsible for payment of the civil penalty and all work under any such permits shall cease until the civil penalty is fully paid.

**Section 5.11-35 Address Oak Wilt Disease and its Prevention**

(1) Purpose and Scope

The purpose of the oak wilt prevention ordinance is to identify measures that city staff, hired contractors and their sub-contractors and property owners who remove, or trim trees shall take to prevent the spread of oak wilt.

(2) Definition

Oak wilt disease is a tree disease caused by the fungus, *Ceratocystis fagacearum*. The fungus infects the vascular system of a tree. The vascular system contains vessels which transport moisture throughout the tree. The vessels of an infected tree effectively become blocked by the infection of the fungus and cannot transport adequate moisture to sustain a healthy or living tree and the end result is often the death of the tree.

(3) Prevention Policy

- (a) Anyone causing a wound to an oak tree, whether from ground maintenance equipment, trimming, cutting or pruning at any time of the year shall paint the wounded tree with permanent sealant or non-phytotoxic tree wound dressing within thirty (30) minutes to prevent contact with contaminated nitidulid beetles. Any wound to an oak tree caused by weather conditions, such as a windstorm, is also to be painted with permanent sealant or non-phytotoxic tree wound dressing as soon as possible after a weather incident.
- (b) Any person who discovers or suspects the presence of oak wilt should report the infected oak tree to the community development department to be examined by a member of the Texas Forest Service for proper diagnosis and subsequent care.
- (c) Whenever possible, persons should avoid trimming or pruning live oaks and red oaks (Spanish, Shumard, Texas Red and Blackjack oaks) from March 1 to June 1.
- (d) An annual permit with proof of liability insurance and two (2) hours of professional training is required for commercial contractors providing tree cutting or pruning services.

(4) Disposal [of] oak trees.

- (a) Red oak tree disposal. Removal or disposal of red oaks with oak wilt disease must be taken more seriously because they can form highly contagious fungal mats. Their quick and proper disposal is important and necessary to prevent other oaks from being exposed or infected.

If a red oak tree is diagnosed with oak wilt, the diseased red oak tree shall be promptly removed and disposed as recommended by the Texas Forest Service.

- (b) Other oaks do not-require special disposal (i.e. live oaks and white oaks).

(5) Education and management program.

- (a) The tree advisory board (TAB) is directed to implement, as resources permit, measures aimed at education and prevention of oak wilt.



- (b) The tree advisory board shall use the "Eight Step Program to Oak Wilt Management" by the Texas Forest Service to promote oak wilt prevention.
- (c) The code enforcement officer shall be responsible for enforcement of this article and for checking all trees trimming and/or cutting performed in the city.

## **Section 5.12 Outdoor Lighting Ordinance**

- (1) This Section shall be known as the "Outdoor Lighting Ordinance."
- (2) Purpose: A dark night sky is a natural asset and an important element of Blanco's appeal as a pleasant, rural community in which to live, do business, and visit. The ability to view celestial objects and the ability to live free from objectionable forms of outdoor lighting have profound social, ecological, aesthetic, economic, and health benefits for the citizens of Blanco and the surrounding area. It is the City's policy to protect and preserve the night sky for the benefit of its current and future citizens, businesses, organizations, and visitors. The outdoor lighting regulations established in this Ordinance have been adopted in order to:
  - (a) Help preserve the rural character within the City's jurisdiction by minimizing the growth of urban sky glow and encouraging the abatement thereof;
  - (b) Ensure outdoor lighting within the City's jurisdiction does not unduly interfere with the reasonable use and enjoyment of private and public property by minimizing annoying light trespass as defined herein;
  - (c) Encourage the use of outdoor lighting which will preserve the natural environment, minimize glare, increase nighttime safety and security, and conserve energy.
- (3) Background: Blanco's first Outdoor Lighting Ordinance came into effect on February 14, 2006. All outdoor lighting existing in the City Limits at that time was "grandfathered" into perpetuity, i.e., was allowed to remain in place until it was modified or replaced in which case it would have to conform to the Ordinance as enacted. All outdoor lighting fixtures installed on or after February 14, 2006, with minimal exceptions, had to comply with the Outdoor Lighting Ordinance. In the interim period few, if any, "grandfathered" fixtures were ever voluntarily brought into compliance.
- (4) Jurisdiction and Scope: This Section applies to outdoor lighting on all properties within the City Limits and, in accordance with Texas Local Government Code 216.902, to the lighting of all signage within the Extraterritorial Jurisdiction (ETJ) of the City of Blanco. Nothing herein shall be construed as preventing or limiting the City from applying this article to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).
- (5) Definitions: Words and phrases used in this Article shall have the meanings as set forth in this section. Words and phrases not defined herein shall be attributed their common, ordinary meaning unless the context clearly requires otherwise. The word "shall" denotes a mandatory statement. Headings and captions are for reference purposes only.

*Accent Lighting:* Lighting used to emphasize or draw attention to a special object or building.

*Amortization:* The process of allocating the cost of an asset over a period of time.

*Barn Light-style Fixture:* Fixtures, usually with a mercury vapor lamp, that have a round, plastic, translucent lens that refracts and scatters the light, often allowing the source of the light to be seen off premises to constitute light trespass and light emissions to escape above the horizontal plane to pollute the night sky.

*B-U-G Rating:* A luminaire classification system with ratings for backlight (B), up light (U), and glare (G)

*Bulb:* A light emitting device containing a light source.

*Canopy:* A covered, unconditioned structure with at least one side open for vehicular and/or pedestrian access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)

*Correlated Color Temperature (CCT):* A measure in degrees Kelvin (°K) of light's warmness or coolness. Lamps with a CCT of less than 3,000 degrees Kelvin are yellowish or pinkish and considered "warm." Lamps with a CCT greater than 4,000 degrees Kelvin are bluish-white and considered "cool." The American Medical Association has recommended that outdoor lighting be 3,000 degrees Kelvin or less, preferably 2,700 degrees or less. The U.S. Federal Trade Commission (FTC) requires that all new lighting with a medium screw base (typical of household lighting) sold in the U.S. must indicate on the packaging the Kelvin temperature of the light produced by the lighting element. The U.S. Department of Energy (DOE) encourages voluntary labeling for other types of lighting. In the absence of labeling, CCT information may be obtained from the manufacturer.

*Diffuser:* A translucent enclosure which surrounds or covers a light source, and through which can be seen no semblance of the image of the light source.

*Drop Lens or Sag Lens Fixture:* A fixture, typically seen on older street lights or parking lot lights, where the lens extends below the lowest opaque part of the fixture such that light is scattered above the horizontal plane.

*Electronic Pricing Sign:* A display, typically seen at service stations, consisting of LEDs or other light emitters that indicate the current price of a product.

*Extraterritorial Jurisdiction (ETJ):* The unincorporated area that is contiguous to the corporate boundaries of the municipality and, in the case of a municipality with fewer than 5,000 inhabitants, is located within one-half mile of those boundaries.

*Festoon or Bistro-type String Lights:* Low-output lamps consisting of small individual bulbs, often globular in shape, on a string; may have bulbs of clear or colored glass; the filament may or may not be visible.



*Fixture:* An outdoor lighting assembly containing one or more lamps and including any lenses, reflectors, and/or shields designed to direct the light onto a surface or at a point in space. (see also “*Luminaire*”)

*Fully-Shielded Fixtures:* Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where the light is emitted.

*Floodlight:* A fixture and/or illuminating element designed to emit light over a broad area.

*Glare:* Light, entering the eye directly from the source of an illumination or indirectly from reflective surfaces, that causes a person of average sensibilities visual discomfort or reduced visibility. Excessive glare can be a negative safety factor, particularly for older people and the visually impaired.

*Gooseneck Fixture:* A lighting fixture of many styles, typically with a long, curved metal tube connecting the illuminating element with the building or other structure and supporting a deep enclosure in which the illuminating element can be mounted such that no part of the element extends beyond the bottom of the enclosure. Gooseneck fixtures are somewhat nostalgic and reminiscent of times past. The City of Blanco encourages the use of gooseneck outdoor lighting fixtures as they are both night sky-friendly and support the City’s efforts to retain its rural, small town ambiance.

*Grandfathering Provision:* A provision of the ordinance that exempts from the ordinance lighting fixtures in place and operating on the date of adoption of the ordinance.

*Grandfathering with Sunset Provision:* A provision of the ordinance that establishes a time limit for grandfathering exemptions after which the fixtures must be in compliance with the ordinance.

*Incandescent Bulb:* A traditional source of illumination consisting of a transparent or translucent glass housing containing a wire filament that emits light when heated by electricity.

*Initial Lumens:* The manufacturer-specified number of lumens of light generated by a lamp at the beginning of its service lifetime, not accounting for losses associated with lamp age.

*Lamp:* A light-emitting device or structure containing a light source. This includes but is not limited to a bulb, a tube, or an LED array.

*LED:* Light Emitting Diode.

*Lighting:* Any source of light that does not include natural light emitted from celestial objects, fire, or other natural forms of illumination. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

*Light Pollution:* Any adverse effect of artificial light including, but not limited to sky glow, light trespass, and glare. Light pollution washes out starlight in the night sky, disrupts ecosystems, wastes energy, compromises citizen safety and security, and is documented to have adverse effects on human health.

*Light String:* Any number of bulbs, LEDs, or other light emitter connected with wire in a linear or two-dimensional array, not contained within the structure of a fixture, used for either illumination or decoration, and supported in any manner. (see also “*Rope Lights*”)

*Light Trespass:* Light that falls beyond the property that it is intended to illuminate. If the source of the illumination, usually a light bulb, is visible beyond the property boundary, light trespass has occurred. The City of Blanco considers light trespass to be a nuisance in the legal sense of the term.

*Logo:* A representation or symbol adopted by a business, organization, or individual intended to promote instant public recognition.

*Low Voltage Lighting:* Landscape lighting that typically use luminaries having a rated initial lumen output of 540 lumens or less.

*Lumen:* The unit of measurement (often abbreviated “lm”) used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from “watt,” a measure of power consumption). A “*lumen*” is to light as a “*gallon*” is to gasoline, i.e., it is a measure of quantity. An incandescent bulb typically produces 10-17 lumens per watt; a Compact Florescent Light (CFL) bulb typically produces 40-70 lumens per watt. Light Emitting Diode (LED) fixtures typically produce far more lumens per watt. The U.S. Federal Trade Commission (FTC) requires that all new lighting with a medium screw base (typical of household lighting) sold in the U.S. must indicate on the packaging the number of lumens produced by the lighting element. The U.S. Department of Energy (DOE) encourages voluntary labeling for other types of lighting. In the absence of labeling, lumen information may be obtained from the manufacturer.

*Lumens per Net Acre:* The total number of initial lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of net acres or parts of a net acre with outdoor illumination on the property.

*Luminaire:* The complete lighting unit (fixture), consisting of a lamp, or lamp and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

*Motion Sensor:* An electronic device to control outdoor lighting such that lights are operating only when a moving object is or recently has been present.

*Net Acre:* A piece of land measured in acres exclusive of rights-of-way, waterways, drainage areas, or other non-developable areas.

*Nonconforming Lighting:* Outdoor lighting fixtures that do not conform to the requirements of this Article after the date of its adoption.

*Nuisance:* Any condition that substantially interferes with the use and enjoyment of property by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities.

*Outdoor Lighting:* Temporary or permanent lighting that is installed, located, or used in such a manner as to cause light rays to shine outdoors. Except as exempted herein, non-residential lighting fixtures that are installed indoors that cause light to shine outdoors are considered outdoor lighting for the purposes of this article.

*Rebuttable Presumption:* A presumption that is taken to be true unless someone comes forward to contest it and prove otherwise.

*Refractive Lens Cover:* A plastic or glass cover on an outdoor lighting fixture that scatters light away from the fixture.

*Reverse Channel Signage:* Signage consisting of opaque letters and/or symbols typically mounted several inches in front of an opaque surface such as a wall and illuminated by LEDs, bulbs or other light emitters embedded within the letters or symbols themselves such that the letters and symbols stand out in front of the reflected light.

*Rope Lights:* Any number of bulbs, LEDs, or other light emitters connected with wire in a linear or two-dimensional array, wholly enclosed in plastic covering and used for either illumination or decoration. (see also “*Light Strings*”)

*Sconce:* A type of light fixture, usually decorative, that is attached to a wall in such a way that it uses only the wall for support,

*Sky Glow:* The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light escaping above the horizontal plane to the detriment of the night sky.

*Specular Reflector:* A reflector that has a mirror-like surface that reflects an image (no matter how imperfect or distorted) of a light source.

*Spotlight:* A fixture designed to light only a small, well-defined area.

*Up lighting:* Lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point of the fixture where light is emitted.

*Wall Pack Fixtures:* Fixtures of a variety of styles that commonly are attached to the exterior wall of a building or other structure and flood an area with light.

(6) Applicability:

Applicability within the City Limits. In accordance with the authority granted the City under Texas Local Government Code Sections 51.012, 217.002, and 217.022, all outdoor lighting fixtures installed on private and public property within the City Limits shall be required to comply with this Article with exceptions as noted herein.

(a) “Grandfathering with Sunset” provision within the City Limits.

- i. Grandfathering for Non-Residential Outdoor Lighting. All existing outdoor lighting that is legally installed and operating on non-residential property but is not in conformance with this Article on the date of its adoption shall be brought into conformance with this Article within twenty-four (24) months from the date of its adoption except as follows.

(7) Amortization Extension. Owners of non-residential outdoor lighting fixtures to include internally and externally-illuminated outdoor signage, upon request, shall have up to ten (10) years from the date the fixture or sign was placed into service to come into compliance provided the fixture was compliant with existing City ordinances when it was installed and the date the fixture or sign was put into service can be documented via receipts, date stamped photographs, etc. or, at the prerogative of the City Code Officer, corroborative written statements, in which case the maximum effective date for non-compliance shall be the date the fixture or sign was put into service plus ten (10) years.

(a) Amortization extension shall be on a per fixture or per sign basis with the following requirements:

- i. The fixture or sign must be documented to cost at least \$250 when originally purchased, and
- ii. The fixture cannot be brought into compliance by changing the bulb or lighting element or installing shielding

(b) However, notwithstanding any amortization extension, whenever bulbs or other lighting elements require replacement in the fixture or sign, during the amortization period the replacement bulbs or lighting elements shall comply with all other

provisions of this ordinance, e.g., replacement bulbs or lighting elements shall have a Correlated Color Temperature not to exceed 3000 degrees Kelvin.

- (8) Blanco ISD. Outdoor lighting installed and operating on tracks, playing fields, and tennis courts owned or operated by the Blanco Independent School District (BISD) as of the date of adoption of this Article are exempt from its provisions.
- (9) Development Applications. All existing outdoor lighting located on a subject property that is part of an application for a special use permit, subdivision approval, or a building permit for improvements totaling at least fifty percent (50%) of the total value of the current structure shall be brought into compliance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, whichever is applicable. All existing outdoor lighting located on a subject property that is part of an application for other permits issued by the city, such as a site development permit, a sign permit for an externally or internally-illuminated outdoor sign, the initial food establishment permit, and an on-site sewage facility permit, shall be brought into compliance with this article within 90 days from the date such permit is issued. A property owner may apply for a variance for nonconforming lighting on the subject property.
- (10) Grandfathering for Residential Outdoor Lighting. All existing outdoor lighting that was legally installed and operating on residential property but is not in compliance with this Article on the date of its adoption shall be brought into conformance with this Article within twenty-four (24) months from the date of its adoption.
- (11) Amortization Extension. Property owners may request an amortization extension of up to ten (10) years from the date a fixture was installed provided that the fixture was compliant with existing City ordinances at the time it was installed, and that date of installation can be substantiated via documents, date stamped photographs, etc. or, at the prerogative of the City Code Officer, corroborative written statements in which case the maximum effective date for non-compliance shall be the date the fixture was installed plus ten (10) year.
  - (a) Amortization extension shall be on a per fixture basis with the following requirements:
    - i. The fixture must be documented to cost at least \$100 when originally purchased, and
    - ii. The fixture cannot be brought into compliance by changing the bulb or lighting element or installing shielding.

1. However, notwithstanding any amortization extension, whenever bulbs or other lighting elements require replacement in the fixture during the amortization period, the replacement bulbs or lighting elements shall comply with all other provisions of this ordinance, e.g., replacement bulbs or lighting elements shall have a Correlated Color Temperature not to exceed 3000 degrees Kelvin.
  2. However, notwithstanding any amortization extension, whenever bulbs or other lighting elements require replacement in the fixture or sign, the replacement bulbs or lighting elements shall comply with all other provisions of this ordinance, e.g., replacement bulbs or lighting elements shall have a Correlated Color Temperature not to exceed 3000 degrees Kelvin.
- (b) Change of Ownership. Notwithstanding any other provision of this Article, all existing outdoor lighting on non-residential property in the City Limits that is legally installed and operating but is not in conformance with this Article on the date of its adoption and subsequently has a change of legal ownership as recorded by Blanco County taxing authorities shall be brought into conformance with this Article within twelve (12) months from the date of the change of ownership.
- (c) Resumption of Use after Abandonment. If a property within the City Limits with nonconforming outdoor lighting is abandoned or otherwise taken out of service for a period of six (6) months or more, a rebuttable presumption is made that the owner of the property intends to abandon it. All lighting on said property shall be brought into compliance with this Article before any further use of the property may occur.
- (d) Destruction. If more than fifty percent (50%) of the total appraised value of a structure (as determined by the Blanco County Appraisal District) is destroyed by fire, wind storm, flood, or other calamity or intentionally destroyed by the owner of the property, any remaining nonconforming outdoor lighting fixtures on or associated with the structure shall be removed if the structure is to be rebuilt and replaced by new fixtures that are in conformity with the provisions of this Article.
- (e) Fixture Updates. The replacement, repair, renovation, or relocation of an existing lighting fixture or modification of a nonconforming fixture on residential and non-residential properties in the City Limits after the date of adoption of this Article shall be subject to the provisions of this Article. Merely changing a light bulb or other light emitting device inside the fixture shall not be considered a fixture update.
- (f) Residential Addition or Remodel. Nothing herein shall be construed to terminate a residential property's permitted nonconforming status as a result of an addition or remodel. Fixtures on such additions or remodels, however, shall be in compliance with the provisions of this Article.

- (g) Building and Signage Permits. In order to ensure compliance with this Section, a description of all outdoor lighting fixtures and their planned locations, to include specification sheets and an attestation by the builder and/or owner that all outdoor lighting fixtures on the property will be in compliance with the requirements of this Section, shall be included with the applications for all building and signage permits for projects in the City Limits. Specification sheets for outdoor lighting fixtures for both residential and non-residential properties shall include, at a minimum: the manufacturer, model number, and number of lumens produced by each fixture, and the Kelvin temperature of the light produced. Additionally, notation shall be included of the total number of lumens produced by all outdoor lighting fixtures on the property, the size of the property, and the calculated number of lumens per net acre.

(12) Applicability within the City’s Extraterritorial Jurisdiction (ETJ).

- (a) Voluntary compliance with the requirements of this Article is encouraged for improvements and developments within the City’s ETJ in order to preclude light trespass from the ETJ into the City Limits, to prevent light pollution and skyglow above the City, and to preserve the rural and historic character of the City and its environs.
- (b) Nothing herein shall be construed as preventing or limiting the City from applying this article to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).
- (c) Signage in the ETJ. In accordance with the authority granted the City under Texas Local Government Code Sections 216.902 (a), Regulation of Outdoor Signs in Municipality’s Extraterritorial Jurisdiction, compliance with the requirements of this Article in the ETJ is mandatory in regard to lighting of signage.
  - i. “Grandfathering with Sunset” provisions for Non-Residential Outdoor Lighting of Signage in the ETJ. All existing outdoor lighting of signage that is legally installed and operating on non-residential property in the ETJ but is not in compliance with this Article on the date of its adoption shall be brought into conformance with this Article within twenty-four (24) months from the date of its adoption except as follows.
    - 1. Amortization Extension for Signage. Owners of illuminated outdoor signage in the ETJ shall have up to ten (10) years from the date the illumination was installed to come into compliance provided:
      - (d) The illumination was in compliance with existing City ordinances on the date it was installed.
      - (e) The sign cannot be brought into compliance by changing the bulbs or lighting elements or installing shielding, and

- (f) The date the sign was put into service can be documented via receipts, time stamped photographs, etc. or, at the prerogative of the City Code Officer, corroborative written statements, in which case the maximum effective date for non-compliance shall be the date the sign was put into service plus ten (10) years.
- (13) However, notwithstanding any amortization extension, whenever bulbs or other lighting elements require replacement in the sign, the replacement bulbs or lighting elements shall comply with all other provisions of this ordinance, e.g., replacement bulbs or lighting elements shall have a Correlated Color Temperature not to exceed 3000 degrees Kelvin.
- (14) Signage Permits in the ETJ. In order to ensure compliance with this Article, a description of all external and internal lighting of signage in the ETJ, to include specification sheets and an attestation by the builder and/or owner that lighting of the sign will be in compliance with the requirements of this Article, shall be included with the applications for all signage permits in the ETJ. Specification sheets for signage lighting shall include, at a minimum: the manufacturer, model number, and number of lumens produced by each fixture, and the Kelvin temperature of the light produced.
- (15) Annexation. By the authority granted the City under Texas Local Government Code Section 43.002 (c) (4), all outdoor lighting that is not in conformance with this Article on property in the City's ETJ that is subsequently brought into the City Limits after the effective date of this ordinance shall be brought into conformance with this Article within two (2) years of the effective date of the annexation. Nothing in this subsection may be construed as to allow light trespass or any other form of nuisance from outdoor lighting. A new purchaser of property may request a two (2)-year extension to come into compliance if the property is purchased within two (2) years of the enactment of this Article. This subsection shall apply to all non-residential and residential properties annexed into the city limits per the terms of this subsection.
- (16) Extension of the ETJ. If, in accordance with the Texas Local Government Code Section 44.022(a), the City expands its ETJ as the result of annexation or, in accordance with the Texas Local Government Code Section 44.022(b), the ETJ is expanded through the voluntary request of property owners in the ETJ after the effective date of this Article, all applicable provisions of this Article shall apply to the new area of the expanded ETJ upon the effective date of the expansion of the ETJ.
- (17) General Standards
- (a) Lighting Design. Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, visibility, and comfort, and not create or cause objectionable glare or light trespass as viewed from other properties and/or from public rights-of-way.
- (b) Shielding Requirement. Except as otherwise specified in this Article, outdoor lighting, regardless of lumen output, shall be fully shielded and/or aimed downward so as to minimize glare and prevent light pollution. All outdoor lighting fixtures shall be full cut-off fixtures. No outdoor lighting fixture shall permit light to shine above the horizontal plane to pollute the night sky or off the property on which it is installed.



- (c) Light Trespass. Except as otherwise specified in this Article, light trespass beyond property boundaries shall be deemed a nuisance and in non-compliance with the requirements of this Article.
  - i. General. The source of the light (the bulb, light emitting diode, or any other light emitting device), a refractive or non-refractive lens cover, or reflector shall not be visible in a direct line of sight from any other property or public right of way.
  - ii. Porchlights and Sconces. Residential porchlights and wall sconces may be unshielded and light from such fixture may be visible from beyond the property line provided the fixture has a medium to dark toned, semi-opaque diffuser installed to reduce glare or the fixture has a flat-bottomed LED light emitter or other flat-bottomed light source that prevents light from shining off the property or upward into the night sky. In no case shall the bulb, other luminous element, reflective surface, or lens cover be visible from off the property.
- (d) Color Temperature. All outdoor lighting, regardless of type, except as exempted herein, shall have a Correlated Color Temperature (CCT) not to exceed 3000 degrees Kelvin as recommended by the American Medical Association in order to minimize the adverse effects on human health of bluish-white light at higher CCTs. A CCT of 2700 degrees Kelvin or lower (yellowish, warm light) is preferred for all lighting.

(18) Lumen Caps.

- (a) Non-residential Property. To prevent over-lighting, total outdoor light output on any non-residential property shall not exceed 100,000 initial lumens per net acre in any contiguous illuminated area. This lumen per net acre limitation is an upper limit, not a design goal. Illumination design should be at the lowest levels that meet the reasonable requirements of the task. Governmental-owned street lights used for illumination of public rights-of-way and lights that are installed indoors but shine outside the building are exempted from the lumen cap requirement.
- (b) Residential Property. Total outdoor light output (excluding governmental-owned street lights used for illumination of public rights-of-way) on any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.
- (c) Substantiation of Lumens per Net Acre Calculations. The owner of the property or his or her designated agent shall be responsible for calculating the total number of lumens per net acre on the property and for informing the City of the methodology used in the calculations. The City shall determine if the calculations are reasonable. In the event of disagreement, the owner of the property may hire a professional lighting consultant to substantiate the actual number of lumens per net acre. The City must agree that the individual or firm hired is, indeed, capable of making a professional evaluation.

- (d) Outdoor Recreational Facilities. Lighting for playing fields, playing courts, swimming pools, skateboard parks, rodeo arenas, and similar recreational facilities, whether public or private, are exempt from the lumens per net acre limit. However, all such facilities whether public or private shall comply with the requirements of State of Texas Health and Safety Code in regard to design and shielding requirements for outdoor lighting on any facility constructed in whole or in part with State funds which, in general, requires full cut-off fixtures.
- (19) Lighting Curfews. All outdoor lighting is encouraged to be turned off when no one is present to use the light. Curfews for signage, outdoor recreational facilities, and streetlights are specified in the respective sub-sections of this Article.
- (a) Specific Standards
    - i. Illumination of Signage.
- (20) Externally illuminated Signage.
- (a) All lighting of externally illuminated outdoor signs shall be shielded so as to minimize glare for passing motorists, bicyclists, or pedestrians.
  - (b) All lighting of externally illuminated outdoor signs (whether free standing or building mounted, on-premise or off premise) shall be directed downward toward the sign. Any signage that currently contains non-conforming lighting shall bring their lighting into compliance within ten (10) years from the date of installation or any time that the sign is improved or repaired where the lighting is removed during the improvement or repair.
- (21) Internally illuminated Signage.
- (a) Background and Letters.
    - i. Because it is impossible to fully shield most internally-illuminated outdoor signs, such signs (whether free standing or building-mounted, on-premise or off-premise) shall be constructed with an opaque background and translucent letters and symbols or with a dark colored background and lighter letters and symbols in order to minimize the amount of unshielded light released off the property or into the night sky.
  - (b) No more than 33% of such signage (primarily lettering) may be white or other light color.
  - (c) Internally illuminated signs with predominantly white or other light-colored backgrounds are specifically prohibited.
  - (d) Reverse channel signage consisting of opaque letters and symbols, typically mounted several inches in front of an opaque surface such as a wall and illuminated by bulbs or other light emitters embedded within the letters or symbols themselves such that the letters and symbols stand out in front of the reflected light are permissible and encouraged.

- i. Logos. Non-conforming internally-illuminated signs that are part of a registered logo for a business or organization with operations in the City of Blanco and at least one other location are allowed provided there is not another version of the logo sign that would, if installed, be compliant with the other provisions of this Article.
  1. Bulbs, LEDs, or other light emitters within signs so exempted shall be the lowest intensity needed for the sign to be recognizable for up to one-half mile from its location.
  2. The total lumens emitted from the logo sign shall count against the allowed lumens per net acre cap for the property.
  3. A company's decision to change a conforming logo that is installed on the company's facility or signage to one that is non-conforming shall not be sufficient justification to change the displayed logo.
- ii. Changeable Copy Signs. Unshielded, internally illuminated signs with changeable copy requiring manual change at the physical location of the sign are allowed provided such signs otherwise conform to the City's signage ordinance.
  1. Such signs may have an off-white or other light-colored background such that the changeable letters or symbols are clearly visible, but the use of a white background is specifically prohibited.
  2. Such signs shall use the minimum amount of light necessary to ensure the changeable letters or symbols are clearly readable from a distance of one hundred (100) feet.
  3. The total lumens emitted from the sign shall count against the allowed lumens per net acre cap for the property.
- iii. Electronic Changeable Copy Signs. Non-governmental electronic changeable copy or changeable image signs or displays that are similar in design to large televisions or computer monitors are specifically prohibited except as further noted in this Article.
- iv. Electronic Pricing Signs. Unshielded electronic signs at service stations within the City Limits displaying fuel prices are allowed providing such signs otherwise conform to the City's signage ordinance. New unshielded electronic pricing signs in the City's ETJ are prohibited until such time as all other outdoor lighting on the property is brought into compliance with this Article.
- v. Open for Business Signs. Unshielded electronic or neon signs displaying messages such as "Open" are allowed on the premise of the business provided such signs otherwise conform to the City's signage ordinance.

- (e) Internally illuminated Panels. Internally illuminated panels such as are commonly seen on the sides of service station canopies, for purposes of this Article, shall be considered signage. Such panels shall be allowed and may be unshielded provided the intensity of the illumination does not cause glare for motorists, bicyclists, or pedestrians. Panels shall not be of a color that is white, off-white, pale yellow, or other pale, light hued color. The total lumens emitted by the panels shall count against the allowed lumens per net acre cap for the property.
- (f) Lighting Curfew for Signage. Illumination of all on-premise outdoor advertising signage, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 pm, provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.

(22) Neon Lighting.

- (a) Because it is virtually impossible to shield, the City discourages the use of neon lighting or lighting produced by other gases in similar tubes or lighting that is similar in effect such as LEDs in an elongated plastic tube or covering. However, such lighting is permitted provided it otherwise conforms to the City's signage ordinance.
- (b) Neon lighting or its equivalent in colors of white, pale yellow, or similar pale, light hued color is prohibited.
- (c) All fixtures using neon lighting or its equivalent shall be of an intensity that will minimize glare for motorists, bicyclists, or pedestrians; and, to the greatest extent possible, shall be mounted in such a way as to limit light from trespassing off the property or from escaping above the horizontal plane to pollute the night sky.
- (d) The lumens produced by neon lighting shall count towards the total lumen cap for the property.

(23) Canopies.

- (a) Light Trespass. Because of their common proximity to public rights-of-way, lighting of canopies typical of service stations and drive-through facilities may produce light emissions that trespasses onto public rights-of-way provided that no light is allowed to escape above the horizontal plane to pollute the night sky and that glare for motorists, bicyclists, and pedestrians is minimized. Light trespass onto private property is prohibited.
- (b) Design. It is strongly encouraged that all such canopy lighting fixtures be embedded within the canopy itself with no need of further shielding.
- (c) Intensity. Canopy lighting shall be of an intensity that provides safe and efficient use of the facility but shall not be so bright as to cause glare to the extent that it is a safety hazard for passing motorists, bicyclists, or pedestrians.
- (d) Correlated Color Temperature. All canopy lighting shall have a Correlated Color Temperature of 3000 degrees Kelvin or less.

- (e) Over-lighting. Over-lighting of canopy areas for purposes of advertising is specifically prohibited.

(24) Streetlights.

- (a) Design. New streetlights installed on City rights-of-way or Texas Department of Transportation rights-of-way in the city limits shall be full cut-off fixtures and designed, mounted, and/or shielded so as to direct the light onto the public right-of-way and not onto private property or onto the property of Blanco State Park.
- (b) Adaptive Controls. New City-owned street lighting installed after the effective date of this Article, other than streetlights at the intersection of roadways, to the greatest extent possible, shall utilize adaptive controls such as half-night photocells or timers to turn the streetlights off halfway between dusk and dawn or timers that reduce or eliminate light emitted after a set time. Emerging technology such as passive infrared sensors that permit streetlights to be off except when movement is detected in the area is encouraged.
- (c) Correlated Color Temperature. To the extent government-owned streetlights are repaired or replaced with LED or other light emitting elements, the light produced by the LEDs or other element shall not exceed 3,000 degrees Kelvin.
- (d) Repair and Replacement. Notwithstanding other provisions of this Article, existing City-owned streetlights or streetlights owned by other entities but installed on City rights-of-way or Texas Department of Transportation rights-of-way in the city limits shall be brought into compliance in the normal course of streetlight repair and replacement.

(25) New City-owned Outdoor Lighting. After the effective date of this Article the City may install new publicly-owned outdoor lighting, to include street lighting and lighting on other public property and rights-of-way, only upon the determination of the Mayor or the Mayor's designated representative that a clear public safety danger or danger to City workers exists in the area to be lit and that the hazard can only be effectively mitigated through the use of outdoor lighting.

(26) Outdoor Recreation.

- (a) Design and Shielding. Lighting for all playing fields, playing courts, swimming pools, skateboard parks, rodeo arenas, and similar recreational facilities, installed or replaced on public or private property after the effective date of this Article shall be in compliance with the requirements of the State of Texas Health and Safety Code in regard to design and shielding requirements for outdoor lighting on any facility constructed in whole or in part constructed with State funds. Such lighting shall utilize full cut-off fixtures and be aimed directly at the playing surface in such a manner as to minimize glare, limit light trespass off the property, and prevent light from being emitted above the horizontal plane to pollute the night sky.

- (b) Correlated Color Temperature. Lighting of outdoor recreational facilities owned or operated by a governmental entity or a non-profit association or organization are exempt from Correlated Color Temperature requirements. However, the City encourages such lighting to be 3,000 degrees Kelvin or less if at all consistent with the requirements of the recreational facility.
  - (c) Lighting Curfew. Lighting for outdoor recreational facilities on public or private property is prohibited after 10:00 p.m. unless such lighting is needed to complete a specific activity or event, organized by a City-recognized entity, already in progress that began before 9:00 p.m.
- (27) Accent Lighting. Lighting used to emphasize features or draw attention to a structure is allowed. However, it is preferred that accent lighting be directed downward onto the structure and not upward toward the sky or adjacent properties.
- (a) Direct light emissions, not to exceed approximately ten percent (10%) of total light emissions for each fixture, may extend above the roofline or beyond a building's edge provided no more than 1800 lumens are directed at any one side the structure.
  - (b) All accent lighting shall be shielded so as to curtail glare for passing motorists, bicyclists, or pedestrians and prevent light trespass off property.
- (28) Landscape and Foliage Lighting. Lights shining downward are preferred to those shining upwards. Lighting on landscaping or foliage shall be shielded so as to curtail glare for passing motorists, bicyclists, or pedestrians and prevent light trespass off property.
- (29) String Lights and Rope Lights.
- (a) The year-round use of string lights or rope lights for illumination or decoration is discouraged but not prohibited.
  - (b) Clear or colored string lights or rope lights or other similar illumination displays are permitted provided the intensity is such as to preclude excessive glare for motorists, bicyclists, pedestrians, or neighbors.
  - (c) Festoon or bistro-type string lights, either clear or colored, used as outdoor illumination or decoration may be unshielded provided, they comply with the following requirements:
    - i. The lights shall produce not more than 125 lumens per bulb nor produce more than 125 lumens per linear foot of line or square foot of space.
    - ii. The lights shall have a Correlated Color Temperature of not more than 2700 degrees Kelvin (a warm, yellowish light).
    - iii. Festoon or bistro-type string lights shall not be located within three (3) feet of a reflective surface such as a light colored or reflective metal wall.

- iv. Unshielded festoon or bistro-type string lights that are illuminated for more than two (2) nights in any given month shall not be visible from any residential property within fifty (50) feet of the installed lights without the written approval of neighbors residing within the fifty (50) foot area. Such approvals shall be signed, dated, and filed with the City's Code Officer. Approvals become null and void if the signatory ceases to reside at the property or withdraws the approval.

(30) Flagpoles.

- (a) The City encourages the custom of displaying and lighting patriotic or commemorative flags on stationary flagstaffs or as may otherwise be mounted.
  - i. While downward lighting is preferred, upward lighting of flagpoles with a height equal to or less than 20 feet above the ground level is permitted provided only a single spotlight is used per flagpole whose maximum initial lumen output does not exceed seventy-five (75) lumens per foot of height of the flagpole as measured from the spotlight to the top of the pole. Spotlights shall be shielded or have diffusers installed so as to limit light trespass off the property and minimize glare for passing motorists, bicyclists, and pedestrians.
  - ii. Flagpoles with a height greater than 20 feet above ground level shall be illuminated from above and shall utilize one or more light fixtures, not to exceed 800 initial lumens in total, attached to the top of the flagpole or mounted above the top of the flagpole on a structure within 15 feet of the flagpole. Downward shining lights shall be shielded or have diffusers installed so as to limit light trespass off the property and minimize glare for passing motorists, bicyclists, and pedestrians. Flagpoles currently using non-conforming lighting may continue the use of such lighting so long as the use of the lighting at the flagpole is continuous. If the flagpole is repaired or replaced in a way that requires removal or replacement of the lighting, the lighting shall be brought into compliance.
  - iii. If a flag of the United States is displayed during the hours of darkness, it should be illuminated as recommended in the Federal Flag Code.
- (b) Upward lighting of up to three (3) flagpoles per property, irrespective of the type of flag, is permitted provided a shielded spotlight is used for each.

(31) Public Monuments and Statuary. While downward lighting is preferred, upward lighting of publicly accessible monuments and statuary is permitted provided shielded spotlights are used so as to limit light trespass off the property and minimize glare for passing motorists, bicyclists, and pedestrians.

(32) Motion Sensors. The City encourages the use of motion-activated outdoor lighting as a way to reduce light pollution, save energy, and alert neighbors and public safety authorities of activity in the area of the sensor. However, notwithstanding the fact that most motion sensor-controlled fixtures can be adjusted to remain on for a limited period of time, all fixtures controlled by motion sensors shall comply with the provisions of this Article.

(a) Public Safety and Actionable Nuisances: Notwithstanding any other provisions of this Article, the City may require the modification, removal, or limited operation of outdoor lighting fixtures found to be a public safety hazard or a public or private nuisance according to the following criteria:

i. Criteria for Finding Outdoor Illumination to be a Public Safety Hazard:

1. Light trespass and glare are sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle; or
2. Light trespass or glare exists that impairs a person's visual performance or ability to avoid obstacles in his or her path.

(33) Criteria for Finding Outdoor Illumination to be a Public Nuisance Affecting the Community as a Whole:

(a) Light escapes above the horizontal plane to pollute the night sky enjoyed by all citizens or visitors; or

(b) Glare onto public rights-of-way or public spaces such as parks is of sufficient intensity as to be annoying to or impair the visual acuity of a person of average sensibilities using the right-of-way.

(34) Criteria for Finding Outdoor Illumination to be a Private Nuisance Affecting an Individual Citizen or Property Owner:

(a) Light trespass or glare exists that deprives an owner or occupant of usual and reasonable use and enjoyment of a private property; or

(b) Light trespass or glare exists that causes visual discomfort or impairment of visual performance in a manner that deprives any citizen of average sensibilities from the safe use of a private property.

(35) Other Prohibitions: The following are specifically prohibited except as further noted:

(a) Mercury Vapor Fixtures. The installation of any mercury vapor, mercury arc, or mercury discharge fixture or lamp of any size or kind for use as outdoor lighting is prohibited.

(b) Barn Lights. The installation of any fixture with a translucent refracting lens typical of old style "barn light" fixtures for use as outdoor lighting is prohibited unless the fixture includes a full opaque shield instead of the standard translucent refracting lens and otherwise complies with the shielding requirements of this Article. The standard refracting lens is allowed only if it is painted or otherwise rendered substantially opaque.



- (c) Wall Packs. The installation of any wall pack style fixture for use as outdoor lighting is prohibited unless the fixture complies with the shielding requirements of this Article, i.e., is a full cut-off fixture, shielded as necessary such that illumination is confined to the property on which the fixture is located.
  - (d) Drop Lenses. The installation of any publicly owned or privately-owned streetlight, area light, or other fixture with an unshielded drop lens or sag lens is prohibited.
  - (e) Searchlights and Lasers. The operation of searchlights or aerial laser lights used for advertising purposes is prohibited.
- (36) Exemptions: In addition to the exceptions specified elsewhere in this Article, the following are exempt from the provisions of this Article except as further noted:
- (a) Traffic Lighting. Publicly maintained traffic control devices.
  - (b) Emergency Lighting. Temporary emergency lighting (fire, police, repair crews).
  - (c) TxDOT Lighting. Lighting fixtures and illumination requirements imposed by the Texas Department of Transportation (TxDOT) within TxDOT's right of way.
  - (d) Vehicle Lighting. Lighting required by law to be installed on motor vehicles.
  - (e) Construction Lighting. Temporary construction lighting provided workers are present and actively engaged in the construction project and the lights are positioned so they do not shine in the eyes of passing motorists, bicyclists, or pedestrians so as to create a safety hazard.
  - (f) Navigation Lighting. Navigation lights such as aircraft warning beacons on water towers, electrical and wireless transmission towers, etc. However, notwithstanding terms as may be set forth in licensing agreements with the owners/operators of such lights, a white or light colored, flashing strobe light that is visible after sunset shall be deemed non-compliant unless required by state or federal government regulation.
  - (g) Swimming Pool Lighting. Underwater lights such as are commonly installed in swimming pools or other water features are exempt.
  - (h) Performance Lighting. Temporary lighting for outdoor theatrical or musical productions, outdoor movies, or on-the-scene nighttime television broadcasts such as television news are exempt.
  - (i) Fossil Fuel Lighting. Outdoor lighting for which light is produced directly by the combustion of fossil fuels such as outdoor fire pits and ornamental items such as "tiki lamps" are exempt.

- (j) City-owned Water and Wastewater Treatment Facilities. Outdoor lighting at the City's water treatment plant and wastewater treatment plant that is installed and functioning on the date of adoption of this Article is exempt. Non-conforming lighting shall be used only when City workers are present. All fixtures replaced during the normal course of maintenance or in conjunction with renovations or replacement of the facilities shall be fully compliant with the provisions of this Article.

(37) Materials and Methods of Installation: This Article is not intended to prohibit the use of any design, material, or method of prescribed installation not specifically proscribed by this Article, provided such alternative meets the legislative intent of this Article.

(38) Compliance with Building Code

All lighting installations commenced in accordance with this Article must be in compliance with the International Building Code, as adopted by the City Council.

(39) Violations and Penalties

- (a) General penalties provided in Section 8.3, Penalties of the City of Blanco Unified Development Code (UDC), as of the effective date of this Article and as may be further amended in the future, shall apply to violations hereof.
- (b) The City shall also have the right to bring a civil action to enforce the provisions of this Article and to seek remedies as allowed by law, including, but not limited to the following:
  - i. Injunctive relief,
  - ii. Monetary damages, and
  - iii. Other relief as directed by a court with jurisdiction over the matter.

(40) Administrative Guidance.

- (a) Submission of Plans and Evidence of Compliance. All building permit applications must include an outdoor lighting plan which includes the following information:
  - i. The location of all existing and proposed light fixtures (may be included on site plan).
  - ii. A lumen calculation sheet to determine lumens per net acre. It must include the square footage of the total area to be illuminated, the light fixture catalog descriptions or ordering number, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), the Kelvin rating for the lamp, the B-U-G rating for the selected fixture (if available); the number of fixtures or lamps (use the same unit corresponding to the unit used to determine how many lumens are produced), fixture or lamp initial lumens, the location from the edge of a canopy (if applicable), and mounting height of all existing and proposed lamps.

- iii. Manufacturer's specification sheets for all existing and proposed light fixtures.
- iv. Elevations with notes where light fixtures are to be installed indoors which may be seen from the exterior.
- v. Site plan with specific measurements in feet for the area to be illuminated. A scale notation is not sufficient.
- vi. Acknowledgement that the applicant has received notification of the provisions of this Article.
- vii. The City Code Officer or other individual designated by the Mayor shall review all building permits to ensure compliance with this Article.
- viii. Verification that a residential or non-residential building project requiring a building permit application has complied with the provisions of this Article shall occur during the final electrical inspection by the City's designated Building Inspector and verified by the City's Code Officer or other individual designated by the Mayor.
- ix. Upon receipt of residential building permit applications, city staff shall provide the homebuilder and/or applicant with educational materials about this Article including a copy of this Article. The City's submission of educational materials shall be prima facie evidence that the applicant has received notification of the provisions of this article.
- x. For the first 60 days after the enactment of this Article, residential building permit applicants may postpone the submission of the plans and evidence of compliance defined in this section for a maximum of 30 business days after the submission of their building permit application.

(41) Enforcement.

(a) City Code Officer.

- i. Interpretation and enforcement of the provisions of this Article shall rest with the City's Code Officer or other individual as may be designated by the Mayor who is authorized to exercise reasonable judgement in its enforcement consistent with achieving the overall purposes of this Article.
- ii. In considering possible violations of this Article for residential properties, the Code Officer or other individual designated by the Mayor shall act only upon receipt of a complaint.
- iii. The City's Code Officer or other individual designated by the Mayor is authorized to grant amortization extensions for residential and non-residential lighting in the City Limits and for lighting of signage in the City's ETJ in accordance with the provisions of this Article.

iv. Appeals of Code Officer decisions or those made by another individual designated by the Mayor may be made to the Mayor. Further appeals may be made to the City Council, which shall be the final authority.

(b) Collaboration. Extrajudicial enforcement of this ordinance is preferred. Collaboration with the owners of noncompliant outdoor lighting is encouraged to rectify violations and obviate the need for citations and other actions by the City.

(c) Special Use Permits. The Mayor is authorized to direct the issue of a temporary Special Use Permit waiving provisions of this Article within the parameters specified below.

i. Applicants for such permits shall provide written justification substantiating how compliance with specific provisions of this Article would be detrimental to the full intended use of a facility or area and specifying the exact provisions of the Article requested to be waived and the period of time for which the Special Use Permit is required. For example, festivals, carnivals, or fairs might be good candidates for issuance of a Special Use Permit.

ii. The duration of a Special Use Permit for outdoor lighting shall not exceed 15 contiguous calendar days.

iii. No single entity shall be granted more than one (1) Special Use Permit for outdoor lighting per year.

iv. Applications for a Special Use Permit for outdoor lighting shall be initiated with the City's Code Officer who shall submit the application to the Mayor along with the Code Officer's comments and/or recommendation.

(42) Guidance and Education. The City Administrator or City Secretary is authorized to promulgate and keep current one or more interpretive documents to aid citizens, business owners, builders, and electricians in the interpretation of and compliance with this Article. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions to the provisions of this Article. All such documents shall be made available free of charge to requesters. To the extent possible, such documents shall be posted on the City's web page. The City shall undertake other measures as required to educate citizens and other interested parties about the requirements of this ordinance.

(43) Variances. Requests for variances from the provisions of this Article may be made through the City's Planning and Zoning Commission to the Mayor and City Council. All such requests shall be fully documented and include a specific justification as to why the request for variance is unique and why approval of the variance would not set a precedent for other such requests. Applicants requesting a variance must demonstrate undue hardship caused by unique circumstances of the property making it impossible to literally comply with the standards of this Article. Financial concerns alone do not comprise a hardship under this Article.

(a) In considering requests for variance, the Planning and Zoning Commission and the Mayor and City Council shall consider the following criteria:

- i. The degree to which compliance with this Article will cause undue hardship for the applicant; and
- ii. The degree to which the requested variance will result in a non-compliant fixture; and
- iii. The amount of time the requested variance will be in effect before the fixture comes into compliance with this Article; and
- iv. The degree to which approval of the variance would set a precedent for other such requests; and
- v. The effect the variance might have on efforts by the City to attain and/or retain recognition as a Dark Sky Community or other similar designations.

# Chapter 6 Infrastructure and Public Improvements

## Section 6.1 Purpose

- (1) The purpose of the Chapter is to assure that residential and nonresidential development projects constructed within the City of Blanco and its extraterritorial jurisdiction (ETJ) are adequately furnished with necessary public infrastructure, including roads, storm water drainage, water, wastewater, and open space resources.
- (2) Design and construction of infrastructure in the City and ETJ shall be consistent with the policies and guidelines of the City of Blanco.
- (3) The Planning and Zoning Commission and the City Engineer shall have an annual review of amendments to the City of Austin Criteria Manuals adopted by this Code and shall make recommendations to the City Council regarding the adoption of such amendments.

## Section 6.2 General Standards and Requirements

### (1) Compliance with Standards

Full compliance with the standards contained within this Code must be obtained before the issuance of a building repair, plumbing, or electrical permit for any structure within the jurisdiction of the City.

### (2) Required Improvements

- (a) In the absence of any provision to the contrary, the subdivider, developer, or applicant shall provide the following improvements, as approved and the construction plans, in conformance with the standards, specifications and requirements of this Unified Development Code:
  - i. Streets including right-of-way, alleys, sidewalks, signalization, and street lighting;
  - ii. Parking facilities;
  - iii. Park land and improvements
  - iv. Permanent Monument Markers;
  - v. Drainage system including drainage easements, channels, storm sewer lines and inlets, basins, control structures, and landscaping;
  - vi. Water system including utility easements, water distribution lines, fire hydrants, valves, pumps, and water towers;
  - vii. Sanitary sewer system including utility easements, sanitary sewer lines, manholes and lift stations;

- viii. Utilities for electric and telephone service and associated utility easements installed in conformance with the terms and regulations of the provider of said utility;
  - ix. Gas and cable television and other telecommunication service and associated utility easements, when provided, installed in conformance with the terms and regulations of the provider of said utility.
- (b) The land proposed for subdivision or site development shall be adequately served by essential public facilities and services listed above. Adequately served is defined as having an approved construction plan that demonstrates that public facilities and services will be constructed.
- i. All improvements must be designed and installed so as to provide for a logical system of utilities, drainage, and streets and to create continuity of improvements for the development of adjacent properties. Pedestrian, vehicle, water, wastewater, and drainage improvements must be extended to the perimeter of a subdivision.
  - ii. Where a residential subdivision contains sewers, sewage treatment facilities, water supply systems, parks and grounds held in common, drainage facilities, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the City for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to the City Secretary and approved as a form by the City Attorney at the time of final plat approval or site development permit issuance and shall be filed on record with the plat or permit thereof.

(3) Review, Permit, and Enforcement Authority

- (a) In fulfilling any responsibilities in this Section that require technical or other expertise, the City Secretary or designee of the Council shall rely on the assistance of the Director of Public Works or City Engineer or another designee for such expertise.
- (b) Plans for the improvements required by this Chapter shall be prepared and approved in accordance with the provisions contained herein and certified for accuracy and completeness by a registered professional engineer licensed by the State of Texas.

- (c) After completion of construction, the developer shall deliver to the City as built construction documents indicating all improvements, new construction, and upgrades. These documents shall clearly indicate the location of all improvements including the location of public utilities and infrastructure. The documents shall include a certification from a licensed Professional Engineer that all construction required by this code was performed in compliance with the standards and specifications required of this code.
- (d) During the course of installation and construction of the required improvements, the Director of Public Works, City Engineer, or another designee of the City Secretary shall make periodic inspections of the work to ensure that all improvements comply with this Code and other municipal, county, and State requirements.
- (e) Upon completion of installation and construction of all required improvements, the developer may seek acceptance of all public improvements by the City by submitting the required number of copies of as-built plans and a two-year maintenance bond in an amount as specified at the time of final plat submittal. In addition, the developer shall provide a statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.
- (f) A final plat or site development is required for all development within the City and its ETJ.
  - i. City approvals, including but not limited to building, repair, plumbing, or electrical permits, shall not be issued by the City for any structure on a lot in a subdivision or on a parcel for which a final plat or site development permit has not been approved and filed for record.
  - ii. The City shall not repair, maintain, install, or provide any streets or public utilities or services in any subdivision for which a final plat has not been approved and filed for record, nor any parcel or lot for which a site development permit has not been issued, nor which the standards contained herein or referred to herein have not been complied with in full.
  - iii. The City shall not sell or supply water, gas, electricity, or sewerage within a subdivision for which a final plat has not been approved and filed for record or parcel or lot for which a site development permit has not been issued, nor in which the standards contained herein have not been complied with in full.

#### (4) Obligation to Provide for Improvements

- (a) The developer is obligated to provide all infrastructure improvements required by this chapter as a condition of City Council approval for any final plat or site development plan.



(b) Deferral of Obligation

- i. Upon request of the applicant or property owner, the obligation to dedicate or improve thoroughfare right-of-way or to make intersection improvements imposed on an application may be deferred to a later stage of the development process at the sole discretion of the City.
- ii. As a condition of deferring the obligation to dedicate rights-of-way for or infrastructure improvements, the City shall require the developer to execute a subdivision or site development improvement agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares, including the posting or depositing of a letter of credit or other fiscal surety, in a form and under terms acceptable to the City, in advance of approval of the development application.

(c) Cash Contributions

- i. In lieu of the obligation to dedicate or improve thoroughfares or make traffic control improvements or post fiscal surety for subsequent construction to achieve road adequacy, the applicant may propose to make equivalent cash contributions based upon the development project's proportionate share of the costs of improvements, which the City in its sole discretion may accept in satisfaction of road adequacy standards in this section.
- ii. Any funds accepted by the City shall be earmarked for construction of the improvements for which the contribution was made.

(d) Advance Funding

- i. If the landowners determine to either fund in advance or fund more than their pro-rata share, the City shall credit the developer's future fiscal posting or take other action as appropriate.
- ii. For those contributions and improvements beyond the developer's pro-rata participation, the City may either credit the developer's future fiscal posting or reimburse the developer out of City funds or funds allocated from other area landowners' contributions for those specific improvements.

(e) Improvements provided by the City of Blanco shall be at the Developer's cost or as specified in the development Agreement.

Whenever the proposed development's share of the costs of an infrastructure improvement needed to mitigate impacts generated by the development is less than one hundred (100%) percent, the City may in its sole discretion:

- i. Participate in the excess costs; or
- ii. Aggregate the costs of multiple improvements identified as necessary in the final plat and require improvements to only some of the infrastructure affected by the development.

(f) City Participation in Costs and Completion of Improvements

- i. The City may participate in the cost of improvements required by this section in order to achieve proportionality between the impacts created by the proposed development and the obligation to provide adequate infrastructure.
  1. In such cases, the property owner shall be responsible for the entire initial costs of infrastructure improvements, including design costs.
  2. Reimbursement of the City's agreed upon share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the City shall be included in a subdivision improvement agreement.
- ii. During the course of providing for improvements, the City shall cooperate with the developer in the use of its governmental powers to assist in the timely and cost-effective implementation of improvements. Such assistance shall not be construed to mean financial aid in actual easement acquisition, construction, or engineering cost. The City shall decide the level of use of governmental powers necessary and may assist the developer in determining different options for infrastructure if acquisition of right-of-way is not an efficient option. Specifically, the City agrees to:
  1. Assist in the acquisition of necessary right-of-way and easements;
  2. Assist in the relocation of utilities;
  3. Assist in obtaining approvals from Blanco County;
  4. Assist in obtaining approvals from TxDOT;
  5. Assist in securing financial participation for major thoroughfare improvements from Blanco County, TxDOT or the Capital Area Metropolitan Planning Organization (CAMPO) or other area wide transportation planning and management entities as may be established in the future.

(5) Adoption of the City of Austin Criteria Manuals

- (a) The following criteria manuals are hereby adopted by the City of Blanco for the purpose of establishing rules and regulations for improvements until such time that the City of Blanco may create and adopt a Criteria Manual or other such document regulating the design, construction, and modification of infrastructure.
  - i. City of Austin Transportation Criteria Manual: In regard to the design, development, construction, alteration, enlargement, repair, conversion, improvement, use, height, width, area, and maintenance of roadways and thoroughfares;

- ii. City of Austin Utilities Criteria Manual and Standard Details Manual: In regard to the design, development, construction, alteration, enlargement, repair, conversion, improvement, use and maintenance of water and wastewater facilities.
  - iii. City of Austin Drainage Criteria Manual: In regard to the design, development, construction, alteration, enlargement, repair, conversion, improvement, use and maintenance of stormwater and drainage facilities.
- (b) Such portions that may be hereinafter amended, deleted, or modified by the City of Blanco shall be the governing document in the design, development, and construction of all improvements within the City limits and ETJ of the City of Blanco.
- (c) Where any provision of this Code conflicts with a provision or requirement of the adopted City of Austin Manual, the more stringent requirements shall control.
- (d) For the purpose of this Ordinance, all references within the City of Austin Criteria Manuals and City of Austin Standard Details Manual shall refer to “City Administrator, Public Works Department and/or City Engineer” unless noted otherwise herein.
- i. Likewise all references to “Water and Wastewater Utility”, “Utility”, “Public Works Department”, or “Watershed Protection and Development Review Department” or any administrative subunits of these entities or their successors shall mean “City of Blanco Public Works Department and /or City Engineer” unless noted otherwise herein.
  - ii. Likewise references to all forms, including but not limited to Application Forms, shall be construed to mean those corresponding forms used by the City of Blanco
  - iii. The City of Blanco “Standard Products List” shall mean products approved for installation by the City of Blanco Public Works Department and/or City Engineer.
  - iv. Likewise all addresses, telephone numbers, or contact information in the City of Austin Utilities Criteria Manual and City of Austin Standard Details Manual shall be replaced by the corresponding information for the City of Blanco Public Water Department.
  - v. All water and wastewater fees and rates shall be as established by the ordinances of the City of Blanco.

#### (6) Grandfather Provisions

The provisions of this Section shall not be construed to prohibit the issuance of permits for any lot or undivided tract or parcel of land upon which a residence exists that was in existence prior to the passage of the City’s subdivision regulations (and any other amendments thereafter).



### **Section 6.3 Survey Control and Documentation**

Subdivisions and all lots submitted for plat approval must provide monuments and control points as follows:

- (1) Control points shall be placed by a licensed land surveyor and must be in place prior to the installation of any roadway and utility improvements. Subdivisions that require infrastructure construction must have exterior corner documentation set prior to plat recordation. It is the responsibility of the surveyor signing the recorded subdivision plat and the Company he is registered to work under to ensure that the setting of interior lot and block corners be completed within six (6) months from the date of recordation.
- (2) To the extent that it is practicable, monuments should be installed in locations that will prevent disturbance or destruction of the monument by construction activities. Any monuments disturbed or destroyed during roadway construction shall be re-established in conformance with the provisions of this Code by a licensed land surveyor.
- (3) All corners of subdivisions, lots and points of curvature (P.C.), and points of tangency (P.T.) along boundary lines of subdivisions shall be marked with a one-half iron rod, sixteen to twenty-four (16-24) inches in length.
- (4) Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be set so as to ensure a clear view between adjacent monuments.
- (5) Corner markers shall be a one-half ( $\frac{1}{2}$ ) inch iron rod, or three-fourths ( $\frac{3}{4}$ ) inch pipe, sixteen to twenty-four (16-24) inches in length and shall be installed flush with ground. Corners of all lots, block corners, street right-of-way P.C and P.T. monuments shall be marked with corner markers.

### **Section 6.4 Parkland and Open Space**

#### **(1) Purpose and Applicability**

- (a) The purpose of this Section is to provide for the adequate provision of parkland and open space to meet the needs of a growing citizen population, including easements or land dedication.
- (b) It is hereby declared by the City Council that recreational areas in the form of neighborhood parks are necessary to the public welfare, and that the only adequate procedure to provide for parkland and park improvements is by integrating such a requirement into procedure for planning and developing property or subdivisions in the City, whether such development consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land.

- i. It is the policy of the City to require subdivides of residential subdivisions and lots to provide for park land and park facilities at the time of development approval in proportion to the need for such improvement created by the developments and in proportion to the benefits received from contribution of such facilities.
  - ii. The primary cost of neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, are the primary beneficiaries of such facilities.
- (c) The parkland dedication and park development requirements of this Section shall apply to every residential subdivision developed under the provisions of this Code and approved after the effective date of this Code.
  - i. Following initial imposition and satisfaction of parkland dedication and improvement requirements, additional requirements shall apply to revised plat applications for residential subdivisions only if such revised or renewed application results in an increase in the number of dwelling units. In such case, parkland dedication requirements then in effect shall apply only to the additional dwelling units proposed in the application.
  - ii. Developments less than ten (10) dwelling units in size shall not be required to dedicate parkland.
- (d) Non-residential developments, while not required to dedicate park land may be given incentives to encourage the dedication of land for public parks or open space at the discretion of the City Council.
  - i. Such incentives may include, but not be limited to, credit for development intensities that could have occurred in the dedicated portion of the development to other areas within the same development.
  - ii. Said incentives shall be approved by the City Council with a recommendation by the City Parks and Recreation Department.
- (e) The standard fees for contributions-in-lieu-of park land dedication and minimum costs for improvements to park land as specified in this Section may be updated from time to time on the basis of current development costs.
  - i. The Planning and Zoning Commission shall consider and make periodic recommendations to the City Council on such fees and costs. Additionally, the Commission shall consider and make periodic recommendations to the City Council on design standards and other provisions of this Section.
  - ii. All such recommendations should be compiled and included within a Parks and Recreation Plan for the City, subject to final review adoption by the City Council.

## (2) Submittal Requirements

- (a) Plans for parkland dedication or payment of fees in lieu of such dedication must be submitted with the preliminary plan.
- (b) The Planning and Zoning Commission shall make recommendations based upon the policies adopted by the City to the City Council concerning the amount and location of park land and fees-in-lieu of park land dedication.
- (c) The City Council shall have final authority on parkland dedication.
- (d) Surety for dedication of parkland shall be provided in the same manner as required of other subdivision-and-site-related construction as specified in Section 8.5 of this Code.

## (3) Requirements for Parkland Dedication

- (a) The subdivision of any parcel or tract of land into a residential subdivision within the City limits or ETJ shall require the subdivider to set aside and dedicate to the public sufficient and suitable lands for the purpose of a park or make an in-lieu financial contribution for the acquisition and development of park land in accordance with the provision of this section.
  - i. No area or facility shall be dedicated for parkland purposes unless approved and accepted by the City.
  - ii. All subdivisions of land receiving final plat, or alternative form plat approval based on this Code shall conform to the requirements of this Section. The City Council, as advised by the Planning and Zoning Commission, and subdivider may negotiate the combination of parkland dedication, payment of fees-in-lieu of required parkland, or any combination thereof, to satisfy these requirements.
  - iii. Where a subdivider proposes to pay an in-lieu-fees as provided for this Section, the City Council may accept such payment as satisfying the park land dedication requirements of this Code.
  - iv. The City reserves the right to require the dedication of land for park purposes in conformance with the provisions of this Section rather than payment of fees-in-lieu of such parkland when one or more acres of land would be required to satisfy the parkland dedication requirements.

### (b) Formula for Calculating Area of Parkland

The acreage to be donated prior to final plat approval by the Council of any residential subdivision shall be pro-rated in an amount equal to one-half (½) of an acre for every fifty (50) new single-family dwelling units and one (1) acre for every seventy (70) multifamily dwelling units projected to occupy the fully developed subdivision.

**Table 6.1 Park Land Dedication Requirements**

<b>Type of Development</b>	<b>Land Requirement</b>
Single Family	½ acre/50 dwelling units
Multifamily	1 acre/70 dwelling units
Less than 10 units	None

(c) Fee-In-Lieu of Park Land Dedication

- i. The City Council may require a fee-in-lieu of parkland dedication and fees-in-lieu, in order to satisfy requirements of this Section.
- ii. The appropriate fee shall be imposed by the City at the time of approval of the preliminary plat and shall be paid prior to the release by the City of each final plat for filing in the deed records of Blanco County.
- iii. The City shall reserve the fees contributed in lieu of parkland dedication in a separate account from the general funds of the City, along with any accrued interest.
  - 1. The funds shall be used to complete acquisition or improvement of parkland located within the Blanco City Limits or its ETJ.
  - 2. If any or all of the funds are not spent such purposes within ten (10) years from the date that they are collected, the subdivider shall have the right to request repayment by the City and the City shall refund the principal amount of all unexpended funds that were collected from the subdivider.
- iv. Where the fee in lieu of parkland is required or acceptable to the City Council as provided for in this Code, such fee shall be equal to the fair market value of the lands that the City would require to be set aside and dedicated to a park or open space.

(d) Public Access and Parkland Dedication Required

- i. All parkland and improvements thereto shall be dedicated to the public, except that private parkland may be approved as provided below. All residents of Blanco and its extraterritorial jurisdiction, in addition to the owners of lots within the subdivision in which parkland is dedicated or fees-in lieu are contributed, shall have the same rights and privileges to use City parkland and facilities once the parkland dedications are made or fees are paid to the City.



ii. Private Parkland

The City may, in its sole discretion, give partial credit to the subdivider where a substantial private park and recreational area is provided in a proposed residential subdivision if the City finds that it is in the public interest to do so, provided that:

1. Such credit does not exceed fifty percent (50%) of the total acreage requirements for parkland dedication and funding requirements for park improvement set forth in this Section;
2. There is an amount of public open space and improvements provided or a proportional amount of fees-in-lieu of dedicated parkland and improvements provided in compliance with the parkland design requirements and improvement requirements specified this Section in addition to the private park land and improvements provided.
3. Yards, court areas, setbacks and other open areas required to be maintained by the rules and regulations of the City shall not be included in the computation of such private recreational open space;
4. The private ownership and maintenance of the open space and facilities is adequately provided for by recorded agreement, covenants or restrictions;
5. The use of the private open space is restricted for park and recreation purposes by recorded covenant, which runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the written consent of the City or its successors;
6. The proposed private open space is reasonably adaptable for use for park and recreational purposes, consistent with the parkland design requirements specified in this section of the Code;
7. The facilities proposed for the private open space are in substantial accordance with the provisions of the City's Comprehensive Plan and other adopted plans or policies of the City;
8. The private open space for which partial credit is given is a minimum of two (2) acres and provides a minimum of thirty thousand (\$30,000.00) per acre or portion thereof in park and recreation improvements, subject to the approval of the City, and that assurance is provided in a form acceptable to the City that the proposed dedication of land and improvements will be completed in a timely manner; and

- ii. The City shall have full discretion to consider, approve, or deny any request for credit for private park land and recreation facilities as set forth in this Section. The Planning and Zoning Commission shall consider and make recommendations to the City Council on any such request.

#### (4) Park Land Design Requirements

- (a) Any land to be dedicated to meet the requirements of this Chapter shall be reasonably located and adaptable for use as park land and/or recreation facility, consistent with the policies of the City and park plans as may be adopted by the City Council.
  - i. The Planning and Zoning Commission shall make recommendations to the City Council regarding the suitability of proposed parkland. The location, access, size, shape, topography, natural drainage, utilities, parking facilities, and wooded areas and other vegetative cover of the parcel or tract of land to be dedicated shall be appropriate for public parks and recreation purposes.
    - 1. Dedicated land of less than the minimum required acreage may be developed based upon the recommendation from the Planning and Zoning Commission that a smaller area is in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchase by the City.
    - 2. Such developments may be required to contribute fees- in-lieu of parkland or a combination of fees and parkland.
  - ii. Whenever possible, the dedicated land should be adjoining a school site, public or nonprofit institution, church, or other community facility that enhances the open space and recreational benefit of the park land.
  - iii. The centralized location of a park within a subdivision is preferred. However, the City Council may, based on recommendation of the Parks and Recreation Commission, require the location of parkland at the edge of a subdivision so that additional land may be added at such time as adjacent land is subdivided or developed for public use.
- (b) All dedicated parkland shall be designated and located so as to meet the requirements of these regulations and shall be suitable for public parks and recreation activities.
  - i. Street access
    - 1. Unless specifically exempted elsewhere in this section, access to parkland designated on a subdivision plat shall be provided by the dedication of at least two hundred feet (200') of street frontage, in a manner satisfactory to the City.
    - 2. A two hundred-foot (200') by two hundred-foot (200') corner site at the intersection of two (2) streets is preferred.

3. When the land abutting the designated parkland is developed, the subdivider of such abutting street frontage and shall provide water sewer access to the boundary of one side of the delineated parkland area to meet minimum requirements of these regulations.
  4. No linear parking will be allowed on such frontage.
- ii. Grade/Slope: At least fifty percent (50%) of the dedicated land should not exceed eight percent (8%) grade;
  - iii. Utilities: Minimum service connections of two-inch (2") water line and six-inch (6") gravity sewer line or two-inch (2" pressurized sewer line and electricity line shall be provided and located along at least one (1) property line of the dedicated land;
  - iv. Permanent Property Boundary Markers/Monuments: Above ground, grade-level survey markers are required to be set to Texas Board of Professional Land Surveying minimum.
  - v. Floodplains

Areas falling within the one hundred (100) year floodplain of the main channels of the Blanco River may be dedicated in fulfillment of the dedication requirements, subject to recommended approval by the Planning and Zoning and then City Council.

1. Property within the one hundred (100) year floodplain but not along the main channel of the Blanco River may be dedicated at a ratio of three-to-one (3:1) measured in acres of floodplain in lieu of non-floodplain property.
  2. At least twenty-five percent (25%) of the dedicated parkland must be outside the one hundred (100) year floodplain.
  3. In no case will the width and /or breadth of dedicated parkland located outside of the one-hundred (100) year floodplain be less than thirty feet (30').
- vi. Any disturbed parkland shall be restored, and the soil stabilized by a vegetative cover by the subdivider using approved xeriscape species.
  - vii. Parking shall be provided in a manner determined by the City Secretary.

(c) Greenbelts

- i. Greenbelt widths, right-of-way, and construction shall be in conformance with the requirements of this Chapter, and other Chapters of this Code, as they may apply.

- ii. In the case of areas that do not meet the grade, slope, or other requirements for parkland dedication found in this section, but that are known to contain sensitive environmental features, the City may, at its discretion and after review by the Planning and Zoning Commission, modify these standards subject to the following limitations:
  - 1. That such areas shall provide recreational or educational opportunities for the surrounding community in lieu of parkland dedication;
  - 2. That such areas shall be given a partial credit against the requirement of land dedication and/or payment of fees.
  - 3. That such areas shall meet any additional standards deemed necessary by the City Council after a recommendation by the Planning and Zoning Commission, pertaining to the
  - 4. Planning and Zoning Commission, pertaining to the dedication of land containing sensitive environmental features
- iii. Greenbelts and other recreational walkways or bikeways fronting on public roads will be required to provide the following minimum street frontage:

**Table 6.3 Greenbelt Frontage Requirements**

<b>Road Type</b>	<b>Frontage Required (feet)</b>
Non-Residential Subdivisions (all road types)	50
Residential Subdivisions: Arterial	50
Collector	40
Local	30
Cul-de-Sac	15

(d) Parkland Condition

- i. The park site shall be free of trash and debris.
  - 1. If the condition of the dedicated park land is disturbed during construction of subdivision improvements, then the subdivider shall be responsible for returning the dedicated land to its previous condition prior to or at the time of final plat filing.

2. The public improvements to be constructed per the applicable subdivision plat will not be accepted by the City until such time that the above conditions have been met.
- ii. Prior to dedication of parkland, the subdivider shall make full disclosure of the presence of any hazardous substances and/or underground storage tanks (U.S.T.'s) of which the subdivider has knowledge.
    1. The City, at its discretion, may proceed to conduct such initial environmental tests and surveys on the land as it may deem appropriate, and the subdivider shall grant to the City and its agents and employees such reasonable access to the land as is necessary to conduct such surveys and tests.
    2. If the results of such surveys and tests indicate a reasonable possibility of environmental contamination or the presence of U.S.T.s, the City may require further survey and tests to be performed at the subdivider's expense as the City may deem necessary prior to its acceptance of the dedication, or in the alternative, the subdivider may be required to identify alternative property or pay the fees-in-lieu of such parkland dedication.
- (e) When the subdivider chooses to dedicate land that meets all of the design standards in this Section and is three (3) acres or more in size, the City shall be obligated to accept the land as parkland.

#### (5) Park Development and Improvements

- (a) The subdivider shall improve all dedicated public parkland with improvements approved by the City in an amount prorated to equal at least fifteen thousand (\$15,000) per acre.
  - i. Design, specification, and construction of the improvements shall be subject to review and approval by the City.
  - ii. Construction of the improvement must be completed within three (3) years of the City's approval of the first final plat of the subdivision. Surety for construction of improvements shall be provided in the same in the same manner as required of other subdivision-and site-related construction, as specified in Section 8.5 of the Code.
- (b) In lieu of construction the improvements, the subdivider may elect to contribute the required amount of funds in lieu of construction to the City to meet the City's current or future recreational needs.
  - i. In such cases, the City shall reserve the funds and any accrued interest for park improvements in a separate account from the general funds of the City.

- ii. The City shall proceed to complete improvements with the funds collected either in the park for which the fees were contributed or in a park located within a distance not to exceed one (1) mile from the subdivision.
  - iii. If any or all of the funds are not spent for such purposes within five (5) years from the date that they are collected, the subdivider shall have the right to request repayment by the City and the City shall refund all unexpended funds that were collected from the subdivider.
- (c) If the subdivider elects to pay fees in lieu of parkland dedication in accordance with Section 6.4(3)c of this Code, then the subdivider shall pay to the City a prorated improvements fee of fifteen thousand (\$15,000) per acre of park land that is required to be dedicated, in addition to the fees paid in-lieu of dedication.

## **Section 6.5 General Utilities**

### **(1) Purpose and Intent**

- (a) The purpose of this section is to ensure the adequate provision of utility service of residents within the City and to protect the health, safety, and welfare of the community through standardization and quality of water, wastewater, and other utilities design and construction.
- (b) General standards apply to water, wastewater, electric, gas, telephone, and television, or data cable utilities.

### **(2) Utility Installation Standards**

- (a) Wherever practicable with regards to topography and other constraints, all major utility service facilities shall be installed in the public right-of-way along the roadway. Individual service connections to end users may be installed out of the public right-of-way.
- (b) All new utility installations and modifications to existing utility facilities shall maintain the minimum vertical and horizontal separations from all other utilities required by the owner of said utilities and shall be installed in accordance with all applicable federal, state, and local laws.
- (c) When any new development takes place on any property within the City which either has been subdivided into two (2) or more lots, or is zoned or rezoned for commercial, office, multifamily, or industrial use, the owner or developer of any such lot shall refrain from constructing poles and installing overhead wires and associated structures, and instead, shall place all utility lines underground in accordance with sound engineering principles and in conformance with all building codes adopted by the City.
- (d) Existing utility easements shall be vacated, partially or wholly, upon dedication of public right-of-way.

### (3) Utility Ownership and Easement Rights

- (a) In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television, or other telecommunication facility and intends that such facility shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.
- (b) Any installation of water, sewer, electrical power, telephone, or cable television, or other telecommunication facility shall be coordinated with the City. Any developer installing or causing the installation of such utilities shall acquire the appropriate licenses required by the City prior to utility construction or installation.
- (c) When a developer will be completing a development in phases, and when utility services are planned to be extended through the completed development for connection to properties beyond the development. The City may require an immediate dedication of the entire easement to ensure the orderly construction and extension of utility services in the areas beyond the developer's tract.

### (4) Utility Lines Under Paved Streets

- (a) All utility lines planned to be constructed under a paved street shall be installed before the street is paved. All utility lines installed under an existing paved street shall be installed by boring to a point at least five feet (5') beyond the edge of pavement and must be approved in advance by the City Engineer or City Council.
- (b) Whenever it shall be necessary for an owner or developer of property described above to extend existing utility lines across an intervening property or right-of-way not belonging to said owner the requirements of this section shall apply to the placement of all poles, overhead wires, associated structures, and utility lines across such intervening property or right-of-way.

### (5) Responsibility

- (a) All expenses for installation of utilities and for construction costs associated with placing utility lines shall be borne by the developer of the lot or utility owner.
- (b) The Developer will pay to the City of Blanco a fee of \$500.00 (five-hundred-dollars) for water infrastructure and a fee of \$500.00 (five-hundred-dollars) for Wastewater Infrastructure per Dwelling Unit. If an on-site Wastewater System is utilized the Wastewater Infrastructure fee must be paid.

### (6) Standards for Water and Wastewater Utilities

- (a) The Rules and Regulations of the Texas Commission on Environmental Quality (TCEQ), formerly Texas Natural Resource Conservation Commission (TNRCC), as published and adopted shall be the minimum standards for the design, installation, and regulation of water and wastewater facilities in the jurisdiction of the City of Blanco.

- (b) All developments in the City limits and ETJ shall be designed and sited in a manner that enables, to the maximum extent practicable, the connection to the City's water and wastewater system, regardless of whether such connection is to be completed at the time of permit issuance.
- (c) All developments that are designed to be served by on-site sewage facilities shall be designed to allow, to the maximum extent practicable, the future extension of gravity sewer lines along the property lines and the connection of individual wastewater lines from such developments to the City sewer.
- (d) Inspection, Certificate of Occupancy and Appeal
  - i. Prior to the Occupancy, the Director of Public Works or another designee of the City Secretary shall conduct at least two (2) inspections of the water and/or wastewater system.
    - 1. One inspection shall occur after completion of the installation of underground facilities by prior to backfilling of any soil.
    - 2. The second inspection shall occur upon completion of the entire system bit prior to its operation.
  - ii. The applicant or registered installer notify the City that an inspection is desired at least two (2) business days prior to the need for inspection.
  - iii. The applicant or registered installer shall provide whatever reasonable assistance the City request in order to make the inspection and shall be present at the time of inspection
  - iv. The Director of Public Works for the City or a designee shall have the authority to approve or disapprove of the system. If there are materials, construction, or installation practices that are determined not to be in compliance with the requirements of the Code, then the City shall have the right to cause all development related work to cease and desist until the City determines that the work can be or has been brought into compliance with applicable City regulations.

(7) Revision of City of Blanco Utilities Criteria Manual

The following provisions of the City of Austin Utilities Criteria Manual, contained herein as Sections 6.6 through 6.9, shall be applied in the jurisdiction of the City of Blanco to include the amendments adopted by the City of Blanco, whichever is more stringent.

**Section 6.6 Water Infrastructure [This section is being updated by Separate Document to reflect recent and upcoming changes to the City's Infrastructure requirements.] (NEEDS CLARIFICATION)**

(1) Water supply required



- (a) Every principal use and every lot within a subdivision and every site development within the City limits and ETJ shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
- (b) Subdivides shall be responsible for providing an approved public water supply system in compliance with the City of Blanco Water and Wastewater Utility Plan.
  - i. Where an approved public water supply or distribution main is within reasonable distance of the subdivision as determined by the City Council, but in no case more than one-half (0.5) mile away and connection to the system is practicable, the subdivider shall be required to bear the cost of connecting the subdivision to such existing water supply.
  - ii. The subdivider shall make a pro-rata contribution to funding of needed water supplies, storage facilities, treatment facilities, transmission, and distribution as determined necessary by the City.
- (c) The location of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified areas, indicating all improvements proposed to be served, shall be shown on construction plans.
- (d) The cost of installing all water supply improvements to be made by the subdivider, including off-site improvements, shall be included in the performance guarantees furnished by the developer.

## (2) Water Design Requirements

- (a) The subdivider shall install adequate water facilities, including fire hydrants, subject to the specifications of the regulations covering extension of public water systems adopted by the TCEQ.
- (b) Water systems shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection and water services to all lots, and to conform to the City of Blanco Water and Wastewater Utility Plan and specific plans for provisions of expanded capacity.
- (c) All water lines, except those in cul-de-sac, shall be connected to other distribution system water lines at both ends. Where it is not practical to connect a water line to the system at both ends, the dead-end water lines shall be the minimum size that will provide fire flow and pressure as required herein.
- (d) No water main line extensions shall be less than six inches (6") in diameter.
- (e) The design and layout of the water distribution system shall be acceptable to the State Fire Insurance Commission,

### (3) Fire Protection

- (a) Fire hydrants shall be provided as required in the City of Blanco Utilities Manual and City of Blanco Standards and Specifications.
  - i. Standard three-way hydrants shall be installed and shall have a six-inch (6") or larger connection to mains with a minimum five-inch (5") valve opening.
  - ii. Hydrants shall be properly located along streets so there will be a fire hydrant every three hundred feet (300') in commercial and industrial districts and every six hundred feet (600') in a residential district, so that every building will be within five hundred feet (500') of a standard fire hydrant.
  - iii. Hydrants must be equipped with the National Standard hose threads.
- (b) Fire flows are required to conform to International Standards Organization (ISO) standards.
  - i. The City Secretary is responsible for providing a listing of required fire flows for distribution to applicants. The City Secretary is responsible for updating this listing whenever ISO standards change.
  - ii. All fire flows shall be calculated with twenty pounds (20 lbs.) residual pressure.
  - iii. Fire flow calculations and/or model run printouts shall be included with submittals for the City Engineer's review.

### (4) Individual Wells

- (a) If connection to a centralized water supply is impracticable, individual wells for each lot may be used in a manner so that an adequate supply of potable water will be available to every lot in a subdivision.
- (b) Individual wells shall be approved by the county health official and all other applicable well-permitting authorities, and this approval shall be documented by the health official's signature on the water system statement on the plat.

## **Section 6.7 Wastewater Infrastructure**

### (1) Sewage Disposal Facilities Required

- (a) Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
- (b) Wherever it is legally possible and practicable in terms of topography to connect a lot with a City wastewater line by running a connecting gravity or pressure line not more than five hundred feet (500') from the lot to such line, then a Certificate of Occupancy may not be granted until such time that connection is made to such line.

- i. Connection to such wastewater line is not considered legally possible if, in order to make connection with such line by a connecting gravity or pressure line that does not exceed five hundred feet (500') in length, it is necessary to run the connecting line over property not owned by the owner of the property to be severed by the connection, and after diligent effort, the easement necessary to run the connecting line cannot reasonable be obtained.
  - ii. An owner of improved real property may be excused from compliance with this subsection if the owner has received a written determination from the City Engineer that is not feasible for the domestic sewage facilities on the owner's property to be connected with the City's wastewater collection system.
- (c) Connection of uses to the City's wastewater collection system shall be made in the most direct manner practicable, and a separate connection to the system is required for each building.
- (d) The owner of a tract of property is responsible for all the costs of connecting the property to the organized system.
- (e) It is unlawful for any person to use or maintain a cesspool or pit privy within the jurisdiction of the City. Developments within the ETJ must comply with the requirements of Blanco County and the State of Texas pertaining to cesspools and pit privies. It shall be unlawful for any person to use or maintain any wastewater facility not permitted and/or not constructed in accordance with applicable state rules at the time of construction.

## (2) Wastewater Design Requirements

- (a) All on-site wastewater installations shall be designed by a Licensed Professional Engineer registered to practice in the State of Texas or a Registered Sanitarian registered to practice in the State of Texas.
  - i. The Engineer or Sanitarian shall provide a letter certifying that the completed construction of the wastewater system meets the State of Texas, and Blanco County Standards.
  - ii. Whenever the standards and specifications of the Blanco County, and the State of Texas conflict, the more restrictive requirements shall govern.
- (b) All wastewater extensions and connections to the City wastewater system shall be designed in accordance with the City of Blanco Utilities Criteria Manual, Section 2, "Water and Wastewater Design Criteria" and the City of Blanco Standards and Specifications Manual, except as noted herein.

- (c) In the case of new construction of residential or commercial buildings, the Certificate of Occupancy shall not be granted until the letter from the designing Engineer or Sanitarian certifying that the wastewater system is constructed according to the minimum standards of the State of Texas, the City of Blanco, and Blanco County, whichever are more restrictive, is received by the City, and the Director of Public Works or another designee of the City Secretary has approved the system.
- (d) A written appeal may be made to the Planning and Zoning and then if desired to the City Council of a decision by the Director of Public Works or another designed of the City Secretary for the City to reject a request of a Certificate of Occupancy within ten (10) days of the rejection of the Certificate request. The appeal will be acted upon at the following meeting of the Planning and Zoning and if requested by the next meeting of the City Council.

### (3) Wastewater Permits

- (a) A permit for the construction of a wastewater collection system and/or service connection shall be required.
- (b) Three (3) copies of the plans for the wastewater collection system and/or service connection including a plat showing the location of the system shall be required. The plans shall show the seal of the engineer or sanitarian responsible for the design.
- (c) The City Engineer shall review the plans for the proposed wastewater collection system and/or service connection and recommend issuance of a permit if he determines that the plans are in compliance with all the requirements set forth herein.

### (4) On-site Sewage Facilities

#### (a) General Requirements

All systems shall be designed in compliance with the “Design Criteria for On-Site Sewage facilities,” Texas Administrative Code 30 TAC 285.1-285.91 and the Blanco County “Rules for On-Site Sewage Facilities.”

#### (b) Inspection of new facilities.

- i. All new on-site sewage facilities shall be inspected according to City and county policy.
- ii. Upon satisfactory evidence that a new on-site sewage facility has been properly designed and constructed and completed in compliance with this Section, and that all other applicable federal, state, county, and local regulations have been complied with, the City shall issue a final permit to maintain and operate said facility.

- iii. Should ownership of any property served by an on-site sewage facility installed or constructed under the provisions of this section be transferred, the new property owner, within thirty (30) days of the change of ownership, shall renew either the construction permit or the maintenance and operation permit; and the terms and conditions of said permits shall be binding upon all successors in interest to the property.

(c) System Monitoring and Alarm

- i. All on-site sewage systems shall be required to have a separate monitoring and emergency alarm system installed by a licensed professional at the facility and approved by the City.
- ii. Further, any on-site sewage for aeration, grinding, pumping, or other such purposes shall be installed with a separate monitoring and emergency alarm system, of a design and installation to be reviewed and approved by the City, prior to its operation and issuance of a permit.
- iii. Such monitoring and alarm system shall be activated and maintained in good operating condition at all times, as a condition of the permit.

(d) Restrictive Covenant and other Conditions

- i. In connection with and as a condition for the issuance of a permit for the installation or construction of an on-site sewage system, the property owner shall execute an agreement with the City, entitled "Restrictive Covenant" to be filed among the Property Records of the Blanco County Clerk, wherein the property owner covenants and agrees that:
  - 1. Within ninety (90) days of the date the City notifies the property owner in writing that the City wastewater collection line or any extension thereof runs within five hundred (500) feet of the property line, the owner shall, at his expense, connect his sewer line to the City system;
  - 2. If the property owner fails to connect his sewer line to the City's wastewater collection system as provided above the property owner agrees that the City may perform any work necessary to accomplish the connection; in this regard, the owner agrees that the City employees, officers, and agents, upon reasonable notice to the property owner and presentation of proper credentials, are authorized to enter upon his property and complete the connection;
  - 3. If the City performs the connection work described above, the property owner agrees to pay the reasonable costs thereof and a reasonable administrative fee and sewer line tap fee, which expenses, if not paid as directed by the City, shall constitute a lien upon the property to be established in accordance with State Law; and;

4. The covenant shall be binding upon the property owner and any successors in interest to said property.
- ii. In connection with and as a further condition for the issuance of a permit for the installation, construction, operation, or maintenance of an on-site sewage facility, the property owner shall agree that, in the event an alarm or monitor condition indicates that the facility should be emptied or is leaking or otherwise malfunctioning, the property owner shall promptly have the facility pumped out to avoid any overflow or agrees to take any corrective action necessary to remedy the malfunction or leakage. If he fails to take whatever corrective action as required after due notice and an opportunity for hearing, the City may;
    1. Perform the necessary corrective work and bill the property owner for the reasonable costs thereof and a reasonable administrative fee, which expenses, if not paid, shall constitute a lien upon the property to be established in accordance with State Law;
    2. Prosecute the property owner for violation of this Section; or
    3. Take any other corrective action authorized by State law or local Code.
  - iii. In connection with and as a further condition for the issuance of a permit for the installation, construction, operation, or maintenance of an on-site sewage facility, the property owner shall agree that, should ownership of the property be transferred, the property owner has a duty to and shall advise the person to whom ownership is transferred of the terms and conditions of any permit or agreement required or entered into pursuant to this Section.
  - iv. The terms and conditions of such covenant, and any agreements required to be executed there under, shall be incorporated into and made a part of the maintenance and operation permit issued by the Blanco County.
  - v. The City may impose such other reasonable restrictions and conditions in connection with the issuance of a permit required hereunder as it deems necessary for the protection of the public health.

(e) Revocation of Permit

- i. A permit may be revoked by the County for failure to comply with the requirements for the issuance of such permit.
- ii. If it is determined that a permittee is not in compliance, the City shall notify Blanco County, that the person(s) in possession and/or the property owner, in writing, of the nature of the non-compliance.

- iii. The permit holder shall have thirty (30) days after notice of non-compliance to correct the defects except as provided herein. If the permit holder has made a reasonable effort to correct the defects within the thirty (30) day period, but fails to complete the work, the County may extend the period not to exceed an additional thirty (30) days for each extension.
- iv. If non-compliance has not been corrected within the period allowed for its correction, the County shall revoke the permit and notify the property owner and/or permittee in writing.
- v. A permit that has been revoked is void and has no effect, as if the permit had never been issued.

(5) Wastewater Line Extension

(a) Title

This Subsection shall be commonly cited as the Wastewater Line Extension Ordinance.

(b) Purpose and applicability

The City of Blanco (the “City”) owns and operates a wastewater treatment and disposal facility that is subject to Texas Pollutant Discharge Elimination System (“TPDES”) Permit No WQ0010549002, and that is located at 289 Waters Edge Road, Blanco County, Texas 78606. The City also owns and operates an associated wastewater collection and delivery system (collectively, the “System”).

(c) Use of the system

This Subsection does not authorize use of the System. No person may use the System unless that person has complied with Chapter 6 of this Ordinance, has been accepted by the City as a system customer, and remains in compliance with this Subsection, as well as all other requirements of this Chapter.

(d) Unless listed below, terms in this Subsection have the definitions listed in Section 1.13. The following definitions apply throughout this Subsection, whether the terms are capitalized or in lower case, singular or plural. As used in this Subsection, the term:

- i. Building sewer. Also called “private lateral line,” means the part of the drainage system that extends from the end of the building drain and conveys wastewater to a public sewer, private sewer, individual sewage disposal system or other point of disposal.
- ii. Line extension. means the section of a wastewater line that is constructed by the customer (or by a customer with participation from other customers and/or the City under a cost-participation agreement), **and that lies between: \_\_\_\_\_(NEED CLARIFICATION)**

## Section 6.8 Drainage

### (1) Purpose and Applicability

- (a) Growth in and around the City of Blanco and the associated development and construction of buildings, paved surfaces, roads and other improvements have altered in the past and continue to alter the natural flow of surface waters on the land. New building construction and the attendant construction of gutters, culverts, drains and channels for the conveyance of surface waters has increased the quantity of stormwater runoff and amplified peak flow rates, thus leading to the potential for flooding of property and homes, dangerous flows within and over public roadways and streets and soil and channel erosion.
- (b) It is the intention of the City Council to protect the health and safety to the citizens and visitors of the City and to prevent damage to private property and public facilities through:
  - i. The proper design and construction of both on-site and regional stormwater detention and/or retention facilities that prevent or adequately reduce increases in peak flow rates of runoff that may otherwise increase the risk of flooding and the associated risk of public endangerment, property damage and erosion.
  - ii. The installation and use of temporary and permanent erosion control practices that prevent or adequately reduce increases in erosion and siltation that may otherwise increase the risk of flooding and the associated risk of public endangerment and property damage by clogging and/or partial filling of constructed or natural drainage ways as well as drainage structures and detention ponds.
- (c) The provisions of this chapter are applicable to all drainage improvements located within the City Limits and ETJ of the City of Blanco.
  - i. This Section is intended to be implemented for entire subdivisions at the time of platting and construction of street and drainage improvements and not on an individual lot basis for single family and duplex residential subdivisions.
  - ii. This Section shall not apply to:
    - 1. Single family residential lots of subdivisions approved prior to the adoption of this Code, unless specifically required by prior agreement between the City and the owners or developers of such subdivisions.
    - 2. New one-or-two-unit subdivisions for single family residential lots.
    - 3. Residential subdivisions in the ETJ that creates no more impervious ground cover than twenty percent (20%) of the gross surface area, exclusive of any area within the one hundred (100) year flood plain.
    - 4. Multi-Family or Non-Residential lots less than one-half (1/2) acre.



## (2) Drainage Requirements

### (a) Responsibility for Proper Drainage

- i. The property owner is responsible for ensuring proper design and construction of all drainage facilities.
- ii. Acceptance of requests from the land owner or developer to meet the stormwater detention requirements through measures listed in this Section is solely at the discretion of the City and shall not relieve the owner of responsibility under civil law to adjacent and downstream properties.

### (b) Compliance with drainage requirements shall be accomplished as follows:

- i. Design and construction by the land owner or developer of one or more on-site stormwater detention facilities which limits peak flood flow rates from the proposed development to existing or predevelopment peak flood flow rates from the subject tract.
- ii. Construction of, or participation in the construction of, off-site drainage improvements, such as storm inlets, storm sewers, culverts, channel modifications, detention ponds, land filling, and/or other drainage facilities such that the peak flood flows for fully-developed watershed conditions from the watershed area in which the proposed development is located will be sufficiently and safely passed without increasing the peak discharge rate or the likelihood of flooding of adjacent and downstream property and roadways.

### (c) The provisions of this chapter are applicable to all drainage improvements located within the City Limits and ETJ of the City of Blanco.

- i. This Section is intended to be implemented for entire subdivisions at the time of platting and construction of street and drainage improvements and not on an individual lot basis for single family and duplex residential subdivisions.
- ii. This Section shall not apply to:
  1. Single family residential lots of subdivisions approved prior to the adoption of this Code, unless specifically required by prior agreement between the City and the owners or developers of such subdivisions.
  2. New one-or-two unit's subdivisions for single family residential lots.
  3. Residential subdivisions in the ETJ that create no more impervious ground cover than twenty percent (20%) of the gross surface area, exclusive of any area within the one hundred (100) year flood plain.
  4. Multi-Family or Non-Residential lots than one-half (1/2) acre.

- iii. Construction of or financial participation in area wide drainage improvement, administered by the City pursuant to a regional drainage study or Concept Plan for the Blanco City limits and ETJ, as may be specified in regulations or policies relating to impact fees for drainage improvements.

(d). Nuisance Provision

- i. It shall be unlawful and constitute a nuisance for any person to discharge or cause to be discharged or spilled into the storm drainage system or environment any substance other than naturally occurring stormwater runoff except for
  - 1. Return flows from irrigation,
  - 2. Water from building foundation drainage,
  - 3. Runoff from non-commercial car washing,
  - 4. De-chlorinated water from swimming pools,
  - 5. Reject water from water softening devices,
  - 6. Water from fire hydrants including water used for firefighting.
  - 7. Uncontaminated groundwater and springs,
  - 8. Discharges from potable water sources,
  - 9. Air conditioning condensation,
  - 10. Uncontaminated and acceptable for to the storm drainage system and receiving waters.
- ii. Nothing contained herein shall be construed to relieve any person discharging or caused to be discharged water into the storm drainage system from any liability for damage caused by the volume or quality of water discharged.

(3). Standards and Requirements for Drainage

- (a). The City of Blanco shall require the owner of real property to provide, at the owner's expense and as a condition for preliminary plan approval, a drainage study for the total area to be ultimately developed. The drainage study must be in accordance with the City of Blanco Drainage Criteria Manual.
- (b.) No final subdivision plat, site plan, or building permit shall be approved by the City unless it can be demonstrated by the owner or developer of such property that the proposed development has met the drainage requirements contained herein.
- (c.) Stormwater runoff shall be computed on the basis of a fully development contributing draining area or watershed as determined under the City of Blanco Drainage Criteria Manual.

- (d) Unless authorized by an approved site plan, a person may not place, or cause to be placed, an obstruction in a waterway.
  - i. The person in control of real property traversed by a waterway shall keep the waterway free from an obstruction that is not authorized by a site plan.
  - ii. Placement of fill material, or construction of impervious cover, or construction or placement of any other structure on a person's property or performance of any excavation or grading in a manner which alters the flow of surface water across any adjacent property is prohibited.
- (e) A final plat or site plan may not be approved unless the proposed development will not result in additional identifiable adverse flooding on other property; and, to the greatest extent feasible, preserves the natural and traditional character of the land and the waterway.

#### (4).Standards and Requirements for Stormwater Detention

- (a). Unless otherwise specified herein, the design of all stormwater detention facilities shall be in accordance with the minimum requirements of the current version of the City of Blanco Drainage Criteria Manual.
- (b).Computation of detention requirements shall be based on a fully developed drainage area, or watershed, in accordance with the minimum provisions of the City of Blanco Drainage Criteria Manual.

#### (5).Standards and Requirements for Erosion and Sedimentation Controls

- (a).Temporary erosion and sedimentation controls are required for all development until permanent re-vegetation has been established and must be removed after permanent re-vegetation has been established.
- (b).Design and construction of temporary erosion and sedimentation controls shall be performed in accordance with the City of Blanco Environmental Criteria Manual and the City of Blanco Drainage Criteria Manual.
- (c).For all projects, the applicant must provide a construction phase erosion and sedimentation control plan, acceptable to the City Engineer or another designee of the City.
  - i. The plan shall include specification of control measures to be installed, a sequencing schedule specifying the dates of installation and removal of control facilities, and a maintenance schedule and commitment for the life of the erosion and sedimentation control facilities to be installed.
  - ii. The landowner maintenance and operation of any and all facilities for stormwater detention and/or runoff management constructed under the requirements set forth herein, in a form and specification acceptable to the City.

- iii. Such assurance may be specified in advance by the City and make the form of a plat note, posting of financial surety, legal provisions of an automatic property owners association which are enforceable by the City, or a combination of these or other provisions.
  - iv. No development shall be considered complete until permanent re-vegetation is established, the City of Blanco has received the engineer's concurrence letter stipulating to this fact, and the City Engineer has inspected and accepted the vegetated area.
  - v. Temporary and/or permanent re-vegetation of bare ground in order to stabilize disturbed soil shall occur at the earliest practicable date.
- (d). City of Blanco construction inspection personnel may modify an erosion control plan or construction sequencing plan in the field:
- i. Without notice to the permit holder if the modification is a minor change to upgrade erosion control reflect construction progress; and,
  - ii. With two days written notice to the permit holder if the inspector determines that an erosion control or the construction sequencing is inappropriate the City Engineer has confirmed the inspector's finding in writing.
- (e). No final subdivision plat, site plan, or building permit shall be approved by the City unless the proposed development provides on-site control of the two (2) year peak flow, as determined under the City of Blanco Drainage Criteria Manual. A proposed development may provide off-site control of the two (2) year peak if the off-site control will not cause an adverse water quality impact from increased in-stream peak flow; or stream bank erosion.

## **Section 6.9 Wireless Transmission Facilities**

A Wireless Transmission Facility (WTF) is permitted in accordance with the Use Table in Section 4.8 and subject to the following standard:

### **(1) Location Regulations**

Wireless Transmission Facilities may be located in the areas listed below provided they comply with all standards regarding height requirements; co-location; historic districts, structures or sites; residential structures; residentially zoned property; setbacks and site development and submittal requirements of this Code.

- (a) Wireless Transmission Facilities may be mounted, without a Special Use Permit, on the exterior of any nonresidential and non-historic building, within any zoning district, provided the antenna or antenna support structure or equipment;

- i. Is mounted flush with the exterior of the building or its projects no more than twenty-four inches (24”) from the surface of the building to which it is attached and does not exceed Height restrictions established in this part of the Development Code, and said projection is at least fifteen feet (15’) above Grade; and
    - ii. Is textured and colored so as to blend with the surrounding surface of the building.
  - (b) Wireless Transmission Facilities may locate, without a Special Use Permit, on the roof of any nonresidential and non-historic building, within any zoning district, provided the WTF does not extend further than ten feet (10’) from the edge of the building structure.
  - (c) Wireless Transmission Facilities are allowed, without a Special Use Permit, on existing towers or tanks, utility, lighting standard, sign support, or other appropriate structures provided that the antenna or related equipment or structures do not exceed, by ten feet (10’), the height of the structure or the height limits of the highest permitted structure in the district in which it is located.
  - (d) Wireless Transmission Facilities with towers are allowed within any electric substation, within any zoning district, provided that the antennas or related equipment or structures do not exceed, by ten feet (10’), the lesser of the height of the structure or the height limits of the highest permitted structure in the district in which it is located.
  - (e) Wireless Transmission Facilities, with or without a tower, are allowed on municipally owned properties and structures subject to approval of a lease by the City Council specifying WTF location, design, and other restrictions.
  - (f) In order to protect the City’s natural beauty and historic character no WTF tower shall be located within City of Blanco or its ETJ.
  - (g) No WTF without a tower shall be located on existing structures or sites designated as historic.
- (2) Exempt structures. The following items are exempt from the provisions of this article, notwithstanding any other provisions contained in the zoning ordinance of the city:
- (a) Noncommercial, amateur, ham radio or citizen's band radio antennas supporting structures, antennas or antenna arrays which are less than forty (40) feet in height in residential zoning districts and less than sixty-five (65) feet in height in all other zoning districts and high-speed (broadband) internet antennas; however, any person constructing an antenna-support structure, antenna, or antenna array less than the heights enumerated above shall, upon request from the city administrator, provide evidence of a valid FCC amateur license for operation of an amateur facility;

- (b) Satellite earth stations that are one (1) meter (39.37 inches) or less in diameter in residential zoning districts and two (2) meters or less in all other zoning districts and which are not greater than twenty (20) feet above grade in residential zoning districts and thirty-five (35) feet above grade in all other zoning districts;
- (c) Regular maintenance of any existing WTF that does not include the addition of, or the placement of, any new WTF;
- (d) Any existing or proposed antenna-supporting structure, antenna or antenna array with an overall height of twenty (20) feet or less in residential zoning districts and thirty-five (35) feet or less above ground level in all other zoning districts;
- (e) A government owned WTF, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the city administrator; except that such facility must comply with all federal and state requirements. No WTF shall be exempt from the provisions of this article beyond the duration of the state of emergency; and
- (f) Antenna-supporting structures, antennas and/or antenna arrays for AM/FM/TV/DTV broadcasting transmission facilities to the extent this article is preempted by the Federal Communications Commission.

Facilities exempt under subsections (i) and (ii) above shall be limited to only one (1) amateur antenna and support structure per residential lot, and a maximum of two (2) satellite dishes per residential lot, provided neither unit is larger than one (1) meter (39.37 inches) in diameter.

### (3) Co-Location

- (a) To minimize the number of WTFs to be sited, applicants should cooperate with other service providers in co-locating additional antennas on existing towers and/or structures to the extent that co-location is reasonably economical and technically feasible.
- (b) Service providers should, to the maximum extent feasible, promote co-location of antennas by multiple providers through the use of:
  - i. Nonexclusive agreements for antenna sites,
  - ii. Relocation and reconfiguration of antennas to accommodate additional users, and
  - iii. Utilization of current technology to maximize antenna separation and minimize antenna/tower height and obtrusiveness.
- (c) Tower space on existing WTF towers should be provided on a reasonable, proportioned cost basis to other service providers who seek use of the structure, unless it would result in the creation of a level of radio frequency interference that would degrade applicants' services.

(d) Fencing Requirements

- i. The base of the WTF with a tower, including all mechanical equipment and accessory structures, must be completely enclosed by a fence, wall, or barrier which limits climbing access to such WTF and any supporting systems, lines, wires, buildings or other structures.
  1. The base must be fully screened for the line of vision or view of residential structures, residentially zoned properties, or public roadways by a substantially opaque screening fence designed and built to provide privacy.
  2. The fence shall be a minimum height of eight feet (8') and consistent in color and character with surrounding structures and properties.
  3. The fencing shall have no openings, holes or gaps larger than four inches (4") measured in any direction.
  4. The fencing may contain gates or doors allowing access to the WTF and accessory structures for maintenance purposes; such gates or doors shall be kept completely closed and locked at all times except for maintenance purposes and shall be located so that all gates and doors do not intrude into the public right-of-way.
- ii. The requirements of this section do not apply to:
  1. Wireless Transmission Facilities located on buildings or structures that are not designed or built primarily to support WTFs, provided that the general public has no physical access to the WTFs, and adequate safety measures are taken to prevent access by unauthorized people;
  2. Legally existing WTFs having security fences at least six feet (6') in height; and
  3. WTFs with towers that are sufficiently camouflaged or disguised such that the City determines a security fence is unnecessarily and/or would cause the tower to be unnecessarily more obtrusive.

(e) Landscaping

Landscaping and buffering shall be required around the perimeter of the WTF, as required by this section and this code, except that the city council may waive the required landscaping otherwise required under this section on one or more sides of the WTF or allow the placement of required landscaping elsewhere on the property when the required landscape area is located adjacent to undevelopable lands or lands not in public view. Alternative landscaping may be approved by the city council. Landscaping shall be installed on the outside of the perimeter fence or wall.

Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting the landscaping requirements, subject to approval by the city council. Landscaping shall be placed in a manner so as to maximize the screening between residential areas and the WTF and minimize the view of the facility from any residential areas and public roads and rights-of-way.

#### (4) Maintenance and Inspection

- (a) By applying for a WTF permit under this article, the applicant specifically grants permission to the City, its duly authorized agents, officials and employees, to enter upon the property for which a permit is sought, after first providing a reasonable attempt to notify a person designated by the applicant, for the purpose of making all inspections required or authorized to be made under this part of the Code.
  - i. In the event of an emergency, the City shall not be required to provide any notice to the applicant.
  - ii. The City may require periodic inspections of WTFs to ensure structural integrity and other code compliance. Based upon the result of an inspection, the City may require repair or removal of a WTF.
- (b) The owner or operator of a WTF shall be responsible for the maintenance of the WTF and shall maintain all buildings, structures, supporting structures, wires, fences, or ground areas used in connection with a WTF in a safe condition and in good working order, as required by City building, fire, or any other applicable codes, regulations ordinances or to standards that may be imposed by the City at the time of the granting of a permit.
  - i. Such maintenance shall include, but shall not be limited to, maintenance of the paint, landscaping, fencing, equipment enclosure, and structural integrity.
  - ii. If the City finds that the WTF is not being properly maintained, the City will notify the owner of the WTF of the problem. The City is not responsible for the maintenance or any aspect of the WTF by the reason of the City's inspection or approval of the maintenance of the WTF; the owner or operator of the WTF is solely and completely responsible for all structural, maintenance, and repair aspects of WTF.
- (c) Contractual agreements between the WTF operator and landowner shall apply.

#### (5) Submittal Requirements

Service providers wishing to establish a WTF shall:

- (a) Secure all necessary approvals and permits needed to operate or construct a WTF within the City;
- (b) Comply with all ordinances of the City;



- (c) Pay all related development and permit application fees;
- (d) Reimburse the City for actual costs incurred by the City for radio frequency evaluations, structural engineering reviews, attorney fees, publication, mailing fees and/or any other services that the City may deem necessary to review and process the application; and
- (e) Submit the following documentation:
  - i. Documentation demonstrating that all service providers are identified and have all the necessary approvals to operate as such, including holding necessary franchises, permits, and certificates;
  - ii. A notarized statement signed by the WTF tower operator, the tower owner, and the landowner that indicates;
  - iii. Photo simulations of the proposed WTF from varying points and distances, including affected residential properties and public rights-of-way. The photo simulation shall also include a diagram or map indicating points from where the photo simulations are taken;
  - iv. Site and landscaping plans indicating:
    - 1. The specific placement of the WTF and all related structures on the site;
    - 2. The location of existing trees, and other significant site features;
    - 3. The type and location of landscaping proposed for screening;
    - 4. The color(s) for the WTF; and
    - 5. Architectural and structural drawings for the proposed site.
  - v. A signed agreement executed by the three parties (City, Operator, Landowner); and
  - vi. Updates of the above documents as they become available including updated notarized statements as required above whenever ownership or operators change.

(6) Notice Requirements

- (a) Public Notice is required prior to a hearing on a proposed WTF facility that is within two hundred feet (200') of a Residential Structure or Residentially Zoned Property.

(b) Notice Sign Placement and Information

- i. The applicant for a WTF permit must post and use reasonable efforts to maintain a sign on the subject WTF site for a minimum of thirty (30) calendar days beginning no later than the sixth (6<sup>th</sup>) calendar day following the date of the filing of the required completed application with the City.
- ii. The sign shall be posted no less than fifteen feet (15') from the public right of way that is used as access to the WTF site. The sign shall face and be legible from the public right-of-way.
- iii. The sign shall contain at a minimum the following items of information:
  1. That this is the proposed site of a WTF;
  2. The WTF permit application number assigned to this project by the City of Blanco; and
  3. The telephone number of the City of Blanco where additional information concerning this proposed WTF may be obtained.
  - iv. The applicant shall remove the sign from the subject WTF site after the permit is obtained or the appeals process is complete.

(c) Published Notice

- i. Written notice shall be published by the City at least once in a local newspaper of general circulation within the City no later than the seventh (7<sup>th</sup>) calendar day following the date of filing of the required completed application.
- ii. Such notice shall be published in the section of such newspaper in which other legal notices are commonly published.

(7) Permit Limitations

- (a) Construction, placement, removal, or alterations to a WTF shall not be performed except between the hours of 7:00 a.m. and 9:00 p.m. of any day, except in a bona fide emergency.
- (b) The applicant shall notify the City Secretary in writing of all changes in ownership or operation of the WTF Tower within thirty (30) days of actual knowledge of the change.

(c) Permit Expiration

- i. Any City permit, including the Special Use Permit, shall become null, void and non-renewable if the permitted WTF is not constructed within one (1) year of the date of issuance.

- ii. The Special Use Permit for construction may be extended according to Section 3.5(5) one time for six (6) months if construction has commenced before expiration of the initial year.
  - iii. Any City permit, including a Special Use Permit, for a WTF shall expire and the applicant must remove the WTF if it is not put into use within one-hundred-twenty (120) days after construction or if use is discontinued for a period in excess of one-hundred-twenty (120) days.
  - iv. If the WTF is not so removed, the City may cause the WTF to be removed and all expenses of removal shall be paid by the owner of the land where the WTF is located. The WTF owner/operator shall post a letter of credit or performance bond to guarantee its compliance with this requirement.
- (d) The applicant/permittee of a WTF shall expressly indemnify, protect, and hold the City harmless in writing, as required by the City, to the maximum extent allowed by law. No exceptions to this requirement shall be allowed.

# Chapter 7 Transportation Infrastructure

## Section 7.1 Purpose and Intent

- (1) The purpose of this Chapter is to assure that residential and nonresidential development projects constructed within the City of Blanco and its extraterritorial jurisdiction (ETJ) are adequately furnished with roads and transportation resources.
- (2) Design and construction of infrastructure in the City and ETJ shall be consistent with the policies and guidelines of the City of Blanco. The General Standards and Requirements for infrastructure found in Section 6.2 of this Code shall apply to infrastructure provided according to this Chapter.

## Section 7.2 Streets

- (1) The purpose of this section is to ensure adequate and safe pedestrian and vehicle circulation within the City and ETJ and into adjoining areas.
- (2) All developments shall provide for streets and sidewalks to serve said development in accordance with the requirements and design standards of the City's thoroughfare plan as may be adopted by the City Council, this section and other sections of this Code, and other manuals, guidelines and reports as may be referenced in this section.
- (3) General Street Requirements
  - (a) The City Council shall require the developer to:
    - i. Dedicate right-of-way as determined by the City Council and Blanco County, and
    - ii. Construct or improve that portion of existing streets and associated transportation improvements, including all underground utilities, bordering, abutting, or within a proposed subdivision.
    - iii. The City Council may require the developer to construct or improve portions of existing streets which do not border or about a proposed subdivision but are clearly affected by it based on the findings of an applicable Traffic Impact Analysis.
  - (b) All proposed street systems or system improvements shall extend existing major streets and such existing secondary and local access streets as may be desirable for the safety, convenience, and adequacy of circulation.
  - (c) If lots or tracts of land in a proposed subdivision are large enough to suggest further subdivision in the future, or if part of the tract is not subdivided, consideration shall be given to possible future street layout, openings, and access to future lots which could result from such re-subdivision.
  - (d) The street system shall bear a logical relationship to the natural topography.

- (e) Local streets shall be designed to discourage high-speed through traffic.
- (f) Right-of-way widths and locations shall be as required in this Code and applicable to each individual lot.
- (g) Every lot shall have access to it that is sufficient to afford a reasonable means of ingress or egress for emergency vehicles as well as for all those likely to need or desire access to property for their intended use. Approval from City Council and the Fire Marshall must be acquired for all lots which do not have direct access to a public street.
- (h) All new developments shall meet any and all requirements of Blanco County for dedication of public right-of-way
- (i) Prior to the acceptance of the street improvements by the City, the Director of Public Works or another designee of the City Secretary shall conduct at least one inspection of the street improvements. This inspection shall occur upon substantial completion of the street improvement. The applicant shall notify the City that an inspection is desired at least two (2) business days prior to the need for inspection. The applicant shall provide whatever reasonable assistance the City requests in order to make the inspection and shall be present at the time of inspection.

#### (4) Dedication of Right-of-Way

- (a) Where an existing or proposed thoroughfare is located alongside a proposed new development, the property owner shall dedicate and improve, as minimum, one-half (1/2) of the right-of-way necessary to meet the specification for the thoroughfare.
  - i. The right-of-way must meet the specifications for the thoroughfare as contained in the Table 7.1 Street Requirements.
  - ii. The City may require additional land and improvements for rights-of-way for adjacent thoroughfares where necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed development, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.
  - iii. In the case of adjacent frontage or service roads for state and federally designated highways, the property owner shall dedicate sufficient right-of-way and make authorized improvements in order to provide an adequate road network to serve the development.

- (b) Where an existing thoroughfare that does not meet the City’s right-of-way or design standards abuts a proposed new development, the City may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in this Code, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare and the likelihood that adjoining property will develop in a timely manner.

(5) Street Classification

- (a) All streets shall be classified and defined as follows:

- i. Arterial: The primary function of an arterial street is to carry high volumes of through traffic. Access is usually limited to intersections and major driveways. Arterial streets serve as a link between major activity centers within and between urban areas. (Minimum five thousand (5,000) trips per day)
- ii. Collector: A street whose main purpose is to collect and direct traffic from local streets to arterial streets, to carry traffic between arterial streets or to provide access to abutting commercial or industrial properties or higher intensity residential land uses. (Approximately one thousand (1,000) to five thousand (5,000) trips per day)
- iii. Local Street: A street whose primary function is to serve abutting land use and traffic within a neighborhood or limited residential district. A local street is generally not continuous through several districts. (Approximately two hundred (200) to one thousand (1,000) trips per day, maximum)
- iv. Alley: A public or private vehicular roadway, designed for the special accommodation of the property it serves and not intended to be used for general public use. In no case shall dead-end alleys be permitted.
- v. Cul-de-sac: A street which terminates in a vehicular turnaround.
- vi. Access Road: A street which is parallel and adjacent to an arterial street. It is designed to provide access to abutting properties so that the properties are sheltered from the effects of the through traffic on the arterial street or so that the flow of traffic on the arterial street is not impeded by direct driveway access from abutting properties. When used as a private drive, it shall be referred to as a “private parallel driveway.”

- (b) Whenever a street continues an existing street that formerly terminated outside the subdivision or parcel, or it is anticipated that the street will be continued beyond the subdivision or parcel at the same time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or parcel.

## (6) General Street Layout

- (a) The street system of a subdivision shall be coordinated with and extended directly to existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (herein referred to as surrounding streets).
  - i. Collector streets shall intersect with or otherwise connect directly to surrounding collector or arterial streets at safe and convenient locations.
  - ii. Collector and local streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic through and between residential neighborhoods or to facilitate access to neighborhoods by emergency vehicles.
  - iii. Street intersections shall be as close to ninety (90) degrees as possible, given due regard to terrain and topography. In no case will intersections at angles more acute than seventy (70) degrees be permitted.
  - iv. Street jogs with centerline offsets of more than one hundred fifty feet (150') shall be avoided unless the City Engineer determines that no other practicable alternative exists.

### (b) Cul-de-sac Street

- i. Unless approved by the City Engineer, cul-de-sacs shall not exceed one-thousand feet (1000') in length, measured from the centerline of the intersecting roadway to the center of the turnaround.
- ii. An approved cul-de-sac shall have a circular turnaround based on the following standards:
  - 1. For single-family areas, a paved turnaround of at least fifty feet (50') in radius and a right-of-way of one-hundred-twenty feet (120') in diameter.
  - 2. For non-residential and multi-family areas, a paved turnaround of at least sixty feet (60') in radius and a right-of-way of one-hundred-fifty feet (150') in diameter.

### (c) "Eyebrow" or "elbow" Street Corners

- i. The minimum centerline radius for the eyebrow shall be fifty feet (50').
- ii. From the point of intersection of the centerlines of the street sections leading into the turn, the radius to the right-of-way shall be fifty feet (50') and the radius to the edge of pavement shall be forty feet (40').
- iii. The return radius of the eyebrow shall be twenty-five feet (25').

- iv. The interior angle of the eyebrow shall be between eighty (80) and one hundred (100) degrees.

(d) Dead End Streets

- i. Whenever a dead-end street is proposed within a suburb and connections to anticipated or proposed surrounding streets are required by this Chapter, the street right-of-way line shall be extended and the street developed to the property line of the subdivided property or to the edge of the remaining underdeveloped portion of a single tract at the point where the connection to the anticipated or proposed street is expected to connect or continue.
- ii. A temporary turnaround is required for any dead-end street that exceeds two-hundred feet (200') as measured from the centerline of the nearest intersecting street.
- iii. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of six-hundred feet (600') may be created unless no other practicable alternative is available.
- iv. If an existing dead-end street is proposed to be terminated rather than extended into a new development, the developer is responsible for creating a permanent Cul-de-sac at the end of that street.

**See page 7-6 for Figure 7.1 Street Layout**

(7) Street Design Standards

(a) Arterial Streets

i. Right-of-way

- 1. Minimum right-of-way of one-hundred-and-ten feet (110'), with four (4) paved lanes totaling fifty-four feet (54'). One and a half (1.5) foot concrete ribbon curb required outside of pavement width and a minimum four-foot (4') shoulder beyond the ribbon curb.

- ii. No parking is allowed on arterial roadway sections.

(b) Collector Streets

- i. Alternate standard: Minimum right-of-way width of sixty feet (60') with two (2) paved lanes totaling thirty feet (30') face to face and standard six-inch (6") curb and gutter.

(c) Local Streets

- i. Minimum right-of-way width of fifty feet (50') with two (2) paved lanes totaling twenty-seven feet (27') face to face and standard six-inch (6") curb and gutter on one-half (1.5) ribbon curb.



- ii. For certain cul-de-sacs that only serve a small number of residences, a reduction in pavement width may be permitted by the City Secretary subject to approval by the Fire Marshall.

(d) Alleys

- i. Minimum right-of-way width sixteen feet (16’) with one (1) paved lane totaling twelve feet (12’). No curb is required.
- ii. No parking is allowed on alleys although garages are allowed to be located off of alleys with provision for a parking area beyond right-of-way.
- iii. Driveway entrances shall be allowed on alleys.
- iv. No lots may front on alleys.

**Table 7.1 Street Requirements**

Street Type	Min. Right of Way Width (ft)*	Minimum Pavement Width (ft)*	Sidewalk Required	Parking Allowed	Bikeway Requirement
Arterial	86	42	Two sides	No	Bike Lane
Collector	60	42	One sides	Two side	Bike Lane
Local	50	30	Two side	Two side	Bike Lane
Alley	16	12	No	No	No

(e) Streets in High Density Developments

- i. The City Engineer may require that Streets and Rights of Way in areas developed for High Density, Duplex, or Multifamily residential use be three feet (3’) wider to accommodate the increased demand for on-street parking.
- ii. As an alternative, the developer or landowner may install overflow parking in an amount equal to the square footage that would have otherwise been installed through increased pavement width.
- iii. This overflow parking must be located to conveniently serve the needs of residents and their guests. Depending on the arrangement of the residences, a distribution of overflow parking areas may be required.

- (f) Acceleration/Deceleration Lanes: In cases where the City Secretary or their designee recommends to the City Council that a turn lane is needed to maintain the public safety or general welfare of the community, the Council may require that a turn lane be constructed in accordance with the following standards:
- i. All acceleration/deceleration lanes shall be eleven feet (11') wide.
  - ii. An additional ten feet (10') of right-of-way shall be provided with acceleration/deceleration lanes.
  - iii. The total length for all right lanes and deceleration lanes shall be calculated as follows:
    1. For roadways with posted speeds forty-five (45) miles per hour and faster, the length of the turn lane shall be:  $\text{Total Length} = 11 \times \text{Posted Speed}$
    2. For roadways with posted speeds less than forty-five (45) miles per hour, the total length of the turn land shall be:  $\text{Total Length} = (11 \times \text{Posted Speed}) / 60$
    3. The City Engineer may, at his discretion reduce the requirement for Total Length of an acceleration or deceleration lane.
  - iv. All acceleration/deceleration lanes shall be installed with a taper and storage area.
  - v. A tangent section of no less than ten feet (10') shall be provided from the preceding driveway curb return to the transition of deceleration lane. This distance may be extended in non-residential areas to facilitate the safe and efficient flow of traffic.
  - vi. All acceleration/deceleration lanes constructed on or at intersections with state and federal roadways shall be designed in accordance with the requirements and specifications of the Texas Department of Transportation (TxDOT).
  - vii. Turn and deceleration lanes shall be the responsibility of the developer and shall be paved to the standards of other City streets and roadways.

**Figure 7.2 Acceleration/Deceleration Lane**

See diagram on page 7-9

(8) Street Construction Standards

(a) General Standards

- i. All required street improvements shall comply with the street design specifications, as contained in the City of Blanco Transportation Criteria Manual by reference and included in this Code the same as if set out at length in this section. Where any provision of this Code conflicts with a provision or requirement of the City of Blanco Transportation Criteria Manual, the more stringent requirements shall control.
- ii. Right-of-way widths in excess of the street design specifications shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.

(b) Street Pavement

- i. All dedicated streets within a new subdivision shall consist of a base and asphalt surface or reinforced concrete pavement. Streets shall be constructed in accordance with Section 3 “Pavement Design” of the City of Blanco Transportation Criteria Manual, with exceptions to criteria as specifically noted otherwise in the City’s Unified Development Code.
- ii. Pavement design standards for all streets shall meet or exceed the minimum requirements as shown in a geotechnical report, based on borings taken along the streets. The geotechnical report shall be prepared by an independent professional engineer with geotechnical engineering expertise licensed to practice in the State of Texas in strict conformance with current requirements as described in the City of Blanco Transportation Criteria Manual, utilizing the street classifications in this Code.
- iii. All built streets shall undergo a certified testing after construction to assure compliance with the geotechnical survey and pavement design. The results of this testing shall be submitted to the City in addition to any other required documents.
- iv. Alternative Surfaces: Alternative street pavement strips at intersections (crosswalks) and selected utility facility locations may be submitted for consideration to the City. Alternative pavement strips may consist of hand-laid paving blocks specifically designed for moderate-to-high speed traffic loadings and shall be segregated from adjoining pavement surfaces through the installation of a reinforced concrete ribbon. Maintenance of alternative street pavement shall be the responsibility of the developer, enforced by license agreement with the City.
- v. Curbs and Gutters may be required on streets within the subdivision along lines and grades specified by the City.

(c) Street Curb Requirements

- i. Except as otherwise provided in this Code, all streets shall be constructed with curb and gutter or ribbon curb and shall conform to the other requirements of this subsection.

- ii. Standard ninety (90) degree curb as specified by the City of Blanco Transportation Criteria Manual shall be used, except that ribbon curb shall be permitted on condition of meeting the minimum width and right of way requirements of this section.
- iii. Street pavement widths shall be measured from curb face to curb face where ninety (90) degree curb is used and from the outside edge of curb to outside edge of curb where ribbon curb is used. Roll-type curb may be substituted for ninety (90) degree curb. Pavement width on roll-type curb shall be measured from center of curb face to center curb face.
- iv. Ribbon curb shall be one and one-half feet (1.5') wide concrete construction as specified in the City of Blanco Transportation Criteria Manual.
- v. Curb and gutter shall be standard six-inch (6") height concrete construction as specified in the City of Blanco Transportation Criteria Manual.
- vi. All new curb installations shall be required to smoothly transition with existing curb installations.

### **Figure 7.3 Curb Types**

See page 7-11 for diagram

#### (d) Relationship to topography

- i. Street shall be logically related to the existing topographical conditions and shall conform as closely as practicable to the original topography.
- ii. Streets shall be designed to facilitate street drainage and storm water runoff and to minimize any adverse impacts of storm drainage on property downstream from the street.
- iii. Street grades shall be designed in accordance with the City of Blanco Transportation Criteria Manual. Under no circumstances will street grades or design speeds exceed those allowed in Table 7.2 without approval by City Engineer.

**Table 7.2 Street Speed and Grade Requirements**

Street Type	Minimum Design Speed (MPH)	Maximum Street Grade
Arterial	50	7%
Collector	40	9%
Local	30	12%
Local Side Street	25	12%
Alley	15	10%
Cul-de-sac	25	12%
Parkway	45	10%
Design Speed shall be at least five (5) mph greater than posted speed.		

(9) Traffic Impact Analysis

(a) In order to ensure that development within the Blanco jurisdictional area is supported by an adequate roadway network and a rough proportionality is maintained between the traffic impacts created by a new development and requirements placed on the developer to dedicate and improve offsite, abutting and internal street rights-of-way to City standards, all new developments, improvements, or changes of use requiring the issuance of a permit from the City may also require a Traffic Impact Analysis (TIA).

i. The City requires that:

1. Development impacts are mitigated through contributions of street rights-of-way and/or improvements to existing and new roadways; or
2. New developments contribute their fair share of the costs of needed transportation improvements.

ii. If the traffic impact will affect a state-controlled highway then the developer must coordinate the necessary improvements with the Regional Texas Department of Transportation.

(b) Applicability

- i. The regulations in this section apply to existing and future transportation networks associated with land development activities, within the City limits and within the City's extraterritorial jurisdiction. Any application for subdivision approval or subdivision improvements, zoning or zoning change, or site development in accordance with this Code must comply with these standards.
- ii. As part of the approval process the Planning and Zoning Commission and the City Council shall determine, based upon the City Engineers recommendation, if a TIA is required for approval of a Concept Plan.
- iii. The threshold requirement for a TIA shall be a development or combination of developments that would result in trip generation of more than an average of fifteen hundred (1500) trips per day based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
  1. If the proposed development does not exceed the threshold, a TIA waiver shall be noted on the TIA Determination Worksheet.
  2. If the TIA threshold is exceeded, the applicant shall be so advised on the TIA Determination Worksheet and referred to the City Secretary or his designee for consultation concerning the preparation of a TIA.

iv. Phased Developments

1. When required an initial TIA shall be submitted with the preliminary plan. If the City Engineer determines that a follow-up TIA is needed the update TIA shall be submitted with each preliminary plan or future phase of a development submitted for approval and shall be generally consistent with the initial TIA. The initial TIA shall be updated whenever the preliminary plan or final plat is modified to authorize more intensive development.
2. The initial TIA and updated TIAs shall consider the cumulative impacts of all future phases of the development and not segment the impacts into smaller amounts that would avoid identification of and participation in any needed capital improvements.

(c) Study Scope

When a TIA is required, the type and scope of the study shall be determined by the City Secretary. The City Secretary may involve representatives of or request assessments from other agencies, departments, and consultants. The elements to be determined during the scoping session shall include the following:

- i. Type of Study. The possible types of reports include: a letter report, full TIA report or special report (e.g., sight distance survey). The TIA shall be certified by a registered professional engineer with a specialty in the field of transportation engineering.
- ii. Definition of Impact Area. The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall also be determined.
- iii. Period of Analysis. Periods of analysis may include daily traffic, AM, PM or weekend peak hour.
- iv. Analysis Scenarios. Scenarios for analysis shall include existing conditions, opening year conditions with and without development, and ten (10) years after opening with and without development, unless the City Secretary or their designee specifies a different scenario based on unusual circumstances. In the event that specific land uses for the development are not specified at the time of subdivision or plat application, the daily trip generation rate for the most intensive land use from the ITE Manual for the land use classification of the application shall be used to compute the estimated average daily trips.
- v. Growth Rate Assumption. The rate of growth assumed in background traffic assumptions.
- vi. Pipeline Development. Planned pipeline developments in the area that have been approved or are under review.

(d) TIA Submittal

- i. The TIA shall follow standard transportation engineering practices processes for determining trip generation and distribution including trip generation category, diversion assumptions, distribution assumptions, and the adequacy of the road network to serve the proposed development, and whether off-site road dedication and improvements should be made to mitigate the effects of the development proposed in the application. The data and methods used in the TIA shall be based upon the latest editions of ITE manuals.
- ii. Following approval of the TIA scope, a number of copies of the document shall be sent to the City Secretary.
- iii. If Blanco County and/or the Texas Department of Transportation roads are affected and they have reached agreement with the Developer then the developer shall submit a copy of the letter from Blanco County and/or the Texas Department of Transportation (TxDOT) that outlines any agreements between the developer and Blanco County and/or TxDOT for planned improvements to County and/or State roads abutting subdivisions or sites and the trigger for such improvements. The agreement must be submitted prior to Final Plat approval.

(e) Traffic Study Elements

- i. A letter report or special report shall only include those elements agreed upon by the City Secretary of City Designee and the developer.
- ii. A full TIA shall include the following elements:
  1. Existing Condition Survey
  2. Street System Description: The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses and curb cuts.
  3. Traffic Volumes: Existing traffic volumes shall be provided for the impact area including both AADT (Average Annual Daily Traffic) and “Design” peak hour volumes. AADT may be derived from current counts of the City or TxDOT (if available) and peak hour volumes shall be based on field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.
  4. Capacity Analysis: Existing capacity of signalized and unsignalized intersections.
- iii. Other items may be required at the discretion of the City Secretary depending upon the type and scale of the project. These may include but are not limited to:
  1. Queue length analysis,
  2. Pedestrian counts,
  3. Accident data,
  4. Traffic speeds (both 50<sup>th</sup> and 85<sup>th</sup> percentile), and
  5. Stopping sight distances.

(f) Mitigation Plan

- i. The TIA shall identify the need and timing for transportation improvements, if any needed to maintain the same or higher level of service than exists prior to development during each phase of development.
- ii. Where the analysis indicates that the project will create transportation system deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. Costs estimates shall include right-of-way acquisition, utility relocation, and transportation facility design and construction. All cost estimates shall be approved by the City Engineer or the City Secretary or his/her designee prior to acceptance of the TIA.



- iii. The design of improvements shall be in accordance with specifications of this Code and other standards as may be adopted by the City and, where appropriate, TxDOT. The mitigation plan shall also include provisions in the future for any dedications necessary to comply with the Minimum Road Standards described in this section.
- iv. A road improvement may be considered adequate for an application if the City Secretary determines that the required improvement is included funded and approved in the City's, County's or State's capital improvements plan for roads, provided that the applicant agrees to phase development to conform to the date of completion of such scheduled improvement.
- v. The section shall not be construed to prevent the City from requiring dedication of rights-of-way for such roads, or from assigning trips to such roads in a TIA in order to determine a development project's proportionate costs of improvements.

(g) Evaluation of TIA

- i. The City shall evaluate the adequacy of the TIA prepared by the applicant. Based upon such evaluation, the City shall determine:
  - 1. Whether the application may be approved without dedication of rights-of-way or construction of improvements to each affected thoroughfare; and
  - 2. The extent of the applicant's obligations to make such dedications or improvements.
- ii. The City may condition the approval of the development application on one or more of the following acts by the applicant:
  - 1. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
  - 2. Reduction in the density or intensity of the proposed development sufficient to assure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;
  - 3. Dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development.
- iii. Where the final approval authority determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the permit or subdivision plat.

- iv. The application for which a TIA is being conducted shall not be approved until the City has received all required payments or is otherwise satisfied with the financial arrangements related to required transportation improvements.

(h) Appeal of TIA Conditions

- i. An applicant may appeal a disapproval or denied final action resulting, in full or in part, from a determination that the Mitigation Plan was insufficient.

- 1. The appeal shall first be presented to the City Council and, if a satisfactory resolution is not attained, the City Council shall refer the appeals to the Board of Adjustment to consider the appeal and make a finding and recommendation of the City Council.
- 2. The BOA recommendation shall be binding upon the City and the applicant as it pertains to the Mitigation Plan and the development for which the Mitigation Plan was prepared.

- ii. Basis for Appeal

- 1. The appeal shall allege and demonstrate that recommended conditions requiring dedication or construction of thoroughfares or traffic control improvements are not roughly proportional to the nature and extent of the traffic impacts on the road network created by the development being proposed.
- 2. The appeal may also allege and demonstrate that the imposition of the conditions deprives the owner of the economically viable use of the land, or of a vested property right.

- iii. The appeal hearing body shall consider the appeal and determine whether the street or traffic control dedication and construction requirements are roughly proportional to the nature and extent of the impacts on the road network created by the development proposed. If the petition also alleges that the proposed dedication or construction requirements constitute a deprivation of economically viable use or of a vested property right, the hearing body also shall consider such issues.

- iv. Following such determinations, the appeal hearing body may take any of the following actions regarding the road adequacy portion of the appeal only:

- 1. Deny the appeal, upon determining that the required dedications of rights-of-way for or improvements to thoroughfares or traffic control improvements are roughly proportional to the nature and extent of the impacts created by the development, and order that such dedication or improvements be made as a condition of approval of the subdivision or site development application.

2. Deny the appeal, finding that the dedication or improvement requirements are inadequate to achieve road adequacy, and either deny the subdivision or site development application or require that additional dedications of rights-of-way dedication for or improvements to thoroughfares, or traffic control improvements, be made as a condition of approval of the application.
3. Grant the appeal and waive in whole or in part any dedication or construction requirement that is not roughly proportional; or
4. Grant the appeal, and direct that the City participate in the cost of acquiring rights-of-way or constructing improvements sufficient to achieve proportionality.

(10) Fire Access

- (a) Fire apparatus access lanes shall be provided for every facility, building or portion of a building hereafter constructed when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than one hundred fifty feet (150') from fire apparatus access as measured by an approved route around the exterior of the building.
  - i. More than one fire apparatus lane shall be provided when it is determined by the Fire Marshal that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
  - ii. Fire apparatus access lanes between aisles of parking or under porte-cocheres not providing direct access to fire apparatus need to designate as fire lanes.
  - iii. Existing improved sites shall be reviewed by the Fire Marshal and compliance with this subsection shall be met to the greatest extent possible.
- (b) Alternative Fire Prevention measures
  - i. When fire lanes cannot be installed due to building location on property, topography, waterways, non-negotiable grades or other similar conditions, the Fire Marshal is authorized to require additional fire protection measures.
  - ii. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the Fire Marshal is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the Fire Marshal and shall contain keys to gain necessary access as required by the Fire Marshal.

(c) Specifications

- i. Fire apparatus access lanes shall have an unobstructed width of not less than fifteen feet (15') and an unobstructed vertical clearance of not less than fifteen feet (15').
- ii. Vertical clearances or widths shall be increased when, in the opinion of the Fire Marshal, vertical clearances or widths are not adequate to provide fire apparatus access.
- iii. Fire apparatus access lines shall be designed and maintained to support the imposed loads of fire apparatus eighty-thousand pounds (80,000 lbs. gross vehicle weight) and shall be provided with a surface so as to provide all-weather driving capabilities.
- iv. Fire access lanes shall have a minimum twenty foot (20') inside and forty foot (40') outside corner radius.
- v. Dead-end fire apparatus access lanes in excess of one hundred fifty feet (150') in length shall be provided with approved provisions for the turning around of fire apparatus. The turning radii and configuration shall be approved by the Fire Marshal.
- vi. Fire apparatus access lanes shall be designated as tow away zones, clearly identified, properly marked and maintained to prevent obstruction by parking or any other obstruction.
  1. The Fire Marshal shall give notice of the designation to the owner of the property, directing the owner to cause, at the expense of the owner, markings to be painted on any areas designated as the fire lane.
  2. The markings must be red with white stenciling reading "FIRE LANE" in lettering at least three inches (3") in height. The stenciling shall be at intervals of thirty-five feet (35') or less.
  3. In addition, the owner shall cause signs to be posted at both ends of a fire lane and at intervals of fifty feet (50') or less.
  4. Alternative marking of fire lanes may be approved by the Fire Marshal provided fire lanes are clearly identified at both ends and at intervals not to exceed thirty-five feet (35').

(d) Responsibilities

- i. All onsite improvements and facilities needed to provide emergency service and firefighting capability for new developments shall be provided by the developer.

- ii. The designation of fire lanes does not make the City responsible for the maintenance of the fire lanes on private property. The owner of the property continues to be responsible for the maintenance of the area. The official record of the designation and location of the fire lanes shall be kept in the office of the Fire Marshal.
- iii. Developers shall obtain design criteria and plan approvals from the City of Blanco and the Blanco County Emergency Service District and provide evidence of such approval in advance of seeking final plat or site development permit approval. All standards and requirements of the Blanco County Fire Prevention District shall be met.

#### (11) Private Streets

- (a) All private streets shall conform to the same standards as set out herein for public streets.
- (b) Private streets shall not be included to meet minimum lot sizes.
- (c) Speed limits for private streets shall be set according to the American Association of State Highway and Transportation Officials (AASHTO) standards.
- (d) Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in this Code and the City of Blanco Construction Standards Manual.
- (e) Gated communities have the following additional requirements:
  - i. A minimum one hundred-foot (100') queuing distance from the gate to an intersecting exterior right-of-way.
  - ii. A paved circular turnaround on the public side of the gate of at least one hundred thirty feet (130') in diameter.
- (f) Any lot that is using a private street or private access easement for access
  - must show evidence that the private street or private access easement will be maintained to ensure continued access.

#### (12) Other Street Design Requirements

- (a) Street Marking: Street marking shall be applied by the subdivide in compliance with requirements set forth in the City of Blanco Transportation Criteria Manual and the most recent edition of the Texas Manual on Uniform Traffic Control Devices.
- (b) Street Names: Names of new streets shall not duplicate or cause confusion with the name of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case the names of the existing streets shall be used. Street names shall be compatible with the Blanco County 911 service.

(c) **Street Signs:** Street signs shall be installed by the subdivider at all intersections within or abutting the subdivision in accordance with the City of Blanco Transportation Criteria Manual and the most recent edition of the Texas Manual on Uniform Traffic Control Devices.

(d) **Street Crosswalks**

- i. Crosswalk right-of-way's a minimum of four feet (4') in width shall be dedicated where deemed necessary by the City Council as recommended by the Planning and Zoning Commission to provide safe and convenient circulation or access to: schools, parks and playgrounds, commercial centers, shopping centers, parking lots, and transportation and other community facilities, or to provide safe and convenient pedestrian circulation within a subdivision.
- ii. Crosswalk ways shall be clearly marked with pavement marking in compliance with the requirements set forth in the City of Blanco Transportation Criteria Manual.
- iii. City Council may require the subdivider or site developer to dedicate a crosswalk way with a width of greater than four feet (4') and/or provide alternative crosswalk surfacing if it is deemed necessary for pedestrian safety and convenience.

(e) **Street Lights:** Street lights shall be installed by the subdivider or site developer at major street intersections within the subdivision or site development and at major intersections on the boundaries of the subdivision in accordance with the requirements set forth in this Code, Section 5.12 Lighting, as deemed appropriate by the City Council.

(f) **Streetscape**

- i. Streetscape designs shall meet all safety and visibility requirements found within the Code and the technical criteria manuals used by the City of Blanco, as well as any applicable Texas Department of Transportation requirements.
- ii. Along all arterials and freeways at least one (1) canopy tree for every forty feet (40') of frontage shall be installed.
  1. One existing tree may be substituted for each new tree provided the existing tree is in good health and form.
  2. New trees should be planted within five feet (5') of the front lot line along the street and in line with other trees but not in conflict with utilities.
  3. The City Secretary or her designee may permit additional minor setbacks or other adjustment to the planting strip to accommodate future right-of-way expansion, sidewalks, and utility lines.

- iii. Parking areas adjacent to a public right-of-way shall be screened from any existing or potential buildings on adjoining property if parking is located between a building and a street right-of-way.
  - 1. Screening shall be accomplished using plantings, berms, structural elements, or a combination thereof.
  - 2. Screening must be a minimum of three (3) feet above the parking lot pavement elevation at maturity or within three (3) years from the planting date, whichever is less.

### **Section 7.3 Parking**

#### **(1) Purpose and Intent**

- (a) The purpose of this section is to ensure adequate parking facility design and construction in the City of Blanco to improve pedestrian and vehicular mobility and safety.
  - i. All vehicular use areas in any site development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will access the site including, without limitation, cars, trucks, buses, bicycles, pedestrian, and emergency vehicles.
  - ii. All parking lots and other facilities shall be designed with the pedestrian user in mind to ensure safe and comfortable pedestrian mobility.

#### **(b) Applicability**

- i. Off-street parking and loading space requirements shall apply anytime a structure is erected or significantly altered.
- ii. Whenever the use of an existing building is changed, the spaces provided shall comply with the requirements associated with the new use as listed herein.

#### **(2) General Parking Requirements**

- (a) Off-street parking and loading space requirements shall be provided in accordance with the requirements set forth in Table 7.3.
  - i. When at fractional number of spaces are calculated, the required number of parking spaces shall be the next whole number.
  - ii. Parking in the Downtown Historic District will coordinate with the City Secretary to allow for off-site parking or fee in-lieu of parking provision.
  - iii. Parking requirements for uses not specifically listed in this Chapter shall be the same as required for a similar use.

- iv. The minimum number of parking spaces or loading zones required may be altered by the City Engineer to assure adequate parking and loading. However, the applicant must remain compliant with all applicable ADA requirements and maintain safe and convenient access for vehicles and pedestrians.

**Table 7.3 Parking Space Requirements**

USE	MINIMUM PARKING	MINIMUM LOADING SPACE (SEE TABLE 7.5)
Offices and Office Buildings (Unless Otherwise Noted)	3.33 Spaces per 1,000 sq. ft. gross floor area	Small Loading Zones only
Restaurants Full Service (excluding fast food), Bar	1 space per 3 seats plus 2 spaces per 3 employees on the maximum shift	Small Loading Zone only
Restaurants-Fast Food	1 space per 2 seats plus 2 spaces per 3 employees on the maximum shift	Small Loading Zone only
Commercial Service Facilities, Retail Sales Uses and convenience stores with gas facilities	2 spaces per 1,000 sq. ft. gross floor area	Small Loading Zone only
Food Markets (5,000 sq. ft. Gross Floor Area and over) and Department Stores	6.5 Spaces per 1,000 sq. ft. gross floor area	Large Loading Zones only
Hotels and Motels	1 space per sleeping unit, 2 spaces per 3 employees on the maximum shift, plus 1 space per vehicle regularly used in the operation of the use or stored on the premises	None
Bed and Breakfast	1 space per sleeping unit plus 1 space per 2 employees on the maximum shift	None



Medical and Dental Offices and Clinics	4.5 spaces per 1,000 sq. ft. floor area, or 4 spaces per doctor plus 1 space for every additional employee, whichever is greater	Small Loading Zone only
Veterinary Clinics and Animal Hospitals	4 spaces per doctor plus 1 space per additional employee	None
Child Day Care Center and Nurseries	2 spaces plus 1 space per employee on the maximum shift; a paved unobstructed pick-up area with adequate stacking area (waiting area) as determined by the City Engineer to accommodate waiting vehicles without impeding unassociated vehicular and pedestrian traffic	None
Equipment Sales, Service, Rental, and Repair	3.33 Spaces per 1,000 sq. ft. gross floor area	Large Loading Zones only
Gasoline/Service Station/Auto Repair (Not Including Convenience Store)	10 Spaces	None
Community Centers and Private, Non-Profit Recreation Centers, including Gymnasiums & Indoor Swimming Pools	3.33 Spaces per 1,000 sq. ft. gross floor area	None
Outdoor Swimming Pools	1.0 space per employee	None
Manufacturing and Fabrication, Warehousing, Wholesaling	2 spaces per 3 employees on the maximum shift, plus 1 space per vehicle regularly used in the operation of the use or stored on the premises	Large Loading Zones only

Fire Stations	1 space per volunteer on the maximum shift	None
Hospitals	1 space per 3 beds, plus 1 space per staff doctor and employee on the maximum shift	Small Loading Zones only
Nursing Homes	1 space per 5 beds, 1 space per independent-care unit, plus 1 space per employee on the maximum shift	Small Loading Zone only
Civic Buildings	2 spaces per 3 employees on the maximum shift plus, 1 space per vehicle regularly used in the operation of the use or stored on the premises	None
Postal Facility	2 spaces per 3 employees on the maximum shift plus, 2% of population of City 1 space per vehicle regularly used in the operation of the use or stored on the premises	Large Loading Zone only
Research Laboratories and Facilities	3.33 Spaces per 1,000 sq. ft. gross floor area	Small Loading Zones only
High School, Middle, and Elementary	1 per fifteen students	Large Loading Zone

- (a) Required off-street parking spaces shall be located on the same lot or premises as the building or use for which they are required unless:
- i. Such spaces are provided collectively by two (2) or more buildings or uses on adjacent lots in a single parking area located within the boundaries of those adjacent lots, and the total number of parking spaces supplied collectively is equal to the number of spaces required in this Section for each use considered separately, or
  - ii. An alternative location is approved by the City Secretary.

- (b) Unobstructed vehicular access to and from a public street shall be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained.
- (c) Parking facilities will be designed to prevent vehicle encroachment into public walkways and sidewalks.
- (d) All open, off-street parking and vehicular use areas shall be surfaced with asphalt, concrete or other material in conformance with the specifications of this Code.
- (e) The property owner shall be responsible for maintaining any vehicular use area in good condition and free of refuse, debris, and vehicles that have not been driven for two weeks, or longer, and all landscaping in a healthy and growing condition, replacing it when necessary as specified in the approved site development permit.

### (3) Parking Lot Design and Layout.

- (a) Future Development: Parking lots shall be laid out to continue the street/block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the design of the surrounding development.

#### (b) Size and Scale

- i. Large surface parking lots shall be visually and functionally segmented into several smaller lots by landscaped areas.
- ii. Each lot shall contain a maximum of fifty (50) parking spaces, unless the developer designs and constructs a parking lot system that exceeds the minimum landscaping area and stocking requirements for parking lots as specified in Section 7.3(4) of this Code by at least two percent (2%) for each additional fifty (50) parking spaces per parking lot or proportion thereof, up to maximum of two-hundred (200) parking spaces per parking lot.

#### (c) Circulation Routes.

- i. Parking lots shall provide well-defined circulation routes for vehicles, bicycles and pedestrians.
- ii. All parking spaces shall open directly upon an aisle or driveway with such width and design to provide safe and efficient access and egress for the vehicle.
- iii. To the maximum extent feasible, pedestrians and vehicles shall be separated through provision of a separate sidewalk or walkway for pedestrians. Where complete separation of pedestrian and vehicles is not feasible, potential hazards shall be minimized by using landscaping, bollards, special paving, lighting, and other similar means to clearly delineate pedestrian areas.

- iv. To the maximum extent feasible, landscaped islands with raised curbs or islands designed to induce infiltration of storm runoff shall be used to define parking lot entrances, the ends of all parking aisles, the location and pattern of primary internal access drives, and to provide pedestrian refuge areas and walkways.
- v. All parking spaces shall open directly upon an aisle or driveway with such width and design to provide safe and efficient access and egress for the vehicle.

(d) Setbacks

- i. All parking stalls, loading spaces, and internal drives, excepting entrance and exit drives, shall be located within the side or front setback lines required by the zoning district in which the parking facility is located.
- ii. Up to fifty percent (50%) or rear setback area may, with City Council approval, be used for parking and circulation provided the enhanced buffering as described in Section 5.11(3) of this Code is installed per the requirements.

(e) Driveways

- i. Driveway entrances and exits shall be set back at least thirty-five feet (35') from the point of tangency of the curb at any intersecting street.
- ii. Driveway entrances and exits shall be at roadway grade level where the driveway intersects the City's right-of-way except as otherwise approved by the City engineer.
- iii. Parking plans may be refused where it is necessary to back a vehicle into a heavily traveled street.
- iv. Each entrance and exit shall be constructed and maintained so that any vehicle entering or exiting the facility shall be clearly visible at a distance of not less than ten feet (10') to any person approaching said entrance on any pedestrian path or walk.
- v. See Section 7.4 of this Code for driveway design requirements

(f) Parking Space Dimension Requirements

- i. Required off-street parking spaces shall be at least nine- and one-half feet wide (9.5') and eighteen- and one-half feet (18.5') long.
- ii. Each space shall have a vertical clearance of at least seven and one-half feet (7.5').
- iii. Parallel Parking Stalls shall have a minimum length of twenty-two feet (22').
- iv. Drive aisles in an off-street parking area with access to angled parking shall comply with the width requirements found in Table 7.4

- v. Two-way drive aisles in an off-street parking area must be twenty-four feet (24') in width.

**Table 7.4 Drive Aisle Requirements**

Parking Stall Angle (degree deflection)	Minimum Aisle Width (feet)
90	24
5	22
60	22
45 (or less)	22

Figure 7.4 Typical Parking Layout

See diagram 7-27

(g) Surface Requirements

- i. All open, off-street parking, and vehicular use areas shall be paved with bituminous or Portland cement binder so as to provide a permanent, durable and dustless surface and shall be so graded and drained as to dispose of all water within the area. Such paving and draining of waters shall be done in accordance with the specifications of this Code.
- ii. If required, adequate culverts shall be provided under driveway entrances to prevent obstruction of drainage ways and to comply with the drainage criteria set forth in this Chapter.
- iii. Alternative dust-free parking surfaces including, but not limited to, gravel, stone, brick, and paving blocks may be used upon condition of prior approval of the City Engineer.
- iv. Parking of any vehicle in the front yard of a single-family or two-family dwelling lot shall be prohibited unless such vehicle is parked on an improved area having a surface of asphalt, concrete, rock, gravel or other similar inorganic material, and such improved area has a permanent border.

(h) Sign Requirements

- i. Standard traffic control signs and devices shall be used to direct traffic where necessary within a parking lot.

- ii. No signs shall be located on any parking lot except behind the setback lines established for the zoning district in which the parking facility is located, or at facility entrances and exits.

(i) Lighting Requirements

- i. Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot shall shield the source of light from sight and prevent the spillover of direct light onto the residential use, while still providing security to motorists, pedestrians and bicyclists. See Section 5.12 of this Code for lighting standards.

(4) Parking Lot Screening and Landscaping Design

- (a) Landscaping in parking lots shall meet all requirements for safety and visibility found within this Code and the technical criteria manuals used by the City of Blanco, as specified in other sections of this Code.

- (b) The landscaped areas within parking lots shall comply with the following requirements:

- i. Each landscaped area shall measure at least one (1) parking space in size, with no single area less than fifty square feet (50') in area.
- ii. Landscaped areas shall be located to define parking areas and to assist in clarifying appropriate circulation patterns.
- iii. Twenty-five percent (25%) of the total landscape requirement may be located within the landscaped edge of the parking lot.
- iv. When calculation the tree requirement, any remaining fraction of a tree requirement greater than or equal to fifty percent (50%) constitute one (1) tree; any remaining fraction less than fifty percent (50%) does not require an additional tree.
- v. All newly planted trees shall be planted in a previous area no less four feet (4') wide in any direction.
- vi. All newly planted trees shall be at least two (2) inches diameter measured four feet (4') above ground level.

- (c) Parking lot landscape and tree requirements are based on the amount of parking located on various sides of the building, as follows:

- i. Front:

- 1. The landscaped area within the parking lot shall be at least ten percent (10%) of that portion of the parking lot and circulation area that is located between the front façade building line and the primary right-of-way property line.

2. The landscaped area within these parking lots shall contain at least one two-inch (2") caliper shade tree per twelve (12) parking space.

ii. Side:

1. At least six percent (6%) of that portion of the parking lot and circulation area located between the building and a secondary right-of-way property line shall be landscaped.
2. The landscaped areas within these parking lots shall contain one shade tree per twenty (20) parking spaces \*\*\*\*Primary right-of-way shall be considered the road with the most traffic. In the event that traffic is equal on both right-of-way property lines, both roads shall be considered primary.

iii. Side (without right-of-way):

1. At least three percent (3%) of the parking lot and circulation area located between the side façade building line and the side property line where there is no right-of-way shall be landscaped.
2. The landscaped area within parking lots shall contain one shade tree per thirty (30) parking spaces.

- iv. Rear: There is no requirement to landscape the parking and circulation area located between the rear façade building line and the rear property line.

(5) On-street Parking

- (a) On-street parking shall be allowed subject to approval from City Council for all streets except those classified as Alley and Arterial.
- (b) On-street parking may not occupy designated bicycle lanes.
- (c) All on-street parallel parking spaces shall have a minimum length of twenty-two feet (22').
- (d) See Section 7.2 (76)e High Density Streets for further requirements regarding on-street parking.

(6) Shared Parking

- (a) Where parking spaces are used jointly by two (2) or more buildings or establishments, the required space may be located not to exceed three-hundred feet (300') from a building in a commercial or office district, and not to exceed five-hundred feet (500') from any other non-residential building.
- (b) Shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces at different times of the day.
- (c) Shared parking must be approved by the City Secretary.

(7) Accessible Parking Design (ADA compliance)

(a) Applicability

- i. Any time an off-street parking facility is striped or re-striped, it shall, at a minimum, comply with the ADA Standards contained within this code as well as any further requirements not explicitly contained herein.
- ii. Further information may be obtained from the U.S. Department of Justice, Civil Rights Division, and Disability Rights Section. Information may also be obtained by visiting the website [www.ada.gov](http://www.ada.gov).

(b) ADA Parking Space Design Standards.

- i. Parking facilities shall have the required number of van-accessible and car-accessible parking spaces according to the size of the parking lot as detailed in Table 7.5 Minimum Number of Accessible Parking Spaces.

**Table 7.5 Minimum Number of Accessible Parking Spaces**

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces	Van-Accessible Parking Spaces: min. 96” wide aisle	Accessible Parking Spaces: min. 60” wide aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	One of every 8 accessible spaces	Seven of every 8 accessible spaces
1001 and over	20 plus 1 for each 100-over 1000	One of every 8 accessible spaces	Seven of every 8 accessible spaces



- ii. Car-Accessible parking spaces shall:
  - 1. Have a minimum sixty inch (60”) wide access aisle to accommodate a person using a wheelchair to enter or exit the car,
  - 2. Have a sign that identifies the parking space(s) as “Car-Accessible,”
  - 3. Be located on level ground.
- iii. In addition to the above requirement for Car-Accessible parking spaces, Van Accessible parking spaces shall:
  - 1. Have a minimum ninety-six inch (96”) wide access aisle to accommodate a wheelchair lift,
  - 2. Have a vertical clearance of at least ninety-eight inches (98”) to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van accessible space, and
  - 3. Have an additional sign that identifies the parking space(s) as “Van-Accessible.”

(c) ADA Parking Space Location

- i. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance.
- ii. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.
  - 1. Accessible spaces may be clustered in one (1) or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience.
  - 2. Van-accessible parking spaces located in multi-story parking garages may be clustered on one floor to accommodate the minimum height requirements.
- iii. When accessible parking spaces are added in an existing parking lot, the accessible spaces must be located on the most level ground in closest proximity to the accessible entrance.
- iv. An accessible route must be provided from the accessible parking to the accessible entrance. Accessible routes shall:
  - 1. Not have curbs or stairs,
  - 2. Be at least three feet (3’) wide with a firm, stable, slip-resistant surface, and

3. Not have a slope of greater than one-to-twelve (1:12) in the direction of travel.

(8) Loading Zones

- (a) All development shall provide loading zones and service areas adequately sized to accommodate the types of vehicles that use them. Such loading zones and service areas shall be indicated on the development plan.
- (b) Loading space requirements shall be calculated according to either Table 7.6 for each use found in Table 7.3.
  - i. Large Loading Zones, sized to accommodate larger delivery and service vehicles, shall be ten feet (10') wide by fifty feet (50') long.
  - ii. Small Loading Zones, sized to accommodate smaller delivery and service vehicles, shall be ten feet (10') wide by twenty-five feet (25') long.
  - iii. In certain cases where a use has a Gross Floor Area over twenty-five thousand feet (25,000'), the installation of both small and large loading zones may be required.
- (c) All loading spaces shall be screened from view in accordance with the requirements for parking areas in this Code.

**Table 7.6 Loading Zones**

Gross Floor Area (Square Feet)	Minimum Number of Loading Spaces	
	Small Loading Zone	Large Loading Zone
2,000-5,000	1	
5,000-10,000	1	1
10,000-25,000	2	1
25,000-60,000	2	2
60,000-100,000	2	3
100,000-150,000	2	4
Each additional 100,000	1 additional	2 additional

## (9) Fire Lanes

The requirement for Fire Lanes and the enforcement of restrictions as related to Fire Lanes established in this section are designed to ensure adequate access to commercial office, multi-family, and other facilities by fire-fighting and other emergency vehicles.

- (a) Any off-street parking facility required to have five or more parking spaces, constructed or significantly altered subsequent to the effective date of this Code, shall be required to have a fire land.
  - (b) Whenever a person or entity applies for a site development, building, or construction permit, significantly improves a building, or applies for a change of use that would necessitate the provision of a fire lane according to the terms of this Chapter, said person or entity shall include in all plans and specifications submitted to the City the location and dimensions of the proposed fire lanes required by this Chapter.
  - (c) A fire lane may be provided in an off-loading roadway area on the subject property in lieu of providing the fire lane in a parking facility if the City Council determines, at its discretion, that the alternate fire lane provides adequate access for emergency vehicles to structures on the subject property.
  - (d) All required fire lanes shall be delineated by a red stripe on the pavement marking the outside boundaries of the fire lane. In addition, signs shall be conspicuously placed along the curb nearest the fire lane indicating the existence of the fire lane and indicating that parking therein is prohibited.
  - (e) Any proposed fire lane less than twenty feet (20') shall be subject to approval by the City Council with recommendation by the City Engineer and/or Fire Marshall.
  - (f) Variances: Under certain circumstances, a fire lane may prove impracticable. The Planning and Zoning Commission and the City Council may authorize a variance from the requirements of this section when, in its opinion, undue hardship will result from requiring strict compliance.
    - i. In such case, the individual or entity requesting a variance must provide a detailed plan indicating
    - ii. Provisions for adequate alternate emergency vehicle access to the subject property.
    - iii. Any alternate emergency vehicle access plan must be reviewed by the City Engineer and Fire Marshall for adequacy.
- (10) Maintenance of Parking Areas: The property owner shall be responsible for maintaining any vehicular use area in good condition and free of refuse, debris, and vehicles that have not been driven for two (2) weeks or longer, and all landscaping in a healthy and growing condition, replacing it when necessary as specified in the approved site development permit.

## Section 7.4 Driveway Design and Construction Requirements

### (1) General Standards

#### (a) Driveways shall be designed and constructed so that:

- i. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets.
- ii. Interference with the free and convenient flow of traffic, pedestrian and vehicular, is minimized.
- iii. Stormwater runoff into public streets and standing water is minimized. The installation of drainage culverts may be required to provide adequate drainage and storm water flow.
- iv. The lowest grade possible is used, necessitating, in some cases, switchback type designs. In no case shall a grade of more than fifteen percent (15%) be permitted.

#### (b) Driveway Location

- i. No driveway shall be constructed within one-hundred feet (100') of a signalized intersection or within thirty feet (30') of the curb return of a street intersection or within thirty feet (30') of the radius of the edge of pavement or traveled street at an intersection on a curve.
- ii. Whenever a subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision to the arterial.

#### (c) Driveway Construction

- i. All driveway entrances and other openings onto streets within the City's jurisdiction shall be constructed in accordance with the requirements of the City of Blanco Transportation Criteria Manual, this section, and Section 7.3 of this Code.
- ii. Fire apparatus access lanes shall be designed and maintained to support the imposed loads for fire apparatus (80,000 lbs. gross vehicle weight) and shall be provided with a surface so as to provide all-weather driving capabilities.

#### (d) Approvals

- i. Approval from the City Secretary must be obtained for the installation of driveways in a public right of way.
- ii. All Driveways directly accessing a State Highway shall be reviewed by TxDOT and must have a TxDOT permit before plan approval.

## (2) Single Family Residential Driveway Standards

### (a) Driveway Location

- i. No residential driveways shall front onto an arterial.
- ii. Common driveways
  1. Common, or shared, driveways are encouraged and may be approved provided a permanent access easement has been granted to each property owner to use the portion of driveway on the other lot.
  2. Common driveways shall be a minimum width of fifteen feet (15'). Common drives serving three or more residences shall be approved by the City Secretary.

### (b) Driveway Construction

- i. Driveway pavement width on the public right-of-way for single family residences shall be a minimum of twelve feet (12') with a maximum of thirty feet (30'). Fifteen feet (15') is recommended.
- ii. Driveways shall be constructed using reinforced Portland concrete pavement of at least four inches (4") in depth and shall obtain a minimum compressive strength of two-thousand-five-hundred pounds (2,500 lbs.) per square inch in twenty-eight (28) days.
- iii. Alternative pavement strips may be submitted for consideration to the City. Alternative decorative pavement strips may consist of a dust-free, well-draining surface including gravel or other crushed stone material, or hand laid paving blocks. Maintenance of alternative pavement shall be the responsibility of the developer, enforced by maintenance agreement with the City.

## (3) Non-Residential and Multifamily Driveway Standards.

### (a) Driveway Location

- i. A minimum spacing between driveways of one-hundred feet (100') is required.
- ii. Driveway shall not be located within the minimum side setback required for the zoning district and land use where the driveway is located unless approved by City Secretary.
- iii. Driveways from arterials and residential or commercial collectors shall either line up with or be offset from opposing driveways sixty feet (60') from driveway edge to driveway edge. Requirements do not apply to parkways with medians and arterials with continuous center turning lanes.

- iv. Non-residential and multi-family driveways serving more than eight (8) residences are not permitted to access local residential streets.
- v. Connecting drive aisles between adjacent properties are encouraged and may, in certain circumstances, be required by the City as a condition of approval.

(b) Driveway Construction

i. Driveway Size

- 1. Single lane driveways shall be no less than fourteen feet (14') in width.
- 2. Two (2) way entrances shall be not less than twenty-four feet (24') in width.

ii. Non-residential and multi-family drive aisles, except for townhomes, inside the property line shall be constructed according to one of the following standards:

- 1. Asphalted Surface Types: Hot mix asphalt concrete pavement, or an approved equal, laid at the rate of one hundred fifty pounds (150 lbs.) per square yards, providing a pavement of two inches (2") depth with a minimum of eight inches (8") compacted flexible base; or
- 2. Reinforced Portland Concrete: Reinforced Portland concrete pavement of six inches (6") in depth and shall attain a minimum compressive strength of three thousand pounds (3,000 lbs.) per square inch in twenty-eight (28) days.

iii. Townhouse drive aisles shall be reinforced Portland concrete. Alternative decorative surfaces, as described below, may be permitted by the City Secretary.

iv. Alternative Decorative Surfaces:

- 1. Alternative decorative pavement strips may be submitted for consideration to the City.
- 2. Alternative decorative pavement strips may consist of hand-laid paving blocks specifically designed for moderate-to-high speed traffic loadings and shall be segregated from adjoining pavement surfaces through the installation of a reinforced concrete ribbon.
- 3. Maintenance of alternative pavement shall be the responsibility of the developer, enforced by maintenance agreement with the City.

## Section 7.5 Sidewalk and Bikeway Design and Construction Requirements

### (1) Sidewalk Design Standards

- (a) In order to facilitate pedestrian access from the streets to schools, parks, playgrounds, open space corridors, commercial and retail centers, or other nearby streets, the City Secretary may require that sidewalks be installed along certain streets.
- (b) To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles. Where complete separation of pedestrians and vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separation, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas, for both day and night use.
- (c) Whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with the requirements of the City of Blanco Transportation Criteria Manual.
- (d) Whenever the Planning and Zoning Commission and City Council finds that a development requires a means of pedestrian access from that development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently and safely provided by sidewalks adjacent to streets, the developer may be required to reserve an unobstructed easement of at least ten feet (10') in width to provide such access.

### (2) Sidewalk Construction Standards

- (a) Sidewalks shall be constructed in accordance to the specifications set forth in the City of Blanco Transportation Criteria Manual.
- (b) The sidewalks required by this section shall be at least four feet (4') in width or wider as specified elsewhere in this Code.
- (c) Sidewalks six feet (6') wide shall be installed along both sides of all arterials and collectors and on pedestrian paths as may be required under Chapter 5 of this Code, except as noted otherwise.
- (d) Sidewalks shall not immediately abut streets and shall be separated from the street surfaces to the maximum extent possible allowing for right-of-way width, shoulders, drainage ways, etc. Sidewalks shall be separated from the surfaces by a minimum of four feet (4') unless otherwise approved by the City Secretary.
- (e) The City Secretary may recommend, and the City Council may permit the installation of walkways constructed with other suitable materials when it concludes that:

- i. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
- ii. Such walkways would be more environmentally desirable or more in keeping with the overall design of the development
- iii. Provisions for permanent maintenance of the sidewalk have been satisfied.

### (3) Pedestrian Paths

(a) Pedestrian paths may be required to be constructed through the midsection of long residential blocks. Such paths shall be designed to provide continuous access through the neighborhood by connecting to and aligning with similarly situated pedestrian paths on adjoining blocks and by connecting with sidewalks along the block face.

#### (b) Pedestrian Path Construction

- i. A minimum of fifteen feet (15') of right-of-way shall be required, with landscaping and provisions for drainage on both sides of the pavement.
- ii. Pavement shall be six feet (6') in width, termination at sidewalks on each block face,
- iii. Pavement shall be constructed of reinforced Portland concrete pavement in accordance to the specifications set forth for sidewalk construction in the City of Austin Transportation Criteria Manual, except that the City Secretary may recommend, and the City Council may permit the installation of pedestrian paths constructed with other suitable materials when it concludes that:
  1. Such paths would serve the residents of the development as adequately as concrete sidewalks; and
  2. Such paths would be more environmentally desirable or more in keeping with the overall design of the development
- (c) For certain pedestrian paths that only serve a small number of residences, a reduction in pavement width may be permitted by the City Secretary.
- (d) Provisions for permanent care and maintenance of the pedestrian path and right-of-way shall be made and approved by the City Secretary prior to approval of the final plat.

### (4) Bikeways

- (a) The primary function of bikeways is to carry bicycle traffic. They should not be used to carry significant pedestrian traffic unless they have been designed to do so.
- (b) If designed properly, the developer may receive impervious cover credit as an incentive to include Bikeways.



(c) Bikeways have been classified into various types:

- i. Bicycle Paths are used primarily for recreational purposes. Intersections with roadways should be minimized.
- ii. Bicycle Lanes are located within the vehicular roadway and in the outside lane and are intended for the preferential or exclusive use of bicycles. Typically, Bicycle Lanes should not be used on roadways which allow parking unless designed to accommodate both uses.
- iii. Streets that do not have dedicated Bicycle Lanes may be appropriate for bicycle traffic.
  1. Neighborhood and residential collectors often accommodate both vehicular and bicycle traffic with no extra width requirements.
  2. Nonresidential collectors and arterials will require additional width in the outside lanes of the roadway to safely accommodate both cyclists and commuters.

(d) Bikeways shall be designed in conformance with the requirements set forth in the City of Blanco Transportation Criteria Manual.

# Chapter 8 Compliance and Enforcement

## Section 8.1 Compliance

### (1) General

- (a) It is an offense for any person to begin, continue, or complete any development on any land within the territorial jurisdiction of the City to which the provisions of this Code apply, except in accordance with and upon compliance with the provision of this Code.
- (b) The City and its agents shall enforce and ensure compliance with the provisions of this Code and shall take necessary and appropriate actions to prevent or cease any violations of the provisions of this Code.

### (c) Interpretation and Conflict

- i. Minimum requirements: The standards and provisions of this Code shall be interpreted as the minimum requirements necessary for any person to comply with the Code.
- ii. Whenever this Chapter imposes a higher standard than that required by any other ordinance or requirement, easements, deed restrictions, covenants or agreements, the provisions of this subchapter shall govern to the extent permitted by law. In the case of a conflict between two standards, the more restrictive shall apply.
- iii. In cases where state or federal laws supersede the City's requirements, then the applicable state or federal requirements shall apply.
- iv. If the City Council determines that the condition of a party's development or action of another party violates a higher standard than that required by this Code, the provisions of the applicable state or federal statute shall govern.

### (2) Violations: The following shall be deemed violations under this Code and constitute sufficient grounds for the City to take enforcement actions and pursue the penalties as specified below.

- (a) Development Without Permit: To knowingly engage in any development, use, construction, remodeling, or other activity of any nature upon any area or to make improvements thereon subject to the jurisdiction of this Code without all required permits, certificates, or other forms of authorization as set forth in this Code.
- (b) Development Inconsistent with Permit: To knowingly engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, plat, permit, certificate, or other form of authorization granted by the City for such activity.

(c) Violation by Act or Omission: To violate, by act or omission, any term, variance, modification, condition, stipulation or qualification imposed by the City Council or its authorized agents upon any required permit, plat, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

(d) Use in Violation: To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building, structure, property, or to use any land in violation or contravention of these regulations or any other regulation established under any other applicable legal authority.

(e) Fire Access Violations

i. A person commits an offense if the person intentionally alters, defaces, injures, knocks down, removes or attempts to remove, any sign designated as a fire lane which has been erected under the terms of this Code section.

ii. A summons or notice to appear in answer to a charge of parking, standing or stopping in violation of this section shall be issued on the official form prescribed by the City of Blanco.

1. The summons or notice shall require the appearance of the violator before the Municipal Court of the City and all fines paid by the violator shall be paid to the Municipal Court Clerk.

2. The summons must specify the location of the fire lane or accessible space in which the violation occurred.

3. The summons or notice may be issued by any police officer or code enforcement officer employed by the City of Blanco, an employee designated by the Fire Marshall, or an employee of the City authorized to issue tickets for parking violations.

iii. A person authorized to issue citations for violations as provided in this section may cause any vehicle to be towed. If the vehicle is removed, the owner shall be liable for the wrecker and the storage fees in addition to the fine for the violation of the Code section.

(3) Roles and Responsibilities Concerning Compliance

(a) General

i. It shall be the duty of the City Council and the City Secretary, acting on behalf of the City Council, to enforce the requirements of this Code.

ii. The City Secretary may call upon officials of the City, including the City Engineer, City Building Inspector, or other appropriate City employees, to furnish the City Secretary with such information or assistance as the City Secretary may deem necessary for compliance with and enforcement of this Code.

(b) Complaints Regarding Violations

- i. Whenever a violation of this Code occurs, or is alleged to have occurred, any person who witnessed the violation may file a written complaint with the City Secretary.
- ii. Such complaint shall state fully the causes and basis thereof and the date on which the violation began or was first observed. The complaint shall also include a description of the property on which the violation occurred and the names and addresses of the parties involved.
- iii. The City shall record the complaint, investigate within a reasonable time, and take action thereon, as provided by these requirements. The City Secretary may also act upon violations that otherwise become known during the normal performance of his/her duties. A public record of the disposition shall be made and maintained in the appropriate City records.

(c) Continuing or Repeat Violations

- i. The continuation of any of the above violations is a distinct offense, and each day such violation continues shall be considered a separate offense.
- ii. If an owner, occupant, or other person repeats the same violation, within a five (5) year period from the date of the initial violation, it shall be considered to be a repeat of the initial violation and shall be subject to additional penalties and remedies. Payment of a fine shall be considered admission of a violation for the purpose of a repeat violation.

(d) Land Use and Planning Matters

- i. The City shall not issue a building permit or certificate of occupancy required by any City ordinance for any land located within the jurisdictional limits to which this Code applies, until and unless the owner of the property, or its agent, is in compliance with the requirements of this Code.
- ii. The City shall not provide or connect City water, sewer, or other utility owned or licensed by the City to any property to which the provisions of this Code apply, unless and until the owner of the property, or its agent, is in compliance with the provisions of this Code.

(e) Health and Sanitation Matters

- i. Whenever a user has violated or continues to violate any provision of this Code pertaining to water and wastewater infrastructure, an industrial wastewater discharge permit or order issued hereunder, or any other applicable waste pretreatment standard or health and sanitation requirement, water service to the user may be discontinued.

- ii. Service will only be reconnected, at the user's expense, after the user has ceased the violation and satisfactorily demonstrated and established his ability to comply with this Code.
- iii. A violation of any provision of this Code that is dangerous to human life or health; that renders the ground, the water, the air of any food or drink unwholesome and a hazard to human life and health; that may injure or affect the public health or comfort in any manner; or a violation of a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and illegal, and shall be abated by any procedure authorized by law. The City shall be entitled to recover its damages, attorney fees, and expenses of litigation for enforcement of cessation of such violation.

(f) Responsible Parties

- i. The owner or tenant of any building, structure, premises, or any part thereof, and any architect, engineer, builder, contractor, agent or other person who knowingly commits, participates in, permits, assists with or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Chapter. In addition, each party may also be subject to civil penalties as provided in this Chapter or applicable law.
- ii. Any person who opposes, obstructs, or resists any City official of his or her duties as provided by this Code shall be in violation of this Code and may be prosecuted for a Class "C" misdemeanor.

## **Section 8.2 Enforcement**

(1) Development without a Permit

- (a) When a development requiring a permit under Chapter 3 of this Code is begun without a permit, the City Secretary shall use the following procedures.
- (b) The City shall give written notice of violation to the responsible party or to the occupant of the premises if the responsible party is not known.
  - i. The notice shall include a description of the violation, the date such violation was noted, instructions to contact the City Secretary to apply for the appropriate permit, and the fine schedule if the notice is not heeded, refused or unclaimed.
  - ii. The notice is deemed delivered when deposited in the United States Postal mail, with postage paid to the last known address of the party responsible for such sign.
- (c) If the City is unable to deliver written notice to the responsible party, a telephone call shall be made by the City Secretary or the Secretary's designee, date and time recorded, informing the owner of the premises on which the violation has occurred that on a set day, a fine shall commence to be assessed to the owner of the property for each day of the violation until the violation is resolved

- (d) If, within fourteen (14) days, the responsible party fails to contact the City Secretary in writing, bring the development into conformance with this Code, or apply for the appropriate permit, the City Secretary shall fine the owner on a daily basis as set forth within this Code.
- (e) The party responsible for the development shall, upon conviction, be guilty of a misdemeanor and shall:
  - i. Forfeit any permit or approval associated with the development; and
  - ii. Pay the fines set by the court, not to exceed the fines specified by this Code for each violation.

## (2) Suspension or Revocation of a Permit

- (a) When a development requiring a permit under Chapter 3 of this Code is not in compliance with an approved permit or this Code, the City may suspend or revoke the permits in effect for that development.
- (b) Before the City initiates the process for suspension or revocation of a permit or other form of approval pursuant to this Code, the City Secretary or Building Official or another designee of the City Council shall give written notice of intent to suspend or revoke via certified mail, return receipt requested.
- (c) The notice may specify a reasonable time for compliance with this Code. Suspension or revocation shall not occur before the time for compliance has expired.
- (d) The City Secretary, Building Official, or another designee of the City Council shall not be required to provide notice of intent to suspend or revoke for violations of this Code that cause imminent destruction of property or injury to persons.

## (3) Other Specific Remedies

- (a) Utility Refusal: The City may refuse to authorize or make utility connections on the grounds set forth in Tex. Loc. Govt. Code Ann. Section 212.012, as amended.
- (b) Stop work orders
  - i. The City Secretary, City Inspector, and any other City official duly authorized by the City Council, may order all work, including site clearing or other site preparation, stopped on any site where a significant violation of this Code or a subdivision plat or approved site plan is found.
  - ii. It is an offense for any person, including a worker on the site, to fail to comply with a stop work order. Such offense shall be a misdemeanor, punishable as provided in this Chapter of the Code.

- iii. Upon receiving an application to resume work and a declaration from the landowner or developer that any claimed violations of this Code have ceased and that the landowner or developer is currently in compliance, the City Secretary shall determine, within ten (10) working days of receipt of said application, whether the work is in compliance. If the City Secretary determines that the work or site is in compliance, he may authorize the work to proceed in writing.

(c) Suspension and Revocation of a Variance or Special Use Permit

- i. When the City Council determines there is a failure to comply with any term, condition, or requirements that was a condition of the approval of a variance or special use permit, the City Council may direct the City Secretary, City Attorney, or another agent or official to suspend the variance or special use permit pending compliance with the terms, conditions, or requirements under which the variance or special use permit was approved.
- ii. Notice of suspension or revocation of a variance or special use permit shall be sent by certified mail, return receipt requested, to the permit holder of the variance or special use permit.
- iii. The City Council shall, if requested in writing by the permit holder, hold a public hearing no later than forty-five (45) days after notification is sent to the permit holder of the variance or special use permit of its intent to suspend. If the City Council determines there is a failure to comply with any term, condition, or requirement made a condition of the variance or special use permit, the City Council may revoke the variance or special use permit or take such action as it considers necessary to ensure compliance.
- iv. A decision to revoke a variance or special use permit shall be effective immediately. Notice of the decision by the City Council shall be sent by certified mail, return receipt requested to the permit holder of the variance or the special use permit.

### Section 8.3 Penalties

(1) General

- (a) Except where otherwise provided therein, the maximum fine for violating any provision of this Code, or any ordinance, rule or police regulation that governs fire safety, zoning or public health and sanitation, including dumping of refuse, shall not exceed two thousand dollars (\$2,000);
- (b) For all other violations, the maximum fine shall not exceed five hundred (500.00) dollars; provided, however, that no penalty shall be greater or less than penalty provided for the same or a similar offense under the laws of the state.
- (c) Each day any violation of this Code or of any ordinance of the City continues shall constitute a separate offense.

- (d) The penalties in this section shall be cumulative and are not exclusive of any other rights or remedies the City may have or pursue.

(2) Assessment of Expenses

- (a) In addition to any other remedy provided in this Code or any other ordinance of this City and cumulative thereof, the City shall have the power by resolution of the City Council to cause any of the work or improvements required to be completed by the owner or applicant under the provisions of this Code to be undertaken by the City on the account of the owner of the property on which work or improvements are done;
- (b) The City shall cause the expense thereof to be assessed upon the real estate or lot upon which such expense is incurred and/or shall place a lien on said property.

(3) Land Use and Zoning

- (a) If the City Council finds, after notice and hearing, that a significant violation of an approved site plan has occurred, the Council may revoke its approval of such site plan.
- (b) It is an offense for any person to perform any work on the site pursuant to the site plan unless and until a new application for site plan approval has been filed and processed in accordance with the provisions of this Code and the City Council grants approval of a new final plan that remedies the violations of the original site plan.
- (c) It is an offense for any person to violate any provision of this Code or any order issued under the authority of this Code, to cause or permit any such violation, or to fail to perform any act required under this Code, or to perform any prohibited act or takes any action contrary to the final plats or site plans approved by the City Council, or to fail to take any action required by such approved plat or site plan, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than two-thousand (\$2,000) dollars.
- (d) Each and every day that the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(4) Signs

- (a) The City Secretary or designee shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person within the City or its extraterritorial jurisdiction for the purpose of enforcing the provisions herein.
- (b) Impoundment of Signs



- i. The City Secretary shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way, or attached to trees, telephone and utility poles, other natural features or signs otherwise prohibited or not authorized by this Code, and to impound them for a period of fourteen (14) days.
- ii. The City Secretary shall have the authority to impound a sign that is in violation of this Code if the sign owner has not contacted the Administrator to resolve the violation within fourteen (14) days of a written notice of violation.
- iii. The owner of an impounded sign may recover the same upon payment of an impoundment fee for each sign, and all costs associated with the removal of the sign, prior to the expiration of the fourteen (14) day impoundment period;
- iv. In the event the sign is not claimed and retrieved from the City's possession within fourteen (14) days, the City Secretary shall have authority to dispose of such sign. The owner shall be responsible for all costs associated with removal and disposal of the sign.

## **Section 8.4 Civil Remedies**

### **(1) Civil Action**

- (a) In addition to the penalties otherwise provided, any condition caused or permitted to exist in violation of any provision of this Code or any ordinance, which provision is intended for the protection of the public health, safety or welfare, may be determined to constitute a public nuisance and may be abated by the City as provided by law.
- (b) Prior to taking civil action, the City shall notify the defendant of the provisions of the Code that are being violated. Upon initiation of the civil action, the City shall demonstrate that the defendant was actually notified of the provisions of the Code; and that after receiving notice, the defendant committed acts in violation of the Code or failed to take action necessary for compliance with the Code.

### **(2) Injunction and other remedies**

- (a) Any structure that is erected or used, or any development that is implemented, contrary to any of the provisions of this Code or to any of the requirements contained in a final plat approved by the City Council, is hereby declared to be unlawful and shall constitute a violation of this Code.
- (b) The City Council may initiate the legal process to obtain an injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate, correct or remove such unlawful structure, use, or development, or otherwise ensure compliance with this Code.

- (3) **Civil Penalties:** Any person who violates any provision of this Code is subject to a civil penalty of up to one thousand (\$1,000) dollars and not less than one hundred (\$100.00), or more as permitted by law, for each act of violation and for each day of violation.

- (4) Penalties are cumulative: The penalties in this section shall be cumulative and not exclusive of any other rights or remedies the City may have.

### **Section 8.5 Fiscal Surety and Assurance of Construction and Maintenance**

- (1) Payment of Taxes: The landowner or developer shall provide the City Secretary with a certified receipt showing that all taxes have been paid in conjunction with the submittal of an application for final plat approval or site development permit issuance.

(2) Letter of Credit or Performance Bond

- (a) Before any development or project may proceed, the City Secretary must be satisfied that the landowner or developer will be in a financial position to install or cause to be installed at his own cost, risk, and expense, all of the improvements required by this Code.

- (b) The landowner or developer may satisfy this requirement by:

- i. Constructing the required improvements prior to recording of a subdivision plat and after such plat has been approved as described in Section 6.2; or
- ii. Posting fiscal surety, as provided below, to assure completion of all construction required under this Code following issuance of the site development permit.

- (c) If the landowner or developer elects to post fiscal surety for subdivision or site development related construction, the plat shall not be approved, or the permit shall not be issued unless the landowner or developer has done the following:

- i. The landowner's or developer's engineer shall provide the City an estimate of the total cost of all uncompleted or unaccepted improvements as may be required by the Code; and the estimate shall be acceptable to the City Secretary or his designee; and
- ii. The City Secretary shall require sufficient fiscal surety to insure the orderly development within any subdivision or site development in the form of either
  1. A performance bond or
  2. An irrevocable letter of credit, equal to one-hundred ten percent (110%) of the estimated total cost of the improvements not yet completed and/or accepted as complete.
- iii. Letter of credit or bond shall be issued by a financial institution authorized to do business in the State of Texas. Furthermore, the financial institution shall be reviewed and approved in advance and the letters of credit or bonds shall conform to forms or criteria approved in advance by the City Council.

- (d) The fiscal surety shall be for the purpose of securing the estimated cost of completing such improvements, should the City find it necessary to complete the improvements in lieu of the landowner or developer.
  - i. The landowner or developer shall complete all such improvements specified or referenced in the subdivision plat or site development permit and the construction plans for the same, within one (1) year from the date of final plat approval or site development permit issuance unless granted an extension by the City.
  - ii. Failure to do so shall authorize the City to complete the improvements using the fiscal surety provided by the landowner or developer.
- (e) It is expressly understood that, as a condition to the approval of said subdivision or site development, no sale of any lot may be completed until all utilities are installed and all other improvements required by this Code are made within the block in which said lot is contained.

### (3) City Acceptance of Improvements

- (a) During the course of installation and construction of the required improvements, the City Secretary or his designee shall make periodic inspection of the work to ensure that all improvements comply with the requirements of this Code.
- (b) Upon completion of installation and construction of all required improvements, the landowner or developer may seek acceptance of all public improvements by the City by submitting the required number of copies of as-built plans and a two (2) year maintenance bond as specified in the terms and conditions below.
- (c) The landowner or developer shall provide a certified statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.

#### (d) Two Year Maintenance Bond

- i. The landowner or developer shall ensure that all of the facilities constructed in accordance with the requirements of this Code will perform and remain in good working order and in accordance with the design performance criteria of each such facility, for two (2) years commencing on the date of approval of final completion by the City Secretary or his designee.
- ii. The landowner or developer shall require any construction contractors with whom he contracts for furnishing materials and for installation of the improvements required under this Code, to provide written guarantees to the City, and shall himself be required to furnish to the City, a written guarantee, that all workmanship and materials shall be free of defects for a period of two (2) years from the date of acceptance by the City Secretary.

The guarantee shall be in the form of a two (2) year maintenance bond executed by a corporate surety licensed to do business in the State of Texas, conditioned that the improvements are free from defects in materials and workmanship, or

- (e) After final inspection, the City Secretary shall notify the landowner or developer and the City Attorney in writing as to its acceptance or rejection.
  - i. No release of any posted fiscal surety shall occur until the City has formally accepted the constructed improvements that are the subject of such surety.
  - ii. The City Secretary shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein.
  - iii. If the City Secretary rejects such construction, the City Attorney shall, upon direction of the City Council, proceed to enforce the guarantees provided in this Chapter.
- (f) When good cause exists, the City Secretary may extend the period of time for completion. Such extension of time shall be reported to the City Council and recorded in the minutes. No such extension shall be granted unless fiscal surety, as set forth above, has been provided by the landowner or developer covering the extended period of time.

#### (4) Maintenance and Supervision

- (a) Where a subdivision contains physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made, which is acceptable to the City Council, for the proper and continuous operation, maintenance, and supervision of such facilities.
- (b) Such facilities may include:
  - i. Sewers,
  - ii. Sewage treatment facilities,
  - iii. Water supply systems,
  - iv. Water quality protection facilities,
  - v. Streets and other transportation related improvements,
  - vi. Parks and grounds held in common,
  - vii. Park and recreation improvements,
  - viii. Drainage easements and/or drainage improvements, and
  - ix. Landscape improvements.

- (c) A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to the City Secretary and approved as to form by the City Attorney prior to the time of final plat approval or site development permit issuance and shall be filed of record with the plat or permit.