

Bastrop City Council

March 24, 2015 at 6:00 pm



Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Meeting on the aforementioned date in the City Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider the following matters:

1. CALL TO ORDER

2. PLEDGES OF ALLEGIANCE– Assistant Police Chief James Altgelt

3. INVOCATION – “An Irish Blessing”

4. PRESENTATION(S) A) XS Ranch on the “*First Phase of the Public Improvement District*”
B) “*Needs of citizens living in the north section of town*”

5. PROCLAMATION

6. CITIZEN COMMENTS

7. ANNOUNCEMENTS

A) City of Bastrop, Texas was named a 2014 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

B) CITY MANAGER’S INFORMATIONAL REPORT FOR MARCH 24, 2015:

I. Meetings and Events Attended:

- A. Attended the Monthly Director’s Meeting of the Bastrop Economic Development Corporation on March 16, 2015.
- B. Attended the Monthly Director’s Meeting of the Bastrop Chamber of Commerce on March 18, 2015.

II. Update on City Projects and Issues:

- A. Discussion and Review of Water Usage for the month for the period of March 1, 2015 through March 22, 2015.
- B. Update on the Long Term Water Supply Project.
- C. Update on the AMI Project.
- D. Items for the Special City Council Meeting of March 31, 2015.
- E. Update on CBD Parking /Traffic Study.
- F. Review of Section 14 through Section 17 of the City of Bastrop Zoning Ordinance.
- G. Update on the Replacement of the Fire Department Roof.
- H. Update on the Comprehensive Plan.
- I. Update on RFP for Solid waste Services.
- J. Update on the CBD Parking/Traffic Study.
- K. Discussion/Review regarding Citizens complaints of Chickens running at-large in the City.
- L. Update on the bids for the Reconstruction of Farm Street
- M. Update on filling the Position of the Main Street Manager
- N. Update on the Water Reuse Project.
- O. Update on Water Filtration Project.

III. Other City Activities:

- A. Update on Bastrop Economic Development Corporation Activities.
- B. City of Bastrop Convention Center Activities.
- C. The City of Bastrop Main Street Program.
- D. Planning Department – Inspection Report.
- E. Update on the YMCA Program.

Inviting input from the City Council related to issues for possible inclusion on future agendas related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

A. CONSENT AGENDA *All the following items are considered to be self-explanatory by the Council and will be enacted with one motion; there will be no separate discussion of these items unless a Council Members so requests.*

	Tab	Page	Reqstr
A.1 SECOND READING - Consideration, discussion, and possible action on the second reading of an <u>Ordinance</u> of the City of Bastrop, Texas, amending Ch. 13 “Utilities” to add Article 13.11 “ <u>Reclaimed Water</u> ” and Article 13.12 “ <u>Transportation of reclaimed water</u> ”; establishing conditions & restrictions related to reclaimed water; establishing penalties for the violation of provisions for enforcement of these restrictions; providing a saving clause; providing for publication; providing severability and an effective date.	A.1	6	Job
A.2 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the 969 Final Plat located on Highway 969 & Wilbarger Bend Road being approximately 51.02 acres out of the Josiah Wilbarger Survey #70 within Area A of the City of Bastrop, Texas Extra Territorial Jurisdiction (ETJ).	A.2	44	McCollum
A.3 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Amending Plat of Lots 9-A and 10-A, Piney Ridge Subdivision, Section 2 Replat, combining two residential lots into one, within the city limits of Bastrop, Texas.	A.3	46	McCollum

B. PUBLIC HEARINGS, ORDINANCES, OTHER ITEMS FOR CONSIDERATION AND/OR ACTION

C. OLD BUSINESS

D. NEW BUSINESS

D.1 Approval of the SECOND READING of a proposed ORDINANCE of the City Council of the City of Bastrop, Texas amending City of Bastrop, Texas Zoning Ordinance No. 99-37, as amended,: adding new section Exhibit “B” to establish a downtown Form Based Code Zoning (‘FBC’) District ; providing definitions, uses, and standards for development within the FBC District; providing for a penalty for violations; providing for publication; and providing an effective date.	D.1	48	McCollum
D.2 Consideration, discussion and possible action on approval of Bastrop Arts in Public Places 2015 Art Transformer Project selection of mural artwork and anticipated transformer site locations. <u>Presenter D. Johnson</u>	D.2	146	Stovall
D.3 Consideration, discussion and possible action on the Award of Contract replacing the Water & wastewater line on Spring Street, Haysel, and Walnut Street to Facilities Rehabilitation INC. for the base price of \$ 602,210.00.	D.3	150	Talbot / Brandon/ Job

D.4	Consideration, discussion and possible action on approval of D.4 158 Stovall <u>Hotel Motel Funding Calendar</u> for funding requests for FY 2016.
D.5	Consideration, discussion and possible action on approval of D.5 160 Stovall <u>Community Support Calendar</u> for funding requests for FY 2016.
D.6	Consideration, discussion, and possible action on the <u>ADOPTION</u> of a D.6 162 Kesselus <u>RESOLUTION</u> to select the proxy to represent the City of Bastrop, Texas at the Bluebonnet Electric Cooperative Annual Meeting to be held at 2:30 pm, on Tuesday, May 12, 2015 at the Sons of Hermann Hall, 1031 CR 223, in Giddings, Texas.
D.7	Consideration, discussion, and possible action on the approval and D.7 167 Talbot payment of the proposed <u>ARTWORK OPTIONS</u> as submitted to the City of Bastrop by the Texas Department of Transportation for the <u>State Highway 71/Tahitian Village Overpass Project</u> .
D.8	Consideration, discussion, and possible action on a request from the D.8 169 Talbot Bastrop Homecoming Committee for a <u>VARIANCE</u> to Section 8.02.001 of the City of Bastrop Code of Ordinances to allow for the <u>Sale of Alcoholic Beverages at Mayfest Park</u> .

E. EXECUTIVE SESSION

E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

1. **SECTIONS 551.071(1) (A) & 551.071 (2):** Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to; and/or matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, and/or any other matters posted on the agenda.
2. **SECTION 551.072–** Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property
3. **SECTION 551.074 –** Personnel Matters:
4. **SECTION 551.086 -** Certain Public Power Utilities: Competitive Matters.

E.2 The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

F. ADJOURNMENT

CERTIFICATION

I, Elizabeth Lopez, City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the **20** day of **March 2015** at **9:30 am** *Elizabeth Lopez*, City Secretary

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL AND COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 512-332-8800. PLEASE PROVIDE A FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE. Confirm time posted: KR



Mayor Ken Kesselus
1311 Chestnut St.
Bastrop, TX 78602

Dear Tree City USA Supporter,

On behalf of the Arbor Day Foundation, I write to congratulate Bastrop on earning recognition as a 2014 Tree City USA. Residents of Bastrop ought to be proud to live in a community that makes the planting and care of trees a priority.

Your community joins more than 3,400 Tree City USAs, with a combined population of 140 million. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters.

As a result of your commitment to effective urban forest management, you already know that trees are vital to the public infrastructure of cities and towns throughout the country, providing numerous environmental, social and economic benefits. In fact, trees are the one piece of community infrastructure that actually increases in value over time.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public.

State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward information about your awards to your state forester's office to coordinate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of Bastrop and thank you for helping to create a healthier planet for all of us.

Best Regards,

A handwritten signature in black ink, appearing to read "Matt Harris".

Matt Harris
Chief Executive

For more information, contact:
Anthony Marek, 402-473-9563
amarek@arborday.org



FOR IMMEDIATE RELEASE:

Arbor Day Foundation Names Bastrop Tree City USA

Bastrop, TX was named a 2014 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

Bastrop achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation.

The Tree City USA program is sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters.

"Everyone benefits when elected officials, volunteers and committed citizens in communities like Bastrop make smart investments in urban forests," said Matt Harris, chief executive of the Arbor Day Foundation. "Trees bring shade to our homes and beauty to our neighborhoods, along with numerous economic, social and environmental benefits."

Cleaner air, improved storm water management, energy savings and increased property values and commercial activity are among the benefits enjoyed by Tree City USA communities.

More information on the program is available at arborday.org/TreeCityUSA.

About the Arbor Day Foundation: The Arbor Day Foundation is a million member nonprofit conservation and education organization with the mission to inspire people to plant, nurture, and celebrate trees. More information is available at arborday.org.

CITY OF BASTROP

AGENDA ITEM A-1

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 10, 2015

MEETING DATE: March 24, 2015

1. Agenda Item. Consideration, discussion, and possible action on the SECOND READING of an Ordinance of the City of Bastrop, Texas, amending Chapter 13 “Utilities” to add Article 13.11 “Reclaimed Water” and Article 13.12 “Transportation of reclaimed water”; establishing conditions and restrictions related to reclaimed water; establishing penalties for the violation of and provisions for enforcement of these restrictions; providing a saving clause; providing for publication; and providing severability and an effective date.
2. Party Making Request: Trey Job, Utility and Parks Director
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: _____Yes _____X_____No ___N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
8. Staff Recommendation: Requesting approval of the First Reading of the ordinance and placement on the Consent Agenda for the Second Reading.
9. Advisory Board: _____Approved _____Disapproved _____X_____None
10. Manager’s Recommendation: _____Approved _____Disapproved _____None
11. Action Taken:

City of Bastrop



Agenda Information Sheet:

City Council Meeting Date: March 10, 2015

Agenda Item Description:

CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 13 “UTILITIES” TO ADD ARTICLE 13.11 “RECLAIMED WATER” AND ARTICLE 13.12 “TRANSPORTATION OF RECLAIMED WATER”; ESTABLISHING CONDITIONS AND RESTRICTIONS RELATED TO RECLAIMED WATER; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Item Summary:

We have been permitted by the TCEQ, ordered all materials for construction and have begun the prep-work for setting the reclamation water distribution system. The ordinance will set a rate structure in place that will allow the city to add a source of revenue while promoting water conservation.

City Contact:

Trey Job – Director of Public Works & Utilities

Attachments:

Ordinance & Contract documents attached for your review.

**CITY OF BASTROP WATER DEPARTMENT
RECLAIMED WATER SERVICE APPLICATION/AGREEMENT**

[FOR RECLAIMED WATER USERS - VEHICLE/CONTAINER UNIT TRANSPORTERS]

City Use Only:

Effective Date: _____, 20____ **Contract No. RW -** _____
Renewal Date: January 2, 20____

PROVIDER:

City of Bastrop Water Department (City)
1311 Chestnut Street
Bastrop, Texas 78602

USER:

For the consideration provided herein, City agrees to supply and User agrees to accept, store and use reclaimed water in accordance with the terms and conditions of this Reclaimed Water Service Agreement (the "Agreement"). This Agreement incorporates and is subject to all of the terms and conditions set out herein as well as all of the following:

- All applicable Attachments and Appendices attached hereto;
-
- All applicable local, state, and federal statutes, ordinances, and regulations, as they may be amended, now or hereafter in effect ("Applicable Laws"), including without limitation, Chapter 210 of Title 30 of the Texas Administrative Code and Article ____ of Chapter ____ of the City of Bastrop's Code of Ordinances (the "City Code").

1. Use

a. General.

User shall use reclaimed water supplied by the City under this Agreement (the "Reclaimed Water") only as authorized by Applicable Laws, including, without limitation, Sections 210.22 (General Requirements), 210.24 (Irrigation Using Reclaimed Water), and 210.32 (Specific Uses of Reclaimed Water) of Title 30 of the Texas Administrative Code, and Article VII of Chapter 35 of the City Code. The City in no way represents that the Reclaimed Water provided under this Agreement is suitable for User's purposes. Rather, the User is solely responsible for that determination.

b. Specific.

. User agrees to use the Reclaimed Water only for the purpose(s) and in the location(s) described in Attachment A hereto. User agrees to obtain the City's written consent prior to using the Reclaimed Water for a purpose or at a location not described in Attachment A. Any changes to the purpose and/or the location of use of the Reclaimed Water must be reflected in a substitute Attachment A, and attached hereto, and be approved in writing by the City, prior to delivery to the User by the City. User agrees to take steps to minimize the risk of inadvertent human exposure to the Reclaimed Water. City may terminate this Agreement immediately, in its sole discretion, if City determines that User has failed to use the Reclaimed Water in accordance with Applicable Laws, this Agreement, and/or Attachment A.

c. Prohibited Uses:

User hereby covenants and agrees to the following:

- i. The Reclaimed Water shall not be used for drinking, food preparation, domestic purposes or any type of human consumption, but Reclaimed Water may be used for toilet or urinal flush water in commercial applications, if noted as a purpose in Attachment A, hereto.
- ii. The Reclaimed Water shall not be sold or supplied to any other person.
- iii. Except as User may otherwise be expressly authorized by the TCEQ, Reclaimed Water may not be discharged into, or adjacent to, the waters of the State.
- iv. There shall be no nuisance conditions resulting from the distribution, use and/or storage of the Reclaimed Water.

2. Quantity

a. Proposed Annual Amount (If known)

User anticipates that it will require approximately _____ gallons of Reclaimed water from the City, from _____, 20____ until _____, 20____. User acknowledges and agrees, however, that the City does not and cannot guarantee that Reclaimed Water will be available for User, at all times.

3. Delivery

a. Reclaimed Water Transportation

It is the User's sole responsibility to contract with and arrange for delivery of Reclaimed Water by vehicle to the location(s) identified in Attachment A. All vehicles and Container Units used to transport reclaimed water must have a current Reclaimed Water Transportation Permit issued by the City, and must comply with all applicable requirements of Chapter ____, Article ____ of the City's Code. See attached Exhibit D, "Transportation Application/Agreement."

- b. Transport, in appropriate containers and in accord with the standard of 30 TAC 210, the TCEQ, and this Article, the Reclaimed Water to the site or property on which the Reclaimed Water is to be used, as stated in more detail below.

4. Quality

a. State Standards

The City agrees to transfer to User, at the time of delivery to the Container Unit, Reclaimed Water of at least the minimum quality required by State standards for either Type I or Type II usage, as applicable, and as set forth in Section 210.33 of Title 30 of the Texas Administrative Code, as such may be amended or superceded from time to time.

Pursuant to Section 210.33(1), the minimum Reclaimed Water quality for **Type I** water initially will be equal to or less than:

BOD₅ or CBOD₅

5 mg/l

Turbidity	3 NTU
Fecal coliform or <i>E. coli</i>	20 CFU/100 ml*
Fecal coliform or <i>E. coli</i>	75 CFU/100 ml**
<i>Enterococci</i>	4 CFU/100 ml*
<i>Enterococci</i>	9 CFR/100 ml**
* 30-day geometric mean	
** maximum single grab sample	

Pursuant to Section 210.33(2)(A), the minimum Reclaimed Water quality for **Type II** water initially will be equal to or less than:

BOD ₅	20 mg/l
or CBOD ₅	15 mg/l
Fecal coliform or <i>E. coli</i>	200 CFU/100 ml*
Fecal coliform or <i>E. coli</i>	800 CFU/100 ml**
<i>Enterococci</i>	35 CFU/100 ml*
<i>Enterococci</i>	89 CFU/100 ml**
* 30-day geometric mean	
** maximum single grab sample	

b. Warranties

User understands and agrees that the quality of the Reclaimed Water is different from that of User's normal potable water supply. User understands and agrees that the City makes no warranties as to the quality of the Reclaimed Water beyond those contained in Section 4a. All other warranties whether express or implied, including, without limitation, the implied warranty for fitness for a particular purpose or the implied warranty of merchantability are hereby excluded.

5. Reclaimed Water Use Requirements

a. General

The use of Reclaimed Water is regulated by the Texas Commission on Environmental Quality ("TCEQ") and Article ____ of Chapter ____ of the City Code. A copy of Article ____ of Chapter ____ is included as Attachment C. User shall fully inform itself of applicable requirements for the use of Reclaimed Water and abide by all Applicable Laws. Delivery of Reclaimed Water may, at City's sole discretion, be immediately terminated by City for reasonably suspected violation of the provisions of any Applicable Laws.

b. Reclaimed Water Supervisor

- i. User shall designate an individual as User's 'Reclaimed Water Supervisor'. The Reclaimed Water Supervisor shall be User's coordinator and the direct contact person between City and the User. The User agrees that the Reclaimed Water Supervisor shall be responsible for the proper operation of User's Reclaimed Water system, implementing the requirements of this Agreement relative to the onsite use of Reclaimed Water, monitoring User's Reclaimed Water system for prevention of potential hazards, and coordination with the City and other applicable regulatory agencies. The City will assist in the training of User's Reclaimed Water Supervisor, as time and resources permit; however, it shall be the non-delegable responsibility of User to assure its Reclaimed Water Supervisor is trained in the use and handling of Reclaimed Water in accordance with all Applicable Laws.
- ii. User shall inform the City in writing of the name, position and daytime and nighttime telephone numbers of User's Reclaimed Water Supervisor and shall promptly inform the City in writing of any changes of designee and/or phone numbers during the term of this Agreement. In addition, the User shall provide the City with a secondary contact name and number(s) which may be used in the case of an emergency when the named Supervisor cannot be reached.

c. Onsite Facilities (We are not concerned with this section are we?)

- i. Only leak-proof certified fabricated storage tanks may be used if User requires onsite storage. Fabricated tank must be located outside of FEMA floodways. User shall provide leak-proof certification for each intended onsite storage tank.
- ii. User shall be responsible for preventing unauthorized access to Reclaimed Water. User shall implement measures that will prevent unauthorized access to reclaimed water facilities (Container Unit storage tanks, etc.) Measures could include, but are not limited to securable valves and specially sized hose bibs.

d. Notifications

- i. User shall provide proper notification to User's employees and to the public that Reclaimed Water is being used on the Site in accordance with all Applicable Laws.
- ii. As required, User shall implement a labeling and separation plan for the prevention of cross connections between reclaimed water distribution lines and potable waterlines. User shall have signs a minimum of eight inches by eight inches posted at all storage areas and on all hose bibs and faucets, in both English and in Spanish, with the words "Reclaimed Water, Do Not Drink" or a similar warning in accordance with 30 TAC 210.25 and on all storage facilities as per 30 TAC 210.23.
- iii. Prior to User's commencement of the use of Reclaimed Water under this Agreement, the City will notify the Executive Director of the TCEQ and obtain approval for such use in accordance with Section 210.4 of Chapter 210 of Title 30 of the Texas Administrative Code.
- iv. User agrees to notify City by telephone or fax of any Reclaimed Water use not authorized by this Agreement, including, but not limited to, spills, leaks, discharges, or releases of a material volume of Reclaimed Water into or adjacent to the waters of the State. The only exception is when the discharge or spill is caused by rainfall events or in accordance with a permit issued by the TCEQ.

Telephone or faxed notice must be given to City within 24 hours of obtaining knowledge of any such spill, leak, discharge, or release. City personnel will then assist in (1) assessing the extent of the unauthorized discharge and (2) aid in determining what reports, if any, need to be made as well as assist in making the reports. City will then provide written notice to TCEQ within 5 working days of obtaining knowledge of any such spill, leak, discharge or release. Notification contacts are as follows:

**City of Bastrop Water Department
Supervisor – Mr. Curtis Hancock
Bastrop, Texas 78602**

**Phone Number: 512.332.8961
Fax Number: 512.332.0279**

7. Price and Payment for Use of Reclaimed Water.

a. Rates and Fees

User shall pay the City for Reclaimed Water and all applicable fees in accordance with Appendix A, ____ of the City Code, as such may be amended from time to time.

b. Payment

Each month User shall make a payment to City based on the applicable rate for the amounts of Reclaimed Water received by User for the preceding month ("Monthly Payments"). Monthly Payments are due as provided in Article ____, Chapter ____ of the City Code, as such may be amended. A penalty for late payment may be assessed in accordance with Article ____, Chapter ____ of the City Code, as such may be amended.

8. Permission to Enter.

User hereby grants to the City and regulatory agencies, acting through their duly authorized employees, agents, or contractors, access at all reasonable times to enter the Site for the purpose of observing construction or modification of reclaimed water facilities, for maintaining and repairing City-installed facilities, for meter reading, and for observing and verifying that User is properly operating is reclaimed water facilities in accordance with the terms and conditions of this Agreement, and Applicable Laws. When entering User's premises, the City or the regulatory agencies shall not unreasonably interfere with User's operations and its use of the premises.

9. Interruption of Service.

City may interrupt Reclaimed Water service at any time if City determines that User is in breach of any provision in this Agreement. If City interrupts service pursuant to this subsection, User shall have 30 days to cure the breach to the satisfaction of City. If User fails to cure the breach to the satisfaction of City in the period provided, City shall have the right to immediately terminate the Agreement. The provisions of this Section are not intended to limit the rights of City contained in Section 10 of this Agreement.

10. Termination.

a. With Notice

Except as otherwise provided herein, either party may terminate this Agreement by giving the other party a minimum of 180 days written notice of an intent to terminate.

b. Unauthorized Use

Notwithstanding any provision in this Agreement to the contrary, City may terminate this Agreement immediately if City determines that the use of the Reclaimed Water is not in strict compliance with this Agreement or Applicable Laws, as each may be amended.

c. Onsite System

Notwithstanding any provision in this Agreement to the contrary, City may terminate this Agreement immediately if City determines that the Onsite System is not in strict compliance with this Agreement or Applicable Laws, as each may be amended.

d. Nonpayment

In the event User fails to timely pay for Reclaimed Water in accordance with this Agreement, City may interrupt service and terminate this Agreement as authorized by Chapter ____ of the City Code. Service will not be interrupted for failure to pay an amount contested in good faith by User and in accordance with City's established procedures, so long as User timely pays all other charges due and not in dispute. All billing inquiries, disputes and decisions to terminate Reclaimed Water service for nonpayment shall be resolved in accordance with City's established policies as such policies may be amended from time to time.

e. Conveyance of Premises

City may terminate this Agreement immediately if User leases, sells, or conveys to another entity ownership, control or possession of all or parts of the land on which all or part of the Onsite System is located; provided, however, that City may, in its discretion and on conditions it may require, permit this Agreement to be assigned to such other entity if the entity will use the Annual Amount of Reclaimed Water for the same purposes and in the same locations as established in the applicable Attachments hereto, all in accordance with this Agreement.

11. Liability, Indemnification and Force Majeure.

a. User's Liability

User shall be solely responsible for any and all claims, damages, deaths, losses, injury, fines, penalties, suits and liability of every kind, including environmental liability, arising from the use, distribution or discharge of the Reclaimed Water, whether such use is intended or accidental, or authorized by this Agreement and Applicable Laws or otherwise. User shall be solely responsible for any and all claims, damages, deaths, losses, injury, fines, penalties, suits and liability of every kind arising from or relating to the design, installation, construction, connection, maintenance, operation and modification of the Onsite System, regardless as to whether the Onsite System was released for service by City.

b. Indemnification

To the extent permitted by Applicable Law, User agrees to indemnify and hold harmless the City of BASTROP, and their employees, officers, agents and representatives from and against any and all claims, losses, damages, fines, penalties, causes of action, suits, and liability of every kind, including environmental liability, all expenses of litigation, court costs, and attorneys' fees, for injury to or death of any person, or for damage to any property, arising out of or in connection with User's distribution, use and/or storage of the

Reclaimed Water provided hereunder, and/or the design, installation, construction, connection, maintenance, modification or operation of User's Onsite System, including when caused, in whole or part, by User, third parties, or by the contributory negligence of City representatives. It is the expressed intent of the parties hereto that the indemnity provided for in this paragraph is an indemnity by User to indemnify and protect City representative from the negligent acts of the User, third parties, and City representatives, except when caused by the sole negligence of City representatives.

c. Force Majeure

If by reason of Force Majeure, the City shall be rendered unable wholly or in part to carry out its obligations under this Agreement to provide for sale Reclaimed Water, it shall not be required to do so, and its failure to so provide the Reclaimed Water in accordance with the terms and conditions of this Agreement, shall not be considered a breach of this Agreement. The term "Force Majeure" as used in this Agreement shall mean acts of God, strikes, lock-outs, or other industrial disturbances, acts of the public enemy, orders of any kind of the federal or state government or any civil or military authority, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, power failures, arrests, restraint of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipelines or canals, the partial or entire failure of the Bastrop Water System, unsuitable Reclaimed Water quality, other processing causes, or due to priority City needs. Nothing herein shall be construed to enlarge the duty or liability of the City beyond that imposed by law.

12. General Conditions.

a. This agreement shall be construed and interpreted in accordance with the laws of the State of Texas, and venue of any litigation hereunder shall be in a court competent jurisdiction sitting in Bastrop County, Texas.

b. This Agreement and the attachments thereto contain all the agreements of the parties with regard to this Agreement and cannot be enlarged, modified or changed in any respect except by written agreement between the parties.

c. The unenforceability, invalidity or illegality of any provisions of this Agreement shall not render the other provisions unenforceable, invalid or illegal, but the parties shall negotiate as to the effect of said unenforceability, invalidity or illegality on the rights and obligations of the parties.

d. The City and User will each use their best efforts to fully cooperate with one another as may be necessary to diligently obtain and maintain in effect any required permits and all other approvals and records required by regulatory requirements that may be necessary for the City and User to perform under, or take advantage of, the terms and conditions of this Agreement.

e. The captions, titles and headings in this Agreement are merely for the convenience of the parties and shall neither limit nor amplify the provisions of the Agreement itself.

f. Notices to be given by either party to the other relative to this Agreement shall be in writing. Both parties agree that any such notice shall be effective when personally delivered or deposited, postage paid, in the U.S. Mail addressed by certified mail, return receipt request, as follows:

City:

User:

Bastrop Water Department

Reclaimed Water User

Attn: Trey Job,

Director of Public Works

Reclaimed Water Supervisor

Bastrop, Texas 78602

Phone: 512.321.88____

Phone/ Day: _____

Phone/ Night: _____

Phone / Night: _____

Email: tjob@cityofbastrop.org

Email: _____

g. This Agreement is for the sole and exclusive benefit of the parties hereto and shall not be construed to confer any rights upon any third party. Nothing herein shall be construed to confer standing upon any third party who did not otherwise have such standing.

IN WITNESS WHEREOF, the City and User have executed this Application/Agreement as of the date and year first written above.

Application Executed by Applicant:

APPLICATION APPROVED -- RECLAIMED WATER AGREEMENT:

[Document Becomes a Binding Contract when Executed by the City of Bastrop]

City Representative

ATTACHMENT A**PURPOSE AND LOCATION OF USE****For City Use Only:**

Effective Date of this Attachment: _____, 20_____
Renewal Date of Attachment: _____, 20_____

Contract No. _____

1. General category of reclaimed water use(s).

Type I Use: [E.g., Irrigation or other uses in areas where the public may be present during the time when irrigation takes place or other uses where the public may come in contact with the reclaimed water.]

Mark all that are applicable.

- ☐ Residential irrigation, including landscape irrigation at individual homes.
- ☐ Urban uses, including irrigation of public parks, golf courses with unrestricted public access, school yards, or athletic fields.
- ☐ Use of reclaimed water for fire protection, either in internal sprinkler systems or external fire hydrants.
- ☐ Irrigation of food crops where the applied reclaimed water may have direct contact with the edible part of the crop, unless the food crop undergoes a pasteurization process.
- ☐ Irrigation of pastures for milking animals.
- ☐ Maintenance of impoundments or natural water bodies where recreational activities, such as wading or fishing, are anticipated even though the water body was not specifically designed for such a use.
- ☐ Toilet or urinal flush water.
- ☐ Other similar activities where the potential for unintentional human exposure may occur – Provide Detail on other activity _____

Type II Use: [E.g., Irrigation or other uses in areas where the public is not present during the time when irrigation activities occur or other uses where the public would not come in contact with the reclaimed water.]

Mark all that are applicable.

- ☐ Irrigation of sod farms, silviculture, limited access highway rights of way, and other areas where human access is restricted or unlikely to occur. The restriction of access to areas under irrigation with reclaimed water could include the following:
 - (i) The irrigation site is considered to be remote.

- (ii) The irrigation site is bordered by walls or fences and access to the site is controlled by the owner/operator of the irrigation site.
- (iii) The irrigation site is not used by the public during the times when irrigation operations are in progress. Such sites may include golf courses, cemeteries, and landscaped areas surrounding commercial or industrial complexes. The "syringing" or "wetting" of greens and tees on golf courses shall be allowable under Type II so long as the "syringing" is done with hand-held hoses as opposed to automatic irrigation equipment. The public need not be excluded from areas where irrigation is not taking place. For example, irrigation of golf course fairways at night would not prohibit the use of club house or other facilities located a sufficient distance from the irrigation.
- (iv) The irrigation site is restricted from public access by local ordinance or law with specific standards to achieve such a purpose. external fire hydrants.

- ☐ Irrigation of food crops where the reclaimed water is not likely to have direct contact with the edible part of the crop, or where the food crop undergoes pasteurization prior to distribution for consumption.
- ☐ Irrigation of animal feed crops other than pasture for milking animals.
- ☐ Maintenance of impoundments or natural water bodies where direct human contact is not likely.
- ☐ Soil compaction or dust control in construction areas where application procedures minimize aerosol drift to public areas.
- ☐ Cooling tower makeup water. Use for cooling towers which produce significant aerosols adjacent to public access areas may have special requirements.
- ☐ Other non-potable uses: _____

_____.

2. Describe specific purpose of reclaimed water use(s)

3. Does the proposed use location fall within the City's Approved Service Area?

Yes ☐ No ☐

See Attached Map.

Provide addresses or description of locations(s) where Reclaimed Water will be used.

4. Does this Attachment A supersede a previous Attachment A? Yes ☐ No ☐

If yes, what is the Effective Date of superseded Attachment A? _____

If yes, describe how this Attachment varies from the prior Attachment A.

ATTACHMENT B**ANNUAL AMOUNT AND MONTHLY VOLUMES**

1. User's total maximum annual quantity of reclaimed water ("Annual Amount"):

_____ acre feet/year

2. Peak usage required _____ gallons per day

3. Monthly volumes

MONTH	Approximate Usage (acre feet/month)
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

Does this Attachment B supersede a previous Attachment B? Yes ☐ No ☐

If 'yes', what is the Effective Date of superseded Attachment B?

ATTACHMENT C

BASTROP CITY CODE

CHAPTER _____

ARTICLE _____

ATTACHMENT D
TRANSPORTATION CONTRACT

For City Use Only:

Effective Date of this Attachment: _____, 20_____

Contract No. _____

Renewal Date of Attachment: _____, 20_____

1. Is User identified on the Application/Agreement also the sole Transporter of Reclaimed Water under the Agreement?

Yes ☐ No ☐*{If "yes" then User permits all vehicles via User information.}**{If "no" then, each Transporter must obtain a City permit for each transporting vehicle and Container Unit}*

If "No", then provide information below as to the additional Transporters who will transport Reclaimed Water for the User holding the Agreement with the City:

Does this Attachment D supercede a previous Attachment D?

Yes ☐ No ☐

If 'yes,' what is the date of the Attachment D that is superceded?

City Use Only:

Permit Number: _____

Transporter ID: _____

Date Permit Issued by City: _____

Expires: _____

[Use separate page for each individual Transporter]

Bastrop W/WW Dept. Representative

_____, 20____
Date

TRANSPORTER DATA SHEET

Company Name of Transporter: _____

Address: _____,

_____, _____

Insurance Provider: _____

Policy Number: _____

Supervisor Name: _____

'Daytime Phone #: _____

Evening Phone Number: _____

Has Transporter been issued a Reclaimed Water Transporter ID #?

Yes ☐ No ☐

If 'Yes', Provide the Transporter ID No. _____ / Permit No. _____

Expiration Date: _____, 20____

If permit has not expired and no changes are required, no further information is necessary.

If 'Yes" provide names of transporter below and have each one complete an Transporter Data Sheet to include in this Agreement.

List of Transporters:

Name of Drivers: *

**Provide additional sheet if necessary. Provide photocopies of drivers' license for each identified driver.*

Vehicle/Container Unit Information:

1. Make/Model _____ year _____ Tx. Lic. Plt # _____
2. Make/Model _____ year _____ Tx. Lic. Plt # _____
3. Make/Model _____ year _____ Tx. Lic. Plt # _____
4. Make/Model _____ year _____ Tx. Lic. Plt # _____

City Use Only:

Permit Number: _____ Transporter ID: _____
Date Permit Issued by City: _____ Expires: _____

????????????????????

Transporter # ____:	Company Name: _____
	Vehicle /Container Unit to be used by Transporter: _____
	Make of Vehicle: _____
	Year of Vehicle: _____
	Vehicle Tx Tag Number: _____
	Driver's Name: _____
	Driver's Company: _____
	Driver's Address: _____
	Driver's Day Phone Number: _____
	Driver's Night Phone Number: _____
	Permit Number: _____
	Date Permit Issued by City: _____
	Insurance Provider: _____
	Policy Number: _____

City Use Only:

Permit Number: _____	Transporter ID: _____
Date Permit Issued by City: _____	

[Use separate page for each individual Transporter]

ORDINANCE NO. 2015- ____

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 13 “UTILITIES” TO ADD ARTICLE 13.11 “RECLAIMED WATER” AND ARTICLE 13.12 “TRANSPORTATION OF RECLAIMED WATER”; ESTABLISHING CONDITIONS AND RESTRICTIONS RELATED TO RECLAIMED WATER; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop (“City”), Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Reclaimed water, also known as “recycled water” or “water reuse” is the sustainable use of treated effluent from wastewater treatment plants for beneficial uses and is believed to be an important component of the City’s future water supply; and

WHEREAS, Reclaimed water provides a drought-resistant source of water supply for non-potable (i.e., non-drinking) uses that do not “require drinking quality” water and thus, is a means to reduce the amount of potable drinking water that is supplied by the City for such non-consumption uses as irrigation, water features, fire protection, and other non-potable purposes; and

WHEREAS, the Texas Commission on Environmental Quality (“TCEQ”), pursuant to regulations set forth in 30 TAC 210, permits and controls the use and regulation of Reclaimed water; and

WHEREAS, as authorized under State law, and as is in the best interests of the citizens of the City of Bastrop, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of reused water by the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BASTROP TEXAS:

Part 1. That Chapter 13 Titled “Utilities” of the Bastrop Code of Ordinances is hereby amended to add new Article 13.11 “Reclaimed Water” as follows:

Article 13.11 Reclaimed Water

Sec. 13.11.001 Purpose

The purpose of this Article is to define the terms and conditions for which Reclaimed Water may be provided to Users within the City of Bastrop.

Sec. 13.11.002 Definitions

Agreement. A binding contractual document issued by the City to a User outlining the rights and responsibilities of Users, and Users' Transporters if applicable, related to taking, transporting and use of Reclaimed Water.

Approved Use. The use of Reclaimed water as authorized by law and approved through a Reclaimed Water Agreement between the City and a third-party User.

Approved Use Area. An area which has been authorized by the City to receive Reclaimed Water for an Approved Use and which is identified in the Reclaimed Water Agreement between the User and the City. [See Exhibit A, Map of City of Bastrop Reclaimed Water Service Area.

Commingle. The mixing of Reclaimed Water with one or more liquids in the same container that is used to hold Reclaimed Water during transport from a reclaimed water treatment facility to an Approved Use Area.

Container Unit. A device or vehicle (including tanks) that are designed and manufactured to hold Reclaimed Water without leakage or spillage, while transporting or holding for use.

Cross Connection. Any physical arrangement where a potable water supply is actually or potentially connected with a non-potable water system, used water system or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, air conditioning unit, fire protection system, or any other assembly which contains, or may contain contaminated water, domestic sewer or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of back flow. Bypass arrangements, jumper connection, removable sections swivel or change over assemblies, other temporary, or permanent assemblies through which or because of which, backflow may occur are considered cross connections.

Director. Director of the City of Bastrop Water/Wastewater Department.

Reclaimed Water. Wastewater that is collected through a City owned wastewater treatment plant and is treated, or reclaimed, for reuse to a quality that meets or exceeds the TCEQ's authorization to the City and/or 30 TAC 210 Requirements.

Reclaimed Water Agreement. A standard agreement between the City and a User of Reclaimed Water, which establishes the conditions and terms for the transportation, delivery, and the use of, Reclaimed water.

Reclaimed Water Transportation. The transporting of Reclaimed Water to or by a User by authorized vehicles to an Approved Use Area.

Storage Facility. A structural tank capable of receiving and storing reclaimed water (not including ponds).

TAC. The Texas Administrative Code.

TCEQ. The Texas Commission on Environmental Quality, or its successor agencies.

Type I Reclaimed Water Use. Use of Reclaimed Water where contact between humans and the Reclaimed Water is likely. See 30 TAC §210.3, et seq.

Type II Reclaimed Water Use. Use of Reclaimed Water where contact between humans and the Reclaimed Water is unlikely. See 30 TAC §210.3, et seq.

User. A third party that contracts with the City to receive Reclaimed Water, pursuant to a Reclaimed Water Agreement.

Section 13.11.003 Provision of Reclaimed Water

- (a) On the Director's recommendation, and after approval by the Director of Public Works or the City Engineer of a submitted application, the City may enter into a standard Reclaimed Water Agreement for the provision of Reclaimed Water to properties located within the Approved Use Area.).
- (b) Any physical arrangement where a potable water supply is actually or could potentially be connected to a non-potable water system is strictly prohibited. In accord therewith, it shall be unlawful for any person to make, to allow another to make, or to maintain any Cross Connection or potential Cross Connection under that person's management or control with a system that accepts Reclaimed Water
- (c) An individual or entity seeking to obtain Reclaimed Water from the City shall meet all requirements provided for in this Article and shall only be permitted to use the Reclaimed Water for the purposes provided for herein.

Section 13.11.004 Application for Reclaimed Water

- (a) The City may make Reclaimed Water available to properties or Users within the Approved Use Area upon request by an applicant so long as the use,

transportation and delivery is in compliance with the rules regulations, and policies and procedures adopted by the City, the TCEQ, and 30 TAC 210.

- (b) To purchase Reclaimed Water from the City, a person must submit an application to the Superintendent of Wastewater therein agreeing to abide by all requirements for the use of Reclaimed Water. Included in the application shall be evidence that the person requesting the Reclaimed Water either owns or directly manages the property on which the Reclaimed Water is to be used and the intended use of the Reclaimed Water. (
- (c) Upon submission of a completed application, the Director of Public Works shall review same to determine if the requested use of the Reclaimed Water is permissible, feasible, and practical in consideration of other competing demands on City resources and any relevant safety issues. When necessary, the Director of Public Works shall obtain an on-site inspection.
- (d) On approval by the Director of Public Works and City Engineer, and following confirmation by the applicant that all requirements of this Article will be satisfied, the City shall enter into a Reclaimed Water Agreement with the User. The Reclaimed Water Agreement shall be executed by all Parties prior to the delivery of the Reclaimed Water by the City or pick-up by the User. The Reclaimed Water Agreement shall specifically include a sworn acknowledgement that the Applicant, as User, is responsible for all onsite Reclaimed Water use and shall agree to comply with all applicable laws, ordinances, and regulations, including but not limited to 30 TAC §210. **The applicant shall further agree to fully indemnify and hold the City harmless from any claims related to the use of the Reclaimed Water.**
- (e) The City shall be permitted to be a User of Reclaimed Water and shall comply with all State and local rules and regulations related to the use thereof.

Section 13.11.005

Discontinuation of Reclaimed Water Service

- (a) The City may discontinue Reclaimed Water Service if the User does any of the following:
 - 1. Violates the terms of the Reclaimed Water Agreement or this Article.
 - 2. Fails to pay any fees assessed on the User's (or the affected property's) water bill.
 - 3. Tampers with any facilities related to the City's water service, including the meter, even if unrelated to the use of Reclaimed Water.

4. Cross-connects Reclaimed Water with a potable water source, whether through attachment or reuse of a container.
 5. Refuses to permit an authorized City representative to enter onto the User's property to examine the use of the Reclaimed Water.
 6. Performs any act that the Director or the City Manager determines may be detrimental to the City's water, wastewater, Reclaimed Water supply or the health and safety of the public, including misuse of the supplied Reclaimed Water.
 7. In the City's sole discretion, the City determines that the provision of the Reclaimed Water shall be stopped or redirected for the protection of the City and its citizens and/or such redirection is in the best interest of the City.
- (b) In accord with the above, the individual or entity that requested the Reclaimed Water shall pay for all Reclaimed Water supplied by the City, as well as any other costs identified in the Reclaimed Water Agreement.

Section 13.11.006 Reclaimed Water Agreement

- (a) On approval of an application to the City for Reclaimed Water, prior to receiving the Reclaimed Water, the applicant must execute a standard Reclaimed Water Agreement with the City.
- (b) The Reclaimed Water Agreement shall incorporate the requirements of this Article, 30 TAC 210 and other terms and conditions prescribed by the City.
- (c) Prior to delivery of Reclaimed Water, the applicant shall sign the Reclaimed Water Agreement acknowledging that the applicant, as the User, is thereafter responsible for all activities related to the use of the Reclaimed Water. The applicant shall additionally confirm that he/she will comply with all applicable laws and regulations, including but not limited to 30 TAC 210 and **agrees to fully indemnify and hold the City harmless from any and all claims related to the Reclaimed Water and the operation and maintenance of the property and site on which the Reclaimed Water is applied or used.**
- (d) Reclaimed Water Agreements are non-transferrable to subsequent property owners, entities, contractors, managers, and/or Users, even if the same property is at issue. Each new User of Reclaimed Water shall enter into a new Reclaimed Water Agreement with the City for the provision of the Reclaimed Water.

- (e) The Reclaimed Water Agreement must be renewed annually, on or about January 2nd of each calendar year, to ensure that the correct individual or entity is being held responsible for the use of the Reclaimed Water.

Section 13.11.007 City's Responsibilities

- (a) The City and its authorized agents, employees or contractors are responsible for the operation, management, and control of the City's facilities related to the treatment of Reclaimed Water and to provide Users with reclaimed water that is of a minimum quality required by TCEQ for the Type of use involved.
- (b) In accord with the above, the City shall obtain the necessary TCEQ authorizations for the offsite use of the Reclaimed Water under 30 TAC 210.
- (c) The City shall be responsible for conducting all necessary Reclaimed Water quality assurances and assessments.
- (d) The City shall have the right to take any action that is necessary, in the City's sole discretion, to safeguard the public health and safety.
- (e) The User and/or the City may transport, in appropriate containers and in accord with the standard of 30 TAC 210 and the TCEQ, the Reclaimed Water to the site or property on which the Reclaimed Water is to be used.

Section 13.11.008 User's Responsibilities

- (a) Conduct all operations and provide supervision of all use of Reclaimed Water to assure compliance with this Article and 30 TAC 210.
- (b) Provide access to the site on which the Reclaimed Water is or will be used for inspections by the City and any necessary third parties.
- (c) Train all personnel that will have access to the Reclaimed Water, including proper safe handling and use, in accord with this Article and 30 TAC 210, as they may be amended from time to time.

The User and/or property owner shall have signs a minimum of eight inches by eight inches posted at all storage areas and on all hose bibs and faucets, in both English and in Spanish, with the words "Reclaimed Water, Do Not Drink" or a similar warning in accordance with 30 TAC 210.25 and on all storage facilities as per 30 TAC 210.23. .

- (d) Transport, in appropriate containers and in accord with the standard of 30 TAC 210, the TCEQ, and this Article, the Reclaimed Water to the site or property on which the Reclaimed Water is to be used, as stated in more detail below.

Section 13.11.009 Use of Reclaimed Water

- (a) Reclaimed Water may only be used for the purposes noted and in accord with 30 TAC 210.32, for both Type I and Type II uses.
- (b) A User may use Reclaimed Water only in locations and for uses as designated and approved in the User's executed Reclaimed Water Agreement, and in no event beyond the bounds of the Approved Use Area of the City.
- (c) Each User of Reclaimed Water must comply with 30 TAC 210 and the provisions of this Article.
- (d) Reclaimed Water Agreements are non-transferrable to subsequent property owners and/or Users, even if the same property is at issue. Each new User of the Reclaimed Water must enter into a new Reclaimed Water Agreement for the provision of the Reclaimed Water.
- (e) The Reclaimed Water Agreement must be renewed annually on or about January 2nd of each calendar year, to ensure that the proper User is being held responsible for the use of the Reclaimed Water.

Section 13.11.010 Right of Inspection by the City

- (a) The Director may inspect any Property or site on which Reclaimed Water is being used, as well as areas and adjoining property belonging to the User, and shall be granted access, without prior notice to the User, during normal business hours. If the Director needs access during non-business hours, the User shall allow access at a reasonable time upon prior request by the Director. **In the event of an emergency to health or safety, in the sole discretion of the City, the City shall have the right to access the Property or site any anytime without prior notice to the User or to the Property/site owner.**
- (b) The User and/or property owner and his/her operators, managers, and contractors shall cooperate with the City and its authorized representatives in performing any necessary inspections or tests.

Section 13.11.011 Violations; Prohibited Uses

- (a) A person commits an offense if a person:
 - 1. Uses Reclaimed Water for a purpose not approved by this article and/or authorized in the Reclaimed Water Agreement;

2. Uses or applies Reclaimed Water for any purpose, including approved uses, by direct application or by windblown spray to an area other than in the Approved Use Area;
3. gives, sells, trades, or transfers Reclaimed Water to another area without the prior approval of the Director;
4. discharges airborne or surface Reclaimed Water from the Users Property or Storage container to another area, other than to a wastewater treatment system or wastewater collection system without notifying the City of its permit granted by TCEQ authorizing the discharge;
5. stores or applies Reclaimed Water in such a way as to cause runoff or ponding. If such conditions occur, in addition to any other corrective action taken or required by law, the User shall immediately alter its method of application to prevent any further runoff or ponding;
6. tampers with or works on, damages or alters any property of the City related to the provision of Reclaimed Water;
7. causes or allows Reclaimed Water to have any cross connections, illegal connections or any discharge of Reclaimed Water into the public water system;
8. fails to provide for proper warnings, labels or signs pertaining to Reclaimed Water;
9. takes or uses Reclaimed Water without payment;
10. uses hose bibs or faucets on a Reclaimed Water system unless they are designed and installed to prevent connection to a standard water hose, as defined in 30 TAC 210.25; or
11. removes or defaces any warnings, labels or signs pertaining to Reclaimed Water use.

Section 13.11.012 Offenses

- (a) A person commits an offense if the person violates any provision of this Article.
- (b) An offense under this subsection is a Class C misdemeanor punishable by a fine not to exceed \$2,000.
- (c) Each instance of a violation of this Article is a separate offense.

- (d) It is a violation for a person to observe a misuse of Reclaimed Water, but fail to report the misuse.

Section 13.11.013 Rates, Charges, and Billing

- (a) The retail rate for Reclaimed Water for irrigation Users shall be:

\$5.00/per 1,000 gallons. There is a minimum charge of \$5.00.
- (b) The City Council shall adopt a schedule of fees for reimbursement of costs related to permitting, inspecting and application processing for Reclaimed Water including:
 - i. Application fee - \$150.00 (included vehicle/container inspection and permit/key);
 - ii. Resubmission/Application Review fee (for additional work on incomplete Applications) - \$50.00
 - iii. Reclaimed Water volume charges - \$5.00/per 1,000 gallons;
 - iv. Engineering or other professional services or inspection fees, if applicable- actual charges incurred by City;
 - v. Security Deposit (refundable) - \$500.00
- (c) The fee schedule may be amended from time-to-time, as the City Council deems necessary. Fees may be adjusted during the term of any then effective Reclaimed Water Agreement, and the amended Fees shall apply immediately upon adoption by the City.
- (d) Charges for Reclaimed Water shall be rendered monthly, unless service is rendered for a period less than a month. Each bill shall become due on or before ten (10) days after the issuance unless such day falls on a weekend or holiday, in which payment is due on the next business day. Bills are payable to the City at 1311 Chestnut Street, City Hall, Bastrop, Texas 78602, within ten (10) days from the date of receipt of the City's water bill. If a customer has not paid the bill in full within 11 days of receipt of the charge, a penalty of 10% shall be assessed against all unpaid charges.
- (e) If payment in full is not received within ten (10) calendar days from the date the payment is due the customer's account will be considered delinquent and is subject to disconnection and/or may be refused future purchase/sale of Reclaimed Water by the City.

Section 13.11.014 No Ownership Interest or Future Right

The delivery or provision of Reclaimed Water by the City and the acceptance and use of the Reclaimed water by an individual or entity for a property or site is not a transfer or

an acquisition by the User of a water right or any guarantee of future rights or access to Reclaimed Water from the City.

Part 2. That Chapter 13 Titled “Utilities” of the Bastrop Code of Ordinances is hereby amended to add new Article 13.12 “Transportation of Reclaimed Water” as follows:

Article 13.12 Transportation of Reclaimed Water

Section 13.12.001 Reclaimed Water Transportation

- (a) The City may allow for the transport of Reclaimed Water from its wastewater treatment facilities by a permitted vehicle to an Approved Use Area.
- (b) Reclaimed Water shall be made available for transport by vehicle only under the terms and conditions provided herein and only to such persons as are duly permitted by the City as distributors as provided herein.
- (c) The City shall not be obligated to provide such Reclaimed Water to distributors and may discontinue such service at any time, or limit the volume of Reclaimed Water provided and amend loading procedures and/or locations.

Section 13.12.002. Reclaimed Water Transportation Permit Required.

- (a) A Reclaimed Water Transportation Permit is required to transport Reclaimed Water from a City facility to an Approved Use Area. The Permit is issued by the City to a User, and User’s Transporters are bound to the rules and regulations set out herein, thereby.
- (b) No Reclaimed Water Transportation Permit shall be issued except upon application filed with the Water/Wastewater Department.

Section 13.12.003. Reclaimed Water Transportation Application Procedures.

A User seeking to have Reclaimed Water transported from the City of Bastrop must submit an application for a Reclaimed Water transportation Permit to the Supervisor of the Water/Wastewater Department with the following information provided for each individual and company , if applicable:

- (a) A photocopy of each Permittee’s valid Texas driver’s license and photocopies of valid driver’s license for every proposed driver of the Reclaimed Water transportation vehicles. The applicant/User shall be responsible or updating the permit application when a new driver is hired or will be utilized by submitting photocopies of a valid driver’s license for each

new person hired or approved prior to that person transporting the Reclaimed Water.

- (b) Evidence demonstrating that the vehicles to be used to transport the Reclaimed Water have the necessary permits and are currently insured in at least the minimum amounts required by state law to secure payment of all lawful and proper claims arising out of or related to the operation of each vehicle. The insurance shall provide for at least a thirty-day prior cancellation notice to the Director. In addition, the User shall provide to the Director written proof from the insurance carrier confirming that all necessary insurance requirements have been met before a permit to transport the Reclaimed Water will be issued by the City.
- (c) Proof of registration and good standing with the Texas Secretary of State.
- (d) Any additional information requested by the Director.

Section 13.12.004. Container Unit Requirements

- (a) Each Container Unit shall be issued a Permit by the City, which shall be displayed on the Container Unit at all times. Before a Permit is issued, each Container Unit shall pass City inspection and shall meet the following requirements:
 - 1. The business name, telephone number and address of the transporter shall be permanently displayed on both sides of the Container Unit in letters of a minimum height of three (3) inches, in a color contrasting to their background. An address is sufficient if it includes the city and state in which the business is located.
 - 2. The Container Unit shall be clean and odor free.
 - 3. The Container Unit shall display current state vehicle registration tags and a current inspection certificate.
- (b) Each Container Unit to be used for the transportation of Reclaimed Water shall be separately permitted and must meet the following requirements:
 - 1. Container Units (including tanks) shall: (a) have a minimum capacity of one thousand (1000) gallons; (b) be capable of being closed watertight; (c) shall be closed during transport of Reclaimed Water; and (d) shall be maintained in a leak-proof condition.
 - 2. Special permits may be issued for Container Units with a capacity of less than one thousand (1,000) gallons upon determination by the Director, in his sole discretion, that all other required container unit specifications

have been met and that the particular container unit does not create an increased risk to the public health and safety.

3. Container Units shall be identified by labels or signs such as, "CAUTION – RECLAIMED WATER DO NOT DRINK" in English and Spanish. Labels or signs shall be placed so that they can be seen readily by all individuals using the transporting vehicle and Container Unit.

(c) All Permits must be renewed annually, in January of each year.

Section 13.12.005. Reclaimed Water Transportation Permit Modifications.

- (a) The permit holder may request a modification to the permit during the permit year in order to register additional vehicles or Container Units. A request to register additional vehicles or Container Units shall be made to the Director and at a minimum the permit holder shall:
 1. Ensure that all vehicles or Container Units meet the requirements set-forth herein.
 2. Provide proof of liability insurance.
 3. Pay a Container Unit Permit fee for each additional Container Unit in an amount set by the City Council.
- (b) A permit modification may not extend the term of the original permit.

Section 13.12.006. Grounds for Reclaimed Water Transportation Permit Denial.

- (a) The Director or City Manager may deny the issuance of a Permit for the transportation of Reclaimed Water if the applicant, a partner of the applicant, the transporter, a principal in the applicant's business, or applicant's manager or operator has done any one or more of the following:
 1. Within the five (5) years preceding the date of the application been convicted of a misdemeanor that is punishable by confinement and/or by a fine exceeding \$2,000.00, and which relates directly to the duty or responsibility of transporting Reclaimed Water or liquid waste.
 2. Been convicted of a felony, which relates directly to the duty or responsibility of transporting Reclaimed Water or liquid waste.
 3. Failed to provide evidence of liability insurance, as required by this Article.

4. Had a permit that was issued under this Article suspended or revoked.
5. Submitted an application that contains a false statement.
6. Failed to provide information necessary for the application.
7. The applicant's vehicles or Container Units do not meet the criteria of this Article.
8. The applicant has not registered his/her business with the Texas Secretary of State or is not in good standing.
9. Failed to show proof that the applicant and the applicant's drivers are qualified under this Article to transport the Reclaimed Water.
10. Violated a provision of this Article.
11.
 - (b) An applicant whose permit is denied will be notified by the Director, in writing, of the denial and the reasons for the denial. Such notice will be sent via certified mail, return receipt requested to the individual and address listed on the application.
 - (c) An applicant whose permit is denied may request a hearing for reconsideration in accordance with this Article provided such request is sent to the City Manager within fifteen (15) calendar days of the receipt of the written notice of denial. The City Manager will evaluate the denial and, if deemed necessary, will conduct a hearing related to the denial. The City Manager will issue a final determination on the denial, either upholding, modifying or overruling same. The City Manager's decision is final and no further appeal or protest may be made by any applicant.

Section 13.12.007. Reclaimed Water Transportation Permit Conditions.

A person who has been issued a permit by the Director shall comply with the following:

- (a) A permit holder shall immediately notify the Director of any management changes in the business during the time the permit is in effect, and shall provide the Director with a photocopy of the new manager's or chief operating officer's driver's license;
- (b) A transporter shall deliver Reclaimed Water only to Users that have been approved by the Director of Public Works and the City Engineer and that have a Reclaimed Water Service Agreement on file with the City;

- (c) The permit holder shall maintain insurance required by this Article and immediately notify the Director of any changes in its insurance carrier or policy, and insured status or self-insured status;
- (d) The permit holder shall maintain all vehicles and Container Units registered under the permit in compliance with this Article;
- (e) The permit holder shall notify the Director within three (3) business days when it sells or otherwise disposes of a vehicle or Container Unit registered under the permit;
- (f) A permit holder shall ensure that all of the permit holder's employees collecting and transporting Reclaimed Water in vehicles and Container Units registered under the permit fully and completely understand the safe operation of such vehicles and Container Units, and of the Reclaimed Water User locations, so that the transporters are able to collect and transport Reclaimed Water in a safe and competent manner; and
- (g) The permit holder shall ensure that all of the vehicles registered under the permit comply with required state weight limits while transporting Reclaimed Water and that at no time the state weight limits are exceeded.

Section 13.12.008. Transporter Responsibilities

- (a) A transporter shall not transport Reclaimed Water in a manner or a Container Unit or vehicle which would allow for any spillage or leakage of Reclaimed Water.
- (b) A transporter shall not operate a vehicle or use a Container unit for the transportation of Reclaimed Water, which fails to meet the requirements of this chapter or any other applicable rule or regulation.
- (c) A transporter shall deliver Reclaimed Water only to Users that have been approved by the Director and have executed a Reclaimed Water Agreement with the City.
- (d) A transporter shall not commingle Reclaimed Water with any other liquid or waste, including any other sources of non-potable water.
- (e) All Container Units used to transport any other liquid or waste, including other sources of non-potable water, shall be cleaned and disinfected prior to being used to transport Reclaimed Water. Required cleaning and disinfection procedures will be provided by the Director of Public Works.

Any deviation from the required procedures must be approved in advance, in writing, by the Director of Public Works.

- (f) A transporter shall insure that Reclaimed Water is delivered to the approved User immediately and in no event later than twelve (12) hours following receipt of the Reclaimed Water from the City.
- (g) A transporter shall not discharge Reclaimed Water into a storm drain or the storm sewer system, or in to any ponds, streams or rivers.
- (h) Any excess Reclaimed Water shall be disposed of by discharging to a wastewater treatment system or wastewater collection system in compliance with all applicable permits or laws for such treatment or collection systems.
- (i) A transporter shall allow the Superintendent of Water and Wastewater and/or the Director of Public Works, and the Chief of Police and/or their qualified assignee(s), to inspect vehicles and Container Units registered under a permit, upon request.
- (j) A transporter shall allow the Superintendent of Water and Wastewater and/or the Director of Public Works,, his or her assignee(s), to obtain samples of Reclaimed Water from the transporter's Container Units, upon their request.
- (k) Reclaimed water that is received by Users and Transporters shall be metered and traced by the City via electronic data tracking technology and shall be billed accordingly. Each user shall be supplied a unique identification card for use by each Transporter and/or for each Container Unit. At any time the electronic tracking and metering system is not available or operable, the City shall manually meter and record the receipt of Reclaimed Water by each User and Transporter.

Section 13.12.009. Transportation Offenses.

- (a) A person commits an offense if a person engages in the transportation of Reclaimed Water and fails to comply with any provision of this Ordinance, who shall then be subject to the provisions under Section 13.11.012.
- (b) A person commits an offense if the person operates or causes to be operated a vehicle transporting Reclaimed Water in Container Units not permitted and approved for the transportation of Reclaimed Water.
- (c) A person commits an offense if the person operates or causes to be operated a vehicle transporting Reclaimed Water and during such operation fails to display, on request, a copy of a valid transportation permit issues pursuant to this Article.
- (d) A person commits an offense if the person allows another person or Transporter/User to access or use that individuals metering card.

- (e) A person commits an offense by attempting to avoid accurate accounting or full payment for reclaimed Water received from the City.

Section 13.12.010. Grounds for suspension or revocation of Reclaimed Water Transportation Permit.

The Director of Public Works may suspend a permit for up to six (6) months or may permanently revoke a Permit if the Director of Public Works determines that:

- (a) The permit holder, a partner of the permit holder, a principal in the permit holder's business, permit holder's manager or operator, or an officer of the permit holder:
 - i. Has within the five (5) years preceding the date of the hearing been convicted of a misdemeanor that is punishable by confinement and/or by a fine exceeding \$500.00, and which relates directly to the duty or responsibility in operating a Reclaimed Water transportation business; or
 - ii. has been convicted of a felony which relates directly to the duty or responsibility in operating a Reclaimed Water transportation business.
- (b) The permit holder failed to comply with any of the permit conditions stated herein.
- (c) The permit holder or any agent or employee thereof: 1) failed to use the manifest system book in compliance with this Article; 2) failed to maintain manifests for five (5) years; and/or 3) failed to allow the Director to inspect the manifests.
- (d) The permit holder or any agent or employee thereof improperly disposed of Reclaimed Water.
- (e) The permit holder or any agent or employee thereof Commingled Reclaimed Water with any other liquid or waste, including other sources of non-potable water, in a City-permitted Container Unit.
- (f) The permit holder or any agent or employee thereof refused or failed to allow the Director or a peace officer to inspect a Reclaimed Water Transportation Vehicle or Container Unit or to obtain Reclaimed Water samples from a Container Unit; or
- (g) The permit holder or any agent or employee thereof, has been convicted of violating this Article.

Section 13.12.011. Suspension or Revocation of Reclaimed Water Transportation Permit; Request of a Hearing.

- (a) The Director of Public Works shall issue written notice to the permit holder of the grounds for suspension or revocation of the permit. Such permit shall be suspended and or revoked immediately upon receipt of the notice.
- (b) Subject to the restrictions set forth in this Section, a permit holder may appeal to the Director of Public Works for reconsideration of the suspension or revocation and request a hearing to the City Manager.
- (c) The request for appeal shall be in writing and set forth, in detail, the grounds upon which the hearing is requested.
- (d) The request for appeal shall be filed with the Director of Public Works within fifteen (15) calendar days of the permit holder receiving the notice from the Director of Public Works. The notice shall be deemed received five (5) days after it is placed in a mail receptacle of the United States Postal Service.
- (e) Failure to submit a timely written request for appeal shall be deemed to be a waiver of any further right to reconsideration by the Director of Public Work or the City Manager.

Section 13.12.012. Hearings.

- (a) Within thirty (30) days of the receipt of the request for appeal, the City Manager shall determine whether a hearing on the suspension or revocation is necessary, and if so, then set a date for a hearing on the suspension or revocation of the permit.
- (b) Written notice of the hearing shall be served on the petitioner at the location provided for in the original application for Reclaimed Water, as well as any other location provided by the petitioner, at least seven (7) calendar days prior to the hearing, either by service in person or by U.S. certified mail, return receipt requested, or other confirmed delivery (e.g., Fed Ex., Electronic Transmission with proof of receipt)
- (c) Hearing notice shall specify the date, time and place of the hearing and shall be deemed received five (5) calendar days after actual receipt is documented or after notice it is placed in a mail receptacle of the U.S. Postal Service.
- (d) For purposes of this Section, the City Manager shall be empowered to administer oaths and to promulgate procedural rules for the conduct of the hearing.

- (e) Decisions shall be based on a preponderance of the evidence, in the reasonable opinion of the City Manager, and the petitioner shall have the burden of proof to demonstrate that the determination by the Director of Public Works is not valid or should not otherwise be upheld.
- (f) The City Manager and/or his designee shall act as the hearing officer.
- (g) After the conclusion of the hearing, the City Manager shall make written findings and shall issue a written decision within fifteen (15) business days, or shall notify the petitioner if more time is required for issuance of the written opinion, due to other pressing matters and unforeseen circumstances.
- (h) The decision of the City Manager shall be final.

Section 13.12.013. Responsibilities for Users of Reclaimed Water Transportation.

- (a) A User of Reclaimed water delivered by a vehicle shall submit a Reclaimed Water Agreement, obtain approval for Reclaimed Water Service by the City, and shall comply with requirements of this Article.
- (b) A User of Reclaimed Water shall only accept delivery of Reclaimed Water from vehicles and Container Units that have been properly permitted in accord with this Article.
- (c) A User of Reclaimed Water delivered by a vehicle shall sign the original of a City of Bastrop trip ticket prepared by a permitted transporter for all of the Reclaimed Water received by the User from such transporter.
- (d) The User shall note any "significant discrepancies" on each copy of the trip ticket, including differences between the quantity of Reclaimed Water on the trip ticket and the quantity of Reclaimed Water the User actually received. For purposes of this Section a "significant discrepancy" in quantity is any variation greater than fifteen percent (15%), measured in gallons.
- (e) Violations of this section by Users are ground for revocation or suspension of a Reclaimed Water Permit.

Section 13.12.014. Additional Reclaimed Water Transportation Permit Holder Responsibilities.

- (a) A permit holder shall immediately notify the Director of Public Works, in writing, when a Reclaimed Water Transporter's business is assigned, transferred, sold, ceases to operate as registered with the Secretary of State, or for any other reason.
- (b) A permit holder commits an offense if the permit holder fails to provide notice to the Director, as required by this Section.
- (c) A permit for the Transportation of Reclaimed Water shall be invalid on the assignment, transfer, sale or cessation of operation of the Transporter, as stated above.

PART 3. The City Manager and City Secretary are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

PART 4. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

PART 5. This Ordinance shall be effective upon final approval by the City Council upon the date noted herein below.

READ and APPROVED on First Reading on the **10th** day of **March 2015**.

READ and ADOPTED on Second Reading on the ____ day of _____ 2015

APPROVED:

ATTEST:

Kenneth W. Kesselus, Mayor

Elizabeth Minerva Lopez, City Secretary

Approved as to Form:

Jo-Christy Brown, Esq.
City Attorney

CITY OF BASTROP

AGENDA ITEM **A-2****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: March 18, 2015

MEETING DATE: March 24, 2015

1. Agenda Item: **Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the 969 Final Plat located on Highway 969 and Wilbarger Bend Road being approximately 51.02 acres out of the Josiah Wilbarger Survey #70 within Area A of the City of Bastrop, Texas Extra Territorial Jurisdiction (ETJ).**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

A city must take action on a plat within 30 days or the plat is automatically approved.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation:

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

REV. DATE: MAR. 10, 2016	DATE: DEC. 22, 2014	JOB NO. 14-254
REV. DATE: MAR. 6, 2015		
REV. DATE: FEB. 11, 2015	SCALE: 1" = 100'	DWG NO. 14-254

CITY OF BASTROP

AGENDA ITEM **A-3****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: March 18, 2015

MEETING DATE: March 24, 2015

1. Agenda Item: **Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Amending Plat of Lots 9-A and 10-A, Piney Ridge Subdivision, Section 2 Replat, combining two residential lots into one, within the city limits of Bastrop, Texas.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

A city must take action on a plat within 30 days or the plat is automatically approved.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

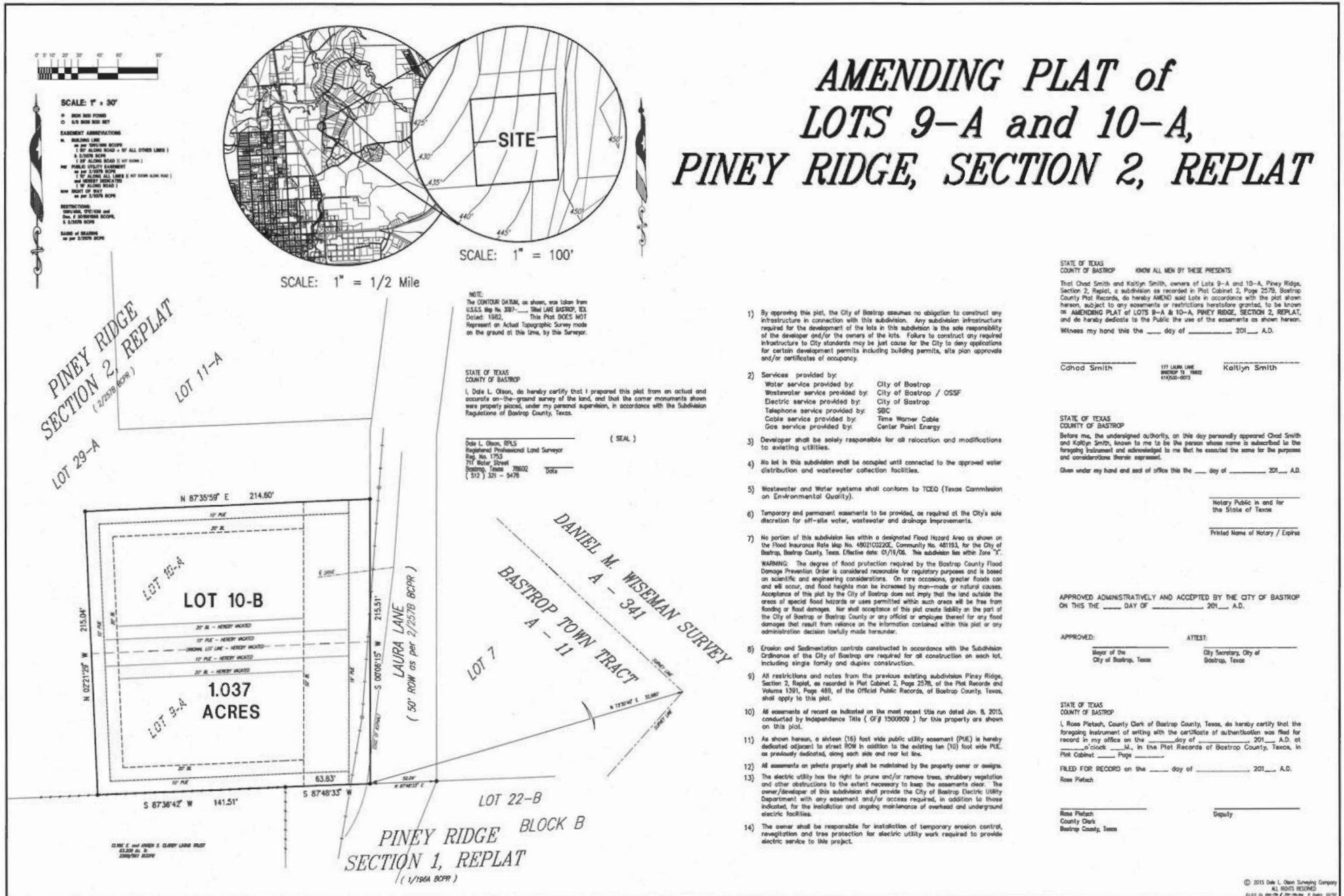
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____



CITY OF BASTROP

AGENDA ITEM D-1

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 10, 2015

MEETING DATE: March 24, 2015

1. Agenda Item: Consideration, discussion and possible action on the SECOND READING of a proposed Ordinance of the City Council of the City of Bastrop, Texas amending City of Bastrop, Texas Zoning Ordinance No. 99-37, as amended,: adding new section Exhibit "B" to establish a downtown Form Based Code Zoning ('FBC') District; providing definitions, uses, and standards for development within the FBC District; providing for a penalty for violations; providing for publication; and providing an effective date.
2. Party Making Request: **Melissa McCollum, Director of Planning and Development**
3. Nature of Request: (Brief Overview) Attachments: Yes ____ No ____
4. Policy Implication: _____
5. Budgeted: ____ Yes ____ No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
8. Staff Recommendation: Staff recommends approval of the City initiated code amendments and Regulating Plan for the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West.
9. Advisory Board Recommendation: XXXX Recommended Approval __Denial __None
The Planning and Zoning Commission conducted a public hearing on February 17, 2015 and continued the Public Hearing on Thursday, February 26, 2015 and voted unanimously 8-0 to recommend approval of the City initiated code amendments and Regulating Plan for the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West and to forward, in ordinance format, to City Council.
10. Manager's Recommendation: ____ Approved ____ Disapproved ____ None
11. Action Taken: _____

ORDINANCE NO. 2015- 04

AN ORDINANCE AMENDING CITY OF BASTROP, TEXAS' ZONING ORDINANCE [NO. 99-37], AS AMENDED;; ADDING NEW SECTION EXHIBIT "B" TO ESTABLISH A DOWNTOWN FORM-BASED CODE ZONING ('FBC') DISTRICT; PROVIDING DEFINITIONS, USES, AND STANDARDS FOR DEVELOPMENT WITHIN THE FBC DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas is a Home Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City has adopted a Zoning Ordinance for the City (Ord. No. 99-37), as amended, from time to time, which should reflect and protect Bastrop's unique history and vibrant Downtown; and

WHEREAS, the City Council has determined that it is in the City's best interest for the Greater Downtown area to be planned, designed and used in a manner that allows for a unique mixture of residential, office, and commercial uses, therein; and

WHEREAS, the City Council March 26, 2013 voted to establish an eight (8) member Form Based Code (FBC) Task Force which consisted of one member from each board and/or commission (4), one from the City Council (1) two members at large (2) and the City Manager (1); and

WHEREAS, the City Council recognizes that there are several existing neighborhoods located adjacent to Downtown that should be preserved exclusively for residential uses; and

WHEREAS, the City Council has determined that redevelopment of Downtown Bastrop affects the growth and vitality of the City, as a whole; and

WHEREAS, the City's adopted policies, programs, practices and plans that identify the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West as important regional and local destinations to promote a mix of commercial, residential, civic, and public uses in a pedestrian-friendly context; and

WHEREAS, the City's Planning and Zoning Commission and Form Based Code (FBC) Task Force has worked with staff and professional consultants over the past 24 months to

evaluate and formulate a proposed ordinance for the Council's consideration and possible action that would adopt and implement the use of a form –based district (FBC District) for Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West; and,

WHEREAS, after receiving public input at a public hearing before the Special Planning and Zoning Commission meeting on February 17, 2015, and continuing the public hearing at the Regular Planning and Zoning Commission meeting of February 26, 2015, the Planning and Zoning Commission has recommended City Council adopt such an ordinance, to promote the best economic interest, public health, safety and general welfare of the residents of the community; and

WHEREAS, the City Council has determined that it is appropriate and in the best interest of the City to promote the best economic interest, as well as the public health, safety, and general welfare of its residents by amending Ordinance No. 99-37, as noted herein below, to adopt a form-based code for portions of the City; and

WHEREAS, the City Council deems it in the best interest of the economic vitality, public health, safety, and general welfare of the citizens of the community to adopt and implement zoning regulations that are applicable to future development and re-development in the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West, to protect and enhance the attractiveness of the City to visitors, to promote and stimulate the economy, to ensure harmonious, orderly and efficient growth of the City; to preserve the City's unique history, culture, and heritage, and to protect property values; and

WHEREAS, the City Council and Planning and Zoning Commission have published notice and held public hearing(s) on February 17, 2015, February 26, 2015 and March 10, 2015 with respect to the amendment of the zoning ordinance, pertaining to the potential adoption of a new, Form-Based Zoning District, to be applied to future development and re-development in the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West; and

WHEREAS, the Planning and Zoning Commission, Bastrop Main Street Program,

Historic Landmark Commission, Board of Adjustment and the Form Based Task Force has provided resolutions of support (2015-04) for the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West and has urged City Council to pass the Regulating Plan and Code Amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AS FOLLOWS:

SECTION 1

Ordinance 99-37, as amended, the City of Bastrop's Comprehensive Zoning Ordinance is hereby amended by the addition of a new Section Exhibit B, which is included, *verbatim*, in Section 8.

SECTION 2

This Ordinance shall be cumulative of all provisions of ordinances of the City of Bastrop, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 3

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4

The Code adopted by this Ordinance reflects a vision for downtown Bastrop shaped by public and stakeholder input. The Code seeks to enable predictable building outcomes to attract new investment and preserve existing investment and character in Bastrop's Greater Downtown area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West. This vision is ensured by encouraging a high quality public realm to create a pedestrian-friendly, mixed-use Downtown.

SECTION 5

The Code adopted by this Ordinance includes illustrative examples of the general built form intended by the Code. These images serve as a general references, only, depicting the community vision for the Downtown Form Based Code Zoning District. ("FBC")

SECTION 6

The FBC District adopted by this Ordinance is composed of several ‘Character Zones’ that define the boundaries of areas with distinct building type and character. These ‘Character Zone’ areas are depicted in the illustrative plans and are guided by appropriately tailored regulations. These Downtown ‘Character Zones’ implement the City’s vision for the Downtown area by establishing appropriate urban design standards, including building form, use, signage, and civic/open space standards, with a focus on implementing pedestrian-oriented design(s) for development and re-development. The Character Zones also establish neighborhood standards with appropriate infill and redevelopment standards for the neighborhoods adjoining the Downtown area, which is primarily commercial. The Character Zones are as follows:

- 1) **Historic Main Street (HMS)** – Intended to preserve and enhance the existing historic blocks of Main Street north and south of Chestnut Street. Development standards in this zone will require any new buildings or reconstruction of existing buildings to be consistent with the historic architecture of the blocks.
- 2) **Downtown Mixed Use (DMU)** - Intended to encourage compatible mixed use redevelopment and reuse of historic and contributing buildings along the blocks east and west of Historic Main Street and along Chestnut Street. Development standards will emphasize maintaining a pedestrian orientation and continuous building context along Church, Water, and Chestnut Streets. This Character Zone is generally located one block deep east and west of the Historic blocks of Main Street and 3 blocks along Chestnut Street (west of Haysel Street). Uses within this Character Zone include commercial (office, retail, restaurant) on any floor, commercial-ready frontage required on ground floors of Main Street and Chestnut Street, with residential uses permitted by right on upper floors along Main and Chestnut Streets and on any floor on other frontages. Design standards will limit auto-oriented frontages along specific Main Street and Chestnut Street blocks.
- 3) **Civic/Cultural Arts (CCA)** - Intended to reinforce a civic and arts district character consistent with the Convention Center, City Hall, and planned Arts Guild development on the eastern end of Chestnut Street. Development standards will emphasize the prominent architecture of the civic buildings by requiring deeper setbacks and larger building massing and architectural elements that announce the public/civic nature of buildings along Chestnut Street. This Character Zone is generally located East of Haysel Street along Chestnut Street (except the Hwy 95 frontage). Appropriate uses include larger scale mixed use (retail, office, and institutional) and civic use buildings, surface parking limited to side yards or rear yards (large surface parking lots are discouraged from fronting along Chestnut Street), screening of parking lots, wider sidewalks and shade elements along Chestnut Street.
- 4) **Commercial Mixed Use (CMU)** - Intended to provide for small to mid-scale commercial (retail, restaurant, office) uses with appropriate transitions to the auto-oriented corridors of SH 71 and SH 95. Development standards will emphasize shared parking, cross-access driveways/easements and creating appropriate buffers or transitions to the

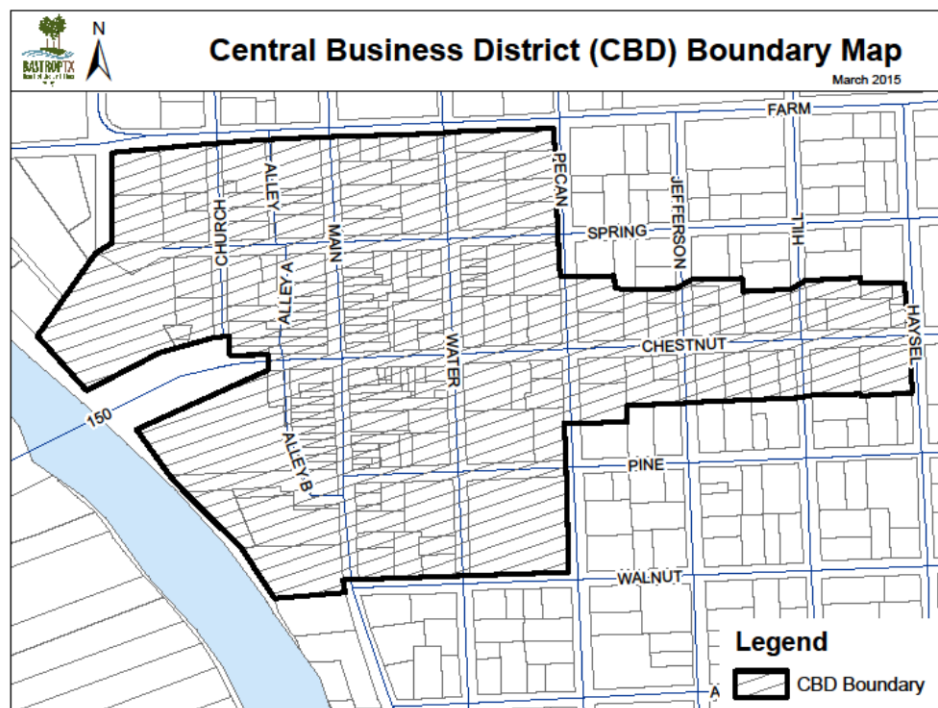
adjoining Live-Work and Neighborhood Districts. This Character Zone is generally located in lots fronting on SH 71 and SH 95 south of Cedar Street. This Character Zone would allow a range of uses including commercial (office, retail, restaurant) on any floor, commercial-ready ground floors along the Hwy frontage, residential uses permitted by right on any floors; and specific design standards for auto-oriented site elements along the Hwy frontages.

- 5) **Live-Work (LW)** - Intended to provide for a range of small scale office, live-work, and urban residential transitions between areas of commercial or high activity and a more traditional neighborhood scale. Development standards will emphasize the use of urban residential building types (live-work buildings, townhomes, row houses, and cottage homes) to be compatible with the fabric of the adjoining neighborhoods. This Character Zone is generally located Approximately 1 – ½ block north and south of Emile Street between Main Street and Hwy 95, 1 – ½ block south of Pine Street between Haysel and Chambers and blocks surrounding Bastrop High School west of SH 95. This Character Zone uses include small scale commercial (retail and office) and urban residential, and surface parking limited to side yards or rear yards and limited auto-oriented site elements.
- 6) **Neighborhood (N)**: Intended to preserve, enhance, and encourage the reuse of the existing eclectic mix of residential homes and allow compatible infill in the blocks north and south of Chestnut Street. Development standards focus on preserving the existing residential neighborhood scale and to allow for appropriately-scaled infill of generally residential buildings. The Neighborhood Character Zone has 4 different locations with special designations that implement slightly different outcomes, but all within the existing neighborhood fabric:
 - a. **Neighborhood-Professional Office (N-PO)**: this designation within the Neighborhood Character Zone applies to the blocks adjacent to the Downtown Mixed Use and is intended to preserve existing historic homes by allowing their adaptive reuse into professional offices and compatible retail uses. This area also preserves the integrity of the existing neighborhood fabric by focusing such conversions near the Courthouse and in blocks adjacent to Downtown Mixed Use areas as they transition to Neighborhood scale.
 - b. **Neighborhood – Transition (N-TT)**: this designation within the Neighborhood Character Zone generally applies to blocks between areas of Mixed Use or Live Work as they transition to areas of Neighborhood scale. This area is generally intended for single-family building types that are compatible with the adjoining neighborhood; but with allowances for attached single family such as townhomes and row houses that are better transitions to commercial development.
 - c. **Neighborhood – Tourism (N-T)**: this designation within the Neighborhood Character Zone applies to the tourism oriented property. Any future redevelopment in this area needs to be compatible with the adjoining neighborhood fabric while still allowing for an enclave of tourism/resort related residential and lodging uses within residential building types. This zone would allow for both attached and detached

single-family residential types with a range of residential, office, lodging, and resort support uses.

- d. **Neighborhood – Services (N-S):** this designation within the Neighborhood Character Zone is used to conduct selected retail and personal services uses to meet common regular needs and for the convenience of people living in surrounding neighborhoods. Neighborhood Services must be compatible with the adjoining neighborhood fabric and must maintain the neighborhood scale.

This previously identified and named zoning boundary denoted to be the “**Central Business District (CBD)**” (as shown below) is the area that was referenced by the City in the preparation of various regulations, ordinances and agreements that pre-dated the adoption of the Form-based code, and is understood to be applicable, retroactively to documents referencing that area of town, as identified herein.



SECTION 7

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8

All rights and remedies of the City of Bastrop are expressly saved as to any and all violations of the provisions of Ordinance No. 99-37, as amended, or any other ordinances affecting zoning regulations which have accrued at the time of the effective date of this

ordinance; and, as to such, accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9

The City Secretary of the City of Bastrop is hereby authorized to publish this Ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 10

The City Secretary of the City of Bastrop is hereby directed to publish the proposed ordinance or its caption and penalty together with a notice setting out the time and place for a public hearing thereon at least ten (10) days before the reading of this Ordinance, and if this Ordinance provides for the imposition of any penalty, fine or forfeiture for any violation of any of its provisions, then the City Secretary shall additionally publish this Ordinance or its caption and penalty in the official City newspaper one time within fifteen days after final passage of this ordinance, as required by Section 10.8 D of the Charter of the City of Bastrop.

SECTION 11

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained. This Ordinance, Exhibit B, of the Zoning Ordinance, will be reviewed after a period of twelve (12) months and presented back to the Planning and Zoning Commission and City Council for status updates and progress of the FBC for the Greater Downtown.

PASSED AND APPROVED on the First Reading on the 10 day of March, 2015.

PASSED AND ADOPTED on the Second Reading on the 24 day of March, 2015.

MAYOR KEN KESSELUS

ATTEST:

ELIZABETH LOPEZ, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

JC BROWN, CITY ATTORNEY

RESOLUTION No. R-2015-04

AN ADOPTED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS; OF SUPPORT FOR THE FORM BASED CODE PLANNING INITIATIVE BY THE PLANNING AND ZONING COMMISSION, BOARD OF ADJUSTMENT, HISTORIC LANDMARK COMMISSION, FORM BASED CODE TASK FORCE, AND THE MAIN STREET PROGRAM FOR THE COUNCILS APPROVAL OF A CITY INITIATED ZONING CHANGE AND CODE AMENDMENTS FOR THE GREATER DOWNTOWN FORM BASED CODE (FBC) AREA BOUNDED GENERALLY BY HAWTHORNE STREET TO THE NORTH, HIGHWAY 95 TO THE EAST, COLLEGE STREET/HIGHWAY 71 TO THE SOUTH, AND THE COLORADO RIVER TO THE WEST.

WHEREAS, the Staff formally presents the following Resolutions of Support for the Form Based Code (FBC) Planning initiative by the Planning and Zoning Commission, Board of Adjustment, Historic Landmark Commission, Form Based Code Task Force and Main Street Program for Council's consideration and approval of a City initiated zoning change and code amendments for the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West; and

WHEREAS, the City Council on March 26, 2013 voted to establish an eight (8) member Form Based Code (FBC) Task Force which consisted of one member from each board and/or commission (4), one from the City Council (1) two members at large (2) and the City Manager (1); and

WHEREAS, Form Based Code was a standing item on individual board/commission agendas and was discussed during regularly scheduled individual boards and commission meetings; and

WHEREAS, the Planning and Zoning Commission submitted an initial Resolution of Support to City Council on February 28, 2013, elected Lisa Patterson to serve as the FBC Task Force member, held a workshop on January 28, 2015, and has reaffirmed their support to City Council on February 26, 2015; and

WHEREAS, the Historic Landmark Commission submitted an initial Resolution of Support to City Council on February 27, 2013, elected Dan Hays-Clark to serve as the FBC Task Force member, held a workshop on January 21, 2015, and has reaffirmed their support to City Council on March 4, 2015; and

WHEREAS, the Main Street Program submitted an initial Resolution of Support to City Council on March 4, 2013, elected Steve Dewire and Shawn Pletsch to serve as the FBC Task Force members, held a workshop on January 7, 2015, and has reaffirmed their support to City Council on March 4, 2015; and

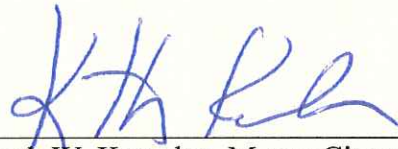
WHEREAS, the Zoning Board of Adjustment submitted an initial Resolution of Support to City Council on March 6, 2013, elected Herb Goldsmith, to serve as the FBC Task Force member, held a workshop on January 7, 2015, and has reaffirmed their support to City Council on March 4, 2015; and

WHEREAS, the FBC Task Force has met monthly and sometimes by-weekly to assist staff in the drafting and development of the FBC for Greater Downtown area, and has affirmed their support to City Council on March 5, 2015; and

WHEREAS, staff and the FBC Task Force has published on the City's website all the Public Meetings, and included notices in the Bastrop Advertiser as well as in the utility bills outlining the FBC Planning Initiative for Greater Downtown on the February 5, 2015 Information Session, Public Hearings before the Planning and Zoning Commission on February 17, 2015 and continuing on February 28, 2015 and the Public Hearing before City Council on March 10, 2015; and

NOW, THEREFORE BE IT RESOLVED, that the Staff hereby formally urges and requests the Bastrop City Council accept the Resolutions of Support for the zoning change and code amendments for the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West from the planning boards/commission more specifically being the Bastrop Main Street Program, Historic Landmark Commission, Board of Adjustment and the Planning and Zoning Commission and the Form Based Code (FBC) Task Force.

Passed and approved this 10th day of March, 2015.



Kenneth W. Kesselus, Mayor City of Bastrop

ATTEST:


Elizabeth Minerva Lopez, City Secretary

FBC Task Force Form Based Codes Resolution

WHEREAS, the City Council voted to establish an eight (8) member Form Based Code (FBC) Task Force which consisted of one member from each board and/or commission (4), one from the City Council (1) two members at large (2) and the City Manager (1); and

WHEREAS, the Form Based Code (FBC) Task Force serves in an advisory capacity to the Main Street Program, Historic Landmark Commission, Board of Adjustment and the Planning and Zoning Commission and City Council on the FBC planning initiative in the City; and

WHEREAS, the FBC Task Force assists staff regarding creation of the FBC code and amendments for the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West; and

WHEREAS, the FBC Task Force met monthly and sometimes bi-weekly to assist and manage the FBC efforts with City Staff to ensure that the goals and objectives of the various boards/commissions were met and that FBC was an appropriate tool for the Greater Downtown Area and the City as a whole; and

WHEREAS, the FBC Task Force was instrumental in the presentation and support of the FBC before the City Council workshop December 9, 2014, the Planning and Zoning Commission and Construction Standards Board workshop on January 29, 2015 the Main Street and Board of Adjustment Workshop on January 7, 2015 and the Historic Landmark Commission Workshop on January 21, 2015 attending and answering questions regarding the individual boards and commissions goals; and

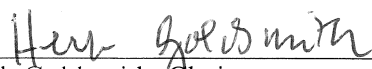
WHEREAS, FBC Task Force members presented and updated their various boards and commissions as a regular item on their individual board/commission agendas;

WHEREAS, FBC Task Force members aided and assisted staff in the presentation of the Final Draft of the FBC for the Greater Downtown Area before the Planning and Zoning Commission during the Public Hearing at the Special Meeting of February 17, 2015 and a continuation of the Public Hearing at the Regular Meeting of February 26, 2015; and

NOW, THEREFORE BE IT RESOLVED that the FBC Task Force that comprises members of the Planning and Zoning Commission, Bastrop Main Street Program, Historic Landmark Commission, Board of Adjustment, City Council and City at large has worked to create the Form Based Code for the Greater Downtown Bastrop Area that creates a single vision, and Form Based Zoning in lieu of Usage Based Zoning Codes and requests the Bastrop City Council accept the recommendation of the Planning and Zoning Commission and adopt the Greater Downtown Form Based Code (FBC) and Regulating Plan for the Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West

Passed unanimously on March 5, 2015 by the Form Based Code (FBC) Task Force

Respectfully submitted by:



Herb Goldsmith, Chair
FBC Task Force

Planning and Zoning Commission Form Based Codes Resolution

WHEREAS, the Planning and Zoning Commission serves in an advisory capacity to the City Council on any planning related item(s) in the City; and

WHEREAS, the Planning and Zoning Commission makes recommendations regarding the approval of plats and subdivisions, amendments to the Comprehensive Plan, changes in zoning, and the zoning to be given to newly annexed areas; and

WHEREAS, the Planning and Zoning Commission must determine whether uses permitted by a proposed zoning change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole; and

WHEREAS, the Planning and Zoning Commission desires to encourage greater efficiency and certainty in the planning and zoning process;

WHEREAS, the Planning and Zoning Commission on February 28, 2013 submitted a Resolution of Support for the Form Based Code initiative to City Council along with the Bastrop Main Street Program, Historic Landmark Commission, and Board of Adjustment; and

WHEREAS, during the City Council meeting of March 26, 2013, the Planning and Zoning Commission chair along with the other boards and commissions addressed City Council regarding the Resolution regarding the Form Based Code; and

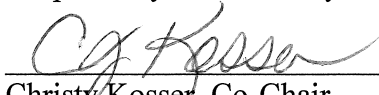
WHEREAS, the City Council voted to establish an eight (8) member Form Based Code (FBC) Task Force which consisted of one member from each board and/or commission (4), one from the City Council (1) two members at large (2) and the City Manager (1); and

WHEREAS, Form Based Code was a standing item on individual board/commission agendas and was discussed during the Planning and Zoning workshop on January 29, 2015 and Public Hearing during the Special Planning and Zoning Commission Meeting of February 17, 2015 and a continuation of the Public Hearing at the Regular Meeting of February 26, 2015 ; and

NOW, THEREFORE BE IT RESOLVED, that the Planning and Zoning Commission hereby formally urges and requests the Bastrop City Council set as a priority the process needed for consideration of a planning initiative that focuses the goals of the Bastrop Main Street Program, Historic Landmark Commission, Board of Adjustment and the Planning and Zoning Commission into a single vision, and a Form Based Zoning in lieu of Usage Based Zoning Codes to initiate that vision.

Passed unanimously on February 26, 2015 by the Planning and Zoning Commission.

Respectfully submitted by:



Christy Kosser, Co-Chair

Planning and Zoning Commission

Historic Landmark Commission Form Based Codes Resolution

WHEREAS, the Bastrop Historic Landmark Commissions purpose and intent is to protect and enhance the landmarks which represent distinctive elements of the City of Bastrop's historic, architectural and cultural heritage; and

WHEREAS, the Bastrop Historic Landmark Commission fosters civic pride in the accomplishments of the past; and

WHEREAS, the Bastrop Historic Landmark Commission protects and enhances Bastrop's attractiveness to visitors, thereby supporting and stimulating the economy; and

WHEREAS, the Bastrop Historic Landmark Commission insures the harmonious, orderly and efficient growth and development of the City; and

WHEREAS, the Bastrop Historic Landmark Commission encourages stabilization, restoration and improvements of such properties and their values; and

WHEREAS, since its establishment, the Historic Landmark Commission continues to increase the awareness of Bastrop's long and significant history and provide recognition and honor for its designated properties.

WHEREAS, the Historic Landmark Commission on February 27, 2013 submitted a Resolution of Support for the Form Based Code initiative to City Council along with the Bastrop Main Street Program, Planning and Zoning Commission and Board of Adjustment; and

WHEREAS, during the City Council meeting of March 26, 2013, the Historic Landmark Commission chair along with the other boards and commissions addressed City Council regarding the Resolution regarding the Form Based Code; and

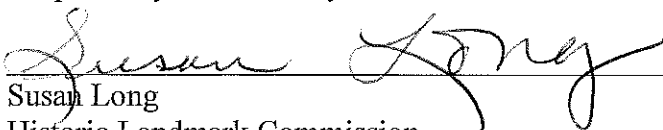
WHEREAS, the City Council voted to establish an eight (8) member Form Based Code (FBC) Task Force which consisted of one member from each board/commission (4), one from the City Council (1) two members at large (2) and the City Manager (1); and

WHEREAS, Form Based Code discussion/updates was a standing item on all Historic Landmark Commission Agendas; and

NOW, THEREFORE BE IT RESOLVED, that the Historic Landmark Commission hereby formally urges and requests the Bastrop City Council set as a priority the process needed for consideration of a planning initiative that focuses the goals of the Bastrop Main Street Program, Historic Landmark Commission, Board of Adjustment and the Planning and Zoning Commission into a single vision, and a Form Based Zoning in lieu of Usage Based Zoning Codes to initiate that vision.

Passed unanimously on March 4, 2015 by the Historic Landmark Commission.

Respectfully submitted by:



Susan Long

Historic Landmark Commission

Zoning Board of Adjustment Form Based Code Resolution

WHEREAS, the Bastrop Zoning Board of Adjustment was created and established to hear appeals from administrative decisions regarding zoning, and in appropriate cases, subject to appropriate conditions and safeguards, may authorize variances from the terms of the City of Bastrop Zoning Ordinance; and

WHEREAS, Zoning Board of Adjustment may authorize a variance from the Zoning Ordinance regulations when, in its opinion, undue hardship will result from requiring strict compliance; and

WHEREAS, the Zoning Board of Adjustment in granting a variance prescribes only those conditions that it deems necessary to or desirable in the public interest; and

WHEREAS, the Zoning Board of Adjustment takes into account the nature of the proposed use of the land involved and existing uses of land in the vicinity; and

WHEREAS, the Zoning Board of Adjustment takes into account the number of persons who will reside or work in the proposed use and the probable effect of such variance upon traffic conditions; and

WHEREAS, the Zoning Board of Adjustment takes in account public health, safety, convenience and welfare in the vicinity; and

WHEREAS, the Zoning Board of Adjustment on March 6, 2013 submitted a Resolution of Support for the Form Based Code initiative to City Council along with the Planning and Zoning Commission, Bastrop Main Street Program, and Historic Landmark Commission; and

WHEREAS, during the City Council meeting of March 26, 2013, the Zoning Board of Adjustment chair along with the other boards and commissions addressed City Council regarding the Resolution regarding the Form Based Code; and

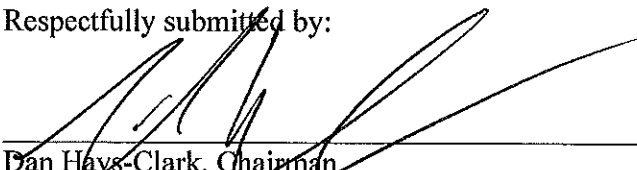
WHEREAS, the City Council voted to establish an eight (8) member Form Based Code (FBC) Task Force which consisted of one member from each board and/or commission (4), one from the City Council (1) two members at large (2) and the City Manager (1); and

WHEREAS, Form Based Code was a standing item on individual board/commission agendas and was discussed during the Board of Adjustment and Bastrop Main Street Program Advisory Board joint meeting on January 7, 2015; and

NOW, THEREFORE BE IT RESOLVED, that the Bastrop Zoning Board of Adjustment hereby formally urges and requests that the Bastrop City Council sets as a priority the process needed for consideration of a planning initiative that focuses the goals of the Bastrop Main Street Program, Historic Landmark Commission, Board of Adjustment and the Planning and Zoning Commission into a single vision, and a Form Based Zoning in lieu of Usage Based Zoning Codes to initiate that vision.

Passed unanimously on March 4, 2015 by the Bastrop Zoning Board of Adjustment.

Respectfully submitted by:



Dan Hays-Clark, Chairman
Bastrop Zoning Board of Adjustment

Bastrop Main Street Program Advisory Board
Form Based Codes Resolution

WHEREAS, the mission of the Bastrop Main Street Program (BMSP) is *to serve as a catalyst for the continued revitalization, preservation and economic health of our historic downtown area through collaboration with other organizations and use of community resources and volunteer insights, talents and energies within the Four Points: organization, design, economic restructuring and promotions*, and

WHEREAS, the purpose of the BMSP Advisory Board is to encourage volunteer participation in the BMSP downtown revitalization program; to establish goals and priorities for the BMSP; to evaluate the progress of said goals and priorities; to develop and oversee programs for economic restructuring, design, organization, and promotion in the BMSP area; and to coordinate activities coinciding with the BMSP mission, and

WHEREAS, since the establishment of the Bastrop Main Street Program there has been \$23.9 million in reinvestment in the program area and the creation of 180 jobs, and

WHEREAS, new and unique uses for a number of the buildings in the BMSP area are being requested, and

WHEREAS, the current fourteen Use Based Zoning Codes in the BMSP area create confusion and hinder the continued economic growth and development of the area, and

WHEREAS, experts who have assessed Bastrop's economic potential have urged a revamp of the City's often cumbersome zoning ordinances in the context of a unified vision for Downtown Bastrop,

WHEREAS, the Bastrop Main Street Program on March 4, 2013 submitted a Resolution of Support for the Form Based Code initiative to City Council along with the Historic Landmark Commission, Planning and Zoning Commission and Board of Adjustment; and

WHEREAS, during the City Council meeting of March 26, 2013, the Bastrop Main Street Program chair along with the other boards and commissions addressed City Council with the Resolution regarding the Form Based Code; and

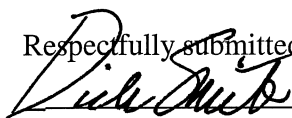
WHEREAS, the City Council voted to establish an eight (8) member Form Based Code (FBC) Task Force which consisted of one member from each board/commission (4), one from the City Council (1) two members at large (2) and the City Manager (1); and

WHEREAS, Form Based Code discussion/updates was a standing item on most Bastrop Main Street Program Advisory Board and Committee Agendas since,

NOW, THEREFORE BE IT RESOLVED, that the Bastrop Main Street Program Advisory Board hereby formally urges and requests the Bastrop City Council set as a priority the process needed for consideration of a planning initiative that focuses the goals of the Bastrop Main Street Program, Historic Landmark Commission, Board of Adjustment and the Planning and Zoning Commission into a single vision, with a Form Based Zoning in lieu of Usage Based Zoning Codes to initiate that vision.

Passed unanimously on March 4, 2015 by the Bastrop Main Street Program Advisory Board.

Respectfully submitted by:



Dick Smith, Chair

Bastrop Main Street Program Advisory Board

Downtown Bastrop

Form-Based Code



March 4, 2015



BASTROPTX
Heart of the Lost Pines / Est. 1832

GATEWAY
PLANNING
A VIALTA GROUP PARTNER

I. Downtown Bastrop Form-Based Code (DB-FBC)

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Attachments:

- A: Regulating Plan
- B: Illustrative Vision
- C: Illustrations of Changes to Non-Conforming Structures
- D: Development Review Flow Charts
- E: Street Cross Sections

Introduction

In 2014, the Bastrop City Council adopted a clear and vibrant vision for Downtown Bastrop (see Attachment B for Illustrative Vision and excerpts). This comprehensive long-term vision continues the revitalization momentum for Downtown Bastrop that takes advantage of its regional location and historic fabric to transform it into a true urban neighborhood, anchoring existing and new local and regional businesses with civic and arts destinations.

This document provides the regulatory tools for new development and redevelopment consistent with the Illustrative Vision for Downtown Bastrop as a mixed use, walkable destination for local residents and visitors.

1.1 Purpose and Intent

The purpose of the Downtown Bastrop Form-Based Code (DB-FBC, or referred to as “the Code”) is to implement the vision for a more walkable, vibrant, mixed use neighborhood in the heart of Bastrop, Texas (hereinafter, “Downtown Bastrop” or “Downtown”) by:

- (a) Preserving and enhancing the existing development character of downtown and adjoining neighborhoods through a comprehensive form-based approach to achieve mixed use, transitions, and pedestrian-oriented design.
- (b) Creating appropriate Downtown Character Zones to implement the vision for different areas of downtown – the Historic Main Street corridor, the Chestnut Street commercial area, Civic/ Cultural Arts District, neighborhoods north and south of Chestnut Street, and the SH 71 and 95 corridors.
- (c) Establishing appropriate urban design standards associated with each downtown character zone including building form, use, signage, and civic/open space standards with a focus on implementing pedestrian-oriented design.
- (d) Establishing neighborhood standards with appropriate infill and redevelopment standards for the neighborhoods adjoining downtown; and
- (e) Establishing a clear review, approval, and appeals process for all development.

1.2 Illustrative Vision

The DB-FBC and its associated Regulating Plan are based on the Illustrative Vision for redevelopment within Downtown Bastrop as established in Attachment B. The Illustrative Vision and the illustrative images used throughout this document are not regulatory. Rather, they are intended to provide property owners, developers, and the general public information on the intended character of redevelopment and help guide their projects to better meet the standards in this Code.

2.0 Components of the Code

2.1 The Regulating Plan

The Downtown Bastrop Regulating Plan map (herein known as the Regulating Plan) (Attachment A) is hereby adopted as the official zoning map for Downtown. Within any area subject to the approved Regulating Plan, this DB-FBC becomes the exclusive and mandatory regulation unless specified in Section 3.2. It shall establish the following development standards for all properties within Downtown (Defined as the area bounded by the Colorado River to the West, SH 71 to the south, SH 95 to the West and Hawthorne St. to the north):

(a) **Establishment of Character Zones** – Downtown Bastrop is distinguished into different “Character Zones”. Each Character Zone is intended to create a distinct urban form based on the illustrative vision for different sections within Downtown. Each Character Zone shall establish use and building form standards including standards for building height, bulk, location, functional design, and parking. Changes to the any National, State or Locally Significant or Historic Landmarks within this zone shall meet the Historic Landmark Preservation Standards per Chapter 14.03 of the City of Bastrop Zoning Ordinance. The Regulating Plan classifies all lots within Downtown into one of following six (6) Character Zones:

- 1) **Historic Main Street (HMS)** – Intended to preserve and enhance the existing historic blocks of Main Street north and south of Chestnut Street. Development standards in this zone will require any new buildings or reconstruction of existing buildings to be consistent with the historic architecture of the blocks.
- 2) **Downtown Mixed Use (DMU)** - Intended to encourage compatible mixed use redevelopment and reuse of historic and contributing buildings along the blocks east and west of Historic Main Street and along Chestnut Street. Development standards will emphasize maintaining a pedestrian orientation and continuous building context along Church, Water, and Chestnut Streets. This Character Zone is generally located one block deep east and west of the Historic blocks of Main Street and 3 blocks along Chestnut Street (west of Haysel Street). Uses within this Character Zone include commercial (office, retail, restaurant) on any floor, commercial-ready frontage required on ground floors of Main Street and Chestnut Street, with residential uses permitted by right on upper floors along Main and Chestnut Streets and on any floor on other frontages. Design standards will limit auto-oriented frontages along specific Main Street and Chestnut Street blocks.
- 3) **Civic/Cultural Arts (CCA)** - Intended to reinforce a civic and arts district character consistent with the Convention Center, City Hall, and planned Arts Guild development on the eastern end of Chestnut Street. Development standards will emphasize the prominent architecture of the civic buildings by requiring deeper setbacks and larger building massing and architectural elements that announce the public/civic nature of buildings along Chestnut Street. This Character Zone is generally located East of Haysel Street along Chestnut Street (except the Hwy 95 frontage). Appropriate uses include larger scale mixed use (retail, office, and institutional) and civic use buildings, surface parking limited to side yards or rear yards (large surface parking lots are discouraged from fronting along Chestnut Street), screening of parking lots, wider sidewalks and shade elements along Chestnut Street.

- 4) Commercial Mixed Use (CMU) - Intended to provide for small to mid-scale commercial (retail, restaurant, office) uses with appropriate transitions to the auto-oriented corridors of SH 71 and SH 95. Development standards will emphasize shared parking, cross-access driveways/easements and creating appropriate buffers or transitions to the adjoining Live-Work and Neighborhood Districts. This Character Zone is generally located in lots fronting on SH 71 and SH 95 south of Cedar Street. This Character Zone would allow a range of uses including commercial (office, retail, restaurant) on any floor, commercial-ready ground floors along the Hwy frontage, residential uses permitted by right on any floors; and specific design standards for auto-oriented site elements along the Hwy frontages.
- 5) Live-Work (LW) - Intended to provide for a range of small scale office, live-work, and urban residential transitions between areas of commercial or high activity and a more traditional neighborhood scale. Development standards will emphasize the use of urban residential building types (live-work buildings, townhomes, row houses, and cottage homes) to be compatible with the fabric of the adjoining neighborhoods. This Character Zone is generally located Approximately 1 – ½ block north and south of Emile Street between Main Street and Hwy 95, 1 – ½ block south of Pine Street between Haysel and Chambers and blocks surrounding Bastrop High School west of SH 95. This Character Zone uses include small scale commercial (retail and office) and urban residential, and surface parking limited to side yards or rear yards and limited auto-oriented site elements.
- 6) Neighborhood (N): Intended to preserve, enhance, and encourage the reuse of the existing eclectic mix of residential homes and allow compatible infill in the blocks north and south of Chestnut Street. Development standards focus on preserving the existing residential neighborhood scale and to allow for appropriately-scaled infill of generally residential buildings. The Neighborhood Character Zone has 4 different locations with special designations that implement slightly different outcomes, but all within the existing neighborhood fabric:
 - i. Neighborhood-Professional Office (N-PO): this designation within the Neighborhood Character Zone applies to the blocks adjacent to the Downtown Mixed Use and is intended to preserve existing historic homes by allowing their adaptive reuse into professional offices and compatible retail uses. This area also preserves the integrity of the existing neighborhood fabric by focusing such conversions near the Courthouse and in blocks adjacent to Downtown Mixed Use areas as they transition to Neighborhood scale.
 - ii. Neighborhood – Transition (N-TT): this designation within the Neighborhood Character Zone generally applies to blocks between areas of Mixed Use or Live Work as they transition to areas of Neighborhood scale. This area is generally intended for single-family building types that are compatible with the adjoining neighborhood; but with allowances for attached single family such as townhomes and row houses that are better transitions to commercial development.
 - iii. Neighborhood – Tourism (N-T): this designation within the Neighborhood Character Zone applies to the tourism oriented property. Any future redevelopment in this area needs to be compatible with the adjoining neighborhood fabric while still allowing for an enclave of tourism/resort related residential and lodging uses within residential building types. This

zone would allow for both attached and detached single-family residential types with a range of residential, office, lodging, and resort support uses.

- iv. Neighborhood - Services (N-S): this designation within the Neighborhood Character Zone is used to conduct selected retail and personal services uses to meet common regular needs and for the convenience of people living in surrounding neighborhoods. Neighborhood Services must be compatible with the adjoining neighborhood fabric and must maintain the neighborhood scale.

- (b) **Building Frontage Designations** – Building Frontage designations shall classify different block frontages based on the pedestrian priority goals of the Illustrative Vision on the Regulating Plan (Attachment A). They shall be classified into one of three frontage designations: (i) Primary Frontage with the highest quality standards for pedestrian-oriented building design; (ii) Secondary Frontage that balances pedestrian-oriented building design standards while accommodating some service and parking functions; and (iii) General Frontage which mainly accommodates service, utilities, and parking functions. All frontages that are not depicted as either Primary or Secondary are to be considered General frontages.

2.2 Development Standards: The DB-FBC text portion of this Code enumerates the development standards with text and graphics for Character Zones, Frontage Designations, building form, landscape, building design, signage, and lighting.

2.3 Using This Document

The following basic steps should be followed to determine the uses and development standards applicable on property within the DB-FBC during Site Development Plan Review:

- (a) Review the Table 3-1 (p.9) to evaluate the applicability of the DB-FBC based on scope of the proposed development.
- (b) Locate the subject property on Regulating Plan (Attachment A).
- (c) Identify on the Regulating Plan (Attachment A):
 - (i) The Character Zone in which the property is located;
 - (ii) The Building Frontage designations (Primary, Secondary, or General) along all block frontages of the property.
- (d) Review the Schedule of Uses by Character Zone as listed in Table 5-1 (p.26) to determine allowed uses.
- (e) Examine the corresponding character zone Building Form and Development Standards in Section 6.0 (p.29) to determine the applicable development standards.
- (f) Refer to Section 7.0 (p.56) for Building Design Standards, Section 8.0 (p.67) for Streetscape and Landscape Standards, and Section 9.0 (p.70) for Sign Standards.

3.0 Administration

3.1 Applicability

- (a) The uses and buildings on all properties within the Downtown Bastrop Form-Based zoning classification shall conform exclusively to this Code unless specifically referenced as otherwise in this Code.
- (b) Table 3-1 (Applicability Matrix, p. 9) shall determine the extent to which different sections of the DB-FBC apply to any proposed development.
- (c) Provisions of this DB-FBC Code are activated by “shall” when required; “should” or “may” when recommended or optional.
- (d) Terms used throughout this Code are defined in *Section 4 Definitions*. For those terms not defined in *Section 4 Definitions*, Definitions in Section A-3 of Chapter 14, City of Bastrop Zoning Ordinance shall apply. For terms not defined in either section, they shall be accorded commonly accepted meanings. In the event of conflict, the definitions of this Code shall take precedence.
- (e) Where in conflict, numerical metrics shall take precedence over graphic metrics.

3.2 Relationship to other city ordinances

- (a) For all properties zoned as DB-FBC, the standards in this document shall supersede existing standards in the City of Bastrop Comprehensive Zoning Ordinance.
- (b) Development standards not addressed in this ordinance shall be governed by the City of Bastrop Zoning Ordinance to the extent they are not in conflict with the intent or text of the DB-FBC Code.
- (c) Changes to any National, State or Locally Significant or Historic Landmarks within this zoning are shall meet the Historic Landmark Preservation Standards per Chapter 14.03 of the City of Bastrop Zoning Ordinance.

Table 3-1: Applicability Matrix

Legend



= Section of the Code Applies

Code Section	Section 5: Schedule of Uses	Section 6: Building Form and Site Development Standards				Section 7: Building Design Standards	Section 8 Streetscape and Landscape Standards				Section 9: Sign Standards
		Build-to zones and setbacks	Building Frontage	Building Height	Parking and Service Access		Sidewalk, Street Trees and Streetscape	Street Screen and Parking Lot Landscaping	Street Lighting and Furniture	Utilities	
	a. Change of Use/Expansion of Existing Use (without expansion of conditioned building area) (to a permitted or conditional use in the designated Character Zone)	●				●		●			●
b. Expansion of Existing Buildings (regardless of size of expansion) (includes building additions and new accessory building/structure on the lot): Existing non-conforming structures or sites may be enlarged provided that such enlargement shall <u>neither create any new non-conformance nor shall increase the degree of the existing non-conformance</u> of all or any part of such structure or site. Standards in the DB-FBC applicable sections shall apply only to the building expansions. It shall allow addition of non- conditioned space such as patios, porches, arcades, canopies, private open space, recreational amenities and courtyards/forecourts. (see illustrative examples in Attachment C)	●	●	●	●	●	●	●	●	●	●	
i. Up to 10 parking spaces			●		●						
ii. 11 or more additional parking spaces			●		●		●				
iii. Refacing or changing a panel on an existing sign										●	
iv. Alteration of an existing sign (under 60% of the replacement value of sign): Existing non-conforming signs may be repaired, maintained, altered, or enlarged provided that such repair, maintenance, alteration, or enlargement shall <u>neither create any new non-conformance nor shall increase the degree of the existing non-conformance</u> of all or any part of such a sign. (applies during sign permit review only)										●	
c. New sign or alteration of a sign (over 60% of the replacement value of the sign) or complete replacement of an existing sign (applies during sign permit review only)										●	

3.3 Development Review Process

- (a) **Presubmittal Meeting Required:** All projects that meet the following criteria are required to submit a Site Development Plan under Chapter 14, Section 42 of the City of Bastrop Zoning Ordinance and shall have a presubmittal meeting with staff prior to submitting the site development plan for consideration. At the presubmittal meeting, staff shall provide information on the requirements for development and submittal within the DB-FBC Zoning District.
- i. Any nonresidential development or multiuse development;
 - ii. Any multi-family development, duplex and single family attached or multi-unit home.
 - b. Any development with two (2) or more buildings per platted lot; or
 - c. Any Conditional Use Permit.
- (b) **Site Development Plan Required:** An administratively approved Site Development Plan shall be required per Section 42 of the City of Bastrop Zoning Ordinance unless specified as a Conditional Use under Section 4 of this Code.
- (c) **Required Materials** are included in Section 42 of the City of Bastrop Zoning Ordinance. The applicant shall provide documents and graphics that adequately demonstrate compliance with all applicable sections of the DB-FBC.
- (d) **Administrative Review:** Projects that comply with all standards of the Code and projects that require Administrative Modifications shall be processed by the Director or designee. Please refer to the flow charts in Attachment D for information on the development review process.
- (e) **Administrative Modifications to the DB-FBC:** The Director may approve Administrative Modifications to standards in this Code per the criteria set in Table 3-2, p. 11. The Administrative Modification process may be used only to authorize a less restrictive standard and may not be used to impose a higher standard than is established under this Code on the subject property. In no circumstance shall the Director approve an administrative modification that results in:
- i. An increase in overall project intensity, density, height or impervious cover;
 - ii. A change in permitted uses or mix of uses;
 - iii. A change in the relationship between the buildings and the street; or
 - iv. A change in any required element of the Regulating Plan and the Code beyond the thresholds established in Table 3-2.

Table 3-2: Administrative Modifications Table

<i>Code Standard</i>	<i>Extent of Administrative Modification Permitted</i>	<i>Criteria</i>
1. Building Form and Development Standards		
a. Build-to zones/setbacks	No more than a 20% change in the maximum or minimum setback applicable or 5 feet whichever is greater.	Changes to the build-to-zones and setbacks may only occur when they effected by one or more of the following: i. Need to accommodate existing buildings and structures on the lot that meet the overall intent and vision for redevelopment in Downtown Bastrop; or ii. Need to accommodate other required modes of transportation (transit, bike, pedestrian), storm water drainage, water quality, or low impact development (LID) elements on the site; or iii. Need to accommodate overhead or underground utilities and/or easements; or iv. To accommodate forecourts, sidewalk cafes, and other pedestrian-friendly site improvements; or v. Need to preserve existing large caliper trees on the property.
b. Building Frontage	No more than a 15% reduction in the required building frontage (applicable in the designated Character Zone) along each block or subject lot with Primary Frontage designation or no more than a 25% reduction in the required building frontage (applicable in the designated Character Zone) along each block or subject lot of a Secondary Frontage designation.	Any reduction in the required building frontage shall be to address one or more of the following: i. To accommodate porte-cocheres for drop-off and pick-up, or ii. To accommodate existing buildings and site elements, or iii. To accommodate forecourts, sidewalk cafes, and other pedestrian-friendly site improvements; or iv. To accommodate other required transit, bike and pedestrian related, storm water drainage, water quality, or low impact development (LID) elements on the site.
c. Corner Lot Building Frontage	Reduction of building frontage requirements for lots with two or more Primary frontages (applicable Frontage Standard for the Character Zone of the subject corner lot)	Frontage requirement along <u>one</u> Primary designated frontage may be replaced with the corresponding standard for Secondary frontage designation instead. In determining which Primary frontage may be changed to a Secondary frontage, precedence shall be given to matching any existing building Primary frontages of adjoining blocks or lots on either side of the street.
	Reduction of building frontage requirements for lots with two or more Secondary frontages (applicable Frontage Standards for the designated Character Zone of the subject corner lot)	Frontage requirement along <u>one</u> Secondary designated frontage may be replaced with the corresponding standard for General frontage designation instead. In determining which Secondary frontage may be changed to a General frontage, precedence shall be given to matching any existing building Secondary frontages of adjoining blocks or lots on either side of the street.
d. Sidewalk and Streetscape standards	Sidewalks, Street tree planting, street lighting, and other streetscape standards may be adjusted based on the development context and street cross section.	Any changes to the streetscape standards shall be based on specific development context such as existing vegetation, natural features, drainage, and fire access and is subject to approval by the City.
e. Required Parking Spaces	Reduction in the number of required parking spaces. In no case shall the parking requirement be reduced to less than 20% of the requirement in this code	Reduction in the number of parking spaces shall be based on one or more of the following: i. A shared parking plan for parking within 1,320 feet of the subject property; or ii. A parking study for the uses proposed on the site; or iii. A combination of the above iv. Parking in adjacent ROW built to approved cross section standards.

Table 3-2: Administrative Modifications Table

<i>Code Standard</i>	<i>Extent of Administrative Modification Permitted</i>	<i>Criteria</i>
2. Other		
a. Any other numerical standard in the code	A modification up to 10% (increase or decrease)	i. A modification of a numerical standard is needed to accommodate existing conditions. ii. The proposed development still meets the intent of the Code.
b. Phased Developments	Deferment of building frontage standards	i. Phased developments may defer building frontage requirements as long as they meet the build-to-zone and parking setback requirements

(f) **Major Modifications:** The City Council shall have the authority to modify any standard in the DB-FBC beyond permitted Administrative Modifications after a recommendation by the Historic Landmark Commission and the Planning and Zoning Commission (See Attachment D for review process). In reviewing such major modifications, the City Council, Historic Landmark Commission, and the Planning and Zoning Commission shall use the following criteria:

- i. The goals, intent, and vision of the adopted Illustrative Vision for Downtown Bastrop;
- ii. The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
- iii. The extent to which the proposal provides public benefits such as usable civic and open spaces, livable streets, affordable housing, structured and/or shared parking, and linkages to transit;
- iv. The extent to which the proposal does not hinder future opportunities for higher intensity development; and
- v. Considerations of health and welfare of the general public.

3.4 Plat Approval: The applicant shall follow the City of Bastrop Subdivision Ordinance, for plat approval, but the lot size and setback standards in this code shall supersede those in the Subdivision Ordinance.

3.5 Nonconforming Uses and Structures:

- (a) **Continuity of Existing Uses and Structures:** Where existing nonconforming uses and structures exist it is the intent of the DB-FBC to permit such nonconformities to continue, as long as the conditions within this Section and other applicable sections are met. Nonconforming uses shall not be enlarged upon, expanded or extended, intensified and not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- i. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.
 - ii. A nonconforming use may not be changed to another nonconforming use.
 - iii. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use.
 - iv. Buildings or structures which have been vacant or abandoned for more than six (6) months and do not meet the current DB-FBC regulations shall be reoccupied by a conforming use.

- (b) **Expansion of Nonconforming Structure:** An expansion of a nonconforming structure is allowed as long as the non-conformity is not exacerbated. See Attachment C.
 - (c) **Restoration of Nonconforming Structures and Uses:** If a nonconforming structure is destroyed by an Act of God, it is recommended for the structure to be rebuilt in compliance with the approved DB-FBC regulations; however, the structure is permitted to be rebuilt in its original form provided that the rebuild does not increase the degree of any previous nonconformance, and the nonconforming use may be continued .
 - (d) **Completion of Nonconforming Structures:** Nothing herein contained shall require any change in the plans, construction, or designated use of a building or structure for which a building permit has been issued or a site plan approved prior to the effective date of these zoning regulations or a site plan or building permit filed within thirty (30) days of the effective date of these regulations - (Insert date of adoption)
- 3.6 Amendments to the Code:** Amendments and changes to the Regulating Plan, text and property boundaries beyond those expressly permitted under this Code shall be in accordance with the procedure set out in Chapter 14 Section 10 of the City of Bastrop Zoning Ordinance.

4.0 Definitions

Many terms used in this Document are defined in the Zoning Ordinance. Definitions are only included here if not defined in the Zoning Ordinance, or if the definition for this DB-FBC differs from the Chapter 14 Zoning Ordinance. In case of a conflict between the definitions under this Code and the Zoning Ordinance, the definitions in this section shall supersede.

A

Accessory Building

Means a structure that is secondary in scale to a principal building on the lot and may not exist without the principal building. Typically the Accessory Building is located to the side and/or rear of the principal building and is subject to any applicable building codes.

Act of God

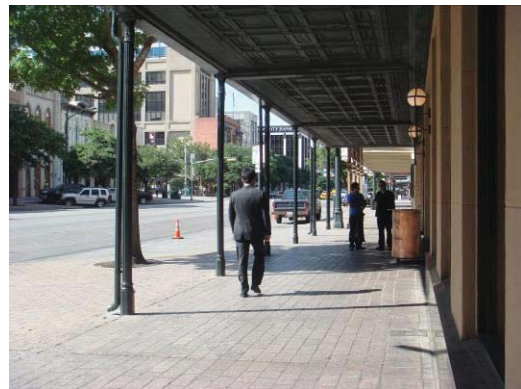
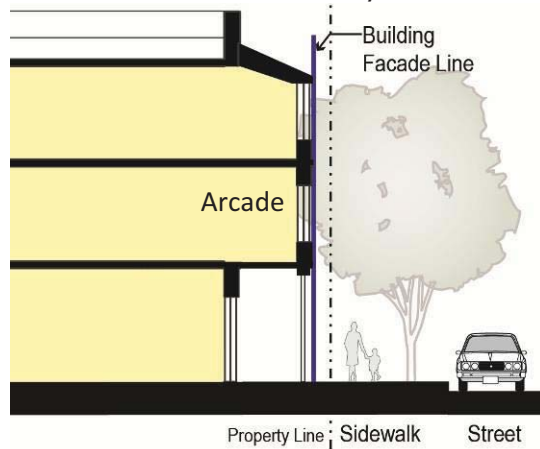
An act occasioned exclusively by violence of nature, excluding entirely all human agency or involvement in any degree. A natural necessity proceeding from physical causes alone, without any intervention or involvement of man.

Administrative Modification

Means a requested modification to DB-FBC zoning district standards per the Administrative Modifications provision of Section 3.0 - Administration. The Director shall have the authority to approve a request for an Administrative Modification as set forth in Section 3.3(e).

Arcade

Is a portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories. The ground floor area within the arcade may be conditioned or non-conditioned space.



Images of arcade buildings

Attached Single Family

A building type for rent or ownership that has shared walls and often a zero lot line configuration. Also known as Townhomes or Row houses.

B***Bastrop Comprehensive Plan***

Is the City of Bastrop's Comprehensive Plan which establishes the blueprint for the long-term growth and development of the City.

Build-to Zone (BTZ)

Is the area between the minimum and maximum front setbacks from the property line. The principal building façade line shall be located within this area.

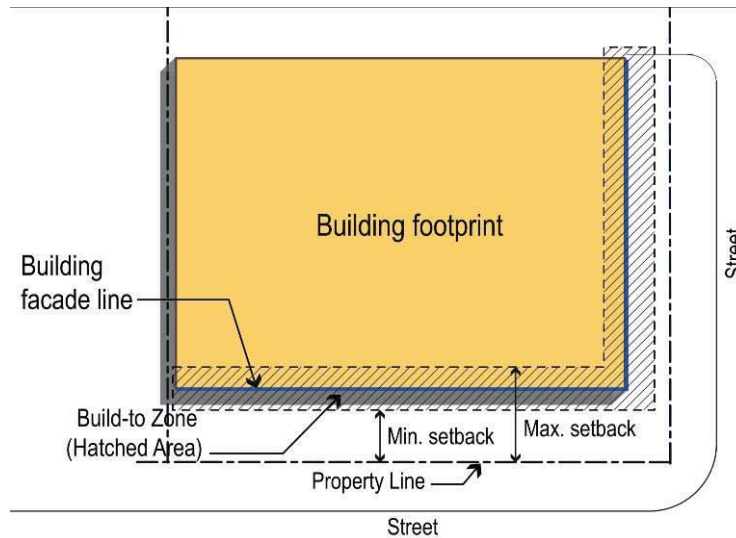


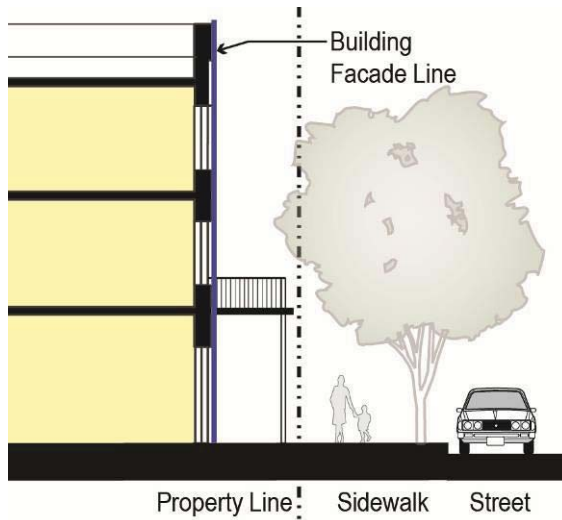
Illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line

Building Form and Site Development Standards

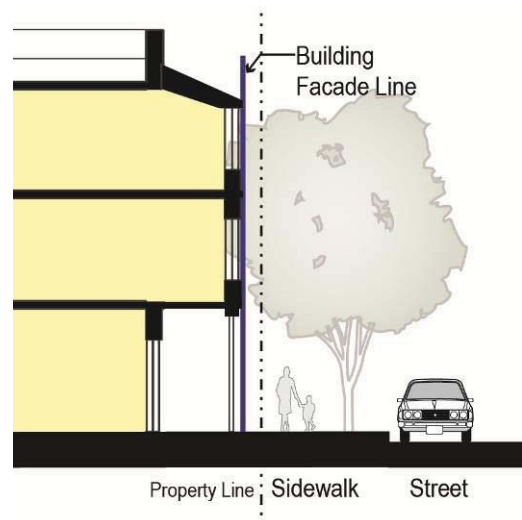
Are the standards established for each Character Zone including but not limited to building placement, building height, parking, service access, and other functional design standards.

Building Façade Line

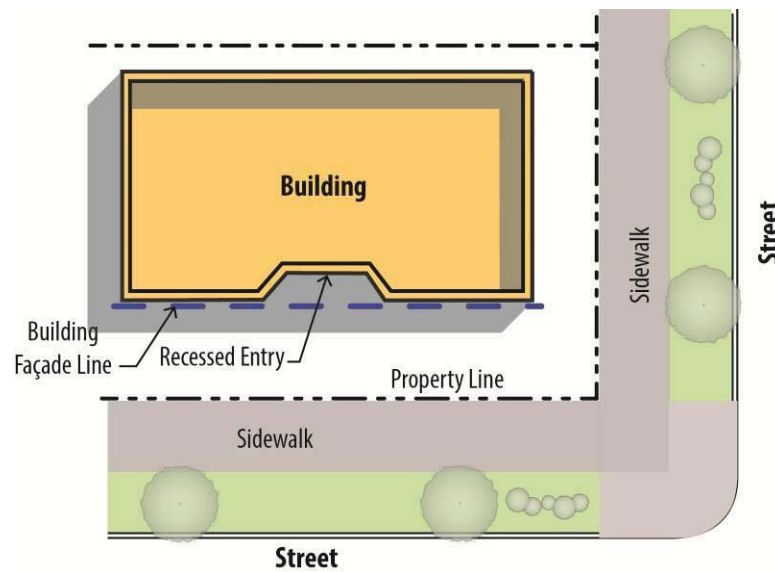
Is the location of the vertical plane of a building along a street frontage.



Section View - Gallery Building



Section View - Arcade Building



Plan View

Building Façade Line Illustrations

Building Frontage

Is the percentage of a building's façade line that is required to be located within the Build-to Zone (BTZ) as a proportion of the lot's width along the fronting public street. Required stairs to access entrances, parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall count towards the required building frontage.

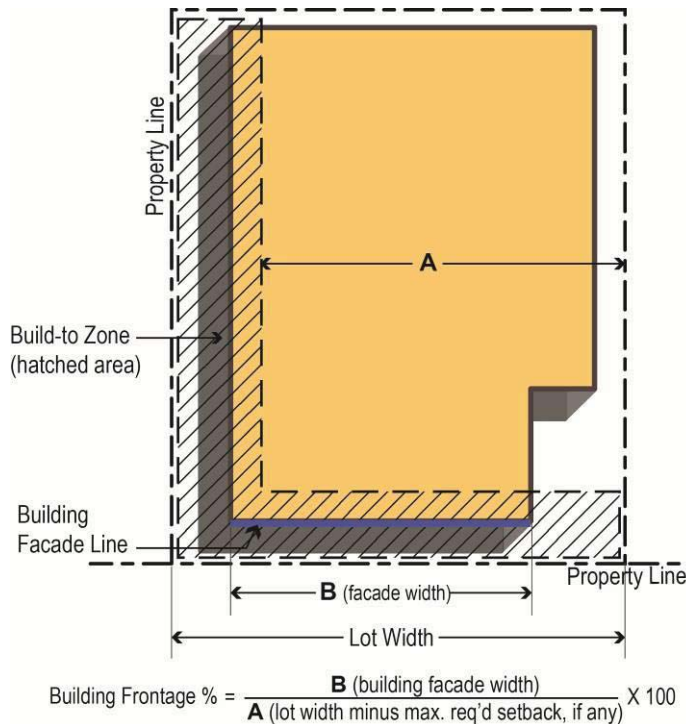


Image showing Building Frontage calculation

C**Character Zone**

Means an area within the Downtown Bastrop FBC Zoning District that is intended to preserve and/or create an urban form that is distinct from other areas within Downtown Bastrop. Character Zones are identified in the Regulating Plan.

Commercial Use or Mixed Use Building

Means a building in which at least the ground floor of the building is built to Commercial Ready standards and any of the floors are occupied by non-residential or residential uses.

Commercial Ready

Means a ground floor space constructed with appropriate building orientation, entrance and window treatment and floor-to-floor height in order to accommodate ground floor retail/commercial uses (including but not limited to commercial, retail, restaurant, entertainment, and lobbies for civic, hotel, or multi-family uses). Standards for Commercial Ready frontage are in Section 6.1. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for commercial uses. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Complete Street

Means a street that not only accommodates various modes of transportation such as automobiles, transit, bikes, and pedestrians, but also establishes a design context that is conducive for redevelopment along the street.

D

Director

Shall be the Planning Director or designee.

Downtown Bastrop Form-Based Code (DB-FBC) Zoning District

The Downtown Bastrop Form-Based Code Zoning District is the zoning designation intended to implement the community supported Illustrative Vision. It facilitates pedestrian oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, business and preserve historic structures. The DB-FBC zoning district supports economic development, sustainable tax base, and job creation/retention by: (a) providing a streamlined and simplified approval process, (b) establishing adjacency predictability in the built environment, (c) offering flexibility to changing market conditions, (d) reducing risk to private investment/development, (e) synchronizing private investment/development with public capital investment policies, and (f) calibrating zoning regulations with vision for redevelopment in Downtown Bastrop.

Downtown Bastrop Regulating Plan (Regulating Plan)

Is the official Zoning Map for the Downtown Bastrop FBC zoning district. The Regulating Plan graphically depicts development standards including Character Zones, Street Designations, and Special Requirement(s) applicable to properties within the DB-FBC Zoning District.

Downtown Bastrop Illustrative Vision or Vision

The Illustrative Vision serves as a meaningful policy guide for City officials, City staff, property owners, private developers, and citizens when considering development/redevelopment decisions in Downtown Bastrop. The Downtown Bastrop Illustrative Vision includes a number of preferred redevelopment concepts such as encouraging adaptive reuse of existing buildings, encouraging new mixed use and urban residential infill growth, improving pedestrian walkability and connectivity, creating compatible physical scales and transitions, and fostering long-term economic development through the concept of "place." This Illustrative Vision is a composite of several building scale illustrations of preferred redevelopment concepts.

E

Encroachment

Means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.

F

Façade Area

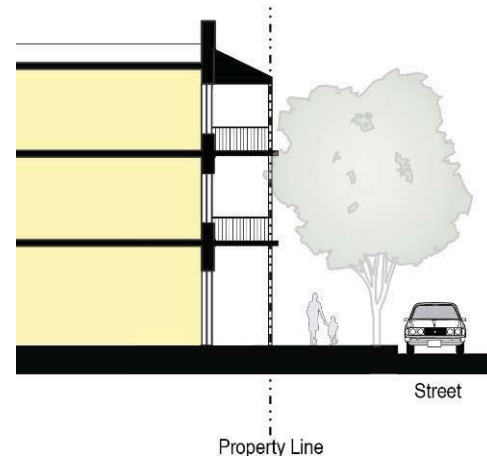
Means the surface area of a building's elevation (including all floors) not counting minor indentations fronting a particular street. Ground floor façade area is the surface area of a building's ground floor elevation not counting minor indentations fronting a particular street.

Upper floor façade area is the surface area of a building's upper floor elevations not counting minor indentations fronting a particular street.

G

Gallery

Is a roofed promenade or canopy, especially one extending along the wall of a building and supported by arches or columns on the outer side. The gallery space is unenclosed (non-conditioned) space and may be 2 or more stories tall.



Images of Galleries

H

Home Occupation

An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises zoned for residential purposes. A home occupation must comply with all of the following specific criteria.

- a. Home Occupations shall be allowed without the necessity that a Conditional Use Permit (or other special permit) be issued by the city, if such uses relate solely to the use of home areas as further detailed herein by the resident of the premises, and such use does not create on-street parking, significant neighborhood traffic, or other disruption to the residential character of the property.
- b. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a dwelling and no signage or advertisement of the home occupation or property address is allowed in the yellow pages advertisements in a telephone directory nor via electronic media classified advertisements of the property where the home occupation is being conducted.
- c. The occupation shall not require or provide for the employment of more than one additional person, other than members of the household in which the home occupation occurs.
- d. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize an area exceeding twenty percent (20%) of combined gross floor area of dwelling unit and accessory building if used for the home occupation and no outdoor/exterior storage of equipment will be allowed.

- e. Not more than two (2) business-related vehicles shall be present at one time and the proprietor shall provide adequate off-street parking for such vehicles and customer vehicles, on the property where the use is located.
- f. The operation of such an occupation must be related to indoor activities.
- g. The occupation shall not violate any rules or regulations related to Chapter 8, Offenses and Nuisances of the Code of Ordinances.
- h. The occupation shall not offer a ready inventory of any commodity for sale on the premises.

I***Incidental Sales***

Means retail with no onsite preparation of goods and materials, and sales is secondary to the primary use of the structure.

L***Live-Work Unit***

Means a residential dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

Lot Width

The measurement of the front property line between side property lines where they meet the public ROW (Irregular lots and cul-de-sac lots measured at a point 20' from the front property line)

M***Major Modifications***

Are any modifications to the standards of the DB-FBC Zoning District beyond those authorized under Administrative Modifications in Section 3.3 and may only be approved by the City Council after a recommendation by the Planning and Zoning Commission or Historic Landmark Commission.

Monument Sign

A monument sign is a sign attached to a contiguous structural base or berm, which base shall be of the same width as or greater width than the message portion of the sign, and is permanently affixed to the ground.

Multi-Unit Home

Means a Residential building containing between 3 and 8 units either as leasable units or individually owned. Architecturally Multiple Family Dwellings are to appear similar to single family homes with only one or two primary entrances per street frontage encouraged.

**Multifamily Residential Building**

Five or more units for sale or rent, under single ownership or under multiple owners within a condominium regime)

N***Nonconforming (Use or Structure)***

Any use, platted lot, or structure which does not conform with the regulations of the DB-FBC and that was in existence and lawfully operating at the time of the passage of this ordinance or an amendment to this ordinance and has since been in regular and continuous use.

Numerical Standard

Means any standard that has a numerical limit (minimums and maximums) or value as established within both the text and graphic standards of the DB-FBC.

O***Open Space***

Is publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc. Open space may be privately or publicly owned and/or maintained.

P***Patio Homes***

Are single-family detached or attached (duplex) homes of no more than two attached units, each located on a small lot that has at least some private yard space, generally in the back and/or side yards, but also possibly a small front yard. These types of homes may also be called "Villa" or "Zero Lot Line" homes if the homes are located on one of the side property lines.

Parking Setback Line

Means the distance that any surface parking lot is to be set back from either the principal building façade line or property line along any street frontage (depending on the specific standard in the Character Zone). Surface parking may be located anywhere behind the parking setback line on the property.

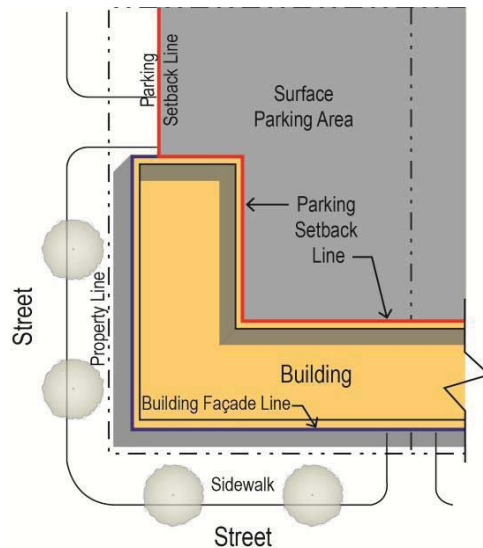


Illustration of a parking setback line

Principal Building

Means the main building on a lot.

Primary Entrance

Means the public entrance located along the front of a building facing a street or sidewalk and provides access from the public sidewalk to the building. It is different from a secondary entrance which may be located at the side or rear of a building providing private controlled access into the building from a sidewalk, parking or service area.

R**Residential Use Building**

Means a building that is built to accommodate only residential uses on all floors of the building such as a detached single family home, attached single family home (i.e. townhome), Patio home/two family home (i.e. duplex), multi-unit home (3 – 8 units), Multifamily Residential building (for sale or rent under single ownership or under multiple owners within a condominium regime).

S**Service-related Uses**

Means all uses that support the principal use on the lot including parking access, garbage/trash collection, utility meters and equipment, loading/unloading areas, and similar uses.

Shared Parking Agreement

A contractual agreement between two entities whereby one entity enters into an agreement to utilize another entities property to meet a parking requirement for a given period of time. Often Parking Agreements are utilized between parties that have non-concurrent peak parking demand. The city is not necessary party to a Shared Parking Agreement but in order to meet a minimum parking requirement the agreement should be approved by the Planning Director.

Side Entry Garage

A garage oriented such that the entrance is located roughly parallel, rather than perpendicular, to the street.

Street Frontage Designation

As identified on the Regulating Plan, existing and recommended streets in the DB-FBC area are designated as Primary, Secondary, or General Streets. Each frontage designation establishes a certain development context in order to improve walkability and pedestrian orientation within the DB-FBC area.

Street Screen

Is a freestanding wall or living fence or combination fence built along the frontage line or in line with the building façade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.



Image of a combination masonry and living street screen

Street Wall

Indicates the creation of a “wall” or a sense of enclosure along the street with buildings placed immediately adjacent to the street/sidewalk. A street wall has a “void” if there is a surface parking lot or service area adjacent to the sidewalk/street.

T

Townhome

A building type for rent or ownership that has shared walls and often a zero lot line configuration. Also known as Attached Single Family or Row houses.

U

5.0 Schedule of Permitted Uses

5.1 Applicability: Due to the emphasis on urban form over land uses in the DB-FBC Zoning District, general use categories have been identified by Character Zone (Table 5-1).

(a) **Use Determination:** The Planning Director is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Planning Director shall place the proposed use under that use category. A use not specifically listed shall be prohibited unless it is found to be similar to another listed use as described using the criteria below. The Planning Director's decision may be appealed to the Zoning Commission for final determination. When determining whether a proposed use is similar to a listed use, the Planning Director may consider any of the following relevant criteria, especially as it relates to any direct impacts on adjoining roadways and/or neighborhoods:

- i. The actual or projected characteristics of the proposed use.
- ii. The relative number of employees.
- iii. Hours of operation.
- iv. Building and site arrangement.
- v. The relative amount of site area or floor area and equipment devoted to the proposed use or uses.
- vi. Types of vehicles used and their parking requirements.
- vii. Relative amounts of sales.
- viii. Transportation demand by all modes, including the number of vehicle, transit, and bike/walk trips generated and whether existing or proposed infrastructure is adequate to serve those trips.
- ix. The likely impact on surrounding properties.
- x. Whether the activity is likely to be found independent of the other activities on the site.

5.2 Conditional Uses: The purpose of conditional uses is to allow certain uses in districts that under most circumstances would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible. The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a Conditional Use Permit.

(a) **Conditional Use Application:** The application shall be accompanied by a site plan (see Bastrop Zoning Ordinance Section 42) drawn to scale and showing the general arrangement of the project, together with essential requirements such as: off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The City shall make available application forms specifying drawing requirements. The Director of Planning, City Manager, Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

(b) **Conditional Use Permit Regulations:** In recommending that a Conditional Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and

shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested CUP, the Planning and Zoning Commission and City Council may consider the following:

- i. The use is harmonious and compatible with surrounding existing uses or proposed uses;
 - ii. The activities requested by the applicant are normally associated with the permitted uses in the base district;
 - iii. The nature of the use is reasonable;
 - iv. Any negative impact on the surrounding area has been mitigated;
 - v. Any additional conditions specified ensure that the intent of the district purposes are being upheld.
- (c) **In granting a Conditional Use Permit:** The Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building Official for use of the building on such property pursuant to such Conditional Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.
- (d) No Conditional Use Permit shall be granted unless the applicant, owner and grantee of the Conditional Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Conditional Use Permit, as attached to the site plan drawing (or drawings) and reviewed by the Planning and Zoning Commission and approved by the City Council.
- (e) A building permit or Certificate of Occupancy shall be applied for and secured within one (1) year from the time of granting the Conditional Use Permit, provided however, that the City Council may authorize an extension. After one (1) year from the date of approval has elapsed, the Planning and Zoning Commission and City Council may review the site plan for compliance. If the site plan is determined to be invalid, the property owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Conditional Use Permit. A public hearing is required for consideration of the new site plan.
- (f) No building, premise, or land used under a Conditional Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Conditional Use Permit is granted for such enlargement, modification, structural alteration, or change.
- (g) Minor changes or alterations may be approved by the Director of Planning.
- (h) The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Conditional Use Permit.
- (i) When the City Council authorizes granting of a Conditional Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use prefixed by a "C" designation.
- (j) **Prior Conditional Use Permits Remain In Effect:** Prior to adoption of this Ordinance, the City Council had established various Conditional Use Permits, which shall be continued in full force and effect.

Table 5-1 – Schedule of Uses

P=Permitted

NP= Not Permitted

P/C= Permitted as a Conditional Use

Character Zone	Historic Main Street	Downtown Mixed Use	Civic / Cultural Arts	Commercial Mixed Use	Live-Work	Neighborhood	Neighborhood Transition	Neighborhood Tourism	Neighborhood Professional Office	Neighborhood Services
Land Use										
Commercial Uses (Office, Retail, Sales and Service Uses)										
Retail Sales or Service <u>with no drive through facility</u> (includes alcohol sales*).	P	P	P	P	P/C	NP	NP	P/C	NP	P/C
Retail Sales or Service <u>with drive through facility</u> (includes retail with associated fuel sales and alcohol sales*).	NP	P/C	P/C	P	NP	NP	NP	NP	NP	NP
Retail establishments with incidental sales, no onsite food preparation or alcohol sales*. Also included in this category are facilities for occasional events.	P	P	P	P	P	NP	NP	P	P	P
Food Service Uses such as full-service restaurants, cafeterias, bakeries catering and snack bars <u>with no drive through facilities</u> . Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages*.	P	P	P	P	P/C	NP	NP	P/C	NP	P/C
Art, antique, museum, furniture or galleries (retail, repair or fabrication; excludes auto or electronics sales or service)	P	P	P	P	P	NP	NP	P	P	NP
Theater, cinema, or music venue	P	P	P	P	NP	NP	NP	P/C	NP	NP
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, <u>with no drive through facility</u>	P	P	P	P	P	NP	NP	NP	P	NP
Offices for business, professional, administrative, and technical services such as accountants, architects, lawyers, doctors, etc.	P	P	P	P	P	NP	NP	NP	P	NP
Auto-related Sales establishments ¹	P	P	P	P	NP	NP	NP	NP	NP	NP
Pet and animal sales or service ¹	P	P	P	P	P	NP	NP	NP	NP	NP
Fitness, recreational sports, gym, athletic club, dance or yoga studio	P	P	P	P	P	NP	NP	P/C	P	P/C
Parks, greens, plazas, squares, and playgrounds	P	P	P	P	P	P	P	P	P	P

¹ No Outside Operations Permitted

*See Bastrop Zoning Code 4.100 [Art. 4.02]

Table 5-1 – Schedule of Uses

P=Permitted

NP= Not Permitted

P/C= Permitted as a Conditional Use

Character Zone	Historic Main Street	Downtown Mixed Use	Civic / Cultural Arts	Commercial Mixed Use	Live-Work	Neighborhood	Neighborhood Transition	Neighborhood Tourism	Neighborhood Professional Office	Neighborhood Services
Educational, Public Administration, Health Care and Other Institutional Uses										
Business associations and professional membership organizations	P	P	P	P	P	NP	NP	NP	P	NP
Child day care and preschools	P	P	P	P	P	NP	NP	NP	P	P/C
Schools, libraries, community/civic facilities and religious institutions	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Universities and Colleges and Technical, trade, and specialty schools	NP	P	P	P	NP	NP	NP	NP	NP	NP
Hospitals and nursing establishments	NP	P	P	P	NP	NP	NP	NP	NP	NP
Social, fraternal and philanthropic organizations	P	P	P	P	P	NP	NP	NP	P	NP
Public administration uses (including local, state, and federal government uses, public safety, health and human services)	P	P	P	P	NP	NP	NP	NP	P	NP
Funeral homes	NP	P	P	P	NP	NP	NP	NP	NP	NP
Residential Uses										
Single Family Residential	NP	P	P	NP	P	P	P	P	P	P
Accessory Building Residential Unit (Garage Apt.)	P	P	P	NP	P	P	P	P	P	P
Multi-Unit Home	NP	P	P	P	P	NP	P	P	P	NP
Single-family residential attached dwelling unit (Townhomes)/ Patio Home, Duplex	NP	P	P	P	P	NP	P	P	NP	NP
Multi-family Residential Ground floor *See Section 7.4	P*	P	P	P	P	NP	P	NP	NP	NP
Multi-family Residential Upper floors	P	P	P	P	P	NP	P	NP	NP	NP
Home Occupations	P	P	P	P	P	P	P	P	P	P
HUD manufactured housing	NP	P/C	P/C	NP	P/C	P/C	P/C	P/C	P/C	P/C
Manufacturing, transportation, communication, and utility uses										
Auto Service Establishment	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Brewery, Distillery and Winery	P/C	P/C	P/C	P/C	NP	NP	NP	P/C	NP	NP

Table 5-1 – Schedule of Uses

P=Permitted

NP= Not Permitted

P/C= Permitted as a Conditional Use

Character Zone	Historic Main Street	Downtown Mixed Use	Civic / Cultural Arts	Commercial Mixed Use	Live-Work	Neighborhood	Neighborhood Transition	Neighborhood Tourism	Neighborhood Professional Office	Neighborhood Services
Commercial food, textile and product manufacturing	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Heavy manufacturing that may produce hazardous waste	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Miscellaneous light manufacturing (Manufacturing processes that do not create hazardous waste)	P	P	P	P	NP	NP	NP	NP	NP	NP
Wholesale trade establishment/ Warehouse and Storage Services	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Transportation services (air, rail, road, truck and freight)	NP	NP	P/C	P/C	NP	NP	NP	NP	NP	NP
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc)	P	P	P	P	NP	NP	NP	NP	NP	NP
Utilities and utility services (electric, natural gas, alternative)	P	P	P	P	P	P	P	P	P	P
Other Uses										
Hotel (45 or fewer rooms)	P	P	P	P	NP	NP	NP	P/C	NP	NP
Hotels (more than 45 rooms)	NP	NP	P	P	NP	NP	NP	NP	NP	NP
Bed and Breakfast (5 or fewer rooms and owner managed)	P	P	P	P	P/C	P/C	P/C	P/C	P/C	P/C
Parking, structured	NP	P	P	P	NP	NP	NP	NP	NP	NP
Veterinary clinic with Outdoor Services	NP	NP	NP	P	NP	NP	NP	NP	NP	NP

6.0 Building Form and Site Development Standards

All parcels within the DB-FBC Zoning District are assigned to one of following Character Zones:

1. Historic Main Street
2. Downtown Mixed Use
3. Civic/Cultural Arts
4. Commercial Mixed Use
5. Live-Work
6. Neighborhood /Neighborhood Professional Office/Neighborhood Transition/Neighborhood Tourism/Neighborhood Services

In addition to standards that apply to all Character Zones (Section 6.1), Building Form and Site Development standards applicable to each Character Zone are described in Sections 6.2 – 6.7.

The images and graphics in the first subsection of each character zone standards are provided as illustrative of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.

In addition, the graphics used to illustrate the building form and development standards in each character zone are NOT intended to indicate exact conditions within each Character Zone. Rather, illustrations are conceptual and standards are to be applied based on the specific frontage types designated along the subject property or site. For example, a specific site may not have frontages along all streets as indicated in the illustrations and only the standards applicable to designated building frontages on the property should be used. In addition, the illustrations may depict other site elements to establish context and only the standards regulated by the specific subsection shall apply. For example, the Building Placement graphics may depict sidewalks for context purposes only and the graphic should only be used to establish standards for building placement on the site. Building form graphics in these sections are NOT TO SCALE.

6.1 General to All Character Zones

- (a) **Building Frontage Designations:** The Building Frontage designations are established on the Regulating Plan (Attachment A) to specify certain building form and site development standards along each street based on the importance placed on pedestrian-orientation. The Regulating Plan illustrates the Building Frontage designations within the DB-FBC. For the purposes of this code, all Building Frontages are classified into one of the following three (3) categories:
- i. **Primary Frontages –** Primary Frontages are intended to provide the most pedestrian friendly and contiguous development context. Buildings and sites along Primary Frontages shall be held to the highest standard of pedestrian-oriented design and few, if any, gaps shall be permitted in the ‘Street Wall’. Breaks in the street wall may be permitted for courtyards, forecourts, sidewalk cafes, and pedestrian connections between the individual sites and the public sidewalk. These street frontages are the main retail, restaurant, entertainment streets or are important neighborhood connectors as identified in the Regulating Plan.
 1. **Specific to Primary Frontages:** The area between the building facade and property line or edge of any existing sidewalk along any street with a Primary Frontage shall be designed such that the sidewalk width shall be a minimum of 6’ (or as specified in Table 8-1 in Section 8.0) and the remainder of any setback area shall be paved flush with the public sidewalk. Sidewalk cafes, public art, landscaping within tree-wells or planters may be incorporated within this area.

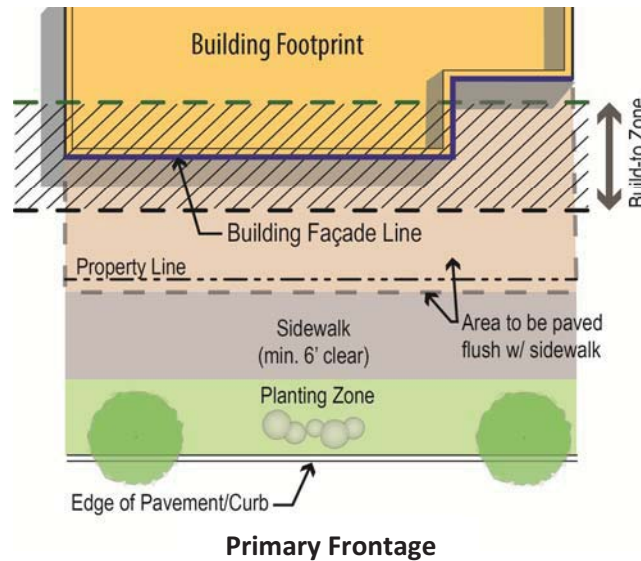
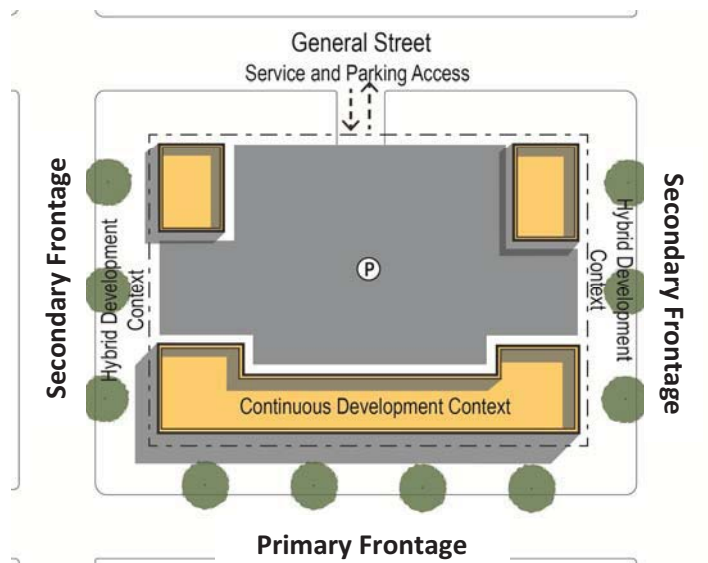


Illustration showing requirements along Primary Frontages

- ii. **Secondary Frontages** – Secondary Frontages are also intended to be pedestrian-oriented with a mostly contiguous development context. However, in some locations, where access to a General Frontage block or alley is not available, Secondary Frontages may need to accommodate driveways, parking, service/utility functions, and loading and unloading. In such cases, Secondary Frontages may balance pedestrian orientation with automobile accommodation. Typically, they shall establish a hybrid development context that has a more pedestrian-supportive development context at street intersections and accommodates auto-related functions and surface parking in the middle of the block. Surface parking shall be screened from the roadway with a street wall or living fence. Secondary Frontages are designated on the Regulating Plan.
- iii. **General Frontages** – General Frontages are intended to accommodate more auto-oriented uses, surface parking, and service functions on a site with a more suburban/automobile orientation. The General Frontages shall be building frontages not designated as either a Primary or Secondary Frontage on the Regulating Plan.



Graphic Illustrating the Application of Street Type Designation Based on the Development Context

(b) Treatment of Street Intersections:

- i. Corner building street facades along intersections of Primary Frontages and Secondary Frontages shall be built to the BTZ for a minimum of 20' from the intersection along each street or the width of the corner lot, whichever is less regardless of the building frontage percentage required along that street. This requirement shall not prohibit incorporation of curved, chamfered building corners or recessed entries, or civic/open spaces at such intersections. In addition, this standard shall apply regardless of the frontage requirement along the intersecting street even if it is a General Street.

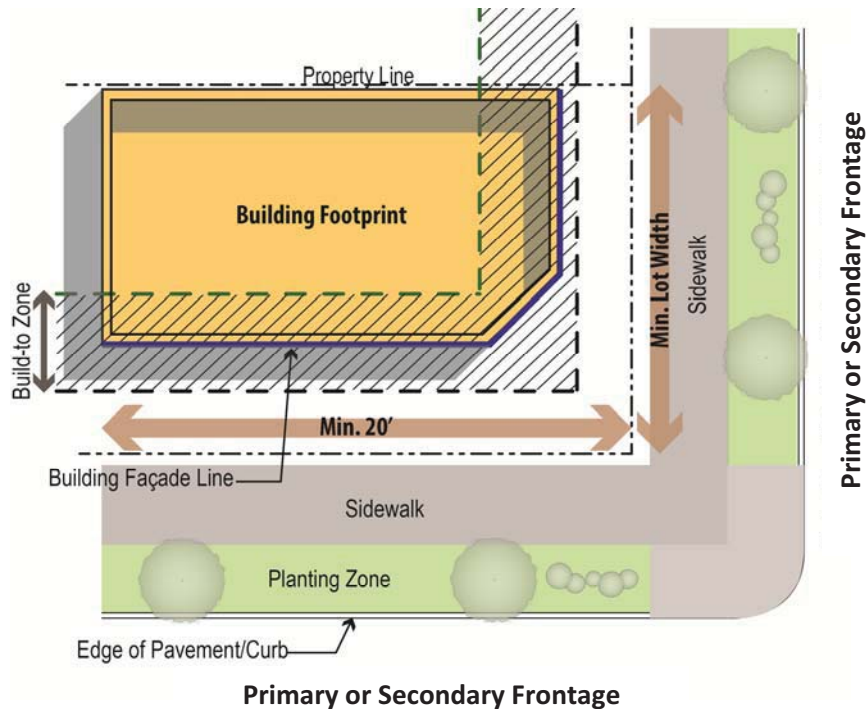


Illustration showing minimum frontage requirements at street intersections

- ii. Corner Building Height Allowance: Corner buildings may exceed the maximum building height by 25% along no more than 20% of the building's frontage along each corresponding street façade.

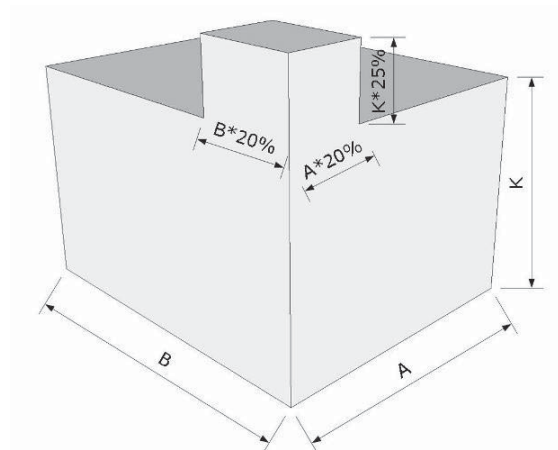


Illustration showing Corner Building Height Allowance

(c) **Parking and Service Access:**

- i. Location of parking (both structured and surface) shall be per the Character Zone specific building form standards (Section 6.2 – 6.7).
- ii. Required off-street parking spaces: shall be provided per Table 6-1.

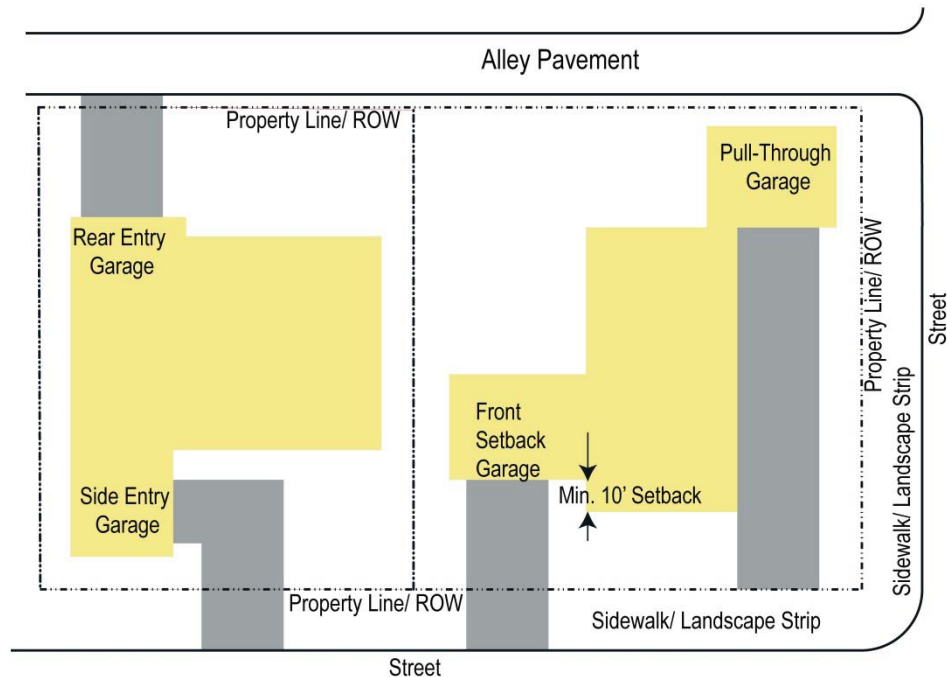
Table 6-1 Parking Ratios

Character Zone →	HMU/DMU	CMU/CCA/LW	Neighborhood (all designations)	Additional Criteria
Min. Off-Street Vehicular Parking Requirement				
All Non-Residential uses and ground floor Commercial Ready spaces	1 space per 500 sq.ft. of building area	1 space per 300 sq.ft. of building area	1 space per 300 sq.ft. of building area	1. Landscaping within surface parking lots shall meet standards in Section 8.0 of this Code. 2. A shared parking plan or alternative parking plan may be approved by the Director as a Administrative Modification (See Section 3.3) 3. On-street parking located along any public street shall not count towards the required off street parking unless improved and built according to approved cross sections.
Residential uses	0.5 spaces per each dwelling unit	1.0 space per each dwelling unit	1.0 space per each dwelling unit	
Lodging uses (hotels and motels)	0.5 spaces per guest room; all other areas shall be parked at the non-residential rate above	0.75 spaces per guest room; all other areas shall be parked at the non-residential rate above	NA	
Bed and Breakfast Uses	0.5 spaces per guest room plus 0.5 space for caretaker residence	0.75 spaces per guest room plus 1.0 space for caretaker residence	1.0 space per guest room plus 1.0 space for caretaker residence	
Min. Bicycle Parking Requirement				
All uses	5% of all provided automobile spaces	5% of all provided automobile spaces	NA	Location of Bicycle Parking: For retail and commercial ready buildings, 25% of all provided bicycle parking shall be located within 50 feet of a primary building entrance.

iii. **Driveways and Service Access:**

1. Unless otherwise specified in the specific Character Zone standards in Sections 6.2 through 6.7, driveway access and off-street loading and unloading may be located along General Frontages only.
2. Unless otherwise specified in the specific Character Zone standards in Sections 6.2 through 6.7, driveways and off-street loading and unloading may be located with access along a Secondary Frontage street only if the property has no access to either a General Frontage street or joint use easement to an adjoining property with direct driveway access to any other street.
3. Unless otherwise specified in the specific Character Zone standards in Sections 6.2 through 6.7, driveways and off-street loading and unloading may be located with access along a Primary Frontage street only if the property has no access to either a Secondary or General Frontage Street or joint use easement to an adjoining property with direct access to any other Street.
4. Along Primary and Secondary Frontages, driveway spacing shall be limited to one driveway per each block face or per 200 feet of block face for blocks greater than 400 feet in length.

5. Shared driveways, joint use easements or joint access easements shall be required to adjoining properties when driveway and service access is off a Primary Frontage or Secondary Frontage.
6. Service and loading/unloading areas shall be screened per standards in Section 8.0.
7. Unless required to meet minimum fire access or service access standards all commercial and mixed use driveways shall be a maximum of 24' in width. Service driveways shall be a maximum of 30' in width. Driveways wider than 24' in width shall only be located off of General Frontage Streets. Driveways along State controlled roadways shall meet TxDOT Standards or the city's adopted standards.
8. Residential Driveways:
 - a. Unless required to meet minimum fire access or service access standards, driveway curb cuts for Residential Use Buildings shall be a maximum of 12' in width.
 - b. Garages for Residential Use Buildings shall be located on streets with General Frontage, with side entry garage, or at the rear of residential buildings with pull-through garages where the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 24' wide and set back at least 10' measured from the face of the main structure closest to the garage/carport.
 - c. Front-loaded garages on residential lots less than 40' wide are discouraged. Unless otherwise not feasible, garage and parking access shall be from streets with General Frontage or from alleys.



(d) **Street Screen Required:**

- i. Any lot frontage along Primary frontages and Secondary frontages with surface parking shall be defined by a Street Screen. This required Street Screen shall be located at the street edge of the BTZ. Refer to the Section 8.0, Landscape Standards of this code for more specifications.
- ii. Any frontage along SH 95 or SH 71 (College Street) with surface parking shall also be screened by a 3' high (min.) vegetative Street Screen and Landscape Buffer (10' min. width req'd). The Street Screen may be planted within the required Landscape Buffer. Refer to the Section 8.0, Landscape Standards of this code for more specifications.

(e) **Commercial Ready Standards:** Ground floors of all new construction buildings with a Primary Frontage designation in a Historic Main Street or Downtown Mixed Use Character Zone per the Regulating Plan (Attachment A) shall be built to Commercial Ready standards in Section 7.0.

(f) **Fire Separation Requirement:** Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

(g) **Recessed Entry Setbacks:** Building façade lines on recessed entries and arcade buildings shall be measured from the front of façade with the recessed entry or arcade (see Section 4.0 Definitions for illustration).

(h) **Measuring heights:**

- i. Chimneys, vents, elevator and stair enclosures, screened HVAC equipment, other mechanical enclosures, tanks, solar energy systems and similar elements are not to be included when calculating the height of the building. Those elements should not occupy more than 25% of the overall height of the structure.
- ii. Internal building height shall be measured from finished floor to the bottom of the structural members of the ceiling.
- iii. Floor to floor heights shall not apply to parking structures or civic buildings.

(i) **Encroachments:**

- i. Encroachments into R-O-W:
 1. Shall not exceed the maximum depth of the sidewalk (except blade signs which shall encroach no more than 5' from the building façade line).
 2. Minimum vertical clearance from the finished sidewalk shall be 8'
 3. In no case shall an encroachment be located over an on-street parking or travel lane.
 4. Additional license agreements may be required for all encroachments over public R-O-W.
- ii. Encroachments over Required Setbacks: Canopies, awnings, galleries, and balconies may encroach over any required setback areas per standards established in each character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation.

(j) **Phased Developments:** Due to the infill nature of development within the DB-FBC, certain building form and site development standards may be deferred for phased development projects meeting the following criteria:

- i. Submission of a site plan that illustrates how development and any related private improvements will be phased over time. Each phase of the site plan shall

independently comply with all applicable standards of the DB-FBC Zoning District unless an Administrative Modification is granted.

- ii. Required private landscaping and open space amenities may also be phased with the building.

(k) **Required Public Improvements:** All site plans that require public improvements such as sidewalk and streetscape improvements may be deferred through the payment of a proportional fee-in-lieu, per approval from the Director.

(l) **Residential Building Setback Requirements:** Residential building types like Single Family Attached or Patio Homes with a zero lot line allowance must conform with exterior minimum setback requirements on property lines adjacent to parcels not associated with the subject property.

Historic Main Street Character Zone

Planning and Zoning Commission Recommended

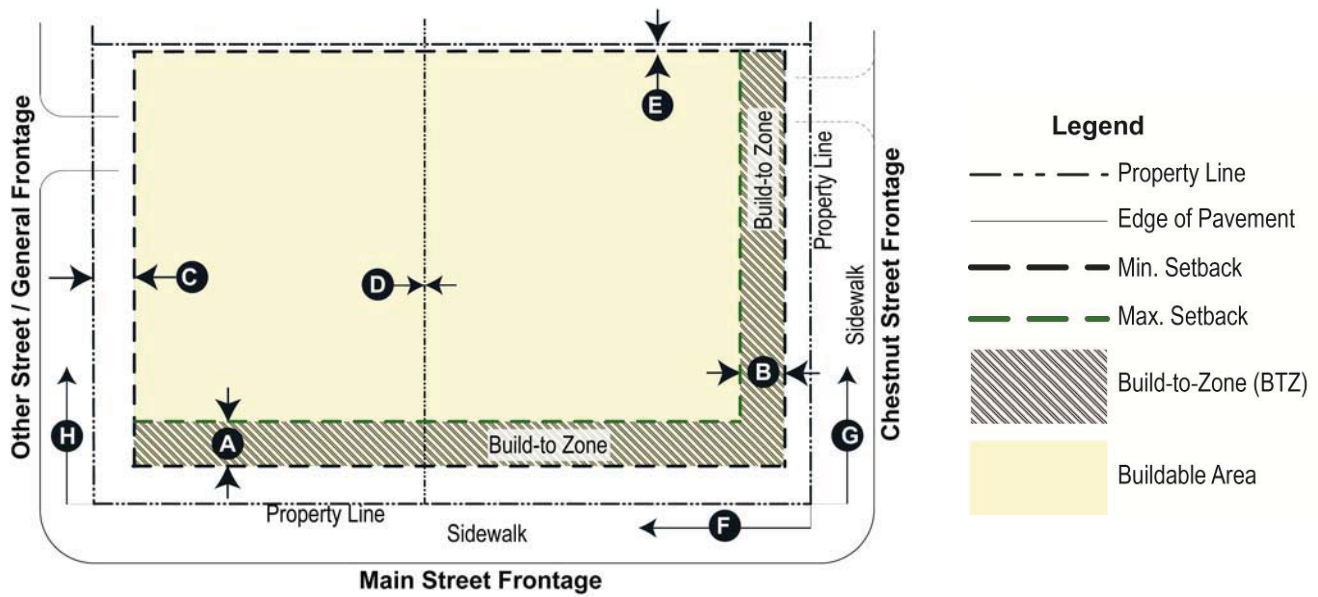
February 26, 2015

6.2 Historic Main Street (HMS) Zone**(a) Illustrations and Intent**

This Character Zone is generally located in the Historic 800 through 1100 blocks of Main Street. This character zone is intended to preserve and enhance the existing historic character of these Main Street blocks.

To that end, development standards in this zone will require any improvements (public and private) and reconstruction (including any infill) to be consistent with the historic architecture of the block. Changes to the any Significant or Historic Landmarks within this zone shall meet the Historic Landmark Preservation Standards per Chapter 14.03 of the City of Bastrop Zoning Ordinance. Standards in this section shall only apply to new construction or additions to existing buildings.

*Illustrative Redevelopment Vision for the Historic Main Street Zone**Conceptual view of Main Street Pocket Space**Main Street Existing Historic Buildings*

(b) Building Placement

(i) Build-to Zones (BTZ) and Setbacks
(Distance from property line to edge of the zone)

Main Street (BTZ)	0' min. setback – 5' max. setback	A
Chestnut Street (BTZ)	0' min. setback – 10' max. setback	B
Other Streets (BTZ)	5' min. setback; no max. setback	C
Side	0'	D
Rear	0'	E

(ii) Building Frontage

Main Street	80% min.	F
Chestnut Street	60% min.	G
All other streets	None required	H

Downtown Mixed Use Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

6.3 Downtown Mixed Use (DMU)**(a) Illustrations and Intent**

Intended to encourage compatible mixed use redevelopment and reuse of historic and contributing buildings along the blocks east and west of Historic Main Street and along Chestnut Street. Development standards will emphasize maintaining a pedestrian orientation and continuous building context along Church, Water, and Chestnut Streets. This Character Zone is generally located one block deep east and west of the Historic blocks of Main Street and 3 blocks along Chestnut Street (west of Haysel Street). Changes to the any Significant or Historic Landmarks within this zone shall meet the Historic Landmark Preservation Standards per Chapter 14.03 of the City of Bastrop Zoning Ordinance. Uses within this Character Zone include commercial (office, retail, restaurant) on any floor, commercial-ready frontage required on ground floors of Main Street and Chestnut Street, with residential uses permitted by right on upper floors along Main and Chestnut Streets and on any floor on other frontages. Design standards will limit auto-oriented frontages along specific Main Street and Chestnut Streets.



Illustrative Redevelopment Vision for the Downtown Mixed Use Zone

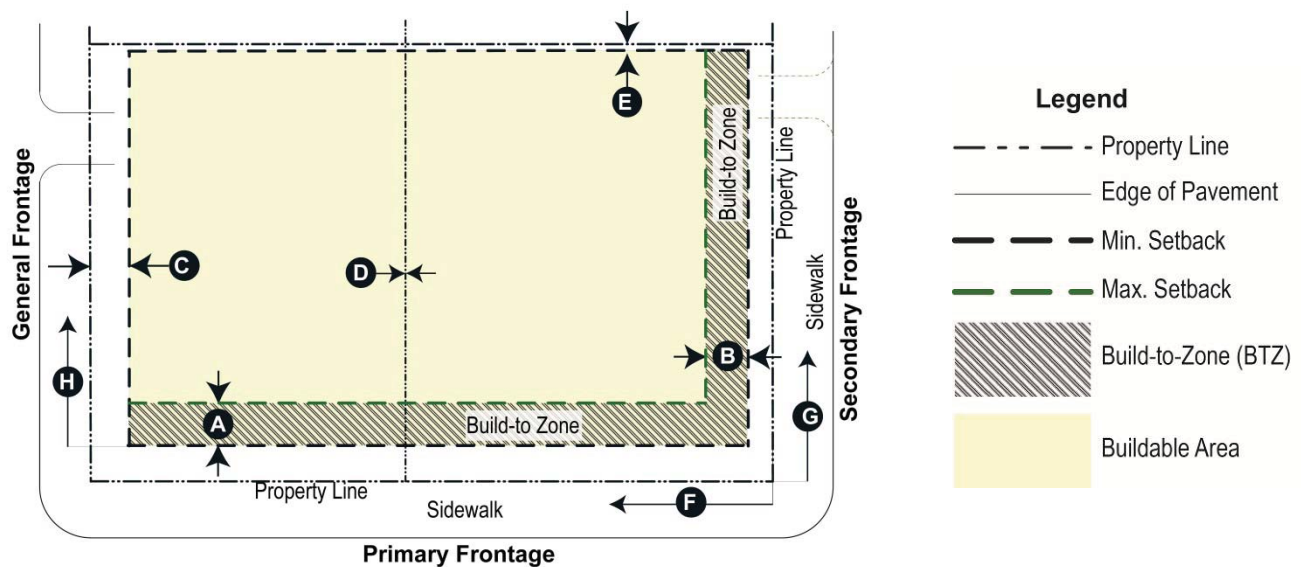


Downtown Mixed Use Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(b) Building Placement



(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)		
Primary Frontage (BTZ)	0' min. setback – 10' max. setback	A
Secondary Frontage (BTZ)	5' min. setback – 20' max. setback	B
General Frontage	5' min. setback; no max. setback	C
Side	0' min.; no max. setback	D
Rear	0' min.; no max. setback ¹	E
(ii) Building Frontage		
Primary Frontage	60% min.	F
Secondary Frontage	40% min.	G
General Street or Alley Frontage	None Required	H

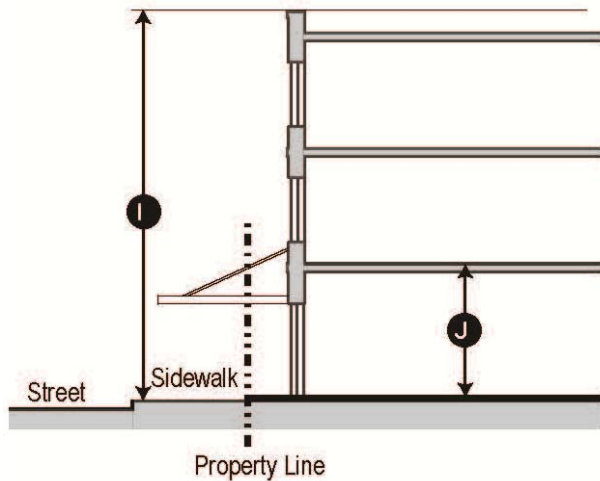
¹ Where the rear property line abuts publically assessable river frontage/trail, if topography allows, access shall be provided from the primary structure to the river frontage/trail.

Downtown Mixed Use Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(c) Building Height



(i) Principal Building Standards

Building maximum

- 3 stories or 40' max.

I

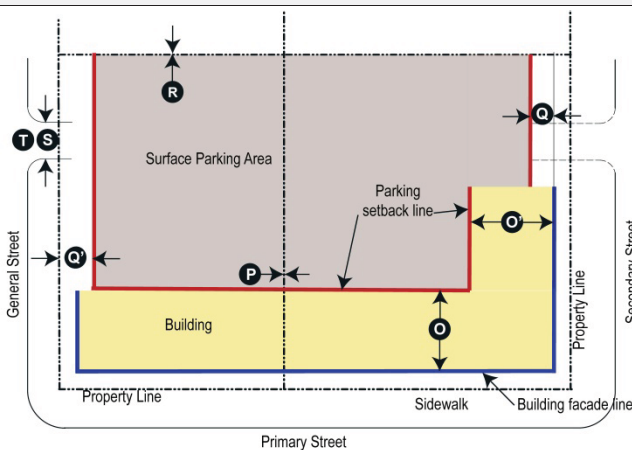
First floor to floor height (fin. floor to fin. floor)

- 12' min. for all buildings with Primary Frontage designation
- 10' min. for all other frontages

J

(d) Parking & Service Access

(i) Surface Parking Setbacks



Primary Frontages

- Shall be located behind the principal building along that street frontage

P

Secondary Frontages/
General Frontages/
Alley

- Shall be located behind the principal building along that street frontage
- If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line.

Q

Q*

Side

- 0'

R

Rear

- 0'

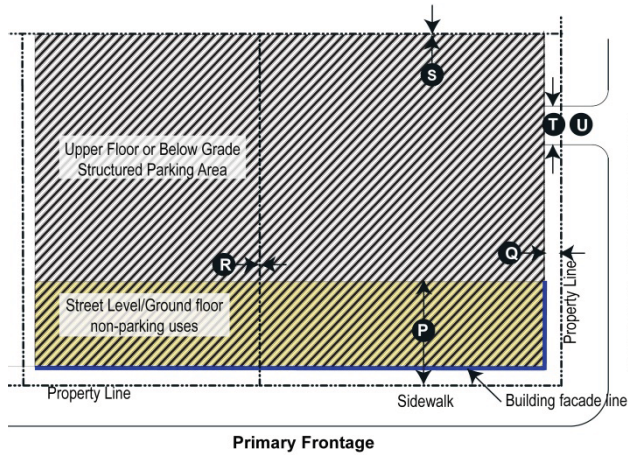
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Downtown Mixed Use Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(ii) Structured Parking



Primary Frontages

- Shall be located behind the principal building;

P

Secondary Frontages/
General Frontages/
Alley

- May be built up to the minimum setback line along that street frontage

Q

Side

- 0'

R

Rear

- 0'

S

(iii) Partially Below and Above Grade Parking

May be built up to the building façade line along all streets

(iv) Below Grade Parking

May be built up to the property line along all street frontages

(v) Driveways and Service Access

3. Parking driveway width

Section 6.1 shall apply

T

4. Driveways and off-street loading and unloading standards

Section 6.1 shall apply

U

Civic/Cultural Arts Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

6.4 Civic/ Cultural Arts (CCA)**(a) Illustrations and Intent**

Intended to reinforce a civic and arts district character with the Convention Center, City Hall, and planned Bastrop Fine Arts Guild development on the eastern end of Chestnut Street. Development standards will emphasize the prominent architecture of the civic buildings by requiring deeper setbacks and larger building massing and architectural elements that announce the public/civic nature of buildings along Chestnut Street. This Character Zone is generally located East of Haysel Street along Chestnut Street (except the Hwy 95 frontage). Appropriate uses include larger scale mixed use (retail, office, and institutional) and civic use buildings, surface parking limited to side yards or rear yards (large surface parking lots are discouraged from fronting along Chestnut Street), screening of parking lots, wider sidewalks and shade elements along Chestnut Street.



Illustrative Redevelopment Vision for the Chestnut Street Civic Arts Zone

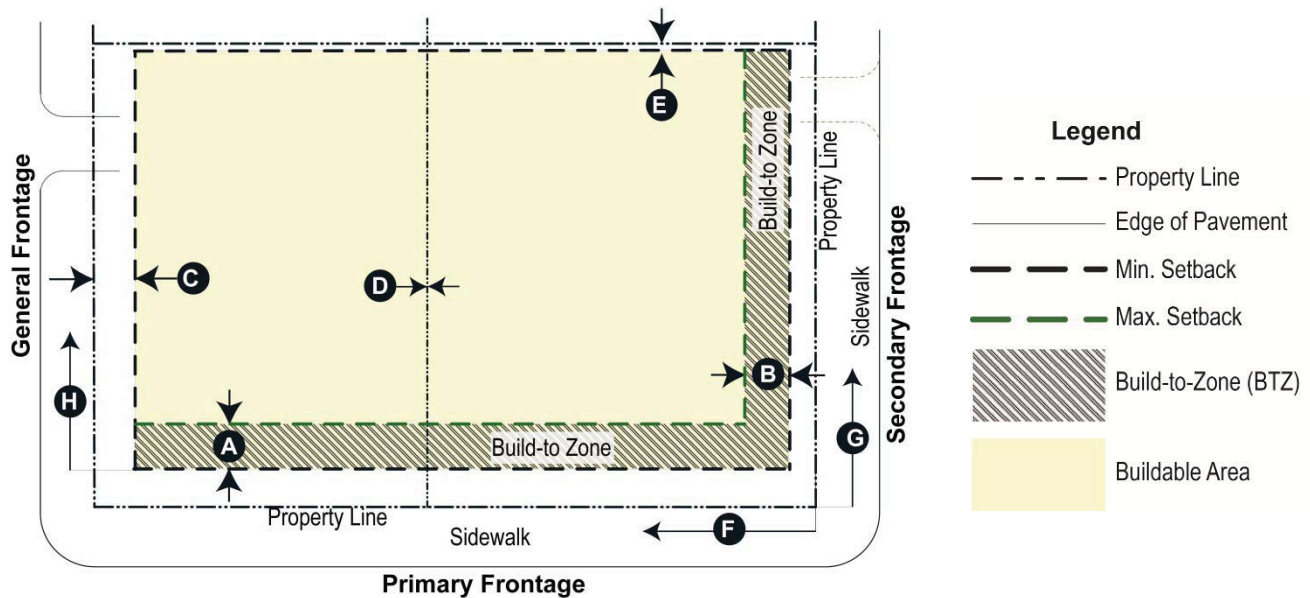


Civic/Cultural Arts Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(b) Building Placement


(i) Build-to Zones (BTZs) and Setbacks
(Distance from property line to edge of the zone)

Secondary Frontage (BTZ)	10' min. setback – 35' max. setback	B
General Frontage	20' min. setback; no max. setback	C
Side	10' min; no max. setback	D
Rear	10' min.; no max. setback	E

(ii) Building Frontage

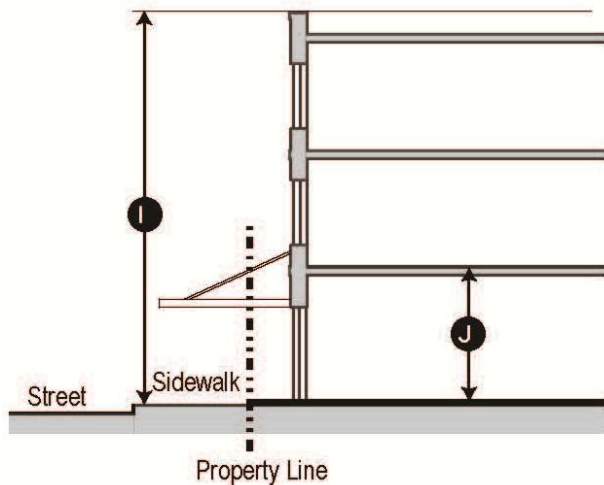
Secondary Frontage	40% min.	G
General Frontage	None Required	H

Civic/Cultural Arts Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(c) Building Height



(i) Principal Building Standards

Building maximum

- 3 stories or 40' max.

I

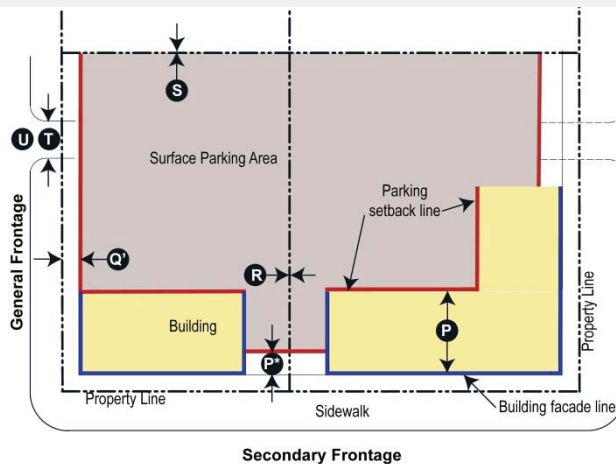
First floor to floor height (fin. floor to fin. floor)

- 12' min. for all buildings with a Secondary Frontage designation
- 10' min. for all other frontages

J

(d) Parking & Service Access

(i) Surface Parking Setbacks



Secondary Frontage

- Shall be located behind the principal building along that street frontage; or
- Min. 10' behind the property line along that street

P

P*

General Frontage

- Min. 3' behind the property line along that street

Q'

Side

- 0'

R

Rear

- 0'

S

(ii) Driveways and Service Access

1. Parking driveway width

Section 6.1 shall apply

T

2. Driveways and off-street loading and unloading standards

Section 6.1 shall apply

U

Commercial Mixed Use Character Zone

Planning and Zoning Commission Recommended

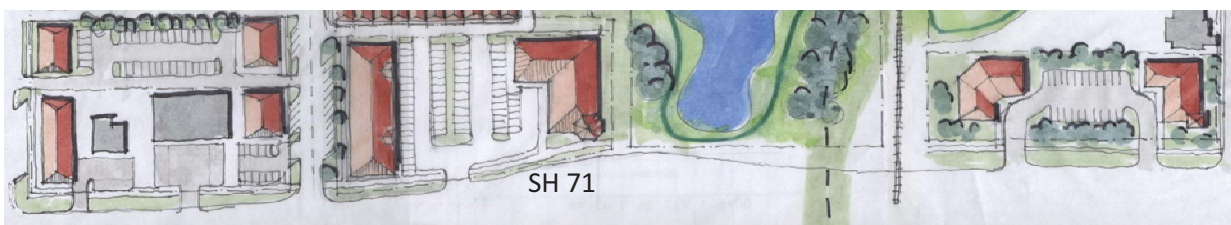
February 26, 2015

6.5 Commercial Mixed Use (CMU)**(a) Illustrations and Intent**

Intended to provide for small to mid-scale commercial (retail, restaurant, office) uses with appropriate transitions to the auto-oriented corridors of SH 71 and SH 95. Development standards will emphasize shared parking, cross-access driveways/easements and creating appropriate buffers or transitions to the adjoining Live-Work and Neighborhood Districts. This Character Zone is generally located in Lots fronting on SH 71 and on SH 95 south of Cedar Street. This Character Zone would allow a range of uses including commercial (office, retail, restaurant) on any floor, commercial-ready ground floors along the Hwy frontage, residential uses permitted by right on any floors; and specific design standards for auto-oriented site elements along the Hwy frontages.



Illustrative Redevelopment Vision for the 95 Frontage Commercial Mixed Use Zone



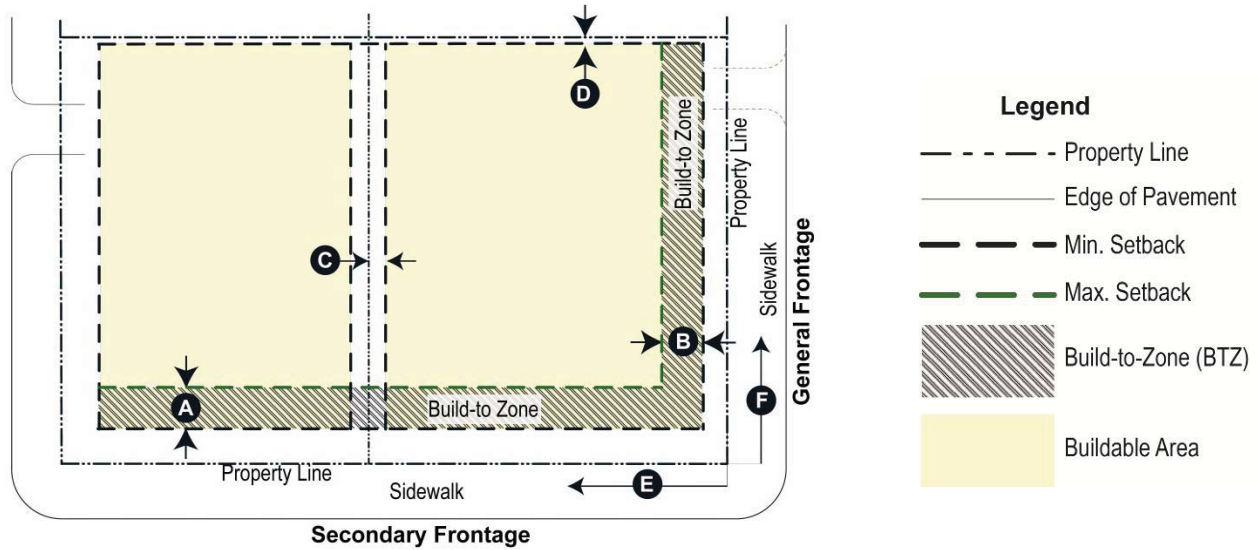
Illustrative Redevelopment Vision for the 71 Frontage Commercial Mixed Use Zone

Commercial Mixed Use Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(b) Building Placement


(i) Build-to Zones (BTZs) and Setbacks
(Distance from property line to edge of the zone)

Secondary (BTZ)	10' min. setback – 35' max. setback	A
General Frontage	10' min. setback; no max. setback	B
Side	10' min. setback; no max. setback	C
Rear	10' min. setback; no max. setback	D

(ii) Building Frontage

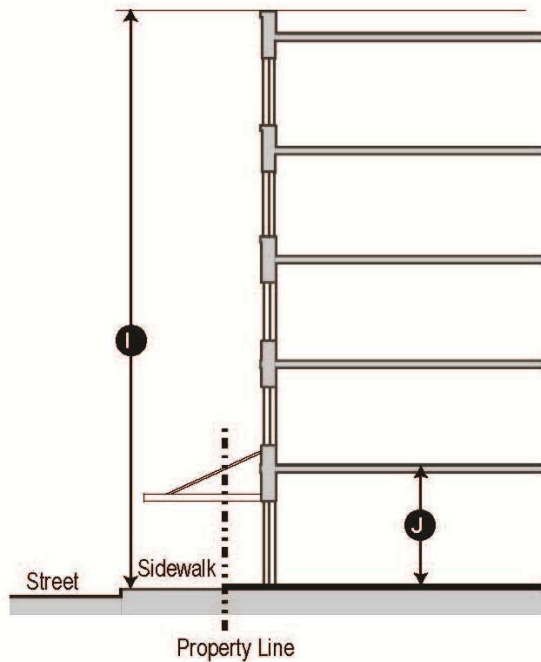
Secondary	50% min.	E
General Frontage	None Required	F

Commercial Mixed Use Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(c) Building Height



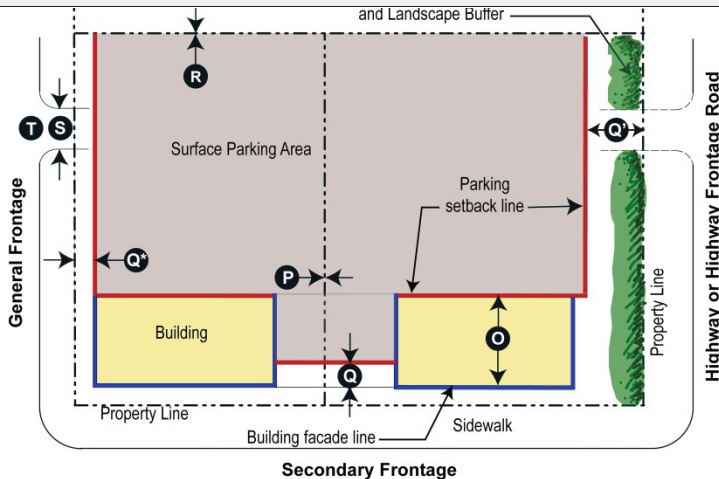
(i) Principal Building Standards

Building maximum ▪ 5 stories or 60' max. **I**

First floor to floor height (fin. floor to fin. floor) ▪ 12' min. for all buildings **J**

(d) Parking & Service Access

(i) Surface Parking Setbacks



Secondary ▪ Shall be located behind the principal building along that street frontage; or
▪ Min. 3' behind the building façade line along that street;
▪ If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line. **O**
Q

General Frontage ▪ Min. 3' behind the property line **Q***

Side ▪ 10' **P**

Rear ▪ 10' **R**

(ii) Driveways and Service Access

1. Parking driveway width Section 6.1 shall apply **S**

2. Driveways and off-street loading and unloading Section 6.1 shall apply **T**

Commercial Mixed Use Character Zone

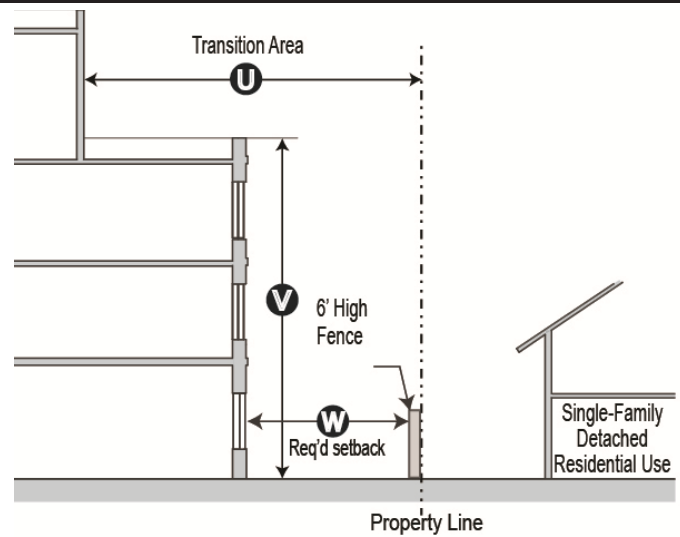
Planning and Zoning Commission Recommended

February 26, 2015

(e) Residential Transition Standards

The following transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to the Live-Work or Neighborhood Character Zone. This requirement shall NOT apply if an alley or other similar R-O-W separates the subject lot and adjoining Live-Work or Neighborhood Character Zone lot.

- | | | | |
|------|--|------------------|----------|
| i. | Transition Area | 25' min. | U |
| ii. | Max. Building Height at within Transition Area | 3 stories or 40' | V |
| iii. | Required setback | Min. 10' | W |
| iv. | A minimum 6' high fence shall also be required. The required fence shall NOT be chain link or vinyl. | | |



Live-Work Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

6.6 Live-Work (LW)**(a) Illustrations and Intent**

Intended to provide for a range of small scale office, live-work, and urban residential transitions between areas of commercial or high activity and a more traditional neighborhood scale. Development standards will emphasize the use of urban residential building types (live-work buildings, townhomes, row houses, and cottage homes) to be compatible with the fabric of the adjoining neighborhoods. This Character Zone is generally located Approximately 1 – ½ block north and south of the Emile Street between Main Street and Hwy 95, 1 – ½ block south of Pine Street between Haysel and Chambers and blocks surrounding Bastrop High School west of SH 95. This Character Zone uses include small scale commercial (retail, office, and institutional) and urban residential, and surface parking limited to side yards or rear yards and limited auto-oriented site elements.



Illustrative Redevelopment Vision for the Emile Street Live Work Zone

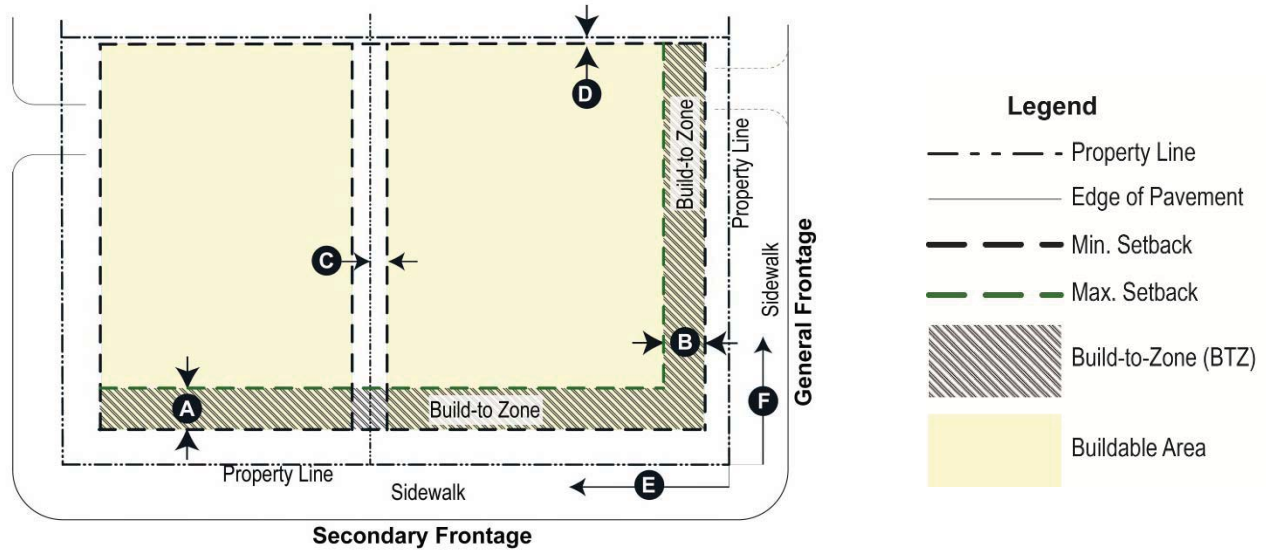


Live-Work Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(b) Building Placement



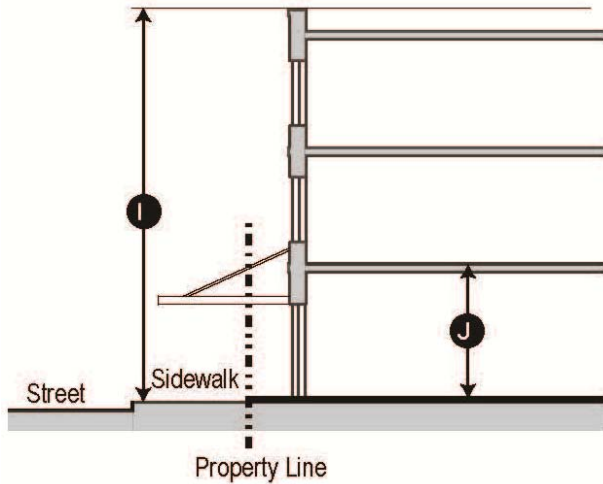
(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)		
Secondary Frontage (BTZ)	5' min. setback – 15' max. setback	A
General Frontage	5' min. setback - 25' max. setback	B
Side	0' (interior) 5' (exterior)	C
Rear	5' min. setback; no max. setback	D
(ii) Building Frontage		
Secondary Frontage	40% min.	E
General Frontage	None Required	F
(c) Lot Standards		
Lot Width	- Min. 20' for single-family attached/townhome buildings - Min. 40' for single-family detached buildings	

Live-Work Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(d) Building Height



(i) Principal Building Standards

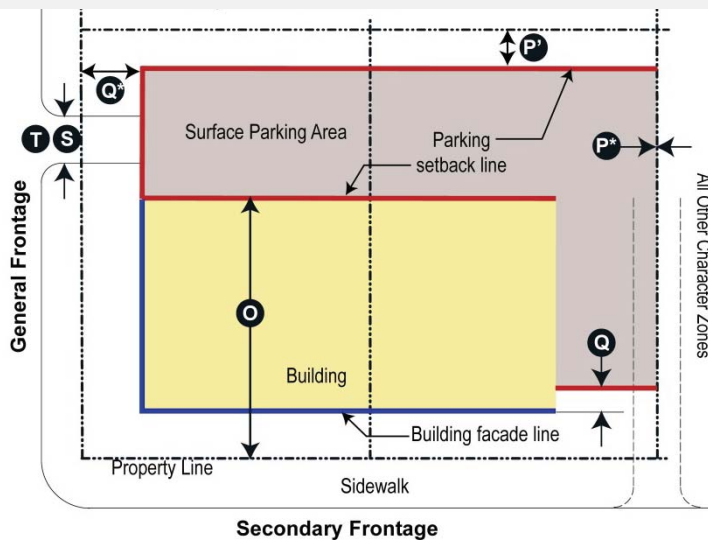
- | | | |
|--|------------------------------|----------|
| Building maximum | ▪ 3 stories or 40' max. | K |
| First floor to floor height (fin. floor to fin. floor) | ▪ 10' min. for all frontages | M |

(ii) Accessory Building Standards

Accessory buildings shall meet the standards for Principal Building standards in the Live-Work Zone.

(e) Parking & Service Access

(iii) Surface Parking Setbacks



- | | | |
|-----------------------|--|-----------|
| Secondary Frontage | ▪ Shall be located behind the principal building along that street frontage; or | O |
| | ▪ Min. 3' behind the building façade line along that street; | Q |
| | ▪ If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line. | |
| General Frontage | ▪ Min. 3' behind the property line | Q* |
| Neighborhood | ▪ 5' | P' |
| Other Character Zones | ▪ 0' | P* |

(iv) Driveways and Service Access

- | | | |
|---|-------------------------|----------|
| 3. Parking driveway width | Section 6.1 shall apply | S |
| 4. Driveways and off-street loading and unloading | Section 6.1 shall apply | T |

Neighborhood Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

6.7 Neighborhood**(a) Illustrations and Intent**

Neighborhood (N): Intended to preserve, enhance, and encourage reuse of existing historic homes and allow compatible infill in the blocks north and south of Chestnut Street. Development standards focus on preserving the existing residential neighborhood scale and to allow for appropriately scaled infill of generally residential buildings. The Neighborhood Character Zone has 4 different locations with special designations that implement slightly different outcomes, but all within the existing neighborhood fabric:

- i. Neighborhood-Professional Office (N-PO): this designation within the Neighborhood Character Zone applies to the blocks adjacent to Downtown Mixed Use and is intended to preserve existing historic homes by allowing their adaptive reuse into professional offices and compatible retail uses. This area also preserves the integrity of the existing neighborhood fabric by focusing such conversions near the Courthouse and in blocks adjacent to Downtown Mixed Use areas as they transition to Neighborhood scale.
- ii. Neighborhood – Transition (N-TT): this designation within the Neighborhood Character Zone generally applies to blocks between areas of Mixed Use or Live Work as they transition to areas of Neighborhood scale. This area is generally intended for single-family building types that are compatible with the adjoining neighborhood, but with allowances for attached single family such as townhomes and rowhouses that are better transitions to commercial development.
- iii. Neighborhood – Tourism (N-T): this designation within the Neighborhood Character Zone applies to the tourism oriented property. Any future redevelopment in this area needs to be compatible with the adjoining neighborhood fabric while still allowing for an enclave of tourism/resort related residential and lodging uses within residential building types. This zone would allow for both attached and detached single-family residential types with a range of residential, office, lodging, and resort support uses.
- iv. Neighborhood – Services (N-S): this designation within the Neighborhood Character Zone is used to conduct selected retail and personal services uses to meet common regular needs and for the convenience of people living in surrounding neighborhoods. Neighborhood Services must be compatible with the adjoining neighborhood fabric and must maintain the neighborhood scale.

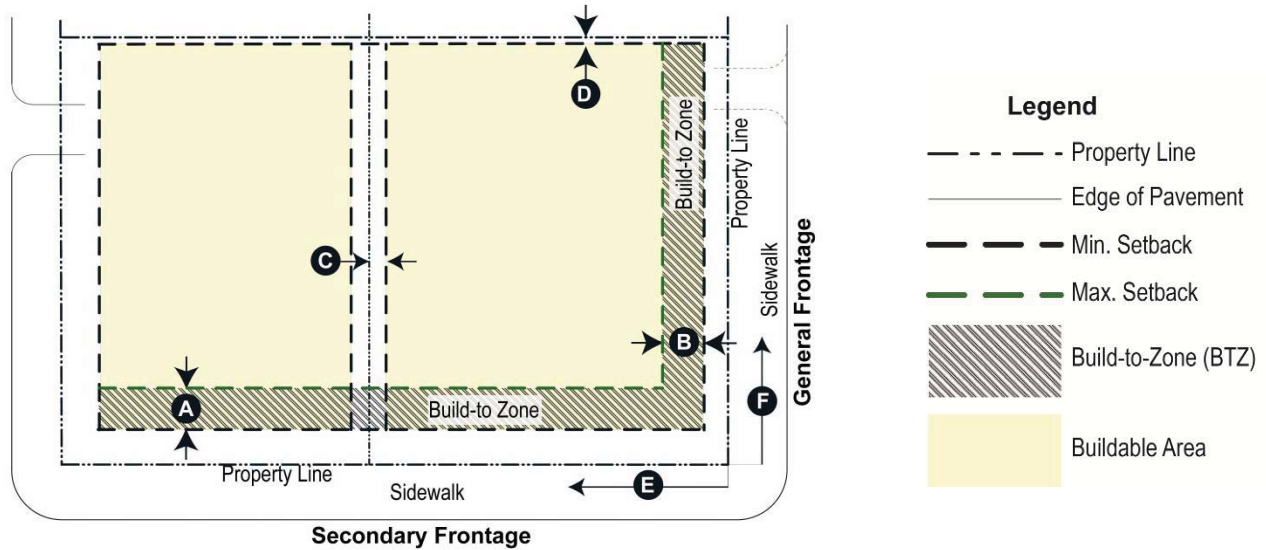


Neighborhood Character Zone

Planning and Zoning Commission Recommended

February 26, 2015

(b) Building Placement



(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)

Secondary Frontage (BTZ)	5' min. setback – 25' max. setback	B
General Frontage	+ or - 5' of the average front setback of the two structures on either side of the subject property on the same block face (where applicable)	C
Side	10' min. setback for detached SF on lots 50' or greater; 5' min for lots less than 50' wide, attached SF and non-residential (N-PO, N-TT and N-T)	D
Rear	5' min. setback; no max. setback ²	D*

(ii) Building Frontage

Secondary Frontage	40% min.	F
General Frontage	None Required	

²Where the rear property line abuts publically assessable river frontage/trail, if topography allows, access shall be provided from the primary structure to the river frontage/trail.

Neighborhood Character Zone

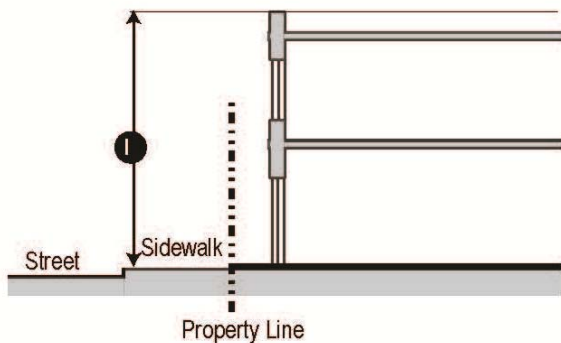
Planning and Zoning Commission Recommended

February 26, 2015

(c) Lot Standards

Lot Width	- Min. 20' for single-family attached/townhome buildings (N-TT and N-T) - Min. 40' for single-family detached buildings
Lot Building Coverage	75% for 20'-39' lots 60% for 40' and greater lots

(d) Building Height



(i) Principal Building Standards

- Building maximum
- 2.5 stories or 35' max.

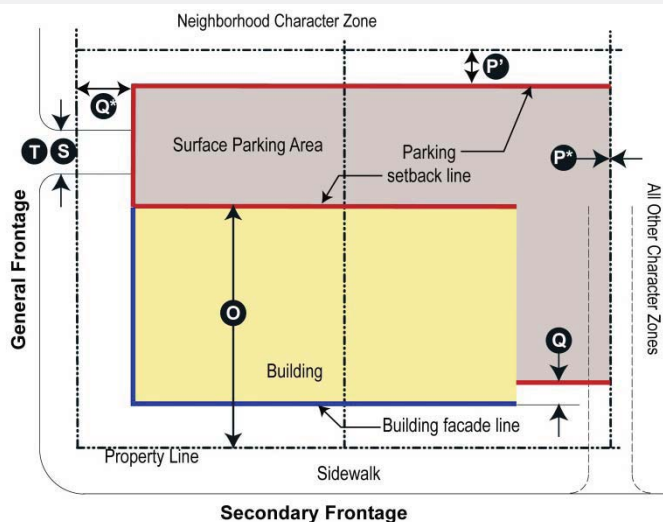
I

(ii) Accessory Building Standards

Accessory buildings shall meet the standards for a Principal Building in the Neighborhood Zone.

(e) Parking & Service Access (Residential Parking Standards 6.1(c)iii 8 on p.33)

(i) Surface Parking Setbacks



- Secondary Frontage
- Shall be located behind the principal building along that street frontage; or
 - Min. 10' behind the building façade line along that street

O

Q

- General Frontage
- Min. 6' behind the property line along that street

Q*

- Neighborhood
- 0' Min.

P'

P*

- Other Character Zones
- 6' Min.

(ii) Driveways and Service Access

- Parking driveway width
- Driveways and off-street loading and unloading

Section 6.1 shall apply

Section 6.1 shall apply

S

T

7.0 Building Design Standards

7.1 Purpose and Intent

The Building Design Standards for the Downtown Bastrop form-based code shall establish a coherent urban character, preserve Bastrop's historic heritage, and encourage enduring and attractive development. Site and/or building plans shall be reviewed by the Director or designee for compliance with the standards below.

The key design principles establish essential goals for the redevelopment within the DB-FBC area to be consistent with the vision for a vibrant and walkable downtown with a range of commercial, civic, educational and residential uses serving the neighborhoods and the region. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The key design principles are:

- (a) New and redeveloped buildings and sites shall utilize building and site elements and details to achieve a pedestrian-oriented public realm with glazing, shading, and shelter;
- (b) Design compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity;
- (c) Designs strengthen and celebrate Bastrop's unique architectural traditions, and specifically Downtown Bastrop's historic character;
- (d) Building facades shall include appropriate architectural details and ornament to create variety and interest;
- (e) Open space(s) shall be incorporated to provide usable public areas integral to the urban environment; and
- (f) Designs increase the quality, adaptability, and sustainability in Bastrop's building stock.

7.2 Building Orientation and Entrances

- (a) Buildings shall be oriented towards Primary Frontages, where the lot has frontage along a Primary Frontage. If a building has no frontage along a Primary Frontage, then it shall front a Secondary Frontage. All other buildings may be oriented towards General Frontage Streets or Civic Spaces.
- (b) Primary entrances to buildings shall be located on the street along which the building is oriented (See Figure 7-1). At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. Building entrances shall be provided for all separate ground floor commercial use tenant spaces that are located along Primary or Secondary frontages.
- (c) All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from parking areas or alleys.
- (d) Primary Entrance Design: Primary building entrances along Primary Frontages and Secondary Frontages shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street (see Figures 7-2):
 - i. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings, or
 - ii. Integral planters or wing walls that incorporate landscape or seating elements, or
 - iii. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets, or

- iv. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

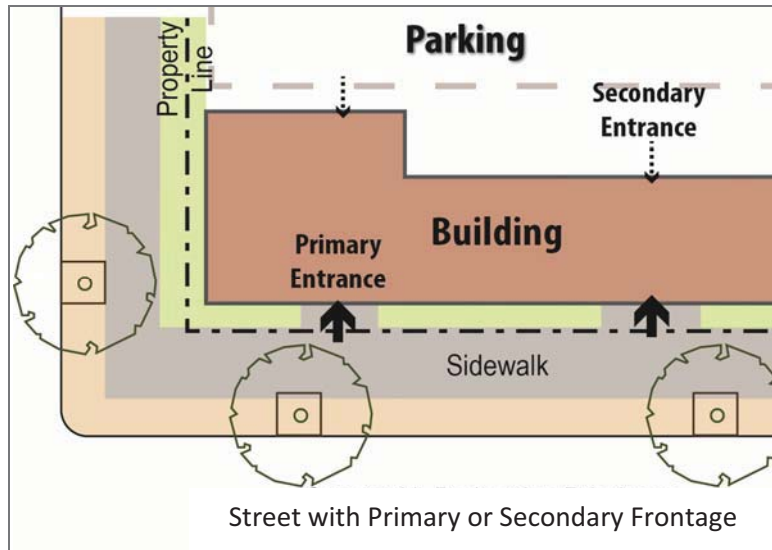


Figure 7-1 Figure showing required building orientation and location of primary entrances



Figures 7-2 Examples of Primary Entrance Designs

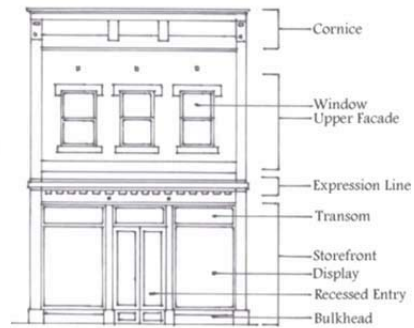
7.3 Façade Composition

- (a) Commercial Use and Mixed Use Buildings (Not required for Commercial Mixed Use Character Zone):
- (i) Buildings shall maintain the traditionally prevalent façade rhythm of 20' – 30'.
 - (ii) This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade. (See Figures 7-3):
 - 1. Changes in material, color, and/or texture either horizontally or vertically at intervals not less than 20 feet and not more than 30 feet; or
 - 2. The construction of building entrances, bay windows, display windows, storefronts, arcades, façade relief, panels, balconies, cornices, bases, pilasters, or columns.
 - (iii) Building facades shall be designed with a distinct base, middle, and top.

- (iv) For retail storefront buildings, a transom, display window area, and bulkhead at the base shall be utilized (see Figure 7-4).



Figure 7-3 Illustration showing building articulation requirement



Figures 7-4 Images showing examples of appropriate storefront design

- v. Infill buildings shall generally maintain the alignment of horizontal elements along the block (Figure 7-5).



Figure 7-5 Figure showing how horizontal elements should match in the design of infill buildings.

- vi. Corner emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades and balconies should be used along commercial storefronts to add pedestrian interest (Figures 7-6).



Figures 7-6 Buildings with architectural features and storefront elements that add interest along the street.

vii. Façade Transparency Required:

1. All ground floor front facades of buildings along designated Primary and Secondary Frontages shall have windows with a Visible Transmittance (VT) of 0.6.
2. All facades shall meet the minimum requirement for façade transparency (percentage of doors and windows) as established in Table 7-2 below. Ground floor windows and doors along Primary and Secondary facades shall have a Visible Transmittance (VT) of 0.6 or higher.

Table 7-2 Required Minimum Façade Transparency by Façade Frontage Type

Façade Frontage Type →	Primary or Secondary Frontage	General Frontage	Commercial Mixed Use	All other facades
Commercial Use or Mixed Use Buildings				
Ground Floor	40% (min.)	None	25% (min.)	None
Upper Floor(s)	25% (min)	None	25% (min.)	None
Residential Use Buildings				
Ground Floor	25% (min.)	None	NA	None
Upper Floor(s)	20% (min.)	None	20% (min.)	None



Figures 7-7 Images showing appropriate transparency required along Primary and Secondary Frontages

(b) Residential Use Buildings

- (i) At least one of the following shall be added along residential building facades to add pedestrian interest along the street (Figures 7-8):
 - porches,
 - stoops,

- eaves, or
 - balconies
- (ii) If a residential use building is setback less than 10' from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10' or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (no higher than 3 feet) shall be provided at the front property line.
- (iii) Windows and Doors: All building facades of residential use buildings shall meet the transparency requirements established in Table 7-2.



Figures 7-8 Residential buildings with porches, fencing, balconies, and stoops to add interest along the street.

7.4 Commercial Ready Standards

- (a) Ground floors of all new construction buildings with a Primary Frontage designation per the Regulating Plan (Attachment A) shall be built to Commercial Ready standards. Such ground floor space shall be constructed to accommodate, at a minimum, Business Occupancy and/or Mercantile Occupancy groups as defined by the currently adopted Commercial Building Code. If residential use is provided immediately above the ground floor level (i.e., second floor residential), horizontal occupancy separation shall be provided to accommodate future Business or Mercantile Occupancies as required by the currently adopted Commercial Building Code at the time of construction. In addition, the following standards shall apply (See Figure 7-9):
- i. An entrance that opens directly onto the sidewalk according to Section 7.0;
 - ii. A height of not less than 12 feet measured from the entry level finished floor to the bottom of the structural members of the ceiling;
 - iii. Minimum leasable width of 20 feet wide;
 - iv. A front facade that meets the window glazing requirements in Section 7.0; and
 - v. Off-street surface parking shall be prohibited between the sidewalk and the building along Primary frontages.

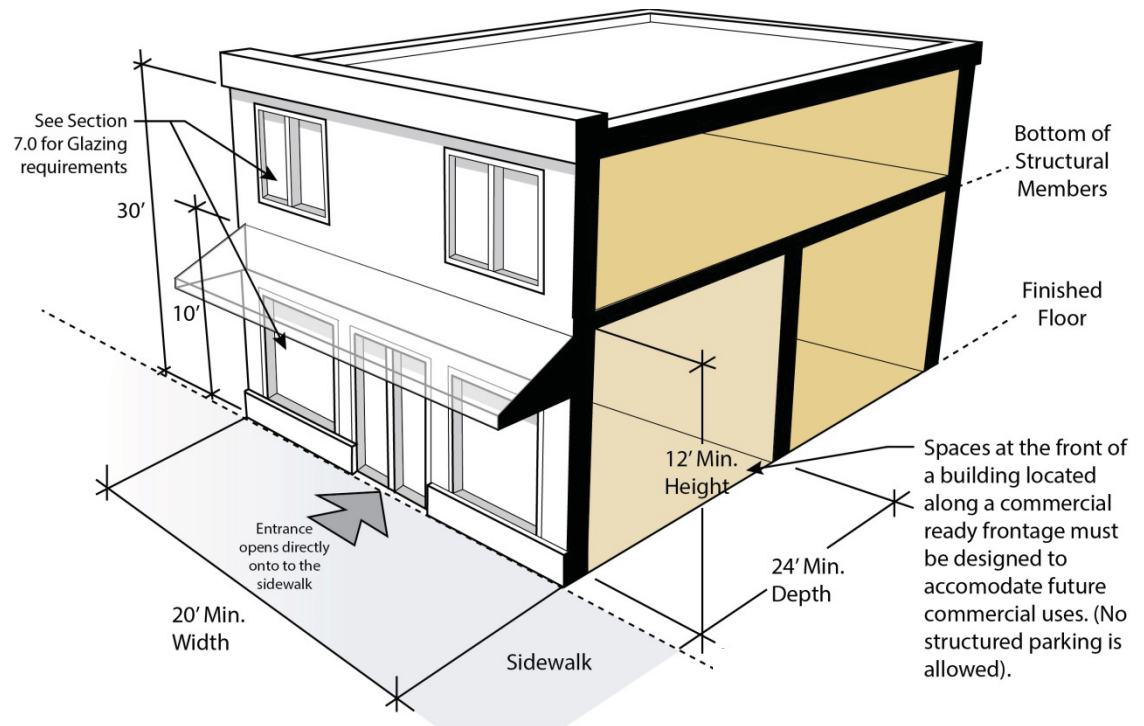


Figure 7-9 Illustration showing application of Commercial Ready Frontage Requirements

7.5 Shading Requirement: Shading of public sidewalks, especially, sidewalks located along Primary and Secondary frontages shall be important to implementing the vision for walkable mixed use within Downtown Bastrop. Shading may be achieved through any combination of canopies, awnings, street trees, and other similar devices. To this end, the following standards shall apply (see Figure 7-10):

- (a) Shaded sidewalk shall be provided alongside at least:
 - (i) 50 percent of all building facades with a Primary Frontage designation per the Regulating Plan (Attachment A).
 - (ii) 25 percent of all building facades with frontage along an off-street surface parking lot
- (b) When adjacent to a surface parking lot, the shaded sidewalk shall be raised above the level of the parking lot by way of a defined edge, such as a curb. ADA ramps along the building must also be shaded.
- (c) A shaded sidewalk must meet the following requirements:
 - (i) Along a street, a shaded sidewalk shall comply with the applicable sidewalk standards for its designated street type. If not otherwise required, the shaded sidewalk shall provide trees planted no more than 30 feet on center.
 - (ii) Along any surface parking adjacent to the building (both off-street or on street), the shaded sidewalk shall consist of a minimum 5 foot clear zone and 5 foot planting zone, planted with trees no more than 30 feet on center, or a 5 foot clear zone with a minimum 5 foot wide over-head weather protection.
 - (iii) Building entrances along Primary and Secondary frontages shall be located under a shade device, such as an awning or portico.



Figure 7-10 Images showing examples of shading along sidewalks

7.6 Exterior Building Materials

(a) Commercial and Mixed Use Buildings

(i) Specific to Historic Main Street:

1. At least 75% of each street facing façade (except alleys) of all new buildings (excluding doors and windows) shall be externally finished with the traditionally used material of masonry (brick, stone, marble, granite, etc.). Additions to existing buildings, to the extent possible, shall match the existing external finish materials and corresponding proportions of the same.
2. All other non-traditional materials will be considered on a case-by-case basis and may only be approved by the Historic Landmarks Commission (HLC). When any other materials are used, they should appear similar in character to those used traditionally. Such alternative materials should also have demonstrated durability.

(ii) All other Character Zones:

1. At least 60% of each Primary and Secondary street facing (except alleys) façade, of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
 - Masonry (brick, stone, cast stone, rock, marble, granite, or glass block).
 - Pre-cast concrete panels made to look like stone.
2. Additions to existing buildings, to the extent possible, shall match the existing external finish materials and corresponding proportions of the same.
3. Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the Planning and Zoning Commission.
4. No more than 40% of each Primary and Secondary Frontage street facing facade shall use accent materials such as wood, split-face concrete block, tile, stucco, or Exterior Insulating Finishing System (EIFS).

(b) Residential Use Buildings: At least 75% of all Primary and Secondary Frontage street fronting facades (except alleys) of residential buildings shall be finished with one or more of the following materials. No more than three different materials shall be used on any single facade:

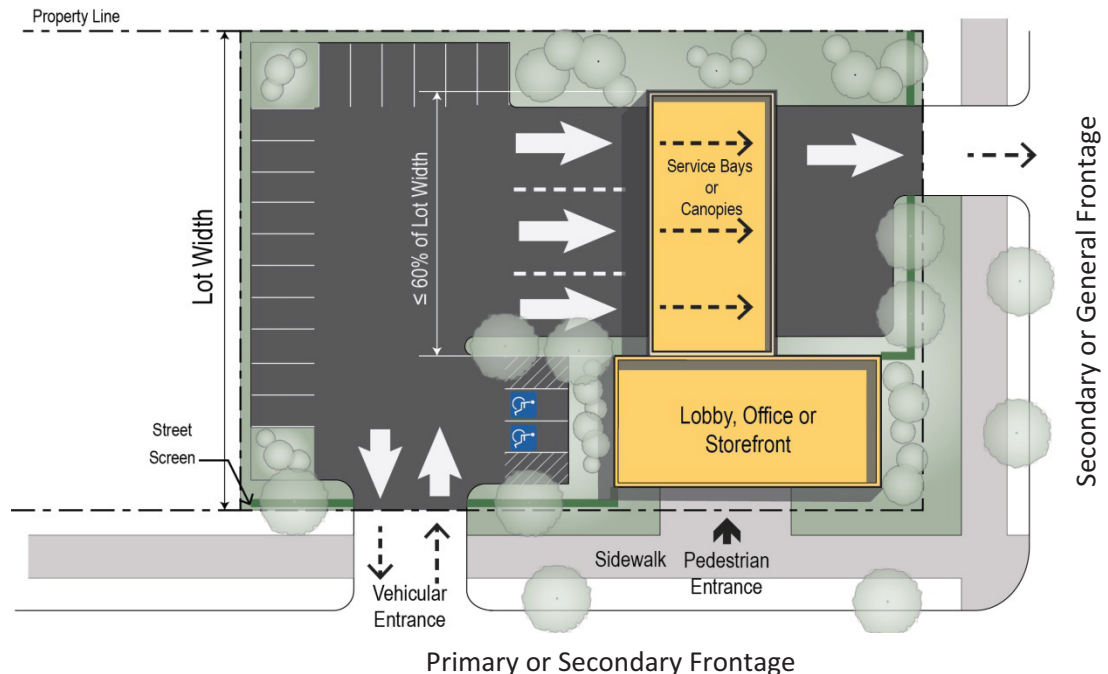
- (i) Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty (hardi-plank);
- (ii) Lap-sided wood;

(iii) Masonry (brick; stone; man-made stone, or stucco utilizing a three-step process).

Side and rear facades shall be of finished quality and of the same color and materials that blend with the front of the building.

7.7 Design of Automobile Related Building and Site Elements

- (a) Where permitted under Section 5 of this Code, drive-through lanes, auto service bays, and gas station canopies for commercial uses shall not be located with frontage along any Primary Frontage. Drive-through lanes may be permitted along Secondary Frontages only if the property has no General or alley frontage. Drive-through lanes, auto service bays, and gas station canopies shall be hidden behind a 3' high Street Screen along both Secondary and General Frontages (see illustrations below). The Street Screen shall be made up of (i) a living screen or (ii) a combination living and primary building material screen (See Section 8.0 for details).
- (b) No more than 60% of a lot's frontage along a Secondary Frontage may be dedicated to drive through lanes, canopies, service bays, and other auto-related site elements. There shall be no such limitation along General Frontage, alley frontages and along highway frontage roads.



*Image illustrating the appropriate design of auto-related site elements
(Gas stations, auto-service uses, and bank drive-throughs)*

- (c) Any automobile related retail sales or service use of a site or property with Primary or Secondary Frontage designation shall have a primary building entrance along its Primary Frontage. A primary building entrance may be along a building's Secondary Frontage only if the site has no Primary Frontage designation.
- (d) Drive through access (driveways only) may be from a Primary Frontage only if the lot has no access to any Secondary Frontage, General or Highway access road frontage. Drive through access may be from a Secondary Frontage only if the lot has no access to any General or Highway access road frontage. In cases where drive through access is provided from a Primary Frontage, a joint access easement shall be required

to adjoining properties providing alternative access to a Secondary or General Frontage.

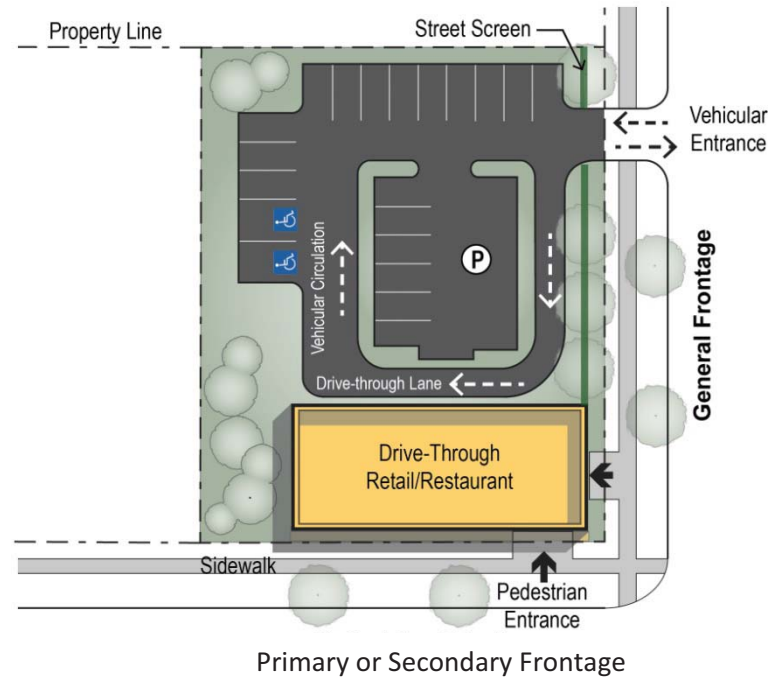


Image illustrating the appropriate design of retail/restaurant drive-throughs (Corner Lot)

Street with Primary or Secondary Frontage

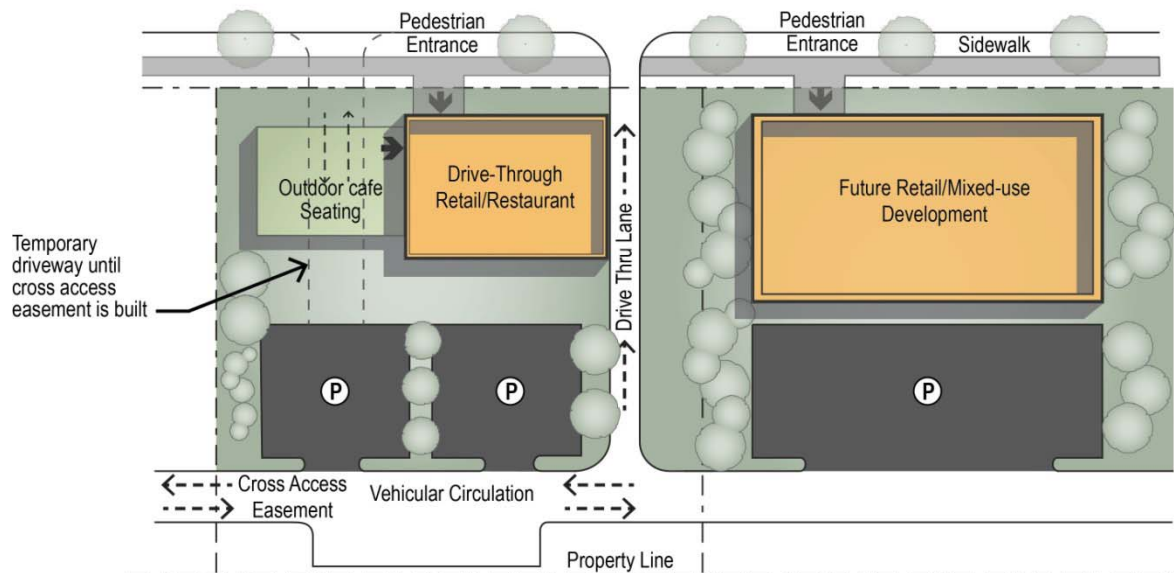


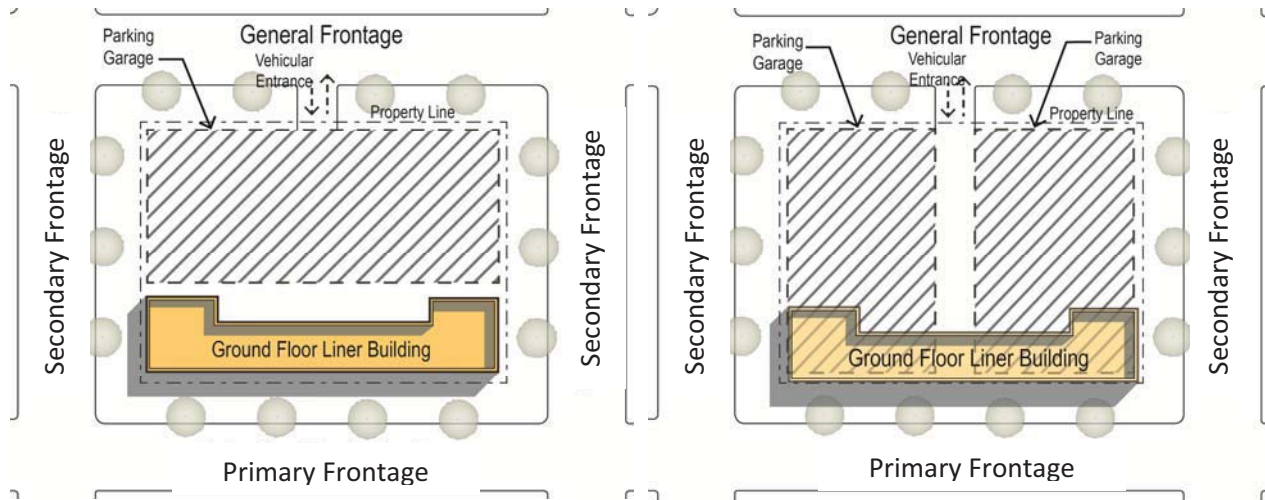
Image illustrating the appropriate design of retail/restaurant drive throughs (Interior Lot)

- (e) All off-street loading, unloading, and trash pick-up areas shall be located along alleys or General Frontages only unless permitted in the specific building form and development standards in Section 6 of this code. If a site has no General frontage or Alley access, off-street loading, unloading, and trash pick-up areas may be permitted along a Secondary Frontage.

- (f) All off-street loading, unloading, or trash pick-up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment. The Street Screen shall be made up of (i) a living screen or (ii) a combination living and primary building material screen.

7.8 Design of Parking Structures

- (a) All ground floors of parking structures located on Primary Frontages shall be built to Commercial Ready standards to a minimum depth of 24 feet.
- (b) To the extent possible, the amount of Primary Frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) of the parking structure along the Primary Frontage edge(s) (see Figures 7-11 for illustrations below).



Figures 7-11 Allowed Parking Garage Configurations

- (c) Where above ground structured parking is located at the perimeter of a building with Primary Frontage, it shall be screened in such a way that cars on all parking levels are completely screened from view (see Figures 7-12 for illustrative images). Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. Parking garage ramps shall not be visible from any Primary Frontages. Ramps shall not be located along the exterior perimeter of the parking structure.



Figures 7-12 Illustrative Examples of Parking Garage Screening

- (d) Ground floor façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure along all Primary Frontages (see Figures 7-13).



Figures 7-13 Images showing required façade treatment of parking garages along Primary Frontages

- (e) When parking structures are located at street intersections, corner emphasizing elements (such as towers, pedestrian entrances, signage, glazing, etc.) shall be incorporated.
- (f) Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible (through sight distance clearance, signage, and other warning signs) to entering and exiting automobiles.

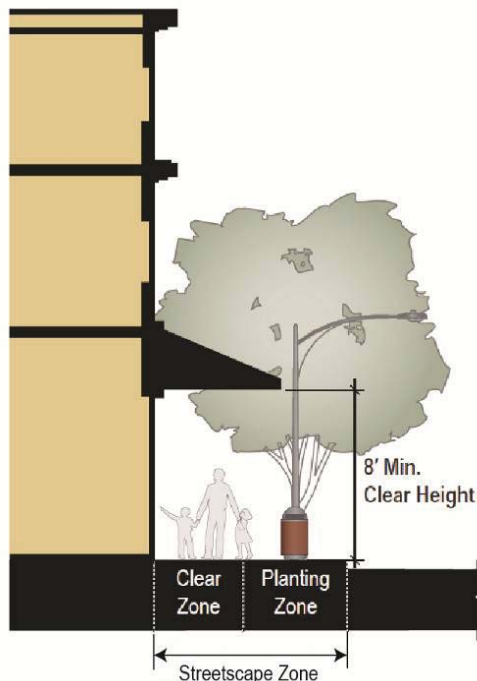


Images showing appropriate design of Parking Structures

8.0 Streetscape and Landscape Standards

8.1 Pedestrian Accommodation: Public sidewalks and/or trails are required or recommended for all new development along streets or corridors as identified with Primary or Secondary Frontages in the Regulating Plan (Attachment A). Standards in Table 8-1 shall apply for sidewalks and trails. The minimum width requirements shall apply regardless of the available right-of-way. If necessary to meet the required width, the sidewalk shall extend onto private property to fulfill the minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of a clear zone and may also include a planting zone (see Figures 8-1).

- (a) **Planting Zone:** The planting zone is intended for the placement of street trees, where feasible, and street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility (see Figure 8-1).
- (b) **Clear Zone:** The clear zone shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards and shall be unobstructed by any permanent or nonpermanent element for the required minimum width as shown in Figure 8-1 and a minimum height of eight (8) feet. Accessibility is required to connect sidewalk clear zones on adjacent sites.
- (c) **Fee In-Lieu Option:** An applicant may opt to pay a proportional fee in-lieu for the required sidewalk if the development project is phased or the sidewalk improvements need to match the timing of a programmed City capital project affecting that street frontage, per approval from the Director.



Figures 8-1 Illustrations delineating the Streetscape Zone elements

Table 8-1 Required Public Sidewalk Standards by Street Classification

Street	Hill, Pecan, Farm, Main (from Emile to Walnut) Streets	Emile Street	Chestnut Street and Main Street (from Walnut to Farm)	Fayette Street/Rail ROW/Creek (Gill's Branch)
Standard				
Min. clear zone width (feet)	4' – 8'	6' – 10'	6' – 10'	10'
Min. Planting Zone width (feet) (if provided)	3'-6'	3'-6'	3'-6'	NA
Street Trees or shade elements (see Section 8.2 for standards)	Recommended	Recommended	Required	NA

8.2 Street Trees, Shade Elements, and Streetscape:

- (a) Street trees or shade elements shall be required or recommended as stated in Table 8-1. Shade elements may include awnings, canopies, arcades, or galleries and shall meet the standards in Section 7.0.
- (b) Street trees, if planted, shall be centered within the Planting/Furnishings Zone and be planted a minimum of 3' from the face of curb.
- (c) Spacing shall be an average of 30 feet on center (measured per block face).
- (d) The minimum caliper size for each tree shall be 2" and shall be a minimum of 8 feet in height at planting. Each tree shall be planted in a planting area no less than 36 sq. feet.
- (e) Species shall be selected from Chapter 14 Zoning Ordinance Appendix A-4 Approved Plant List.
- (f) Maintenance of all landscape materials shall meet the requirements in Chapter 14 Zoning Ordinance Section 39 Landscape Requirements.

8.3 Screening Standards

- (a) **Street Screen Required:** Any frontage along all streets (except alleys) with surface parking at the BTZ shall be defined by a 3-foot high Street Screen (see Figure 8-2). Furthermore, along all streets (except alleys), service areas shall be screened in such a manner that the service area shall not be visible to a person standing on the property line on the far side of the adjoining street (see Figure 8-3). Required Street Screens shall be of one of the following:
 - The same building material as the principal structure on the lot or
 - A vegetative screen composed of shrubs planted to be opaque at maturity, or
 - A combination of the two.
- i. Species shall be selected from the Planting List in Chapter 14 Zoning Ordinance Appendix A-4. The required Street Screen shall be located at the minimum setback line along the corresponding frontage.
- ii. Street Screens cannot block any required sight triangles along a cross street or driveway.
- iii. Street Screens may include breaks to provide pedestrian access from any surface parking or service area to the public sidewalk.

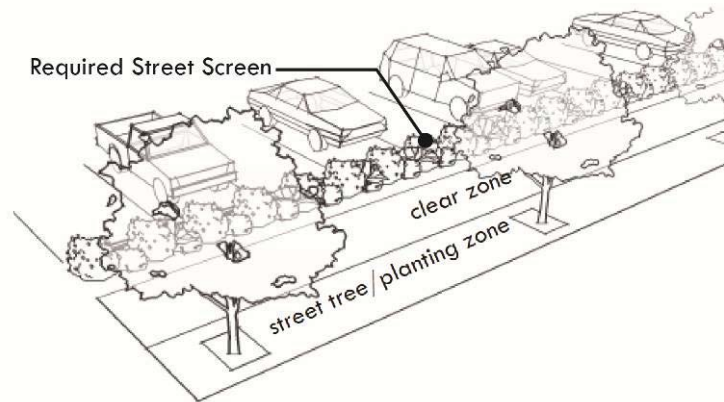


Figure 8-2 Illustration showing required Street Screen along all frontages without a Building within the BTZ

- (b) Screening of Roof Mounted Equipment: All roof mounted mechanical equipment (except solar panels) shall be screened from view of a person standing on the property line on the far side of the adjoining street (see Figure 8-3). The screening material used shall be the same as the primary exterior building material used.

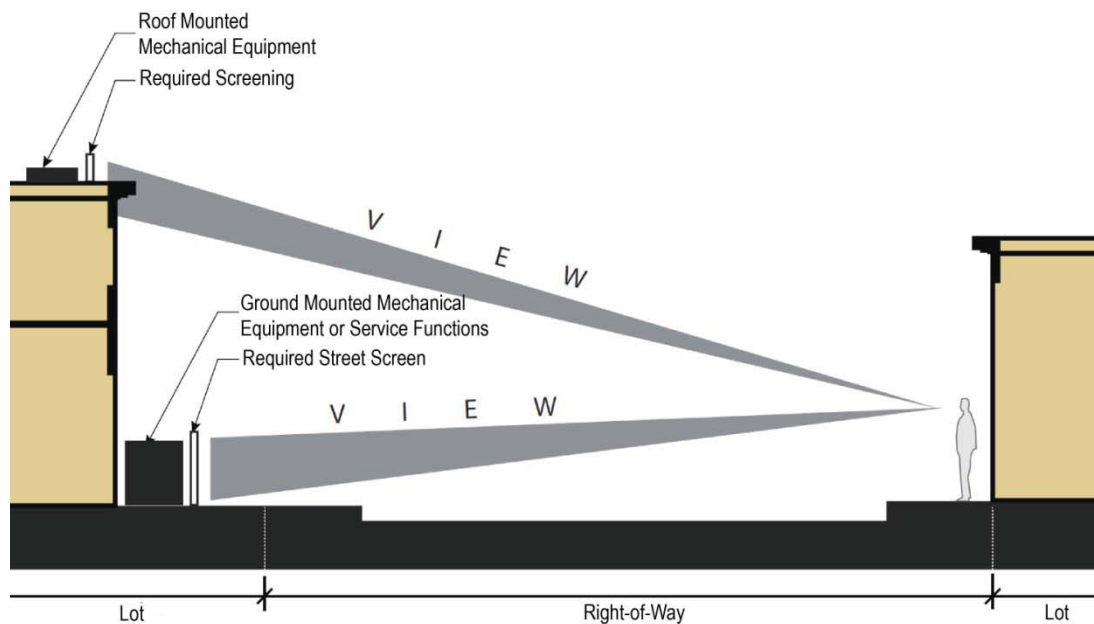


Figure 8-3 Illustration showing required screening of roof and ground mounted equipment

- (c) Locations on private property must be found for switchgear and transformer pads needed to serve that property. Such locations shall be either along General Frontages or at the side or rear of the property and screened from view of a person standing on the property line on the far side of any adjoining street (see Figure 8-3).

8.4 Parking Lot Landscaping: All surface parking shall meet the standards for parking lot landscaping in the City of Bastrop Zoning Ordinance Section 39.6 D.

9.0 Sign Standards

9.1 Applicability: Except for sign types, sign dimensional standards, and as specifically listed below, all other signage and sign standards shall comply with the City of Bastrop Sign Ordinance Chapter 3 Article 3.20.

9.2 Prohibited Sign: The following types of Signs shall be prohibited in the DB-FBC District:

- (a) Any sign that flashes, blinks, revolves, or is put into motion will not be permitted
- (b) Streamers and inflatable mascots
- (c) Portable or wheeled signs and advertising devices on the site other than sandwich board signs permitted in Table 9-1

9.3 Sign Types Permitted: All development to which this Section is applicable shall comply with the Sign Regulations in Table 9-1 below.

Table 9-1 Permitted Standards by Character Zone

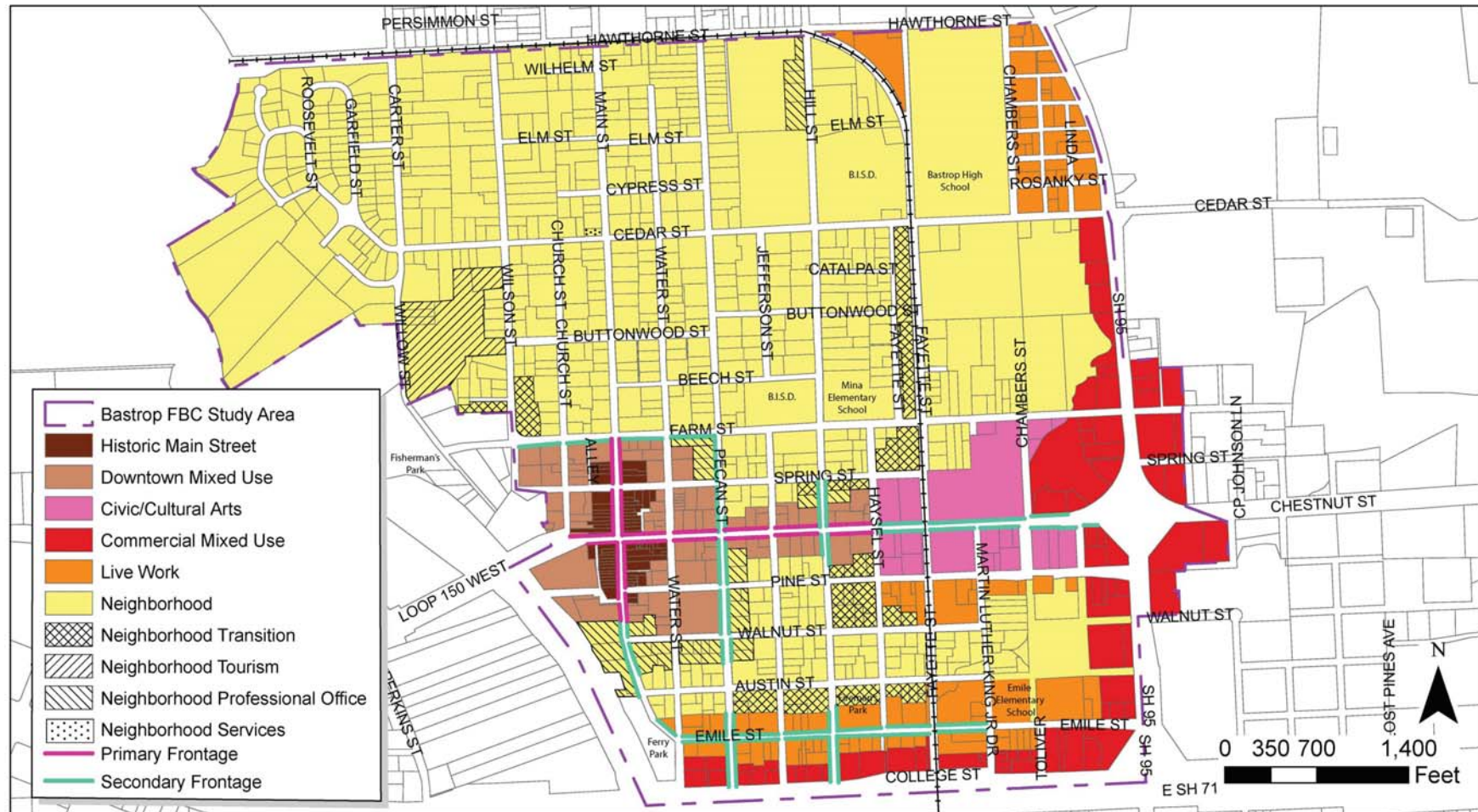
Character District	HMS	DMU, CCA	N, LW	CMU	Standard
Sign Type					
Permanent Signs					
(1) Attached Building Signs	P	P	P	P	- For all ground floor commercial uses (retail, office, and restaurant): One sign per tenant space; area to be calculated at 1.0 sq. ft. per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft. - Second floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 1.0 sq. ft. per linear foot of second or upper floor frontage along that public street with a maximum of 120 sq.ft. - Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.0 sq. ft. per linear foot of public street frontage with a maximum of 100 sq. ft. - Live-Work: One sign limited to an area of 12 sq. ft. max. - Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 ft. from the finished sidewalk. - Building signs may be internally or externally lit. However, translucent cabinet box signs shall not be permitted. - If a sign uses an electrical raceway or conduit, they shall be hidden from public view. It shall be mounted internally behind the finished exterior wall or integrated into the overall design of the sign. - In L-W, N, NPO,NS districts, wall signs are only permitted for commercial and institutional uses (including the "work" component of live-work uses). - Changeable copy signs shall only be permitted as follows: - Institutional and educational uses may be permitted to have a nonflashing changeable copy sign subject to the sign area and number limitations above. - Marquee signs as permitted below.
(2) Monument Signs	NP	P	NP	P	One monument sign per lot per street frontage (no more than 2 per lot separated by at least 100 ft.) limited to a maximum of 50 sq. ft. per sign face and 6 ft. max. in height.
(3) Building Blade Signs	P	P	P (commercial uses only)	P	- One per building (commercial and mixed use buildings only) - Area = 30 sq. ft. maximum per sign face. - May encroach a maximum of 6 ft. over a public sidewalk, but shall not encroach over any parking or travel lane. - Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor facade.

Character District	HMS	DMU, CCA	N, LW	CMU	Standard
Sign Type					
(4) Tenant Blade Signs	P	P	P (commercial uses only)	P	- One per commercial tenant space (retail, office, or restaurant use) - Area = 16 sq.ft. maximum per sign face - May encroach a maximum of 3 ft. over a public sidewalk, but shall not encroach over any parking or travel lane. - Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the ground floor tenant space while maintaining a vertical clearance of 8 ft. from the finished sidewalk.
(5) Marquee Signs	P	P	NP	P	- Permitted for theatres, auditoriums, and other public gathering venues of 100 persons or more - Marquee signs shall be attached to the building or located above or below a canopy only - Area = 100 sq.ft. maximum - Message board may be changeable copy (electronic and non-electronic). Electronic message boards shall be non-flashing. If LED signs are used for the Marquee, they shall be covered by a lens or diffuser.
(6) Window Signs	P	P	P (commercial and live/work uses only)	P	- Limited to 10% of the window area. The following shall be exempt from this limitation: - Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs; - Mannequins and storefront displays of merchandise sold; and - Interior directory signage identifying shopping aisles and merchandise display areas.
(7) Permanent menu boards	P (restaurants and cafes only)				- Permanent menu boards may be mounted on the railing of the sidewalk café or on the wall next to the entrance door into the restaurant or café. - The menu board and framing shall not exceed a total of 240 sq. inches. - Such menu boards may be illuminated by the smallest light fixture needed to provide appropriate illumination.
(8) Directory signs	P	P	P (commercial and live/work uses only)	P	- Shall be allowed for all multi-tenant commercial and mixed use buildings only mainly to provide signage to upper floor tenants. - One directory sign per multi-tenant building limited to 12 sq. ft. in area. - The directory sign shall be affixed on the ground floor façade of the building next to the doorway or entrance that provides access to the upper floor tenants.
Temporary Signs					
(9) Sandwich board signs	P	P	P (commercial and live/work uses only)	P	- Permitted only for retail, service, or restaurant uses and sign shall be placed in front of the respective tenant space. - Limited to 12 sq. ft. per sign face per storefront. - Sign may not exceed 4 ft. in height. - A minimum of 6 ft. of sidewalk shall remain clear. - Chalkboards may be used for daily changing of messages. - Readerboards (electronic and non-electronic) shall be prohibited. - Sign shall be removed every day after the business is closed.
(10) Light Pole Banners	P	P	P	P	10 sq. ft. per sign face. - Limited to one per light pole - All light pole banners shall be approved by the appropriate utility company prior approval by the City. - Light pole banners shall be limited to publicize community-wide events, festivals, holiday celebrations, public art, and other city sponsored events.

Attachment A
Regulating Plan

Planning and Zoning Commission Recommended

February 26, 2015



February 26, 2015
P&Z Recommended

GATEWAY
PLANNING
A VIALTA GROUP PARTNER

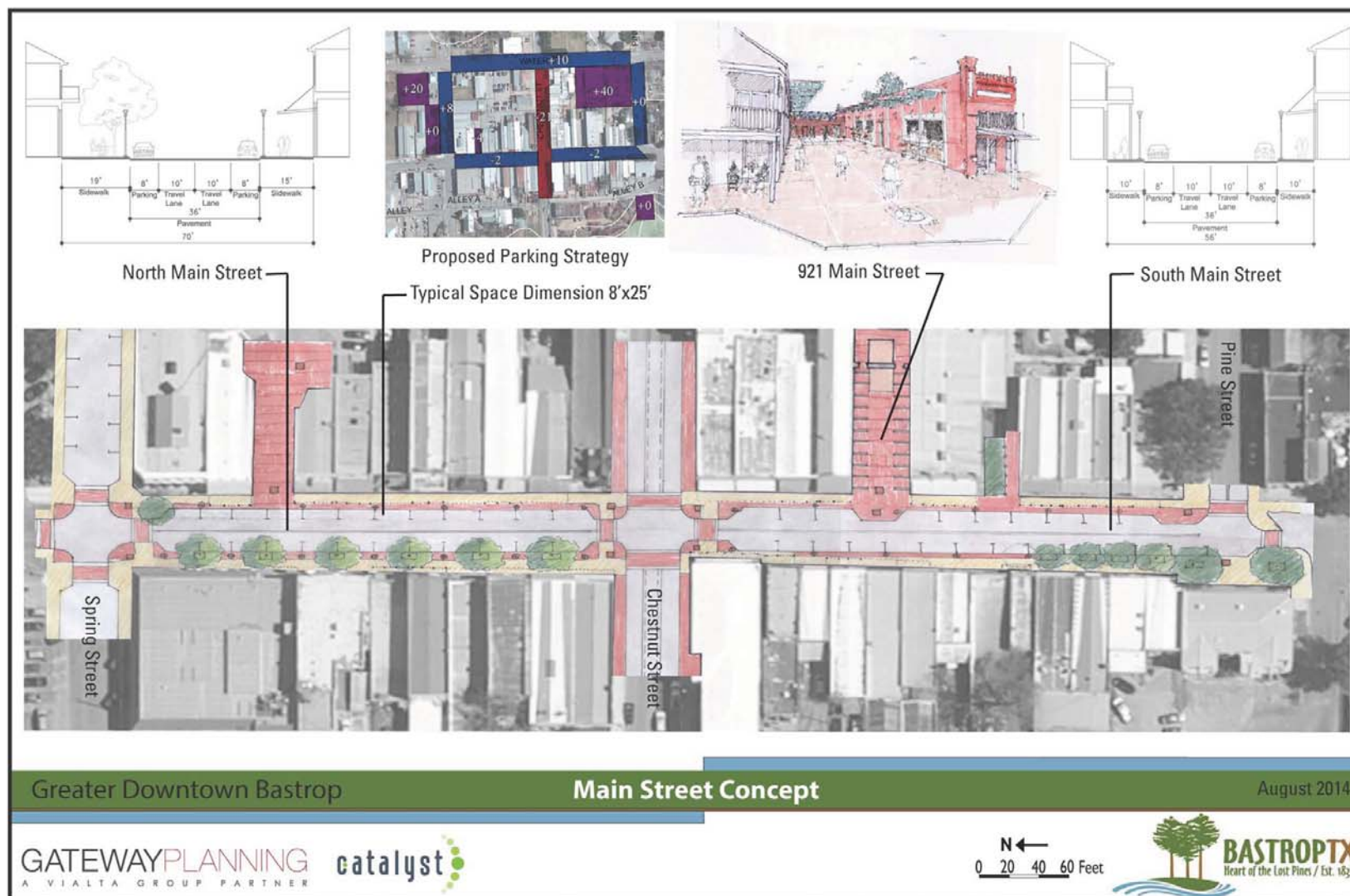
Downtown Bastrop Regulating Plan



Attachment B
Illustrative Vision

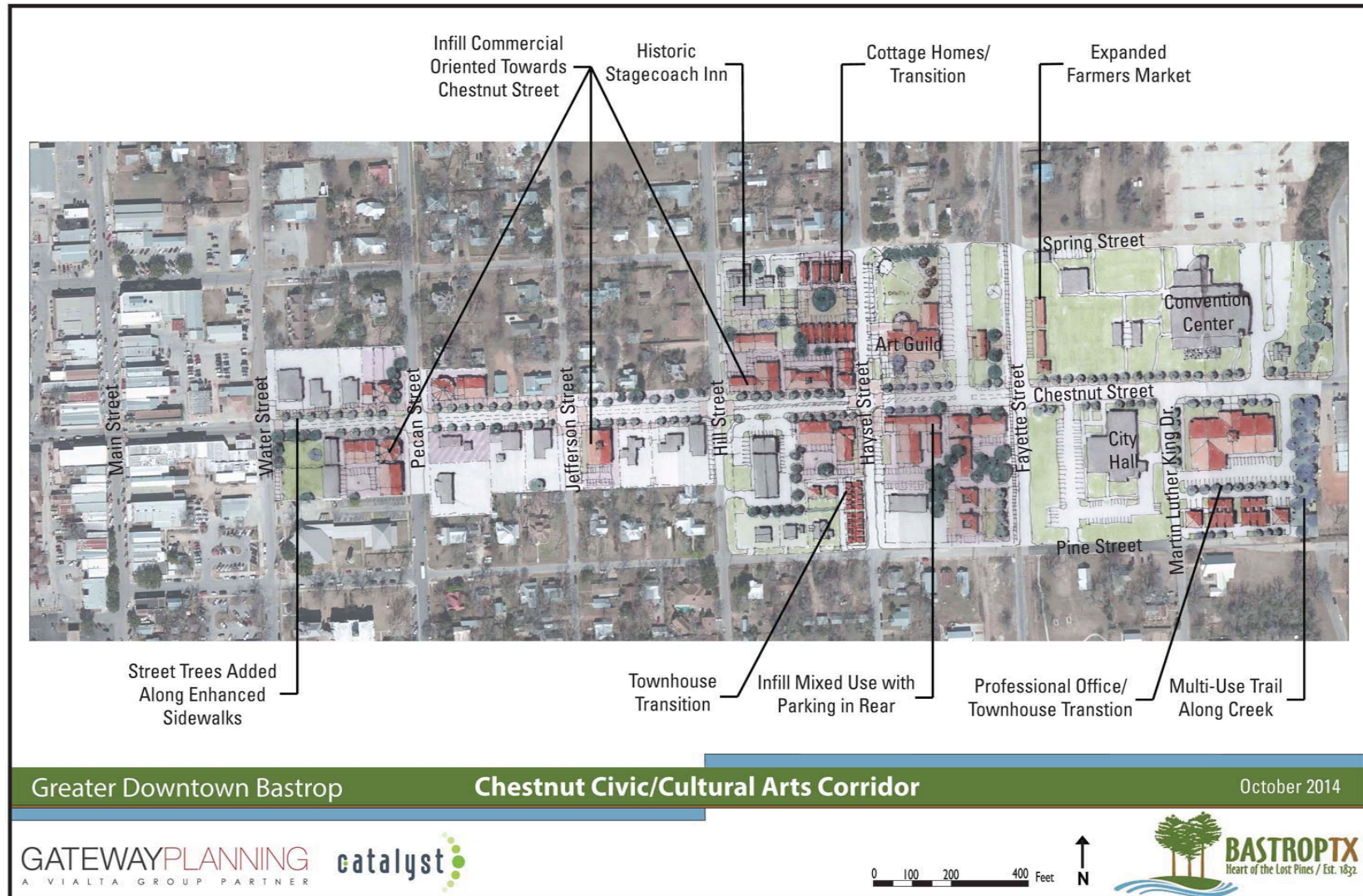
Planning and Zoning Commission Recommended

February 26, 2015



Planning and Zoning Commission Recommended

February 26, 2015



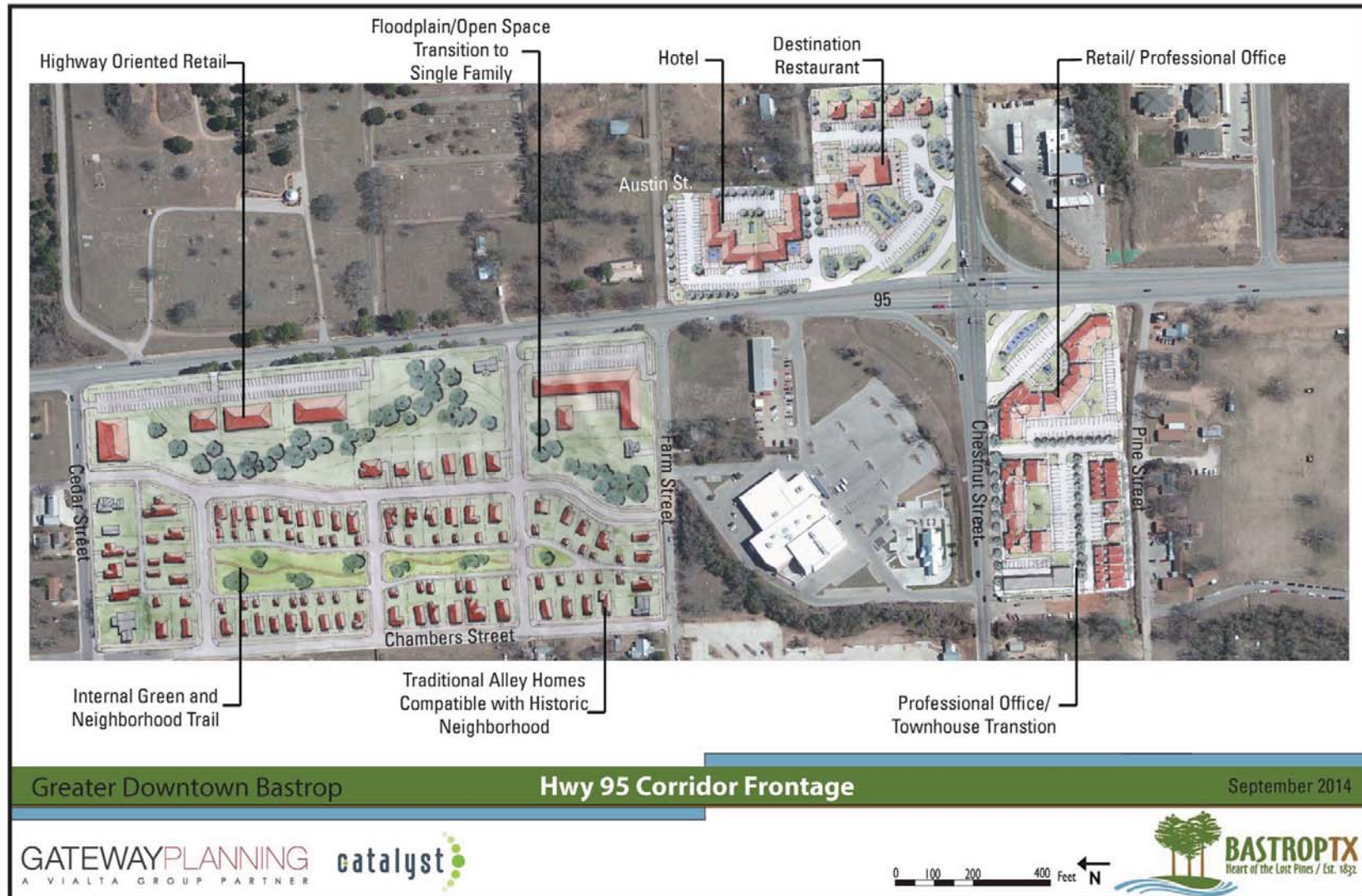
Planning and Zoning Commission Recommended

February 26, 2015



Planning and Zoning Commission Recommended

February 26, 2015

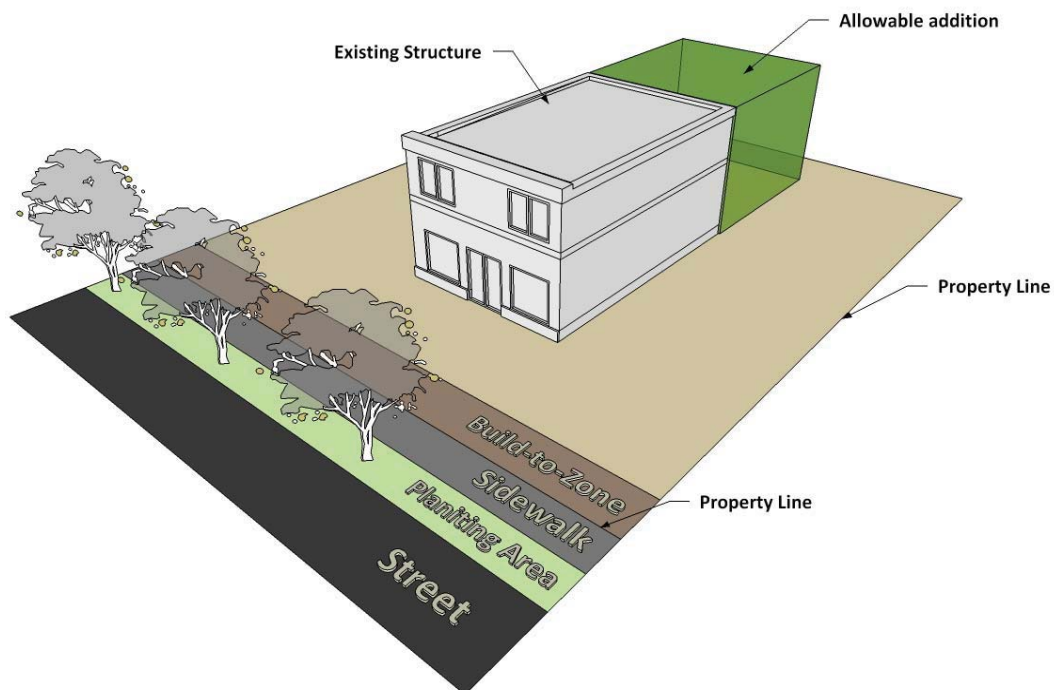
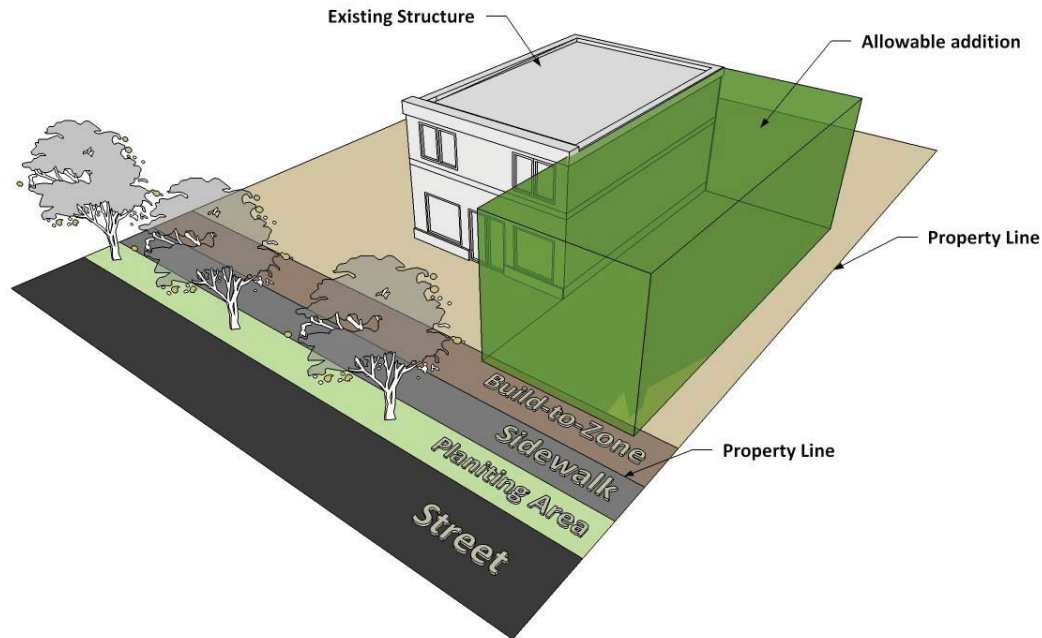


Attachment C

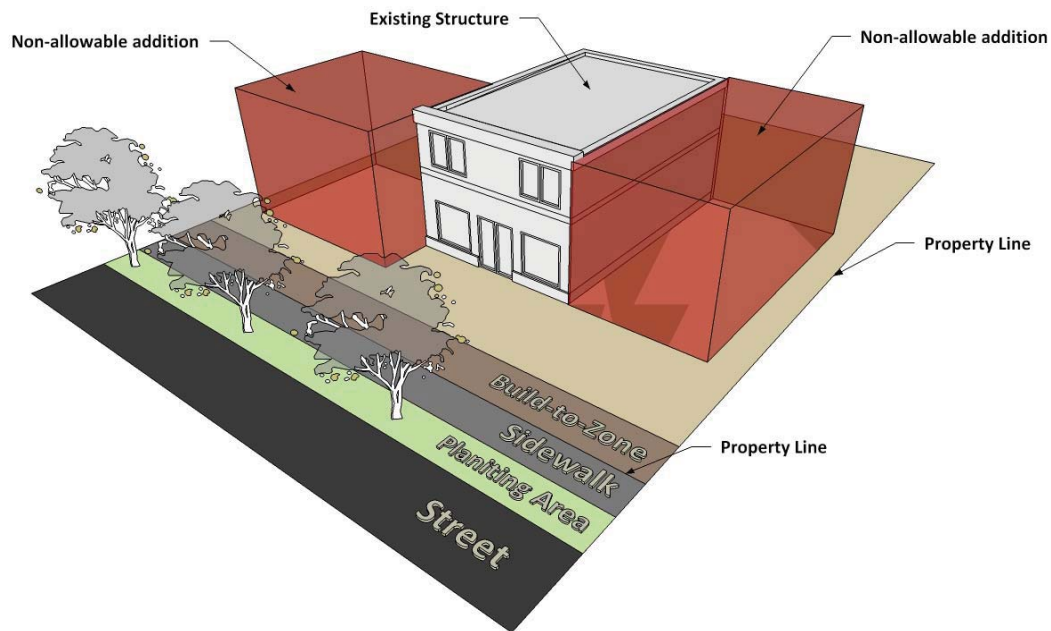
Illustrations of Changes to Non-Complying Structures

The following illustrations shall provide guidance to property owners on the allowed and prohibited modifications to existing nonconforming structures and sites.

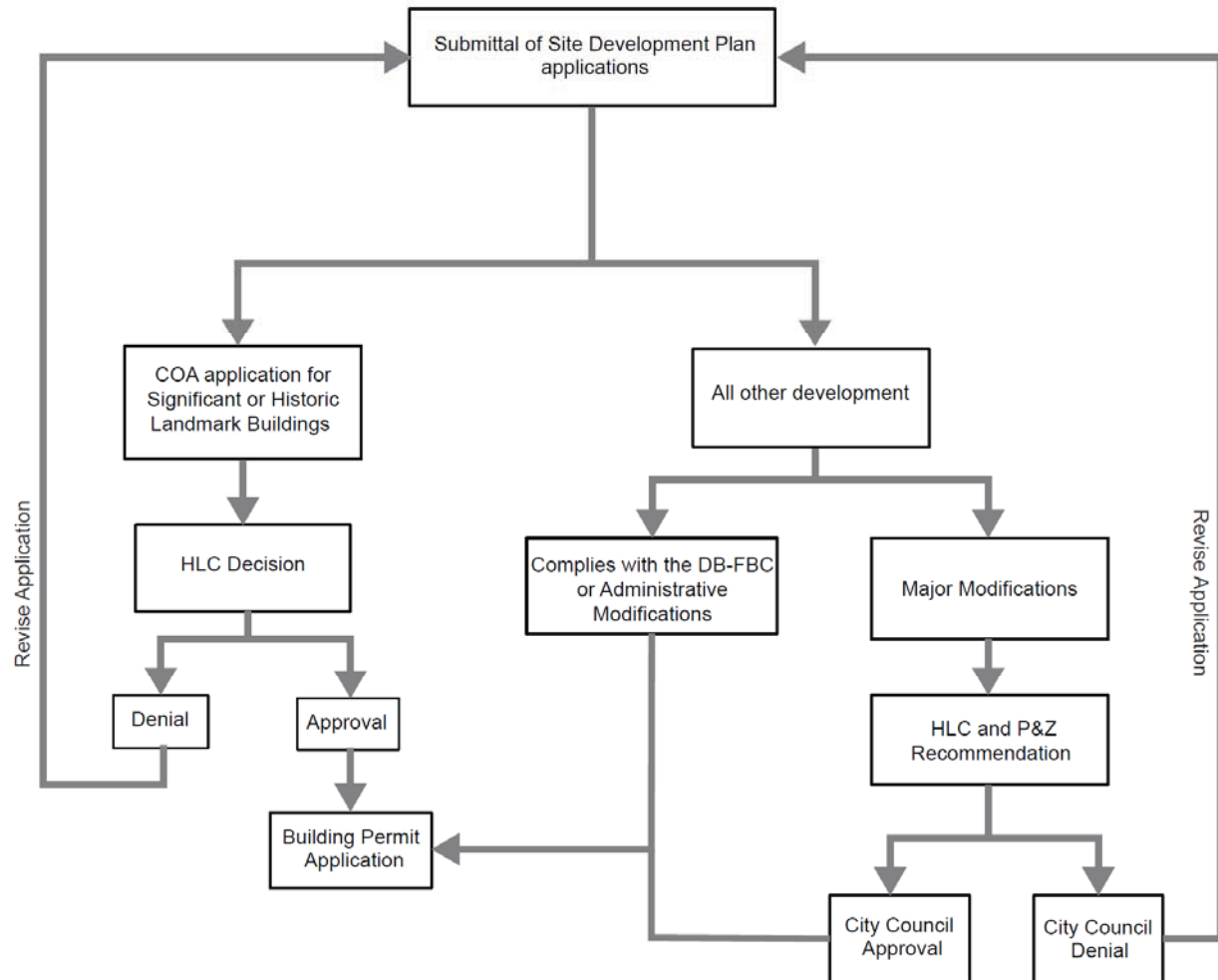
- (a) **Allowable Additions:** The following illustrations show potential allowable additions to noncomplying structures and sites. Additions shall meet the build-to-zone standards of the character zone they are located in.



- (b) **Non-Allowable Additions:** The following illustrations show potential non- allowable additions to noncomplying structures and sites since the additions do not comply with the build-to zone standards of the character zone.



Attachment D
Development Review Flow Chart

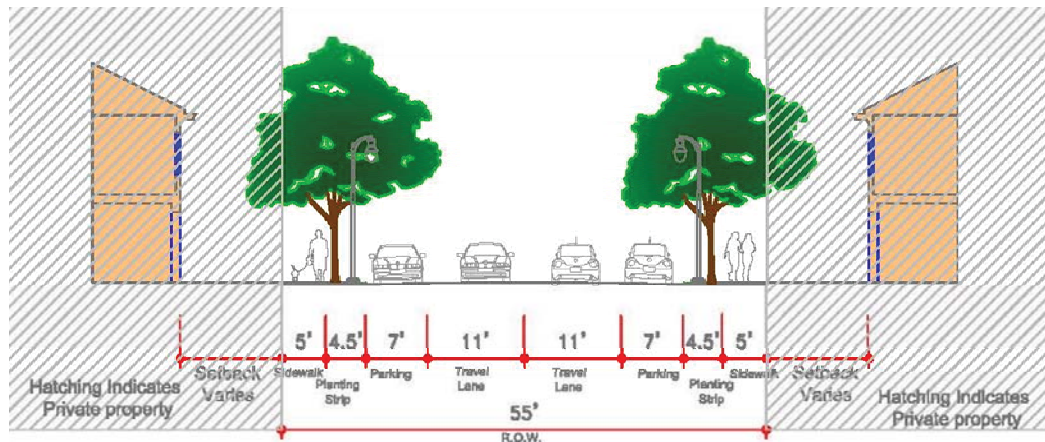


Attachment E

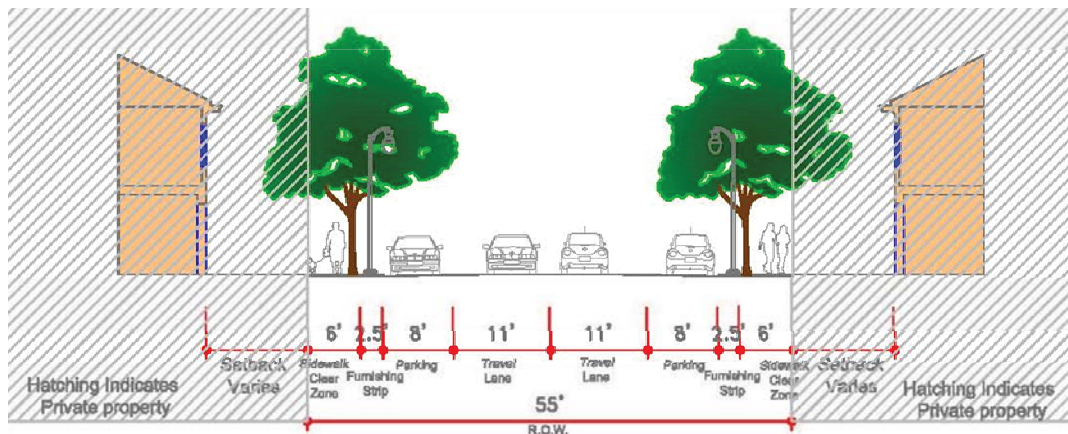
Street Cross Sections

The cross section diagrams in this Section may be adjusted to fit existing and future utility locations, landscaping and unique development contexts with the approval of the Director and City Engineer. In addition, the proposed cross sections may be adjusted to meet the needs of the Uniform Fire Code as adopted by the City.

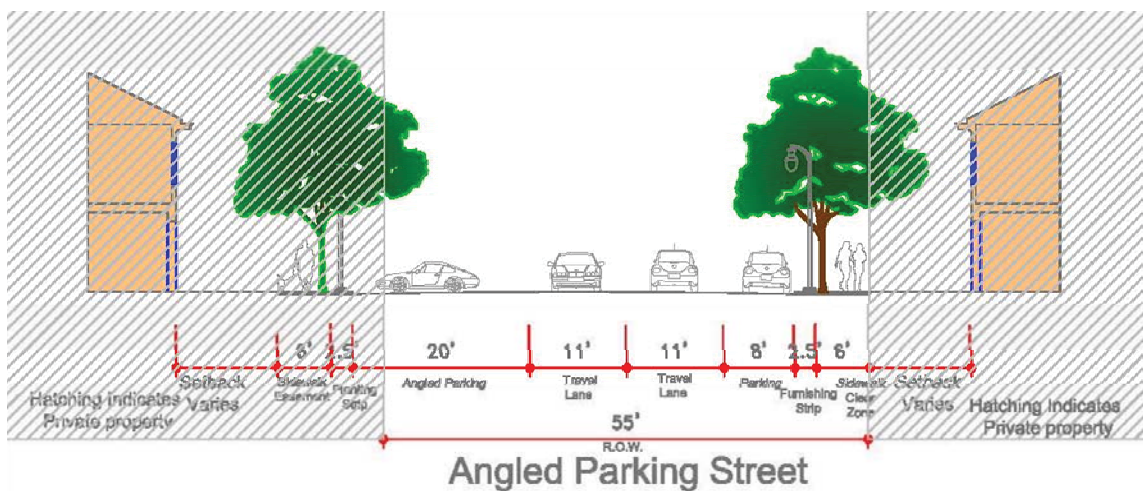
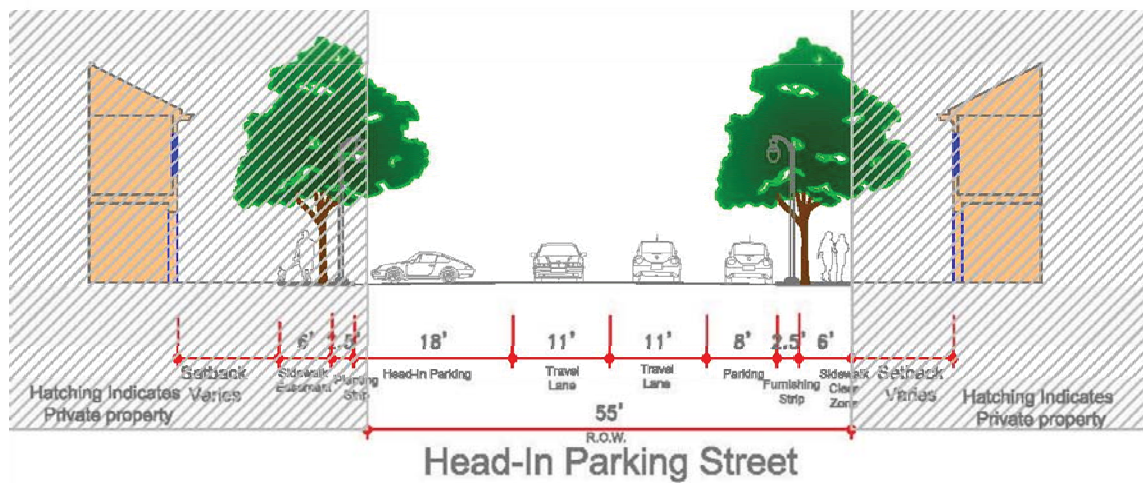
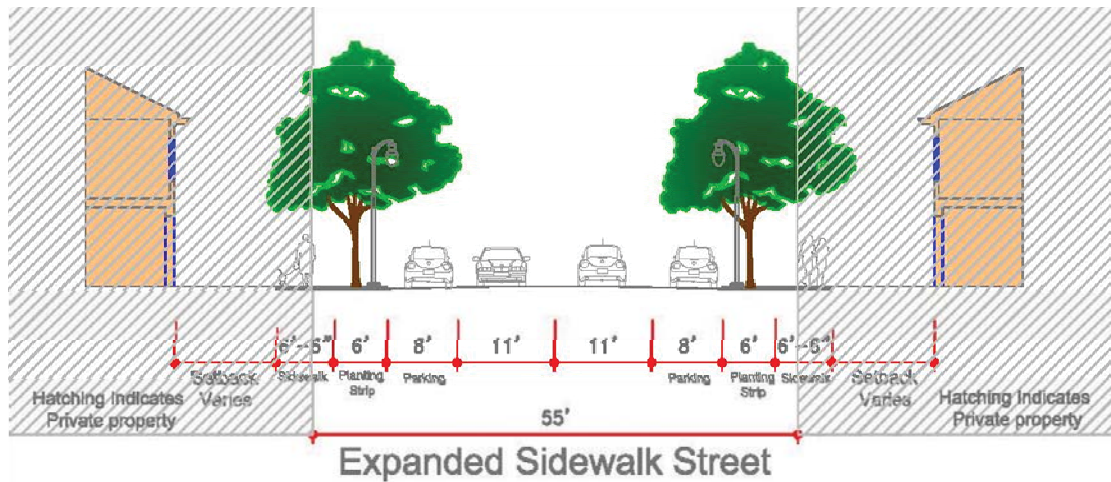
Note: All dimensions are measured from the face-of-curb and the center of stripe



**Residential Parallel Parking
Both Sides of Street**



**Commercial Parallel Parking
Both Sides of Street**



CITY OF BASTROP

AGENDA ITEM D-2

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 18, 2015

MEETING DATE: March 24, 2015

- 1. Agenda Item: Consideration, discussion and possible action on approval of Bastrop Arts in Public Places (BAIPP) 2015 Art Transformer Project selection of mural artwork and anticipated transformer site locations.**
2. Party Making Request: **Karla Stovall**
3. Nature of Request: (Brief Overview) Attachments: Yes **X** No _____
4. Policy Implication:
- **Attachment 1: BAIPP “Art Call” for the Bastrop Transformer Cabinet Mural Project (2015)**
 - **Attachment 2: Transformer Art Mural Photos, Artist, and Location**
5. Budgeted: _____Yes _____No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
8. Staff Recommendation: _____
9. Advisory Board: **X** Approved _____Disapproved _____None
Note from BAIPP, Kathryn Nash: All information regarding call, contract, artist’s selections and transformer locations have been submitted to complete this approval process. We look forward to completing the process and providing the public art project to the public.
10. Manager’s Recommendation: _____Approved _____Disapproved _____None
11. Action Taken:



BASTROP TRANSFORMER CABINET MURAL PROJECT
Bastrop Art in Public Places
City of Bastrop, Texas

Bastrop, Texas is a unique blend of old and new. Nestled on the banks of the Colorado River, in the heart of the Lost Pines region, the Bastrop historic district offers a delightful selection of shops, restaurants and inns. Nearby neighborhoods have over 100 historic homes, many beautifully restored. A Texas Main Street City since 2007, Bastrop was also named a Distinctive Destination in 2010 by the National Trust for Historic Preservation in recognition of the City's work to preserve its historic character, promote heritage tourism and extend its welcome. Bastrop is a designated Cultural Arts District by the Texas Art Commission.

The Bastrop Transformer Cabinet Mural Project is a program of the Bastrop Art in Public Places Task Force and the City of Bastrop. It is an outdoor visual arts exhibition located in heavy pedestrian walkways in historic downtown Bastrop that utilizes the transformer and switchgear cabinets as canvases for creative murals. This highly visible and accessible exhibit will contribute to the cultural arts district and existing art destinations not only for the residents of Bastrop County and Central Texas, but to draw new visitors to the area. Viewers will have an opportunity to appreciate and be inspired by the variety, artistry and creativity unique to this exhibition. Original mural design submissions are selected through the juried process and are expected to have a lifespan of no less than three years. The murals will vary in theme and size with smaller cabinets approximately 3'W x 3'D x 2'H and larger cabinets 4'W x 4'D x 5'H or 7'W x 2'D x 3'H.

2014/2015 Call for Entries

You are invited to submit your transformer cabinet mural design with regard to the following criteria:

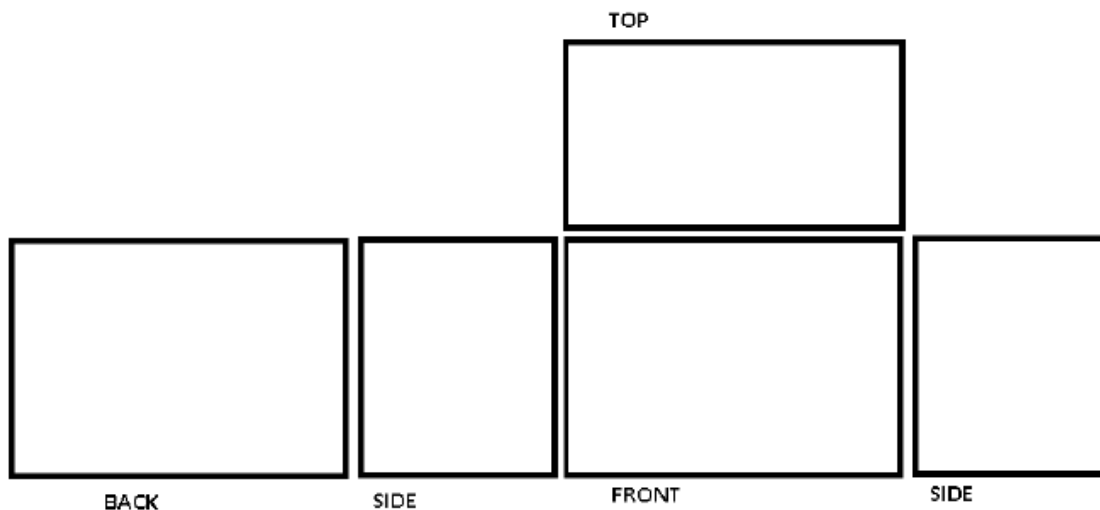
1. The call is open to all artists without geographic distinctions or restrictions, however, artists must be 16 years or older. Each artist may submit up to three designs.
2. Artwork must be an original representational or abstract design that is appropriate for the urban context, location and audience. Dark color palettes are limited to the cabinet base and are to be used sparingly in the main design due to heat retention issues on the transformers. Artists will be required to adjust designs to the cabinet size they are assigned. If a significant adjustment in the design is required to accommodate the size of the cabinet or unforeseen obstructions, the artist will in advance of painting gain the approval of the BAIPP sub-committee.
3. Each selected artist will receive a \$500 stipend upon completion of each Transformer Cabinet Mural. Artists will be reimbursed for materials up to \$400 per transformer cabinet; however, any expenses for supplies over \$400 will not be reimbursed.
4. The BAIPP will contract with artists for up to eight transformer cabinet murals. Selection will be done by a blind jurying process by a pool of jurors chosen by BAIPP. An additional two transformer cabinet murals may be awarded for student designated projects. A People's Choice

Award will be announced and publicized following a public vote initiated after all the murals have been completed.

5. All artists selected to paint a transformer cabinet will be required to sign a city vendor form, an artist's agreement with the City of Bastrop and will receive a list of acceptable industrial paint specs of pre-approved paints. A copy of the artist's agreement is available upon request.

6. Artists are required to submit a resume in addition to the design proposal. In addition to the basic contact information and description of the mural design, artist will submit a fully rendered schematic representation of their design on a mounted board no less than 20" x 30". A schematic representation of a transformer cabinet is provided below. Please note that the quality and adhering to specifications can influence the jury process. Deliver mounted design to the Art Connections at 908 Main Street in c/o BAIPP. For questions contact Teresa Saunders at 210-508-8682.

Example of a schematic representation of a transformer cabinet:



EXHIBITION SCHEDULE

January 15, 2015	Submission Deadline and confirmation receipt
February 15, 2015	Notification of Acceptance
February 16, 2015	Contracts available.
March 15, 2015	Deadline for signed contract and W-9
March 16-20, 2015	Painting of transformer cabinets begins
May 15, 2015	All transformer cabinets are completed.

Direct all questions to Teresa Saunders, Transformer Chair for BAIPP, at 210-508-8682.

BASTROP TRANSFORMER CABINET MURALPROGRAM**Aka: Bastrop Community Art Program****A project of Bastrop Art in Public Places (BAIPP)****2014/2015 Artist and Entry Information**

Name: _____

Address: _____

City/State/Zip: _____

Telephone: Home () _____ Cell () _____

Email: _____ Fax () _____

Title #1 _____

Description: _____

Title #2 _____

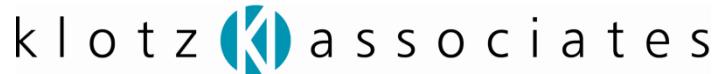
Description: _____

Title #3 _____

Description: _____

AGENDA ITEM D-3

1. Agenda Item. **Consideration, discussion and possible action on the Award of Contract replacing the Water & wastewater line on Spring Street, Haysel, and Walnut Street to Facilities Rehabilitation INC. for the base price of \$ 602,210.00.**
2. Party Making Request: **Trey Job, Utility & PW Director**
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: X Yes _____ No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ over Budget: _____
Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
8. Staff Recommendation: approve the first reading and place on consent agenda for the second reading
9. Advisory Board: _____ Approved _____ Disapproved X None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____



7550 IH-10 West
Northwest Center, Suite 300
San Antonio, Texas 78229
T 210.736.0425 F 210.736.0405
sanantonio.office@klotz.com

March 17, 2015

Mr. Wesley Brandon, P.E.
City Engineer
City of Bastrop
PO Box 427
Bastrop, Texas 78602

Re: Water and Wastewater Line Replacement Project
City of Bastrop Project No. 14-1060
Klotz Associates Project No. 1139.001.000

Dear Mr. Brandon,

We have reviewed the six (6) bids that were received by the City of Bastrop (City) on Friday, March 06, 2015 for the above referenced project. In the total six (6) bids received, no calculation errors were found.

The low responsive bid of \$602,210.00 was received from Facilities Rehabilitation Inc.

The second low bid of \$621,905.00 was received from Qro Mex Construction Co., Inc.

The third low bid of \$623,035.00 was received from D Guerra Construction, LLC.

A summary of the six (6) responsive bid tabulations is included below:

	QRO MEX CONSTRUCTIO N CO., INC.	M&C FONSECA CONSTRUCTIO N CO., INC	D GUERRA CONSTRUCTION , LLC.	PATIN CONSTRUCTION , LLC.	AARON CONCRETE CONTRACTORS , LP.	FACILITIES REHABILITATIO N INC.
Base	\$592,805.00	\$619,990.00	\$592,360.00	\$745,927.50	\$1,070,577.00	\$538,810.00
Supplemental	\$29,100.00	\$53,748.00	\$30,675.00	\$34,600.00	\$54,550.00	\$63,400.00
Total	\$621,905.00	\$673,738.00	\$623,035.00	\$780,527.50	\$1,125,127.00	\$602,210.00

A copy of the Bid Tabulation is attached for your review.

In addition, four (4) of the references provided by Facilities Rehabilitation Inc. were contacted to provide information on past project experience. A copy of the questions and responses is attached for your review.

Mr. Wesley Brandon, P.E.
March 17, 2015
Page 2 of 2

Based on the information provided, and reference responses, we do not object to recommending this project for award to Facilities Rehabilitation Inc.

Please contact me at 210.736.0425 should you have any questions regarding our recommendation. We look forward to working with you through the construction phase of this project.

Sincerely,



Luis Cuellar, P.E.
Regional Manager

LAC:mk

Attachments

Project:	Govalle 4, Chicon street wastewater improvements (ACWP)
Date:	Completed 08/10/2006
Description:	Sewer pipe replacement, manholes, services, paving
Cost:	\$164,000
Contact Information:	Stephen Ross, 512.585.2807, Inspector for Baer Environmental
Contact Date/Time :	03/11/2015 @ 9:15AM

1. How did the Contractor perform on this project on a scale of 1-10, 10 being highest?
 - a. **Probably an 8. Contractor worked on several Austin Clean Water Program (ACWP) projects.**
2. Were there any change orders? If so, was the Contractor reasonable?
 - a. **Yes, but they were reasonable.**
3. Was the project completed on time? If not, were liquidated damages assessed?
 - a. **Completed on time.**
4. Were there any quality issues with the construction?
 - a. **Not with the utility construction but there were issues with the trench repair. Contractor later learned to sub that portion of work out and no further quality issues arose.**
5. Would you recommend this Contractor on another project?
 - a. **Certainly would.**

Project:	University of Texas – Fire Water Distribution
Date:	Completed 2010
Description:	Water system improvements
Cost:	\$352,000
Contact Information:	Jim Schrull, P.E. – UT Facilities
Contact Date/Time :	03/17/15 @ 3:30PM

1. How did the Contractor perform on this project on a scale of 1-10, 10 being highest?

a. **7 or 8 on work performed, no major problems.**

2. Were there any change orders? If so, was the Contractor reasonable?

a. **Yes, one, but Contractor was reasonable.**

3. Was the project completed on time? If not, were liquidated damages assessed?

a. **Completed on time, per schedule, on budget.**

4. Were there any quality issues with the construction?

a. **No.**

5. Would you recommend this Contractor on another project?

a. **Yes**

Project:	West Lamar Area Sewer Replacement (Subconsultant)
Date:	Completed 06/15/2008
Description:	Sewer pipe replacement, manholes, services
Cost:	\$365,000
Contact Information:	Bud Carter 713-289-0701, General Contractor : Laughlin-Thyssen, Inc.
Contact Date/Time :	03/17/15 @ 3:40PM

1. How did the Contractor perform on this project on a scale of 1-10, 10 being highest?

a. **8 ½**

2. Were there any change orders? If so, was the Contractor reasonable?

a. **Yes, but reasonable.**

3. Was the project completed on time? If not, were liquidated damages assessed?

a. **Yes**

4. Were there any quality issues with the construction?

a. **No**

5. Would you recommend this Contractor on another project?

a. **Absolutely, have used them on many jobs.**

Project:	City of Austin, Annual Contract for Manhole Rehabilitation (1+2 year renewal)
Date:	Completed 12/2013
Description:	Manhole rehabilitation IDIQ City Wide
Cost:	\$2,250,000
Contact Information:	Mike Russ, P.E., City of Austin, 512.972.2054
Contact Date/Time :	03/17/2015 @ 4:10PM

1. How did the Contractor perform on this project on a scale of 1-10, 10 being highest?

a. **Probably 7**

2. Were there any change orders? If so, was the Contractor reasonable?

a. **Yes for out of scope items, minor costs and reasonable.**

3. Was the project completed on time? If not, were liquidated damages assessed?

a. **No set time frame on IDIQ, but generally on time.**

4. Were there any quality issues with the construction?

a. **Some test failures on grout, but attributed mostly to testing lab, other failures minimal but corrected by Contractor.**

5. Would you recommend this Contractor on another project?

a. **Yes**

BID TABULATION

JOB NAME: Bastrop Water & Wastewater Replacement
JOB LOCATION: Bastrop, Texas
OWNER: The City of Bastrop
BID OPENING: 3/6/2015

Project Manager: John Friedman
Project Consultants: Klotz Associates
TBPE Firm No. 929
Reponses: 6

Liquidated Damages: \$ 315.00
Duration: 150 days

BASE BID: Bastrop W&WW Replacement				Average of 6 bidders		QRO MEX CONSTRUCTION CO., INC.		M&C FONSECA CONSTRUCTION CO., INC		D GUERRA CONSTRUCTION, LLC.		PATIN CONSTRUCTION, LLC.		AARON CONCRETE CONTRACTORS, LP.		FACILITIES REHABILITATION INC.	
BID ITEM	ITEM NO.	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	AMOUNT \$	UNIT PRICE \$	AMOUNT \$	UNIT PRICE \$	AMOUNT \$	UNIT PRICE \$	AMOUNT \$	UNIT PRICE \$	AMOUNT \$	UNIT PRICE \$	AMOUNT \$	UNIT PRICE \$	AMOUNT \$
	BASE BID ITEMS																
1	506S-M4WW	4' DIA. PRE-CAST STANDARD MANHOLE WITH CIP BASE	EA	8	\$ 46,833.33	\$ 5,000.00	\$ 40,000.00	\$ 8,200.00	\$ 65,600.00	\$ 5,925.00	\$ 47,400.00	\$ 5,500.00	\$ 44,000.00	\$ 6,000.00	\$ 48,000.00	\$ 4,500.00	\$ 36,000.00
2	506S-D4WW	4' DIA. DROP MANHOLE WITH CIP BASE	EA	3	\$ 23,150.00	\$ 6,000.00	\$ 18,000.00	\$ 8,600.00	\$ 25,800.00	\$ 9,500.00	\$ 28,500.00	\$ 8,000.00	\$ 24,000.00	\$ 8,700.00	\$ 26,100.00	\$ 5,500.00	\$ 16,500.00
3	506S-EDM4WW	EXTRA DEPTH OF MANHOLE, 4' DIAMETER	VF	27	\$ 12,082.50	\$ 350.00	\$ 9,450.00	\$ 385.00	\$ 10,395.00	\$ 235.00	\$ 6,345.00	\$ 1,000.00	\$ 27,000.00	\$ 415.00	\$ 11,205.00	\$ 300.00	\$ 8,100.00
4	509S	EXCAVATION SAFETY SYSTEMS	LF	4,050	\$ 11,475.00	\$ 3.00	\$ 12,150.00	\$ 3.00	\$ 12,150.00	\$ 1.00	\$ 4,050.00	\$ 2.00	\$ 8,100.00	\$ 7.00	\$ 28,350.00	\$ 1.00	\$ 4,050.00
5	510-AW6	PIPE, 6" DIA. DUCTILE IRON PIPE, PRESSURE CLASS 350 (ALL DEPTHS), INCLUDING EXCAVATION AND BACKFILL	LF	20	\$ 1,980.00	\$ 55.00	\$ 1,100.00	\$ 66.00	\$ 1,320.00	\$ 43.00	\$ 860.00	\$ 80.00	\$ 1,600.00	\$ 150.00	\$ 3,000.00	\$ 200.00	\$ 4,000.00
6	510-AW8	PIPE, 8" DIA. PVC C900 DR 14 200 PSI (ALL DEPTHS), INCLUDING EXCAVATION AND BACKFILL	LF	725	\$ 59,570.83	\$ 82.00	\$ 59,450.00	\$ 68.00	\$ 49,300.00	\$ 79.00	\$ 57,275.00	\$ 80.00	\$ 58,000.00	\$ 112.00	\$ 81,200.00	\$ 72.00	\$ 52,200.00
7	510-AWW8	PIPE, 8" DIA. PVC SDR 26 (ALL DEPTHS), INCLUDING EXCAVATION AND BACKFILL	LF	3,310.0	\$ 356,100.83	\$ 79.00	\$ 261,490.00	\$ 72.50	\$ 239,975.00	\$ 83.00	\$ 274,730.00	\$ 124.00	\$ 410,440.00	\$ 205.00	\$ 678,550.00	\$ 82.00	\$ 271,420.00
8	510-BW	INSTALLING OR RECONNECTING LATERAL SERVICE TO EXISTING OR REPLACED PIPE (5/8" OR 1" DIA. SINGLE WATER SERVICE)	EA	4	\$ 6,623.33	\$ 1,200.00	\$ 4,800.00	\$ 1,800.00	\$ 7,200.00	\$ 1,485.00	\$ 5,940.00	\$ 1,500.00	\$ 6,000.00	\$ 2,200.00	\$ 8,800.00	\$ 1,750.00	\$ 7,000.00
9	510-BWW	INSTALLING OR RECONNECTING LATERAL SERVICE TO EXISTING OR REPLACED PIPE (6" DIA. SINGLE WASTEWATER SERVICE)	EA	53	\$ 86,566.67	\$ 1,400.00	\$ 74,200.00	\$ 2,200.00	\$ 116,600.00	\$ 1,500.00	\$ 79,500.00	\$ 1,500.00	\$ 79,500.00	\$ 1,700.00	\$ 90,100.00	\$ 1,500.00	\$ 79,500.00
10	510-IW6	6x6 PRESSURE TAP	EA	2	\$ 10,353.33	\$ 3,800.00	\$ 7,600.00	\$ 8,500.00	\$ 17,000.00	\$ 3,950.00	\$ 7,900.00	\$ 7,500.00	\$ 15,000.00	\$ 4,810.00	\$ 9,620.00	\$ 2,500.00	\$ 5,000.00
11	510-KW	DUCTILE IRON FITTINGS	TON	0.25	\$ 2,135.83	\$ 10,000.00	\$ 2,500.00	\$ 7,800.00	\$ 1,950.00	\$ 10,860.00	\$ 2,715.00	\$ 11,500.00	\$ 2,875.00	\$ 9,600.00	\$ 2,400.00	\$ 1,500.00	\$ 375.00
12	511S-A6	VALVES, GATE TYPE, 6" DIAMETER	EA	1	\$ 1,193.67	\$ 850.00	\$ 850.00	\$ 1,800.00	\$ 1,800.00	\$ 850.00	\$ 850.00	\$ 1,250.00	\$ 1,250.00	\$ 912.00	\$ 912.00	\$ 1,500.00	\$ 1,500.00
13	511S-A8	VALVES, GATE TYPE, 8" DIAMETER	EA	4	\$ 6,516.67	\$ 1,350.00	\$ 5,400.00	\$ 2,200.00	\$ 8,800.00	\$ 1,250.00	\$ 5,000.00	\$ 1,850.00	\$ 7,400.00	\$ 1,325.00	\$ 5,300.00	\$ 1,800.00	\$ 7,200.00
14	511S-B	FIRE HYDRANT ASSEMBLY	EA	1	\$ 4,000.00	\$ 3,850.00	\$ 3,850.00	\$ 4,800.00	\$ 4,800.00	\$ 2,950.00	\$ 2,950.00	\$ 5,000.00	\$ 5,000.00	\$ 2,900.00	\$ 2,900.00	\$ 4,500.00	\$ 4,500.00
15	610S-E	TREE TRUNK PROTECTION, WOOD PLANKING	EA	20	\$ 4,450.00	\$ 300.00	\$ 6,000.00	\$ 385.00	\$ 7,700.00	\$ 150.00	\$ 3,000.00	\$ 150.00	\$ 3,000.00	\$ 300.00	\$ 6,000.00	\$ 50.00	\$ 1,000.00
16	642S	SILT FENCE FOR EROSION CONTROL	LF	905	\$ 2,941.25	\$ 3.00	\$ 2,715.00	\$ 5.00	\$ 4,525.00	\$ 3.00	\$ 2,715.00	\$ 2.50	\$ 2,262.50	\$ 3.00	\$ 2,715.00	\$ 3.00	\$ 2,715.00
17	642S-AREA	AREA INLET PROTECTION FOR EROSION CONTROL	EA	8	\$ 1,306.67	\$ 350.00	\$ 2,800.00	\$ 350.00	\$ 2,800.00	\$ 35.00	\$ 280.00	\$ 100.00	\$ 800.00	\$ 95.00	\$ 760.00	\$ 50.00	\$ 400.00
18	642S-CURB	CURB INLET PROTECTION FOR EROSION CONTROL	EA	7	\$ 1,131.67	\$ 350.00	\$ 2,450.00	\$ 325.00	\$ 2,275.00	\$ 50.00	\$ 350.00	\$ 100.00	\$ 700.00	\$ 95.00	\$ 665.00	\$ 50.00	\$ 350.00
19	700S	MOBILIZATION	LS	1	\$ 38,000.00	\$ 48,000.00	\$ 48,000.00	\$ 28,000.00	\$ 28,000.00	\$ 50,000.00	\$ 50,000.00	\$ 37,000.00	\$ 37,000.00	\$ 40,000.00	\$ 40,000.00	\$ 25,000.00	\$ 25,000.00
20	803S-CD	BARRICADES, SIGNS AND TRAFFIC HANDLING	DAY	120	\$ 17,000.00	\$ 250.00	\$ 30,000.00	\$ 100.00	\$ 12,000.00	\$ 100.00	\$ 12,000.00	\$ 100.00	\$ 12,000.00	\$ 200.00	\$ 24,000.00	\$ 100.00	\$ 12,000.00
BASE BID TOTAL					\$ 693,411.58	\$ 592,805.00	\$ 619,990.00	\$ 592,360.00	\$ 619,990.00	\$ 592,360.00	\$ 745,927.50	\$ 745,927.50	\$ 1,070,577.00	\$ 1,070,577.00	\$ 538,810.00	\$ 538,810.00	
SUPPLEMENTAL BID ITEMS																	
21	104S-A	REMOVE P.C. CONCRETE CURB	LF	100	\$ 1,000.00	\$ 10.00	\$ 1,000.00	\$ 28.00	\$ 2,800.00	\$ 3.00	\$ 300.00	\$ 4.00	\$ 400.00	\$ 5.00	\$ 500.00	\$ 10.00	\$ 1,000.00
22	104S-C	REMOVE P.C. CONCRETE SIDEWALKS AND DRIVEWAYS	SF	600	\$ 4,700.00	\$ 2.50	\$ 1,500.00	\$ 28.00	\$ 16,800.00	\$ 1.50	\$ 900.00	\$ 4.00	\$ 2,400.00	\$ 6.00	\$ 3,600.00	\$ 5.00	\$ 3,000.00
23	340S-B2C	HOT MIX ASPHALTIC CONCRETE PAVEMENT, 2-INCH THICKNESS, TYPE C	SY	100	\$ 6,425.00	\$ 18.00	\$ 1,800.00	\$ 34.50	\$ 3,450.00	\$ 35.00	\$ 3,500.00	\$ 30.00	\$ 3,000.00	\$ 118.00	\$ 11,800.00	\$ 150.00	\$ 15,000.00
24	402S	CONTROLLED LOW STRENTGH MATERIAL	CY	20	\$ 2,762.17	\$ 200.00	\$ 4,000.00	\$ 48.65	\$ 973.00	\$ 130.00	\$ 2,600.00	\$ 150.00	\$ 3,000.00	\$ 180.00	\$ 3,600.00	\$ 120.00	\$ 2,400.00
25	430S-B	P.C. CONCRETE CURB AND GUTTER (FINE GRADING)	LF	100	\$ 2,633.33	\$ 25.00	\$ 2,500.00	\$ 22.00	\$ 2,200.00	\$ 20.00	\$ 2,000.00	\$ 15.00	\$ 1,500.00	\$ 31.00	\$ 3,100.00	\$ 45.00	\$ 4,500.00
26	432SR-4	RECONSTRUCT CONCRETE SIDEWALKS TO 4 INCH THICKNESS, INCLUDING REMOVAL OF EXISTING SIDEWALK	SF	600	\$ 6,050.00	\$ 7.00	\$ 4,200.00	\$ 12.00	\$ 7,200.00	\$ 6.50	\$ 3,900.00	\$ 8.00	\$ 4,800.00	\$ 7.00	\$ 4,200.00	\$ 20.00	\$ 12,000.00
27	433S-A	TYPE I P.C. CONCRETE DRIVEWAY	SF	600	\$ 7,200.00	\$ 10.00	\$ 6,000.00	\$ 12.50	\$ 7,500.00	\$ 8.50	\$ 5,100.00	\$ 10.00	\$ 6,000.00	\$ 11.00	\$ 6,600.00	\$ 20.00	\$ 12,000.00
28	501S-16	JACKING OR BORING 16" STEEL CASING PIPE, 5/16"	LF	45	\$ 13,575.00	\$ 180.00	\$ 8,100.00	\$ 285.00	\$ 12,825.00	\$ 275.00	\$ 12,375.00	\$ 300.00	\$ 13,500.00	\$ 470.00	\$ 21,150.00	\$ 300.00	\$ 13,500.00
SUPPLEMENTAL BID TOTAL					\$ 44,345.50	\$ 29,100.00	\$ 53,748.00	\$ 30,675.00	\$ 53,748.00	\$ 30,675.00	\$ 34,600.00	\$ 34,600.00	\$ 54,550.00	\$ 54,550.00	\$ 63,400.00	\$ 63,400.00	
PROJECT GRAND TOTAL					\$ 737,757.08	\$ 621,905.00	\$ 673,738.00	\$ 623,035.00	\$ 673,738.00	\$ 623,035.00	\$ 780,527.50	\$ 780,527.50	\$ 1,125,127.00	\$ 1,125,127.00	\$ 602,210.00	\$ 602,210.00	

Mathematical Error Corrected

Responsive low bidder

CITY OF BASTROP

AGENDA ITEM **D-4****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: March 17, 2015

MEETING DATE: March 24, 2015

1. Agenda Item: **Consideration, discussion and possible action on approval of Hotel Motel Funding Calendar for funding requests for FY2016.**

2. Party Making Request: **Karla Stovall**

3. Nature of Request: (Brief Overview) Attachments: Yes **X** No _____

4. Policy Implication:

Attachment 1: FY2016 Hotel Occupancy Tax Funding Calendar

5. Budgeted: _____Yes _____No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE** **INITIAL** **DATE** **CONCURRENCE**

8. Staff Recommendation: _____

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

HOT FUNDING CALENDAR

Funding for FISCAL YEAR 2016

March 24, 2015	Council to accept HOT Funding Calendar
April 2, 2015	Committee to meet with organizations to review draft ideas for the funding process Hotel Occupancy Tax Recipients - 5:30 p.m. - 6:00 p.m.
April 7, 2015	Organizations to return their ideas in Writing. (optional)
April 14, 2015	Council Meeting Council to review draft ideas for the funding request forms listed under City Manager's Report.
April 22, 2015	Submit final funding process to City Secretary for council agenda
April 28, 2015	Council Meeting Council to review proposed process for requesting funds and provide feedback to Finance
May 1, 2015	Submit final process for organizations to City Manager
May 12, 2015	Final process for requesting funds will be placed under City Manager's Report. Hand out will be provided to council of application
May 18, 2015	Funding applications available at City Hall or online Letter to be sent to Hotel, Motels, Bed and Breakfasts welcoming their input regarding funding.
June 5, 2015	Deadline for submitting funding applications to Finance Office, 5:00 P.M.
June 12 to June 22, 2015	Hotels, motels, and bed & breakfasts submit to Council in writing recommendations and suggestions regarding expenditure of specific HOT funding.
June 17, 2015	Submit information to City Secretary for council agenda (to include Organizations - History Summary, Funding Application, Council Ranking Worksheet)
June 23, 2015	Council Meeting Organizations to present their requests Council to receive funding score list from Finance
July 2, 2015	Council to return funding score list to the Finance
July 14, 2015	Finance to hand out the average ranking of score to Council - no agenda item
August 11, 2015	Council to approve preliminary funding levels for organizations
October 13, 2015	Council to approve final funding level for organizations. After approval of the FY 2016 Budget, Agreements will be sent out for signatures

AGENDA ITEM D-5

COMMUNITY SUPPORT FUNDING CALENDAR

Funding for FISCAL YEAR 2016

- March 24, 2015 Council to accept Community Support Calendar

- April 2, 2015 Committee to meet with organizations to review draft ideas for the funding process
Community Support Funding Recipients- 5:00 p.m. - 5:30 p.m.

- April 7, 2015 Organizations to return their ideas in Writing (optional)

- April 14, 2015 Council Meeting
Council to review draft ideas for the funding request forms listed under City Manager's Report.

- April 22, 2015 Submit final funding forms to City Secretary for council agenda

- April 28, 2015 Council Meeting
Council to review proposed application and the process for requesting funds

- May 1, 2015 Submit final process for organizations to City Manager

- May 12, 2015 Final process for requesting funds will be placed under City Manager's Report
Hand out will be given to council of application

- May 18, 2015 Funding applications available at City Hall or online

- June 5, 2015 Deadline for submitting funding applications to Finance Office, 5:00 P.M.

- July 8, 2015 Submit information to City Secretary for council agenda
(to include Organizations - History Summary, Funding Application, Council Ranking Worksheet)

- July 14, 2015 Council Meeting
Organizations to present their requests
Council to receive funding score list from Finance

- July 21, 2015 Council to return funding score list to the Finance Director

- July 28, 2015 Finance Office to hand out the average ranking of score to Council

- August 11, 2015 Council to approve funding levels for organizations.

- After approval of the FY 2016 Budget, Agreements will be sent out for signatures

CITY OF BASTROP

AGENDA ITEM D-6

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 20, 2015

MEETING DATE: March 24, 2015

1. Agenda Item: Consideration, discussion and possible action on adoption of a Resolution to select the proxy to represent the City of Bastrop, Texas at the Bluebonnet Electric Cooperative Annual Meeting to be held at 2:30 pm, on Tuesday, May 12, 2015 at the Sons of Hermann Hall, 1031 CR 223, in Giddings, Texas.
2. Party Making Request: **Ken Kesselus, Mayor**
3. Nature of Request: (Brief Overview) Attachments: Yes ☒ No ☐
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No _____ N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) _____			
8. Staff Recommendation:
9. Advisory Board: _____ Recommended Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

**Bluebonnet**

BLUEBONNET ELECTRIC COOPERATIVE

c/o Election Services Corp.
P.O. Box 9020
Ronkonkoma, NY 11779-9822

Election Validation Number

0807819677

Voting Instructions

VOTING BY PROXY

- Mark your selections by placing a ✓ or an ✕ inside the appropriate box(es).
- Fold and mail this form in the enclosed postage-paid envelope addressed to: Bluebonnet Electric Cooperative, c/o Election Services Corp., P.O. Box 9020, Ronkonkoma, NY 11779-9822.
- Proxies may also be registered with Bluebonnet's principal office by returning to any Bluebonnet Member Service Center by 5:30 P.M., May 5, 2015.
- All mailed proxies must be postmarked by May 5, 2015, in order to be valid.

VOTING IN PERSON AT THE ANNUAL MEETING

- The Annual Meeting will be Tuesday, May 12, 2015, at 2:30 P.M. at the Sons of Hermann Hall, 1031 CR 223, Giddings, Texas. Registration will open at 1:30 P.M. and close at 2:30 P.M.
- Once you register at the Annual Meeting your previously submitted proxy will be automatically revoked.

If you need voting assistance please call toll-free 866-720-4357

Monday through Friday 9 A.M. – 4 P.M. (CDT)

or email: bluebonnethelp@electionservicescorp.com

T85 P1*****AUTO**5-DIGIT 78602

CITY OF BASTROP
PO BOX 427
BASTROP TX 78602-0427

**PROXY**

This proxy shall remain in effect on any subsequent date, time and place to which said Annual Meeting may be recessed or postponed, giving full authority to said appointed proxy and agent to vote for me in my name and stead, as if I were present in person, on all matters to come before such meeting, including without limitation, election of directors and passing upon reports as well as the transaction of such other business as may come before the meeting.

PLEASE CHOOSE WHO YOU WANT TO VOTE YOUR PROXY.☐ **I assign my proxy to the Proxy Committee:**

The Proxy Committee of Bluebonnet Electric Cooperative, Inc. comprised of Byron Balke, Roderick L. Emanuel, Ben Flencher, Kathleen Handy, Russell Jurk, Robert Mikeska, Kenneth Mutscher and Milton Shaw, with full power of substitution, as my proxy or agent for the Annual Meeting of the Cooperative to be held at 2:30 P.M. on Tuesday, May 12, 2015, at the Sons of Hermann Hall, 1031 CR 223, Giddings, Texas.

OR☐ **I assign my proxy to the individual named below:**

_____ with full power of substitution, as my proxy and agent for the Annual Meeting of the Cooperative to be held at 2:30 P.M. on Tuesday, May 12, 2015, at the Sons of Hermann Hall, 1031 CR 223, Giddings, Texas.

SIGNATURE

CITY OF BASTROP

ACCOUNT NAME

DATE

TELEPHONE #

5000001311

ACCOUNT NUMBER

ALTERNATE NAME ON ACCOUNT (IF APPLICABLE)

0807819677



BLUEBONNET 2015 BOARD ELECTION

Frequently Asked Questions

Bluebonnet Electric Cooperative's Annual Meeting is Tuesday, May 12, 2015, at Sons of Hermann Hall, 1031 CR 223 in Giddings. Registration begins at 1:30 p.m. and ends at 2:30 p.m. The meeting starts at 2:30 p.m.

If you need more information after reading the questions and answers below, call 800-842-7708 Monday through Friday, from 7 a.m. to 5:30 p.m., or email memberservices@bluebonnet.coop.

Q: Bluebonnet Electric Cooperative's service area is divided into seven districts. Can I vote for candidates in all districts or just the district in which I live?

A: During contested board elections, co-op members can vote for directors in all districts. The districts in the co-op's service area were drawn along Bluebonnet's service area boundary and county lines. The seven districts are represented by one to three directors, based upon, among other things, the number of meters in each district.

Q: How many board seats were up for election?

A: Three of the 11 seats on the board were up for election this year. Because the candidates for the three board seats were unopposed, they were elected by general consent in accordance with Bluebonnet's bylaws.

Q: What are my voting options?

A: There are currently no ballot items to be voted on this year. However, items can be added to the Annual Meeting agenda that would require a vote by members. Those items would have to be added no later than 10 days before the Annual Meeting. Your proxy could be used in that vote, which is why your proxy selection is important.

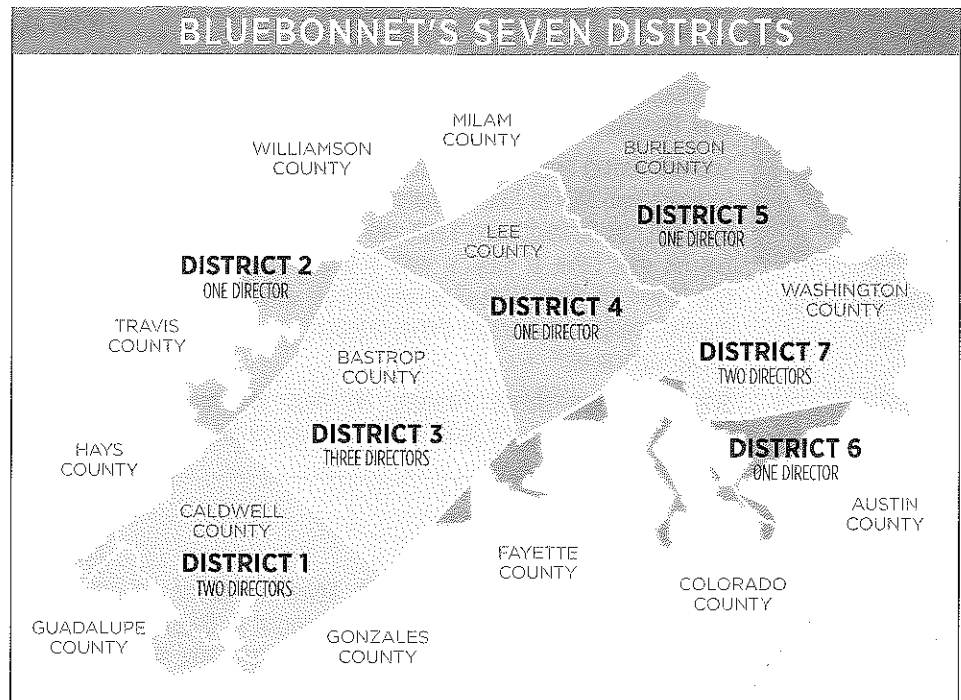
Q: What is proxy voting?

A: Proxy voting is a method that allows a member who cannot attend the meeting to designate another to vote in his or her place.

Q: How do I vote by proxy?

A: Complete the proxy form that was included in this mailing and return it by mail or drop it off at any of Bluebonnet's member service centers in Bastrop, Brenham, Giddings, Lockhart or Manor. If you failed to receive or have misplaced your proxy form, you can pick one up at any member service center or call 800-842-7708 and have a member service representative mail one to you. Proxies must be hand-delivered to a member service center by 5:30 p.m. May 5, 2015, or mailed to:

Bluebonnet Elections Processing
c/o Election Services Corp.
P.O. Box 9020
Ronkonkoma, NY 11779-9822



Mailed proxies must be postmarked by May 5, 2015.

If you need voting assistance, call 866-720-4357 Monday through Friday, 9 a.m. to 4 p.m., or email bluebonnethelp@electionservicescorp.com.

Q: How does proxy voting work?

A: On the form, members can assign their vote to either Bluebonnet's Proxy Committee or to a person of their choice.

Q: Who serves on Bluebonnet's Proxy Committee?

A: The Proxy Committee is composed of all Bluebonnet board members whose terms are not currently up for election. This year's Proxy Committee members are Byron Balke, Roderick L. Emanuel, Ben Flencher, Kathleen Handy, Russell Jurk, Robert Mikeska, Kenneth Mutscher and Milton Shaw.

Q: What if I send in my proxy form but then decide to attend the meeting?

A: When you register at the meeting, your proxy will automatically be revoked. If a vote is required, you can vote in person.

Q: If I attend the Annual Meeting, what information do I need to bring with me in order to participate?

A: Member service representatives at the registration table will ask you to verbally verify account and

personal identification. This account verification process is identical to the one performed when members transact business on their account.

Q: Can this proxy be used again at future meetings?

A: No, the proxy is only for the meeting specified on the proxy form.

Q: Who has oversight of the board election?

A: Election Services Corporation, which is a third party, independent vendor that specializes in administering corporate elections nationwide. It has the expertise, experience and equipment to efficiently and accurately tally proxies and votes while adhering to the Federal Trade Commission's Red Flag requirements that protect members' confidential account information. This is the sixth year that Election Services has administered Bluebonnet's election.

Q: Can I change my address on my account or do other business at the Annual Meeting?

A: Bluebonnet's member service representatives at the information booth will be able to help members with most of their co-op business and answer any questions they would normally handle at any of the member service centers or through the call center.



BLUEBONNET 2015 BOARD ELECTION

Nominees for Bluebonnet's Board of Directors



Richard Schmidt

District 1

RICHARD SCHMIDT

Richard Schmidt was a Texas barbecue business legend when he joined Bluebonnet Electric Cooperative's Board of Directors in 1994. He still is.

Schmidt owned and operated the renowned Kreuz Market in Lockhart from 1984 to 2010. His father owned the market before him, and now Schmidt's son, Keith, owns Kreuz Market. Schmidt has his own table at Kreuz's, with a slogan emblazoned on top: "There are three kinds of people: People who make things happen, people who watch things happen, people who ask 'What happened?'"

Schmidt makes things happen. He was chairman of Bluebonnet's board from 2001-2014, a time of comprehensive

modernization and innovation that turned the co-op into one of the most progressive electric cooperatives in the country. He serves on two Bluebonnet board committees: Audit & Finance and Energy Services. He represents Bluebonnet's District 1, which includes all or portions of Caldwell, Guadalupe, Gonzales and Hays counties.

A Lockhart native, Schmidt earned a degree in business administration in 1968 from Texas Christian University, which he attended on a baseball scholarship. He worked in the frozen food industry before joining his brother in 1984 to buy Kreuz Market from their father. Schmidt's brother retired in 1997.

Schmidt and his wife, Evelyn, live in Lockhart and enjoy country music, traveling in their RV, fishing and bird hunting. Their other son, Leeman, works in technology in Austin.



Suanna Tumlinson

District 2

SUANNA TUMLINSON

Suanna Tumlinson and her husband, Kenneth, started an electrical contracting company in their basement in Dripping Springs in 1994. Through their hard work, the company, KST Electric, grew to a 650-employee firm based in Manor, with offices in five other Texas cities. Tumlinson managed the company's operations, contracts, financial obligations, insurance and corporate marketing for 16 years.

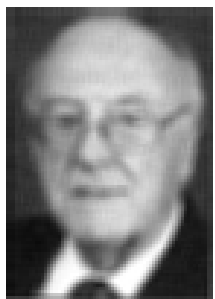
In 2010, the company was sold to California-based Rosendin Electric, the largest 100 percent employee-owned electrical contracting business in the United States. They retired from Rosendin at the end of 2013.

Tumlinson has served on the Bluebonnet Board of Directors since 2011. She serves on two Bluebonnet board committees: Technology (chair) and Member Experience. She earned Credentialed Cooperative Director (CCD) status in her first year on the board

and the Board Leadership Certificate (BLC) from the National Rural Electric Cooperative Association. She is Bluebonnet's director for District 2, which includes parts of Travis County.

She was born in Germany and grew up in an Air Force family, moving every two years until arriving in Austin and graduating from Westlake High School. She earned a teaching degree at Southwest Texas State University — now Texas State University — and taught special education in the Eanes ISD for almost 10 years. She is a member and a past president of the Manor Chamber of Commerce and is vice president of the Manor Education Foundation. She also was the Travis County Youth Show superintendent for five years and has been an officer for various youth organizations. Tumlinson attends numerous University of Texas Longhorn sporting events and enjoys needlework and crafts.

The Tumlinsons have a son, Justin, and daughter-in-law, Kristen, and are grandparents of twins.



James Kershaw

District 3

JAMES KERSHAW

James Kershaw never takes electricity for granted. He remembers when electricity didn't reach into the country. Growing up in Brenham, his rural friends and relatives used kerosene lamps because power didn't arrive until the 1940s.

Kershaw, a Bastrop lawyer, has been on the Bluebonnet board since 1982, serving as secretary/treasurer from 1987-2012. He serves on two Bluebonnet board committees: Audit & Finance and Technology. He is a director of the co-op's District 3, which is Bastrop County.

His undergraduate studies at Texas A&M University were interrupted by World War II. He served in the Navy on a ship in the Pacific. Later, he graduated from the University of Texas School of Law.

He served as Bastrop's county attorney before being elected district attorney for Bastrop, Burleson, Lee and Washington counties, a job he held from 1956 until 1972. His law practice focuses on estate planning, real estate law, banking and utilities.

He was chairman of the Salvation Army Unit in Bastrop and a bell ringer for 25 years. He was the first lawyer for, and helped organize, the Aqua Water Supply Corporation, served on the board of Bastrop County FEMA, and is chairman of the board of the First National Bank of Bastrop.

Kershaw and his wife, Doris, have three children and three grandchildren. (His first wife and two sons are deceased.) The couple is active in the Calvary Episcopal Church, where he is a chalice bearer. Kershaw enjoys yard work in his leisure time.

Resolution No. _____

The Bastrop City Council Members, as governing bodies for the City of Bastrop, Texas do hereby resolve to approve the following:

- ☐ Assign our proxy to the Proxy Committee of Blue Bonnet Electric Cooperative, Inc. comprised of Byron Blake, Roderick L. Emanuel, Ben Flencher, Kathleen Handy, Russell Jurk, Robert Mikeska, Kenneth Mutscher and Milton Shaw, with full power of substitution

OR

- ☐ Assign our proxy to the individual named _____ will full power of substitution

Whereas, to serve as the proxy to represent the City of Bastrop, Texas at the Bluebonnet Electric Cooperative Annual Meeting to be held at 2:30 pm, on Tuesday, May 12, 2015 at the Sons of Hermann Hall, 1031 CR 223, in Giddings, Texas.

PASSED AND APPROVED the ____, day of March 2015.

APPROVE

Kenneth W. Kesselus, Mayor

Attest:

Elizabeth Lopez, City Secretary

CITY OF BASTROP

AGENDA ITEM D-7

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 17, 2015

MEETING DATE: March 24, 2015

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE APPROVAL AND THE PAYMENT OF THE PROPOSED ARTWORK OPTIONS AS SUBMITTED TO THE CITY OF BASTROP BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE STATE HIGHWAY 71/TAHITIAN VILLAGE OVERPASS PROJECT.

2. Party Making Request: Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes X No _____

As part of constructing the State Highway 71/Tahitian Village Overpass project. The Texas Department of Transportation [Tx. D. O.T.] agreed to include "Artwork" in the concrete panels on all four sides of the overpass as long as the City of Bastrop would pay the cost of the "Artwork". Bastrop Arts in Public Places [BAIPP] has been working with Tx. D.O.T. on various version of "Artwork" that would be acceptable to Tx.D.O.T. Attached is a memo from the City Engineer on the four options that would be acceptable to Tx.D.O.T. In reviewing the four (4) options it may be a bit confusing because option #3 and option #4 appear to be exactly the same "Artwork". It is true that options #3 and #4 are the same Artwork, except option **would not be colored but just plain as is option #2.** The costs for the four options are as follows: #1 \$68,875.15, #2 \$63,150.15, #3 \$60,374.00 and #4 \$58,667.70. I need to point out that the FY-15 budget did not include funding any of this "Artwork". Tx.D.O.T. wants an answer within two (2) weeks on does the City wish the Artwork to be included and is the City willing to pay for the Artwork. BAIPP is recommending option #1 as their preferred option of Artwork.

4. Policy Implication:

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation: Attached Memo from City Engineer Wesley Brandon

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

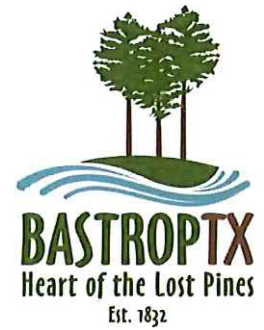
MEMO

Date: March 11, 2015

To: Mike Talbot, City Manager

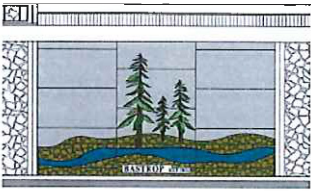
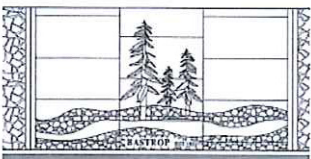
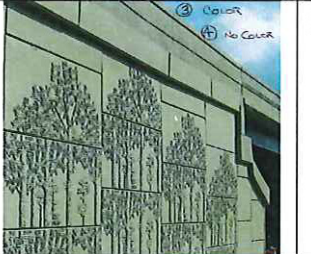
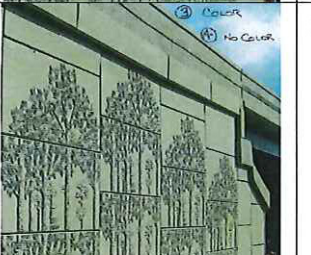
From: Wesley Brandon, City Engineer

RE: SH 71 Improvements - Tahitian Drive Overpass
Overpass Artwork Options



Mike,

Below is a summary of the options and costs regarding the overpass artwork, listed in order of preference provided by Arts in Public Places. Please note that the costs shown include artwork for four (4) walls.

Option	Description	Cost to the City
#1 – Trees, Rocks, River (Color)		\$67,875.15
#2 – Trees, Rocks, River (Uncolored)		\$63,150.15
#3 – Trees Only (Color)		\$60,374.00
#4 – Trees Only (Uncolored)		\$58,667.70

CITY OF BASTROP

AGENDA ITEM D-8

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 17, 2015

MEETING DATE: March 24, 2015

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON REQUEST FROM THE BASTROP HOMECOMING COMMITTEE FOR VARIANCE TO SECTION 8.02.001 OF THE CITY OF BASTROP CODE OF ORDINANCES TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES AT MAYFEST PARK.
2. Party Making Request: Michael H. Talbot
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
Attached is a request from the Bastrop Homecoming Committee requesting a variance to Section 8.02.001 of the City of Bastrop Code of Ordinances allowing for the sale of alcoholic beverages. The Homecoming Committee is having a rodeo at Mayfest Park on May 29 & 30 2015. The Homecoming Committee is requesting a variance to the City ordinance which prohibits the sale or consumption of alcoholic beverages for May 29 & 30 2015 to be able sell alcoholic during the rodeo.
4. Policy Implication:
5. Budgeted: _____ Yes _____ No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
8. Staff Recommendation: _____
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: X Approved _____ Disapproved _____ None
11. Action Taken: _____

- (3) Participated in or viewed a parade, festival, performance, rally, demonstration, or similar event;
 - (4) Waited in line to purchase a ticket to or attend a performance or a public event;
 - (5) Sat on a chair or bench that was supplied by an agency, entity, individual or business, unless the agency, entity, individual, or business requested that the person leave the chair or bench provided; or
 - (6) Operated or patronized a commercial establishment that conducts business on the sidewalk, during the time business was being conducted thereon.
- (c) Mental state. A culpable mental state is not required, and need not be proved, for an offense under this section to be cited.
- (d) Fine/penalty for violations. Any person violating this section shall be guilty of a class C misdemeanor, which shall be punishable by a fine of not less than \$50.00 or more than \$500.00.

(Ordinance 2010-12 adopted 5/25/10)

ARTICLE 8.02 ALCOHOLIC BEVERAGES

Sec. 8.02.001 Definitions

The definitions contained in the Texas Alcoholic Beverage Code shall apply to the provisions of this article.

(1995 Code, sec. 4.101)

Sec. 8.02.002 Sale, possession and consumption prohibited in parks and certain other areas

(a) Prohibited areas. It shall be unlawful for any person to knowingly or willfully sell, possess with the intent to sell, possess, consume or possess with the intent to consume any alcoholic beverage in the following areas, except as provided herein:

- (1) Within any public park, playground or recreation area in the city, not including park land owned by the state.
- (2) Within any area zoned parks and open space within the city, not including park land owned by the state.
- (3) Within any park, recreation area, playground, athletic field or athletic facility owned by a public school district and located within the city.
- (4) Upon any public street, sidewalk, or right-of-way which is located within a public park, playground, recreation area, or area zoned parks and open space within the city,



BASTROP

HOMECOMING COMMITTEE, INC.

P.O. Box 215 • Bastrop, Texas 78602

March 13, 2015

Mike Talbot, City Manager
City of Bastrop
PO Box 427
Bastrop, Texas 78602

Dear Mr. Talbot,

Bastrop Homecoming, Inc. is requesting a Variance to sell and allow consumption of alcoholic beverages during the Bastrop Homecoming Mayfest Hill Scholarship Rodeo event May 29 through May 30, 2015, at the area known as Mayfest Park located at 25 American Legion Drive. This area has been the venue for the Bastrop Homecoming event for more than 15 years.

All permits and liability insurance, to include liquor liability in the amount required by the City of Bastrop, will be obtained. Copy of insurance is on file with the city and is current through July 2015. Security will be hired for this event.

We are requesting the use of all parking areas, public picnic areas, ticket booth, electric/water hookups, trash cans, and public restrooms. Bastrop Homecoming, Inc. currently holds the lease for the Bastrop Rodeo Arena.

Please contact me as soon as possible if you have other concerns or questions.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Lori Chapin'.

Lori Chapin, Treasurer
Bastrop Homecoming and Rodeo Committee
512-923-1440



Bastrop Public Works, Parks, and Recreation
1209 Linden Street • P. O. Box 427 • Bastrop, TX 78602 • (512) 332-8920
Revised 3/12/2015 3:18 PM

Checklist for Special Event Permit Application

Name of Event: Bastrop Homecoming Mayfest Hill Scholarship Rodeo

Date(s) and Day(s) of Event: May 29-30, 2015

This application must be submitted **IN PERSON** and **BY APPOINTMENT ONLY** at least two (2) months but no more than six (6) months prior to the date of event: (512) 332-8920. The City's special event coordinator will go over the submitted app with you to confirm that all questions are answered and all required fees, permits, etc are submitted, as well.

- ☐ Processing fee \$100.00 (cashier's check or post office-issued money order only) for nonprofit organizations with proof of nonprofit status.
 - Fee **cannot be waived**.
 - If same organization hosts multiple events, processing fee required for each event.
- ☐ Processing fee \$300.00 (cashier's check or post office-issued money order only) for all other organizations.
 - Fee **cannot be waived**.
 - If same organization hosts multiple events, processing fee required for each event.
- ☐ Security deposit \$500 (cashier's check or post office-issued money order only).
 - **Cannot be waived**.
 - Refunded within 30 days after date of event (minus any incurred damage expenses).
 - Organization hosting multiple events may pay a one-time security deposit fee to be refunded within 30 days following the conclusion of final event.
 - If security deposit is revoked or reduced, another security deposit fee must be submitted with next application.
- ☒ Nonprofit status letter or certificate, if applicable and not on file with us already.
- ☒ Insurance certificate (one million dollar general liability) naming City as additional insured, or letter of intent to insure from insurance carrier. Actual certificate due one (1) week prior to event.
- ☒ Map showing site locations of vendors, registration, parade routes, etc.
- ☒ Sound Permit, if amplified sound is used.
- ☐ Banner permit, if applicable.
- ☐ Fireworks permit and safety plan, if applicable.
- ☒ TABC Certificate and City letter, if applicable and as soon as available. Will deliver to City (1) week prior to event.

There must be enough time to process the paperwork through the appropriate channels:

Special Event Review Committee meeting: _____

City Manager meeting, if required: _____

Parks Board meeting, if required (*1st Thursday of month*): _____

City Council meeting (*2nd and 4th Tuesdays of month*): _____

Final walk-through review meeting, if required: _____

Event: Bastrop Homecoming Mayfest Hill Scholarship Rodeo Date(s): May 29-30, 2015 Date Submitted: March 13, 2015

Bastrop Public Works, Parks, and Recreation
1209 Linden Street • P. O. Box 427 • Bastrop, TX 78602 • (512) 332-8920
Revised 3/12/2015 3:18 PM

Special Event Permit Application

Revised 3/12/2015

Name of event: Bastrop Homecoming Mayfest Hill Scholarship RodeoLocation of event: 801 American Legion Drive, Mayfest Hill Park, BastropPurpose of event: 2 day rodeo for local entertainment, to promote tourism, and to raise funds for scholarship awardsDay 1 of Event: May 29, 2015 Friday
Date & Day5pm to 12pm
Times Open to PublicSetup for Day 1: May 29, 2015 Friday /8am to 5pm
Date & Day TimeCleanup: As Needed N/A
Date/Day TimeDay 2 of Event: May 30, 2015 Saturday
Date & Day5pm to 12pm
Times Open to PublicSetup for Day 2: _____
Date & Day TimeCleanup: May 31, 2015 Sunday 6am-finish
Date/Day TimeDay 3 of Event: _____
Date & Day

Times Open to Public

Setup for Day 3 Cleanup: _____
Date & Day Time

Date/Day Time

Day 4 of Event: _____
Date & Day

Times Open to Public

Setup for Day 4: _____
Date & Day Time

Date/Day Time

Name of organization: Bastrop Homecoming, Inc.Address of organization: PO Box 215, Bastrop, TX 78602Event coordinator #1: Lori Chapin, TreasurerDaytime: 512-923-1440 Fax: _____ Cell: 512-923-1440
Area Code/Number Area Code/Number Area Code/NumberE-mail address: lchapin 2@hotmail.comEvent coordinator #2: Jane Sanders, SecretaryDaytime: 512-496-5451 Fax: _____ Cell: 512-496-5451
Area Code/Number Area Code/Number Area Code/NumberE-mail address: jane0869@gmail.com

Event: Bastrop Homecoming Mayfest Hill Scholarship Rodeo Date(s): May 29-30, 2015 Date Submitted: March 13, 2015

Please describe event activities (may continue on separate sheet of paper, if necessary):

Scholarship rodeo CPRA event May 29-30. Carnival (same dates) Food and gift vendors (same dates)

Processing Fee (cannot be waived and must accompany application ~ NO PERSONAL OR BUSINESS CHECKS):

- \$100.00 with proof of non-profit status
- \$300 for all others
- Cashier's Check # _____ OR Post Office-issued Money Order # _____ payable to City of Bastrop

Security Deposit Fee (cannot be waived and must accompany application ~ NO PERSONAL OR BUSINESS CHECKS):

- \$500.00
- Refunded if City property is clean and free of litter and damage after the event
- Cashier's Check # _____ OR Post Office-issued Money Order # _____ payable to City of Bastrop
- ☐ On file from prior event(s)

Insurance (general liability policy in the amount of one million dollars with City named as additional insured):

- ☐ Submitted with app
- ☐ To be submitted
- ☒ On file from prior event(s) Policy expires July 31, 2015

Please describe/explain/list the following (may continue on separate sheet). Mark "N/A" if not applicable.

Admission Fees: ☐ No ☒ Yes (location of ticket booth): Mayfest Hill-Ticket Booth sales will be open each day from 4pm-11pm.

Alcohol (TABC permit & City Council variance letter): Will obtain TABC temporary license 1-2 weeks prior to event

Animals (waste control): Rodeo contractor will provide care and animal waste control for rodeo stock

Attendance (anticipated #): 1,000

Banner Permit (location[s]): N/A

Electrical (hot check, mats): Will utilize existing outlets

Emergency Services (First Aid Station, ambulance standby): On-site ambulance

Fireworks Permit & Safety Plan (State Fire Marshal 512/305-7932): N/A

Inspections (tents, stages, electrical, etc): Date to be set by city

Litter Control: 2 roll off dumpsters and barrel trash cans with separate units for aluminum cans

Event: Bastrop Homecoming Mayfest Hill Scholarship Rodeo Date(s): May 29-30, 2015 Date Submitted: March 13, 2015

Map (location of activities, vendors, parking, etc): Map included with application and available on website

Parking Plan (remote, shuttle): On-site directed parking

Portacans (Jockpot 512/303-1467, American PortaCan 512/775-3175)(list locations): 10-15 units to include handicap with 2 hand washing stations

Rodeo Arena: Homecoming, Inc. holds lease for rodeo arena

Security Plan (off-duty police 512/332-8600): Security plan will be coordinated with Clint Nagy

Show Barn (Allen Stewart 512/413-8512): N/A

Signage (remove within 24 hours after event): N/A

Sound Permit (for amplified sound): For 5/29-5/30, 2015

Street Closures: N/A

Temporary Structures (location of tents, stages, etc): All tents and temporary structures will be in place for inspection on date set by city

Vehicles, Equipment, etc (description and location): N/A

Vendors (Valid Tax ID #: food? other?): Application process required prior to event requires all of this information

- Bastrop County Health and Sanitation Department permit, 806 Water Street, (512) 332-7276

Volunteers (how many & how identified): 10+ / Wristband

Water/Wastewater requirements: All existing water outlets will be utilized based on city restrictions

I, the undersigned Applicant, hereby agree to indemnify and hold harmless the City of Bastrop, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Special Event.

Lori Chapin

Applicant – Please print or write legibly

March 13, 2015

Date

This application must be submitted in person and by appointment only: (512) 332-8920. The City's special event coordinator will go over the submitted app with you to confirm that all questions are answered and all required fees, permits, etc are submitted, as well.

Event: Bastrop Homecoming Mayfest Hill Scholarship Rodeo Date(s): May 29-30, 2015 Date Submitted: March 13, 2015**Special Event Review Committee Signatures**

*The City's Special Event Coordinator will obtain the following applicable signatures.
In order to expedite the process, a designee may sign for any of the following in his or her absence*

☐ City Manager

Date

☐ Police Department

Date

☐ Public Works, Parks, & Recreation Department

Date

☐ Bastrop Power & Light Department

Date

☐ Water/Wastewater Department

Date

☐ Main Street Manager

Date

☐ Other

Date

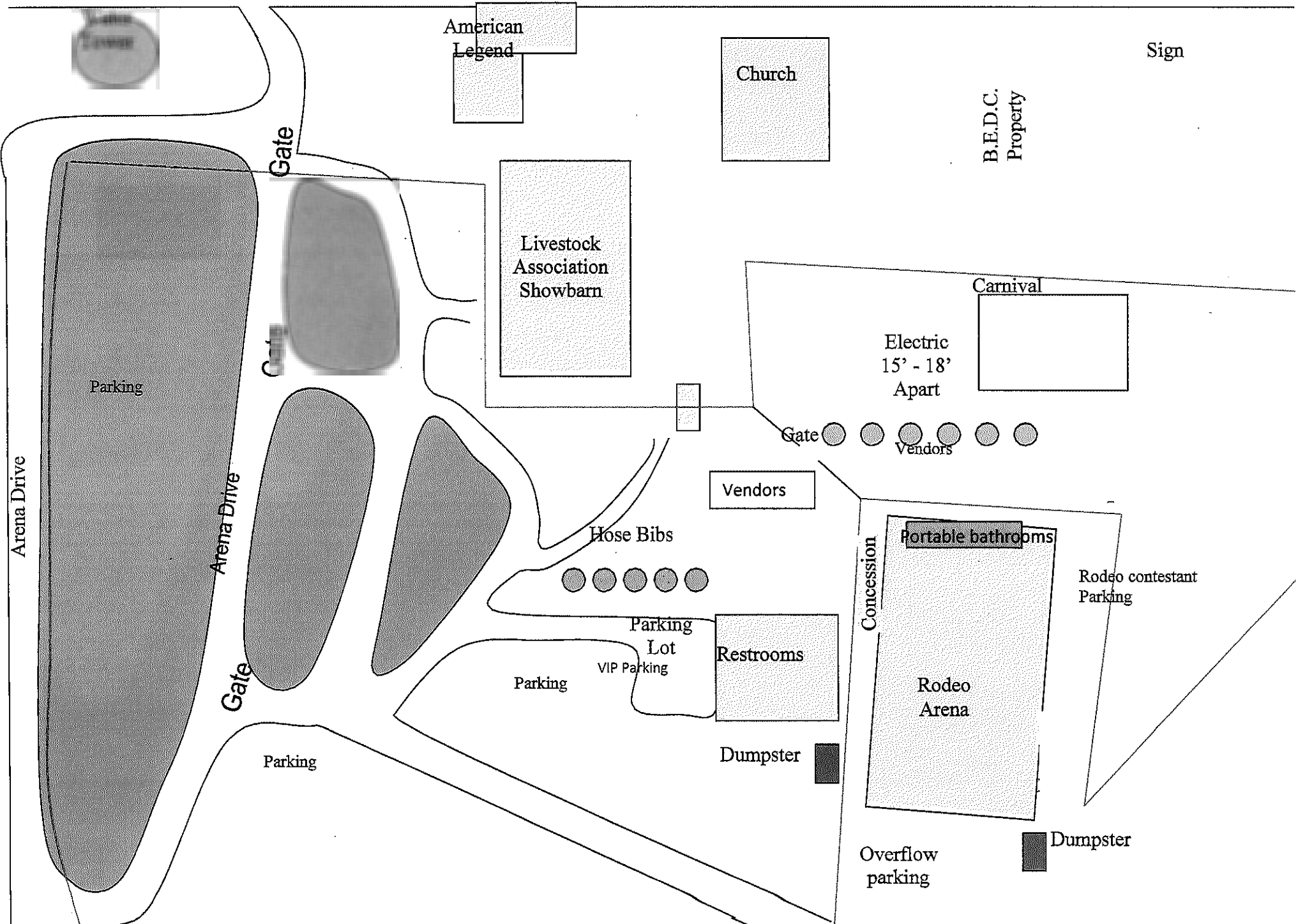
City of Bastrop
Public Works, Parks, & Recreation
1209 Linden Street *physical address*
P. O. Box 427 *mailing address*
Bastrop, TX 78602
(512) 332-8920 *main – Marty DuVall*
(512) 321-1313 *fax*



Trey Job, Director, Public Works, Parks, & Rec
Kevin Wilson, Public Works Foreman
Jason Alfaro, Parks Superintendent
Curtis Ervin, Director, Power & Light
Matt Wagner, Assistant Police Chief
Ted Bowers, City Inspector
Nancy Wood, Main Street Manager

512/848-5716
512/848-6916
512/718-3766
512/848-6934
512/848-6930
512/629-5033
512/297-5382

This application must be submitted in person and by appointment only: (512) 332-8920. The City's special event coordinator will go over the submitted app with you to confirm that all questions are answered and all required fees, permits, etc are submitted, as well.



Event: Bastrop Homecoming Mayfest Hill Scholarship Rodeo Date(s): May 29-30, 2015 Date Submitted: March 13, 2015

Sound Permit Application

Revised 3/12/2015 3:13 PM

City of Bastrop – Public Works, Parks, & Recreation
1209 Linden Street; Bastrop, Texas 78602
Tel: (512) 332-8920 • Fax: (512) 321-1313

Office Hours: 7:00 a.m. to 11:30 a.m. and 1:00 p.m. to 3:30 p.m.

Special Event on City Property ☒

Special Event on Private (not City) Property ☐

Park Pavilion Rental ☐

Activity on City Property ☐

Activity on Private (not City) Property ☐

Permits are required for use of any and all amplified sound within the city limits by other than normal household portable stereo equipment, occurring on private (not City) and public residential and non-residential property. Permits are valid only for the duration of the event named in this application.

A permit for events held in residential areas is valid between the hours of **8:00 a.m. and 10:00 p.m.**

A permit for events held in non-residential areas is valid between the hours of **8:00 a.m. and midnight (12:00 a.m.)**.

The volume of the sound amplified shall not exceed **85 dB(A) (daytime)** or **80 dB(A) (night time)** when measured from the nearest receiving property. The Police Department can request the permit holder to turn down or turn off the amplified sound if there are complaints.

YOU MUST HAVE THIS PERMIT IN YOUR POSSESSION AT THE TIME OF THE EVENT!

Responsible party: Bastrop Homecoming, Inc.

Address: PO Box 215, Bastrop, TX 78602

Phone No: 512-923-1440 Fax No: N/A

E-mail address: lchapin_2@hotmail.com

Date(s) of event, rental, or activity: May 29-30, 2015

Name of event or activity: Bastrop Homecoming Mayfest Hill Scholarship Rodeo

Location(s) of event, rental, or activity: Bastrop Rodeo Arena

Location(s) of amplified sound equipment: Bastrop Rodeo Arena

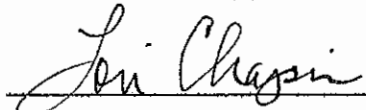
Start time (AM or PM): 5/29/15 7pm End time (AM or PM): 5/29/15 12pm

Start time (AM or PM): 5/30/15 7pm End time (AM or PM): 5/30/15 1am

Number of speakers used: Same as 2014

Number of amplifiers used: Same as 2014

Comments: Homecoming is aware of limits and will work within ranges set by City of Bastrop.



Signature of Applicant

March 13, 2015

Date