

ORDINANCE NO. 1036

AN ORDINANCE OF THE CITY OF STAFFORD, TEXAS, AMENDING CHAPTER 102 OF THE CITY'S CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE TO AMEND MIXED USE 2 ZONING DISTRICT ("DISTRICT MU-2"); PROVIDING FOR THE CREATION OF MU-2 ZONING DISTRICTS ON TRACTS OF LAND 100 ACRES OR LARGER; PROVIDING THAT THE ZONING MAP SHALL BE CHANGED TO REFLECT THE ZONING DISTRICT CHANGE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City's Planning and Zoning Commission has conducted a public hearing and discussed the amending of the MU-2 zoning classification and made a report, which the City Council has considered in making its decision;

WHEREAS, the City Council has, in the time and manner and after the notice required by law and the City's Zoning Ordinance, conducted a public hearing on the request for the amending of the MU-2 zoning classification and rezoning of the Property; and

WHEREAS, the City Council deems it appropriate to amend the MU-2 Zoning District; now, therefore,

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated into this ordinance.

Section 2. The Code of Ordinances of the City of Stafford, Texas, is hereby amended and Section 102-196 is repealed and replaced as follows:

CHAPTER 102 ZONING

ARTICLE I. GENERAL PROVISIONS

Sec. 102-196. - District MU-2 (Mixed Use 2 District).

Purpose:

District MU-2 is established to accommodate mixed uses through the strict enforcement of performance standards that will encourage quality development and redevelopment of large scale mixed commercial, light industrial and residential uses on lands that are currently undeveloped, or are candidates for redevelopment, located in the city.

Application and Procedure:

An application for a District MU-2 shall be made to the Planning and Zoning Commission in the same manner that an application for any amendment to the Zoning Ordinance is made and shall be processed according to the procedure in in this ordinance. As in the instance of new subdivision platting, a pre-planning conference is required as set out in City of Stafford's Subdivision Ordinance preparatory to the filing of the application for a District MU-2. The City Council, after recommendation by the Planning and Zoning Commission and after public hearing and proper notices to all parties affected, may authorize the creation of a MU-2 on sites of one hundred (100) acres or more.

Procedure for Establishing Standards:

In approving the development plan and the ordinance establishing the District MU-2, the City Council shall after recommendation of the Planning and Zoning Commission, specify such maximum off-street parking and loading standards within the limits of those specified in the districts for the specified usage involved as is appropriate for the development. The City Council shall, after recommendation of the Planning and Zoning Commission establish the standards for height, yards, signs, building space, site coverage, access, screening walls, landscaping, building area, open space, pedestrian ways, public

or private streets or alleys to be observed in the District MU-2 and such standards shall be specified in the ordinance establishing the district.

Development Schedule:

- (1) An application for a District MU-2 shall be filed with the Planning and Zoning commission and be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer, his successors and assigns in interest.
- (2) The building official shall report annually to the Planning and Zoning Commission, the actual development accomplished in the District MU-2 as compared with the development schedule.
- (3) The Planning and Zoning Commission, if in its opinion, the owner or owners of property are failing or have failed to meet the approved schedule, may, with City Council approval, initiate proceedings under this ordinance to amend the Zoning Map or the DISTRICT MU-2 by removing all or part of the DISTRICT MU-2 from the Zoning District Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedules as may be indicated by the facts and conditions of the case.

Development Plan Required.

An application for a District MU-2 shall include and be accompanied by a development plan which shall become a part of the amending ordinance and shall be referenced on the Zoning District Map. Changes in the development plan shall be considered the same as changes in the Zoning District Map and shall be processed as required in this ordinance except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio,

height or coverage of the site, or which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site, as indicated on the approved development plan or are subdivisions of land in accordance with the City's subdivision ordinance, may be authorized by the Planning and Zoning Commission. Any applicant may appeal the decision of the Planning and Zoning Commission to the City Council for review and decision as to whether an amendment to the District MU-2 Ordinance shall be required. The Development Plan shall include:

1. A plat, prepared by a registered surveyor or engineer, showing proposed public or private street or alley; building sites or building lots; any area proposed for dedication or reserved as parks or parkways; playgrounds; utility easements; school sites; street widening, street changes, and the points of ingress and egress from existing public streets and defining boundaries and topography with a contour interval of not less than two (2) feet, or spot grades where the relief is limited.
2. Where multiple types of land use are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.
3. Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and property line, street line and/or alley line shall be submitted. For buildings more than one (1) story in height, except single family and two family residences, elevations and/or prospective drawings may be required in order that the relationship of the buildings to adjacent property, open spaces and to other features of the development plan may be determined. Such drawings need only indicate the heights, number of floors, and exposures for access, light and air.
4. Where off-street loading is required, a plan indicating the arrangement and provisions shall be submitted. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the

arrangement proposed and the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan shall also be shown.

5. A designation of the maximum building coverage of the site shall be indicated upon the site land.
6. Screening and landscaping plans shall be required where such treatment is essential to the proper arrangement of the development in relation to adjacent property. Such plan shall, when required, include screening walls, ornamental planting, playgrounds, wooded areas to be retained, lawn and gardens, if such are determined to be necessary by the Planning and Zoning Commission.
7. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the City Planning and Zoning Commission and interpretation by the Building Official.
8. Every District MU-2 approved under the provisions of this ordinance shall be considered as an amendment to the Zoning Ordinance as applicable to the property involved. In carrying out the development of a District MU-2, the development conditions of the development schedule, if required, shall be complied with. Such conditions as are specified for the development of a District MU-2 shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy and compliance.

Definitions:

For the purposes of this ordinance, certain words and terms are hereby defined. Words used in the present tense shall include the future tense; the singular number shall include the plural number, and the plural number shall include the singular number. The word "building" shall include the meaning of the word "structure." The word "lot" shall include the meaning of the words "plot," "parcel," or "tract"; and the term "used for" shall include the meaning of the terms

"designed for" or "intended for." The word "shall" is mandatory, not directive. Words, phrases, and terms not defined herein but defined in the building code of the city shall be construed as defined in said code. Words, phrases, and terms not defined herein nor defined in the Building Code of the city shall be given their usual and customary meanings except where the context clearly indicates a different meaning. The following definitions shall apply in the interpretation and enforcement of this ordinance:

Accessory structure shall mean a detached structure which is incidental, auxiliary, and subordinate to the principal building, is subordinate in area, extent, or purpose to the principal building, contributes to the comfort, convenience and necessity of occupants of the principal building, and is located on the same lot as the principal building. Construction shall comply with all local building codes.

Accessory use shall mean a subordinate use customarily incident to and located on the same lot occupied by the principal building or use.

All-weather surface shall mean a covering for driveways, service roads and parking spaces that is dust free, not adversely affected by inclement weather, and paved over a minimum of six inches of limestone base with two inches of asphalt topping, or as directed by the geotechnical engineering consultant for the project. All weather temporary roads installed during construction shall be as directed by the geotechnical engineering consultant for the project.

Alley shall mean a public or private right-of-way which affords a secondary means of access to abutting property.

Amusement Arcade means a venue where people play arcade games such as video games, pinball machines, electro-mechanical games, redemption games, or coin-operated billiards or air hockey tables.

Animal hospital means an establishment for the care of small animals. Use as a kennel shall be limited to short-time boarding of one week or less. Animals must be board indoors

Antenna shall mean any exterior apparatus designed for telecommunications, telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Art Gallery means a building or space for the exhibition of art.

Assembly group A-3 occupancy shall mean the use of a building or structure, or portion thereof, for the gathering together of persons for purposes of worship, recreation or amusement and includes, but is not limited to, the uses classified as

assembly group A-3 occupancies under section 303.1, of the International Building Code, 2009 edition (Nonresidential), as published by the International Code Council, Inc., including but not limited to, amusement arcades, art galleries, auditoriums, bowling alleys, community halls, courtrooms, dancehalls, exhibition halls, funeral parlors, gymnasiums, indoor swimming pools, indoor tennis courts, lecture halls, libraries, museums, passenger stations (waiting area), pool and billiard parlors, religious facilities, and other assembly uses not classified elsewhere in Group A of said section 303.1.

Assisted living shall mean the business of providing long term residential care for persons needing less intense assistance than those residing at a rest home, which if provided, enables them to maintain a degree of independent living.

Automobile (car) wash shall mean a business which provides for the washing of automobiles, sometimes using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices, sometimes involving manual means only, and sometimes involving self-washing utilizing pressurized water devices.

Automobile service station shall mean a business which provides for the sale of automobile fuel, at retail direct to the customer, including the supplying of incidental products, accessories, and replacement parts, and also including incidental repair services essential to the normal operation of automobiles, but not including body or tender work, painting, or major motor repairs.

Automobile/vehicle repair and service garage shall mean a business which provides major repair and maintenance of automobiles and other motor vehicles, including the repair and/or installation of motors, tail pipes, mufflers, brakes, radiators, electrical systems, and other component automotive or vehicle parts, whether mechanical or electrical, but not including the painting, repair, or reconstruction of the body or body parts thereof.

Awning, or Canopy shall mean a roof like structure of a permanent nature which projects from the wall of a building or overhangs a private or public access way.

Billiard Parlor means a room in which billiards is played.

Block shall mean a group of lots bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or corporate boundary lines, or other natural or geographic boundaries. If the word "block" is used as a term of measurement, it shall mean the distance along the side of a street or other boundary line between two intersecting streets or, if the street is of a dead end type, between the nearest intersecting street and the end of such dead end street.

Boarding house shall mean a building other than a hotel, motel, or apartment house, where for compensation meals and lodging are provided for three or more persons.

Bowling Alley shall mean a building or room containing lanes for bowling.

Buffer yard shall mean a land area required under the provisions of this Ordinance to separate different classifications of land uses from each other. A buffer yard can include the required front, side or rear yards, and may, where applicable and otherwise required, be included in and as a part of required common areas for residential, commercial, or industrial subdivisions or developments.

Building shall mean any structure designed or built for the support, shelter, protection, housing, or enclosure of persons, animals, chattels, or property of any kind.

Building area shall mean the maximum portion of a lot over which buildings and structures may be constructed.

Building code shall mean and refer to any rule, regulation, ordinance, or law of the city governing the design, construction, and maintenance of any building or structure, or part thereof.

Building height shall mean the vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch.

Building line shall mean a line parallel or approximately parallel to the lot line and beyond or outward of which no building or structure shall be erected or constructed except where specifically authorized herein.

Building Official shall mean the officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of the building code of the city.

Building, main, shall mean the building in which the main or principal use of the lot on which it is located is conducted.

Building, residential, shall mean a building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers.

Building Site shall mean an area or plot of ground with defined limits on which a building, project, park, etc., is located or proposed to be located.

Business shall mean any isolated or continuous activity of commercial enterprise conducted for compensation or profit.

Business Park shall mean a group of buildings developed as a unit intended to be used for general professional and business offices, and including but not limited to retail and service operations such as restaurants, coffee shops, office supply, barbershops, gift shops, health spas, and specialty stores.

Carport shall mean a roofed structure open on at least two sides when attached to a building and open on three sides when detached from a building, and covered with a roof supported by structural steel, wood columns, or masonry piers.

Child Care is the care of a child by a person other than the child's legal guardians, typically performed by someone outside the child's immediate family. Child care is typically an ongoing service during specific periods, such as the parents' time at work and is provided in a facility away from the child's home.

Cinema / Movie Theater means is a venue, usually a building, for viewing movies (films). Most but not all movie theaters are commercial operations catering to the general public, who attend by purchasing a ticket. Theaters typically sell concessions which may include food and beverage including alcohol.

City shall mean the City of Stafford, Texas.

Clinic, medical shall mean a business which provides medical, dental, chiropractic, psychological and other care by one or more medical doctors who may or may not be associated in the practice of their professions.

Council shall mean the governing body of the City of Stafford, Texas.

Community, Age restricted shall mean an age-restricted community often gated, that typically limits residency to individuals who are over 55 years of age. These communities are set up to accommodate older individuals who would like to live in an area without resident children. In most cases a younger spouse or significant other is permitted to live in the community as long as one member meets the minimum age requirement.

Community Hall shall mean a public location where members of a community can gather for group activities, social support, public information, and other purposes.

Commercial use shall mean the activities of business, industry, and trade engaged in the manufacture, transportation, or sale of goods or services.

Convenience store shall mean a business, other than a grocery store, which provides for the sale of food and alcohol products and other incidental items, which is designed and located to provide ease of access and reduction of time necessary to purchase such goods and products.

Convenience store with gasoline shall mean a convenience store which, as an accessory use, includes the sale of automobile fuel through no more than ten (10) fuel dispensing stations.

Convention Facility means a building that is designed to hold a convention, where individuals and groups gather to promote and share common interests.

Court shall mean an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent open space.

Dance Hall means a building or part of a building with facilities for dancing, but not including food or drink consumption.

Decibel (DB) shall mean the physical unit commonly used to describe noise levels. One decibel is the level of the squared sound pressure that is ten one-hundredths equal 1.259 times the squared reference and sound pressure; also one decibel is the level of sound pressure that is ten one-twentieths equal 1.122 times the reference pressure. As a point of reference; below 40 decibels is considered quiet, 40-95 decibels is considered moderate to loud, 96-115 decibels is considered very loud, and above 115 decibels may be considered painful.

Development shall mean newly constructed or erected buildings or structures to a lot, relocated buildings or structures onto another lot, or the use of open land for a new or different use. To "develop" is to create a development.

Development, Age Based shall mean a newly constructed building or group of buildings, exclusively for residential occupancy and any amenities dedicated to the occupants of those buildings whereby admittance is restricted in part or whole due to the age of one or more of the occupant or occupants being 55 years or older and will not exceed 20 acres.

Distribution means a warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products (goods) to be redistributed to retailers, to wholesalers, or directly to consumers.

Dwelling shall mean a building or portion thereof designed and used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels or boardinghouses.

Dwelling, detached, shall mean a single-family dwelling located on a lot which contains no other dwelling units and which lot contains a front, rear, and two side yards.

Dwelling, Multifamily, shall mean a building or portion thereof which contains three or more separate dwelling units which may share means of egress and other essential facilities.

Dwelling, Multi-Family, Urban shall mean a new building or portion thereof which contains three or more separate dwelling units which may share means of egress and other essential facilities and is designed according to generally accepted urban standards such as, fronting on a public street, enhanced pedestrian routes and parking behind the buildings.

Dwelling, Multi-Family, Urban Wrap shall mean a multi-story building or portion thereof which contains three or more separate dwelling units which may share means of egress and other essential facilities and is connected to a multi-level parking structure.

Dwelling, Multi-Family Loft, shall mean a building or portion thereof which contains three or more separate dwelling units which may share means of egress and other essential facilities and is characterized by open space floor plans, exposed building structure, minimal walls, and typically occupies an existing, renovated structure.

Dwelling, single-family, shall mean a building containing only one dwelling unit and/or occupied by only one family, but not including a manufactured home.

Dwelling, single-family, attached, means two or more dwelling units in a single structure or attached structures, each of which could have a single private lot, which are separated from each other by a dividing wall. Such units may be side-by-side, back-to-back, or both. This includes two-family dwellings, patio homes, and townhouses.

Dwelling, single-family, detached, means a dwelling unit, designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling unit.

Dwelling unit shall mean a single unit designed and constructed to provide complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exhibition Hall shall mean a large hall for holding public displays of art, products, skills, activities, etc.

Fabrication shall mean a manufacturing process in which an item is made (fabricated) from raw or semi-finished materials instead of being assembled from ready-made components or parts.

Family shall mean one or more individuals, of which not more than two are unrelated by blood, marriage, or adoption living as a single housekeeping unit, exclusive of servants or caretakers.

Fence shall mean a structure or vegetative hedge greater than thirty (30) inches in height, designed, constructed, or planted to provide protection from intrusion (both physical and visual), to prevent escape, mark a boundary, or provide decoration. Provided, however, dikes and retaining walls erected or constructed for the purpose of diverting water and retaining soil shall not be deemed a fence, nor shall backdrops erected for tennis courts or similar sports/recreational uses.

Floor area, gross, shall mean the area within the outside perimeter of exterior walls of a building, with no deduction for corridors, stairs, closets, and thickness of walls, columns, or other features, but exclusive of areas open to the sky.

Floor area, gross leasable, shall mean the area within the inside perimeter of the exterior walls of a building, with deductions for common areas not leased by individual tenants, such as common corridors, stairs, maintenance areas, and other such common areas.

Floor area ratio shall mean the total floor area of all buildings or structures on a lot divided by the total lot area. Structured parking is not included in the floor area ratio calculation.

Floor area ratio, gross, means the number of square feet of building area divided by the number of square feet of land in the parcel proposed for development. Structured parking is not included in the floor area ratio calculation.

Garage, commercial, shall mean a building, or portion thereof, within which temporary parking of automobiles or other motor vehicles by the general public may be free or may be allowed for a fee.

Garage, private, shall mean an accessory building to a residential or nonresidential building designed or used for the temporary storage of automobiles or other motor vehicles owned or used by the occupants of the building to which it is accessory.

Government Facility shall mean property owned or substantially controlled by the United States Government or the State of Texas or any political subdivision thereof and the services of any civilian and military personnel of the Government.

Grocery store shall mean a business which provides for the sale of meats, fruits, vegetables, bakery products, dairy products, and other food related items, for on or off-premises human consumption.

Grocery store with gasoline shall mean a retail/wholesale grocery store which, as an accessory use, includes the sale of automobile fuel through no more than ten (10) fuel dispensing stations.

Gymnasium means building containing space and equipment for various indoor sports activities and usually including spectator accommodations, locker and shower rooms, offices, classrooms, and often a swimming pool.

Health clubs shall mean a business which provides facilities and equipment generally associated with fitness training and exercising, which may include a running track, indoor or outdoor swimming pool, sauna, steam room, sports court, day care and related facilities, provided all activities are conducted and all such facilities and equipment are wholly located within an enclosed building or on the grounds associated with the club.

Hotel shall mean a business establishment which offers lodging to the transient public for compensation. A hotel is distinguished from a motel in that access to the majority of the guest rooms in a hotel is through a common entrance and lobby. A hotel is a nonresidential use.

Industrial, light, Light industrial refers to tenant activities including storage, distribution, manufacturing, fabrication, processing or assembly that do not create significant levels of noise, dust, odors, or vibration; and do not involve the use of material amounts of hazardous or explosive materials; and do not involve outside storage except for as provided in this document.

Industrial park shall mean a group of buildings developed as a unit intended to be used for manufacturing and/or service operations where all services, manufacturing, and storage are indoors, and including auxiliary retail and wholesale sales.

Industrial, technology and medical means research, development, testing, processing, and/or manufacturing involving technology or medical. Examples include, but are not limited to: drug and pharmaceutical products manufacturing, electronic products manufacturing, high tech research/light manufacturing, research and development facilities (even if not limited to technology and medical, such as, but not limited to, food), the manufacturing, assembly and/or fabrication of computers and computer components (including, but not limited to, semiconductors, flat panel displays, and LED/LCD screens); and the manufacturing, assembly, research and/or development of solar panels and similar green energy technology products (e.g., wind turbines).

Industrial use shall mean those fields of economic activity including the manufacturing, processing, distribution or storage of goods or services.

Landscaping shall mean decorative vegetative material such as grass, ground covers, shrubs, vines, hedges, trees or palms, and nonliving durable material commonly used in conjunction with plant materials such as rock, pebbles, sand, walls or fences, which are used to improve the aesthetic appearance of open spaces.

Library shall mean an organized collection of sources of information and similar resources, made accessible to a defined community for reference or borrowing.

Loading space shall mean an area within a main building, or an all-weather surface on the same lot therewith, upon or within which the standing, loading, and unloading of trucks or other transport vehicles occurs.

Lot shall mean a lot, tract, or parcel of land designated on a subdivision plat duly filed with the county clerk of the county in which such lot is located, or any lot, tract, or parcel of land held in separate ownership and described by metes and bounds upon a deed duly recorded or registered with the county clerk of the county in which same is located that existed prior to the date of adoption of applicable subdivision regulations of the city.

Lot area shall mean the area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.

Lot area per dwelling unit shall mean the lot area required for each dwelling unit located on a building lot.

Lot, corner, shall mean a lot situated at the intersection of two streets.

Lot depth shall mean the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundary. In the event a lot has more than four sides, the "front" or the "rear" lot line shall be established by taking into account street frontage, alignment of front and rear yards of adjacent properties, and logical configuration to maintain continuity of yards in the block in which such lot is located.

Lot, interior, shall mean a lot other than a corner lot.

Lot line shall mean the boundary line of a lot; provided, however, no lot line, whether front, side or rear, shall extend beyond an adjacent street line.

Lot line, front, shall mean the boundary line of a lot which is adjacent to the street upon which a lot fronts.

Lot line, side, shall mean the boundary line of a lot which is not a front lot line or a rear lot line.

Lot line, rear, shall mean the boundary line of a lot which is opposite the front lot line. In the event a lot has more than four sides, the lot line farthest removed from the front lot line shall be deemed the rear lot line.

Lot of record shall mean a tract of land designated as a "lot," "tract," or "reserve" on a subdivision plat duly recorded, pursuant to applicable law, in the county clerk's office of the county in which the lot is located.

Lot width shall mean the horizontal distance between the side lot lines.

Manufacturing shall mean a building or location where the process of converting raw materials, components, or parts into finished goods that meet a customer's expectations or specifications takes place.

Maneuvering space shall mean an all-weather surface located entirely on private property as would be required to maneuver vehicles in such a manner as to preclude the necessity of backing a vehicle into any street right-of-way.

Masonry means materials such as brick, natural or quarried stone, manufactured stone, ceramic tile, Portland cement stucco, acrylic base synthetic stucco coating, textured concrete block (split-face, fluted etc.), cement fiber board, and site cast concrete tilt-wall.

Mixed Use Area means a portion of or an area within a larger development, that blends a combination of uses such as residential, retail, restaurant, commercial or public, where those functions are physically and functionally integrated, and that provides pedestrian connections.

Mixed use building shall mean a single building or structure containing a commercial use and a residential use, planned as a complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking area.

Mixed use development shall mean a collection of buildings or structures containing a mix of permitted uses, planned as a complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access, parking areas and open space.

Museum means a building in which interesting and valuable things (such as paintings and sculptures or scientific or historical objects) are collected and shown to the public.

Nonconforming site improvement means a situation that occurs when, on the effective date of this ordinance, as amended from time to time, an existing site improvement on a lot, including but not limited to accessory uses; outdoor display, sales, and storage; site parking and loading; parking surface; signage (including banners, flags, temporary, portable, spectacular, and window signs); sign elements (including balloons; smoke, noise or odor emitters; streamer lights; and temporary lettering or graphics); sidewalks; landscaping (including on-lot and parking lot landscaping and street trees); building screening; and buffer yards, no longer conforms to one or more of the regulations of this ordinance applicable to the property.

Nonconforming structure shall mean a building or structure which was lawful prior to the adoption of this ordinance or amendment hereto, but which, following the adoption of this ordinance or amendment hereto, is prohibited.

Nonconforming use shall mean a use of a building or land which was lawful prior to the adoption of this ordinance or amendment hereto, but which, following the adoption of this ordinance or amendment hereto, is prohibited.

Noxious matter shall mean a substance or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic comfort or well-being of humans.

Office, general, means business and professional offices, but does not include medical offices where services are provided to patients.

Office, medical, means medical, dental, chiropractic, psychological offices where services are provided to patients.

Office, warehouse, includes any individual use, with an office component exceeding 20% of the gross leasable floor area.

Open space shall mean areas which are open and unobstructed from grade to the sky, and which are accessible to all occupants of a lot.

Open storage shall mean the storage of equipment, machinery, commodities, raw or semi-finished materials, and building materials, at locations not within buildings, but not including building materials during construction for which applicable permits have been obtained.

Outdoor display refers to the placement of goods for sale or for advertisement, outside of a building or structure, including but not limited to, garden supplies, floral, gas, tires, motor oil, food and beverages, equipment, and clothes.

Outdoor sales means to display outside of a permanent structure for the purpose of lease or purchase by consumers, whether immediately or by placing of orders, of any merchandise, services, products, or goods irrespective of whether payment for such is made outdoors or in a permanent or temporary structure.

Outdoor sales, wholesale, means the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing, and storage activities. This is not considered a general retail use.

Outdoor sports and recreation facilities shall mean ballparks, basketball courts, golf courses, golf driving ranges, tennis courts, and other similar outdoor facilities, whether open to the public or restricted to private membership, including accessory buildings and structures.

Outdoor storage shall mean the storage of products or equipment, as well as activities involving storage facilities, warehousing, and storage activities outside of an enclosed structure.

Overnight accommodations means hotels, motels, bed and breakfast inns, and extended stay hotels, which provide overnight accommodations for the use of transient guests for periods of thirty (30) days or less.

Owner shall mean, as to particular property, any person, agent, firm, association, or corporation having a legal or equitable interest therein.

Park is an area of open space provided for public use, including but not limited to formal or informal recreation, public meetings, live or recorded entertainment, temporary themed events, etc. It can be in its natural or semi-natural state, or planted, and is set aside for human enjoyment or for the protection of wildlife or natural habitats. It may consist of rocks, soil, water, flora and fauna and grass areas, but may also contain buildings and other artifacts such as play grounds.

Parking, private, means a parcel of land or portion thereof that is improved or unimproved and used for the nonresidential parking or storage of self-propelled or non-propelled motor vehicles, trailers, or similar vehicles, whether for private use, or as a commercial enterprise.

Parking space shall mean an all-weather surface built within the boundaries of the lot to which it pertains in accordance with applicable city standards, of a sufficient size to store one automobile, and designed and constructed for vehicular storage and not as a street or vehicular way.

Principal use means the main use to which a premise is devoted and the primary purpose for which a premise exists and includes all permitted uses.

Private club means a building or facility, owned or operated by a corporation, association, person or persons; for social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

Processing shall mean the movement of data or material towards a known goal or end result, by passing it through a series of stages or a sequence of actions.

Recreation, indoor, refers to a commercial recreational use where the activity is conducted entirely within a building or covered facility, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, club or lounge, community center, conference center, exhibit hall, gymnasium, bowling alley, library, movie theater, museum performance theater, and similar uses.

Recreation, outdoor, means a recreational use conducted outside a building, characterized by potentially moderate to substantial impacts on traffic, the natural environment, and the surrounding neighborhood, including athletic fields, miniature golf, Skateboard Park, swimming pool, athletic courts, and similar uses and facilities.

Recreational vehicle or travel trailer shall mean a vehicular, portable structure, built on a chassis and designed for use as a temporary dwelling for travel, recreational and vacation purposes, permanently identified as a travel trailer or recreational vehicle by its manufacturer and, when factory-equipped for the road, having a body width not exceeding eight (8) feet.

Residential use shall mean of or relating to the places where people live.

Restaurant means a public eating place that derives less than 70 percent of its gross receipts from the sale of alcoholic beverages. A restaurant may be full service, counter service or self-service and may include drive thru lanes.

Retail auto accessories and installation shall mean a retail business that installs automobile accessories such as radios, speakers, telephones, brush guards, windshields, and window tinting, provided such installation is performed wholly within an enclosed building and providing that such installation is a service connected with the sale of such accessories on the premises where they are installed. Accessories shall not include automobile parts, automobile engines or automobile body parts.

Retail, big box, means individual spaces for general retail use that are greater than 60,000 square feet. Retail big box includes department stores, wholesale clubs, home improvement, sporting goods, sales and personal services and other large format general retail uses which may include alcohol sales and may include outdoor sales and storage that complies with this ordinance.

Retail, general, means the sale of goods and services from within buildings to the general public. It may also include the sale of goods within a defined outdoor space that meets the requirements of this ordinance. Retail, general includes the retail sales of general merchandise; food; clothing; antiques; arts and crafts supplies or finished products; auto parts; baked goods; convenience items; package liquor; furniture; office supplies; flowers; pharmaceuticals; medical supplies; hardware; paper products; electronics; music; and books. Retail, general also includes the following types of personal services: banking and investment services; cleaning/laundry pickup stations or self-service; studios for photography, dance, music, arts, exercise, or martial arts; pet grooming; copying; parcel drop-off and mailbox services; hair cutting and styling; day spas; and nail salons. The lists set out in this definition are illustrative, and retail, general should be interpreted to be an inclusive category for retail sales and personal services. However, it does not include adult uses; retail, big box; retail, heavy; service, light auto; service, heavy auto; wholesale club; medical office; or veterinary uses.

Screening hedge shall mean a vegetative hedge at least six feet in height, installed according to accepted planting procedures, with a quality and density of plant material sufficient to block vision, noise pollutants or other negative byproducts associated with the use that is hidden by the screening hedge, but not including cane, bamboo, or other similar extended single trunk vegetation.

Screening wall shall mean a barrier of stone, brick, pierced brick, masonry block, or other similar permanent material of equal character, density, and design, at least six feet in height.

Service, light vehicle, means the sale of motor fuels or the provision of light maintenance services for passenger vehicles, such as oil changes; lubrication; tire service; alignment; shocks; washing or detailing; tune-ups; glass repair or replacement; or brake service.

Service, heavy vehicle, means all maintenance and repair services for boats, commercial trucks, or construction equipment, as well as maintenance services for passenger vehicles that involve loud noise, vibration, noxious odors, or long-term storage of non-operational vehicles, such as body shops, engine repair, and paint shops.

Shopping center shall mean a development that provides facilities for a group of business establishments, and that is managed as a unit.

Sign shall have the meaning as defined in the **Signage Standards** provisions of this ordinance.

Sound nuisance shall mean any sound that either exceeds the maximum permitted sound levels specified in **Section 4.2** of this ordinance, or otherwise

unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of others.

Storage, self, means a building in which enclosed rooms or bays with individual access are leased for the purposes of personal storage. Self-storage does not mean the outdoor storage of vehicles or vessels.

Story shall mean that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story, half (attic story), shall mean any story situated wholly or partly in the roof, so designated, arranged or built as to be used for storage or habitation.

Street shall mean any public or private roadway right-of-way which affords a primary means of access to abutting property. A driveway or alley which provides only secondary vehicular access to a lot or to an accessory parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance of a building, shall not be considered a street.

Street line shall mean the boundary line of the roadway right-of-way or roadway easement which divides a lot from a street.

Structure shall mean anything constructed or erected below, at, or above grade, which requires location on the ground or is attached to something having a location on the ground, and which, out of necessity or precaution, includes support, bracing, tying, anchoring, or other protection against the pressure of the elements.

Swimming Pool, indoor shall mean a building containing a swimming pool that may be open to the general public for use on a fee basis or may be restricted for use by patrons or guests of an adjoining hotel or similar function.

Tandem Parking shall mean two parking spaces right behind each other so one car can park behind another. One of the parking spaces may be in a garage or carport while the other may be on the driveway apron behind it.

TAS (Texas Accessibility Code) shall mean the Architectural Barriers program administered by the Texas Department of Licensing and Regulation. Guidelines can be accessed through the following website www.tdlr.texas.gov/ab/abtas.htm

Tavern means businesses licensed to sell alcoholic beverages to be consumed on the premises, excluding restaurants.

Telecommunications tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The

term shall also include, but shall not be limited to, radio and television transmission towers, microwave towers, common carrier towers, personal communications towers, cellular telephone towers, and alternative tower structures.

Tennis Court, indoor shall mean a building containing a specially marked horizontal area within which the game of tennis is played.

Toxic materials shall mean materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Travel trailer shall mean a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.

Truck camper shall mean a portable unit designed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and side, and designed to be loaded onto and unloaded from the bed of a pickup.

Use shall mean the purpose or activity for which land, or the buildings or structures thereon, are occupied, maintained, or committed.

Use category shall mean a general grouping of uses, such as single-family residential, multifamily residential, retail, office, commercial, or light industrial within which particular uses may be categorized in order to have uniform area regulations or performance standards applicable to groups of uses within the zoning district to which they are assigned.

Use, main, shall mean the principal use of land or buildings as distinguished from a subordinate or accessory use.

Utilities, essential, means small-scale facilities serving a local area, including power lines, water and sewer lines, storm drainage facilities, transformers, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way to serve adjacent properties.

Utilities, neighborhood, means moderate-scale facilities serving a sub area, including power lines less than 34.5 KV, water transmission lines, wireless base stations, sewer collectors and pump stations, sub-regional switching stations, and similar structures.

Utilities, regional, means large-scale facilities serving the entire city or region, such as microwave substations, radio/television antennas, power transmission lines less than 70 KV, water storage tanks and reservoirs, major water

transmission lines or sewer collectors and interceptors, solid waste disposal or processing, sewage or wastewater treatment plants, and generating facilities.

Veterinary or animal clinic shall mean a facility in which animals receive medical care from a licensed veterinarian.

Warehousing means a facility where goods or materials are stored for large-scale distribution to manufacturers, retailers, or other customers by truck or rail. Warehousing and transportation does not include wholesale uses or wholesale membership clubs. It also does not include the incidental storage of goods or materials on the site of retail or wholesale operations if fewer than three heavy truck trips per day are related to deliveries or distribution.

Wholesale means the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing, and storage activities. This is not considered a general retail use.

Yard shall mean an open space on a lot, at a grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise specifically permitted by this ordinance. A yard extends along a lot line and perpendicular to such lot line to a depth or width specified in the yard regulations of the zoning district in which such lot is located.

Yard, front, shall mean an area extending along the whole length of the front lot line between the side lot lines, and being the minimum horizontal distance between the front lot line and the front of the main building or any projection thereof other than steps or unenclosed porches.

Yard, rear, shall mean an area extending along the whole length of the rear lot line between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof other than steps or unenclosed porches.

Yard, side, shall mean an area extending along the side lot line from the front yard to the rear yard, and being the minimum horizontal distance between the applicable side lot line and any building or projection thereof other than steps or unenclosed porches.

Zoning Administrator shall mean the official of the city appointed by the City Council as such, and whose duties include enforcement of this ordinance.

3. Permitted uses:

The following uses are permitted in District MU-2 (Mixed Use 2):

Commercial:

- Amusement arcade
- Animal Hospital
- Art Gallery
- Automobile car wash
- Automobile service station
- Automobile/vehicle repair and service garage
- Billiard Parlor
- Business Park
- Bowling Alley
- Child Care
- Cinema/Theater
- Clinic, Medical
- Clinic, Veterinary
- Community Hall
- Convenience (with or without gasoline)
- Convenience store (with up to 10 gasoline dispensing stations)
- Convention facilities
- Dance Hall
- Exhibition Hall
- Grocery Stores (with or without gasoline)
- Gymnasium
- Health Club
- Hotel
- Indoor swimming pool
- Indoor tennis courts
- Library
- Museum
- Office, general.
- Office, medical
- Private club.
- Restaurant.
- Retail, Auto accessories and installation
- Retail, Auto parts
- Retail, big box.
- Retail, general.
- Recreation, indoor.
- Recreation, outdoor
- Service, light vehicle (only in conjunction with convenience retail, grocery or big box retail as a secondary use with a maximum of ten (10) pumping stations).

Shopping Center
Tavern.
Veterinary or Animal Clinic

Institutional:

Government Facilities.
Park

Mixed Use Building.

Residential:

Dwelling, Multifamily
Dwelling, multifamily, urban wrap
Dwelling, attached
Dwelling, detached

Utilities:

Utilities, essential
Utilities, neighborhood

Light Industrial:

Industrial, Light
Office/Warehouse

4. Performance Standards

1. Compliance Required

(a) It shall be unlawful for any person to use or permit the use of any land or structure within this development in a manner which creates any dangerous, injurious, noxious, or other similar condition, including, but not limited to, the emitting of vibration, air pollution, or odorous matter, the storage of explosive, hazardous, toxic, or noxious matter or materials, or the casting of glare at levels which adversely affect surrounding areas or adjoining premises. Permitted uses set forth in this ordinance shall be subject to compliance with the applicable performance standards contained in this ordinance.

2. Exterior Noise

For recurring sound nuisance emanating from a lot within the Property, the allowable noise level at a residential unit shall not exceed that indicated for the district in which it is located as shown in Table 1 below. It shall be unlawful for any person to cause or permit any sound to be emitted from a use in District MU-2 onto land in District MFR, or onto residential uses, at levels which exceed the allowable levels in Table 1 or which otherwise

unreasonably disturbs, injures or endangers the comfort, repose, health, peace, or safety of others.

Table 1. Noise Level Limits

Interval	Time	Allowable Exterior Noise Level
District MU-2 Residential type uses	10:00pm to 7:00am	80db(A)
District MU-2 Non-Residential type uses	7:00am to 10:00pm	80db(A)
	10:00pm to 7:00am	85db(A)
	7:00am to 10:00pm	80db(A)

Notwithstanding the foregoing, the noise level limits set forth in Table 1 above shall not apply to:

- (1) Noise emanating from lawful construction activities; or
- (2) Noise emanating from a location in Districts MU-2 for which a festival or live or recorded music event in a park or other common area within the property for which a festival permit has been issued pursuant to City Codes, during the period authorized by such permit or
- (3) Road noise

3. **Exterior Vibration**

No use within this district shall create earthborn vibration, when measured at any residential property line within any district, which exceeds the limit of displacement set forth in Table 2 below in the frequency ranges specified. Notwithstanding the foregoing, the vibration level limits set forth in Table 2 below shall not apply to vibration emanating from lawful construction activities.

Table 2. Limiting Vibration at Specified Frequency Levels.

Frequency (Cycles per Second)	Displacement (in inches)
0 to 10	.0010
10 to 20	.0008
20 to 30	.0005
30 to 40	.0004
40 and over	.0003

4. Open storage.

In District MU-2, open storage shall be prohibited in any front yard. Allowed open storage in side and rear yards in District MU-2 shall be screened as provided below. In District MU-2 outdoor processing shall be prohibited.

- (1) Landscaping shall be installed on the side of the required screening wall or fence that is adjacent to and visible from a public right-of-way, public property, or from property developed as residential, or in residential use and shall be installed in accordance with landscaping requirements contained in the **Landscape Standards** provisions of this ordinance.
- (2) The prohibition against open storage shall not apply to the temporary storage of construction materials during construction on the lot upon which such construction is occurring, the temporary storage of vegetation or other agricultural products for retail sale, or the display for sale or rent of automobiles, vehicles, water craft, manufactured housing, and/or mobile homes if conducted as a permitted main use in accordance with this ordinance. Nothing contained in this section shall be construed as preempting the application of landscape requirements otherwise contained in the **Landscape Standards** provisions of this ordinance.
- (3)
 - a. Evergreen screening or a screening wall shall be erected and maintained and shall be of sufficient height to conceal the open storage, as viewed from any point on an adjacent property line between natural grade and six (6) feet above natural grade, but in no event shall such screening wall be less than six (6) feet in height.
 - b. The screening wall shall be of masonry construction on a concrete beam or foundation or a metal frame or base, which supports a permanent type wall material such as stone, brick, cement block, or other permanent material of equal character, density, and design, and the total surface of said wall shall be opaque.
 - c. Evergreen screening shall contain a minimum width of fifteen (15) feet of green space as measured perpendicular to the property line. This area shall extend continuously along that portion of the property line or artificial lot line. The area shall be planted in combinations of compatible evergreen trees and shrubs. The arrangement of plantings in buffer areas shall provide maximum protection to adjacent properties and avoid damage to existing

plant material. Possible arrangements include planting in parallel, serpentine, or broken rows. Plant materials shall be sufficiently large and planted in such a fashion as to be capable of forming a continuous year round screen of at least six (6) feet in height as measured from the root collar or surrounding soil line within three (3) annual growing seasons. All plantings shall be installed and maintained in accordance with the standards contained in the **Landscape Standards** provisions of this ordinance. No buildings, structures, or storage of materials shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass. The preservation of existing vegetation within the landscape buffer may be used to meet the requirements of this section; provided the vegetation is preserved in accordance with **Paragraph K** of the **Landscape Standards** provisions of this ordinance.

4. Supplemental regulations for Hotels.

The following requirements apply to hotels permitted for new construction after October 15, 2007:

- (1) Number of rooms. A hotel shall have at least 65 guest rooms.
- (2) (a) Accessibility. A guest room shall be accessible only from an internal hallway and the internal hallway shall be accessible only from a central lobby area contained within the hotel.

(b) After March 1, 2008, the following requirements apply to all hotels and motels:

- (1) Registration. When a guest arrives for registration, the guest shall provide at least two forms of identification, one of which shall include photographic likeness of the guest and be issued by a governmental agency. The guest shall also provide the license plate number of the vehicle, if any, to be used by the guest during the guest's stay. The hotel shall issue a parking sticker or other identifying placard to be placed on the windshield of each vehicle to be used by the guest during the guest's stay. The registration shall include the guest's check-in and checkout times. The hotel shall maintain a copy of the registration information including a copy of the photographic identification for 30 days.
- (2) Security cameras. A hotel shall install and maintain, in proper operating order, security cameras in each interior hallway and lobby, in the parking lots, and at each exterior door. The cameras shall be placed so as to provide visibility to the front and rear exteriors of the building and to the

swimming pool area, if any. Monitors shall be provided for security and other hotel personnel so that on-site activities may be viewed at all times. The security cameras shall be equipped with recording devices capable under normal lighting and operating conditions of producing reasonable photographic images of the persons in the specified areas. Video recordings from security cameras shall be operating 24 hours a day and shall be kept a minimum of 30 days.

- (3) Exterior doors. Exterior doors (other than lobby doors) shall be locked after 11:00 p.m. and shall be equipped with an alarm or other device that will alert hotel security and other personnel when the door has been opened.

5. Off-street parking and loading.

- (a) Every building or part thereof erected or occupied for retail business, office, service, manufacturing, storage, warehousing, hotel, or any other approved use involving the receipt or distribution by vehicle, rail, or other carrier, of material or merchandise, shall provide on the same lot as the main building, loading space in accordance with the following:

- (1) The location of required loading space shall be within a building or on the same lot as the main building, in accordance with Table 3 below, entitled "schedule of minimum off-street loading standards."
- (2) No portion of a loading space may extend into a public right-of-way or into a required off-street parking area.
- (3) Each loading space shall be designated as such and shall only be used for loading purposes except that an area serving as an approach to serve a dumpster may also serve as a loading zone if all other requirements are met.
- (4) The regulations applicable to loading facilities as provided in this subsection shall apply to spaces reserved for dumpsters that are repositories for solid waste collection.
- (5) Off-street loading spaces (or truck berths) shall have the following minimum dimensions:

- a. If only one such space is required, it shall be not less than ten feet by 25 feet.
- b. The remainder shall be not less than ten feet by 20 feet.

Table (3). Minimum Off-Street Loading Requirements

Use	Gross leasable floor area (in square feet)	Minimum number of loading berths
Office and commercial uses	less than 49,999	0
	50,000 to 149,000	1
	150,000 to 249,999	2
	250,000 and over	3
	236,001 to 325,000	4
Retail	less than 9,999	0
	10,000 to 49,000	1
	50,000 to 99,999	2
	100,000 and over	3
Restaurant	less than 9,999	0
	10,000 and over	1
Hotel	0-49 rooms	0
	50-199 rooms	1
	200 rooms and over	2
Residential, MF	0-49 units	0
	50 and over	1
Industrial uses	any size	1

- (b) Parking requirements applicable to all zoning districts within the city shall be as follows:
 - (1) General provisions. Required parking shall be comprised of all-weather surface, off-street parking spaces and shall have direct access to a public street or alley by an all-weather surface driveway width not less than 12 feet in width if a one-way driveway, and not less than 24 feet in width if a two-way driveway.

- (2) Calculating the parking requirement. When calculating the required number of off-street parking spaces, fractions of less than one-half shall be disregarded, and fractions of one-half or more shall be counted as one space. Where parking requirements are based on building floor area, the floor area calculations shall be based on the gross leasable floor area.
- (3) Dimensions. Required parking spaces shall be provided in accordance with the following standards:
 - a. Standard automobile parking spaces shall be a minimum of nine feet wide by 18 feet long;
 - b. Compact automobile parking spaces shall be a minimum of eight feet wide by 16 feet long.
 - c. Up to 30 percent of the required parking spaces may be designated for use by compact automobiles. All compact spaces must be labeled and identified.
 - d. Handicapped parking shall be provided in accordance with the Texas Accessibility Standards and may be credited to the required parking ratios provided herein.
- (4) Location of nonresidential parking spaces.
 - a. In Districts MU-2 required off-street parking may be provided on a separate lot from the lot upon which the main use is conducted provided the property line of such lot is within 500 feet of the property line of the lot on which the main use is conducted, and provided said lot is dedicated to parking use by an instrument filed with the Zoning Administrator and consolidated with the main use under one certificate of occupancy. Two or more owners may join together in the provision of required parking hereunder, provided such joined parking meets the requirements for both individual uses.

- b. Notwithstanding the foregoing, the board of adjustment shall be authorized to grant special exceptions from the terms of this subsection to allow the joint use by two or more property owners of parking areas for a mixed use development with a total number of spaces that is less than that required for both individual uses, if it can be established by the applicants therefor that:
 - 1. Differences of uses by the applicants dictate that the hours of peak parking for each such use are significantly varied so as not to impede availability of parking;
 - 2. The permanent nature of the development supporting each such use would not reasonably be anticipated to alter the hours of each such use's period of peak parking demand;
 - 3. Such special exception would not be contrary to public interest; and
 - 4. The spirit of the ordinance would be observed and substantial justice done.
- c. No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by any ordinance of the city or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.

(5) Enlargement of uses.

- a. Whenever a use which is in existence on the date of enactment of this ordinance, or any amendment hereto, is changed by enlarging the gross leasable floor area, the number of employees, number of dwelling units, seating capacity, or otherwise changed to create a need for an increase of ten percent or more in the number of existing parking spaces based upon the applicable parking standard or standards provided herein, such spaces shall be provided on the basis of the enlargement or change.

b. Notwithstanding the foregoing, whenever a building or use existing prior to the effective date of this ordinance, or amendment hereto, is enlarged by 50 percent or more in gross leasable floor area, parking shall be provided as set forth herein for the totality of the use or structure.

(6) Schedule of parking regulations. The minimum number of off-street parking spaces required hereby for uses in the this zoning district shall be in accordance with the schedule provided in Table 4 below, but shall be not less than five parking spaces for any nonresidential use:

Table 4. Schedule of Parking Regulations.

Use	Unit	Minimum number of spaces: unit
General office (includes banks)	1,000 sf of *GLA	4:1,000 sf
General retail	1,000 sf of *GLA	5:1,000 sf
Restaurants		
Dining/Bar area	---	1:100 sf
Remaining area	1,000 sf of *GLA	4:1,000 sf
Religious facilities, meeting rooms and places of public assembly (with fixed seating)	seats	1:3 seats
Cinema	seats	1:4 seats
Assembly (without fixed seating)	assembly area	1:30 sf
All remaining areas	1,000 sf of *GLA	4:1,000 sf
Places of assembly for elementary age children (without fixed seating)	Areas of assembly	1:650 sf
Hospitals (acute care)	Beds	1:1 bed
Hospitals, Nursing Homes, assisted living (chronic care)	Beds	1:3 beds
Light Industrial	1,000 sf of *GLA	2:1,000 sf
Wholesaling, warehousing, and distribution	1,500 sf of inside storage area	1:1,500 sf
Bowling alley	Lanes	4:1 lane
Funeral Home	Seats	1:3 seats
Medical/Dental clinic	1,000 sf *GLA	5:1,000 sf
Hotel/Motel	Rooms	1:1 room
Multifamily dwelling **	1 bedroom	1.25 spaces:1
	2 bedroom	2 spaces:1
	3 or more bedroom	2.5 spaces:1
	(10% of total designated for guest parking)	
Auto service station	Use	2 spaces per bay + 2 stacking spa. per pump
* GLA is the "floor area, gross leasable" as defined in section 2		
** In residential areas tandem spaces with standard dimensions may count towards the required parking.		

- (7) For uses not mentioned above or for which the category of use is uncertain, the City Council shall determine the most appropriate equivalent from the preceding Table.
- (8) Maintenance of required spaces. It shall be unlawful for any person to fail to maintain parking facilities required to be provided by this ordinance.

- (9) Special shared parking study. Where a building is a mixed use structure, such as a shopping center, or where a combination of uses in a Mixed Use Development is such that there are very different parking requirements in the same complex or are designed to share parking areas, the off-street parking requirements shall be calculated individually. It is understood that uses may have very different hours of operation and peak parking demand hours. The city desires to encourage the sharing of parking and reduced impervious surfaces. Thus, where a reduced parking need exists, the city may reduce the number of spaces required. A special parking study shall document the parking required for mixed uses by reviewing peak loading times for uses during a 24-hour day and designing for the peak hour demand. The study shall provide data on the following:
- a. The recommended parking needs of the project;
 - b. The sensitivity of the proposed uses to change;
 - c. Similar mixes of uses in other areas of the community; and
 - d. Degree of variability of parking for individual uses (average, range, and standard deviation).
- (10) The city may require a reserved open area if it believes that the risk of parking needs changing over time warrants reserved parking. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.
- (11) When the reduction is to be applied to uses on several lots under different ownership, the following shall be met:
- a. A plan that provides for interconnected lots; and
 - b. Places cross easements on the parking areas and connections that permit parking by the different uses anywhere in the connected properties.
 - c. A pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move between uses.

6. **Building regulations**

- (a) Schedule of building regulations. The minimum or maximum (as noted) required hereby for uses in this zoning district shall be in accordance with the schedule provided in Table 5 below:

Table 5 Building Regulations

Use category	Density	Coverage	Lot Size	Building Setback Min. Req.	Maximum Height
Residential, Dwelling Multifamily	30 dwelling units/acre	NOTE 1	12,000 SF. MIN. MIN. WIDTH 100 FT. MIN. DEPTH 120 FT.	FRONT - 10' AT PUBLIC STREET ALL OTHERS - 20'	75'
Dwelling, Urban Wrap	70 dwelling units/acre	NOTE 1	12,000 SF. MIN. MIN. WIDTH 100 FT. MIN. DEPTH 120 FT.	FRONT - 10' AT PUBLIC STREET ALL OTHERS - 20'	75'
Dwelling, Urban Loft	80 dwelling units/acre	NOTE 1	12,000 SF. MIN. MIN. WIDTH 100 FT. MIN. DEPTH 120 FT.	FRONT - 10' AT PUBLIC STREET ALL OTHERS - 20'	75'
Office	8 floors or less	NOTE 1	10,000 SF. MIN. MIN. WIDTH 100 FT. MIN. DEPTH 100 FT.	FRONT - 25' SIDE - 5' REAR - 10'	NO LIMIT NOTE 2
Retail	0.47 FAR	NOTE 1	7,150 SF. MIN. MIN. WIDTH 60 FT. MIN. DEPTH 100 FT.	FRONT - 25' SIDE - 5' REAR - 10'	50'
Restaurant	0.33 FAR	NOTE 1	7,150 SF. MIN. MIN. WIDTH 60 FT. MIN. DEPTH 100 FT.	FRONT - 25' SIDE - 5' REAR - 10'	50'
Light Industrial Office/Warehouse	0.50 FAR	NOTE 1	7,150 SF. MIN. MIN. WIDTH 60 FT. MIN. DEPTH 100 FT.	FRONT - 25' SIDE - 5' REAR - 10'	NO LIMIT NOTE 2
Mixed Use	N/A	NOTE 1	10,000 SF. MIN. MIN. WIDTH 100 FT. MIN. DEPTH 100 FT.	FRONT - 10' SIDE - 0' REAR - 10'	NO LIMIT NOTE 2

Note 1. As required to implement the landscape requirements and as necessary to comply with buffer yard requirements.

Note 2. Except as provided herein, the MU-2 District has no maximum building height; provided, however, that if adjacent to a structure of a lesser building height in an adjoining zoning district, the maximum height shall be seventy-five (75) feet at the setback plus one foot of increased height for each two (2) feet of additional setback.

- (b) Calculating floor area ratio (FAR): Floor area ratio is calculated as: the number of square feet of building area divided by the number of square feet of land in the parcel, minus land required for setbacks and other restrictions, proposed for development. The building area does not include the floor area within parking structures.

7. Building standards.

(a) Definitions. As used in these regulations, the following words, terms, and phrases shall have the meaning ascribed to them in this section:

Acceptable colors for building finish shall mean earth tone colors and may include, but not be limited to, shades of white, tan, terra-cotta, olive, sand, forest green, beige, rust sepia, gray, brick red, and buff. Tenant brand colors may be used for signage and architectural accents.

Category A exterior wall finishes shall be applicable to commercial buildings and structures and shall mean exterior wall finishes of glass, stucco/EIFS and any masonry material.

Category B exterior wall finishes shall be applicable only to residential buildings and structures and shall mean exterior wall finishes of brick veneer, face brick, clay brick, stucco, cement (tinted), textured concrete block (split-face, fluted, etc.), concrete tilt walls or pre-cast concrete panels (with relief), natural or manufactured stone.

Category C exterior wall finishes shall be applicable only to residential buildings and structures and shall mean exterior wall finishes of cement fiber board or other materials of equal characteristics.

Commercial refuse container shall mean a metal container two cubic yards or larger in size, with an attached lid, specifically designed for use with a front-end loading garbage truck and generally known as a "dumpster" or a large metal container, open or closed top, that can be rolled onto the back of a garbage truck and generally known as a "roll-off container."

Front wall (of a building or structure) shall mean that side of each building or structure located on a lot facing a required front yard or the side of a building which has a public entrance.

Rear wall (of a building or structure) shall mean that side of each building or structure located on a lot facing a required rear yard or the side of a building where utilities, loading, receiving, and trash services would typically be located.

Side wall (of a building or structure) shall mean that side of each building or structure located on a lot facing a required side yard or the side of a building not considered a front or rear but may contain functions of each.

(b) Building Design:

(1) Standards for Commercial: All non-residential buildings or structures shall comply with the following minimum exterior finish standards:

a. Front walls. Eighty percent of any exposed exterior wall forming the front of a building or structure, exclusive of windows, doors, roofs, or sidewalk and walkway covers, shall be constructed to finished grade using Category A exterior wall finishes in acceptable colors.

b. Side walls. Not less than 70 percent of any exposed exterior wall forming a side of a building or structure, exclusive of windows, doors, roofs, or sidewalks and walkway covers, shall be constructed to finished grade using Category A exterior wall finishes in acceptable colors.

c. Rear walls. Not less than 70 percent of any exposed exterior wall forming the rear of a building or structure, exclusive of windows, doors, roofs, or sidewalks and walkway covers, shall be constructed to finished grade using Category A exterior wall finishes in acceptable colors.

(2) Standards for Residential. All residential buildings or structures located in District MU-2 shall comply with the following minimum exterior finish standards:

(a) Not less than 60 percent of all exposed exterior walls forming a building or structure, exclusive of windows, doors, roofs, or sidewalk and walkway covers, shall be constructed to finished grade using Category B exterior wall finishes in acceptable colors. The remaining percentage, not to exceed 40 percent, of all exposed exterior walls forming a building or structure, exclusive of windows, doors, roofs, or sidewalk and walkway covers, shall be constructed to finished grade using Category C exterior wall finishes in acceptable colors.

(b) Cement fiber board not to exceed 50%

(3) Decorative elements. Decorative elements on buildings and structures such as canopies, wrought iron doors, and trim shall be selected from acceptable colors.

(4) Screening walls. One hundred percent of all screening walls, visible from adjacent property or an adjacent street, shall be

constructed to finished grade using Category A exterior wall finishes compatible in architecture, design, and color with the main building or structure.

(5) Roof-mounted mechanical or other equipment. Roof-mounted mechanical or other equipment shall be screened from view so that such equipment is not visible from 6' above the ground at the property line. This provision shall not apply to satellite earth station antennas or any personal communication electronic facilities protected by the Federal Telecommunications Act of 1996 (47 USC 251 et seq).

(6) Exterior ground-mounted equipment. Exterior ground-mounted equipment, including, but not limited to, mechanical equipment, utility meter banks, and heating or cooling equipment, shall be sufficiently screened to minimize visibility from an adjacent street. The screening required by this subsection may be accomplished with vegetative landscaping material, which complies with the landscape provisions listed in this ordinance, or with a solid structure using Category A exterior wall finishes compatible in architecture, design, and color with the building or structure the equipment serves.

(7) Commercial refuse containers. For the purposes of this section, "commercial refuse container" shall mean any receptacle, including but not limited to, roll off containers and dumpsters, used for the collection and disposal of refuse, trash, or garbage which is located on premises that are used for income producing purposes, excluding single-family dwellings and duplexes. All commercial refuse containers located in all districts shall comply with the following minimum standards:

a. Location. A commercial refuse container located within a required front, side or rear yard that is adjacent to a street right-of-way shall be located outside the building setback or buffer yard. No commercial refuse container shall be located in the street or street right-of-way, nor on or blocking any sidewalk, alley, or driveway.

b. Foundation. All commercial refuse containers shall be placed on an impervious surface constructed of reinforced concrete not less than five and one-half inches thick.

c. Screening. All commercial refuse containers that are visible from a public street or street right-of-way shall be screened from view with a solid wall using category A

exterior wall finishes compatible in architecture, design, and color with the main building or structure located on the property, or a stockade fence constructed of cedar or redwood with capped galvanized iron posts, set in concrete. The commercial refuse container screening devices herein provided must be firmly fixed together on all sides and be accessible with doors and gates which shall remain closed.

d. Access driveways. All access driveways to commercial refuse containers shall be constructed of reinforced concrete not less than seven inches thick or of equivalent materials and strength.

e. Disrepair. It shall be a violation of this subsection to permit a commercial refuse container's screening wall or fence to be open, damaged, or in a state of disrepair. Disrepair shall mean a condition which is found to exist as a result of decay, physical damage, destruction, abuse, or unsightliness.

f. Cleanliness. Commercial refuse containers shall be kept in a clean, sanitary condition and in good mechanical repair. All lids, closure devices, and sleeves for lifting commercial refuse containers shall at all times be repaired and maintained in good order. In addition, the screened area where the commercial refuse container is used, maintained, or operated shall be kept free of debris and rubbish at all times.

g. Signage. No signage of any kind (except no parking or towing zone) shall be permitted on a commercial refuse container screening device.

h.

i. Exemption. Temporary placement of a commercial refuse container on a lot during construction on the lot shall be exempt from the requirements of this section upon receiving a permit from the Building Official. An application for a permit for a commercial refuse container on a lot during construction on the lot must be accompanied by a permit fee, the amount of which shall be as established by the City Council. Temporary placement of a commercial refuse container on a lot adjacent to a road construction project shall be exempt from the requirements of this section so long as the road adjacent to such lot is under construction. No permit or fee is required for the temporary placement of a

commercial refuse container on a lot adjacent to a road construction project.

j. **Deadline for compliance.** All newly installed commercial refuse containers shall comply with the standards and requirements of this section upon its adoption. A person owning or having control over a commercial refuse container that does not meet the minimum standards and requirements of this section, on the date of adoption hereof, shall bring such commercial refuse container into compliance on or before January 1, 2006. On and after January 1, 2006, failure to comply with any provision of this section shall be a violation of this section.

k. **Affirmative defenses.**

l. It shall be a defense to prosecution under subsection 7:

1. If a commercial refuse container, existing on the date of adoption of this section, is located in a required yard and there is insufficient area on the lot to locate the commercial refuse container in any other area.

2. If a commercial refuse container, existing on the date of adoption of this ordinance, is placed on a concrete surface of any thickness.

3. If the access drive to a commercial refuse container, existing on the date of adoption of this ordinance, is constructed of concrete of any thickness.

8. **Lighting Standards:**

A) **Building and site lighting.**

(1) Building illumination and architectural lighting shall be full cutoff (no visible light source) and in such a manner that the projected cone of light does not cross any property line. All exterior lighting shall be shielded so that the light source is not directly visible from adjacent property that is zoned residential or that is in residential use; provided, however, the provisions of this section shall not apply to public buildings or facilities.

(2) Building lighting from soffit overhangs is preferred over light fixtures mounted on the exterior face of buildings.

- (3) Retail parking fields shall maintain a 2-5 fc average.
- (4) Only LED, florescent, neon, halogen or metal halide, may be used.
- (5) Light standards for parking lots shall reflect or be complementary to the style of the building's architecture.
- (6) Parking field Standards shall not be greater than 40 feet in height and mounted on a 3' concrete base.
- (7) Decorative street light Standards shall not be greater than 18 feet in height.
- (8) Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall not exceed 40 foot-candles. The luminaires shall be recessed into the canopy so they cannot be viewed from off-site from an eye height of four feet to protect automobile drivers from glare.
- (9) Lighting near residential districts. If abutting or nearby properties are used or zoned for residential use, full cut-off fixtures shall be used so that the light source cannot be seen from residential property.
- (10) All fixtures shall be "full cut-off" fixtures that limit lighting that is visible or measurable at the property line. "No cut-off" fixtures may be used only for decorative purposes, provided they:
 - a. Have luminaires that produce no more than 1,500 lumens (approximately equal to a 100W incandescent bulb);
 - b. Have a maximum height of 18 feet; and
 - c. Use energy-efficient bulbs, such as compact fluorescent (CF) or Light Emitting Diode (LED) or other acceptable energy efficient lighting solution.
 - d. Contiguous parking areas on separate lots can maintain continuous light levels and allow for light trespass across lot lines.

5. Landscape Standards:

A. Definitions.

(a) As used in this ordinance, the following terms shall have the meanings ascribed below unless the context of their usage clearly indicates another meaning:

Association means a natural unit of vegetation characterized by a relatively uniform species composition and often dominated by a particular species.

Building site means:

- (1) An area or plot of ground with defined limits on which a building, project, park, etc., is located or proposed to be located; or
- (2) The tract or parcel of land which is designated on the building permit application; or
- (3) If designated, an artificial lot contained therein and delineated by the Building Official.

Caliper means the minimum diameter of a tree as measured six inches above the root collar for trees up to and including four inches in diameter and twelve inches above the root collar for trees having a larger diameter.

Deciduous plants means those which shed their leaves at one time each year, usually in the autumn.

Drip line means an imaginary circle drawn around a tree, extending to the tree's branching limit.

Esplanade means an unpaved area between two paved roadway sections.

Evergreen plants means those that do not lose all of their leaves at one time, though they shed their old leaves intermittently, as new leaves come out.

Existing vegetation to be preserved means any viable grouping of or single existing evergreen or deciduous trees and associated understory for which tree or buffer preservation credit is being requested.

Landscape buffer means the shielding or obscuring of one land use from another by the planting of evergreen trees or shrubs designed to minimize the transmission or propagation of noise, light, vibration or dust, from traffic or other activity on one property to adjoining public or private properties.

Mulch means any covering except fresh grass clippings placed on soil to conserve moisture, minimize weed growth and protect plants from extremes in temperature.

Nonresidential use means all uses other than single or multifamily dwelling use.

Parking lot means a paved, surfaced or leveled area designed and ordinarily used for accessory or public parking of motor vehicles, including commercial parking of motor vehicles, including commercial parking areas available for lease and leased premises available for public parking. The term shall not include parking garages.

Parkway means the area lying outside or behind the street curb or the edge of the roadway paving and the adjacent property line.

Public street or right-of-way means the entire width between the boundary lines of every way which is held by the city or otherwise by the public in fee or dedication when any part thereof is open to the use of the public for purposes of vehicular travel; provided, however, the term "public street" shall not include any designated state or federal highway or road or any designated county road.

Roadway means that portion of a public street which is improved, designed or ordinarily used for vehicular travel, exclusive of the curb, berm or shoulder. In the event that a public street includes two or more separate roadways, the term "roadway" means each such roadway separately.

Shrub means any plant, deciduous or evergreen, which is generally multi-stemmed and sold by height or spread and measured in inches or feet.

Sidewalk means the paved portion of a public street right-of-way which is between the curb lines, or the lateral lines of a roadway, and the adjacent property lines and is improved and designed for or is ordinarily used for pedestrian travel.

Specimen tree means a tree approved for planting in or adjacent to the public rights-of-way which meets the American Standard for Nursery Stock Specifications as established and published by the American Association of Nurserymen (1986 ed.), 1250 I Street, N.W., Suite 500, Washington, D.C. 20005 (on file in the office of the city secretary).

Total tree planting requirement means the total number of trees which must be planted under this ordinance (excluding any which might be planted as part of a landscape buffer).

Total tree requirement means the total number of trees which must be provided and includes any street trees, parking lot trees and any planting equivalency credits earned.

Tree means any evergreen or deciduous tree which at the time of planting has a caliper equal to or greater than two inches as measured six inches above the root collar, which is not less than six feet in height as measured from the root collar, and which meets the standard for nursery stock specifications as established by the American Association of Nurserymen (1986 Ed.).

Understory means the small tree, shrub and grass constituents of a plant association, excluding canopy vegetation.

Visibility triangle means the triangular area adjacent to the intersection of any public street or public alley within which no obstruction may be placed which would block the sight lines for vehicular traffic. The visibility triangle shall not contain any visual or physical impediments or obstructions to the vertical view between 30 inches and seven feet in height.

B. Application

The requirements of this ordinance shall only apply to a building site where any of the following conditions are present:

1. There is new construction of a nonresidential or multifamily residential building for which a building permit is required;
2. There is an enlargement exceeding 1,000 square feet in area of the exterior dimensions of an existing nonresidential or multifamily residential building for which a building permit is required;
3. There is either a new parking lot for which site plans are required for initial construction under the provisions of this Code, or an existing parking lot which is expanded in area to provide additional parking spaces; or
4. There is a change in use of an existing nonresidential building for which an occupancy permit is required.
5. The requirements of this ordinance apply to the entirety of the building site if it is completely developed by the new construction of a building (or buildings) and appurtenant surface parking area. In case the entirety of the building site is only partially developed by new construction or enlargement, the requirements of this ordinance shall be applied incrementally, such that trees, shrubs, and landscape buffers are required only with respect to and in proportion to new or increased building area and off-street parking spaces. This subsection shall control over any other conflicting or inconsistent provision.
6. The requirements of this ordinance do not apply to the reconstruction of an existing building of which 50 percent of the existing building floor area or less was physically destroyed or ruined by flooding, fire, windstorm, or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in the paving area of the parking facilities to be provided for this development.
7. Nothing in this ordinance shall be construed to require a landscape plan or landscape plan review for finish work performed by an owner, a tenant or on behalf of a tenant finish, in a portion of a building unless that tenant finish work

or remodeling results in an increase in the paving area of the parking facilities to be provided or in an enlargement of the exterior dimensions of an existing building.

C. Plan Submittal Requirements

a) A landscape plan for the building site shall be submitted to the Building Official by an applicant for a building permit for approval in accordance with the provisions of this ordinance.

b) The landscape plan may be depicted on either the development plans or parking lot site plan, provided the drawing scale is sufficient to properly depict the landscape plan requirements. The landscape plan shall identify and show the locations of existing and proposed utility lines, roadways, sidewalks, streetlights, trees, shrubs, groundcovers, natural features, other landscape elements and planting or construction details. Where credit is being requested for the preservation of existing trees and associated understory, the landscape plan shall also demonstrate the manner in which the requirements for preservation are to be met. A plant schedule shall be provided which includes quantities, minimum size at time of planting, and botanical and common names keyed to the plan.

c) The Building Official shall review the landscape plan to verify compliance with all requirements of this ordinance prior to the issuance of a building permit. If an artificial lot is delineated, it shall be depicted on the building plans prior to the issuance of the building permit. In the event the landscape plan submitted includes trees and/or shrubs planted in a parkway and/or an esplanade, within seven days of receipt of the plan, the Building Official shall review such plan, prepare a report and recommendation on same, and forward the plan, along with the report and recommendation, to the city secretary with a request to place the item on the next available agenda for consideration of approval by the City Council.

d) No building permit shall be issued by the Building Official for the construction or alteration of a building within the city unless the applicant has submitted a landscape plan providing for the planting of trees and shrubs to the extent required in this ordinance.

e) Except as provided in subsection (f) below, no final certificate of occupancy shall be issued by the Building Official for the occupancy of a new or altered building or an existing building, if there has been a change in use, unless the plantings required by this ordinance have been provided. Prior to the issuance of a certificate of occupancy, the Building Official shall inspect the planting provided to verify compliance with the approved landscape plan.

f) A six-month conditional certificate of occupancy may be issued if the owner provides the Building Official with either the documented assurances as described below:

1. Copy of an executed contract for the proper installation of the required landscaping in accordance with the approved landscape plan within a six-month period. The property owner is responsible for notifying the Building Official when the landscape installation is complete. If the property owner fails to notify the Building Official within the prescribed six-month period, the Building Official shall revoke the conditional certificate of occupancy.

2. Bond executed by the applicant as principal and by a good and sufficient corporate surety company licensed to do business in the state. The bond in the sum of 1.25 times the proposed cost to install the required landscaping improvements and fences, based upon the landscape architects cost estimate, shall be payable to the city and conditioned that the principal and surety will pay all amounts required to install the landscaping and fences required by this ordinance. The bond shall provide that it will remain in full force and effect until released by the Building Official pursuant to this ordinance.

g) No building permit shall be issued by the Building Official for construction or alteration of a building within the city if the landscape plan includes trees and/or shrubs planted in a parkway and/or an esplanade unless such plan has been approved by City Council.

D. Tree Planting Equivalency Credits

The following credits may be claimed for up to 100 percent of the total tree requirement under this ordinance:

- a) Credit for planting trees exceeding the minimum caliper required. Credit toward the total tree requirement shall be given for the planting of trees that exceed the minimum caliper required by this ordinance at the rate of two trees for each tree planted with a caliper of eight inches and greater, as measured 12 inches above the root collar.

- b) Credit for preserving existing on-site trees.

1. Credit for the preservation of existing on-site trees (including any to be transplanted) may be granted when requested and depicted on the landscape plan. In order to be eligible for credit, an existing tree to be preserved on the site shall contain a minimum caliper of four inches, shall be in good condition, and shall be true to species habit and form.

2. Credit for preserving existing trees may be claimed for up to 100 percent of the total tree requirement under this ordinance and may be applied to satisfy any tree requirements on the parcel, i.e. parking, landscape buffers, street trees. Credits for each tree may be claimed only once, to satisfy one of the following requirements, i.e. parking, landscape buffers, street trees.

Tree Caliper (inches)	Credit (number of trees)
Minimum 4-7	0
Greater than 7 less than 12	2
12 and greater	4

E. Artificial Lot Delineation

If the building site is over two acres in size, the applicant may request that the Building Official designate an artificial lot to satisfy the requirements of this ordinance. If requested, the Building Official shall designate an artificial lot consistent with the purposes and policies of this ordinance as determined from the criteria established below. No artificial lot may be delineated by the Building Official unless it:

1. Wholly includes the area on which the construction work is to be done;
2. Has an area that does not exceed 50 percent of the area of the building site; and
3. Depicts and includes all proposed and existing buildings and structures, access drives, appurtenant parking required for the building expansion or new building construction and other areas functionally appurtenant to the buildings or structures.

F. Review of Building Permit and Certificate of Occupancy Applications

- a) The Building Official shall review building permit applications for the construction or expansion of a building or parking lot to determine if the proposed landscape plan complies with the provisions of this ordinance.
- b) When a certificate of occupancy is sought, the Building Official shall determine whether the applicant has completed all work as identified in the permitted plans.
- c) The Building Official shall approve an application for a building permit or certificate of occupancy if it complies with the provisions of this ordinance and all other applicable ordinances of the city.

d) The Building Official shall deny in writing all applications for a building permit or certificate of occupancy which do not comply with the provisions of this ordinance.

G. Street Trees Required

a) Street trees shall be planted on private property within 25 feet parallel and adjacent to a major thoroughfare, or within the public street rights-of-way or in the esplanade. When the building site abuts a designated state or federal highway or road or any designated county road and street trees are not otherwise required by law, street trees shall be planted on private property in accordance with this section. The number of street trees planted shall equal the total number of trees (T) required under the following formula:

$$T = (X/60), \text{ where } X \text{ shall represent the length in linear feet measured along all sides of the property line on the public streets.}$$

b) When the building site abuts a designated local street, internal to the MU-2 District, street trees shall be planted on private property within 25 feet parallel and adjacent to the street, or within the public street rights-of-way or in the esplanade. The number of street trees planted shall equal the total number of trees (T) required under the following formula:

$$T = (X/60), \text{ where } X \text{ shall represent the length in linear feet measured along all sides of the property line on the public streets.}$$

c) Any street tree (existing, transplanted or planted) that is intended to meet the street tree requirements within District MU2 may be planted in such a way as to be clustered and are NOT required to be equally spaced along street frontages.

d) If trees are planted or preserved at specific intervals, spacing intervals shall depend upon the potential mature height of the tree, as follows:

Mature Height (in feet)	Planting intervals exclusive of driveway entrances (in feet)
Large trees (40+)	45-55
Medium Trees (30-40)	35-45
Small Trees (to 30)	25-35

e) If a street canopy effect is desired, large trees may be planted at intervals less than 45 feet. When the spacing interval exceeds 40 feet, smaller ornamental trees may be placed between the larger trees in order to meet the requirements of this section; provided, however, the spacing does not exceed the aforementioned intervals for small trees. Trees shall not be required at specific planting intervals, as long as parking lot screening is provided.

- f) Credit for the preservation of existing trees within the building site as defined in subsection (b) of this section may be utilized in lieu of meeting a portion of the street tree planting requirement.

H. Parking Lot Planting of Trees and Shrubs

a) The owner of a building site containing less than 40 parking spaces, shall, in addition to any street trees, provide one tree for every ten parking spaces, rounding up or down in the case of a fraction to the nearest whole number, and in no case shall be less than one tree. Trees planted in accordance with this subsection must be located in the interior of, or in an area adjacent to the parking lot. In the case of a parking lot which is being expanded, the trees required pursuant to this subsection may be planted in any area within or adjacent to the entire parking lot.

b) The owner of a building site containing 40 parking spaces or more, shall, in addition to any street trees, provide landscaped areas totaling a minimum of 162 square feet for the first 40 parking spaces. For each additional 20 parking spaces or fraction thereof, the owner shall provide an additional landscaped area. Within District MU2 landscape areas may be tree wells/diamonds measuring no less than six feet wide x six feet wide and dispersed throughout the parking lot. The remaining area shall be landscaped with plants not exceeding three feet in height.

Number of Parking Spaces	Number of Trees
1-10	1
11-20	2
21-30	3
31-39	4
40+	Min. 162 square foot landscape area for the first 40 spaces (4 trees) + Min. 25 sq. ft. landscape area and one (1) tree for each additional 20 spaces or fraction thereof

- b) Credit for the preservation of existing trees within the building site as defined in subsection (b) of this section may be utilized in lieu of meeting a portion of the parking lot tree planting requirement.
- c) In addition to the street tree and parking lot tree requirements the owner of a building site shall plant or cause shrubs to be planted along the perimeter of all parking surfaces so that the parking lot is screened from all adjacent public streets, exclusive of driveway entrances, pedestrian walkways and visibility triangles. Shrubs shall be installed at no more than 36" on center spacing and

be maintained at a height of no more than 36 inches or less than 18 inches as measured from the surrounding soil line.

I. Buffer Yards

(a) Buffer yards shall be required according to Table 6 below to provide a separation between land uses of different categories to eliminate or minimize, to the extent practicable, potential nuisances from litter, noise, glare, signs, unsightly buildings, and parking areas, to provide spacing to reduce adverse impacts from noise or odor, or danger from fire or explosion, and to enhance aesthetics and the visual image of the city.

(b) Responsibility for buffer yards. Buffer yards shall be required as set forth in Table 6 of subsection (d) of this section when:

(1) The main use of a lot is changed to a different category of use, and the new category of use is different than the category of the main use of an adjacent lot; or

(2) A lot is developed for an industrial use and such lot is adjacent to a lot, developed or undeveloped, that is designated for Single Family or Multi-Family use. The owner of the lot upon which the main use is changed, or upon which an industrial use is developed as above provided, shall establish and maintain the buffer yard in accordance with this ordinance if buffer yard has not already been established.

(c) Screening of buffer yards. A masonry screening wall of not less than eight feet in height shall be erected between light industrial type uses and any other use and continuously maintained at the perimeter of the required buffer yard and no portion of such buffer yard shall be located outside of such screening. Provided, however, no screening shall be required in a buffer yard separating the fronts of two front yards, unless the required buffer yard is in the front yard of a multifamily residential use.

(d) Landscaping of buffer yards. To further minimize noise, drainage hazards, glare, or other potential incompatibilities between the different categories of uses, at least 20 percent of any required buffer yard shall be landscaped, with a pervious surface, which 20 percent landscaped area shall be located immediately adjacent to the required screening wall that is adjacent to the use that is of the lesser intensity of the two uses. The remainder of the buffer yard shall not be developed or constructed upon except for on-site parking, provided the buffer yard and parking facilities within it meet all applicable performance standards and landscaping provisions of this ordinance.

Table 6. Buffer Yard Requirements

Use category	RESIDENTIAL DWELLING MULTIFAMILY	MIXED USE	COMMERCIAL, INSTITUTIONAL, RECREATIONAL, (3 STORIES OR LESS)	COMMERCIAL, INSTITUTIONAL, RECREATIONAL, (4 STORIES OR ABOVE)	LIGHT INDUSTRIAL, OFFICE/WAREHOUSE, (3 STORIES MAXIMUM)
RESIDENTIAL DWELLING MULTIFAMILY	NONE	15'	15'	20'	50'
MIXED USE (RESIDENTIAL AND COMMERCIAL WITHIN SAME BUILDING)	15'	NONE	NONE	NONE	50'
COMMERCIAL, INSTITUTIONAL, RECREATIONAL, (3 STORIES OR LESS)	15'	NONE	NONE	NONE	25'
COMMERCIAL, INSTITUTIONAL, RECREATIONAL, (4 STORIES OR ABOVE)	20'	NONE	NONE	NONE	50'
LIGHT INDUSTRIAL, OFFICE/WAREHOUSE (3 STORIES MAXIMUM)	50'	50'	50'	50'	NONE

(e) Landscaping of off-street parking. Landscaping shall be provided for off-street parking areas as set forth in the landscape section of this ordinance.

(f) Landscaping of required open space in commercial and industrial areas. Landscaping of required open space in commercial and industrial developments shall be as provided as set forth in **Section 5, Landscape Standards** and, where applicable, shall be provided as required herein for buffer yards.

(g) Installation and maintenance. The owner and occupant, if the occupant is different than the owner, shall be jointly and severally responsible and liable for the installation and continuous maintenance of all landscaping and screening required by this section.

J. General Planting Standards

(a) Trees, shrubs, groundcover and turf shall be planted in accordance with American Nurserymen Standards and meet all applicable safety requirements with the following additional limitations:

1. When located in the visibility triangle, trees shall be headed to a minimum height of seven feet, and shrubs shall be maintained at a maximum height of 30 inches, as measured from the surrounding soil line.

2. The preservation of existing vegetation within the landscape buffer may be used to meet the requirements of this section; provided the vegetation is preserved in accordance with Section L of this ordinance.

(b) In addition to the tree and shrub planting standards trees and shrubs in esplanades shall be planted according to the following requirements:

1. Shrubs planted in any esplanade shall not be planted closer to the end of the esplanade than 25 feet or closer than three feet from the back of the curb or the final approved design line for the curb of any public street. Use of ground covers or annuals and perennials conforming to the height restrictions of a visibility triangle shall not be restricted.

(c) Any tree located within a parking lot must be planted and maintained within a permeable area which has a radius of not less than 30 inches. No tree shall be planted closer than three feet from a curb or tire stop.

K. Preservation of Existing Trees and Associated Understory. Any street tree (existing, transplanted or planted) that is intended to meet the street tree requirements within the District MU-2 may be planted in such a way as to be clustered and are NOT required to be equally spaced along street frontages.

(a) The following procedure shall be required where credit for the preservation of existing trees and associated understory is being requested to be applied toward the total tree planting requirement pursuant to section D. Where such credit is being requested, the applicant shall also supply the following information to the Building Official for review with the building plans:

1. Tree and associated understory preservation plan. This overlay shall be integrated into the proposed landscape plan and shall include:

i. Delineation of proposed limit of clearance and establishment of tree protection zones which shall extend to just outside the drip line of the tree and understory to be protected, at a ratio of 10" per caliper inch (10:1) with proper procedures, including root pruning and canopy pruning in accordance with American Nurserymen Standards.

ii. Proposed soil stabilization practices, i.e., silt fence, hay bales.

iii. Specimen trees to be preserved and for which credit is being requested.

iv. The proposed finished grade and elevation of land within six feet of the edge of the tree trunk or within the tree protection zone as established in Item K (a)1.(i) of any tree to be preserved, whichever is greater, shall not be raised or lowered more than three inches, unless compensated for by welling or retaining methods.

v. Existing and proposed location of all trees and plant materials to be relocated at the drawing scale.

vi. A landscaping tabulation, and itemized credit requests for existing trees to be calculated.

vii. Tree and associated understory preservation details.

(b) The following tree relocation information shall be provided on the landscape plan or in a report for the transplantation of existing specimen trees when preservation credit is being requested for them

1. Transplanting techniques;

2. Equipment to be utilized;

3. Locations of existing trees and proposed locations for transplanted trees;

4. Genus, species, caliper, height and general condition of the existing tree;

5. Pruning and maintenance schedule and methods to be followed; and

6. Which form of assurance of performance will be provided (i.e., executed contract, bond or assigned certificate of deposit).

c) If preservation credit is requested, the trees shall be protected and preserved as set forth in appendix C.

L. Duty; Affirmative Defenses

(a) All owners of building sites shall plant or cause the planting of trees or shrubs required or secure the planting equivalency credits.

(b) All owners and lessees of new or expanded parking lots on building sites shall additionally plant trees or shrubs in compliance with section H.

(c) No person shall remove or alter any street tree or shrub planted in the public right-of-way without the written permission of the Building Official unless otherwise authorized by law.

(d) It shall be an affirmative defense under this ordinance that:

1. The actor caused the tree or shrub to be planted or maintained on private property in accordance with this ordinance but the tree or shrub died and the period allowed by this ordinance for replacing the tree or shrub has not yet elapsed;

2. The actor caused the tree or shrub to be planted and maintained on the public right-of-way in accordance with this ordinance, but the tree or shrub died and was removed by the owner with the written permission of the Building Official, or the period allowed by this ordinance for replacing the tree or shrub has not yet elapsed;

3. The building permit for the actor's property is for single-family residential use;

4. The actor's property has an unexpired conditional certificate of occupancy, and the actor has provided an executed contract or a bond or assigned certificate of deposit in accordance with this ordinance; or

5. A variance or waiver was secured for the building site in conformity with the requirements of this ordinance.

M. Appeal of Denial of Building Permits

Appeals from the denial of a building permit for noncompliance with this ordinance shall be reviewed in the same manner as appeals from disapprovals under the city's standard building code.

N. Variance Procedure

(a) An applicant for a building permit may make written application to the Building Official for a variance from the requirements of this ordinance other than those which may be made on the basis of a request for a waiver under section R. A completed application for a variance shall include:

1. Completed application on form supplied by the city; and

2. A nonrefundable fee as established by resolution of the City Council and on file in the city secretary's office.

(b) This application package shall be reviewed by the Building Official.

(c) Within seven days of the date the application is accepted, the Building Official shall forward a copy of the application, together with his report and recommendations regarding the proposed variance to the city secretary.

(d) The application and Building Official's report regarding the variance request shall be provided to the City Council prior to the meeting at which the variance shall be considered.

O. Standards of Variance

The City Council may consider and grant variances from the provisions of this ordinance by majority vote of those members present and voting, when the City Council determines that the following conditions exist:

(1) The imposition of the terms, rules, conditions, policies and standards of this ordinance would deprive the owner or applicant of the property of reasonable use of the land or building;

(2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant, and the general purposes of this ordinance are observed and maintained;

(3) The intent of this ordinance is preserved; and

(4) The granting of such a variance will not be injurious to the public health, safety or welfare.

P. Standards of Variance

Any variance granted under the provisions of this section will apply only to the specific property and use upon which the City Council was requested to grant a variance by the applicant. All variances as granted shall be in writing shall be signed by the mayor and maintained as a permanent record of the city.

Q. Mitigation for Loss of Installed and Preserved Vegetation

(a) All proposed existing or relocated vegetation shall be maintained in accordance with this ordinance and appear healthy. Dying, diseased, damaged or removed trees and shrubs shall be replaced at the owner's expense with another living plant that complies with the approved landscape plan. The tree or shrub replacement quantity shall be equal to or greater than the original or credited quantity for the tree or shrub in question.

(b) The Building Official shall notify the owner of a building site in writing when a plant is discovered which does not meet the requirements of subsection (a) of

this section. The owner shall then replace the plant within 90 days from receipt of the written notice.

R. Interference

Interference with existing utilities, curbs, sidewalks, drainage facilities, roadways, street lights, appeals of denial of waiver.

(a) The Building Official shall grant a waiver when requested in the application if the area in which the planting is required by this ordinance is too small to accommodate the required planting without damage to existing utilities, curbs, sidewalks, roadways, street lights or drainage facilities, and the planting requirements of this ordinance may not be otherwise satisfied pursuant to this ordinance.

(b) A waiver shall be granted where the Building Official finds the following:

1. That a literal application of this ordinance will result in damage to existing utilities, roadways, streetlights, curbs, sidewalks or drainage facilities;
2. The waiver, if granted, will not be contrary to the public interest;
3. The waiver, if granted, will not be detrimental to the public health, safety or welfare; and
4. The waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute.

(c) No later than the 13th calendar day following the filing of the required application for a waiver, the Building Official shall issue to applicant a written notice that the waiver has been granted or refused. Any notice of refusal of an application for a waiver must be included in a written report explaining in detail the reasons for such refusal. The issuance of a written notice to the applicant shall be completed upon deposit of such notice in the United States mail, first class postage paid, addressed to the applicant at address given on the application of the waiver.

(d) The applicant may appeal the denial of a waiver to the City Council in the manner provided in section M.

S. Appendix A-1: Large Trees

Botanical Name		Common Name	Comments
<i>Acer rubrum</i> var <i>drummondia</i>	D	Drummon Red Maple	Wet Sites
<i>Acer rubrum</i> var <i>tridens</i>	D	Trident Red Maple	Wet Sites
<i>Acer barbatum</i>	D	Southern or Texas Sugar Maple	
<i>Betula nigra</i>	D	River Birch	Wet Sites
<i>Brumelia lanuginosa</i>	D	Chittamwood, Gum burnella or Woody Bucket	Drought-tolerant/Attracts birds
<i>Carya cordiformis</i>	D	Bitternut Hickory	
<i>Carya illinoenses</i>	D	Pecan	Nut
<i>Carya texana</i>	D	Black Hickory	Drought -tolerant
<i>Carya tomentosa</i>	D	Mockery Nut Hickory	Fruit
<i>Diospyros virginiana</i>	D	Persimmon, eastern	Fruit
<i>Ehertia anacua</i>	D	Anacua	Flowering/Fruit/Drought tolerant
<i>Fraxinus americana</i>	D	White ash	
<i>Fraxinus pennsylvanica</i>	D	Green ash	
<i>Ginkgo bilboa</i>	D	Ginkgo	Male only
<i>Ilex opaca</i> (and cultivars)	E	American Holly	Female/Fruit
<i>Juglans nigra</i>	D	Black Walnut	
<i>Liquidambar styraciflua</i>	D	Sweetgum	Fall color
<i>Liriodendron tulipifere</i>	D	Tulip Tree or Yellow Poplar	Flowering/Wet sites
<i>Magnolia grandiflora</i>	E	Southern Magnolia	Flowering
<i>Magnolia virginiana</i>	E	Sweet Bay Magnolia	Flowering/Wet sites
<i>Metasequoia glyptostroboides</i>	D	Dawn Redwood	
<i>Nyssa aquatica</i>	D	Water tupelo	Wet sites
<i>Nyssa sylvatica</i> var <i>biflora</i>	D	Swamp tupelo or Black Gum	Wet sites
<i>Nyssa sylvatica</i> var <i>sylvatica</i>	D	Black Gum	Fruit/Fall color
<i>Pinus palustris</i>	E	Longleaf Pine	
<i>Pinus taeda</i>	E	Loblolly Pine	
<i>Pinus glabra</i>	E	Spruce Pine	
<i>Plantanus mexicana</i>	D	Mexican Sycamore	Wet sites
<i>Plantanus occientalis</i>	D	Sycamore	
<i>Prunus serotina</i>	D	Black Cherry	Flowering/Fruit
<i>Quercus acutissima</i>	D	Sawtooth Oak	
<i>Quercus alba</i>	D	White Oak	Fall color
<i>Quercus canbii</i>	D	Canby Oak	
<i>Quercus falcata</i>	D	Southern Red Oak	
<i>Quercus laurifolia</i>	D	Laurel Oak	
<i>Quercus lyrata</i>	D	Overcup Oak	Wet sites
<i>Quercus macrocarpa</i>	D	Bur Oak	Wet sites/Drought tolerant
<i>Quercus michauxii</i>	D	Swamp Chestnut Oak	Fall color
<i>Quercus muehlenbergii</i>	D	Chinkapin Oak	Drought tolerant
<i>Quercus nutallii</i>	D	Nuttall Oak	Fall color/Wet sites
<i>Quercus palustris</i>	D	Pin Oak	Fall color
<i>Quercus phellos</i>	D	Willow Oak	
<i>Quercus polymorpha</i>	D	Monterrey Oak	
<i>Quercus rizophylla</i>	D	Locat Leaf Oak	
<i>Quercus shumardii</i>	D	Shumard Oak	Fall color
<i>Quercus stellata</i>	D	Post Oak	
<i>Quercus virginiana</i>	D	Live Oak	
<i>Sassafras albidum</i>	D	Sassafras	Fall color/Attracts birds
<i>Taxodium distichum</i> var <i>distichum</i>	D	Bald Cypress	Wet sites/Drought tolerant
<i>Taxodium distichum</i> var <i>nutans</i>	D	Pond Cypress	
<i>Taxodium mucronatum</i>	D	Montezuma Bald Cypress	
<i>Tilia caroliniana</i>	D	Carolina Basswood	
<i>Ulmus americana</i>	D	American Elm	
<i>Ulmus alata</i>	D	Winged Elm	
<i>Ulmus crossifolia</i>	D	Cedar Elm	Drought tolerant
<i>Ulmus parvifolia</i> var <i>drakii</i>	D	Drake Elm	
<i>Zelkovia serrata</i>	D	Japanese Zelkova	
<i>Pyrus calleryana</i>	D	Bradford Pear	
<i>Lagerstroemia indica</i>	D	Crepe Myrtle	

D means deciduous and E means evergreen

T. Appendix A-2: Small Trees

Botanical Name	Common Name	Comments
<i>Acer leucoderme</i>	D Chalk Maple	Fall color
<i>Acacia wrightii</i>	D Wright Acacia	Flowering/Drought tolerant
<i>Aesculus pavia</i> var <i>pavia</i>	D Red Buckeye	Flowering
<i>Aesculus pavia</i> var <i>flavescens</i>	D Red Buckeye	Yellow flowers
<i>Aesculus glabra</i> var <i>arguta</i>	D White Buckeye	Flowering/Drought tolerant
<i>Asimina triloba</i>	D Pawpaw	Flowering/Fruit
<i>Bauhinia Congesta</i>	D Anacacho Orchid Tree	Flowering/Drought tolerant
<i>Carpinus caroliniana</i>	D American Hornbeam, Ironwood, Blue Beech	Wet sites/Fall color
<i>Cercis canadensis</i>	D Eastern Redbud	Flowering
<i>Cercis canadensis</i> var <i>texensis</i> cultivars	D Texas Redbud	Flowering/Drought tolerant
<i>Cercis canadensis</i> var <i>mexicana</i>	D Mexican redbud	Flowering/Drought tolerant
<i>Chionanthus virginicus</i>	D Fringe Tree	Flowering/Attracts birds
<i>Chionanthus retusus</i>	D Chinese Fringe Tree	Flowering/Drought tolerant
<i>Cornus florida</i>	D Flowering Dogwood	Flowering/Attracts birds
<i>Cotinus obovatus</i>	D American Smoke Tree	Flowering/Drought tolerant
<i>Cratagus marshallii</i>	D Parsley Leaf Hawthorn	Flowering/Attracts birds
<i>Cratagus opaca</i>	D May Haw	Flowering/Fruit/Attracts birds
<i>Cratagus spathulata</i>	D Little Hip Hawthorn	Flowering/Attracts birds
<i>Cratagus viridis</i>	D Green Hawthorn	Flowering
<i>Cratagus texana</i>	D Texas Hawthorn	Flowering
<i>Cratagus reverchonii</i>	D Riverchon Haethorn	Flowering
<i>Cryilla racemiflora</i>	D Titi	Wet sites
<i>Diospyros texana</i>	D Texas Persimmon	Fruit/Drought Tolerant
<i>Eysenhardtia texana</i>	D Texas Kidneywood	Flowering/Drought Tolerant
<i>Halesia diptera</i>	D Two-Winged Silverball	Flowering
<i>Ilex cassine</i>	E Dahoon holly	Female-Fruit/Attracts Birds
<i>Ilex decidua</i>	D Possum Haw	Female-Fruit/Attracts Birds
<i>Ilex vomitoria</i>	E Yaupon	Female-Fruit/Attracts Birds
<i>Malus angustifolia</i>	D Southern Crabapple	Flowering/ Fruit
<i>Myrica cerifera</i>	D Southern Wax Myrtle	Wet sites/Attracts Birds
<i>Ostya virginiana</i>	D Eastern Hop Hornblend	
<i>Parkinsonia aculeata</i>	D Retama	Flowering/Drought Tolerant
<i>Pistacia chinensis</i>	D Chinese Pistachio	Fall Color/Drought Tolerant
<i>Pistacia texana</i>	D Texas Pistache	Drought Tolerant
<i>Prosopis glandulosa</i> var <i>glandulosa</i>	D Mesquite	Drought Tolerant
<i>Prunus mexicana</i>	D Mexican Plum	Flowering/Fruit/Drought Tolerant
<i>Prunus umbellata</i>	D Flatwoods Plum	Flowering/ Fruit
<i>Prunus augustifolio</i>	D Creek Plum	Flowering/ Fruit
<i>Rhamnus caroliniana</i>	D Carolina Buchthorn	Fall color/Fruit/Attracts birds/ Drought tolerant
<i>Rhus copallina</i>	D Sumac	Fall color
<i>Sophora secundiflora</i>	E Texas Mountain Laurel	Flowering/Drought Tolerant
<i>Sophora affinis</i>	D Eve's Necklace	Flowering
<i>Ungnadia speciosa</i>	D Mexican Buckeye	Flowering/Drought Tolerant
<i>Vibrunum rufidulum</i>	D Rusty Black Haw Vibrunum	Flowering/Fall color/ Drought tolerant/Attracts birds
<i>Pyrus calleryana</i>	D Bradford pear	
<i>Lagerstroemia indica</i>	D Crepe Myrtle	

D means deciduous and E means evergreen

U. Appendix A-3: Department of Parks and Recreation Street Trees

Common Name	Botanical Name
D Texas Sugar Maple	<i>Acer barbatum</i>
D Pecan	<i>Carya illinoensis</i>
D Anacua	<i>Ehretia anacua</i>
D Ginkgo	<i>Ginkgo bilboa</i>
D Black Gum	<i>Nyssa sylvatica</i> var <i>sylvatica</i>
D Sawtooth Oak	<i>Quercus acutissima</i>
D Southern Red Oak	<i>Quercus falcata</i>
D Overcup Oak	<i>Quercus lyrata</i>
D Bur Oak	<i>Quercus macrocarpa</i>
D Chinkapin Oak	<i>Quercus muehlenbergii</i>
D Nuttall Oak	<i>Quercus nutallii</i>
D Monterrey Oak	<i>Quercus polymorpha</i>
D Shumard Oak	<i>Quercus shumardii</i>
D Post Oak	<i>Quercus stellata</i>
D Live Oak	<i>Quercus virginiana</i>
D Bald Cypress	<i>Taxodium distichum</i> var <i>distichum</i>
D Montezuma Bald Cypress	<i>Taxodium distichum mucronatum</i>
D Winged Elm	<i>Ulmus alata</i>
D Ceder Elm	<i>Ulmus crassifolia</i>
D American Holly	<i>Ilex opaca</i>
D Swamp Chestnut Oak	<i>Quercus michauxii</i>
D Drake Elm	<i>Ulmus parvifolia</i> var <i>drakii</i>
Bradford Pear	<i>Pyrus Calleryana</i>
Crepe Myrtle	<i>Lagerstroemia indica</i>
Under Power Lines	
D Gum Burnelia	<i>Burmelia lanuginosa</i>
D Black Hickory	<i>Carya texana</i>
D Eastern Persimmon	<i>Diospyros virginiana</i>
D Anaqua	<i>Ehretia anacua</i>
D Ginkgo-Male only	<i>Ginkgo bilboa</i>
D Sweetbay	<i>Magnolia virginiana</i>
D Black Cherry	<i>Acer rubrum</i> var <i>drummondii</i>
D Shining Sumac	<i>Rhus copallina</i>
D Live Oak	<i>Quercus virginiana</i>
D Caroline Basswood	<i>Tilia caroliniana</i>
D Winged Elm	<i>Ulmus alata</i>
D Cedar Elm	<i>Ulmus crassifolia</i>
D Drake Elm	<i>Ulmus parvifolia</i> var <i>drakii</i>
E American Holly	<i>Ilex opaca</i>
D Chinese Pistachio	<i>Pastacia chinensis</i>
D means deciduous and E means evergreen	

V. Appendix B: Tree Planting

1. Tree selection. Trees may be selected from the street trees list appendix A-3. All plant stock shall meet the Standard for Nursery Stock Specifications, as established by the American Association of Nurserymen (1986 ed.)

- i. Hardiness of trees for the specific site.
- ii. Mature plant size, form, and growth rate.
- iii. Drought tolerance.
- iv. Pest and insect resistance.

2. Planting procedures.

i. Holes for the trees should be excavated 1½ to two feet greater in width than the diameter of the soil ball. The sides of the hole should be vertical and the bottom horizontal. Trees should be planted with the top of the root ball two inches above existing grade. No holes should be left uncovered overnight.

ii. Trees should be set in an upright plumb position at depth two inches higher than grown in the container. Care should be taken so as not to injure the root system, trunk or foliage. The trunk should not be used as a lever in positioning or moving the tree in the planting hole.

iii. The backfill should consist of topsoil excavated from the planting hole. If there is not enough topsoil, a supplement of similar topsoil should be furnished. Each planting hole should be backfilled and tamped lightly so as not to damage roots. A saucer should be constructed six to eight inches above soil grade around the planting hole and should be a minimum of six feet in diameter, free of weeds and grass.

iv. Any pruning should be done according to the standards of the National Arborist Association (rev. 1988) (The Meeting Place Mall, Route 101, P.O. box 1094, Amherst, NH 03031), on file in the office of the city secretary. All damaged limbs should be removed. The tree should be maintained in a shape appropriate to its species. Street trees should be pruned in accordance with the standards for hazard pruning contained in class III.

v. Trees planted hereunder should be staked with a minimum of two stakes, eight feet long, attached to the tree with plastic tree chain, one inch in size, or equivalent, in a manner that is secure

and will not injure the tree. Any 100-gallon trees should be tri-staked (three stakes). Other types of securing ties or devices may be used if designed for that purpose.

vi. Mulch shall be placed loosely around trees planted hereunder within 24 hours after planting to a uniform depth of three to four inches and to a diameter of six feet. No leaves, branches, roots or other foreign material may be used as a mulch. This area should be maintained free of weeds and grass vegetation with a three- to four-inch mulch cover for a minimum period of one year.

3. Watering. The following watering schedule may be utilized and revised during prolonged periods of rain or drought:

initial watering after planting	Root zones should be slow-soaked every seven days for four weeks
November, December, January, February	In the absence of sufficient rainfall, root zones should be slow soaked on a 21-day water schedule
October, March, April	In the absence of sufficient rainfall, root zones should be slow soaked on a 14-day water schedule
May, June, July, August, September	In the absence of sufficient rainfall, root zones should be slow soaked on a 7-day water schedule

4. Irrigation system installation. The owner of a building site shall install, at the time of planting, adequate irrigation systems in order to provide reasonable assurance that all trees and shrubs planted under the requirements of this ordinance will survive. In lieu of installing an irrigation system, the owner may provide one or more watering sources adequate to provide reasonable assurance that all trees and shrubs planted under the requirements of this ordinance will survive. All plants and shrubs required to be planted under the provisions of this ordinance shall be provided a watering source within a distance of not more than 100 feet.

W. Appendix C: Tree Protection

a. General procedures.

i. Trees to be preserved must be clearly tagged in the field with ribbon

ii. Tree wells shall be made of a durable material and set a minimum of four feet from any tree they are designed to protect. Retaining walls of a durable material (i.e., stone or treated lumber) are to be constructed around each tree immediately after the grade is lowered. A retaining wall must be at least four feet from the tree it is designed to preserve.

iii. Any understory clearing within six feet of existing tree trunks should be done by hand.

iv. No building materials are to be stacked or stockpiled within the drip line or within six feet of any tree to be preserved, whichever is greater.

v. Topsoil shall not be stockpiled within the drip line or within six feet of any tree to be preserved, whichever is greater.

vi. Selective thinning of dead or dying vegetation, tree stumps and other undesired growth is required in buffer areas. Supplemental vegetation shall comply with the landscape buffer requirements of this ordinance.

b. Tree protection zones. Tree protection zones shall be established prior to construction. During construction, a barrier shall be maintained at all times between the tree and the work areas. The barrier shall be composed of wood, wire, snow fence and braces of similar non-injurious material. These areas shall be clearly marked with signs stating "tree protection zone". In tree protection zones, the following restrictions shall apply:

i. No soil compaction from vehicular traffic and material storage.

ii. No trunk and limb damage from equipment, nailing, bolting and guying.

iii. No poisoning from pouring of concrete, lime, paint thinner and other soil contaminants.

iv. No roof suffocation or damage to roots from fill soil or grade change.

v. No improper pruning or trimming of branches. Pruning should be done in accordance with the standards of the National Arborist Association (rev. 1988) on file in the office of the city secretary. Street trees should be pruned in accordance with the standards for hazard pruning contained in class III of those standards.

c. Maintenance in tree protection zones.

i. A watering and monitoring schedule for tree protection zones should be implemented to compensate for damage to existing root systems. Trees should be watered at intervals that provide sufficient water during periods of drought, and watering's should be

suspended during periods of heavy rainfall. Tree root systems should be drenched and allowed to dry.

November, December, January, February	In the absence of sufficient rainfall, root zones should be slow soaked on a 21-day water schedule
October, March, April, May	In the absence of sufficient rainfall, root zones should be slow soaked on a 14-day water schedule
June, July, August, September	In the absence of sufficient rainfall, root zones should be slow soaked on a 7-day water schedule

Trees shall be fertilized annually. A three to one to one ratio of nitrogen, phosphorus and potassium (NPK) containing a slow-release, non-burning nitrogen should be applied according to manufacturer's instructions.

d. Permitted activities in tree protection zones.

i. Specially designed sidewalks. Sidewalks are permitted if laid on top of the existing grade with fill placed at the sides. Sidewalks shall not be cut into the ground.

ii. Utility lines. Utility lines shall be tunneled beneath tree roots in order to protect feeder roots, rather than trenched or open cut.

iii. Sodding and ground cover. Placement of sod or other ground cover and the preparation of ground surface for such cover is permitted. No tilling of the soil shall be allowed.

X. Appendix D: Shrub List

Expected Height after three years (in feet)	Common Name Evergreens	Botanical Name
1-3	Japanese Boxwood	<i>Buxus microphyllia japonica</i>
1	Dwarf Euonymus	<i>Euonymus japonica</i> "Microphylla"
2-3	Silver King Euonymas	<i>Euonymus japonica</i> "Silver King"
1-2	Dwarf Gardenia	<i>Gardenia jasminoides</i> "Radicans"
2-3	Dwarf Burford Holly	<i>Ilex crenata</i> "Burfordii Nana"
2-3	Dwarf Chinese Holly	<i>Ilex crenata</i> "Rotunda"
1-2	Compact Japanese Holly	<i>Ilex crenata</i> "Complicata"
1-3	Dwarf Yaupon Holly	<i>Ilex vomitoria</i> "Nana"
1-2	Primrose Jasmine	<i>Jasminum mesnyi</i>
3-4	Texas Sage	<i>Leucoph yllum Frutescens</i>
3-4	Dwarf Wax Myrtle	<i>Myrica cerifera</i>
1	Dwarf Purple Nandina	<i>Nandina domestica nana</i> "Purpurea"
2-3	Harbor Dwarf Nandina	<i>Nandina domestica nana</i> "Harbor Dwarf"
2-3	Dwarf Oleander	<i>Nerium oleander</i>
1-2	Turner's Dwarf Pittosporum	<i>Pittosporum tobira</i> "Turners Dwarf"
1-2	Wheeler's Dwarf Pittosporum	<i>Pittosporum tobira</i> "Wheeler's Dwarf"
3-4	Fraser's Photinia	<i>Photinia x fraseri</i>
2-3	Red Elf Pyracantha	<i>Pyracantha</i> "Red Elf"
2-3	Indian Hawthorne	<i>Raphiolepis indica</i>
2-3	Red Spirea	<i>Spirea x burmalda</i> "Anthony Waterer"
3-4	Spring Bouquet Vib	<i>Viburnum tinus</i> "Spring Bouquet"
6	Red Tip Photina	<i>Photinia glabra</i>
6	Chinese Photina	<i>Photinia serrulata</i>
6	Waxleaf Ligustrum	<i>Ligustrum japonicum</i>
6	Southern Wax Myrtle	<i>Myrica cerifera</i>

Y. Shrub Planting

a. Shrub selection. Shrubs planted in public rights-of-way may be selected from the parks and recreation department perennial shrub list in Appendix D. Shrubs planted in other areas may also be selected from that list. The following should be considered:

- i. Hardiness of shrubs for the specific site.
- ii. Mature plant size, form, and growth rate.

- iii. Drought tolerance.
- iv. Pest and insect resistance.

b. Planting procedures.

i. Holes for shrubs should be excavated six inches greater in width than the diameter of the soil ball. The sides of the hole should be vertical and the bottom horizontal. Shrubs should be planted with top of root ball slightly above existing grade. No holes should be left uncovered overnight.

ii. Shrubs should be set in an upright plumb position at a depth slightly higher than grown in the container. Care should be taken not to injure the root system, trunk or foliage. The trunk should not be used as a lever in positioning or moving the shrub in the planting hole.

iii. Holes should be backfilled with soil and tamped lightly and carefully so as not to damage roots. The shrub should be watered to settle soil around the roots and remove air pockets.

iv. All damaged branches shall be removed.

v. A minimum three-inch layer of mulch shall be placed loosely at the base to retard weed growth and conserve moisture.

c. Watering. The following water schedule may be utilized and revised during prolonged periods of rain or drought:

initial watering after planting	Root zones should be drenched every seven days for four weeks
November, December, January, February	In the absence of sufficient rainfall, root zones should be slow soaked on a 21-day water schedule
October, March, April	In the absence of sufficient rainfall, root zones should be slow soaked on a 14-day water schedule
May, June, July, August, September	In the absence of sufficient rainfall, root zones should be slow soaked on a 7-day water schedule

6. SIGNAGE STANDARDS:

A. SCOPE; CONFLICTS.

(a) In accordance with the provisions of V.T.C.A., Local Government Code, § 216.902, the provisions of this section shall apply to signs, as that term is defined herein, within this MU-2 district. Signs that do not apply under this ordinance include signs mounted within a tenants lease area and signs mounted in such a way that they are not visible from a public right-of-way.

B. SIGN ADMINISTRATOR AND ENFORCEMENT

(a) Sign Administrator. The mayor shall appoint a Sign Administrator with approval of the City Council. The Sign Administrator is empowered to delegate the duties and powers granted to and imposed upon him by this ordinance to other persons serving under the Sign Administrator. The Sign Administrator and such other persons shall constitute the sign administration section of the building inspector's department. The Sign Administrator is directed to enforce and carry out all provisions of this ordinance. The Building Official may act as the Sign Administrator at the direction of the mayor and City Council.

(b) Enforcement responsibility. The duties of the Sign Administrator shall include not only the approval of permits as required by this ordinance, but also the responsibility of ensuring that all signs comply with this ordinance and any other applicable law, and that all signs for which a permit is required do in fact have a permit. The Sign Administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this ordinance and other applicable law if such inspection discloses any instance of noncompliance. The Sign Administrator shall investigate thoroughly any complaints of alleged violations of this ordinance.

(c) Powers of Sign Administrator. The Sign Administrator shall have the power and authority to administer and enforce the conditions of this ordinance and all other laws relating to signs. Included among such powers are the following specific powers:

- (1) Every sign for which a permit is required shall be subject to the inspection and approval of the Sign Administrator. When deemed advisable by the Sign Administrator, a sign may be inspected at the point of manufacture if such point is within or adjacent to the city limits.
- (2) a. Upon presentation of proper identification to the owner, agent or tenant in charge of such property, the Sign Administrator or his representative may enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure, or other premises or property between the hours of 8:00 a.m. and 5:00

p.m., Mondays through Saturdays; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life or severe property damage, and where the owner, agent or tenant in charge of the property is not available after the Sign Administrator has made a good faith effort to locate same, the Sign Administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any other person on the premises. Whenever the Sign Administrator or his representative shall enter upon private property, under any circumstances, for the purpose of inspecting and/or investigating signs or sign structures, which property has management in residence, such management, or the person then in charge, shall be notified of his presence and shown his proper and official credentials. The Sign Administrator or his representative, when on private property, shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.

b. Whenever the Sign Administrator is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection for violations of this ordinance. In applying for such a warrant, the Sign Administrator shall submit to the magistrate his affidavit setting forth his belief that a violation of this ordinance exists with respect to the place sought to be inspected and his reasons for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the owner, operator or occupant thereof. If the magistrate finds that probable cause exists for a search of the premises in question, he shall issue a warrant authorizing the search, such warrant describing the premises with sufficient certainty to identify the same. Any warrant so issued shall constitute authority for the Sign Administrator to enter upon and inspect the premises described therein.

(3) Upon notice and issuance of a stop order from the Sign Administrator, work on any sign that is being conducted in a manner contrary to the provisions of this ordinance or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the Sign Administrator. Following the issuance of a stop order, the Sign Administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with subsection (c)(4) of this section, unless the cause of the stop order is resolved to the Sign Administrator's satisfaction.

(4) The Sign Administrator is hereby granted the power and authority to revoke any and all licenses or permits authorized by this ordinance for violation of the terms and provisions of this ordinance; provided that the Sign Administrator shall conduct a hearing prior to the revocation of any license or permit authorized under this ordinance to determine the facts incident to the pending revocation. The person whose license or permit is under consideration shall be given at least ten calendar days' written notice of the hearing and shall be permitted to present relevant facts and legal argument regarding the pending revocation. Following such hearing, the Sign Administrator shall consider the merits of the case and shall present a written opinion prior to any action. Provided, however, that if in the opinion of the Sign Administrator the health, safety or welfare of the citizens of the city is endangered by any violation of this ordinance, the Sign Administrator may immediately revoke any or all licenses or permits authorized by this ordinance and shall conduct the necessary hearing as soon as possible thereafter, but in no case later than three business days after the effective date of the revocation, unless the affected licensee or permittee shall request in writing a later date.

(5) The Sign Administrator shall have the authority to adopt regulations required to implement the provisions of this ordinance.

(6) Pursuant to and in accordance with any agreement between the city and the state, or the United States government, the Sign Administrator is hereby authorized to enforce any applicable terms and provisions of the Texas Highway Beautification Act, V.T.C.A., Transportation Code § 391.001 et seq., the agreement for carrying out national policy relative to control of outdoor advertising, entered into between the United States of America and the state, by instrument dated May 2, 1972, any supplements or amendments to that agreement, and any rules or regulations promulgated by the state and/or the state department of highways and public transportation, pursuant to the act or agreements, with regard to signs.

(d) Appeals. Any person wishing to appeal a decision of the Sign Administrator on the grounds that the decision misconstrues or wrongly interprets this ordinance may, within 30 days after the decision, appeal the same to the City Council, pursuant to its rules and regulations, provided that the appealing party shall give notice of appeal in writing to the city secretary no less than ten days following the decision appealed from and provided further that the appealing party shall comply with the Sign Administrator's decision pending appeal unless the Sign Administrator shall direct otherwise.

C. DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising means to seek the attraction of or to direct the attention of the public to any goods, services or merchandise whatsoever.

Approved plastics, notwithstanding any other provisions of this Code, means plastic materials which burn at a maximum rate of 2½ inches per minute, in sheets of 0.060 thickness when tested in accordance with test for flammability of rigid plastics over 0.050 inches in thickness, ASTM D635-1974.

Banner Sign a long strip of flexible vinyl or canvas material displaying a slogan, logo, advertisement, etc. that hangs on a pole vertically and locations are limited to frames affixed to light standards.

Business purposes means the erection or use of any property, building or structure, permanent or temporary, for the primary purpose of conducting in the building or structure or on the property a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; business purpose shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

Combustible material means material more flammable than metal, but no more flammable than wood or approved plastic.

Commercial or industrial activity means property that is devoted to use for commercial or industrial purposes, including railroad rights-of-way, and not for residential purposes. The term "commercial or industrial activity" shall not include the following:

- (1) Signs;
- (2) Agricultural, forestry, ranching, grazing, farming and related activities including, but not limited to, temporary wayside fresh produce stands;
- (3) Activities not housed in a permanent building or structure;
- (4) Activities not visible from the traffic lanes of the main-traveled way;
- (5) Activities conducted in a building primarily used as a residence.

Curb line means an imaginary line drawn along the edge of the pavement on either side of a public or private street.

Display surface means the entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. The display surface shall generally include the entire sign surface except for the sign frame and incidental supports thereto.

Digital sign means any sign which has an automatically changing message with a frequency of no less than thirty seconds, using electronic means to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences.

Electrical sign means any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

Federal primary system means the interstate and freeway primary system and the non-freeway primary system.

General right-of-way means a right-of-way which is not classified as a predominantly residential right-of-way and which is owned, leased or otherwise legally controlled by the person placing a sign thereon.

Ground sign means a sign which is supported by uprights or braces in or upon the ground.

Interstate and freeway primary system means that portion of the national system of interstate and defense highways located within the state which are now or hereafter may be officially designated the interstate system by the state highway and public transportation commission and approved pursuant to title 23, USC 131, as amended.

Marquee sign means a projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building.

Monument, Entry means a ground sign which is supported upon the ground and contains the name of the development, subdivision or users.

Monument, Major means a ground sign which is supported by uprights or braces in or upon the ground, and may include the name of or names of several tenants within the development and may include the name of the development. The height and allowable area are illustrated in **Table 6** of this section. This sign is typically located along a major freeway fronting the development.

Monument, Major Outlet means a ground sign which is supported by uprights or braces in or upon the ground, and includes the name of the outlet within the development and may include the name of the development. The height and allowable area are dictated by the Zoning Ordinance. Typically located along a

major freeway fronting the development. The major outlet monument sign shall include the name "Stafford."

Monument, Minor means a ground sign which is supported by uprights or braces in or upon the ground, and may include the name of or names of several tenants within the development and may include the name of the development. The height and allowable area are illustrated in Table 6 of this section. This sign is typically located along a feeder road serving the development.

Monument, Pad means a ground sign which is supported by uprights or braces in or upon the ground, and includes the name of the tenant associated with the pad upon which the sign is being constructed. The height and allowable area are illustrated in **Table 6** of this section. This sign is typically located along a feeder road serving the development or an internal road within the development.

Noncombustible material means material no less flammable than steel, iron, or other similar metal, or as the term shall be otherwise defined by the current fire or building codes adopted by the city, or by the Sign Administrator. The term "noncombustible material" shall include "incombustible" material.

Non-freeway primary system means that portion of the connective main highways located within the state which now or hereafter may be designated the primary system by the state highway and public transportation commission and approved pursuant to title 23, USC 131, as amended.

Off-premises sign means any sign advertising a business, person, activity, goods, products or services not usually located within the MU-2 district, or which directs a person to any location not within the MU-2 district.

On-premises sign means any sign identifying or advertising the business, person, activity, goods, products or services sold on the premises where the sign is installed and maintained when such premises are used for business purposes.

Overhead conductors means any electrical conductor, either bare or insulated, installed above the ground.

Pennant means a flag or banner longer in the fly than in the hoist especially one that tapers to a point.

Person means an individual, company, corporation, partnership, association or any other entity.

Predominantly residential right-of-way means a public right-of-way between two intersecting public streets in which a majority of the total front footage is used for residential purposes.

Primarily residential area means the right-of-way (and adjoining property area) between two intersecting public streets in which a majority of the total front footage is used for residential purposes.

Private street means the entire width between property lines of any road, street, way, alley, bridge or other similar thoroughfare, not publically owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the private property owner or the property owners association to maintain.

Projecting sign means any sign which is affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

Public right-of-way means any part of a right-of-way not privately owned or controlled, and which is the responsibility of the city or other similar public agency to maintain.

Public street means the entire width between property lines of any road, street, way, alley, bridge or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

Reflectorized lights means any lamp constructed with reflector-type materials so as to focus, intensify, flood or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector or flood, reflector spot, reflector light or clear reflector.

Residential purposes means property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, duplexes, condominiums, townhouses, town homes, patio homes, and apartments; property used for hotels, motels and boardinghouses shall not be considered as used for residential purposes. Property devoted to both residential and commercial purposes may be considered as used for commercial purposes.

Right-of-way means the property fronting on, immediately adjacent to, and on either side of a public street or a nonpublic street.

Roof Sign means any sign erected, constructed or maintained above the roof of any building. Roof signs shall be limited to 6' feet in height from roof at point of installation and there shall be no more than eight individual building Roof Signs shall be allowed per each MU-2 development.

Sign means any outdoor display, design, pictorial or other representation, which shall be so constructed, placed, attached, painted, erected, fastened or

manufactured in any manner whatsoever so that the same shall be used for advertising. The term sign shall include the sign structure. Every sign shall be classified and conform to the requirements of each of such classification set forth in this ordinance.

Sign, detached ground, means a sign having a low profile, either made of or contained within stone, concrete, metal, wood, brick or similar material, which does not exceed eight feet in height from the adjacent ground level.

Sign facing or facing means a separate and distinguishable portion of the overall display surface.

Sign structure means any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of a building.

Temporary sign means any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, not to exceed six square feet in size and shall be limited to new businesses opening and limited to no more than 2 weeks. A portable sign shall not be considered a temporary sign.

Total front footage means the total length of the footage of property fronting on both sides of a public street.

Wall sign means any sign affixed to or painted upon the wall of any building.

Way finding sign shall mean signs, maps, and other graphic or audible methods used to convey location and directions to travelers, typically located within the development.

D. SIGN PERMITS AND FEES

(a) Permit required. No person shall erect, construct, reconstruct, alter or use a sign without first having secured a written permit from the city permit clerk to do so, subject to the exceptions in subsection (b) of this section.

(b) Exceptions.

(1) Governmental/public signs. An application shall be submitted, however, no permit fee shall be required, under this ordinance for signs erected by the city, Fort Bend or Harris Counties, Stafford Municipal School District, Houston Community College System, the state or other political subdivisions thereof, the federal government, the lessees of such governmental entities, signs otherwise required by federal, state or local laws, and signs otherwise authorized by the city as public signs provided that:

- a. Such signs are erected and maintained in a safe condition;
- b. Such signs conform with the requirements and limitations of the **Miscellaneous Sign** provisions of this ordinance, and the building codes of the city; and
- c. If such signs are Digital Signs, do not have a message that moves or a message that changes more than once every thirty seconds.

(2) Signs for civic events. Upon written request, and subject to approval by the City Council, the City Council may authorize the display of temporary signs that provide information about and/or direct the public to a special event of civic interest, including, but not limited to, parades, organized community holiday festivities or celebrations, and special events organized by charitable or nonprofit organizations. In acting upon such request, the City Council shall consider, among other things, the limitations on size, proposed locations, materials, and construction of such temporary signs. A sign plan must be submitted with the written request and approved by the Sign Administrator. Such sign plan shall comply with the following general requirements:

- a. One ground sign not to exceed 32 square feet may be placed at each major entrance to the event.
- b. Additional signs or banners may be located on public or private rights-of-way at specified locations in the city as approved by the Sign Administrator.
- c. Directional signs shall not exceed 16 square feet in area.
- d. Signs shall be erected only for a time period not to exceed 14 days before and two days after the event.
- e. Such signs may be located on private property only with the permission of the property owner.

(3) Other signs. An application shall be submitted, however, no permit fee shall be required, under this ordinance for signs of the following descriptions, unless any such sign is a spectacular sign or a portable sign; any sign listed hereunder shall be erected and maintained in a safe condition in conformity with the **Miscellaneous Sign** provisions of this ordinance, and the building codes of the city:

- a. Signs painted on or affixed to a glass surfaces or windows or doors;

- b. Wall signs not over 100 square feet in area;
- c. Railroad signs;
- d. Legal notices and house numbers;
- e. A sign not over 8'x8' or 64 square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises;
- f. Temporary signs setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this ordinance and with the requirements of the current building code.
- g. Signs displayed, designed or used for or upon motor vehicles;
- h. Signs designed and used for display upon or with lighter or heavier-than-aircraft;
- i. Signs which are mounted on the face of a building no higher than the roof line or form an integral part of a canopy or marquee entrance and state only the street number, name of the proprietor, and name of the premises therein; provided that the number of such signs shall not exceed the number of entrances for such premises. Under special circumstances, if approved by the Sign Administrator a sign may extend above the roof line by 25% of the height of the sign.

(c) Application procedure.

(1) The application for a sign permit shall be submitted in such form as the Sign Administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with the provisions of this ordinance. Construction permit applications for new ground signs when erected or constructed to heights exceeding 30 feet above ground level, shall be accompanied by a drawing of the sign structure and the sign prepared by and certified by a professional engineer registered in the state; the Sign Administrator at his option may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.

(2) If the location, plans and specifications set forth in any application for permit conform to all of the requirements of this ordinance and other

applicable provisions of the building code and other codes, the Sign Administrator shall issue the permit.

(d) Existing signs; permits.

(1) In order to receive permits, all previously unpermitted signs existing on November 5, 1980, must conform to the requirements of the **Sign Maintenance and Removal** and **Miscellaneous Sign** provisions of this ordinance when a current permit is issued; with reference to the remainder of this ordinance, all signs existing on November 5, 1980, must conform to the requirements of this ordinance as follows:

a. Existing portable signs must conform when a current permit is issued.

b. If such existing on-premises signs were not legally and properly permitted or legally and properly exempt from having a permit prior to November 5, 1980, they shall conform to this ordinance and be permitted.

(2) When any sign, or a substantial part thereof, is blown down or otherwise destroyed, or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on such sign, it shall not be re-erected, reconstructed or rebuilt, except in full conformance with this ordinance.

(e) Subterfuge. Any permit secured before or after the effective date of the ordinance from which this ordinance is derived which, in the opinion of the Sign Administrator, has been secured through subterfuge and not in full compliance with the provisions of this ordinance shall be revoked by the Sign Administrator; provided that such revocation shall conform with the provisions of the **Structural Requirements** provisions contained in this ordinance.

(f) Identification of signs. Every sign for which a permit is required shall be plainly marked with the name of the owner, lessee or the sign company erecting and maintaining the sign and shall have affixed on the front thereof or on some other location so as to be conspicuous and easily identifiable from an adjacent public street, an individually numbered sticker, tag or token provided by the city.

(g) Construction permit effectiveness; renewal permit. Any permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days, or the permit is renewed for an additional 180 days, in which case an additional fee shall be payable equal to one-half the original fee paid and the proposed sign shall meet all of the requirements of this ordinance on the date of renewal.

(i) Fees. Permit fees shall be established by resolution of the City Council and on file in the city secretary's office.

(j) No refund of fees. The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.

(l) Electrical signs. Any electrical sign shall conform fully to the electrical code of the city and shall receive a permit under the provisions of that code.

E. SIGN MAINTENANCE AND REMOVAL

(a) All signs shall be kept in good repair and, unless of galvanized or non-corroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frame and fastenings shall be free from deterioration, termite infestation, rot or loosening. All signs shall be able to withstand safely at all times the wind pressures specified elsewhere in this ordinance. In case any sign is not so maintained, the Sign Administrator shall give written notice to the owner or lessee thereof to so maintain the sign, or to remove the sign.

(b) Should any sign in the opinion of the Sign Administrator become insecure or in danger of falling or otherwise unsafe, the Sign Administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Such person so notified shall correct the unsafe condition of the sign in a manner to be approved by the Sign Administrator in conformity with the provisions of this ordinance.

(c) In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this ordinance, the Sign Administrator shall give written notice to the owner, lessee or person responsible for the sign ordering such owner, lessee or person to alter the sign so as to comply with this ordinance or to remove the sign.

(d) Any written notice to alter or to remove a sign shall be given by the Sign Administrator by certified mail or written notice served personally upon the owner, lessee or person responsible for the sign, or the owner's agent. If such order is not complied with within ten days, the Sign Administrator shall initiate proceedings under the **Sign Administrator and Enforcement** provisions of this ordinance to revoke the permit and remove the sign at the expense of the owners, lessee or person responsible therefor. The sign company which received a permit for any such sign shall be deemed to have forfeited the removal bond required by paragraph (k) of the **Sign Permits and Fees** provisions of this ordinance, and the Sign Administrator shall use the proceeds of the bond to remove the sign.

F. MISCELLANEOUS SIGN PROVISIONS

(a) Christmas displays. Christmas displays and similar temporary displays erected without advertising shall not be subject to the provisions of this ordinance, but shall be subject to the fire code and the rules and regulations for fire safety promulgated by the fire marshal and shall not violate the City Ordinance section covering site obstruction and sign placement.

(b) Political signs. No permit shall be required under this ordinance for a sign erected solely for and relating to a public election for a period commencing 60 days prior to and for 10 days following such public election, provided that such unpermitted sign shall be located on private property only, shall be constructed of lightweight material, and shall not exceed 50 square feet in size. Such signs shall also comply with the ordinance section covering site obstruction and sign placement. If the sign pertains to a runoff or rescheduled election the initial period shall extend until ten days following the runoff or rescheduled election.

(c) Signs on public rights-of-way.

(1) With the exception of signs lawfully permitted or erected prior to November 5, 1980 and directional and way finding signs and light pole banner signs, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street, on any public bridge or part of same, or on any public building or structure of any kind belonging to the city, or in any public place or on any public improvement unless express consent therefor shall have been first granted by the Sign Administrator, if not in violation of the city's requirements for taxation. However, coin-operated devices used to display and vend newspapers may be so placed, so long as they are not placed to impede vehicular or pedestrian traffic. This subsection does not apply to public property leased for private business purposes.

(2) Any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized and removal thereof is hereby authorized in addition to authority under the city's requirements for taxation. The Sign Administrator, employees of the police department and the department of public works are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than 30 days. Any sign so held may be redeemed by the owner thereof upon the payment of a fee to the city through the custodian thereof, as set by resolution of the

City Council and on file in the city secretary's office for hauling the same to storage plus a storage fee as set by resolution of the City Council and on file in the city secretary's office for each day the sign is stored. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this ordinance. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be transferred to the treasury department of the city to be sold at public auction in the same manner as surplus property of the city.

(d) Signs on private property. No person shall place a sign on private property or utility easement without the written consent of the owner or agent for the owner of the private property or utility easement owner.

(e) Signs resembling official signs. No sign shall be constructed which resembles any official marker erected by the city, state or any governmental agency or which by reason of position, shape or color would conflict with the proper functioning of any traffic sign, signal or which by its shape or color would conflict with or be confused with emergency vehicle lights, especially blinking lights. Use of words such as "stop," "look," "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic is prohibited.

(f) Signs on traffic islands. Except for signs permitted in paragraph (c)(1), signs are prohibited on traffic islands, being areas of less than 5,000 square feet entirely bounded by, or located within, the curb lines of a public street or streets, or any area having a minimum distance of less than 50 feet between the curb lines of any street or streets.

(g) Signs not to obstruct.

(1) No sign shall be erected, constructed or maintained so as to obstruct any means of egress, or any opening necessary for required light, ventilation or firefighting or for escape from the premises, or so as to prevent free passage from one part of a roof to any other part thereof.

(2) No sign shall be attached to any exterior stairway, fire escape, fire tower balcony or balcony serving as a horizontal exit.

(3) No sign shall be erected, constructed or maintained so as to interfere with the free operation of a counterbalanced section of a fire escape and no projecting sign shall be erected, constructed or maintained without a minimum of seven feet of clearance over any such counterbalanced section.

(4) No sign shall obstruct the free use of any window above the first story.

(h) Signs employing motion picture machines. No sign shall employ a stereopticon or motion picture machine except in park areas and as approved by the Sign Administrator.

(i) Signs not to create easements. No permit for a sign extending beyond private property onto a public street, public sidewalk or public alley shall constitute a permanent easement, and every such permit shall be revocable at any time by action of the City Council, and the city shall not be liable for any damages to the owner by reason of such revocation.

(j) Change of ornamental features, electric wiring, or advertising display. No sign permit is required for the change of any of the ornamental features, electric wiring or devices, or the advertising display of a sign previously permitted. This provision shall not apply to digital signs with respect to advertising display, nor shall it release a person from complying with all other applicable permitting requirements of the city, including those of the currently adopted city building code.

(k) Signs obscuring or interfering with view. Signs may not be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.

(l) Proper shielding of lighted signs; interference with drivers of motor vehicles. Signs containing lights which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled way from which the sign is primarily viewed and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

(m) Digital signs. Digital signs shall be permitted in park areas and commercial buildings and at locations shown on applicable sign applications as approved by the Sign Administrator.

(n) Signs which, according to prevailing community standards, contain statements, words, or pictures of an obscene, indecent, or immoral character which offend public morals or decency are prohibited.

G. CLASSIFICATIONS

- (a) For the purpose of this ordinance, all signs shall be classified as on-premises signs.
- (b) All signs shall further be classified into one of the following type signs:
 - (1) Ground sign;
 - (2) Marquee sign;

- (3) Projecting sign;
- (4) Wall sign.
- (5) Roof Sign
- (c) All signs of any type may also be included within one or more of the following additional classifications according to special functions:
 - (1) Entry Monument;
 - (2) Major Monument;
 - (3) Major Monument Outlet;
 - (4) Minor Monument;
 - (5) Pad Monument;
 - (6) Digital sign;
 - (7) Temporary sign.
 - (8) Internally Illuminated
 - (9) Way Finding Sign
 - (10) Banner Sign

H. STRUCTURAL REQUIREMENTS

1. DESIGN

- (a) All signs and sign structures shall be designed and constructed to resist wind forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof.
- (b) The overturning movement produced from lateral forces shall in no case exceed two-thirds of the dead-end load resisting movement for all signs. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building for all signs. The weight of earth superimposed over footings may be used in determining the dead load resisting movement. Such earth shall be carefully placed and thoroughly compacted.
- (c) The allowable stresses in wire ropes and steel guy rods and their fastenings shall not exceed one-fourth of their rated tensile strength.
- (d) All signs and sign structures shall be designed to resist wind loads as follows:

Table 1 Wind Load Pressures in Pounds per Square Foot for all Signs

Height above ground (feet)	Pressure (pounds/ft.)
0 to 30	20
31 to 50	25
51 to 99	35
100 to 199	45
200 to 299	50
300 to 399	55
400 to 500	60
501 to 800	70
Over 800	77

*Measured above the average level of the ground adjacent to the structure.

- (e) Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind loads.
- (f) All signs shall be designed to conform to the requirements of the currently adopted city building code regarding allowable working stresses. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth of the ultimate strength of such chains, cables, guys or steel rods.

2. CONSTRUCTION.

- (a) The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of the city building code.
- (b) Materials for construction of all signs and sign structures shall be of the quality and grade as specified for buildings in the currently adopted city building code consistent with the city fire code.
- (c) Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics, or any combination thereof, consistent with the city fire code.
- (d) Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values stated in this section. All ground signs shall be anchored to resist the wind load specified in Table 1 (above), acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force 25 percent greater than the required resistance to overturning.

- (e) Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
- (f) No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing. Whenever anchors or supports consist of wood embedded in the soil, the wood shall be pressure-treated with a preservative approved by the Sign Administrator.
- (g) No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in the city building code.
- (h) Display surfaces in all types of signs may be made of metal, wood, glass, or approved plastics as noted in Section 4, Use of Plastic Materials, unless otherwise prohibited herein or prohibited by the fire code.
- (i) Glass thickness and area limitations shall be as follows:

Table 2, Size, Thickness and Type of Glass Panels in Signs

Maximum Size of Exposed Glass Panel			
Any Dimension (inches)	Area (square inches)	Maximum Thickness of Glass (inches)	Type of Glass
30	500	1/8	Plain, plate or wired
45	700	3/16	Plain, plate or wired
144	3,600	1/4	Plain, plate or wired
over 144	over 3,600	1/4	Wired glass

3. ELECTRICAL REQUIREMENTS.

- (a) All electrical fixtures, equipment and appurtenances installed in conjunction with a sign shall be designed and installed in accordance with the city building code standards.
- (b) All electrical signs shall be limited to bulbs of 150 watts for bulbs located in the face of the sign, shall be limited to lighting circuits of 120 or 277 volts, shall contain a sunshade screen dimmer, and shall not use reflectorized lights as part of the face of the sign.

4. USE OF PLASTIC MATERIALS.

- (a) Approved plastics may be used as the display surface material and for the letters, decorations and facings on signs; provided that the structure of the sign in which the plastic is mounted or installed is noncombustible.

- (b) Individual plastic facings of electrical signs shall not exceed 200 square feet in area. If the area of a display surface exceeds 200 square feet, the area occupied or covered by approved plastics shall be limited to 200 square feet plus 50 percent of the difference between 200 square feet and the total square footage area of the sign.
- (c) The area of plastic on a display surface shall not in any case exceed 550 square feet.
- (d) Letters and decorations mounted upon an approved plastic facing or display surface shall be made of approved plastics.

5. HEIGHT LIMITATIONS.

Except as otherwise specifically authorized in this ordinance, no ground sign shall be established, constructed or erected which exceeds an overall height listed in **Table 3 below**. Measurements should include cutouts extending above the rectangular border, measured from the highest point on the sign to the grade level of the ground surface in which the sign supports are placed. Projecting signs shall be a minimum of **8 1/4** feet in height above grade. These height limitations shall not apply to on-premises signs lawfully permitted or lawfully erected prior to November 5, 1980.

6. SIZE LIMITATION

- (a) Except as specifically provided in **Table 3 below**, no sign other than a wall sign shall be established, constructed or erected which has a face area exceeding 300 square feet, including cutouts, but excluding uprights, or which has face dimensions that exceed 15 feet in height or 30 feet in width. These sign limitations shall not apply to signs lawfully permitted or lawfully erected prior to November 5, 1980, or to signs erected pursuant to the option for greater sign area provided next below.

Table 3 Size Limitations

Sign Limitations			
Sign Type	Overall Height	Sign Face Limitation (Each Side)	Sign Face Area (max.) (Each Side)
Entry Monument	10' Max.	10'H x 60'W	600 sf.
Major Monument	90' Max.	60'H x 30'W	900 sf.
Major Monument Outlet	90' Max.		900 sf.
Minor Monument	55' Max.	40'H x 20'W	600 sf.
Pad Monument	10' Max.	10'H x 10'W	100 sf.
Roof Sign	6' Max. Above Roof	6' H x 30' W	180 sf.
Projecting Sign	8' Min. Above Grade	8' H x 4' W	32 sf.
Marquee Sign	14' Min. Above Grade	15' H x 30' W	450 sf.

7. METHOD OF DETERMINING AREA OF SIGN.

In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of the sign area shall include the actual area of the cutout or extended facings. For signs of a double-faced, back-to-back, or V-type nature, each face shall be considered a separate sign in computing the face area.

8. CLEARANCES.

- (a) Signs shall be located a minimum distance of six feet measured horizontally and 12 feet measured vertically from overhead electric conductors which are energized in excess of 750 volts.
- (b) No portion of a sign or sign structure shall project into any public alley.
- (c) No sign shall encumber any right-of-way or easement of the Fort Bend County Water Control and Improvement District No. 2, or Centerpoint Power Company, without written authorization from the owner of the right-of-way or easement.

9. FIRE PREVENTION.

- (a) No material more flammable than wood or approved plastic shall be used in any sign.
- (b) When signs are required in this ordinance to be constructed of noncombustible material, all parts of such signs, including the sign

structure, shall be of noncombustible material, except that the following parts made of combustible material shall be permitted:

- (1) Small ornamental moldings, battens, capping and nailing strips;
 - (2) Individual letters, symbols, figures and insignia supported by or within a noncombustible frame or a permitted combustible facing as permitted by subsection (b)(3) of this section;
 - (3) Portions of each face of a sign, up to but not exceeding 100 square feet of facing, as long as the total area of facing for such sign does not exceed 200 square feet;
 - (4) Wood posts and braces for signs the surface of which is no more than ten feet six inches in height when such signs are determined to be nonhazardous by the Sign Administrator based on health and safety considerations, including, but not limited to, their location, their proximity to other flammable materials, their proximity to occupied structures, and their proximity to firefighting equipment.
- (c) Subject to the specific exceptions stated in subsection (b) of this section, or as otherwise stated in this ordinance, all projecting signs, and marquee signs shall be constructed of noncombustible materials.

10. GROUND SIGNS.

- (a) Lighting reflectors on ground signs may project beyond the face of the sign.
- (b) Every ground sign shall provide rigid construction to withstand wind action in all directions.
- (c) Any person, including the owner, lessee or other person, using any vacant lot or premises for the location of a ground sign shall keep such premises clean, sanitary, inoffensive, and free and clear of all obnoxious substances and unsightly conditions on the ground or in the vicinity of such ground sign.

11. WALL SIGNS.

- (a) Wall signs attached to any exterior wall shall be safely and securely attached to the same. It shall be the responsibility of the Tenant or the tenant's sign contractor to prove structural integrity of its sign attachment to the façade wall.
- (b) The surface face must be of sheet metal, but the ornamental molding surrounding same may be of wood construction.

12. PROJECTING SIGNS.

- (a) All projecting signs shall be constructed entirely of metal or other noncombustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure.
- (b) The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure shall be supported with chains, guys, or steel rods having net cross sectional dimension of not less than three-eighths inch in diameter. Such supports shall be erected or maintained at an angle of at least 45 degrees with the horizontal to resist the dead load and at an angle of 45 degrees or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds 30 square feet in one facial area, there shall be provided at least two such supports on each side of the sign not more than eight feet apart to resist the wind pressure.
- (c) All supports shall be secured by an expansion shield to a bolt or expansion screw of such size that will develop the strength of the supporting chain, guys or steel rod, with a minimum five-eighths inch bolt or lag screw. Turnbuckles shall be placed in all chains, guys or steel rods supporting projecting signs.
- (d) Chains, cables, guys, or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated and fastened on the wall in a secure manner.
- (e) A projecting sign shall not be erected on the wall of any building roof so as to project above the roof or cornice wall or above the roof level where there is no cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign perpendicular to such wall does not exceed 18 inches may be erected to a height not exceeding two feet above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.

13. MARQUEE SIGNS.

Marquee signs shall be constructed entirely of metal or noncombustible material and may be attached to or hung from a marquee. The lowest point of

a sign hung from a marquee shall be at least eight feet above the sidewalk or ground level, and such signs shall not extend or project beyond the corners of the marquee. Marquee signs may be attached to the sides and front of a marquee, and a sign may extend the entire length and width of the marquee, provided that no sign shall extend more than six feet above nor one foot below such marquee, nor have a vertical dimension greater than eight feet.

14. SIGNS OF V-TYPE OR BACK-TO-BACK CONSTRUCTION.

- (a) The angle between the faces of V-type signs shall be no greater than 45 degrees measured back to back, and if the area of each face is 300 square feet or less, the maximum distance at the nearest point between the two backs, as measured at the apex, shall not exceed 1½ feet; if the area of either face exceeds 300 square feet, the maximum distance between the two backs, as measured at the apex, shall not exceed 3½ feet.
- (b) Back-to-back signs must be on common supports. If the area of each is 300 square feet or less, then the nearest point between the two backs shall not exceed five feet plus the diameter of the intervening upright or support.

15. DIGITAL SIGN.

- (a) Any allowed sign may contain in part or whole a digital sign.
- (b) No Digital Sign can exceed the allowed Sign Face area indicated in **Table 3 of this section**.
- (c) Digital signs may contain an automatically changing message with a frequency of 30 seconds or more and may not contain any glaring, rotating or strobe effects designed specifically to draw attention.
- (d) Digital signs may not contain any obscene, indecent or immoral information as determined by the Sign Administrator.

16. Off premise signs are prohibited.

7. SUBDIVISION STANDARDS:

1. In General:

A. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any office referred to herein by title shall include the person employed or appointed for that position or his duly authorized deputy or representative. Terms, phrases or words not expressly defined herein are to be considered in accordance with customary usage.

Agricultural use means any activity related to the cultivation of soil, the producing of crops for human food, animal feed or planting seed or for the production of fiber; raising or keeping of livestock; and planting cover crops or leaving land idle for the purpose of participating in any governmental program or recognized, normal crop or livestock rotation procedure. A residential unit and related outbuildings located wholly on a tract of land used solely for one or more of the purposes described in the preceding sentence shall be deemed an agricultural use.

Block means one or more lots, tracts or parcels of land bounded by streets, easements, rights of way or other physical features and which may be further subdivided into individual lots or reserves.

City Engineer means the engineer employed by the city, or the engineers retained as consultants to the city, or their duly authorized representatives.

City minimum construction standards for community improvements means the design and construction standards for municipal improvements heretofore adopted by the City Council, as may be amended from time to time by the City Council, which standards are on file and available for public inspection in the office of the City Engineer.

Commission means the Planning and Zoning Commission of the city.

Drainage easement means an area intended for restricted use on private property upon which an authorized governmental agency shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of any of its respective drainage systems within any of these easements. An authorized governmental agency shall at all times have the right of unobstructed ingress and egress to and from and upon the drainage easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective drainage systems without the necessity at any time of procuring the permission of anyone.

Extraterritorial jurisdiction means all land situated as classified by V.T.C.A., Local Government Code § 42.021, in all directions from the corporate boundary of the

city and its extensions, and which is not in conflict with the extraterritorial jurisdiction of another municipality.

Final plat means a map or drawing of a subdivision plan prepared in a manner suitable for recording in the appropriate county map, plat or real property records and prepared in conformity with the requirements of this ordinance.

General plan shall mean a map illustrating the general design features and street layout of a proposed development of land that is to be subdivided and platted in sections.

Lot means a physically undivided tract or parcel of land having frontage on a public street or other approved facility and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and which is identified by a tract, or lot number or symbol on a duly approved subdivision plat which has been properly recorded.

Person means any individual, partnership, association, firm, corporation, governmental agency or political subdivision.

Preliminary plat means a map or drawing of a proposed subdivision prepared in accordance with the provisions of this ordinance, illustrating the features of the subdivision for review and preliminary approval by the commission and the City Council, but not necessarily suitable for recording with the county clerk of the county or counties in which such subdivision is located.

Street, private means a private thoroughfare, not dedicated for public use, which provides vehicular access to adjacent private land.

Street, public means any public thoroughfare or right-of-way, dedicated for public use, which provides vehicular access to adjacent land. Public streets shall be classified as follows:

Street, Collector means streets which carry traffic from minor streets to the major system of arterial streets and highways.

Major thoroughfares (or arterial streets) means principal traffic arteries more or less continuous across the city and which are intended to connect remote parts of the city and which are used primarily for fast or heavy volume traffic.

Minor streets means streets which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited area.

Sub Divider and Developer are synonymous and shall include any owner, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this ordinance.

Subdivision means the division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out (or realignment) of new streets, or other public or private access ways, with or without lotting, shall constitute a subdivision. Subdivision shall also include the re-subdivision and re-platting of land or lots which are part of a previously recorded subdivision. An "addition" is a subdivision as defined herein. The term "subdivision" shall also include the division of land whether by plat or by metes and bounds description and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. The term "subdivision" shall not include the division of land for agricultural purposes only, in parcels or tracts of five acres or more and, when not involving the requirement of new streets, or access easements. The term "subdivision" shall not include a division of land resulting from the acquisition of right-of-way for public street construction for immediate or future purposes by a governmental body. In addition, the term "subdivision" shall not include a division of land which results from the granting of a license or the entering into of a rental agreement if the term of the license or rental agreement does not exceed 90 days, and:

- (1) The use of the land pursuant to the license or rental agreement does not involve the construction of buildings or structures for which building permits are required;
- (2) The tract divided as a result of the license or rental agreement is not encumbered for more than 90 days cumulated over any calendar year pursuant to a license or rental agreement, each day or part of a day being counted as a full day;
- (3) The tract divided as a result of the license or rental agreement is not encumbered at any time by more than one such license or rental agreement;
- (4) No dedication of streets or access easements are required; and

- (5) The person or entity occupying land by virtue of any such license or rental agreement holds a valid temporary use permit as may otherwise be required by the city.

Title certificate means a certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state describing all encumbrances of record which affect the property, together with all deeds recorded from and after the effective date of this ordinance. Such certificate shall include all property included within the platted area.

Utility easement means an area intended for restricted use on private property upon which any authorized public utility or governmental entity shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of any of its respective utility systems within any of these easements. An authorized public utility shall at all times have the right of unobstructed ingress and egress to and from and upon the utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone, except as may be provided by the franchise contract authorizing the public utility to operate within such utility easement.

B. Application - This section shall apply to all subdivisions of land within the city and its area of extraterritorial jurisdiction as established by V.T.C.A., Local Government Code § 42.021.

C. Conflict with county regulations - This section shall not be applied in such a manner to amend or alter any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county in which there exists territory contained within the area of extraterritorial jurisdiction of the city. In the circumstance where any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county is less restrictive than those contained herein, then the standards of this ordinance shall apply.

D. Utilities

Public utility placement and design shall be in accordance with the Facility owner's guidelines and requirements.

Private utility placement and design shall be in accordance with generally accepted standards.

E. Special provisions.

(a) Plat approval required. It shall be unlawful for any person to subdivide any tract, lot or parcel of land within the city or its extraterritorial jurisdiction unless and until a preliminary and final plat of such subdivision has been approved in accordance with the terms of this ordinance. Unless and until a preliminary and final plat, plan or re-plat of a subdivision shall have been first approved in the manner provided herein by the Planning and Zoning Commission and the City Council, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement on any lot, tract, or parcel of land within such subdivision except as specifically permitted herein; and it shall be unlawful for any official of the city to issue any permit for such improvements, or any aspect thereof, or to serve or connect such land, or any part thereof, with any public utility which may be owned, controlled, or distributed by the city.

(b) Improvements required. All of the improvements required under this ordinance, and improvements which, in the judgment of the City Engineer, are necessary for the adequate provision of streets, drainage, utilities, municipal services, and facilities to the subdivision and surrounding areas of the city shall be constructed at the sole expense of the developer with potential reimbursement by Fort Bend County, Fort Bend County Water Control & Improvement District No. 2 and the City of Stafford. If oversizing of utility or drainage facilities or off-site improvements are required as a part of the subdivision development, and are necessary for the adequate and efficient development of surrounding areas, the city may provide for reimbursement to the sub divider of such costs of such oversizing or off-site improvements. Any such reimbursements shall not be made until monies are received by the city. If oversized utility or drainage facilities or off-site improvements have been constructed pursuant to the development of a subdivision, and any such facilities directly benefit a subsequent subdivision, the developer of such subsequent subdivision may be required, as a condition of subdivision plat approval, to make payment to the city of the portion of the actual costs theretofore expended for such improvements which serve such subsequent subdivision.

(c) Variance. The rules and regulations provided in this ordinance or incorporated hereby are the minimum standards and requirements of the city. A variance from any such rule or regulation may be granted by the City Council upon a good and sufficient showing by the owner that:

- (1) There are special circumstances or conditions affecting the property in question;
- (2) The enforcement of the provisions of this ordinance will deprive the applicant of a substantial property right; and
- (3) If a variance is granted, it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

(d) Application of variance. Each and every application for a variance shall be decided solely and entirely on its own merits, and the disposition of any prior or pending application for a variance shall not be allowed to enter into or affect any decision on the application in question. No application for a variance will be considered unless submitted in writing not later than the date the application for final plat approval is submitted and accompanied by a nonrefundable application fee in the amount established by resolution adopted by City Council.

(e) Streets; public utilities. The city shall not repair, maintain, install or provide any streets or public utility services within a subdivision for which a final plat has not been approved or filed of record, nor in which the standards contained herein or referred to herein have been complied with in full.

(f) Exceptions. The provisions of this ordinance shall not be construed to prohibit the issuance of permits for construction on any lot which was in existence prior to November 4, 1971, nor to prohibit the repair, maintenance or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to November 4, 1971, was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to November 4, 1971.

(g) Violations - Prosecution or conviction under this ordinance shall not be a bar to any other remedy or relief for violations of this section.

(h) Enforcement in extraterritorial jurisdiction - Any person violating any provision of this section outside the corporate limits of the city but within the exclusive extraterritorial jurisdiction of the city shall not constitute a misdemeanor under this section and no fine shall be applicable to such violation. However, the city shall have the right to institute an action in the district court to enjoin any person in violation of any provision hereof.

2. Preliminary conference.

Prior to the official filing of a preliminary plat, the sub divider, his planner, or other appropriate representative should consult with city staff for comments and advice on the procedures, specifications, and standards required by the city as conditions for subdivision plat approval. If requested in writing, the Planning and Zoning Commission will place, for discussion purposes only, an item on its agenda regarding the proposed subdivision in order to assist a sub divider on matters affecting such proposed subdivision.

A. Application for preliminary plat approval.

(a) Any person desiring approval of a preliminary plat shall first file, in triplicate, an application for preliminary plat approval. Forms for such applications shall be kept on file in the office of the City Engineer and shall be in a form approved by the City Council. Consideration of a preliminary plat by the Planning and Zoning Commission will not occur unless a fully completed and executed application has been filed in accordance with this ordinance.

(b) All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the office of the City Engineer not later than 4:00 p.m., eight days prior to the next regular commission meeting. Materials received after 4:00 p.m. on the date specified herein shall automatically be placed on the agenda of the second regular meeting of the commission following submittal.

(c) The applicant shall provide six 24-inch by 36-inch paper prints from the original drawing of the plat reproduced on white paper with blue or black lines, each of which shall be folded to 8½ inches by 14 inches.

(d) An application for preliminary plat approval must be accompanied by a nonrefundable application fee in the amount established by resolution adopted by City Council and on file in the city secretary's office.

(e) Initial plat submittals shall be accompanied with a title opinion or a statement or certificate, either in separate writing or on the face of the plat, executed by the applicant or the person who prepared the plat, which certifies that all existing encumbrances, such as various types of easements, fee strips or significant topographical features, on the land being platted are fully shown and accurately identified on the face of the plat and further stating whether the plat being submitted includes all of the contiguous land which the sub divider owns directly or indirectly, or has a legal or beneficial interest in or whether the sub divider owns or has a legal interest in any adjacent property. If the sub divider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved must also be provided.

(f) Evidence of notice to all utility companies, whether public or private, shall accompany each application for preliminary plat approval. Such notice shall contain a statement of the intent to subdivide and the intended use of the property within the subdivision, and shall have attached to such notice a copy of the preliminary plat which is filed with the city.

B. Form and content of preliminary plats.

Any preliminary plat submitted to the Planning and Zoning Commission shall be in the following form and contain the following information and/or language:

- (1) The proposed name of the subdivision or development, which must not be a duplicate of any subdivision or development of record within the city or its area of extraterritorial jurisdiction;
- (2) The legal description of the property proposed to be subdivided including the name of the county, survey and abstract number, together with a survey reference to the nearest survey corner or street right-of-way intersection in the same general area;
- (3) The total acreage and total number of lots, blocks and reserves;
- (4) The name of the owner of the property or sub divider. If the sub divider is other than a natural person the name of the principal officer or owner of the entity responsible for the subdivision shall be provided;
- (5) The name of the person or firm that prepared the plat;
- (6) The date on which the plat was drawn;
- (7) The north point. The drawing of the subdivision must be oriented with north to the top of the drawing;
- (8) The scale must be drawn numerically and a graphic scale must be provided. The scales acceptable for a preliminary plat shall be either one inch equals 100, 200, 300 or 400 feet, or for small projects (less than ten acres) one inch equals 20, 30, 40, 50 or 60 feet;

(9) A scale vicinity map shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well-known streets, railroads, watercourses and similar features in all directions from the subdivision to a distance not less than one mile. The scale of the vicinity may be one inch equals one mile and should be oriented with north to the top of the drawing and in the same direction as the detailed subdivision drawing;

(10) The plat boundaries shall be drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings. Lines outside the plat boundary should be drawn as dashed lines;

(11) The adjacent areas outside the plat boundaries shall be identified indicating the name of adjacent subdivisions, churches, schools, parks, bayous, and drainage ways, acreage, and all existing streets, easements, pipelines and other restricted uses;

(12) The location and approximate width of existing and proposed watercourses, ravines and drainage easements;

(13) The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as "unrestricted reserve." The words "restricted reserves" shall be indicated on the plat and shall be designated as single-family residential, multifamily residential, commercial, manufacturing or industrial;

(14) The location of all streets, roads, alleys and easements, either existing or proposed, within the plat boundaries or immediately adjacent thereto;

(15) The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto; and

(16) The location of all lots, blocks, building setback lines and other features within the plat boundaries with approximate dimensions.

(17) The location of all nonresidential driveways including all joint access driveways, if any, and any related easements.

C. Application for final plat approval.

(a) Any person desiring approval of a final plat shall first file an application for final plat approval. Forms for such applications shall be kept on file in the office of the City Engineer and shall be in a form approved by the City Council. Consideration of a final plat by the Planning and Zoning Commission or the City Council will not occur unless a fully completed and executed application has been filed in accordance with this ordinance.

(b) All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the office of the City Engineer not later than 4:00 p.m., eight days prior to the next regular commission meeting. Materials received after 4:00 p.m. on the date specified herein shall automatically be placed on the agenda of the second regular meeting of the commission following submittal.

(c) The applicant shall provide six 24-inch by 36-inch paper prints from the original drawing of the plat reproduced on white paper with blue or black lines, each of which shall be folded to 8½ inches by 14 inches, and one positive sepia transparency.

(d) An application for final plat approval must be accompanied by a nonrefundable application fee in the amount established by resolution adopted by City Council and on file in the city secretary's office.

(e) Letters from all utility providers, whether public or private, stating that the easement locations and dimensions shown on the plat will adequately serve the property lying within the proposed subdivision shall accompany each application for final plat approval. The City Council may waive this requirement upon a good and sufficient showing that the notice requirements of section 7.2A have been met and that a utility provider failed to respond to a written request for approval of the easement locations and dimensions shown on the plat within 30 days of such request. In the event a utility provider, whether public or private, requires additional easements unnecessary for the development of the property, a letter signed by the applicant agreeing to provide such additional easements to the utility provider shall be submitted with the application for final plat approval.

D. Form and content of final plat.

All final plats shall incorporate all of the provisions relating to preliminary plats in section 7.2B and, where appropriate, reflect any conditions and requirements of final approval previously imposed by the Planning and Zoning Commission together with the following additional requirements:

(1) Four original final plats must be drawn on 3-mil matte positive-contact film with black lines and image. Provided, however, if the county in which a plat is to be recorded requires the plat to be produced on material different from 3-mil matte positive-contact film, compliance with such county requirement shall constitute compliance with this section.

(2) The scale for a final plat drawing may be any of the following: One inch equals 100, 60, 50, 40, 30 or 20 feet.

(3) All engineering and surveying data shall be shown on the final plat sufficient to locate all of the features of the plat on the ground. These data shall include, but not be limited to, full dimensions along all boundaries of the plat, street and alley rights-of-way, easements and drainage ways, gullies, creeks and bayous together with the location of the high bank of such drainage ways and watercourses, lots, blocks, reserves, out tracts or any other tracts designated separately within the plat boundaries, fee strips, pipelines or any other physical or topographical features necessary to be accurately located by surveying methods. Such information must include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof.

(4) The intended use of all lots within the subdivision shall be identified on the plat. All tracts not designated as lots within the boundaries of the plat shall be identified as provided in section 7.2B (13).

(5) All dedication statements and certificates shall be made a part of the final plat drawing and must conform in form and content to the form of statements and certificates set forth in Appendix A to this ordinance, which is incorporated herein and made a part hereof for all purposes.

E. Plat drawing and reproductions.

The original plat drawings for an approved final plat shall be prepared as provided in section 7.2D (1). The names and titles of all persons signing any such plats shall be lettered under the signature. Two paper prints from the original plat drawing (white paper with blue or black lines) and one sepia transparency must also be provided prior to recording. After recording, the subdivider shall submit to the City Engineer one original film and eight paper prints of the recorded plat with all recording information thereon. No permit shall issue for construction within a subdivision until such conditions as herein provided are met.

F. Title report.

At the time an approved final plat is furnished to the city for recording a current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the state or an attorney licensed as such in the state shall be provided certifying that within 30 days prior to the date the final plat was furnished to the city, a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to the land:

- (1) The date of the examination of the records;

- (2) A legal description of the property lying within the proposed subdivision including a metes and bounds description of the boundaries of the land;
- (3) The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title;
- (4) The names of all lienholders together with the recording information and date of the instruments by which such lienholders acquired their interests;
- (5) A description of the type and boundaries of all easements and fee strips not owned by the sub divider of the property in question together with the recording information and date of the instruments whereby the owner of such easements or fee strips acquired their title; and
- (6) Certification stating that all current city, county, school, utility or other governmental entity taxes due and payable have been paid or a tax certificate from the city, county, school, utility or other governmental entity in which the land being platted is located showing no delinquent taxes are due on the property being platted.

G. City Council and commission action.

The City Council and the Planning and Zoning Commission shall review each plat submitted to it on a preliminary basis and a final basis. The City Council and the commission shall approve any plat if it is in compliance with the provisions of this ordinance and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land. Upon the receipt of a plat, the City Council and commission's authorized actions shall be as follows:

- (1) Grant preliminary approval or preliminary approval with conditions.
- (2) Defer preliminary action until the next regular meeting (not to exceed 35 days).
- (3) Grant final approval, if in conformance with the conditions of preliminary approval or final approval subject to additional conditions.
- (4) Disapprove any plat, either preliminary or final, if the City Council and the commission determine that it fails to comply with the policies, standards or requirements contained in this ordinance or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision of land.

H. Expiration of plat approval.

Preliminary plat approvals and final plat approvals granted by the City Council and the Planning and Zoning Commission and the conditions therein, if any, are

valid for a period of 12 months from the date on which such approval was granted. Master preliminary plat approvals granted by the City Council and the commission and the conditions therein, if any, are valid for a period of 24 months from the date on which such approval was granted. Provided, however, the City Council and the commission may, upon receipt of a written request from the subdivider or his authorized agent prior to the expiration date of a final plat approval or master preliminary plat approval, extend this term of approval for any time period not to exceed an additional 12 months. The maximum term for approval of any final plat granted by the City Council and the commission which has not been duly recorded shall not exceed a total of 24 months from the date on which approval was granted by the commission.

I. Final plat approval by sections or portions.

A subdivider may, at his option, elect to obtain final plat approval by sections or portions of the tract being divided. If a subdivider so elects, he shall submit a general plan, identified as such, which general plan shall comply in all respects with the requirements for preliminary plats contained in section 7.2. The general plan shall also be accompanied by evidence of notice to all utility providers, whether public or private, of the intent to subdivide, the intended use of the property within the subdivision, and evidence that such utility providers were furnished a copy of the general plan which is filed with the city. Each final plat of each such section or portion shall comply fully with the requirements set forth herein for final plats. An updated master preliminary plat shall be submitted with each application for a final plat to reflect all sections or portions previously finally platted and the new section or portion of the tract being divided. Provided, further, each final plat of each such section or portion shall bear the name of the entire subdivision, but shall be distinguished from each other section or portion by letter, number, or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such entire subdivision may be finally approved by sections or portions. Each subsequent final plat shall comply in full with the general plan; amendments to the general plan may be accomplished only through a formal re-plat submittal of such general plan to the Planning and Zoning Commission. Provided, further, it shall be unlawful for any person to construct any street, utility facility, building, structure, or other improvement on the remaining portion of such subdivision for which a final plat has not been recorded. Submission of a general plan for final plat approval must be accompanied by a nonrefundable application fee in the amount established by resolution adopted by City Council and on file in the city secretary's office.

J. Exceptions to requirements.

Notwithstanding any other provision of this ordinance to the contrary, the following exceptions to requirements contained herein, to the limited extent expressly provided, are hereby established:

(1) In instances where a proposed subdivision contains less than five acres and is a part of a previously approved and finally platted recorded subdivision, preliminary and final plat approval may be granted simultaneously if there is no requirement for dedications of streets, easements, or other portions for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto. Provided, further, if the City Council or the Planning and Zoning Commission determines, due to unique characteristics of the proposed subdivision, or to circumstances surrounding such proposal, that use of the abbreviated platting procedure established by this paragraph is not in the best interest of the city, either such body may direct that such proposed subdivision be platted in accordance with the standard procedures as established in sections 7.2A-D.

(2) In instances where a subdivision contains one or more reserves which exceed 40 acres, the sub divider may elect to postpone the designation and dedication of streets, roads, alleys, or other access easements, or minor drainage or utility easements and such other matters as are required in section 7.2B(12 and 14-16). If a sub divider elects to postpone such planning and dedication of such public or private facilities within any such remaining reserve, a notation shall be placed on the face of the plat establishing such fact, and providing that, pursuant to this ordinance, it shall be unlawful for any person to construct any improvement upon such remaining reserve or acreage before or until same is re-platted in accordance herewith. Provided, further, if either the City Council or the commission determines that failure to establish a plan for any such acreage or reserve will impede orderly growth and development it may require full compliance with the terms of this ordinance.

(3) Amending plats and minor plats.

a. The City Engineer shall have the authority to review any amending plat or minor plat, as such plats are defined herein, and grant preliminary and final approval of such plat if it is in compliance with the provisions of this ordinance and other rules and regulations as may have been or may be adopted by City Council governing plats and/or the subdivision of land.

b. All plat approvals granted by the City Engineer, and the conditions therein, if any, shall expire and may be extended as

provided in section 7.2H as if the Planning and Zoning Commission and the City Council had granted such approvals or extensions.

c. The City Engineer may, for any reason, elect to present an amending plat or a minor plat for approval to the Planning and Zoning Commission and City Council.

d. The City Engineer shall not disapprove any plat. Any plat the City Engineer refuses to approve shall be referred to the Planning and Zoning Commission for consideration within thirty days after the date the plat is filed.

e. As used in this section, amending plat and minor plat shall have the following definitions:

Amending plat shall mean a plat that is signed by the applicants only and is solely for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding plat;
2. To add a course or distance that was omitted on the preceding plat;
3. To correct an error in a real property description shown on the preceding plat;
4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. To 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. To correct any other type of scrivener or clerical error or omission previously approved by the City Council and commission, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. To correct an error in courses and distances of lot lines between two adjacent lots if:
 - (i) Both lot owners join in the application for amending the plat;
 - (ii) Neither lot is abolished;
 - (iii) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (iv) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

9. To relocate one or more lot lines between one or more adjacent lots if:

- (i) The owners of all those lots join in the application for amending the plat;
- (ii) The amendment does not attempt to remove recorded covenants or restrictions; and
- (iii) The amendment does not increase the number of lots;

10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

- (i) The changes do not affect applicable zoning and other regulations of the city;
- (ii) The changes do not attempt to amend or remove any covenants or restrictions; and
- (iii) 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; or

11. To re-plat one or more lots fronting on an existing street if:

- (i) The owners of all those lots join in the application for amending the plat;
- (ii) The amendment does not attempt to remove recorded covenants or restrictions;
- (iii) The amendment does not increase the number of lots;

and

- (iv) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

Minor plat shall mean a plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

(4) Generally

No preliminary or final plat shall be approved by the Planning and Zoning Commission or the City Council, and no permit shall issue for the construction of any improvement intended for public use, or for the use of purchasers or owners of lots fronting or adjacent to such improvement, and no improvement intended for public use shall be accepted by the city, unless any such improvements shall comply with the standards and specifications in this division.

A. Public streets; general arrangement and layout.

- (1) The public street system pattern proposed within any subdivision shall comply with design standards of this section and shall:
- (2) Provide for adequate vehicular access to all properties within the subdivision plat boundaries;
- (3) Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;
- (4) Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by firefighters, police and other emergency services; and
- (5) Provide a sufficient number of continuous streets and major thoroughfares, particularly in those areas designated for the development of high-density multifamily residential, commercial, and industrial land uses, to accommodate the increased traffic demands generated by these land uses.

B. Major thoroughfares.

- (a) The location and alignment of a designated major thoroughfare shall be in conformance with the requirements of the city. Proposals which constitute a change in the location or alignment of any designated major thoroughfare or freeway illustrated on the plat shall be approved by the City Council after the holding of a public hearing thereon.
- (b) The minimum width of the right-of-way to be dedicated for any designated major thoroughfare shall not be less than 100 feet. In those instances where the proposed subdivision is located adjacent to an existing major thoroughfare having a right-of-way less than 100 feet, sufficient additional right-of-way must be dedicated to accommodate the development of the major thoroughfare in question on the basis of a total right-of-way width of 100 feet. Where the construction of concrete pavement with curbs, gutters and storm sewers is determined by the Planning and Zoning Commission and the City Council to be not feasible and open ditch drainage is therefore required, the minimum right-of-way width required for the development of a designated major thoroughfare shall be more than 100 feet and of sufficient width to accommodate the approved roadway pavement and attendant drainage facilities.
- (c) Curves proposed for the right-of-way of designated major thoroughfares shall have a centerline radius of 2000 feet or more to meet minimum AASHTO requirements. Reverse curves should be separated by a tangent distance of not less than 100 feet. Intersections with other public and/or private streets should be at right angles but may vary not more than five degrees. Where acute angle

intersections are approved, a radius of at least 30 feet in the right-of-way line at the acute corner shall be provided.

C. Collector streets.

(a) The location and alignment of collector streets shall be in conformance with the master thoroughfare plan. Proposals which constitute a change in the location or alignment of any designated collector street illustrated on the plat shall be approved by the City Council after the holding of a public hearing thereon.

(b) Curves proposed for the right-of-way of designated collector streets shall have a centerline radius of 800 feet or more. Reverse curves should be separated by a tangent distance of not less than 100 feet. Intersections with other public and/or private streets should be at right angles but may vary not more than ten degrees. Where acute angle intersections are approved, a radius of at least 30 feet in the right-of-way line at the acute corner shall be provided.

D. Minor streets.

(a) The location and alignment of minor public streets proposed to be dedicated and established within a subdivision shall be designed in conformance with the submitted street plan or the City Requirements.

(b) Curves along minor streets may have any centerline radius, except that the centerline radius on a reverse curve may not be less than 300 feet. Reverse curves should be separated by a tangent distance of not less than 50 feet. Intersections with designated major thoroughfares shall be as provided in this section. The angle of local street intersections may not vary more than ten degrees from perpendicular. Where acute angle intersections are approved, a radius of at least 30 feet in the right-of-way line at the acute corner must be provided.

(e) The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround must be not less than 50 feet except in those instances where storm sewers are not planned to be installed and storm drainage is proposed to be accommodated within the street right-of-way. A right-of-way radius of 60 feet shall then be provided.

(f) Dead-end streets will not be approved except in those instances where the street is terminated by a circular cul-de-sac turnaround or where the street is designated to be extended into adjacent property. When such a street is designated to be extended into adjacent property, a temporary turnaround shall be constructed in accordance with city minimum construction standards for community improvements. Such streets shall be signed "dead-end street" at the entrance to the street.

E. Public streets.

All public streets as provided in this division shall be constructed in accordance with city minimum construction standards for community improvements.

F. Private streets.

(a) Private streets shall be permitted in lieu of minor streets. Access easements shall be provided for vehicular access to all adjacent parcels of land.

(b) In any development where private streets are dedicated, a properly recorded owner's agreement covering the maintenance of those private streets is required. Additionally, the following statement shall appear on the face of the plat: The city does not maintain private streets.

G. Private alleys.

(a) Private alleys may be provided within a subdivision to provide secondary vehicular access to lots which otherwise have their primary access from an adjacent public street or approved common or compensating open space or courtyard which is adjacent to a public street. Private alleys may not be used or designed to provide the principal access to any tract of land and may not provide any access to property outside the subdivision plat boundaries in which the alleys are dedicated.

(b) Private alleys shall have a right-of-way width of not less than 20 feet. Intersections with private alleys and public streets shall be in accordance with this section. All corners at the intersections of alley rights-of-way with public streets or other alleys must have at least a 25-foot radius or ten-foot angular cutbacks provided. Curves in alleys should be kept to a minimum. Reverse curves in alleys should be separated by a tangent distance of not less than 50 feet.

(c) No dead end or cul-de-sac alleys will be permitted.

(d) All private alleys as provided in this section shall be constructed in accordance with city minimum construction standards for community improvements.

(e) In any development where private alleys are dedicated, a properly recorded owner's agreement covering the maintenance of those private alleys is required. Additionally, the following statement shall appear on the face of the plat: The city does not maintain private alleys.

H. Pavement Design Requirements

Pavement design, including but not limited to: pavement, subgrade and base thickness, reinforcement and material strength shall be designed by a

Professional Engineer based on a current soil analysis, roadway use, traffic loadings and life span of proposed pavement. Pavement design shall be prepared by a Professional Engineer based on current AASHTO design methodology (Guide for the Design of Pavement Structure).

I. Street names.

(a) All public streets contained in any subdivision plat approved by the city shall be named in accordance with the following considerations:

(1) Names for new streets shall not duplicate the name of any existing street located within the city or its area of extraterritorial jurisdiction.

(2) Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are not and cannot be physically continuous) thereof except in those instances where the existing street name is a duplicate street name.

(3) Street name suffixes such as court, circle and loop should be designated on streets which are cul-de-sacs or in a configuration of a loop street. Suffixes such as boulevard, speedway, parkway, expressway and drive should be confined to designated major thoroughfares or local streets designed to handle traffic volumes in excess of normal neighborhood traffic generation. Suffixes such as highway or freeway shall be used only to designate highways or freeways falling under the jurisdiction of the state department of highways and public transportation.

(4) Street name prefixes such as north, south, east and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.

(5) Alphabetical and numerical street names shall not be designated on any subdivision plat or development plan except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.

(6) The word "sugar" or "quail" shall not be used as all or part of a name for any new street within the city or its area of extraterritorial jurisdiction.

(b) Permitted private streets shall be named in accordance with the provisions of subsection (a) of this section.

(c) No street name once designated may be changed except by city ordinance.

J. Block lengths.

(a) Block lengths shall be determined by the measurement along the face of a block (being the adjacent street right-of-way line) from one street intersection to another street intersection where such streets provide cross-traffic circulation (not cul-de-sac streets). In those instances where a loop street configuration is involved, the interior block formed by the loop streets is measured through the center of the block and between adjacent street right-of-way lines. Variations in the block lengths herein specified may be considered by the city upon receipt of a request from the sub divider for a variance, in those situations where a block may be adjacent to a major topographical feature, such as a river, canal, bayou, gully or ravine; a major drainage ditch, lake, pit or mine excavation; a major right-of-way or easement for high-voltage electrical transmission line, underground pipelines, railroad rights-of-way and facilities; designated freeways; a public park or other public-owned and operated facilities such as dams, reservoirs, schools, airports or golf courses; and privately owned golf courses and lakes when such golf courses and lakes are an integral part of the layout and subdivision design of the overall tract being developed. In no instance, however, will the commission and the City Council grant a variance indicating that a block adjacent to the conditions and features mentioned above is to be more than 2,640 feet (one-half mile) in length measured along the block face.

(b) The maximum length for blocks adjacent to designated major thoroughfares shall be not more than 2,000 feet.

(c) The maximum length for blocks adjacent to designated collector streets shall be not more than 1,600 feet.

(d) The maximum length for blocks adjacent to local streets shall be not more than 1,400 feet, except under the following circumstances:

(1) Loop streets may have an internal block length of not more than 1,000 feet.

(2) Cul-de-sacs may have a block length of not more than 800 feet, measured from the intersection with the right-of-way of a cross street along the centerline of the cul-de-sac street to the center of the circular turnaround at the end of the cul-de-sac.

(3) Stub streets or dead ends may have a block length of not more than 800 feet unless terminated with a circular turnaround suitably modified to accommodate future extension of the street into adjacent property.

(e) Private streets shall comply with the requirements of this section regarding minor streets.

K. One-foot reserves.

In those instances where any public street is established in a plat submitted to the city and where such public street forms a stub street into adjacent acreage or

where such public street lies along and parallel with the plat boundary and adjacent to acreage, a one-foot wide reserve must be established within the street right-of-way to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent acreage to prevent access to this public street from the adjacent acreage unless and until the city has had an opportunity to review the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation which must be placed upon the face of any plat where a one-foot reserve is to be established:

One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and re-vest in the dedicator, his heirs, assigns or successors.

L. Partial or half streets.

Partial or half streets may be required to be dedicated in those instances where the city concurs that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. The city will not approve a partial or half street dedication within a subdivision dedicating less than a 50-foot right-of-way width on a designated major thoroughfare or less than a 30-foot right-of-way width on any other type public street. Appropriate notations and one-foot reserve shall be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this ordinance.

M. Easements.

(a) Public utility easements are those easements established within a plat which are designed to accommodate public owned or controlled utility facilities necessary to provide various types of utility services to the individual properties within the plat boundaries. Public utility easements may be used for, but not be limited to, facilities necessary to provide water, electrical power, natural gas, telephone, telegraph and sanitary sewer services. Storm sewers or open drainage ways shall not be constructed within public utility easements.

(b) Public utility easements shall be provided along the rear of all lots designed for the development of a structure containing residential dwelling units and in such other locations as determined to be necessary by the City Engineer and the individual private utility companies involved. Public utility easements located along the outer boundaries of a plat shall contain the full width required for such easement except in those instances where the adjacent property is within a portion of a previously approved plan and under the same ownership as the property being platted or where additional easement width is dedicated by separate instrument by the owner of the adjacent tract. In such cases one-half of the required easement width may be dedicated within the plat boundary with the other half provided outside the plat boundary by separate instrument or through notation on the plat certifying the ownership and dedication of the easement.

(c) All public utility easements established within any subdivision plat shall be as required by the utility company but no greater than ten feet in width. In those instances where underground electrical facilities are to be installed within the public utility easement, the easement shall be not less than 10 feet in width. No dead-end public utility easements will be permitted. Provided, however, utility easements in residential subdivisions which are to contain underground electrical facilities may be established having a width of not less than 14 feet if sanitary sewer lines are to be installed in easements or rights-of-way other than said 14-foot easement.

(d) All drainage easements shall be located and dedicated to accommodate the drainage requirements for proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the city's comprehensive plan and the requirements of the City Engineer or other governmental agencies charged with the responsibility of storm drainage or flood control within the area in which the subdivision is located. A suitable note on the plat shall restrict all properties within the subdivision ensuring that drainage easements within the plat boundaries shall be kept clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility, and abutting property shall not be permitted to drain directly into this easement except by means of a drainage structure approved by the City Engineer or other authorized public drainage or flood control official.

(e) All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of the land with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundary lines and the recording reference of the instruments creating and establishing the easement or fee strip. In those instances where easements have

not been defined by accurate survey dimensions such as "over and across" type easements, the sub divider should request the holder of such easement to accurately define the limits and location of his easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and certifies his refusal to define such easement to the City Engineer, the subdivision plat shall provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines shall be established 15 feet from and parallel with both sides of the centerline of all underground pipelines or pole lines involved.

(f) The establishment of special use utility easements may be provided on a subdivision plat when such easement is for the purpose of accommodating a utility facility owned, operated and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers or drainage purposes and where it has been determined by the City Engineer that these facilities cannot or should not be accommodated within a general purpose public utility easement or public street right-of-way. Easements proposed to be established for any private utility company or private organization providing utility services and restricted for their exclusive use shall not be shown on or established by a subdivision plat; however, such private utility facilities can be accommodated and placed within the general purpose public utility easements, public street and public alleys established within the plat boundary. Nothing herein, however, may prevent such private companies or the sub divider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

N. Federal flood insurance program.

No subdivision of land shall be approved unless it complies in all respects of the City of Stafford Floodplain Management Program.

O. Building setback requirements.

(a) Generally. No plat of any subdivision shall be approved unless building setback lines are established therein in accordance with the requirements of this section. It shall be unlawful for any person to construct or erect, or cause to be constructed or erected, any building or structure between a street right-of-way line or side property line and a building setback line established hereby except as specifically permitted herein. For the purposes of this section, a "building setback" shall mean an imaginary line within a lot or tract which runs parallel to the boundary of such lot or tract, or, when such lot or tract is encumbered by, or

adjacent to, a street right-of-way or private street easement, an imaginary line which runs parallel to the boundary of such street right-of-way or private street easement.

(b) Streets.

1) Each lot shall have a front building setback in accordance with **Section 4, Building Regulations, and Table 5**. Where a public or private street is adjacent to the side or rear of a lot, a building setback of not less than 10 feet shall be provided from such side or rear public or private street. Setbacks from public or private streets shall be measured from the edge of the right-of-way.

2) Properties adjacent to the turnaround portion of a cul-de-sac which are divided into lots restricted to the construction of residential dwellings suitable for individual ownership shall have a front building setback from the adjacent right-of-way of the cul-de-sac of not less than 15 feet. When any such lot sides on an adjacent street, a side building setback of 25 feet must be provided.

3) All properties adjacent to an alley, as that term is defined herein, shall contain building setback restrictions of not less than five feet.

(c) Building setback line offsets and transitions. In those instances where the required building setback restriction line changes from one tract to another, a transitional building setback line must be provided having a minimum angle of 45 degrees. Such transition shall take place on the lot or tract having the lesser building setback restriction requirement.

(d) Pipelines, railroad rights-of-way and high voltage transmission tower easements. Where underground pipelines are carrying flammable products under pressure through properties within a plat boundary or where properties within the plat back or side along a railroad right-of-way, a 15-foot building setback restriction shall be provided adjacent to such pipeline easement or fee strip (or the centerline of the pipeline facility if no easement is defined) or railroad right-of-way line. Nothing herein shall be construed to require setbacks from main lines and service lines of suppliers of utilities operating pursuant to a public utility franchise from the city.

(e) Designation of front. Each lot or reserve shall have designated thereon a front building line. No front building line shall be changed to a side building line except through a formal re-platting of such lot or reserve.

P. Reserve tracts.

(a) Reserve tracts are those individual parcels of land created within a subdivision plat which are not divided into lots but are established to accommodate some specific purpose such as a commercial center, industrial

site, golf course or other type of private recreational facility, school or church site, or sites for utility facilities such as water wells and other activities and land uses for which division into lots is not suitable or appropriate. Since the use of reserve tracts may not be completely determined by the sub divider or developer at the time plats are prepared and submitted to the city, these reserve tracts are often established as "unrestricted reserves" which allows maximum flexibility in the determination of the ultimate use planned for such properties.

(b) Reserves established on any subdivision plat shall have frontage on and be immediately adjacent to at least one public street, with such frontage being not less than 60 feet in width. In those instances outside the city limits where the average depth of an unrestricted reserve is more than 300 feet, the reserve access to all adjacent public streets shall be separated by a one-foot reserve placed within the adjacent street right-of-way as provided in this section which will become automatically removed upon the approval and recording of a plat of the property within the reserve.

(c) All reserves shall be labeled and identified on the plat, and a description of the use intended for such reserve shall be noted. If the use of the reserve is not restricted for any specific use, the reserve shall then be identified and noted as being unrestricted. All reserves are to be identified and designated by alphabetical letters, not numbers, along with an indication as to the total acreage of such reserves which shall be shown within each reserve boundary.

Q. Lots generally.

(a) No plat of any subdivision shall be approved unless the lots established thereby comply with the minimum standards provided in this division.

(b) Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to adjacent street right-of-way, a suitable notation may be placed upon the plat in lieu of lot line bearings.

(c) Key or flag lots may be permitted under unusual circumstances; however, the narrowest part of such a lot, being the staff portion of the flag lot, shall not be less than 20 feet in width or have a length of more than 200 feet. Such lot shall also be restricted to prevent the construction of any building, structure, wall or fence within the staff portion of such lot, and the staff portion of such lot shall be restricted for access to such lot only. Such restrictions shall be shown on the face of the subdivision plat in the form of a notation or a part of the dedicatory language on the plat.

(d) Double-front lots will not be approved except in those instances where lots are restricted for residential use and back upon an adjacent designated major

thoroughfare or where special circumstances would warrant a variance to this regulation.

(e) Rear and/or side vehicular driveway access from lots, restricted to the construction of residential dwelling units, to adjacent streets designated as major thoroughfares or collector streets will not be approved and such access restriction shall be noted directly upon the plat adjacent to the lots in question.

(f) Each lot created within the city or its area of extraterritorial jurisdiction shall have available thereto a sanitary sewer system operated by a governmental entity. Septic tanks shall not be permitted.

(g) All blocks established in any subdivision shall be designated by number with the numbers being consecutive within the whole subdivision plat. Lots established within such blocks shall also be numbered with the numbers being consecutive within the block. Lot numbering may be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner.

R. Minimum sizes of lots.

(a) Lots to be established in any subdivision plat, which are designed or intended for nonresidential uses or are intended to be unrestricted, must have a minimum lot area of not less than 7,150 square feet and must have not less than 60 feet of frontage along and adjacent to at least one public street having a right-of-way width of not less than 50 feet.

(b) The size of lots restricted for single-family residential uses shall be as follows:

(1) Radial lots, being those lots adjacent to curved streets or cul-de-sacs, shall have a width at the front building setback line of not less than 50 feet.

(2) When lots are backing on a natural drainage way (bayou, creek, gully, etc.) or an open drainage facility, such lots shall have a depth sufficient to provide at least 70 feet from the nearest drainage easement boundary line to the front building setback line.

(3) When lots are facing or backing on a designated major thoroughfare, such lots shall have a depth at least ten feet deeper than the average depth of lots within the interior of the subdivision having frontage on local streets.

(4) Except as provided herein below, no lot shall be created which is less than 65 feet in width or less than 110 feet in depth, nor shall any such lot contain less than 7,150 square feet. Provided, however, lots may be created having less width, depth, and lot size as required above if:

a. The average lot size in the subdivision is not less than 7,150 square feet;

- b. 50 percent or more of the lots in the subdivision contain 7,150 square feet or more;
- c. No lot in the subdivision is less than 55 feet in width; and
- d. No lot in the subdivision contains less than 6,000 square feet.

(c) For the purposes of calculating the average lot size for a subdivision pursuant to subsection (b)(4)a. of this section, no lot shall be deemed to contain more than 9,000 square feet. For example, if a subdivision contains two lots, one of which contains 6,000 square feet and the other 12,000 square feet, the average lot size is calculated by adding 6,000 and 9,000 and dividing by two, which would equate to a 7,500 square foot average lot size. Provided, further, in calculating the average lot size for a subdivision, areas dedicated for use of the residents of a subdivision for recreational and open space purposes, including, but not limited to, parks, playgrounds, greenbelts, swimming pools, tennis courts, recreation halls, and other similar recreation amenities, as approved by the Planning and Zoning Commission and City Council, shall be considered as lot area. For example, if a subdivision contains four lots, two of which contain 6,000 square feet and the other two 7,150 square feet, but the subdivision contains a 2,500 square foot park, the average lot size is calculated by adding 6,000, 6,000, 7,150, 7,150, and 2,500 and dividing by four, and the resulting average lot size would be 7,200 square feet.

(d) Notwithstanding any other provision contained in this section to the contrary, special purpose lots may be created which do not otherwise comply with the minimum lot size requirements herein established. The term "special purpose lots" means lots restricted to uses benefitting the public or the owners of lots within a subdivision, including, but not limited to, lots housing facilities for utilities, common area amenities, pipeline regulator stations, etc.

S. Multifamily residential uses generally.

(a) General provisions. The following minimum requirements shall apply to all developments containing multifamily dwellings. All plats for multifamily dwelling developments shall include site plan data to establish compliance with the provisions of this section. The minimum requirements contained in this section shall be in addition to the requirements otherwise provided in this ordinance. No lot or reserve designated for multifamily dwelling purposes shall be used for such purpose unless such lot or reserve has been platted in accordance herewith, and no such lot or reserve shall be used or developed except in accordance with such approved plat. It shall be unlawful for any person to construct, cause to be constructed, or permit the construction of any multifamily residential dwelling without complying with the provisions of this section.

(b) Definitions. For the purposes of this section, the following terms shall have the meanings ascribed thereto:

Building height shall mean the vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average (median) height of the highest roof in the case of pitched roofs.

Multifamily dwelling shall mean any building within which two or more residential dwelling units are contained.

(c) Lot size. No lot to be used for a multifamily dwelling shall be less than 100 feet in width nor less than 120 feet in depth.

(d) Building setbacks. There shall be building lines in accordance with the **Building Regulations, Table 5** provisions of this ordinance.

T. Utilities.

Adequate provision for all utilities shall be provided to the entire subdivision. All utility installations shall comply with the city minimum construction standards for community improvements.

U. Sidewalks.

Paved sidewalks shall be provided along and adjacent to both sides of all streets. Provided, however, the Planning and Zoning Commission and the City Council may, if the proposed subdivision is to contain an extension of an existing street which has open-ditch drainage and it is not feasible to convert such open ditch drainage to an underground storm sewer along such extended portion, waive such requirement for sidewalks along such extended street. Sidewalks shall be constructed in accordance with the city minimum construction standards for community improvements but shall not be required to be constructed until prior to the issuance of an occupancy permit for the building on the lot upon which the sidewalk abuts. No sidewalk shall be required along the Hwy 59 frontage road.

V. Street lighting.

Street lighting shall be provided along all streets in accordance with the city minimum construction standards for community improvements. Electrical distribution to street lighting and service wires shall be constructed underground, and street lighting wires shall also be underground.

W. Drainage.

(a) Drainage facilities shall be designed and constructed in accordance with the city minimum construction standards for community improvements.

(b) An enclosed underground storm sewer shall be provided in all areas where the quantity of the accumulated storm runoff does not exceed 200 cubic feet per second (cfs).

(c) In drainage courses where the accumulated storm runoff is more than 200 cfs and less than 500 cfs, either an enclosed storm sewer, concrete-lined channel or earthen channel shall be constructed.

(d) In drainage courses where the accumulated storm runoff is more than 500 cubic feet per second (cfs), the drainage improvements shall be an enclosed storm sewer, a concrete-lined channel, or an earthen channel.

X. Sanitary sewer.

Sanitary sewer facilities shall be designed and constructed in accordance with the city minimum construction standards for community improvements.

Y. Water.

Facilities for the provision of potable water to all areas of the proposed subdivision shall be designed and constructed in accordance with the city minimum construction standards for community improvements.

Z. Monuments and markers.

(a) Concrete monuments six inches in diameter and 24 inches long shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin one-quarter inch in diameter embedded three inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be less than 12 inches below the finish ground level.

(b) Lot markers shall be five-eighths-inch reinforcing bar, 18 inches long, or an approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.

(c) Where no benchmark is established or can be found within 300 feet of the boundary of the subdivision, such benchmark shall be established to sea level datum. The benchmark shall be established upon a permanent structure or may be set as a monument and shall be readily accessible and identifiable on the ground.

4. Dedication statements and certificates.

All dedication statements and certificates shall be made a part of the final plat drawing and shall include, but not be limited to, the statements, the general form and content as required by **Appendix A**.

A. Construction plans.

After receiving final plat approval and prior to, or simultaneously with, furnishing a final approved plat to the city for recording, construction plan and profile sheets for all public improvements shall be submitted to the city and shall be accompanied by an inspection fee in the amount established by resolution adopted by City Council and on file in the city secretary's office. A final approved plat shall not be recorded until the construction plans for all public improvements have been approved by the City Engineer, the Planning and Zoning Commission and the City Council and the inspection fee has been received. Construction plans and profile sheets shall be submitted in accordance with the provisions of the city minimum construction standards for community improvements.

B. Inspection of construction.

(a) The City Engineer or his duly authorized representative, shall fully inspect any and all phases of the construction of public improvements for subdivisions. The subdivider or his contractor shall maintain daily contact with the city or his representative during construction of improvements. The City Engineer or his representative may at any time cause any construction, installation, maintenance, or location of improvements to cease when, in his judgment, the requirements of this section or the standards and specifications herein provided have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation.

(b) Final inspections of streets and drainage shall not be requested by the developer or conducted by the City Engineer until all requirements of this section have been completed.

(c) In the event deficiencies are noted upon final inspection, the developer shall have 60 days from the date of receipt of written notice of such deficiencies to remedy same. Failure to remedy such deficiencies within the time allowed shall be deemed a violation of this Code and shall be deemed a failure to perform under the escrow deposit agreement or corporate surety bond.

(d) In the event the City Engineer is required to re-inspect community improvements because all requirements of this ordinance were not completed at the time the developer requested, and the engineer conducted, final inspections, or if deficiencies were noted on final inspection, a re-inspection fee of an amount equal to 25 percent of the inspection fee required by the City of Stafford shall be deposited with the city prior to such re-inspection being made by the City Engineer.

C. Guarantee of performance.

No final plat shall be authorized by the city to be recorded, nor shall any building permit, or any water, sewer, plumbing or electrical permit be issued by the city to the owner or any other person with respect to any property in any subdivision:

(1) Until an escrow deposit sufficient to pay for the cost of all required improvements as determined by the City Engineer computed on a private commercial rate basis has been made with the city secretary accompanied by an agreement by the developer and/or owner authorizing the city to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement; but in no case shall the city be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making certified requisitions to the city secretary supported by evidence of work done; or

(2) Until the developer and/or owner files a corporate surety bond, executed by a surety company licensed to do business in the state and acceptable to the City Council, in an amount equal to 100 percent of the cost of installation of all required improvements, as determined by the City Engineer computed on a private commercial rate basis, with the city secretary, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the City Engineer. If construction of all required community improvements has not begun or is not substantially complete within one year from the date the plat was recorded, no additional building permits or water, sewer, plumbing, or electrical permits shall be issued by the city to the owner or any other person with respect to any property in the subdivision, unless and until the developer and/or owner has filed a newly executed corporate surety bond with the city secretary, which meets all of the requirements of, and which is in the same amount of, the original bond.

D. Maintenance of dedicated improvements.

Disapproval of a plat shall be deemed a refusal to accept the offered dedications shown thereon. Approval of the plat shall not impose any duty upon the city concerning the maintenance of improvements of any dedicated parts indicated thereon until the City Council, after inspection and recommendation by the City Engineer, shall have accepted same by resolution expressing such acceptance. The sub divider shall maintain all such improvements for a period of one year following completion thereof. Such one year of required maintenance shall not begin until there is filed with the city a maintenance bond, executed by a surety company licensed to do business in the state and acceptable to the City Council,

in an amount equal to 100 percent of the cost of installation of such improvements, warranting that the improvements will render satisfactory operation for such one-year period.

Owner's Acknowledgement.

THE STATE OF TEXAS	§
	§
COUNTY OF FORT BEND	§

I (or we), (name of owner or owners) acting by and through (name and title of officer) being officers of (name of company or corporation), owner (or owners) hereinafter referred to as owners (whether one or more) of the (number of acres) acre tract described in the above and foregoing plat of (name of subdivision or development), do hereby make and establish said subdivision of said property according to all lines, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or our) heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional 11 feet six inches for ten feet perimeter ground easements; five feet six inches for 16 feet perimeter ground easements; or seven feet six inches for 14 feet perimeter ground easements, from a plane 16 feet above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals 21 feet six inches in width.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet for ten feet back-to-

back ground easements; seven feet for 16 feet back-to-back ground easements; or nine feet for 14 feet back-to-back ground easements, from a plane 16 feet above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals 30 feet in width.

Additional paragraphs to be added as appropriate and as follows:

(When estate subdivisions are created which will not be required to have cement concrete streets, gutters or storm sewers.)

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three-quarter square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

(When plat contains natural drainage ways such as bayous, creeks, gullies, ravines, draws or drainage ditches.)

FURTHER, owners do hereby dedicate to the public a strip of land 15 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Stafford, Fort Bend County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be

permitted to drain directly into this easement except by means of an approved drainage structure.

Execution of Owner's Acknowledgement.

(When owner is an individual or individuals)

WITNESS my (or our) hand in the City of Stafford, Texas, this (number) day of (month), (year).

(Signature of owner or owners)

(Names to be printed)

(When owner is a company or corporation)

IN TESTIMONY WHEREOF, the (name of company) has caused these presents to be signed by (name of president), its President, thereunto authorized, attested by its Secretary (or authorized trust officer), (name of Secretary or authorized trust officer), and its common seal hereunto affixed this (number) day of (month), (year).

	(Name of Company)

	By: <u>(Signature of president)</u>
	President
ATTEST:	
(Signature of Secretary or <u>authorized trust officer</u>)	
Title	
(Affix corporate seal)	

*Note: All owners' signatures shall be acknowledged by a Notary Public.

Lienholder's Acknowledgement and Subordination Statement.

Note: Holders of all liens against the property being platted must execute the final plat or prepared as separate instruments which shall be filed for record with the plat.

I (or we), (name of mortgagee or names of mortgagees), owner and holder (or owners and holders) of a lien (or liens) against the property described in the plat known as (name of plat), said lien (or liens) being evidenced by instrument of record in Volume _____, page _____, (or Film Code No. _____) of the Mortgage Records of (name of county in which the plat is located), Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.

By: <u>(Signature of Lienholder)</u>
(Name to be printed)

*Note: All lienholder signatures shall be acknowledged by a Notary Public.

Notary public acknowledgement for all signatures.

THE STATE OF TEXAS	§
	§
COUNTY OF FORT BEND	§

BEFORE ME, the undersigned authority, on this day personally appeared (names of persons signing the plat, owners, corporation officers and lienholders), (corporation titles if appropriate), known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed (add for corporations, "and in the capacity therein and herein stated, and as the act and deed of said corporation").

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this (number) day of (month), (year).

<u>(Signature of notary public)</u>
Notary Public in and for the State of Texas

(affix notary seal)	My Commission Expires: _____
---------------------	------------------------------

Certificate for Civil Engineer or Surveyor

I, (name of civil engineer or surveyor), am authorized (or registered) under the laws of the State of Texas to practice the profession of civil engineering (or surveying) and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch and a length of not less than three feet; and that the plat boundary corners have been tied to the nearest survey corner.

<u>(Signature of registered public surveyor)</u>
(Print name)
Texas Registration No. _____
(Affix seal)

Certificate for Planning and Zoning Commission and City Council.

This is to certify that the Planning and Zoning Commission of the City of Stafford, Texas, has approved this plat and subdivision of (name of subdivision) in conformance with the laws of the state and the ordinances of the City as shown hereon and authorized the recording of this plat this (number), day of (month), (year).

By: <u>(Signature of the chairman or vice chairman)</u>
(Chairman or Vice Chairman)
By: <u>(Signature of secretary)</u>
(Secretary)
(Affix commission seal)

This is to certify that the City Council for the City of Stafford, Texas has approved this plat and subdivision of (name of subdivision) in conformance with the laws of the State

of Texas and the ordinances of the City of Stafford as shown and authorize the recording of this plat this (number), day of (month), (year).

By: <u>(Signature of the Mayor)</u>
(Printed Name)
Mayor
By: <u>(Signature of City Secretary)</u>
(Printed Name)
City Secretary

County Clerk Filing Acknowledgement Statement.

I, (name of county clerk), Clerk of the Commissioners' Court of Fort Bend County, Texas, do hereby certify that within the instrument with its certificate of authentication was filed for registration in my office on (date and month), (year) at (time) o'clock (a.m. or p.m.), and duly recorded on (date and month), (year), at (time) o'clock (a.m. or p.m.), and in Volume (number), page (number, or when applicable Film Code numbers) of the map records of Fort Bend County for said County.

Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

Ex Officio Clerk of the Commissioners' Court of Fort Bend County, Texas
By: _____
Deputy

Encumbrances Certificate.

(Preliminary Plats)

*Note: The following paragraph is to be placed on the face of all preliminary plats to be filed separately with the materials required to be submitted with plats requesting preliminary approval.

I, (name of applicant or person who prepared the plat), do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the (owner or sub divider) owns or has a legal interest in. (In those instances where the owner or sub divider owns or has a legal interest in any adjacent property, this paragraph must be modified to reflect the extent of such ownership and a boundary description of the land involved must be provided.)

(Signature of certified public surveyor who <u>prepared the plat</u>)
(Name to be printed)

Vacation of Subdivision Plat

THE STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF FORT BEND	§	

I (or we), (name of owner or owners if individuals) or (name of president and secretary or authorized trust officer of a company or corporation), being the sole owner (owners) and proprietor of the following described property in the City of Stafford, Fort Bend County, Texas, to wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references).

do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and cancelled so as to convert all of said platted property to acreage tracts as same existed before such property was platted, subdivided and recorded.

(At this point, any rights-of-way, easements or any other feature established in the subdivision being vacated which will not be cancelled as a result of this vacation action should be described.)

Amending Plat Certificates.

*Note: The following certificates and acknowledgements are required to be placed upon the face of all amended plats.

I, (name of civil engineer or surveyor), hereby certify that the following corrections were necessary to eliminate errors which appear on the plat of (name of subdivision), recorded on (date and month), (year), in Volume (number), page (number) (or when applicable Film Code numbers) of the map records of Fort Bend County, Texas:

(Provide brief explanation of corrections required.)

<u>(Signature of certified public surveyor)</u>
(Print name)
Texas Registration No. _____
(Affix seal)

I, (we), [name(s) or owner(s)], owner(s) of the property directly affected by this amending plat, being lot(s) _____ out of the block(s) _____ as indicated hereon, do hereby consent to this amending plat for the purposes herein expressed.

<u>(Signature of owner(s))</u>
(Print name)

*Note: All owners' signatures shall be acknowledged by a Notary Public.

APPROVED BY THE CITY OF STAFFORD, TEXAS, PLANNING AND ZONING COMMISSION on (date, month and year).

<u>Signature of chairman or vice chairman</u>	<u>Signature of secretary</u>
Chairman or Vice Chairman	Secretary
(print name)	(print name)
	(Affix commission seal)

Format for written notice as required under V.T.C.A., Local Government Code § 212.015(c):

Dear property owner:

The Planning and Zoning Commission of the City of Stafford, Texas, has received a petition to allow the re-platting of all or part of blocks (block numbers, plat name) for the purpose of (indicate proposed changes to previously recorded plat).

Under state law, you have certain rights with respect to the proposed re-plat as follows:

The affirmative vote of at least three-fourths of all members of the city Planning and Zoning Commission will be required to approve the re-subdivision or re-platting if a protest is received as set forth below.

The provisions of this section apply only if written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed re-plat and extending 200 feet from that area, but within the original subdivision, are filed with the Planning and Zoning Commission or City Council, or both, prior to the close of the public hearing.

In computing the percentage of land area, the area of streets and alleys shall be included.

Compliance with this section is not required for approval of a re-plat of part of a preceding plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

Should you wish to exercise your right, you may be heard at the public hearing on the matter (hearing date to be established by the Planning and Zoning Commission). Should you have any questions regarding this matter, you may call the city offices at 281-261-3921.

Format for published notice as required under V.T.C.A., Local Government Code § 212.015(c):

Legal Notice

Notice to the public: A public hearing will be held by the Stafford, Texas, Planning and Zoning Commission on (date to be established by the commission) regarding the proposed re-plat of all or part of blocks (number) out of (plat name). The purpose of the proposed re-plat is to (indicate proposed changes to previously recorded plat). This public hearing will be held by the Planning and Zoning Commission on (date) at (time) in the City Hall, 2610 South Main, Stafford, Texas, for the purpose of allowing interested citizens to be heard concerning the above mentioned re-plat.

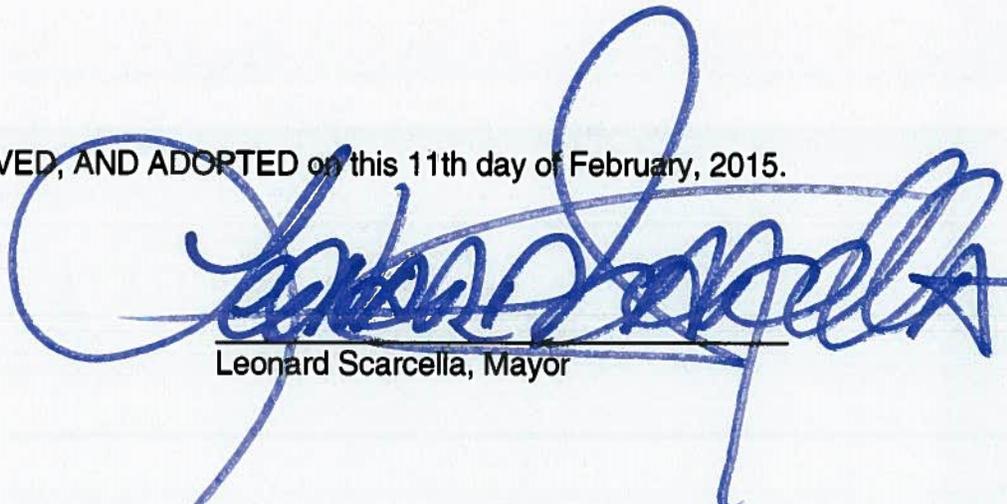
Section 3. The Official Zoning District Map of the City shall be revised and amended to show the change in zoning classification of the property with the appropriate references thereon to the number and effective date of this Ordinance.

Section 4. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed to the extent of said conflict.

Section 6. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Stafford, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on this 11th day of February, 2015.



Leonard Scarcella, Mayor

ATTEST:


Bonnie Baiamonte, City Secretary