

Article 9 – Design standards

Sec. 9.1 *General Design Standards*

A. Conformity with Comprehensive Plan

All development shall conform to the Comprehensive Plan for orderly and unified development of streets, utilities, neighborhood design, and public land and facilities, as well as all provisions of this UDC and other ordinances and codes adopted by the Town. Standards and design criteria contained herein represent minimum values considered necessary for the health, safety and welfare of the community. The design engineer and developer are required to meet the requirements of these standards. However, they shall not permit their design to fall below the standards of this UDC. Where there is a conflict between the regulations contained within this Article and regulations or standards contained within any other ordinance or code of the Town, the more restrictive regulation shall apply. Approval of plans and specifications by the Town shall not be construed as relieving the design engineer/developer of responsibility for compliance with this UDC, nor with any other local, county or state authority having jurisdiction. The Town Council shall approve no plat, and no completed improvements shall be accepted unless they conform to standards and detailed specifications as contained in this UDC or variances have been approved in accordance with this UDC.

B. Achieving Desirable Neighborhood Development

Residential subdivisions shall be designed to take advantage of the principles and general designs for neighborhood development as established by the Comprehensive Plan and the Town Council in order to achieve the most advantageous development of the entire neighborhood unit in which the subdivision is located.

C. Provision for Future Subdivision

All subdivisions shall be so arranged as to allow logical further subdivision and opening of future streets and shall coordinate with adjoining existing and/or future subdivisions.

D. Standards for Site Improvements

All streets, alleys, sidewalks, utility installations and other site improvements required to be installed by the developer under the provisions of these regulations shall conform to the requirements of the Engineering Design Manual and this Article.

Sec. 9.2 *Blocks*

A. The length, width and shape of blocks will be determined with due regard to:

1. Provisions of adequate building sites suitable to the special needs of the type of use contemplated. The Town Council may require that the block and lot size bear reasonable relation to the planned use of the land.
2. Zoning requirements as to lot sizes and dimensions.
3. Need for convenient access, circulation, control and safety of street traffic as determined by the Development Review Committee.

- B. In general, intersecting streets shall be used to determine the block lengths and widths, and shall be provided at such intervals as to serve cross traffic adequately, and to meet existing streets or customary subdivision practices.
- C. The Town Council may approve a waiver to the standards of this section d in cases where physical barriers, property ownership or adjacent existing subdivisions create conditions where it is appropriate. The length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.
- D. In general, block lengths along minor or secondary streets shall not exceed two thousand (2000') feet or be less than eight hundred (800') feet, and along major streets shall not exceed two thousand five hundred feet (2500') or be less than nine hundred feet (900').

Sec. 9.3 Lots

- A. Lot sizes and dimensions shall conform to the minimum requirements of the appropriate zoning district. The lot area shall be computed including all easements. Changes in the required lot sizes and dimensions may only be allowed through rezoning or through the granting of a variance by the BOA or in an approved PD district. No lot shall be approved which does not meet the minimum requirements of the appropriate zoning district.
- B. Percolation tests shall be required for subdivisions not served by public sewer. In no case will the lot size in such subdivision be less than one acre (43,560 square feet).
- C. Depth and width of properties laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- D. Corner lots shall have sufficient width to permit the required building setback and proper orientation to both streets.
- E. Where a residential lot backs up to a railroad right-of-way, high pressure gas line, industrial area or any other land use which may have a dangerous effect on residential property, and where no marginal access street or other street is provided at the rear of such lot, an additional depth of twenty-five feet (25') shall be required. Where a lot sides to any of the above, an additional width of fifteen feet (15') shall be required.
- F. Residential lots located on a cul-de-sac shall be at least fifty feet (50') wide at the building line.
- G. Residential lots shall be oriented to take advantage of topography; the best relationship to the overall design of the neighborhood; and to minimize the effects of any surrounding depreciating land uses.
- H. All side lines of lots shall be perpendicular to straight street lines and radial to curved street lines except where a waiver to this rule will provide a better street and lot layout.
- I. Every lot shall be provided with adequate access to a public street, either by direct frontage on such street, or by public access easement approved by the Town Council. Rear and/or side driveway access to major streets shall be prohibited.
- J. Minimum front and side building setback lines along streets shall be shown on all plats and shall conform to the restrictions, if any, imposed on the subdivision by the developer, but in no event shall such setback lines be less than those required by the applicable zoning district. The front

setback line shall be measured from the point where the public right-of-way ends to the front face to the building, covered porch, covered terrace or attached accessory building.

Sec. 9.4 *Monuments and Lot Markers*

A. Permanent Survey Reference Monuments

Concrete monuments shall be placed at all block corners, angle points and points of curve of the exterior boundary lines of the platted subdivision. A monument shall be made of an iron rod one-half (1/2") inch in diameter and twenty-four (24") inches long centered in concrete a minimum of six (6") inches in diameter and twelve (12") inches long. The iron rod should be left one-half (1/2") inch above the concrete with a surveyors' aluminum or plastic cap, stamped with the surveyors' registered number or firm name. At least two monuments shall be identified on the plat with State Plain coordinates NAD 83 North Central Zone 4202.

B. Other Markers

All other survey markers such as lot corners, shall have an iron rod one-half (1/2") inch in diameter and twenty-four (24") inches long and shall be placed flush with the ground, or below ground, if necessary, in order to avoid being disturbed.

C. Benchmarks

A minimum of two (2) benchmarks shall be established in each subdivision. Benchmarks shall be established on iron rods embedded in concrete monuments six (6") inches in diameter and set in the ground to a depth of three (3') feet and set to U.S. National Geodetic Survey datum. Using tops of manholes as a benchmark is not acceptable.

D. Monument Placement and Verification

Monuments and lot markers shall be set immediately after completion of utility installations and street construction. Prior to acceptance of subdivision improvements by the Town, the developer's surveyor or engineer shall certify that all monuments, benchmarks and markers are in place and correctly positioned.

Sec. 9.5 *Exterior Construction and Design Standards*

A. Intent

It is the intent of these design criteria to provide minimum standards for new construction in order to provide an aesthetically pleasing appearance as well as ensure sound construction quality.

B. Applicability

The provisions of this section are deemed to be minimum standards and shall be applicable to all new buildings within the corporate limits of the Town.

C. Image

The Town intends that the image of the community is enhanced by the use of quality design and materials.

D. Single-Family Residential Mandatory provisions

1. All single-family structures shall be one hundred (100%) percent masonry exclusive of doors, windows, porches, trim, soffits, dormers, gables, and similar secondary architectural features. Masonry for residential structures shall consist of natural stone, simulated stone, three-part true stucco, brick and cementitious fiberboard.
 2. Special exceptions to the mandatory provisions of this section may be considered by the Board of Adjustment (BOA) based upon the following:
 - a. Architectural design and creativity. Exceptions may be considered for, but not limited to, Queen Anne, Victorian, English Tudor, Italian Villa, and log designs.
 - b. Compatibility with surrounding developed properties.
- E. Non-Residential and Multi-Family Residential Mandatory provisions
1. Four-sided architecture is required unless side or rear walls are determined by Town Council not to be visible from public view.
 2. Building articulation
 - a. Non Industrial building facades over one hundred (100') feet in length must have building offsets of at least six (6') feet for a minimum of twenty five (25%) percent of the façade. No wall plane may extend more than one hundred (100') feet without horizontal and vertical articulation. Building façades between forty (40') feet to one hundred (100') feet in length may have either horizontal or vertical articulation. Façade articulations/offsets shall be shown on the elevation drawings along with dimensions verifying that the elevations have met the above requirements as part of the site plan submittal.
 - b. Industrial buildings shall incorporate a combination of horizontal or vertical articulation, varying heights or building jogs, shadow lines and variations of materials.
 3. Multiple buildings in commercial centers.

To achieve unity between buildings in a commercial development of more than one building, all buildings in such a development shall employ a similar theme, colors, and palette of materials.
 4. Masonry requirements.
 - a. All non-single-family structures shall be constructed with a minimum eighty-five (85%) percent masonry, exclusive of doors and windows. Masonry shall consist of brick, natural stone, simulated stone, three-part true stucco and shall be unpainted. Unpainted, integral color concrete masonry units are allowed as masonry, but are limited to a maximum fifteen (15%) percent of a street-facing façade. EIFS and cementitious fiberboard shall not be considered as masonry products. Architecturally detailed and finished concrete tilt wall may be allowed on street-facing building façades or those visible from a public right-of-way only with Town Council approval.
 - b. All industrial buildings shall be constructed according to the masonry standards of non-single-family structures with the added ability that concrete tilt-wall construction with textured painted exteriors may be considered masonry construction and cementitious products (stucco and cementitious boards) be limited to a maximum of 50% of the structure if appropriately designed and applied.
 5. Secondary materials

Secondary materials (maximum fifteen (15%) percent) may be EIFS, stucco, wood, metal, cementitious fiberboard (Hardiplank) or other approved material. The percentage of EIFS or stucco may be increased with Town Council approval.

6. Earth-toned colors

At least eighty (80%) percent of each façade shall be neutral, crème, or deep, rich, non-reflective natural or earth-toned colors, and no more than one (1) color may be used for the primary visible roof surface. Roof surfaces for secondary architectural features such as porches, dormers and similar features may utilize an alternative roofing material with a complimentary color to the primary roof.

7. EIFS

The use of exterior insulated finishing system (EIFS) is not allowed below ten (10') feet above finished grade.

8. Glass

Total window area shall not exceed fifty (50%) percent of street-facing façades. Windows shall have a maximum reflectivity of twenty (20%) percent.

9. Mechanical unit screening

All mechanical equipment shall be screened from all public view. Screening must match building color and material. Ground-mounted mechanical units may be screened with an evergreen landscape screen.

10. Exposed conduit, ladders, utility boxes, and drain spouts shall be of a color to match the color of the building or an accent color.

11. Trash and recycling collection areas.

- a. Trash and recycling collection areas shall be located to minimize visibility.
- b. Trash receptacles, recycling receptacles, and trash compactors shall be screened with an eight (8') foot masonry wall of a consistent color and material as the primary building.
- c. Enclosures shall be oriented so that the service opening does not face any public right-of-way or residentially zoned property. The opening shall incorporate a metal gate to visually screen the dumpster or compactor. Concrete-filled steel bollards are required at the rear of the enclosure and placed to protect the gate hinges.
- d. All enclosures shall install a pedestrian access to the enclosure that does not require the opening of the primary access gate.
- e. All metal gates must not be allowed to swing into the drive aisle or fire lane.

12. Gas pumps.

- a. Roofs of pump canopy structures shall have a minimum 4-12 pitch, or a mansard roof shall be used to give the appearance of a pitched roof.
- b. Canopy columns shall be fully encased with masonry that is complimentary to that used on the main building.

- c. The canopy band face shall be a color consistent with the main structure or accent color and may not be backlit. Signage shall conform to Article 11.

13. Loading areas.

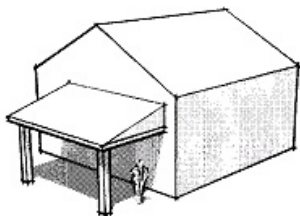
All loading and service areas shall be screened from view from adjacent public streets and adjacent residential areas. Screening shall be by walls compatible to the project design and landscaping.

14. Design Elements

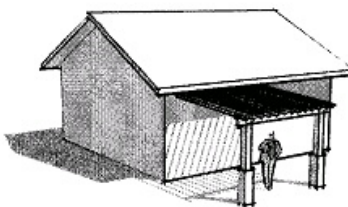
Each building or development, as a condition of the issuance of a building permit, must rate a minimum of 10 points if the building (or combination of buildings) is less than 10,000 square feet; 12 points for buildings between 10,001 and 25,000 square feet; 15 points for buildings between 25,001 to 50,000 square feet; and 20 points for buildings of 50,001 square feet or more by implementing a choice and combination of the design elements identified in the following chart. (see figure 1 for illustrations). Additions to existing buildings must be of similar design, and must meet the point score required for the building size of the addition. The applicant must submit a table with the architectural drawings enumerating the proposed points acquired for the development. Buildings greater than 10,000 square feet intended for industrial use are exempt from the required design elements.

Table 9.1 Point System for Required Design Elements		
Points	Elements	Description
4	Porches	Covered areas with columns and sloped roof attached to the main façade of the structure. Must extend at least 6 feet beyond the main façade and across at least 15% of the façade.
1	Trellises	Trellis used to enhance an entry feature or as a shaded walkway.
2	Covered walkways	An exterior walkway at least 6' in depth protected by the roof of the main structure, and across at least 15% of the façade.
3	Canopies/Awnings	Coverings of canvas, metal, or other material hung from the building façade to protect windows or door openings.
3	Roof Overhangs	Buildings that feature a pitched roof or partially pitched roof with overhang at least 4 feet beyond the primary façade.
4	Pitched Roof	Pitched roof covering 100% of the total roof area with a pitch of at least 4:12 and no visible flat roofline.
2	Gabled Elements	If a flat roof is used, gabled parapet walls are used to break up long facades.
3	Varied Roof Heights	Within a pitched roof, varied roof heights or dormers to break up the line of the roof.
2	Architectural Details in the Façade	i.e. ornamental brickwork, limestone window/door lintels, etc.
1	Mullioned Windows	Windows with heavily articulated mullions (3" or greater).
1	Standing Seam Metal Roof	Use of standing seam metal roof materials for a pitched roof or mansard roof elements.
2	Decorative Paving at Sidewalks	Pavers or decorative concrete for minimum of 10% of total walkways.
1-4	Site Amenities	Outdoor seating, patio areas, fountains, decorative light fixtures, or public sculpture/artwork. Point value to be determined by Development Review Committee.

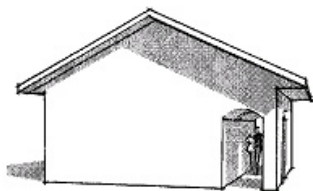
Figure 9.1 Illustrations of Design Elements



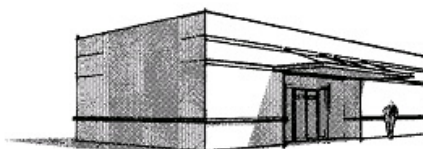
Porch



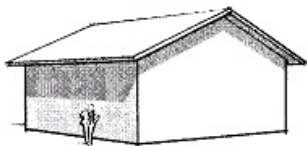
Trellis



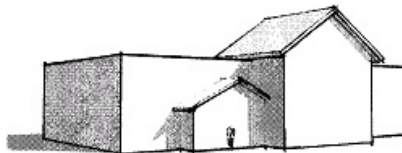
Covered Walkway



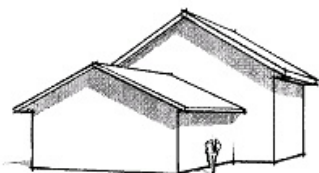
Canopies/Awnings



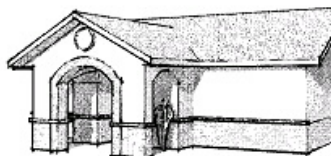
Roof Overhang



Gabled Elements



Varied Roof Heights



Architectural Details

15. Variances to the mandatory provisions of this section may be considered by the Town Council with Site Plan approval based upon the following:
- a. Architectural design and creativity.
 - b. Compatibility with surrounding developed properties.

Sec. 9.6 *Open Space Standards*

The designated open space requirements in Conservation Residential Overlay (CRO) and Planned Development (PD) Zoning Districts shall meet the following standards.

A. Uses permitted in Open Spaces

The following uses are permitted in open space areas:

1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow.)
2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings, excluding residences that area specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink and other animals likely to produce highly offensive odors.
3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than three quarter (3/4) of the minimum required open space.
4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
5. Neighborhood open space uses such as common greens, picnic areas, community gardens, trails and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Town Council.
6. Active noncommercial recreation areas, such as playing fields, playgrounds, courts and bikeways, provided such areas do not consume more than one half (1/2) of the minimum required open space or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within one hundred (100) feet of abutting properties. Parking facilities for the same shall also be permitted. Such parking facilities shall be unlighted and properly drained; provide safe ingress and egress; and contain no more than ten (10) parking spaces.
7. Golf courses may constitute up to one half (1/2) of the minimum required open space but shall not include driving ranges or miniature golf. Their parking areas and any associated structure shall not be included within the minimum open space requirement; their parking and access way shall be paved and may be lighted.
8. Water supply and sewage disposal systems and stormwater detention areas designed, landscaped, and available for use as an integral part of the open space.
9. Easements for drainage, access, sewer or water lines, or other public purposes.
10. Aboveground utility rights-of-way. Above ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required open space land.

B. Open Space Design Standards

1. Open space shall be laid out in general accordance with the Open Space areas as identified in the Land Use Development Concept Plan of the Town's Comprehensive Plan to ensure that an interconnected network of open space will be provided.
2. In the Conservation Residential Overlay district, the open space land shall constitute a minimum of forty (40%) percent of the gross acreage of the development. This land shall remain undivided and may be owned and maintained by a property owner association, land trust, another conservation organization recognized by the Town, or a private individual (typically as part of the original ranch). However, in no case shall less than twenty (20%) of the open space be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the open space may be owned by different entities.
3. Up to five (5%) percent of the total tract acreage may be subject to the Town's parkland dedication requirement.

Table 9.2 Open Space Requirements			
Development Type	Total percentage of development preserved	Total amount of preserved development open to general public	Amount of preserved acreage to be applied to parkland dedication
Conservation Residential Overlay	Minimum of 40% of gross acreage is preserved open space	At least 20% of the preserved open space must be open to general public. The remainder may be privately held or otherwise conserved from development.	5% of the preserved acreage may be used towards parkland dedication requirements.
Planned Development	Minimum of 10% of gross acreage is preserved open space	At least 50% of the preserved open space must be open to general public. The remainder may be privately held or otherwise conserved from development.	5% of the preserved acreage may be used towards parkland dedication requirements.

C. Other Requirements

1. No portion of any building lot may be used for meeting the minimum required conservation land. However, active agricultural land with farm buildings, excluding areas used for residences may be used to meet the minimum required open space.
2. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with this section, shall be provided to open space land in accordance with the following requirements:
 - a. Each Conservation Residential Overlay neighborhood shall provide a minimum of one centrally located access point per one-quarter (1/4) mile, a minimum of thirty-five (35) feet in width.

- b. Access to open space used for agricultural purposes may be appropriately restricted for public safety and to prevent interference with agricultural operations.
3. All open space land areas that are not wooded, farmed or managed as meadows shall be landscaped in accordance with the landscaping requirements listed in section 9.10.

Sec. 9.7 *Permanent Open Space Protection Through Conservation Easements*

A. Conservation Residential Overlay Subdivisions

1. In Conservation Residential Overlay subdivisions, the open space land that is required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. For example, the clearing of woodland habitat shall be generally prohibited, except as necessary to create trails and active recreation facilities or to install subsurface septic disposal systems or spray irrigation facilities. The determination of necessity shall lie with the Town Council.

Sec. 9.8 *Ownership and Maintenance of Open Space and Common Facilities.*

- A. All open space shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in section 9.6.A.

B. Ownership Options

The following methods may be used, either individually or in combination, to own common facilities; however, open space shall be initially offered for dedication to the Town. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:

1. Fee Simple Dedication to the Town.

The Town may, but shall not be required to, accept any portion of the common facilities, provided that:

- a. There is no cost of acquisition to the Town; and,
- b. The Town agrees to and has access to maintain such facilities.

2. Property Owner Association

Common facilities may be held in common ownership by a property owner association. In addition, the following regulations shall be met:

- a. The applicant shall provide the Town a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions of common facilities.

- b. The proposed association shall be established by the owner or applicant and shall be in operation (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
 - c. Membership in the association shall be automatic (mandatory) for all purchasers of property therein and their successors in title.
 - d. The association shall be responsible for maintenance and insurance of common facilities.
 - e. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the Town no less than thirty (30) days prior to such event.
 - f. The association shall have adequate staff to administer, maintain, and operate such common facilities.
3. Private Conservation Organization.
- a. With permission of the Town, an owner may transfer either fee simple title of the open space or easements on the open space to a private nonprofit conservation organization provided that:
 - i. The conservation organization is acceptable to the Town and is a bona fide conservation organization intended to exist indefinitely.
 - ii. The conveyance contains appropriate provisions for property revert or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;
 - iii. The open space is permanently restricted from future development through a conservation easement and the Town is given the ability to enforce these restrictions; and
 - iv. A maintenance agreement acceptable to the Town is established between the owner and the organization.
4. Dedication of Easements to the Town
- The Town may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the property owner association or private conservation organization while the easements are held by the Town. In addition, the following regulation shall apply:
- a. There shall be no cost of acquisition to the Town.
 - b. Any such easements for public use shall be accessible to the residents of the Town.
 - c. A satisfactory maintenance agreement shall be reached between the owner and the Town.
5. Non-common Private Ownership.
- Up to eighty (80%) percent of the required open space may be included within one or more large “conservancy lots” of at least ten (10) acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses listed in section 9.6, and that the Town is given the ability to enforce these restrictions.

6. Public Improvement Districts.

A Public Improvement District (PID) may be established according to the statutes outlined by Chapter 372 of the Texas Local Government Code with prior approval of the Town Council. Petitions to create a PID shall include the following:

- a. The general nature of the proposed improvement;
- b. The estimated cost of the improvement;
- c. The boundaries of the proposed assessment district;
- d. The proposed method of assessment, which may specify included or excluded classes of assessable property;
- e. The proposed apportionment of cost between the PID and the Town as a whole;
- f. Whether the management of the district is to be by the Town, the private sector, or a partnership between the municipality and the private sector;
- g. That the persons signing the petition request or concur with the establishment of the district; and
- h. That an advisory body may be established to develop and recommend an improvement plan to the Town Council.

C. Maintenance

1. Unless otherwise agreed to by the Town Council, the cost and responsibility of maintaining common facilities and open space shall be borne by the property owner, association, or conservation organization.
2. The applicant shall, at the time of preliminary plat submission, provide a Plan for Maintenance of Open Spaces and Operation of Common Facilities in accordance with the following requirements.
 - a. The plan shall define ownership.
 - b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various types of open space.
 - c. The plan shall estimate staffing needs, insurance requirements, and associated costs and define the means for funding the maintenance of the open space and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
 - d. At the Town's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,
 - e. Any changes to the maintenance plan shall be approved by the Town Council.
3. In the event that the organization established to maintain the open spaces and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Town may assume responsibility for maintenance, in

which case any escrow funds may be forfeited and any permits may be revoked or suspended.

Sec. 9.9 *Park and Open Space Dedication Requirements*

A. Purpose

1. This section is adopted to provide recreational areas in the form of neighborhood parks as a function of subdivision development in the town. It is hereby declared by the town council that recreational areas in the form of neighborhood parks are necessary and in the public welfare, and that the only adequate procedure to provide for neighborhood parks is by integrating such a requirement into the procedure for planning and developing property or subdivision in the town, whether such development consists of new construction on vacant land or rebuilding and remodeling of structures on existing residential property.
2. Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby. The primary cost of neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, this article is adopted to affect the purposes stated.

B. Dedication Procedures

1. Whenever a final plat is filed on record with the county clerk for development of a residential area in accordance with the planning and zoning ordinances of the town, such plat shall contain a clear fee simple dedication of an area of land to the town for park purposes, which area shall equal one (1) acres for every 51 proposed dwelling units.
2. The town council declares that development of an area smaller than five (5) acres for public park purposes is impractical. Therefore, if fewer than 255 dwelling units are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amount provided by 9.9.C, rather than to dedicate any land area. No plat showing a dedication for park purposes of less than five (5) acres shall be approved.
3. In all other instances, the town shall have the right to accept the dedication for approval on the final plat, or to refuse the dedication, and to require payment of cash in lieu of land in the amount provided by section 9.9 C., if the town determines that sufficient park area is already in the public domain in the area of the proposed development, or if the recreation potential in the area of the proposed development would be better served by expanding or improving existing parks.

C. Money in Lieu of Land

Where the town council determines that a payment of money in lieu of land shall be made, the following provisions shall apply.

1. Amount Required to be Paid.

- a. Any payment of money required to be paid by this article shall be in an amount equal to the average per acre value of the whole property included within the residential development. The acquisition price for land shall be equal to the appraised value of the land existing in effect at the time of final plat approval.
- b. In determining the average per acre value of the total land included within the proposed residential development, the town council may base its determination on one or more of the following:
 - i. The most recent appraisal of all or part of the property made by the central appraisal district;
 - ii. Confirmed sale prices of all or part of the property to be developed, or comparable property in close proximity thereof, which have occurred within two (2) years immediately preceding the date of determination; or
 - iii. Where, in the judgment of the town council, (i) or (ii) above would not, because of changed conditions, be a reliable indication of the then current value of land being developed, an independent appraisal of the whole property shall be obtained by the town and paid for by the developer.

D. Additional Requirements

1. Any land dedicated to the town under this article must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable:
 - a. Any area primarily located in the 100-year floodplain.
 - b. Any areas of unusual topography or slope which renders same unusable for organized recreational activities

Such characteristics of a parkland dedication area may be grounds for refusal of any preliminary plat.

2. Land listed in subsection (a) of this section may be accepted by the town council, provided that suitable land in the proper amount is dedicated which is contiguous with the unsuitable land.
3. Drainage areas may be accepted as part of a park if the channel is constructed in accordance with town engineering standards, and if no significant area of the park is cut off from access by such channel.
4. Each park must have ready access to a public street.
5. Unless provided otherwise in this section, an action by the town shall be by the town council.

E. Credit for Conveyance of Floodplains

In cases where floodplain land or property is proposed for conveyance to satisfy the parkland requirements, a credit will be given upon the following criteria:

1. Three (3) acres of floodplain shall be equal to one (1) acre of nonfloodplain.

F. Minimum Park Improvements

In cases where land dedication is chosen, the following minimum criteria must be adhered to by the developer, at the developer's expense, prior to acceptance of the improvements by the town. The developer shall:

1. Grade and clear unwanted vegetation, to be determined by the town.
2. Provide water and sewer service to the site.

G. Requirements to be Satisfied Prior to Development

It shall be unlawful for any person who is required to convey land, or pay money in lieu of land, as required by this article, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within the development to which this article applies, until the required conveyance of land, or payment of money in lieu of land is made to the town in accordance with this section.

H. Permits and Services to be Withheld

No building permits shall be issued for, and no permanent utility services shall be provided to any land within any development to which this article applies until the required conveyance of land or payment of money in lieu of land is made to the town in accordance with this section.

I. Redetermination of Requirements for Proposed Additional Dwelling Units

After the town council has made a determination of the requirements of this article, or after the requirements of this article have been met, based upon the proposed number of residential dwelling units for any land to which this article applies, any person who desires to construct a number of dwelling units in excess of the number of dwelling units for which the requirements of this article were determined or met, must submit to the town council a revised zoning proposal for additional dwelling units for the development. Once the town council has approved a zoning ordinance increasing the number of dwelling units allowed on a platted lot, the developer shall either convey additional parkland through a plat or replat, or shall pay a fee in lieu of parkland for the additional dwelling units, at issuance of building permits. Where a payment of money was originally made to meet the requirements of this article, the person proposing to construct additional dwelling units may be required to convey land for all or part of the development. In such case, after the required conveyance is made, the payments, or portion thereof, previously made, which are satisfied by the dedication of land, shall be returned by the town.

J. Penalty

It shall be unlawful for any person to violate any provision of this section, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount in accordance with the general penalty provision found in Section 1.106 of the Code of Ordinances, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Sec. 9.10 Landscaping and Tree Protection

A. Applicability

This Section shall apply to all development within the Town with the exception of single-family residential development in the Rural Residential (RR) district and any tracts of land with two (2) acres or more used for agricultural purposes in accordance with this UDC.

B. Purpose.

The purpose of this section is to encourage low maintenance landscaping, water conservation and tree preservation while providing guidelines for minimum landscaping for new development throughout the town, preserving the natural, open character of the Rural Residential areas, and and not prohibiting the normal use of properties for agricultural purposes.

C. *Single-family residential landscaping.* These standards apply to new detached and attached single-family residential developments. These standards may be met by saving existing trees on the site or planting new trees from the recommended list.

1. A twenty (20') foot linear landscape strip shall be provided adjacent to all major thoroughfares and a fifteen (15') foot linear landscape strip shall be provided adjacent to all other public and private streets, exclusive of right-of-way. The landscape strip shall include one (1) shade tree (two and one-half-inch caliper minimum) for every fifty (50) linear feet of street frontage.
 - a. The landscape strip may be incorporated into the adjacent single-family lot. Any landscaping in the right-of-way must be approved by the Town Administrator or his/her designee.
2. A minimum of three (3) shade trees (two and one-half-inch caliper minimum) shall be provided for all single-family residential lots located in the Rural Estate (RE) district or within a Conservation Residential Overlay (CRO) development.
3. A minimum number of shade trees to be planted on any residential lots smaller than one (1) acre shall be specified in the PD.
4. All required trees must be planted prior to request for final building inspection of dwelling units.

D. *Commercial and Multi-family landscaping.* These standards apply to new office, retail and commercial developments. These standards may be met either by saving existing trees on the site, or planting new trees from the recommended list.

1. A twenty-five (25') foot linear landscape strip shall be provided adjacent to all major thoroughfares and a fifteen (15') foot linear landscape strip shall be provided adjacent to all other public and private streets, exclusive of right-of-way. The landscape strip shall include a

- minimum of one (1) shade tree (two and one-half-inch caliper minimum) for every fifty (50) linear feet of street frontage.
2. Where parking lots and drives abut the landscape strip along a street right-of-way, a continuous hedge of evergreen shrubs shall be provided to screen those areas from the street. The shrubs must be a minimum of a ten-gallon size at planting with a minimum mature height of three (3) feet. Shrubs shall be planted according to the spacing recommended for their species. The screening shall extend along the entire street frontage of the parking lot, exclusive of driveways and visibility clips. A landscape berm may be provided in lieu of the screening hedge. The berm must be a minimum of thirty-six (36) inches above the average grade of the street and parking lot curbs with a slope not to exceed 3:1.
 3. Landscaping shall also be provided for the interior parking areas. Trees shall be planted in each parking lot to attain a minimum average density of one (1) shade tree (two and one-half-inch caliper minimum) for each ten (10) parking spaces provided, or any fraction thereof. The planting area per tree shall be a minimum of nine (9') feet wide and twenty (20') feet deep.
 - a. Interior parking lot landscaping shall include a minimum eight (8%) percent open space. To calculate the total parking area and the subsequent percentage of required interior lot landscaping, total the square footage of parking spaces, planting islands, curbed areas and all interior driveways and aisles. Landscaped areas located contiguous to and within five (5') feet of the parking lot may be used to meet the interior landscaping requirement. Landscaped areas located greater than five (5') feet away from the parking lot may not be used to meet the interior landscaping requirement.
 - b. The required landscaping for parking lots shall be more or less evenly distributed throughout the parking lot, although adjustments may be approved by the Town Administrator or his / her designee where the shape or size of the parking lot, the location of existing trees or other natural constraints reasonably prevent such distribution.
 - c. Except for customer and employee parking, parking lot landscape requirements do not apply to storage or standing parking spaces incidental to uses, such as sales and rental of motor vehicles, mobile homes, boats, trailers or other similar uses.
 - d. All landscaped areas, including the permeable areas and drip lines around trees and planting beds used for visual screening which abut any parking lot or vehicular travel area, shall be protected with curbs sufficient to protect them from vehicular intrusion.
 4. Foundation Plantings. Exposed sections of building walls that are in high-use or high-visibility areas of the building exterior shall have planting beds at least five (5) feet wide placed directly along at least fifty (50) percent of such walls.
 5. An automatic irrigation system is required for all landscaping. Irrigation systems shall be designed and installed with rain sensors and low gallonage, low angle nozzles in such a way as to avoid water overflow into the street. A freeze sensor shall be placed in each controller to prevent the irrigation system from activating to create unsafe spillage on roads and/or sidewalks.
- E. *Industrial landscaping requirements.* These standards apply to new industrial developments. These standards may be met by saving existing trees on the site or planting new trees.
1. A thirty (30') foot linear landscape strip shall be provided adjacent to all major thoroughfares and a twenty (20') foot wide linear landscape strip shall be provided adjacent to all other perimeter public streets, exclusive of right-of-way. The landscape strip will include one (1)

- shade tree (two and one-half-inch caliper minimum) for every fifty (50) linear feet of street frontage.
2. Where parking lots and drives abut the landscape strip along a street right-of-way, a continuous hedge of evergreen shrubs shall be provided to screen those areas from the street. The shrubs must be a minimum of three (3) feet in height at maturity and planted according to the spacing shown below. The screening shall extend along the entire street frontage of the parking lot, exclusive of driveways and visibility clips. A landscape berm may be provided in lieu of the screening hedge. The berm must be a minimum of thirty-six (36) inches above the average grade of the street and parking lot curbs with a slope not to exceed 3:1.
 3. Landscaping shall also be provided for the interior employee and customer parking areas. Trees shall be planted in each parking area to attain a minimum average density of one (1) shade tree (two and one-half-inch caliper minimum) for each twenty (20) parking spaces provided, or any fraction thereof. The planting area per tree shall be a minimum of nine (9') feet wide and twenty (20') feet deep.
 - a. Interior parking lot landscaping shall include a minimum five (5%) percentage of open space. To calculate the total parking area and the subsequent percentage of required interior lot landscaping, total the square footage of parking spaces, planting islands, curbed areas and all interior driveways and aisles. Landscaped areas located contiguous to and within five (5') feet of the parking lot may be used to meet the interior landscaping requirement. Landscaped areas located greater than five (5') feet away from the parking lot may not be used to meet the interior landscaping requirement.
 - b. The required landscaping for parking lots shall be more or less evenly distributed throughout the parking lot, although adjustments may be approved by the Town Administrator or his / her designee where the shape or size of the parking lot, the location of existing trees or other natural constraints reasonably prevent such distribution.
 - c. All landscaped areas, including the permeable areas and drip lines around trees and planting beds used for visual screening which abut any parking lot or vehicular travel area, shall be protected with curbs sufficient to protect them from vehicular intrusion.
 4. Foundation Plantings. Exposed sections of building walls that are in high-use or high-visibility areas of the building exterior such as primary pedestrian entrances and street facing facades that are not utilized as service areas shall have planting beds at least five (5) feet wide placed directly along at least fifty (50) percent of such walls.
 5. An automatic irrigation system is required for all landscaping. Irrigation systems shall be designed and installed with rain sensors and low gallonage, low angle nozzles in such a way as to avoid water overflow into the street. A freeze sensor shall be placed in each controller to prevent the irrigation system from activating to create unsafe spillage on roads and/or sidewalks.

F. Commercial and Industrial Landscape Area Treatment

1. Landscape areas shall include all areas on the site that are not covered by buildings, structures, paving or impervious surface. Landscape areas shall consist only of landscaping. The selection and location of turf, ground cover (including shrubs, grasses, perennials, flowerbeds and slope retention), and pedestrian paving and other landscaping elements shall be used to prevent erosion and meet the functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing visibility, attracting

attention to building entrances and other focal points, and visually integrating buildings with the landscape area and with each other.

- a. Turf grass. High-use areas shall be planted with irrigated turf grass. Nonirrigated shortgrass prairie grasses or other adapted grasses that have been certified as Xeriscape landscaping may be established in remote, low-use, low visibility areas.
- b. Planting beds. Shrub and ground cover planting beds shall be separated from turf grass with edging and shall have open surface areas covered with mulch.
- c. Slopes. Retaining walls, slope revetment or other acceptable devices integrated with plantings shall be used to stabilize slopes that are steeper than 3:1. If soil tests performed on the subject soils indicate steeper slopes are stable without the above required protection, then the maximum slope allowed without the above required protection may be increased to the maximum stated in the soils report or 2:1, whichever is less steep.
- d. Foundation Plantings. Exposed sections of building walls that are in high-use or high-visibility areas of the building exterior shall have planting beds at least five (5) feet wide placed directly along at least fifty (50) percent of such walls.
- e. Agricultural Use. If outdoor space is maintained in active agricultural use, the landscape surfaces and ground cover standards above shall not apply.

G. Water Conservation

1. All landscaping plans shall be designed to incorporate water conservation materials and techniques through application of Xeriscape landscaping principles. Xeriscape landscaping principles do not include or allow artificial turf or plants, mulched (including gravel) beds or areas without landscape plant material, paving of areas not required for walkways, plazas or parking lots, bare ground, weed covered or infested surfaces or any landscaping that does not comply with the standards of this section. Xeriscape landscaping principles shall be:
 - a. grouping plants with similar water requirements together on the same irrigation zones;
 - b. limiting high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs;
 - c. use of low-water demanding plants and turf where practicable;
 - d. use of efficient irrigation systems;
 - e. incorporation of soil improvements;
 - f. use of mulches;
 - g. provision of regular and attentive maintenance.

H. Plant Materials.

1. Approved Trees

Table 9.3 Approved Native Shade Trees	
Common Name	Scientific Name
Texas Ash	<i>Fraxinus texensis</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muhlenbergii</i>
Shumard Oak	<i>Quercus shumardii</i>
Durand Oak	<i>Quercus sinuate</i>
Post Oak	<i>Quercus stellata</i>
Live Oak	<i>Quercus virginiana</i>
Blackjack Oak	<i>Quercus marilandica</i>
Texas Red Oak	<i>Quercus texana</i>
Bald Cypress	<i>Taxodium distichum</i>
Lacebark Elm	<i>U. parvifolia sempervirens</i>
Caddo Maple	<i>Acer barbatum</i>
Bigtooth Maple	<i>Acer grandidentatum</i>
Red Maple	<i>Acer rubrum</i>
Trident Maple	<i>Acer buergerianum</i>
Chitalpa	<i>Chilopsis x catalpa</i>
Ginkgo	<i>Ginkgo biloba</i>
Sweetgum	<i>Liquidambar styrdciflua</i>
Austrian Pine	<i>Pinus nigra</i>
Western Soapberry	<i>Sapindus drummondii</i>

Table 9.4 Small Trees and Shrubs	
Common Name	Scientific Name
Mexican Redbud	<i>Cercis mexicana</i>
Texas Redbud	<i>Cercis texensis</i>
Desert Willow	<i>Chilopsis linearis</i>
Mountain Cedar	<i>Juniperus ashei</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Goldenrain Tree	<i>Koelreuteria paniculata</i>
Afghan Pine	<i>Pinus eldarica</i>
Loblolly Pine	<i>Pinus Taeda</i>
Japanese Black Pine	<i>Pinus thunbergii</i>
Mexican Plum	<i>Prunus mexicana</i>
Aristocrat Pear	<i>Pyrus calleryana</i>
Lacey Oak	<i>Quercus glaucooides</i>
Eve's Necklace	<i>Sophora affinis</i>
Rusty Blackhaw	<i>Viburnum rufidulum</i>
Purple Plum	<i>Prunus cerasifera</i>
Prairie Flameleaf Sumac	<i>Rhus copallina</i>
Escarpment Live Oak	<i>Quercus fusiformis</i>
Birds of Paradise	<i>Caesalpinia gilliesii</i>
Washington Hawthorn	<i>Crataegus phaenopyrum</i>
Texas Persimmon	<i>Diospyros texana</i>
Possumhaw Holly	<i>Ilex deciduas</i>
Savannah Holly	<i>Ilex opaca</i>

Table 9.4 Small Trees and Shrubs	
Common Name	Scientific Name
Yaupon Holly	<i>Ilex vomitoria</i>
Nellie R. Stevens	<i>Ilex x 'NRS'</i>
Foster Holly	<i>Ilex x attenuata</i>
Nellie R. Stevens Holly	<i>Ilex x. 'Nellie R. Stevens'</i>
Juniper, Blue Point	<i>Juniperus chinensis 'Blue Point'</i>
Juniper, Wichita Blue	<i>Juniperus scopulorum 'Wichita'</i>
Crape myrtle	<i>Lagerstroemia</i>
Little Gem Magnolia	<i>Magnolia grandiflora "Little Gem"</i>

2. Approved Shrubs and Vines

Table 9.5 Approved Shrubs and Vines	
Common Name	Scientific Name
Dwarf Glossy Abelia	<i>Abelia x grandiflora</i>
Glossy Abelia	<i>Abelia x grandiflora</i>
Japanese Aucuba	<i>Aucuba japonica</i>
Purpleleaf Japanese Barberry	<i>Berberis thunbergii "atropurpurea"</i>
Crimson Pygmy Barberry	<i>Berberis thunbergii 'Crimson'</i>
Flowering Quince	<i>Chaenomeles japonica</i>
Elaeagnus	<i>Elaeagnus pungens 'Fruitlandii'</i>
Dwarf Burning Bush	<i>Euonymus alata 'Compacta'</i>
Forsythia	<i>Forsythia x intermedia</i>
Rose of Sharon (Althea)	<i>Hibiscus syriacus</i>
Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>
Hypericum	<i>Hypericum patulum</i>
Burford Holly	<i>Ilex cornuta 'Burfordii'</i>
Dwarf Burford Holly	<i>Ilex cornuta Burfordii 'Pygmy'</i>
Dwarf Chinese Holly	<i>Ilex cornuta 'Rotunda'</i>
Dwarf Yaupon Holly	<i>Ilex vomitoria 'Nana'</i>
Italian Jasmine	<i>Jasmine nudiflorum</i>
Dwarf Crepe Myrtle	<i>Lagerstroemia indica</i>
Miniature Crepe Myrtle	<i>Lagerstroemia indica</i>
Semi-dwarf Crepe Myrtle	<i>Lagerstroemia indica</i>
Winter/Bush Honeysuckle	<i>Lonicera fragrantissima</i>
Leatherleaf mahonia	<i>Mahonia bealeii</i>
Standard Nandina	<i>Nandina domestica</i>
Compact Nandina	<i>Nandina domestica 'Compacta'</i>
Harbor Dwarf Nandina	<i>Nandina domestica 'Harbor Dwarf'</i>
Chinese photinia	<i>Photinia serrulata</i>
Dwarf Pomegranate	<i>Punica granatum</i>
Indian Hawthorne	<i>Rhapiolepis indica</i>
Aromatic Sumac	<i>Rhus aromatica</i>
Bridal Wreath Spiraea	<i>Spiraea spp.</i>
Dwarf Spirea (Anthony Waterer, Goldflame, Little Princess)	<i>Spiraea spp.</i>
Cleyera	<i>Ternstroemia gymnanthera</i>

Table 9.5 Approved Shrubs and Vines	
Common Name	Scientific Name
Purpleleaf Euonymus	<i>Euonymus fortunei "Colotara"</i>
Boston Ivy	<i>Parthenocissus tricuspidata</i>
Asiatic Jasmine	<i>Trachelospermum asiaticum</i>

3. Approved Ornamental Grasses

Table 9.6 Approved Ornamental Grasses	
Common Name	Scientific Name
Feather Reed grass, Karl foerster	<i>Calamagrostis acutiflora 'Karl'</i>
Dwarf Pampas Grass	<i>Cortaderia selloana pumila</i>
Ravenna Grass	<i>Erianthus ravennae</i>
Dwarf Maiden Grass	<i>Miscanthus sinensis 'Adagio'</i>
Maiden Grass	<i>Miscanthus sinensis 'Gracillimus'</i>
Morning Light Maiden Grass	<i>Miscanthus sinensis 'Morning Light'</i>
Variegated Japanese Silver Grass	<i>Miscanthus sinensis 'Variegatus'</i>
Zebra Grass	<i>Miscanthus sinensis 'Zebrinus'</i>
Mondo Grass/Monkey grass	<i>Ophiopogon japonicus</i>
Hameln`s Fountain Grass	<i>Pennisetum a. 'Hameln'</i>
Black Fountain Grass	<i>Pennisetum a. 'Moudry'</i>
Standard Fountain Grass	<i>Pennisetum alopecuroides</i>
Feather Reed grass, Karl foerster	<i>Calamagrostis acutiflora 'Karl'</i>
Dwarf Pampas Grass	<i>Cortaderia selloana pumila</i>
Ravenna Grass	<i>Erianthus ravennae</i>
Dwarf Maiden Grass	<i>Miscanthus sinensis 'Adagio'</i>

I. Plant Quality

1. All plants shall be A-Grade or No. 1 Grade, free of any defects, of normal health, height, leaf density and spread appropriate to the species as defined by American Association of Nurserymen standards.

J. Installation

1. All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All landscaping in each phase shall either be installed or the installation shall be secured with a letter of credit, escrow or performance bond for one hundred twenty-five (125%) percent of the value of the landscaping prior to the issuance of a certificate of occupancy for any building in such phase.

K. Maintenance.

1. Trees and vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease, pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition.

L. Replacement.

1. Any landscape element that dies, or is otherwise removed, shall be replaced within 3 months.

M. Tree Preservation.

1. Native shade trees (Table 9.3) greater than 6" dbh that are preserved shall be credited towards the minimum landscape requirements at a ratio of 2 to 1. To receive the preservation credit, trees must be in good health, identified on a landscape plan and not within the limits of a designated floodplain.

N. Tree Removal.

1. A Tree Removal Permit is required prior to the removal of any native shade tree (Table 9.3) greater than 6" dbh. Agricultural use and homestead lots are exempt.

O. Irrigation.

1. Provision shall be made for permanent, automatic irrigation of all plant material, with the following exceptions:
 - a. certified Xeriscape landscaping which does not require any irrigation for survival.
 - b. trees and other plants used to landscape a residential local street parkway abutting lots for single-family detached dwellings.
2. An irrigation plan shall be submitted to and approved by the Town Administrator or his/her designee prior to the issuance of the building permit, or if no building permit is required, then prior to commencement of construction. The plan shall be accurate and clear and drawn to the same scale as the associated landscape plan.

P. Utilities and Traffic.

Landscape, utility and traffic plans shall be coordinated. The following list sets forth minimum dimension requirements for the most common tree/utility and traffic control device separations. Exceptions to these requirements may occur where utilities or traffic control devices are not located in their standard designated locations, as approved by the Town Administrator or his/her designee. Tree/utility and traffic control device separations shall not be used as a means of avoiding the planting of required street trees.

1. Forty (40) feet between shade trees and streetlights. Fifteen (15) feet between ornamental trees and streetlights.
2. Twenty (20) feet between shade and/or ornamental trees and traffic control signs and devices.
3. Ten (10) feet between trees and water or sewer mains.
4. Six (6) feet between trees and water or sewer service lines.
5. Four (4) feet between trees and gas lines.
6. Visual Clearance or Sight Distance Triangle.

- a. A twenty five (25') foot by twenty five (25') foot visual clearance triangle, free of any structures or landscape elements over twenty-four (24) inches in height, shall be maintained at street intersections and driveways.

Q. Alternative Compliance.

Upon request by an applicant, the Town Council may approve an alternative landscape and tree protection plan that may be substituted in whole or in part for a landscape plan meeting the standards of this section.

1. Procedure. Alternative landscape plans shall be prepared and submitted in accordance with submittal requirements for landscape plans. Each such plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purposes of this section than would a plan which complies with the standards of this section.
2. Review Criteria. To approve an alternative plan, the Town Council must first find that the proposed alternative plan accomplishes the purposes of this section equally well or better than would a plan which complies with the standards of this section.

In reviewing the proposed alternative plan for purposes of determining whether it accomplishes the purposes of this Section as required above, the Town Council shall take into account whether the alternative preserves and incorporates existing vegetation in excess of minimum standards, protects natural areas and features, maximizes tree canopy cover, enhances neighborhood continuity and connectivity, fosters nonvehicular access, or demonstrates innovative design and use of plant materials and other landscape elements.

Sec. 9.11 Screening and Fencing

A. Fencing and Screening Wall Standards

1. General Requirements

- a. A permit shall be required for any new fence or screening wall construction or replacement of an existing fence or screening wall unless otherwise provided in this UDC. No permit shall be required to repair a fence as long as the repair keeps the fence in the same location and utilizes the same materials.
- b. All fences and screening walls shall be kept in good repair and shall not create blight. Dilapidated fences or screening walls shall be repaired or replaced in accordance with provisions of this section. Fences may be painted, but no bright, unnatural colors are allowed. Wood fences shall be painted or stained with natural wood colors.
- c. No fence or screening wall shall exceed eight (8) feet in height, as measured from the grade of the property, unless otherwise approved by the Town Council or BOA.
- d. No barbed wire, hog wire, chicken wire, chain link, or electrical fencing shall be allowed except as otherwise permitted in this UDC.
- e. Existing chain link fences may be replaced with a permit. All new replacement chain link fencing shall be vinyl clad in black or green.
- f. Chain link fencing may be allowed for fencing of dog runs, tennis courts, swimming pools and similar purposes if it is completely contained on the lot, not on the perimeter, and it is not directly visible from any street or adjacent property.
- g. Temporary fencing used for construction purposes or special events shall be exempt from the requirements of this section provided that such fencing is approved as part of the applicable building permit or special events permit.
- h. Any variances to the requirements of this section shall be considered by the BOA unless otherwise provided in this UDC.

2. Fencing Requirements for Agricultural Uses

- a. The following standards apply to tracts of land with two (2) acres or more used for agricultural or animal husbandry purposes in accordance with this UDC.
- b. Pipe fencing, split rail fencing, barbed wire, hog wire, chicken wire, chain link, cable, and other open style types of fencing traditionally used in agriculture and animal husbandry shall be allowed. Such fencing may be located up to the right-of-way line and shall not exceed eight (8) feet in height. Solid style types of fencing shall meet the fence height and setback requirements for residential uses. Open style fencing typically used in wildlife management may exceed eight (8) feet in height as necessary for the purposes of wildlife management.
- c. Electrical fences shall be allowed. Such fences must be located a distance of at least six (6) inches inside a nonelectric fence; shall be installed and maintained as per manufacturer's instructions; and shall have posted signs on all sides spaced at not more than fifty (50) foot intervals stating "DANGER. ELECTRIC FENCE."

- d. No permit is required for agricultural fencing.

3. Fencing Requirements for Residential Uses

- a. Fences shall be constructed of wood, ornamental metal (i.e. wrought iron), tubular steel, masonry, or other materials traditionally used in private fence construction. New and innovative materials such as plastics, PVC's, metal panel or slat, cementitious fiberboard, and other similar materials may be approved for use by the Town Administrator or his/her designee if the material is compatible in character with traditional residential fencing and proven to be sturdy, durable and relatively maintenance-free.
- b. Hog wire, chicken wire, and similar materials may be used in combination with other permitted open type fencing such as split rail fences in areas zoned for single-family residential use.
- c. The maximum height, as measured from the grade of the property, shall be as follows:
 - i. Five (5) feet for front yard or in front of the main structure in the RR zoning district. Three (3) feet for front yard or in front of the main structure in all other residential zoning districts. Fences located in the front yard shall be constructed of split rail, ornamental metal, tubular steel, or similar open face material.
 - ii. Eight (8) feet for side or rear yards.
- d. Fencing in the front yard of a residential lot shall be located no closer than three (3) feet (measured inside the residential lot) to the ultimate right-of-way line according to the Master Thoroughfare Plan.
- e. Gates designed for vehicular access shall be set back from the ultimate right-of-way line according to the Master Thoroughfare Plan a minimum of twenty-four (24) feet. Gate and entry elements located in the front yard of properties in the RR zoning district may be up to eight (8) feet in height. Entry elements that include an archway over the gate may exceed the maximum height to provide adequate clearance for vehicles.
- f. The height of a fence adjacent or perpendicular to a screening wall shall not exceed the height of the subdivision's screening wall or any other fence constructed by the developer at the time of initial development.
- g. All fences adjacent to parks, trails, or designated open spaces shall be constructed of split rail, ornamental metal, tubular steel, masonry columns, or similar open face material and not exceed a height of six (6) feet. No wood fencing shall be allowed behind the required open fencing. Solid fencing constructed of Cedar (with metal posts and Cedar top and bottom caps and stained with wood sealant) or masonry material may be allowed if adjacent to a park or open space area that is used actively such as a public swimming pool, sport facility, etc.
- h. Allowable wood fences adjacent to streets, schools, parks, open spaces or other public spaces shall have the finished side facing the public space. All fence posts and structural components shall be placed on the interior of the lot.
- i. Any new or replacement wood fences adjacent to a thoroughfare as shown on the Master Thoroughfare Plan shall be constructed of Cedar material with metal posts and Cedar top and bottom caps and stained with a wood sealant. All fence posts and structural components shall be placed on the interior of the lot.

- j. The location of fences for double frontage lots or corner lots adjacent to a street shall be in accordance with the building setback line as shown on the final plat. If a property is not platted, the location of fences shall comply with the building setback requirements of the zoning district that the property is located in.
 - k. If a corner lot is adjacent to a subdivision's screening wall, a fence may be placed outside the required setback line to connect with the screening wall.
 - l. Fences for non-residential uses allowed in residential zoning districts such as schools or Churches shall meet the fencing standards for non-residential districts.
4. Fencing Requirements for Swimming Pools
- a. Swimming pools shall have a fence of a minimum four (4) feet in height with self-closing, self-latching gates. Openings in the fence shall not allow passage of a 4-inch diameter sphere.
 - b. A structure may be used as part of a fence enclosure, provided that all entrances into the swimming pool area or court are equipped with gates as described herein or doors with latches and locks.
 - c. Fencing materials shall meet all requirements of this Section.
5. Fencing and Requirements for Multi-Family and Non-Residential Uses
- a. Fencing shall not exceed eight (8) feet in height.
 - b. Fencing shall be constructed of wrought iron, tubular steel, masonry, live screening, or a combination thereof. Wood, barbed wire, and chain link fencing is prohibited unless otherwise permitted in this section.
 - c. All fencing for multi-family and non-residential developments shall be identified on the site plan for the development and approved as part of the site plan approval.
 - d. The Town Council may approve variances to any of these requirements as a part of the site plan approval. When a site plan is not applicable, the BOA may consider variances to these requirements.
6. Screening Wall Requirements
- a. Screening walls shall be constructed of masonry material such as brick, stone, concrete panels, or similar materials consistent in material, finish, and color with the primary buildings within the development or adjacent buildings in the area. The wall finish shall be consistent on both sides.
 - b. Screening walls shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height.
 - c. Screening wall plans shall be submitted to the Town for review and permitting and shall be signed and sealed by a Structural or Civil Engineer licensed by the State of Texas.
- B. Landscape Buffering and Screening Standards

Buffering shall be required in all subdivisions and for all development and construction as follows:

1. All residential subdivisions or developments abutting collector or thoroughfare streets either existing or so designated by the Master Thoroughfare Plan shall buffer the entire length of the abutted street as identified below.
 - a. Buffer:
 - i. A minimum of ten feet (10') wide landscape buffer with one native shade tree (Table 9.3) per forty (40) linear feet of road frontage; or
 - ii. A minimum of twenty-five feet (25') wide landscape buffer consisting of any combination of berms and open style fencing (split rail or wrought iron style) with one native shade tree (Table 9.3) per forty (40) linear feet of road frontage; or
 - iii. A minimum of fifty feet (50') wide landscape buffer consisting of a screening wall with one native shade tree (Table 9.3) and seven shrubs per thirty (30) linear feet of road frontage.
 - b. Grass or other permanent turf shall be installed within the buffer area.
 - c. A permanent automatic irrigation system, equipped with an anti-freeze device, shall be installed for all landscaped and grass areas.
 - i. The irrigation system shall be installed and metered in the name of the developer or home owners association, or public improvement district.
 - d. All plants (trees, shrubs, ground cover) shall be living and maintained in a sound, healthy, and vigorous growing condition.
 - e. The maintenance of all fences and landscaped areas shall be the responsibility of the developer, home owners association or Public Improvement District.
2. All development having open yard storage, rear loading docks or facilities, trash dumpsters or other related activity or materials generating noise, dust or other pollutants not common to the general area or compatible with adjacent zoning designations or use shall buffer to encompass such areas.
3. All trash dumpsters shall be encompassed with a buffer which shall include a solid, decorative gated access designed to be architecturally compatible with the area.
4. All subdivisions and development adjoining property with a different zoning classification or use shall buffer the whole length of the adjoining development.
5. All fences and screening walls shall be architecturally compatible with the general area.
6. Buffering, landscaping and architectural compatibility shall be approved by the Development Review Committee (DRC) prior to platting or construction.
7. The proximity of the screening wall to the landscaping shall be such that the landscaping always fronts the street and, if not applicable, fronts the most restrictive district or use. When proven that the overall design can be improved by reorientation, this proximity can be

modified by Town Administrator or his / her designee as long as none of the requirements are lessened.

8. All required buffers shall be a minimum of Type B unless otherwise specified in the Buffer Type Table shown below. Normal landscaping requirements specified in Section 9.10 above may be counted towards the landscape buffer requirements specified in this Section.
9. Alternate screening methods may be requested as part of the site plan review process and may be approved by the Town Council.

Table 9.7 Buffer Type Table				
	Single Family	Multi Family	Commercial	Industrial
Single Family		A	B	C
Multi Family	A		A	B
Commercial	B	A		A
Industrial	C	B	A	

Types of Buffers:

1. Type A: A six (6) foot high screening wall.
2. Type B: A six (6) foot high screening wall with a ten (10) foot wide planting strip that includes five (5) shade trees per one hundred (100) linear feet.
3. Type C: A six (6) foot high screening wall with a fifteen (15) foot wide planting strip that include five (5) large trees per one hundred (100) linear feet.
4. A landscape berm planted with thirty (30) shrubs per one hundred (100) linear feet may be provided in lieu of the fence upon approval of the Town Administrator or his / her designee. The berm must be a minimum of forty-eight (48) inches above the average grade of the adjacent lot with a slope not to exceed 3:1.