

**NEW BUSINESS**

**ITEM #1**



# City of Blanco

P.O. Box 750 Blanco, Texas 78606

Office 830-833-4525 Fax 830-833-4121

STAFF REPORT: 5-10-22

## DESCRIPTION:

Larry Brewer is the owner applicant of a 4.99 acre tract of land on the west side of US 281 at a location better known as 1917 Main Street. It is north of a mobile home park and south of the Buggy Barn and other property that has yet to fully develop.

Applicant is requesting a rezone from R-5 to C-1 (Chapter 9, Sec 4.3 Zoning Districts)

Applicant is requesting a Special Use Permit to allow for Self Storage (Chapter 9, Sec 4.4 Permitted Uses)

ANALYSIS: Applicant wants to find a use that doesn't require a lot of water or sewer needs and a mini-storage or self-storage facility would provide a use that doesn't require much of either. There is available water but sewer is not readily available at this location (some of the developed properties around are on septic). While there isn't C-1 zoning abutting this property 5 acres along US 281 that is already in an R-5 zone isn't a big leap and would make sense for an area that should transition into commercial. Self-Storage is not allowed at all in an R-5 so a rezone to C-1 would be necessary.

An SUP request for a C-1 zone to allow self-storage would be reasonable for a 5-acre tract.

Planning and Zoning did NOT feel that a mini-storage area would be the best use for the property and would not fit into what the City would want on US 281

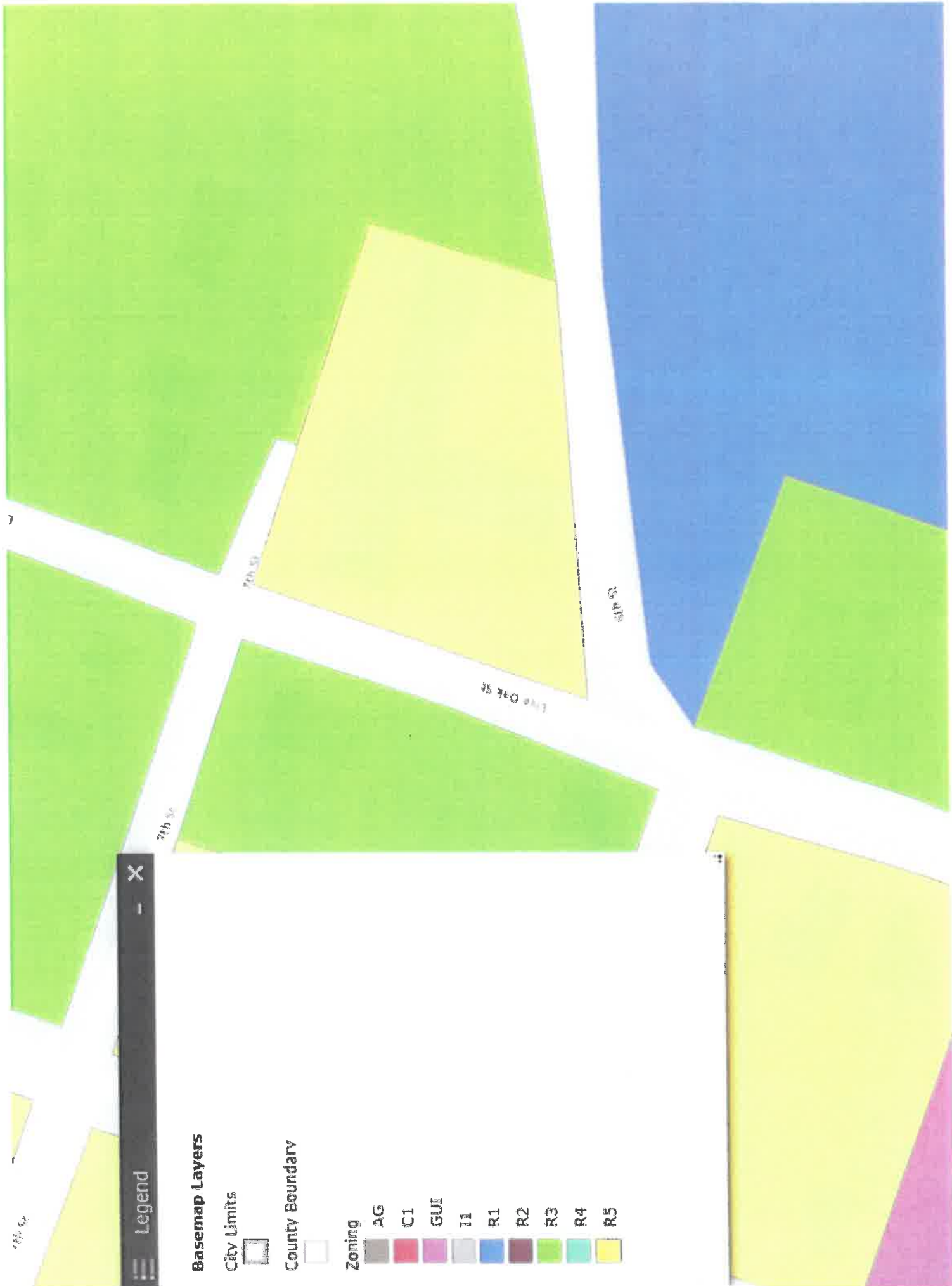
FISCAL IMPACT: Undetermined but it would provide an increase to the ad valorem taxes as improvements are being proposed to make this a self-storage facility.

## RECOMMENDATION:

Planning and Zoning Commission recommended disapproval of the SUP and Zone Change.







Legend

**Basemap Layers**

City Limits



County Boundary



**Zoning**

- AG
- C1
- GUJ
- I1
- R1
- R2
- R3
- R4
- R5



City of Blanco  
Application for Variance Request/Special Use permit

SUP

**1. Owner Information (the holder (s) of a legal or equitable interest in the Subject Property as shown by the deed records of Blanco County.**

Property owner's full legal name: LARRY BREWER		
Property owner's mailing Address: PO BOX 1439 (1917 Main)		
City: DRIPPING SPRINGS	State: TX	Zip Code: 78620
Home Phone:	Work Phone:	Cell: 512-554-4641
Email Address: larryabrewer@gmail.com		

**2. Applicant Information (a person Seeking approval of an application ; can be the Owner or Designated Representative of the Owner)**

<input checked="" type="checkbox"/> Same as Owner (if checked, skip to Section 3)		
Applicant's full legal name:		
Applicant's mailing address:		
City:	State:	Zip Code:
Home Phone:	Work Phone:	Cell Phone:
Email Address:		

**3. Designated Contact (the individual who the Owner or Applicant has Chosen to receive all communications on his/her behalf related to the Application):**

<input checked="" type="checkbox"/> Same as Owner (skip to section 4)	<input type="checkbox"/> Same as applicant (skip to Section 4)	
Contact name:		
Contact mailing address:		
City:	State:	Zip Code:
Home Phone:	Work Phone:	Cell Phone:

**4. Additional Information Required Of Business Entities Only:**

- Is The Owner a Corporation or Partnership? Yes (complete this section) No (skip and go to section 5)
- Attach a letter on company stationery, signed by an authorized individual, authorizing the Applicant to file an Application on behalf of the company.
  - Not Applicable. The Company is serving as the Applicant.

**5. Owner's / Applicant's Certification**

I hereby certify that the information provided herein is true and correct to the best of my knowledge.

Signature: Larry Brewer  
Date: 3/15/2022

Printed Name: LARRY BREWER



**Hardship Findings (attach additional sheets if necessary):**

Describe the actual situation of the subject property and any special or unique condition(s) found thereon which may cause unusual and practical difficulty or unnecessary hardship if Applicant is made to comply with strict enforcement of the ordinance:

NONE

Describe how strict enforcement of the provisions of the ordinance that are sought to be varied will (A) deny the applicant the privileges or safety commonly enjoyed by neighboring or similarly situated property in the City of Blanco with similarly timed development and (B) deprive the Applicant the reasonable use of his/her land, and that failure to grant this variance would result in undue hardship to the Applicant :

PROPERTY WILL UN-USABLE FOR COMMERCIAL DEVELOPMENT

Describe how the granting of a variance will not be detrimental to public health, safety, and welfare, will not be injurious to other property, or will not prevent the enjoyment/use of adjacent property owners:

MINI-STORAGE HAS LITTLE TRAFFIC AND QUIET. ADJACENT PROPERTY OWNERS WILL NOT BE SUBJECTED TO DISORDERLY CONDUCT OR NOISE. PROFESSIONAL BUILDING CONSTRUCTION AND COLOR TONES WILL NOT SUBJECT NEIGHBORS TO UN-SITELY VIEW.

Describe how the hardship sought to be avoided is NOT the result of (A) the applicant's own actions (self imposed or self created) and /or (economic or financial hardship)

NONE- PROPERTY CURRENTLY UN-DEVELOPED.

Describe how the variance will improve the functionality of the property:

PROPERTY WILL BE DEVELOPED FOR USE AND GENERATE REVENUE.

**Attach any requested building plans, site plans, plats, surveys, or any other pertinent documents having any importance to this request behind this sheet and list documents and descriptions below:**

1. PROPERTY SURVEY

2.

3.

4.

5.

6.

7.

8.



<b>Owner's/ Applicant's Certification:</b>
--

I hereby certify and agree to the following:

1. I have carefully read the complete Application and know all statements herein and in the attachments hereto are true and correct to the best of my knowledge.
2. The Owner of the Subject Property, if different from the Applicant, has authorized the submittal of this application.
3. No work in relation to the requested variance may start until such variance is approved by the City Council of the City of Blanco.
4. Variance approval may be revoked if any false statements are made herein.
5. As the Owner of the above property or Duly Authorized Applicant, I hereby grant permission to the City of Blanco, its employees, officers and Duly appointed board and commission members to enter the premises to make all necessary inspections and to take all other actions necessary to review and act upon this Application.

Signature: Larry Brewer

Print Name: LARRY BREWER

Date 3/15/2022

### Required Documents for Variance Submittal

1. Legal description and plat of subject site.  
Two (2) copies of field note description typed and attached on a separate sheet (plain bond paper, not letterhead, or the subdivision name with lot and block number.
2. Map, clearly showing the site in relation to the adjacent streets and distance to the nearest thoroughfare.
- ✓ 3. Names and Addresses of legal property owners within 200 feet of the block or parcel (this can be obtained at the Blanco County Appraisal District located at 615 Nugent Ave. Johnson City, TX 78636. (830) 838-4013.)
- ✓ 4. A completed application.
- ✓ 5. A filing fee of \$750.00 plus \$7.58 per property owner within 200 feet.

**ALL APPLICATIONS MUST BE SUBMITTED TO CITY HALL 20 DAYS PRIOR TO THE FIRST MONDAY OF THE MONTH. LATE SUBMITTALS WILL BE SCHEDULED FOR THE FOLLOWING MONTHS. PLANNING AND ZONING COMMISSION MEETING DUE TO NOTICE REQUIREMENTS.**

### HOW THE PROCESS WORKS

Once a complete application is submitted to City Hall it is reviewed by staff for completeness. If all required documents are submitted a public notice is mailed to all affected property owners within 200 feet of the parcel in question. A public hearing is then scheduled for the regularly scheduled meeting of the City of Blanco's Planning and Zoning Commission which is held on the first Monday of every month.

The Planning and Zoning Commission will review the application, have a public hearing and take comments from the applicant and affected property owners and decide by vote to approve or disapprove the rezoning. **This is a recommendation and not final approval.**

The Planning and Zoning recommendation is then sent to the City Council. The City Council meetings are scheduled for the 2<sup>nd</sup> Tuesday of every month. The City Council will again have a public hearing and take comments from the applicant and affected property owners and decide by vote to either approve or disapprove the request.

Once a decision has been rendered a letter will be sent to the application informing them of the decision.

**IT IS HIGHLY RECOMMENDED THAT YOU AS THE APPLICANT ATTEND BOTH MEETINGS TO ANSWER ANY QUESTIONS THAT MAY ARISE.**

The next regularly scheduled meeting of the Planning and Zoning Commission is:

May 2 at 6:30 p.m. at the Byars Building located at 308 Pecan Street, Blanco TX.

The next regularly scheduled meeting of the City Council Meeting is:

May 10 at 6pm p.m. at the Byars Building located at 308 Pecan Street, Blanco TX.

Gem of Hills

## CASH WARRANTY DEED

**Date:** September 29, 2000

**Grantor:** FLOYD REYNOLDS AND DIANN E. REYNOLDS

**Grantor's Mailing Address (including county):**

Floyd Reynolds  
Diann E. Reynolds  
RR 1, Box 169-R  
Blanco, Texas 78606  
Blanco County

FILED IN 3 BY of Oct 20 00  
10:30 A.M.  
DOROTHY UBCKER  
COUNTY CLERK, BLANCO COUNTY, TEXAS  
BY *[Signature]* DEPUTY

**Grantee:** TIGER CAR WASH, L.L.C.

**Grantee's Mailing Address (including county):**

TIGER CAR WASH, L.L.C.  
205 High Plains Drive  
Dripping Springs, Texas 78620  
Hays County

**Consideration:** TEN AND NO/100 DOLLARS and other good and valuable consideration.

**Property (including any improvements):**

BEING SITUATED IN BLANCO COUNTY, TEXAS, AND BEING 4.99 ACRES, MORE OR LESS, OUT OF THE H. EGGLESTON SURVEY NO. 24, ABSTRACT NO. 1, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

**Reservations From and Exceptions to Conveyance and Warranty:**

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property; taxes for the current year, the payment of which Grantee assumes.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and

20271

successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

*Floyd Reynolds*  
FLOYD REYNOLDS

*Diann E. Reynolds*  
DIANN E. REYNOLDS

ACKNOWLEDGMENT

STATE OF TEXAS

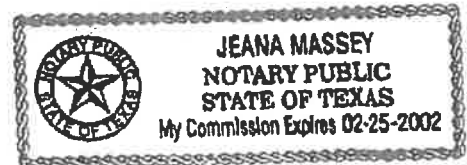
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COUNTY OF BLANCO

This instrument was acknowledged before me on 9-29, 2000, by Floyd Reynolds and Diann E. Reynolds.

*Jeana Massey*  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:  
JOSEPH G. GINN  
P.O. BOX 1450  
BLANCO, TEXAS 78606  
TEXAS LICENSE NO. 07967000



AFTER RECORDING RETURN TO:  
COUNTYWIDE TITLE  
P.O. BOX 1450  
BLANCO, TEXAS 78606

FIELD NOTES DESCRIPTION  
OF A 4.99 ACRE TRACT OF LAND  
BLANCO COUNTY, TEXAS

VOL. 0228 PAGE 667

FIELD NOTES DESCRIPTION OF A CERTAIN 4.99 ACRE TRACT OR PARCEL OF LAND OUT OF THE H. EGGLESTON SURVEY NO. 24, ABSTRACT NO. 1, BLANCO COUNTY, TEXAS, BEING THE SAME TRACT CONVEYED FROM THE BLANCO COUNTY BANK TO FLOYD REYNOLDS AND WIFE, DIANN E. REYNOLDS BY WARRANTY DEED WITH VENDOR'S LIEN DATED THE 20TH DAY OF SEPTEMBER, 1993, AND RECORDED IN VOLUME 145, PAGE 543, BLANCO COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron stake found in the Northwest right-of-way line of U.S. Highway No. 281, for the Northeast corner hereof, the Southeast corner of that 5.00 acre tract conveyed to Charles Waxler et ux by deed recorded in Volume 128, Page 130, Deed Records of Blanco County, Texas;

**THENCE** with said right-of-way line, S 20° 07' 17" W at 23.95 ft. passing a concrete right-of-way marker, continuing for a total distance of 150.22 ft. to a found 1/2" iron stake for the Southeast corner hereof, the Northeast corner of that residual 9.77 acre tract conveyed to Dennis J. Moore et ux by deed recorded in Volume 149, Page 11, Deed Records of Blanco County, Texas;

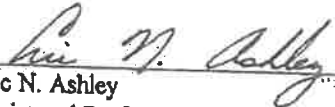
**THENCE** with the North line of said Moore tract: N 84° 06' 51" W 344.97 ft. to a found 1/2" iron stake; and N 70° 45' 21" W 705.15 ft. to a 5" metal pipe fence post for the Southwest corner hereof, a re-entrant corner in the North line of said Moore tract;

**THENCE** continuing along the common line with said Moore tract, N 20° 03' 59" E 205.09 ft. to a 5" metal pipe fence post for the Northwest corner hereof, the Northerly Northeast corner of said Moore tract;

**THENCE** with the North line hereof, generally along a fence: S 65° 39' 58" E 106.10 ft. to a fence angle post; S 77° 23' 12" E 294.08 ft. to a cedar fence corner post, the Southeast corner of that 5.07 acre tract conveyed to Aaron Posey by deed recorded in Volume 127, Page 725, Blanco County Deed Records, the Southwest corner of said Waxler tract; and S 70° 47' 00" E 642.35 ft. to the PLACE OF BEGINNING, containing 4.99 acres of land, more or less, within these metes and bounds. A plat accompanies these field notes.

The foregoing field notes represent a survey made on the ground under my direction.

Dated this the 19th day of September, 2000

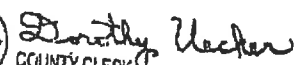
  
Eric N. Ashley  
Registered Professional Land Surveyor No. 4617  
(Reynolds.fnd)



Any instrument herein which conflicts with the sale, rental or use of the described property, or any part thereof, or any interest therein, is hereby null and void under Federal law.  
STATE OF TEXAS  
COUNTY OF BLANCO  
I hereby certify that this instrument was FILED in File Number Sequence on the date and the time stamped hereon by me and was duly RECORDED in Official Public Records of Real Property of Blanco County, Texas on

OCT 05 2000



  
Dorothy Hecker  
COUNTY CLERK  
BLANCO COUNTY, TEXAS


Dennis J. Moore  
P.O. Box 504  
Blanco, TX 78606

To: City of Blanco  
Attn: Blanco Assistant City Secretary  
Blanco City Hall  
300 Pecan Street  
P.O. Box 750  
Blanco, TX 78606

April 21, 2022

We are owners at 1915 Main Street, Blanco, Texas, and this letter is to protest the property owner, Larry Brewer at 1917 Main Street requesting a Special Use Permit and ReZoning from R5 to C1. We are opposed to this and are stating it here in this letter.

Sincerely,



Dennis J. Moore and Kelly Moore  
210-862-1132

RECEIVED  
APR 25 2022



NOTICE OF PUBLIC HEARING

As required by Texas Government Code, Notice is given that the Planning and Zoning Commission of the City of Blanco, Texas, will conduct a public hearing at 308 Pecan Street, Blanco, Texas on May 2nd, 2022 at 6:30 o'clock p.m., and that the City Council of the City of Blanco, Texas, will conduct a public hearing at Gem of the Hills, 2233 US Hwy 281 N, on May 10th, 2022 at 6:00 o'clock p.m. for the purpose of considering **Special Use Permit** on the following described tract located within the city limits of the City of Blanco.

Property Owner

LARRY BREWER

Property Description

ABS A0001 SURVEY 24 H  
EGGLESTON, ACRES 4.99

Property Location

1917 MAIN ST

**NEW BUSINESS**

**ITEM #2**



# City of Blanco

P.O. Box 750 Blanco, Texas 78606  
Office 830-833-4525 Fax 830-833-4121

**STAFF REPORT: 5-10-22**

**DESCRIPTION:** The applicant Jaradan Sy (Mike Arnold) is requesting an SUP (Special Use Permit) to do multi-family on a 1-acre site at 618 Live Oak.

**ANALYSIS:** Plans were pulled and some construction was done at 618 Live Oak when it was discovered that an SUP is required to construct multi-family at this location. This property functioned as a nursing home/assisted living before it closed down. The SUP is for the specific use. The number of units, parking, and fencing requirements will be addressed during site plan review.

R-5 is a residential zone that allows light commercial as this is an area that is anticipated to transition to commercial. Multi-family is reasonable for the area if other issues such as parking, landscaping, and fencing (when required) can be accomplished.

**FISCAL IMPACT:**

The increase in Ad Valorem value and the provision of affordable housing is significant. Additionally, Cities should strive to encourage "infill" development as utilities and infrastructure are usually available as it is with this project.

**RECOMMENDATION:**

Planning and Zoning recommends to City Council approval of an SUP to allow Multi-family in the R-5 for the 1 acre site at 618 Live Oak

RECEIVED  
MAR 23 2022

SUP

City of Blanco  
Application for Variance Request/Special Use permit

1. Owner information (the holder (s) of a legal or equitable interest in the Subject Property as shown by the deed records of Blanco County.

Property owner's full legal name:	RLToms Inc		
Property owner's mailing Address:	PO Box 350	(618 LIVE OAK)	
City:	Blanco	State:	TX
Home Phone:		Zip Code:	78606
Email Address:		Work Phone:	
		Cell:	

2. Applicant information (a person Seeking approval of an application ; can be the Owner or Designated Representative of the Owner)

Same as Owner (if checked, skip to Section 3)

Applicant's full legal name:	Jaradam SA LLC	c/o Mike Arnold	
Applicant's mailing address:	1841 Texas Trail		
City:	Blanco	State:	TX
Home Phone:		Zip Code:	78606
Email Address:	mike@jaradamst.com	Work Phone:	210-296-4875
		Cell Phone:	

3. Designated Contact (the individual who the Owner or Applicant has Chosen to receive all communications on his/her behalf related to the Application):

<input type="checkbox"/> Same as Owner (skip to section 4)	<input checked="" type="checkbox"/> Same as applicant (skip to Section 4)
Contact name:	
Contact mailing address:	
City:	State:
Home Phone:	Work Phone:
	Zip Code:
	Cell Phone:


4. Additional Information Required Of Business Entities Only:

Is The Owner a Corporation or Partnership? Yes (complete this section) No (skip and go to section 5)

- Attach a letter on company stationery, signed by an authorized individual, authorizing the Applicant to file an Application on behalf of the company.
- Not Applicable. The Company is serving as the Applicant.

5. Owner's / Applicant's Certification

I hereby certify that the information provided herein is true and correct to the best of my knowledge.

Signature:   
Date: March 23, 2022

Printed Name: Mike Arnold

**City of Blanco Application for a Variance Request  
Property Information**

**1. Owner Information:**

Property Owner's Full Legal Name: RL Toms Inc

**2. Property Information (the property or tract for which this application has been submitted.)**

911 street address of property (if established) 618 Live Oak

**Legal Description:**

Lot: 15-16 Block: 20 Subdivision: Paradise Heights Sec: \_\_\_\_\_ Phase: \_\_\_\_\_

If not located in Subdivision: Survey: \_\_\_\_\_

Abstract: \_\_\_\_\_

Recorded (Vol/Page) \_\_\_\_\_

**3. Type of Variance being requested**

1. Sign
2. Building setback
3. Administrative
4. Special Use
5. Other (please Explain) \_\_\_\_\_

**All Applicants Complete the Following:**

Ordinance and section being appealed	Requirements of Regulation	Variance Sought from requirements
<u>N/A</u>		

**Hardship Findings (attach additional sheets if necessary):**

Describe the actual situation of the subject property and any special or unique condition(s) found thereon which may cause unusual and practical difficulty or unnecessary hardship if Applicant is made to comply with strict enforcement of the ordinance:

Property is abandoned nursing home. No market for that here. Blanco needs affordable housing. We need special use permit to remodel it for that purpose.

Describe how strict enforcement of the provisions of the ordinance that are sought to be varied will (A) deny the applicant the privileges or safety commonly enjoyed by neighboring or similarly situated property in the City of Blanco with similarly timed development and (B) deprive the Applicant the reasonable use of his/her land, and that failure to grant this variance would result in undue hardship to the Applicant :

Ordinance allows multi-family development there with special use permit. No variance needed.

Describe how the granting of a variance will not be detrimental to public health, safety, and welfare, will not be injurious to other property, or will not prevent the enjoyment/use of adjacent property owners:

The apartments will be very nice. Not opulent, but not "low rent." It will attract good, reputable tenants. Impact should be equivalent to previous use.

Describe how the hardship sought to be avoided is NOT the result of (A) the applicant's own actions (self imposed or self created) and/or (economic or financial hardship)

There is no demand for nursing homes here that's why it shut down. Highest & best use + most benefit to city - is multi-family residence

Describe how the variance will improve the functionality of the property:

It's useless as it sits. With remodeling it will accommodate numerous families.

Attach any requested building plans, site plans, plats, surveys, or any other pertinent documents having any importance to this request behind this sheet and list documents and descriptions below:

1. Survey
2. remodel plans
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.



9.

**Owner's/ Applicant's Certification:**

I hereby certify and agree to the following:

1. I have carefully read the complete Application and know all statements herein and in the attachments hereto are true and correct to the best of my knowledge.
2. The Owner of the Subject Property, if different from the Applicant, has authorized the submittal of this application.
3. No work in relation to the requested variance may start until such variance is approved by the City Council of the City of Blanco.
4. Variance approval may be revoked if any false statements are made herein.
5. As the Owner of the above property or Duly Authorized Applicant, I hereby grant permission to the City of Blanco, its employees, officers and Duly appointed board and commission members to enter the premises to make all necessary inspections and to take all other actions necessary to review and act upon this Application.

Signature:



Print Name:

Mike Arnold

Date

3/21/22

**Required Documents for Variance Submittal**

1. Legal description and plat of subject site.  
Two (2) copies of field note description typed and attached on a separate sheet (plain bond paper, not letterhead, or the subdivision name with lot and block number.
2. Map, clearly showing the site in relation to the adjacent streets and distance to the nearest thoroughfare.
3. Names and Addresses of legal property owners within 200 feet of the block or parcel (this can be obtained at the Blanco County Appraisal District located at 615 Nugent Ave. Johnson City, TX 78636. (830) 838-4013.)
4. A completed application.
5. A filing fee of \$750.00 plus \$7.58 per property owner within 200 feet.

856.12

**ALL APPLICATIONS MUST BE SUBMITTED TO CITY HALL 20 DAYS PRIOR TO THE FIRST MONDAY OF THE MONTH. LATE SUBMITTALS WILL BE SCHEDULED FOR THE FOLLOWING MONTHS PLANNING AND ZONING COMMISSION MEETING DUE TO NOTICE REQUIREMENTS.**

### **HOW THE PROCESS WORKS**

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The Planning and Zoning Commission will review the application, have a public hearing and take comments from the applicant and affected property owners and decide by vote to approve or disapprove the rezoning. **This is a recommendation and not final approval.**

The Planning and Zoning recommendation is then sent to the City Council. The City Council meetings are scheduled for the 2<sup>nd</sup> Tuesday of every month. The City Council will again have a public hearing and take comments from the applicant and affected property owners and decide by vote to either approve or disapprove the request.

Once a decision has been rendered a letter will be sent to the application informing them of the decision.

**IT IS HIGHLY RECOMMENDED THAT YOU AS THE APPLICANT ATTEND BOTH MEETINGS TO ANSWER ANY QUESTIONS THAT MAY ARISE.**

The next regularly scheduled meeting of the Planning and Zoning Commission is:

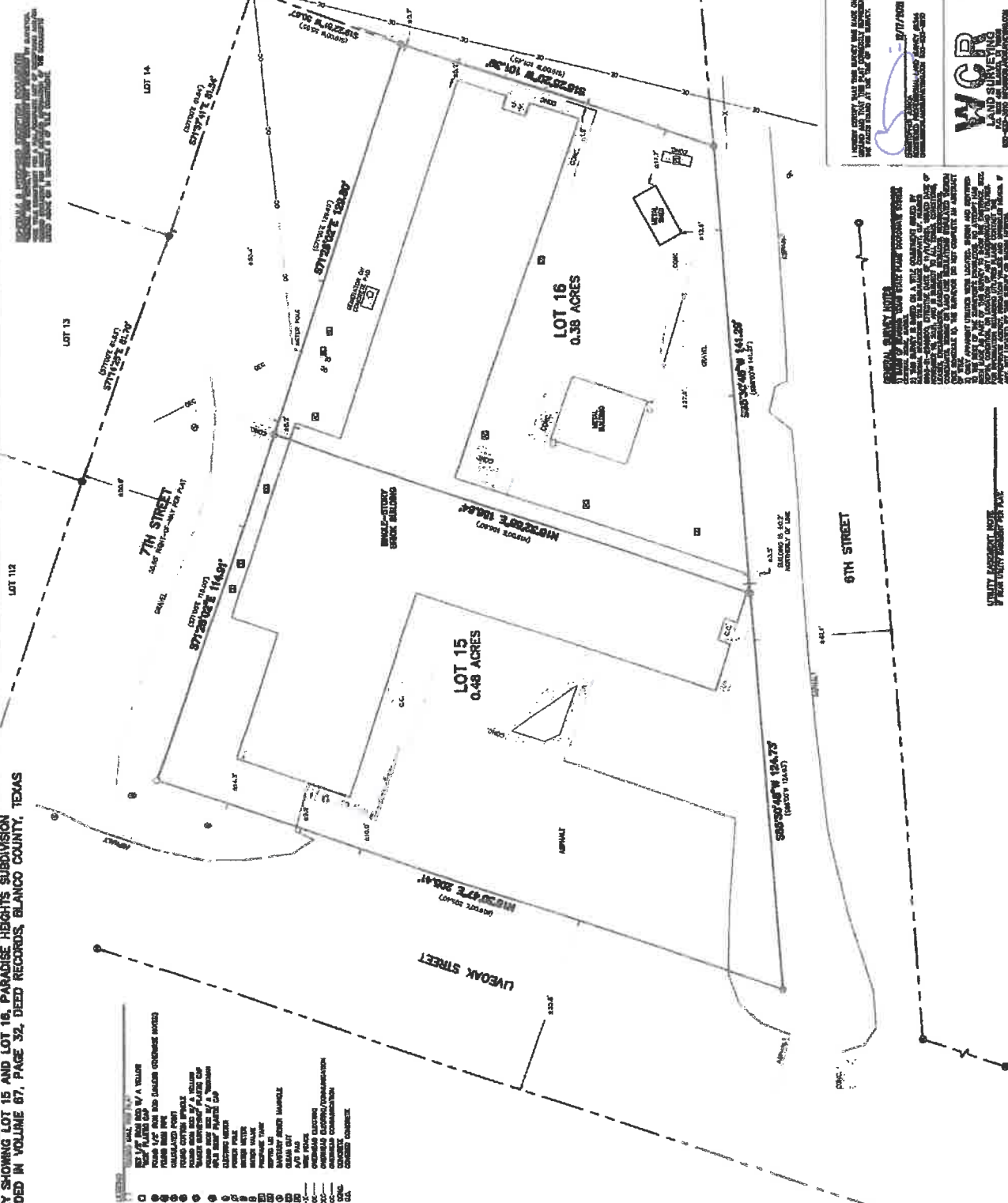
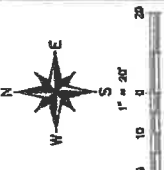
May 2 at 630 p.m. at the Byars Building located at 308 Pecan Street, Blanco TX.

The next regularly scheduled meeting of the City Council Meeting is:

May 10th at 6 pm p.m. at the Byars Building located at 308 Pecan Street, Blanco TX.

Gem of the Hills

**SURVEY SHOWING LOT 15 AND LOT 16, PARADISE HEIGHTS SUBDIVISION  
RECORDED IN VOLUME 67, PAGE 32, DEED RECORDS, BLANCO COUNTY, TEXAS**



- 1. ALL RIGHTS RESERVED BY THE SURVEYOR
- 2. THIS SURVEY IS BASED ON THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 5. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
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- 12. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 13. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 14. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 15. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 16. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 17. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 18. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 19. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS
- 20. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS

HANES USED HEREIN  
CALLED SURVY ALONG  
FRANK TRACT  
CALLED SURVY ALONG  
OFFICIAL PUBLIC RECORDS



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE  
DATE AND PLACE INDICATED AT THE TOP OF THIS MAP.

DATE: 07/07/2008  
BY: [Signature]

JOB NO. 1708-21  
DRAWN BY: JET & CAJ  
CHECKED BY: CAJ  
SHEET 1 OF 1



**GENERAL SURVEY NOTES**

1. THIS SURVEY IS BASED ON THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.

2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.

3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.

4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.

5. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.

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7. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.

8. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.

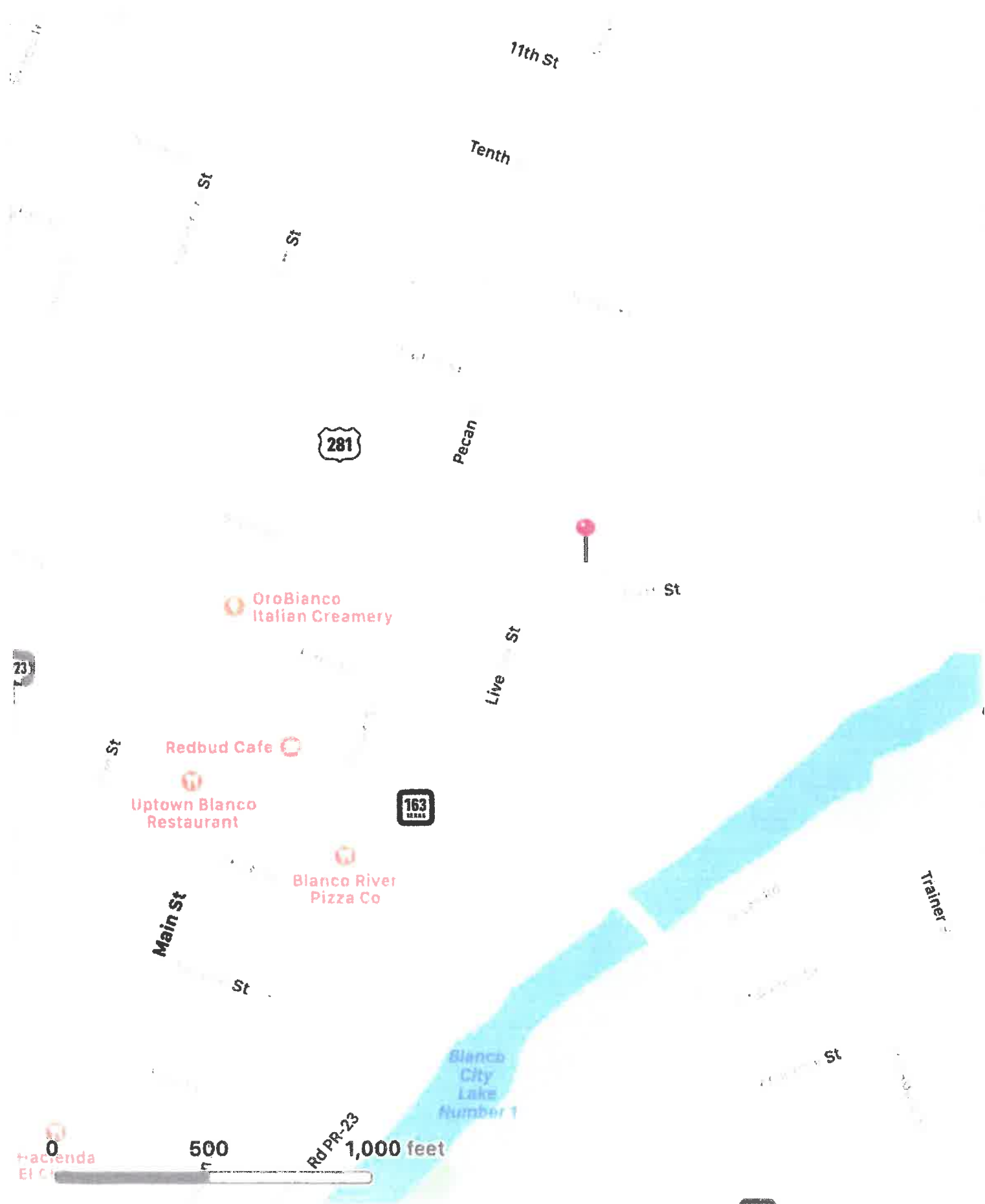
9. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.

10. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.

**SURVEYOR'S NOTE**

THIS SURVEY IS BASED ON THE RECORDS OF THE PUBLIC RECORDS OF BLANCO COUNTY, TEXAS.





NOTICE OF PUBLIC HEARING

As required by Texas Government Code, Notice is given that the Planning and Zoning Commission of the City of Blanco, Texas, will conduct a public hearing at 308 Pecan Street, Blanco, Texas on May 2nd, 2022 at 6:30 o'clock p.m., and that the City Council of the City of Blanco, Texas, will conduct a public hearing at Gem of the Hills, 2233 US Hwy 281 N, on May 10th, 2022 at 6:00 o'clock p.m. for the purpose of considering **Special Use Permit** on the following described tract located within the city limits of the City of Blanco.

Property Owner

R.L. TOMS, INC

Property Description

LOT 15 & LOT 16, PARADISE HEIGHTS  
SUBDIVISION VOLUME 67, PAGE 32

Property Location

618 LIVE OAK



**NEW BUSINESS**

**ITEM #3**



# City of Blanco

P.O. Box 750 Blanco, Texas 78606  
Office 830-833-4525 Fax 830-833-4121

STAFF REPORT: 5-10-22

DESCRIPTION: Second Echo, LLC is an art studio and meeting place that would like to have two containers 10' from the south property line (side setback of 10' instead of the required 20' in a C-1 zone). VARIANCE FOR 10' Side setback.

**ANALYSIS:**

10' encroachment on a side set back is not a real big ask but there is no real hardship as the art studio business can be permitted without the variance being granted

**FISCAL IMPACT:**

The fiscal impact of the property as per ad valorem and sales tax is unknow at this time but could be significant in the future.

**RECOMMENDATION:**

Planning and Zoning recommends approval of the requested variance

RECEIVED  
APR 06 2022

**City of Blanco**  
**Application for Variance Request/Special Use permit**

**1. Owner Information (the holder (s) of a legal or equitable interest in the Subject Property as shown by the deed records of Blanco County.**

Property owner's full legal name: <b>Second Echo, LLC</b>		
Property owner's mailing Address: <b>PO Box 704</b>		
City: <b>Johnson City</b>	State: <b>TX</b>	Zip Code: <b>78636-0704</b>
Home Phone: <b>(830) 454-0090</b>	Work Phone: <b>(830) 225-8687</b>	Cell: <b>(512) 470-2443</b>
Email Address: <b>secondechoproperty@gmail.com</b>		

**2. Applicant Information (a person Seeking approval of an application ; can be the Owner or Designated Representative of the Owner)**

<input type="checkbox"/> Same as Owner (if checked, skip to Section 3)		
Applicant's full legal name: <b>John W. Sone</b>		
Applicant's mailing address: <b>POB 704</b>		
City: <b>Johnson City</b>	State: <b>TX</b>	Zip Code: <b>78636-0704</b>
Home Phone: <b>(830) 454-0090</b>	Work Phone: <b>(830) 833-3211</b>	Cell Phone: <b>(512) 470-2443</b>
Email Address:		

**3. Designated Contact (the individual who the Owner or Applicant has Chosen to receive all communications on his/her behalf related to the Application):**

<input checked="" type="checkbox"/> Same as Owner (skip to section 4)	<input type="checkbox"/> Same as applicant (skip to Section 4)	
Contact name:		
Contact mailing address:		
City:	State:	Zip Code:
Home Phone:	Work Phone:	Cell Phone:

**4. Additional Information Required Of Business Entities Only:**


Is The Owner a Corporation or Partnership? Yes (complete this section) No (skip and go to section 5)

Attach a letter on company stationery, signed by an authorized individual, authorizing the Applicant to file an Application on behalf of the company.

Not Applicable. The Company is serving as the Applicant.

**5. Owner's / Applicant's Certification**

I hereby certify that the information provided herein is true and correct to the best of my knowledge.

Signature: 

Date: April 6, 2022

Printed Name: John W. Sone

*May 2nd*  
*May 10th*

**City of Blanco Application for a Variance Request  
Property Information**

<b>1. Owner Information:</b>
Property Owner's Full Legal Name: <b>Second Echo, LLC</b>

<b>2. Property Information (the property or tract for which this application has been submitted.)</b>				
911 street address of property (if established) <b>1725 S. US Hwy. 281, Blanco, TX 78606</b>				
Legal Description: <b>ABS A0001 SURVEY 24 H EGGLESTON, ACRES .69</b>				
Lot:	Block:	Subdivision:	Sec:	Phase:
If not located in Subdivision: Survey: <b>Horace Eggleston Survey No. 24</b>				
Abstract: <b>A0001</b>			Recorded (Vol/Page) <b>463 / 758</b>	

<b>3. Type of Variance being requested</b>
--

1. Sign
2. Building setback
3. Administrative
4. Special Use
5. Other (please Explain) \_\_\_\_\_

<b>All Applicants Complete the Following:</b>
---

Ordinance and section being appealed	Requirements of Regulation	Variance Sought from requirements
Table 5.1, Unified Development Code	Commercial district lots to have a twenty (20) foot side yard setback	Parallel placement of two intermodal shipping containers (ISCs) ten (10) feet from neighboring commercial district property to the south.

**Hardship Findings (attach additional sheets if necessary):**

**Describe the actual situation of the subject property and any special or unique condition(s) found thereon which may cause unusual and practical difficulty or unnecessary hardship if Applicant is made to comply with strict enforcement of the ordinance:**

The ISCs were purchased during a period of uncertainty about the zoning classification of the property. Previous City communication to the property owner indicated that based on the zoning classification only a ten foot side offset would be required under both the City's lot standards as well as the International Building Code. The confusion of the City on what is considered limited outdoor storage on a temporary basis requiring a Special User Permit versus what is a permanent accessory structure for the purpose of storage has cost our tenant (Echo Gallery) considerable time, reputation, and now money.

**Describe how strict enforcement of the provisions of the ordinance that are sought to be varied will (A) deny the applicant the privileges or safety commonly enjoyed by neighboring or similarly situated property in the City of Blanco with similarly timed development and (B) deprive the Applicant the reasonable use of his/her land, and that failure to grant this variance would result in undue hardship to the Applicant :**

Separating the ISCs an additional ten feet from the side boundary will impose an aesthetic burden and consume valuable parking space.

**Describe how the granting of a variance will not be detrimental to public health, safety, and welfare, will not be injurious to other property, or will not prevent the enjoyment/use of adjacent property owners:**

The principal purpose of side offsets is the prevention of the spread of fires. The ISCs are made of steel and will be more fire retardant than any other structure on this as well as the neighboring properties. These structures can withstand a 180 mph wind, making them more stable than any other structure on this or the neighboring properties.

**Describe how the hardship sought to be avoided is NOT the result of (A) the applicant's own actions (self imposed or self created) and /or (economic or financial hardship)**

The use of ISCs as a cutting edge property aesthetic enhancement has been the desire of the mid-century modern collection of the principal tenant, Echo Gallery. From the beginning of Second Echo's purchase of the property, the City has struggled to meet the agility that property owners in urban areas expect. Under Section 1031 of the Internal Revenue Code, Second Echo LLC had a 180 day window to complete the purchase and improvements necessary to make this investment in Blanco in a financially beneficially manner. However, uncertainty on the part of the City staff as to zoning status and UDC provisions with regard to ISCs has delayed the necessary signage and storage completion.

**Describe how the variance will improve the functionality of the property:**

Echo Gallery will have storage sufficient to collection and rotation of the exhibition of art. The ISCs will be decorated by accomplished artists, screened in part by landscaping professionals, and serve as the backdrop for a sculpture garden featuring local sculptors among others.

**Attach any requested building plans, site plans, plats, surveys, or any other pertinent documents having any importance to this request behind this sheet and list documents and descriptions below:**

1. Site Plan & Survey.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

9.

**Owner's/ Applicant's Certification:**

I hereby certify and agree to the following:

1. I have carefully read the complete Application and know all statements herein and in the attachments hereto are true and correct to the best of my knowledge.
2. The Owner of the Subject Property, if different from the Applicant, has authorized the submittal of this application.
3. No work in relation to the requested variance may start until such variance is approved by the City Council of the City of Blanco.
4. Variance approval may be revoked if any false statements are made herein.
5. As the Owner of the above property or Duly Authorized Applicant, I hereby grant permission to the City of Blanco, its employees, officers and Duly appointed board and commission members to enter the premises to make all necessary inspections and to take all other actions necessary to review and act upon this Application.

Signature: \_\_\_\_\_



Print Name: \_\_\_\_\_

John W. Sone

Date \_\_\_\_\_

April 6, 2022

**Required Documents for Variance Submittal**

1. Legal description and plat of subject site.  
Two (2) copies of field note description typed and attached on a separate sheet (plain bond paper, not letterhead, or the subdivision name with lot and block number).
2. Map, clearly showing the site in relation to the adjacent streets and distance to the nearest thoroughfare.
3. Names and Addresses of legal property owners within 200 feet of the block or parcel (this can be obtained at the Blanco County Appraisal District located at 615 Nugent Ave. Johnson City, TX 78636. (830) 838-4013.)
4. A completed application.
5. A filing fee of \$750.00 plus \$7.58 per property owner within 200 feet.





NOTICE OF PUBLIC HEARING

As required by Texas Government Code, Notice is given that the Planning and Zoning Commission of the City of Blanco, Texas, will conduct a public hearing at 308 Pecan Street, Blanco, Texas on May 2nd, 2022 at 6:30 o'clock p.m., and that the City Council of the City of Blanco, Texas, will conduct a public hearing at Gem of the Hills, 2233 US Hwy 281 N, on May 10<sup>th</sup>, 2022 at 6:00 o'clock p.m. for the purpose of considering **BUILDING SETBACK** on the following described tract located within the city limits of the City of Blanco.

Property Owner  
JOHN W. SONE

Property Description  
ABS A0001 SURVEY 24 H  
EGGLESTON, ACRES .69

Property Location  
1725 S US HWY 281

**NEW BUSINESS**

**ITEM #4**



# City of Blanco

P.O. Box 750 Blanco, Texas 78606  
Office 830-833-4525 Fax 830-833-4121

**STAFF REPORT: 5/10/22**

**DESCRIPTION:** Blanco ISD (applicant) is asking for a variance from The UDC Chapter 4.6 Fencing to all for a 10-foot fence at their new tennis Courts

**ANALYSIS:**

City has a requirement as per the UDC and building code that any fence taller than 8 foot must be approved through a variance by City Council. The Planning and Zoning commission is tasked with providing a recommendation to City Council. This is a relatively easy ask as most tennis courts are at 10 foot and this is generally needed for safety and so balls don't go everywhere.

**FISCAL IMPACT:**

Unknown

**RECOMMENDATION:**

City Staff recommends that Planning Commission recommend approval of a 10' fence for a tennis court located at the high school.

**Wayne and Martha Gosnell**  
1374 River Run, Blanco, Texas 78696  
(210) 557-6127; [GosnellTexas@Gmail.com](mailto:GosnellTexas@Gmail.com)

April 14, 2022

City of Blanco  
ATTN: Planning and Zoning Commission  
P.O. Box 750  
Blanco, Texas 78606

APR 18 2022  
RECEIVED

RECEIVED  
APR 18 2022

SUBJECT: Blanco ISD 10" Fence

Dear Blanco P&Z:


As property owners within 200' of the 10' fence proposed to be constructed by the Blanco Independent School District (BISD) on the grounds of Blanco High School, we received a letter on April 2, 2022 notifying us of a public hearing to be held by P&Z on this issue on May 2, 2022 with a follow-on meeting of the Blanco City Council on May 10<sup>th</sup>, 2022.

On Friday, March 25, 2022, we met with Mr. Clay Rosenbaum, BISD Superintendent, and members of his staff at our property line that is approximately 20' from the site of the new tennis courts being constructed and the referenced 10' fence. Mr. Rosenbaum assured us that once the tennis courts are finished, if there is insufficient room between the 10' fence and our back gate such that emergency vehicles could not access our property in a flood emergency, the BISD will install another gate in our back fence that will allow access to and egress from our property. We do not anticipate that this will be necessary but it is comforting to know that the BISD is willing to do this as a contingency.

Mr. Rosenbaum also assured us that the lighting of the tennis courts will be in full compliance with the requirements of Blanco's Outdoor Lighting Ordinance.

Accordingly, we have no objection to the tennis courts or the 10' fence. We think this facility will be an asset both to the school and to the community as a whole and we applaud BISD's initiative to do this.

Sincerely yours,

  
Wayne Gosnell

CC: Blanco City Secretary



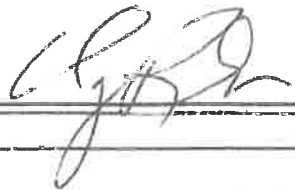


<b>Hardship Findings (attach additional sheets if necessary):</b>	
<b>Describe the actual situation of the subject property and any special or unique condition(s) found thereon which may cause unusual and practical difficulty or unnecessary hardship if Applicant is made to comply with strict enforcement of the ordinance:</b>	
The fencing to be installed is for use at the high school for tennis sports courts. The purpose <del>purpose</del> of fencing is to keep balls within the court. Traditionally and as recommend by the American Sports Builders Association and US Tennis Association courts should be surrounded by fencing with an overall height of 10' to 12' with 10' fencing being standard.	
<b>Describe how strict enforcement of the provisions of the ordinance that are sought to be varied will (A) deny the applicant the privileges or safety commonly enjoyed by neighboring or similarly situated property in the City of Blanco with similarly timed development and (B) deprive the Applicant the reasonable use of his/her land, and that failure to grant this variance would result in undue hardship to the Applicant :</b>	
As 10' high fence is the USTA & UIL recommended fence height for tennis use, following the ordinance will deprive the high school from providing standard designed facilities for high school play. The location of the proposed courts is located at the back of the property and the 10' high fence will keep balls within the courts which will minimize disturbing neighboring properties.	
<b>Describe how the granting of a variance will not be detrimental to public health, safety, and welfare, will not be injurious to other property, or will not prevent the enjoyment/use of adjacent property owners:</b>	
The granting of variance will positively impact community safety as the purpose of the height is to keep balls within the courts.	
<b>Describe how the hardship sought to be avoided is NOT the result of (A) the applicant's own actions (self imposed or self created) and /or (economic or financial hardship)</b>	
The request is for the sole purpose of providing a facility that meets design standards recommended by high school and national governing authorities for tennis court use (U.I.L and U.S.T.A.)	
<b>Describe how the variance will improve the functionality of the property:</b>	
The variance will aid in tennis court play which is the use of the courts by keeping tennis balls within the courts.	

<b>Attach any requested building plans, site plans, plats, surveys, or any other pertinent documents having any importance to this request behind this sheet and list documents and descriptions below:</b>	
1.	please refer to attachment A: Survey
2.	Attachment B: fence plan
3.	
4.	
5.	
6.	
7.	
8.	



9.



**Owner's/ Applicant's Certification:**

I hereby certify and agree to the following:

1. I have carefully read the complete Application and know all statements herein and in the attachments hereto are true and correct to the best of my knowledge.
2. The Owner of the Subject Property, if different from the Applicant, has authorized the submittal of this application.
3. No work in relation to the requested variance may start until such variance is approved by the City Council of the City of Blanco.
4. Variance approval may be revoked if any false statements are made herein.
5. As the Owner of the above property or Duly Authorized Applicant, I hereby grant permission to the City of Blanco, its employees, officers and Duly appointed board and commission members to enter the premises to make all necessary inspections and to take all other actions necessary to review and act upon this Application.

Signature: Keith Jones

Print Name: Fellas Construction, Inc

Date 03/09/22



**Required Documents for Variance Submittal**

1. Legal description and plat of subject site.  
Two (2) copies of field note description typed and attached on a separate sheet (plain bond paper, not letterhead, or the subdivision name with lot and block number).
2. Map, clearly showing the site in relation to the adjacent streets and distance to the nearest thoroughfare.
3. Names and Addresses of legal property owners within 200 feet of the block or parcel (this can be obtained at the Blanco County Appraisal District located at 615 Nugent Ave. Johnson City, TX 78636. (830) 838-4013.)
4. A completed application.
5. A filing fee of \$750.00 plus \$7.58 per property owner within 200 feet.

**ALL APPLICATIONS MUST BE SUBMITTED TO CITY HALL 20 DAYS PRIOR TO THE FIRST MONDAY OF THE MONTH. LATE SUBMITTALS WILL BE SCHEDULED FOR THE FOLLOWING MONTHS PLANNING AND ZONING COMMISSION MEETING DUE TO NOTICE REQUIREMENTS.**

### HOW THE PROCESS WORKS

Once a complete application is submitted to City Hall it is reviewed by staff for completeness. If all required documents are submitted a public notice is mailed to all affected property owners within 200 feet of the parcel in question. A public hearing is then scheduled for the regularly scheduled meeting of the City of Blanco's Planning and Zoning Commission with is held on the first Monday of every month.

The Planning and Zoning Commission will review the application, have a public hearing and take comments from the applicant and affected property owners and decide by vote to approve or disapprove the rezoning. This is a recommendation and not final approval.

The Planning and Zoning recommendation is then sent to the City Council. The City Council meetings are scheduled for the 2<sup>nd</sup> Tuesday of every month. The City Council will again have a public hearing and take comments from the applicant and affected property owners and decide by vote to either approve or disapprove the request.

Once a decision has been rendered a letter will be sent to the application informing them of the decision.

**IT IS HIGHLY RECOMMENDED THAT YOU AS THE APPLICANT ATTEND BOTH MEETINGS TO ANSWER ANY QUESTIONS THAT MAY ARISE.**

The next regularly scheduled meeting of the Planning and Zoning Commission is:

April 4<sup>th</sup> 2022 <sup>May 2</sup> at 6:30 p.m. at the Byars Building located at 308 Pecan Street, Blanco TX.

The next regularly scheduled meeting of the City Council Meeting is:

May 10 at 6 pm p.m. at the Byars Building located at 308 Pecan Street, Blanco TX.

Gem of the Hills

If you have any further questions or concerns please contact City Hall (830)833-4525.

# BLANCO HIGH SCHOOL

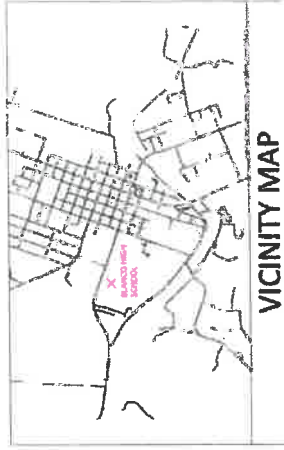
SUBMITTAL DRAWINGS FOR:

## TENNIS COURT CONSTRUCTION

Blanco, Texas

### INDEX OF DRAWINGS

- TO.0 COVER
- T1.1 EXISTING CONDITIONS
- T2.1 GRADING PLAN
- T3.1 DEMOLITION PLAN
- T4.1 TENNIS COURT LAYOUT
- T5.1 POST-TENSION TENDON LAYOUT
- T6.1 FENCE POST LAYOUT
- T7.1 LIGHTING LAYOUT AND DETAILS
- T8.1 COLOR RENDERING
- EY1.1 STORM WATER POLLUTION PREVENTION PLAN
- TD1.1 NOTES AND DETAILS
- TD1.2 COURT DETAILS



Know what's below.  
Call before you dig.



Helas Construction, Inc.  
12000 West Parmer Lane  
Austin, TX 78613  
(P) (512) 250-2910  
(F) (512) 250-1960  
helasconstruction.com



Tait-Pitkin  
Sports Engineers  
12000 W Parmer Lane  
Suite 200  
Austin, Texas 78613  
(512) 293-1862  
ehorn@tait-pitkin.com  
Texas Firm Registration No. F007361

Helas Construction, Inc. 12000 West Parmer Lane Austin, TX 78613 (P) (512) 250-2910 (F) (512) 250-1960 helasconstruction.com		
OWNER: BLANCO HIGH SCHOOL 12500 W. 14TH, BLANCO, TEXAS 78613		
PROJECT: TENNIS COURT CONSTRUCTION		
PROJECT LOCATION: Blanco, Texas		
TAIT-PITKIN Sports Engineers 12000 W Parmer Lane Suite 200 Austin, Texas 78613 (512) 293-1862 ehorn@tait-pitkin.com Texas Firm Registration No. F007361		
REVISION LIST		
NO.	DATE	DESCRIPTION
REVISIONS:		
Includes each revision. Only when printed on 24x36 sheet.		
All drawings and printed documents are the property of Tait-Pitkin Sports Engineers and shall remain confidential. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of Tait-Pitkin Sports Engineers, Inc.		
DATE: MARCH 2, 2022		CREATED BY: GEAR
RELEASE: 0		SHEET NO.: COVER PAGE
SHEET NUMBER: TO.0		© 2020

**REVISIONS & COMMENTS**

NO.	DATE	DESCRIPTION
1	03/02/22	ISSUED FOR PERMIT
2	03/02/22	ISSUED FOR PERMIT
3	03/02/22	ISSUED FOR PERMIT
4	03/02/22	ISSUED FOR PERMIT
5	03/02/22	ISSUED FOR PERMIT
6	03/02/22	ISSUED FOR PERMIT
7	03/02/22	ISSUED FOR PERMIT
8	03/02/22	ISSUED FOR PERMIT
9	03/02/22	ISSUED FOR PERMIT
10	03/02/22	ISSUED FOR PERMIT

Hals Corporation, Inc.  
 6521 29th Street  
 Austin, TX 78753  
 (512) 292-7910  
 halscorp.com

**PROJECT:**  
 TENNIS COURT CONSTRUCTION  
**PROJECT LOCATION:**  
 Blanco, Texas

**TPS COURT SURFACES**

TPS COURT SURFACES  
 20201 141st Street, Suite 100  
 Austin, Texas 78758  
 (512) 292-7910  
 No. 1002785

REV.	DATE	DESCRIPTION

**COMMENTS:**

Please refer to drawings ONLY when ordered on 1:5000 sheets.

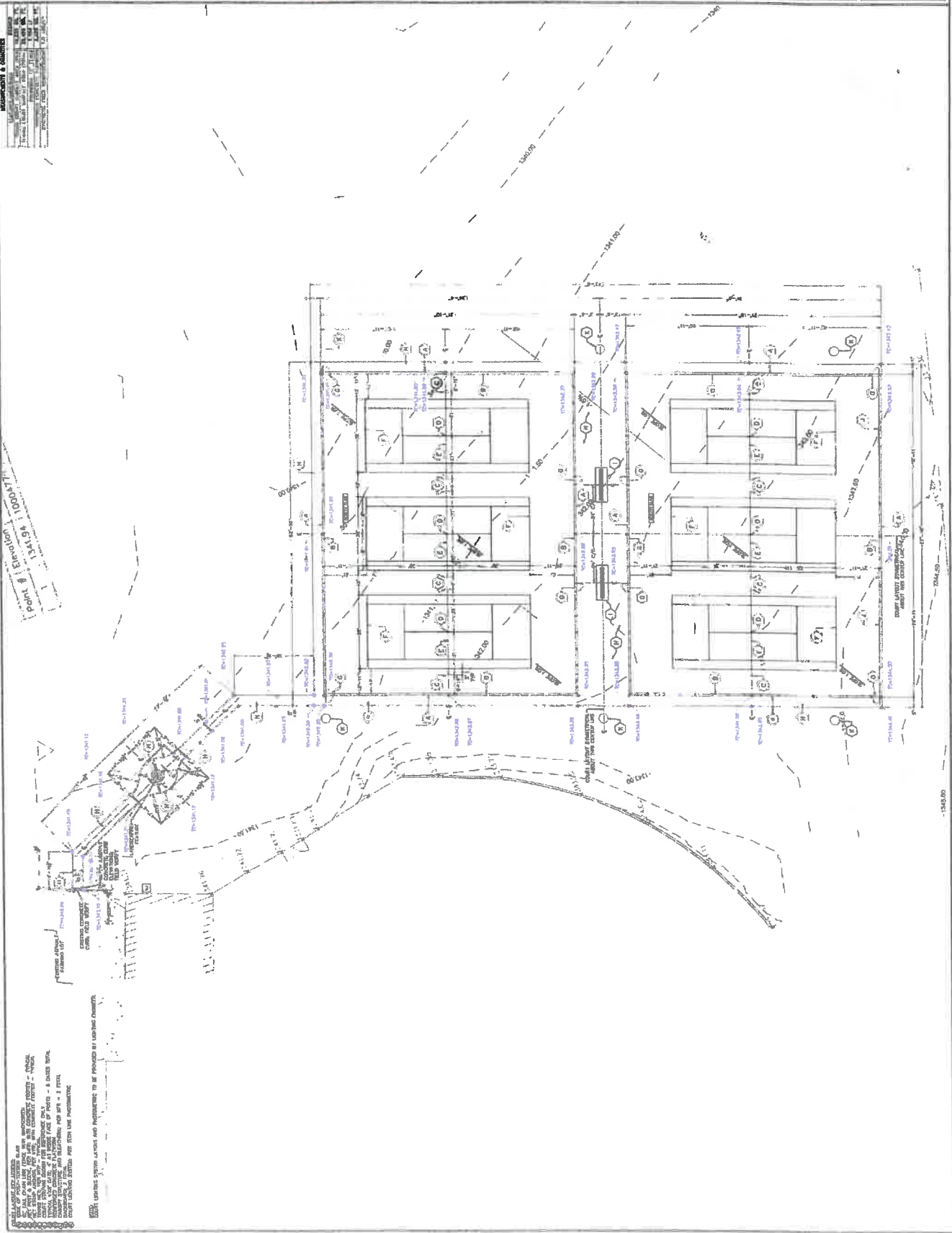
All drawings are subject to change without notice. The contractor shall be responsible for obtaining all necessary permits and approvals, and for obtaining all necessary approvals from the City of Blanco, Texas.

**DATE:** MARCH 2, 2022  
**REVISIONS:** 0  
**DESIGNER:** GDR

**SHEET TITLE:**  
 COURT LAYOUT  
**SHEET NUMBER:**  
 74.1

© 2022

Scale: 1" = 100'



**NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.







NOTICE OF PUBLIC HEARING

As required by Texas Government Code, Notice is given that the Planning and Zoning Commission of the City of Blanco, Texas, will conduct a public hearing at 308 Pecan Street, Blanco, Texas on May 2nd, 2022 at 6:30 o'clock p.m., and that the City Council of the City of Blanco, Texas, will conduct a public hearing at Gem of the Hills, 2233 US Hwy 281 N, on May 10th, 2022 at 6:00 o'clock p.m. for the purpose of considering **10FT FENCE** on the following described tract located within the city limits of the City of Blanco.

Property Owner

BLANCO ISD

Property Description

SURVEY OF A46.26 TRACT OF LAND  
HORACE EGGLESTON SURVEY  
NO 24 ABSTRACT 1 VOL 172 PAGE  
526

Property Location

1215 4<sup>TH</sup> ST



**NEW BUSINESS**

**ITEM #5**

**NEW BUSINESS**

**ITEM #6**

**CITY OF BLANCO  
AMENDMENT TO  
RESOLUTION NO. 2021-O-009**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLANCO,  
TEXAS, DESIGNATING PERSONS AUTHORIZED TO SIGN ON THE  
CITY'S DEPOSITORY ACCOUNTS AS THE OFFICIAL SIGNATORIES OF  
THE CITY OF BLANCO, TEXAS.

**WHEREAS**, it is required that signatories be designated as the authorized signatories on depository accounts for the funds of the City of Blanco, Texas;

**WHEREAS**, the City Council shall require that all checks, withdrawals, or official actions be signed by two parties, being the Mayor Rachel Lumpee, Mayor Pro-Tem \_\_\_\_\_ or City Councilmember Keith McClellan designated by resolution of the City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BLANCO, TEXAS, that:**

Section 1. Texas Regional Bank at which the City of Blanco has a depository account, is authorized to recognize the signatures of the currently elected Mayor Lumpee, Mayor Pro-Tem \_\_\_\_\_, or City Councilmember Keith McClellan.

Section 2. The City Council shall by resolution designate the parties authorized for withdrawals or checks, or other negotiable instruments on behalf of the City of Blanco, Texas, and such resolution shall be provided to the official depository within 48 hours of any changes of designated parties. Any modifications, addendums or additions thereto shall be recognized by the official depository only upon duly signed resolution in a form similar to the current resolution fully executed by the Mayor and attested to by the City Secretary.

Section 3. Mayor Rachel Lumpee and Mayor Pro-Tem \_\_\_\_\_, are authorized to sign on behalf of Borrower: The City of Blanco to establish a loan relationship with Texas Regional Bank for the Loan Application or Councilmember Keith McClellan are hereby designated as the signatories for the City of Blanco; and that such designations be effective immediately and continue until another is so designated.

**SEVERABILITY:** If any clause, or portion of a clause, in this resolution is considered invalid under state or other law, it shall be regarded as stricken while the remainder of this resolution shall continue to be in full effect.

**PASSED, APPROVED, AND ADOPTED** on this the \_\_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_\_ Ayes, \_\_\_ Nays, and \_\_\_ Abstentions at a regular meeting of the City Council of the City of Blanco, Texas.

CITY OF BLANCO, TEXAS

\_\_\_\_\_  
Rachel Lumpee, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Cassidy, City Secretary

**NEW BUSINESS**

**ITEM #7**

**WATER QUALITY PROTECTION ORDINANCE**

**AN ORDINANCE PROVIDING FOR THE PROTECTION OF WATER QUALITY WITHIN THE CITY OF BLANCO AND ITS EXTRATERRITORIAL JURISDICTION, BY POLLUTION PREVENTION CONTROLS, DEVELOPMENT POLLUTION CONTROLS, AND PROVIDING FOR CRIMINAL (MISDEMEANOR) AND CIVIL PENALTY (IN AN AMOUNT NOT TO EXCEED \$1000.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY); BY ADDING ARTICLE 9.04 TO CHAPTER 9, "PLANNING AND DEVELOPMENT" OF THE CITY OF BLANCO CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, Section 26.177 of the Texas Water Code provides an opportunity for municipalities to regulate water protection, water pollution, and pollution abatement; and

**WHEREAS**, the City of Blanco wishes to provide standards and procedures for municipal determination of the non-point source pollution control management policies which govern the planning, design, construction, operation and maintenance of drainage, erosion, and water quality facilities within the city limits and the city's extraterritorial jurisdiction (ETJ).

**WHEREAS**, furthermore, the City wishes to fulfill the general public welfare, as set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLANCO, STATE OF TEXAS:**

**SECTION 1. FINDINGS OF FACT.**

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2. ADOPTION OF AN ORDINANCE PROVIDING FOR THE PROTECTION OF WATER QUALITY WITHIN THE CITY OF BLANCO AND ITS EXTRATERRITORIAL JURISDICTION, BY POLLUTION PREVENTION CONTROLS, DEVELOPMENT POLLUTION CONTROLS, AND PROVIDING FOR CRIMINAL (MISDEMEANOR) AND CIVIL PENALTY (IN AN AMOUNT NOT TO EXCEED \$1000.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY); BY ADDING ARTICLE 9.04 TO CHAPTER 9, "PLANNING AND DEVELOPMENT", OF THE CITY OF BLANCO CODE OF ORDINANCES.**

The Code of Ordinances of the City, Chapter 9, "Planning and Development", is hereby amended by the adoption of the following:

**ARTICLE 9.04 WATER QUALITY PROTECTION**

Division 1. Generally

Sec. 9.04.001 Title, purpose and scope

(a) Title. This article shall be commonly cited as the water quality protection ordinance.

(b) Introduction.

(c) Purpose. This article sets forth the minimum requirements necessary to provide and maintain a safe, efficient and effective non-point source pollution control system and to establish the various public and private responsibilities for the provision thereof. Further, it is the purpose of this article to:

- (1) Protect human life, health and property;
- (2) Preserve the natural beauty and aesthetics of the community;
- (3) Prevent degradation and pollution of groundwater resources;
- (4) Protect the integrity of local ecological systems such as the Blanco River, Blanco State Park and Caswell Nature Trail, the Little Blanco River, and Miller Creek;
- (5) Minimize the expenditure of public money for building and maintaining non-point source pollution control projects and cleaning sediments out of storm drains, streets, side-walks and watercourses;
- (6) Help maintain a stable tax base and preserve land values;
- (7) Control and manage the quality of stormwater runoff, and the sediment load in that runoff, from points and surfaces within subdivisions;
- (8) Utilize best management practices (BMP) for development which prevents erosion and sediment damage and which reduces the pollutant loading to streams, ponds and other watercourses; and
- (9) Prevent losses of endangered species and habitat of endangered species.

(d) Jurisdiction. This article applies to all property within the city limits and the city's ETJ.

(e) Development.

(1) The planning area-land use map of the city comprehensive plan acknowledges the existing land use patterns of the city, and delineates compatible extensions of these patterns. It is a long-range, general guide for future growth, classified by seven broad categories (planning areas). The comprehensive plan states the city center should be the most densely developed planning area. Urban sprawl and high intensity land uses outward from the city center should be resisted.

(2) This article applies to development when considered as a whole, even if comprised of more than one lot. These regulations may not be circumvented by aggregating lots, when in fact the lots share a common development scheme.

(f) Mandate.

(1) Any person proposing the development of real property within the city limits or the city's ETJ is subject to the provisions of this article.

(2) Requirements of this article shall be addressed in applications for subdivision plats, site development permits, rezoning, special utility and development districts, conditional use permits, development agreements, and building permits.

(3) It shall be an offense for any person to develop or improve real property in violation of this article.

(4) It shall be an offense for any person to violate the prohibitions set forth in division 2 of this article (public pollution prevention controls).

(g) Definitions and rules of construction. Words and phrases used in this article shall have the meanings set forth in section 9.04.002 of this article. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(Ordinance 2011-005, sec. 156.001, adopted 3/3/11; Ordinance 2019-44 adopted 12/5/19)

Sec. 9.04.002 Definitions

*Agricultural activities.* Pasturing of livestock or use of the land for planting, growing, cultivating, and harvesting crops for human use or animal consumption. Such activities include nursery farms and orchards.

*Agricultural stormwater runoff.* Any stormwater runoff from orchards, cultivated crops, pastures, range land, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR section 122.24.

*Applicant.* The applicant shall be the owner of the property subject to this article, acting in person or by and through the owner's authorized representative. Documentation, in a form acceptable to the city, evidencing ownership of the property and the authority of the authorized agent must be submitted along with the application. For example, written power of attorney or a letter of agency will be sufficient to prove agency. A deed or tax letter will be adequate to establish ownership of the property.

*Application.* A written request for an approval required by this article.

*Background pollutant load.* The amount of pollution in stormwater runoff that is discharged from a site before development. The method used for calculating background pollutant load is to be found in the TCEQ Edwards Aquifer Rules - Technical Guidance on Best Management Practices, RG-348 (Manual) (or the technical standards section of this article).

Best management practice (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the non-point source pollution of waters in the state. The two basic types of BMPs for purposes of this article are “structural BMPs” (which include engineered and constructed systems that are designed to provide for water quantity and/or water quality control of stormwater run-off) and “nonstructural BMPs” (which include institutional and pollution-prevention type practices designed to prevent pollutants from entering stormwater runoff or to reduce the volume of stormwater requiring management). This term expressly includes both structural and non-structural BMPs.

*Board of adjustment.* This term is the same as defined and applied in the zoning ordinance for the city.

*City engineer.* The engineer for the City of Blanco.

*City limits.* The incorporated municipal boundaries of the City of Blanco.

*Contributing zone.* The area or watershed where runoff from precipitation flows down-gradient to the recharge zone of the Edwards Aquifer or Trinity Aquifer.

*Critical environmental features (CEFs).* These are infiltration features and include caves, solution cavities, fractures, sinkholes, and other karst surface features as defined by TCEQ.

*Design storm event.* The design storm event for water quality is defined in the TCEQ Edwards Aquifer Technical Guidance, RG-348.

*Develop.* To engage in the development of land.

*Developer.* An individual or enterprise engaged in the development of land.

*Development.* All land modification and construction activity, including the construction of buildings, roads, paved storage areas, parking lots and other improvements. “Development” also includes any land disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, grubbing, excavating, filling, installing streets and utilities and grading, mining, and dredging, and the deposit of refuse, waste or fill whether or not a site development permit or building permit are required. The following activities are excluded from the definition: care and maintenance of lawns, gardens, and trees; minimal clearing (maximum 10 feet wide) for surveying and testing.

*Discharge.* Any addition or introduction of any pollutant, stormwater, or any other substance in a harmful quantity into a stormwater drainage system or into waters in the state.

*Discharger.* Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

*Discharge (hydraulics).* The rate of fluid flow, expressed as the volume of fluid passing a point per unit time, commonly expressed as cubic feet per second.



*Domestic sewage.* Human excrement, gray water from home clothes washing, bathing, showers, dishwashing, and food preparation, other wastewater from household and residential drains, and waterborne waste normally discharged from the sanitary conveniences of apartment houses, hotels, office buildings, factories, institutions and other dwellings, but excluding industrial waste.

*Drainage area.* The horizontal projection of the area contributing runoff to a single control or design point.

*EPA.* The federal Environmental Protection Agency, or a successor agency.

*Erosion.* The detachment and movement of soil, sediment, or rock fragments by wind, water, ice or gravity.

*ETJ.* The extraterritorial jurisdiction of the city.

*Facility.* Any building, structure, installation, process, or activity from which there is or may be discharge of a pollutant.

*Fertilizer.* A solid or non-solid substance or compound that contains an essential plant nutrient element in a form available to plants that is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of one or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

*Fill.* The man-made deposition and compaction of material to effect a rise in elevation.

*Flood.* A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

*Floodplain.* For the purposes of water quality buffer zones, this term shall mean either of one or the other following definitions:

- (1) A FEMA studied floodplain identified on the FIRM (flood insurance rate maps) as zone AE or equivalent; or
- (2) A studied floodplain as provided through engineering data prepared and certified by a professional engineer.

*Grade.* The vertical location or elevation of a surface, or the degree of rise or descent of a slope.

*Harmful quantity.* The amount of any substance that will cause pollution of water in the state.

*Hazardous household waste (HHW).* Any material generated by or in a household (including single and multiple residences, hotels, motels, bunk houses, ranger stations, campgrounds, picnic grounds, and day use recreational areas) which, except for the exclusion provided in 40 CFR section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR part 261.

*Hazardous substance.* Any substance listed in table 302.4 of 40 CFR part 302.

*Hazardous waste.* Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR part 261.

*Herbicide.* A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

*High intensity planning area (HIPA).* That area of higher density development within the city limits as defined in the city comprehensive plan and the current zoning ordinance as planning areas III through VI. Planning areas I, II and VII along with the city's ETJ are not included in the HIPA.

*Impervious cover.* Impermeable development covering the natural land surface that inhibits infiltration. The term expressly excludes storage tanks for rainwater harvesting systems, or the structure covering specifically the rainwater collection tanks.

*Industrial waste.* Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

*Infiltration.* The passage or movement of water into the subsurface of the natural land.

*Land user.* Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

*Licensed professional engineer/geoscientist.* A person who possesses an active license and is registered by the state board of registration for professional engineers/geoscientists in the state. The term also includes a professional engineer (PE).

*Limited plan review.* A level of city review of development site plans that is less detailed than standard review procedures and consisting of a geometric review of proposed impervious cover overlaid on stream buffer zones and CEF setbacks with no requirement in the review process to demonstrate achievement of otherwise applicable performance standards.

*Livestock containment area.* An area such as a corral, barn or pen used to contain livestock for the purpose of management and providing care.

*Local governmental agencies.* Any department or agency related to the subdivision of the state in the form of the county or municipality.

*Natural state.* The condition of the land existing prior to any development.

*Notice of intent (NOI).* The notice of intent that is required by either the site development permit or building permit.

*Non-point source (NPS) pollution.* Pollution that is caused by or attributable to diffuse sources. Such pollution results in the human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of water. Typically, NPS pollution results from land runoff, precipitation, atmospheric disposition, or percolation.

*Non-point source pollution control plan.* The drawings and documents submitted by an applicant seeking plan or permit approval under this article. Such a plan consists of a system of vegetative, structural and other measures to control the increased rate and volume of surface runoff and reduce pollutants in the runoff caused by human changes to the land.

*Oil.* Any kind of petroleum substance including but not limited to petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

*Operator.* The person or persons who, either individually or taken together, have day-to-day operational control over a facility and activities at the facility sufficient to attain compliance with the requirements of this article.

*Owner.* The person who owns a facility or part of a facility subject to the requirements of this article.

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

*Pesticide.* A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, as these terms are defined in Texas Agriculture Code section 76.001.

*Petroleum storage tank (PST).* Any one or combination of above-ground or underground storage tanks that contain oil, petroleum products or petroleum substances, and any connecting underground pipes.

*Point source.* Any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

*Pollutant.* Eroded or displaced sediment, soil, silt or sand resulting from development; dredged spoil; solid waste; sewage; garbage; chemical waste; biological materials; any other substance or material or thing not naturally found in waters in the state; radioactive materials; abandoned or discarded appliances or equipment; and industrial, municipal, and agricultural waste which is or may be discharged into waters in the state. This term shall be limited to those substances listed herein, or monitored or regulated by the TCEQ or EPA.

*Pollution.* The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

*Redevelopment.* Any building, renovation, replat of property, revisions, remodel, and reconstruction of existing development.

*Release.* Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into a stormwater drainage system or into waters in the state.

*Residence.* Any building, or portion thereof, which is designed for or used as living quarters for one or more families including related outbuildings, garages, storage buildings, greenhouses, etc.

*Riparian corridor.* The ecological areas within and adjacent to a floodplain that do or can support the following plant species: Pecan, American Elm, Arizona Walnut, Bald Cypress, Black Walnut, Bur Oak, Cedar Elm, Little Walnut, Green Ash, Texas Sugarberry, American Sycamore, Eastern Cottonwood, Black Willow, and Live Oak.

*Rubbish.* Nonputrescible solid waste, excluding ashes, that consists of:

- (1) Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, asphalt, yard trimmings, leaves, and similar materials; and
- (2) Noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

*Runoff.* That portion of precipitation or precipitation drainage that flows by force of gravity across the ground surface as sheet flow or in a stormwater drainage system towards water in the state.

*Septic tank waste.* Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage (or sanitary sewage).* The domestic sewage and/or industrial waste that is discharged into a sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

*Sewer (or sanitary sewer).* The system of pipes, conduits, and other conveyances which carry domestic sewage and/or industrial waste from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant and which are intended to exclude stormwater, surface water, and groundwater.

*Site development permit.* The record of approval of the site development plan issued to and applicant.

*Site development plan.* Detailed engineered drawings and accompanying text clearly describing the site development improvements.

*Solid waste.* Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

*Spring.* A point or zone of natural groundwater discharge, whether constant or intermittent, having measurable flow, or a pool, and characterized by the presence of a mesic plant community adapted to the moist conditions of the site.

*Start of construction.* The first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

*State.* The State of Texas.

*Steep slope.* Defined as a 400% grade, as defined for the purposes of setbacks.

*Stormwater drainage system.* A conveyance or system of conveyances including roads with drainage systems, catch basins, curbs, gutters, ditches, manmade channels, or storm drains designed or used for collecting or conveying stormwater.

*Stormwater pollution prevention plan (SWPPP).* A plan required by either the TPDES construction site general permit or the TPDES industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity.

*Streams.* Perennial and intermittent watercourses identified through site inspection and USGS maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

*Subdivision.* A division, or re-division, of any tract of land situated within the city's jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or in the future, of sale, division of ownership or building development. "Subdivision" includes re-subdivisions of land or lots which are part of previously recorded subdivisions.

*TCEQ.* The Texas Commission on Environmental Quality or its predecessor or successor agencies as defined by law.

*TPDES general permit for construction stormwater discharges.* The Construction General Permit No. TXR150000 issued by TCEQ on March 5, 2003 and any subsequent modifications or amendments thereto.

*TPDES general permit for industrial stormwater discharges.* The Industrial General Permit No. TYR050000 issued by TCEQ on August 20, 2001 and any subsequent modifications or amendments thereto.

*TPDES permit.* A permit issued by TCEQ pursuant to authority granted under 33 USC section 1342(b) that authorizes the discharge of pollutants into waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

*Transferable development intensity (TDI).* Authorization to exceed the uniform intensity levels otherwise imposed under this article on a less environmentally sensitive tract of land resulting from voluntary relinquishment of development rights otherwise allowed under this article on a more environmentally sensitive tract of land (e.g., through dedicated conservation easement). A TDI can also result from the removal of existing impervious cover within an existing development with water quality protection measures not otherwise required by this article.

*Waiver.* A grant of relief to a person from the requirements of this article when specific enforcement would result in unjustifiable or unnecessary hardship due to out-of-the-ordinary or extenuating circumstances.

*Water in the state (or water).* Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, or canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are inside the jurisdiction of the state.

*Water quality buffer zone (WQBZ).* Natural riparian areas along waterways and critical environmental features that reduce overland flow velocities and filter pollutants.

*Water quality controls.* An engineered and constructed device or system designed to protect water from pollution, control the rate and flows of stormwater runoff, and/or minimize erosion and sediment deposits from stormwater runoff.

*Watershed.* The total area contributing runoff to a stream or drainage system.

*Wetland.* An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions and conforms to the U.S. Army Corps of Engineers' definition. Wetlands generally include swamps, marshes, bogs, and similar areas.

*Yard waste.* Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

Secs. 9.04.003–9.04.030 Reserved

Division 2. Public Pollution Prevention Controls

Sec. 9.04.031 Prohibitions

Per the city comprehensive plan, it is the intent of the following prohibitions to eliminate sources of pollution affecting watersheds and aquifers.

(1) General prohibitions.

(A) No person shall discharge, or cause, suffer or allow the discharge, of any wastes, substances or other materials into or adjacent to any water in the state which causes or will cause pollution of any water in the state, except where otherwise exempt or allowed through permit by the TCEQ.

(B) No person shall introduce or cause to be introduced into a stormwater drainage system any pollutants or other discharge that is not composed entirely of stormwater, except where otherwise exempt or allowed through permit by the TCEQ.

(2) Specific prohibitions.

(A) No person shall introduce or cause to be introduced into a stormwater drainage system any discharge that causes or contributes to causing a violation of a water quality standard established by law.

(B) No person shall introduce, discharge, or cause, suffer or allow a release of any quantity of the following substances into a stormwater drainage system:

(i) Motor oil, antifreeze, or any other motor fluid;

(ii) Industrial waste;

(iii) Asphalt;

(iv) Hazardous waste, including hazardous household waste;

(v) Domestic sewage, septic tank waste, grease trap waste, or grit trap waste;

(vi) Garbage, rubbish or yard waste beyond that yard waste that typically washes off a yard during a rain event;

(vii) Wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance operation at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity that operates more than two such vehicles;

(viii) Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;

(ix) Wastewater from commercial floor, rug, or carpet cleaning;

(x) Wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance as defined by EPA or TCEQ; or any wastewater from the wash-down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

- (xi) Effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;
- (xii) Ready-mixed concrete, mortar, ceramic, or asphalt base material or hydromulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
- (xiii) Runoff or washdown water from any animal pen, kennel, or fowl or livestock containment area;
- (xiv) Filter backwash from a swimming pool, or fountain, or spa;
- (xv) Swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (xvi) Discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
- (xvii) Fire protection water containing oil or hazardous substances or materials (except for discharges or flows from firefighting activities by a locally accredited fire department);
- (xviii) Water from a water curtain in a spray room used for painting vehicles or equipment;
- (xix) Contaminated runoff from a vehicle wrecking yard;
- (xx) A substance or material that will damage, block, or clog the stormwater drainage system;
- (xxi) Release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
  - a. The discharge complies with all state and federal standards and requirements;
  - b. The discharge does not contain a harmful quantity of any pollutant;
  - c. The discharge does not contain more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).
- (C) No person shall introduce into a stormwater drainage system any quantity of sediment, silt, dirt, soil, sand or other material associated with clearing, grading, excavation or other development activities, or associated with landfilling or other placement or disposal of soil, rock, sand or other earth materials, in excess of what could be retained on-site or captured by employing sediment and erosion control measures to the minimum extent required by this article.
- (D) No person shall connect a line conveying sanitary sewage, whether domestic or industrial, to a stormwater drainage system, nor allow such a connection to continue if discovered.



(E) No person shall cause or allow any pavement washwater from a gasoline service station, constructed after the effective date of this article, to be discharged into a stormwater drainage system unless such washwater has first passed through a grease, oil, and sand interceptor which is properly functioning and maintained.

(F) Pesticide, herbicide and fertilizer regulation.

(i) Any license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for sale, distribution, application, manufacture, transportation, storage, or disposal of a pesticide, herbicide or fertilizer must be presented to an authorized city enforcement officer for examination upon request.

(ii) No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.

(iii) No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters in the state.

(iv) No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters in the state.

(G) Used oil regulation.

(i) No person shall discharge used oil into a stormwater drainage system or a sewer, drainage system, septic tank, surface water, groundwater, or watercourse.

(ii) No person shall knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill.

(iii) The application of used oil shall be allowed for the uses of used oil that are defined in 40 CFR 279.1.

(iv) All businesses engaged in the changing of motor oil for the public, all municipal waste landfills, and all fire stations may serve as public used oil collection centers as provided by state law.

(v) A retail establishment which sells motor oil in containers directly to the public for use off-premises shall post in a prominent place a sign informing the public that improper disposal of used oil is prohibited by law. The sign shall prominently display the toll-free tele-phone number of the state used oil information center.

(Ordinance 2011-005, sec. 156.002, adopted 3/3/11; Ordinance 2019-44 adopted 12/5/19)

Sec. 9.04.032 Permit determination

(a) Exemptions. The following are exempt from the provisions of this article:

(1) Development or redevelopment that adds less than 5,000 square feet of new impervious cover.

(2) Development of a single-family residence on an existing platted lot.

(3) Development of a single-family residence that creates more than 5,000 square feet of new impervious cover and provides erosion and sediment control during construction and is in compliance with the water quality buffer zone requirements found in section 9.04.063.

(4) Agricultural activities.

(b) Alternate standards compliance. Development that meets the following criteria need not comply with section 9.04.061(a) (provide structural or nonstructural BMPs):

(1) Not part of a common plan of development and the project impervious cover is less than 15% and the cluster development sections (individual drainage areas) have impervious cover less than 20 percent.

(2) The street and drainage network is designed to include the use of open roadway sections (no curb and gutter), ribbon curb, drainage channels and the maintenance of sheet flow.

Secs. 9.04.033–9.04.060 Reserved

### Division 3. Development Pollution Controls

#### Sec. 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 non-structural 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.

(1) Performance standards.

(A) 5 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.

(B) Greater than 5 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.

(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.

(Ordinance 2011-005, sec. 156.003, adopted 3/3/11; Ordinance 2019-44 adopted 12/5/19)

Sec. 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) The maximum impervious cover limit is 30%.

(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  $1 \times 10^{-6}$  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% impervious cover are not required to provide technical demonstration for removal of pollutants, but must incorporate sufficient water quality control measures. 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:
    - (i) Catchment area/roof, which is the surface on which the rain falls;
    - (ii) Gutters and downspouts, which transport the water from the catchment area to storage;
    - (iii) Leaf screens and roof washers, which are used to filter out debris;
    - (iv) Cisterns or storage tanks where collected rainfall is stored;
    - (v) Conveyance, which is the method of delivering the water either by gravity or pump; and
    - (vi) 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:

- (i) The entire system, including rainwater collection, conveyance and storage, shall be isolated from the site stormwater system.
  - (ii) The collected rainwater shall be used for on-site irrigation, residential potable water use, or other purposes as approved by the city.
  - (iii) The system shall comply with the pollution control performance standards of section 9.04.061(a) and (b).
  - (iv) 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% 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 10 percentage points credit toward additional 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:
- (i) For each three (3) 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 (1) acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten (10) percentage points;
  - (ii) For each six (6) 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 (1) acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten (10) percentage points; or
  - (iii) For each six (6) 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 (1) acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten (10) percentage points.

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

- (i) The transferring tract and the receiving tract must be located within the city limits or the city's ETJ;
- (ii) The transferring tract does not include a WQBZ or CEF;
- (iii) The receiving tract must comply with the water quality control standards of this article;
- (iv) The transferring and the receiving tracts must be concurrently platted and must transfer development intensity at that time;
- (v) The TDI must be noted on the plats of the transferring and receiving tracts; and
- (vi) 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 set-back 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.

(Ordinance 2011-005, sec. 156.004, adopted 3/3/11; Ordinance 2019-44 adopted 12/5/19)

#### 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 this ordinance.

(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 5 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 6400 [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 (5) 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.

Sec. 9.04.064 Critical environmental feature (CEF) 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 one hundred (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.

Sec. 9.04.065 Erosive flow controls

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, to clearly identify all erosion and sediment control measures to be installed and maintained throughout the duration of the project, a de-tailed 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 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 10 acres and are sized to capture the runoff from the 2-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:

(i) Conducting development activity without an approved erosion control plan, when required, for the location where the violation occurred.

(ii) 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.

(iii) 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.

(iv) Allowing sediment-laden water resulting from below-ground installations to flow from a site without being treated through an erosion control device.

(v) Failing to repair damage to existing erosion control devices, including replacement of existing grass or sod.

(vi) 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 1 or more acres of total land area, or that are part of a common plan of development or sale within which 1 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 Blanco County Development Rules and Regulations, 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 in-to the site design manage post-development peak runoff rates to be equal to or less than existing runoff rates for the 2-year, 10-year, 25-year, and 100-year storms or demonstrate no negative impact to downstream property owners per the Blanco County DRR or other guidance approved by the city engineer.

(6) Cut and fill stabilization. A cut or fill with a finished grade steeper than 33% 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 re-viewed and approved by the city without a waiver to this requirement.

#### Sec. 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.

#### Sec. 9.04.067 Water quality controls (WQC) 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.

#### Division 4. Administration and Enforcement

##### Sec. 9.04.101 Waivers

- (a) **Presumption.** There shall be a presumption against waivers. However, if the applicant requests a waiver in writing, the board of adjustment may authorize a waiver from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.
- (b) **Identification.** All waivers requested for a project must be identified during the platting and/or site plan approval process (as may be applicable).
- (c) **Conditions.** In granting a waiver, the board of adjustment shall prescribe upon the applicant only conditions that it deems necessary to or desirable in the public interest.
- (d) **Considerations.** In making the findings required below, the board of adjustment shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of such waiver on the public health, safety, convenience and welfare in the vicinity.
- (e) **Findings.** No waiver shall be granted unless the board of adjustment finds that all of the following provisions are met, and the burden shall be on the developer to show that these provisions are satisfied:
  - (1) That there are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;
  - (2) That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;
  - (3) That the granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - (4) That the granting of the waiver will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.
- (f) **Pecuniary hardship.** Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.
- (g) **Minimum departure.** When the board of adjustment determines that a waiver is warranted, the waiver permitted shall be the minimum departure from the terms of this article necessary to avoid such deprivation of privileges enjoyed by such other property to facilitate a

reasonable use, and which will not create significant probabilities of harmful environmental consequences.

(h) Adequate basis: Option 1. It may be determined by the board of adjustment to be an adequate basis for granting a waiver that doing so will enable the applicant to create additional open space, preserve trees, maintain critical environmental features, ensure more wildlife preservation, or bring nonconforming structures (including but not limited to signs) into compliance with current regulations. The applicant shall submit a mitigation plan demonstrating how the proposed plan compensates for the waiver(s) being granted. Examples of potential mitigation include, but are not limited to, the applicant's use of rainwater harvesting, vegetative filter strips and other non-structural BMPs as well as agreement to further limit impervious cover below what is required by this article. This section is designed to achieve a more favorable outcome for the general public than would be possible complying with the strict mandates of this article.

(i) Adequate basis: Option 2. It may be determined by the board of adjustment to be an adequate basis for granting a waiver that the applicant provides the city with a proposal pursuant to which the applicant presents a site exceeding the standard impervious cover rates with a mitigation plan that compensates for the additional impervious cover. Examples of potential mitigation include, but are not limited to, the applicant's acquisition of TDIs to offset the additional impervious cover.

#### Sec. 9.04.102 Enforcement; penalties

(a) Civil and criminal penalties apply. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.

(b) Criminal prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of this code. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

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

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

(2) A civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and

(3) Other available relief.

(d) Administrative action.

(1) Stop work orders. When an appropriate authorized official of the city determines that there has been noncompliance with any material term, condition, requirement or agreement under this article, the person obtaining such approved plan shall be ordered by the city in writing to cease and desist from further development or construction material to the alleged noncompliance until corrected by compliance.

(2) Withholding authorizations. The city may refuse to grant development, construction, or occupancy approvals for improvements for a property that does not fully and completely comply with all terms and conditions of this article. Without limiting the type or number of approvals the city may withhold, the city is specifically authorized to refuse to grant site development permits, building permits, utility connections, and certificates of occupancy.

**SECTION 3. EFFECTIVE DATE; IMPLEMENTATION AND ENFORCEMENT DATE**

This ordinance is effective immediately. The City Administrator shall, within 10 days after such effective date, cause the publication of notice of adoption on the City’s website, the local newspaper of general circulation, and by such other and further means necessary to provide notice to the public. The City shall not seek enforcement of this ordinance until at least 30 days after the initial publication of notice in the newspaper of general circulation and the City’s website.

**SECTION 4. SEVERABILITY**

If any provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or in part, except the part held or adjudged invalid or unconstitutional.

**SECTION 5. REPEALER**

Upon adoption, the provisions of this ordinance repeal any inconsistent existing provisions of other City ordinances.

**APPROVED AND ADOPTED BY CITY COUNCIL, CITY OF BLANCO, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2022.**

CITY OF BLANCO

\_\_\_\_\_  
Mayor

220504 DRAFT

ATTEST:

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City Secretary

DRAFT