

ORDINANCE NO. 2024-017

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW FOR MODIFIED DEVELOPMENT STANDARDS FOR A SCHOOL IN THE SF-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT ON 158.843 ACRES, MORE OR LESS, OF LAND, KNOWN AS THE HUTTO INDEPENDENT SCHOOL DISTRICT (HISD) PROPERTY, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, REPEALING CLAUSE, OPEN MEETING CLAUSE, PENALTY CLAUSE AND EFFECTIVE DATE.

WHEREAS, a request has been made to the City Council of the City of Hutto, Texas to grant a Specific Use Permit to allow for modified development standards for a school on the property known as the HISD property, described in Exhibit "A", being attached hereto and incorporated herein, and;

WHEREAS, on the 20th day of February 2024, after proper notification, the Planning and Zoning Commission held a public hearing on the proposed Specific Use Permit request, and;

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed Specific Use Permit request on the 20th day of February 2024, and;

WHEREAS, on the 7th day of March, 2024, after proper notification, the City Council held a public hearing on the proposed Specific Use Permit request, and;

WHEREAS, the City Council determines that the regulations provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Article 14.02.002, Code of Ordinances (2020 Edition, as amended), City of Hutto, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

SECTION I.

1.

In accordance with the Unified Development Code Sections 10.203.18 and 10.204.2, the City Council has considered and made findings on the following matters regarding the proposed Specific Use Permit request:

10.203.21.3 Criteria

- The proposed use conforms to the Unified Development Code and is consistent with the comprehensive, neighborhood and other applicable land use and development plans.
- The proposed use is compatible with existing and permitted uses in the surrounding area and would not adversely affect property near the site.
- The site is a legal building lot.

10.203.21.5 Conditions

- The Planning and Zoning Commission and/or City Council may impose conditions on a specific use permit. Conditions for the specific use permit at issue are included in Section I subsection 2, below.

- Specific use permit approval does not run with the land, and expires with the end of the approved use.

10.203.21.6 Amendments

- Technical or engineering considerations during construction may call for minor deviations from approved specific use permits. Development Services staff may approve minor deviations if they conform to City regulations, and are consistent with the intent of the original specific use permit approval.
- Changes to approved specific use permits that Development Services staff finds are not minor deviations, including Planning and Zoning Commission imposed conditions, require approval through specific use permit review process, requiring a new application.

10.204.2 Effective date and expiration

- Specific use permits expire one (1) year from the date of approval by City Council.

2.

This Specific Use Permit request is subject to the conditions as identified by the City Council and attached hereto, more particularly described in Exhibit "B". No permits shall be issued unless all of the following requirements are satisfied:

- Any modification of the approval shall require a new Specific Use Permit.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force from and after its passage.

SECTION VII. Penalty

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

READ and APPROVED on first reading on this the **7th** day of March, 2024 at a meeting of the Hutto, Texas City Council; there being a quorum present.


READ, PASSED and ADOPTED on second reading of ordinance this **21st** day of March, 2024 at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS



Mike Snyder, Mayor

Attest:



Angela Lewis, City Secretary



15/ITC/PMD 10707178-UT
(2)



DEED
4 PGS

2007069800

Special Warranty Deed

Date: August 14, 2007

Grantor: Estate of Iver Ernest Wallin, Deceased

Grantor's Mailing Address:

Estate of Iver Ernest Wallin, Deceased
P. O. Box 232
Hutto, TX 78634
Williamson County

Grantee: Hutto Independent School District

Grantee's Mailing Address:

Hutto Independent School District
P. O. Box 430
Hutto, TX 78634
Williamson County

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

100 acres of land, more or less, out of the JOHN DYKES SURVEY, ABSTRACT NO. 186, Williamson County, Texas, being a portion of that certain 238 acre tract, called Tract 1, and that certain 100 acre tract, called Tract 2, conveyed to Iver E. Wallin in an executor's deed recorded in Document Number 2001059720 of the Official Public Records of Williamson County, Texas. Said 100 acres of land being more particularly described by metes and bounds in Exhibit A attached hereto and made a part hereof

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2007, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the 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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

Joyline Wallin Kovar

Joyline Wallin Kovar, Independent Executrix of the Estate of Iver Ernest Wallin, Deceased

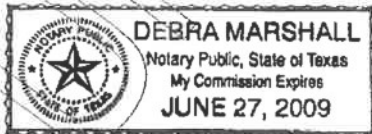
STATE OF TEXAS)

COUNTY OF WILLIAMSON)

This instrument was acknowledged before me on August 14, 2007, by Estate of Iver Ernest Wallin, Deceased.

Debra Marshall

Notary Public, State of Texas



PREPARED IN THE OFFICE OF:

Enochs & McLean
700 N. Main St.
P. O. Box 751
Taylor, TX 76574
Tel: (512) 352-3626
Fax: (512) 365-5556

AFTER RECORDING RETURN TO:

Independence Title Company
120 Ed Schmidt Blvd., Suite F
Hutto, TX 78634

For Forwarding to:

*Heather Pettland
Densler, Fowler, Depeworth
& Schwartz, LLP
811. Congress Ave, Ste 800
Austin, TX 78701*

EXHIBIT A

FIELD NOTES TO ACCOMPANY MAP OF SURVEY
100.00 ACRES OF LAND
JOHN DYKES SURVEY, A-186
WILLIAMSON COUNTY, TEXAS

FIELD NOTE DESCRIPTION OF 100.00 ACRES OF LAND OUT OF THE JOHN DYKES SURVEY, ABSTRACT NO. 186, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 238 ACRE TRACT, CALLED TRACT 1, AND THAT CERTAIN 100 ACRE TRACT, CALLED TRACT 2, CONVEYED TO IVER E. WALLIN IN AN EXECUTOR'S DEED RECORDED IN DOCUMENT NUMBER 2001059720 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. THE SAID 100.00 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. on the south right-of-way line of F.M. 1660 on the east line of the said Tract 2 at the southeast corner of that certain portion of Tract 2 conveyed to the State of Texas by deed recorded in Volume 476, Page 578 of the Deed Records of Travis County, Texas, the same being an interior corner of that certain 163.89 acre tract conveyed to Richard H. Kruger & wife, Frances M. Kruger by deed recorded in Volume 491, Page 547 of the Deed Records of Williamson County, Texas, from which an iron pipe found extending approximately two feet above the ground bears N 20°05'05" W, 1.17 feet and a concrete right-of-way monument found on the north right-of-way line of F.M. 1660 bears N 69°45'55" E, 1209.66 feet and then N 20°14'05" W, 80.00 feet;

THENCE, S 20°05'05" E, a distance of 775.25 feet to a 1 inch diameter steel pin found at the southerly southwest corner of the said 163.89 acre Kruger tract, the same being the northwest corner of that certain 14.00 acre tract described in a Contract for Sale to Howard Ray Sladek recorded in Volume 867, Page 747 of the Deed Records of Williamson County, Texas;

THENCE, S 20°14'32" E, a distance of 1007.92 feet along the west line of the said 14.00 acre Sladek tract and then the west line of that certain 27.36 acre tract described in a deed to Howard R. Sladek recorded in Volume 866, Page 661 of the Deed Records of Williamson County, Texas, to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc., from which a 1 inch diameter steel pin found on the west line of the said 27.36 acre Sladek tract at the southeast corner of the said Tract 2 bears S 20°14'32" E, 1221.56 feet;

THENCE, S 70°00'01" W, a distance of 2599.79, crossing the said Tract 1 and Tract 2, to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. on the west line of the said Tract 1, the same being the east right-of-way line of F.M. 1660 and that certain tract conveyed to the State of Texas recorded in Volume 476, Page 593 of the Deed Records of Williamson County, Texas, from which a broken concrete right-of-way monument found on the east line of the said State of Texas tract and east right-of-way line of F.M. 1660 bears S 19°59'59" E, 611.80 feet;

THENCE, along the east and south right-of-way lines of F.M. 1660, the same being the east and south lines of the said tracts conveyed to the State of Texas in Volume 476, Page 593 and Volume 476, Page 578 of the Deed Records of Williamson County, Texas, the following three (3) courses and distances:

- 1) N 19°59'59" W, 670.13 feet to a concrete right-of-way monument found;
- 2) With a curve to the right, having a central angle of 89°48'20", a radius of 1106.28 feet, an arc of 1733.99 feet and a chord bearing and distance of N 24°52'12" E, 1561.86 feet to a broken concrete right-of-way monument found;
- 3) N 69°45'55" E, 1492.50 feet to the **PLACE OF BEGINNING**, containing 100.00 acres of land, more or less.

BEARINGS ARE BASED ON NORTH, N.A.D. 83 BY GPS METHODS.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS 2007069800

Nancy E. Rister

08/16/2007 10:47 AM

JACKIE \$28.00

NANCY E. RISTER, COUNTY CLERK

WILLIAMSON COUNTY, TEXAS

Unofficial Document



January 8, 2024

City of Hutto
500 West Live Oak Street
Hutto, TX 78634

Re: Hutto Independent School District – Elementary School #8
LPA Project No. 31679

Attention Development Services Department,

This Letter of Intent describes the specific areas of the Unified Development Code (UDC) that LPA, Inc. and Hutto Independent School District (HISD) are deviating from as part of the new Hutto Elementary School #8 project. Each deviation is addressed, separated, and supported by back-up documentation over the following pages. In each case we have been guided by our collective desire to be good stewards of tax-payer dollars, while we adhere to the “spirit” of the UDC as fully as possible.

- **Exhibit A: Day Care: Child (10.307.9)**

As noted in the UDC, a “day care with more than six children may be appropriate in some residential areas, but the use requires special attention to find if it will adversely affect the surrounding area.” (UDC 118).

The proposed day care is intended for HISD staff children only. The facility will be 15,000 sf and the capacity will be 105 children under age 4. The day care will have its own administration department, separate playgrounds for age groups, as well as a dedicated secured vestibule at the main entrance and parking. This will be beneficial to district staff, for new hires, and employee retention.

- **Exhibit B: Bulk, Setbacks and Buffers - Primary and Accessory Structures (10.403.4.2)**

Per UDC Section 10.403.4.2, primary structures in Zoning District SF-1 shall have a maximum building height of 35 ft. / 2.5 stories. While a majority of the school complies with this requirement, one classroom wing is a 2-story volume with an inset roof that maximum roof edge height of 39'-6". This is to allow natural light into the classroom spaces on the 2nd level. This area is set behind the primary street frontages, as shown in Exhibit B, and allows for the campus to meet the program requirements in a way that is both efficient for daily instruction and a responsible use of public funding.

- **Exhibit C: Architectural Style, Language, and Materials (10.406.6.2, 3, 4, 5, 6, 7)**

Exhibit C includes a copy of Texas House Bill (H.B.) 2439 which prohibits the regulation of building products, materials, and methods beyond what is permitted in a national code model within the last three years. Our reading and interpretation of the bill concludes the following:

- H.B. 2439 Section 3000.002.a.1 relieves us of any material requirements found in UDC Section 10.406.6.7.
- H.B. 2439 Section 3000.002.a.2, specifically the use of the word “aesthetic”, relieves us of the articulation and language requirements found in UDC Sections 10.406.6.2, 10.406.6.3, 10.406.6.4, 10.406.6.5, and 10.406.6.6.

January 8, 2024

The design of Hutto Elementary School #8 intends to comply with the language of the UDC whenever possible and will contribute in a positive way to Hutto's sense of place and cohesive architectural style.

- Per UDC Section 10.406.6.2, the buildings, freestanding canopies, accessory and maintenance buildings, and dumpster enclosures at Hutto Elementary School #8 will share a common, identifiable, complementary design or style. Different architectural styles will not be mixed on the campus.
 - Per UDC Section 10.406.6.3, the design of Hutto Elementary School #8 avoids a single, large, dominant building mass and uses distinctive and complementary language to identify major entrances, classroom spaces, and unique spaces throughout the campus. The activities inside the campus buildings inform the building's recesses and projections, changes in height, and materiality. Taller, more monolithic masses are set behind the more dynamic street-facing building areas.
 - Per UDC Section 10.406.6.4, Hutto Elementary School #8 will use limestone masonry as the primary wall material at grade, with glass curtain walls and vertical standing seam metal panel accent walls at major entries, and metal panels at high walls set back from the main façade. The facades have strong parapet terminations that stand proud of clerestory windows and sloping high roof overhangs that are set back from the primary facades.
 - Per UDC Section 10.406.6.4.3 and 10.406.6.4.4, a majority of the campus facades comply with the requirements for walls more than 100 ft in length to have projections of 3% of the façade length that extend at least 20% of the façade length and multiple elements breaking up facades over 30 ft in length; however, the requirements are not met at all times. In an effort to maximize public funding, maximize educational space, and minimize security risks, some volumes do not have deep jogs or material changes every 30 ft. The gymnasium, for example, requires straight long-span structural members and solid, consistent perimeter walls. These spaces are set behind the street-facing facades, in the least-visible area of the site.
 - Per UDC Section 10.406.6.5.1, high roof forms at Hutto Elementary School #8 are used to denote building entrances and major circulation routes within. The campus roofs slope a minimum of 1ft of vertical rise for every 4ft of horizontal run, in compliance with the International Codes.
 - UDC Section 10.406.6.7 requires masonry to be used as the primary material, with corrugated metal used on no more than 25% of the area of the exterior walls of the building. We are compliant with this Section.
- **Exhibit D: Landscape (10.407.5.1.2, 10.407.5.2)**

Per the City of Hutto Unified Landscape Code (UDC) and the City of Hutto and HISD Interlocal Agreement, the attached plans are submitted for review and approval under a Specific Use Permit Request. Due to site constraints including the Hutto Independent School District (the District) required parking spaces for the onsite Hutto Elementary School and the health, safety, and welfare of the students, faculty and staff, the proposed landscape design provides the highest reasonably achievable level of landscape per the UDC and the City of Hutto and HISD Interlocal Agreement. The proposed overall landscape plan, we believe, meets the general intent as outlined in the ordinance.

The following areas are currently identified as deficient due to the above-mentioned constraints:



January 8, 2024

- o 10.407.5.1.2 Required landscaping-non-residential and 5+ household residential development

Tree and shrub requirement for commercial, multifamily, office and professional, and institutional and civic uses. For every 500 square feet of landscaping required, or portion thereof, at least two (2) large tree and four (4) shrubs are required. Two (2) small ornamental trees may be substituted for one (1) required large tree, not to exceed 50% of the required large trees.

- o 10.407.5.2 Parking lot and vehicular use screening
 - 10.405.9.4 Motorcycle parking spaces

The perimeter of all vehicular use areas including parking areas, drive aisles, and loading areas shall be screened as follows:

- Vehicular use areas shall be screened from all abutting rights-of-way by a continuous landscaped area not less than 10 ft. deep.
- Vehicular use areas shall be screened from all abutting private property by a continuous landscaped area not less than 8 ft. deep.
- Landscape screening shall contain one (1) large tree per thirty (30) linear feet, or portion thereof, and a continuous hedge not less than 3 ft. in height.
- In addition to the required vehicular use screening, all outdoor parking shall have landscaping islands within the parking area equal to not less than 7% of the gross parking lot area.
- Landscape islands shall be required on both ends of all parking aisles, if such spaces are not adjacent to another landscaped area or entry throat.
- Not more than ten (10) consecutive parking spaces shall be provided without a landscaped island.
- Landscape islands shall be a minimum of 9 ft. wide and 18 ft. deep, and shall contain at least one (1) large tree and four (4) shrubs.
- Driveways and entry throats shall contain at least one (1) large tree and five (5) shrubs on each side.
- Required parking lot landscaping may be counted toward the minimum landscaped area required in Section 10.407.5.1.
 - Motorcycle parking is not required for the school site.

The nature of the site area being developed is an elementary school, daycare facility and associated parking lots to accommodate their required needs. Therefore, based on this site constraint, the ability to provide the required tree requirements within the remaining unincumbered site area is very limiting.

Also, the District has concerns in planting screening trees and shrubs within parking areas due to safety. Shrubs can create hiding places that students or unwanted visitors can use to avoid being seen. Maintaining site visibility to prevent vehicular or pedestrian blind spots to reduce potential accidents and incidents are a key concern for this elementary school campus for the District.

In response to the parking site constraints and District safety concerns, we are proposing the following based on the deficient code sections above:

- A reduction in approximately 70% of the required large trees and landscape planting and no screen shrubs that are required within the project’s limit of construction.
- Please refer to the Landscape Calculation Chart in the submitted landscape plans (LO.02) for specific areas noted as deficient.

Summary:



January 8, 2024

Therefore, based on the items presented, the District is requesting the proposed landscape plan for the proposed project to be accepted under a Specific Use Permit Landscape Proposal as we believe it meets the intent and spirit of the landscape ordinance.

Sincerely,

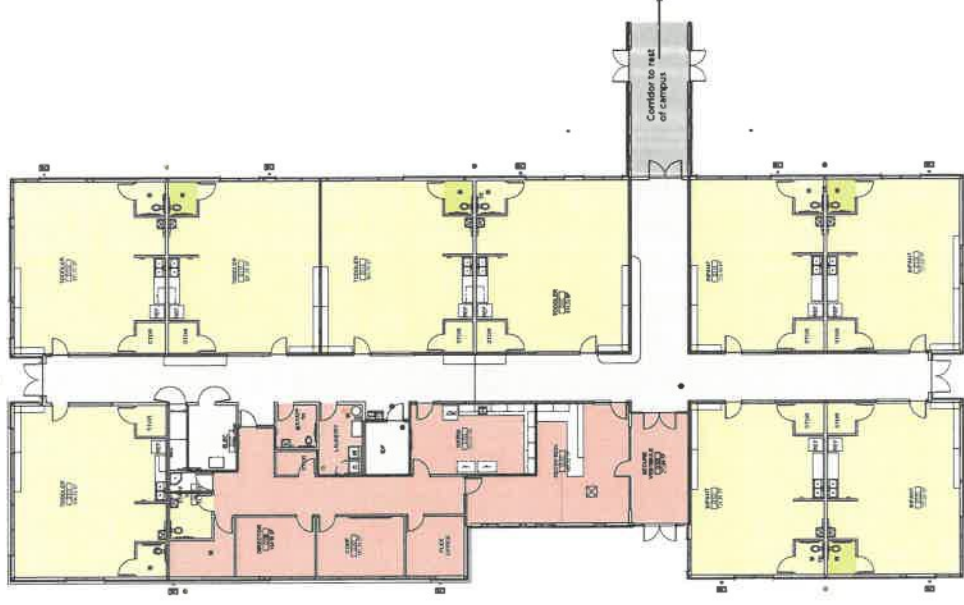
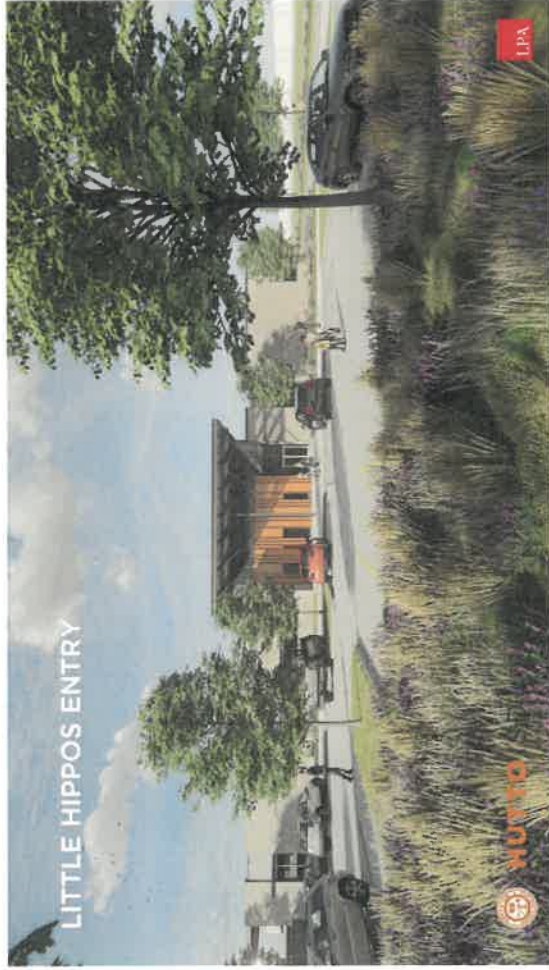
A handwritten signature in blue ink that reads "Clare Lassus".

Clare Lassus, LEED AP BD+C | Project Architect
LPA, Inc.

Works Cited

Unified Development Code - Hutto,
www.huttotx.gov/DocumentCenter/View/438/Unified-Development-Code-Chapter-2--Table-of-Contents---Administration-PDF. Accessed 28 Dec. 2023.

City of Hutto and HISD Interlocal Agreement - November 9, 2023



LEVEL 1 - LITTLE HIPPOS



EXHIBIT A - LITTLE HIPPOS DAYCARE

Elementary School #8

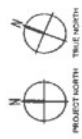


EXHIBIT B - ROOF HEIGHTS
Elementary School #8

AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

(2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

(b) A governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with Subsection (a).

(c) This section does not apply to:

(1) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

(2) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;

(3) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program;
or

(B) applies to outdoor lighting within five miles

of the boundary of a military base in which an active training program is conducted;

(4) an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019;

(7) a building located in an area designated as a historic district on the National Register of Historic Places;

(8) a building designated as a Recorded Texas Historic

Landmark;

(9) a building designated as a State Archeological Landmark or State Antiquities Landmark;

(10) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

(11) a building located in a World Heritage Buffer

Zone; and

(12) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section 442.014.

(d) A municipality that is not a municipality described by Subsection (c)(5)(A) or (B) may adopt or enforce a regulation described by Subsection (a) that applies to a building located in a place or area designated on or after April 1, 2019, by the municipality for its historical, cultural, or architectural importance and significance, if the municipality has the voluntary consent from the building owner.

(e) A rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with this section is void.

Sec. 3000.003. INJUNCTION. (a) The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section 3000.002.

(b) The court may grant appropriate relief.

(c) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

(d) Sovereign and governmental immunity to suit is waived and abolished only to the extent necessary to enforce this chapter.

Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health and Safety Code.

Sec. 3000.005. SEVERABILITY. If any provision of a rule, charter provision, ordinance, order, building code, or other regulation described by Section 3000.002(a) is held invalid under this chapter, the invalidity does not affect other provisions or applications of the rule, charter provision, ordinance, order, building code, or other regulation that can be given effect without the invalid provision or application, and to this end the

provisions of the rule, charter provision, ordinance, order,
building code, or other regulation are severable.

SECTION 2. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 2439 was passed by the House on April 30, 2019, by the following vote: Yeas 124, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2439 on May 23, 2019, by the following vote: Yeas 133, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2439 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

APPROVED: _____
Date

Governor

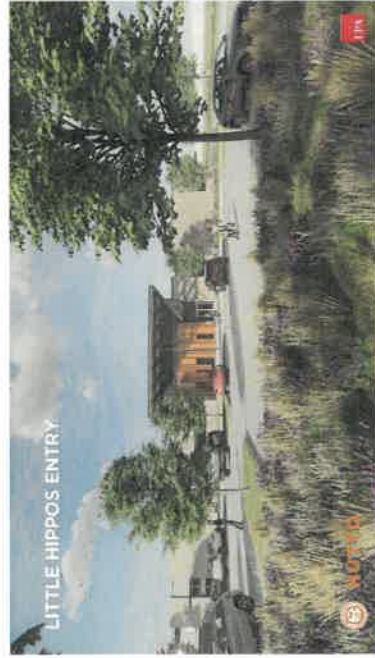
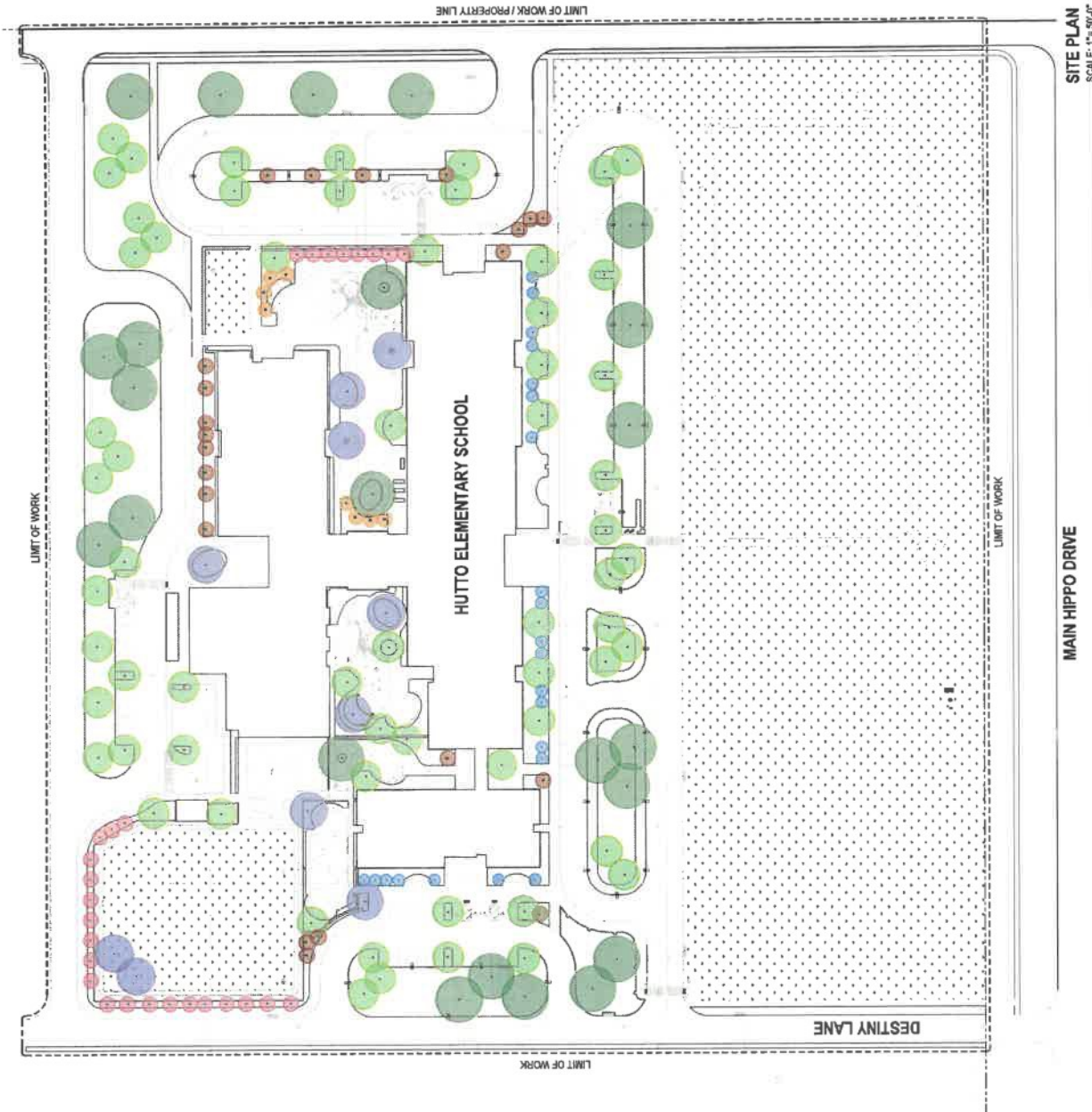


EXHIBIT C - EXTERIOR MATERIALS
Elementary School #8





PLANTING LEGEND

TREE LIST	SYMBOL	COMMON NAME	DBH	HEIGHT	SPREAD
1		WALNUT	18"	40'	25'
2		DOGWOOD	12"	30'	20'
3		DOGWOOD	8"	20'	15'
4		DOGWOOD	6"	15'	10'
5		DOGWOOD	4"	10'	8'
6		DOGWOOD	3"	8'	6'
7		DOGWOOD	2"	6'	5'
8		DOGWOOD	1"	4'	3'
9		DOGWOOD	1"	4'	3'
10		DOGWOOD	1"	4'	3'
11		DOGWOOD	1"	4'	3'
12		DOGWOOD	1"	4'	3'
13		DOGWOOD	1"	4'	3'
14		DOGWOOD	1"	4'	3'
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98		DOGWOOD	1"	4'	3'
99		DOGWOOD	1"	4'	3'
100		DOGWOOD	1"	4'	3'

SITE LEGEND



LANDSCAPE CALCULATION CHART - HUTTO ISD - HUTTO ELEMENTARY SCHOOL #8

LANDSCAPE AREA	SYMBOL	REMARKS	PROVIDED
1. LANDSCAPE AREA		100 Large Trees	100
2. BUSHES		100 Small Trees	100
3. SHRUBS / GROUNDCOVER		100 Small Trees	100
4. TOTAL TREES		100 Large Trees + 100 Small Trees	200
5. TOTAL SHRUBS / GROUNDCOVER		100 Small Trees	100
6. TOTAL TREES AND SHRUBS / GROUNDCOVER		100 Large Trees + 100 Small Trees + 100 Small Trees	300



EXHIBIT D - LANDSCAPE TREES
Elementary School #8

SITE PLAN
SCALE: 1" = 50'-0"