

**AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON NOVEMBER 20, 2006, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

- I. CALL TO ORDER**
- II. PURPOSE OF THE WORKSHOP:**
  - A. COMMISSION INPUT AND DISCUSSION: REGARDING AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE.**
- III. ADJOURNMENT**

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> November 20, 2006	<b>ITEM NO.</b>
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<b>DATE SUBMITTED:</b> November 13, 2006	<b>DEPARTMENT OF ORIGIN:</b> Planning
<b>PREPARED BY:</b> Lata Krishnarao	<b>PRESENTOR:</b> Nick Finan, Lata Krishnarao
<b>SUBJECT:</b> Joint Workshop regarding proposed modifications to Unified Development Code.	
<b>EXHIBITS:</b> Proposed Unified Development Code Changes - Draft, Highlighted Version (Only Edited Pages) sent earlier	
<b>EXPENDITURE REQUIRED:</b> None	
<b>AMOUNT BUDGETED:</b> N/A	
<b>ACCOUNT NO.</b> N/A	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A	
<b>ACCOUNT NO.</b> N/A	
<b>FUNDS AVAILABLE</b> _____ (Finance Department Approval)	

**EXECUTIVE SUMMARY**

This is a joint workshop to discuss the proposed modifications to the Unified Development Code adopted on February 27<sup>th</sup>, 2006. This workshop was previously scheduled for September 18, 2006, October 2, 2006, October 16, 2006, and November 6, 2006 but was postponed at that time.

At the time of adoption, it was discussed that periodic modifications would be required to the UDC in response to the changing requirements of the City and the Development Community, and to clarify some sections where discrepancies and inconsistencies were discovered.

A workshop and a joint public hearing were conducted in July and August of 2006. At that time the Council indicated that a few more workshops were needed to discuss some of the issues.

The highlighted versions of edited pages have been included with this request and will be discussed in detail at the workshop.

In general, some of the modifications include:

1. Chapter 1 - clarification of posting requirements, appeals procedure, and vested rights petition dates.
2. Chapter 2 – clarification of net density for cluster zoning, pre-requisites for each application, expiration of building permit, buffer requirements for TH district, standards for multi-family in Spectrum, landscaping requirements for other streets in Spectrum, roof form in Spectrum, standards for recesses in Spectrum, outdoor storage screening for M-1, changes to landscaping standards in Corridor Overlay District to be consistent, revisions to the Corridor Overlay District to exempt PISD facilities from certain sections, building façade articulation, modifications to land use table, roof pitches for residential structures, and setbacks for flag lots.
3. Chapter 3 – clarification of utilities under minor plats, installation of underground utilities before building permit, trigger for sidewalk installation, and lot frontage and access through easements.
4. Chapter 4 – clarification to paving for off-street parking, driveway for day cares, parking table – add multi-use centers and shopping centers, shared parking standards, modifications to landscaping requirements for consistency, screening clarifications, height requirements for fences in side and rear yards, and signage clarifications.
5. Definitions – addition and clarification of certain terms.

Additionally, some issues have been identified to be discussed. They are:

1. **Color Palette:**

- a. Shades of Blue and Red, proposed to be added, have been sent to the Council and the Commission. Also brighter colors have been deleted. Need input and approval from the Council and Planning & Zoning Commission.
- b. Fifteen percent exemption: Building colors shall be provided in accordance with an approved color palette, available in the City's Planning Office. Window/door trim, fascia, soffit, portions of façade, or similar elements of the building façade are exempt from the color palette as long as the total area of those elements do not exceed fifteen percent (15%) of the building façade for any side of the building.  
*Please refer to the palette sent earlier.*

1. **Façade Requirements:**

- a. Requirements for M-1 and M-2 zoned properties on local streets.  
Modify requirements from 100% masonry and glass to 24-gauge or heavier architectural panels with concealed fasteners and no exposed seams.
- b. Exemption for Mykawa:  
Clarify and define the area better.
- c. Allow structures in M-1 and M-2 to be have 100% masonry for front façade but allow 24-gauge or heavier architectural panels for the sides, if setback more than 250' from the street.  
*See highlighted copies sent earlier.*

1. **Multi-Tenant Signs for Dead-End Streets.**

Location: Intersection of dead end streets with through streets.  
(Thoroughfares only?)  
Length of dead end streets?

Where: Private Property  
One side or both sides of the intersection?

Number: One per each corner?

Type: Ground Signs

Height: 15' max + 2' for base

Size: 100 sq. ft. + 20 sq. ft. per tenant, up to 200 sq. ft.  
Setback: No closer than 10' to property line  
*To be discussed.*

**2. Sign Matrix:**

Discuss the sign matrix for temporary signs.  
*Refer to the matrix sent earlier.*

**3. Planned Developments:**

Add informal workshop requirement. This was required by the Land Use and Urban Development Ordinance but was eliminated in the UDC.  
*To be discussed.*

**4. Temporary Fairs, Carnivals etc:**

Add requirements in the city codes. Permit by a Conditional Use Permit (CUP) in all districts.  
*To be discussed.*

**5. Subdivisions:**

Clarification that completion of public improvements or a performance bond is required before submittal and approval of final plat. The UDC refers to recordation instead of approval in certain sections.  
*See highlighted copies sent earlier.*

**6. Landscaping Requirements:**

- a. Refer to the "Replacement Tree List" for minimum requirements instead of the non-existent "Class I and Class II of the Guidelines".
  - b. Correct the required caliper inches to 12" for consistency.
- See highlighted copies sent earlier.*

**PLEASE BRING THE HIGHLIGHTED VERSION OF THE UDC CHANGES SENT TO YOU PREVIOUSLY.**

**RECOMMENDED ACTION**

**Conduct the workshop.**

Division 2 – Exterior Building Design Requirements

**Section 2.6.2.1 Applicability & Requirements**

(a) **Applicability.** The standards and criteria contained within this division are deemed to be minimum standards and shall apply to all new, altered or repaired construction of residential and nonresidential buildings within the City that are visible from the applicable thoroughfare, as referenced in *Table 2-2*, on which the building has frontage.

*Table 2-2  
Building Façade References By Roadway Classification & Zoning District*

ROADWAY CLASSIFICATION	ZONING DISTRICTS	
	MF, C-MU, G/O-MU, OP, NS, GB, C	M-1, M-2
Thoroughfare	(1)	(4)
Collector	(1)	(2) (4)
Other	(1) (2) (3)	(2) <b>(3)</b>

\* Refer to individual zoning district regulations for façade material requirements for the Spectrum district, BP-288 district, OT District, and COD district.

(b) **Requirements.** The materials used on the exterior facades of all buildings within the City shall conform to the requirements referenced, and in accordance to the appropriate zoning district and roadway classification, in *Table 2-2*. "Roadway classification" refers to the way in which the applicable roadway is classified on the City's adopted Thoroughfare Plan.

(1) Minimum exterior wall standards (façade) shall be one hundred percent (100%) masonry or glass. These standards shall apply to any wall or portion of a wall visible from the roadway (private or public) or abutting residential zoning districts.

a. Existing buildings shall also conform to façade requirements upon a change of occupancy, occupant (if use has been abandoned per Section 2.7.3.6), or expansion exceeding one thousand (1,000) square feet in area of exterior dimensions of a nonresidential or multi-family structure for which a permit is required.

b. New and existing structures, including expansions, that are at least two hundred and fifty feet (250') from the specified roadways shall only be required to meet these requirements within Subsection (3) below. The two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.

c. Subsection (b)(1)b. above shall not apply to the following:

1. Any building that contains a single business and that has a footprint of eighty thousand (80,000) square feet or more.



- 2. Any building that contains multiple businesses and that has a footprint of eighty thousand (80,000) square feet or more.
  - 3. Multiple buildings and/or multiple businesses on a single site or parcel of land.
  - 4. Any collection of buildings that is classified by the City as a shopping center, business park, or integrated business development and that is not otherwise specified in Subsection 1, 2, or 3 above.
- d. The Planning and Zoning Commission may make an exception to the requirements of Subsection (b)(1) above for franchise businesses that have an established theme. In order to make such exception, the franchise business cannot have varied from the established theme in any other instance or other city. Such information shall be provided by the City Planning Director and/or the franchise business representative.
- e. Other exemptions from (b)(1) for existing structures are provided within Subsection (d)(2) below.

- (2) Buildings built prior to January 1, 2001 are exempt from the (facade) requirements of this section unless required by the adopted Building Code.
- (3) Minimum exterior wall standards (facade) shall be a minimum of 24-gauge or heavier architectural panels (wall systems) with concealed fasteners and no exposed seams. Corrugated metal, exposed fasteners, and exposed seams are prohibited.
  - a. Within a GC (General Commercial) zoning district and where more than sixty percent (60%) of the existing nonresidential structures along both sides of the same street and lying between the two nearest intersecting streets do not comply with the minimum facade standards, architectural panels (wall systems) shall be insulated panels with a rock or rock-like coating or comply.

- (4) Unless (2) above applies, masonry, stucco or EIFS materials shall be required on one hundred percent (100%) of the front façade of any building that faces onto a thoroughfare or collector. Side facades of such buildings shall be a minimum fifty percent (50%) masonry, stucco, or EIFS.

*For all New and existing structures including expansions, that are at least 250' from specified roadways shall require 100% masonry for front facades. Side facades of such buildings shall conform to (3) above.*

(c) Materials Permitted.

- (1) Allowed by Right: For the purpose of this section masonry materials allowed by right are brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, and split face block, stucco and EIFS (exterior insulation and finish systems).
- (2) May Be Allowed by CUP: New technologies not addressed or contemplated by these regulations may also be allowed by CUP, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein.
- (3) Trim Materials: Architectural metal may be utilized for window and door trim, fascia, or soffit.

(d) Exemptions.

- (1) New and existing structures within industrial zoning districts, M-1 Light Industrial district or the M-2 Heavy Industrial district, located along Mykawa Road between Orange Street and Beltway 8 shall be exempt from any of the façade material requirements herein.

*and Railroad tracks and Scott Lane*



INSERT

(2) Existing Structures:

- a. Existing structures that would otherwise be required to be brought into compliance with this division of the UDC may be exempt from such compliance upon issuance of a CUP.
- b. The applicant/developer may submit a bond (in an amount agreed upon by the City) or enter into a written agreement (contract) with the City to give the applicant/developer a specific time period of time within which to bring an existing structure into compliance with this division of the UDC. The City Manager or his/her designee shall be the responsible official for approval of such bond or agreement. In no case shall the agreed-upon period of time exceed five (5) years.



- (b) **Amendments.** All other proposed changes to the design of the development subject to a Preliminary Development Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Development Plat before approval of a Final Development Plat.

### Division 5: Final Subdivision Plats and Final Development Plats

#### **Section 3.1.5.1 Purpose, Applicability, Exceptions and Effect**

- (a) **Purpose.** The purpose of a Final Subdivision Plat or a Final Development Plat is to assure that the division or development of the land subject to the plat is consistent with all standards of this Unified Development Code pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this Unified Development Code to enable initiation of site preparation activities for any lot or tract subject to the plat.
- (b) **Applicability.** Construction of public improvements may occur prior to final plat approval if requirements in Section 3.1.8.1 are met.
- (c) **Exceptions.** A Final Subdivision Plat or Final Development Plat application under this division shall not be required for any land division that may be approved through the Minor Subdivision Plat procedures of Division 6 of this Article.
- (d) **Effect.** Approval of a Final Subdivision Plat <sup>is</sup> authorizes the Director to record the plat only upon completion of public improvements or posting of security, and authorizes the subdivider to install any improvements in public rights-of-way under approved construction plans and a subdivision improvement agreement, and to submit an application for a Site Preparation Permit for any lot in the subdivision.

Acceptance

#### **Section 3.1.5.2 Application Requirements**

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Final Subdivision Plat or a Final Development Plat.
- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (c) **Consent of Lienholders.** The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas policy, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. The Final Subdivision Plat or a Final Development Plat shall be signed (on the face of the plat in plain view) by each lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such lienholder consent shall be subject to review and approval by the City Attorney.



### Section 3.1.5.3 Decision

- (a) **Decision.** The Planning and Zoning Commission shall decide whether to approve, approve with conditions, or deny the Final Subdivision Plat or Final Development Plat application.
- (b) **Certification.** A notation of the action taken on each Final Subdivision Plat or Final Development Plat application and the reasons therefore shall be entered in the minutes of the Planning and Zoning Commission. The Director's notification to the applicant under Article 2, Division 2 of Chapter 1 following approval of a Final Subdivision Plat or Final Development Plat shall constitute certification that the plat has been approved by the Commission.

### Section 3.1.5.4 Criteria for Approval

- (a) The following criteria shall be used to determine whether the application for a Final Subdivision Plat or a Final Development Plat shall be approved, approved with conditions or denied:

(1) Prior Approved Preliminary Subdivision Plat or Preliminary Development Plat:

- a. The Final Subdivision Plat or Final Development Plat, conforms to the approved Preliminary Subdivision Plat or Preliminary Development Plat, as applicable, except for minor changes authorized under divisions 3 or 4 of this Article and that may be approved without the necessity of revising the approved Preliminary Subdivision Plat or Preliminary Development Plat;
- b. All conditions imposed at the time of approval of the Preliminary Subdivision Plat or Preliminary Development Plat, as applicable, have been satisfied;
- c. ~~Where~~ public improvements have been installed, ~~the~~ improvements conform to the approved construction plans and have been approved for acceptance by the City Engineer;
- d. Where the City Engineer has authorized public improvements to be deferred, the subdivision improvement agreement and surety have been executed and submitted by the property owner in conformity with Division 8 of this Article;
- e. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Chapter; and
- f. The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county, or drainage district rules, where the land is located in whole or in part within a drainage district.
- g. The plat conforms to design requirements and construction standards as set forth in the Engineering Design Criteria Manual.
- h. The plat conforms to the subdivision application checklist.

(2) No Prior Approved Preliminary Subdivision Plat or Preliminary Development Plat:

- a. The Final Subdivision Plat or Final Development Plat conforms to all criteria for approval of a Preliminary Subdivision Plat or Preliminary Development Plat, as applicable;



- b. The construction plans conform to the requirements of Chapter 3;
- c. The subdivision improvement agreement and surety for installation of public improvements have been prepared and executed by the property owner in conformity with Division 8 of this Article 1;
- d. The final layout of the subdivision or developments meets all standards for adequacy of public facilities contained in Article 2 of this Unified Development Code; and
- e. The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county, or drainage district rules, where the land is located in whole or in part within a drainage district.
- f. The plat conforms to the subdivision application checklist.

### **Section 3.1.5.5 Revisions to Final Subdivision Plat or Final Development Plat**

- (a) **Following Approval.** An applicant may apply for modification of an approved Final Subdivision Plat or Final Development Plat to reflect changes arising from installation of public improvements thereafter, provided that the approved Final Subdivision Plat or Final Development Plat has not been recorded and that approval of the modified Final Subdivision Plat or Final Development Plat occurs prior to expiration of approval of the initial Final Subdivision Plat or Final Development Plat application. If the approved Final Subdivision Plat or Final Development Plat has been recorded, revisions may only be approved under Division 7 of this Article.
- (b) **After Denial or Conditional Approval.** Following conditional approval or denial of a Final Subdivision Plat or Final Development Plat application, the applicant may submit a revised Final Subdivision Plat or Final Development Plat application, together with any revised construction plans, for approval by the Planning and Zoning Commission, provided that the revised application is approved prior to the original expiration date of any approved Preliminary Subdivision Plat or Preliminary Development Plat, as applicable, for the same land.

### **Section 3.1.5.6 Expiration and Extension**

- (a) The approval of a Final Subdivision Plat or Final Development Plat application shall remain in effect for a period of two (2) years from the date a complete application was officially submitted to the City, during which period the applicant shall submit any required revisions for approval and record the plat. If the Final Subdivision Plat or Final Development Plat has not been recorded within the two-year (2-year) period, the Final Subdivision Plat or Final Development Plat approval, unless extended in accordance with Article 2, Division 5 of Chapter 1, shall expire and the applicable plat shall be deemed null and void.

### **Section 3.1.5.7 Plat Recordation**

- (a) **Procedure.** After approval of the Final Subdivision Plat or Final Development Plat, the Planning Director shall procure the signature of the chairperson of the Planning and Zoning

Commission on the plat and shall record the Final Subdivision Plat or Final Development Plat with the county clerk of the county in which the land is located, upon the subdivider's or developer's performance of one of the following:

*Approval of Final plat is subject to one of the following*

- (1) Completion of the construction of required improvements prior to recordation, or
  - (2) Filing of security in lieu of completing construction in accordance with Division 8 of this Article.
  - (3) Regardless of which option, (1) or (2) above, is chosen, construction plans must be approved in accordance with Section 3.1.8.1 prior to approval of the Final Subdivision Plat or Final Development Plat and prior to plat recordation.
- (b) **Submittal of Record Plat Where Improvements Installed.** Where public improvements have been installed prior to recording of the plat, the property owner shall submit a maintenance bond in accordance with Division 8 of this Article from each contractor, one sealed set of "as built" mylars, and a digital copy of all plans (in a format as determined by the City Engineer), together with a letter stating the contractors' compliance with Division 8 of this Article, and bearing sealed certification by the design engineer that all public improvements have been constructed in compliance with all City construction standards. The property owner also shall submit copies of the approved Final Subdivision Plat or Final Development Plat, revised to reflect the "as built" plans or record drawings, in the format and number as may be required by the Director.
- (c) **Submittal of Record Plat Where Improvements Have Not Been Installed.** Where public improvements have yet to be completed in connection with an approved Final Subdivision Plat or Final Development Plat, the property owner shall submit in the format and number as set forth in the Engineering Standards Technical Manual, of the approved Final Subdivision Plat or Final Development Plat, revised to reflect any changes required by the Planning and Zoning Commission.
- (d) **Update of Lienholder Consents.** In conjunction with the application for a record plat, the applicant shall furnish to the City an updated title policy commitment issued by a title insurance company authorized to do business in Texas, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. If there has been any change in the lienholders since the time of the lienholder consent agreement provided under Section 3.1.5.2, the applicant shall submit a new agreement executed by each lienholder consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement shall be subject to review and approval by the City Attorney.

*Design Criteria*

*Cannot understand*

### Division 6 - Minor Subdivision Plats

#### **Section 3.1.6.1 Purpose, Applicability and Effect**

- (a) **Purpose.** The purpose of a Minor Subdivision Plat is to simplify divisions of land under certain circumstances by authorizing administrative approval of a plat.
- (b) **Applicability.** An application for approval of a Minor Subdivision Plat may be filed only in accordance with state law, when all of the following circumstances apply:



- (1) The proposed division results in four or fewer lots;
  - (2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Unified Development Code; and
  - (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way widening and easements shall be permitted as part of a Minor Subdivision Plat.
- (c) **Effect.** Approval of a Minor Subdivision Plat authorizes the Planning Director to record the plat, and further authorizes submittal of an application for a Site Preparation Permit for any lot in the subdivision.

### Section 3.1.6.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Minor Subdivision Plat.
- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (c) **Accompanying Applications.** An application for approval of a Minor Subdivision Plat may be accompanied by an application for approval of a Site Preparation Permit for the land subject to the plat, provided that the Minor Subdivision Plat shall be decided prior to decision on any Site Preparation Permit.

### Section 3.1.6.3 Decision

- (a) The Director shall decide whether to approve, approve with conditions, or deny the Minor Subdivision Plat application.

### Section 3.1.6.4 Appeals

- (a) The applicant may appeal a decision of the Director conditionally approving or denying a Minor Subdivision Plat to the Planning and Zoning Commission. The appeal shall be processed and decided in accordance with Article 3, Division 1 of Chapter 1.

### Section 3.1.6.5 Criteria for Approval

- (a) The Director, or the Planning and Zoning Commission on appeal, shall decide whether to approve, conditionally approve or deny the Minor Subdivision Plat application based upon the following criteria:
  - (1) The Minor Subdivision Plat is consistent with all zoning requirements for the property, all other requirements of this Unified Development Code that apply to the plat, and any approved development agreement;
  - (2) All lots to be created by the plat already are adequately served by all required City utilities and services;

- (3) The ownership, maintenance, and allowed uses of all designated easements have been stated on the plat; and
- (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

#### **Section 3.1.6.6 Expiration**

- (a) The approval of a Minor Subdivision Plat application shall remain in effect for a period of two (2) years from the date that a complete application was officially submitted to the City, during which period the applicant shall submit any required revisions for approval and record the plat. If the Minor Subdivision Plat has not been recorded within the two (2)-year period, the Minor Subdivision Plat approval shall expire and the plat shall be deemed null and void.

#### **Section 3.1.6.7 Recordation**

- (a) The property owner shall submit the approved Minor Subdivision Plat, following any required revisions, to the Director, who shall cause the Minor Subdivision Plat to be recorded in the property records of the county in which the land is located.

### **Division 7 - Revisions to Recorded Plats**

#### **Section 3.1.7.1 General Requirements for Plat Revisions**

- (a) **Applicability and Terminology.** The procedures in this Division 7 shall apply only if a property owner seeks to change any portion of a plat that has been filed of record with the county or a recorded covenant or restriction applicable to such plat. The term 'replat' includes changes to a recorded plat, restriction or covenant, whether the change is effected by vacating the recorded plat and approval of a new plat application, replatting without vacation, or approving an amended plat.
- (b) **City Action Required for Replats.** Except as expressly stated otherwise in this Division 7, any change to a recorded plat or a recorded covenant or restriction applicable to such plat shall be subject to approval by the Planning and Zoning Commission under requirements and procedures for approval of a Final Subdivision Plat application under Division 5 of this Article.
- (c) **Responsible Official.** The Planning Director shall be the responsible official for a replat.
- (d) **Construction Management.** If a replat requires construction of additional improvements, the provisions of Division 8 of this Article shall apply.
- (e) **Recording.** The replat shall be filed for recording in accordance with Division 5 (final plats) of this Article.

### Section 3.1.7.2 Replats Without Vacation

- (a) **Applicability.** A replat of all or a portion of a recorded plat may be approved in accordance with state law, without vacation of the recorded plat; if:
  - (1) The replat is signed and acknowledged by only the owners of the property being replatted; and
  - (2) The replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.
- (b) **Notice and Hearing.** Published notice of the public hearing on the replat application shall be given in accordance with Article 2, Division 2 of Chapter 1. The hearing shall be conducted by the Planning and Zoning Commission in accordance with Article 2, Division 3 of Chapter 1.
- (c) **Partial Replat Application.** Any replat which adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed along with a detailed "Purpose for Replat" statement.
- (d) **Criteria for Approval.** The replat of the subdivision shall meet all approval criteria for a Final Subdivision Plat.
- (e) **Effect.** Upon approval of the application, the replat may be recorded and is controlling over the previously recorded plat for the portion replatted.

### Section 3.1.7.3 Special Replat Requirements

- (a) **Applicability.** In addition to compliance with the requirements of Section 3.1.7.2 above, a replat without vacation of the preceding plat, in accordance with state law, must conform to the requirements of this section if:
  - (1) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
  - (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
- (b) **Exception.** The requirements of this section shall not apply to any approval of a replat application for a portion of a recorded plat if all of the proposed area sought to be replatted was designated or reserved for usage other than for single- or duplex-family residential usage. Such designation must be noted on the recorded plat or in the legally recorded restriction applicable to such plat.
- (c) **Notice and Hearing.** Published and personal notice of the public hearing on the replat application shall be given in accordance with Article 2, Division 2 of Chapter 1. Personal notice shall be accompanied by a copy of the language of subsection (d) below. The hearing shall be conducted by the Planning and Zoning Commission in accordance with Article 2, Division 3 of Chapter 1.
- (d) **Protest.** If the replat application is accompanied by a variance petition and is protested in accordance with this Subsection, approval of the replat shall require the affirmative vote of at

least three-fourths of the members of the Planning and Zoning Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the replat application and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the Commission prior to the close of the public hearing. In computing the percentage of land area under this section, the area of streets and alleys shall be included.

### Section 3.1.7.4 Amending Plats

- (a) **Purpose.** The purpose of an amending plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of state law.
- (b) **Applicability.** The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:
  - (1) Correct an error in a course or distance shown on the preceding plat;
  - (2) Add a course or distance that was omitted on the preceding plat;
  - (3) Correct an error in a real property description shown on the preceding plat;
  - (4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
  - (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - (6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
  - (7) Correct an error in courses and distances of lot lines between two adjacent lots;
  - (8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
  - (9) Relocate one or more lot lines between one or more adjacent lots;
  - (10) Make necessary changes to the preceding plat to create four (4) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat; or
  - (11) Replat one or more lots fronting on an existing street.
- (c) **Effect.** Upon approval by the Director, an amending plat may be recorded and is controlling over the recorded plat without vacation of that plat.
- (d) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (e) **Decision.** The Director shall either approve, approve with conditions, or deny the application for an amending plat.
- (f) **Criteria for Approval.** The Director shall decide whether to approve, conditionally approve or deny the amending plat application based upon the following criteria:
  - (1) The amending plat makes only those changes to the recorded plat that are allowed under Subsection (b);

- (2) If a correction in courses and distances of lot lines between two adjacent lots is proposed:
    - a. Both lot owners join in the application for amending the plat;
    - b. Neither lot is abolished;
    - c. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
    - d. The amendment does not have a material adverse effect on the property rights of the owners in the plat.
  - (3) If relocation of one or more lot lines between one or more adjacent lots is proposed:
    - a. The owners of all those lots join in the application for amending the plat;
    - b. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
    - c. The amendment does not increase the number of lots.
  - (4) If six (6) or fewer lots are proposed to be added to a subdivision:
    - a. The changes do not affect compliance with applicable zoning and other regulations of the City;
    - b. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
    - c. The area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area.
  - (5) If lots fronting on an existing street are to be replatted:
    - a. The owners of all those lots join in the application;
    - b. The amendment does not attempt to remove recorded covenants or restrictions;
    - c. The amendment does not increase the number of lots; and
    - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (g) **Expiration.** Approval of an amending plat shall expire if the plat is not submitted for recordation within the time period specified for recordation of a Final Subdivision Plat.

### Section 3.1.7.5 Plat Vacation

- (a) **Applicability.** A plat vacation application must be approved by the Planning and Zoning Commission prior to vacation of any recorded plat or portion thereof. A plat may be vacated only in conjunction with approval of a new plat application and in accordance with state law.
- (b) **Application.** If no lot subject to the recorded subdivision plat has been sold, the property owner may apply for a plat vacation. If any lot in a subdivision has been sold, the recorded subdivision plat or any portion thereof may be vacated only upon application of all lot owners in the subdivision. A plat vacation application shall be accompanied by an application for a Master Plat, Preliminary Subdivision Plat, or Final Subdivision Plat for the land subject to the recorded plat or portion thereof to be vacated, prepared in accordance with this Article. A plat vacation application also shall be accompanied by an unconditional

waiver of the time for decision on a plat for the plat vacation application, pending approval of a new Final Subdivision Plat application for the same land.

- (c) **Processing and Decision.** The plat vacation application shall be decided by the Planning and Zoning Commission in conjunction with its decision on a new plat application for the same land. The application for plat vacation shall be processed together with the new plat application in accordance with the procedures applicable to the new plat application under this Article. If the new plat application is for a Master Plat or Preliminary Subdivision Plat, decision on the plat vacation application shall be deferred or conditioned on approval of a Final Subdivision Plat application for the land subject to the recorded plat or portion thereof to be vacated. The Commission shall finally decide the plat vacation application after it decides the Final Subdivision Plat application.
- (d) **Criteria.** The Planning and Zoning Commission shall approve the plat vacation application upon approving the Final Subdivision Plat application for the same land, and shall deny the plat vacation application upon denial of such Final Subdivision Plat application. The Final Subdivision Plat application, as well as any preceding Master Plat or Preliminary Subdivision Plat application, shall be decided in accordance with the criteria applicable to such applications under this Article.
- (e) **Effective Date of Plat Vacation.** The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. On the execution and recording of the vacating instrument, the vacated plat shall have no further effect.

## Division 8 - Construction Management

### **Section 3.1.8.1 Construction Plans**

- (a) **Purpose.** The purpose of construction plans is to assure that public improvements required to be installed in order to serve a subdivision or a development are constructed in accordance with all standards of this Unified Development Code.
- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Engineering Department with the required information as stated on the application form.
- (c) **Responsible Official and Decision.**
  - (1) The City Engineer shall be the responsible official for approval of construction plans.
  - (2) For construction plans submitted following approval of a Preliminary Subdivision Plat or Preliminary Development Plat, the City Engineer shall approve, approve subject to modifications, or reject the construction plans within thirty (30) calendar days after the plans have been submitted. Incomplete plans shall be returned to the applicant.
  - (3) If construction plans are approved, the plans shall be marked "approved" and one set shall be returned to the applicant, and at least two sets shall be retained in the City's files.
  - (4) Once the construction plans are approved, the property owner shall provide additional sets of the approved plans to the City, as specified by the City Engineer, for use during

construction. A full set of the City-approved and stamped construction plans must be available for inspection on the job site at all times.

- (d) **Notification.** The City Engineer shall notify the applicant in accordance with Article 2, Division 2 of Chapter 1.
- (e) **Revised Plan Submission.** If the conditions of approval require revision(s) to the construction plans, one set shall be marked with objections noted (on the plans themselves and/or in memo format) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and resubmit them for decision. A properly revised set of construction plans shall be submitted to the City Engineer within twenty-one (21) working days of receipt of the notice of decision. The Director shall have an additional 20 working days to approve or deny the revised set of plans.
- (f) **Criteria for Approval.** The City Engineer shall render a decision on the construction plans in accordance with the following criteria:
  - (1) The plans are consistent with the approved Preliminary Subdivision Plat or approved Preliminary Development Plat, or the proposed Final Subdivision Plat or proposed Final Development Plat;
  - (2) The plans conform to the development standards, and standards for adequate public facilities contained in this Unified Development Code; and
  - (3) The plans conform to the specifications contained in the City's Engineering Design Criteria Manual (EDCM).
- (g) **Approval Required.** Construction plans must be approved in accordance with this section prior to approval of the Final Subdivision Plat or Final Development Plat and prior to plat recordation. *of public improvements should be completed in accordance to approved construction plan*
- (h) **Effect.** Approval of construction plans authorizes the property owner to install public improvements in rights-of-way offered for dedication to the public under an approved Preliminary or Final Subdivision Plat, or under an approved Preliminary or Final Development Plat for which a Site Preparation Permit also has been approved. *such submission of City as per 3.1.8.4*

### Section 3.1.8.2 Timing of Public Improvements

- (a) **Completion Prior to Final Subdivision Plat.** Except as provided below, after approval of a Preliminary Subdivision Plat and before an approved Final Subdivision Plat is recorded, the installation of all public improvements required to serve the subdivision, whether to be located off-site or on-site, including but not limited to water, wastewater, drainage, roadway and park improvements, shall be finally completed in accordance with the approved construction plans. Park improvements in this instance refers to public parks being constructed as part of the development by the developer (not the City). If the development is being constructed in phases, and is platted in phases, park improvements shall be completed as phases are constructed. The installation of improvements required for proper drainage and prevention of soil erosion on individual residential lots, and improvements on any common areas, also shall be finally completed prior to Final Subdivision Plat recordation in accordance with the approved construction plans, except as provided below. *approval of approval*
- (b) **Installation after Final Subdivision Plat Approval.** The City Engineer, upon request of the applicant, may defer the obligation to install one or more public improvements to serve the subdivision until after Final Subdivision Plat recordation. The request shall be submitted *approval and recordation*

with an application for Preliminary Subdivision Plat approval. Deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement agreement and sufficient surety to secure the obligations defined in the agreement or sureties as required in Section 3.1.8.4.

- (c) **Off-Site Easements.** All necessary off-site easements required for installation of off-site public improvements to serve the subdivision or development shall be acquired by the subdivider or developer and conveyed by an instrument approved by the City Attorney.

### Section 3.1.8.3 Subdivision Improvement Agreement

- (a) **Obligations Under Agreement.** Whenever public improvements to serve the development are deferred until after Final Subdivision Plat or Final Development Plat **recording**, the property owner shall enter into a subdivision improvement agreement by which the owner covenants to complete all required public improvements, including residential lot improvements for drainage or erosion control, and common area improvements, no later than two (2) years following the date upon which the Final Subdivision Plat or Final Development Plat is recorded. The agreement shall be subject to review and approval by the City Attorney, and shall be approved by the City Engineer **with approval of the Final Subdivision Plat or Final Development Plat**. The agreement shall contain the following provisions:

- (1) Covenants to complete the improvements;
- (2) Covenants to warranty the improvements for a period of two (2) years following acceptance by the City;
- (3) Covenants to provide a maintenance bond in the amount of one hundred percent (100%) of the costs of the improvements for such period;
- (4) Provisions for participation in the costs of the improvements by the City, if authorization has been obtained from the City Council, and a performance bond for such improvements from the contractor, with the City as a co-obligee;
- (5) Provisions for securing the obligations of the agreement consistent with Section 3.1.8.4; and
- (6) Such other terms and conditions as are agreed to by the property owner and City, or as may be required by this Unified Development Code.

- (b) **Covenants to Run with the Land.** The subdivision improvement agreement shall provide that the covenants contained in the agreement run with the land and bind all successors, heirs and assignees of the property owner. All existing lienholders shall be required to execute the agreement or provide written consent to the covenants contained in the agreement. The City shall deliver a release to bona fide third party purchasers of individual lots when all required public improvements have been accepted by the City.

### Section 3.1.8.4 Security for Completion of Improvements

- (a) **Security.** Whenever the obligation to install public improvements to serve a subdivision or development is deferred until after **recording** of the Final Subdivision Plat or Final Development Plat, the property owner shall provide sufficient security to ensure completion

of the required public improvements. The security shall be in the form of one of the following:

- (1) A cash escrow with the City;
  - (2) An irrevocable letter of credit drawn upon a state or national bank that has a regular business office in the state of Texas that:
    - a. Is of a term sufficient to cover the completion, maintenance and warranty periods, but not less than two (2) years, and
    - b. Authorizes the City to draw upon the letter of credit by presenting to the issuer only a sight draft and a certificate signed by an authorized representative of the City attesting to the City's right to draw funds under the letter of credit;
  - (3) A construction funding agreement under which funds for the construction of the required improvements are escrowed in Texas with an office of a state or national bank, under which:
    - a. The City has the irrevocable right to withdraw funds, and
    - b. The subdivider may be permitted to draw funds to make payments towards the construction of the improvements as progress is verified; or
  - (4) A first and prior lien on the property.
  - (5) Another similar type of agreement that provides security and/or ensure completion of public improvements and that is approved by the City Attorney.
- (b) **Amount and Acceptability.** The security shall be issued in the amount of one hundred and twenty-five percent (125%) of the cost estimate approved by the City Engineer for all public improvements associated with the subdivision. The security shall be subject to the approval of the City Attorney.
- (c) **Security for Construction in Extraterritorial Jurisdiction.** Where the land to be platted lies within the extraterritorial jurisdiction of the City, the security shall be in a form and contain such terms as are consistent with the interlocal agreement between the City and the county in which the land is located. In cases where the requirements governing the form and terms of the security are defined in such an agreement, they will supersede any conflicting provisions of Subsections (a) and (b).
- (d) **Partial Release.** If, in the opinion of the City Engineer, the public improvements have commenced in good faith, a release for construction on up to five percent of the residential lots may be issued. A lot must have permanent street access installed to it prior to this release.
- (e) **Remedies.** In addition to all other remedies authorized in Article 2, Division 6 of Chapter 1, where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed in accordance with the terms of the agreement, the City may:
- (1) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
  - (2) Obtain funds under the security and complete the improvements itself or through a third party; or

- (3) Assign its right to receive funds under the security to any third party, including a subsequent owner of the development in exchange for the subsequent owner's agreement and posting of security to complete the public improvements serving the tract.

### **Section 3.1.8.5 Inspection and Acceptance of Public Improvements**

- (a) **Inspections.** Construction inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved construction plans. Inspection shall be in accordance with Article 2, Division 6 of Chapter 1. Any significant change in design required during construction shall be made by the subdivider's engineer, and shall be subject to approval by the City Engineer. If the City Engineer finds upon inspection that any of the required public improvements have not been constructed properly and in accordance with the approved construction plans, the property owner shall be responsible for completing and/or correcting the public improvements.
- (b) **Submission of As-Built Plans or Record Drawings.** The City shall not accept dedication of required public improvements until the applicant's engineer has certified to the City Engineer, through submission of a detailed "as-built" or record drawing or survey plat of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public improvements have been built in accordance with the approved construction plans. Each as-built or record drawing sheet shall show all changes made in the plans during construction and on each sheet there shall be an "as-built" or "record" stamp bearing the signature of the engineer and date.
- (c) **Acceptance of Improvements.** When the City Engineer has determined that the public improvements have been installed in accordance with the approved construction plans, then he shall accept such improvements on behalf of the City. Acceptance of the improvements shall mean that the property owner has transferred all rights to all the public improvements to the City for use and maintenance. Upon acceptance of the required public improvements, the City Engineer shall issue a certificate to the property owner stating that all required public improvements have been satisfactorily completed.
- (d) **Disclaimer.** Approval of a preliminary or Final Subdivision Plat or Final Development Plat by the Planning and Zoning Commission shall not constitute acceptance of any of the public improvements required to serve the subdivision or development. No public improvements shall be accepted for dedication by the City except in accordance with this Section.
- (e) **Acceptance of Improvements for Land in Extraterritorial Jurisdiction.** Where the facilities to be constructed under the subdivision improvement agreement are located within the City's extraterritorial jurisdiction, and are to be dedicated to the county in which the land is located, the Director shall inform the county that the public improvements have been constructed in accordance with approved construction plans, and are ready for acceptance by the county.

### **Section 3.1.8.6 Maintenance and Warranty of Improvements**

- (a) **Maintenance During Construction.** The property owner shall maintain all required public improvements during construction of the development.



**Section 4.2.2.4 Required Landscape Area Standards for Nonresidential, Multiple-Family, & Single-Family Development**

- (a) **Meaning of "Landscape Area".** Landscape area shall mean the area (greater than one foot in width) within the boundary of a lot or parcel that is comprised of pervious surface integrated with living plant material, including but not limited to trees, shrubs, flowers, grass, or other living ground cover or native vegetation. For the purposes of meeting the requirements of this division, undeveloped portions of the site cannot be considered landscaped area. Landscaped areas shall be bounded by raised or ribbon curbs.
- (b) **Establishment of Minimum Percentages.** A minimum percentage of the total gross lot area of property on which development, construction or reconstruction occurs after the effective date of the ordinance from which this division derives shall be devoted to landscape in accordance with the requirements in *Table 4-4*; provided, however, that these requirements shall not apply to the development, construction or reconstruction of single-family detached residential structures.
- (c) **Minimum Requirements.** The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e.g. heat, noise, air pollution). Trees in Class I or II of the Guidelines with a minimum two inch (2") caliper measured twelve inches (12") from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6'). *Section 4.2.3.9(e), Replacement Tree List,*
- (d) **Screening of Parking Areas.** Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property.
  - (1) Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm.

<i>Land Use</i>	<i>Percent Landscaped Area Required</i>
Multiple-Family	15
Office and Professional Uses	<u>105</u>
Mixed Use	<u>105</u>
Retail and Commercial	<u>105</u>
Industrial or Manufacturing	<u>510</u>
All Other Nonresidential Uses	<u>510</u>
Note: Percentages are based on the total gross lot area.	

- (2) The side yard of any lot that contains a parking area abutting a property used or zoned for a nonresidential use shall provide a screen of hedges, berms, or fences so as to

- (2) No parking space shall be located more than one hundred feet (100') from a portion of the required landscaping.
  - (3) Each landscape island within a parking lot shall contain a minimum square footage equivalent to one parking space of pervious area, shall be at least ten feet (10') wide, and shall allow at least four feet between any trees within the island and the edge of the island.
- (i) **Tree Credits.** Tree credits shall be given pursuant to Article 2, Division 3 of this Chapter of the UDC.
  - (j) **Landscaping Within Single-Family Developments.** The following are minimum landscaping requirements for single-family lots and developments.
    - (1) **Tree By Lot Requirements:** Each single-family lot shall have two (2) large shade trees placed in front of the front building line with a minimum two-inch (2") caliper, measured at twelve inches (12") above the root ball, and a minimum six feet (6') in height at the time of planting.
    - (2) **Additional Requirements:** Each single-family lot shall have at least three (3) out of the following four (4) options:
      - a. Two (2) ornamental trees a minimum six feet (6') in height at the time of planting;
      - b. Four (4) evergreen shrubs, equal in size to at least a five-gallon-container-size shrub;
      - c. Eight (8) small shrubs, equal in size to at least a two-gallon-container-size shrub; and
      - d. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by building(s) and/or driveway area(s).
    - (3) **Street Tree Requirements:** Trees are required along all streets within single-family developments as follows:
      - a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12') above the root ball shall be provided, with the total caliper inches equal to at least one inch (1') for each forty feet (40') of frontage.
      - b. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
      - d. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.
      - e. At the time of planting, a minimum of twenty feet (20') shall be provided between individual trees.

#### Section 4.2.2.5 General Requirements

- (a) **Installation.** All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards.
- (b) **Maintenance.** The owner of the building, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and

debris. All planted areas shall be provided with a readily available water supply and watered sufficiently to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material needed to meet the requirements of this division. Should a tree die or be removed for which credit has been obtained pursuant to this Unified Development Code, trees sufficient to equal the area credited shall be required. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained; such substitution shall require the approval of the Planning Director.

(c) **Planting Criteria.**

- (1) Trees: Trees planted for credit under Subsection (c) of this section shall be a minimum of two inches in caliper, measured ~~six~~ <sup>twelve</sup> inches above ground level, and six feet in height when measured immediately after planting. Trees shall have an average mature crown greater than 15 feet. Trees having an average mature crown less than 15 feet may be substituted by grouping the trees so as to create at maturity the equivalent of a 15-foot crown if the drip line area is maintained.
- (2) Shrubs, Vines and Ground Cover: Shrubs, vines and ground cover planted pursuant to this division should be good, healthy nursery stock. Shrubs must be, at a minimum, a one-gallon container size at the time of planting.
- (3) Grass: Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including St. Augustine, Zoysia, Bermuda or other appropriate grass. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion.
- (4) Xeriscape Landscaping: The use of xeriscape landscaping techniques shall require approval from the Parks Director.
- (5) Synthetic Lawns or Plants: Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.
- (6) Soils: New landscaped areas should be prepared so as to achieve a soil depth of at least six inches. The six-inch soil depth should consist of 75% soil blended with 25% compost.
- (7) Architectural Planters: The use of architectural planters may be permitted in fulfillment of landscape requirements.
- (8) Landscape Irrigation:
  - a. Except for single-family lots and developments, all required landscaping areas shall be 100% irrigated by one of, or a combination of, the following methods:
    1. An automatic underground irrigation system;
    2. A drip irrigation system;
    3. A hose attachment within 100 feet of all plant material; provided, however, that a hose attachment within 200 feet of all plant material in non-street yards shall be sufficient.
  - b. All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act and shall be professionally installed.
  - c. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

(d) **Construction Phase.**

- (1) No more than 25% of the drip line zone of trees to be preserved shall be paved with concrete, asphalt, or other impervious material. There shall be no trenching around the border of and no fill shall be placed within the drip line zone of a tree to be preserved.
- (2) Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.
- (3) The permanent vegetation shall be installed on the construction site as soon as utilities are in place and final grades are achieved. Final grading and removal of vegetation shall not occur more than 30 days prior to scheduled paving.

(e) **Removal of Diseased or Dangerous Trees and Vegetation.**

- (1) Upon direction from the Planning Director, a property owner may be required to treat or remove trees suffering from transmittable diseases or pests or allow the City to do so, charging the actual cost thereof to the property owner.
  - (2) The Planning Director may require the removal of a tree or part of a tree or any other vegetation that is within or overhanging a public right-of-way or easement if the tree or vegetation:
    - a. Is diseased or infested and in danger of falling;
    - b. Is creating a traffic hazard or sight distance hazard for traffic on a public street; or
    - c. Is interfering with safe and proper maintenance of the right-of-way or easement.
- (f) **Landscape Reserve Required.** At a minimum, a landscape reserve of at least ten feet (10'), across which there shall be no right of access, shall be provided along the exterior of the residential lots abutting such a thoroughfare, collector, or nonresidential use or zoning district. The reserve shall be outside any wall or fence separating the lots from the thoroughfare, collector, or nonresidential use or nonresidential zoning district. In this case, "outside" shall mean on the side of the wall or fence that is closest to the thoroughfare, collector, or nonresidential use or nonresidential zoning district.

#### **Section 4.2.2.6 Landscape Plan Approval**

- (a) **Landscape Plan(s) Required.** Appropriate plans showing proposed landscape development, including figures to show compliance with this division, shall be submitted to the Planning and Community Services Department. A Landscape Plan drawn to scale shall include dimensions and distances and clearly delineate any existing and proposed landscape development. The Landscape Plan shall also include detailed drawings of the entire off-street parking area, the location of proposed buildings, the name and location of proposed plant materials and the location of water sources.
- (b) **Submittal.** This plan shall be submitted by the owner of the property or the manager or agent of the owner.
- (c) **Approval.** This plan must be approved prior to the issuance of a building permit.
- (d) **Submittal with Other Required Drawings.** A Landscape Plan(s) may be submitted in conjunction with other required drawings such as a Site Plan, or other requirements as stated in Chapter 1.