Annex 2 Development Governance



Background and Purpose

In 2024, the City of Wimberley, Texas was awarded a Texas General Land Office (GLO) Resilient Communities Program (RCP) grant to support the development of a new Comprehensive Plan. As part of the grant requirements, the city must adopt or update governing regulations that align with and help implement the Comprehensive Plan. These ordinances are intended to establish the rules for how real property within the city may be used and specify the types of construction permitted on those properties, ensuring that future development is consistent with the city's long-term vision and more resilient to natural hazards.

In that vein, the two primary focuses of this memo, the first in a series of three, are to 1) evaluate how well Wimberley's adopted development-related regulations support community resilience against the City's most significant natural hazards and 2) recommend which sections of the Code should be prioritized to better align regulations with the objectives of the Comprehensive Plan.

A follow-up memo will outline a range of common approaches to close significant gaps in existing policies. The City will collaborate with the consultant to select three to five of these strategies that both address their most pressing issues and recognize the resources available for short- and long-term implementation and enforcement. The third and final memo will recomAmend ways the city can structure ordinances to effect these selected strategies.

Methodology

To conduct this assessment, the most significant natural hazards affecting Wimberley were first identified and reviewed. The (draft) 2025 Hays County Multi-Jurisdiction Hazard Mitigation Plan served as the primary source for identifying specific natural hazards most relevant to Wimberley and the surrounding region.

"The 25-year hazard profile shows that floods have had an outsized impact on the planning area. Floods are the leading cause of property damage and crop damage with 15 deaths and 177 injuries, at a minimum, attributed to floods. The second highest number of damages can be attributed to hailstorms and the second highest number of injuries can be attributed to tornadoes. The total of all other hazard damages is 5.3% of the flood and hailstorm totals. Based on the historical impact summary, flooding and hailstorms are the priority hazard from which to protect people and property in the Hays County planning area. This is followed by windstorms, wildfire, severe winter storms, tornadoes, and lightning. All other hazards included in this analysis present a lower mitigation priority based on the historical severity of impact."

Subsequently, the adopted development-related sections of the City's code—including building construction codes and standards (Article 4.02), Flood Damage Prevention (Article 4.05), Fire Protection (Section 4.02.093, Article 6.02), Subdivision (Article 9.02), and Zoning— Land Use (Article 9.03), Steep Slope Regulations (Article 4.06); and Water Quality

(Article 9.04)—were systematically evaluated against "best practices" and common resiliency strategies, with special attention placed on the absence or presence of measures specifically meant to address flooding, hail, wind, and wildfires. The review considered not only the appropriateness and completeness of the technical provisions within each section, but also the adequacy of the administrative framework necessary for effective enforcement. Where applicable, individual code components were assessed against a checklist of recognized best practices and qualitatively ranked using a four-tier system, as shown below. Commentary, section references, and relevant excerpts were provided to support these rankings. Detailed findings and supporting documentation are included in the Appendices at the end of this memo.

Tier 1	**Best Practice Fully Implemented** *The best practice is fully addressed in the adopted code, with no revisions required. The code effectively supports community resilience.*
Tier 2	**Best Practice Adequately Addressed with Minor Adjustments Needed** *The best practice is generally addressed in the adopted code, but minor edits are recommended for clarity and/or completeness to ensure optimal effectiveness.*
Tier 3	**Best Practice Not Addressed or Partially Addressed – Revisions Advised** *The best practice is partially addressed by the adopted code, but further analysis, policy discussion and/or revisions are advised to fully achieve the intent and enhance resilience.*
Tier 4	**Best Practice Not Addressed or Inadequately Addressed - Revisions Critical** The best practice is not addressed in the adopted code or addressed ineffectively, indicating a significant gap in resilience measures that requires immediate attention and implementation.

Conclusions & Recommendations

Building construction and fire protection codes and standards

Wimberley adopted the 2015 International Code Council (ICC) Family of Codes and the 2017 edition of the NFPA Electrical Code in September 2019. Each new edition of the International Building Code (IBC) and related codes incorporates the latest scientific research, lessons learned from recent disasters, and advancements in building technology to enhance requirements for hazard resistance-including wind, flood, seismic, wildfire, and extreme weather events. New editions of the IBC are released every three years, with the last edition being released in 2024. The Alliance for National & Community Resiliency (ANCR) advises against communities adopting building codes that are more than nine years or three editions out of date. It is recommended that the Comprehensive Plan includes a near-term action item to pursue adoption of a more recent code. As a starting point, the following table, excerpted from a white paper produced by the International Code Council, *Resilience Contributions of the International Building Code*, organizes building code techniques to improve resilience by chapter/section, strategy, and hazard. While this report focused on the 2018 version of the Code, the organizational structure has not changed substantially in subsequent versions.

Table 2: Select IBC Provisions Contributing to Resilience

Selected Code Topic	Relevant Sections (2018 IBC)	Supported Resilience Strategy	Relevant Hazards
Critical facilities identification	307	• Emergency planning • Community operations • Response and recovery	• Flooding • Hurricanes • Tornadoes • Blizzards • Terrorist • Wildfire
Hazardous or combustible materials	413, 414	• Isolating risks	• Terrorist • Fire • Flooding • Hurricanes • Tornadoes
Storm Shelters/Areas of Refuge	423, 1009, 1026	• Shelter in place/Refuge • Robustness • Community protection	• Tornado • Terrorist • Fire
Flammability of materials	Chapter 6, 7, 8	• Fire resistance • Egress • Indoor environmental quality • Smoke exposure	• Fire • Secondary to other hazards
Protection of openings	Chapter 7, 1609.2	• Structural integrity • Debris impacts	• Hurricanes • Tornadoes
Fire suppression/ protection. Smoke control	Chapter 9	• Fire resistance • Egress • Property protection	• Fire • Secondary to other hazards
Communication	907, 908, 917	• Public safety • Evacuation	• Fire • Terrorist • Earthquake • Tsunami • Tornadoes
Means of egress	Chapter 10	• Evacuation • Fire protection • Accessibility	• Flooding • Hurricanes • Tornadoes • Blizzards • Terrorist • Wildfire
Accessibility	Chapter 11	• Inclusive communities • Community cohesion • Evacuation	• Public welfare • Secondary to other hazards
Occupant health	Chapter 12	• Indoor environmental quality • Indoor air quality • Access to sanitation	• Public health • Fire • Extreme heat/cold
Exterior envelope performance	Chapter 14	• Property protection • Debris impacts • Hazard spreading	• Fire • Flooding • Hurricanes • Tornadoes
Roof assemblies	Chapter 15	• Fire resistance • Debris impacts • Sealing	• Fire • Hurricanes • Tornadoes • Extreme heat/cold

Table 2 *continued*: Select IBC Provisions Contributing to Resilience

Selected Code Topic	Relevant Sections (2018 IBC)	Supported Resilience Strategy	Relevant Hazards
Moisture protection	1209, 1402, 1503	• Durability • Mold, mildew, rot • Property protection	• Blizzards • Hurricanes • Flooding • Thunderstorms
Hazard Maps	1608, 1609, 1611, 1613, 2603	• Identifying risk	• Tornado • Hurricane • Seismic • Pests • Snow • Rain
Continuous load paths	Chapter 16	• Structural integrity • Anchorage and bracing	• Earthquake • Tornadoes • Hurricanes
Identification of risk	1604.5	• Public safety • Emergency planning	• Earthquake • Tornadoes • Hurricanes • Blizzards
Elevation of structures	1612	• Flood mitigation • Property protection	• Flooding • Hurricanes • Sea level rise
Tsunami	1615, Appendix M	• Identifying risk • Elevation above inundation • Minimum design loads • Evacuation/refuge	• Tsunami
Special inspections	Chapter 17	• Verification of performance • Structural integrity • Fire resistance	• Earthquake • Fire • Hurricanes • Flooding • Tornadoes • Blizzards
Soils and foundations	Chapter 18	• Load support • Subsidence	• Earthquake • Sea level rise • Drought • Flooding
Material performance	Chapters 19-26	• Fire resistance • Structural integrity • Product safety	• Flooding • Hurricanes • Tornadoes • Blizzards • Terrorist • Wildfire
Safety during construction	Chapter 33	• Public safety • Fire safety • Means of egress	• Fire • Civil unrest
Fire Districts	Appendix D	• Fire safety	• Fire
Flood Resistance	Appendix G	• Flood mitigation • Property protection	• Flooding • Hurricanes • Sea level rise

When determining which version is most appropriate for Wimberley, there are several facets to consider beyond simply the technical changes:

1) State requirements – Texas law establishes the 2012 IBC as the minimum commercial building code and the 2012 IRC as the minimum residential code for municipalities. It also requires the use of the 2015 IECC and the 2020 NEC for both industrialized and municipal construction, unless a city adopts stricter standards. For industrialized and modular buildings, the 2021 IBC is mandated. Texas law prohibits requiring residential sprinklers.

2) Regional precedent - Aligning with neighboring jurisdictions can simplify compliance for regional contractors. Neighboring cities may also have developed amendments or modifications that are pertinent to Wimberley.

3) LOCAL DYNAMICS – Wimberley does not currently have many local modifications to the 2015 Code. It is common for jurisdictions to amend model codes to address unique local conditions, economic factors, or policy preferences, but doing so does create an additional layer of cost and effort to the adoption process. Additionally, it is important to consider the associated training costs for the building official, inspectors, and local design professionals—especially if there are an abundance of local amendments for which custom materials would need to be created.

4) Cost-Benefit – Newer codes may require costlier materials (e.g., fire-resistant insulation) or designs (e.g., storm shelters) that increase construction costs. They may also have the longer-term effect of creating longer-term savings, such as the energy-efficient provisions that reduce utility expenses over time. Adopting updated codes can also enhance the City's eligibility for certain federal and state grants, through it may introduce additional administrative complexity.

5) Stakeholder Input – The International Code Council (ICC's) code development process incorporates feedback from a wide range of stakeholders, including government officials (e.g., code enforcers, fire marshals), industry professionals (e.g., builders, architects, engineers), and the general public (e.g., residents, advocacy groups). This inclusive process ensures that updates address critical concerns such as safety, accessibility, and sustainability.

6) Future Proofing – Each time new Code is adopted, there is a cost to the aforementioned stakeholders associated with the learning curve. Skipping intermediate editions (e.g., jumping from 2015 to 2021 or 2024) may reduce future transition costs. Additionally, Cities on newer codes can more easily integrate emerging technologies (e.g., modular construction or renewable energy systems).

The Flood Damage Prevention Ordinance was updated in January 2025. Due to its recency, it is assumed to be responsive to current local conditions and balance various complexities. It also generally aligns with best practices with a handful of exceptions noted below.

- The Code limits rather than prohibits development in floodways and high-risk areas. Per Section 4.05.005(e), encroachments, including fill, are prohibited unless it is demonstrated that they will not cause any increase in flood levels. Options to strengthen Wimberley's floodway provisions, include:

  1 – Deleting Section e.3 – Removing this provision would effectively prohibit all development that causes any increase in flood elevation, even if exceptions are permitted by FEMA. This aligns with strict no-rise mandates contained in some recently adopted ordinances within the region.

  2 – Expanding the list of prohibited uses in the floodway to also include temporary structures, such as storage containers and construction trailers, fill material placement (without properly engineered erosion controls), and stream alteration or dredging (without ecological impact assessments).

- The Code prohibits the storage of hazardous materials, in any form, within the boundaries of the regulatory floodway as delineated on the city's FIRM. This language could benefit from 1) broadening the prohibition to include flammable, explosive, and obstructive materials; "hazardous materials, in any form" provides some latitude with interpretation, but could be considered ambiguous 2) expressly preventing the processing of said materials 3) broadening the subject geographic area from floodway to flood hazard area.

  Broadening the geographic area of restrictions should be carefully evaluated to balance risk reduction with regulatory flexibility. The City may also wish to consider mitigation strategies or tiered regulatory approaches, rather than blanket prohibitions. These alternatives could be based on factors such as flood hazard zone designation, the type of material involved, and the use of appropriate anchoring or storage techniques.

- The Code does not contain a no-rise certification requirement for development in floodways. Though the Code via Section 4.05.005(e)(1) is consistent with the National Flood Insurance requirement that communities prohibit encroachments in regulatory floodways unless it is demonstrated through hydrologic and hydraulic analysis that the proposed development will not result in any increase in flood levels during the base flood event, requiring the certification from the professional performing the analysis helps ensure compliance with 44 CFR60.3(d)(3), which is necessary to maintain eligibility for federal flood insurance and disaster assistance.

- The Code does not reference the use of future conditions hydrology, which attempts to model flood risks based on anticipated changes, such urban development, climate change, and land use shifts, rather than relying solely on current FEMA Flood Insurance Rate maps, which reflect historical or existing conditions.

- The Code does not address cumulative tracking of improvements, which are aimed at preventing "project splitting" for the purpose of code circumvention. When implemented, this is often restricted to a defined window of time (5 to 10 years) so that administration is manageable.

- While section 4.05.005(b)(2) does require that a registered professional architect or engineer certify that the design and construction methods for non-residential are in accordance with "accepted standards of project," the Code does not require an explicit "No Adverse Impact" certification. A "no adverse impact" (NAI) certification goes substantially further to certify that a proposed development or activity in a flood-prone area will not cause negative effects—such as increased flood levels, velocities, erosion, sedimentation, or flood risk—to other properties, public infrastructure, or natural systems.

- Prior to the January 2025 amendment, the code had a provision that required compensatory storage. More information is needed to understand why it was deleted in the 2024 revision.

- While Section 4.05.004(c) requires permit applications demonstrate a non-residential structure is floodproofed, the Code does not require it to be "dry floodproofed," which means measures have been taken to keep floodwaters out of the structure entirely, making it watertight below the design flood elevation. This is typically done by sealing walls, installing watertight shields on openings, and using materials and construction techniques that prevent water intrusion

Land Use-RELATED Regulations: Zoning, SUBDVISION, and STEEP SLOPE ordinances

Evaluation Approach and Context

In this evaluation, the City of Wimberley's zoning, subdivision, and related ordinances were reviewed against a compilation of widely recognized planning techniques supporting resilience in the built environment. These techniques were grouped by theme—land use, housing, environmental protection (including floodplains, steep slopes, riparian zones, and the wildland-urban interface), and critical infrastructure (water, stormwater, power, and transportation). It is important to note that, while some regulatory areas—such as the building code for resilience

to hail, wind, flooding, or extreme temperatures; the fire code for fire protection; and flood damage prevention ordinances—are very directly related to natural hazard resilience and tend to have clear, uniform standards across jurisdictions, zoning and land use regulations tend to be more abstract and indirect in their relationship to hazard resilience. Because zoning is inherently shaped by local needs, community character, economic context, and policy preferences, this stage of review focuses solely on identifying whether a particular technique is present in the regulations, rather than assessing how fully or effectively it is addressed.

The presence of a regulatory tool in local ordinances does not, by itself, confirm its adequacy or the success of its implementation. Rules that appear comprehensive on paper may vary widely in effectiveness depending on local capacity, intent, and evolving priorities. As such, this initial stage is not intended to evaluate the completeness or suitability of these techniques, but to chart the tools that are available for Wimberley's use.

High-Level Findings

A key takeaway is that Wimberley employs, at least in part, many of the techniques commonly recommended for resilient and sustainable development. The city's regulatory framework integrates a substantial range of approaches, including but not limited to:

Land Use and Design

- **Buffer zones** to separate sensitive uses and reduce impacts of development
- **Mixed use districts** supporting diverse development patterns
- **Urban design principles** to help guide high-quality built form
- **Tree preservation requirements** promoting urban forestry and ecosystem health
- **Parking lot landscape standards** improving aesthetics and stormwater management and minimizing heat islands
- **Outdoor lighting controls** for safety, visibility, and dark-sky protection

Environmental Protection

- **Water quality buffer zones** along sensitive waterways and drainage areas
- **Critical environmental feature protection**, including specific safeguards for unique ecological assets
- **Steep slope protection** regulating development on vulnerable terrain
- **Protected waterway overlay district** to coordinate heightened protection of riparian areas

Planning Tools & Programmatic Techniques

- **Thorough application requirements** ensuring complete and informed project review
- **Transfer of development intensity program** (such as TDR) enabling more flexible growth and conservation choices
- **Parkland dedication requirements** supporting open space and recreation provision
- **Drought-based landscaping deferral** to adapt landscaping schedules to water availability
- **Impervious cover maximums** to limit runoff and manage groundwater recharge
- **Sidewalk and trail requirements** promoting walkability and connectivity
- **Driveway standards** ensuring vehicular access is safe and minimizes environmental impact
- **Continuity of improvements requirements** to maintain consistent standards along corridors and within developments
- **Maintenance plan requirements** for long-term stewardship of key community assets
- **Minimum water flow requirements** for service adequacy and safety

Summary of Priorities and Next Steps

Building on this broad assessment, the next phase will be for the City—guided by the comprehensive plan now in progress—to identify a handful of techniques or code areas for deeper focus. It is recommended that this effort prioritize the addition or enhancement of approximately four to six zoning and subdivision techniques that would most effectively advance Wimberley's resilience goals. Focusing on a manageable number of targeted improvements will allow City resources and attention to be concentrated where they can yield the greatest impact. The subsequent memoranda will analyze these prioritized topics in detail, presenting a structured framework of guiding questions to support the customization of local code provisions. These considerations will address local resource and staffing needs, monitoring and enforcement capacity, likely development impacts, legal feasibility, cost-effectiveness, and the potential for unintended consequences, among other factors. The objective is to ensure that Wimberley's regulatory tools are not only robust and comprehensive in law, but also practical, actionable, and reflective of the community's aspirations and operational realities.

Appendix A

Detailed Assessment of Building Codes Compared to Best Practices

The following list of best practices ensures the City has given itself the appropriate regulatory authority to enforce a recent version of the International Building Code (IBC) as part of routine development-related business, as well as authority to act swiftly in the immediate aftermath of a natural disaster.

The review of building codes covers the full family of International Code Council (ICC) codes—including the International Building Code (IBC), International Residential Code (IRC), International Plumbing Code, International Mechanical Code, and International Electric Code[1]— as well as the National Electrical Code, which collectively govern the vertical construction of buildings for both residential and commercial uses.

This evaluation is conducted under two primary umbrellas: First, it considers whether the city has the appropriate administrative authority and procedures in place-such as permitting, inspections, and code enforcement-to effectively implement and uphold these standards. Second, recognizing that, with each iteration, the IBC family of codes endeavors to incorporate building science that advances resiliency, this evaluation concentrates on whether the city's codes are current (within three versions of the latest) and if local amendments are prone to strengthen or undermine resilience to the hazards most relevant to the community. This approach ensures the city is both adopting up-to-date, hazard-relevant requirements and has the necessary mechanisms to enforce them.

Technical and Constructions Codes and Standards are addressed in Section 4.02 of the Wimberley Code of Ordinances. [2]

ESTABLISHMENT OF RESPONSIBLE OFFICIAL	
1	**BEST PRACTICE:** *Establish the position of Building Official.*
COMMENTARY: Fully satisfied. The City Code itself does not expressly establish the position of Building Official. Rather it establishes it by adoption of the 2015 IBC, which includes Chapter 1 Part 2 Administration and Enforcement. This section	

[1] The City does not appear to have adopted the International Fuel Gas Code.
[2] Note – Appendix G, Flood-Resistant Construction was excluded from adoption.

Additionally, City Code Section 4.02.061(b)((A) adopts IBC 2015 Appendix A, which establishes qualifications for the Building Official and grants the position the authority to inspect the mechanical, plumbing and fuel codes and review corresponding plans.

Additionally, the Building Official position is referenced and granted various authorities directly and indirectly related to construction, including the issuance of Certificates of Occupancy (Section 9.03.256), inspection of outdoor lighting (Section 4.09.013), fences (4.07.004), and placement of buildings.

Code Section Reference: Section 4.02.061(b)(1)

Adopted language –

Section 4.02.061(b)(1)

Adoption. The city hereby adopts a certain document, being marked and designated as the International Building Code, as published by the International Code Council, Inc., as amended below. This document is hereby adopted as the commercial building code of the city ("commercial building code") for control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said commercial building code, 2015 edition, published by the International Code Council, Inc., are hereby referred to, adopted, and made a part hereof as if fully set out in this section. The commercial building code shall also include the following appendix chapters:

(1)Appendix A: Employee Qualifications

2015 IBC Appendix A, Section A101

SECTION A101
BUILDING OFFICIAL QUALIFICATIONS

A101.1 Building official.

The *building official* shall have at least 10 years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, 5 years of which shall have been supervisory experience. The *building official* should be certified as a *building official* through a recognized certification program. The building official shall be appointed or hired by the applicable governing authority.

A101.2 Chief inspector.

The *building official* can designate supervisors to administer the provisions of this code and the *International Mechanical, Plumbing and Fuel Gas Codes*. Each supervisor shall have at least 10 years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, 5 years of which shall have been in a supervisory capacity. They shall be certified through a recognized certification program for the appropriate trade.

A101.3 Inspector and plans examiner.

The *building official* shall appoint or hire such number of officers, inspectors, assistants and other employees as shall be authorized by the jurisdiction. A person shall not be appointed or hired as inspector of construction or plans examiner who has not had at least 5 years' experience as a contractor, engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction. The inspector or plans examiner shall be certified through a recognized certification program for the appropriate trade.

A101.4 Termination of employment.

Employees in the position of *building official*, chief inspector or inspector shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before such applicable governing authority.

AUTHORITY TO APPLY BUILDING CODES

2	**BEST PRACTICE:** *Establish the Building Official as having the authority to interpret and enforce adopted International Building Code (IBC), International Residential Code (IRC), and related codes with binding decisions.*

COMMENTARY: Fully satisfied. This authority is granted through adoption of 2015 IBC, which includes Section 104.01.

Code Section Reference: 2015 IBC Section 104.1

Adopted language –

[A] 104.1 General. INSIGHTS

The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

AUTHORITY TO INSPECT & INVESTIGATE

3	**BEST PRACTICE:** *Establish the Building Official as having the authority to establish required inspections at key stages of construction, enter construction sites at reasonable times to verify compliance with the permit, and mandate independent third-party testing when necessary.*

COMMENTARY: Fully satisfied. This authority is granted through adoption of 2015 IBC, which includes Section 104.04.

Code Section Reference: 2015 IBC Section 104.4

Adopted language –

[A] 104.4 Inspections.

The *building official* shall make the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

4	**BEST PRACTICE:** *Establish the Building Official as having the authority to issue Stop-Work Orders when construction does not comply with approved plans or code requirements and/or poses a safety risk (e.g. to substandard or hazardous construction), require corrections, and set deadlines.*

COMMENTARY: Fully satisfied. This authority is granted through adoption of 2015 IBC, which includes Section 115.

Code Section Reference: 2015 IBC Section 115

Adopted language –

2015 IBC

SECTION 115
STOP WORK ORDER

[A] 115.1 Authority.

Where the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

[A] 115.2 Issuance.

The stop work order shall be in writing and shall be given to the *owner* of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

[A] 115.3 Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

5 **BEST PRACTICE:** *Establish the Building Official as having the authority to declare buildings unsafe or uninhabitable, revoke Certificates of Occupancy, and require repair, demolition, or evacuation if they threaten public safety.*

COMMENTARY: Fully satisfied. This authority is granted through adoption of 2015 IBC, which includes Section 116.

Code Section Reference: 2015 IBC Section 116

Adopted language –
2015 IBC

SECTION 116
UNSAFE STRUCTURES AND EQUIPMENT

[A] 116.1 Conditions.

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

[A] 116.2 Record.

The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] 116.3 Notice.

If an unsafe condition is found, the *building official* shall serve on the *owner*, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

[A] 116.4 Method of service.

Such notice shall be deemed properly served if a copy thereof is (a) delivered to the *owner* personally; (b) sent by certified or registered mail addressed to the *owner* at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the *owner*.

[A] 116.5 Restoration. INSIGHTS

Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs*, *alterations*, *additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *International Existing Building Code*.

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6 **BEST PRACTICE:** *Establish the Building Official as having emergency response authority, including the power to inspect buildings post-disaster, restrict occupancy, and mandate emergency repairs.*

COMMENTARY: This is addressed in Article 4.03, Substandard Buildings.

Code Section Reference:

Adopted language – EXCERPT

AUTHORITY TO ENFORCE COMPLIANCE

7 **BEST PRACTICE:** *Establish the Building Official as having the authority to issue violations/citations and fines for non-compliance.*

COMMENTARY: Fully satisfied. This authority is granted through adoption of 2015 IBC, which includes Section 114.

Code Section Reference: 2015 IBC Section 114

Adopted language –

2015 IBC

SECTION 114
VIOLATIONS

[A] 114.1 Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, *repair*, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 114.2 Notice of violation.

The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, *repair*, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] 114.3 Prosecution of violation.

If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 114.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

8 **BEST PRACTICE:** *Establish the Building Official as having the authority to power to request administrative warrants for forced inspections if property owners refuse access and to refer cases for legal enforcement.*

COMMENTARY: Fully satisfied. This authority is granted through adoption of 2015 IBC, which includes Section 104.6, which in the last sentence addresses that, if entry is refused, the official shall have recourse to the remedies provided by law to secure entry.

Code Section Reference: Section 1.04.6

Adopted language –

2015 IBC

[A] 104.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable caus believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the struc or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable time inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be prese to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effo locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *buil official* shall have recourse to the remedies provided by law to secure entry.

9 **BEST PRACTICE:** *Establish the Building Official as having the authority to place liens on properties to recover costs when the city must remediate hazardous conditions.*

COMMENTARY: Fully satisfied. The City has granted the authority to itself to impose leans for demolition and repair of substandard buildings.

Code Section Reference: Section 4.03.008, Section 4.03.009

Adopted language –

Sec. 4.03.008 - Vacating, removing, demolishing or relocating of occupants of building by city

If the owner, mortgagee or lienholder fails to take the action ordered by a municipal court within the allotted time and fails to timely appeal the municipal court's order, the city may vacate, secure, remove or demolish the unsafe building or relocate the occupants of the unsafe building at its own expense. The city may assess the expenses on, and the city has a lien against, the property on which the unsafe building is located, unless the building is a homestead as protected by the Texas Constitution. The lien is extinguished if the owner or other person with a legal interest in the property reimburses the city for the expenses. Such lien is a privileged lien subordinate only to previously recorded bona fide mortgage liens and tax liens. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the Hays County Clerk. Notice of the lien shall contain:

(1) The name and address of the owner of the unsafe building and the real property on which it is located, if that can be determined;

(2) A legal description of the real property on which the unsafe building is located;

(3) The amount of expenses incurred by the city; and

(4) The balance due.

(Ordinance 2007-021, § 160.08, adopted 9/6/07)

Sec. 4.03.009 - Repair of building by city

(a) In addition to the authority in section 4.03.008 above, after the expiration of the time allotted in the municipal court's order for the repair, removal or demolition of an unsafe building, the city may:

(1) Order the repair of the building at the city's expense and assess the expenses on the land on which the building is located or to which it is attached; or

(2) Assess a civil penalty against the responsible party for failure to repair, remove or demolish the building.

(b) The city may repair an unsafe building under subsection (a) of this section only to the extent necessary to bring the building into compliance with the minimum housing standards of the city and to comply with the standards established in this article. The city can undertake repairs only if the building is a residential building with ten or fewer dwelling units. The city shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair or the civil penalty. The city shall follow the procedures in section 4.03.008 above for filing a lien on the property.

(c) A civil penalty or assessment imposed accrues interest at the rate of ten percent a year from the date of the assessment until paid in full.

(d) The city's right to an assessment lien may not be transferred to third parties.

(e) In any judicial proceeding regarding enforcement of city rights under this section, the prevailing party is entitled to recover reasonable attorney's fees from the non-prevailing party.

(f) A lien acquired under this section by the city for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

(Ordinance 2007-021, § 160.09, adopted 9/6/07)

CURRENCY

10	**BEST PRACTICE:** Adopt and a Family of Codes published by the International Code Council no greater than three versions out of date.

COMMENTARY: It is recommended that the City evaluate adopting a more recent version of the building Code.

Code Section Reference:

Code Type	Codification Section	Date Adopted	Amendments
2015 International Building Code	Sec. 4.02.061	9/19/19	No amendments. The following IBC appendices have been adopted. (1) Appendix A: Employee Qualifications; (2) Appendix B: Board of Appeals; (3) Appendix C: Agricultural Buildings; and (4) Appendix I: Patio Covers.
2015 International Residential Code	Sec. 4.02.031(b)	9/19/19	The following IBC appendices have been adopted. (1) Appendix A: Sizing and Capacities of Gas Piping; (2) Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use and Type B Vents; (3) Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems; (4) Appendix D: Recommended Procedure for Safety Inspection of an Existing Appliance Installation; (5) Appendix E: Manufactured Housing Used as Dwellings; (6) Appendix G: Piping Standards for Various Applications; (7) Appendix H: Patio Covers; (8) Appendix J: Existing Buildings and Structures; (9) Appendix M: Home Day Care—R-3 Occupancy; (10) Appendix N: Venting Methods; (11) Appendix O: Automatic Vehicular Gates; and

			(12) Appendix P: Sizing of Water Piping System.
2017 National Electric Code, 2015 International Electric Code	**Sec. 4.02.095**	9/19/19	No amendments.
2015 International Plumbing Code	**Sec. 4.02.094**	9/19/19	No amendments.
2015 International Mechanical Code	**Sec. 4.02.092**	9/19/19	No amendments.
International Fuel Gas Code	**Not adopted.**		
International Energy Conservation Code	**Not expressly adopted. Presumed to default to state Code.**		
2015 Existing Building Code **for Residential Buildings Only**	**4.02.031(b)(8)**		This

Appendix B

Detailed Assessment of the Fire Code Compared to Best Practices

In the context of enhancing community resiliency through regulation, evaluating the City's Fire Code involves examining how well it supports the community's ability to prepare for, withstand, and recover from fire-related hazards. The following list of best practices identifies whether the City has given itself the appropriate regulatory authority to enforce a recent version of the Fire Code as part of routine development-related business, as well as authority to act swiftly in the aftermath of natural disasters, such as wildfires.

Like the building code, this evaluation is best approached under two main umbrellas: administrative standards and technical standards. On the administrative side, standards for best practices are comparable in scope to those applicable to the building codes—the authority and responsibilities of the fire code official, the processes for issuing permits, conducting inspections, and maintaining records, as well as the systems for code enforcement, appeals, and coordination with other agencies. These administrative elements are critical because they determine how effectively the technical requirements of the fire code are implemented and maintained, directly impacting the community's overall resilience to fire hazards. On the technical side, the evaluation focuses on currency of adopted Code, clarity regarding administration and enforcement, and, to the extent applicable, adopted amendments.

Fire Protection is addressed in Section 4.02.093 of the Wimberley Code of Ordinances. Note, this section was amended in 2023 via Ordinance 2023-10, which amended options available when adequate water supply for fire flow requirements is unavailable.

ESTABLISHMENT OF RESPONSIBLE OFFICIAL	
1	**BEST PRACTICE:** *Establish the position of a Fire Marshal.*
COMMENTARY: Fully satisfied. In addition to establishing the position, the Code also establishes baseline qualifications, but leaves latitude for additional duties and requirements at the administrative level, which is appropriate.	
Code Section Reference: Sec. 6.02, 6.02.002	
Adopted language –	

ARTICLE 6.02 - FIRE MARSHAL

Sec. 6.02.001 - Office created

The office of fire marshal of the city is hereby created.

(Ordinance 2008-004, § 30.60, adopted 2/7/08)

Sec. 6.02.002 - Appointment; qualifications; duties; compensation

The fire marshal shall be appointed by the city administrator. The fire marshal shall be skilled in investigations, inspections and management and shall devote his time to educating the public in fire safety while enforcing federal, state and local laws as they pertain to fire prevention, and perform all such other duties as described in the job description adopted by the city council. The fire marshal shall receive such compensation as provided for by the city's compensation plan.

(Ordinance 2008-004, § 30.61, adopted 2/7/08)

AUTHORITY TO APPLY & INTERPRET FIRE CODE

2 **BEST PRACTICE:** Identify the Official responsible for enforcement of the Fire Code and other safety regulations.

COMMENTARY: The official responsible for enforcing the fire code is not clear in City Ordinances. While presumably it is either the Building Official or Fire Marshal it is recommended that this be formally clarified because the 2015 IFC relies on the jurisdiction to establish and appoint the "Fire Code Official."

Code Section Reference: None.

Adopted language – None.

3 **BEST PRACTICE:** Establish the power and responsibility to recommend updates to fire codes and safety regulations based on emerging hazards or lessons learned from past events is essential for maintaining resilience.

COMMENTARY: Neither the City Code, nor the 2015 IFC articulate that a position is assigned with monitoring best practices and recommending updates, including based on previous events. However, this duty may be specified in the job description, which is an appropriate place.

Code Section Reference: None.

Adopted language – None.

AUTHORITY TO INSPECT & INVESTIGATE

4 **BEST PRACTICE:** Establish authority to enter premises for protection and preventative measures.

COMMENTARY: The right of entry exists in the 2015 IFC Section 104.3. However, echoing the comment above, it remains important to officially clarify the "fire code official" to ensure this provision can be effected without challenge.

Code Section Reference: 2015 IFC Section 104.3

Adopted language –

[A] 104.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the *fire code official* has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the *fire code official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the *fire code official* by this code. If such building or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner*, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the *fire code official* has recourse to every remedy provided by law to secure entry.

5 **BEST PRACTICE:** Establish authority to examine premises where fire has occurred.

COMMENTARY: The authority to investigate fires exists in the 2015 IFC Section 104.10. This authority includes entering and inspecting any building or premises where a fire has occurred or has been jeopardized by an adjoining fire, provided the inspection is conducted in a reasonable manner and as soon after the fire as possible. The code also states that no person may refuse admittance to the fire chief or authorized personnel when properly identified by uniform or credentials.

Echoing the comment above, it remains important to officially clarify in City Code the position assigned as the "fire code official" to ensure this provision can be effected without challenge.

Code Section Reference: 2015 IFC Section 104.10

Adopted language –

104.10 Fire investigations.

The *fire code official*, the fire department or other responsible authority shall have the authority to investigate the cause, origin circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes sha be made part of the public record, except as directed by a court of law.

AUTHORITY TO ENFORCE COMPLIANCE

6 **BEST PRACTICE:** Establish authority to eliminate fire-related hazards.

COMMENTARY: The intent of the 2015 IFC as stated in Section 101.3 implies this authority. Additionally, the Substandard Building Code defines a dangerous or unsafe building as being, in part " abuilding that is not constructed or maintained in compliance with the city's building code, or any other applicable ordinance or law of the City, County, state, or federal government," which could reasonably be extended to the Fire Code. It also defines a dangerous or unsafe building as "the building is damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare or otherwise constitutes a detriment to the health, safety or welfare of those persons who assemble, work or live therein" or not having "not have adequate facilities for egress in case of fire or other emergency."

Code Section Reference: 2015 IFC 101.3, City Code Section 4.03.002

Adopted language –

2015 IFC

[A] 101.3 Intent.

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

Sec 4.03.002 Definitions

Dangerous building or unsafe building or substandard building means any structure or building, regardless of the date of construction, located within the city limits that is:

(1) In such a state or condition of repair or disrepair that all or any of the following conditions exist:

a. The building is not constructed or maintained in compliance with the city's building code, or any other applicable ordinance or law of the city, county, state, or federal government;

g. The building is damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare or otherwise constitutes a detriment to the health, safety or welfare of those persons who assemble, work or live therein;

i. The building does not have adequate facilities for egress in case of fire or other emergency;

AUTHORITY TO ASSESS PENALTIES FOR VIOLATIONS

7 **BEST PRACTICE:** Establish penalties for violations.

COMMENTARY: Satisfied. The basic language is provided for enforcement of civil and criminal penalties. It is recommended that regular coordination occur between the Building Official (and Fire Official if different) and the City Attorney's office to ensure coordination on procedures and gathering of necessary documentation and evidence.

Code Section Reference: 4.02.091

Adopted language –

Sec. 4.02.091 - Enforcement; penalties

(a) *Civil and criminal penalties apply.* The city shall have the power to administer and enforce the provisions of this division and the International Commercial Building Code [International Building Code] and the International Residential Code, as they may be amended from time to time, as may be required or authorized by governing law. Any person violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this division is hereby declared to be a nuisance.

(b) *Criminal prosecution.* Any person violating any provision of this division shall, upon conviction, be fined a sum not exceeding $500.00 for each violation. Each day that a provision of this division is violated shall constitute a separate offense. An offense under this division is a misdemeanor.

(c) *Civil remedies.* Nothing in this section shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this division and to seek remedies as allowed by law, including, but not limited to, the following:

(1) Injunctive relief to prevent specific conduct that violates this division or to require specific conduct that is necessary for compliance with this division;

(2) A civil penalty up to $500.00 a day per violation when it is shown that the defendant was actually notified of the provisions of this division and after receiving notice committed acts in violation of this division or failed to take action necessary for compliance with this division; and

(3) Other available relief.

(Ordinance 2005-009 adopted -/-/05; 2006 Code, § 151.99(G); Ordinance 2019-29 adopted 9/19/19)

RESPONSIBILITY TO MANAGE RECORDS

8	**BEST PRACTICE:** Establish responsibility of keeping records for purposes reporting and recovery.

COMMENTARY: Satisfied. 2015 IFC Section 104.6 requires that the fire official keeps records on approvals, inspections, fires, and administration for at least five years.

Code Section Reference: 2015 IFC Section 104.6.

Adopted language –

[A] 104.6 Official records.

The *fire code official* shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.6.1 Approvals.

A record of approvals shall be maintained by the *fire code official* and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.6.2 Inspections.

The *fire code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire records.

The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *fire code official*.

[A] 104.6.4 Administrative.

Application for modification, alternative methods or materials and the final decision of the *fire code official* shall be in writing and shall be officially recorded in the permanent records of the *fire code official*.

CURRENCY

10 **BEST PRACTICE:** Adopt and a Family of Codes published by the International Code Council no greater than three versions out of date.

COMMENTARY: The City has currently adopted the 2015 Fire Code, though it adopted amendments in 2023 pertaining to alternative options for areas with inadequate fire flow. When evaluating whether to adopt a more recent version of the Building Code, the City may also wish to consider adopting a more recent version of the Fire Code.

Code Section Reference: Section 04.02.093

Adopted language –
2015 IFC

A certain document, being marked and designated as the International Fire Code, 2015 edition, as it may be amended from time to time, as published by the International Code Council, is hereby adopted as the fire code of the city, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as therein provided, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Code, as it may be amended from time to time, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this section, including as follows:

Appendix C

Detailed Assessment of the Flood Damage Prevention Ordinance Compared to Best Practices

Flood Damage Prevention is addressed in 4.05 of the City of Wimberley's Code of Ordinances. This section was most recently modified by ordinance 2024-23 on December 5, 2024; at the time of preparation of this memo, this ordinance has not yet been codified. Excerpts of the adopted, redlined version or the Ordinance available on Municode have been inserted where necessary.

ADMINISTRATIVE OVERSIGHT

1 **BEST PRACTICE:** *Designate a floodplain administrator.*

COMMENTARY: Fully satisfied. The City administrator or his or her designee is designated in Section 4.05.004(a).

Code Section Reference: Section 4.05.004(a), as amended by Ordinance 2024-23.

Adopted language –

Sec. 4.05.004 Administration

(a) *Designation of floodplain administrator.* The city administrator, or his or her designee, is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program regulations) pertaining to floodplain management.

2 **BEST PRACTICE:** *Establish enforcement penalties.*

COMMENTARY: The Code contains a penalty provision that establishes a prohibition on non-compliant construction or land alteration, violations constitutes a misdemeanor, a maximum fine amount, and the City Council's authority to pursue additional lawful remedies.

It could be strengthened by

1) Clarifying that each day a violation continues constitutes a separate offense. This increases the potential penalty and encourages prompt compliance;

2) Explicitly stating that the city may seek injunctive relief (court orders to stop or remedy violations), which is a common and effective enforcement tool in land use and floodplain management ordinances;
3) Escalating fines for repeat violations;
4) In addition to or instead of criminal penalties, authorizing civil penalties, which can offer more flexibility and may be easier to enforce administratively.

Sample additional language:
Each day that a violation of this article continues shall constitute a separate offense. In addition to the criminal penalties provided herein, the city may institute any appropriate action or proceeding at law or in equity, including seeking injunctive relief, to prevent, restrain, correct, or abate any violation of this article. In the event the property owner fails to remedy a violation after notice, the city may take corrective action and recover all associated costs from the owner. Repeat violations may be subject to enhanced penalties, including increased fines up to $2,000 per violation.

Code Section Reference: 4.05.005(f) (*new subsection g)*

Adopted language –

(f) *Penalty.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $1,000.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city council from taking such other lawful action as is necessary to prevent or remedy any violation.

STATUTORY AUTHORITY

3 **BEST PRACTICE:** *Recognize the statutory authority that grants the City the authority to adopt and administer a floodplain ordinance.*

COMMENTARY: Fully Satisfied.

Code Section Reference: 4.05.001

Adopted language –

Sec. 4.05.001 Statutory authorization, findings of fact, purpose and methods

(a) *Statutory authorization.* The legislature of the state of Texas has in the Flood Control Insurance Act, V.T.C.A., Water Code, § 16.315, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of Wimberley does ordain as follows.

CURRENCY

4 **BEST PRACTICE:** *Adopt a floodplain ordinance that is based on current data.*

COMMENTARY: Fully satisfied.

Code Section Reference: Sec. 4.05.003(b)

Adopted language –

(b) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Hays County TX and Incorporated Areas," dated Effective 01-17-2025, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated 01-17-2025, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

STANDARDS & DESIGN

FREEBOARD

5 **BEST PRACTICE:** *Require new construction, substantial improvements, and critical facilities (e.g. hospitals, fire stations, emergency centers) to be elevated above the Base Flood Elevation (BFE) by at least 2 feet (or more in high-risk areas).*

COMMENTARY: Satisfied, through ordinance is ambiguous as to whether non-residential construction includes critical facilities.

Code Section Reference: Sec 4.05.005 (b)(1), (2), and (4)(c), (d)(1) and (2)(a)

Adopted language –

~~structures must be limited to parking and/or limited storage.~~

(b) *Specific standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 4.05.003(b), section 4.05.004(b)(8), or subsection (c)(3) of this section, the following provisions are required:

(1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement, machinery, and electrical equipment) elevated to a minimum of ~~one~~ two foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard is satisfied.

(2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement, machinery, and electrical equipment) elevated to a minimum of two ~~one~~ foot above the base flood elevation and, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to a minimum level of one foot above the base flood elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

c. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the city's FIRM that are not subject to the provisions of subsection (b)(4) of this section be elevated so that:

(i) ~~on a permanent foundation such that the lowest horizontal structural member of the chassis~~the lowest floor of the manufactured home is elevated to a minimum of ~~one~~ two foot above the base flood elevation, and

(ii) ~~and~~ be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(d) *Standards for areas of shallow flooding (AO/AH zones).* Located within the areas of special flood hazard established in section 4.05.003(b) are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to ~~or above the base flood elevation~~at least two (2) feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM ~~(at least two feet if no depth number is specified)~~.

(2) All new construction and substantial improvements of nonresidential structures:

a. Shall have the lowest floor (including basement) elevated to ~~or~~ at least two feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM ~~(at least two feet if no depth number is specified)~~; or

b. Together with attendant utility and sanitary facilities, shall be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, such that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

PROHIBITIONS IN FLOODWAYS

6 **BEST PRACTICE:** Prohibit development in floodways and high risk areas.

COMMENTARY: The Code limits rather than prohibits development. Per Section 4.05.005(e), encroachments, including fill, are prohibited *unless* it is demonstrated that they will not cause any increase in flood levels. Options to strengthen Wimberley's floodway provisions, include:

1 – Deleting Section e.3 would have the effect of prohibit *all* development causing flood elevation increases, even if FEMA permits exceptions. This aligns with strict no-rise mandates contained in some recently adopted ordinances within the region.

2 – Expanding the list of prohibited uses in the floodway to also include temporary structures, such as storage containers and construction trailers, fill material placement (without properly engineered erosion controls), and stream alteration or dredging (without ecological impact assessments).

Code Section Reference: 4.05.004(B)(9), 4.04.004(d)(8), 4.05.005(e)

Adopted language –

Section 4.05.004(B)(9)

(9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the city's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.

Section 4.04.004(d)(8)

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section 4.05.005(e)

(e) *Floodways.* Located within areas of special flood hazard established in section 4.05.003(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the city during the occurrence of the base flood discharge.

(2) If subsection (e)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(3) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, the city may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the city first completes all of the provisions required by section 65.12.

(4) The drilling of water, gas, and/or oil wells is prohibited within the boundaries of the regulatory floodway as delineated on the city's FIRM.

(5) The storage of hazardous materials, in any form, is prohibited within the boundaries of the regulatory floodway as delineated on the city's FIRM.

(f) *Penalty.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $1,000.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city council from taking such other lawful action as is necessary to prevent or remedy any violation.

STORAGE AND PROCESSING OF INAPPROPRIATE MATERIALS IN FLOOD HAZARD AREAS & FLOODWAYS	
7	**BEST PRACTICE:** Prohibit storage and/or processing of hazardous, flammable, explosive, or, in times of flooding potentially buoyant or obstructive materials in the flood hazard areas.

COMMENTARY: The Code prohibits the storage of hazardous materials, in any form, within the boundaries of the regulatory floodway as delineated on the city's FIRM. This language could benefit from 1) broadening the prohibition to include flammable, explosive, and obstructive materials; "hazardous materials, in any form"

provides some latitude with interpretation, but could be considered ambiguous 2) expressly preventing the processing of said materials 3) broadening the subject geographic area from floodway to flood hazard area.

Broadening the geographic area should be carefully considered, weighing risk versus regulatory balance. Additionally, the City may wish to consider mitigation techniques or tiered approaches rather than blanket prohibitions based on factors such as flood hazard zone and material type, and anchoring/storage techniques.

Code Section Reference: 4.05.005(e)(5)

Adopted language –

(5) The storage of hazardous materials, in any form, is prohibited within the boundaries of the regulatory floodway as delineated on the city's FIRM.

8 **BEST PRACTICE:** *Require a no-rise certification for development in floodways.*

COMMENTARY: The Code does not contain a no-rise certification requirement for development in floodways. Though the Code via Section 4.05.005(e)(1) is consistent with the National Flood Insurance requirement that communities prohibit encroachments in regulatory floodways unless it is demonstrated through hydrologic and hydraulic analysis that the proposed development will not result in any increase in flood levels during the base flood event, requiring the certification from the professional performing the analysis helps ensure compliance with 44 CFR60.3(d)(3), which is necessary to maintain eligibility for federal flood insurance and disaster assistance.

Code Section Reference: None

Adopted language – *N/A*

9 **BEST PRACTICE:** Use future conditions hydrology (not just current FEMA Flood maps) to anticipate changes in flood risk.

COMMENTARY: The Code does not reference use of future conditions hydrology, which attempts to model flood risks based on anticipated changes, such urban development, climate change, and land use shifts, rather than relying solely on current FEMA Flood Insurance Rate maps, which reflect historical or existing conditions.

Code Section Reference:

Adopted language –

LOW IMPACT DEVELOPMENT

10 **BEST PRACTICE:** Require detention ponds, permeable surfaces, and green infrastructure, collectively known as Low Impact Design (LID) to slow stormwater runoff.

COMMENTARY: Yes,

9.04.061(b)(1)(a)

Five acres or less and not part of a common plan of development (exempt from TCEQ Edwards Rules) and impervious cover is 15 percent or greater: Technical demonstration that the water quality volume is retained on site for not less than 24 hours through the use of conventional and low impact development techniques found in the Cypress Creek Technical Resource Guide.

Code Section Reference:

Adopted language –

9.02.387 (f)
(f)All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.

SUBSTANTIAL IMPROVEMENT THRESHOLD

11 **BEST PRACTICE:** *Establish a substantial improvement threshold to facilitate older structures being re-built under current regulations.*

COMMENTARY: Satisfied. The Code defines a threshold of 50 percent of the market value, which meets NFIP's minimum requirement. The City may wish to consider lowering that threshold; "Best practice" recommends a threshold between 30-40 percent. The City ordinance does appropriately exempt costs associated with correcting healthy- and safety- based code violations.

Code Section Reference: Section 4.05.002

Adopted language –

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

12 **BEST PRACTICE:** *Cumulatively track the value of improvements over time rather than by event.*

COMMENTARY: The Code does not address cumulative tracking of improvements, which are aimed at preventing "project splitting" for the purpose of code circumvention. When implemented, this is often restricted to a defined window of time (5 to 10 years) so that administration is manageable.

Code Section Reference: None

Adopted language *N/A*

BUFFERS & SETBACKS

13 **BEST PRACTICE:** *Require improvements to be set back from rivers and streams.*

COMMENTARY: Satisfied. Code Section 9.04.063 pertains to water quality setbacks. It provides two options for calculating the dimensions based on the size of the contributing area—either a uniform setback from the creek centerline ranging from 25' to 300' or a setback that parallel or is equal to the 100 year floodplain boundaries

Code Section Reference: Code Section 9.04.063

Adopted language –

Sec. 9.04.063 - Water quality setbacks

(a) *Water quality buffer zones (WQBZ) required.* As the location of development activities can have significant impacts on water quality, water quality buffer zones (WQBZ) shall be established along streams at the time of platting (creation of newly subdivided lots or site plans). This subsection does not apply to legally platted lots that existed as of the effective date of the ordinance from which this chapter derives.

(b) *Dimensions for WQBZ.*

(1) *Option 1.* A WQBZ shall be established along streams with the specified contributing drainage area as follows. The dimensions of the WQBZ are shown below:

a. Greater than five acres and up to 40 acres but excluding roadside swales. The WQBZ shall extend a minimum of 25 feet from either side of the centerline of the waterway (total of 50 feet of buffer zone). This buffer zone category will not apply within the city limits.

b. Greater than 40 acres and up to 128 acres. The WQBZ shall extend a minimum of 50 feet from either side of the centerline of the waterway (total of 100 feet of buffer zone).

c. Greater than 128 acres and up to 320 acres. The WQBZ shall extend a minimum of 100 feet from either side of the centerline of the waterway (total of 200 feet of buffer zone).

d. Greater than 320 acres and up to 640 acre. The WQBZ shall extend a minimum of 200 feet from either side of the centerline of the waterway (total of 400 feet of buffer zone).

e. Greater than 640 acres. The WQBZ shall extend a minimum of 300 feet from either side of the centerline of the waterway (total of 600 feet of buffer zone).

(2) *Option 2—Floodplain buffer zone.* For creeks or rivers draining less than 40 square miles but more than five acres, excluding roadside swales, the WQBZ shall extend a minimum of 25 feet from the 100-year floodplain boundary paralleling each side of the creek or river. The 100-year floodplain shall be based on modeling approaches as approved by the city engineer. For creeks or rivers draining more than 40 square miles, the WQBZ shall be considered equal to the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA) or by an engineered floodplain study approved by the city engineer.

(c) *Special instructions regarding WQBZs.*

(1) At the sole discretion of the city and based on special circumstances, minimum distances from the stream centerline may be adjusted if there are equivalent protection measures proposed that are found acceptable by the city engineer.

(2) Along steep slopes, as defined, the width of the WQBZ shall be 25 feet beyond the edge of the defined steep slope.

(3) Except as specifically provided for in this article, all development activities, including temporary construction activities, and landscaping activities, are prohibited in the WQBZ of a stream, without the express written approval of the city engineer, who must be provided evidence of equivalent protection.

(d) *Allowable development in WQBZ.* The following development activities within a WQBZ may be allowed at the sole discretion of the city with the corresponding conditions:

(1) Critical utility crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(2) Critical roadway crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(3) Critical transportation crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(4) Hike and bike trails if provided for in an approved development plan;

(5) Maintenance and restoration of native, non-invasive vegetation;

(6) Water quality control monitoring devices;

(7) Removal of trash, debris, and pollutants;

(8) Fences that do not obstruct flood flows;

(9) Public and private parks and open space, if human activities are limited to hiking, jogging, or walking trails, and excluding stables, corrals and other forms of animal housing;

(10) Typical private drives (acceptable to the city) to allow access to property not otherwise accessible; and/or

(11) The construction and use of regional stormwater detention basins for the express purpose of floodplain management. The embankment shall occupy a narrow footprint and no excavation takes place in the flood storage pool. Limited vegetation clearing and minor grading is allowed to construct the embankment and outlet works.

(e) *Limitations on allowed activities in WQBZ.* Any development within a WQBZ allowed under subsection (d) of this section shall be designed and/or conducted in a manner which limits the alteration and pollution of the natural riparian corridor to the maximum extent feasible. In no case shall any wastewater line be located less than 100 feet from the centerline of a stream unless the applicant has demonstrated that installation of the wastewater line outside of this zone is physically prohibitive or environmentally unsound. Any wastewater lines located in a WQBZ shall meet design standards and construction specifications to ensure zero leakage.

(f) *Requirements for discharges in WQBZ.* All water quality control discharges and stormwater discharges shall not be directly connected to the WQBZ. Instead, concentrated runoff shall be converted to diffused overland sheet flow.

(Ordinance 2011-005, § 156.005, adopted 3/3/11; Ordinance 2019-44, adopted 12/5/19)

14 **BEST PRACTICE:** *Require a "No Adverse Impact" certification for new development.*

COMMENTARY: While section 4.05.005(b)(2) does require that a registered professional architect or engineer certify that the design and methods of construction for non-residential are in accordance with "accepted standards of project," the Code does not require an explicit "No Adverse Impact" certification. A "no adverse impact" (NAI) certification goes substantially further to certify that a proposed development or activity in a flood-prone area will not cause negative effects—such as increased flood levels, velocities, erosion, sedimentation, or flood risk—to other properties, public infrastructure, or natural systems.

Code Section Reference: None

Adopted language – N/A

FILL RESTRICTIONS

15 **BEST PRACTICE:** *Prohibit or limit fill in the floodplain.*

COMMENTARY: Satisfied.

Code Section Reference: Section 4.05.003 (b)(9)

Adopted language –

(9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the city's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.

16 **BEST PRACTICE:** *Require compensatory storage for any development that reduces floodplain capacity.*

COMMENTARY: Prior to the January 2025 amendment, the code had a provision that required compensatory storage. More information is needed to understand why it was deleted in the 2024 revision.

Code Section Reference: Sec. 4.05.005(a)(12) (DELETED)

Adopted language –

~~(12) When fill or any other development is placed in the special flood hazard area that has an effect of reducing the storage volume of floodwaters in the special flood hazard area, then an equal amount of storage volume must be created in another location of the same watershed or drainage basin to compensate for the storage capacity lost.~~

ELEVATIONS & FLOODPROOFING

17 **BEST PRACTICE:** *Require improvements to be anchored to prevent flotation, collapse, or lateral movement of the structure (e.g. manufactured homes).*

COMMENTARY: Fully Satisfied.

Code Section Reference: 4.05.005(a)(1)

Adopted language –

(a) *General standards.* In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

18 **BEST PRACTICE:** *Require non-residential buildings in flood zones to elevate or "dry floodproof."*

COMMENTARY: While Section 4.05.004(c) requires permit applications demonstrate a non-residential structure is floodproofed, the Code does not require it to be "dry floodproofed," which means measures have been taken to keep floodwaters out of the structure entirely, making it watertight below the design flood elevation. This is typically done by sealing walls, installing watertight shields on openings, and using materials and construction techniques that prevent water intrusion

Code Section Reference: None

Adopted language – N/A

INFILTRATION & FLOOD-RESISTANT MATERIALS

19 **BEST PRACTICE:** *Require new structures to be built with materials resistant to flood damage.*

COMMENTARY: Satisfied.

Code Section Reference: 4.05.005(a)(3)

Adopted language –

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

20 **BEST PRACTICE:** *Require water supply, sanitary sewage, and OSSF systems to be designed to minimize or eliminate infiltration of floodwaters into the system.*

COMMENTARY: Satisfied.

Code Section Reference: 4.05.005(a)(5),(6), and (7)

Adopted language –

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Appendix D

COMPARATIVE INVENTORY OF ZONING & SUBDIVISION TECHNIQUES

This checklist presents a targeted framework of zoning, subdivision, and infrastructure strategies designed to enhance community resilience. It outlines techniques that promote sustainable land use, housing diversity, and environmental protection, particularly in sensitive areas such as floodplains, steep slopes, riparian zones, and the wildland-urban interface. It also addresses climate-adaptive infrastructure—including water, stormwater, power, and transportation systems—and highlights tools like Planned Development Districts, Transfer of Development Rights, and cluster development that support flexible, resilient growth. Excerpts from the City's zoning and subdivision code are interspersed throughout, illustrating where the current code aligns with the techniques, in whole or in part. A technique lacking a Code reference conveys that the Code does not currently employ the strategy. This document serves as a neutral inventory, not an evaluation of code quality or effectiveness, recognizing that effective zoning must reflect each community's specific goals and comprehensive plan.

Looking ahead, the city will review which parts of its current Code are least aligned with the goals and strategies outlined in its updated comprehensive plan. That evaluation will guide the second memo, which will present best practices and policy options for revising or drafting ordinance language around selected techniques. A third memo will follow, offering tailored sample code language for potential inclusion in a new or amended ordinance.

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It is best practice to make references to requiring conformance with the Comprehensive Plan. The Code adopts the Comprehensive Plan in Section 901.001 and blanketly requires conformance in Section 9.02.354, but also calls out conformance on a topic-specific basis several times throughout.

Sec. 9.01.001(a) - Comprehensive plan adopted

(a) Adoption. The comprehensive plan attached to Ordinance 2002-009 as exhibit A is hereby adopted as the comprehensive plan of the city.

Section 9.02.354 Consistency with comprehensive plan

All subdivision plats and development plans shall conform to the comprehensive plan for the community and be consistent with all of the elements thereof. Where the proposed plat or plan is at variance with one or more of the elements of the comprehensive plan, the subdivider may petition the city for amendment to the particular element or elements of the comprehensive plan either prior to or concurrent with submitting a request for final plat or development plan approval. Inconsistency with the provisions of the comprehensive plan shall be grounds for disapproval of the plat or plan by the city.

9.02.003(c)(11) - General Purpose of Subdivision

9.02.004(a) & (b)(6) - Subdivision Policy

Sec. 9.02.111 and 112 - Minimum Design Standards Application of regulations, Urban Design Principles

Sec. 9.02.112 - Urban design principles

Sec. 9.02.113(d), (g)(8) - Watershed provisions | Industrial uses and general design provisions

Sec. 9.02.114 - Thoroughfare system

Sec. 9.02.115(b)(1) - Streets and alleys

Sec. 9.02.119(c) - Lots, shape

Sec. 9.02.121(a) - Water system

Sec. 9.02.122(a) - Sanitary sewer system

Sec. 9.02.231 - Requirements for improvement

Sec. 9.02.273(a),(d),(e),(f) - Parkland design requirements

Sec. 9.02.318(4) - Qualifications for consent for creating a Municipal Utility District, Water Control and Improvement District, and Fresh Water Supply District

Sec. 9.02.354 - Consistency with comprehensive plan

Sec. 9.03.002 and Sec. 9.03.044 - Purpose pertaining to Zoning and Establishing Districts

Sec. 9.03.076 - Two-family residential (duplex); R-5

Sec. 9.03.098 - Planned development district; WPDD

Sec. 9.03.184(i), (j) - Supplemental regulations, Fence regulations, Outdoor lighting

Sec. 9.03.251 - Conditional use permits

Sec. 9.04.031 - Public Pollution and Prevention Controls | Prohibitions

Sec. 9.04.062 - Impervious cover

Sec. 9.04.065 - Erosive flow controls

RESILIENCE OF THE BUILT ENVIRONMENT

Land Use

TECHNIQUES | MIX OF USES

- *Form Based Code:*
  - Regulate building form, frontage, and relationship to public spaces rather than only land use, ensuring cohesive, attractive streetscapes and predictable built environments.
  - Establish build-to lines, minimum and maximum building heights, and transparency requirements for ground floors to activate public spaces.

- *Prioritize Public Spaces and Community Focal Points:*
  - Requires the integration of accessible parks, plazas, greens, and squares as central gathering places within neighborhoods.
  - Promote the design of streets and public spaces that foster social interaction, events, and community life, drawing inspiration from historic town squares and main streets.

Section 9.02.154 Parking for Mixed Use Developments

(a) The planning commission may authorize an adjustment in the total parking requirement for separate uses located on the same site, or for separate uses located on adjoining sites and served by a common parking facility, pursuant to this section. A request for such an adjustment shall require submission of a site plan and transportation engineering report addressing the relevant factors listed in subsection (c) below.

(b) All parking spaces subject to adjustment under this section shall be located in a common, contiguous parking facility intended to meet the needs of all users. When any adjustment is authorized, off-site parking pursuant to section 9.02.153 shall not be permitted.

(c) In determining whether to approve an adjustment for mixed use developments, the commission shall consider all relevant factors, including:

(1) The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;

(2) Potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers, or residents of the uses served;

(3) Potential improvements in parking facility design, circulation, and access afforded by a joint parking facility; and

(4) The report and recommendation of the director.

Sec. 9.03.044 Districts established; designation and review

(h) Land Use Policies and Planning Areas

(1) Land use policies. The goal of these land use policies is to protect and improve the city as it exists today and to prevent degradation of the traditional character of the city. As a major policy, the planning and zoning commission and the city council will not support any suburbanization of land uses, strip commercial development, dominant single-use districts, or developments that are out of character or scale with the historic development pattern of the city.

a. General policies.

1. A height limitation of two stories throughout the city;

2. WPDDs encouraged to maintain mixed uses throughout the city;

3. Transitions between adjacent land uses should reflect appropriately compatible levels of intensity;

4. Landscape preservation;

5. Resources preservation; and

6. Construction restricted on slopes of more than 15 percent.

Section 9.03.222 City Center Overlay

(a) Purpose.

(1) The city center overlay district is intended to protect, perpetuate, and enhance the character, scale, and general appearance of development within and surrounding the historic center of the city known as the Wimberley Square, and its contiguous environs.

(2) Structures of historical significance exist within this area. Whether or not these buildings are zoned historic, or are included in the National Registry of Historic Places, they, and many of the structures adjacent to them or nearby, merit protection under this city center overlay district.

(b) Limits of overlay. Application of this overlay is limited to those properties within the shaded area of the attached map in figure 6 of appendix A of this article.

(c) Permitted uses. Any use permitted in any residential, office, or commercial zoning district, with the exception of MF-2, L-2, I-1, I-2, and IP uses, and certain commercial uses as defined below.

(d) Conditional uses. A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit.

(e) Prohibited uses and zoning.

(1) Eating establishment: drive-through;
(2) Distribution centers of trucking terminals;
(3) Adult-oriented businesses;
(4) Automotive repair, painting, or washing facilities;
(5) Commercial blood centers;
(6) Funeral and interment facilities (all types);
(7) Animal interment services;
(8) General medical facilities (hospitals);
(9) Agricultural supplies and services;

(10) Personal storage; and

(11) Liquor stores, excluding establishments that have both: (i) a maximum total area of 1,700 square feet; and (ii) a maximum showroom area of 1,300 square feet.

(f) Building mass restrictions. Building size and construction must conform to the underlying zone as a minimum.

(g) Site development standards.

(1) Minimum lot size: None.

(2) Maximum building height (as defined in section 9.03.005):

a. Primary buildings: Not more than two stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

b. Accessory structures: 18 feet; and

c. Decks: Not more than 12 feet including a railing only or 18 feet including a roof.

(3) Minimum setbacks:

a. Street side: six feet;

b. Side lot line: The greater of three feet from the property line or six feet from the nearest existing structure, except 0 in the case of a party wall agreement; and

c. Rear lot line: six feet.

(4) Maximum impervious cover: NA (Square), 90 percent - other. Impervious cover shall be calculated as a percentage of the net site area.

(h) Parking regulations. As required by section 9.03.181, off-street parking and loading requirements.

(i) Supplemental development standards.

(1) Exterior building finishes. Exterior finishes of exterior walls visible from any public roadway, alleyway, or pedestrian way shall utilize only the following materials:

a. Native stone or rock;

b. Brick;

c. Stucco or plaster;

d. Unpainted or rustic wood;

e. Painted wood of other than primary colors;

f. Exterior insulating finishing system (EIFS); and

g. Glass in combination with any of the above, and according to adopted building codes.

(2) Pre-engineered metal buildings. Pre-engineered metal buildings are prohibited within this overlay district, unless all exterior walls visible from any public roadway, alleyway, or pedestrian way are finished or veneered using one of the following materials:

a. Native stone or rock;

b. Brick;

c. Stucco or plaster;

d. Unpainted or rustic wood;

e. Painted wood of other than primary colors;

f. EIFS; or

g. Glass in combination with any of the above, and according to adopted building codes.

(3) Signs.

a. All signs within this overlay district are subject to the city sign permitting requirements and must be in full compliance with article 4.08 of this Code.

b. No sign or signs shall be permitted which prohibit, reserve, or limit parking on any public roadway, except as erected by the city for the purpose of compliance with ADA or other emergency regulations.

TECHNIQUES | COMPATIBILITY

Section 9.02.004(b) *Series of "high level" Subdivision Policy Statements Regarding compatibility.*

(1) Land to be subdivided or developed shall be of such nature, shape, and location that with proper and careful design and development it can be safely used for building purposes without danger to health or risk of fire, flood, erosion, landslide, or other menace to the general welfare;

(2) A final plat shall not be recorded until the necessary public utilities and facilities and other required improvements exist or arrangements are made for their provision;

(3) Buildings, lots, blocks, and streets shall be arranged so as to afford adequate light, view, and air, and to facilitate fire protection, providing ample access to buildings for service and emergency equipment;

(4) Land shall be subdivided and developed with due regard to topography and existing vegetation with the object being that the natural beauty of the land shall be preserved to the maximum extent possible;

(5) Existing features that would add value to development or to the city as a whole, such as scenic and special features, both natural and human-made, historic sites, and similar assets shall be preserved in the design of the subdivision whenever possible; and

(6) Existing or proposed public improvements shall conform to the intent and provisions of and be properly related to the policies of the comprehensive plan and any other guidance documents adopted by the city council. These regulations supplement and facilitate the enforcement of the provisions and standards contained in article 9.03 of this Code, the comprehensive plan, and the building code of the municipality.

Section 9.02.045 *Subdivision Master Plan Required if greater than 50 acres, phased, or off-site improvements required.*

Section 9.02.112(b) Urban Design Principles

Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the comprehensive plan for land use, circulation, community facilities, and public utility services, and in accordance with the following general principles.

(1) The neighborhood, as a planning unit, is intended as an area principally for residential use with a size that is not inconsistent with the small-town character of the city. Open space for the recreation and enjoyment of the residents should be provided and designed as an integral part of each neighborhood. The size of lots and blocks should be designed to provide adequate light, air, potable water, open space, landscaping, and off-street parking. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks, trails, bikeways, and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.

(2) The components of the street system should in different degrees serve the separate purposes of access to property and safe, efficient movement of traffic. Land use types should be served by roadways whose capacity increases in proportion to the traffic generation of the land use. Design and location of points of access to property should be appropriate to the volume and speed characteristics of traffic utilizing the intersection.

(3) An open space system throughout the city area should provide a range of active and passive recreation opportunities. Park, open space, and recreation facilities should be located with sensitivity to user population, natural features, traffic generation, and nearby land use.

(4) Land use arrangement and design should minimize the difference in intensity between adjacent uses. Stepdown patterns of use surrounding major activity centers, combined with buffering techniques, should ensure that residential densities are compatible with each other, and that residential development is not adversely impacted by higher intensity uses.

(5) Public utilities and infrastructure should be provided within all subdivisions in order to ensure the health, safety, and well-being of the public. Utility capacity should be sufficient to meet accepted standards of service to reasonably anticipated development. Where excess capacity in utility lines or facilities within a subdivision will further the efficient and desirable extension of utilities to adjacent property, equitable provision of that capacity is essential to the orderly growth of the urban area.

(6) When any modification, alteration, addition, or demolition of a structure or change in use or occupancy occurs on an existing developed site, it may not be possible to meet all the standards addressed by this article. The specific circumstances of each such case must be reviewed in an effort to maximize compliance with this article and ensure appropriate subdivision design.

Section 9.02.158 Special parking requirement areas

(a) Purpose. Special parking requirements shall apply within designated portions of the city in order to recognize and encourage relatively greater mobility and accessibility of future facilities, to promote the construction of appropriately located public parking facilities, to discourage inharmonious parking facilities or areas in historic districts or on sites occupied by historic structures, and to reduce intrusion on pedestrian-oriented street frontages by parking facility access.

(b)Special parking requirements area. Within a designated special parking requirements area, the following provisions shall apply in lieu of the regulations otherwise established by the off-street parking and loading regulations.

(1) There shall be visual screening of open parking garages or lots along street frontages.

(2) Enclosed parking garages within the central business district must be separated from the adjacent street by enclosed commercially leasable space fronting the adjacent street at the ground level. On any site that is less than one city block on any side, this provision may be waived or adjusted by the commission or the council, provided at least 50 percent of the garage fronting on the adjacent streets at the ground level shall be enclosed by commercially leasable space. All remaining areas shall be screened.

(3) There shall be no curb cut greater than 30 feet for garage access.

(4) There shall be a clear 160-degree cone of vision at the intersection of sidewalks and any parking access or egress lanes.

(5)

a. There shall be no openings for vehicle access at any level to parking garages or curb cuts in the historic district, unless the commission approves such access and includes a finding in its approval that the applicant has demonstrated that the proposed project will not unreasonably impair pedestrian and vehicular movement in the affected area and adequate precautions have been made for the safety and convenience of the public.

Sec. 9.03.044 Districts established; designation and review

(i) Specific review criteria.

(1) Land use intensity gradations. Land use intensity gradation is an expression of external effects on the environment. In reviewing zoning requests, the planning and zoning commission and the city council shall consider the intensity of the proposed zoning district in relation to the intensities of adjoining or nearby districts. The land use intensity gradation rankings (from lowest to highest) adopted by the city are as follows:

a. RA, R-1, R-2, R-3, R-4, NS;

b. R-5, MH, MF-1, MF-2, PPU, NS;

c. VI, C-1, SC, O-1, L-1, PR-1;

d. C-2, O-2, L-2, [RR-1];

e. C-3, PR-2, PF, [RR-1];
f. I-1, AS/S; and
g. HC, I-2, IP.

(2) In order to promote reasonable transitions between districts within the city and ensure the compatibility of neighboring uses, zoning district boundaries may not be approved if the difference between the intensity of the requested district and an adjoining district is greater than two, except as recommended by the planning and zoning commission, and as may be approved by the city council. For example, a permitted use in Intensity Grade D may be adjacent to a permitted use in Intensity Grade B.

(3) Note that WPDDs, overlays and CUPs are not subject to the land use intensity gradation rankings. Their external effects on the environment are evaluated on a case-by-case basis. These districts may include specific provisions for mitigation and screening.

- *Performance Standards:*
  - Establish maximum allowable levels for noise (dBA), ground-borne vibration (mm/s or in/s), and particulate matter (PM2.5, PM10) at property lines or within sensitive receptor zones. Require ongoing compliance monitoring and enforcement.

Sec. 9.03.044 Districts established; designation and review (h) Land Use Policies and Planning Areas

(1) Land use policies. The goal of these land use policies is to protect and improve the city as it exists today and to prevent degradation of the traditional character of the city. As a major policy, the planning and zoning commission and the city council will not support any suburbanization of land uses, strip commercial development, dominant single-use districts, or developments that are out of character or scale with the historic development pattern of the city.

a. General policies.

1. A height limitation of two stories throughout the city;
2. WPDDs encouraged to maintain mixed uses throughout the city;
3. Transitions between adjacent land uses should reflect appropriately compatible levels of intensity;
4. Landscape preservation;
5. Resources preservation; and
6. Construction restricted on slopes of more than 15 percent.

c. Residential districts (RA - R-5). Consistent with the overall land use planning rationale for the community, residential areas are to be developed in a manner that reflects an inverse relationship between density and distance from the village center, such as higher density developments are to be located toward the village center. Residential development in connection with low-impact retail or office development is encouraged.

d. Office districts (O-1, O-2). When proposed as adjacent to residential areas, office uses are to be evaluated on the basis of their overall compatibility with the adjacent residential district. Office uses may be permitted along both major and minor arterials, subject to the following siting criteria:

1. Maximum frontage along a major arterial is 225 feet;
2. Maximum frontage along a minor arterial is 150 feet; and
3. In calculation of these maximum frontages, the criteria apply to single sites, or a combination of adjacent sites.

e. Lodging districts (L-1, L-2, [RR-1], VI). Larger scale facilities (31 or more units) shall be limited to Highway Commercial (HC) districts.

f. Commercial districts (SC, C-1, C-2 and C-3). When proposed as adjacent to residential areas, commercial districts are to be evaluated on the basis of their overall compatibility with adjacent residential district.

1. Commercial uses may be permitted along both major and minor arterials, subject to the following siting criteria:

i. Maximum frontage along a major arterial is 225 feet;

ii. Maximum frontage along a minor arterial is 150 feet; and

iii. In the calculation of these maximum frontages, the criteria apply to single sites, or a combination of adjacent sites.

2. Commercial concentrations at all corners of any intersection (through single or multiple sites) are limited to a maximum of two acres.

3. C-3 and C-2 uses are to be located toward the city center.

4. HC uses shall be limited to Planning Area VI.

g. Industrial uses (I-1, I-2, and IP).

1. Industrial uses are best situated in locations accessed through a series of collector streets and developed as a unified industrial park.

2. Industrial uses are not permitted if any part of the site abuts a major arterial, with the exception of those uses located in a highway commercial district.

3. Industrial uses may be permitted if one or more portions of the site abut a minor arterial, provided that no portion of the site is adjacent to any residential district or existing residential development.

4. Industrial uses are prohibited within all overlay districts.

5. All I-1 uses must be developed in a manner that ensures total containment of all activities in an enclosed area and no outside storage of materials used in the conduct of the operation.

6. All I-2 uses must have sufficient site area so as to provide adequate screening of any materials used in the conduct of the operation.

7. I-2 uses are not permitted adjacent to existing single-family or duplex areas or districts.

Section 9.03.184 Supplemental regulations

(j) Outdoor lighting regulation. The established small-town character of the city is due in part to the absence of high intensity and excessive outdoor lighting that illuminates the sky and creates glare. In order to follow the intent of the vision statement and the comprehensive plan to preserve, and where possible restore the small-town character, the following regulation of outdoor lighting shall apply:

(1) Any outdoor lighting fixture installed in the city having total electric consumption in excess of 150 watts or total light emission in excess of 1,800 lumens, except those illuminating a flag of a state or nation, shall be shielded in a manner that:

a. Confines the light so that it falls entirely on a wall or sign, or confines the light entirely below an angle 15 degrees below a horizontal plane at the level of the lowest point of the fixture at which light is emitted or reflected by a specular reflector; and

b. Prevents a line of sight from any point off the property on which the fixture is situated to a light source or a specular reflector within or incidental to the fixture.

(2) No property in the city shall have outdoor lighting fixtures that do not conform to subsection (j)(1) above which collectively have total electric consumption exceeding 600 watts or total light emission exceeding 7,200 lumens.

(3) a. The illumination on any outdoor surface or object, including signs, at the point of maximum illumination shall not exceed:

1. Six footcandles in districts RA, R-1 to R-5, MF-1, or MF-2;

2. Eighteen footcandles in other districts on a business property when the business is open; or

3. Three footcandles in other districts on a business property when a business is closed or absent.

b. Reduction of illumination, if necessary, shall be accomplished by the disconnection or re-lamping of fixtures or electrical dimming.

(4) The installation or replacement of a mercury arc or mercury discharge lamp of any size or kind is prohibited.

(5) Any outdoor lighting fixture existing on a property at the time when zoning is applied to the property and which does not conform to subsection (j)(1) of this section, and which can be re-aimed, shall be re-aimed:

a. So it conforms with subsection (j)(1);

b. So the optical axis is at an angle not less than 60 degrees below the horizontal; or

c. So the optical axis is at the lowest angle permitted by the nature of the fixture and existing or available mounting hardware.

(6) Any outdoor lighting fixture existing on a property at the time when zoning is applied to the property and which does not conform to subsection (j)(1) of this section and which has been damaged to the extent that the cost of repair exceeds 60 percent of the cost of replacement shall be considered destroyed and shall be replaced only with a fixture that conforms to this regulation.

(7) Any outdoor lighting fixture, except those of a public entity, existing on a property at the time when zoning is applied to the property and which does not conform to subsection (j)(1) of this section shall be removed or disconnected within ten years from the time of application of initial zoning to the property.

(8) For the purpose of this section, and in the absence of manufacturer's ratings, the light emission of lamps shall be calculated as follows:

a. Common tungsten incandescent: 12 lumens per watt;

b. Halogen incandescent: 18 lumens per watt;

c. Metal halide: 82 lumens per watt;

d. High pressure sodium: 82 lumens per watt; and

e. Fluorescent tubes: 75 lumens per watt.

- *Restrict High-Impact Uses:*
  - Prohibit or conditionally permit uses known to generate excessive noise, vibration, or air pollution within proximity to sensitive receptors. Require additional mitigation or alternative siting for such uses.

Section 9.03.044 Districts established; designation and review (h) Land use policies and planning area uses.

(1) Land use policies. The goal of these land use policies is to protect and improve the city as it exists today and to prevent degradation of the traditional character of the city. As a major policy, the planning and zoning commission and the city council will not support any suburbanization of land uses, strip commercial development, dominant single-use districts, or developments that are out of character or scale with the historic development pattern of the city.

b. Policies relative to conditional uses.

1. Hours of operation;

2. Levels of activity;

3. Traffic generation;

4. Environmental compatibility;

5. Compatibility with adjacent uses;

6. Resource preservation; and

7. Architectural and design compatibility with adjacent uses and in character and in scale with the historical development pattern of the city.

- **Screening:** Require screening of unsightly, but functional site elements such as a refuse areas, maintenance equipment, and outside storage.

Section 9.02.123 Landscaping and buffering; screening

(e) Screening requirements.

(1) Fences. Fences shall be constructed in accordance with article 4.07 of this Code.

(2) Screening of mechanical equipment.

a. Properties which may be viewed from residential uses, streets, or public park areas shall screen all roof-, ground-, and wall-mounted mechanical equipment (such as air handling equipment, compressors, duct work, transformers, and elevator equipment) from view at ground level.

b. Roof mounted mechanical equipment shall be shielded from view on four sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary building. Screening shall result in the mechanical equipment blending in with the primary building, and not appearing separate from the building.

c. Wall or ground mounted screening shall be constructed of:

1. Planting screens;

2. Brick, stone, or other similar masonry materials;

3. Redwood, cedar, preservative pressure-treated wood, or other similar materials; and

4. All fence posts shall be rust-protected metal, concrete-based masonry, or concrete pillars.

d. A variance may be granted in cases with extreme topographic differences.

(3) Screening of outside storage.

a. Outside storage shall be located at the rear of the primary building and shall be screened from public view.

b. Outside storage shall be screened with a minimum seven-foot tall screen or a screen that is a minimum of one foot above the top of the storage materials, whichever is taller. Screening shall be:

1. A masonry wall or other material that is similar to the primary structure;

2. A berm;

3. A planting enclosure of large evergreen shrubs planted a maximum of four feet apart that shall create a solid screen to a minimum height of seven feet within two years as determined by a registered landscape architect, certified nurseryperson, or master gardener, or as determined by the director; or

4. A combination of the above.

(4) Screening of waste containers.

a. Waste containers shall be located on the side or rear of the building and screened from public view.

b. Waste containers shall be located outside of the required building setback areas, and, when adjacent to residentially zoned property, must be located at least 50 feet away from residential property lines.

c. Waste containers shall be screened on four sides, using an enclosure that is seven feet tall or of a height that is a minimum of one foot above the top of the dumpster, whichever is taller. Screening shall be comprised of:

1. Brick, stone, or other similar masonry materials that have a similar finish to the primary finish;

2. Redwood, cedar, preservative pressure-treated wood, or other similar materials;

3. Large shrubs planted four feet on center and staggered 30 to 36 inches. Shrubs shall be watered with an irrigation system;

4. All fence posts shall be rust-protected metal, concrete-based masonry, or concrete pillars; and

5. Six-inch concrete-filled steel pipes shall be located to protect the enclosure from truck operations.

d. Waste container enclosures shall have steel-framed gates and tiebacks to secure them in an open position, and fasteners to keep them closed.

e. Waste container screening shall be maintained at all times.

f. All enclosures to be seven feet tall or greater must use protective steel poles in corners and at possible impact areas; minimum six-inch reinforced slab, sloped to drain; and gate with spring-loaded hinges, or equivalent.

(5) Screening of loading docks. These standards shall apply to all sites with loading docks in non-industrially zoned districts:

a. Loading and service areas shall be located at the side or rear of buildings;

b. Off-street loading areas shall be screened from view of any street or adjacent property;

c. Loading areas shall be enclosed on three sides by a wall or other screening device not less than eight feet in height;

d. Loading areas shall not be located closer than 100 feet to any single-family lot, unless wholly within an enclosed building; and

e. Screening materials shall be comprised of:

1. A wall that has a similar finish to the primary structure; or

2. A combination of trees and shrubs that will result in solid screening within two years as determined by a registered landscape architect, certified nurseryperson, or master gardener, or as determined by the planning staff.

DIVISION 11. LANDSCAPING AND TREE PRESERVATION Section 9.02.387 Parking Area Landscaping

(a) Parking lots and all vehicular parking and maneuvering areas, excluding driveways behind buildings, shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians.

(b) The minimum total area in landscaped islands, peninsulas, or medians in the parking lots in front of buildings shall be 90 square feet for each 12 parking spaces.

(c) One tree is required for every six parking spaces. Tree preservation is encouraged, thus one existing tree that is at four inches DBH shall count for two new trees.

(d) No parking space shall be located further than 50 feet from a landscaped island, peninsula, median, or tree. They shall be located evenly through the parking areas; however, the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.

(e) Landscape terminal islands (end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Medium and tall shrubs are prohibited on internal islands to maintain visibility.

(f) All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.

(g) Paving over the critical root zone is discouraged and must be approved by the city administrator, or designee. All approved paving shall be porous pavement to allow water and air exchange.

Section 9.02.388 Screening of dumpsters and building service equipment

(a) For outdoor condensers, utility huts, and other building service equipment (other than a rooftop), such equipment shall be reasonably screened from view on all sides using a masonry wall and vegetative screen using at least two varieties of plant material from the "grow green" plant guide, that, at maturity, are at least the height of the equipment to be screened.

(b) All refuse and/or recycling containers shall be reasonably screened with landscaping from public view and the view of adjoining properties.

(c) The opening for removal of the dumpster for collection shall be a minimum of 12 feet to allow proper service access. An additional ten feet in width is required for every additional dumpster.

(d) All durable materials used in constructing the dumpster screening masonry wall system shall be consistent with and complement the primary structure.

(e) The orientation of the ***dumpster opening shall not face*** *the street or public sidewalk unless approved by the city administrator, or designee.*

- *Plat and Plan Requirements:*
  - Require subdivision plats to delineate buffer zones, identify sensitive receptors, and document compliance with environmental compatibility standards.
  - Mandate that subdivision layouts minimize the exposure of new lots to major sources of noise, vibration, and air pollution.

Section 9.02.119 Lots (b) Use

(b) Use. The proposed use for each lot shall be indicated on the plat as one of the following:

(1) RA; Residential Acreage;
(2) R-1; Rural Residential 1 (minimum two acre lots);
(3) R-2; Single-Family Residential 2 (minimum 20,000 square foot lots);
(4) R-3; Single-Family Residential 3 (minimum 10,000 square foot lots);
(5) R-4; Single-Family Residential 4 (minimum 6,000 square foot lots);
(6) R-5; Two-Family Residential (Duplex Homes);
(7) MF-1; Multi-Family Residential 1 (Triplex/Quadriplex/Apartments);
(8) MF-2; Multi-Family Residential 2 (Apartments);
(9) MH; Mobile Home;
(10) Special requirements for mobile home parks;
(11) O-1; Office - Low Impact;
(12) O-2; Office - High Impact;
(13) C-1; Commercial - Low Impact;
(14) C-2; Commercial - Moderate Impact;
(15) C-3; Commercial - High Impact;
(16) HC; Highway Commercial;
(17) I-1; Industrial - Low Impact;
(18) I-2; Industrial - High Impact;
(19) AS/S; Animal Sales/Services;
(20) L-1; Lodging (1—15 Units);
(21) L-2; Lodging (1—30 Units);
(22) IP; Industrial Park;
(23) PPU; Public Protection/Utility;
(24) PR-1; Participant Recreation - Low Impact;
(25) PR-2; Participant Recreation - High Impact;
(26) PF; Public Facilities;
(27) NS; Neighborhood Services District;
(28) WPDD; Planned Development District;
(29) RR-1; Rural Retreat 1;

(30) VI; Village Inn;
(31) SC; Scenic Corridor.

TECHNIQUES | HOME BASED BUSINESSES

- *Residential Character and Use:*
  - Maintain the home-based business to remain clearly secondary to the residential use of the dwelling, with no exterior evidence of business activity, structural alterations, or signage visible from the street.
  - Strictly prohibit outdoor storage of equipment, materials, or stock is permitted, and hazardous materials.

- *Operator and Employment:*
  - Require the business to be operated by a full-time resident of the dwelling.
  - Limit employment of non-resident staff (e.g., only residents and one additional non-resident employee permitted on-site at any time; require special approval for additional employees).

- *Business Types and Activities:*
  - Permit only low-impact, non-polluting businesses (e.g., consulting, crafts, remote services, tutoring).
  - Prohibit uses that generate excessive noise, vibration, glare, fumes, odors, or electrical interference detectable off-site.
  - Prohibit retail sales, auto repair, animal care, and any business involving hazardous materials or significant foot traffic.

- *Floor Area and Location:*
  - Conduct the business wholly within the principal dwelling or an approved accessory structure; allow use of garages or accessory buildings with limits.
  - Set a maximum percentage of the dwelling's floor area for business use (e.g., 25–30%), while allowing flexibility if there is no neighborhood impact.

- *Parking and Traffic:*
  - Provide off-street parking for any business-related vehicles or visitors, ensuring parking does not encroach on required yards or public rights-of-way.
  - Prevent the business from generating traffic, deliveries, or parking demand beyond what is typical for the neighborhood; prohibit queuing, browsing, or increased pedestrian activity.

- **Signage:** Prohibit exterior signs or business displays, except for a small, non-illuminated nameplate if permitted by local code.
- **Multiple Home Occupations:** Allow more than one home-based business per dwelling, provided the combined impact does not exceed the standards for a single business.
- **Special Structures and Housing Types:** Permit home occupations in all types of residential structures, with special parking or operational restrictions for multi-unit buildings or shared parking situations.
- **Performance Standards:** Use performance-based standards to allow flexibility while ensuring that home-based businesses do not create nuisances or hazards for neighbors.

Housing

TECHNIQUES | HOUSING DIVERSIFICATION & AFFORDABILITY

- **Accessory Dwelling Units:** Legalize accessory dwelling units without discretionary approvals to expand affordable housing options, support multigenerational living, and increase density without altering neighborhood character. Reduces development costs and improves housing flexibility.

Section 9.03.182 Accessory Building and use Regulations

(a)(3) Accessory dwelling units in RA districts shall be allowed as an incidental residential use of a building on the same lot or on a contiguous lot under the same ownership that satisfies the requirements of this section, as the main dwelling unit and used by the same person or persons of the immediate family, and meets the following standards:

a. The accessory dwelling unit may be constructed only with the issuance of a building permit and shall be constructed out of the same material as the main structure;

b. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit; and

c. Setback requirements shall be the same as for the main structure.

(4) Accessory dwellings (including garage/accessory dwellings and detached units) are permitted in residential zoning districts R-1 and R-2. Only one accessory dwelling unit (such as garage/accessory dwelling, servant's/caretaker's quarters, and the like) shall be allowed on any lot or on a contiguous lot under the same ownership that satisfies the requirements of this section, within any such zoning district, and it shall be clearly incidental to the primary use. Accessory living structures shall not, in any case, be sold separately from the main dwelling. At no time shall any accessory building be permitted to cross lot lines.

- **Permitting Housing Types:** Allow a wide range of housing types in most residential districts, including single-family homes, duplexes, triplexes, townhouses, multifamily apartments, manufactured homes, accessory dwelling units (ADUs), and single-room occupancy (SRO) units.

Sec. 9.03.071 Residential acreage; RA

- *Allowed one single family residence.*
- *Up to one accessory dwelling unit allowed by right or CUP.*
- *Allowed one secondary single-family residential building as long as it is not a rental.*
- *Select Conditional Uses:*
- *Dary Care, Two-family residential, Short Term Rentals.*
- *Contains minimum floor areas for primary and secondary residential buildings, and short term rental.*
- *Max IC 20%*

Section 9.03.072 Rural Residential 1; R-1

- *Allowed one single family residence.*
- *Allowed up to one accessory dwelling unit allowed by right.*
- *Select Conditional Uses:*
- *One secondary single-family residential building, Day Care, Two-family residential, Short Term Rentals.*
- *Contains minimum floor areas for primary and secondary residential buildings, and short term rental.*
- *Max IC 20%*

Section 9.03.073 Single-Family Residential 2; R-2

- *Allowed one single family detached dwelling.*
- *Allowed up to one accessory dwelling unit allowed by right.*
- *Select Conditional Uses:*
- *Day Care, Two-family residential, Short Term Rentals.*
- *Contains minimum floor areas for primary residential buildings.*
- *Max IC 35%*

Section 9.03.074 Single-Family Residential 3; R-3

- *Allowed one single family detached dwelling.*
- *NOT allowed up to one accessory dwelling unit allowed by right.*
- *Select Conditional Uses:*
- *Day Care, Two-family residential, Short Term Rentals.*
- *Contains minimum floor areas for primary residential buildings.*
- *Max IC 45%*

Section 9.03.075 Single-Family Residential 4; R-4

- *Allowed one single family detached dwelling.*
- *NOT allowed up to one accessory dwelling unit allowed by right.*
- *Select Conditional Uses:*

- *Two-family residential, NO Short Term Rentals.*
- *Contains minimum AND maximum floor areas for primary residential buildings.*
- *Max IC 60%*

Section 9.03.076 Two-Family Residential Duplex; R-5

- *Allowed two family residence.*
- *NOT allowed up to one accessory dwelling unit allowed by right.*
- *Select Conditional Uses:*
- *NO Short Term Rentals.*
- *Contains minimum floor areas for primary residential buildings*
- *Contains max # of bedrooms per unit.*
- *Can't enclose the garage..*
- *Max IC 60%*

Section 9.03.077 Multi-Family Residential (triplex, quadraplex, apartments); MF-1

- *Single Family Detached, Two Family, Multi-family with 3-6 units per building.*
- *NOT allowed up to one accessory dwelling unit allowed by right.*
- *Select Conditional Uses:*
- *NO Short Term Rentals.*
- *Contains standards for minimum building lot area, minimum lot area per dwelling unit, minimum lot width and depth, maximum number of units, maximum number of bedrooms per unit and building, minimum building separation.*
- *Contains minimum floor area per dwelling unit by unit type and bedroom.*
- *Max IC 50%*
- *Minimum Parking standards by unit type and bedroom count.*
- *Minimum distance from front door of each dwelling unit to fire lane.*
- *Minimum 30 percent landscaping or usable open space. Maximum distance requirement. Minimum size and width of open space. Maximum slope. Exclusions for enclosed buildings, driveways, parking lots, drainage, electrical. Minimum tree planting requirement. Minimum street frontage.*

Section 9.03.078 Multi-Family Residential (apartments); MF-2

- *Single Family Detached, Two Family, Multi-family with 4-12 units per building.*
- *NOT allowed up to one accessory dwelling unit allowed by right.*
- *Select Conditional Uses:*
- *NO Short Term Rentals.*
- *Contains standards for minimum lot area, minimum lot area per dwelling unit, minimum lot width and depth, maximum number of units, max number of dwelling units per building, maximum number of bedrooms per unit, building, and development, minimum building separation.*
- *Contains minimum floor area per dwelling unit by unit type and bedroom.*
- *Max IC 50%*
- *Minimum Parking standards by unit type and bedroom count.*
- *Minimum distance from front door of each dwelling unit to fire lane and refuse facilities.*

- *Minimum 30 percent landscaping or usable open space. Maximum distance requirement. Minimum size and width of open space. Maximum slope. Exclusions for enclosed buildings, driveways, parking lots, drainage, electrical. Minimum tree planting requirement. Minimum street frontage.*

Section 9.03.079 Mobile Home MH

- *Individually owned manufactured homes installed on a permanent foundation on platted lots. Industrialized housing; Single-family detached dwelling.*
- *NOT allowed up to one accessory dwelling unit allowed by right.*
- *Select Conditional Uses:*
- *NO Short Term Rentals.*
- *(d) Required facilities.*
  - *(1) Electric, water, and sewer hook-up for each home site;*
  - *(2) Permanent secure building space for storm refuge for tenants;*
  - *(3) For planned rentals, a minimum of one bathroom with shower and toilet for each ten rental sites; and*
  - *(4) A laundromat having a minimum of one washer and one dryer for each ten dwelling sites.*
- *Contains standards for minimum and maximum number of lots per park, Minimum area per lot. Minimum lot with and depth.*
- *Max IC 50%*
- *Minimum Parking standards for residents and visitors.*
- *Required access to public or internal street.*
- *Walkways required on both sides of street.*
- *Drainage and soil protection requirements.*
- *Firefighting standards, including clear space and maximum distance from hydrant.*
- *(12) Anchorage of mobile homes. To ensure against natural hazards such as tornados, high winds, and electrical storms, anchorage for each manufactured or mobile home shall be provided according to the building code and state law.*
- *Minimum 10 percent landscaping or usable open space. Maximum distance requirement. Minimum size and width of open space. Maximum slope. Exclusions for enclosed buildings, driveways, parking lots, drainage, electrical. Minimum tree planting requirement. Minimum street frontage.*

– **Residential Minimum Lot Size and Setbacks:** Remove or reduce minimum lot size and lot width requirements to enable smaller, more affordable lots and houses. Reduce front setbacks to maximize land use efficiency.

Section 9.02.119

(b) Use. The proposed use for each lot shall be indicated on the plat as one of the following:

(1) RA; Residential Acreage;
(2) R-1; Rural Residential 1 (minimum two acre lots);
(3) R-2; Single-Family Residential 2 (minimum 20,000 square foot lots);
(4) R-3; Single-Family Residential 3 (minimum 10,000 square foot lots);
(5) R-4; Single-Family Residential 4 (minimum 6,000 square foot lots);
(6) R-5; Two-Family Residential (Duplex Homes);
(7) MF-1; Multi-Family Residential 1 (Triplex/Quadriplex/Apartments);
(8) MF-2; Multi-Family Residential 2 (Apartments);

Section 9.02.119(i) Lots. Applicability to Mobile Homes.

Mobile home spaces. All of the design requirements for lots listed in subsections (a) through (i) of this section apply to a mobile home park lease space that serves as a lot area for an individual mobile home unit within a park development.

Section 9.02.119 Lots (g)(4) Table "Design Standards for Lots"

See Table, which includes minimum lot area, building coverage, impervious coverage, front, rear, and interior street setbacks standards.

Sec. 9.03.044 Districts established; designation and review (h) Land Use Policies and Planning Areas

(1) Land use policies. The goal of these land use policies is to protect and improve the city as it exists today and to prevent degradation of the traditional character of the city. As a major policy, the planning and zoning commission and the city council will not support any suburbanization of land uses, strip commercial development, dominant single-use districts, or developments that are out of character or scale with the historic development pattern of the city.

a. General policies.

1. *A height limitation of two stories throughout the city;*
2. *WPDDs encouraged to maintain mixed uses throughout the city;*
3. *Transitions between adjacent land uses should reflect appropriately compatible levels of intensity;*
4. *Landscape preservation;*
5. *Resources preservation; and*
6. *Construction restricted on slopes of more than 15 percent.*

- **Adaptive Reuse:** Allow residential use in former commercial or industrial zones and encourage mixed-use development to increase housing supply.
- **Parking Minimums:** Lower or remove mandatory parking minimums.

Section 9.03.077 Multi-Family Residential (triplex, quadraplex, apartments); MF-1(e) Parking Regulations.

Section 9.03.078 Multi-Family Residential (apartments); MF-2 (e)

(1) a. For each efficiency or one-bedroom unit, 1.75 spaces;
b. For each two-bedroom unit, two spaces;
c. For each three-bedroom unit, 2.5 spaces; and
d. For each four or more bedroom unit, three spaces.

- **Incentives:** Offer density bonuses, reduced parking requirements, or expedited permitting for developments that exceed minimum affordability or diversity requirement.
- **Affordability Requirements:** Implement inclusionary zoning, requiring a percentage of new units to be affordable to households at various income levels, with long-term affordability ensured through covenants or deed restrictions.

RESILIENCE OF THE NATURAL ENVIRONMENT

Hazard and Environmental Protection Zones & Overlays

Sec. 9.03.044 Districts established; designation and review (h) Land Use Policies and Planning Areas

(1) Land use policies. The goal of these land use policies is to protect and improve the city as it exists today and to prevent degradation of the traditional character of the city. As a major policy, the planning and zoning commission and the city council will not support any suburbanization of land uses, strip commercial development, dominant single-use districts, or developments that are out of character or scale with the historic development pattern of the city.

a. General policies.

1. A height limitation of two stories throughout the city;

2. WPDDs encouraged to maintain mixed uses throughout the city;

3. Transitions between adjacent land uses should reflect appropriately compatible levels of intensity;

4. Landscape preservation;

5. Resources preservation; and

6. Construction restricted on slopes of more than 15 percent.

Section 9.04.064 Critical Environmental Feature Protection

As critical environmental features (CEF) are micro-geologic features that can become direct entry points where pollutants are introduced into the aquifer, the following setbacks from CEFs are as set forth in this article to minimize the risk of groundwater pollution:

(1) Minimum setback. A minimum setback area with a radius of 100 feet is established around the outside periphery of all CEFs.

(2) Restrictions.

a. No development activities are allowed within the setback area.

b. No untreated stormwater runoff from developed land shall be allowed to flow over CEFs.

(3) Hilltop CEFs. For CEFs which are discovered to lie in an area which does not receive stormwater runoff (e.g., situated at the top of a hill), the setback area is 25 feet to prevent inadvertent pollution of the CEF unless otherwise restricted by this Code.

TECHNIQUES | FLOODPLAINS:

- **Identification of Flood-prone Areas on Plat:** Require subdivision plats to clearly identify flood-prone areas and include floodplain notes referencing FIRMs and flood zones. Show the 100-year (base flood) and 500-year elevation on all subdivision plans and plats.). Require plats to state that improvements are subject to additional floodplain management regulations; or inform of the need to submit an elevation certificate or the need to purchase flood insurance.

- **Residential Lot Location:** Ban residential plats and structures in 100/500-year floodplains and velocity zones to prevent life/property loss.

- **Buildable Area**: Prohibit the creation of new lots in the floodplain unless they have a minimum area (usually equivalent to the full building envelope) with a natural grade elevation above the regulatory floodplain.
- **Critical Facility Location**: Protect critical facilities to the 500-year flood level or flood of record, whichever is greater, and ensure that any critical facility has dry-land access (see the following section).
- **Public Facility Location**: Prohibit the location of reserved lands within a subdivision for new school sites and fire stations within the floodplain.
- **Open Space Dedication**: Require floodplain areas to be set aside as permanent open space or conservation land, protected by easement or covenant.
- **Infrastructure Location**: Require roads, utilities, and other infrastructure to be located outside the floodplain where feasible, or elevated/protected if unavoidable.
- **Stormwater Management**: Require subdivisions to demonstrate that stormwater facilities will not increase flood risk and will remain functional during flood events.
- **Review & Permitting**: Require all development, fill, or land disturbance in the floodplain to obtain a floodplain development permit that may require engineering studies (e.g., for base flood elevation or floodway delineation).
- **Building Height Maximum Relief**: In floodplains, increase the maximum height limit a commensurate amount to the required elevation a structure must be above Base Flood Elevation.
- **Conservation/Drainage Easements**: Require a permanent conservation (preferred) or drainage easement for areas of lots in the floodplain that are not allowed to be developed. Incentivize conservation easements of floodplains by allowing for a density bonus on lots or dwelling units.

Section 9.02.120(c) Easements

(c) Easements shall be established and dedicated for all utility apparatus, drainage facilities including detention areas, common access areas, and other public or quasi-public uses requiring dedication of property rights.

Section 9.03.223 Protected Waterway Overlay District

(a) Definitions. For the purpose of this section, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

- *Creek. A watercourse smaller than a river.*
- *River. A natural stream of water of fairly large size flowing in a definite course or channel or series of diverging and converging channels.*
- *Watershed. An area of land over and through which water flows to the lowest point, which can be a creek, river, wetland, or lake.*

(b) General purpose and description.

(1) The PW, protected waterway district is intended primarily for the protection of the rivers and creeks, as well as private property in close proximity to those rivers and creeks, found within the city limits and extraterritorial jurisdiction.

(2) The goal of the overlay is to maintain or improve the condition of the city's rivers and creeks by limiting the amount of impervious cover allowed near those features, to provide viable habitat for fish and wildlife, to reduce the possibility of future property loss due to flood damage while accommodating new growth, to maintain the integrity of high quality surface and ground water, and to help restore impaired waters by protecting vegetation, trees, and other features that serve to protect watershed health (such as ground and surface water quality). It is important that the city preserve the integrity of the community's watersheds because watersheds provide our drinking water, as well as resources for the area's economy, recreation, and wildlife.

(c) Limits of overlay. Application of this overlay is limited to Federal Emergency Management Agency (FEMA) studied and unstudied (unstudied are typically zone A) waterways, as depicted on flood insurance rate maps (FIRM). It is limited to areas extending 150 feet from current riverbanks and 100 feet from current creek banks, or to that area defined on the most current FIRM as special flood hazard areas inundated by 100-year flood, whichever is greater. These areas may be generically referred to, below, as the setback.

(d) Permitted uses. Except as noted below, all construction within the PW district shall be prohibited. Permitted uses described for the PW district are governed by the allowable underlying zoning districts found associated with each river and creek (see this article and the city's planning areas map that accompanies the comprehensive plan). These permitted uses must conform to the following criteria, as well as to the special development standards set forth for this overlay district:

(1) Utilities, only if those utilities cannot feasibly be located outside the setback, and only under the following circumstances:

a. The utilities shall be located as far from the watercourse bank as possible;

b. Their installation and maintenance shall protect the integrity of the setback areas;

c. They shall not impair the quality of the water found in the adjoining river(s) or creek(s); and

d. Construction of any utility crossing shall meet the requirements of all applicable federal, state, county, and city ordinances on soil erosion and sedimentation control.

(2) Agricultural activities, provided:

a. *The activity does not impair the quality of the water found in the adjoining river(s) or creek(s); and*

b. The use meets all federal, state, county, and city environmental rules and regulations.

(3) Industrial and commercial land uses existing prior to the establishment of the PW district, provided:

a. No previously existing use shall be expanded;

b. The activity does not impair the quality of the water found in the adjoining river(s) or creek(s); and

c. Those uses meet all federal, state, county, and city environmental rules and regulations.

(4) Single-family dwellings, including the usual appurtenances, if they comply with the following conditions:

a. The dwelling is in compliance with all city zoning and building regulations;

b. A septic tank or tanks servicing such a dwelling may be located within the PW district, and shall be pumped by a certified septic tank servicing company every three years;

c. However, septic tank drainfields shall not be located within the PW district; and

d. Only engineered wastewater treatment and disposal systems may be installed in the PW district.

(5) The construction of road crossings is allowed, provided that the construction meets the requirements of all applicable federal, state, county, and city ordinances on soil erosion and sedimentation control.

(6) Recreational usage, consistent either with the maintenance of a vegetative buffer or with river-dependent recreation, is allowed. Docks, paths, and walkways shall be consistent with this criterion.

(7) Nonconforming commercial septic systems. A nonconforming commercial septic system is defined as a commercial septic system (including septic tanks and appurtenances to the system) located on real property within the PW overlay, regardless of zoning of such property that was in use prior to April 1, 2001 and since such date. Notwithstanding the provisions of section 9.03.252

(nonconforming uses and structures), a nonconforming commercial septic system may be upgraded or replaced in its entirety, only if the following conditions are met:

a. A certified inspector has determined that the nonconforming commercial septic system must be upgraded or replaced due to the system failing, constitutes a health hazard and can no longer be repaired in a feasible manner; and

b. All state and local laws and regulations are complied with, including application for a permit and inspection of the new septic system; and

c. Expansion of capacity of the septic system is not permitted to allow for excess capacity of the existing nonconforming commercial system attributable to additional uses on the property after the septic system became nonconforming; and

d. A public wastewater system does not exist. If a public system exists then connection to the public system shall be required in accordance with applicable city ordinances, and a nonconforming commercial septic system may not be upgraded or replaced.

(8) Prior to commencement of any construction permitted by this subsection, or commencement of development as defined in article 9.04 (Water Quality Protection), as may be amended from time to time, the property owner shall apply for and obtain the approval of a site development permit. The requirements and process for approval for a site development shall be the same as set forth in section 9.03.183 (Development plan review).

(e) Site development standards. The site development standards of the PW district are the same as those of the allowable underlying district except for the following additional requirements and conditions:

(1) Construction. Except as expressly provided for under subsection (d) of this section, no new buildings shall be constructed within the special flood hazard areas inundated by 100-year flood zone as designated on the most current flood insurance rate map;

(2) Septic tanks. Except as expressly provided for under subsections (d)(4) and (d)(7) of this section, septic tanks and septic tank drainfields are prohibited within the PW district;

(3) Maximum impervious cover. No impervious surface shall be constructed within a 150-foot setback area on both sides of a river as measured from the river's bank or within a 100-foot setback area on both sides of a creek as measured from the creek's bank, except for those uses described in subsection (d) above. This regulation shall not apply for residential building sites above the floodplain; and

(4) Landscaping. To reduce runoff into rivers and creeks, vegetation abutting river and creek banks shall not be eliminated within a distance of ten feet from the banks except to provide a single point of access to the river or creek for each platted lot. The width of the single point of access shall not exceed ten percent of the length of the lot's river- or creek-front footage or 20 feet, whichever is smaller. Following any land-disturbing activity within the river corridor, vegetative buffer shall be restored as quickly as possible.

(f) Prohibited uses.

(1) Handling areas for the receiving and storage of hazardous waste shall be prohibited.

(2) Hazardous waste or solid waste landfills shall be prohibited.

(3) Wastewater treatment plants shall be prohibited.

(4) Parking lots shall be prohibited.

TECHNIQUES | RIPARIAN ZONES

– **Buffer Structure:** Define a riparian zone or tiers of riparian zones (e.g. "inner" is X feet (e.g. 35') from water's edge and "outer" extends from the edge of the inner zone to a total buffer width of Y feet (e.g. 100')). Disallow all disturbance in the inner zone except for select activities (e.g., permitted stream crossings, removal of hazardous vegetation, approved restoration projects). In the outer area limited disturbance allowed (e.g., trails, selective timber harvesting, utilities with municipal approval), provided no more than X% (e.g. 20%) of the area is altered.

- **Vegetation:** Require buffers must be planted and maintained with native vegetation; where no buffer exists, require new plantings as part of any subdivision or land development.
- **Prohibited Uses:** Prohibit storage of hazardous materials, landfills, septic systems, and other high-pollution uses within specified setback distances (often 100–300 feet depending on use).
- **Permitted Uses:** Expressly permit passive recreation (e.g., trails), utility crossings, and restoration activities, subject to municipal approval and compliance with all federal, state, and local regulations.
- **Buffer Expansion:** Increase buffer width where steep slopes (e.g., >25%) or floodplains are present, or where adjacent wetlands or critical habitats extend beyond the standard buffer.
- **Management & Maintenance:** Require buffers to be protected by recorded covenants or conservation easements, with maintenance and management requirements specified and enforced in perpetuity.

Section 9.04.063 Water Quality Setbacks

(a) Water quality buffer zones (WQBZ) required. As the location of development activities can have significant impacts on water quality, water quality buffer zones (WQBZ) shall be established along streams at the time of platting (creation of newly subdivided lots or site plans). This subsection does not apply to legally platted lots that existed as of the effective date of the ordinance from which this chapter derives.

(b) Dimensions for WQBZ.

(1) Option 1. A WQBZ shall be established along streams with the specified contributing drainage area as follows. The dimensions of the WQBZ are shown below:

a. Greater than five acres and up to 40 acres but excluding roadside swales. The WQBZ shall extend a minimum of 25 feet from either side of the centerline of the waterway (total of 50 feet of buffer zone). This buffer zone category will not apply within the city limits.

b. Greater than 40 acres and up to 128 acres. The WQBZ shall extend a minimum of 50 feet from either side of the centerline of the waterway (total of 100 feet of buffer zone).

c. Greater than 128 acres and up to 320 acres. The WQBZ shall extend a minimum of 100 feet from either side of the centerline of the waterway (total of 200 feet of buffer zone).

d. Greater than 320 acres and up to 640 acre. The WQBZ shall extend a minimum of 200 feet from either side of the centerline of the waterway (total of 400 feet of buffer zone).

e. Greater than 640 acres. The WQBZ shall extend a minimum of 300 feet from either side of the centerline of the waterway (total of 600 feet of buffer zone).

(2) Option 2—Floodplain buffer zone. For creeks or rivers draining less than 40 square miles but more than five acres, excluding roadside swales, the WQBZ shall extend a minimum of 25 feet from the 100-year floodplain boundary paralleling each side of the creek or river. The 100-year floodplain shall be based on modeling approaches as approved by the city engineer. For creeks or rivers draining more than 40 square miles, the WQBZ shall be considered equal to the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA) or by an engineered floodplain study approved by the city engineer.

(c) Special instructions regarding WQBZs.

(1) At the sole discretion of the city and based on special circumstances, minimum distances from the stream centerline may be adjusted if there are equivalent protection measures proposed that are found acceptable by the city engineer.

(2) Along steep slopes, as defined, the width of the WQBZ shall be 25 feet beyond the edge of the defined steep slope.

(3) Except as specifically provided for in this article, all development activities, including temporary construction activities, and landscaping activities, are prohibited in the WQBZ of a stream, without the express written approval of the city engineer, who must be provided evidence of equivalent protection.

(d) Allowable development in WQBZ. The following development activities within a WQBZ may be allowed at the sole discretion of the city with the corresponding conditions:

(1) Critical utility crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(2) Critical roadway crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(3) Critical transportation crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(4) Hike and bike trails if provided for in an approved development plan;

(5) Maintenance and restoration of native, non-invasive vegetation;

(6) Water quality control monitoring devices;

(7) Removal of trash, debris, and pollutants;

(8) Fences that do not obstruct flood flows;

(9) Public and private parks and open space, if human activities are limited to hiking, jogging, or walking trails, and excluding stables, corrals and other forms of animal housing;

(10) Typical private drives (acceptable to the city) to allow access to property not otherwise accessible; and/or

(11) The construction and use of regional stormwater detention basins for the express purpose of floodplain management. The embankment shall occupy a narrow footprint and no excavation takes place in the flood storage pool. Limited vegetation clearing and minor grading is allowed to construct the embankment and outlet works.

(e) Limitations on allowed activities in WQBZ. Any development within a WQBZ allowed under subsection (d) of this section shall be designed and/or conducted in a manner which limits the alteration and pollution of the natural riparian corridor to the maximum extent feasible. In no case shall any wastewater line be located less than 100 feet from the centerline of a stream unless the applicant has demonstrated that installation of the wastewater line outside of this zone is physically prohibitive or environmentally unsound. Any wastewater lines located in a WQBZ shall meet design standards and construction specifications to ensure zero leakage.

(f) Requirements for discharges in WQBZ. All water quality control discharges and stormwater discharges shall not be directly connected to the WQBZ. Instead, concentrated runoff shall be converted to diffused overland sheet flow.

Section 9.02.120(c) Easements

(c) Easements shall be established and dedicated for all utility apparatus, drainage facilities including detention areas, common access areas, and other public or quasi-public uses requiring dedication of property rights.

TECHNIQUES | STEEP SLOPES:

- **Disturbance Limits:** On slopes of 15-25%, limit disturbance to a specified percentage of the area (e.g., 30%), subject to best management practices for erosion and sediment control. On slopes exceeding 25%, either strictly limited (e.g., 5-10%) or prohibited disturbance except for essential infrastructure or conservation purposes.

- **Buffer Requirements:** Establish a standard buffer (e.g., 50 feet) from the edge of steep slope hazard areas. Allow adjustment based on a geotechnical report, but create an absolute minimum under which waivers are not granted (e.g., 15 feet).
- **Permitted & Prohibited Uses:** Allow only low-impact uses such as passive recreation or conservation are permitted as of right. Establish most development-related uses as conditional and subject to additional review. Prohibit certain uses (e.g., waste disposal, outdoor storage).
- **Site Plan & Review:** Require any proposed disturbance of steep slopes to be subject to submission of a detailed site plan, including topographic mapping, drainage analysis, erosion control measures, and geotechnical evaluation.
- **Minimum Buildable Area:** Require that each new lot in a subdivision contain a minimum percentage of buildable area outside of steep slopes (e.g., at least 25% of the lot area must be non-steep slope).
- **Vegetation Protection:** Generally prohibit removal of vegetation within steep slope areas and buffers unless necessary for approved development and accompanied by a revegetation plan.

Section 9.03.044 Districts established; designation and review (h) Land Use Policies and Planning Areas

(1) Land use policies. The goal of these land use policies is to protect and improve the city as it exists today and to prevent degradation of the traditional character of the city. As a major policy, the planning and zoning commission and the city council will not support any suburbanization of land uses, strip commercial development, dominant single-use districts, or developments that are out of character or scale with the historic development pattern of the city.

a. General policies.

1. *A height limitation of two stories throughout the city;*
2. *WPDDs encouraged to maintain mixed uses throughout the city;*
3. *Transitions between adjacent land uses should reflect appropriately compatible levels of intensity;*
4. *Landscape preservation;*
5. *Resources preservation; and*
6. *Construction restricted on slopes of more than 15 percent.*

Article 4.06 Steep Slope Regulations

Sec. 4.06.001 - Definitions

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Building height. To be established pursuant to the definition of height in section 9.03.005.

Building site. The entire area planned to be disturbed or actually disturbed from its pre-construction or natural condition whether or not part of the area is eventually restored to the pre-construction condition and grade. The area includes porches and decks connected to a building and any area under a roof.

Ridge. Exists on rising land at the point at least 100 feet above the base of the rise, where the slope changes from 25 percent or more to 15 percent or less, and above which there is no further rise of land with slope in excess of 25 percent. The base of the rise is the point, as the land rises, where the slope becomes 25 percent or more.

Ridge line. The line along the crest of a hill where the condition of a ridge exists.

Sec. 4.06.002 - Objective

The objective of this division is to allow the development of property and construction of structures which can be harmoniously, appropriately, and safely located on steep slopes, and thereby serve the following additional objectives:

(1) Prevent soil erosion;
(2) Protect surface waters from sedimentation, turbidity, runoff of stormwater, and effluent from sewage disposal systems;
(3)Preserve tree cover and other vegetative cover;
(4)Protect wildlife habitat;
(5)Preserve scenic views;
(6)Protect natural areas; and
(7)Maintain ecological balance.

Sec. 4.06.003 - Determination of average slope

Average slope, topographic map method. See the definition in section 9.03.005.

Sec. 4.06.004 - Lot size multiplier

The minimum and maximum lot size for a zoning district shall be increased according to the average slope of the lot according to the following table:

Average Slope	Lot Size Multiplier
0 to 15%	1.0 x
16 to 20%	1.4
21 to 25%	3.3
26 to 30%	10.0
31 to 35%	20.0

Sec. 4.06.005 - Use of building site slope instead of average slope

The building site slope is the difference between the highest point and lowest point in the area planned to be disturbed or actually disturbed divided by the horizontal distance between those points.

(1)S = 100 x (E1 - E2)/D

Where:

S is the average building site slope in percent;
E1 is the elevation of the highest point in the disturbed area;
E2 is the elevation of the lowest point in the disturbed area; and
D is the horizontal distance between point E1 and point E2.

(2)Development on a lot not platted under article 9.02 of this Code shall use the building site slope instead of average slope and be exempt from the density reduction requirements of section 4.06.004 above if all of the following conditions apply:

a. The building site slope is no greater than 25 percent;
b. The lot is zoned single-family;

c. Secondary and accessory buildings or other constructions on the lot are at sites with a slope no greater than that of the primary building; and

d. Building site locations are approved by the building official.

Sec. 4.06.006 - Cut limits

(a) For an open cut made on any slope, the cut depth shall be no greater than five feet.

(b) For a filled cut made on any slope, where the cut is filled and the original surface grade restored around a building, the depth of the cut shall be no greater than ten feet.

(c) The depth of a cut shall be measured as the greatest vertical distance from any point within the excavation to the rim of the cut.

(d) Open cuts shall be fully vetted using stone, brick, or timber, or a combination thereof. Revetments shall be stabilized to prevent collapse of the cut wall. The developer or owner shall be required to repair any cut wall collapse whenever it may occur.(e)Multiple open cuts may be made if they are separated by a horizontal distance by not less than two times the height of the greater of adjacent cuts.

Sec. 4.06.007 - Fill limits

(a) Fills on any slope shall have a depth no greater than ten feet including the exposed portion of the fill and a buried portion (under a building or a paved area). Fills on any slope shall have a length no greater than 60 feet including the exposed portion of the fill and a buried portion (under a building or a paved area).

(b) The exposed portion of a fill shall have a finished slope not exceeding 33 percent and shall be fully re-vegetated or surfaced with rocks and vegetation arranged to have a natural appearance.

(c) The depth of a fill shall be measured as the greatest vertical distance from any point at the low end of the fill to any point at the high end of the fill.(d)The length of a fill shall be measured as the horizontal distance from the lowest point of the fill to the highest point of the fill.

Sec. 4.06.008 - Ridge development

A building placed within 100 feet horizontally or 50 feet vertically of a ridge shall be screened by natural and installed vegetation as follows:

(1) The view of the facade and roof of the building shall be screened by natural or installed vegetation by at least 75 percent of its vertical extent for at least 67 percent of all horizontal angles of view from below or from other hills.

(2) A landscape plan shall be approved by the city that includes all of the following:

a. The type, size, and location of the natural and installed plant material;

b. Evidence of compliance with subsection (2)a of this section;

c. The provisions to ensure the viability of the plant material; and

sd.A requirement for perpetual maintenance of the plant material in the landscape plan to become a recorded covenant on the land.(3)For the purpose of this section the average slope, in percent, may be calculated according to the average slope method as defined in section 9.03.005.

Sec. 4.06.009 - Private roads and driveways

Private roads and driveways on land where the average slope or building site slope exceeds 15 percent shall be constructed to have a slope not to exceed 15 percent, where possible, and shall follow the contours of the land. For private roads and driveways (greater than 15 percent), written proof of submission of all plans to the head or designee of each emergency services entity to include, but not limited to, fire, sheriff and emergency medical services is required. Prior to approval of any plans the applicant shall submit a written evidence of approval of each emergency service entity which services the area verifying they have reviewed the plans, the date of the plans reviewed and whether or not a steep slope in excess of 15 percent shall be a threat or hindrance to the provision of emergency services to the

property, and whether or not it diminishes the public health, safety and welfare of the occupants and surrounding properties. Failure to obtain the written approval of all applicable emergency service

TECHNIQUES | WILDLAND-URBAN INTERFACE:

- **Emergency Access**: **Require** all new subdivisions and developments provide at least two points of emergency vehicle access and maintain minimum road widths for fire apparatus.
- **Water Supply**: Mandate adequate water supply for firefighting be provided, including hydrants or alternative water sources, as specified in the fire code.
- **Defensible Space**: Establish a "minimum defensible space" that must be maintained around all structures (typically 30–100 feet, depending on hazard severity), kept free of flammable vegetation and combustible materials.
- **Building Construction**: **Structures** must use ignition-resistant materials for roofs, siding, decks, and vents. Additional requirements may apply based on proximity to wildland fuels and slope.
- **Vegetation Management**: Require an ongoing maintenance plan for landscaping to reduce fuel loads and ladder fuels is required. Removal of invasive or highly flammable species may be mandated.
- **Fire Protection Plan**: **Require** major developments submit a wildfire mitigation or fire protection plan, addressing site layout, landscaping, emergency access, and water supply.
- **Hazardous Uses**: Restrict storage of flammable materials, placement of LPG tanks, and other high-risk activities or require additional setbacks and mitigation measures.

Resource Sensitive Development Strategies

TECHNIQUE | PLANNED DEVELOPMENT DISTRICT

A zoning tool that enables landowners in designated planned development districts to propose innovative projects with a mix of uses and flexible code standards, allowing for creative, community-focused development that promotes resiliency. This approach encourages developments tailored to local needs, supports adaptability, and ensures projects are context-sensitive and sustainable.

FUNDAMENTAL PROGRAM ELEMENTS

- **Designation of Planned Development Districts**: Identify areas where a tailored approach to zoning is appropriate—often locations with unique community goals, environmental considerations, or opportunities for mixed-use, resilient development.

- **Mix of Uses**: Permit a broad range of residential, commercial, civic, and recreational uses within a single district or project, supporting walkable neighborhoods and economic diversity. The mix is determined through a collaborative planning process to ensure alignment with community objectives.
- **Code Flexibility**: Allow deviations from standard zoning requirements (such as setbacks, density, building heights, or parking) when the proposed project demonstrates clear public benefits and furthers resiliency goals. Flexibility is granted through a negotiated development plan, subject to approval by local authorities.
- **Community Fit and Engagement**: Require meaningful engagement with stakeholders and alignment with adopted plans or policies. Projects must demonstrate how they address local priorities, such as climate adaptation, affordable housing, or public amenities.
- **Approval Process**: Establish a transparent process for reviewing and approving planned developments, including submission requirements, evaluation criteria, and opportunities for public input. Approval is contingent on meeting both the intent of the code and specific community goals.
- **Implementation Mechanism**: Upon approval, codify the negotiated development standards and uses in a binding agreement or ordinance, ensuring that the project's unique attributes are enforceable and permanent.
- **Monitoring and Adaptation**: Set up a system to monitor project implementation and outcomes, allowing for adjustments if community needs or conditions change over time. This may include periodic reviews or triggers for plan amendments.

Section 9.03.098 - Planned development district; WPDD

This code establishes purpose, approval process, permitted uses, and requirements.

TECHNIQUE| TRANSFER OF DEVELOPMENT RIGHT (TDR) PROGRAM

A zoning tool that allows landowners in designated preservation areas ("sending districts") to sell their unused development rights to developers in areas planned for growth ("receiving districts"), enabling higher density or intensity in those locations while permanently protecting open space, farmland, or other sensitive lands in the sending area.

FUNDAMENTAL PROGRAM ELEMENTS:

- **Identification of Sending Districts:** Identification of areas for preservation due to agricultural, environmental, scenic, or historic value are mapped as sending districts.
- **Identification of Receiving Districts:** Identification of areas capable of accommodating additional growth, with adequate infrastructure and services, are mapped as receiving districts.
- **Methodology for Valuation:** Determine approach to calculating the number of transferable rights, typically based on the underlying zoning and any local formulas or assessments.
- **Incentives:** Establish the incentive structure. (e.g. Developers may purchase TDRs to exceed base zoning limits for density, height, or floor area, up to a maximum established by the code and subject to environmental and infrastructure capacity.)
- **Transfer Mechanism: e.g.** Upon transfer, establish a standardized format for permanent conservation easements or restrictive covenants, which is recorded in order to prohibit future development on the portion of land from which rights are transferred.
- **Monitoring Mechanism:** Establish a process to ensure compliance with easement restrictions in sending areas and proper application of rights in receiving areas.

Section 9.04.062 Impervious cover

(7) Transferable development intensity (TDI) incentive.

a. Transfer of development intensity. An applicant who complies with a provision of this subsection qualifies for the TDI:

1. For each three acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for nonresidential use, and does not include impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points;

2. For each six acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for residential use and does not include impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points; or

3. For each six acres of land that an applicant leaves undeveloped and undisturbed in the ETJ of the city and does not include its impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points.

b. Requirements. An applicant who qualifies for a TDI must comply with the following requirements to effectuate the transfer:

1. The transferring tract and the receiving tract must be located within the city limits or the city's ETJ;

2. The transferring tract does not include a WQBZ or CEF;

3. The receiving tract must comply with the water quality control standards of this article;

4. The transferring and the receiving tracts must be concurrently platted and must transfer development intensity at that time;

5. The TDI must be noted on the plats of the transferring and receiving tracts; and

6. A restrictive covenant must be filed in the deed records, approved by the city, that runs with the transferring tract and describes the TDI.

(8) Restrictions on siting of impervious cover.

a. Impervious cover shall not be constructed downstream of water quality controls except for specific instances reviewed and approved by the city engineer.

b. Impervious cover shall not be constructed within WQBZs except as allowed by this article.

c. Impervious cover shall not be constructed within critical environmental feature setback areas.

d. Impervious cover shall not be constructed within the areas designated for on-site irrigation of treated wastewater effluent disposal and/or captured stormwater.

TECHNIQUE | CLUSTER DEVELOPMENT

A land use approach that concentrates homes on smaller lots within a portion of a site, allowing the remaining land to be preserved as shared open space or for environmental protection, without increasing overall density. This design promotes compact neighborhoods, protects sensitive areas, and provides residents with access to parks, trails, or natural features.

FUNDAMENTAL PROGRAM ELEMENTS:

- **Open Space Preservation Thresholds**: Establish that at least X% (e.g. 30-60%) of the gross site area must be preserved as common open space, protected by conservation easement, deed restriction, or dedication to the municipality or a land trust.
- **Qualifying Open Space Layout Characteristics**: Establish requirements for the quality and composition of dedicated open space (e.g. contiguous, accessible to residents, and configured to protect significant natural features, such as wetlands, riparian corridors, steep slopes, wildlife habitat, and agricultural land.)
- **Qualifying Development Layout Characteristics**: Establish that development must be sited on the least environmentally sensitive portions of the property, avoiding hazard-prone areas and minimizing disturbance to natural resources.
- **Lot and Dimensional Standards**: For example:
  - Minimum lot sizes and lot widths may be reduced (e.g., lots as small as 3,000-6,000 square feet, or as specified by district), provided all lots have access to interior streets and abut common open space to the front or rear.
  - Cluster groups (modules of homes) should be separated by open space or natural features, and may be limited in size (e.g., no more than 15 units per cluster group).
- **Design and Environmental Standards**: For example:
  - Buildings should be oriented to maximize scenic views, solar access, and community interaction, while minimizing visual impacts on open space and adjacent properties.
  - Infrastructure (roads, utilities) should be designed efficiently, minimizing impervious surfaces and avoiding sensitive areas.
  - Disturbance to woodlands, hedgerows, mature trees, and agricultural soils should be minimized.

- **Open Space Management:** Require a plan for the long-term management and maintenance of common open space to be provided, specifying responsible parties (e.g., homeowners' association, land trust, municipality). Specify how land may be used (e.g. Open space may be used for passive recreation, community gardens, agriculture, habitat protection, or other low-impact uses as defined in the code.)

Division 6 Rural Subdivision Design Standards

The provisions of this division are designed and intended to permit development of undeveloped agricultural land while preserving the rural character of the area until such time as development of a more intensive urban nature is appropriate and can be supported by the necessary public facilities and services. These design standards modify or reinforce other requirements found in this article. By qualifying other particular requirements of this article, these rural subdivision design standards ensure minimum yet requisite conditions for establishing a low density rural living environment while at the same time providing the necessary foundation upon which more intensive urban development can occur in the future.

Allows non-gridded streets and larger blocks. Increases minimum lot area and frontage. Establishes "no-access zones" to major thoroughfares via plat. Establishes customized water and wastewater requirements.

Open Space & Parks

TECHNIQUES | OPEN SPACE

- *Preserve Minimum Open Space:*
  - Require that a minimum percentage of the gross tract area (e.g., 40% for conservation subdivisions, 8% for form districts) be preserved as open space, with at least X% (e.g. 75%) of that open space in a contiguous tract.
  - Allow only a portion of constrained land (e.g., wetlands, floodways) to count toward open space requirements to ensure preserved areas are ecologically valuable and usable.

- **Ensure Connectivity:** Require open space to adjoin neighboring open spaces, greenways, or protected areas to create an interconnected network for wildlife, recreation, and stormwater management.

- *Prioritize Conservation Areas:*
  - Mandate inclusion of primary conservation areas—such as floodplains, wetlands, steep slopes, riparian buffers, habitat for threatened species, and archaeological sites—within the protected open space.
  - Strongly encourage inclusion of secondary conservation areas, such as mature forests, significant trees, scenic viewsheds, agricultural soils, and existing trails, to the maximum extent feasible.

- *Design for Resilience:*
  - Encourage or require the use of open space for nonstructural stormwater management (e.g., bioswales, wetlands), erosion control, flood mitigation, and urban heat reduction.
  - Allow limited, low-impact access (e.g., trails or bike paths) within green space, not exceeding a small percentage of the total area.

- *Plat and Plan Requirements:*
  - Require subdivision plats to clearly delineate all open space, conservation areas, and community spaces, with notes on allowed uses and management obligations.
  - Mandate that open space be protected in perpetuity through conservation easements, deed restrictions, or dedication to a land trust or public agency.

Section 9.02.120(c) Easements

(c) Easements shall be established and dedicated for all utility apparatus, drainage facilities including detention areas, common access areas, and other public or quasi-public uses requiring dedication of property rights.

- *Management and Maintenance:*
  - Require establishment of an open space management entity (e.g., HOA, land trust, municipality) responsible for ongoing stewardship, maintenance, and enforcement of conservation standards.
  - Prescribe detailed standards and schedules for maintenance, including vegetative management and invasive species control.
  - Allow for municipal maintenance if HOA or private maintenance is insufficient.

TECHNIQUES | PARKS

Section 9.02.008 - Definitions

Park fund. *A special fund established by the city to retain moneys paid by developers in accordance with the payment in lieu of park land dedication provisions of these regulations and to be used for the purchase of park land or improvements in the vicinity of the subdivided property for which funds have been collected.*

Section 9.02.274 Dedication and improvement

(a) Land dedication. The subdivider of a residential (including multifamily) subdivision shall dedicate to the city developed improved parkland in the amount as established within the fee schedule adopted by the city council. Parkland shall be shown on the final plat establishing a residential (including multifamily) subdivision and shall contain the dedication of an area of land for park purposes meeting the requirements set out in this section.

Section 9.02.277 Parkland Dedication Procedure

(a) Dedication procedures. The owner of property for a residential subdivision shall be required at final plat approval to dedicate parkland. The land so dedicated and conveyed shall not be subject to any reservations of record, encumbrances of any kind, or easements, which in the opinion of the city will interfere with or materially increase the cost of making such land available for parks or recreational purposes. Dedication of parkland shall be evidenced by a formal dedication on the plat to be recorded or by warranty deed transferring the property in fee simple to the city.

- *Require Park Dedication and Connectivity:*
  - Mandate that a minimum percentage of land in new subdivisions be dedicated for public or private park space, with priority for locations that connect to existing greenways, trails, or natural resource corridors.
  - Require subdivision plats to clearly delineate all park and open space areas, demonstrate connectivity to existing networks, and identify ecological or hazard mitigation functions.

Section 9.02.273 Parkland Design Requirements

Environmentally sensitive features. In the case of areas known to contain sensitive environmental features, the city council may, at its discretion, waive these standards subject to the following limitations:

(1) The areas shall provide recreational or educational opportunities for the surrounding community;
(2) The areas shall be given a 50 percent credit against the requirement of land dedication or payment of fees; and
(3) The areas shall meet any additional standards specified in the parkland design standards pertaining to the dedication of areas known to contain sensitive environmental features.

- *Proximity and Location of Parks:*
  - Require well-designed, accessible public spaces, greens, and parks within walking distance of all homes and businesses.

Section 9.03.078 MF-2

Section 9.03.79 Mobile Home - MH

(h) Usable open space.
(1) Requirement. Each lot or parcel of land which is used for triplexes, quadriplexes, or five- to six-unit apartment buildings (such as MF-1 zoning) shall provide landscaping or usable open space on at least 30 percent of the lot area. Required landscaping or open space area shall be located on the same lot or parcel of land upon which the triplex or quadriplex uses are located.
(2) Specific criteria for usable open space. Areas provided as usable open space shall meet the following criteria:
a. All residential lots must be located within 600 feet of a usable open space area as measured along a street. The planning and zoning commission may increase this distance to 1,200 feet if the shape of the subdivision is irregular or if existing trees and vegetation on the site can be preserved by increasing the distance.
b. Individual usable open space areas shall be at least 20,000 square feet in size. Usable open space must be a minimum of 50 feet wide, and must have no slope greater than ten percent. At the time of site plan or subdivision plat approval, the planning

and zoning commission or city council may give full or partial credit for open areas that exceed the ten percent maximum slope if it is determined that those areas are environmentally or aesthetically significant and that their existence enhances the development or the surrounding area.

c. *Pools, tennis courts, walkways, trails, patios, and similar outdoor amenities may be located within areas designated as usable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels, and antennas may not be included in calculating usable open space.*

d. *Within usable open space areas, there shall be at least one tree for every 1,000 square feet of space. New trees planted to meet this requirement shall be a minimum three-inch caliper.*

e. *A usable open space area must have street frontage on at least 33 percent of the area's perimeter to ensure that the area is accessible to residents of the subdivision.*

f. *Usable open space areas must be easily viewed from adjacent streets and homes.*

- *Encourage Resilient Materials and Maintenance:*
  - Specify the use of durable, climate-adapted materials and native plantings to reduce maintenance costs and enhance resilience to drought, flooding, and heat.
  - Require long-term maintenance plans and stewardship agreements for all park spaces.

Section 9.02.273 Parkland Design Requirements

(g) Utilities. Public utilities including water and wastewater connections shall be readily available at the park site with water and wastewater lines located along the street frontage. The applicant must demonstrate to the satisfaction of the city that sufficient utilities are available to serve the park.

Landscaping, Vegetation, and Urban Forestry

TECHNIQUES | LANDSCAPING

- *Plant Selection and Water Conservation:*
  - Require the use of native, drought-tolerant, low-flammability, and climate-adapted plant species to reduce irrigation needs and increase survivability.
  - Limit the use of high-water-demand turfgrass; encourage or require xeriscaping and water-conserving irrigation systems.

Section 9.02.123(a)(3) Landscaping and Buffering, Screening

(3) The city experiences frequent droughts; therefore, it is a purpose of this section to encourage the use of drought-resistant and native plants that do not consume large quantities of water.

Section 9.02.123(4)(c) Landscaping and Buffering, Screening Planting Criteria.

(4) Planting criteria.

a. Trees. Trees shall be a minimum of two inches in caliper measured three feet above finished grade immediately after planting. If trees are proposed that are not chosen from the recommended list provided in appendix F of Ordinance 2001-014 [not printed herein], trees shall have an average mature crown greater than 15 feet in diameter. Trees having an average mature crown less than 15 feet in diameter may be substituted by grouping the same so as to create at maturity the equivalent of a 15-foot diameter crown if the drip line area is maintained.

b. Shrubs, vines, and ground cover. Shrubs, vines, and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be a minimum of a one-gallon container size.

c. Lawn grass. Grass areas should be planted in drought-resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas may be sodded, plugged, sprigged, or seeded, except that solid sod shall be used in swales or other areas subject to erosion.

d. Synthetic lawns or plants. Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

e. Architectural planters. The use of architectural planters may be permitted in fulfillment of landscape requirements.

f. Other. Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

Section 9.02.385 Landscape Material

All trees, plants, and vegetation shall comply with the City of Austin "Grow Green" recommended plant guide. Invasive plants in this guide are specifically prohibited.

Section 9.02.393 Drought Conditions

(a) During extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city administrator, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this chapter for the issuance of a certificate of occupancy permit, or the city administrator or designee may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section 9.04.066 of this Code has been reviewed and accepted by the city administrator or designee. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section 9.02.394 of this division shall ap

(b) Persons requesting that the city accept a fiscal deposit in lieu shall provide the city with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by this chapter.

(c) If no cost for the installation of trees and landscaping required by this chapter is provided to the city, the city shall require 66 percent of the cost of the trees and landscaping to be paid as the installation cost in addition to the cost to purchase the trees and landscaping.

(d) Any fiscal deposits for trees and landscaping paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree and landscaping requirements within 30 days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to

implement the tree and landscaping requirements within 30 days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section 9.02.394 of this division shall apply.

(e) Whenever necessary to enforce any provision of this division or implement tree and landscaping requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this division during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.

(f) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

Section 9.02.392 Irrigation Requirements

(a) An irrigation plan is required as part of the site plan and will be prepared by a licensed irrigator (i.e., licensed landscape architect or engineer). The plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds where appropriate and bubblers on all trees.

(b) Turf grass plantings may be Buffalo, Zoysia, or Bermuda. St. Augustine is expressly prohibited.

(c) Landscaped areas must be mulched to reduce evaporation and preserve water.

Section 9.03.184 Supplemental Regulations

(o) Commercial landscape regulations.

(1) Purpose. This regulation is adopted to provide for the safe, orderly, and attractive development of commercial property within the community. The provisions contained herein are deemed necessary to promote the business community and enhance the community's ecological, environmental, and aesthetic qualities.

a. Buildings, paved surfaces, and other developments impact the land by reducing the ability of rainfall to enter the groundwater supply and simultaneously produce higher temperatures. Impervious surfaces create greater runoff producing contamination, erosion, and flooding problems. Conversely, plant materials by their transpiration and shade properties have the opposite effects, supporting the natural environment. Proper use of landscape elements can thus help to preserve the natural environment and contribute to the process of air purification, oxygen generation, water absorption, purification, and conservation.

b. The city is located in an area that experiences frequent drought conditions that can be best tolerated through the proper planning of landscape elements in property development.

(2) Applicability. The requirements set forth herein shall apply to all new developments within the city with the exception of property improved with single- and two-family residences. Builders and developers of residential properties, zoned R-1 to R-5 and RA, are directed to the provisions of subsection (o)(4) hereof and are encouraged to abide by the provisions of that subsection. Builders and developers should take note of the impervious cover provisions addressed throughout the development regulations contained in this article. The requirements and standards set forth herein shall not apply to existing improved property as it may exist on the date of this enactment, but shall apply to any such structures in which 50 percent or more of the building is reconstructed or the footprint is expanded by 20 percent or more.

(3) General requirements.

a. Installation. Installation of all required materials shall be in accordance with the Texas Nursery and Landscape Association standards. Landscape plans should rely primarily upon the use of plant species selected from the city's preferred plant list which is published by and available through the civic association, Keep Wimberley Beautiful. These reference materials are available at City Hall.

b. Maintenance. The owner and his or her successors, managers, or agents shall be responsible for the continued maintenance of all landscaped areas. This will include, without limitation, maintaining an orderly and clean appearance without contamination of refuse and debris as well as the timely replacement of all and any dead material that was a part of the original landscape plan for the property.

c. Irrigation. To ensure the survival of newly planted materials the area shall be served by either manual or automatic watering systems. A proper watering plan must be in place for no less than the first three years after plant installation. No irrigation plan shall be required for natural or undisturbed areas.

d. Planting criteria. Trees shall be a minimum of two-inch caliper measured three feet above ground level; shrubs, vines, and ground cover shall be at a minimum one-gallon container size; grasses chosen from available drought hardy species are encouraged.

e. Landscape plan. The owner or his or her agent shall at the time of his or her request for a building permit submit a detailed landscape plan demonstrating compliance with the requirements contained herein. A sample landscape plan is included as figure 1 in appendix A of this article.

(4) Required site landscaping.

a. Minimum coverage. An area equal to the following percentages of impervious cover on the developed site shall be dedicated to meet the minimum area dedicated to landscaping:

1. In the case of common multi-family residential developments, 30 percent;

2. In the case of office and professional building development, 22 percent; or

3. In the case of institutional, commercial, or industrial use, 15 percent.

b. Required placement. Of the above required landscaped area, no less than 50 percent shall be located between the front property lines and the proposed construction. Corner lots shall be required to include an additional 25 percent of landscaped area to be located between the improvements and the adjoining side street.

c. Required plant material. For every 600 square feet of landscaped area, two trees and four shrubs shall be required.

d. Replacement of trees. Should a tree that has been required by this plan die or be removed, it shall be replaced with a tree or trees with equal potential to provide canopy as was true of the plan as submitted.

e. Tree credits. To reward the preservation of existing trees, a credit against the requirements set forth herein equal to 150 percent of the crown area of undisturbed trees shall be granted.

f. Overlay districts. The provisions of this section notwithstanding, all developments must also comply with the requirements of any designated overlay district that may impact the site.

(5) Parking lot landscaping.

a. Dominant street parking requirements. Parking areas located between the building and the dominant street shall have landscaping requirements that are proportional to the ratio of that front area parking to total area parking. If 25 percent or less of the parking spaces are located in the dominant street frontage area, 13 square feet of landscaped area per stall will be required; if 26 percent to 75 percent of the spaces are located in that area, the requirement shall increase to 18 square feet per stall. In the case where more than 75 percent of the total parking spaces are located in the dominant street frontage area, the requirement shall increase to 23 square feet of landscaped area per parking stall.

b. Internal parking lot landscape requirements. For every 600 square feet of required landscaped area, two trees and four shrubs shall be installed. All trees must be planted in pervious areas of at least 150 square feet in size. Trees must be arranged so as to provide maximum shade over the parking areas. No portion of the parking lot should be more than 64 feet distant from the trunk of a tree.

c. Parking lot screening. All parking areas shall be screened by means of a berm, a planted hedge, a wall, or some combination of these items. See figure 2 in appendix A of this article for an example of this design.

d. Overlay districts. The provisions of this section notwithstanding, all developments must also comply with the requirements of any designated overlay district that may impact the site.

(6) Screening.

a. Mechanical equipment. Properties within view of residential areas shall screen all roof, wall, or ground level mechanical equipment. Roof-mounted equipment shall be screened on all four sides. Plantings, walls, fences, or a combination of these items may screen ground level equipment.

b. Outside storage. Outside storage locations shall be limited to side or rear yard locations and shall be screened from public view. Screening shall be at least one foot taller than the item being screened. The screening may be achieved by dense plantings, a wall or fence that is in keeping with the architecture of the primary structure, or a landscaped berm.

c. Waste containers. All waste containers shall be located in side or rear yard locations and screened from public view. Waste containers must be screened on all four sides with an enclosure that is no less than one foot taller than the container being screened. The screening material must be a masonry wall, a wooden fence, or densely planted shrubbery that is maintained in a healthy state. All waste container screens shall also be protected with concrete or concrete-filled bollards to protect the enclosure from damage by waste removal trucks.

d. Loading docks. Loading docks shall, to the extent possible, be located at the side or rear of buildings. Loading areas shall be screened from the view of the street or adjacent property. Loading areas shall not be located closer than 50 feet to any single-family residential lot, unless the facility is wholly within the structure. Screening may be accomplished with walls, fences, or shrubbery designed to provide 100 percent screening within two years of the construction of the dock.

(7) Lighting. Refer to article 4.09 governing the nature and extent of outdoor illumination for the provisions of that enactment as they may apply to overall landscape plans.

(8) Slope development. Refer to subsection (h) of this section imposing specific requirements for steep slope development for the provisions of that enactment as they may apply to landscape plans for new development.

(9) Fencing. Fencing may be an integral portion of a well-developed landscape plan. Refer to article 4.07 for certain requirements on the erection of new fencing.

(10) Drainage.

a. Management of stormwater runoff both during and after construction of a property is of key significance to property owners and their neighbors. The increase in impervious cover that is inherent in any development presents a challenge that can only be managed through careful planning. During construction the use of silt barriers and retention ponds is encouraged. In the post-development phase, as the disturbed areas are re-vegetated, the runoff characteristics may become more normal; however, in some cases the permanent use of retention ponds may be unavoidable.

b. In the management of stormwater runoff, it is often necessary to create drainageways that are permanently affixed to the land. In these cases, the use of natural materials is encouraged. See figure 3 in appendix A of this article for drawings that highlight the preferred method of constructing these drainageways.

(11) Hazardous trees. Dead or diseased plant materials or plants that have been severely damaged by a storm so as to present a hazard to citizens or passersby shall be promptly removed by the owner or tenant. Any tree that is found to be infected or infested with disease such as oak wilt shall be promptly removed and disposed of in accordance with the best standards of practice as advanced by the Texas Nursery and Landscape Association (TXNLA). Information from TXNLA is available by mail at the association's address, 7730 South IH 35, Austin, TX 78745-6698; by telephone at 512-280-5182; by e-mail at info@txnla.org; or at the association's website, www.txnla.org.

(12) Paths, walkways, and retaining walls.

a. In the construction of paths and walkways the use of pervious materials, to the maximum extent possible, is encouraged. These materials would include crushed granite, pebbles, tree mulch, and wooden decking. The use of concrete, asphalt, and densely packed caliche is discouraged. Paths and walkways that are designed in a free-form fashion are preferred over geometric layouts. For an example of the desired path and walkway layout, see figure 4 in appendix A of this article.

b. Where retaining walls are necessary, construction heights of more than eight feet are discouraged. If elevation changes require more height than can be achieved in an eight-foot high wall, it is suggested that the terrain be stepped with additional lower

height walls placed at five-foot or more intervals to achieve the overall objective. For examples of desirable retaining wall configurations, please see figure 5 in appendix A of this article.

c. When construction plans suggest that retaining walls may be found necessary, one should consult this article and comply with the requirements of the steep slope development regulations, subsection (h) of this section.

- **Soil Health and Preparation:** Mandate soil amendments or preparation to improve water retention, infiltration, and plant health before planting.

- *Canopy Coverage/Shade and Urban Heat Mitigation:*
  - Require the planting of shade trees along streets (e.g. street trees every 30 feet of frontage), in parking lots, and in open spaces to reduce heat island effects and improve comfort.

Section 9.02.383 Street Trees

(a) Nonresidential street tree requirements. At least one required tree, shall be planted adjacent to or near the street right-of-way for each 25 feet, or fraction thereof, of linear street frontage. Trees shall be planted between the street right-of-way and any horizontal and vertical improvements. The required number of trees need not be placed uniformly, but may be clustered in groups.

9.02.123(d)(6) Landscaping and Buffering, Screening Parking Lot Landscaping.

(6) Parking lot landscaping; landscape area. Parking lot landscaping shall be applied to meet the site landscaping requirements in this subsection (d).

a. Required landscaping. The parking lot landscape area requirements are based on the percentage of parking located between the building facade and the right-of-way:

1. Less than 25 percent of the parkinFAg located between the building facade and the right-of-way requires 13 square feet of landscaping per parking stall;

2. Between 25 percent and 75 percent of the parking located between the building facade and the right-of-way requires 18 square feet of landscaping per parking stall; and

3. Greater than 75 percent of the parking located between the building facade and the right-of-way requires 23 square feet of landscaping per parking stall.

b. Internal parking lot landscaping.

1. Two trees and four shrubs shall be planted for each 600 square feet of required landscape area.

2. All new trees within a parking lot shall be planted in a pervious area of at least 150 square feet and have a minimum dimension of 8.5 feet (such as 8.5 feet by 18 feet). However, up to 20 percent of the required trees may be planted in islands of at least 25 square feet and have a minimum dimension of five feet.

3. To reduce the thermal impact of unshaded parking lots, trees shall be planted throughout parking lots so that no portion of the lot is more than 64 feet away from the trunk of a tree unless otherwise approved by the commission.

c. Parking lot screening.

1. All parking shall be screened from public rights-of-way and public park areas using a solid screen. The screen shall be at least 36 inches in height, and be achieved through one of the following methods:

i. A berm having a maximum slope of 33 percent;

ii. A planting screen (hedge);

iii. A wall not exceeding four feet in height; or

iv. A combination of the above.

2. Live screening shall be capable of providing a solid 36-inch screen within two years.

3. Screening shall be offset at least six feet every 60 linear feet.

- Specify minimum tree canopy coverage or tree planting ratios per lot, per square footage of development, or for by land use (e.g. e.g., 40% for single-family residential, 50% of open space for multifamily and mixed-use, 30% for commercial and institutional, 20% for industrial).

9.02.123(d)(1) and (4) Landscaping and Buffering, Screening

(1) Landscape area; minimum percentage.

a. A minimum percentage of the total lot area of property on which development, construction, or reconstruction occurs after the effective date of this article shall be devoted to landscape development in accordance with the following schedule. These requirements shall not apply to the development, construction, or reconstruction of single-family detached or two-family residential structures except when those structures abut an arterial street.

(4) Required plantings. For every 600 square feet of landscape area required by subsection (d)(1) above, two trees and four shrubs shall be planted.

- Require phased developments to demonstrate compliance with canopy goals at full build-out, with updated plans submitted as each phase is platted.

9.02.123(d)(7) Landscaping and Buffering, Screening

(7) Replacement of trees. Should a tree die or be removed for which credit has been obtained pursuant to the terms of this section, landscape development sufficient to equal the area credited shall be required. A small tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in subsection (d)(3) above is retained.

- *Stormwater Management and Green Infrastructure:*
  - Encourage or require landscaped bioretention areas, bioswales, and rain gardens to manage runoff, increase infiltration, and filter pollutants.
  - Set minimum percentages of permeable or landscaped surfaces for all developments to support stormwater absorption and reduce flooding.
- **Fire-Resistant Landscaping (WUI Areas):** Where wildfire risk is present, require defensible space with noncombustible materials and fire-resistant plantings around structures.
- **Buffering and Screening:** Require landscaped buffer zones between incompatible uses, along property lines, and adjacent to public rights-of-way, with plant groupings or continuous hedges for visual screening and habitat.

Section 9.02384 Landscape Buffers

Specifies native and drought tolerant species, minimum sizes at planting, spacing requirements by vegetation type, minimum buffer widths by road type.

Section 9.02.123(d)(5) Landscaping and Buffering, Screening Landscape area; bufer yards.

(5) Buffer yards. Buffer yards shall be required between lots or parcels with uses which differ by more than one level of intensity as defined by article 9.03 of this Code.

DIVISION 11. LANDSCAPING AND TREE PRESERVATION

Section 9.02.387 Parking Area Landscaping

(a) Parking lots and all vehicular parking and maneuvering areas, excluding driveways behind buildings, shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians.

(b) The minimum total area in landscaped islands, peninsulas, or medians in the parking lots in front of buildings shall be 90 square feet for each 12 parking spaces.

(c) One tree is required for every six parking spaces. Tree preservation is encouraged, thus one existing tree that is at four inches DBH shall count for two new trees.

(d) No parking space shall be located further than 50 feet from a landscaped island, peninsula, median, or tree. They shall be located evenly through the parking areas; however, the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.

(e) Landscape terminal islands (end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Medium and tall shrubs are prohibited on internal islands to maintain visibility.

(f) All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.

(g) Paving over the critical root zone is discouraged and must be approved by the city administrator, or designee. All approved paving shall be porous pavement to allow water and air exchange.

Section 9.02.388 Screening of dumpsters and building service equipment

(a) For outdoor condensers, utility huts, and other building service equipment (other than a rooftop), such equipment shall be reasonably screened from view on all sides using a masonry wall and vegetative screen using at least two varieties of plant material from the "grow green" plant guide, that, at maturity, are at least the height of the equipment to be screened.

(b) All refuse and/or recycling containers shall be reasonably screened with landscaping from public view and the view of adjoining properties.

(c) The opening for removal of the dumpster for collection shall be a minimum of 12 feet to allow proper service access. An additional ten feet in width is required for every additional dumpster.

(d) All durable materials used in constructing the dumpster screening masonry wall system shall be consistent with and complement the primary structure.

(e) The orientation of the dumpster opening shall not face the street or public sidewalk unless approved by the city administrator, or designee.

- *Maintenance and Longevity:*
  - Require permanent maintenance plans for all landscaped areas, including replacement of dead or diseased plants and regular irrigation system checks.
  - Prohibit invasive species and require prompt removal if detected.

Section 9.02.123(c)(2) Landscaping and Buffering, Screening. Maintenance

(2) Maintenance. The subdivider or subsequent owners of the landscaped property, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. These areas shall be maintained so as to present a healthy, neat, and orderly appearance at all times and shall be kept free of refuse and debris. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this article.

Section 9.02.389 Landscaping and Tree Preservation Maintenance Requirements

The owner shall be responsible for (unless otherwise specified herein):

(1) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice;

(2) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;

(3) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;

(4) Replacing planted trees if they die or become diseased beyond repair within five years after planting; and

(5) Repairing damage to landscaped areas, structures, screening, buffering, or trees as a result of ingress or egress from site easements by authorized or unauthorized parties.

- **Landscape Plan Review: All** development and subdivision applications must include a detailed landscape plan demonstrating compliance with resilient landscaping standards.

Section 9.02.123(c)(5) Landscaping and Buffering, Screening Landscape Plan Requirement.

(5) Landscape plan requirements. Prior to preliminary plat approval, or detailed development plan approval if deferral of the plan is permitted, the subdivider shall submit and receive approval of a landscape plan demonstrating compliance with the landscape requirements contained herein. Plans shall show all dimensions, types of materials, width of buffer yards, size and spacing of vegetative materials, and plans for providing water to plants. The plans shall demonstrate that landscaping and buffering materials will:

a. *Abate objectionable noise, light, glare, visual clutter, dust, or loss of privacy; and*

b. *Adequately accomplish the purpose for which they were intended.*

Section 9.02386 Landscape plan and tree survey submittal

A landscape plan and tree survey shall be submitted to the city with the proposed site plan. The landscape plan shall comply with the landscape requirements. The landscape plan shall be signed and sealed by a landscape architect licensed by the state. The existing tree survey should be signed and sealed by a surveyor licensed by the state.

TECHNIQUES | VEGETATION

- *Vegetation Protection and Restoration:*
  - Designate and map vegetation protection areas in zoning and subdivision codes, prioritizing locations with native species, wildlife habitat, riparian corridors, wetlands, and steep slopes.
  - Prohibit or strictly limit the removal of native vegetation in primary protection areas; allow only minimal, regulated disturbance in secondary protection areas, subject to mitigation or restoration requirements.
  - Require restoration of degraded areas with native plantings as part of development approvals.

9.02.123(d)(2) Landscaping and Buffering, Screening Credit for Trees

(3) Credit for trees. In order to reward the preservation of existing trees, 100 percent of the crown area of undisturbed existing trees shall be reduced from the landscape area requirements; provided that the area surrounding the tree is left undisturbed and that this area consists of at least 100 square feet but not less than 50 percent of the crown area.

- *Development Siting and Lot Design:*
  - Require site analysis to identify existing vegetation and ecological features before lot layout or infrastructure placement.

Section 9.02.391 Tree Preservation

(a) A grading and tree survey shall be submitted with the site plan. No clearing or grading permits shall be issued until a tree survey is submitted.

(b) The tree survey shall include all existing, live, healthy trees with an eight-inch DBH in diameter and larger. The survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles using the formula of one foot of radius for every one inch of trunk diameter. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).

Section 9.02386 Landscape plan and tree survey submittal

A landscape plan and tree survey shall be submitted to the city with the proposed site plan. The landscape plan shall comply with the landscape requirements. The landscape plan shall be signed and sealed by a landscape architect licensed by the state. The existing tree survey should be signed and sealed by a surveyor licensed by the state.

- Protect existing significant trees and prioritize their retention during site planning and construction.

Section 9.02.391 Tree Preservation

Removal of a heritage tree is prohibited unless a certified arborist confirms the following finding that the heritage tree is either: (1) dead; (2) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (3) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. The city administrator shall have the authority to determine whether such documentation is in order and may consider specific utility situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property, documentation may be submitted within 72 hours after the action is taken.

(e) Removal of a heritage tree is prohibited unless a variance is granted by city council with the following findings that the heritage tree either: (1) prevents reasonable access to the property; (2) prevents a reasonable use of the property.

(f) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.

(g) The planting, preserving, and maintaining of trees which are contagiously diseased trees, or the storage of cut oak unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed a public nuisance and is prohibited.

(h) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain link or wood fencing not less than four feet high at the drip line of the tree. Stakes shall be no more than six feet apart and at least 1½ deep into the ground. Rigid fencing shall be at least three feet in height.

- Mandate that open space and conservation areas be delineated and protected before siting building lots and roads, ensuring connectivity of preserved areas for wildlife movement and ecosystem function.
- Encourage or require clustering of development to maximize contiguous vegetation preservation and minimize habitat fragmentation.

– *Tree Preservation and Replacement:*

- Require replacement or mitigation for any protected trees removed, with standards for minimum caliper, species selection, and planting location.

Section 9.02.391 Tree Preservation

(c) Healthy designated trees (as defined by the City of Austin Environmental Criteria Manual, Appendix F) that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash-in-lieu may be paid to the city, the amount equal to the cost of nursery stock required to replace the caliper amounts lost and the cost of installation on a per-unit basis, not to exceed $100.00 per caliper inch or $6,000.00 per acre (prorated for sites of more or less than one acre) for the entire site. Trees identified as distressed shall not be included in tree preservation requirements evaluation. This distress identification must be determined by a certified arborist. No more than 50 percent of designated trees may be replaced by cash-in-lieu.

- Mandate tree protection measures during construction (e.g., fencing, root zone protection, no-disturbance buffers)

- *Buffering and Connectivity:*
  - Require vegetated buffers along waterways, wetlands, and property frontages to increase permeable surfaces, provide wildlife corridors, and absorb runoff.
  - Connect on-site vegetation protection areas to off-site greenways, parks, or preserves wherever possible, creating larger, resilient habitat networks.

- *Plat and Plan Requirements:*
  - Subdivision plats must clearly delineate all vegetation protection areas, buffers, and restoration sites, and include notes on permitted uses and maintenance obligations.
  - Require review and approval of vegetation conservation plans as part of the subdivision and site plan process.

Resilience of INFRASTRUCTURE

Transportation & Connectivity

TECHNIQUES | WALKABILITY & CONNECTIVITY

Section 9.02.115 Streets & Alleys, Table A.

Establishes sidewalk requirements by street type.

- *Internal/Intra-site Connectivity Standards:*
  - **Block Length:** Set maximum block lengths (e.g., 400-1,000 feet depending on density), with shorter blocks in denser areas to ensure frequent intersections and more direct pedestrian route. For longer blocks, require pedestrian connections at a greater frequency (e.g. every 300 feet) and their permanent dedication via pedestrian easements.

Section 9.02.118 Blocks

(a) The length, width, and shape of blocks shall meet the following standards:

(1) Provide adequate building sites (lots) suitable to the special needs of the type of use designated on the plat;

(2) Accommodate lots of the size and dimensions required by sections 9.02.119(e) and (f);

(3) Provide for convenient access, circulation, control, and safety of street traffic;

(4) Minimize reductions in the capacity of adjacent streets insofar as possible by reducing the number of turning movement conflicts;

(5) Provide an appropriate response to the limitations and opportunities of topography; and

(6) Increase the ability of building sites (lots) to receive or to be protected from solar gain as the season requires in order to improve utility efficiency and increase the livability of each lot.

(b) Residential blocks shall not exceed 1,300 feet nor be less than 500 feet in length, except as otherwise provided for herein.

(c) Blocks along arterial streets shall not be less than 1,300 feet.

(d) The width of blocks shall be sufficient to accommodate two tiers of lots with minimum depth as required by section 9.02.119(e). Exceptions to this width shall be permitted in blocks adjacent to major streets, waterways, or other topographical features prohibiting a second lot tier.

(e) The commission may, at the preliminary plat phase, require the dedication of an easement or right-of-way not less than ten feet wide bisecting the center of any block in excess of 800 feet in length to accommodate utilities, drainage facilities, and pedestrian access, upon recordation of the plat.

(f) Blocks shall be identified on each plat by consecutive adjacent numbers within each subdivision and portion thereof. Blocks forming a continuation of a previous subdivision block shall continue the block number.

Section 9.02.120(c) Easements

(c) Easements shall be established and dedicated for all utility apparatus, drainage facilities including detention areas, common access areas, and other public or quasi-public uses requiring dedication of property rights.

- **Access to Destinations:** Require direct, safe pedestrian routes to key destinations such as schools, shopping centers, and parks.

Section 9.02.114 Thoroughfare System

Circulation within the urban area shall be provided in accordance with the following design criteria. Note that references to residential neighborhoods and subdivisions apply to mobile home parks and subdivisions as well as traditional site-built home developments.

(5) Pedestrian ways should be separated from roadways used by vehicular traffic. Sidewalks, as set forth in section 9.02.115, table A, shall be installed to provide all residential areas with direct access to all neighborhood facilities, including elementary schools, parks and playgrounds, churches, and shopping centers.

(6) Bicycle lanes and bicycle paths should be separated from vehicular and pedestrian traffic and should be designed to provide access to major focal points within and beyond the neighborhood.

- *External/Inter-site Connectivity Standards:*
  - **Connectivity to Future Pedestrian Networks:** Mandate alignment and extension of street networks to connect with adjacent developments and destinations.
  - **Connectivity to Existing Pedestrian Networks:** Subdivisions must provide multiple connections to existing street and pedestrian networks, with block perimeters not exceeding 2,000 feet.
- *Sidewalk and Pathway Standards*
  - **Minimum Widths:** Specify minimum sidewalk widths (often 5-8 feet in residential, wider in commercial or mixed-use areas) to accommodate comfortable two-way pedestrian flow.
  - **Continuity and Condition:** Require continuous sidewalks on both sides of the street, with standards for maintenance, ADA-compliant curb cuts, and crosswalks.

Section 9.02.115(b) Streets and Alleys, Conformity to Comprehensive Plan

(b) (24) Pedestrian circulation. Sidewalks shall be provided along both sides of primary and secondary arterials and collectors and one side of local streets. Crosswalks shall be provided to connect parallel streets when blocks exceed 1,000 feet or when blocks exceed 500 feet and the path would provide a connection to a school, park, or other community service facility. A minimum of ten feet of right-of-way is required for all crosswalks. Sidewalks shall be provided along both sides of all streets, whether public or private, within 1,000 feet of public school or park property. Sidewalks shall be constructed as shown on the approved construction plans according to the city's construction standards and specifications for roads, streets, structures, and utilities. Sidewalks must be constructed and approved for each lot prior to issuance of a certificate of occupancy.

Section 9.02.117 Trails

Where provided, trails should be designed and located so as to separate bicyclists from other vehicular and pedestrian traffic. Two-way trails should be avoided along roadways. A physical barrier separating bicycle and automotive traffic should be provided where a trail is adjacent to a roadway. In general, trails should be designed in accordance with the standards contained in the table below.
Design Standards for Trails Table

- *Direct and Accessible Pedestrian Routes:*
  - **Universal Access:** Require universally accessible, direct pedestrian routes from building entrances to public sidewalks, transit stops, and between all principal buildings in a development.
  - **Connections to Adjacent Zones:** Mandate pedestrian connections to sidewalks or walkways on adjacent properties and across land use boundaries, preventing isolated developments and supporting seamless mobility.
  - *Pedestrian-Scaled Lighting*
    - **Height and Spacing**: Require pedestrian lights 9–15 feet above sidewalks, spaced no more than 60 feet apart, and positioned to illuminate walkways without glare or light trespass.
    - **Illumination Levels**: Set minimum lighting levels (e.g., 0.5 foot-candles minimum, 1.5 foot-candle average) to enhance safety and comfort at night.
    - **Shielding and Direction:** Mandate fixtures that direct light downward and minimize spillage onto adjacent properties or into the night sky.

- *Urban Form and Design Standards*
  - **Street Hierarchy:** Design local streets to prioritize pedestrian and bicycle movement, with traffic calming measures and low design speeds.
  - **Lot Design**: Reduce minimum lot sizes and setbacks to allow buildings to be closer to the sidewalk, supporting active street life.
  - **Building Orientation**: Require buildings to front the street with entrances and windows facing sidewalks, fostering active, engaging pedestrian environments.
  - **Human-Scale Elements**: Include requirements for street trees, benches, shade, and weather protection (awnings, arcades) to make walking more comfortable and attractive.

Section 9.02.158 Special parking requirement areas

(a) Purpose. Special parking requirements shall apply within designated portions of the city in order to recognize and encourage relatively greater mobility and accessibility of future facilities, to promote the construction of appropriately located public parking facilities, to discourage inharmonious parking facilities or areas in historic districts or on sites occupied by historic structures, and to reduce intrusion on pedestrian-oriented street frontages by parking facility access.

(b) Special parking requirements area. Within a designated special parking requirements area, the following provisions shall apply in lieu of the regulations otherwise established by the off-street parking and loading regulations.

(1)There shall be visual screening of open parking garages or lots along street frontages.

(2) Enclosed parking garages within the central business district must be separated from the adjacent street by enclosed commercially leasable space fronting the adjacent street at the ground level. On any site that is less than one city block on any side, this provision may be waived or adjusted by the commission or the council, provided at least 50 percent of the garage fronting on the adjacent streets at the ground level shall be enclosed by commercially leasable space. All remaining areas shall be screened.

(3) There shall be no curb cut greater than 30 feet for garage access.

(4) There shall be a clear 160-degree cone of vision at the intersection of sidewalks and any parking access or egress lanes.

(5)

a. There shall be no openings for vehicle access at any level to parking garages or curb cuts in the historic district, unless the commission approves such access and includes a finding in its approval that the applicant has demonstrated that the proposed project will not unreasonably impair pedestrian and vehicular movement in the affected area and adequate precautions have been made for the safety and convenience of the public.

b. The decision of the commission may be appealed to the council. If the council approves the application, it shall be required to make the same finding as provided above.

- *Mixed-Use and Density Requirements*
  - **Land Use Mix**: Encourage or require a mix of uses within walking distance (e.g., housing, shops, schools, parks) to minimize travel distances and support daily walking trips.
  - **Compact Development**: Set minimum density standards to bring destinations closer together, making walking more viable.

TECHNIQUES | STREET/ROAD DESIGN

Section 9.02.114 Thoroughfare System

(a) The planning for a thoroughfare system is essential for the continued efficient movement of people and goods. The comprehensive plan shall serve as a guide for the location and scale of future collector and arterial streets. The precise alignment of thoroughfares included in the plan may be varied to allow adjustments that increase the compatibility of the right-of-way with natural or human-made features such as steep slopes, waterways, wildlife habitats, neighborhoods, historic structures, archeological sites, or existing roadways. No subdivision shall be approved until conformance to the comprehensive plan is demonstrated. All streets, driveways, and parking facilities shall be designed to the city standards set forth herein. Every lot of a subdivision must have access to public right-of-way accepted by the appropriate governmental agency. All streets within a subdivision shall be drawn and described on the plat of record.

(b) Circulation within the urban area shall be provided in accordance with the following design criteria. Note that references to residential neighborhoods and subdivisions apply to mobile home parks and subdivisions as well as traditional site-built home developments.

(1) Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the thoroughfare plan. Arterial streets should be located on the perimeter of the residential neighborhood.

(2) Collector and local streets should be designed to provide access to each parcel of land within the residential neighborhood and within industrial areas, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of minor streets to arterial routes.

(3) Collector streets should be designed to provide a direct route from other minor streets to the major street system and to provide access to public facilities within the neighborhood; however, collector streets should not be aligned in a manner that will encourage their use by through traffic.

(4) Ingress and egress to single-family residential properties should be provided only on local or collector streets.

(5) Pedestrian ways should be separated from roadways used by vehicular traffic. Sidewalks, as set forth in section 9.02.115, table A, shall be installed to provide all residential areas with direct access to all neighborhood facilities, including elementary schools, parks and playgrounds, churches, and shopping centers.

(6) Bicycle lanes and bicycle paths should be separated from vehicular and pedestrian traffic and should be designed to provide access to major focal points within and beyond the neighborhood.

(7) A sight triangle shall be established at all intersections. On local residential streets the sight triangle shall be based on the curb line; on all other streets it shall be based on the right-of-way line. The sides of the triangle shall extend for 25 feet along the right-of-way or curb lines from the projected intersection of those right-of-way or curb lines. Where the right-of-way or curb curves as the intersection is approached, the tangents at the points of beginning for the corner curve shall be projected to determine the origination of the sides of the sight triangle. No construction, planting, or grading shall be permitted to impinge on the sight triangle between the heights of three and seven feet as measured from the crowns of the adjacent streets, except as approved by the director.

Section 9.02.115 Streets & Alleys Table A

Establishes driveway separation, grade, horizontal curve, parking presence, pavement width, right of way by street type (Primary Arterial, Secondary Arterial, Primary Collector, Secondary Collector, Local Street, Rural Lane)

Section 9.02.115(b) Streets and Alleys, Conformity to Comprehensive Plan

(b)

(1) Conformity to comprehensive plan. The width and location of streets shall conform to the comprehensive plan as the commission and council may have adopted, both as to horizontal and vertical alignment and right-of-way widths.

(2) Relation to adjoining street system. The proposed street system shall extend all existing major streets and such existing secondary and local access streets as may be desirable for convenience of circulation.

(3) Street jogs. Where offsets in street alignment are, in the opinion of the commission, unavoidable, those offsets may be approved, provided the distance between centerlines is not less than 125 feet.

(4) Large lot subdivision. If the lots in the proposed subdivision are large enough to suggest resubdivision in the future, or if part of the parent tract is not platted, consideration must be given to possible future street openings and access to future lots which could result from resubdivision.

(5) Through traffic. Local residential streets shall be designed so as to discourage high-speed or through traffic.

(6) Topography. The street system shall bear a logical relationship to the natural topography of the ground.

(7) Street right-of-way widths. Right-of-way width shall be measured in each direction from the centerline.

a. Local streets shall have a minimum right-of-way width of 60 feet if designed to a rural standard, and 50 feet if designed to an urban standard.

b. Collector streets shall have a minimum right-of-way width of 60 feet.

c. Secondary arterial streets shall have a minimum right-of-way width of 80 feet.

d. The width of primary arterial streets shall be determined by the commission in accordance with the comprehensive plan. Primary arterial streets with a right-of-way width of less than 100 feet are to be increased to a width of 100 feet for a distance of 150 feet at the approach to a major street intersection, with a transition back to normal right-of-way over a distance of an additional 150 feet.

e. All street rights-of-way shall be of sufficient width to allow the passage of emergency vehicles. If curbside parking is allowed along the street, the rights-of-way must be sufficient width to accommodate the parked vehicles and allow simultaneous passage of emergency vehicles.

(8) Horizontal alignment. The maximum deflection in alignment permitted without use of curve shall be ten degrees.

(9) Arterial street curves. Curves in arterial streets shall have a centerline radius of 2,000 feet or more.

(10) Collector street curves. Curves in collector streets shall have a centerline radius of 600 feet or more.

(11) Local street curves. Curves in local streets are to have a centerline radius of 250 feet or more, except for loop or partial loop streets.

(12) Reverse curves. Reverse curves shall be separated by a minimum tangent of 100 feet.

(13) Vertical curves. Vertical curves shall be designed in accordance with the city standards and specifications.

(14) Dead-end streets; cul-de-sacs.

a. Turnarounds are to have a minimum right-of-way radius of 50 feet for a single-family and two-family use and 60 feet for other uses.

b. The maximum length of a dead-end street with a permanent turnaround shall be 500 feet except in conditions of unusual topography. No more than 200 projected average daily trips shall be allowed using ITE standards for any cul-de-sac longer than 200 feet.

c. Temporary turnarounds shall be provided at the end of streets more than 400 feet long that will be extended in the future. The following note should be placed on the plat: "Crosshatched area is temporary easement for turnaround until street is extended (give direction) in a recorded plat."

(15) Speed bumps. Speed bumps are permitted on streets within the city.

(16) Street intersections.

a. Angle of intersection. Except where existing conditions will not permit, all streets, major and minor, shall intersect at a 90-degree angle. Variations of more than ten degrees on minor streets and more than five degrees on major streets must first be approved by the commission.

b. Radius at corners. All local and collector street corners shall have 15-foot radii except acute corners which shall have a radii of 25 feet. Arterial streets shall have minimum corner radii of 25 feet. No buildings, signs, or parking shall be allowed in the area between the corner curves and the chord connecting the ends of the curves except as approved by the commission.

c. Centerline tie with existing streets. Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on centerline with dimensions and bearings to show relationship.

d. Spacing. Table B of this section shall be used to determine the minimum spacing of intersections between roadways of the same functional classification and roadways of different functional classifications. These standards shall apply to intersections between existing and proposed new roadways and between two new roadways.

Table B. Minimum Spacing of Roadway Intersections Proposed – NOT SHOWN

(17) Reserve strips. Reserve strips at the end of streets shall not be allowed.

(18) Street names. New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the city.

(19) Private streets. Private streets are prohibited except as specifically approved in planned development districts. All private streets shall be constructed to city standards for public streets. Common access easements may be required. If a gate is proposed to limit access to the private street, its construction, operation, maintenance, and provisions for emergency access shall be reviewed and approved as a part of construction plan approval.

(20) Unpaved street rights-of-way. The portion of the street right-of-way between a private lot line and the curb or pavement edge shall be designed and constructed to meet the requirements of the city standards and specifications.

(21) Access to public streets from private property. Developers or builders will not cut a curb or gutter section nor pave a street right-of-way without first obtaining a permit from the city, and complying with city standards and specifications. Where no curb and gutter street construction is permitted, no developer or builder will construct or pave the bar ditch street section without first obtaining a permit from the city and complying with city standards and specifications. No temporary utility service will be provided to the building

lot or site until a curb cut street right-of-way permit has been issued, and no permanent utility service will be provided until the work authorized by permit is satisfactorily completed and approved by the city.

(22) Half streets. Dedications of partial or half streets along the perimeter of the subdivision shall not be permitted except as required for proper alignment with an existing right-of-way.

(23) Alleys. The following design standards shall apply to alleys:

a. Alleys shall be provided in commercial and industrial districts, except that the commission may waive this requirement where other definite and assured provision is made for service access (such as off-street loading, parking, fire protection, and solid waste disposal) that is consistent with and adequate for the uses proposed;

b. Alleys shall not be provided in residential subdivisions except where the area design element and the subdivider produces evidence satisfactory to the commission of the need for the alleys or the commission finds that alleys and their specific design are suitable in high density residential developments and planned development districts;

c. Alley rights-of-way serving commercial and industrial areas shall not be less than 30 feet in width. When alleys are provided in residential areas, rights-of-way shall not be less than 22 feet in width;

d. Alley intersections and sharp changes in alignment shall be avoided; and

e. Dead-end alleys should be avoided, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end as determined by the commission.

(24) Pedestrian circulation. Sidewalks shall be provided along both sides of primary and secondary arterials and collectors and one side of local streets. Crosswalks shall be provided to connect parallel streets when blocks exceed 1,000 feet or when blocks exceed 500 feet and the path would provide a connection to a school, park, or other community service facility. A minimum of ten feet of right-of-way is required for all crosswalks. Sidewalks shall be provided along both sides of all streets, whether public or private, within 1,000 feet of public school or park property. Sidewalks shall be constructed as shown on the approved construction plans according to the city's construction standards and specifications for roads, streets, structures, and utilities. Sidewalks must be constructed and approved for each lot prior to issuance of a certificate of occupancy.

(c) In the event that the city needs additional right-of-way to satisfy the standards set forth in the city's transportation master plan, the applicant shall dedicate his share of the right-of-way needed as part of the platting process.

- **Internal/Intra-site Connectivity Standards:** Discourage or limit cul-de-sacs in favor of loop streets and grid patterns.

Section 9.02.115(b) (14)

(14) *Dead-end streets; cul-de-sacs.*

a. *Turnarounds are to have a minimum right-of-way radius of 50 feet for a single-family and two-family use and 60 feet for other uses.*

b. The maximum length of a dead-end street with a permanent turnaround shall be 500 feet except in conditions of unusual topography. No more than 200 projected average daily trips shall be allowed using ITE standards for any cul-de-sac longer than 200 feet.

c. Temporary turnarounds shall be provided at the end of streets more than 400 feet long that will be extended in the future. The following note should be placed on the plat: "Crosshatched area is temporary easement for turnaround until street is extended (give direction) in a recorded plat."

- *External/Inter-site Connectivity Standards:*
  - **Connectivity to Future Street Networks:** Mandate alignment and extension of street networks to connect with adjacent developments and destinations.
  - **Connectivity to Existing Streets Networks:** Subdivisions must provide multiple connections to existing street networks, with block perimeters not exceeding 2,000 feet.

Section 9.02.119(d)(4)(b) Lots. Lot Orientation. Double Frontage

(b) Residential lots adjacent to an arterial street shall also have frontage on a local street. Vehicular access to these lots shall be from the local street only. Nonresidential lots with double frontage shall have offset access points to inhibit cut-through traffic.

Division 6 Rural Subdivision Design Standards

Section 9.02.196 Easements

In addition to all other easements required by this article, all rural subdivisions shall indicate on the final plat a ten-foot "limits of no access" easement along that portion of all property abutting a major thoroughfare or street, state highway, farm to market road or ranch road, or numbered county roadway.

- *Street Design:*
  - **Street Hierarchy:** Design local streets to prioritize pedestrian and bicycle movement, with traffic calming measures and low design speeds.

Section 9.02.115(b) (15)

(15) *Speed bumps.* Speed bumps are permitted on streets within the city.

  - *Complete Streets and Public Realm:*
    - Adopt "Complete Streets" standards requiring all new and reconstructed streets to safely accommodate pedestrians, cyclists, (transit), freight, and emergency vehicles.
    - Require street trees, lighting, and stormwater management features that enhance both resilience and user comfort.

- **Right of Way Dedication:** Require dedication of land for future transportation corridors, greenways, or emergency access as identified in the comprehensive plan.[3]

- *Emergency operations and evacuation access*
  - Adequate ingress and egress of the subdivision and circulation within the subdivision.

[3] House Bill 3699 (HB 3699) limits cities to requiring the dedication of right-of-way only for projects that are included in a funded Capital Improvement Plan (CIP).

- Require driveway width, length and slope adequate for firefighting vehicles and equipment.[4]
- Require multiple driveways for multifamily and commercial developments.
- Require visible street signage and addresses; and access points into a subdivision.

Section 9.02.116 Access & Driveways

(a) Purpose and applicability. Proper access design and location are essential to the maintenance of safe, efficient traffic flow. In order to prevent the proliferation of poorly spaced driveways that can result in the reduced safety and carrying capacity of public thoroughfares, the following regulations shall apply to all properties for which a land use or property boundary change is proposed.

(b) Driveway width. No undivided driveway wider than 30 feet from curb face to curb face shall be permitted. No divided driveway shall exceed 45 feet in width at the property line. Each drive access in a divided driveway must be a minimum of 20 feet wide to provide adequate fire access. It is the developer's responsibility to carefully plan the driveway access and median design to ensure safe vehicular access.

(c) Spacing between driveways. Excluding single-family residential uses, the minimum distances between driveways shall correspond with section 9.02.115, table A.

(d) Spacing between driveways and intersections.

(1) On local streets, no driveway shall be permitted closer to a corner than 60 feet unless lot dimensions prohibit such spacing.

(2) On collector streets, no driveways shall be permitted closer to a corner than 75 feet unless lot dimensions prohibit such spacing.

(3) On secondary arterial streets, no driveways shall be permitted closer to a corner than 120 feet.

(4) On primary arterial streets or on secondary arterial streets within 500 feet of an intersection with a primary arterial street, driveways shall be located no closer than the specified limiting distance.

(5) When channelized right turn lanes are used, the minimum distance between the right turn lane and the driveway shall be no less than the specified clearance.

Section 9.02.119(j) (1) Access Requirements

(j) Access requirements.

(1) A minimum of one all-weather access area (either individually, or common to more than one lot) or driveway shall be provided for each buildable lot connecting the buildable area of the lot to an existing or proposed dedicated public street. An exception may be made for lots within a WPDD which may have similar access to a private street.

— *Ingress & Egress Standards*

- Require new streets, public or private, within a subdivision have access to an existing "dry" road during the 100- year flood.
- Require the surface of new streets within subdivisions to be built to at least the 100-year flood elevation.
- Prohibit building segments of new driveways below the 100-year flood elevation.

— *Road Design Standards*

- Size culverts and bridges (other than driveway culverts) to a 100-year storm frequency.

[4] These dimensions must be carefully considered and not recommended to be wider than absolutely necessary so as not to undermine other aspects of resilient design, such as walkability.

- Require road surfaces to be elevated to or above the base flood elevation or allow only a nominal amount of water to flow over the road during the 100-year flood event.

Utilities (water, power, stormwater)

TECHNIQUES | GENERAL

Section 9.02.054(j)

Requires developer to post a warranty bond for 20 percent of cost of improvements for year years post dedication.

Section 9.02.118 Blocks

(e) The commission may, at the preliminary plat phase, require the dedication of an easement or right-of-way not less than ten feet wide bisecting the center of any block in excess of 800 feet in length to accommodate utilities, drainage facilities, and pedestrian access, upon recordation of the plat

- **Resilience Assessment:** Major developments and subdivisions must submit a utility resilience assessment, addressing hazard exposure, redundancy, and emergency access.
- **Critical Facility Protection:** Utilities serving critical facilities (e.g., hospitals, emergency shelters) must have backup power, redundant connections, and prioritized restoration plans.
- *Utility Placement, Layout and Access:*

Section 9.02.233 Continuity of improvements

All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage, and streets and to create continuity of improvements for the development of adjacent properties. Water, wastewater, transportation, and drainage improvements shall be extended to the perimeter of a subdivision, except that notwithstanding the prohibition of granting waivers for improvements as set forth in this article, the commission is authorized to vary or modify the requirement for extending water, wastewater, transportation, and drainage improvements to the perimeter of a subdivision in accordance with the plat waiver procedural requirements.

- Prohibit or restrict the placement of critical utility infrastructure (e.g., substations, pump stations, lift stations, major mains) in high-risk areas such as floodplains, unstable soils, or wildfire-prone zones, unless no feasible alternative exists; require elevation, floodproofing, or fire-resistant design where unavoidable).
- Subdivision plats must show all proposed utility ROWs, easements, and access routes, ensuring they are accessible for maintenance and emergency repairs.

Section 9.02.120(c) Easements

(c) Easements shall be established and dedicated for all utility apparatus, drainage facilities including detention areas, common access areas, and other public or quasi-public uses requiring dedication of property rights.

- Require utility lines to be undergrounded in new subdivisions where feasible, reducing vulnerability to wind, ice, and wildfire hazards.

Section 9.02.232(b) Type of improvements required

(b) All utilities shall be installed underground in conformance with the terms and regulations of the provider of that utility.

– *Co-location and Multi-Use Corridors:*
  - Require the use of existing corridors (e.g., along roads, railways) for new utility lines where feasible to minimize land disturbance and facilitate maintenance.
  - Allow compatible uses (e.g., trails, pollinator habitats) within utility ROWs to maximize community benefit and support environmental goals.

– *Redundancy and Future-Proofing:*
  - Mandate multiple utility connections and looped systems in subdivisions to provide backup service routes and minimize the risk of widespread outages.
  - Require ROWs and easements to be wide enough to accommodate future upgrades, additional circuits, or new utility types (e.g., fiber optics, distributed energy resources.[5]

Section 9.02.115(b)(7) Street Right-of-Way Widths

Establishes minimum right of way widths by street type.

– **Sustainable Infrastructure**: Promote energy-efficient and demand-responsive utility design, such as advanced metering and smart grid technologies, to reduce stress on the grid during extreme events.

– *Maintenance and Enforcement:*
  - Require long-term maintenance agreements for private infrastructure, with regular inspections and enforcement mechanisms to ensure ongoing functionality.
  - Include a mechanism during final platting, such as a maintenance covenant, where the local government has the ability to take over maintenance of the infrastructure that is not being maintained by the Property Owners' Association and assess subdivision property owners for the cost of any such maintenance.

Section 9.02.236 Improvements Maintenance and Supervision

Where a subdivision contains sewers, sewage treatment facilities, water supply systems, parks, and grounds held in common, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be

[5] These dimensions must be carefully considered and not recommended to be wider than absolutely necessary so as not to undermine other aspects of resilient design, such as walkability.

satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the city council for the proper and continuous operation, maintenance, and supervision of those facilities. A copy of the agreements providing for the proper and continuous operation, maintenance, and supervision of those facilities shall be presented to the director and approved as to form by the city attorney at the time of final platting and shall be filed of record with the plat thereof.

Section 9.04.067 Water Quality Control Maintenance

(a) An applicant for a site development permit shall submit a WQC maintenance plan describing the specific measures proposed for operating, monitoring, and maintaining each water quality control proposed for a development project as required by this article. The measures described in the WQC maintenance plan shall be consistent with the guidelines set forth in the manual. City approval of the WQC maintenance plan is required prior to issuance of a site development permit.

(b) Upon city approval of the WQC maintenance plan, the project applicant shall record in the county deed records and on any recorded plat(s) for the development a notation stating that the property is subject to a water quality control maintenance plan on file at the city's administrative offices. Upon transferring title to the property, or any subdivided portion thereof, the applicant shall establish a deed restriction stating that the property is subject to a water quality control maintenance plan on file at the city's administrative offices.

(c) All applicants shall operate, monitor, and maintain each water quality control required by this article in accordance with the WQC maintenance plan and the requirements of this article.

(d)

(1) The WQC maintenance plan may provide for transfer of responsibility for WQC operation and maintenance activities to:

a. A groundwater district, a municipal utility district, a public utility district, or any other special district created under state law;

b. A homeowners' or property owners' association;

c. A natural resources conservation or other environmental interest group; or

d. Any similar third-party entity.

(2) Transfer of responsibility to any such entity requires the advance written consent of the city. Any entity assuming responsibility for WQC operation and maintenance shall also assume responsibility for the financial assurance as may be required by the city council.

(e) Structural water quality controls (WQCs) shall be sized for the entire contributing drainage area for the following types of developments:

(1) New multifamily residential development, new nonresidential development, and new subdivision development.

(2) Redeveloped multifamily residential development, redeveloped nonresidential development, and all redeveloped subdivision development that increases total impervious cover to a level greater than the impervious cover limits described in section 9.04.062.

(3) New single-family residential development which is not part of a subdivision development if such development has impervious cover greater than the impervious cover limits described in section 9.04.062.

(f) To provide necessary access for maintenance and monitoring, water quality controls shall be located within an area dedicated to the public by easement, deed restriction, or recorded plat notation. The dedicatory instrument shall note that water quality restrictions exist on the property and that any alternative use or alteration of the property must be approved in writing by the city.

TECHNIQUES | POTABLE WATER

– *Source Water and Watershed Protection:*

Article 9.04 Water Quality Protection

Section 9.04.065 Erosive Flow Control Measures

Per the city comprehensive plan, it is the intent of this section to minimize the effects of rainwater runoff on property development and environmental degradation. This section encourages using structural and non-structural stormwater drainage systems to preserve the

natural features of the area and to assist with the replenishment of the area's water supply. As stormwater discharges (hydraulics) from development pose a significant threat to water quality, the following sediment and erosion control regulations are set forth for development:

(1) Erosion control requirement. When development occurs on a property, all disturbed land areas shall have erosion and sediment control measures established prior to any work being performed on the property. This section applies whether or not a site development permit or building permit is required. Such measures shall be designed so as to eliminate the possible transport of silt, earth, topsoil, rubbish, yard waste etc., by water runoff from the subject property to an adjacent property, stream, or onto city streets, drainage easements, and drainage facilities, following any land disturbing activity.

(2) Erosion control plan.

a. In those cases where a building permit or site development permit is required, including, but not limited to, development within the boundaries of a protected water [protected waterway] overlay district, in order to clearly identify all erosion and sediment control measures to be installed and maintained throughout the duration of the project, a detailed erosion control plan shall be required prior to the issuance of the site development permit or the building permit. Such plans shall be prepared in accordance with the requirements set forth in the TCEQ stormwater pollution prevention plan (SWPPP) guidance.

b. Each developer shall implement and maintain the erosion control measures shown on its approved erosion control plan in order to minimize the erosion and the transport of silt, earth, topsoil, etc., by water runoff or development activities, beyond the limits of the developer's site onto city streets, drainage easements, drainage facilities, storm drains or other city property prior to beginning any land disturbing activity. Sediment basins are required for drainage areas serving at least ten acres and are sized to capture the runoff from the two-year 24-hour storm (8,000 cubic feet per acre). The runoff shall be detained a minimum of 48 hours and it is desirable to use techniques that draw water off the top of the water surface. Sediment basins cannot be installed in drainage areas greater than 40 acres and are not allowed in the WQBZ.

c. It shall be an offense for a developer performing work on a project to violate any of the requirements of this article, including, but not limited to, the following:

1. Conducting development activity without an approved erosion control plan, when required, for the location where the violation occurred.

2. Failing to install erosion control devices or to maintain erosion control devices throughout the duration of development activities, in compliance with the approved erosion control plan for the location where the violation occurred.

3. Failing to remove off-site sedimentation that is a direct result of development activities where such off-site sedimentation results from the failure to implement or maintain erosion control devices as specified in an approved erosion control plan for the location where the violation occurred.

4. Allowing sediment-laden water resulting from below-ground installations to flow from a site without being treated through an erosion control device.

5. Failing to repair damage to existing erosion control devices, including replacement of existing grass or sod.

6. Written notice of violation shall be given to the developer or his job site representative as identified in the erosion control plan for a site. Such notice shall identify the nature of the alleged violation and the action required to obtain compliance with the intent of the approved erosion control plan.

(3) Construction stormwater general permit. Prior to the commencement of development activity, including clearing, grading, and excavation activities, that result in the disturbance of one or more acres of total land area, or that are part of a common plan of development or sale within which one or more acres of total land area are disturbed, the developer is required to obtain the construction stormwater general permits, as may be required by TCEQ, and shall submit for review to the city a signed copy of its required notice of intent (NOI) along with a copy of the required stormwater pollution prevention plan (SWPPP).

a. A copy of any NOI that is required shall be submitted to the city in conjunction with any application for a building permit, subdivision plat approval, site development plan approval, and any other city approval necessary to commence or continue construction at the site.

b. The city shall require any developer who is required to prepare a SWPPP to submit the SWPPP, and any modifications thereto, to the city for review. Such submittal and review of the SWPPP shall be required by the city prior to commencement of or during construction activities at the site.

c. Upon the city's review of the SWPPP and any site inspection that the city may conduct, the city may deny approval of any building permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the construction general permit, or any additional requirement imposed by or under this article. Also, if at any time the city determines that the SWPPP is not being fully implemented, the city may similarly deny approval of any building permit, site development permit, subdivision plat, site development plan or any other city approval necessary to commence or continue development, or to assume occupancy, at the site.

(4) Drainage patterns. Drainage patterns shall be designed to the maximum extent practical to prevent erosion, maintain the recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by stormwater. All discharge points from stormwater retention and detention ponds or other accumulation areas shall provide for energy dissipation prior to exiting the site. Overland sheet flow and natural drainage features and patterns shall be maintained, rather than concentrating flows in storm sewers and drainage ditches. Stormwater drainage facilities shall be sized to maintain flood flow velocities as outlined in the Hays County Drainage Criteria Manual (DCM) or other guidance approved by the city engineer.

(5) Stormwater discharge into waterway. For site designs that provide for discharge of stormwater into a waterway, adequate retention and/or detention shall be incorporated into the site design manage postdevelopment peak runoff rates to be equal to or less than existing runoff rates for the two-year, ten-year, 25-year, and 100-year storms or demonstrate no negative impact to downstream property owners per the Hays County DCM or other guidance approved by the city engineer.

(6) Cut and fill stabilization. A cut or fill with a finished grade steeper than 33 percent shall be stabilized with a permanent structure.

(7) Roof runoff. All roof runoff from nonresidential buildings shall have downspouts disconnected from the site stormwater drainage system. Special circumstances may be reviewed and approved by the city without a waiver to this requirement.

Section 9.04.066 Landscaping controls

(a) A developer shall to the maximum extent practical:

(1) Landscape shall be preserved in its natural state;

(2) Xeriscape and low maintenance vegetation shall be included in all development.

(3) The use of herbicides, pesticides and fertilizers shall be minimized.

(b)

(1) An applicant for a site development permit shall submit a pesticide and fertilizer management plan providing information regarding proper use, storage, and disposal of pesticides and fertilizers. The plan shall indicate likely pesticides and fertilizers to be used. The plan shall include two lists of pesticides and fertilizers:

a. Those which, due to their chemical characteristics, potentially contribute significantly to water quality degradation;

b. Those which, due to their chemical characteristics, potentially would result in minimal water quality degradation.

(2) City approval of the pesticide and fertilizer plan is required prior to issuance of a site development permit.

(c) An applicant for a site development permit shall submit an integrated pest management (IPM) plan. City approval of the integrated pest management plan is required prior to issuance of a site development permit.

- Establish and enforce source water protection zones with land use restrictions, setbacks, and buffer requirements around wells, reservoirs, and surface water sources.
- Require an Integrated Pest Management Plan to manage the use of fertilizers, pesticides, and herbicides.

- Encourage or require green infrastructure (e.g., rain gardens, permeable pavement, riparian buffers) to protect recharge areas and reduce runoff pollution.

– **Placement and Accessibility:** Require subdivision plats to show all proposed water lines, easements, and access routes, ensuring accessibility for maintenance and emergency repairs.

Section 9.02.120(c) Easements

(c) Easements shall be established and dedicated for all utility apparatus, drainage facilities including detention areas, common access areas, and other public or quasi-public uses requiring dedication of property rights

– *System Layout:*
  - Require water lines to be located in protected corridors and at appropriate depths to minimize risk of damage from hazards or construction.
  - Mandate hydrant placement and spacing in accordance with fire and safety codes.

– **Utility Certification and Capacity:** Require certification from an approved water utility or provider confirming that potable water of sufficient quality and quantity will be available to all lots in the subdivision, consistent with state standards.

Section 9.02.121 Water System (c)(3)(b):

b. Subdivisions to be served by TCEQ-approved water supplies. Applicants proposing to serve a new subdivision by a new or existing public water supply system shall provide the city with the following:

1. A certification that the public water system has sufficient capacity and acceptable water quality to serve all of the proposed built-out development in the subdivision together with all existing service customers. The certification shall include detailed engineering data and be based on a pump rate as required by the water availability test, as in subsection (c)(4)b.12. If any additional well is required for the public water supply system to accommodate the increased demand due to the subdivision, then the water availability test, subsection (c)(4), shall be performed;

Section 9.02.121 Water System(c)(4) Water Availability Test

a. The water availability test shall be conducted for any new or expanded water supply system whether it is composed of individual wells or is a public water supply system. The applicant shall construct at least two wells (one test well and one monitor well). Use of existing wells will be permitted if the wells fully meet these regulations. Testing and reporting shall be performed by a state-registered professional engineer or hydrogeologist qualified to perform the hydrogeological testing, geophysical well logging, and aquifer pump testing.

– **Adequate Fire Suppression Supply:** All new developments and subdivisions must demonstrate access to an adequate and reliable water supply for fire suppression, meeting or exceeding the standards established by the local fire code and water utility.

Section 9.02.121 Water System

(b) General water system design.

(1) The design and construction of the public water system shall comply with regulations covering extension of public water systems adopted by the state commission on environmental quality. Water systems shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection and water services to all lots, and to conform with the master water distribution system plan for the city. Fire hydrants shall be provided as required by the city's standards and specifications. No main line extensions shall be less than eight inches. All new water systems should be designed and constructed to operate on a gravity feed basis, thereby eliminating the need for booster pumps or other similar devices.

(2) The design and layout of the water distribution system shall be acceptable, without penalty, to the state fire insurance commission. To that end, the following fire flows shall be required:

a. Principal mercantile and industrial areas: 3,000 gpm;

b. Light mercantile areas: 1,500 gpm;

c. Congested residential areas: 750 gpm; and

d. Scattered residential areas: 500 gpm.

– *Minimum Flow Rates by Use Type:*

The potable water system must provide minimum flow rates tailored to the type of development:

- Single-family residential: [Insert required flow rate, e.g., 500 gallons per minute]
- Multifamily residential: [Insert required flow rate, e.g., 1,000 gallons per minute]
- Nonresidential/commercial: [Insert required flow rate, e.g., 1,500 gallons per minute]

Flow rates must be certified by a licensed engineer or water utility provider.

Section 9.02.121 Water System

(2) The design and layout of the water distribution system shall be acceptable, without penalty, to the state fire insurance commission. To that end, the following fire flows shall be required:

a. Principal mercantile and industrial areas: 3,000 gpm;

b. Light mercantile areas: 1,500 gpm;

c. Congested residential areas: 750 gpm; and

d. Scattered residential areas: 500 gpm.

– *Distributed Water Sources for Firefighting:*

- Developments must ensure distributed water sources for firefighting, such as hydrants, cisterns, or ponds, are strategically located throughout the site.
- Hydrants must be spaced and sited in accordance with fire code requirements and within a specified maximum distance from all structures.
- Where hydrants are not feasible, approved cisterns or fire ponds of sufficient capacity must be provided and maintained for emergency use.

– *Water Conservation and Efficiency:*

Section 9.02.392 Irrigation Requirements

(a) An irrigation plan is required as part of the site plan and will be prepared by a licensed irrigator (i.e., licensed landscape architect or engineer). The plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds where appropriate and bubblers on all trees.
(b) Turf grass plantings may be Buffalo, Zoysia, or Bermuda. St. Augustine is expressly prohibited.
(c) Landscaped areas must be mulched to reduce evaporation and preserve water

- Require the use of water-efficient fixtures, drought-tolerant landscaping, and leak detection systems in new developments.

9.02.123(c)(3) Landscaping and Buffering, Screening Irrigation Standards .

(3) Irrigation standards.
a. One of the following irrigation methods shall be used to ensure survival of the required plant material in landscaped areas:
1. Drip or leaky-pipe system. An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or leaky pipe system; or
2. Temporary and above-ground watering. Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses, wildflowers, and trees, may use a temporary and above-ground system, and shall be required to provide irrigation for the first three growing seasons.
b. Installation of rain and freeze sensors shall be required.
c. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

Section 9.03.184 Supplemental Regulations

(o) Commercial landscape regulations.
(1) Purpose. This regulation is adopted to provide for the safe, orderly, and attractive development of commercial property within the community. The provisions contained herein are deemed necessary to promote the business community and enhance the community's ecological, environmental, and aesthetic qualities.
a. Buildings, paved surfaces, and other developments impact the land by reducing the ability of rainfall to enter the groundwater supply and simultaneously produce higher temperatures. Impervious surfaces create greater runoff producing contamination, erosion, and flooding problems. Conversely, plant materials by their transpiration and shade properties have the opposite effects, supporting the natural environment. Proper use of landscape elements can thus help to preserve the natural environment and contribute to the process of air purification, oxygen generation, water absorption, purification, and conservation.
b. The city is located in an area that experiences frequent drought conditions that can be best tolerated through the proper planning of landscape elements in property development.

(2) *Applicability. The requirements set forth herein shall apply to all new developments within the city with the exception of property improved with single- and two-family residences. Builders and developers of residential properties, zoned R-1 to R-5 and RA, are directed to the provisions of subsection (o)(4) hereof and are encouraged to abide by the provisions of that subsection. Builders and developers should take note of the impervious cover provisions addressed throughout the development regulations contained in this article. The requirements and standards set forth herein shall not apply to existing improved property as it may exist on the date of this enactment, but shall apply to any such structures in which 50 percent or more of the building is reconstructed or the footprint is expanded by 20 percent or more.*

(3) General requirements.

a. Installation. Installation of all required materials shall be in accordance with the Texas Nursery and Landscape Association standards. Landscape plans should rely primarily upon the use of plant species selected from the city's preferred plant list which is published by and available through the civic association, Keep Wimberley Beautiful. These reference materials are available at City Hall.

b. Maintenance. The owner and his or her successors, managers, or agents shall be responsible for the continued maintenance of all landscaped areas. This will include, without limitation, maintaining an orderly and clean appearance without contamination of refuse and debris as well as the timely replacement of all and any dead material that was a part of the original landscape plan for the property.

c. Irrigation. To ensure the survival of newly planted materials the area shall be served by either manual or automatic watering systems. A proper watering plan must be in place for no less than the first three years after plant installation. No irrigation plan shall be required for natural or undisturbed areas.

d. Planting criteria. Trees shall be a minimum of two-inch caliper measured three feet above ground level; shrubs, vines, and ground cover shall be at a minimum one-gallon container size; grasses chosen from available drought hardy species are encouraged.

e. Landscape plan. The owner or his or her agent shall at the time of his or her request for a building permit submit a detailed landscape plan demonstrating compliance with the requirements contained herein. A sample landscape plan is included as figure 1 in appendix A of this article.

(4) Required site landscaping.

a. Minimum coverage. An area equal to the following percentages of impervious cover on the developed site shall be dedicated to meet the minimum area dedicated to landscaping:

1. In the case of common multi-family residential developments, 30 percent;

2. In the case of office and professional building development, 22 percent; or

3. In the case of institutional, commercial, or industrial use, 15 percent.

b. Required placement. Of the above required landscaped area, no less than 50 percent shall be located between the front property lines and the proposed construction. Corner lots shall be required to include an additional 25 percent of landscaped area to be located between the improvements and the adjoining side street.

c. Required plant material. For every 600 square feet of landscaped area, two trees and four shrubs shall be required.

d. Replacement of trees. Should a tree that has been required by this plan die or be removed, it shall be replaced with a tree or trees with equal potential to provide canopy as was true of the plan as submitted.

e. Tree credits. To reward the preservation of existing trees, a credit against the requirements set forth herein equal to 150 percent of the crown area of undisturbed trees shall be granted.

f. Overlay districts. The provisions of this section notwithstanding, all developments must also comply with the requirements of any designated overlay district that may impact the site.

(5) Parking lot landscaping.

a. Dominant street parking requirements. Parking areas located between the building and the dominant street shall have landscaping requirements that are proportional to the ratio of that front area parking to total area parking. If 25 percent or less of the parking spaces are located in the dominant street frontage area, 13 square feet of landscaped area per stall will be required; if 26 percent to 75 percent of the spaces are located in that area, the requirement shall increase to 18 square feet per stall. In the case where more than 75 percent of the total parking spaces are located in the dominant street frontage area, the requirement shall increase to 23 square feet of landscaped area per parking stall.

b. Internal parking lot landscape requirements. For every 600 square feet of required landscaped area, two trees and four shrubs shall be installed. All trees must be planted in pervious areas of at least 150 square feet in size. Trees must be

arranged so as to provide maximum shade over the parking areas. No portion of the parking lot should be more than 64 feet distant from the trunk of a tree.

c. Parking lot screening. All parking areas shall be screened by means of a berm, a planted hedge, a wall, or some combination of these items. See figure 2 in appendix A of this article for an example of this design.

d. Overlay districts. The provisions of this section notwithstanding, all developments must also comply with the requirements of any designated overlay district that may impact the site.

(6) Screening.

a. Mechanical equipment. Properties within view of residential areas shall screen all roof, wall, or ground level mechanical equipment. Roof-mounted equipment shall be screened on all four sides. Plantings, walls, fences, or a combination of these items may screen ground level equipment.

b. Outside storage. Outside storage locations shall be limited to side or rear yard locations and shall be screened from public view. Screening shall be at least one foot taller than the item being screened. The screening may be achieved by dense plantings, a wall or fence that is in keeping with the architecture of the primary structure, or a landscaped berm.

c. Waste containers. All waste containers shall be located in side or rear yard locations and screened from public view. Waste containers must be screened on all four sides with an enclosure that is no less than one foot taller than the container being screened. The screening material must be a masonry wall, a wooden fence, or densely planted shrubbery that is maintained in a healthy state. All waste container screens shall also be protected with concrete or concrete-filled bollards to protect the enclosure from damage by waste removal trucks.

d. Loading docks. Loading docks shall, to the extent possible, be located at the side or rear of buildings. Loading areas shall be screened from the view of the street or adjacent property. Loading areas shall not be located closer than 50 feet to any single-family residential lot, unless the facility is wholly within the structure. Screening may be accomplished with walls, fences, or shrubbery designed to provide 100 percent screening within two years of the construction of the dock.

(7) Lighting. Refer to article 4.09 governing the nature and extent of outdoor illumination for the provisions of that enactment as they may apply to overall landscape plans.

(8) Slope development. Refer to subsection (h) of this section imposing specific requirements for steep slope development for the provisions of that enactment as they may apply to landscape plans for new development.

(9) Fencing. Fencing may be an integral portion of a well-developed landscape plan. Refer to article 4.07 for certain requirements on the erection of new fencing.

(10) Drainage.

a. *Management of stormwater runoff both during and after construction of a property is of key significance to property owners and their neighbors. The increase in impervious cover that is inherent in any development presents a challenge that can only be managed through careful planning. During construction the use of silt barriers and retention ponds is encouraged. In the post-development phase, as the disturbed areas are re-vegetated, the runoff characteristics may become more normal; however, in some cases the permanent use of retention ponds may be unavoidable.*

b. In the management of stormwater runoff, it is often necessary to create drainageways that are permanently affixed to the land. In these cases, the use of natural materials is encouraged. See figure 3 in appendix A of this article for drawings that highlight the preferred method of constructing these drainageways.

(11) Hazardous trees. Dead or diseased plant materials or plants that have been severely damaged by a storm so as to present a hazard to citizens or passersby shall be promptly removed by the owner or tenant. Any tree that is found to be infected or infested with disease such as oak wilt shall be promptly removed and disposed of in accordance with the best standards of practice as advanced by the Texas Nursery and Landscape Association (TXNLA). Information from TXNLA is available by mail at the association's address, 7730 South IH 35, Austin, TX 78745-6698; by telephone at 512-280-5182; by e-mail at info@txnla.org; or at the association's website, www.txnla.org.

(12) Paths, walkways, and retaining walls.

a. In the construction of paths and walkways the use of pervious materials, to the maximum extent possible, is encouraged. These materials would include crushed granite, pebbles, tree mulch, and wooden decking. The use of concrete, asphalt, and densely packed caliche is discouraged. Paths and walkways that are designed in a free-form fashion are preferred over geometric layouts. For an example of the desired path and walkway layout, see figure 4 in appendix A of this article.

b. Where retaining walls are necessary, construction heights of more than eight feet are discouraged. If elevation changes require more height than can be achieved in an eight-foot high wall, it is suggested that the terrain be stepped with additional lower height walls placed at five-foot or more intervals to achieve the overall objective. For examples of desirable retaining wall configurations, please see figure 5 in appendix A of this article.

c. When construction plans suggest that retaining walls may be found necessary, one should consult this article and comply with the requirements of the steep slope development regulations, subsection (h) of this section.

- Encourage or require water metering, water audits, and the use of reclaimed or recycled water for non-potable uses.

TECHNIQUES | WASTEWATER

Section 9.02.122

(a) Sanitary sewer system required. Subdividers shall be responsible for providing an approved public sanitary sewer system, consistent with the comprehensive plan, throughout the entire subdivision such that all lots, parcels, or tracts of land will be capable of connecting to the sanitary sewer system except as otherwise provided herein. Where an approved public sanitary sewer collection main or outfall line is within reasonable distance of the subdivision as determined by the commission, but in no case less than one-half mile away, and connection to the system is both possible and permissible, the subdivider shall be required to bear the cost of connecting his or her subdivision to the existing sanitary sewer system. The design and construction of a public sanitary sewer system shall comply with regulations covering extension of public sanitary sewer systems adopted by the state commission on environmental quality. Under extraordinary circumstances, these provisions may be varied with the approval of the council and commission.

(b) General sanitary sewer system design. All new public sanitary sewer systems shall be designed and constructed to operate on a gravity flow basis by taking advantage of natural topographic conditions and thereby reducing the need for lift stations and force mains. All treated sewage effluent from centralized systems shall be disposed of by land application and not point discharge to drainage channels in the watershed.

Division 6 Rural Subdivision Design Standards

Section 9.02.197(a) Wastewater Collection System

(a) Wastewater collection system. For all rural subdivisions where public wastewater utility services are not available, the city reserves the right to require the installation of improvements required for non-rural subdivisions in accordance with the provisions of this article, when the extension of urban services to within one-fourth mile of any portion of the subdivision is scheduled in the city's capital improvements program to occur within five years from the date of preliminary plat approval.

- *Design and Technology Standards:*
  - Require the use of advanced or alternative treatment technologies in vulnerable or high-risk areas to improve resilience and reduce contaminant loads.
  - Mandate backflow preventers, watertight manholes, and other protective features in flood-prone zones.
  - For conservation or cluster subdivisions, allow flexibility to site community or on-lot systems in protected open space where soils are most suitable, with access easements for maintenance.

- *Operation, Maintenance, and Monitoring:*
  - Require regular inspection, maintenance, and pump-outs for OWTS, especially in areas vulnerable to natural disasters or with high environmental sensitivity.
  - Establish responsible management entities (e.g., utility or HOA) for ongoing operation and compliance monitoring of community or shared systems.
  - Require data-sharing platforms and operation/maintenance plans to ensure system functionality and regulatory compliance.

- *Source Water and Environmental Protection:*
  - Establish minimum setbacks from water bodies, wells, and wetlands to protect source water and sensitive environments.
  - Limit the percentage of open space in conservation subdivisions that can be used for sewage facilities, balancing flexibility with environmental protection (e.g., 30–50%).

- *Adequacy Certification:*

Section 9.03.184 Supplemental Regulations

(n) Private wastewater treatment permit. For any property on which habitable buildings exist, and which has no connection to a state licensed central wastewater treatment utility, a current county private wastewater treatment permit for the proposed use and discharge rate shall be required as a condition for initial zoning or rezoning

  - No plat application shall be approved unless the subdivider demonstrates that an adequate wastewater system will serve each phase of the subdivision concurrent with development.
  - Require certification from a licensed engineer or utility provider regarding system adequacy and compliance with applicable standards.

TECHNIQUES | STORMWATER

Section 9.02.008 - Definitions

Critical water quality zone. Protection zones for waterway corridors and other critical environmental features.

Section 9.02.008 - Definitions

Design storm. A probable rainfall event the frequency of which is specified in periods of years and which is used to design drainage facilities, determine flood elevations, and other stormwater management. The design storm shall be the 100-year storm event unless otherwise specified in this article or the city's construction standards and specifications for roads, streets, structures, and utilities.
Filtering channel. A parabolic or trapezoidal channel lined with permanent vegetation which conveys water at sufficiently shallow depths (less than 18 inches) and low velocities (less than five feet per second) to promote the deposition of sediment.

- *Watershed-Based and Overlay Zoning:*
  - Use watershed or sub-watershed boundaries as the basis for zoning and land use planning to direct development away from sensitive areas and protect water quality.
  - Apply overlay districts or impervious cover overlays to restrict or condition development in areas critical for stormwater management.

Section 9.02.113 Watershed Provisions: *(excerpt excluded due to length)*

Section 9.04.062 Impervious Cover

Per the city comprehensive plan, it is the intent of this section to preserve and protect the quality of watersheds and limit the amount of impervious cover in development. Recognizing there is an established correlation between increasing impervious cover and the impairment of water quality and increased erosion, the following limitations on impervious cover are set forth:

(1) Maximum limits. Maximum limits on impervious cover are established as follows on developments occurring after the effective date of this article:

a. For areas within the recharge and contributing zones of the Edwards Aquifer or Trinity Aquifer in the ETJ, the maximum impervious cover limit is 30 percent.

b. For areas within the city limits, impervious cover limits for tracts are established in the city's zoning ordinance according to the particular zoning district the tract is designated.

(2) Impervious cover limit calculations. Impervious cover limits in this section are expressed as a percentage of the gross site area of the subject tract. For purposes of calculation of impervious cover limits, the gross site area includes water quality buffer zone (WQBZ) areas and critical environmental features (CEF) setback areas.

(3) Items considered impervious cover. The following shall be considered as impervious cover, unless modified through the use of incentives (rainwater collection, porous pavement, etc.):

a. Roads, pavements, and driveways;
b. Parking areas;
c. Buildings;
d. Pedestrian walkways and sidewalks;
e. Concrete, asphalt, and masonry surfaced areas, and stone surfaced areas;
f. Swimming pool water surface area;
g. Densely compacted natural soils or fills which result in a coefficient of permeability less than 1 x 10-6 cm/sec;
h. All existing man-made impervious surfaces prior to development;
i. Water quality and stormwater detention basins lined with impermeable materials;

j. Stormwater drainage conveyance structures lined with impermeable materials.

(4) Items not considered impervious cover.

a. Existing roads adjacent to the development and not constructed as part of the development at an earlier phase;

b. Rock outcrops;

c. Landscaped areas and areas remaining in their natural state;

d. Water quality controls and stormwater detention basins not lined with impermeable materials;

e. Stormwater drainage conveyance structures not lined with impermeable materials;

f. Interlocking or "permeable" pavers; and

g. Functioning rainwater harvesting systems, as defined below.

(5) Reduction incentives. As an incentive to reduce impervious cover, all developments with less than 15 percent impervious cover that are exempt from the TCEQ Edwards Aquifer Protection Program rules are not required to provide technical demonstration for removal of pollutants, but must incorporate sufficient water quality control measures to comply with the provisions found in the Cypress Creek Technical Resource Guide. Development eligible for these alternate standards must meet the following requirements:

a. The gross development impervious cover is 15 percent or less; and

b. The street and drainage network is designed to include the use of open roadway sections, ribbon curb, grassy channels, and maximize sheet flow.

(6) Rainwater harvesting incentives.

a. Rainwater harvesting consists of a series of components designed to capture, store and reuse rainwater. A rainwater harvesting system consists of six basic components including:

1. Catchment area/roof, which is the surface on which the rain falls;

2. Gutters and downspouts, which transport the water from the catchment area to storage;

3. Leaf screens and roof washers, which are used to filter out debris;

4. Cisterns or storage tanks where collected rainfall is stored;

5. Conveyance, which is the method of delivering the water either by gravity or pump; and

6. Water treatment, which includes filters and equipment that are used to settle, filter, and disinfect the water if it is to be used for drinking water.

b. A rainwater harvesting system approved under this article shall comply with the following minimum requirements:

1. The entire system, including rainwater collection, conveyance and storage, shall be isolated from the site stormwater system.

2. The collected rainwater shall be used for on-site irrigation, residential potable water use, or other purposes as approved by the city.

3. The system shall comply with the pollution control performance standards of sections 9.04.061(a) and (b).

4. The on-site irrigation system shall be designed in accordance with standard irrigation practices considering such factors as soil type, slope, and vegetative uptake rates.

c. Rainwater collection and containment structures functioning as a rainwater harvesting system are not considered impervious cover. Such structures and/or improvements can be used to obtain credit towards any impervious cover requirement set forth in this article. Structures and/or improvements (e.g., building roofs, patios, awnings, etc.) from which stormwater is harvested are considered impervious cover.

d. In order to qualify to receive credit for a rainwater harvesting system, the system must be designed to exceed normal draw (i.e., no credit will be given if the tank does not fall below 85 percent full in a calendar year). Credit is just for the tank cover. In order to qualify, the applicant must demonstrate where water is going. (e.g., how it will be drawn down, use as non-potable source rainwater, or irrigation).

e. Credits can zero-out impervious cover for purposes of calculating runoff treatment for the captured area. Applicants may also get up to ten percentage points credit toward additional cover. The calculation procedures are found in the Cypress Creek Technical Resource Guide.

(7) Transferable development intensity (TDI) incentive.

a. Transfer of development intensity. An applicant who complies with a provision of this subsection qualifies for the TDI:

1. For each three acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for nonresidential use, and does not include impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points;

2. For each six acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for residential use and does not include impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points; or

3. For each six acres of land that an applicant leaves undeveloped and undisturbed in the ETJ of the city and does not include its impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points.

b. Requirements. An applicant who qualifies for a TDI must comply with the following requirements to effectuate the transfer:

1. The transferring tract and the receiving tract must be located within the city limits or the city's ETJ;

2. The transferring tract does not include a WQBZ or CEF;

3. The receiving tract must comply with the water quality control standards of this article;

4. The transferring and the receiving tracts must be concurrently platted and must transfer development intensity at that time;

5. The TDI must be noted on the plats of the transferring and receiving tracts; and

6. A restrictive covenant must be filed in the deed records, approved by the city, that runs with the transferring tract and describes the TDI.

(8) Restrictions on siting of impervious cover.

a. Impervious cover shall not be constructed downstream of water quality controls except for specific instances reviewed and approved by the city engineer.

b. Impervious cover shall not be constructed within WQBZs except as allowed by this article.

c. Impervious cover shall not be constructed within critical environmental feature setback areas.

d. Impervious cover shall not be constructed within the areas designated for on-site irrigation of treated wastewater effluent disposal and/or captured stormwater.

– *Performance and Incentive Zoning:*

Section 9.02.008 - Definitions

Impervious cover. *Roads, parking areas, buildings, swimming pools, rooftop landscapes, and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.*

Net site area.

(1) The area in the uplands zone (not including wetlands), excluding land designated for wastewater irrigation, calculated to include:

a. *One hundred percent of the land area with 0 percent to 15 percent average slope; plus*
b. *Seventy percent of the land area with 16 percent to 20 percent average slope; plus*
c. *Thirty percent of the land area with 21 percent to 25 percent average slope; plus*
d. *Ten percent of the land area with 26 percent to 30 percent average slope; plus*
e. *Five percent of the land area with 31 percent to 35 percent average slope.*

(2) Land area having average slope exceeding 35 percent is excluded from the developable area of the subdivision.

Section 9.04.062 Impervious Cover

Per the city comprehensive plan, it is the intent of this section to preserve and protect the quality of watersheds and limit the amount of impervious cover in development. Recognizing there is an established correlation between increasing impervious cover and the impairment of water quality and increased erosion, the following limitations on impervious cover are set forth:

(1) Maximum limits. Maximum limits on impervious cover are established as follows on developments occurring after the effective date of this article:

a. *For areas within the recharge and contributing zones of the Edwards Aquifer or Trinity Aquifer in the ETJ, the maximum impervious cover limit is 30 percent.*
b. *For areas within the city limits, impervious cover limits for tracts are established in the city's zoning ordinance according to the particular zoning district the tract is designated.*

(2) Impervious cover limit calculations. Impervious cover limits in this section are expressed as a percentage of the gross site area of the subject tract. For purposes of calculation of impervious cover limits, the gross site area includes water quality buffer zone (WQBZ) areas and critical environmental features (CEF) setback areas.

(3) Items considered impervious cover. The following shall be considered as impervious cover, unless modified through the use of incentives (rainwater collection, porous pavement, etc.):

a. *Roads, pavements, and driveways;*
b. *Parking areas;*
c. *Buildings;*
d. *Pedestrian walkways and sidewalks;*
e. *Concrete, asphalt, and masonry surfaced areas, and stone surfaced areas;*
f. *Swimming pool water surface area;*
g. *Densely compacted natural soils or fills which result in a coefficient of permeability less than 1 x 10-6 cm/sec;*
h. *All existing man-made impervious surfaces prior to development;*
i. *Water quality and stormwater detention basins lined with impermeable materials;*
j. *Stormwater drainage conveyance structures lined with impermeable materials.*

(4) Items not considered impervious cover.

a. *Existing roads adjacent to the development and not constructed as part of the development at an earlier phase;*
b. *Rock outcrops;*
c. *Landscaped areas and areas remaining in their natural state;*
d. *Water quality controls and stormwater detention basins not lined with impermeable materials;*
e. *Stormwater drainage conveyance structures not lined with impermeable materials;*
f. *Interlocking or "permeable" pavers; and*
g. *Functioning rainwater harvesting systems, as defined below.*

(5) Reduction incentives. As an incentive to reduce impervious cover, all developments with less than 15 percent impervious cover that are exempt from the TCEQ Edwards Aquifer Protection Program rules are not required to provide technical demonstration for removal of pollutants, but must incorporate sufficient water quality control measures to comply with the provisions found in the Cypress Creek Technical Resource Guide. Development eligible for these alternate standards must meet the following requirements:

a. The gross development impervious cover is 15 percent or less; and

b. The street and drainage network is designed to include the use of open roadway sections, ribbon curb, grassy channels, and maximize sheet flow.

(6) Rainwater harvesting incentives.

a. Rainwater harvesting consists of a series of components designed to capture, store and reuse rainwater. A rainwater harvesting system consists of six basic components including:

1. *Catchment area/roof, which is the surface on which the rain falls;*

2. Gutters and downspouts, which transport the water from the catchment area to storage;

3. Leaf screens and roof washers, which are used to filter out debris;

4. Cisterns or storage tanks where collected rainfall is stored;

5. Conveyance, which is the method of delivering the water either by gravity or pump; and

6. Water treatment, which includes filters and equipment that are used to settle, filter, and disinfect the water if it is to be used for drinking water.

b. A rainwater harvesting system approved under this article shall comply with the following minimum requirements:

1. *The entire system, including rainwater collection, conveyance and storage, shall be isolated from the site stormwater system.*

2. The collected rainwater shall be used for on-site irrigation, residential potable water use, or other purposes as approved by the city.

3. The system shall comply with the pollution control performance standards of sections 9.04.061(a) and (b).

4. The on-site irrigation system shall be designed in accordance with standard irrigation practices considering such factors as soil type, slope, and vegetative uptake rates.

c. *Rainwater collection and containment structures functioning as a rainwater harvesting system are not considered impervious cover. Such structures and/or improvements can be used to obtain credit towards any impervious cover requirement set forth in this article. Structures and/or improvements (e.g., building roofs, patios, awnings, etc.) from which stormwater is harvested are considered impervious cover.*

d. In order to qualify to receive credit for a rainwater harvesting system, the system must be designed to exceed normal draw (i.e., no credit will be given if the tank does not fall below 85 percent full in a calendar year). Credit is just for the tank cover. In order to qualify, the applicant must demonstrate where water is going. (e.g., how it will be drawn down, use as non-potable source rainwater, or irrigation).

e. Credits can zero-out impervious cover for purposes of calculating runoff treatment for the captured area. Applicants may also get up to ten percentage points credit toward additional cover. The calculation procedures are found in the Cypress Creek Technical Resource Guide.

(7) Transferable development intensity (TDI) incentive.

a. Transfer of development intensity. An applicant who complies with a provision of this subsection qualifies for the TDI:

1. *For each three acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for nonresidential use, and does not include impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points;*

2. For each six acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for residential use and does not include impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points; or

3. For each six acres of land that an applicant leaves undeveloped and undisturbed in the ETJ of the city and does not include its impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points.

b. Requirements. An applicant who qualifies for a TDI must comply with the following requirements to effectuate the transfer:

1. The transferring tract and the receiving tract must be located within the city limits or the city's ETJ;

2. The transferring tract does not include a WQBZ or CEF;

3. The receiving tract must comply with the water quality control standards of this article;

4. The transferring and the receiving tracts must be concurrently platted and must transfer development intensity at that time;

5. The TDI must be noted on the plats of the transferring and receiving tracts; and

6. A restrictive covenant must be filed in the deed records, approved by the city, that runs with the transferring tract and describes the TDI.

(8) Restrictions on siting of impervious cover.

a. Impervious cover shall not be constructed downstream of water quality controls except for specific instances reviewed and approved by the city engineer.

b. Impervious cover shall not be constructed within WQBZs except as allowed by this article.

c. Impervious cover shall not be constructed within critical environmental feature setback areas.

d. Impervious cover shall not be constructed within the areas designated for on-site irrigation of treated wastewater effluent disposal and/or captured stormwater.

- Set maximum impervious surface limits for zoning districts or specific overlays, capping site- and area-wide imperviousness.

Section 9.02.119(g) Design Standards for Lots Table.

Sets Maximum IC by zoning district.

(h) (2) No structures or impervious construction shall be allowed in required side or rear building setback areas except for the following accessory structures on single- or two-family residential lots:

a. Swimming pools, including surrounding decks, located at least five feet from the property line, and screened by a six-foot tall privacy fence;

b. Playscapes not taller than nine feet above mean grade, located at least five feet from the property line, and screened by a six-foot tall privacy fence;

c. Stand-alone satellite dishes or telecommunications devices not taller than six feet above mean grade, located at least five feet from the property line and screened by a six-foot tall privacy fence;

d. Driveways to side entry garages; and

e. Open patios located at least three feet from the property line.

1. For the purpose of this section, the following definition shall apply, unless the context clearly indicates or requires a different meaning: Patio. *A level surfaced area without walls and a roof.*

2. A patio attached to the principal structure cannot be elevated above the first-floor level of the principal structure; a freestanding patio cannot be elevated more than 12 inches above grade level.

- Use performance zoning to require post-development stormwater runoff rates and volumes to not exceed pre-development conditions.
- Offer density bonuses or other incentives for developments that exceed minimum standards or integrate green infrastructure.

– *Green Infrastructure and Low Impact Development (LID):*

- Explicitly allow and encourage green infrastructure practices—such as bioretention areas, rain gardens, filter strips, swales, green roofs, and constructed wetlands—within required setbacks, open spaces, and landscaped areas.
- Require or incentivize the use of green infrastructure for stormwater treatment, attenuation, and infiltration at decentralized locations throughout the site.

Section 9.04.061 Performance Standards for Development

(a) All new subdivision development and new commercial development that adds more than 5,000 square feet of new impervious cover shall achieve the pollutant removal standards detailed in this section through the design and implementation of structural and nonstructural BMPs and water quality controls. These standards shall apply to an entire project for which a unified development scheme is intended by the applicant, without regard to whether the project is comprised of more than one lot. These regulations cannot be avoided by dividing a single project into several small lots. These regulations shall not apply to the development of a single-family residence on an existing platted lot.

(b) The TCEQ Edwards Aquifer Rules - Technical Guidance on Best Management Practices, RG - 348 (manual), as amended shall be used to guide efforts to achieve the performance standards for development set forth in this article. The manual describes in detail the technical criteria and procedures to be used to comply with provisions of this article. It neither replaces the need for engineering judgment nor precludes the use of any information relevant to the accomplishment of the purposes of this article. If approved by the city engineer and/or the TCEQ, other generally accepted, or innovative and effective, engineering designs, practices and procedures may be used in conjunction with, or instead of, those prescribed by the manual.

(1) Performance standards.

a. Five acres or less and not part of a common plan of development (exempt from TCEQ Edwards Rules) and impervious cover is 15 percent or greater: Technical demonstration that the water quality volume is retained on site for not less than 24 hours through the use of conventional and low impact development techniques found in the Cypress Creek Technical Resource Guide.

b. Greater than five acres: Technical demonstration of pollutant load removal is required by obtaining contributing zone plan approval from TCEQ unless the project is exempt from the TCEQ requirements due to proposed impervious cover levels less than TCEQ thresholds for permitting. If exempt from TCEQ Edwards CZP approval, then, the project shall comply with the Cypress Creek Technical Resource Guide/Alternate Standards and obtain city approval prior to commencing construction.

(2)Alternate standards. Development that is exempt from the TCEQ Edwards Contributing Zone Plan requirements and meets the following criteria need not provide water quality volume as noted in subsection (b)(1)a. above:

a. The gross impervious cover is 15 percent or less and the cluster development sections have 20 percent or less gross impervious cover.

b. Street and drainage network is designed to include the use of open roadway sections, ribbon curb, drainage swales, maintenance of sheet flow and water quality buffer zones.

- *Urban Growth Boundaries and Infill:*
  - Establish urban growth boundaries to limit sprawl and protect rural and sensitive lands, reducing new impervious surfaces in critical areas.
  - Encourage infill and redevelopment in areas with existing infrastructure, paired with stormwater retrofits.

- *Site Design and Layout:*

Section 9.02.152 Schedule of Off-Street Parking Requirements

(d) Up to 25 percent of reserved employee parking may be designed and reserved for small or compact cars.
(e) Up to 15 percent of the total required parking may be designed and reserved for compact cars.

Section 9.02.153 Off-Site or Remote Parking

(a) The commission or council may approve locating a portion of the required parking for a use on another site when both the primary use and accessory parking are located in an area zoned, used, or platted for commercial use.
(b) Off-site parking shall be located within 600 feet of the use which it serves, measured as the shortest practical walking distance from the nearest off-site parking space to the nearest entrance to the building or use which it serves.
(c) In determining whether to approve off-site parking, the commission shall consider all relevant factors, including:
(1) The locations of the use and the proposed off-site parking;
(2) Existing and potential parking demand created by other uses in the vicinity;
(3) The characteristics of the use, including employee and customer parking demand, hours of operation, and projected convenience and frequency of use of the off-site parking;
(4) Adequacy, convenience, and safety of pedestrian and wheelchair access between off-site parking and the use;
(5) Traffic patterns on adjacent streets, and proposed access to the off-site parking; and
(6) The report and recommendation of the planning staff.
(d) *The commission or council may require the written agreement of the owner of the off-site parking area and owner of the use, if necessary, to ensure the continued availability and usability of any off-site parking.*
(e) Handicapped and bike parking spaces shall not be located in an off-site parking facility.

Section 9.03.184 Supplemental Regulations

(l) Impediment to drainage of streets and roads. No structure or feature, such as, but not limited to, a wall, fence, berm of earth or rock, or curb shall be created on the easement or right-of-way of any street or road or within six feet of the edge of an existing street or road surface on which vehicles travel that substantially modifies the established pattern of overland drainage or drainage in an established channel.

- Require subdivision layouts that minimize road length, reduce paved surfaces, and preserve natural drainage patterns and open space.
- Permit reduced frontage and flexible lot arrangements to support compact development and minimize impervious cover.

Section 9.04.062 Impervious Cover

Per the city comprehensive plan, it is the intent of this section to preserve and protect the quality of watersheds and limit the amount of impervious cover in development. Recognizing there is an established correlation between increasing impervious cover and the impairment of water quality and increased erosion, the following limitations on impervious cover are set forth:

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(2) *Impervious cover limit calculations. Impervious cover limits in this section are expressed as a percentage of the gross site area of the subject tract. For purposes of calculation of impervious cover limits, the gross site area includes water quality buffer zone (WQBZ) areas and critical environmental features (CEF) setback areas.*

(3) Items considered impervious cover. The following shall be considered as impervious cover, unless modified through the use of incentives (rainwater collection, porous pavement, etc.):

a. Roads, pavements, and driveways;
b. Parking areas;
c. Buildings;
d. Pedestrian walkways and sidewalks;
e. Concrete, asphalt, and masonry surfaced areas, and stone surfaced areas;
f. Swimming pool water surface area;
g. Densely compacted natural soils or fills which result in a coefficient of permeability less than 1 x 10-6 cm/sec;
h. All existing man-made impervious surfaces prior to development;
i. Water quality and stormwater detention basins lined with impermeable materials;
j. Stormwater drainage conveyance structures lined with impermeable materials.

(4) Items not considered impervious cover.

a. Existing roads adjacent to the development and not constructed as part of the development at an earlier phase;
b. Rock outcrops;
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a. Rainwater harvesting consists of a series of components designed to capture, store and reuse rainwater. A rainwater harvesting system consists of six basic components including:

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2. Gutters and downspouts, which transport the water from the catchment area to storage;

3. Leaf screens and roof washers, which are used to filter out debris;

4. Cisterns or storage tanks where collected rainfall is stored;

5. Conveyance, which is the method of delivering the water either by gravity or pump; and

6. Water treatment, which includes filters and equipment that are used to settle, filter, and disinfect the water if it is to be used for drinking water.

b. A rainwater harvesting system approved under this article shall comply with the following minimum requirements:

1. The entire system, including rainwater collection, conveyance and storage, shall be isolated from the site stormwater system.

2. The collected rainwater shall be used for on-site irrigation, residential potable water use, or other purposes as approved by the city.

3. The system shall comply with the pollution control performance standards of sections 9.04.061(a) and (b).

4. The on-site irrigation system shall be designed in accordance with standard irrigation practices considering such factors as soil type, slope, and vegetative uptake rates.

c. Rainwater collection and containment structures functioning as a rainwater harvesting system are not considered impervious cover. Such structures and/or improvements can be used to obtain credit towards any impervious cover requirement set forth in this article. Structures and/or improvements (e.g., building roofs, patios, awnings, etc.) from which stormwater is harvested are considered impervious cover.

d. In order to qualify to receive credit for a rainwater harvesting system, the system must be designed to exceed normal draw (i.e., no credit will be given if the tank does not fall below 85 percent full in a calendar year). Credit is just for the tank cover. In order to qualify, the applicant must demonstrate where water is going. (e.g., how it will be drawn down, use as non-potable source rainwater, or irrigation).

e. Credits can zero-out impervious cover for purposes of calculating runoff treatment for the captured area. Applicants may also get up to ten percentage points credit toward additional cover. The calculation procedures are found in the Cypress Creek Technical Resource Guide.

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1. For each three acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for nonresidential use, and does not include impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points;

2. For each six acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for residential use and does not include impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points; or

3. For each six acres of land that an applicant leaves undeveloped and undisturbed in the ETJ of the city and does not include its impervious calculations elsewhere, the applicant may transfer up to one acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten percentage points.

b. Requirements. An applicant who qualifies for a TDI must comply with the following requirements to effectuate the transfer:

1. The transferring tract and the receiving tract must be located within the city limits or the city's ETJ;

2. The transferring tract does not include a WQBZ or CEF;

3. The receiving tract must comply with the water quality control standards of this article;

4. The transferring and the receiving tracts must be concurrently platted and must transfer development intensity at that time;

5. The TDI must be noted on the plats of the transferring and receiving tracts; and

6. A restrictive covenant must be filed in the deed records, approved by the city, that runs with the transferring tract and describes the TDI.

(8) Restrictions on siting of impervious cover.

a. Impervious cover shall not be constructed downstream of water quality controls except for specific instances reviewed and approved by the city engineer.

b. Impervious cover shall not be constructed within WQBZs except as allowed by this article.

c. Impervious cover shall not be constructed within critical environmental feature setback areas.

d. Impervious cover shall not be constructed within the areas designated for on-site irrigation of treated wastewater effluent disposal and/or captured stormwater.

- Require any pond, retention basin, or other waterbody to be included on one lot where possible, or at least to be entirely contained within a single subdivision.

— *Open Space and Multi-Purpose Design:*

- Encourage or require that open space, buffers, and landscaping serve multiple functions, including stormwater treatment, habitat, and recreation.
- Allow stormwater facilities to be counted toward open space requirements if designed for multi-purpose use and public benefit.

— **Stormwater Plan Review**: All major developments and subdivisions must submit detailed stormwater management plans for review and approval, including maintenance and inspection provisions.

— *Maintenance and Enforcement:*

- Require long-term maintenance agreements for private stormwater systems, with regular inspections and enforcement mechanisms to ensure ongoing functionality.
- Include a mechanism during final platting, such as a maintenance covenant, where the local government has the ability to take over maintenance of any stormwater facility that is not being maintained by the OA and assess subdivision property owners for the cost of any such maintenance.

- *Financial Planning:*
  - **Reserve Study:** Require a reserve study from the developer to identify ongoing maintenance costs of all stormwater and flood protection infrastructure with reasonable maintenance and replacement cycles as a condition of preliminary plan or final plat approval.
  - Require the developer, especially in a phased subdivision, to identify annual maintenance costs of stormwater and flood protection infrastructure and fund the maintenance of such facilities until the HOA is established.